

# **NORTH SLOPE Subsistence Regional Advisory Council**



USFWS

*Sea ice in a calm Beaufort Sea off Alaska's North Slope.*

**Meeting Materials**  
August 20–21, 2013  
Barrow

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**NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL**

North Slope Borough Savaat Center  
 Barrow, Alaska  
 August 20–21, 2013  
 9:00 a.m. – 5:00 p.m.

**PUBLIC COMMENTS:** Public comments are welcome for each agenda item and for regional concerns not included on the agenda. The Council appreciates hearing your concerns and knowledge. Please fill out a comment form to be recognized by the Council chair. Time limits may be set to provide opportunity for all to testify and keep the meeting on schedule.

**PLEASE NOTE:** These are estimated times and the agenda is subject to change. Contact staff for the current schedule. Evening sessions are at the call of the chair.

**AGENDA**

\*Asterisk identifies action item.

<b>1. Roll Call and Establish Quorum</b> ( <i>Secretary</i> ).....	4
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*NOTE: The Council will recess on first day prior to addressing this issue. There will be a public hearing at 7:00 p.m., at which time the rural determination issue will be briefed to the public, and the public will have the opportunity to provide written and/or oral testimony. The Council will address this issue on the second day.*

E. Identify FY2013 Annual Report Topics\*

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2. Budget Update
3. Staffing Update
4. Draft Tribal Consultation Implementation Guidelines (*Update*)
5. Regulatory Cycle Update
6. MOU Update (*ISC*)

B. Native Organizations

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C. Army Corp of Engineers

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  - A. Confirm date and location of winter 2014 meeting
  - B. Select date and location of fall 2014 meeting
- 12. Closing Comments**
- 13. Adjourn (*Chair*)**

**To teleconference** into the meeting, call the toll free number: 1-866-560-5984, then when prompted enter the passcode: 12960066

The U.S. Fish and Wildlife is committed to providing access to this meeting for those with a disability who wish to participate. Please direct all requests for accommodation for a disability to the Office of Subsistence Management at least five business days prior to the meeting. If you have any questions regarding this agenda or need additional information, please contact Eva Patton, Council Coordinator at 907-786-3358, [eva\\_patton@fws.gov](mailto:eva_patton@fws.gov), or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

## REGION 10 - NORTH SLOPE

<b>Seat</b>	<b>Yr Apptd Term Expires</b>	<b>Member Name &amp; Address</b>
<b>1</b>	2011 2014	<b>Gordon R. Brower</b> , Barrow
<b>2</b>	2011 2013	<b>Robert V. Shears</b> Wainwright
<b>3</b>	2010 2013	<b>Roy Maloney Nageak Sr.</b> Barrow
<b>4</b>	2013 2013	<b>VACANT</b>
<b>5</b>	1993 2014	<b>Harry K. Brower Jr.</b> Barrow <b>Chair</b>
<b>6</b>	2014	<b>VACANT</b>
<b>7</b>	2008 2014	<b>James M. Nageak</b> Anaktuvuk Pass
<b>8</b>	2012 2015	<b>Theodore A. Frankson, Jr.</b> Point Hope
<b>9</b>	2006 2015	<b>Lee Kayotuk</b> Kaktovik <b>Secretary</b>
<b>10</b>	2009 2015	<b>Rosemary Ahtuanguaruak</b> Barrow <b>Vice-Chair</b>

**NORTH SLOPE FEDERAL SUBSISTENCE REGIONAL  
ADVISORY COUNCIL MEETING  
PUBLIC MEETING**

Heritage Center  
Barrow, Alaska  
February 26 - 27, 2013  
9:11 a.m.

**COUNCIL MEMBERS PRESENT:**

Harry Brower, Chair  
Rosemary Ahtuanguaruak  
Gordon Brower  
Theodore Frankson  
Lee Kayotuk  
James Nageak  
Roy Nageak  
Robert Shears

**Meeting attendees:**

Agency staff in person:

Helen Armstrong, Anthropologist, Office of Subsistence Management  
Charlie C. (Maasak) Brower, Federal Subsistence Board Member  
Pat Petrivelli, Anthropologist, Interagency Staff Committee, Bureau of Indian Affairs  
Dave Yokel, Biologist, Bureau of Land Management  
Neesha Stellrecht, Fish and Wildlife Service, Fairbanks  
Ernest Nageak, Native Liaison, Fish and Wildlife Service, Barrow  
Vince Mathews, Subsistence Coordinator for Arctic, Kanuti and Yukon Flats  
Greg Balogh, Arctic Landscape Conservation Cooperative  
Martin Robards, Wildlife Conservation Society, Fairbanks  
Jennifer Yuhas, Alaska Department of Fish and Game  
Brittany Retherford, Alaska Department of Fish and Game, Division of Subsistence  
Geoff Carroll, Alaska Department of Fish and Game, Barrow

Agency staff via teleconference:

Beth Lenart, Wildlife Biologist, Alaska Department of Fish and Game  
Marcy Okada, Subsistence Coordinator, National Park Service.  
Dan Sharp, Interagency Staff Committee, Bureau of Land Management  
Tom Evans, Wildlife Biologist, Office of Subsistence Management  
Karen Hyer, Fisheries Biologist, Office of Subsistence Management  
Trevor Fox, Wildlife Biologist, Office of Subsistence Management  
Chris McKee, Wildlife Biologist, Office of Subsistence Management  
Jack Lorrigan, Native Liaison, Office of Subsistence Management

Andrea Medeiros, Outreach Coordinator, Office of Subsistence Management  
Melinda Hernandez, Council Coordination, Office of Subsistence Management  
Kathy O'Reilly- Doyle, Acting ARD, Office of Subsistence Management

Tribal Organizations:

George Olemaun, Inupiat Community of the Arctic Slope  
Joe Sage, Native Village of Barrow

Public:

Frederick Tukle, Sr. Barrow  
Delbert Rexford, Barrow

**Roll call and introductions:** Quorum was established on both days with all 8 members present after new Council member Theodore Frankson arrived on the afternoon flight.

Adoption of agenda: Adopted by unanimous consent. \*Asterisk identifies action item.

**Election of officers:**

Harry K. Brower – nominated as Council Chair and re-elected by unanimous consent.

Rosemary A. Ahtuanguaruak – nominated as Vice Chair, re-elected 5 yes one nay.

Lee Kayotuk – nominated as secretary and elected by unanimous consent.

**Approval of meeting minutes:**

Motion on the floor to adopt the minutes of August 14, 2012 and December 7, 2012 NSRAC meetings. Discussion about the long delay from one meeting to the next to approve minutes since the Council only meets twice a year. \*Council unanimously approved both meeting minutes as written.

**Annual Report**

\*The Council approved its draft annual report, adding two amendments to the Dalton Hwy topic as follows:

- 1) The Council requests monitoring of security of the oil pipeline to prevent any problems with vandalism or other security problems resulting in a spill that would impact subsistence resources in the area.
- 2) Bring to the attention of the Federal Subsistence Board that the scenic byways program has an impact on subsistence due to increased use by sport hunters and tourist activities along the Dalton Highway.

**Council Recruitment and Membership:**

The Council discussed the current membership of the North Slope Regional Advisory Council and expressed concern about the number of seats represented by Barrow residents and some communities not represented at all. The Council confirms that each member is nominated to represent the region; however, they stressed that detailed subsistence and community based knowledge can be best represented from the community itself. The Council discussed outreach to encourage applications from the

communities of Nuiqsut, Atqasuk, and Point Lay that are not currently represented on the Council. The RAC applications deadline was extended in an effort to increase applications and the Council will assist OSM staff in further outreach in the region.

**Federal Subsistence Board report:**

The Council was provided a summary of Federal Subsistence Board action on fisheries proposals.

The Federal Subsistence Board met in mid-January. There were no actions taken affecting the North Slope directly. However, the North Slope Regional Advisory Council had kept track of actions by other Councils in the region addressing customary trade such as Yukon River fisheries proposals FP13-06, submitted by the YK Delta, Western Interior and Eastern Interior Councils. All three Yukon River Councils supported the restriction of subsistence Chinook trade due to concern for shortages of Chinook for subsistence communities on the Yukon and repeatedly not meeting escapement. The Board felt compelled to follow the recommendations of the three Councils who have the primary responsibility for the Yukon River.

Council members expressed concern about regulation of harvest and sharing and trade of subsistence resources, noting that trade practices today include money because subsistence occurs in a cash economy. Cash is needed to purchase most goods and all whaling has been shifted to modern tools, with snow machines and gasoline and heating tents with fuels and other items costs money. The Council is very concerned that customary trade is a traditional economy and should not become highly restricted through regulation. The Council is very concerned in this case that subsistence fisheries are being limited when there are other pressures not being properly regulated such as offshore commercial fisheries.

**Chair Report:**

**Chairman Harry Brower** was only able to attend a portion of the Federal Subsistence Board meeting due to overlapping Ice Seal Committee meetings occurring at the same time. Vice Chair, Rosemary Ahtuangaruak attended via teleconference to cover the Board meeting for the North Slope Council. Chairman Brower also requested Bob Shears attend the Western Arctic Caribou Working Group meeting in his place.

The Council did not generate any fisheries proposals for the North Slope. However, the Chair recalled some of the concerns the council voiced on the need to do some kind of fisheries research in the Mead River Delta for Atqasuk. Requests an update if the State had conducted any fisheries research in that region.

Confirmed the finalization of James Nageak Council nomination and re-appointment to the Gates of the Arctic Park Service Subsistence Resource Commission.

The Council discussed the NSRAC request for seat on the Western Arctic Caribou Herd Working Group the Working Groups reply letter in response. Chair Harry Brower expressed dissatisfaction with the combined two North Slope villages per seat and wants greater involvement. WACH council responded in the reply letter provided to the Council that adding a seat for the RAC would require a Charter change and makes the Council too large and cumbersome to function well, but encouraged NSRAC participation and

input at the meetings. OSM supported funding a NSRAC representative to attend the fall 2012 WACH meeting in Anchorage and Robert Shears was able to attend the meeting in Harry's place.

### **Council Member Reports:**

**Rosemary Ahtuanguak:** Provided an update on her attendance (via teleconference) for Federal Subsistence Board meeting in Anchorage, noting the issues and discussions related to customary and traditional use and barter and trade. She stressed that these issues are very important to the North Slope region and has concerns about the impact decisions made for other regions will also have in the North Slope region.

Rosemary provided an update on her ongoing involvement on the USFWS tribal consultation implementation policy guidelines working group. Noted the ongoing concerns the communities of Nuiqsut and Anaktuvuk Pass that the proposed "Road to Umiat" would intercept or change the caribou migration route. Overall is very concerned about the transportation and development processes with limited involvement of the local communities. Concerned about the impact of resource development on the tribes which are trying to protect their continued traditional and cultural uses and areas that are being impacted by changes to lands and waters and noted a draft report by Nuiqsut that shows changes to subsistence harvest activities around the Alpine development.

Rosemary asked to honor Ray Koonuk, who passed on recently and recognized him for his involvement in subsistence issues.

**Lee Kayotuk:** Discussed the request by the village of Kaktovik for a special action request for moose hunt season extension in 26C and 26B remainder due to the inclement weather conditions often preventing hunting in March. He also made the request to the Council to consider a wildlife proposal through the regular cycle process to extend the moose hunt season for Kaktovik for the same reasons.

He noticed a difference between the Brooks Range Caribou and the caribou along the Coast. Not sure if it's two different herds, but noticed the caribou in the Brooks Range stayed there during their hunt and the coastal herd fled quickly like something had been chasing them. He had reports from the community that wolves and wolverines on the coast had been following the herd around. Lee observes a big difference in behavior between the two caribou groups in their area.

They also noticed that ptarmigans came around early this year in January and there were fewer seen during their usual time of migration during freeze-up time. The snow conditions around the village of Kaktovik had been less than a foot of snow on the coast as usual but also less than a foot in the Brooks Range which is unusual. They have had some polar bears in the area. The runway development in Kaktovik is blasting gravel and is a which is a big concern to the community because it deflected a herd of caribou that came by the village and they fled 15 miles to the east and kept going, not lingering as they normally would.

**James Nageak:** Reports that Anaktuvuk Pass had a good trapping season. The young people that are trapping are getting wolverines and wolves and red foxes and they're doing good. They're having a good season this year because there are caribou around Kaktovik this winter helping the subsistence needs of the community. James reported the caribou are staying close to the village because of the wolves and the community is happy because the caribou come right in the village when the wolves are after them.

The community of Anaktuvuk Pass is very concerned about the proposed “Road to Umiat” impacts to caribou migration. James noted the community hunts caribou in the spring and fall and was especially concerned that the normal migration path in the fall brings the caribou in from the north and this passage would be bisected by the proposed road. He noted in his involvement with the Gates of the Arctic Subsistence Resource Commission they drafted a letter with the residents of Wiseman that clearly articulates why they are concerned about a road running from east to west in the region. An ice road or packed snow road has already been developed to make Umiat accessible from the Dalton Highway.

**Robert Shears:** Attended the Western Arctic Caribou Herd Working Group bi-annual meeting in Anchorage December 4-5 2012. Enoch Oktollik in Wainwright is a representative on that group, but he also serves on the Walrus Commission which was meeting at the same time in Anchorage. NSRAC Chair Harry Brower also had competing subsistence meetings so Robert was requested to attend in his place. Robert noted he was impressed by the professional expertise and efforts to manage the caribou well and provided a brief summary of the data results and meeting discussion for the Council. He noted that climate and habitat changes in recent years were thought to be affecting the animals and communities concerns for increased sport hunting flights from Nome and Kotzebue into the Kobuk and upper Noatak River areas. Overall he expressed satisfaction that the monitoring is as intensive as it could possibly be without affecting the subsistence uses.

**Roy Nageak:** Described how he went out a lot this summer and kept waiting a long time for the Western Arctic Herd because it usually goes along the coast his way in the summertime but the herd never showed up as usual. Roy noted the Teshekpuk Herd always go around in front but he observed this herd is always scrawny and he waits to hunt the Western Arctic Herd. However this year the Western Arctic Herd took a different path and apparently went south from Wainwright. His observations are they usually follow the ocean side and arrive around Barrow by last of July or first part of August.

Roy expressed concerns about air traffic disturbing or pushing the caribou herd. Requests if there is a way to use GPS or other means to track air flight activity to prevent the caribou herd from being harassed or stressed and asked what can be done by the Subsistence Board to address tracking flight traffic.

**Gordon Brower:** Expressed concern about the Kuskokwim subsistence fishing closures, and felt it put people in peril to take their nets away and stressed it was against principal to fine people for fishing for food for their families when there were other impacts to the sustained yield. Gordon noted it was a very important issue to consider as they are embarking on an MOU between the State and the Feds for management of these resources on Federal lands. Gordon expressed the importance of land managers hearing about their (subsistence hunters and fishers) subsistence harvest and what they observe from subsistence activities.

His own observation was that a westerly wind was relentless; blowing from the west wind for a long time, noting the caribou will turn into the wind and then go with it for relief. He saw the caribou went west and he asked if Wainwright and Point Lay would confirm to caribou being in their presence for a longer duration of time. Noted that around Chipp River the caribou were sparse. Gordon noted that the caribou usually come around his area in mid-August but this year did not show up until the last week in September, saying they get antsy when the rut is about to begin and they came back. Last year the caribou harvest was very late and difficult and because they came back around during the rut he had to switch to hunting females because the chemistry of the meat changes and no one likes to eat rutting bulls.

Gordon noted a very big difference in freeze-up and expressed it had changed substantially. The rivers in Ikpikpuk in September were full bank to bank and this prevented them from freezing. He thought the fish had spawned because others caught some but it was difficult to put nets in with the high water. Fish harvesting was the most difficult he'd ever seen it, in his 30 years of fishing with his parents, and now with his own sons. Gordon described it as the most difficult time he's encountered in terms of climatic effects to subsistence fishing. It would freeze for a little bit and then the weather would change and it would melt with big chunks braking free and tearing nets up. Gordon noted good geese numbers and harvest.

Good hunting season for wolves and wolverines. Caribou was also good, but a little late in some areas, although Gordon reported a plane pushed the caribou out of reach when he was hunting recently with his son. He stressed subsistence resources are of major issue to be harvested when the time is right, when the caribou are fat and when the fish have eggs. Air traffic disturbance when the caribou were coming near and changes in weather and ice conditions was making this more difficult.

Very concerned about a pipeline being developed in the middle of NPR-A potentially preventing caribou from migrating to the coast and reaching Barrow – prefers a pipeline be close along the coast so at least the caribou can get there without being deflected.

**Public and tribal comment:**

**Delbert Rexford, resident of Barrow:** During Kiviuk week he attended community meetings with leadership of tribal governments and village corporations, with their leadership to discuss concerns about potential development within NPR-A. He reported after a full day they came up with 10 guiding principles that each tribal government and each village corporations will consider to mitigate and maximize protection of their subsistence way of life within NPR-A with the proposed development and potential of offshore development coming onshore through a pipeline. Mr. Rexford stressed it was a “strenuous exercise” as tribal governments and village corporations to identify guiding principles that were acceptable to all.

Mr. Rexford also noted the core of the discussions were on the Department of Interior's tribal consultation policy, Secretarial Order 3317 and Presidential Executive Order 13175 and stressed the tribe's authority and opportunity to sit at the table with each and every agency that may affect their communities. “We want to eat our traditional country foods. Simple and straight forward. What we grew up with, what sustained our cultures and utilizing in a sustainable matter since time immemorial.”

Mr. Rexford stressed the tribes and communities needed to be at the table on all discussions of potential impacts of development, especially for caribou. Strong emotions were expressed about how development will affect the lands and water and their subsistence way of life.

**Wildlife Closure Reviews:**

Tom Evans, wildlife biologist for the Office of Subsistence Management, provided a brief background on the closure review process and summary of OSM preliminary analysis for the following closure reviews:

Closure review WCR12-18:

OSM's preliminary recommendation is to maintain the status quo for this closure WCR12-18. The justification being that the number of sheep in the Baird Mountains has rebounded from a population decline that occurred in the 1990s; however the harvestable surplus remains low.

Jennifer Yuhas, Alaska Department of Fish and Game: The State had no objection to the status quo and agreed with the OSM conclusion for this.

Beth Leonard, Alaska Department of Fish and Game: For 26B, which includes part of the Dalton Highway, there is a State sheep hunting season that opens August 10th in the eastern in parts of 26A where it's not closed to non-Federally qualified users, there is a State sheep hunt.

\*The Council voted unanimously to support the OSM preliminary recommendation on WCR12-18, maintaining the closure of the Unit 23 Baird Mountains to sheep hunting by nonsubsistence users.

#### Closure Review WCR12-25:

OSM's preliminary recommendation is to maintain the status quo for WCR12-25. The number of muskox have been below the 3 percent threshold from 2002 to 2007 and only one permit was issued in 2008. Due to conservation concerns, no permits have been issued since 2008 and the recommendation is that these Federal public lands should remain closed until the population increases to a more sustainable level. This is consistent with sound management principals and the conservation of healthy wildlife populations.

Jennifer Yuhas, Alaska Department of Fish and Game. The State is fine with maintaining the status quo on this. There's a clear conservation concern and the area should stay closed.

\*The Council voted unanimously to support the OSM preliminary recommendation on the WCR12-25, maintaining the closure of Unit 26C to muskox hunting by nonsubsistence users.

#### Closure Review WCR12-31:

Hunting on Federal public lands in Unit 26B and the remainder of Unit 26C is closed to the taking of moose except by the residents of Kaktovik holding a Federal registration permit and hunting under these regulations. The harvest quota is three, which consists of two antlered bulls and one of either sex.

The OSM preliminary recommendation is to maintain the status quo for WCR12-22. The justification for this is that the low moose numbers in Unit 26B remainder and Unit 26C continue to be a conservation concern and additional moose harvest beyond the harvest by Kaktovik residents may not be sustainable. The harvest quota is limited to only three moose and Kaktovik residents continue to utilize these moose for subsistence purposes.

Jennifer Yuhas, Alaska Department of Fish and Game, provided the Council with a letter from ADFG Wildlife Director that outlines some concerns of the State and biologist Beth Leonard was also online to speak to the concerns. The State requested the Council defer action on WCR12-31 until they can bring more information to the fall meeting for a more thorough discussion about it with more time and data.

Public Comment on WCR12-31: The Council read and considered public comment letters addressed to the Council.

Council Discussed that if there are to be expanded hunting allowed on this moose population the residents of Kaktovik should be the first to be considered to meet their subsistence needs since they are currently restricted to only 3 moose per year by permit. The Council expressed they felt it was appropriate to be apprised of potential proposals in advance of the wildlife cycle so that they can fully informed and weigh in on the communities subsistence needs and traditional use of this moose population and hunting area. The Council also noted that more documentation of traditional knowledge should be used to understand the extensive travel of the area and historic use patterns. Some Council members reviewed the records for the region and noted a reduction in the cultural information documented in the wildlife analyses and asked for improvement on inclusion and consideration of traditional and cultural knowledge for management decisions.

\*The Council made a motion and voted unanimously to defer decision on WCR12-31 until the fall meeting when additional data and information would be available for consideration.

#### **Federal Wildlife Regulatory Proposals:**

\* \*The Council voted unanimously to submit a proposal to eliminate the requirement for a brown bear State registration permit in Unit 26A. This Council felt this would make the State and Federal regulations consistent and reduce confusion caused by having two systems in place especially with increased bear interactions at camps and cabins.

\* \*The Council voted unanimously to submit a proposal for Unit 26B--remainder and Unit 26C to increase the moose harvest limit from 3 to 5 and to expand the season to year-round.

\* \*The Council voted unanimously to submit a proposal to expand the area for the summer moose hunt between July 1 and September 14, which currently is for Unit 26A the portion west of 156 degrees W. Longitude and excluding the Colville River drainage. Gordon Brower will consult a map to determine the exact longitude, but it won't be moved too far -- perhaps by 30 to 60 miles to the east so that it includes the Chip river drainage. This proposal would most likely only increase the moose harvest by a few moose and it would enable hunters to be able to save a lot of cost in fuel in not having to travel as far to take a moose.

#### **Board of Game Proposals:**

\* \*The Council made a motion to submit a proposal to the State Board of Game to amend the Controlled Use Area regulatory language for Anaktuvuk Pass by inserting specific language already existing in the Noatak Controlled Use Area regulations. The Council feels the specificity of hunting by aircraft regulations as stated in the Noatak CUA would assist the community of Anaktuvuk Pass in protecting subsistence resources and activities from airplane disturbance and sport hunter pressures. The dates for this closure will be determined after James Nageak has an opportunity to consult with the community of Anaktuvuk Pass. The Council passed this motion with 7 yes votes and 1 no vote.

Discussion: Council member James Nageak will consult with the village of Anaktuvuk Pass on this proposal to seek support on the specifics before it is submitted to the Board of Game. Chair Harry Brower cautioned that the current Controlled Use Area took several years of planning and communicating along with State, the user groups and North Slope Borough Fish and Game Management Committee as

the local advisory committee to come to agreement and thought should consult with the community and others on this before submitting the proposal to the BOG.

**Wildlife Special Action Request:**

\* \*The Village of Kaktovik intends on submitting a special action to extend the season by at least one week until April 7th if the limit of three moose is not met by the end of March. The Kaktovik council member said that the weather has made it difficult to get into the mountains to hunt. The Council made a motion and voted unanimously to support the community of Kaktovik on this request.

Discussion by the Council included a request for interviews with Kaktovik residents to document subsistence activities and traditional knowledge and include this information the regulatory proposal assessment. The Council felt the extension is warranted considering the inclement weather challenges and long distance travel required to hunt moose.

**Agency Reports:**

Alaska Department of Fish and Game:

Jennifer Yuhas and Beth Leonard, ADFG wildlife biologist provided handouts on the Central Arctic and the Porcupine Caribou herds and were available for questions.

Geoff Carroll, ADFG Wildlife Biologist: The Council requested a report on population status of the arctic caribou herds and along with migration movement and telemetry study updates for the Western Arctic Herd. Mr. Carroll provided the most recent numbers on population trends. The Central Arctic Herd, Porcupine Herd seem to be on the increase. The Teshekpuk and the Western Arctic Herd are declining. Mr. Carroll also presented information on the Western Arctic Caribou Herd radio telemetry data on their reaction to a road on their fall migration.

The Western Arctic Herd has declined steadily from a high of about 490,000 in 2003 to 325,000 in 2011, down about 165,000 caribou. That was after many years of steady growth where it had become one of the largest caribou herds on the continent. More wolves and bears sited, predation may be an issue. Also some studies done by BLM and others indicate there are long-term changes in vegetation in the winter range are occurring and it may be a limiting factor for the herd.

Mr. Carroll stressed if the caribou herds do continue to decline, then management actions possibly including reducing harvest will be necessary and encouraged the Council to start thinking of ways to possibly reduce the harvest on the Western Arctic Caribou and possibly the Teshekpuk Herd.

Mr. Carroll also provided the Council with an update from the WACH meeting on the Western Arctic Caribou Herd radio collar information tracked by ADFG biologist Jim Dau. The caribou radio collar data indicated a change of migratory behavior around the Red Dog Mine road. He reported with radio collar data/caribou movement maps that the caribou deflected and sped up to go around the road and didn't meander and take their time passing through as they normally do.

Council discussion: Chair Harry Brower adds his own observation of caribou over time while hunting and out on the land noting he has experience large die-offs in some areas in the winter. He reported seeing

large numbers of dead male and female caribou of all ages in the Fry Creek, Alice Creek and up in the foothill areas after severe winter storms when the temperature dropped to over 50 below.

Council members also noted that the caribou herds will sometimes split and move different directions or merge into larger groups.

The Council discussed caribou radio collar data and behavior in relation to the Dalton Highway and expressed concern for the Teshekpuk reaction to a road during a southeasterly migration from their summer range.

The Council requested the Foothills West proposed road routes be superimposed on satellite caribou path data. The Council expressed great concern that the proposed "Meltwater" route would directly impact the Teshekpuk Herd migration go right through the Central Arctic Caribou Herd calving grounds.

Bureau of Land Management:

Dr. Dave Yokel reported ConocoPhillips plans to drill two exploratory wells in the NPR-A this winter and are currently building ice road access. They also plan to plug five abandoned exploratory wells.

Dr. Yokel presented the preferred alternative from the final NPR-A EIS and noted a record of decision was just signed. The Record of Decision is essentially unchanged from alternative B2 with the exception that they've added some language to establish the NPR-A Working Group. The intention with this working group to ensure that land managers have will consider local knowledge and concerns and the recommendations of local residents, institutions and the input of other agencies with relevant experience. The new working group will be made up of local communities, tribal organizations and Native corporations on the North Slope to make sure that the BLM has a continuing dialogue with the people of the North Slope as it progresses with implementation of this most recent NPR-A land use plan. There is also currently a NPR-A Subsistence Advisory Panel and the BLM plans to keep the two groups separate so that there will not be conflict with local subsistence and for profit interests but the plans are still in development.

Dr. Yokel gave the Council a map overview of the NPR-A areas that would be open for development on land and ways to bring petroleum resources from the Chukchi Sea on shore with the new land use plan. He showed which areas a pipeline could come across the NPR-A under this plan. There are currently no proposals for pipelines yet and they will be addressed when they are planned. Dr. Yokel also covered some of the mitigations in the B2 alternative with buffers around important rivers, along the coast, and sensitive caribou and bird areas.

NPR-A current research projects includes satellite telemetry work with the Teshekpuk Caribou Herd. BLM is working with Lincoln Parrett of Fish and Game to do a study of calf survival and the North Slope Borough, Department of Wildlife Management to do the body condition and health assessment on the Teshekpuk Herd.

The Fish Creek watershed is probably going to be the first watershed in NPR-A affected by development and they hope to focus fisheries research funds there in the future.

Arctic Landscape Conservation Coop:

Greg Balogh Arctic LCC/USFWS presented the Council with a history and update on the research work and community outreach efforts of the Arctic LCC on the North Slope. Detail was provided on some projects of interest to the region and it was noted that they could be more effective networking locally and soliciting traditional knowledge to help inform the studies.

Mr. Balogh stressed that the LCC was made up of partnerships directed by a steering committee and encouraged local participation and noted currently the Native Village of Point Lay was represented but the North Slope Borough was still open for representation on the committee. The LCC focus in Alaska is on providing information to resource managers and stakeholders especially how climate change is affecting the Arctic ecosystems and resources. They support landscape scale conservation efforts by providing information.

Conservation goals include better understanding the impacts of environmental change on subsistence resources and users and they seek additional participation from residents on the North Slope so they can support local adaptation needs. Mr. Balogh asked for feedback on community interest and concerns on research projects and assistance connecting with people active in subsistence activities to inform research priorities and work.

The Council discussed that the mandates for Inupiat History, Language and Culture Office is to identify areas where the elders have used the land and are concerned that elders knowledge be documented and handed down. Council member James Nageak noted that additionally there exist many historical archived tapes about subsistence activities and lives on the land by the Language and Culture office that have not yet been transcribed because it is a slow process and was encouraged that the Arctic LCC has the capability to assist with this type of traditional knowledge documentation work through local research funding.

The Council stressed water as the most important resource on the North Slope for drinking and for subsistence foods and travel. The Council observed all land (permafrost) and water processes are being profoundly affected by climate change. They encouraged the LCC to focus on more water related research since it was the building block of the land and everything in the Arctic.

#### Army Corp of Engineers:

The Army Corp of Engineers, Melissa Riordan, was online via teleconference and prepared to give an update to the Council on the draft "Foothills West Transportation Access" (road to Umiat) EIS but the Council meeting was running long and did not get to this topic during the time she was available to present. The public scoping meetings were completed and the draft EIS is scheduled to be published in early 2014. ANILCA section .810 hearings will be held after the draft EIS is released.

Discussion by the Council covered concerns that all the proposed "Road to Umiat" routes would involve some of the major subsistence fish areas in the region such Chandler Lake, Whittler Lake, Ulu Lake and six major important subsistence rivers that the proposed road would cross.

The Council is opposed to an east to west road because it would bisect the migratory routes of the caribou and are very concerned about the impact the "Road to Umiat" would have on the lifestyle and the culture of the Nunamiut people. The Council discussed preparing a comment letter on the proposed roads to the Federal Subsistence Board at the fall meeting.

**Additional Council topics of interest:**

\* The Council still wants to consider drafting a comment letter to the Board and DOI on the NPR-A EIS especially now that the letter from the Secretary of the Interior states that pipelines plan to be developed in the in conjunction with the oil and gas exploration.

\* The Council would like to better coordinate with their local State Advisory Committee which is organized under the North Slope Borough Fish and Game Management Committee and currently coordinated by Mike Peterson.

**Future Meeting Dates:**

\* Fall meeting: August 20 and 21 (this is moved back one day later than the dates originally chosen in order to accommodate travel for the new Council member from Point Hope). Kaktovik was selected as a first choice for meeting location and Anaktuvuk Pass as a second Choice due to subsistence concerns and issue in each of those communities that the Council felt would facilitate addressing those concerns directly by meeting there. Barrow was noted as a backup.

\* Winter meeting: February 12 and 13, 2014 in Barrow.

Council discussed closing comments additional agenda topics that would need to still be addressed at a subsequent meeting and adjourned at approximately 5:30 p.m. on Feb. 27th.

I certify to the best of my knowledge the forgoing minutes are accurate and complete.

\_\_\_\_\_  
Eva Patton, Designated Federal Officer

USFWS Office of Subsistence Management

\_\_\_\_\_  
Harry K. Brower, Chair

North Slope Subsistence Regional Advisory Council

These minutes will be formally considered by the North Slope Subsistence Regional Advisory Council at its August 2013 public meeting. Any corrections or notations will be incorporated at that meeting.

**North Slope Alaska Subsistence Regional Advisory Council  
Public Teleconference Meeting**

U.S. Fish and Wildlife Service Office  
Anchorage, Alaska

April 16, 2013  
9:22 a.m.

**COUNCIL MEMBERS PRESENT:**

Harry Brower, Chair  
Rosemary Ahtuanguaruak  
Theodore Frankson  
Lee Kayotuk  
James Nageak

**Agency staff:**

Eva Patton, Council Coordinator, Office of Subsistence Management  
Helen Armstrong, Anthropologist, Office of Subsistence Management  
Jeff Brooks, Social Scientist, Office of Subsistence Management  
Jack Lorrigan, Native Liaison, Office of Subsistence Management  
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management

Brian Person, Wildlife Biologist, North Slope Borough

**Roll Call and Establish Quorum:** The Council has a current membership of 8 filled seats. Five Council members were present for the entire meeting and quorum was established.

**Welcome and Introductions:** The Council was introduced to new OSM Social Scientist, Jeff Brooks. Jeff previously worked with USFWS Refuges Division and will be assistance staff to the North Slope Regional Advisory Council and region.

**Review and Adopt Agenda:** The Council unanimously approved the agenda. (Follow up to agenda items remaining from the February 2013 meeting in Barrow) **\*Asterisk identifies action item.**

**Review and Comment on Draft Tribal Consultation Implementation Guidelines\*** Jack Lorrigan, Native Liaison, OSM provide a briefing and update on the Federal Subsistence draft tribal consultation implementation guidelines and the efforts of the Working Group to provide input from tribes in different regions of Alaska. NSRAC Vice Chair Rosemary Ahtuanguaruak has been very involved in this working group and she also provided insights into the process of developing guidelines for the Federal Subsistence Program. The Council was asked to review the draft document and provide comment to the Federal Subsistence Board. Council feedback includes the following:

- The Council stressed the importance of Federal Subsistence Board members to make the opportunity to “directly participate in or observe subsistence activities” as noted under Federal Subsistence Management training in the Tribal Consultation Draft Implementation Guidelines. The Council felt this would greatly help convey the meaning and way of subsistence and foster understanding.
- Council member Lee Kayotuk asked how he can help get involved with extending opportunities for the Federal Subsistence Board (Board) members to see summer subsistence activities around Kaktovik. Mr. Kayotuk graciously offered his assistance in networking and will work further with OSM to extend an invitation to the Board.
- Council Chair Harry Brower, Jr. asked about how the consultation would interact with the RAC’s role of interacting with the Board on subsistence regulatory proposals. The Council would like to have interaction roles and relationship between the Council, Tribes and Board further clarified how they will all work together.
- The Council wanted more information about how Native Corporations will be included in the consultation and heard by the Board. The Council would like to be kept informed as that policy gets worked out.
- The Council was concerned that Corporation consultation would make the Regional Advisory Council (RAC) process “subservient”. Helen Armstrong reconfirmed that ANILCA clearly defines the Board responsibility to support the Council recommendation unless there is a conservation or safety concern or the recommendations would impact subsistence users.
- Chair Harry Brower asks to how to structure the process so that Tribes, RACs, and Corporations discuss things and have an opportunity to have a unified voice before it goes to the Board.
- Chair Harry Brower feels that the region is often divided and stressed it is important to come together as a unified voice to be effective on issues of mutual concern.
- The Council is concerned with the current federal budget circumstances that there is barely enough funds to conduct the basic Council meetings and wonders how they will do more with less. However, the Council sees potential opportunity to tie together the meetings and discussions with Tribes, ANCSA corporations and the RAC’s and make all the work and communications more clear, direct and effective, rather than having lots of separate meetings and potential for miscommunications and overlap.
- Vice Chair, Rosemary Ahtuanguaruak comments that she has been participating in the Tribal Consultation work group and is very encouraged by the process and they have gained additional insight along the way and will continue to work with the policy implementation guidelines as they get input from the Tribes and Councils.
- The Council is concerned and frustrated by the fragmentation of subsistence management. They stressed that the segmentation of federal management into fish and wildlife, migratory birds, and marine mammals on top of dual/ different management with the State doesn’t reflect the whole way of life. Chair Harry Brower stressed that the Federal Subsistence Management program

should be mindful of all the resources that are important to communities and encompass all subsistence practices. In addition to the Tribes, RAC's, and Corporations coming together to address mutual concerns to the Federal Subsistence Board he recommends the North Slope Borough be engaged and all federal agencies involved in subsistence regulation such as NMFS, NPS, marine mammals, and migratory birds coordinate as well.

- The Council sees the efforts as going forward in a positive way and would like to stay informed on the developments and progress as it is being made on the implementation guidelines. The Council may have further input on how to best combine efforts through the Council meeting process.

**Presentation of Proposed Rule on Rural Determination Process:** Helen Armstrong, OSM, provided the Council with a briefing on the upcoming Rural Determination Review and opportunities to provide direction to the Federal Subsistence Board at the fall Council meetings. Public hearings are planned to be scheduled in conjunction with the Council meetings in regional hubs to solicit public recommendations on Rural Determination criteria. The Council provided recommendations to OSM for news venues and local radio stations to help distribute the information broadly. All Councils will receive a full briefing at the fall meeting and are asked to provide their guidance to the Board at that time.

**Customary & Traditional Use Determination review Letter from Southeast RAC:** Helen Armstrong, OSM, provided the Council with a briefing on the request by the Southeast Regional Advisory Council to review the use of Customary & Traditional Use Determinations. The SERAC would like all councils to receive a comprehensive and consistent presentation on the history of the development of C&T use and how it is applied by the Federal Subsistence Program. The Councils were provided with written materials to review will be provided a full briefing on this at the fall meeting cycle. The Councils are asked to consider how the use of C&T works for them and provide their recommendation to the Board at the fall meeting on whether to continue use of C&T determinations or if any modification are recommended.

**OSM Updates:** Helen Armstrong provided a brief update on budgets and staffing for OSM. Due to the sequester budgets have been cut and travel restrictions put in place for all DOI staff which hinders support to the Councils. Many changes at OSM including Subsistence Regional Director Pete Probasco who recently moved to USFWS Migratory Birds division. Helen announced that she will be retiring in May and stated how much she appreciated and will miss working with the North Slope Council. Council Chair Harry Brower also noted that he has been working with Helen and the North Slope Regional Advisory Council for 20 years and her knowledge and assistance on subsistence was greatly appreciated.

The State Federal MOU review was extended for the State Advisory Committee meetings and will be revisited again by the Federal Subsistence Board at their next upcoming work session.

**Review Anaktuvuk Pass Controlled Use Area proposal to BOG\***

The Council reviewed their draft proposal to the Board of Game on the Anaktuvuk Controlled Use Area which was approved by the Council at the February meeting with the plan for it to be further reviewed by the community before being submitted by the upcoming State wildlife regulatory deadline. The Council further discussed concerns by Council Chair Harry Brower that the Controlled Use Area language currently in place took many years and a lot of work by many people and groups to come to agreement and it was passed by the Board of Game at that time. Chair Brower stressed that to open the CUA language up to the Board at this time may actually jeopardize the subsistence protections currently in place. North Slope Borough wildlife biologist, Brian Person worked on the original CUA proposal and was able to provide the Council some insights to its history and process via teleconference.

\*The Council made a motion and voted unanimously to support not submitting the Anaktuvuk Pass Controlled Use Area proposal to the Board of Game if the community of Anaktuvuk Pass was in agreement. (Subsequently Council member James Nageak did consult with his community of Anaktuvuk and stated over the phone they concurred to not submit the proposal at this time and wait until a later time if the circumstances seemed more favorable to the proposed additional CUA restrictions).

