

NORTHWEST ARCTIC Federal Subsistence Regional Advisory Council



USFWS

Meeting Materials
February 19, 2010

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**NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL
NPS MULTIPURPOSE ROOM-KOTZEBUE, ALASKA
February 19, 2010; 9 a.m.-5 p.m.**

DRAFT AGENDA

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.

1. **Call to Order** (*Walter Sampson, Chair*)
2. **Roll Call and Establishment of Quorum** (*Austin Swan, Secretary*) 3
3. **Welcome and Introductions** (*Walter Sampson, Chair*)
4. **Review and Adoption of Agenda** (*Add new items under 12*)..... 1
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6. **Wildlife Proposal Review and Regional Council Recommendations** (*Walter Sampson*)

Presentation Procedure for Proposals

1. Introduction of proposal and analysis
2. Alaska Department of Fish and Game comments
3. Other Federal, State and Tribal agency comments
4. Interagency Staff Committee comments
5. Subsistence Resource Commission Comments
6. Fish and Game Advisory Committee comments
7. Summary of written public comments
8. Public testimony
9. Regional Council deliberation, recommendation, and justification

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7. **Western Arctic Caribou Herd representative** (*Barb Atoruk*)

8. **Next Meeting** (*Barb Atoruk*)67

 A. Confirm Date and Place for Fall 2010 Meeting

 B. Establish Date and Place for Winter 2011 Meeting

9. **Draft 2009 Annual Report** (*Barb Atoruk*)

10. **Call for Proposals to Change 2011/13 Federal Subsistence Fisheries Regulations**
(*Proposal period ends March 24, 2010*)

11. **Agency Reports**

 A. Office of Subsistence Management

 B. National Park Service (*George Helfrich*)69

 C. Bureau of Land Management (*Tim Hammond*)

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

 E. Selawik Refuge (*LeeAnne Ayres*).....71

12. **New Business**

13. **Adjourn**

- **PERSONS WITH DISABILITIES:** Special accommodations for persons with disabilities may be arranged by contacting the Regional Coordinator at least 72 hours prior to the meeting.
- **TELECONFERENCING** is available upon request. You must call the Office of Subsistence Management, 1-800-478-1456, 786-3888 or 786-3885, at least 72 hours prior to the meeting to receive this service. Please notify the Regional Coordinator which agenda topic interests you and whether you wish to testify regarding it.
- **IF YOU HAVE A QUESTION** regarding this agenda or need more information, please call Barb Atoruk, Regional Coordinator, toll free at 1-800-478-1456 or 1-907-786-3885; fax 907-786-3898, Barbara_Atoruk@fws.gov. Thank you for participating in this public meeting of the Northwest Arctic Federal Subsistence Regional Advisory Council. All minutes and information on the Regional Advisory Councils are posted on the Office of Subsistence Management website, <http://alaska.fws.gov/asm/home.html>.

REGION 8-NORTHWEST ARCTIC

<i>SEAT 1</i>	<i>Percy C. Ballot, Sr.</i>	<i>Buckland</i>	
<i>2011</i>			
<i>2008</i>			
<i>SEAT 2</i>	<i>Leslie D. Burns</i>	<i>Noatak</i>	
<i>2012</i>			
<i>2009</i>			
<i>SEAT 3</i>	<i>Victor Karmun</i>	<i>Kotzebue</i>	<i>VChair</i>
<i>2010</i>			
<i>2004</i>			
<i>SEAT 4</i>	<i>Jon P. Gregg</i>	<i>Kotzebue</i>	
<i>2010</i>			
<i>2009</i>			
<i>SEAT 5</i>	<i>Pierre A. Lonewolf</i>	<i>Kotzebue</i>	
<i>2010</i>			
<i>2009</i>			
<i>SEAT 6</i>	<i>VACANT</i>		
<i>SEAT 7</i>	<i>Walter G. Sampson</i>	<i>Kotzebue</i>	<i>Chair</i>
<i>2011</i>			
<i>2006</i>			
<i>SEAT 8</i>	<i>Enoch Shiedt, Sr.</i>	<i>Kotzebue</i>	
<i>2012</i>			
<i>1999</i>			
<i>SEAT 9</i>	<i>VACANT</i>		
<i>SEAT 10</i>	<i>Austin Swan, Sr.</i>	<i>Kivalina</i>	<i>Secretary</i>
<i>2012</i>			
<i>2006</i>			

**NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL
NANA CONFERENCE ROOM, KOTZEBUE, ALASKA
September 2, 2009, 9:00 a.m. to 3:00 p.m.**

MINUTES

Members Present:

Mr. Walter Sampson, Kotzebue, Chair
Mr. Victor Karmun, Kotzebue, V. Chair
Mr. Austin Swan, Kivalina, Secretary
Mr. Percy Ballot, Buckland
Mr. Virgil Adams, Noatak

Excused:

Mr. Enoch Shiedt, Kotzebue

Ms. Hazel Smith resigned July 31, 2009.

FWS/OSM

Barb Atoruk, Anchorage
Karen Hyer, Anchorage
Carl Jack, Anchorage
Coleen Brown, Anchorage
Ann Wilkinson, Anchorage

ADFG

Susan Bucknell, Kotzebue
George Pappas, Anchorage
Charlotte Westing, Kotzebue

FWS, Selawik Refuge

LeeAnne Ayres, Kotzebue
Tina Moran, Kotzebue

NPS

Ken Adkisson, Nome
Marcy Johnson, Kotzebue
George Helfrich, Kotzebue
Willie Goodwin, Kotzebue
Dan Stevenson, Kotzebue
Sandy Rabinowitch, Anchorage
Brad Shults, Fairbanks

BLM

Dave Parker, Fairbanks
John Erlich, Kotzebue

Public

Caleb Pungowiyi, Kotzebue

Court Reporter: Selena Hile

Call to Order

Walter Sampson, Chair, called the meeting to order at 9:00 A.M. in Kotzebue at the NANA Conference Room.