**Council discussed closing comment and adjourned at approximately 12:20 p.m.**

I certify to the best of my knowledge the forgoing minutes are accurate and complete.

\_\_\_\_\_  
Eva Patton, Designated Federal Officer  
USFWS Office of Subsistence Management

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

These minutes will be formally considered by the North Slope Subsistence Regional Advisory Council at its August 2013 public meeting. Any corrections or notations will be incorporated at that meeting.

## GUIDANCE ON ANNUAL REPORTS

### Background

ANILCA established the Annual Reports as the way to bring regional subsistence uses and needs to the Secretaries' attention. The Secretaries delegated this responsibility to the Board. Section 805(c) deference includes matters brought forward in the Annual Report.

The Annual Report provides the Councils an opportunity to address the directors of each of the four Department of Interior agencies and the Department of Agriculture Forest Service in their capacity as members of the Federal Subsistence Board. The Board is required to discuss and reply to each issue in every Annual Report and to take action when within the Board's authority. In many cases, if the issue is outside of the Board's authority, the Board will provide information to the Council on how to contact personnel at the correct agency. As agency directors, the Board members have authority to implement most of the actions which would effect the changes recommended by the Councils, even those not covered in Section 805(c). The Councils are strongly encouraged to take advantage of this opportunity.

### Report Content

Both Title VIII Section 805 and 50 C.F.R. 100.11 (Subpart B of the regulations) describe what may be contained in an Annual Report from the councils to the Board. This description includes issues that are not generally addressed by the normal regulatory process:

- an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;
- an evaluation of current and anticipated subsistence needs for fish and wildlife populations from the public lands within the region;
- a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the public lands; and
- recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

Please avoid filler or fluff language that does not specifically raise an issue of concern or information to the Board.

### Report Clarity

In order for the Board to adequately respond to each Council's annual report, it is important for the annual report itself to state issues clearly.

- If addressing an existing Board policy, Councils should please state whether there is something unclear about the policy, if there is uncertainty about the reason for the policy, or if the Council needs information on how the policy is applied.
- Council members should discuss in detail at Council meetings the issues for the annual report and assist the Council Coordinator in understanding and stating the issues clearly.
- Council Coordinators and OSM staff should assist the Council members during the meeting in ensuring that the issue is stated clearly.

Thus, if the Councils can be clear about their issues of concern and ensure that the Council Coordinator is relaying them sufficiently, then the Board and OSM staff will endeavor to provide as concise and responsive of a reply as is possible.

### **Report Format**

While no particular format is necessary for the Annual Reports, the report must clearly state the following for each item the Council wants the Board to address:

1. Numbering of the issues,
2. A description of each issue,
3. Whether the Council seeks Board action on the matter and, if so, what action the Council recommends, and
4. As much evidence or explanation as necessary to support the Council's request or statements relating to the item of interest.







## **CUSTOMARY AND TRADITIONAL USE DETERMINATION BRIEFING**

The Federal Subsistence Board, and the Southeast Alaska Subsistence Regional Advisory Council, would like your recommendations on the current customary and traditional use determination process. The Board last asked the Councils a similar question in 2011 as directed by the Secretary of the Interior and the Secretary of Agriculture. All Councils, with the exception of the Southeast Council, indicated that the existing customary and traditional use determination process was working. At the request of the Southeast Council, this additional review is being conducted for your input.

We will briefly describe the history of customary and traditional use determinations, and illustrate the differences between those determinations and an ANILCA Section 804 analysis. We will then ask for Council discussion and recommendations. Our focus is not on *how* customary and traditional use determinations are made, but on *why* they are made. The Southeast Council would like you to recommend, as a Council, to eliminate, amend, or make no changes to the current customary and traditional use determination process.

The Alaska National Interest Lands Conservation Act (ANILCA) does not require customary and traditional use determinations. Customary and traditional use regulations were adopted from the State when the Federal Subsistence Management Program was established in 1990. In the 1992 Record of Decision, the Federal Subsistence Board considered four customary and traditional use options and recommended to the Secretaries of the Interior and Agriculture that State customary and traditional use determinations continue to be used. The State's eight criteria for determining customary and traditional use were subsequently slightly modified for use in Federal regulations. Since the establishment of the Federal Subsistence Management Program, the Board has made some 300 customary and traditional use determinations.

The Board initially adopted the State's customary and traditional use criteria (renaming them "factors"), anticipating the resumption of State management of subsistence on Federal public lands, and intending to "minimize disruption to traditional State regulation and management of fish and wildlife" (55 FR 27188 June, 29, 1990). The State has not resumed subsistence management on Federal public lands, and it appears the Federal Subsistence Management Program will be permanent. (See **Appendix A** for a listing of the eight factors.)

Note that the Board does not use customary and traditional use determinations to restrict amounts of harvest. The Board makes customary and traditional use determinations, relative to particular fish stocks and wildlife populations, in order to recognize a community or area whose residents generally exhibit eight factors of customary and traditional use. The Southeast Council is concerned that the effect is to exclude those Federally qualified rural residents who do not generally exhibit these factors from participating in subsistence harvests in particular areas.

In 2009, Secretary of the Interior Ken Salazar announced a review of the Federal subsistence program. Part of that review focused on customary and traditional use determinations. Specifically, in 2010, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, asked the Board to "Review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes."

All ten Regional Advisory Councils were asked for their perspectives on customary and traditional use determinations during the 2011 winter meeting cycle. Nine Councils did not suggest changes to the

process (see **Appendix B**). The Southeast Council, however, suggested one modification, which was included in its annual report. The modified regulation reads as follows:

§100.16 (a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of ~~specific fish stocks and wildlife populations~~ **all species of fish and wildlife that have been traditionally used, in their (past and present) geographic areas**. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

In other words, once a customary and traditional use determination is made for an area, residents in that area would have customary and traditional use for *all* species. There would be no need for customary and traditional use determinations for specific fish stocks and wildlife populations, or on a species-by-species basis.

Subsequently, the Southeast Council formed a workgroup to analyze the customary and traditional use determination process. The Southeast Council workgroup, after conducting an extensive review of Regional Advisory Council transcripts, determined that Councils were not adequately briefed on the Secretaries' request for Council recommendations on the process. The Southeast Council drafted a letter and a briefing document, which were provided to the other Regional Advisory Councils during the 2013 winter meeting cycle; these are included in your meeting materials.

Pursuant to the workgroup findings, the Southeast Council emphasized the following:

The current customary and traditional use determination process is being used to allocate resources between rural residents, often in times of abundance. This is an inappropriate method of deciding which residents can harvest fish or wildlife in an area and may result in unnecessarily restricting subsistence users. The SE Council has a history of generally recommending a broad geographic scale when reviewing proposals for customary and traditional use determinations. Subsistence users primarily harvest resources near their community of residence and there is normally no management reason to restrict use by rural residents from distant communities. If there is a shortage of resources, Section 804 of ANILCA provides direction in the correct method of allocating resources.

The Southeast Council does not support retaining the current customary and traditional use determination process. Instead, the Southeast Council suggests that, when necessary, the Board restrict harvests by applying ANILCA Section 804 criteria:

- Customary and direct dependence upon the populations as the mainstay of livelihood;
- Local residency; and
- The availability of alternative resources.

The Federal Subsistence Board, and also the Southeast Council, would like your recommendations on the current customary and traditional use determination process. Specifically, the Southeast Council would like you to consider whether to

- (1) eliminate customary and traditional use determinations and instead use, when necessary, ANILCA Section 804 criteria,
- (2) change the way such determinations are made, by making area-wide customary and traditional use determinations for all species (not species-by-species or by particular fish stocks and wildlife

populations),

(3) make some other change, or

(4) make no change.

Council input will provide the basis for a briefing to the Federal Subsistence Board in response to the Secretaries' directive to review the customary and traditional use determination process and present recommendations for regulatory change, if needed. The Board could then recommend that the Secretaries eliminate, amend, or make no change to the current customary and traditional use determination process.

## APPENDIX A

For reference, here are the eight factors currently used in Federal regulations for making customary and traditional use determinations (36 CFR 242.16 and 50 CFR100.16):

*(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.*

*(b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:*

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

## APPENDIX B

### **Summary of Winter 2011 Council Comments on the Customary and Traditional Use Determination Process**

*(Note that summaries were drafted by OSM LT members or the Council Coordinator that attended the meetings; see the Council transcripts for details.)*

The **Seward Peninsula Council** is satisfied with the current Federal subsistence customary and traditional use determination process. The Council noted that C&T determinations are important and that the Federal Subsistence Management Program provides ways to modify C&T determinations if needed.

The **Western Interior Council** is satisfied with the process used by the Federal Subsistence Board to make C&T determinations and thinks it works well. The Council felt that the Board is sensitive to local concerns, and there is room for the public to be involved. The Council felt that getting rid of the existing process would be problematic (i.e., what to do with the roughly 300 C&T determinations that have already been made), and inventing a new system could be counterproductive. The Council felt that maintaining the Councils' and AC's involvement in C&T determinations public process is key and the current process does just that.

The **Eastern Interior Council** is comfortable with the existing process and believes that it works well. In most cases there is no need to change the process. One member expressed the thought that the only time the process doesn't work well is when it is used to pit user against user.

The **North Slope Council** was fine with the current C&T process and had no suggestions for changes.

The **Yukon Kuskokwim Delta Council** was fine with the current C&T process, even though one member noted not always agreeing with the determinations.

The **Bristol Bay Council** observed that the C&T process works wonderfully in their region and noted that there is no burning need for change. There was discussion about the closure to hunting and subsistence uses in Katmai National Park.

The **Southcentral Council** is generally satisfied with the process used by the Federal Subsistence Board to make C&T determinations, stating that it is not perfect but it has worked. The Council liked the process because it puts the information on customary and traditional use in front of the Councils and the Board, and that is valuable. The process gives a good understanding of how the rural subsistence process works. The Council felt that it could be tweaked a bit, for example, if you have C&T for a variety of species, you shouldn't have to do a separate C&T finding for every other species – there should be a way to streamline the process. The Council also discussed the disparity of information needed in some parts of the state versus in other parts of the state (i.e., Ninilchik). The Council sees C&T as being inclusive, not exclusive. The Board needs to defer to Councils on their recommendations on C&T. The Council also reminded itself that it could do a better job by building a solid record in support of its decisions.

The **Northwest Arctic Council** discussed this topic at length. In the end, the Council stated that the current process is working and it did not have any recommended changes at this time.

The **Kodiak/Aleutians Subsistence Council** discussed this subject at length. It generally supported the overall process, though had a lot of comments. One Council member stated that he thinks that the process

is good. Sometimes the process is too liberal and other times it is too literal, but it has been improving and overall it is good. Another Council member noted that the method used for making customary and traditional use determinations isn't perfect, but he couldn't think of another way to do it. He added that it would be nice if more concrete words were used, for example, what do "long term use" and "seasonal use" really mean? Another Council member asked about the process with regard to how introduced species fit in, especially with regard to the factor including "long term use". Finally, a Council member noted that we need to ensure that the process works, and that the subsistence priority remains.

The **Southeast Council** is drafting a letter to the Board concerning this issue. The Council noted that the eight factor analysis is a carryover from State of Alaska regulations and recommends that the Federal Subsistence Management Program draft new more suitable Federal regulations which adhere to provisions contained within Section 804 of ANILCA. The Council recommends that:

- The Board give deference to the Council recommendation for customary and traditional use determinations.
- 50 CFR100.16(a) read: "The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of [specific fish stock and wildlife population] **all species of fish and wildlife that they have traditionally used, in their (past and present) geographical areas**".
- If an eight factor approach is continued, then the regulations should be modified to include specific language for a holistic approach.

## **Southeast Alaska Subsistence Regional Advisory Council**

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January 22, 2013

### **Customary and Traditional Use Determination Recommendation Briefing**

**Issue:**

The Southeast Alaska Subsistence Regional Advisory Council (SESRAC) does not agree that the current process of restricting access to fish and wildlife resources through a customary and traditional use (C&T) determination process was intended in ANILCA.

Although SESRAC recognizes that there are a number of possible solutions, its preferred solution is to eliminate the C&T determination regulations (36 CFR 242.16 and 50 CFR 100.16) and allocate resources as directed in section 804 of ANILCA.

**Background:**

The current Federal C&T determination regulations, including the eight factors, were adopted from pre-existing State regulations. The Federal program adopted this framework, with some differences, when it was thought that Federal subsistence management would be temporary.

The primary purpose of C&T determinations by the State is to limit the subsistence priority by adopting "negative" determinations for specific fish and wildlife species in specific areas. The C&T determination process is also used to establish non-subsistence use areas where NO species are eligible for subsistence use.

A "positive" C&T determination in State rules recognizes subsistence use and provides residents with a legal protection to engage in priority subsistence activities.

Unlike the State process, in which some lands are excluded from subsistence use (non-subsistence use areas); all Federal lands are available for subsistence use by rural residents.

The Federal program uses the C&T determination process to restrict which rural residents can participate in subsistence. The abundance of fish or wildlife is not the primary factor in deciding which rural residents can participate in subsistence and some residents may be restricted in times of abundance.

The Federal C&T determination process is actually a means of closing an area to some rural residents but there are no provisions for periodic review of this action similar to the review policy on other closures.

A draft policy on C&T determinations was subject to public comment during the fall 2007 Regional Advisory Council meeting window. The Federal Subsistence Board deferred finalization on the policy in March of 2008.

In October of 2009, Secretary of the Interior Ken Salazar announced that there would be “a review of the Federal subsistence program to ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII are being met”.

In a detailed report from the U.S. Department of the Interior in September 2010, the Secretary of the Interior with concurrence of the Secretary of Agriculture, directed the subsistence Board to do several tasks.

The first relevant task was to “review, with RAC input, federal subsistence procedural and structural regulations adopted from the state in order to ensure federal authorities are fully reflected and comply with Title VIII (changes would require new regulations)”.

The second relevant task was to “review customary and traditional determination process to provide clear, fair, and effective determinations in accord with Title VIII goals and provisions (changes would require new regulations)”.

In a letter to Mr. Tim Towarak in December 2010, Secretary of the Interior Ken Salazar requested that the FSB; “review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes”.

In their 2011 Annual Report, the SESRAC suggested that the Board consider modifying current regulations to be more representative of the way people use subsistence resources. The SESRAC suggested the following specific regulatory change:

*Modify 50 CFR 100.16 (a). The regulation should read: “The Board shall determine which fish and wildlife have been customarily and traditionally used for subsistence. These determinations shall identify the specific community’s or area’s use of ~~[specific fish stocks and wildlife populations]~~ **all species of fish and wildlife that have been traditionally used, in their (past and present) geographic areas.**”*

In the Annual Report reply, the Board encouraged the SESRAC to develop recommendations in a proposal format for additional review. The Office of Subsistence Management pledged staff assistance if the Council wished to pursue the matter further.

During the March 2012 meeting in Juneau, an update on the Secretarial Review stated that 9 Councils felt the C&T determination process was adequate and only the SESRAC had comments for changes to the process.

The SESRAC formed a workgroup to review materials and provide a report on the issue during the March 2012 SESRAC meeting and develop a recommendation for consideration by the SESRAC at the September 2012 meeting.

**Southeast Council Findings:**

An eight factor framework for Federal C&T determination analysis was first adopted by the Alaska Board of Fisheries and is not found in ANILCA.

Although there are clearly some instances where it is appropriate to provide a preference to local residents (for instance, an early start to the moose season in Yakutat), the SESRAC has a history of recommending C&T determinations for a large geographic area.

When necessary, the Federal Subsistence Board can restrict who can harvest a resource by applying ANILCA Section 804 criteria:

- Customary and direct dependence upon the populations as the mainstay of livelihood;
- Local residency; and
- The availability of alternative resources.

The ANILCA Section 804 process is a management tool that allows seasons on Federal public lands and waters to remain open to all rural residents until there is a need to reduce the pool of eligible harvesters.

Replacing the Federal C&T determination eight factors with ANILCA Section 804 three criteria may be a preferred method of restricting who can harvest a resource.

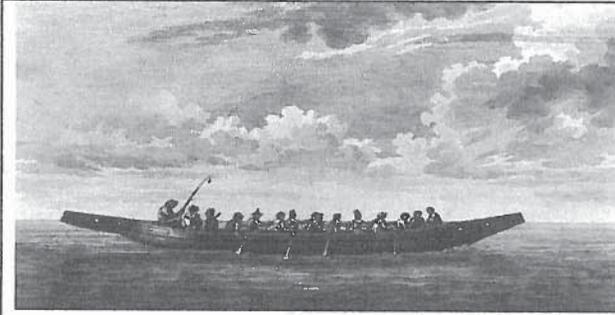
**Action:**

In January 2013, the SESRAC sent a letter to the other Federal regional advisory councils regarding the deficiencies in the current C&T determination process. This letter asks the other councils to review, during their fall 2013 meetings, whether the process is serving the needs of the residents of their region and report their findings to the SESRAC. If it is the desire of the other councils, a proposal for amending or eliminating current regulations could be developed for consideration by all the councils.

Key Contacts:

Bert Adams, Chair SESRAC – 907-784-3357

Robert Larson – SESRAC Coordinator – 907-772-5930



**Southeast Alaska Subsistence Regional  
Advisory Council**

**Bertrand Adams Sr., Chair  
P. O. Box 349  
Yakutat, Alaska 99689**

***kaadashan@alaska.net***

RAC SE13001.RL

**JAN 11 2013**

**Mr. Harry K. Brower, Jr., Chair  
North Slope Alaska Subsistence  
Regional Advisory Council  
P.O. Box 712  
Barrow, Alaska 99723**

Dear Mr. Brower:

During the spring of 2011, pursuant to the Secretarial Review of the Federal Subsistence Program, the Federal Subsistence Board (Board) sought input from the Federal Subsistence Regional Advisory Councils (Councils) on the current customary and traditional use determination process. The Board subsequently reported to the Secretaries that 9 of the 10 Councils thought the process was working. The Southeast Alaska Subsistence Regional Advisory Council (SE Council) does not agree that the process is being implemented as intended in the Alaska National Interest Lands Conservation Act (ANILCA). We are asking your Council to review your evaluation of the current customary and traditional use determination process (36 CFR 242.16 and 50 CFR 100.16) and join with us in crafting a petition to the Secretaries to address deficiencies in the current regulations. The SE Council's preferred solution is to eliminate the customary and traditional use determination regulations and allocate resources as directed in Section 804 of ANILCA.

The SE Council has formed a workgroup to assist us in evaluating the current customary and traditional use determination process. The workgroup reviewed the 2007 draft Customary and Traditional Use Determination Policy, the public comments to this policy, the 2011 transcripts from all 10 Council meetings, and the 2012 Board transcripts where each of the Councils' input was summarized. The 2007 draft Customary and Traditional Use Determination Policy and the public comments to this policy are enclosed with this letter.

The SE Council workgroup noted that there were inconsistent briefings in 2011 regarding the input sought from the Councils. Different staff presented different levels of information, and in some instances Councils were led to believe other Councils thought the process was working.

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In addition, there was a lack of direction or background information provided to the Councils that would be necessary to formulate an informed opinion. There was no mention or discussions of the strengths and deficiencies of the current customary and traditional use determination process as detailed in the review of the 2007 draft Customary and Traditional Use Determination Policy.

During its March 2011 meeting, the SE Council included the topic in its 2011 Annual Report. The SE Council made the following recommendation to the Board:

*Given that ANILCA does not require the Board make customary and traditional use determinations, the Council recommends the Federal Subsistence Board eliminate the current regulations for customary and traditional use determinations, and task the Office of Subsistence Management (OSM) with drafting regulations which adhere to provisions contained within Section 804 of ANILCA.*

The current Federal customary and traditional use determination regulations (and the eight factors) were based on pre-existing State regulations. Customary and traditional use determinations are a necessary step in State of Alaska management because only fish and wildlife with a “positive” determination are managed for the subsistence preference and those with a “negative” determination do not have the preference. The decision whether there is or is not a subsistence priority is not necessary under Federal rules because ANILCA already provides rural residents a preference for subsistence uses on Federal public land. The current customary and traditional use determination process is being used to allocate resources between rural residents, often in times of abundance. This is an inappropriate method of deciding which residents can harvest fish or wildlife in an area and may result in unnecessarily restricting subsistence users. The SE Council has a history of generally recommending a broad geographic scale when reviewing proposals for customary and traditional use determinations. Subsistence users primarily harvest resources near their community of residence and there is normally no management reason to restrict use by rural residents from distant communities. If there is a shortage of resources, Section 804 of ANILCA provides direction in the correct method of allocating resources.

The SE Council has determined that the Office of Subsistence Management did not give the directive from the Secretaries the due diligence it deserves and the program would benefit from additional evaluation and dialog. We request your Council reconsider its recommendation to the Board on how well the current customary and traditional use process is serving the needs of the residents in your region. The SE Council is interested in either eliminating or improving the process but, since this is a statewide issue, we do not want to propose a solution that is not supported by the other Councils. We encourage your Council to read the briefing paper provided to you by the SE Council at i winter 2013 Council meeting and review the enclosed background information. We would like your Council to consider what would be most beneficial to your region: eliminate customary and traditional use determinations, change the way customary and traditional use determinations are made, or make no change. After reviewing these materials, we

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encourage your Council to include this subject as an agenda action item at its fall 2013 meeting. The Office of Subsistence Management has committed personnel to help in your further consideration of the customary and traditional use process at your fall 2013 meeting.

Please address any questions and report any actions taken regarding this request either directly to me or through Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, Alaska 99833, 1-907-772-5930, robertlarson@fs.fed.us.

Gunalchéesh (thank you).

Sincerely,  
/S/

Bertrand Adams Sr., Chair

**Enclosures**

cc: Peter J. Probasco, Assistant Director, OSM  
Kathy O'Reilly-Doyle, Deputy Assistant Director, OSM  
Federal Subsistence Board  
Interagency Staff Committee  
Administrative Record



WP14-01 Executive Summary	
<b>General Description</b>	<p>Proposal WP14-01 requests the establishment of new statewide provisions for Federal trapping regulations that require trapper identification tags on all traps and snares, establish a maximum allowable time limit for checking traps, and establish a harvest/trapping report form to collect data on non-target species captured in traps and snares. <i>Submitted by Kevin Bopp.</i></p>
<b>Proposed Regulation</b>	<p>§ ____.26 <i>Subsistence taking of wildlife</i></p> <p><i>(d) The following methods and means of trapping furbearers for subsistence uses pursuant to the requirements of a trapping license are prohibited <b>or required</b>, in addition to the prohibitions listed at paragraph (b) of this section.</i></p> <p style="text-align: center;">* * * *</p> <p><i>(7) Traps and snares must be individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number. If a trapper chooses to place a sign at a trap/snaring site rather than tagging individual trap/snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.</i></p> <p><i>(8) All traps and snares must be checked within 6 days of setting them and within each 6 days thereafter.</i></p> <p><i>(9) Trappers must record and report all non-targeted species taken and their condition when found. Non-targeted species harvest reports must be turned in within 30 days of the end of the trapping season.</i></p>

*continued on next page*

WP14-01 Executive Summary (continued)	
	<p><b><del>Units 1–5—Special Provisions</del></b></p> <p><i>Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper’s name and address, or the trapper’s permanent identification number, or is set within 50 yards of a sign that lists the trapper’s name and address, or the trapper’s permanent identification number. The trapper must use the trapper’s Alaska driver’s license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southeast Regional Council Recommendation</b>	<b>Oppose</b>
<b>Southcentral Regional Council Recommendation</b>	
<b>Kodiak/Aleutians Regional Council Recommendation</b>	<b>Oppose</b>
<b>Bristol Bay Regional Council Recommendation</b>	
<b>Yukon/Kuskokwim Delta Regional Council Recommendation</b>	
<b>Western Interior Regional Council Recommendation</b>	
<b>Seward Peninsula Regional Council Recommendation</b>	
<b>Northwest Arctic Regional Council Recommendation</b>	<b>Oppose</b>
<b>Eastern Interior Regional Council Recommendation</b>	
<b>North Slope Regional Council Recommendation</b>	<b>Oppose</b>
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>3 Oppose</b>

## DRAFT STAFF ANALYSIS WP14-01

### ISSUES

Proposal WP14-01, submitted by Kevin Bopp, requests the establishment of new statewide provisions for Federal trapping regulations that require trapper identification tags on all traps and snares, establish a maximum allowable time limit for checking traps, and establish a harvest/trapping report form to collect data on non-target species captured in traps and snares.

### DISCUSSION

The proponent states the regulatory changes would result in more responsible trappers and trapping. Requiring identification tags with the trapper's name and license number may increase accountability of trappers. Some trappers may be less likely to set traps and snares close to people's homes and high public-use areas, which could ease tension between user groups. The trap checking interval requirement will ensure that animals do not remain in traps or snares too long, which could help ensure furs are found in good condition and increase the likelihood of releasing any captured non-target species. The proponent also recommends that all non-target species caught in traps and snares be recorded on a new harvest report form. Information included on the form would include the species captured, whether the animal was found dead or alive, and whether it was released in good or bad condition. If animals are found dead, the report would also include information on whether the animal was consumed by other animals.

#### Existing Federal Regulation

No Statewide regulations currently exist that require the marking of traps and snares with identification tags, trap-check intervals, and reporting of non-target species captured in traps and snares.

#### Units 1–5—Special Provisions

*Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

#### Proposed Federal Regulation

§ \_\_.26 *Subsistence taking of wildlife*

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

...

*(7) Traps and snares must be individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number. If a trapper chooses to place a sign at a trap/snaring site rather than tagging individual trap/snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

*(8) All traps and snares must be checked within 6 days of setting them and within each 6 days thereafter.*

*(9) Trappers must record and report all non-targeted species taken and their condition when found. Non-targeted species harvest reports must be turned in within 30 days of the end of the trapping season.*

### **Units 1–5—Special Provisions**

*Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

### **Existing State Regulation**

*Units 1–5—Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number; the trapper must use the trapper's Alaska driver's license number or state identification card number as the required permanent identification number; if a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

*Unit 1C, Gustavus, that portion west of Excursion Inlet, north of Icy Passage—All traps/snares must be checked within 3 days of setting them and within each 3 days thereafter.*

*Units 12 and 20E—You may not trap within one-quarter mile of any publicly maintained road, by using a snare with a cable diameter of 3/32 inch or larger that is set out of water, unless the snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number; the trapper must use the trapper's Alaska driver's license number or state*

*identification card number as the required permanent identification number; if a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

***Incidental Catch***—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, is the property of the state. The trapper who set the trap or snare must salvage the edible meat and surrender it to the state. No trapper may use any part of a moose, caribou or deer caught incidentally in a trap or snare. If such an incidental take occurs, the trapper must move all active traps and snare at least 300 feet from the site for the remainder of the regulatory year.

### **Extent of Federal Public Lands**

The proposal would apply to all Federal public lands in Alaska. Federal public lands comprise approximately 65% of Alaska and consist of 23% BLM, 21% FWS, 15% NPS, and 6% USFS managed lands.

### **Customary and Traditional Use Determinations**

Customary and traditional use determinations for specific areas and species are found in subpart C of 50 CFR part 100, § \_\_.24(a)(1) and 36 CFR 242 § \_\_.24(a)(1).

### **Regulatory History**

The Alaska Board of Game adopted a marking requirement for traps and snares in Units 1–5 in 2006. Federal regulations were aligned with the State requirements in Units 1–5 when the Federal Subsistence Board adopted Proposal WP12-14 in 2012. The Southeast Alaska Subsistence Regional Advisory Council (Council) supported the proposal due to the benefit of aligning State and Federal regulations and reducing the uncertainty of whether current regulations required traps to be marked. However, the Council expressed concern that there was a lack of evidence as to why traps should be marked under either State or Federal regulations (FWS 2012)

### **Trapping Background**

In an overview of trapping controversies, Andelt et al. (1999; *references therein*) listed recommended trap-check intervals of daily or almost daily for live-capture traps set on land in response to animal welfare concerns; however, daily trap checks would not be practicable in much of Alaska due to the remoteness of areas, length of trap lines, and harsh weather conditions. Some considerations for how often traps should be checked include the intent of the trap (live capture or kill trap), ambient temperatures, and placement of traps, which could allow rodents or scavengers to destroy the pelt (Stanek 1987). Other considerations for trap check schedules includes work schedules, distance to traplines, river ice conditions, price of fuel (Scotton 2013, pers. comm.). The average trapline was 23.1 miles long in 2006/2007, and the longest reported trapline was 250 miles (ADF&G 2010). Trap-checking intervals of two to three days were generally used by trappers near Kaiyuh Flats, Alaska to prevent pelt damage from scavengers, and beaver sets were also checked frequently to prevent any captured beavers from being frozen in the ice (Robert 1984). Trappers from Skwentna, Stevens Village, and Fort Yukon reportedly checked trap lines “once a week or every few days”, but some trappers “waited ten days to two weeks”

(Wolfe 1991:27). During 2010/2011, 79% of trappers from across the state reportedly conducted trapping activities 1–3 days per week (ADF&G 2012a).

### **Effects of the Proposal**

If the proposal is adopted, Federally qualified subsistence users trapping under Federal regulations throughout the State will be required to mark traps and snares with identification tags, check snares and traps every 6 days or less, and record any non-target species caught in traps or snares on a newly established trapping report form. The proposed requirements have the potential to benefit all users by promoting responsible and ethical trapping techniques and practices. However, dramatic differences in land ownership, population concentrations, terrain, and habitats would limit the effectiveness of the proposed statewide regulations. Individual traplines can span across Federal and State managed lands and, therefore, could have different regulatory requirements. Alternatively, Federally qualified subsistence users could simply choose to trap under State regulations and avoid the proposed requirements, as both Federal and State trapping regulations are applicable on Federal public lands, as long as the State regulations are not inconsistent with or superseded by Federal regulations.

In most situations, the requirement to individually mark traps and snares with identification tags would result in inconsistent State and Federal regulations on Federal public lands that would necessitate an outreach effort to avoid confusion among users. Under Federal regulations, traps and snares are required to be marked with identification tags only in Units 1–5, but these marking requirements were adopted to align with State regulations to reduce regulatory complexity (see Regulatory History). Within portions of Unit 15, over 60 percent which lies within Kenai National Wildlife Refuge, and those portions of Unit 7 that are contained within Kenai NWR, a trapping permit is required and a stipulation of Kenai NWR's permit includes the marking of traps and snares. Also, under State regulations, all snares within a ¼ mile of a public road in Units 12 and 20E are required to be marked. Federally qualified subsistence users trapping on Federal public lands outside of these specific areas would be required to mark traps and snares with identification tags that include the trapper's name and license number. However, Federally qualified subsistence users or non-Federally qualified users trapping on Federal public lands would not be required to mark traps and snares under State regulations.

The requirement to mark traps and snares would also result in additional burden and cost for Federally qualified subsistence users trapping under Federal regulations. Copper tags stamped with a trapper's identification information, including fasteners, cost approximately \$26 per 100 tags (including shipping) or less (approximately \$15–\$20) for "write-your own" tags (FWS 2012). In addition, trappers often trade or borrow equipment from family members or friends, and changes of identification tags on large numbers of traps or snares would require significant effort (Scotton 2013, pers. comm.).

Frequent trap checks are beneficial for animal welfare and can decrease the likelihood of pelt damage of trapped furbearers. The trap check time requirement would also result in inconsistent State and Federal regulations, and would require significant law enforcement and public educational efforts. The requirement could result in human health and safety issues by requiring trappers to check traps during periods of inclement weather, especially in remote units where trap lines are long. The back cover of the State trapping regulations includes a Code of Ethics, reprinted from the Alaska Trappers Manual, which includes checking traps regularly and trapping in the most humane way possible. While the items listed in the Code of Ethics are not regulatory in nature, they provide general guidelines for responsible trapping.

Few requirements for trap check intervals are currently in State or Federal regulations, and those regulations have been put in place in response to specific incidents or in areas with high potential for user

conflict. Under State regulation in Alaska, the only trap check time requirement in regulation is a 72-hour trap check in a small area near Gustavus in Unit 1C under State regulations, which was adopted due to multiple moose being incidentally caught in snares (ADF&G 2012b). A 4-day trap check requirement is required on the more accessible and heavily trapped portions of the Kenai National Wildlife Refuge (Kenai NWR) as a stipulation of the Refuge Special Use Permit in order to increase the potential for safe release of incidentally-caught non-target animals including bald eagles, moose and domestic dogs.

If the proposal is adopted, a new trapping report form would be established to report any non-target species caught under Federal trapping regulations. Trapping reports may provide useful information regarding which non-target species are captured and how often they can be released in good condition. However, some of the information requested for the report form may be difficult to interpret, especially subjective observations such as the condition of trapped animals. In addition, it is unknown what the data from the proposed form would be used for, as there is no indication of any management agency that is requesting information on the incidental capture of non-target species across the state. To limit the capture of non-target species, trappers can review informational sources such as the Best Management Practices for Trapping in the United States, which evaluate traps and trapping systems based on animal welfare, efficiency, selectivity, practicality, and safety (AFWA 2006). Overall, it is in the best interest of trappers to minimize the capture of non-target animals, as those traps or snares become unavailable for capturing target animals.

The new trapping report form for non-target species would require additional time commitments for Federally qualified subsistence users and staff of Federal land management agencies. The time commitment for Federally qualified subsistence users would be minimal, but may be an incentive to simply trap under State regulations where a report is not required. The time commitment for Federal staff could be substantial, as trapping reports from Federal lands across the state may have to be collected and analyzed.

The establishment of a new trapping report form would have to meet the information collection requirements subject to approval by the Office of Management and Budget, 50 CFR § 100.9 [2009], and in accordance with the Paperwork Reduction Act, OMB Control Number 1018-0075.

## **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP14-01.

### **Justification**

The proposed requirements for individually marking traps and snares, setting maximum trap check intervals, and reporting the incidental harvest of non-target species could lead to more humane trapping methods under Federal regulations; however, these regulatory provisions would not likely be manageable on a statewide basis due to vast differences in land ownership, population concentrations and habitats. Regulations of this nature would be better suited in response to issues on an area-specific basis (e.g., Kenai NWR Refuge Special Use Permit requirements), like similar restrictions currently in State and Federal trapping regulations. Alignment issues would require a substantial increase in law enforcement and public educational efforts, and requiring trappers to check traps during inclement weather could lead to health and safety issues. In many instances, Federally qualified subsistence users may simply trap under State regulations to avoid the additional proposed Federal restrictions.

While the information gathered from a harvest report form of non-target species caught in traps and snares could provide useful information, it would be an unnecessary requirement for Federally qualified

subsistence users. In addition, the report would require additional time commitments for Federally qualified subsistence users and Federal staff that are currently unwarranted. Similar reports would be more useful in areas with specific issues with the capture of non-target species, such as areas with threatened or endangered species or significant user-conflict issues.

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## WRITTEN PUBLIC COMMENTS

**Oppose Statewide Proposal WP14-01:** With kind personal regards to Kevin Bopp, who gave us one of the best lead dogs we ever had, I strongly disagree with this. Trap tags might work for short traplines, but when you run 80 miles of traps, tags for every trap would be very onerous and also subject to loss when an animal is caught. The time limit proposal is utterly unworkable for many people. It usually takes us 10-12 days by dog team to make the round trip of up to 130 miles to check our traps. If we had to check every trap every 6 days, we would have to cut the length of our line in half, which would eliminate the most profitable distant areas, cutting profit more than in half; AND we'd be forced to travel even when it was not safe, eg -60° or blowing in excess of 50 mph. Additionally there are times travel is physically impossible due to flooding, bad ice or other hazards. That's why previously proposed time limits have never been established. This becomes even more unworkable for fly-in pilots for whom travel in weather extremes can quickly prove fatal. Neither of these even actually directly address the mentioned problem of trapping near settlements/highways.

*Miki and Julie Collins, Lake Minchumina*

**Oppose Statewide Proposal WP14-01:** We oppose Statewide Proposal WP14-01 to create new regulations for requiring that identification tags be put on traps and snares and that traps and snares be checked every 6 days. It will be cumbersome, unnecessary and burdensome for federally qualified trappers to have constraints placed upon them to have to put identification tags on snares and traps and to check traps and snares every 6 days. Incidental catch of non-target species and reporting it is good, and should be done voluntarily by trappers. Traps and snares should only be checked if weather conditions are safe to check snares and traps. In rural areas, temperature conditions can be minus forty to fifty for 3 consecutive weeks. It would be unsafe to have regulations in place stating that snares and traps must be checked every six days.

*Ahtna Inc. Customary and Traditional Use Committee*

**Oppose Statewide Proposal WP14-01:** The release of live animals from traps is a huge safety issue and is very dangerous. A state wide regulation to mark your traps and check traps on a 6 day schedule is also a safety issue and very dangerous for the trapper. I've trapped the same area for 32 years in the Eastern Interior and a 6 day check would put the trapper in extreme risk at 50 and 60 degrees below when the fur is not moving and also dies very quickly in a trap. Trapper

know how often to check their trap in a specific area, they want the fur in the best possible condition. If Mr. Bopp has issues with the trappers in his area he can meet with them at Fish and Game Advisory meetings, Federal Subsistence meeting and City Council meetings in his area. It is a shame that people who know nothing about trapping want to impose regulations on the

<b>WP14-51 Executive Summary</b>	
<b>General Description</b>	Proposal WP14-51 requests that the Red Sheep and Cane Creek drainages be opened to non-Federally qualified users Aug. 10 – Sept. 20 in the Arctic Village Sheep Management Area (AVSMA) of Unit 25A, and that a person hunting within the Red Sheep Creek/ Cane Creek portion of the AVSMA of Unit 25A possess proof of completion of a department-approved hunter ethics and orientation course (to include land status and trespass information) upon hunting in this area. <i>Submitted by the State of Alaska.</i>
<b>Proposed Regulation</b>	<b>Unit 25A — Sheep</b> <i>Unit 25A — Arctic Village Sheep Management Area – 2 rams by Federal registration permit only. Federal public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik hunting under these regulations.</i>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Eastern Interior Regional Council Recommendation</b>	
<b>North Slope Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>1 Oppose</b>

**DRAFT STAFF ANALYSIS**  
**WP14-51**

**ISSUES**

Proposal WP14-51, submitted by the State of Alaska, requests that the Red Sheep and Cane Creek drainages be opened to non-Federally qualified users Aug. 10 – Sept. 20 in the Arctic Village Sheep Management Area (AVSMA) of Unit 25A, and that a person hunting within the Red Sheep Creek/Cane Creek portion of the AVSMA of Unit 25A possess proof of completion of a department-approved hunter ethics and orientation course (to include land status and trespass information) upon hunting in this area.

**DISCUSSION**

In January 2012, the Federal Subsistence Board closed the Red Sheep Creek and Cane Creek drainages to sheep hunting except by Federally qualified residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkyitsik. The proponent states that the Red Sheep and Cane Creek drainages were closed unnecessarily. The proponent further states that the area was closed because of user conflicts focused mainly on issues of trespass. The proponent proposes lifting the closure to non-Federally qualified users and requiring hunters to complete an ethics and orientation course prior to hunting sheep in the Red Sheep and Cane Creek drainages. The Alaska Board of Game adopted an ethics and orientation course requirement to safeguard against user conflicts in this area in March 2012. The proponent states that an ethics and orientation course would alleviate the need for closing the Red Sheep Creek and Cane Creek drainages to non-Federally qualified sheep hunting.