Roll Call and Confirmation of Quorum

Austin Swan, Secretary, called roll. Quorum was established.

Welcome and Introductions

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

Review and Adoption of Agenda

Mr. Percy Ballot **moved** to adopt the agenda as amended. Mr. Austin Swan **seconded**. The **motion carried** unanimously.

Review and Adoption of Minutes of April 3, 2009 Meeting

Mr. Percy Ballot **moved** to approve the minutes of April 3, 2009 as written. Mr. Austin Swan **seconded**. The **motion carried** unanimously.

Ms. Atoruk informed the Council that Mr. Ray Koonuk, Sr. would be joining them at their winter meeting as a representative from Point Hope.

VILLAGE CONCERNS

Kotzebue: The Chair entertained discussion on **community involvement** in voicing their concerns when the Council act on certain issues that affects their areas. Ms. Atoruk responded that earlier years, this was done, the proposals were sent to the IRA offices asking for their comments. No responses were received. She stated that she would try again, when certain proposals affects certain communities. The Chair further stated that the villages may feel intimidated when they do not understand the government process of how proposals are treated. The communities need a voice and that time should be allotted to them. A one on one basis would probably be more effective since some do not like to talk in open meeting formats, Offer the opportunity for the youth at the schools to participate. Get the message out to the folks on what is actually happening in their region and how the regulations are changing. It was suggested that a formal letter be written to the Federal Board regarding these concerns, to get the message out to explain to people so that they can have better understanding. The communication network would certainly be better then what it is today. It was clarified that the Council for this region has not had a full board to have a good geographic diversity representation. Please encourage others to apply to be on the Council or you can nominate someone, if you think that person can be a good participant from their region. The Council can identify certain issues that they need information on and when the other agencies have their meetings in the villages, they could try to get some input on those issues. Formalize the issues like they would be proposals, when talking to people in the region, the agencies would dialogue with them on whether they support or not. The Chair suggested that the topic be: “What is it that you as a community need to know that they can provide for them as their Regional Council member or as an Agency?” or “What is not being done the way you feel about it?”

Buckland: Mr. Ballot reported that they have concerns on muskox hunting. Buckland/Deering has had 16 allowable harvests through the State hunt. Last year, only three were harvested. The hunters like to harvest during the winter season after the rut season is done. It is possible that the State may allow them to harvest four but now they are discussing whether they should go back to the Federal hunt instead. Mr. Adkisson responded that the State has the authority and they will be implementing this hunt year a way to split the harvest up between the fall and winter hunt. The State and Federal systems are working in trying to make the hunts work better for them and they will see how they turn out this year. Charlotte Westing, ADF&G biologist, reported that 16 muskox were harvested last year, two were from outside, six were taken by Kotzebue based hunters and remaining by hunters from the NANA region. She said that they are trying to respond to the concerns of hunters from Buckland and Deering. She appreciated the feedback on how to split manage the quota and how the people wanted to have more opportunity for cows. They will continue to try to incorporate those in to the process.

Kotzebue: Mr. Karmun had no concerns to report.

Noatak: Mr. Adams reported that the salmon and trout were plentiful, this summer. The people are drying their fish outside their homes because of kids were coming to help themselves to sell them. This concerns them very much because three bears were sighted there within the city limits. Caribou is just starting and the same will apply in drying meat, outside their homes. The bears are getting in to their boats and pulling out gas lines, throwing gas cans around—this is definitely a big issue for them in Noatak. The State stated they support hazing bears. If a bear is harvested for damaging property and threatening life, the hide and skull need to be sent freight collect to ADF&G. General hunting season,

you keep all of it, just needs to be sealed. If you use the RB700 permit---this permit requires the hunter to take bear without the requirement of getting the hide and skull sealed, they can harvest it for the meat.

Kivalina: Mr. Swan reported that the license vendor position salary needs to be raised, this position is very important in a village. More applicants would be out there.

CHAIR'S REPORT

The Chair reported that they do not have any proposals to consider. There was no 2008 Annual Report. There will be 2009 Annual Report given so they need to submit some concerns and issues for it. Brown bear and muskoxen are some issues to be included.

2010 FISHERIES RESOURCE MONITORING PROGRAM

Ms. Hyer gave a brief overview of the Draft Fisheries Resource Monitoring Plan for the region. She explained that three stock, status and trends projects and two harvest monitoring and traditional ecological knowledge projects were recommended by the Technical Review Committee. She noted that the next formal call for this region would be in 2012 and the FRMP staff would certainly be willing to help with ideas and maybe contacts for investigators. Information needs can also be submitted early for the next call. She stressed that the proposals need to fall under the Federal jurisdiction and the Federal Subsistence Management Program does not manage in marine waters. Ms. Wheeler stated that the baseline harvest monitoring provides key information need. The whole focus is to provide information that can be used for Federal subsistence fisheries management. If there are concerns about subsistence management and they can act on it, they need that information and that is why the baseline Federal Subsistence harvest information is targeted.

Mr. Swan *moved* to support the Fisheries Resource Monitoring Plan projects for the Northwest Arctic Region. Mr. Ballot seconded. *Motion carried unanimously.*

CALL FOR PROPOSALS TO CHANGE 2010/12 FEDERAL SUBSISTENCE WILDLIFE REGULATIONS (*Proposal period ends November 5, 2009*)

Muskoxen Proposal

Because of complications in publishing the final rule for the wildlife proposals, the proposal deadline was extended until November 5th. The Council submitted a proposal regarding muskoxen in Unit 23 that would change the language from one bull by Federal permit or State tier I subsistence registration to one muskox by Federal permit or State Tier I subsistence registration. The word changing is slight but it's a significant change. The allowable harvest is 16 and if they are not taken in the fall season, they automatically go into the winter season. Office of Subsistence Management wanted to know if the Council still wanted the proposal to go forward.

Mr. Ballot *moved* to change August 1, March 15 to August 1, December 31 as a first season, and as a second season-January 1 to March 15. Mr. Swan seconded. The *motion carried unanimously.* Mr. Ballot said that they are willing to make further changes in the future, if this change does not work for the hunters of Buckland and Deering.

AGENCY REPORTS

Ms. Wilkinson provided a briefing on the **Revised Schedule/Calendar for Program**. She summarized the issues that would be addressed at the January, April, and May 2010 Federal Subsistence Board meetings.

She provided a summary for the **Bear Claw Working Group**. The Alaska Department of Fish and Game set up a working group on the issue of bear claws to find a way to resolve this issue. The ADF&G had

submitted a proposal asking the Federal Board to refine the Federal regulations, which, in its view, allow for “unconstrained commercial sale of handicrafts made from brown bear parts and create market incentives for poaching and made three specific requests: 1) the removal of all unit-specific regulations concerning the statewide sale of brown bear handicrafts; 2) sale be allowed to anyone of handicrafts made of brown bear skin, hide, pelt or fur, but not claws, from all units; and 3) sales of brown bear handicrafts made of claws, bones, teeth, sinew, or skulls only be allowed between Federally qualified subsistence users. The problem needs to be clearly defined before a solution is made. Based on the State’s recommendation, the Board deferred the proposal until the next wildlife cycle in 2009. A tracking mechanism may be a way to protect subsistence hunters and the crafters can legally sell bear claws. The Council can participate by naming someone to be on the working group and will be provided updates on what they are doing. Question and answer from the Council was provided.

Ms. Wilkinson gave the briefing on the proposed Revisions to Regulations Governing **Special Actions** (50CFR 100.19 and 36 CFR 242.19). The Board responded to the comments made by directing the Office of Subsistence Management and the Solicitor’s Office to draft proposed revisions to the section of the regulations which address special actions. Regulations governing special actions are included in subpart B which is where the fish and wildlife subsistence harvest regulations are located. Changes to subpart B require Secretarial signatures; however, the Board wants each Council to be briefed and invites their comments through December 18, 2009. Comments will be considered in the final rule. The final revisions and comments will be presented to the Board on January 2010. The Board will develop a recommendation to Secretary. The Office of Subsistence management will develop the final rule, which will then be reviewed by the OSM leadership, the Solicitor’s Office, the Interagency Staff Committee and the Special Assistant to the Secretary on Alaska Affairs. The final review and approval will be made by the Secretaries in Washington. The rule will then be published in the Federal Register.

Mr. Percy Ballot **moved** to support the change on regulations for special actions. Mr. Virgil Adams seconded. The motion **carried** unanimously. The Council wishes to participate in the change. The issue in regards to the changing of wording from extenuating circumstances to time sensitive circumstances certainly is much more clarified.

Ms. Wilkinson presented the **Memorandum of Understanding** on page 77 of the meeting booklet. This memorandum of understanding between the Federal Subsistence Management Agencies and the State was signed on December 2008. This need for coordination is a requirement in the Alaska Nation Interests Lands Conservation Act, a number of different sections in there. The MOU is self explanatory.

Ms. Wilkinson gave a short briefing on **compensation** for Council members; she referred the Council to page 84 of their meeting book.

Ms. Wilkinson informed the Council that the Federal Subsistence Management Program is aware of the affects climate change is having on Alaska and will consider those changes when making management decisions to benefit the animals and the people who depend on them. The observations and knowledge of the councils regarding the impacts of climate change will be part of the management process.

CONFIRM CLOSURE REVIEWS AND REGIONAL COUNCIL ECOMMENDATIONS

Ms. Wilkinson asked the Council to verify the recommendations on closure reviews done on Unit 23 sheep and muskox it made at the last meeting. The Closure Policy requires the Office of Subsistence Management to review existing wildlife closures to determine whether the original justifications for closures continue to apply and existing closures will be reviewed on a three-year rotational schedule. These reviews are conducted in accordance with guidance found in the Federal Subsistence Board’s Policy on Closures to Hunting, Trapping and Fishing on Federal Public Lands and Waters in Alaska, adopted in 2007. The Wildlife Closure Reviews contain a brief history of why a closure was

implemented, along with a summary of the current resource condition and a preliminary OSM recommendation as to whether the closure should be continued or deleted from the regulations.

WCR08-18-Unit 23 Sheep

Council Recommendation: Mr. Walter Sampson **moved** to maintain current closures. Mr. Percy Ballot **seconded**. The **motion carried** unanimously. **Justification:** The Council supported status quo based on biological information and analysis.

WCR08-19-Unit 23 Muskox

Council Recommendation: Mr. Walter Sampson **moved** to maintain current closure. Mr. Enoch Shiedt **seconded**. The **motion carried** unanimously. **Justification:** The Council supported status quo based on biological information and analysis.