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. 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;*

The Board's 2007 closure policy notes the following:

Proposed closures of Federal public lands and waters will be analyzed to determine whether such restrictions are necessary to assure conservation of healthy populations of fish and wildlife resources or to provide a meaningful preference for qualified subsistence users. 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 full closure policy is included as **Appendix A**.

## Existing Federal Regulation

### Unit 25A — Sheep

*Unit 25A — Arctic Village Sheep Management Area – 2 rams by Federal registration permit only. Federal public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik hunting under these regulations.* 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 in accordance with State regulation 5AAC 92.003(i)**, 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.<sup>1</sup>* 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](http://hunt.alaska.gov) or in person in Fairbanks and Kaktovik beginning Sept. 19. 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.

## 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.

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<sup>1</sup> 5 AAC 92.003 Hunter education and orientation requirements. (i) Before a person hunts within the Red Sheep Creek/Cane Creek portion of the Arctic Village Sheep Management Area of Unit 25A, that person must possess proof of completion of a department-approved hunter ethics and orientation course, including land status and trespass information.

## Regulatory History

Requests to open and close the Red Sheep and Cane Creek drainages in the Arctic Village Sheep Management Area (AVSMA) to non-Federally qualified users have been before the Federal Subsistence Board nine times since 1991. The issue has been contentious. See **Map 1**.

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). In 2006, the Board addressed Proposal WP06-57, submitted by Alaska Department of Fish and Game (ADF&G), which requested removal of the Federal closure within the AVSMA. The Board rejected the proposal in May 2006, but requested that the Arctic National Wildlife 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 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 to lift the closure 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).

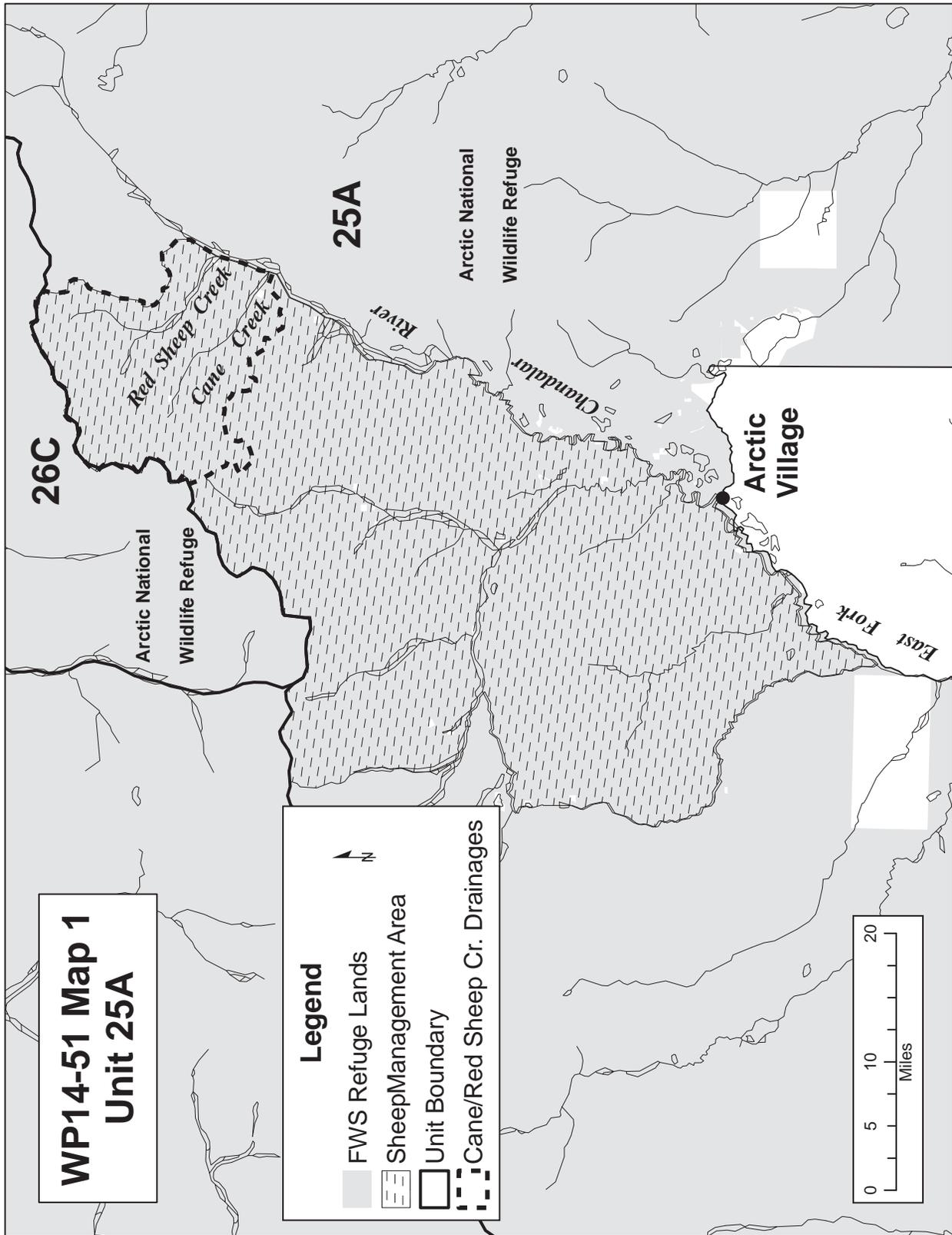
In January 2012, the Board adopted wildlife proposal 12-76 to close the Red Sheep and Cane Creek drainages to non-Federally qualified users for sheep hunting. Both the Eastern Interior and the North Slope Regional Advisory Councils supported this closure. Eight Arctic Village residents testified in favor of the closure in person at the Eastern Interior Council meeting and ten residents testified by teleconference; four people testified in favor of the closure at the Board meeting (FSB 2012:191). The Yukon Flats Fish and Game Advisory Committee supported closing the area. One Board member (the Regional Director of the U.S. Fish and Wildlife Service) emphasized at the Board meeting that the Red Sheep and Cane Creek area falls entirely within the Arctic National Wildlife Refuge or Native allotments. He made a motion to support the closure with the following in his justification: 1) “Pressure from non-local hunting is affecting the use of and access to traditional prime sheep hunting areas and camp area[s]”; 2) the State’s proposal to require hunter education and ethics orientation did not “go far enough”; 3) the activities in the area by non-Federally qualified users “have resulted in displacement of sheep, pushing them out of range which has then prevented Federal subsistence hunters from being able to harvest sheep”; and 4) the Arctic National Wildlife Refuge staff supports the closure (FSB 2012:224–226). The Board passed the motion.

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

## Biological Background

The current ADF&G management objectives for the Unit 25 sheep population are to manage for a maximum sustainable harvest of Dall sheep rams with full-curl or larger horns (Caikoski 2011).

Surveys were conducted in 2006, 2007, 2008, and 2012 within the Red Sheep and Cane Creek drainages. Densities of sheep have remained stable with a density of 1.7 sheep/mile<sup>2</sup> in 2006 (Payer 2006) and 1.8



sheep/mile<sup>2</sup> in 2012 (Wald 2012). In 2006, a total of 188 sheep were counted from Red Sheep and Cane Creek, while 197 sheep were counted in 2012. 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. A 2012 survey from Red Sheep to Cane Creek counted 113 ewe-like animals, 35 lambs, 35 “other” rams, and 14 mature rams (Wald 2012).

In 1991, the density of Dall sheep in the Red Sheep and Cane Creek drainages was estimated to be 2.25 sheep/mile<sup>2</sup> (Mauer 1996), which was higher than that found during surveys in 2006 (1.7 sheep/mile<sup>2</sup> and 2012 (1.8 sheep/mile<sup>2</sup>). 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<sup>2</sup>. 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).

### **Harvest History**

Arctic National Wildlife Refuge staff members 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, consistent with harvest reporting in other parts of rural Alaska (cf. Andersen and Alexander 1992). A total of six Federal permits to harvest sheep in the AVSMA 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

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

Community	Study Year	Percentage of Households					Dall Sheep Harvest				
		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 <sup>a</sup>		1992	70		28	32	64	33	44	32	56
	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.

<sup>a</sup> The majority of the harvest of Dall sheep by residents of Kaktovik was in Unit 26 (Jacobson and Wentworth 1982).

**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

households (out of 40 total households in the community) harvested sheep during the year of his study (1998–1999). At the Board meeting in January 2012, Bob Childers noted that typically between two and five sheep are harvested each year. He also noted that adult rams are generally harvested, although elders prefer ewes or younger sheep because they are easier to eat (FSB 2012:193). Gideon James from Arctic Village testified that there are about two to four good sheep hunters, who then share what they harvest with the Arctic Village residents as well as other villages, including Ft. Yukon (FSB 2012:202).

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.).

**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

**Subsistence 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 ties to and are the primary users of 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 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 these areas continue to be culturally significant to them. Extensive discussion included in previous proposal analyses (cf. Proposal 58 in 1993, Proposal 54 in

1994, and Proposal WP14-51 in 2012) pointed to regular use of these drainages by residents of Arctic Village (USFWS 1993, 1995). Gustafson (2004), in study of traditional ecological knowledge, discusses the importance and continued use of the Red Sheep Creek Area for sheep hunting. Testimony by Arctic Village residents in 2006, 2007, and 2011 at the Eastern Interior Regional Advisory Council meeting about hunting in the Red Sheep and Cane Creek drainages demonstrates continued hunting in these areas. 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.).

The trip from Arctic Village to Red Sheep Creek is over 100 miles and residents use great effort both physically and economically to hunt sheep in these drainages (Bryant 2011, pers. comm., John 2011, pers. comm., Gilbert 2011, pers. comm., Swaney 2011, pers. comm.). The residents of Arctic Village have repeatedly expressed concerns about non-Federally qualified users hunting sheep in Red Sheep and Cane Creek drainages and have provided testimony and public comment at numerous Council and Federal Subsistence Board meetings to attest to the importance of Red Sheep Creek, to describe their use of the area, and to explain that the presence of non-Federally qualified users has affected their access and reduced their harvest opportunities (EIRAC 2006, 2007, 2011; FSB 1991, 1995, 2006, 2007, and 2011; USFWS 1993, 1995, 1996, 2006, 2007; Swaney 2011, pers. comm.; Gilbert 2011, pers. comm.; John 2011, pers. comm.; and see **Appendix B**).

Among the Gwich'in, there is a story about how Red Sheep Creek was named, which illustrates the link between subsistence and religious practices and beliefs. It also underscores the importance of this area to the residents of Arctic Village. The story relates Red Sheep Creek to the Episcopalian Church, an influential factor in establishing Arctic Village, and sheds some light on why Arctic Village residents consider Red Sheep Creek a revered place (Dinero 2007, 2011, pers. comm.). The story begins with people who were hungry. One day at the church someone spotted caribou moving in the brush. Upon closer inspection people realized they were looking at unusual sheep with red markings, or what many say were crosses on their coats. The next day, 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.). The story of the red sheep links a prestigious subsistence resource to traditional and modern beliefs and practices, and demonstrates the complementary nature of subsistence to place, tradition, culture, and modern beliefs.

Traditionally Arctic Village residents have harvested sheep in early fall (late August or early September) or in early winter (November) (Caulfield 1983; FSB 2007). "Sheep taste best in the fall," as documented in earlier research (USFWS 1994:353, Proposal 54). Residents generally travel to hunt sheep by boat, then by foot from hunting camps in the fall or by snowmachine in late fall, but not in winter given the dangerous terrain and winter weather (USFWS 1993, Proposal 58).

Arctic Village residents have commented that allowing non-Federally qualified users to harvest sheep in Red Sheep Creek and Cane Creek during the time when Arctic Village residents customarily and traditionally harvested sheep (with the exception of November) affects Arctic Village residents' ability to access an important sheep hunting area. Since 1993, Arctic Village residents have noted to the Board that plane traffic and use by non-Federally qualified users have interfered with their ability to successfully hunt sheep in the Red Sheep and Cane Creek drainages. Residents reported that plane fly-overs "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). Gideon James from Arctic Village explained that Red Sheep and Cane Creek are both very narrow valleys, and consequently flights through the area disturb the sheep (FSB 2012:201). These disturbances have continued to

be described by Arctic Refuge staff (Voss 2011, pers. comm.; Matthews 2011, pers. comm.), and local residents (Swaney 2011, pers. comm., John 2011 pers. comm., Gilbert pers. comm.). 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.

While there may be no clear conservation reasons to close Red Sheep and Cane Creek to non-Federally qualified users, from the perspective of Arctic Village residents, there are reasons related to adverse impacts on subsistence users to do so. Arctic Village residents have testified 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 ability to hunt in their traditional hunting area, and impairs their ability to successfully harvest sheep.

### **Other Alternative Considered**

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. The Board considered, but did not adopt, this alternative in 2012 (FSB 2012).

### **Effects of Proposal**

If adopted, this proposal would open the Aug. 10 – Sept. 20 sheep hunting season to non-Federally qualified hunters in Red Sheep and Cane Creek drainages and require all sheep hunters, including Federally qualified users, in these drainage to possess proof of completion of an ADF&G-approved hunter ethics and orientation course, thereby incorporating State regulations (5AAC 93.001(i)) directly into Federal regulations. The State has not developed this course, which makes it difficult to anticipate any effects on subsistence users. Details of the State course are needed prior to adopting any proposal based on such a course.

Adopting this proposal and opening this area to non-Federally qualified users may adversely affect subsistence users' access and ability to harvest sheep in the area and thereby fail to provide a meaningful preference for Federally qualified subsistence users.

If adopted, this proposal would not affect the Dall sheep population in the proposal area. The most recent population surveys indicate good productivity of the sheep population. Allowing sheep hunting by non-Federally qualified users in these drainages is not a conservation concern because non-Federally qualified users would be limited to one full curl ram during the hunting season. A harvest of full curl rams would not be expected to reduce the productivity of the local sheep population.

## OSM PRELIMINARY CONCLUSION

**Oppose** Proposal WP14-51.

### Justification

Section 815(3) of ANILCA authorizes restrictions on the taking of fish and wildlife for nonsubsistence uses on Federal public lands only if necessary for the conservation of healthy populations of fish and wildlife, to continue subsistence uses of such populations, or pursuant to other applicable law. The proposal under consideration addresses the subsistence use clause of Section 815(3), which provided the basis for the Board's action to close the area to non-Federally qualified users in 2012.

While there may be no clear conservation reasons to close Red Sheep and Cane Creek to non-Federally qualified users, there are reasons based on potential adverse effects to subsistence users to do so. Arctic Village residents have testified 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 ability to hunt in their traditional hunting area and impairs their ability to successfully harvest sheep. While the efforts of the proponent to require hunter education and ethics orientation are recognized as good-faith efforts, such efforts do not go far enough to assure that Arctic Village residents have continued opportunity to harvest sheep in the Red Sheep and Cane Creek drainages and to receive the benefits of a subsistence priority.

In addition, adopting this proposal would require Federally qualified subsistence users to take a State-approved hunter ethics and orientation course, which to date has not been developed. However, the State intends to work with the affected users to develop the course.

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**APPENDIX A**  
**POLICY ON CLOSURES TO HUNTING, TRAPPING AND FISHING**  
**ON FEDERAL PUBLIC LANDS AND WATERS IN ALASKA**

**FEDERAL SUBSISTENCE BOARD**

Adopted August 29, 2007

**PURPOSE**

This policy clarifies the internal management of the Federal Subsistence Board (Board) and provides transparency to the public regarding the process for addressing Federal closures (closures) to hunting, trapping, and fishing on Federal public lands and waters in Alaska. It also provides a process for periodic review of regulatory closures. This policy recognizes the unique status of the Regional Advisory Councils and does not diminish their role in any way. This policy is intended only to clarify existing practices under the current statute and regulations; it does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its agencies, officers, or employees, or any other person.

**INTRODUCTION**

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) establishes a priority for the taking of fish and wildlife on Federal public lands and waters for non-wasteful subsistence uses over the taking of fish and wildlife on such lands for other purposes (ANILCA Section 804). 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 Board may also close Federal public lands and waters to any taking of fish and wildlife for reasons of public safety, administration or to assure the continued viability of such population (ANILCA Section 816(b)).

**BOARD AUTHORITIES**

- ANILCA Sections 804, 814, 815(3), and 816.
- 50 CFR Part 100 and 36 CFR Part 242, Section .10(d)(4).

**POLICY**

The decision to close Federal public lands or waters to Federally qualified or non-Federally qualified subsistence users is an important decision that will be made as set forth in Title VIII of ANILCA. The Board will not restrict the taking of fish and wildlife by users on Federal public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife resources, or to continue subsistence uses of those populations, or for public safety or administrative reasons, or “pursuant to other applicable law.” Any individual or organization may propose a closure. Proposed closures of Federal public lands and waters will be analyzed to determine whether such restrictions are necessary to assure conservation of healthy populations of fish and wildlife resources or to provide a meaningful preference for qualified subsistence users. 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.

Like other Board decisions, closure actions are subject to change during the yearly regulatory cycle. In addition, closures will be periodically re-evaluated to determine whether the circumstances necessitating the original closure still exist and warrant continuation of the restriction. When a closure is no longer needed, actions to remove it will be initiated as soon as practicable. The Office of Subsistence Management will maintain a list of all closures.

### **Decision Making**

The Board will:

- Proceed on a case - by - case basis to address each particular situation regarding closures. In those cases for which conservation of healthy populations of fish and wildlife resources allows, the Board will authorize non-wasteful subsistence taking.
- Follow the statutory standard of "customary and traditional uses." Need is not the standard. Established use of one species may not be diminished solely because another species is available. These established uses have both physical and cultural components, and each is protected against all unnecessary regulatory interference.
- Base its actions on substantial evidence contained within the administrative record, and on the best available information; complete certainty is not required.
- Consider the recommendations of the Regional Advisory Councils, with due deference (ANILCA § 805 (c)).
- Consider comments and recommendations from the State of Alaska and the public (ANILCA § 816 (b)).

### **Conditions for Establishing or Retaining Closures**

The Board will adopt closures to hunting, trapping or fishing by non-Federally qualified users or Federally qualified subsistence users when one or more of the following conditions are met:

- Closures are necessary for the conservation of healthy populations of fish and wildlife:
  - a) When a fish or wildlife population is not sufficient to provide for both Federally qualified subsistence users and other users, use by non-Federally qualified users may be reduced or prohibited, or
  - b) When a fish or wildlife population is insufficient to sustain all subsistence uses, the available resources shall be apportioned among subsistence users according to their:

- 1) Customary and direct dependence upon the populations as the mainstay of livelihood,
  - 2) Local residency, and
  - 3) Availability of alternative resources, or
- c) When a fish or wildlife population is insufficient to sustain any use, all uses must be prohibited.
- Closures are necessary to ensure the continuation of subsistence uses by Federally qualified subsistence users.
  - Closures are necessary for public safety.
  - Closures are necessary for administrative reasons.
  - Closures are necessary “pursuant to other applicable law.”

### **Considerations in Deciding on Closures**

When acting upon proposals recommending closure of Federal public lands and waters to hunting, trapping, or fishing, the Board may take the following into consideration to the extent feasible:

- The biological history (data set) of the fish stock or wildlife population.
- The extent of affected lands and waters necessary to accomplish the objective of the closure.
- The current status and trend of the fish stock or wildlife population in question.
- The current and historical subsistence and non-subsistence harvest, including descriptions of harvest amounts, effort levels, user groups, and success levels.
- Pertinent traditional ecological knowledge.
- Information provided by the affected Regional Advisory Councils and Alaska Department of Fish and Game.
- Relevant State and Federal management plans and their level of success as well as any relationship to other Federal or State laws or programs.
- Other Federal and State regulatory options that would conserve healthy populations and provide a meaningful preference for subsistence, but would be less restrictive than closures.

- The potential adverse and beneficial impacts of any proposed closure on affected fish and wildlife populations and uses of lands and waters both inside and outside the closed area.
- Other issues that influence the effectiveness and impact of any closure.

**Reviews of Closures**

A closure should be removed as soon as practicable when conditions that originally justified the closure have changed to such an extent that the closure is no longer necessary. A Regional Council, a State or Federal agency, or a member of the public may submit, during the normal proposal period, a proposal requesting the opening or closing of an area. A closure may also be implemented, adjusted, or lifted based on a Special Action request according to the criteria in 50 CFR 100.19 and 36 CFR 242.19.

To ensure that closures do not remain in place longer than necessary, all future closures will be reviewed by the Federal Subsistence Board no more than three years from the establishment of the closure and at least every three years thereafter. Existing closures in place at the time this policy is implemented will be reviewed on a three-year rotational schedule, with at least one - third of the closures reviewed each year.

Closure reviews will consist of a written summary of the history and original justification for the closure and a current evaluation of the relevant considerations listed above. Except in some situations which may require immediate action through the Special Action process, closure review analyses will be presented to the affected Regional Council(s) during the normal regulatory proposal process in the form of proposals to retain, modify or rescind individual closures.

*/S/ Mike R. Fleagle*

  
Chair, Federal Subsistence Board

*/S/ Thomas O. Melius*

  
Board Member, U.S. Fish and Wildlife Service

*/S/ Niles Cesar*

  
Board Member, Bureau of Indian Affairs

*/S/ Denny Bschor*

  
Board Member, U.S. Forest Service

*/S/ Marcia Blaszak*

  
Board Member, National Park Service

*/S/ T. P. Lonnie*

  
Board Member, Bureau of Land Management

## APPENDIX B 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.

2012 — In the motion to close the Red Sheep and Cane Creek drainages, Federal Subsistence Board member Geoff Haskett noted the following: “The Arctic National Wildlife Refuge supports the closure of Red Sheep and Cane Creek drainages in the Arctic Village Sheep Management Area of Unit 25A to non-Federally qualified users during the August 10th, September 20th season to ensure the continuation of traditional subsistence uses of sheep by Arctic Village hunters. Pressure from non-local hunting is affecting the use of and access to traditional prime sheep hunting areas and camp area. These areas have a long history of cultural and subsistence use and are important to residents of Arctic Village. This is clearly evidenced by the number and location of Native allotments, cultural sites and ethnographic studies documenting a long, rich history in this area. They [Arctic Refuge staff] go on to say the user conflict in these drainages is both perceived and real. Arctic Village sheep hunting is carried out in these drainages when other resources, caribou, moose and sheep, are not readily available closer to the community. The hunt is very costly and difficult logistically, therefore the village generally pools its resources to support only their best hunters. To return unsuccessful posed financial hardship on families and the communities. Hunters have stated they’ve turned around because non- local hunters were present on or near the prime area for camping and sheep hunting and the low flying aircraft activity in the drainages has resulted in displacement of sheep to higher elevations and to more distant locations. Complaints of displacement of Arctic Village hunters in this area have been recurring and are a major topic of discussion at annual Refuge/village informational meetings since these drainages were reopened to local – non-local hunters in 2006 and my Refuge folks are telling me this has been a major point of discussion and just a major concern for the...five years since then, . . .(FSB 2012:226-227).” The Board subsequently voted to close the drainages to non-Federally qualified users.

**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.

## WRITTEN PUBLIC COMMENTS

**Oppose Proposal WP14-51: Not-support.** As a RAC member we met in this area and dealt with sheep in this area over and over again. The current regulations are good and have sound reasoning with years of discussions with the people of this area. The people of Arctic Village depend on this resource and the state fails to listen to their testimony.

*Donald Woodruff, Eagle*

<b>WP14-52 Executive Summary</b>	
<b>General Description</b>	Proposal WP14-52 requests that the requirement for a State registration permit to harvest brown bears in Unit 26A be eliminated. <i>Submitted by the North Slope Subsistence Regional Advisory Council</i>
<b>Proposed Regulation</b>	<p><b>Unit 26A—Brown Bear</b></p> <p><i>Unit 26A—1 bear by State registration permit only July 1–June 30</i></p> <p><del>26(n)(26)(iii) You may hunt brown bear in Unit 26A by State registration permit in lieu of a resident tag if you have a State registration permit prior to hunting. You may not use aircraft in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bear, or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.</del></p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b> Proposal WP14-52 <b>with modification</b> to insert the word “subsistence” and to clarify the permit requirements.
<b>North Slope Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>None</b>

**DRAFT STAFF ANALYSIS  
WP14-52**

**ISSUES**

Proposal WP14-52, submitted by the North Slope Subsistence Regional Advisory Council, requests that the requirement for a State registration permit to harvest brown bears in Unit 26A be eliminated.

**DISCUSSION**

The proponent requests eliminating the requirement for a State registration permit to harvest brown bears in Unit 26A in order to align State and Federal regulations. Additionally, the proponent states that removing the permit requirement would ease confusion about hunting regulations for communities that hunt on Federal lands in the unit, allowing for more opportunistic harvest without having to possess a State permit for such harvest.

Note: Removal of the State registration permit requirement for subsistence harvest of brown bears in Unit 26A would cause Federal and State regulations to become misaligned as harvest under State subsistence regulations requires the use of a State registration permit.

**Existing Federal Regulation**

**Unit 26A—Brown Bear**

*Unit 26A—1 bear by State registration permit only*

*July 1–June 30*

*\_\_\_.26(n)(26)(iii) You may hunt brown bear in Unit 26A by State registration permit in lieu of a resident tag if you have a State registration permit prior to hunting. You may not use aircraft in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bear, or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.*

**Proposed Federal Regulation**

**Unit 26A—Brown Bear**

*Unit 26A—1 bear by State registration permit only*

*July 1–June 30*

~~26(n)(26)(iii) You may hunt brown bear in Unit 26A by State registration permit in lieu of a resident tag if you have a State registration permit prior to hunting. You may not use aircraft in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bear, or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.~~

**Existing State Regulation**

**Unit 26A—Brown Bear**

*Residents and Nonresidents – one bear every regulatory year*

*No closed season*

The following information compares the requirements of subsistence versus general State regulations:\*

<b>Subsistence hunting</b>	<b>General hunting</b>
<ul style="list-style-type: none"> <li>▪ <i>Meat must be salvaged for human consumption</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Meat need not be salvaged</i></li> </ul>
<ul style="list-style-type: none"> <li>▪ <i>No tag required but you must register to hunt</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>See units for seasons</i></li> </ul>
<ul style="list-style-type: none"> <li>▪ <i>Hide and skull need not be sealed unless removed from subsistence area or presented for commercial tanning; if sealing is required, it must be completed by an authorized sealing agent; at the time of sealing, the skin of the head and front claws are removed and kept by ADF&amp;G.</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ <i>Hide and skull must be sealed by an authorized sealing agent statewide</i></li> </ul>
<ul style="list-style-type: none"> <li>▪ <i>No use of aircraft for subsistence hunting in Units 21D, 22, 23, 24, and 26A. See units for season dates.</i></li> </ul>	

\*From page 28 of the 2013 – 2014 Alaska Hunting Regulations

**Extent of Federal Public Lands**

Approximately 73% of the lands in Unit 26A are comprised of Federal public lands consisting of 66% Bureau of Land Management (BLM) managed lands, 6.6% National Park Service (NPS) managed lands, and 0.1% U.S. Fish and Wildlife Service (USFWS) managed lands.

## **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 use determination for brown bear in Unit 26A.

## **Regulatory History**

At its April 1992 meeting, the Federal Subsistence Board (Board) adopted regulation mirroring the State's regulations with regard to the use of subsistence registration permits for brown bear in Unit 26A. The Alaska Board of Game established two brown bear management areas in the state, one in western Alaska and one in northwestern Alaska, which included Unit 26A (FSB 1992). These were areas of the state where the use of brown bears for human consumption had been found to occur at significant levels. Regulations adopted by the State provided subsistence users a liberalized harvest limit of one bear per year, an extended season and elimination of the resident brown bear tag requirement. All edible meat was required to be salvaged. Sealing requirements were eliminated if the skin and skull of a harvested bear were not taken from the designated hunt area. An additional prohibition precluding the use of aircraft to hunt or take brown bears under subsistence regulations was also adopted for the northwestern bear hunting area.

In 2007, the Board adopted Proposal WP07-60 requested the Federal brown bear harvest season in Unit 26A be changed from Sept. 1 –May 31 to July 1 – May 31, which aligned the State and Federal regulations. In 2012, the Board adopted a similar Proposal WP12-82 requested an extension to allow for a year-round hunt from July 1 to June 30, again aligning State and Federal regulations. The State subsistence registration permit requirement was retained in each case to allow managers to track and monitor harvests and prevent future conservation concerns.

## **Biological Background**

Brown bear populations that were reduced during the 1960s by guided sport hunting are slowly increasing or are stable (Carroll 2011). The highest densities of brown bears occur in the foothills of the Brooks Range and lowest in the northern portion of Unit 26A (Carroll 2011).

State management goals and objectives for brown bear are as follows (Carroll 2011):

- Maintain the existing grizzly bear population.
- Maintain a grizzly bear population of approximately 800 bears or greater.
- Monitor the harvest rate of grizzly bears.
- Minimize adverse interactions between grizzly bears and the public.

In the late 1980s, Reynolds (1989) estimated the brown bear population in Unit 26A to be between 900 and 1,120. No current estimates of the sex ratio, composition, or productivity have been conducted since the early studies conducted by Reynolds in the 1980s and Carroll in 1995. The Alaska Department of Fish and Game (ADF&G) conducted periodic surveys to assess the density of brown bears in Unit 26A in the early 1990s and 2000s (Carroll 2011). In 1992, the estimated density from a survey conducted in the western foothills of the Utukok and Kokolik river drainages was 29.5 bears/1,000 km<sup>2</sup>. The density estimate from surveys conducted in 2000, 2001, and 2003 between 1,500 and 4,000 ft. elevation in the eastern portion of Unit 26A, Unit 26B, and western portion of Unit 26C was 18.3 bears/1,000 km<sup>2</sup>. Carroll (1995) estimated densities in Unit 26A were 0.25–2 bears/1,000 km<sup>2</sup> in the coastal plain, 10–30 bears/1,000 km<sup>2</sup> in the foothills, and 10–20 bears/1,000 km<sup>2</sup> in the mountains (Carroll 1995). The 1995 population estimate, using the mid-range of these density estimates, was 81 in the coastal plain, 666 bears

in the foothills, 260 bears in the mountains and a total of 1,007 bears in Unit 26A (Carroll 1995). Recent reports by pilot and hunters and increased number of reported bear encounters on the coastal plain suggest that bears have probably increased in all these areas in Unit 26A (Carroll 2011).

### Harvest History

An average of 23 bears, which includes estimates of unreported harvest, were taken per regulatory year in Unit 26A between 2000–2001 and 2010–2011 (**Table 1**). The sex ratio of the harvest from 2000 to 2010 is approximately 2:1 (M:F) (**Table 1**). In the past, unreported harvest and noncompliance with the bear hunting regulations was related to bears causing damage to remote cabins and other bear/human conflicts (Carroll 2011). To accommodate rural hunting practices and because the sealing certificate system was not proven effective to determine the actual harvest, the hunting season is now year round. In addition, waivers for tag fees were established and the requirement for resident tags was eliminated.(Carroll 2007, Carroll 2011). The estimated number of harvested bears that are not reported was determined by comparing data from the North Slope Borough and other community-based harvest assessments with the number of known bears that have been harvested. Even with the documented levels of under-reporting, the total harvest is well below the estimated allowable sustained yield of 51 bears for Unit 26A(Carroll 2011).

**Table 1.** Brown Bear harvest in Unit 26A from 2000-2011 (Carroll 2011, 2013; OSM 2013).

Year	Male	Female	Estimate of Unreported Harvest	Estimated Total
2000/2001	14	4	6-12	24-30
2001/2002	10	3	6-12	19-25
2002/2003	10	4	6-12	20-26
2003/2004	12	4	6-12	22-28
2004/2005	11	4	6-12	21-27
2005/2006	2	0	6-12	8-14
2006/2007	9	4	6-12	18-25
2007/2008	6	3	6-12	15-21
2008/2009	14	6	6-12	26-32
2009/2010	13	6	6-12	24-30
2010/2011	10	2	6-12	18-24

### Other Alternative Considered

An alternative considered was to replace the State subsistence registration permit with a Federal registration permit as a way to track bear harvest to prevent conservation concerns from overharvest.

However, this would require some hunters to have both a State and Federal permit, depending upon the land status of the area in which they are hunting. Such a requirement would only serve to add more regulatory complexity for Federally qualified users, which goes against the intent of the proponent and therefore was not given further consideration.

### **Effects of the Proposal**

If the proposal is adopted it would not provide for a brown bear harvest reporting mechanism in Unit 26A. Eliminating the requirement for a State subsistence registration permit for Federally qualified subsistence users would effectively eliminate the ability of either State or Federal wildlife managers to track the harvest of brown bears. Maintaining a reporting requirement is an important tool for documenting population trends and helps ensure the long-term conservation of bears in the region. In addition, removal of the State registration permit would result in misalignment of State and Federal regulations, adding to regulatory complexity.

Currently, the bear population in Unit 26A appears to be stable to increasing. However, eliminating the State subsistence registration permit requirement could potentially result in increased harvest because hunters would no longer be required to report whether or not they were successful. In addition, village residents who have indicated difficulty in obtaining permits in the past, would not be compelled to contact State personnel to report their harvest if permits were not required. Currently there is no sealing requirement for bear hides or skulls that stay within Unit 26A. If the permit requirement were dropped, there would be no way to track Federal subsistence brown bear harvest. Without these data there would be no way to track the number of bears harvested, or population trends.

### **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP14-52 **with modification** to insert the word “subsistence” and to clarify the permit requirements.

The modified regulation should read:

#### **Unit 26A—Brown Bear**

*Unit 26A—1 bear by State **subsistence** registration permit only*

*July 1–June 30*

*~~\_\_26(n)(23)(iii) You may hunt brown bear in Unit 26A by State registration permit in lieu of a resident tag if you have obtained a State registration permit prior to hunting. Aircraft may not be used in any manner for brown bear hunting, under authority of a brown bear State registration permit, including transportation of hunters, bear, or parts of bear. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.~~*

## **Justification**

Maintaining a harvest reporting mechanism is essential to the sound management of brown bears in Unit 26A. The State subsistence registration permit requirement provides both State and Federal wildlife managers with valuable harvest and population trend information necessary to properly manage brown bears. Currently, there is no practical alternative to the State registration permit for monitoring brown bear harvest, hunter success or population trends as a separate Federal permit would only add regulatory complexity for the user. State Permits can be obtained relatively easily by calling the local ADF&G biologist in Barrow who will mail them out to villages if vendors are not available.

Under current regulations, qualified rural residents have two options when hunting brown bear on Federal lands in Alaska. They can harvest an animal under the State's general harvest regulations, which does not require a registration permit, but does require sealing of the hide and skull, or they can hunt under State/Federal subsistence regulations, which require a State subsistence registration permit and salvage of all edible meat. Under this option, sealing is only required if the animal is removed from the unit.

Clarification of registration permit requirements is needed given past regulatory history. The proponent states that removal of the permit requirement is needed to align State and Federal brown bear populations, but this is not the case. A State subsistence registration permit has been required for Federally qualified users hunting under subsistence regulations since the early 1990s. Removal of the permit requirement would result in misalignment of State and Federal regulations, not the other way around. Previous language under special provisions for brown bear in Unit 26A made it appear as if subsistence hunters could use either a general hunting tag or a registration permit for subsistence harvest of brown bear when only the latter option is legal for those interested in hunting brown bear for food without the need for sealing.

Amending the language under the special provisions section for Unit 23 brown bear hunting to more accurately reflect the requirement for hunters to have a State subsistence registration permit will clarify regulations as it pertains to the subsistence harvest of brown bears. As it reads now, the use of the phrase "you may hunt brown bear by State registration permit in lieu of a resident tag in Unit 26A if you have a State registration permit prior to hunting" gives the appearance that use of a State registration permit for subsistence hunting of brown bears is optional for subsistence harvest of brown bear when in fact it is not and never has been since the regulation was adopted by the Federal Subsistence Board in 1992.

Eliminating the requirement for a State subsistence registration permit would result in Federally qualified users only being able to hunt brown bears in Unit 26A under the State's general brown bear hunting regulations, which would require the hide and skull to be sealed. Such a requirement would add an unwanted reporting burden on Federally qualified users, which goes against the intent of the proponent.

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<b>WP14-53 Executive Summary</b>	
<b>General Description</b>	Proposal WP14-53 requests that the boundary for Unit 26A – that portion west of 156°00' W longitude and excluding the Colville River drainage, be changed. The proponent requests changing the longitude from 156°00'W to 155°00'W longitude to allow for moose hunting in the Alaktak and Chipp river drainages. <i>Submitted by North Slope Subsistence Regional Advisory Council,</i>
<b>Proposed Regulation</b>	<p><b>Unit 26A—Moose</b></p> <p><i>Unit 26A—that portion west of <del>156°00'W Long.</del> July 1–Sept. 14 155°00'W Long. and excluding the Colville River Drainage—1 moose, however, you may not take a calf or a cow accompanied by a calf.</i></p> <p><i>Unit 26A, remainder—1 bull Aug. 1–Sept. 14</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>North Slope Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>None</b>

**DRAFT STAFF ANALYSIS  
WP14-53**

**ISSUES**

Proposal WP14-53, submitted by North Slope Subsistence Regional Advisory Council (Council), requests that the boundary for Unit 26A – that portion west of 156°00' W longitude and excluding the Colville River drainage, be changed. The proponent requests changing the longitude from 156°00'W to 155°00'W longitude to allow for moose hunting in the Alaktak and Chipp river drainages (**Map 1**).

**DISCUSSION**

The proponent would like to move the boundary east from to 156°00'W longitude to 155°00' W longitude allow for a moose hunt in the Alaktak and Chipp river drainages, which are outside of the current regulatory boundaries. The proponent states that approximately 40 people from Barrow are familiar with and have camps along the Chipp River area that can be accessed by boat. Opening a moose hunt along the Alaktak and Chipp rivers would reduce the expense, time, and distance that hunters currently have to travel to harvest moose.