MOTION

Mr. Austin Swan **moved** to reconfirm the Council's recommendations of September 2, 2009 on closure reviews of Unit 23 sheep. Mr. Virgil Adams **seconded**. The **motion carried** unanimously.

MOTION

Mr. Percy Ballot **moved** to reconfirm the Council's recommendation of September 2, 2009 on closure review of Unit 23 muskox, southwest. Mr. Austin Swan **seconded**. The **motion carried** unanimously.

Mr. George Helfrich first introduced his presenters for the activities of the **Western Arctic National Parklands** in the NANA region; Marcy Johnson, a biologist for the muskox population dynamic study and senior wildlife biologist, Brad Shultz. Mr. Helfrich recognized Willie Goodwin, NPS community liaison and advisor, as an employee who had given a lot of his time, thought, service to the Council. Mr. Helfrich presented award to Mr. Goodwin for his work on the Interagency Nomination Panel.

Mr. Sandy Rabinowitch gave a short summary of the plants **Subsistence Use of Horns, Antlers, Bones and Plants**. Gates of the Arctic Subsistence Resource Commission and Eastern Interior Regional Council requested to the Park Service to liberalize their regulations so that the subsistence users can go in to the Park and pick up and take home the naturally or discarded horns. Statewide, it is illegal to do that now. However, people may hunt for an animal in the Park and take the horns and antlers home. Gates SRC also requested to collect plants. This has been done traditionally in this region. The NPS is preparing an environmental assessment (EA) to evaluate alternatives for managing the collection and uses of horns, antlers, bones and plants for traditional uses by local rural residents in a manner to prevent adverse impacts to other park resources, values, and other uses. The rules would address 1) The collection, personal use, and making of handicrafts using shed or discarded horns, antlers, and bones that may subsequently be sold; and 2) The collection and use of plant materials to make handicrafts that may subsequently be sold.

The National Park Service has recognized three possible options: 1) no action, 2) unlimited collection, and 3) managed collection. The Parks favor number three; it's similar to number 2 where they put in what to do and delegate the park superintendents the authority for final resolution of the process to be used in each park, statewide. Mr. Rabinowitch can be reached at 907-644-3596 for any comments on this issue. NPS should bring a draft document at the Council's winter meetings.

Mr. Helfrich reported that Jake Jacobson, Dave Leonard and Phil Driver hold concession contracts to guide sport hunters in the Noatak National Preserve. They are permitted to bring 12 hunters per year and hold 10-year contracts beginning April 10, 2005 through December 31, 2014. One of the contract holders, Mr. Jacobson, asked that the contract be changed, and the letter was read to allow them carryover

of up to four guest hunter clients at any given year. If approved, the contractors could bring in 16 hunters. The number of clients in any year would change but the total number of clients would not change. The Council did not take action on this issue until further discussion at their winter meeting.

Mr. Brad Shults, wildlife biologist for **National Park Service** gave a report on sheep. Staff have been counting **sheep** from the Haul Road to the west cooperative with ADF&G and other agencies. Traditionally they only counted on count areas like the Itkillik area, Itkillik River, Gates of the Arctic, and the Baird Mountains. They are now trying the line transect surveys; they can cover larger areas and can make estimations on sheep populations over a much broader geographic area. The transects are 12 miles long and scattered out. They hope that this is how it will work as they only tried it on the Gates this past summer. They plan to expand to the west here next summer and doing the Noatak Preserve. If it works, this should give them broader estimates of sheep abundance do the seven small 800-square mile areas. He further explained the population graph. The take home message is that the count is higher, the sheep population is slowly growing. Brad distributed a short report on **muskoxen**. The only completed counts were in 2007 and 2008 by ADF&G. The count now is low on Kivalina south with 233 muskoxen. They are having a hard time finding muskoxen north of the Kivalina especially in the summers when they have been doing composition counts. They have found groups of mixed sex age muskoxen with calves on the Noatak River. They will have more information at the winter meeting or thereafter.

Ms. Marcy Johnson from **National Park Service** gave a brief update on the musk oxen research project. This comparative study currently has 32 collars. 19 are in the Bering Land Bridge National Preserve area and 13 on the Cape Krusenstern National Monument, up to the Kivalina River. 17 of the 32 collars are GPS collars so they are radio tracked every two weeks noting group counts, taking photos, calf counts and just checking on their collars and the condition of the animals. The GPS collars record six locations per day; they have gotten over 9600 locations this year already. This pilot project started in March 2008.

Mr. Dave Parker, habitat biologist from **Bureau of Land Management** reported that staff are looking at habitat on these BLM-managed public lands since they do not manage any subsistence fisheries on public lands. They have been in Kivalina looking at the spawning habitat of Dolly Varden to show where they are and the important areas so that they can be protected if any further developments do occur in the future. They are trying to collect baseline data to show that the habitat is now in an undisturbed state. They have been doing habitat surveys, walking the streams, taking measurements, and water chemistry. In cooperation with USFWS, they collected genetic fin clips from 100 fish. Essentially, there are two runs of fish, spawners of late July and early August and late August. They will return next year to collect from the late run fish and then compare them to see if they of different stock. They coordinate with ADF&G retired fish biologist, Fred DiCicco, who is contracted by Red Dog Mine to do some counts there also. They plan to radio tag some fish next year; this would help them find out where the fish go, otherwise. Question and answer period by the council.

Ms. Erica Craig introduced herself as the wildlife biologist replacing Kyle Joly for **Bureau of Land Management**. She gave an overview of the activities that occurred in BLM in the region. She introduced John Erlich of Kotzebue recently hired as their natural resource program coordinator stationed in Kotzebue. She stated that she is also a new hire and new to the region, that she would not be able to answer all the questions.

She reported that they received American Recovery and Reinvestment Act funds for a project that will mark inter-village trails and 17(b) easements in northwest Alaska. BLM also received funds to erect two remote automated weather stations this summer in the Nulato Hills. These stations will help relate weather factors to animal movement patterns or monitor global climate change to kind of include additional locations across the landscape where they have weather information. The stations will be beneficial to track what's happening in the area. The Kobuk/Seward Recreation Management Plan is at

its pre-plan phase. The Plan specifically addresses the Squirrel River special recreation management area and it should be completed by April 2010. BLM central Yukon field office archaeologists conducted reconnaissance and inventory work in the Kivalina, Wulik, and Kukpuk Rivers this past summer. They found 20 new sites, bringing the total of three years to nearly 60 sites recorded on BLM land in that area.

In 2008, they provided 12 new satellite collars to ADF&G to put on the caribou at Onion Portage to help monitor the Western Arctic Caribou Herd. They will attempt to put out 50 collars, cooperatively by BLM, ADF&G and NPS. BLM continues to be involved in WACH working group. They continue to partner with Federal and State agencies in conducting big game surveys. They do not have any new permits for hunting guides in the Northwest region. Currently, they have 10 guides permitted in GMU 23 i.e. two in Kauk, Tag, Kivalina and Pick Rivers. The remaining 7 are in the Squirrel River. The air transporters and air taxi operators will be required to have BLM permit. They have one operating mining in operation about 12 miles northwest of the Red Dog Mine. There are numerous Realty actions of conveyances of land parcels occurring in 2008 and 2009 and will continued to be conveyed through 2010. Geoff Beyersdorf said that they would attempt to complete muskox surveys in Unit 22 this spring.

Ms. Charlotte Westing, area biologist who addresses all other species from **Alaska Department of Fish and Game** in Kotzebue presented a brief update of their activities. She stated that Mr. Jim Dau is the caribou research biologist and totally focusing on just caribou. All State and Federal agencies i.e. ADF&G, BLM, NPS, FWS participate in the annual caribou collaring project in Onion Portage. Radio collars are deployed during this time and they are used to get information from throughout the year. Photo census of the caribou was done this summer 2009 when the decline of the herd was detected. The estimate of the herd size will be available in spring 2010. The collared caribou migration maps are primarily available only to the reindeer herders so they can do preventive measures from their reindeer running off with the caribou. They will focus on getting moose composition data, the age and sex information this fall. Every year, they attempt to collect composition data on moose of different areas of Unit 23, last year; it was done in the Selawik area, this fall it would be done on the upper Noatak. They also attempt to get a population estimate on the Cape Thompson herd of musk ox every year. The biologists feel that the herd might be declining and they want to get a good count this year. Composition work is done every year on the Cape Thompson and 23Southwest. A complete musk oxen census will be done on the Seward Peninsula. The registration hunt, RX-106, in Seward and in 23 Southwest, is actually taking the quota each year. Tier II system quota is not being met so they have to make sure that too many mature bulls are not being harvested and the census will monitor that. The trophy destruction on applies to those going out of the state. They were happy to be involved in helping the NPS with their first complete sheep census and they are looking forward to the results. Question and answer period by the Council.

Ms. Lee Anne Ayres, Refuge Manager from **FWS Selawik Refuge** gave a brief update on their comprehensive conservation plan for the Refuge. This document guides the refuge management for the next 10 years. The Western Arctic Herd working group focuses only on the western arctic herd. It's comprised of about 21 voting subsistence hunters from the region. All the agencies statewide participate and support the group. The group was put together to allow those people who use the herd to have input on the management of the herd and management direction. They have drawn up a cooperative management plan that the agencies have signed off on and use today. The group meets at Anchorage in December 2009. She asked the Council to stay engaged to this group. She introduced Brandon Saito as their new wildlife biologist to work with Tina Moran. Patrick Snow, their assistant refuge manager is moving back to Bethel to work with Gene Peltola, Jr. at the Yukon Delta Refuge. Rob Bartow, LE from Kenai is working with Eric Loring, State wildlife trooper on Law Enforcement issues especially with checking clients of the transporters and guides at the Kotzebue airport. Local folks have felt that this was more effective in enforcing some of their waste regulations.

Ms. Tina Moran, wildlife biologist with **FWS Selawik Refuge** distributed some handouts on the mudslide in the upper Selawik that they were concerned about the effect it has on the river and the resources. They are monitoring it to see its consequences of the thaw slump on the river. Chris Zimmerman from USGS will specifically be there to see the effects it might have on the sheefish spawning eggs. They will also install a weather station similar to BLM up in the Tag Hills right next to the Tag repeater in May or June. They will also be doing a beaver survey, a beaver cache survey in the Fish River.

ESTABLISHED TIMES AND PLACES OF NEXT MEETINGS

The fall meeting will be in Kotzebue on September 2, 2009. Where: TBA

ADJOURN

Mr. Percy Ballot **moved** to adjourn the meeting at 3:30 p.m. Mr. Walter Sampson **seconded**. The **motion passed** unanimously.

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

/S/

Barbara M. Atoruk, DFO
USFWS Office of Subsistence Management

January 11, 2010

Date

/S/

Walter Sampson, Chair
Northwest Arctic Subsistence Regional Advisory Council

January 11, 2010

Date

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

For a more detailed report of this meeting, copies of the transcript are being provided. Call Barbara_Armstrong@fws.gov or 907-786-3885.