**Existing Federal Regulation**

**Unit 26A—Moose**

<i>Unit 26A—that portion west of 156°00'W Long. and excluding the Colville River Drainage—1 moose, however, you may not take a calf or a cow accompanied by a calf.</i>	<i>July 1–Sept. 14</i>
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<i>Unit 26A, remainder—1 bull</i>	<i>Aug. 1–Sept 14</i>
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**Proposed Federal Regulation**

**Unit 26A—Moose**

<i>Unit 26A—that portion west of <del>156°00'W Long.</del> <b>155°00'W Long.</b> and excluding the Colville River Drainage—1 moose, however, you may not take a calf or a cow accompanied by a calf.</i>	<i>July 1–Sept. 14</i>
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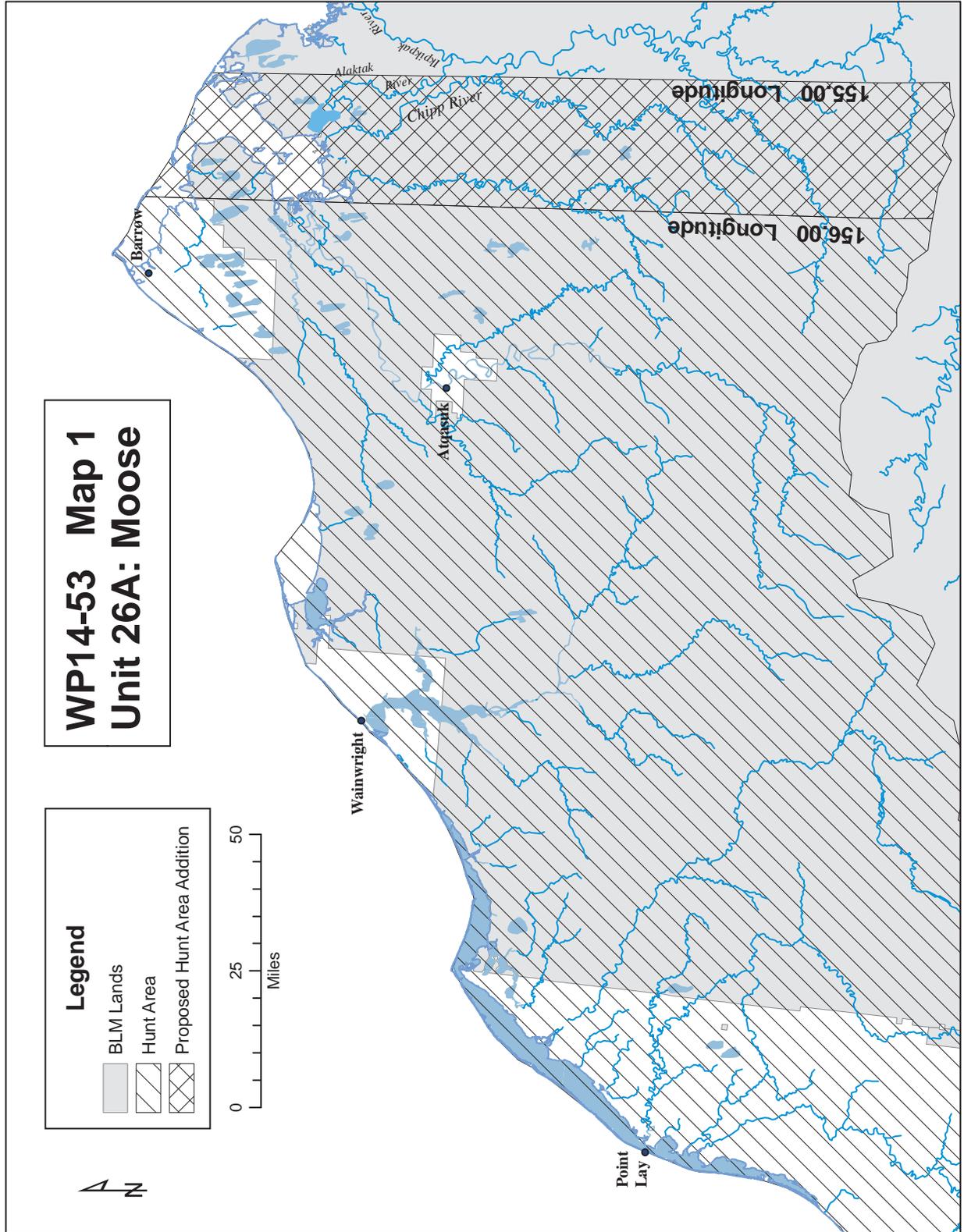
<i>Unit 26A, remainder—1 bull</i>	<i>Aug. 1–Sept. 14</i>
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**Existing State Regulation**

*Unit 26A—Moose*

<i>26A west of 156°00'W. longitude excluding the Colville River drainage</i>	<i>Resident Hunters: One Moose however, a person may not take a calf or a cow accompanied by a calf</i>	<i>HT</i>	<i>July 1–Sept. 14</i>
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<i>Nonresident Hunters</i>	<i>No open season</i>
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*26A remainder**Resident Hunters: One bull HT**Aug. 1–Sept. 14***Extent of Federal Public Lands**

Approximately 73% of the lands in Unit 26A are comprised of Federal public lands consisting of 66% Bureau of Land Management (BLM) managed lands, 6.6% National Park Service (NPS) managed lands, and 0.1% U.S. Fish and Wildlife Service (USFWS) managed lands (See **Unit 26 Map**). All of the lands that the proponent proposes to open to moose hunting are managed by the BLM.

**Customary and Traditional Use Determinations**

Residents of Unit 26 (except the Prudhoe Bay–Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope have a positive customary and traditional use determination for moose in Unit 26.

**Regulatory History**

In 1996, the Federal Subsistence Board (Board) adopted regulatory proposal P96-66 that closed moose hunting on all Federal public lands in Unit 26A except in that portion of the Colville River drainage downstream from the mouth of the Anaktuvuk River due to population declines (FWS 1996). At that time, the only segment of the population that was considered stable was the small population of moose downstream from the mouth of Anaktuvuk River. That area remained open only to Federally qualified subsistence users from Aug. 1–Aug. 31, and the harvest was limited to 1 moose per hunter, as long as it was not a cow accompanied by a calf. The Board's justification for adopting the closure to non-Federally qualified users to harvest moose was to address conservation concerns.

In 2002, the Board adopted Proposal WP02-45 that expanded the Federal subsistence moose harvest area in Unit 26A from that portion of the Colville River drainage downstream from the mouth of the Anaktuvuk River to that portion of the Colville River drainage downstream from and including the Chandler River and also extended the season by two weeks, from Aug. 1–Aug. 31 to Aug. 1–Sept. 14. The Board's decision in 2002 was based on: population increases since 1998, especially in the core areas of the Colville River drainage; to spread out the harvest pressure to other areas with higher moose density; align State and Federal regulations; and to provide additional subsistence hunting opportunity later in the fall when the temperatures are colder, which could reduce the chance of meat spoilage.

In 2004, the Board adopted Proposal WP04-85 which established the eastern boundary of the proposed harvest area in Unit 26A to 156°00'W longitude to match the new State regulation and also aligned the season and harvest limits with those made by the State Board of Game. In 2005, the Office of Subsistence Management conducted closure review WCR05-23 and recommended that the closure of that portion of the Colville River drainage downstream from and including the Chandler River to non-Federally qualified moose hunters should continue to remain in effect. However, when WCR05-23 was discussed during the North Slope Regional Advisory Council's (Council) fall 2005 meeting (NSSRAC 2005), new winter moose census information provided by the ADF&G suggested the closure was no longer necessary since the moose population had reached at least 1,000 animals. Although the Council recommended maintaining the closure for non-subsistence uses, the new information indicated such a closure may no longer be needed to conserve a healthy moose population.

In May 2006, the Board adopted Proposal WP06-66 (FWS 2006), which resulted in reopening remaining Federal public lands on that portion of the Colville River drainage downstream from and including the Chandler River to hunting by all Alaska residents.

## Biological Background

Prior to the 1950s, moose were scarce along the North Slope. Subsequently, populations expanded along the limited riparian habitat of the major drainages (LeResche et al. 1974) and have become well established in Unit 26A. The northern extent of the moose populations on the North Slope is thought to be limited by habitat availability. The moose in these areas tend to concentrate along riparian corridors where browse is most abundant. Nearly all the moose are confined to the riparian habitat along the large river corridors during the winter but during summer many of the moose disperse north across the coastal plain and south into the foothills of the Brooks Range.

State management goals for moose in Units 26A are to maintain viable populations throughout their historic range in the region, provide sustained moose harvest opportunity, and to provide opportunity for moose photography and viewing (Carroll 2010). Specific State management objectives for Unit 26A are as follows (Carroll 2010).

- Allow for the recovery of the Unit 26A moose population and maintain a population of over 1,000, with a bull:cow ratio greater than 30:100.
- Maintain a moose population at a level that can sustain subsistence and general hunt needs.

Since the late 1970s, ADF&G has conducted late-winter aerial surveys (1977, 1984, 1991, 1995, 1999, 2002, 2005, 2008, 2011) in all the major drainages of Unit 26A to assess population status and recruitment of short yearlings (10 to 11 months old) (Carroll 2000, Carroll 2010). The moose population reached a high of 1,535 in 1991 and then declined to a low of 326 in 1999, increased again to 1,180 in 2008 (Carroll 2010) and declined to 609 in 2011 (**Table 1**). It should be noted that all the population counts included the Itkillik River, which is part of the Colville River drainage, but is in Unit 26B (Carroll 2010). For example, in 2008, 64 moose, including 4 calves were counted in the Itkillik River (Carroll 2010).

The declines in the population counts from 2008 – 2011 were a result of high adult mortality and poor calf survival which appeared to be the result of a combination of factors such as malnourishment, bacterial diseases, mineral deficiencies, predation by grizzly bears and wolves, severe winter weather, and competition with snowshoe hares (snowshoe hares eating willow bark) (Carroll 1998). Density dependent factors such as over-browsing when populations were high, likely contributed to the following declines (Carroll 2008).

In addition to population counts in Unit 26A (**Table 1**), trend area counts have been conducted yearly (except for 1982) along the Anaktuvuk River from the mouth to Sivugak Bluff, the Chandlar River from the mouth to Table Top Mountain, and the Colville River between the mouths of Anaktuvuk and Killik Rivers from 1974 – 2007. The trend area counts indicated that moose population reached a low in 1996 of 152 and slowly began to recover due to increased adult and calf survival rates to 610 in 2007. The trend area count declined from 559 in 2008 and to 293 in 2012. Based on information from radio telemetry studies the population began to recover in 1996 due to decline in the adult mortality rates to about 7% and an increase in calf survival. Estimates of recruitment of short yearlings into the population ranged from 17% to 26% between 1997 and 2007. Even though the population counts increased slightly from 2005 to 2008, data from the trend counts from 2008 to 2009 indicate that the population declined substantially in 2009. In 2008, the biologists counted 559 moose within the trend count area, including 475 adults and 84 short yearlings (15% recruitment rate) and in 2009 the total dropped to 356 adults, including only 8 calves (2% recruitment rate) (Carroll 2010). In 2010, the population declined to 265 and is currently stable at low numbers (2011 – 282, 2012 – 293, Carroll 2013, pers. com.). Based on trend counts, the decline that started in 1991 lasted five years and the decline that started in 2007 lasted 3 years.

**Table 1.** Moose observed during aerial censuses conducted in the Unit 26A (Carroll 2010, OSM 2013).

Year	Moose observed			% Calves
	Adults	Calves	Total <sup>a</sup>	
1970	911	308	1219	25
1977	991	267	1258	21
1984	1145	302	1447	21
1991	1231	304	1535	20
1995	746	11	757	1
1999	274	52	326	16
2002	502	74	576	13
2005	863	185	1048	18
2008	1023	157	1180	13
2011 <sup>b</sup>	545	64	609	10

<sup>a</sup> Includes moose counted on the Ikkillik River which is part of the Colville River drainage, but is in Unit 26B. In 2008, there were 64 moose, including 4 calves on the Ikkillik River. (Carroll 2010).

<sup>b</sup> Information provided by Geoff Carroll (pers. comm. 2013)

At the winter 2013 North Slope Council meeting (NSSRAC 2013) Geoff Carroll, biologist with Alaska Department of Fish and Game (ADF&G), stated that the moose population was low and that this proposal would probably not get a lot of support from the State biologist. Mr. Carroll also mentioned that the Chipp River has a small struggling moose population and is one of the reasons why the moose harvest is restricted to one bull east of the boundary line at 156°00'W longitude in Unit 26A (NSSRAC 2013).

### Habitat

Moose in Unit 26, which are on the extreme edge of their distribution, are limited by marginal habitat and thus are more vulnerable to environmental variations than populations in more optimal locations and habitat. During the winter the moose in this area are confined to the riparian areas on the coastal plain. During the summer a majority of them will disperse from the river bottoms but usually remain near riparian habitat and during the fall, when the snow begins to accumulate, they move back to the riparian corridors of the large river systems (Carroll 2010).

A habitat study was initiated in April 2008 on the Colville River in areas where moose browsed between the mouth of the Killik River and Umiat to determine the quantity of browse available to moose in the riparian area in the winter. Results indicated a 12% browse removal rate, which was similar to other areas in the State which have moderate browsing and twinning rates. Thus it appears that the poor survival rate of collared animals, low weights of the short-yearlings, and apparent starvation of several moose during the 2008 capture season was not related to the quantity of browse in Unit 26A (Carroll 2010). Quantity and availability (willows covered up by snow drifts), accessibility (effects of deep snow on access), and increased tannins in the willows (in response to snowshoe hares eating the bark) are factors which could

contribute to malnourishment seen in some of the moose. In 2009, samples were taken to assess the quality of the browse but the results are not currently available (Carroll 2010).

### **Harvest History**

Moose harvest in all of Unit 26A averaged 57 per year until 1995, which was several years after the peak estimated abundance of the moose population in 1991 (**Table 1, Table 2**). Although the moose trend counts began to decline in 1992, the harvest remained at the higher levels for several years (Carroll 2010). In 1995, when more restrictive regulations were implemented, the harvest dropped to 14 and then remained low between 1996 and 2004 at an average of 4 per year. One of the most important changes affecting harvest levels in this area was the ban on the use of aircraft from 1996 to 2005. In the fall of 2005, in response to an increasing moose population, the Alaska Board of Game liberalized some of the regulations in Unit 26A including the limited use of aircraft during moose hunts. Between 2005 and 2010 the average harvest was 10 moose per year.

Geoff Carroll expressed concern, at the winter 2013 North Slope Advisory Council meeting, about the current decline in the moose population and small population in the Chipp River drainage but also mentioned that the additional harvest of one or two moose would probably not have a population-level effect (NSSRAC 2013). However, the basis for the original decision to limit the hunt to one bull west of 156°00'W longitude was to protect the very small population of moose that occur in the Chipp River drainage (NSSRAC 2013).

### **Effects of the Proposal**

If this proposal is adopted it would change the hunt area boundary of Unit 26A—that portion west of 156°00'W Long. and excluding the Colville River Drainage and the boundary of Unit 26A remainder from 156°00'W longitude to 155°00' W longitude. Changing the boundary from 156°00'W to 155°00'W would add approximately 3065 mi<sup>2</sup> to Unit 26A and decrease the area available to Federally qualified subsistence users in Unit 26A remainder by the same amount. Additionally, if this proposal is adopted, it is expected that up to 40 people from Barrow, which use the Chipp River area, could potentially benefit from the change in the eastern boundary. Having the Chipp River included in the hunt area would allow hunters to take any moose except a calf or a cow accompanied by a calf from July 1 – Sept 14, when they are at traditional hunting and fishing areas on the Chipp and Alaaktak river drainages.

Increasing the harvest season by a month and allowing the take of any moose versus just a bull moose is likely to increase the moose harvest in Alaaktak and Chipp river drainages. An increase of the harvest could slow the recovery of the moose population that inhabits the Chipp River drainage. Due to the small population in the Chipp and Alaktak River drainage and the current decline in the population, the harvest of even a few moose from the Alaktak and Chipp River drainage could have a significant impact on the moose population in these two drainages. Allowing the take of cows is likely to cause the population to continue to decline or slow the recovery of moose that occur in the Chipp and Alaktak drainages. If this proposal is adopted, Federal and State regulations will be out of alignment, adding to the regulatory complexity for Federally qualified subsistence users.

**Table 2.** Moose harvest in Unit 26A from 1985-2011 (Carroll 2010, OSM 2013).

Year	Male	Female	Total
1985/1986	50	15	65
1986/1987	46	6	52
1987/1988	49	13	62
1988/1989	51	6	57
1989/1990	41	3	44
1990/1991	60	4	64
1991/1992 <sup>a</sup>	59	8	67
1992/1993	52	8	60
1993/1994	53	8	61
1994/1995	36	4	40
1995/1996 <sup>b</sup>	14	0	14
1996/1997	0	0	0
1997/1998	2	0	2
1998/1999	5	0	5
1999/2000 <sup>c</sup>	2	0	2
2000/2001	0	0	0
2001/2002	4	0	4
2002/2003	11	0	11
2003/2004	5	0	5
2004/2005	4	1	5
2005/2006	9	2	11
2006/2007	8	3	11
2007/2008	11	1	12
2008/2009	12	0	12
2009/2010	10	9	1
2010/2011	12	0	0

<sup>a</sup> Moose population at a high of 1,535

<sup>b</sup> Restrictive regulations implemented

<sup>c</sup> Moose population at a low of 326

## OSM PRELIMINARY CONCLUSION

**Oppose** Proposal WP14-53.

### Justification

Expanding the hunt area from 156°00'W to 155°00'W, lengthening the harvest season, and allowing the harvest of cows without a calf is likely to have a significant adverse impact on the relatively small number of moose that occur in the Chipp and Alaktak drainage of Unit 26A, excluding the Colville River drainage and also contribute to the continued decline of the moose population in Unit 26A. The current moose population in Unit 26A is low and thus expansion of the hunt area in Unit 26A is not recommended due to conservation concerns which is consistent with sound management principles for conservation of a healthy moose population.

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OSM. 2013. Harvest database. Office of Subsistence Management, FWS. Anchorage, AK.

<b>WP14-54 Executive Summary</b>	
<b>General Description</b>	Proposal WP14-54 requests that the moose season in Unit 26B remainder and Unit 26C be extended from July 1 to March 31 to July 1 to June 30, the harvest restrictions for Unit 26C (number, sex) be removed, and the harvest limit be increased from 3 moose to 5 moose. <i>Submitted by North Slope Regional Advisory Council.</i>
<b>Proposed Regulation</b>	<p><b>Unit 26B, remainder and 26C—Moose</b></p> <p><i>Units 26B, remainder and 26C—1 moose <del>July 1–Mar. 31</del> <b>June 30</b> by Federal registration permit by residents of Kaktovik only. The harvest quota is <b>35</b> moose (2 antlered bulls and 1 of either sex,) provided that no more than 2 antlered bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. You may not take a cow accompanied by a calf in Unit 26B. Only <b>35</b> Federal registration permits will be issued.</i></p> <p><i>Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b> Proposal WP14-54 <b>with modification</b> to only allow for the extension of the harvest season from July 1 to March 31 to July 1 to June 30.
<b>North Slope Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP14-54

### ISSUES

Proposal WP14-54, submitted by North Slope Regional Advisory Council (Council), requests that the moose season in Unit 26B remainder and Unit 26C be extended from July 1 to March 31 to July 1 to June 30, the harvest restrictions for Unit 26C (number, sex) be removed, and the harvest limit be increased from 3 moose to 5 moose.

### DISCUSSION

The proponent would like to increase the harvest limit from 3 to 5 moose in Unit 26 C (**Map 1**) and Unit 26B remainder (**Map 2**) to allow subsistence hunters opportunity to harvest more moose. Given the expense and long distances required to find and harvest a moose, the current moose season and harvest limit of 3 moose is considered very restrictive and provides little meat for the community of Kaktovik. The proponent states that increasing the harvest from 3–5 moose should not impact the moose population, would help feed more families and would provide diversity from marine mammals in their annual diet. The proponent requests full consideration of the subsistence needs of the community and an investigation into historic harvest levels prior to the implementation of any subsistence restrictions.

In addition, the proponent requests that the moose season be extended to year-round hunt to allow the hunters the flexibility to hunt when the weather and travel conditions are suitable and safe. In recent years Kaktovik residents have encountered severe winter weather and storms which have prevented hunters from being able to hunt safely in March.

### Existing Federal Regulation

#### **Unit 26B remainder and 26C—Moose**

*Units 26B, remainder and 26C—1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is 3 moose (2 antlered bulls and 1 of either sex,) provided that no more than 2 antlered bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. You may not take a cow accompanied by a calf in Unit 26B. Only 3 Federal registration permits will be issued.*

*July 1–Mar. 31*

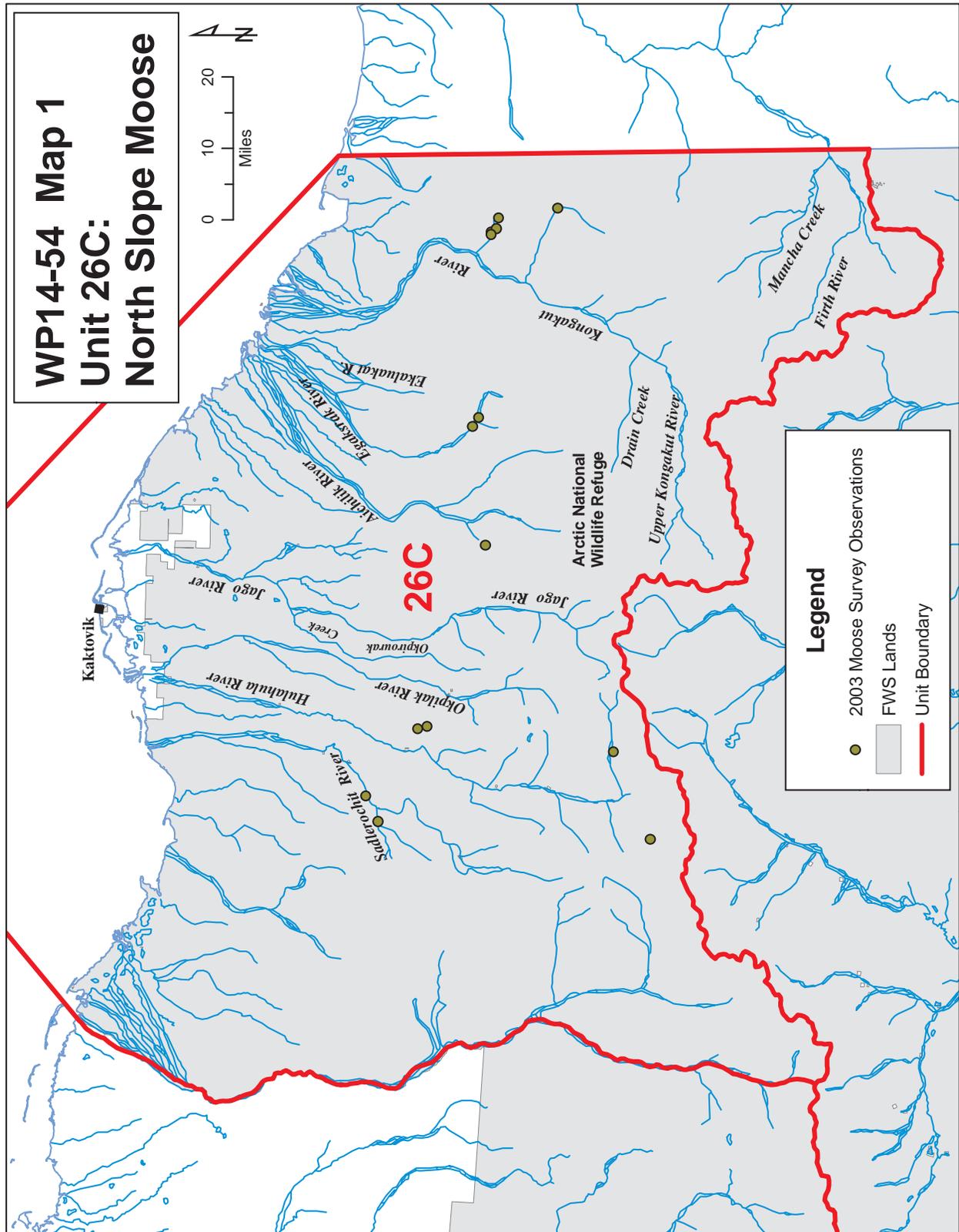
*Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.*

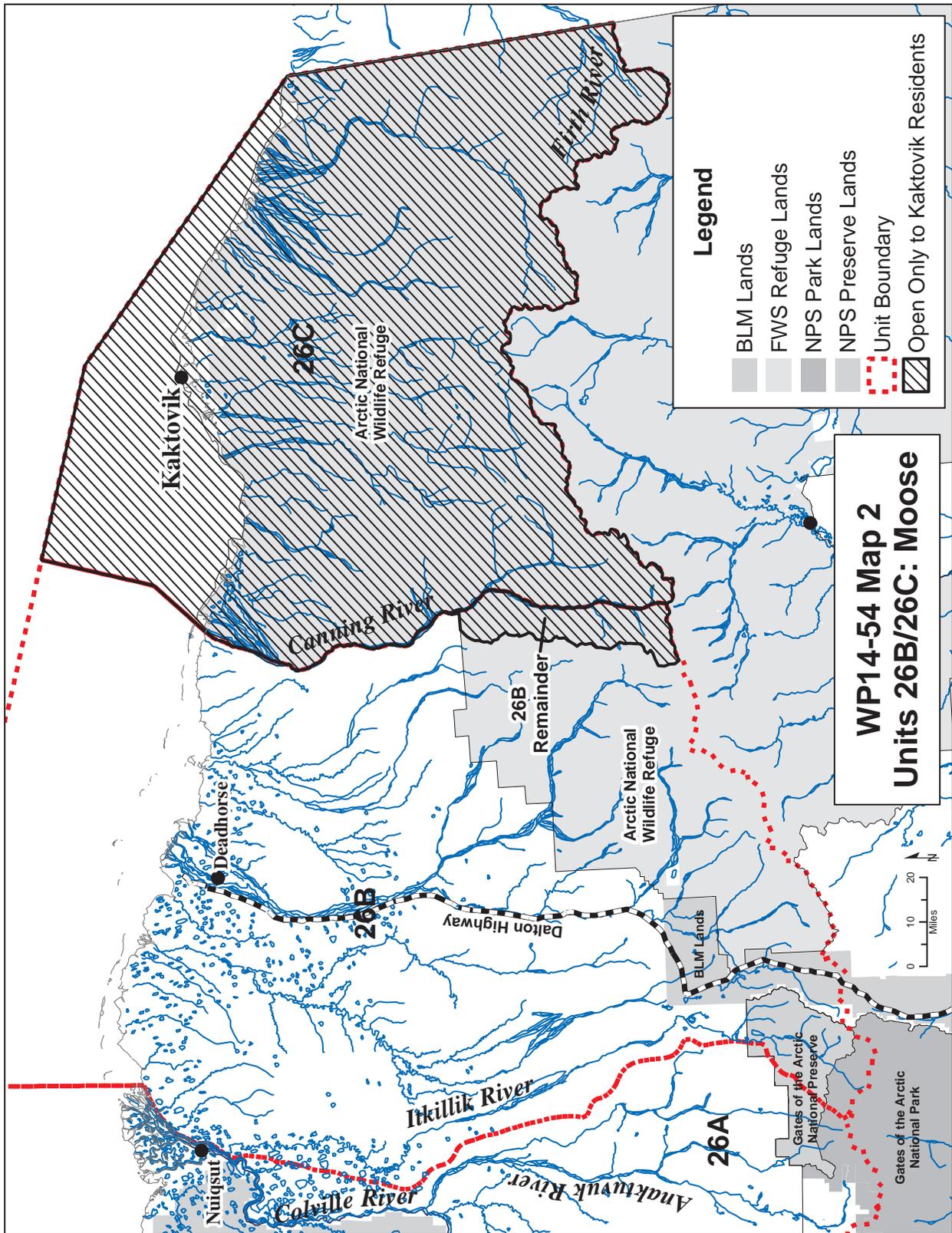
### Proposed Federal Regulation

#### **Unit 26B, remainder and 26C—Moose**

*Units 26B, remainder and 26C—1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is **35** moose (2 antlered bulls and 1 of either sex,) provided that no more than 2 antlered bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. You may not take a cow accompanied by a calf in Unit 26B. Only **35** Federal registration permits will be issued.*

*July 1–~~Mar. 31~~**June 30***





*Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.*

**Existing State Regulation**

**Unit 26B—Moose**

*Unit 26B remainder* *No open season*

**Unit 26C—Moose**

*Unit 26C that portion in the drainages of Firth River and Mancha Creek and the Upper Kongakut River, upstream from and including Drain Creek\** **Resident Hunters:** *1 bull by drawing permit only; up to 30 permits may be issued;* *Sept. 1–Sept. 25*

**Nonresident hunters:** *1 bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side; by drawing permit only; up to 30 permits may be issued;* *Sept. 1 – Sept. 25*

*Unit 26C—remainder* *No open season*

**\*Note:** *Although a moose season in this portion of Unit 26C was established in State regulations by action of the Alaska Board of Game at their March 2–11, 2012 meeting: the hunt area is entirely on Federal public land and Federal lands are currently closed to the harvest of moose, except by Federally qualified subsistence users.*

**Extent of Federal Public Lands**

Approximately 98% of the lands in Unit 26C are comprised of Federal public lands managed by the U.S. Fish and Wildlife Service (USFWS). Approximately 29% of the lands in Unit 26B are comprised of Federal public lands consisting of approximately 23% USFWS managed lands, 4% Bureau of Land Management managed lands, and 3% National Park Service managed lands.

**Customary and Traditional Use Determinations**

Residents of Unit 26 (except the Prudhoe Bay–Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope have a positive customary and traditional use determination for moose in Unit 26. Federal public lands in Unit 26B remainder and Unit 26C were closed to non-Federally qualified users and those with recognized customary and traditional uses except the residents of Kaktovik. The prioritization of Kaktovik residents over other users was established through an ANILCA Section 804 analysis in Proposal WP04-86.

**Regulatory History**

Federal and State moose seasons in Units 26B and 26C were closed in 1996 due to low population of moose following declines in the early 1990s (Mauer 1997, Lenart 2010). These declines were probably

due to a combination of factors including weather, predation by wolves and grizzly bears, disease, and possibly insect harassment (Lenart 2008).

The Federal closure was temporarily lifted in 2003, when the Federal Subsistence Board (Board) approved a modification of Special Action WSA03-04 to allow residents of Kaktovik to harvest one moose in Units 26B and 26C for their Thanksgiving Feast and one moose for their Christmas Feast; however, only one moose could be harvested in Unit 26C (OSM 2003).

In 2004, the Board adopted Proposal WP04-86b with modification to allow of a harvest quota of 3 moose (2 bulls and 1 of either sex) with the following restrictions that no more than 2 bulls may be harvested and a cows may not be harvested in Unit 26C. The analysis for Proposal WP04-86 included an ANILCA Section 804 analysis (WP04-86a) which the Board used to give priority to the residents of Kaktovik for harvesting moose in Unit 26C.

Proposals WP06-67a and WP06-67b requested that residents of Unit 25A be added to the customary and traditional use determination for the Firth and Kongakut river drainages of Unit 26C (WP06-67a) and set a harvest limit of two moose per drainage (WP06-67b). Proposal WP06-67a was rejected by the Board because the residents of Arctic Village and the surrounding area did not have a demonstrated pattern of use of moose in Unit 26C. Proposal WP06-67b was rejected by the Board (FSB 2006) based on conservation concerns.

In 2007, the Board adopted Proposal WP07-63 with modification, to lift the closure of Federal public lands to non-Federally qualified users in the portion of Unit 26B outside of the Canning River drainage based on increasing moose populations in that portion of the unit (FSB 2007). The Board retained the closure of Federal public lands in Unit 26C and areas within the Canning River drainage in Unit 26B, except for residents of Kaktovik.

Proposal WP08-54 requested a modification of the moose harvest quota in Unit 26C to 5 bulls (4 bulls and 1 of either sex) with shorter harvest season from July 1 to December 31 vs. July 1 to March 31 for Kaktovik residents in Unit 26C and the proposal requested lifting the closure in the Canning River drainage of Unit 26B (Unit 26B remainder). The Board adopted the proposal with modification to keep the closure in place, except for residents of Kaktovik, but changed the harvest quota from 3 moose (2 bulls and 1 of either sex) to 3 moose (2 antlered bulls and 1 of either sex) (FSB 2008). Changing the harvest limit to antlered bulls was done to protect cows from being harvested later in the season when bulls have shed their antlers. The restriction of harvesting a cow accompanied by a calf was retained.

In March 2012, the Alaska Board of Game adopted Proposal 174A to establish a State moose season in a portion of Unit 26C which includes the Firth River, Mancha Creek and the Upper Kongakut River drainages; however, there has been no State season because the area consists of Federal public lands that are currently closed to the harvest of moose, except by Federally qualified subsistence users. A State season is contingent on the Board lifting the closure in the portion of Unit 26C in the Firth River, Mancha Creek and the Upper Kongakut River drainages. In March 2013, the Alaska Department of Fish and Game (ADF&G), requested the closure to non-Federally qualified users be lifted in the Firth, Mancha, and upper Kongakut river drainages (upstream from and including Drain Creek) for the harvest of moose in Unit 26C. The remaining Federal public lands in Unit 26C and Unit 26B remainder would remain closed to the harvest of moose, except by residents of Kaktovik.

On April 3, 2013, the Board adopted Emergency Special Action (WSA12-12) with modification to allow Kaktovik residents to harvest one additional moose in Unit 26B remainder and to extend the season through April 14, 2013.

## **Current Events Involving the Species**

Federal Wildlife Closure Review WCR12-31, which assessed the closure of Federal public lands in Units 26B remainder and 26C for moose harvest, was presented at both the Eastern Interior and the North Slope Subsistence Regional Advisory Council (Council) meetings held in February 2013. Both Councils deferred action on this closure review until their fall 2013 meetings.

## **Biological Background**

Unit 26C contains at least two distinct moose populations: the first occurring on the coastal plain and foothills in the North Slope portion of Unit 26C (North Slope population), and the other in the Firth, Mancha, and Upper Kongakut river drainages (Old Crow Flats population) (Mauer 1998). A majority of the moose population in the eastern portion of Unit 26C in the Brooks Range, calve and spend the summer in Old Crow Flats in the Yukon and migrate to the Firth, Mancha, and Upper Kongakut river drainages in Unit 26C, and the Sheenjek, and Coleen river drainages in Unit 25A during the fall and winter. Some moose in the Old Crow Flats population move between drainages during the fall or spring migration (Mauer 1998, Cooley 2013, pers. comm.).

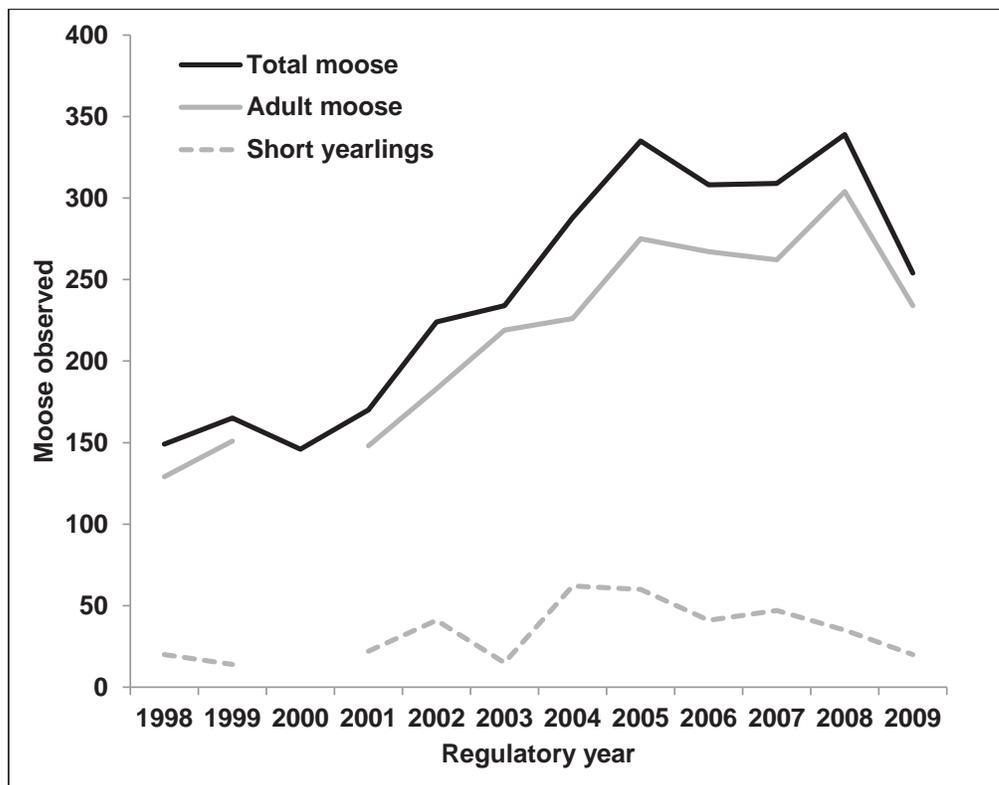
Moose in Unit 26B remainder and Unit 26C are at the northern limits of their range in Alaska. The lack of quality habitat severely limits the potential size of moose populations. Moose are generally associated with the narrow strips of shrub communities along drainages, except during calving and summer when some seasonal movement occurs away from the riparian habitat (Lenart 2010). In winter moose are limited almost entirely to the riparian shrub habitat, which is the only area where they have access to willows. During surveys in the 1970s and 1980s, small numbers of moose were observed in the Sadlerochit, Hulahula, Okpilak, Okerokovik, Jago Aichilik and Egaksrak drainages and larger concentrations of moose were found on the Canning River and between the Sagavanirktok and Kavik rivers, west of the Canning River. The moose population in Units 26B and 26C peaked during the late 1980s at approximately 1,400 moose (Mauer and Akaran 1991; Lenart 2004, 2008), then declined in the early 1990s, and remained at approximately 700 animals throughout the remainder of the 1990s (Mauer 1998, Lenart 2008).

State management goals for moose in Units 26B and 26C are to maintain viable populations throughout their historic range in the region, to provide sustained moose harvest opportunity, and provide an opportunity for moose photography and viewing (Lenart 2010). Specific State management objectives for Unit 26B and Unit 26C are as follows (Lenart 2010):

- Unit 26B, maintain a population of at least 300 moose with short yearlings (10 to 11 month old calves) comprising at least 15% (3-year average) of the population.
- Unit 26C, maintain a population of at least 150 moose with short yearlings comprising at least 15% (3-year average) of the population.
- Maintain bull:cow ratios of at least 35 bulls:100 cows when hunting seasons are open for Unit 26B and Unit 26.

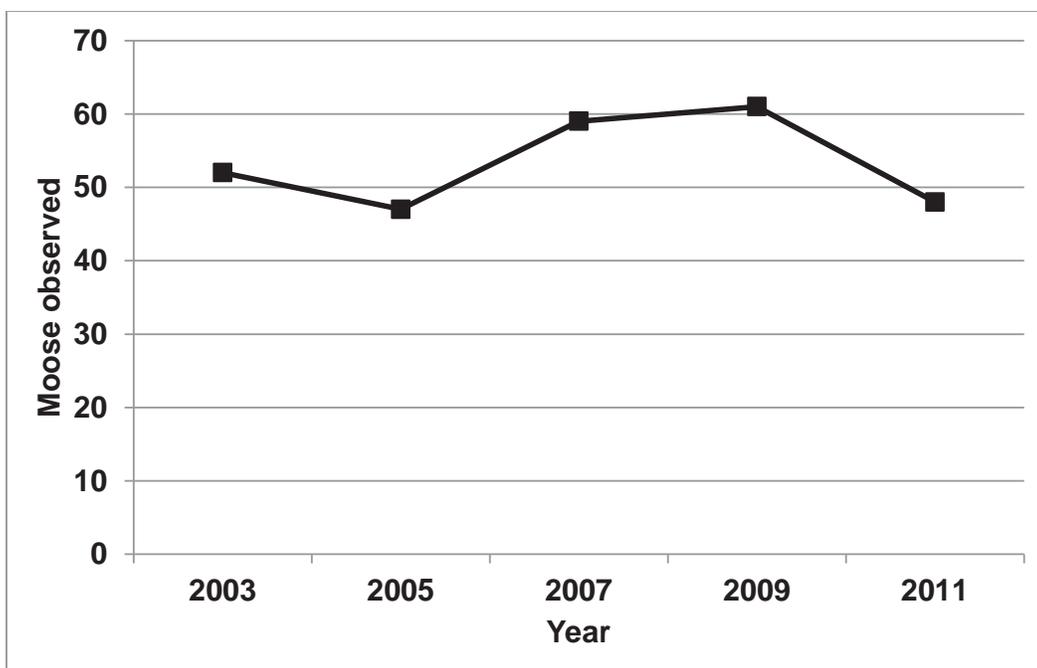
A comprehensive moose survey has not been conducted for Units 26B and 26C, however smaller scale surveys have been conducted in areas where moose concentrate to assess population trends. These trend surveys account for a large percentage of the moose in the units as habitat is limited in the region (Lenart 2010).