WP10-01 Executive Summary	
General Description	Proposal WP10-01 requests the addition of a definition for “drawing permit” to the Federal subsistence management regulations. <i>Submitted by the USFWS, Office of Subsistence Management</i>
Proposed Regulation	<i>Statewide-General Regulations</i> § __.25(a) <i>Definitions</i> Drawing permit—a permit issued to a limited number of Federally qualified subsistence users selected by means of a lottery held for all Federally qualified subsistence users submitting valid applications for such permits and who agree to abide by the conditions specified for each hunt. Drawing permits are issued based on priorities determined by 36 CFR 242.17 and 50 CFR 100.17.
OSM Preliminary Conclusion	Support Proposal WP10-01 with modification to simplify and clarify the definition. The modified regulation would read: <i>Statewide-General Regulations</i> § __.25(a) <i>Definitions</i> Drawing permit—a permit issued to a limited number of Federally qualified subsistence users selected by means of a random drawing.
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Northwest Arctic Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	

continued on next page

WP10-01 Executive Summary (continued)	
North Slope Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

DRAFT STAFF ANALYSIS WP10-01

ISSUES

Proposal WP10-01, submitted by the USFWS, Office of Subsistence Management, requests the addition of a definition for “drawing permit” to the Federal subsistence management regulations.

DISCUSSION

Existing Federal subsistence management regulations do not include a definition for “drawing permit” (§§ __.4 and __.25(a)). However, because this term is used in the hunting regulations (§ __.26(n) (19)), a definition should be provided.

Existing Federal Regulation

Statewide-General Regulations

§ __.25(a) *Definitions*—No existing definition

Proposed Federal Regulation

Statewide-General Regulations

§ __.25(a) *Definitions*

Drawing permit—a permit issued to a limited number of Federally qualified subsistence users selected by means of a lottery held for all Federally qualified subsistence users submitting valid applications for such permits and who agree to abide by the conditions specified for each hunt. Drawing permits are issued based on priorities determined by 36 CFR 242.17 and 50 CFR 100.17.

Existing State Regulation

Definitions

Drawing permit—a permit issued to a limited number of people selected by means of a lottery held for all people submitting valid applications for such permits and who agree to abide by the conditions specified for each hunt.

Extent of Federal Public Lands/Waters

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

Effects of the Proposal

The addition of this definition does not affect fish and wildlife populations, subsistence uses or other uses (i.e., sport/recreational or commercial). The Federal Subsistence Management Program has used drawings as one way to distribute permits among residents of a community that are similarly situated relative to

customary and traditional uses of those wildlife populations. Current hunting regulations use the phrase “drawing permit” to describe the permit for the Unit 19A moose hunt, and there have been other situations where drawings have been used to distribute registration permits among qualified applicants. Proposal WP10-09, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requests a drawing permit hunt. The addition of a definition for “drawing permit” to the Federal regulations would help provide clarity to regulations.

OSM PRELIMINARY CONCLUSION

Support Proposal WP10-01 **with modification** to simplify and clarify the definition.

The modified regulation would read:

Statewide-General Regulations

§ __.25(a) Definitions

Drawing permit—a permit issued to a limited number of Federally qualified subsistence users selected by means of a random drawing.

Justification

The definition clarifies a term that is used in the Federal subsistence hunting regulations and does not affect fish and wildlife populations, subsistence uses or other uses. The modified wording simplifies the definition and makes it clear that drawing permits are based on a “random” drawing for all similarly situated Federally qualified subsistence users.

STATUS OF WP10-02 (*DEFERRED WP08-05*)

Proposal WP10-02 (deferred proposal WP08-05), submitted by the Alaska Department of Fish and Game, requested clarification of the existing Federal Subsistence management regulation governing the use of brown bear claws in handicrafts for sale. The proposal specifically asked for the removal of all unit-specific regulations related to the statewide sale of brown bear handicrafts made of skin, hide, pelt or fur and that sales of brown bear handicrafts made of claws, bones, teeth, sinew, or skulls should occur only between Federally qualified subsistence users.

Proposal WP10-02 was deferred by the Federal Subsistence Board (Board) at its May 2008 meeting at the suggestion of the Alaska Department of Fish and Game, pending formation of a workgroup to address the issue of developing a method of tracking brown bear claws made into handicrafts for sale. The Board voted unanimously to defer the proposal “to allow a work group to address this issue of sale and tracking, specifically whether or not it’s even feasible” (FSB 2008:117). The Board directed that the working group include representatives from all interested Subsistence Regional Advisory Councils (Councils) and State and Federal staff (FSB 2008: 102-119).

An initial scoping meeting between Federal and State staff was held in January 2009; at that meeting a draft charge was developed¹. A briefing was provided to all Councils during the Winter 2009 meeting cycle on the status of the workgroup, and Councils selected representatives to participate in the workgroup. The workgroup, including representatives from nine Councils, and Federal and State staff met in June 2009. At that meeting, participants from the Councils posed a number of questions directed at whether or not bear claw tracking is a problem for subsistence users, and if regulations needed to be changed. These questions prompted Federal and State staff to conduct further research, and to meet as agency staff to compare notes and to follow up on research questions, which they did twice during summer 2009. The work group attempted to meet again during the summer of 2009, but this was not possible. In the interim, another briefing on the status of the workgroup was provided to the Councils at the Fall 2009 meetings.