The moose population in the eastern portion of Unit 26B, including the Canning River, rebounded from low levels of around 150 in 1998–2000 to 335 observed individuals in 2005 (**Figure 1**). Due to conservation concerns, harvest was very limited in Unit 26B due to State and Federal harvest closures enacted in 1996. A limited season for Kaktovik residents was opened under Federal regulations in 2004. The moose harvest closure on Federal public lands in Unit 26B was lifted in 2007, except for the Canning River drainage which remained open only to Kaktovik residents. The moose population in eastern Unit 26B appears to have declined following peak counts in 2005–2008 (**Figure 1**). The composition of short yearlings in the population averaged 16% from 2005–2008, but declined to 11% short yearlings in 2009.



**Figure 1.** Aerial composition survey counts of moose in Unit 26B, east of the Sagavanirktok River and including the Canning River. Surveys were conducted in regulatory years 1998/1999 to 2009/2010 and moose presented as adults or short yearlings (11 months old) (Lenart 2010).

The North Slope population was surveyed every two years between 2003 and 2011 by Arctic National Wildlife Refuge staff (Wald 2011). The North Slope population in Unit 26C occurs in the Coastal Plain from the Canadian border to the Canning River and from the Beaufort Sea coast to the foothills of the Brooks Range. The moose are usually concentrated in the drainages of the Sadlerochit, Hulahula, Okpilak, Okpirourak, Jago, Aichilik, Egaksrak, Ekaluakat, and the lower part of the Kongakut rivers (Wald 2011) (Map 1). Forty adults and 8 short-yearlings, were counted during the surveys conducted in April, 2011. Short-yearling composition was 17% of all moose observed in the 2011 survey. The trend counts suggest the North Slope population was relatively stable but at low numbers between 2003 and 2011 (**Figure 2**).



**Figure 2.** Moose observed during aerial surveys of trend count areas, conducted biyearly, in the Central portion of Unit 26C, 2003–2011 (Wald 2011).

The Old Crow Flats population that includes the Firth River, Mancha Creek, and Upper Kongakut River drainages in the Brooks Range was sporadically surveyed between 1991 and 2011 (**Table 1**). Based on limited survey data, the moose population in this portion of Unit 26C has fluctuated. The 2011 survey indicates the population has grown since 2000 and 2002. However, differences in the survey aircraft and flight time limit the ability to make direct comparisons between surveys conducted in 2002 and 2011 (Caikoski 2011, unpublished data). All surveys in the area have indicated a high bull to cow ratio (70–118 bulls:100 cows) (**Table 1**).

**Table 1.** Moose observed during aerial population composition surveys conducted in the Firth River, Mancha Creek, and upper Kongakut River drainages of Unit 26C (Caikoski 2011, unpublished data).

Year	Moose observed				Ratio (per 100 cows)	
	Cows	Calves	Bulls	Total	Calves	Bulls
1991 <sup>a</sup>	167	63	176	406	38	105
2000 <sup>a</sup>	62	22	73	157	35	118
2002 <sup>a</sup>	96	23	108	227	24	113
2011 <sup>b</sup>	169	52	118	339	31	70

<sup>a</sup> Survey conducted by the USFWS (Buchholt 2002).

<sup>b</sup> Survey conducted by the Alaska Department of Fish and Game, and differed from previous surveys in regard to search time, search area, and moose classification protocol.

The Old Crow Flats population which occur in the Firth, Coleen, Sheenjek, and upper Kongakut river drainages of the eastern Brooks Range (Units 25A and 26C) are known to be migratory (Mauer 1998; Cooley 2013, pers. comm.). These migratory moose calve and/or summer in the Old Crow Flats of the Yukon Territory in Canada and then move into the Brooks Range drainages to rut and winter. The Old Crow Flats population also includes some moose which winter in the Sheenjek and Coleen river drainages in Unit 25A. Since 2000, moose abundance declined and has remained at fairly low levels in both the Coleen and Sheenjek river area of the Old Crow Flats population (Bucholtz 2002, Mauer 2013). Mauer (1998) conducted a collared moose study (14 bulls, 43 cows) to examine migration patterns. The study determined that moose migrated from their respective winter ranges in the Firth (96%), Kongakut (86%), and Coleen (75%) river drainages, but fewer (43%) moose migrated from the Sheenjek River drainage. Most moose began moving from Old Crow Flats to wintering areas during August and early September, and moved out of winter range in late March and April (Mauer 1998). During migration, some moose moved between the Sheenjek and Coleen river drainages in Unit 25A and the Firth, Mancha, and Kongakut river drainages in Unit 26C (Mauer 1998).

An additional study was conducted in the area in 2007–2009 using satellite collars to track individual moose movements (10 bulls, 9 cows) at finer temporal and spatial scales than Mauer’s (1998) study (Cooley 2013, pers. comm.). Data analysis is not complete, but preliminary results corroborate the seasonal movements identified by Mauer (1998). The more detailed movement data provide insight into the amount of time moose spent in each drainage during winter. After the moose arrived in a drainage and the bulls went through rut, they generally the remained in the same area (Cooley 2013, pers. comm.).

### **Habitat**

The Coastal Plain in Unit 26C is characterized by tundra intersected by rivers that flow into the Arctic Ocean. The moose population is limited by extreme weather, restricted riparian habitat along the rivers, and predation. During the winter moose are limited almost exclusively to exposed willow patches along river drainages because this is the only area where food is available (Lenart 2010).

The valleys in the Kongakut and Sheenjek drainages were carved by glaciers and are bordered by steep mountains. They differ from the Firth and Coleen valleys, which show little evidence of glaciation and are bordered by moderate slopes. The Sheenjek, Coleen, and Firth valleys are characterized by open white spruce forests (*Picea glauca*) along the sides of the valleys at the lower elevations and alpine tundra at the higher elevations. The Upper Kongakut River, which flows into the Arctic Ocean, occurs beyond the northern limits of white spruce forests. Feltleaf willow (*Salix alaxensis*) is the dominant shrub on the gravel bars and low terraces along the floodplains of the Sheenjek, Coleen, Firth, and Kongakut . In addition to feltleaf willow, there are isolated stands of balsalm popular (*Populus balsamifera*) on the floodplains of the Kongakut. Small lakes and ponds, which are common in the lower part of the Sheejeck River valley, are rare in in the Kongakut, Coleen, and Firth river valleys (Kessel and Schaller 1960, Drew and Shanks 1965, Mauer 1998).

### **Harvest History**

Harvest quotas for North Slope moose populations which occur at low densities at the northern extent of their range, are currently determined using a 3% harvest rate (preferably bulls only) (Lenart 2013, pers com., Wald 2013, pers. com.). Moose harvest on the affected Federal public lands in Units 26B and 26C has been limited to residents of Kaktovik since 2004, with up to three permits issued annually and a harvest quota of 3 moose (2 bulls in Unit 26C and 1 moose in Unit 26B). Since 2004, 9 bull moose have been reported harvested, with an average of 1 moose harvested per year (**Table 2**). No additional moose

**Table 2.** Federal registration permits issued and used by residents of Kaktovik to harvest moose in Units 26B and 26C (OSM 2013, Twitchell 2013, pers. comm.). Federal public lands in Unit 26B remainder and 26C are currently closed to the harvest of moose, except by residents of Kaktovik. Up to three permits are issued annually.

Year	Permits issued	Permits used	Harvest
2004/2005	3	1	1
2005/2006	3	2	2
2006/2007	3	2	2
2007/2008	3	- <sup>a</sup>	- <sup>a</sup>
2008/2009	3	2	1
2009/2010	3	2	- <sup>a</sup>
2010/2011	2	1	1
2011/2012	3	2	0
2012/2013	3	2	2

<sup>a</sup> Data not available for the report.

were taken by Kaktovik hunters in Unit 26B remainder during two week extension under Emergency Special Action WSA12-12.

Jacobsen and Wentworth (1982:43) conducted research on subsistence land use values in the Arctic National Wildlife Refuge in Kaktovik during the late 1970s. At that time moose were harvested opportunistically by Kaktovik residents but not specifically targeted (Jacobson and Wentworth 1982:43). Moose were harvested in the 1970s primarily from January until May (Jacobson and Wentworth 1982:29). In a study conducted in 2005 and 2006 in Kaktovik by Braund (2010:150), it was noted that moose hunting was restricted by regulation and occurred from October to April, with the most hunting occurring in April. Household surveys conducted by the ADF&G Division of Subsistence estimated that Kaktovik residents harvested 4 moose in 1985, 1 in 1986, and 4 in 1992 (ADF&G 2013). Pedersen et al. (1985:57) report that Kaktovik's annual subsistence harvest averaged five moose from 1962 to 1982. Pedersen et al. (1985:69) also estimated that 16 households (76% of households) in Kaktovik harvested moose from 1923 to 1983.

The movement of moose into the North Slope is relatively recent event and thus historically the Inupiaq in this region focused more on other large mammals in the region such as caribou, sheep, and marine mammals. (Pederson et al. 1985). Pedersen et al. (1985:70) noted that subsistence harvests in Kaktovik are not static and thus harvest levels, use areas, and temporal cycles vary from year to year and decade to decade (Pedersen et al. 1985:72). The primary moose harvest area for Kaktovik residents during the 1970s was in the Sadlerochit Valley and in the foothills along Old Man Creek, Okpilak River, and Okpirourak River. Moose, at that time, were more commonly seen along the Sadlerochit River, even at its mouth, than along the Hulahula River. Occasionally moose were seen along the Kekiktuk River and on the Sadlerochit side of Kikiktat Mountain. Moose tended to congregate in the Ignek, Ikiakpaurak and Ikiakpuk valleys, and along the Canning River between these valleys. People would make hunting trips to this area in the spring and occasionally would travel to the other side of the Canning River along the Kavik River and in the foothills near its headwaters (Jacobson and Wentworth 1982:43). Jacobson and Wentworth (1982:43)

interviewed three Kaktovik hunters who had traveled far up into the Firth River and shot two or three moose near the U.S.-Canada border.

Another subsistence use study was conducted in Kaktovik in 2005 and 2006 by Stephen R. Braund & Associates (Braund 2010). At that time, the moose hunting season had only recently been reopened the previous spring and residents needed to apply for moose permits. The use area map in Braund's report (Braund 2010:151) depicted moose harvest areas occurring around the Sadlerochit, Hulahula, and Okpilak rivers, with the highest concentration of harvests occurring along the Salerochit and Kekiktuk rivers and around Lake Schrader (Braund 2010:150).

### **Other Alternative(s) Considered**

One alternative were considered during analysis of this proposal.

Alternative 1: The moose season for Federally qualified subsistence users would be extended from July 1 to March 31 to July 1 to June 30. The harvest quota Unit 26B remainder and Unit 26C would be 5 moose (4 antlered bulls and 1 of either sex.) provided that no more than 2 antlered bulls may be harvested from the North Slope population in Unit 26C or from Unit 26B remainder. Cows may not be harvested from Unit 26C and a cow accompanied by a calf may not be taken in unit 26B. Two to four antlered bulls may be taken from the Old Crow Flats population in the Firth, Mancha, and upper Kongakut river drainages (upstream from and including Drain Creek) for the harvest of moose in Unit 26C. The hunt will be closed in Unit 26B remainder and 26C when 5 moose have been harvested.

This alternative was not chosen because the primary hunting area for moose by the Kaktovik residents is from the North Slope moose population in Unit 26C and because subsequent surveys are needed to determine the population trend for the Old Crow Flats population. Continued cooperation between wildlife managers and biologists in Alaska and Yukon Territory should continue to occur to ensure that overharvest does not occur on this small and potentially vulnerable migratory Old Crow Flats moose population (Suitor 2013, pers. comm.)

### **Effects of the Proposal**

If this proposal is adopted, the moose season for Federally qualified subsistence users would be extended from July 1 to March 31 to July 1 to June 30.

Typically, Kaktovik hunters harvest moose from the North Slope population in Unit 26C (Jacobson and Wentworth 1982, OSM 2013), which is closer to the village of Kaktovik than the Canning River drainage in Unit 26B or the Old Crow Flats population in eastern portion of Unit 26C. Due to the small number of moose that inhabit the Canning River drainage (Unit 26B remainder), increasing the harvest is not recommended due to conservation concerns.

The impacts of increasing the allowable harvest and extending the season in Unit 26C are difficult to determine because of the lack of current information on population size, herd composition, trend information, habitat use, and migration patterns. The North Slope moose population in Unit 26C is relatively small recovering moose population at the northern limits of their range. Additional harvest from this population could cause a conservation concern, because of the length of time required for recovery.

## OSM PRELIMINARY CONCLUSION

**Support** Proposal WP14-54 **with modification** to only allow for the extension of the harvest season from July 1 to March 31 to July 1 to June 30.

The modified regulation should read:

### **Unit 26B remainder and 26C—Moose**

*Units 26B, remainder and 26C— 1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is 3 moose (2 antlered bulls and 1 of either sex,) provided that no more than 2 antlered bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. You may not take a cow accompanied by a calf in Unit 26B. Only 3 Federal registration permits will be issued.*

*July 1–June 30*~~*Mar. 31*~~

*Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.*

## **Justification**

Extending the moose season to a year-round hunt will allow subsistence users to take advantage of favorable weather and provide more opportunity to harvest moose. In addition, retaining the current quota of 3 moose (2 antlered bulls and 1 of either sex) would limit the number of moose harvested, and maintain ongoing conservation efforts for the North Slope moose population in Unit 26C.

Moose on the North Slope are at the northern limits of their range. Extreme weather conditions, restricted habitat, and predation limit the population size and increase the length of time for populations that have declined to recover. The North Slope moose population in Unit 26C which occurs on the coastal plain is a good example. Despite relatively low hunting pressure of 1 moose per year the population has remained relatively stable at approximately 50 animals for the past 12 years. The current quota of 2 antlered bulls for the North Slope portion in Unit 26C is currently slightly above the harvest recommendation of 3% for moose populations which occur in low densities at the northern extent of their range. Except for the updated population information for the Old Crow Flats population, the population dynamics of the North Slope population have not changed since the Board adopted the current regulations in 2008 (OSM 2008). The restriction for the take of adult bulls in Unit 26C and no additional harvest in Unit 26B remainder is consistent with sound management principles to conserve healthy moose populations.

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<b>WP14-55 Executive Summary</b>	
<b>General Description</b>	Proposal WP14-55, requests the closure be lifted for non-Federally qualified users in the Firth, Mancha, and Upper Kongakut river drainages (upstream and including Drain Creek) for the harvest of moose in Unit 26C. The remaining Federal public lands in Unit 26C and Unit 26B remainder would remain closed to the harvest of moose, except by residents of Kaktovik. <i>Submitted by the Alaska Department of Fish and Game</i>
<b>Proposed Regulation</b>	<p><b>Unit 26B-remainder and 26C—Moose</b></p> <p><i>Units 26B-remainder and 26C—1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is 3 moose (2 antlered bulls and 1 of either sex,) provided that no more than 2 antlered bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. You may not take a cow accompanied by a calf in Unit 26B. Only 3 Federal registration permits will be issued. Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations <b>except as permitted under State of Alaska Regulations 5AAC 92.010 and 5AAC 92.012.</b></i></p> <p style="text-align: right;"><i>July 1–Mar. 31</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>North Slope Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>1 Oppose</b>

## DRAFT STAFF ANALYSIS WP14-55

### ISSUES

Proposal WP14-55, submitted by the Alaska Department of Fish and Game (ADF&G), requests the closure be lifted for non-Federally qualified users in the Firth, Mancha, and Upper Kongakut river drainages (upstream and including Drain Creek) for the harvest of moose in Unit 26C (**Map 1**). The remaining Federal public lands in Unit 26C and Unit 26B remainder would remain closed to the harvest of moose, except by residents of Kaktovik.

### DISCUSSION

A moose season in a portion of Unit 26C was established under State regulations by action of the Alaska Board of Game at their March 2–11, 2012 meeting; however, the hunt area is entirely on Federal public lands which are closed to the harvest of moose, except by Federally qualified subsistence users.

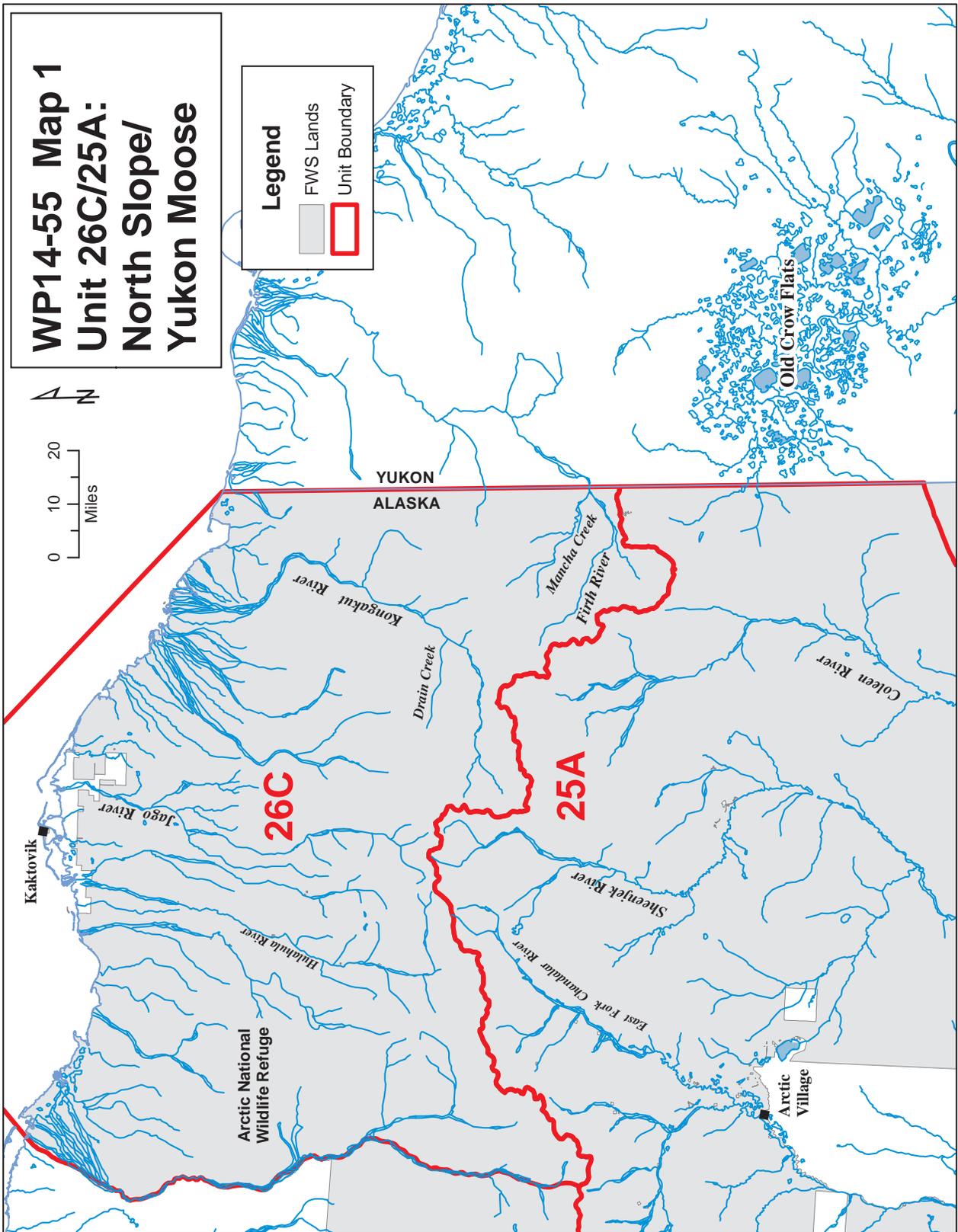
The proponent states that there is a harvestable surplus of moose in the Firth, Mancha, and Upper Kongakut river drainages in Unit 26C based on a fall 2011 survey conducted by the ADF&G, which indicated the moose population in this area increased from 227 in 2002 to 339 in 2011 (Caikoski 2011). The proponent states, that based on a 3% harvest rate and a population of 339, the harvestable surplus of moose in the Firth, Mancha, and Upper Kongakut river drainages is estimated to be 10 bull moose. If the Federal closure is lifted in the area requested, hunting under State regulations could occur in the area.

### Existing Federal Regulation

#### **Unit 26B—remainder and 26C—Moose**

*Units 26B—remainder and 26C—1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is 3 moose (2 antlered bulls and 1 of either sex,) provided that no more than 2 antlered bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. You may not take a cow accompanied by a calf in Unit 26B. Only 3 Federal registration permits will be issued. Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.*

*July 1–Mar. 31*



**Proposed Federal Regulation**

**Unit 26B-remainder and 26C—Moose**

*Units 26B-remainder and 26C—1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is 3 moose (2 antlered bulls and 1 of either sex,) provided that no more than 2 antlered bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. You may not take a cow accompanied by a calf in Unit 26B. Only 3 Federal registration permits will be issued. Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations **except as permitted under State of Alaska Regulations 5AAC 92.010 and 5AAC 92.012.***

*July 1–Mar. 31*

**Existing State Regulation**

**Unit 26B—Moose**

*Unit 26B, excluding the Canning River drainage*

**Resident Hunters:** *one bull by permit (DM996);*

*Sept. 1–Sept. 14*

*OR one bull during Feb. 15 – April 15, up to a 14-day season may be announced by emergency order*

*May be announced*

**Nonresident hunters:**

*No open season*

*Unit 26B-remainder*

*No open season*

**Unit 26C—Moose**

*Unit 26C, that portion in the drainages of Firth River and Mancha Creek and the Upper Kongakut River, upstream from and including Drain Creek\**

**Resident Hunters:** *1 bull by drawing permit only; up to 30 permits may be issued;*

*Sept. 1–Sept. 25*

**Nonresident hunters:** *1 bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side; by drawing permit only; up to 30 permits may be issued;*

*Sept. 1 – Sept. 25*

**Unit 26C-remainder**

*No open season*

*\*Note: Although a moose season in this portion of Unit 26C was established in State regulations by action of the Alaska Board of Game at their March 2–11, 2012 meeting, the hunt area is entirely on Federal public land and currently Federal lands are closed to the harvest of moose, except by Federally qualified subsistence users.*

**Extent of Federal Public Lands**

Approximately 98% of the lands in Unit 26C are comprised of Federal public lands managed by the U.S. Fish and Wildlife Service (USFWS). Approximately 29% of the lands in Unit 26B are comprised

of Federal public lands consisting of approximately 23% USFWS managed lands, 4% Bureau of Land Management managed lands, and 3% of National Park Service managed lands.

### **Customary and Traditional Use Determinations**

Residents of Unit 26 (except the Prudhoe Bay–Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope have a positive customary and traditional use determination for moose in Unit 26. An ANILCA Section 804 analysis further prioritized these users and Federal public lands in Unit 26B-remainder and Unit 26C were closed to non-Federally qualified users and those with recognized customary and traditional uses, except the residents of Kaktovik.

### **Regulatory History**

Federal and State moose seasons in Units 26B and 26C were closed in 1996 due to low population of moose following declines in the early 1990s (Mauer 1997, Lenart 2010). These declines were probably due to a combination of factors including weather, predation by wolves and grizzly bears, disease, and possibly insect harassment (Lenart 2008).

The Federal closure was temporarily lifted in 2003, when the Federal Subsistence Board (Board) approved Special Action WSA03-04 with modification to allow residents of Kaktovik to harvest one moose in Units 26B and 26C for their Thanksgiving Feast and one moose for their Christmas Feast; however, only one moose could be harvested in Unit 26C.

In 2004, the Board adopted Proposal WP04-86b with modification to allow a harvest quota of 3 moose (2 bulls and 1 of either sex), provided that no more than 2 bulls may be harvested in Unit 26C and a prohibition on taking cows in Unit 26C. The analysis for Proposal WP04-86 included an ANILCA Section 804 analysis (WP04-86a) to give priority to the residents of Kaktovik for harvesting moose in Unit 26C.

Proposals WP06-67a and WP06-67b requested that residents of Unit 25A be added to the customary and traditional use determination for the Firth and Kongakut river drainages of Unit 26C (WP06-67a) and set a harvest limit of two moose per drainage (WP06-67b). Proposal WP06-67a was rejected by the Board because the residents of Arctic Village and the surrounding area did not have a demonstrated pattern of moose in Unit 26C. Proposal WP06-67b was rejected by the Board (FSB 2006) based on conservation concerns.

In 2007, the Board adopted Proposal WP07-63 with modification, to lift the closure of Federal public lands to non-Federally qualified users in the portion of Unit 26B outside of the Canning River drainage based on increasing moose populations in that portion of the unit (FSB 2007). Except for residents of Kaktovik, the Board retained the closure of Federal public lands in Unit 26C and areas within the Canning River drainage in Unit 26B.

Proposal WP08-54 requested a modification of the moose harvest quota in Unit 26C to 5 bulls (4 bulls and 1 of either sex) and the season be shortened from July 1 to March 31 to July 1 to December 31 for Kaktovik residents in Unit 26C and the proposal also requested lifting the closure in the Canning River drainage of Unit 26B (Unit 26B remainder). The Board adopted the proposal with modification to keep the closure in place, except for residents of Kaktovik, but changed the harvest quota from 3 moose (2 bulls and 1 of either sex) to 3 moose (2 antlered bulls and 1 of either sex) for conservation concerns (FSB 2008). Changing the harvest limit to antlered bulls was done to protect cows from being harvested later in the season when bulls have shed their antlers. The restriction on harvesting a cow accompanied by a calf was retained.

In March 2012, the Alaska Board of Game adopted Proposal 174A to establish a State moose season in a portion of Unit 26C which includes the Firth River, Mancha Creek and the Upper Kongakut River drainages; however, there has been no State season because the area consists of Federal public lands that are currently closed to the harvest of moose, except by Federally qualified subsistence users. A State season is contingent on the Federal Subsistence Board lifting the closure in the portion of Unit 26C in the Firth River, Mancha Creek, and the Upper Kongakut River drainages. In March 2013, the ADF&G, requested the closure to non-Federally qualified users in the Firth, Mancha, and Upper Kongakut river drainages (upstream from and including Drain Creek) for the harvest of moose in Unit 26C be lifted. Based on this proposal the remaining Federal public lands in Unit 26C and Unit 26B remainder would remain closed to the harvest of moose, except by residents of Kaktovik.

On April 3, 2013, the Board adopted Emergency Special Action (WSA12-12) with modification to allow Kaktovik residents to harvest one additional moose in Unit 26B-remainder and to extend the season through April 14, 2013.

### **Current Events Involving the Species**

Federal Wildlife Closure Review WCR12-31, which assessed the closure of Federal public lands in Units 26B-remainder and 26C for moose harvest, was presented at both the Eastern Interior and the North Slope Subsistence Regional Advisory Council (Council) meetings held in February 2013. Both Councils deferred action on this closure review until their fall 2013 meetings.

### **Biological Background**

Unit 26C contains at least two distinct moose populations: the first occurring on the coastal plain and foothills in the central portion of Unit 26C (North Slope Population), and the other in the Firth, Mancha, and Upper Kongakut river drainages (Old Crow Flats population) (Mauer 1998). A majority of the moose population in the eastern portion of Unit 26C in the Brooks Range, calve and spend the summer in Old Crow Flats in the Yukon Territory and migrate to the Firth, Mancha, and Upper Kongakut river drainages in Unit 26C, and the Sheenjek, and Coleen river drainages in Unit 25A during the fall and winter. Some moose in the Old Crow Flats population move between drainages during the fall or spring migration (Mauer 1998, Cooley 2013, pers. comm.).

Moose in Unit 26C are at the northern limits of their range in Alaska. The lack of quality habitat severely limits the potential size of moose populations. Moose are generally associated with the narrow strips of shrub communities along drainages, except during calving and summer when some seasonal movement occurs away from the riparian habitat (Lenart 2010). In winter moose are limited almost entirely to the riparian shrub habitat, which is the only area where they have access to willows. Moose populations on the North Slope may also experience significant natural declines due to a combination of factors such as weather, predation by wolves and grizzly bears, disease, and insect harassment. During surveys in the 1970s and 1980s, small numbers of moose were observed in the Sadlerochit, Hulahula, Okpilak, Okerokovik, Jago, Aichilik and Egakrak drainages and larger concentrations of moose were found on the Canning River and between the Sagavanirktok and Kavik rivers, west of the Canning River. The moose population in Units 26B and 26C peaked during the late 1980s at approximately 1,400 moose (Mauer and Akaran 1991; Lenart 2004, 2008), then declined in the early 1990s, and remained at approximately 700 animals throughout the remainder of the 1990s (Mauer 1998, Lenart 2008).

State management goals for moose in Units 26 are to maintain viable populations throughout their historic range in the region, provide sustained moose harvest opportunity, and provide opportunity for moose

photography and viewing (Lenart 2010). Specific State management objectives for Unit 26C are as follows (Lenart 2010):

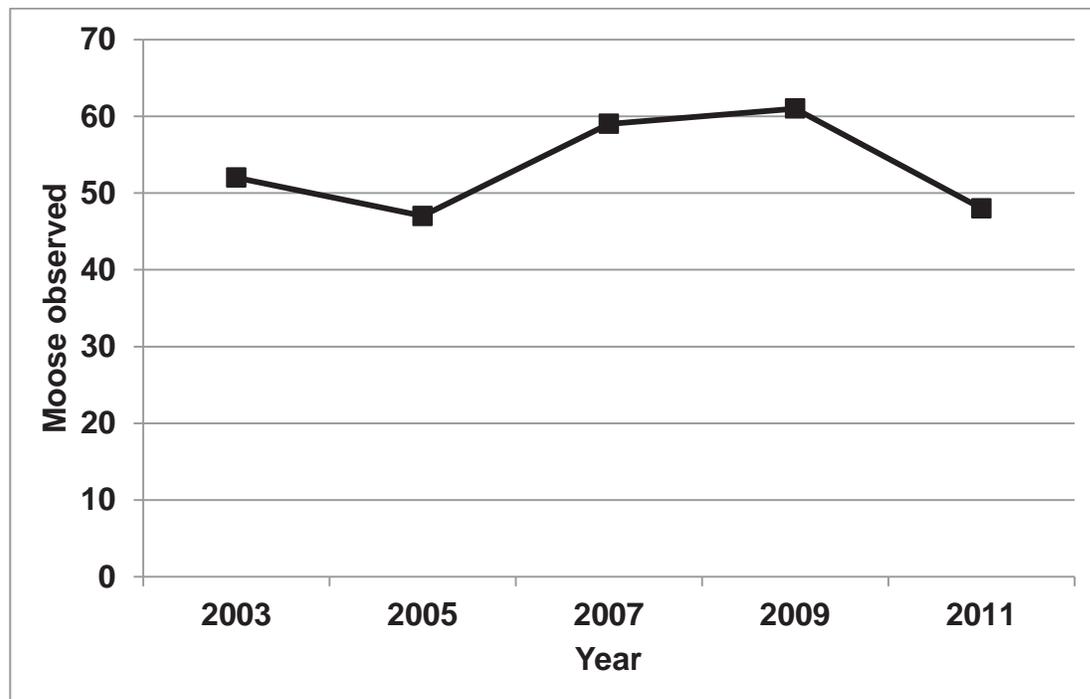
- Unit 26C, maintain a population of at least 150 moose with short-yearlings comprising at least 15% (3-year average) of the population.
- Maintain bull:cow ratios of at least 35 bulls:100 cows when hunting seasons are open.

A comprehensive moose survey has not been conducted for Units 26B and 26C, however smaller scale surveys have been conducted in areas where moose concentrate to assess population trends. These trend surveys account for a large percentage of the moose in the units as habitat is limited in the region (Lenart 2010). Although minimum counts have the potential to capture a large percentage of the moose due to limited habitat distribution and aggregations as suggested by Lenart (2010) moose may occasionally use marginal habitat (Suitor 2013, pers. comm.). For example, during the 2013 survey of North Slope moose populations in the Richardson Mountains in Yukon Territory, significant numbers of moose were relocated in high alpine basins and tundra valleys with scrub willow (*Salix sp*) that was often almost completely covered with snow and had not traditionally contained moose on previous surveys (Suitor 2013, pers. comm.).

The North Slope moose population was surveyed every two years between 2003 and 2011 by Arctic National Wildlife Refuge staff (Wald 2011). The North Slope moose population occurs in the Coastal Plain from the Canadian border to the Canning River and from the Beaufort Sea coast to the foothills of the Brooks Range. The moose are usually concentrated in the drainages of the Sadlerochit, Hulahula, Okpilak, Okpirourak, Jago, Aichilik, Egaksrak, Ekaluakat, and the lower part of the Kongakut rivers (Wald 2011). Forty adults and 8 short-yearlings (10–11 month old calves), were counted during the surveys conducted in April, 2011. Short-yearling composition was 17% of all moose observed in the 2011 survey. The trend counts suggest the North Slope population was relatively stable but at low numbers between 2003 and 2011 (**Figure 1**).

The Old Crow Flats population that includes the Firth River, Mancha Creek, and Upper Kongakut River drainages in the Brooks Range was sporadically surveyed between 1991 and 2011 (**Table 1**). The data from the composition surveys in **Table 1** are minimum counts. Based on limited survey data, the moose population in this portion of Unit 26C has fluctuated. Although the data from the 2011 is suggestive that an increase may have occurred since 2000 and 2002, subsequent surveys using similar methods are required to determine if this is the case. Although the bull:cow ratio was substantially lower in 2011 than previous surveys, all surveys in the area have indicated a high bull to cow ratio (70–118 bulls:100 cows) (Table 1). However, differences in the survey aircraft and flight time limit the ability to make direct comparisons between surveys conducted in 2002 and 2011 (Caikoski 2011, unpublished data).

The Old Crow Flats population which occurs in the Firth, Coleen, Sheenjek, and Upper Kongakut River drainages of the eastern Brooks Range (Units 25A and 26C) are known to be migratory (**Map 1**) (Mauer 1998; Cooley 2013, pers. comm.). These migratory moose calve and/or summer in the Old Crow Flats of the Yukon Territory in Canada and then move into the Brooks Range drainages to rut and winter. The Old Crow Flats population also includes some moose which winter in the Sheenjek and Coleen river drainages in Unit 25A. Since 2000, moose abundance declined and has remained at fairly low levels in both the Coleen and Sheenjek river area of the Old Crow Flats population (Bucholtz 2002, Mauer 2013). Mauer (1998) conducted a collared moose study to examine migration patterns. The study determined that moose migrated from their respective winter ranges in the Firth (96%), Kongakut (86%), and Coleen (75%) river drainages, but fewer (43%) moose migrated from the Sheenjek River drainage. Most moose began moving from Old Crow Flats to wintering areas during August and early September, and moved out



**Figure 1.** Moose observed during aerial surveys of trend count areas, conducted every other year, for the North Slope population of Unit 26C, 2003–2011 (Wald 2011).

**Table 1.** Moose observed during aerial population composition surveys conducted in the Firth River, Mancha Creek, and upper Kongakut River drainages of Unit 26C (Caikoski 2011, unpublished data).

Year	Moose observed				Ratio (per 100 cows)	
	Cows	Calves	Bulls	Total	Calves	Bulls
1991 <sup>a</sup>	167	63	176	406	38	105
2000 <sup>a</sup>	62	22	73	157	35	118
2002 <sup>a</sup>	96	23	108	227	24	113
2011 <sup>b</sup>	169	52	118	339	31	70

<sup>a</sup> Survey conducted by the USFWS (Buchholtz 2002).

<sup>b</sup> Survey conducted by the Alaska Department of Fish and Game, and differed from previous surveys in regard to search time, search area, and moose classification protocol.

of winter range in late March and April (Mauer 1998). During migration, some moose moved between the Sheenjek and Coleen river drainages in Unit 25A and the Firth, Mancha, and Kongakut river drainages in Unit 26C (Mauer 1998).

An additional study was conducted in the area in 2007–2009 using satellite collars to track individual moose movements (10 bulls 9 cows) at finer temporal and spatial scales than Mauer's (1998) study (Cooley 2013, pers. comm.). Data analysis is not complete, but preliminary results corroborate the seasonal movements identified by Mauer (1998). The more detailed movement data provide insight into the amount of time moose spent in each drainage during winter. After the moose arrived in a drainage and the bulls went through rut, they generally remained in the same area (Cooley 2013, pers. comm.).

The distances between the seasonal ranges of the Old Crow Flats moose population are at the upper extreme for Alaska moose populations (Mauer 1998). Deep snow in the prime feeding areas of Old Crow Flats during the winter probably make it difficult for moose to find exposed willow patches and move between prime feeding areas, and it may also make them more vulnerable to wolf predation. The effects of predation on the Old Crow Flats moose population are unknown as no estimates of the effects of predation have been conducted to date. Population sizes of migratory populations often are greater than sedentary populations due to ability to maximize the use of food resources (moving to areas where food is seasonally abundant and/or available) and reduced vulnerability to predators (Tambling and Du Toit 2005). Knowledge about seasonal residency in and movement among drainages will be important for interpretation of past surveys, future survey design, and development of a comprehensive management strategy for the Old Crow Flats population.

## **Habitat**

The Coastal Plain in Unit 26C is characterized by tundra intersected by rivers that flow into the Arctic Ocean. The moose population is limited by extreme weather, restricted riparian habitat along the rivers, and predation. During the winter, moose are limited almost exclusively to exposed willow patches along river drainages because this is the only area where food is available (Lenart 2010). Although minimum moose counts in this region have the potential to capture a large percentage of moose due to limited habitat distribution and aggregations that occur (Lenart 2010), moose may utilize what would be considered marginal habitats and thus not detected on surveys. For example, during the 2013 moose survey in the Richardson Mountains in Yukon, Canada, significant numbers of moose were found in high tundra valleys and alpine basins that had not contained moose on previous surveys (Suitor 2013, pers. comm.). The willow, which is the primary food source in these high mountain areas, was almost completely covered by snow (Suitor 2013, pers. comm.).

The valleys in the Kongakut and Sheenjek drainages were carved by glaciers and are bordered by steep mountains. They differ from the Firth and Coleen valleys, which show little evidence of glaciation and are bordered by moderate slopes. The Sheenjek, Coleen, and Firth valleys are characterized by open white spruce forests (*Picea glauca*) along the sides of the valleys at the lower elevations and alpine tundra at the higher elevations. The Upper Kongakut River, which flows into the Arctic Ocean, occurs beyond the northern limits of white spruce forests. Feltleaf willow (*Salix alaxensis*) is the dominant shrub on the gravel bars and low terraces along the floodplains of the Sheenjek, Coleen, Firth, and Kongakut. In addition to feltleaf willow, there are isolated stands of balsam poplar (*Populus balsamifera*) on the floodplains of the Kongakut. Small lakes and ponds, which are common in the lower part of the Sheenjek River valley, are rare in the Kongakut, Coleen, and Firth river valleys (Kessel and Schaller 1960, Drew and Shanks 1965, Mauer 1998).

## Harvest History

Harvest quotas for North Slope moose populations which occur at low densities at the northern extent of their range, are currently determined using a 3% harvest rate (preferably bulls only) (Lenart 2013, pers comm, Wald 2013, pers. com.). Moose harvest on the affected Federal public lands in Units 26B and 26C has been limited to residents of Kaktovik since 2004, with up to three permits issued annually and a harvest quota of 3 moose (2 bulls in Unit 26C and 1 moose in Unit 26B). Since 2004, 9 bull moose have been reported harvested, with an average of 1 moose harvested per year (**Table 2**).

Jacobsen and Wentworth (1982:43) conducted research on subsistence land use values in the Arctic National Wildlife Refuge in Kaktovik during the late 1970s. At that time moose were harvested opportunistically by Kaktovik residents but not specifically targeted (Jacobson and Wentworth 1982:43). The movement of moose into the North Slope is relatively recent and the Inupiaq focused more on other large mammals such as caribou, sheep, and whale, than they do on moose. The primary moose

**Table 2.** Federal registration permits issued and used by residents of Kaktovik to harvest moose in Units 26B and 26C (OSM 2013, Twitchell 2013, pers. comm.). Federal public lands in Unit 26B remainder and 26C are currently closed to the harvest of moose, except by residents of Kaktovik. Up to three permits are issued annually.

Year	Permits issued	Permits used	Harvest
2004/2005	3	1	1
2005/2006	3	2	2
2006/2007	3	2	2
2007/2008	3	- <sup>a</sup>	- <sup>a</sup>
2008/2009	3	2	1
2009/2010	3	2	- <sup>a</sup>
2010/2011	2	1	1
2011/2012	3	2	0
2012/2013	3	2	2

<sup>a</sup> Data not available for the report.

harvest area for Kaktovik residents was in the Sadlerochit Valley and in the foothills along Old Man Creek, Okpilak River, and Okpirourak River. Moose, at that time, were more commonly seen along the Sadlerochit River, even at its mouth, than along the Hulahula River. Occasionally moose were seen along the Kekiktuk River and on the Sadlerochit side of Kikiktat Mountain. Moose tended to congregate in the Ignek, Ikiakpaurak and Ikiakpuk valleys, and along the Canning River between these valleys. People would make hunting trips to this area in the spring and occasionally people would travel to the other side of the Canning River along the Kavik River and in the foothills near its headwaters (Jacobson and

Wentworth 1982:43). Jacobson and Wentworth (1982:43) talked with three Kaktovik hunters who had traveled far up into the Firth River and shot two or three moose near the U.S. – Canada border.

The migratory moose population which calve and summer in Old Crow Flats in Yukon Territory, Canada have a very limited harvest from Yukon residents due to challenges accessing the area and thus the cumulative harvest is not a significant concern presently. However, members of the Vuntut Gwich'in have the right to harvest moose in this population without limit at this time. The Regional Biologist for the North Yukon Region recommended that communication between wildlife managers on both sides of the border continue to ensure that overharvest does not occur on this small a potentially vulnerable migratory population (Suitor 2013, pers. comm.).

### **Effects of the Proposal**

If this proposal is adopted, Federally qualified subsistence users from Kaktovik would still have the ability to harvest from the Old Crow Flats moose population in the eastern portion of Unit 26C. However, Kaktovik hunters typically harvest moose from the North Slope population in Unit 26C (Jacobson and Wentworth 1982, OSM 2013) which is closer to the village of Kaktovik than the Canning River drainage in Unit 26B or the Old Crow Flats population in southeastern portion of Unit 26C. The proponent anticipates a highly regulated hunt through the use of drawing permits which would allow managers to monitor and control the number of bull moose harvested (NSSRAC 2013).

The impacts of partially lifting the closure on the Old Crow Flats moose population are difficult to predict because of the lack of information on the population size, herd composition, habitat use, and current migration patterns. The proponent recommends allowing a harvest of 3% of the population, which is common for moose populations that occur in low densities at the northern extent of their range. The limited availability of habitat confines moose to riparian habitat, which makes them very susceptible to harvest pressure. In addition, the migratory behavior of the population complicates management because the population may be exposed to harvest pressure in multiple areas, including portions of the Old Crow Flats, Yukon and Unit 26C and Unit 25A in Alaska.

Federally qualified subsistence users would still be able to harvest up to a total of two bull moose in Unit 26C from the North Slope population or the Old Crow Flats population.

### **OSM PRELIMINARY CONCLUSION**

#### **Oppose Proposal WP14-55.**

#### **Justification**

Survey results in the Firth River, Mancha Creek, and Upper Kongakut River drainages indicate the Old Crow Flats population may be growing. However, interpreting the status of the Old Crow Flats population and developing sustainable harvest limits with, essentially, a single recent data point is questionable. Although the data suggests that an increase may have occurred, subsequent surveys using similar robust methods are needed to determine if this is a trend. The closure should be maintained to give biologists and managers from the Arctic National Wildlife Refuge and the Alaska Department of Fish and Game more time to obtain additional information on the population. Understanding the overall population dynamics, migratory patterns, climate, predation, and harvest is important to maintaining a healthy population.

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## WRITTEN PUBLIC COMMENTS

**Oppose Proposal WP14-55.** I am writing in support of WP14-48 because it would limit the harvest of moose in the upper Sheenjek, Coleen and Old Crow river drainages where populations have significantly declined. I am opposed to WP14-55 because it would increase hunting pressure on the same population. This is a critical conservation concern that warrants appropriate actions by the Federal Subsistence Board in order to restore a unique migratory moose population that is especially vulnerable to harvest pressure.

During the period of 1981 to 2002, I worked as a wildlife biologist with the Arctic National Wildlife Refuge where I was responsible for studies and monitoring of caribou, Dall sheep, and moose populations. From 1995 to 1999 I led a study of moose movements within the area addressed by WP14-48 and WP14-55. Results of the study revealed that most moose inhabiting this area migrate to Old Crow Flats in Canada where they give birth, remain through the summer season, and return to the upper drainages of the Coleen, Sheenjek rivers in Game Management Unit (GMU) 25A, and the Firth and Kongakut rivers in GMU 26C where they rut and spend the winter (Mauer 1998). These migrations are the longest that have been reported for moose in North America.

Moose numbers in the upper Sheenjek, Coleen, Kongakut and Firth drainages have been monitored by consistent aerial survey methods since 1977. From 1977 to 1991, moose numbers were relatively stable, however, a significant decline was detected in 2000 when overall numbers for these areas were down by 57%. This decline coincided with a widespread decline in moose throughout northern Alaska. The Alaska Board of Game closed all of GMU 26 (including the Kongakut and Firth areas) to moose harvest in 1996. Moose hunting in the upper Sheenjek and Coleen river drainages, however, has remained open. Results of surveys conducted since 2000 show that moose numbers in the upper Sheenjek have remained very low during the past 13 years (21 to 26 moose counted). This represents an 84% decline from previous levels. For the Coleen area, the number of moose counted has dropped from a previous average of 229 during 1977 to 1991, to 79 in 2012, representing a decline of 65%. During this same period, moose counts in the Kongakut and Firth areas, where hunting has remained closed, show increases of 53% and 92% respectively.

There has been a steady increase in hunting pressure in the Sheenjek and Coleen areas that is having a significant negative influence on recovery of the moose population. A long-time local resident to the Coleen area reported increasing numbers of hunters and decreasing numbers of moose. Since 2000 I have had the opportunity to visit the Sheenjek, Coleen and Firth areas on several occasions during the summer season and have observed evidence of moose abundance such as intensity of browsing, shed antlers, and pellet groups that are consistent with the low moose counts for the Sheenjek and Coleen areas, and the higher counts of moose in the Firth and Kongakut areas.

I am concerned that some may claim that action on WP14-48 should be postponed due to uncertainties and variability of the survey data. I would like to point out that the aerial survey methodology that has been applied in this region was developed during the 1970's by biologists of both the Alaska Department of Fish and Game (ADF&G) and the Arctic Refuge working under the guidance of Dr. William Gasaway, a renowned moose research scientist at ADF&G. Further refinements were provided by Dr. Roy Nowlin (ADF&G) and Dr. Gerald Garner (Arctic Refuge) in the 1980's, which resulted in the survey trend areas that are currently used. Because of the sparse forest and open tundra environments found here, moose are highly visible under favorable snow conditions. I have reviewed all moose survey reports for the period of 1977 to 2012 and find a high degree of consistency and therefore conclude that the data is sufficiently reliable to base management decisions. Confidence in the reliability of this multi-year data set has been significantly enhanced by moose movement studies completed during 1995- 1998 and more recently with

studies conducted by the Yukon Renewable Resources Department using GPS technology (2007–009). Both studies verified that most moose of this region are migratory, and that individuals demonstrate a very high degree of fidelity to seasonal ranges and migratory routes. Therefore, changes in moose count data in the trend areas are not likely due to shifts in moose from one area to another in different years, but are indicative changes in moose numbers.

Within the area addressed by WP14-48 we have a unique situation where moose are predominately migratory, a strategy that enables moose to optimize the use of seasonal habits and achieve significantly higher population density that would be afforded by a non-migratory strategy. Prior to the decline of moose during the 1990's, a minimum number of moose that wintered in the upper Sheenjek, Coleen, Kongakut and Firth river areas was over 800 animals. Aerial surveys of neighboring areas to the south, where no migratory strategy has been detected, found much lower densities of moose.

It is imperative to consider that while the moose migration that has been documented is capable of attaining relatively high densities, they are extremely vulnerable to hunting pressure due to the open nature of the landscape, and the highly predictable movement of moose during the hunting season. Studies have shown that moose consistently move along the same trails and migration routes every fall when hunters are present. Thus, it is possible for hunting to continue to show relatively high success rates even when the number of moose are declining, as is the case for moose destined for the Sheenjek and Coleen areas. As these moose populations dwindle, the possibility of extermination of moose having the migratory tradition becomes greater.

It is also important to consider that the State of Alaska is recommending that the current wildlife closure of moose hunting in the upper Kongakut and Firth areas be lifted by the Federal Board (WP14-55). Moose movement studies have documented that many of the migratory moose that are destined for the Sheenjek and Coleen areas, where moose numbers are very low, pass through the Firth and Kongakut areas during the fall hunting season. WP14-55 would expose these moose to additional hunting pressure at a time when the Sheenjek and Coleen population is already susceptible to further decline. Therefore, I am opposed to WP14-55. Instead, I support development of a conservation plan that addresses the unique nature of moose migrations in northeast Alaska and northwest Canada and integrates regulatory actions focused to sustain populations at a healthy level rather than the current piecemeal approach that threatens this important resource.

In 1995 I had the opportunity to discuss the moose migrations of northeast Alaska with the late Dr Gasaway. He concurred with the concern for migratory moose of this region being especially vulnerable to hunting pressure. Dr Gasaway also indicated that excessive hunting in the Yukon Flats during the 1950's and 1960's by hunters accessing the area with floatplanes in August, extirpated or severely depleted formerly robust moose migrations in the Flats. Today, we find very low densities of mostly non-migratory moose in the Yukon Flats.

There is still time to prevent such a loss for the Sheenjek and Coleen areas. By enacting the provisions of WP14-48 and maintaining the wildlife closure in the Kongakut and Firth areas, the Federal Subsistence Board would be taking significant conservation actions that would help to restore the moose population and enable a sustainable harvest in the future.

Reference: Mauer, F.J. 1998. Moose migration: northeastern Alaska to northwestern Yukon Territory, Canada. *Alces* Vol. 34(1): 75-81.

*Fran Mauer, Fairbanks Alaska*

## DRAFT 2014 FISHERIES RESOURCE MONITORING PLAN

### INTRODUCTION

#### BACKGROUND

Since 1999, under the authority of Title VIII of ANILCA, the Federal government has managed subsistence fisheries on Federal public lands in Alaska. Subsistence fisheries management requires substantial informational needs. 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. 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, and interdisciplinary approach to support fisheries research for subsistence fisheries management on Federal public lands.

Biennially, the Office of Subsistence Management announces a funding opportunity for projects addressing subsistence fisheries on Federal public lands. The 2014 Funding Opportunity 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 Councils' 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.cfm>. 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. A strategic plan for research on whitefish species in the Yukon and Kuskokwim River drainages was completed in spring 2011 as a result of Monitoring Program project 08-206.

Cumulative effects of climate change will likely affect subsistence fishery resources, their uses, and how these resources 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 projects 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 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 investigation plans and makes recommendations for funding. The committee is co-chaired by the Fisheries and Anthropology Division Chiefs, 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 (i.e., 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 proposed projects 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 work. Ability will be evaluated in terms of education and training, related work experience, publications, reports, presentations, and past or ongoing work on Monitoring Program studies. Resources

will be considered in terms of office and laboratory facilities (if relevant), 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.

- Projects 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 agencies.
- 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, has historically provided \$1.80 million annually, but amount of 2014 funds available through the U.S. Forest Service for projects is uncertain. If the 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 funding opportunities on an annual basis until 2008, and then shifted to a biennial basis. Therefore, the next funding opportunity after 2014 will be in 2016. Budget guidelines are established by geographic region and data type, and for 2014, \$3.7 million is projected to be available for new project starts. Investigation Plans 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.

## 2014 FISHERIES RESOURCE MONITORING PLAN

For 2014, a total of 56 investigation plans were received for consideration for funding (**Table 1**). Of these, 43 are SST projects and 13 are HM-TEK projects. The Technical Review Committee recommends funding 40 of these investigation plans.

**Table 1.** Number of Investigation Plans received for funding consideration in 2014, and number of 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).

Geographic Region	Investigation Plans			Technical Review Committee		
	SST	HMTEK	Total	SST	HMTEK	Total
Northern Alaska	4	1	5	3	0	3
Yukon	9	3	12	7	2	9
Kuskokwim	8	6	14	6	5	11
Southwest Alaska	2	1	3	2	0	2
Southcentral Alaska	7	2	9	3	0	3
Southeast Alaska	12	0	12	11	0	11
Multiregional	1	0	1	1	0	1
Total	43	13	56	33	7	40

Total funding available from the Department of the Interior, through the U.S. Fish and Wildlife Service, for new projects in 2014 is \$3.7 million. Currently, the amount of funding available from the Department of Agriculture, through the U.S. Forest Service, is unknown. The proposed cost of funding all 56 projects submitted would be \$6.6 million. The 40 investigation plans recommended for funding by the Technical Review Committee have a total cost of \$4.8 million. In making its recommendations, the committee weighed the importance of funding new projects in 2014 with the knowledge that the next request for proposals will be issued in 2016. As has been done in past years, any unallocated Monitoring Program

funds from the current year will be used to fund subsequent years of new and ongoing projects so that more of the funds available in 2016 can be used to fund new projects.

The 2014 draft Monitoring Plan recommended by the Technical Review Committee would provide 21% of the funding to Alaska Native organizations, 29% to State agencies, 43% to Federal agencies, and 7% to other non-government organizations.

## **Northern Alaska Region Overview**

### **Issues and Information Needs**

The 2014 Funding Opportunity for the Northern Region identified three priorities:

- Baseline and ongoing harvest assessment and monitoring of subsistence fisheries in the Northwest Arctic and North Slope regions to supplement available information.
- Historic trends and variability in harvest locations, harvests and uses of non-salmon fish, particularly for North Slope communities.
- Iñupiaq natural history of fish, land use, place name mapping, species distribution, and methods for and timing of harvests, and Iñupiaq natural history of fish.

### **Projects Funded Under the Fisheries Resource Monitoring Program**

Since the inception of the Monitoring Program in 2000, 38 projects have been funded in the Northern Region; five are funded through 2014 (**Tables 1 and 2**). Two of these projects concern sheefish assessment in the Kobuk and Selawik river drainages (projects 12-100 and 12-103), one concerns Dolly Varden assessment in the Noatak River (project 12-104), one concerns local harvest information of non-salmon fishes in northwest Alaska (project 12-153), and one concerns TEK and harvest monitoring of emerging North Slope salmon fisheries (project 12-154).

### **Investigation Plans Forwarded for Funding**

Five investigation plans for research in the Northern Region were submitted to the Office of Subsistence Management in response to the 2014 Funding Opportunity. In June 2013, the Technical Review Committee reviewed the investigation plans and recommended three investigation plans for funding. 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 2014, approximately \$629,000 is available for funding new project in the Northern Alaska 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 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 five investigation plans, the Technical Review Committee recommended funding three of the proposed projects (**Table 5**):

14-101	Unalakleet River Chinook Salmon Escapement Assessment	\$115,023
14-103	Beaufort Sea Dolly Varden Dispersal Pattern	\$156,222
14-104	Selawik River Sheefish Age Structure and Spawning Abundance	\$ <u>    0</u>
	Total	\$271,200

The three 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 submitted for funding in the Northern Alaska Region in 2014 is summarized below (see Executive Summaries for more details on all projects).

**14-101 Unalakleet River Chinook Salmon Escapement Assessment. Fund** The Unalakleet River supports the largest Chinook salmon subsistence fishery within Norton Sound. A decline in abundance over the last several years has resulted in a decline in subsistence harvests. This project supports a continuing effort to monitor Unalakleet River Chinook salmon with a floating weir. Monitoring of the Unalakleet River Chinook salmon began in 2010. The results from this project would provide Chinook salmon inseason daily passage estimates and run timing. This information aids Federal and State fishery managers in making timely decisions. In addition, the proposed work provides managers with information to characterize spawner/recruit relationships and develop an escapement goal for Unalakleet River Chinook salmon.

**14-102 North Slope Climate Change. Do Not Fund** This project proposes a prospective experiment to describe the effects of warming under a climate change scenario. This project addresses the 2014 priority information need of exploring changes in subsistence fishery resources in the context of climate change. The North Slope of Alaska, including the National Petroleum Reserve Alaska, Arctic National Wildlife Refuge and Gates of the Arctic National Park, contain extensive lake ecosystems supporting substantial subsistence fisheries which are sensitive to climate change. The investigator proposes establishing two lakes as control and two lakes to receive a warming treatment, then measuring and quantifying changes in the primary, secondary and fish production. The sample size in both the control and the treatment is small n=2. Inferences to be made from this experiment are ambitious for such a small sample size, a larger sample size would result in a more precise estimate. In addition, during warming periods the uplands warm as well as the lakes. It is unclear how results from just warming the water would be interpreting in an overall environmental context.

**14-103 Beaufort Sea Dolly Varden Dispersal Pattern. Fund** While this project does not address a specific priority information need in Northern Alaska, Dolly Varden are listed as a general priority for all three Northern Councils in the 2014 Priority Information Needs document. The investigators plan describes using PSAT tags to document marine movement and feeding habitat locations of Dolly Varden in the Beaufort Sea. Since Dolly Varden populations have complex life histories and migration patterns, methods to identify populations or stocks are needed to assess the status of this important resource. The tags will provide information about duration of river residency, timing of ocean entry, swimming speed while transitioning to feeding areas, and duration of summer feeding. Information gained from this project will allow fishery managers to evaluate the important summer feeding areas for the Dolly Varden populations and possible human impact.

**14-104 Selawik River Sheefish Age Structure and Spawning Abundance. Fund** This investigation

plan requests continued funding for Monitoring Program project 12-100 to study the effect of a permafrost slump located about 40 km upstream from the sheefish spawning area in the Selawik River. In 2004, the permafrost slump began emitting large amounts of sediment into the river. In 2010, the investigators began monitor the annual abundance and age structure of the Selawik River sheefish spawning population to determine if the sediment emitted from the permafrost slump resulted in an identifiable impact to the sheefish population over time. The proposed work is technically sound and addresses an important subsistence sheefish fishery associated with Selawik National Wildlife Refuge. This project builds upon several Monitoring Plan projects (02-020, 02-040, 03-016 and 04-101). Investigators have successfully completed two years of work funded through Monitoring Plan project 12-100. They have collected age structure data for both the Selawik and Kobuk river sheefish populations. In 2011 and 2012, they successfully sampled sheefish using DIDSON sonar to enumerate abundance. Currently, the investigators are funded to collect four years of data, funding this project would add three more years of data.

**14-151 Kotzebue Sound Whitefish Ecology and Seasonal Dynamics. Fund** As written, this investigation plan should not be funded at this time. Although this proposal attempted to address three 2014 priority needs for the Northern region, it needs a more systematic and thoughtful approach. The study objectives and methods need to be better explained and clearly detailed. A professional anthropologist or social scientist is needed, particularly to oversee objective 1. The proposal is directly linked to subsistence resources in three Federal conservation units, and whitefish are an important subsistence resource for the people living in the communities of this region. If adequately revised and submitted in the future, this study would build on previous work and has potential to help managers and scientists better understand the relationship between whitefish and the coastal communities in the rural Kotzebue area. If adequately revised and submitted in the future, this study could increase local capacity and partnering by providing rural people with meaningful roles in research and new ways to learn about and get involved with subsistence research and management.

**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
<u>North Slope</u>		
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 <sup>a</sup>	North Slope Dolly Varden Genetic Baseline Completion	USFWS
07-107 <sup>a</sup>	Hulahula River Dolly Varden Sonar Enumeration	USFWS
<u>Northwest Arctic</u>		
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 Nigingnaquat: 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 <sup>a</sup>	Selawik Refuge Whitefish Migration and Habitat Use	USFWS
04-109 <sup>a</sup>	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	Kobuk River Sheefish Spawning and Run Timing	ADFG, USFWS
10-100 <sup>a</sup>	Selawik Drainage Sheefish Winter Movement Patterns	UAF, USGS, USFWS, NVK
10-102 <sup>a</sup>	Unalakleet River Chinook Salmon Abundance Estimate	ADFG, NPS, BLM
10-104 <sup>a</sup>	Hotham Inlet Kotzebue Winter Subsistence Sheefish Harvest	USFWS
10-152	Climate Change and Subsistence Fisheries in Northwest Alaska	UAF
<u>Seward Peninsula</u>		
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
10-151	Local Ecological Knowledge of Non-Salmon Fish in the Bering Strait	KI

<sup>a</sup> Final Report in preparation.

**Table 2.** Summary of ongoing 2014 projects funded under the Fisheries Resource Monitoring Program in Northern Alaska. Abbreviations used for investigators are: ADFG=Alaska Department of Fish and Game, MQ=Maniilaq, NPS=National Park Service, SWCA=SWCA Inc., and USFWS=U.S. Fish and Wildlife Service, .

Project Number	Project Title	Investigators	Budget (\$1000)	
			2014	2015
	<u>Stock Status and Trends</u>			
12-100	Selawik River Sheefish Spawning Abundance and Age Structure	USFWS	\$90.7	\$0.0
12-103	Kobuk River Sheefish Spawning Frequency, Location, and Run Timing	ADFG, USFWS	\$13.8	\$13.8
12-104	Noatak River Dolly Varden Evaluation of Overwintering Populations	ADFG, NPS	\$142.4	\$76.2
	<u>Harvest Monitoring and Traditional Ecological Knowledge</u>			
12-153	NW Ak Key Subsistence Fisheries Harvest Monitoring Program	ADFG, MQ	\$117.4	\$119.8
12-154	NS Salmon Fishery HIMTEK	ADFG	\$42.3	\$44.8

**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 2014.

Project Number	Title	Budget (\$1000s)			
		Alaska Native	State	Federal	Other
	<u>Stock Status and Trends</u>				
14-101	Unalakleet R Chinook Salmon Escapement Assessment	\$38.9	\$76.1		
14-102	NS Climate Change Arctic Fishes and Lake Ecosystems				\$184.1
14-103	Beaufort Sea Dolly Varden Dispersal Patterns			\$0.0	\$156.2
14-104	Selawik R Inconnu Spawning Population Abundance				
	<u>Harvest Monitoring and Traditional Ecological Knowledge</u>				
14-151	Kotzebue Sound Whitefish Ecology and Seasonal Dynamics	\$40.0			\$160.2

**Table 4.** Northern Alaska local hire and matching funds for investigation plans submitted to the Fisheries Resource Monitoring Program for funding consideration in 2014. Abbreviations used are: ADFG=Alaska Department of Fish and Game, UAF=University of Alaska, Fairbanks, USFWS=U.S. Fish and Wildlife Service, USU=Utah State University, and WCS=Wildlife Conservation Society.

Project Number	Lead Organization	Title	Funding (\$1000s)	
			Local Hire	Matching
<i>Stock Status and Trends</i>				
14-101	ADFG	Unalakleet R Chinook Salmon Escapement Assessment	\$36.5	\$61.3
14-102	USU	NS Climate Change Arctic Fishes and Lake Ecosystems	\$0.0	\$24.4
14-103	UAF	Beaufort Sea Dolly Varden Dispersal Patterns	\$2.0	\$0.0
14-104	USFWS	Selawik R Inconnu Spawning Population Abundance	\$0.0	\$10.0
<i>Harvest Monitoring and Traditional Ecological Knowledge</i>				
14-151	WCS	Kotzebue Sound Whitefish Ecology and Seasonal Dynamics	\$11.0	\$35.0

**Table 5.** Funding recommendations by the Technical Review Committee (TRC) for Northern Alaska 2014 Fisheries Resource Monitoring Program.

Project Number	Title	TRC	Requested Budget (\$1000)			
			2014	2015	2016	
<i>Stock Status and Trends</i>						
14-101	Unalakleet R Chinook Salmon Escapement Assessment	YES	\$115.0	\$117.3	\$119.7	\$122.3
14-102	NS Climate Change Arctic Fishes and Lake Ecosystems	NO	\$184.1	\$148.9	\$151.6	\$169.0
14-103	Beaufort Sea Dolly Varden Dispersal Patterns	YES	\$156.2	\$158.3	\$83.7	\$0.0
14-104	Selawik R Inconnu Spawning Population Abundance	YES	\$0.0	\$144.7	\$146.1	\$68.8
<i>Harvest Monitoring and Traditional Ecological Knowledge</i>						
14-151	Kotzebue Sound Whitefish Ecology and Seasonal Dynamics	NO	\$200.2	\$178.2	\$177.4	\$194.8
Total			\$655.5	\$747.4	\$678.5	\$554.9
Funding Guideline						\$629.0
TRC Recommendation			\$271.2	\$420.3	\$349.5	\$191.1

**EXECUTIVE SUMMARY****Project Number:** 14-101**Title:** Unalakleet River Chinook Salmon Assessment Continuation**Geographic Region:** Unalakleet Wild River**Data Type:** Stock Status and Trends (SST)**Principal Investigator:** Scott M. Kent, Assistant Area Management Biologist, Alaska Dept. of Fish & Game (ADF&G) Division of Commercial Fisheries**Co-Investigators:** Merlyn Schelske, United States Bureau of Land Management (BLM), and Wes Jones, Norton Sound Economic Development (NSEDC).**Project Cost:**

2014	2015	2016	2017	TOTAL
\$115,013	\$117,322	\$119,731	\$122,250	\$474,316

**Recommendation: Fund**

**Issue:** This proposal seeks funding to continue operating a 320-ft resistance board floating weir on the mainstem of the Unalakleet River from mid-June to mid-August. Since 2010, the weir has been used to fill important data gaps by monitoring the magnitude and age structure of the Chinook salmon *Onchorhynchus tshawytscha* spawning escapement. This has included the collection of age, sex, and length (ASL) data for the long term goals of establishing biological spawning goals and examining trends in relation to environmental changes and harvest practices.

The Unalakleet River Chinook salmon run supports the largest subsistence fishery in Norton Sound and constitutes the northernmost Chinook salmon population of significant size in Alaska. Past radiotelemetry studies revealed that 47–66% of Chinook salmon that return to the Unalakleet River drainage, spawn within the upper mainstem of the Unalakleet River watershed within the Federally-designated Wild and Scenic portion (Wuttig 1999; Joy and Reed *In Prep*). However, Chinook salmon returns to the Unalakleet River have declined precipitously since 2000, eliciting tremendous concern by subsistence users on the river. Existing sustainable escapement goals on the North River tributary have only been reached half the time since 1999 despite management measures aimed at conserving Chinook salmon (Kent and Bergstrom 2012). As a result, Unalakleet River Chinook salmon were designated a stock of yield concern in 2004 by the Alaska Board of Fisheries (board); the board reaffirmed this classification in 2007, 2010, and 2013. Beginning in 2009, the Federal Subsistence Board also took action by prohibiting all fishing for Chinook salmon in the Wild and Scenic corridor of the Unalakleet River to all users.

The mainstem weir escapement and ASL data are used to manage Chinook salmon subsistence and sport fisheries, develop outlooks of run abundance for subsequent years, evaluate brood year productivity, and evaluate effects of harvest practices on the spawning escapement. Concurrent operation of the mainstem weir and North River tower has also led to three years of accurate drainagewide escapement counts and has provided a means to examine historical estimates of drainagewide escapement indexed from North River tower counts and radiotelemetry (Wuttig 1999; Joy and Reed *in prep*). Construction of a comprehensive database integrating North River and

Unalakleet River mainstem escapement, harvest, and ASL data has also been initiated. However, several more years of these data must be compiled before meaningful recruit-per-spawner analyses can be conducted and a scientifically defensible escapement goal established. Thus, long-term operation of the Unalakleet River weir is critical in order to develop a drainagewide escapement goal, and possibly elucidate primary causes for the nearly 15-year pattern of diminishing runs. More importantly, accomplishing these latter two objectives provides the best opportunity for restoring the Unalakleet River Chinook salmon stock to historic abundance levels and consequently, ensuring customary levels of subsistence harvests are reached.

**Objectives:**

1. Determine daily and total Chinook salmon escapement from mid-June to mid-August.
2. Describe the timing of the Unalakleet River mainstem Chinook salmon escapement.
3. Estimate the ASL composition of the annual Unalakleet River mainstem Chinook salmon spawning escapement such that 95% confidence intervals of age composition will be no wider than  $\pm 10\%$  ( $\alpha=0.05$ ,  $d=0.10$ ).

**Methods:** This proposal seeks funding to continue to operate a 320 ft resistance board floating weir on the mainstem of the Unalakleet River for the 2014–2017 field seasons. The weir was constructed in Unalakleet in 2010 following methods described by Stewart (2002) and Tobin (1994) and successfully operated through 2012. The weir site (63°53.32'N, 160°29.41'W) is located approximately 22 rkm upstream from the mouth of the Unalakleet River. Weir operations will occur from mid-June until mid-August in order to fully enumerate the Unalakleet River mainstem Chinook salmon escapement. In addition to timely and accurate escapement counts, the floating weir and integral live trap platform will continue to facilitate collection of large annual sample sizes of unbiased ASL data from the mainstem Chinook salmon spawning escapement. Age class information representative of the entire Chinook salmon run is needed to conduct recruits-per-spawner (R/S) analyses that characterize productivity through time and to develop scientifically defensible escapement goals.

Inseason estimates of Chinook salmon escapements will be available to state and federal fishery managers for evaluating Chinook salmon run strength and timing. Accurate ASL data will also allow managers to assess the impacts of harvest practices on the quality and quantity of the spawning escapement. Long-term datasets compiled of escapement, age data, and harvest information will be used to reconstruct the total run and develop scientifically defensible drainagewide Chinook salmon escapement goals. This will lead to better informed management of the Unalakleet River Chinook salmon subsistence fishery.

**Partnerships/Capacity Building:** Requested funding is for ADF&G, Native Village of Unalakleet, (NVU), and NSEDC to support one crew leader fishery biologist 1 (ADF&G), one NVU fisheries technician, and one NSEDC fisheries technician. Technicians trained by ADF&G, NSEDC, and BLM staff will be responsible for the bulk of field work. The proposed project would continue to seek local hires to promote involvement of resource users in the fisheries management and assessment process, and partnership with NVU and NSEDC encourages even greater local involvement and capacity building in the Unalakleet area. ADF&G, BLM, and NSEDC are providing matching funds towards the Unalakleet River weir in the form of biologist and technician time for weir installation, operation, and removal (BLM and NSEDC), project operational planning, personnel supervision, operations oversight (ADF&G), and data analysis and report writing (ADF&G). ADF&G and NSEDC are also providing matching funds by operating the North River tower project for the 2014–2017 field seasons.

## EXECUTIVE SUMMARY

**Project Number:** 14-102

**Title:** Climate change and subsistence fisheries: quantifying the direct effects of climatic warming on arctic fishes and lake ecosystems using whole-lake manipulations on the Alaska North Slope

**Geographic Region:** Northern Alaska

**Information Type:** Stock status and trends (SST)

**Investigators:** Phaedra Budy; Unit Leader, US Geological Survey-Utah Cooperative Fish and Wildlife Research Unit/Professor, Department of Watershed Sciences, Utah State University, Principal Investigator; 5210 Old Main Hill, Logan, UT, 84322; Phone: (435)-797-7564, phaedra.budy@usu.edu, FAX: (435)-797-4025, DUNS: 072984355

Stephen Klobucar; Ph.D. student, Department of Watershed Sciences, Utah State University; 5210 Old Main Hill, Logan, UT, 84322; Phone: (608)-289-5687, stephen.klobucar@gmail.com, FAX: (435)-797-4025

### Project Cost:

2014	2015	2016	2017	TOTAL
\$184,104	\$148,937	\$151,603	\$168,967	\$653,611

### Recommendation: Do Not Fund

**Issue Addressed:** Arctic ecosystems are already warming as a result of global climate change. Understanding the direct impacts on system productivity (e.g., harvestable fishes) as a result of this warming is essential to adapt and efficiently manage these systems. In particular, the Alaska North Slope (including the National Petroleum Reserve Alaska, Arctic National Wildlife Refuge Wilderness Area and Gates of the Arctic National Park and Preserve), contains extensive lake ecosystems which are not only sensitive to climatic warming, but also comprise important and valuable subsistence fisheries for Alaska Natives. However, our ability to detect and quantify specific biological responses (e.g., fish growth and survival) in these fisheries is currently limited to modeled scenarios and observational studies in uncontrolled environments. A much greater and active understanding is required and of paramount importance in order to adapt management as these North Slope fisheries are subjected to climatic warming. By implementing a controlled, system-level experimental manipulation, we will directly measure and quantify the potential effects of climate change on critical fish populations and overall system productivity in lakes representative of North Slope subsistence fisheries. Our results will 1) quantify changes in whole-lake production (primary, secondary, fish) as a result of climate change, 2) address the sustainability and guide management of important subsistence fisheries for Alaska Natives, and 3) provide empirical data to test current model predictions across other systems and regions. Implications of this research are of paramount importance. Our current model predictions indicate that if primary and secondary production does not increase with the warming climate, lakes, such as those that support subsistence fisheries on the North Slope, could experience extinctions of fish populations (Budy and Luecke, 2013). Alternatively, if production at lower trophic levels increase, fish production and growth could increase as well, allowing for better and more sustainable subsistence fisheries.

**Objectives:**

1. Identify lake systems representative of regional subsistence fisheries and quantify current and historical trends in system productivity
2. Experimentally extend growing season via whole-lake manipulation to simulate climate change
3. Measure and quantify changes in primary, secondary, and fish production in experimental systems
4. Estimate overwinter survival and measure growth of important fish species; compare with historical data for average length growing seasons
5. Measure bioenergetic inputs (fish growth, fish diet, water temperature) and compare outputs with previous simulations derived from climate change models
6. Calibrate existing models to match observed changes in fish production

**Methods:** We will implement a large-scale experimental manipulation of arctic lakes (within Toolik Lake Research Natural Area) with three distinct phases:

1. We will select two control lakes and two experimental lakes and monitor production at all trophic levels (e.g., primary production, fish growth), along with a suite of abiotic limnological factors (e.g., temperature, dissolved oxygen). We will census long-term aerial imagery files to determine the historical range of ice-off-on-dates on adjacent locations throughout the landscape (Objective I). Combining long-term data and existing bioenergetics models, we will estimate growth and production of trophic levels within the study lakes.
1. We will test predictions from the initial phase by implementing an ecosystem level, experimental manipulation to simulate climatic warming (Objective II). For designated experimental lakes, we will deploy developed lake warming equipment to extend the growing season by at least 15 days. Thus, we will replicate effects of climatic warming which have already been observed across the northern hemisphere. The control lakes will not be altered. We will again monitor production and limnological factors for the control and experimental lakes as in the initial phase (Objectives III, V).
1. We will allow natural ice conditions to return to the experimental lakes and the control lakes will remain unchanged. Again, we will monitor response variables as in the initial and implementation phase. We will investigate if any changes in trophic production (e.g., fish growth) are manifested in the following year, or if winter conditions bring the levels of production back to pre-manipulation conditions (Objective IV). We will analyze the experimental outcomes in regards to our model predictions (Objective VI).

**Capacity Building:** We will develop a series of interactive presentations that will engage native communities and subsistence fisherman in understanding the scientific background and methods of fisheries and aquatic science as they relate to climate change and Native subsistence culture. However, we will not be limited to the presentation of aquatic science. When applicable, we will invite other scientists from Toolik Research Station to present on topics ranging from permafrost to small mammals and birds, within the context of climate change and subsistence.

Specifically we will travel to and engage citizens of all ages and backgrounds in the community of Anaktuvuk Pass. For children, we will work with local teachers to develop hands-on educational demonstrations that will allow students to learn about general biology and ecology including fish and water basics such as life cycles and life history. We will provide projects and handouts, which can be built upon as our educational series progresses. Children will also be able to view organisms (e.g., zooplankton) and fish parts (e.g., otoliths) through microscopes, and we will use various engaging

multimedia techniques (e.g., observing feeding strategies of fishes through underwater video recordings or real time demonstrations). Older students, if interested, would be given the opportunity to spend a day on-site at our study lakes to assist with data collection and learn the scientific process. For adults and elders, we will present short, interactive lectures. Our presentations will begin by covering basics of fish ecology and climate change for the lay person and evolve based on our interactions with community members, likely towards the futures of management and resources in a changing climate. Furthermore, we would initiate an annual field trip to Toolik Research Station. Again, children would get hands on experiences, and in this setting be to learn and practice laboratory and computer skills (e.g., filter chlorophyll from water, examine fish diets). Interested citizens from Anaktuvuk Pass could visit our actual study lakes and view the manipulation in progress, and we would provide real-time updates on our progress and findings. In closing each of these on and off-site events, we would have an informal discussion and social gathering during which we could answer questions while simultaneous engaging and learning about Native livelihoods in respect to fishing, subsistence, and life in general.