FUTURE DIRECTION

The workgroup, including Council members, will meet during spring/summer 2010 to address the questions raised at its first meeting, and to begin working towards resolution of the issues. This will provide ample time for the workgroups’ findings to be presented to each Council for their recommendations during the Fall 2010 meeting cycle, and for a full report to be provided to the Federal Subsistence Board for action at its January 2011 meeting. A report will also be provided to the Alaska Board of Game at an appropriate meeting. Proposal 10-02 (WP08-05) will be deferred until that time.

LITERATURE CITED

FSB. 2008. Transcripts of the Federal Subsistence Board proceedings, April 29, 2008. Office of Subsistence Management, FWS. Anchorage, AK.

¹ Draft charge for workgroup:

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

WP10-03 Executive Summary	
General Description	Proposal WP10-03 requests the addition of a general provision in Federal subsistence management regulations to allow the harvest of fish and wildlife by participants in a cultural or educational program. <i>Submitted by the Office of Subsistence Management</i>
Proposed Regulation	<i>See the analysis for the proposed regulation language.</i>
OSM Preliminary Conclusion	Support Proposal WP10-03 with modification to simplify the proposed regulation.
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Northwest Arctic Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
North Slope Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

DRAFT STAFF ANALYSIS WP10-03

ISSUES

Proposal WP10-03, submitted by the Office of Subsistence Management, requests the addition of a general provision in Federal subsistence management regulations to allow the harvest of fish and wildlife by participants in a cultural or educational program.

DISCUSSION

This proposal is a housekeeping measure intended to provide clarity in the guidelines for issuing permits for the harvest of fish and wildlife by cultural and educational programs. Doing so will help to inform the public, fish and wildlife managers, Office of Subsistence Management staff, members of the Interagency Staff Committee, and members of the Federal Subsistence Board (Board) of the guidelines currently in use by Office of Subsistence Management staff with regard to permits to harvest wildlife and fish for cultural and educational programs. Since the Federal program began in 1990, the process for issuing permits has gone through a number of changes. Because some of these changes have not been well documented, there is some confusion over the process. The intent of this regulation then is to provide clarity in Federal subsistence management regulations.

Currently, there is no specific provision allowing for the harvest of wildlife for cultural and educational programs although there is a general allowance that provides for such a practice. A specific provision allows for the harvest of fish for a cultural and educational program.

Most requests speaking to the allowance of fish or wildlife harvests on behalf of a cultural or educational program are on behalf of culture camps sponsored by Native nonprofit organizations. Requests for permits also have been received from a substance abuse rehabilitation program and for college courses. The permits are typically requested both to teach cultural and educational activities associated with harvest, and to provide food for participants in the cultural and educational program. Once a program has been approved for a permit, follow-up requests (referred to as repeat requests in the regulation), may be made annually for up to five years by the same cultural or educational program to harvest the same animal species and amount.

Existing Federal Regulation

Program structure

§____.10(d)

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

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

General regulations

No existing regulation

Fish regulations

§____.27(e)

(2) The U.S. Fish and Wildlife Service Office of Subsistence Management may issue a permit to harvest fish for a qualifying cultural/educational program to an organization that has been granted a Federal subsistence permit for a similar event within the previous 5 years. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Permits will be issued for no more than 25 fish per culture/education camp. Appeal of a rejected request can be made to the Federal Subsistence Board. Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous 5 years, or when there is a request for harvest in excess of that provided in this paragraph (e)(2), will be considered by the Federal Subsistence Board.

Proposed Federal Regulation

Program structure

§____.10(d)

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

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

General regulations

§____.25(g) Cultural/educational program permits

(1) A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Federal Subsistence Board through the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Generally permits will be issued for no more than one large mammal per cultural/educational program, permits will be issued for no more than 25 fish per cultural/educational program, and permits for the harvest of shellfish will be addressed on a case by case basis. Any animals harvested will count against any established Federal harvest quota for the area in which harvested.

(2) Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous 5 years, or when there is a request for harvest in excess of that provided in paragraph

(g)(1), will be considered by the Federal Subsistence Board. Appeal of a rejected request can be made to the Federal Subsistence Board.

(3) A permit to harvest fish, wildlife, or shellfish for a qualifying cultural/educational program which has been granted a Federal subsistence permit for a similar event within the previous 5 years may be issued by the Federal in-season manager (for fisheries) or the Federal local land manager (for wildlife). Requests for follow-up permits must be submitted to the in-season or local land manager 60 days prior to the earliest desired date of harvest.

(4) Federal in-season and local land managers will report the re-issue of any cultural/educational program permits and the harvest results to the U.S. Fish and Wildlife Service, Office of Subsistence Management.

Fish regulations

§ ____ .27(e)

(2) The U.S. Fish and Wildlife Service Office of Subsistence Management may issue a permit to harvest fish for a qualifying cultural/educational program to an organization that has been granted a Federal subsistence permit for a similar event within the previous 5 years. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Permits will be issued for no more than 25 fish per culture/education camp. Appeal of a rejected request can be made to the Federal Subsistence Board. Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous 5 years, or when there is a request for harvest in excess of that provided in this paragraph (e)(2), will be considered by the Federal Subsistence Board.

State Regulations

5 AAC 92.034 Permit to take game for cultural purposes

The commissioner may issue a permit for the taking of game for the teaching and preservation of historic or traditional Alaskan cultural practices, knowledge, and values, only under the terms of a permit issued by the department upon application. A permit may not be issued if the taking of the game can be reasonably accommodated under existing regulations. For purposes of this section, "game" includes (1) deer; (2) moose; (3) caribou; (4) black bear; (5) mountain goat; (6) small game; (7) furbearers; and (8) any migratory bird for which a federal permit has been issued.