## EXECUTIVE SUMMARY

**Project Number:** OSM Project 14-103

**Title:** Dispersal patterns and summer ocean distribution of adult Dolly Varden in the Beaufort Sea using satellite telemetry

**Geographic Region:** Northern Region

**Data Type:** Stock Status and Trends

**Principle Investigator:** Andrew Seitz, Assistant Professor, UAF-SFOS

**Co-Investigator:** Brendan Scanlon, Fishery Biologist, ADF&G-SFD

**Collaborator:** Randy Brown, Fishery Biologist, US FWS-FES

**Project Cost:**

2014	2015	2016	Total
\$156,222	\$158,333	\$83,662	\$398,217

**Recommendation: Fund**

**Issues:** Fisheries managers have long recognized the importance of Dolly Varden to subsistence users on the North Slope. The number of Dolly Varden harvested for subsistence purposes is largely undocumented in northern Alaska, but it is known that residents of villages in this region rely heavily upon this fish species. For example, in Kaktovik, fishers harvested 15,388 pounds of fish for subsistence from 2000–2002, of which 12,297 pounds (80%) was Dolly Varden, equating to approximately 96 pounds of Dolly Varden harvested each year per household. Dolly Varden are captured at river mouths and lagoons with gill nets or beach seines during open water periods, and with hook and line during winter ice fishing.

To understand the biology and ecology of this anadromous fish species that overwinters in rivers and feeds in the summer in the ocean, managers and biologists have conducted periodic aerial survey indices to monitor overwintering abundance dating back to 1971. Most of the surveys have been conducted on overwintering aggregations in the Ivishak River, with occasional surveys conducted on other rivers. A variety of other projects have also been conducted on Dolly Varden during their freshwater phase.

In contrast to the information that is available about Dolly Varden during their freshwater phase, fisheries managers have little direct information about the summer ocean ecology and distribution of Dolly Varden that overwinter in North Slope rivers. This information is important to evaluate the potential effects of habitat perturbations and climatic change, which ultimately may be important for understanding population dynamics and the effects of regulatory proposals and actions on this species.

Developments in satellite telemetry now provide an opportunity to examine the movements of fish as well as their depth and temperature preferences while in saltwater without having to recapture the study organism. In the past, pop-up satellite archival transmitting (PSAT) tags have been used to study the movements of relatively large fishes, however, as the size of the tags has become smaller, PSAT tags have been successfully used to describe movements of smaller fishes such as the striped bass *Morone saxatilis*.

More recently, PSAT tags have been used successfully by the investigators of this proposed project to examine the summer oceanic movements and behavior of Dolly Varden that overwinter in northwest Alaska. Specifically, the tags provided information about duration of river residency, timing of ocean entry, swimming speed while transiting to feeding areas, duration of summer feeding, and depth-specific information about transit and feeding behaviors.

Therefore, we propose to use PSAT tags to provide baseline information about the oceanic habits, distribution and migration patterns of Dolly Varden that are found just after ice-out in the Kaktovik area and spend their summers in the Beaufort Sea.

**Objectives:** The objectives of this proposed project are:

1. Describe baseline ecological information about Dolly Varden tagged in the lagoons near Kaktovik, Alaska, including:
  - a. Timing of outmigration to the Beaufort Sea
  - b. Summer dispersal
  - c. Temporal and spatial distribution
  - d. Depth and temperature occupancy
2. Describe temporal and spatial distribution in relation to areas where human activities such as shipping and hydrocarbon extraction are taking place to provide information to the public, biological resource managers and marine gas and oil resource managers to better understand potential interactions among Dolly Varden and human activities in the Beaufort Sea.

**Methods:** PSAT tags will be used to examine the marine movement and distribution of Dolly Varden that occur in the lagoon system near Kaktovik, AK in the spring. PSAT tags are a fisheries-independent means of studying fish, which is extremely important because there are no large-scale fisheries in the Beaufort Sea in the summer in which to capture Dolly Varden, therefore there is no financially efficient and logistically reasonable alternative to obtaining Dolly Varden migration and distribution data.

During fieldwork in the summers of 2014 and 2015, we propose to externally attach PSAT tags to 15 large (>55 cm) Dolly Varden each year. While externally attached to a fish, the tags measure and record temperature, pressure, and ambient light intensity (for daily geolocation estimates), detach from the fish on a preprogrammed date, “pop-up” to the surface, and transmit the archived data to Argos satellites, which will then be retrieved by the project investigators. While transmitting, the location of the PSAT tag is determined by passing satellites. The pop-up dates will be staggered throughout July and August, with all tags programmed to release before the fish purportedly reenter freshwater in September, as these tags need at least 5 ppt saltwater for the release mechanism to function. Oceanic dispersal and behavior of Dolly Varden from the lagoon near Kaktovik will be inferred from PSAT tag end locations, and depth, temperature and ambient light data.

Based on past PSAT tag experiments conducted by the investigators of this proposed project, combined with the short duration that these Dolly Varden will carry the tags (<10 weeks), it is anticipated that data recovery from the deployed tags will be >80%.

**Partnerships and Capacity Building:** Prior to starting the project, traditional local knowledge of Dolly Varden movements, timing, and capture methods and locations will be solicited from the Kaktovik IRA, North Slope RAC, North Slope Borough Wildlife Department and members of the public. Consultation with the Kaktovik IRA will be conducted to describe the project objectives and to inform fishers about

returning tags if they are recaptured prior to their scheduled pop-up date. Additionally, a letter of support will be solicited from the North Slope RAC at their Fall/Winter 2013 meeting in Barrow. During tagging fieldwork, a portion of the requested funds will provide a honorarium for a locally-hired technician from the village of Kaktovik to assist with fish capture and tag deployment for approximately one week each year. After the tags have popped-up and reported their data each year, annual educational outreach trips to Kaktovik to describe project results and updates will be conducted to give presentations to the public and school classes. These trips will be scheduled to coincide with the annual meeting of the Kaktovik IRA, to whom we will also give an outreach presentation. Additionally, a project investigator will attend a Federal RAC meeting held in Barrow annually to describe project results and updates. Finally, as interest and resources allow, presentations may be made at other regional villages and schools, such as Barrow, Nuiqsut, and Atqasuk and project results will be presented at State Advisory Committees, and in regional newspapers and radio shows.

## Executive Summary

**Project Number:** 14-104

**Title:** Selawik River Inconnu Spawning Population Abundance and Age Structure Evaluation

**Geographic Region:** Northwest Alaska

**Data Type:** Stock Status and Trends

**Principal Investigator:** Raymond Hander

U.S. Fish and Wildlife Service

**Co-Investigators:** Randy J. Brown, USFWS

**Cost:**

2014	2015	2016	2017	TOTAL
\$0	\$144,654	\$146,144	\$68,791	\$359,589

**Recommendation: Fund**

**Issue Addressed:** The Selawik National Wildlife Refuge (Refuge) has a congressional mandate through ANILCA to conserve inconnu (sheefish) *Stenodus leucichthys* populations. This project is a continuance to 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 FRMP projects 12-100 (in progress), 04-101, 03-016, 02-040, and 02-020.

There are two known populations of inconnu in Northwest Alaska, one that spawns in the upper Kobuk River and another that spawns in the upper Selawik River. Both populations are subject to intensive fisheries throughout the region. A large permafrost thaw slump (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 may 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 2014, 2015, and 2016;

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 2014, 2015, and 2016; and
4. Determine whether age structure and spawning population abundance data support the null hypothesis that sediment deposition from the slump has not affected inconnu recruitment.

***Project Design based on FRMP 12-100 preliminary findings:***

This project will involve three distinct components that together will reveal whether the Selawik River thaw slump is affecting 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. These pre-slump 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 and female inconnu from the Kobuk River population. 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. They have agreed to sample the inconnu they capture during that test fishery and provide those biological data and age structures for this project. We initially thought that if recruitment failure was observed in both sample collections, it would indicate an effect in their shared rearing environment and not necessarily in the Selawik River spawning area. And, if recruitment failure is observed only in the Selawik River sample collection it would indicate an effect from the Selawik River spawning area. However, given the age distributions observed for both populations in 2011 and 2012, in which both populations appear to have experienced several years of poor recruitment, we modified our statement to read; if recruitment success is observed in both sample collections it would indicate no negative slump effect on spawning success. And if recruitment success is observed only in the Kobuk River sample it would indicate a negative slump effect on spawning success the Selawik River spawning area. The third component of the project will be a series of annual spawning population abundance estimates for the Selawik River inconnu population. Age distribution data are proportional to abundance so one could see identical profiles from a population at radically different spawner abundance levels. The age distribution profiles from the Kobuk and Selawik rivers show a dominance of older inconnu with fewer younger age recruits. A significant increase in recruitment to the spawning population should eventually be reflected in an increase in abundance. The combination of spawner abundance and age structure data provides a robust means of assessing changes in spawning population dynamics.

**Partnerships and Capacity Building:** Residents of Selawik will continue to be sought for assistance with local knowledge, collecting otoliths, overseeing inconnu carcass processing, and transportation and logistical support. Specific training to address project specific sampling procedures and protocols will be conducted for individuals prior to initiating sampling. In the 2011 pilot study year and 2012 there were five to seven Selawik residents plus the Selawik IRA that interacted with the project to help make it a success. The FFWFO has worked with Selawik residents or the NVOS organization for about 27 years.

## EXECUTIVE SUMMARY

**Project Number:** 14-151

**Title:** Kotzebue Sound Whitefish Ecology and Seasonal Dynamics.

**Geographic Region:** Northern Region.

**Information Type:** Stock status and trends (SST), Harvest monitoring (HM), and Cultural knowledge and traditional ecological knowledge (CK/TEK) information.

**Principle Investigator:** Dr. Martin Robards, Wildlife Conservation Society

**Co-Investigators:** Alex Whiting, Native Village of Kotzebue; Dr. Mark Wipfli, University of Alaska, Fairbanks; Dr. James Lawler, National Park Service

**Project Cost:**

2014	2015	2016	2017	TOTAL
\$200,185	\$178,168	\$177,378	\$194,770	\$750,501

**Recommendation: Do Not Fund**

**Issue:** Despite the importance of whitefish for coastal communities in northwest Alaska, managers lack much of the critical data necessary to understand trends in subsistence use, fish habitats, or long-term changes in whitefish health and condition. Increased coastal erosion as a result of climate change may profoundly alter the coastal subsistence fisheries for whitefish, because new dynamics of lagoon breaching will alter overwintering patterns. Furthermore, local fishermen have observed the loss of “countless numbers” of whitefish in Kotzebue Sound, lending credence for the need to better understand the factors driving such perceived declines (Whiting et al., 2001:32). This project will foster a better understanding of the long-term sustainability of the Kotzebue Sound coastal whitefish fisheries and help disentangle the role of climate change impacts, such as from increased coastal erosion, from other potential factors reducing fish catches (e.g., prey availability).

We propose to document seasonal dynamics of whitefish in and around 5 coastal lagoons in the southern Chukchi Sea known to offer habitat for whitefish –Krusenstern, Aqulaaq, Sisualik, Espenberg, and Cowpack, and the fishery catches of 5 communities: Kivalina, Kotzebue, Deering, Shishmaref, and Wales. Irrespective of climate change, this is an increasingly important task, given the rapid escalation in development activities that raise the risks of oil spills or coastal modification; including, maritime transport supporting oil and gas activities in the northern Chukchi Sea, consideration of deep-water ports in the northern Bering Sea, and international shipping along the Northern Sea Route. As Admiral Ostebo (US Coast Guard) emphasized at a recent hearing with Senator Begich, shipping presents some of the greatest risks to the environment in northern Alaska, and the southern Chukchi Sea is at the epicenter of that risk.

Our proposed project responds directly to high priority areas identified for the Northern Alaska Region in the Priority Information Needs for Federal Subsistence Fisheries guidance document (Office of Subsistence Management, USFWS, December, 2012), including the need to a) relate effects of climate change on subsistence fishery resources, and b) the need for baseline and ongoing harvest assessment

and monitoring of subsistence fisheries. We will conduct an interdisciplinary project based on a close collaboration between the Wildlife Conservation Society, the Native Village of Kotzebue, University of Alaska, Fairbanks, and National Park Service. To accomplish our research, we will work with a full-time graduate student or post-doctoral researcher to combine ethnographic data, harvest monitoring, traditional ecological knowledge, and biological/ecological data that will help answer the following overarching research question: ***What are the seasonal and spatial dynamics, and health of coastal whitefish fisheries in the Kotzebue Area?***

Objectives:

Objective 1: Assess seasonal and inter-annual variability of contemporary whitefish use in coastal communities between Wales and Kivalina.

Objective 2: Establish seasonal patterns and ecology of coastal lagoon use by whitefish between Wales and Kivalina.

Objective 3: Establish indicators of whitefish health and abundance that can be used for long-term monitoring.

### **Methods:**

Objective 1: We will synthesize information on whitefish use from current harvest surveys that have been conducted by Kawerak Inc., the Native Village of Kotzebue, and others. Where necessary, we will supplement this information with new interviews that are consistent with existing survey tools, including new research in the villages of Kivalina and Deering.

Objective 2: We will collect physical and biological data in June, July, August, September, and March using a calibrated sonde; under-ice deepwater fish habitat with an EM-31; and fish with beach seines (not March), fyke nets (not March), and gillnets. Fish will be subsampled from catches and analyzed for species composition and further analysis (see below)

Objective 3: A subsample of up to 30 whitefish of each species will be collected from each lagoon in each sampling period for assessment of a) growth rates, b) diet, and c) proximate composition. Based on these analyses we will establish indicators for long-term changes in growth rate, body composition, and diet for whitefish and indicate the statistical power of detecting change over decadal time scales.

### **Partnerships and Capacity Building:**

This project will:

Provide information of value to resource managers and subsistence fishermen in Kotzebue concerning stocks of whitefish and forage species in the lagoons of Kotzebue Sound. This information will inform outreach materials identified as important to Kotzebue residents telling the “Story of the Lagoons.” These materials will be developed in such a manner that they can be easily adapted for the Kawerak Inc. region on the Seward Peninsula.

Develop a long-term program to describe and monitor the subsistence whitefish fishery that can be used by tribal and federal resource managers, those needing to plan for accident mitigation in the case of oil-spills (USCG), or those seeking to understand and track natural resources on federal lands (NPS). In

particular, this effort will promote tribal collaborations in the development of the NPS lagoon vital sign – a multi-decadal monitoring program to assess long-term changes in coastal lagoons in the Arctic Network (ARCN) National Park Service Units. Data from this program will then be able to dovetail with, and expand the capacity of other efforts by tribal fishery managers.

Place the ecology of Kotzebue Sound coastal lagoons in the context of other efforts along the northern Chukchi and Beaufort sea coasts (e.g., Boswell and colleagues through their North Pacific Research Board support) to support the most comprehensive assessment of lagoon ecology, including whitefish dynamics throughout the entire northern subsistence fishery region (i.e., including the North Slope). Consequently this project will support tribal capacity building for whitefish fishery management across the North Slope Borough, Northwest Arctic Borough, and the Kawerak Inc. regions.

Provide part-time employment for residents in Kotzebue and Shishmaref for help with logistics and expert-consultation with under-ice fishing. Honorariums will be provided for all interviews in Kivalina, Kotzebue, Deering, Shishmaref, and Wales.

Develop a report focused on how to implement a local response for potential industrial accidents that best protects lagoon fisheries.

## **BRIEFING ON THE REVIEW OF THE RURAL DETERMINATION PROCESS**

Title VIII of the 1980 Alaska National Interest Lands Conservation Act (ANILCA) provides a subsistence priority for rural Alaska residents for harvesting fish and wildlife resources on Federal public lands. Only residents of communities or areas determined to be rural are eligible under Federal subsistence regulations for the subsistence priority. The Secretaries of the Interior and Agriculture are responsible for the process by which the rural determinations are made. The Federal Subsistence Board uses the Secretaries' process to make the rural determinations.

On December 17, 2010, the Secretaries of the Interior and Agriculture directed the Federal Subsistence Board to conduct a review of the rural determination process and develop recommendations to the Secretaries on how to improve the process (Attachment 1).

The Federal Subsistence Board initiated a review of the rural determination process on December 31, 2012 with the publication of a Federal Register Notice (Attachments 2 and 3) requesting comments on the following components of the process: population thresholds, rural characteristics, aggregation of communities, timelines and information sources. All ideas on how to improve the rural determination process that are consistent with ANILCA Title VIII and 9th Circuit Court of Appeals case law associated with the definition of rural will be considered. The deadline to submit comments is November 1, 2013.

In addition to soliciting written public comments, the Federal Subsistence Board is holding hearings in key locations throughout the State to provide opportunities for the public to learn more about the rural determination process and provide testimony. The Federal Subsistence Board has provided Federally recognized Tribes and Alaska Native Claims Settlement Act (ANCSA) corporations with the opportunity to consult prior to the start of the Federal Subsistence Regional Advisory Council meeting window. During the fall 2013 meetings, the ten Federal Subsistence Regional Advisory Councils are to review the rural determination process and formulate recommendations for the Board. See the Current Schedule of Forums for Public Comments for a list of all meetings and hearings to be held (Attachment 4).

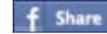
The Federal Subsistence Board will meet April 15–17, 2014 in Anchorage to review all the comments it received during the comment period. The Board will then make recommendations to the Secretaries of the Interior and Agriculture on possible changes to improve the process. These recommendations will be based in large part on the Federal Subsistence Regional Advisory Councils' recommendations, results of Tribal and ANCSA corporation consultations, and public comments. See the Steps in the Rural Determination Process for the review schedule (Attachment 5)

If the Secretaries decide to make changes to the rural determination process, a proposed rule and another comment period will be published in the Federal Register as required by the Administrative Procedure Act.

Following the completion of the review of the rural determination process, the Federal Subsistence Board will conduct a public review of the current rural determinations.

## DOI News

### Secretary Letter on Federal Subsistence Board Implementation



01/07/2011

December 17, 2010

Mr. Tim Towarak  
Chair, Federal Subsistence Board  
P. O. Box 89  
Unalakleet, Alaska 99684

Dear Mr. Towarak:

First, I want to thank you for your service on the Federal Subsistence Board (FSB). I recognize that your work represents a significant commitment of time and energy to a task that is complex and often controversial.

Under the terms of the Title VIII of ANILCA, we have a duty to provide an effective program that serves rural residents of Alaska. In October 2009, at the Alaska Federation of Natives convention, I announced a review of the Federal subsistence program to ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII are being met. That review, conducted through my Alaska Affairs office, included meetings with stakeholder groups and individuals throughout Alaska as well as Federal, State, and local officials. Following an analysis of the wide variety of comments, concerns, and suggestions expressed, a number of recommendations for programmatic changes were presented for consideration. On August 31, 2010, Secretary of Agriculture Tom Vilsack and I announced our decision to pursue a number of those recommendations to provide a more responsive, more effective subsistence program. A copy of the press release is enclosed for your information.

A number of these proposed actions are best accomplished by the FSB. With concurrence of the Secretary of Agriculture, I respectfully request that the FSB initiate the following actions at the earliest practical time:

1. Develop a proposed regulation to increase the membership on the FSB to include two additional public members representing subsistence users;
2. As a matter of policy, expand deference to appropriate Regional Advisory Council (RAC) recommendations in addition to "takings" decisions of the Board provided for under Section 805(c) of ANILCA, subject to the three exceptions found in that Section;
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;
4. 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;
5. Review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes;
  6. Review, with RAC input, rural/nonrural determination process and present recommendations for regulatory changes;
  7. Review the Board's written policy on executive sessions and minimize the use of executive sessions to those cases specifically prescribed;
  8. At the request of the Director of the Fish and Wildlife Service and under Departmental procedures, review and submit recommendations for Departmental consideration of the annual budget for the Federal subsistence program;
  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; and
  11. Prepare and submit a status report on these actions to me, with a copy to the Secretary of Agriculture, within a year of this letter.

Again, thank you for your service. I look forward to further recommendations the FSB may have to strengthen our subsistence management program.

An identical letter is being sent to Ms. Beth Pendelton, Alaska Regional Forester.

Sincerely,

/s/ Ken Salazar

Ken Salazar

Enclosure

**<< Previous**

Secretary's Memorandum to Fish  
and Wildlife Service Director  
Implementing Subsistence Review

**Next >>**

Proposed rule to revise the  
regulations concerning the  
composition of the Federal  
Subsistence Board



location and hours of the reading room). You may also request paper copies of the data standards by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 20th day of December, 2012.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2012-31401 Filed 12-28-12; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R7-SM-2012-N248;FXFR133  
50700640-134-FF07J00000]

#### **Subsistence Management Program for Public Lands in Alaska; Rural Determination Process**

**AGENCIES:** Forest Service, Agriculture; Fish and Wildlife Service, Interior.

**ACTION:** Notice; request for comments.

**SUMMARY:** Federal subsistence regulations require that the rural or nonrural status of communities or areas be reviewed every 10 years. In 2009, the Secretary of the Interior initiated a review of the Federal Subsistence Management Program. An ensuing directive was for the Federal Subsistence Board (Board) to review its process for determining the rural and nonrural status of communities. As a result, the Board has initiated a review of the rural determination process and is requesting comments from the public. These comments will be used by the Board, coordinating with the Secretaries of the Interior and Agriculture, to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

**DATES:** *Comments:* Comments on this notice must be received or postmarked by November 1, 2013.

*Public meetings:* The Federal Subsistence Regional Advisory Councils will hold public meetings to receive comments and make recommendations to the Federal Subsistence Board on this notice on several dates between August 19 and October 30, 2013. See Public Meetings under **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

**ADDRESSES:** *Comments:* Comments on this notice must be received or postmarked by November 1, 2013. You may submit comments by one of the following methods:

- *Electronically:* Comments addressing this notice may be sent to [subsistence@fws.gov](mailto:subsistence@fws.gov).
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503-6199, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings.

Comments received will be available for public review during public meetings held by the Board on this issue. This generally means that any personal information you provide us will be available during public review.

*Public meetings:* See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings. If the Board decides additional meetings are required, public announcements will be made that provide meeting dates and locations.

**FOR FURTHER INFORMATION CONTACT:** Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Peter J. Probasco, Office of Subsistence Management; (907) 786-3888; or [subsistence@fws.gov](mailto:subsistence@fws.gov). For questions specific to National Forest System lands, contact Steve Kessler, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461; or [skessler@fs.fed.us](mailto:skessler@fs.fed.us).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This Program provides a priority for taking of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to implement this Program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations in the **Federal Register** on May 29, 1992 (57 FR 22940). The Secretaries have amended these regulations a number of times. Because this Program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and

Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-28 and 50 CFR 100.1-28, respectively. The regulations contain the following subparts: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

##### *Federal Subsistence Board*

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair, appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, U.S. National Park Service;
- The Alaska State Director, U.S. Bureau of Land Management;
- The Alaska Regional Director, U.S. Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council. The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

##### **Public Meetings**

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing subsistence issues and making recommendations to the Board. The Federal Subsistence Board, through the Councils, will hold public meetings to accept comments on this notice during the fall meeting cycle. You may present comments on this notice during those meetings at the following locations in Alaska, on the following dates:

Attachment 2

77006 Federal Register / Vol. 77, No. 250 / Monday, December 31, 2012 / Notices

Region 1—Southeast Regional Council .....	Petersburg .....	September 24, 2013.
Region 2—Southcentral Regional Council .....	Copper Center .....	October 2, 2013.
Region 3—Kodiak/Aleutians Regional Council .....	Cold Bay .....	September 24, 2013.
Region 4—Bristol Bay Regional Council .....	Dillingham .....	October 29, 2013.
Region 5—Yukon-Kuskokwim Delta Regional Council .....	St. Marys .....	September 25, 2013.
Region 6—Western Interior Regional Council .....	Fairbanks .....	October 8, 2013.
Region 7—Seward Peninsula Regional Council .....	Nome .....	October 8, 2013.
Region 8—Northwest Arctic Regional Council .....	Kiana .....	August 21, 2013.
Region 9—Eastern Interior Regional Council .....	Fairbanks .....	October 16, 2013.
Region 10—North Slope Regional Council .....	Barrow .....	August 19, 2013.

A notice will be published of specific dates, times, and meeting locations in local and statewide newspapers, and on the Web at <http://alaska.fws.gov/asm/index.cfm>, prior to these meetings. Locations and dates may change based on weather or local circumstances.

*Tribal Consultation and Comment*

As expressed in Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments,” the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 75 FR 60810 (October 1, 2010). 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.”

The Alaska National Interest Lands Conservation Act, Title VIII (16 U.S.C. 3111–3126), does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members and Alaska Native corporations are affected by subsistence regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult. The Board provides a variety of opportunities for consultation: engaging in dialogue at the Council meetings; engaging in dialogue at the Board’s meetings; and providing input in person, or by mail, email, or phone at any time during the comment period.

The Board will engage in outreach efforts for this notice, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board will

commit to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations to prior to the adoption of any changes in policy or regulation concerning the rural determination process.

The Board will consider Tribes’ and Alaska Native corporations’ information, input, and recommendations, and endeavor to address their concerns.

**Purpose of This Notice**

In accordance with § .10(d)(4)(ii), one of the responsibilities given to the Federal Subsistence Board is to determine which communities or areas of the State are rural or nonrural. Only residents of areas identified as rural are eligible to participate in the Federal Subsistence Management Program on Federal public lands in Alaska.

The Board determines if a community or area is rural in accordance with established guidelines set forth in § .15(a). The Board reviews rural determinations on a 10-year cycle and may review determinations out-of-cycle in special circumstances. The Board conducts rulemaking to determine if the list at § .23(a), which defines the rural/nonrural status of communities and/or areas, needs revision. Residents would have five years to comply with a rural to nonrural change. A change from nonrural to rural would be effective 30 days after publication of the rule.

On May 7, 2007, the Board published a final rule, “Subsistence Management Regulations for Public Lands in Alaska, Subpart C; Nonrural Determinations” (72 FR 25688). This rule revised the list of nonrural areas identified by the Board. The Board changed Adak’s status to rural, added Prudhoe Bay to the list of nonrural areas, and adjusted the boundaries of the following nonrural areas: the Kenai Area; the Wasilla/Palmer Area, including Point McKenzie; the Homer Area, including Fritz Creek East (except Voznesenka) and the North Fork Road area; and the Ketchikan Area, including Saxman and portions of Gravina Island. The effective date was June 6, 2007, with a 5-year compliance date of May 7, 2012.

On October 23, 2009, Secretary of the Interior Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska; Secretary of Agriculture Vilsack later concurred with this course of action. The review focused on how the Program is meeting the purposes and subsistence provisions of Title VIII of ANILCA, and how the Program is serving rural subsistence users as envisioned when it began in the early 1990s.

On August 31, 2010, the Secretaries announced the findings of the review, which included several proposed administrative and regulatory reviews and/or revisions to strengthen the Program and make it more responsive to those who rely on it for their subsistence uses. One proposal called for a review, with Council input, of the rural and nonrural determination process and, if needed, recommendations for regulatory changes.

On January 20, 2012, the Board met to consider the Secretarial directive, consider the Council’s recommendations, and review all public, Tribal, and Native Corporation comments on the initial review of the rural determinations process. After discussion and careful review, the Board voted unanimously to initiate a review of the rural determination process and the 2010 decennial review. Consequently, based on that action, the Board found that it was in the public’s best interest to extend the compliance date of its 2007 final rule (72 FR 25688; May 7, 2007) on rural and nonrural determinations until after the review of the rural determination process and decennial review are complete or in 5 years, whichever comes first. The Board has already published a final rule (77 FR 12477; March 1, 2012) extending the compliance date.

**Request for Input**

To comply with the Secretarial directives and the Federal subsistence regulations, the Federal Subsistence Board is proceeding with a review of the rural determination process. As part of the Secretaries’ commitment to open

government and in accordance with Executive Order 13563, the Board requests input from the public on the rural determination process and regulations, and ways to improve them for the benefit of rural Alaskans.

The Board has identified the following components in the process for review: Population thresholds, rural characteristics, aggregation of communities, timelines, and information sources. We describe these components below and include questions for public consideration and comment.

**Population thresholds.** The Federal Subsistence Board currently uses several guidelines to determine whether a specific area of Alaska is rural. One guideline sets population thresholds. A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature. In 2008, the Board recommended to the Secretaries that the upper population threshold be changed to 11,000. The Secretaries have taken no action on this recommendation.

*(1) Are these population threshold guidelines useful for determining whether a specific area of Alaska is rural?*

*(2) If they are not, please provide population size(s) to distinguish between rural and nonrural areas, and the reasons for the population size you believe more accurately reflects rural and nonrural areas in Alaska.*

**Rural characteristics.** The Board recognizes that population alone is not the only indicator of rural or nonrural status. Other characteristics the Board considers include, but are not limited to, the following: Use of fish and wildlife; development and diversity of the economy; community infrastructure; transportation; and educational institutions.

*(3) Are these characteristics useful for determining whether a specific area of Alaska is rural?*

*(4) If they are not, please provide a list of characteristics that better define or enhance rural and nonrural status.*

**Aggregation of communities.** The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and

nonrural status. The aggregation criteria are as follows: Do 30 percent or more of the working people commute from one community to another; do they share a common high school attendance area; and are the communities in proximity and road-accessible to one another?

*(5) Are these aggregation criteria useful in determining rural and nonrural status?*

*(6) If they are not, please provide a list of criteria that better specify how communities may be integrated economically, socially, and communally for the purposes of determining rural and nonrural status.*

**Timelines.** The Board reviews rural determinations on a 10-year cycle, and out of cycle in special circumstances.

*(7) Should the Board review rural determinations on a 10-year cycle? If so, why; if not, why not?*

**Information sources.** Current regulations state that population data from the most recent census conducted by the U.S. Census Bureau, as updated by the Alaska Department of Labor, shall be utilized in the rural determination process. The information collected and the reports generated during the decennial census vary between each census; as such, data used during the Board's rural determination may vary.

*(8) These information sources as stated in regulations will continue to be the foundation of data used for rural determinations. Do you have any additional sources you think would be beneficial to use?*

*(9) In addition to the preceding questions, do you have any additional comments on how to make the rural determination process more effective?*

This notice announces to the public, including rural Alaska residents, Federally recognized Tribes of Alaska, and Alaska Native corporations, the request for comments on the Federal Subsistence Program's rural determination process. These comments will be used by the Board to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process, which may include, where the Board has authority, proposed regulatory action(s) or in areas where the Secretaries maintain purview, recommended courses of action.

Dated: December 5, 2012.

**Peter J. Probasco,**  
Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.

Dated: December 6, 2012.

**Steve Kessler,**  
Subsistence Program Leader, USDA-Forest Service.

[FR Doc. 2012-31359 Filed 12-28-12; 8:45 am]

BILLING CODE 3410-11-P ; 4310-55-P

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Transfer of Land to the Department of Interior

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Land Transfer.

**SUMMARY:** Approximately 353.63 acres of National Forest System lands are transferred to the jurisdiction of the Secretary of Interior pursuant to the Hoopa-Yurok Settlement Act (Pub. L. 100-580; 102 Stat. 2924 (1988)). Transfer of Jurisdiction of Certain National Forest System Lands in California to the Department of the Interior for the benefit of the Yurok Tribe.

**DATES:** This notice becomes effective December 31, 2012.

**FOR FURTHER INFORMATION CONTACT:** Louisa Herrera, National Title Program Manager, (202) 205-1255, Lands and Realty Management.

**SUPPLEMENTARY INFORMATION:** The Hoopa-Yurok Settlement Act (Pub. L. 100-580; 102 Stat. 2924 (1988)), hereafter "Act", provides at section 2(c) that, subject to valid existing rights, certain enumerated National Forest System lands shall be "held in trust by the United States for the benefit of the Yurok Tribe and shall be part of the Yurok Reservation" (102 Stat. 2926). A condition precedent to such lands being held in trust is adoption of a resolution of the Interim Council of the Yurok Tribe as provided in section 2(c)(4) of the Act (102 Stat. 2926).

On March 21, 2007, the Yurok Tribal Council enacted Resolution No. 07-037, waiving certain claims and consenting to uses of tribal funds pursuant to the Act. The Department of the Interior has determined that the resolution meets the requirements of section 2(c)(4) of the Act, and that determination has been accepted by the Department of Agriculture.

Therefore, the conditions of transfer having been met, subject to valid existing rights, administrative jurisdiction over the following Federally



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



Forest Service

## Federal Subsistence Board News Release

**For Immediate Release:**  
January 14, 2013

**Contact:**  
Andrea Medeiros  
(907) 786-3674 or (800) 478-1456  
andrea\_medeiros@fws.gov

### Federal Subsistence Board Seeks Comments on Rural Determinations Process

The Federal Subsistence Board (Board) is seeking comments on the process used to determine which Alaska communities are rural for purposes of the Federal Subsistence Program. A notice requesting comment by November 1, 2013 was published in the Federal Register (FWS-R7-SM-2012-N248) on December 31, 2012.

The Alaska National Interest Lands Conservation Act (ANILCA) mandates that rural Alaskans be given a priority for subsistence uses of fish and wildlife on Federal public lands. The Board conducts a periodic review of rural determinations. Only communities or areas that are found to be rural are eligible for the subsistence priority under ANILCA.

Following a Secretarial review of the Federal Subsistence Management Program, the Secretaries of the Departments of the Interior and Agriculture tasked the Board to review the rural determination process and recommend changes. The Board has identified the following components of the rural determinations process to be a part of this review: population thresholds, rural characteristics, aggregation of communities, timelines, and information sources. Descriptions of these components and associated questions for public consideration and comment are provided below. Comments will be used by the Board to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

**Population thresholds.** A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature.

1. Are these population threshold guidelines useful for determining whether a specific area of Alaska is rural?
2. If they are not, please provide population size(s) to distinguish between rural and nonrural areas, and the reasons for the population size you believe more accurately reflects rural and nonrural areas in Alaska.

**Rural characteristics.** The Board recognizes that population alone is not the only indicator of rural or nonrural status. Other characteristics the Board considers include, but are not limited to, the following: Use of fish and wildlife; development and diversity of the economy; community infrastructure; transportation; and educational institutions.

3. Are these characteristics useful for determining whether a specific area of Alaska is rural?
4. If they are not, please provide a list of characteristics that better define or enhance rural and nonrural status.

**Aggregation of communities.** The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are: 1) Do 30 percent or more of the working people commute from one community to another? 2) Do they share a common high school attendance area? and 3) Are the communities in proximity and road-accessible to one another?

5. Are these aggregation criteria useful in determining rural and nonrural status?
6. If they are not, please provide a list of criteria that better specify how communities may be integrated economically, socially, and communally for the purposes of determining rural and nonrural status.

**Timelines.** The Board reviews rural determinations on a 10-year cycle, and out of cycle in special circumstances.

7. Should the Board review rural determinations on a 10-year cycle? If so, why? If not, why not?

**Information sources.** Current regulations state that population data from the most recent census conducted by the U.S. Census Bureau, as updated by the Alaska Department of Labor, shall be utilized in the rural determination process. The information collected and the reports generated during the decennial census vary between each census; as such, data used during the Board's rural determination may vary. These information sources as stated in regulations will continue to be the foundation of data used for rural determinations.

8. Do you have any additional sources you think would be beneficial to use?
9. In addition to the preceding questions, do you have any additional comments on how to make the rural determination process more effective?

**Submit written comments by one of the following methods:**

**Mail:** Federal Subsistence Board  
Office of Subsistence Management – Attn: Theo Matuskowitz  
1011 East Tudor Road, MS-121  
Anchorage, AK 99503

**E-mail:** [subsistence@fws.gov](mailto:subsistence@fws.gov)

**Hand delivery to Designated Federal Official** at any Federal Subsistence Regional Advisory Council meeting. See the Meetings and Deadlines page of the Federal

Subsistence Management Program's website, <http://alaska.fws.gov/asm/deadline.cfml>,  
for dates and locations of Council meetings.

You also may call the Office of Subsistence Management at 800-478-1456 or email  
[subsistence@fws.gov](mailto:subsistence@fws.gov) with your questions.

Information on the Federal Subsistence Management Program can be found at  
<http://alaska.fws.gov/asm/index.cfml>.

-###-

**Scheduled Forums for Public Comments**

*\*telephonic access will be provided to these events*

<b>Forum</b>	<b>Meeting Date</b>	<b>Location</b>
<b>*Regional Advisory Council Meetings</b>		
North Slope	Aug. 20-21, 2013	Barrow
Northwest Arctic	Aug. 21-22, 2013	Kotzebue
Southeast	Sept. 24-26, 2013	Ketchikan
Kodiak/Aleutians	Sept. 24-25, 2013	Kodiak
Yukon-Kuskokwim Delta	Oct. 2-3, 2013	Bethel
Southcentral	Oct. 2-3, 2013	Copper Center
Western Interior	Oct. 8-9, 2013	Fairbanks
Seward Peninsula	Oct. 8-9, 2013	Nome
Eastern Interior	Oct. 16-17, 2013	Fairbanks
Bristol Bay	Oct. 29-30, 2013	Dillingham
<b>*Hearings (evening)</b>		
North Slope	Aug. 20, 2013	Barrow
Northwest Arctic	Aug. 21, 2013	Kotzebue
Southeast	Sept. 24, 2013	Ketchikan
Kodiak/Aleutians	Sept. 24, 2013	Kodiak
Yukon-Kuskokwim Delta	Oct. 2, 2013	Bethel
Southcentral	Oct. 2, 2013	Copper Center
Western Interior	Oct. 8, 2013	Fairbanks
Seward Peninsula	Oct. 8, 2013	Nome
Eastern Interior	Oct. 16, 2013	Fairbanks
Bristol Bay	Oct. 29, 2013	Dillingham
<b>*Tribal Consultations</b>		
First	Aug. 14, 2013	USFWS Regional Headquarters, Anchorage
Second	Sept. 11, 2013	USFWS Regional Headquarters, Anchorage

<b>Forum</b>	<b>Meeting Date</b>	<b>Location</b>
<b>*ANCSA Corporation Consultations</b>		
First	Aug. 14, 2013	USFWS Regional Headquarters, Anchorage
Second	Sept. 11, 2013	USFWS Regional Headquarters, Anchorage
<b>AFN Youth and Elders</b>	Oct. 2013	Fairbanks
<b>AFN Convention Booth</b>	Oct. 2013	Fairbanks

## Steps in the Review of the Rural Determination Process

Step		Start Date	End Date
1	<b>Publish notice requesting comments</b>	Dec. 31, 2012	Nov. 1, 2013
2	<b>Subsistence Regional Advisory Councils formulate recommendations. Tribal and ANCSA corporations are consulted and public hearings are held.</b>	Aug. 20, 2013	Oct. 17, 2013
3	Analysis of comments	Nov. 1, 2013	Mar. 2014
4	<b>Federal Subsistence Board review of comments and staff analysis. Draft recommendations to the Secretaries on possible changes to improve the process.</b>	Apr. 2014	Apr. 2014
5	Proposed rule drafted (based on Secretarial direction)	Apr. 2014	Jun. 2014
6	<b>Publish proposed rule and accept comments</b>	Jul. 2014	Oct. 2014
7	Analysis of comments	Sept. 2014	Nov. 2014
8	<b>Federal Subsistence Board review of comments and staff analysis. Draft recommendations to the Secretaries.</b>	Jan. 2015	Jan. 2015
9	Draft and publish final rule (based on Secretarial direction)	Feb. 2015	Apr. 2015

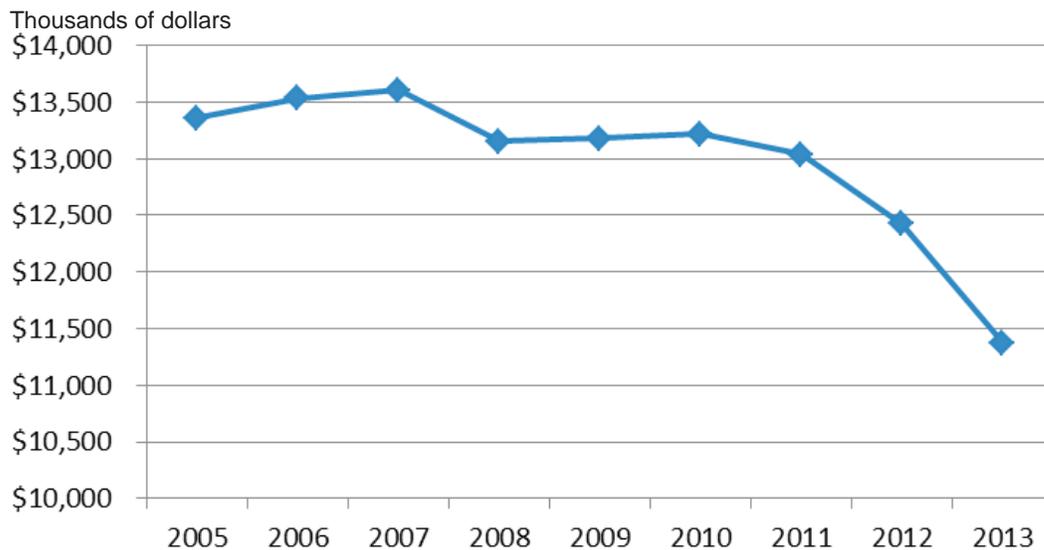
Following the completion of the review of the rural determination process, the Federal Subsistence Board will conduct a public review of the current rural determinations. The Federal Subsistence Board will follow steps that are similar to those used in the review of the rural determination process (See table above). The Federal Subsistence Board's goal is to have a final rule of rural determinations by February 2017.

## OFFICE OF SUBSISTENCE MANAGEMENT BRIEFINGS

### Budget Update

The Office of Subsistence Management (OSM) has experienced a declining budget and level of staffing (see below). The overall OSM budget is subject to the same 6.7% cut that all Federal agencies are experiencing as a result of sequestration — the automatic spending cuts put in place by Congress and effective January this year. The budget picture for FY2014 is not entirely clear, but we anticipate further reductions. OSM will continue to provide the Regional Advisory Councils with budget briefings to help them develop a better understanding of proposed cuts and how they may affect the Federal Subsistence Management Program. Travel outside of the normal Council meetings will continue to be limited. Also, due to budget cuts and the Federal sequestration, the funding to support the State Liaison Position has been cut.

### TOTAL OSM BUDGET BY FISCAL YEAR



### Staffing Update

#### Arrivals

**Gene Peltola, Jr.** has been selected to serve as the Assistant Regional Director for OSM. Gene most recently served as the Refuge Manager for the Yukon Delta National Wildlife Refuge in Bethel for 5 years and was the In-Season Manager on the Kuskokwim River. Prior to that, he was the Northern Zone Officer for Refuge Law Enforcement. He has a total of 29 years of service in the U.S. Fish & Wildlife Service.

**Jeff Brooks** has been selected to work as a Social Scientist in the Anthropology Division. He previously worked for the National Wildlife Refuge System in Alaska in the Division of Conservation Planning and Policy as a social scientist. Jeff served as the lead planner for the recently published Comprehensive Conservation Plan for the Selawik National Wildlife Refuge.

**Derek Hildreth** has been selected as the new Permit Specialist, replacing Michelle Chivers in that position. He previously worked in the Anchorage Field Office for the U.S. Fish & Wildlife Service in Fisheries.

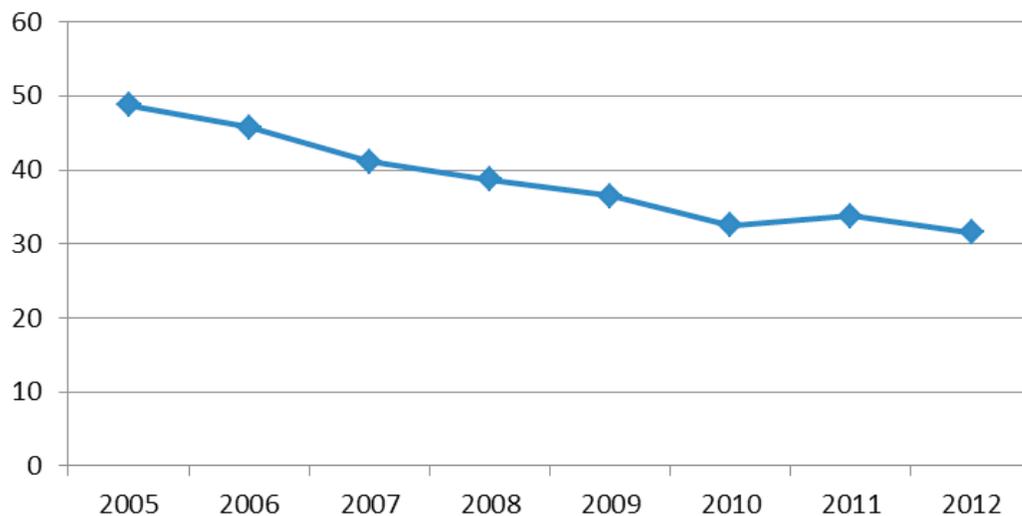
#### *Departures*

**Helen Armstrong** has retired from employment with the U.S. Fish & Wildlife Service. Under current budget restrictions, any new hires must be approved before any recruitment can begin. At this time, OSM has not been authorized to recruit for hiring a replacement Anthropology Division Chief. The position is currently vacant and OSM is exploring options for fulfilling these responsibilities.

**Stephen Fried** retired from employment with the U.S. Fish & Wildlife Service. OSM has been authorized to seek a replacement Fisheries Division Chief.

**Andrea Medeiros**, who has been at OSM for over twelve years and is currently the Subsistence Outreach Coordinator, will be leaving OSM to take a position with External Affairs for Region 7 U.S. Fish & Wildlife Service. Her position will become vacant and OSM is exploring options for fulfilling these responsibilities.

## OSM STAFFING BY FISCAL YEAR



### **Tribal Consultation Update**

The Tribal Consultation Implementation Guidelines are going through a final draft after the FSB reviewed them at the August work session. They will be re-presented to the Board for acceptance at their next work session. The Tribal Consultation workgroup consists of a varied group of Federal staff, Tribal members and members from Alaska Native Claims Settlement Act (ANCSA) Corporations. Once the implementation guidelines have been accepted by the Board, the workgroup will focus its attention on crafting the ANCSA Consultation Policy and Implementation Guidelines.

### **Regulatory Cycle Update**

At the fall 2012 Regional Advisory Council meetings, the Board asked all 10 Councils for input on regulatory cycle schedules. Eight of ten Councils recommended that the Board meeting to make determinations on wildlife proposals occur in the spring rather than in January. In response, the Board scheduled their next meeting to make determinations on wildlife proposals for April 15-17, 2014. With future wildlife Board meetings occurring in the spring, the fall Council meeting window for wildlife proposal years will be extended into early November. The Board has not yet made a decision concerning dates for their meeting in 2015 to address the next round of fisheries proposals.

# INUIT FOOD SECURITY

## Building a Framework on Assessing Food Security from an Inuit Perspective



The Inuit have called Arctic Alaska home for at least the last 10,000 years. Our daily lives, culture, language, food and overall survival have been impacted by the world around them. The multitudes of changes occurring in the Arctic and increasing uncertainty are posing threats to Inuit food security. A typical food security assessment looks at a person's ability to pay for food. Such an assessment does not fit the Arctic's needs and does not include an Inuit perspective. We need to identify the needs to be considered when assessing food security.

### What does the Inuit Circumpolar Council-Alaska (ICC-AK) Propose to Do?

ICC-AK is meeting this challenge by building a framework on how to assess food security from an Inuit perspective. This framework will establish an understanding of what causes food security and insecurity of traditional food resources.

To gain this understanding ICC-AK will seek support and permission from Arctic communities, we will team up with Alaska Arctic regional organizations conducting semi-directive interviews focused on various aspects of life in the Arctic. We will be conducting additional interviews with community members of the Arctic. We will need to hear from both women and men to gain an understanding of what causes both food in/security. All of this will feed into building the framework. The finished framework will be submitted to the Arctic Council as a proposed guide on assessing food security in the Arctic.

### What Drives Inuit Food Security



For More Information Contact  
 ICC-AK: [icc@iccalaska.org](mailto:icc@iccalaska.org) /  
 907.274.9058

#### ICC ALASKA

3003 Minnesota #204 • Anchorage, AK 99503 • Phone: (907) 274-9058 • Fax: (907) 274-3861 • [www.iccalaska.org](http://www.iccalaska.org)



June 20, 2013

**UPDATE REPORT ON: “An Inuit Perspective On Food Security In The Alaska Arctic: Building A Conceptual Framework On How To Assess Change In The Arctic.”**

The project has been moving along quickly with fourteen villages visited and two more to be visited this fall/winter. The advisory committee has engaged in two teleconferences since the last update and continues to provide guidance and advice.

We continue to work with regional leadership in gaining the needed information for the project. We have been welcomed by the following communities, in which the Tribal Councils have been working with us to meet with experts and organize meetings: Emmonak, Pilot Station, Atmautluak, Mekoryuk, Toksook Bay, Lower Kalskag, Wales, Gambell, Stebbins, Point Lay, Kakatovik, Selawik, Kobuk and Kivalina.

As described in the last update, in each community we have held a community meeting and met with Traditional Knowledge (TK) experts in the following days. Most of the TK experts have chosen to be listed as a contributing author to the final product. We continue to visit schools when visiting villages and have enjoyed engaging with the youth.

*Funding Update:* We have submitted grant applications to the National Science Foundation (NSF), the Alaska Native Fund (ANF), Conoco Phillips, and the National Pacific Research Board (NPRB). ANF and Conoco Phillips have awarded us funding for this project. Unfortunately, we will not be granted funding from NPRB. We had anticipated notice of grant funding status from NSF by April. We have yet to hear news from NSF and will move forward with the project, seeking additional funding to hold a one-day workshop in each region this fall and winter. The workshop will allow for participation from villages that we have not been able to visit.

*Next Steps:* We currently are transcribing all recorded interviews and entering information from hand notes. Once this process is completed, the transcriptions will be sent to interviewees for their approval of information being shared. Through out the summer, information will be entered into a software analysis program.

*Youth Representative Update:* Three representatives have joined the advisory committee, Denali Whiting will represent the NWA region and Suzanne Heckman is representing the Yukon-Kuskokwim region. In addition Maija Lukin, is joining the youth representatives to assist in coordination. We will hopefully have a youth representative from the NSB region join the committee by August. In July, the youth representatives will each receive a digital camera, and will begin to build a photo journal of their thoughts and reflections on food security.

Please contact me with any questions, thoughts, or to say Hi.

Sincerely,  
Carolina

Food Security Advisory Committee:	
Tim Andrew	Myron Naneng
Julie Raymond-Yakoubian	John Goodwin
Lee Ballot	Percy Ballot
Qaiyaan Harcharek	Austin Swan
Norma Ballot	Beverly Nakarak
Suzanne Heckman	Denali Whiting
Maija Lukin	



### **Objectives and Outcomes**

Through literature reviews, community meetings, semi-directive interviews and gathering of traditional knowledge this project will identify the baselines needed to assess the vulnerabilities of food security. The established baselines will identify what Inuit priorities are in assessing food (in)/security and where vulnerabilities lie. For example, baselines may include the need to have full understanding of ice coverage to understand food web dynamics; an increased utilization of traditional knowledge applied to under ice currents to gain a better understanding of salmon distribution; or for an increase effort to be applied to establishing food web models that move beyond one-dimensional energy transfers, incorporating abiotic vulnerabilities and/or the human dimension. The project will contribute to our understanding of the pressures to traditional food resources and communities that are resulting from climate changes and increased human presence and development in the Arctic.

Three objectives will be met within this project: 1) provide an understanding of Arctic food security, from an Inuit perspective; 2) provide a tool to assess food security across both cultural and environmental systems; 3) identify what will need to be monitored in order to create action plans. These objectives will be met through two phases. In the first phase Inuit perspectives and TK will be sought and developed through semi-directive interview, community meetings, information gained from previous projects and regional workshops. In the second phase, the developed framework will be shared with the Arctic Council with encouragement to conduct the assessment throughout the entire Arctic.

The project timeline began July 2012 and will finish in March 2015. Through this timeline the above objectives will be accomplished through multiple phases of data gathering, analysis and information sharing.

The first phase will consist of data gathering in which the community perspective and TK will be sought and developed through four tiers of information (listed in order of magnitude). To ensure community participation throughout the project ICC-AK will visit approximately 16 communities within the Yukon-Kuskokwim, Bering Strait, Northwest Arctic and North Slope regions, along the Bering, Chuckchi and Beaufort Seas. Tier one is information obtained from Inuit community members through semi-directive interviews and community meetings; tier two is information obtained from phone conversations with all tribal councils represented by ICC-AK; tier three is information obtained through raw data collected from past and on-going projects conducted by ICC-AK member organizations and organizations supported by regions; tier four is information obtained from past projects conducted by academic institutions, government agencies, industry and NGOs.

In the second phase, a regional workshop will be held in each region. Through the regional meeting representatives from communities will meet to discuss the preliminary outcome of the project and further inform on assessment techniques and needs. A meeting report and findings will be drafted and shared with all community participants.

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#### ICC ALASKA

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June 19, 2013

“An Inuit Perspective On Food Security In The Alaska Arctic: Building A Conceptual Framework On How To Assess Food Security.” The proposed project fits within ICC-AK’s 2010 Strategic plan, where food security is listed as a top priority.

**SUMMARY:** Inuit hold a unique understanding of food security within the Arctic; viewing food security to encompass both cultural and environmental systems; systems which interlink and support each other. While many changes are occurring within Arctic ecosystems, primarily resulting from climate change and industrialization, food security is becoming a central topic of conversation. Research shows that food security definitions and assessment mechanisms do not necessarily match the Arctic ecosystem or cultures within. In response to the need to address food (in)/security of traditional food resources within a changing Arctic, the Inuit Circumpolar-Council Alaska (ICC-AK), has commenced building a framework on how to assess food security from an Inuit perspective.

**STATEMENT OF NEED:**

Arctic communities have developed a rich culture, shaped by the dynamic environment in which they live and centered on the harvesting of Arctic flora and fauna. Inuit traditional Arctic foods such as caribou, waterfowl, salmon, seal, salmonberries, and sura (diamond-leaf willow) provides food, fiber, shelter, medicines, energy, nutrients, and spirituality; all of which play a part in food security. ICC-AK recognizes food security to be inclusive of both cultural and environmental systems.

In an environment where food provides more than calories, issues surrounding food (in)/security become multi-faceted and may require the identification of food security vulnerabilities throughout the entire food web. Such an approach aims to combine various sources of knowledge and research, such as research addressing the impact of high fuel costs on hunting strategies, socio-ecological relationships, and cultural structures in addition to changes in species distribution, nutrient intake and quality of food.

While the world focuses its attention on the Arctic, industry, academic institutions, governments, etc. are conducting numerous assessments to better understand how far this unique environment can be pushed before reaching a tipping point. From an Inuit perspective, assessments take place through a food security lens, allowing one to see where the inter connections between systems lie. The finished framework will be a tool to enhance the ability of Inuit communities and scientists in working together to holistically understand changes occurring within the Arctic. As well as, provide an understanding for elected leaders and policy, makes the concept of food security in the Arctic, what the drivers are, and what will need to be monitored in order to create action plans.

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## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Central Yukon Field Office  
1150 University Avenue  
Fairbanks, Alaska 99709-3844  
<http://www.blm.gov/ak>

The Bureau of Land Management (BLM) Central Yukon Field Office is developing a new land use plan for 16 million acres of public land in interior Alaska. This plan, the Central Yukon Resource Management Plan (RMP), will provide a framework for managing and allocating uses of public lands and resources. The Central Yukon RMP will cover BLM-managed lands north and west of Fairbanks including the Dalton Highway Corridor, the Central Arctic Management Area, and the Central Yukon River area (see attached map). It will replace existing management plans for these areas.

The new RMP will include decisions related to:

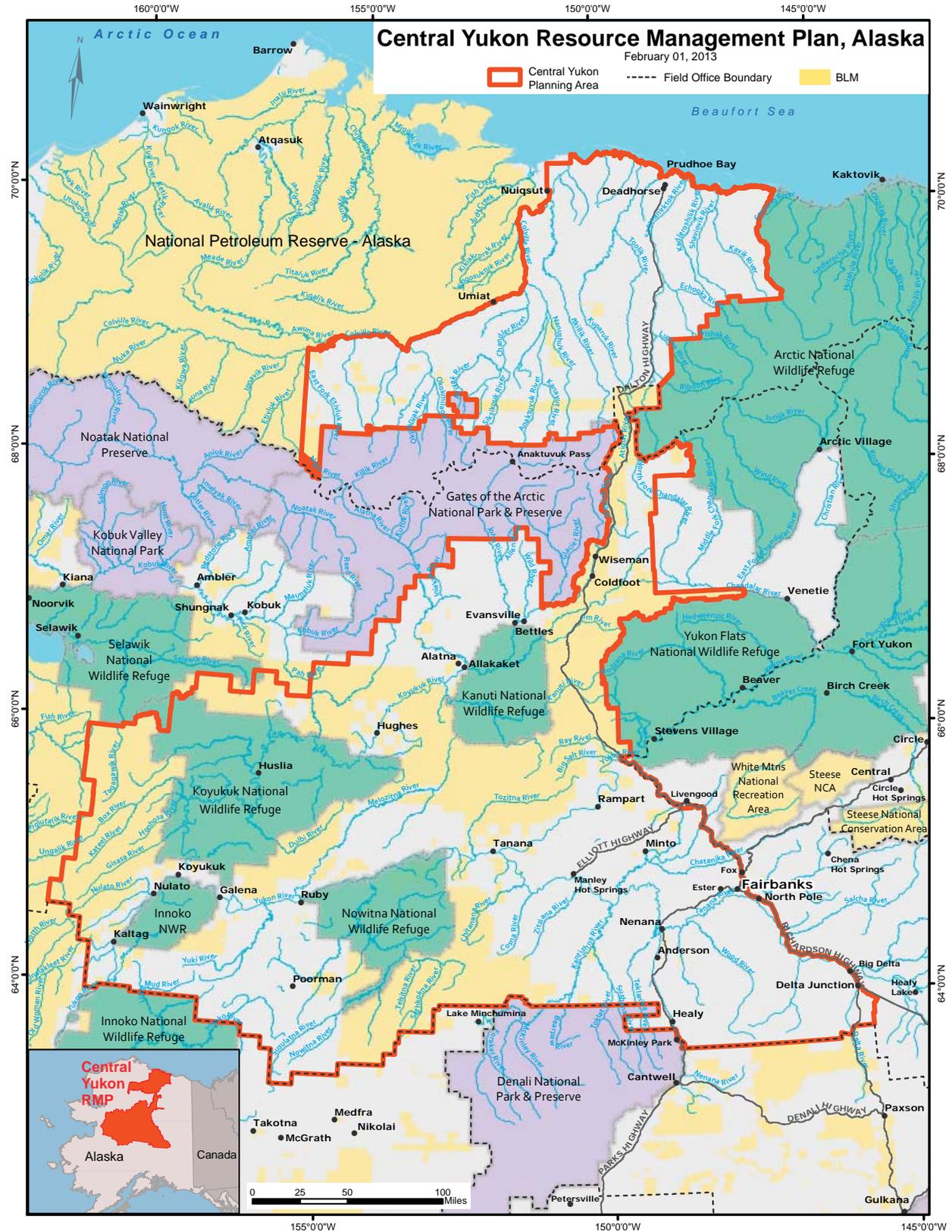
- Management of people's uses and activities such as recreation and mining;
- Protection of areas with unique values; and
- Management wildlife and fish habitats, vegetation, cultural sites, and other cultural and natural resources.

We are currently in what is called the scoping period where we ask for input on how people use the land and how they would like to see it used in the future. The comments we get at this time, help us to develop the new RMP. The scoping period ends on December 11, 2013.

We have sent letters to the Tribes within or near the planning area to initiate government-to-government consultation. We plan on holding public meetings in communities within the planning area this fall in order to get input from local and Tribal governments, and residents. We welcome your input throughout the entire planning process, which will take approximately four years.

We would like to create an email list for the wider region that we could use to communicate about the RMP. We envision using this list to share information, to hear your concerns, to send reminders of public meetings and opportunities to submit comments, and perhaps request input from you about the land, subsistence use areas, and subsistence resources so that we have a better understanding of the land and people. If you use email and would like to join this list, please send a message to: [sfritz@blm.gov](mailto:sfritz@blm.gov).

If you have any questions, please feel free to call Shelly Jacobson or Jeanie Cole at: (907) 474-2200 or toll free at 1-800-437-7021. Additional information can be found on the BLM website at <http://www.blm.gov/ak>.





**National Park Service Updates  
Gates of the Arctic National Park and Preserve  
North Slope Regional Advisory Council Meeting  
August 20 and 21, 2013**

Compiled by Marcy Okada, Program Manager for Subsistence and Ethnography, Gates of the Arctic National Park and Preserve, (907) 455-0639, marcy\_okada@nps.gov

**Dall's Sheep**

New Approach to Dall's Sheep Monitoring - Josh Schmidt and Kumi Rattenbury with the Arctic Inventory & Monitoring Network have a paper in the current edition of the Journal of Wildlife Management describing new methods for monitoring Dall's sheep. The new methods are providing better information while reducing costs by as much as 80% over existing survey approaches.

The majority of sheep habitat in six national park units was surveyed in 2010-11 using the new technique, and the estimated population for the surveyed park units is currently 26,000-27,000 individuals—similar to the number present in the early 1980s when many of the park units were formed.

The approach uses aerial distance sampling techniques to estimate overall population size as well as the composition (lambs, ewes, full curl rams, and < full-curl rams) of each population. It was first implemented in GAAR in 2009 where park-wide surveys were completed for the first time in nearly 30 years.

This is one of the few ways to get a rigorous estimate of both abundance and composition from the same survey. The higher quality data and lower costs will allow NPS to more consistently monitor populations and improve sheep management over time.

Aerial distance sampling is combined with an analysis that incorporates prior knowledge and information from other surveys to improve estimates. Using prior knowledge allows the scientists to get accurate estimates from areas with small or dispersed sheep populations, such as in Denali National Park and Preserve, as well as in areas with larger populations, such as in Gates of the Arctic.

Schmidt and Rattenbury are hopeful that this approach will help other agencies decrease costs and improve management of this species throughout Alaska. Balancing good science and minimizing costs is a constant challenge in Alaska, and this new approach gives both. Several parks and the I&M program hope this will lead to a formal management plan for Dall's sheep.

To access the papers and to see a video describing the methods.  
visit: <http://www.nps.gov/akso/nature/outside/sheep.cfm>.

**Weather and Climate**

Gates of the Arctic Spring 2013 Weather Summary – Please see handout

**Summer 2013 Research Field Studies**

\*\* Please see the ARCN Summer Newsletter and ARCN Summer Field Activities Sheet \*\*

### **Subsistence Updates**

The Gates of the Arctic National Park Subsistence Resource Commission (SRC) held a meeting in Ambler on April 9 and 10, 2013. Agenda items included: Park project updates, the Foothills West Transportation Access Project (Road to Umiat), and the Ambler Mining District Access Project.

Ambler Mining District Access Project – Marcy Okada, Subsistence Coordinator for Gates of the Arctic National Park and Preserve traveled to the communities of Kobuk, Shungnak, Bettles, Evansville, Alatna, and Allakaket to share information regarding the Park Service’s role in the Ambler Mining District Access Project and to hear concerns from community members as they relate to the upper Kobuk River southern preserve portion of Gates of the Arctic. Please see handout for more details.

### **Education and Outreach**

Gates of the Arctic National Park and Preserve Education Specialist, Kristen Friesen and Ecologist, Kumi Rattenbury gave educational programs in Anaktuvuk Pass at the Nunamiut School on May 1-3, 2013. Students pre-school aged through fifth grade participated in the programs, as well as high school-aged students. Class lessons included food web concepts, arctic animal adaptations, owl pellet dissections, science writing, and Dall’s sheep research conducted near Anaktuvuk Pass. Many thanks go out to Nunamiut School staff, ranger Al Smith, all of the students, and especially the elders visited with during lunch. The National Park Service appreciated the opportunity to spend time with AKP students, exploring ecosystem science, while learning about subsistence traditions and Nunamiut culture.



National Park Service  
U.S. Department of the Interior

Gates of the Arctic  
National Park and  
Preserve

4175 Geist Road  
Fairbanks AK 99709

907-455-5752

## Ambler Mining District Right of Way

Information prepared for Regional Advisory Council Meetings, 2013

The National Park Service is gathering information about the south western portion of Gates of the Arctic National Park and Preserve. The information will assist the park in considering any application for a transportation corridor right-of-way across park lands.

Before the Alaska National Interest Lands Conservation Act (ANILCA) established Gates of the Arctic National Park and Preserve in 1980, major mining companies had identified the likelihood of rich mineral deposits in the Ambler Mining District. Congress, in considering the establishment of Gates of the Arctic National Park and Preserve, recognized that a transportation corridor to the Ambler Mining District might become desirable, and might connect with the Dalton Highway. The upper Kobuk River area was included in Gates of the Arctic National Park, but Congress made allowances for a transportation corridor across that portion of the new park in order to provide access for future development of mineral resources.



*ANILCA, Section 201(4)(b) states,  
“Congress finds that there is a need  
for access for surface transportation  
purposes across the Western (Kobuk  
River) unit of the Gates of the Arctic  
National Preserve (from the Ambler  
Mining District to the Alaska Pipeline  
Haul Road) and the Secretary shall  
permit such access in accordance with  
the provisions of this subsection.”*

Gates of the Arctic National Park and Preserve is instructed by ANILCA to prepare for the Secretary of Interior an

“...environmental and economic analysis ...for... determining the most desirable route for the right-of-way and terms and conditions which may be required for issuance of that right-of-way.”  
(ANILCA §201 (4)(d))

The National Park Service is now in the process of gathering data which will help it evaluate impacts on park resources of alternative transportation corridors through the Kobuk River unit. In order to recommend “the most desirable route” the park needs to understand possible impacts of a road on subsistence resources. Alatna, Allakaket, Ambler, Anaktuvuk Pass, Bettles,

Evansville, Hughes, Kobuk, Nuiqsut, Shungnak, and Wiseman are subsistence resident zone communities for Gates of the Arctic National Park. The National Park Service is particularly interested in learning from those communities about resources with which they are familiar, and resources they use in the Kobuk River area of Gates of the Arctic National Preserve. The NPS would like to hear ideas about the impacts a road may have on subsistence resources. Such community information will be useful as the park considers its recommendations for the most desirable route across the Preserve.



 Area of special interest

## Questions and Answers

### How is the National Park Service involved in the Ambler Mining Access planning process?

- When an application for a right-of-way across Gates of the Arctic National Preserve is filed, the Secretary of the Interior is directed by ANILCA to prepare an environmental and economic analysis solely to determine the most desirable route through the Preserve and the terms and conditions that may be required. The Secretaries of Interior and Transportation jointly are to agree upon a route, and the right-of-way is to be issued in accordance with ANILCA.

### What has happened so far?

- In November 2010, the Alaska Department of Transportation and Public Facilities (ADOT&PF) notified the National Park Service (NPS) of its intention to submit an application for access across the Kobuk River area of Gates of the Arctic National Preserve.
- ADOT&PF researched road and rail options connecting the Ambler Mining District with other existing transportation infrastructure and with potential port sites.
- Interest and research is being placed by ADOT&PF on a route from the Dalton Highway near Prospect Creek through the Kobuk River area of Gates of the Arctic National Preserve. Two possible corridors through the preserve have been identified. Gates of the Arctic National Park and Preserve is gathering input and doing research on environmental resources in the Kobuk River area of the preserve.
- The National Park Service will recommend to the Secretary of Interior a preferred surface transportation corridor in response to an application for a right-of-way.

## **What is the latest update on NPS activity on the Ambler Mining District Right of Way?**

- The NPS has three current research projects in the Kobuk River area which will provide information on archaeology, bears and wolves, and natural soundscapes. Additional research on water resources and fisheries resources are planned for next year.
- The NPS is planning community visits to talk about important traditional cultural resources in the Kobuk River area. Research data will help inform park managers about impacts of a road corridor through the preserve.
- The NPS has permitted some State sponsored research activities this year in the Park and Preserve related to resources which may impact or be impacted by a road. The research projects are centered in the southern portion of Gates, and include a snow survey, fisheries surveys, wetlands and wetland vegetation survey, hydrologic and hydraulic surveys of the Kobuk and the Reed Rivers, and cultural resource reconnaissance surveys.
- The NPS is working with the Federal Highway Administration to identify additional information needed for a decision on preferred road corridors through the preserve. The Federal Highway Administration is the agent for the Secretary of Transportation in evaluating a corridor through the Kobuk River area. They provide extensive technical expertise on road design.

## **How can I stay informed?**

- Gates of the Arctic National Park and Preserve will maintain an email mailing list and send regular newsletters with information about National Park involvement in the Ambler Mining District Right of Way. The park is developing a website which will have current information and they will send the link to all persons on the email list. The newsletter and website will provide additional contact information. If you are interested in receiving the newsletter, please provide your email address on the sign-up sheet.

## **How can I have input?**

- The NPS is interested in information about resources which will be impacted by any transportation corridor developed within Kobuk River area of Gates of the Arctic National Preserve.

The contact person for Gates of the Arctic National Park and Preserve:

Greg Dudgeon, Superintendent  
Gates of the Arctic National Park and Preserve  
4175 Geist Rd  
Fairbanks, AK 99709  
(907) 644-5752  
[greg\\_dudgeon@nps.gov](mailto:greg_dudgeon@nps.gov)

## **What information is the NPS seeking?**

Things the NPS would like to hear from rural residents:

- How would a road through the Kobuk River area of Gates of the Arctic National Preserve impact you?
- Do you go to the Kobuk River area of Gates often? Where do you go and what do you do there?
- What do you think impacts of a road would be on natural resources of that area?
- Potential impacts to water, fisheries, or cultural resources are three areas of concern which have been identified by the NPS. What are other big concerns?
- Are there important traditional places in that area of the park which might be impacted by a road?

### **Who is involved in Ambler Mining District Access project?**

- Alaska Industrial Development and Export Authority (AIDEA) – a public corporation within the State of Alaska. Alaska Department of Transportation and Public Facilities has given project evaluation, planning, management and oversight to the AIDEA
- DOWL Engineers - contracted by AIDEA for project management and execution of studies needed for route identification and selection
- National Park Service (NPS), Gates of the Arctic National Park and Preserve , Department of Interior – mandated by ANILCA to permit access across the Kobuk River unit of Gates of the Arctic National Park and Preserve for surface transportation purposes from the Ambler Mining District to the Alaska Pipeline Haul Road. The National Park Service is the agent for the Secretary of Interior in evaluating the most desirable route for the right-of-way and terms and conditions which may be required in the right-of-way
- Federal Highway Administration – agents for Secretary of Transportation in evaluating a transportation corridor right-of-way permit application through Gates of the Arctic National Park and Preserve, and for determining the most desirable terms and conditions for a right of way
- NANA, DOYON, State of Alaska, Bureau of Land Management--primary landowners along a potential transportation corridor outside the Gates of the Arctic National Preserve

# Winter 2014 Regional Advisory Council Meeting Calendar

February–March 2014 current as of 07/11/13

Meeting dates and locations are subject to change.

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

## Fall 2014 Regional Advisory Council Meeting Calendar

August–October 2014 current as of 10/18/13

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
Aug. 17	Aug. 18 <i>WINDOW OPENS</i>	<b>NS—TBD</b>			Aug. 21	Aug. 22	Aug. 23
Aug. 24	Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	
Aug. 31	Sept. 1 <i>HOLIDAY</i>	Sept. 2	Sept. 3	Sept. 4	Sept. 5	Sept. 6	
Sept. 7	Sept. 8	Sept. 9	Sept. 10	Sept. 11	Sept. 12	Sept. 13	
		<b>KA—King Cove/Cold Bay</b>					
Sept. 14	Sept. 15	Sept. 16	Sept. 17	Sept. 18	Sept. 19	Sept. 20	
		<b>SE—Sitka</b>					
Sept. 21	Sept. 22	Sept. 23	Sept. 24	Sept. 25	Sept. 26	Sept. 27	
Sept. 28	Sept. 29 <i>End of Fiscal Year</i>	Sept. 30	Oct. 1	Oct. 2	Oct. 3	Oct. 4	
	<b>No Meetings This Week</b>						
Oct. 5	Oct. 6	Oct. 7	Oct. 8	Oct. 9	Oct. 10	Oct. 11	
			<b>NWA—TBD</b>				
Oct. 12	Oct. 13	Oct. 14	Oct. 15	Oct. 16	Oct. 17 <i>WINDOW CLOSES</i>	Oct. 18	



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Fish and Game**

DIVISION OF WILDLIFE CONSERVATION  
Headquarters Office

PO Box 115526  
1255 West 8th Street  
Juneau, Alaska 99811-5526  
Main: 907.465.4190  
Fax: 907.465.6142

**RECEIVED**

MAY 23 2013

May 20, 2013

Tim Towarak, Chair  
Federal Subsistence Board  
1011 East Tudor Road  
Anchorage, AK 99503-6119

Dear Tim, 

Few places in the world retain a stronger connection to hunting, gathering, and eating well from the land than Alaska. Indeed, the need for meaningful wildlife harvest opportunities here cannot be overstated, which is why I'm sharing my concerns over a National Park Service (NPS) management approach that has great potential to reduce these opportunities on park and preserve units statewide.

In 2010, NPS began preempting Alaska state hunting regulations on national preserve lands during its annual compendium review process. It has continued these preemptions in its 2013 compendia. While all users are affected, these closures are especially likely to affect Alaskans who depend on hunting for sustenance. Each year, the Alaska Department of Fish and Game has provided written comments opposing the proposed closures as biologically unnecessary. In essence, our concerns are based upon inadequate justification provided by NPS, including the lack of clear, identifiable criteria used to demonstrate a cause-and-effect relationship between preempted state regulations and an actual impact to park resources or values. Additionally, conservation concerns have not been shown to exist in instances where state regulations have been preempted.

This year, the department developed a series of questions aimed at clarification and increased understanding of how closures proposed and extended by NPS fit into the wildlife management framework created by Congress, including in the Alaska National Interest Lands Conservation Act (ANILCA). The NPS response was disappointing as the majority of our most pressing inquiries were referred to as previously "asked and answered," without explanation. For example:

*The State commented that the relationship between the Organic Act, Redwoods Amendments, ANILCA, and NPS Management Policies are not clear. The Service believes this has been adequately explained on multiple occasions, including the determinations of need, written correspondence, in-person meetings, and other publicly available documents (including NPS Management Policies).*

The NPS has yet to directly respond to the department regarding these questions. Additionally, NPS policy statements regarding wildlife harvest included:

*Whether labeled predator control, intensive management, abundance-based management or another term, the practical effects of manipulating one population to affect another are contrary to the NPS legal and policy framework as discussed in the determinations of need. (Emphasis added.)*

*Increasingly, State authorizations seek to manipulate [wildlife] populations in the interest of reallocating prey from predators to humans, a practice which is outside the legal and policy framework applicable to NPS areas. (Emphasis added.)*

*It is outside of NPS legal and policy framework to reallocate prey species from predators to humans, nor is the NPS charged with managing to "support a high level of human harvest." (Emphasis added.)*

The department is continuing to try to resolve these issues with the NPS national office, and I am optimistic we can reach a mutually satisfactory understanding in the near future. In the meantime, the department will continue to do our best to provide meaningful wildlife harvest opportunities across Alaska and it is our hope that the NPS will assist us to ensure Alaskans can fish, hunt, trap, and subsist as they have since long before passage of ANILCA.

Tim, please share these concerns with the Federal Subsistence Board (Board). Additionally, I encourage you to review the department's comments and the full response provided by NPS to better understand this issue and our concerns. These are available on the department's webpage at <http://www.adfg.alaska.gov/index.cfm?adfg=ongoingissues.npscompendium>. Alternatively, please contact Andrew Levi at (907) 267-2242 to receive a paper copy by mail.

In closing, thank you, and all members of the Board for your continued service. Your steadfast commitment to Alaska's wildlife resources and those who depend on them does not go unnoticed.

Sincerely,  
/S/

Douglas Vincent-Lang  
Director

Distribution: Alaska Board of Game  
Federal Subsistence Board  
Federal Subsistence Regional Advisory Councils  
Fish and Game Advisory Committees  
Subsistence Resource Commissions

**Department of the Interior  
U. S. Fish and Wildlife Service**

**North Slope Subsistence Regional Advisory Council**

**Charter**

- 1. Committee's Official Designation.** The Council's official designation is the North Slope Subsistence Regional Advisory (Council).
- 2. Authority.** The Council is reestablished by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., Appendix 2.
- 3. Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the region.
- 4. Description of Duties.** The Council possesses the authority to perform the following duties:
  - a. Recommend the initiation of, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the region.
  - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the region.
  - c. Encourage local and regional participation in the decision making process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses.
  - d. Prepare an annual report to the Secretary containing the following:
    - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the region.
    - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region.

- (3) A recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs.
    - (4) Recommendations concerning policies, standards, guidelines and regulations to implement the strategy.
  - e. Appoint one member to the Gates of the Arctic National Park Subsistence Resource Commission in accordance with Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA).
  - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
  - g. Make recommendations on determinations of rural status.
  - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
  6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
  7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$100,000, including all direct and indirect expenses and .75 staff years.
  8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
    - Approve or call all of the advisory committee's and subcommittees' meetings,
    - Prepare and approve all meeting agendas,
    - Attend all committee and subcommittee meetings,
    - Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
    - Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will terminate 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

Ten members who are knowledgeable and experienced in matters relating to subsistence uses of fish and wildlife and who are residents of the region represented by the Council. To ensure that each Council represents a diversity of interests, the Federal Subsistence Board in their nomination recommendations to the Secretary will strive to ensure that seven of the members (70 percent) represent subsistence interests within the region and three of the members (30 percent) represent commercial and sport interests within the region. The portion of membership representing commercial and sport interests must include, where possible, at least one representative from the sport community and one representative from the commercial community.

The Secretary of the Interior will appoint members based on the recommendations from the Federal Subsistence Board and with the concurrence of the Secretary of Agriculture.

Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

Council members will elect a Chair, a Vice-Chair, and a Secretary for a 1-year term.

Members of the Council will serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council, or subcommittee business, approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under Section 5703 of Title 5 of the United States Code.

13. **Ethics Responsibilities of Members.** No Council or subcommittee member may participate in any specific party matter in which the member has a direct financial interest in a lease, license, permit, contract, claim, agreement, or related litigation with the Department.

14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, must be handled in accordance with General Records Schedule 26, Item 2, or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

//Signed//

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Secretary of the Interior

DEC - 2 2011

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Date Signed

DEC 03 2011

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Date Filed