Regulatory History

At the inception of the Federal Subsistence Management Program, all requests for permits to allow harvests for special purposes between regulatory cycles were treated as special actions that went directly to the Board. In 2000, the Board adopted a general provision in Federal regulations that delegated authority to Office of Subsistence Management to issue special harvest permits for repeated requests from

cultural and educational camp operators (§____.25(c)(4)¹; 66 FR 10148, February 13, 2001). Thus, the initial request went to the Board and any subsequent requests to the Office of Subsistence Management. This regulation included provisions for issuing permits to harvest up to 25 fish and one species of wildlife (deer, moose, caribou, black bear, or mountain goat only). These species were included in the regulation because permits had previously been distributed for these species. At the time of its adoption, the Board expressed the desire to evaluate the effectiveness of the regulation following its implementation (FWS 2004).

Concurrently, in 2000 the Board also adopted regulations to manage fisheries occurring in Federal public waters. As part of this activity, the Board adopted a regulation addressing the subsistence take of fish on behalf of cultural and educational programs (§____.27(e)(2); 66 FR 33745, June 25, 2001). The regulation adopted by the Board required that initial requests are considered by the Board and repeat requests are considered by Office of Subsistence Management. The Board gave the Office of Subsistence Management the authority to issue repeat permits for the harvest of up to 25 fish per program. It should be noted that this regulation was adopted even though a similar regulation (described in the previous paragraph) already existed in general provisions of Federal regulations, which was probably an oversight.

In November 2003 the Board rescinded the general provisions regulation that delegated authority to the Office of Subsistence Management to issue cultural and educational permits (§____.25(g) [§____.25(c)(4)]; 69 FR 40177, July 1, 2004). Instead of a regulation, the Board established guidelines for issuing permits for the harvest fish and wildlife for cultural and educational programs. Additionally, the Board delegated the authority to issue repeat permits to field managers.

When a permit to harvest wildlife by a cultural or educational program is issued, at the same time a letter containing guidelines for delegation is completed by the analyst at the Office of Subsistence Management and sent to the Federal field manager by the policy coordinator at the Office of Subsistence Management. The guidelines require that the field manager become familiar with the management history of the species and with the State and Federal regulations and management plan, and be up-to-date on population and harvest status information. Also, the guidelines direct the field manager to consult with the local ADF&G fish and wildlife managers.

Effects of the Proposal

If this proposal is adopted, the provision in fish regulations for issuing cultural and educational permits should be rescinded. The description of how to apply for a permit to harvest fish or wildlife as part of a cultural or educational program that is in the Federal subsistence regulation booklets published for the public will flow directly from the new regulation requested in this proposal.

If this proposal is not adopted, there will continue to be confusion among the public, fish and wildlife managers, Office of Subsistence Management staff, members of the Interagency Staff Committee, and members of the Federal Subsistence Board concerning the issuing of these permits.

OSM PRELIMINARY CONCLUSION

Support Proposal WP10-03 with modification to simplify the proposed regulation.

¹ The regulation located at §____.25(c)(4) in Federal regulations was later moved to §____.25(g) during a reorganization of the Federal regulations (66 FR 33745–33746, June 25, 2001).

The modified regulation should read:

General regulations

§____.25(g) Cultural/educational program permits

(1) A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Federal Subsistence Board through the Office of Subsistence Management and should be submitted 60 days prior to the earliest desired date of harvest. Harvests must be reported and any animals harvested will count against any established Federal harvest quota for the area in which it is harvested.

(2) Requests for follow-up permits must be submitted to the in-season or local manager and should be submitted 60 days prior to the earliest desired date of harvest.

Justification

The harvest of fish and wildlife by participants in cultural and educational programs is generally allowed in the Federal Subsistence Management Program regulations. Proposal WP10-03 will further clarify for fish and wildlife managers, Office of Subsistence Management staff, members of the Interagency Staff Committee, and members of the Federal Subsistence Board the cultural and educational permit regulations.

LITERATURE CITED

FWS. 2004. Staff analysis for Proposal WP04-26. Pages 178–188 in Federal Subsistence Board Meeting Materials May 18–21, 2004. Office of Subsistence Management, FWS. Anchorage, AK. 622 pages.

WP10-04 Executive Summary	
General Description	This proposal would remove Units 6, 12, 20A, 20B, 20C east of the Teklanika River, 20D and 20E from the areas for which the Assistant Regional Director for Subsistence Management has the delegated authority to open, close or adjust Federal subsistence lynx seasons and to set harvest and possession limits. <i>Submitted by the Office of Subsistence Management</i>
Proposed Regulation	<p>§ __.26 (f)(3)</p> <p><i>The Assistant Regional Director for Subsistence Management, FWS, is authorized to open, close, or adjust Federal subsistence lynx seasons and to set harvest and possession limits for lynx in Units 6, 7, 11, 12, 13, 14, 15, and 16, 20A, 20B, 20C east of the Teklanika River, 20D, and 20E, with a maximum season of November 1–February 28. This delegation may be exercised only when it is necessary to conserve lynx populations or to continue subsistence uses, only within guidelines listed within the ADF&G Lynx Harvest Management Strategy, and only after staff analysis of the potential action, consultation with the appropriate Regional Council Chairs, and Interagency Staff Committee concurrence.</i></p>
OSM Preliminary Conclusion	Support proposal WP10-04 with modification to delete the regulatory language found in § __.26 (f)(3), and delegate the authority to open, close, or adjust Federal lynx seasons and to set harvest and possession limits for lynx via a delegation of authority letter only.
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Northwest Arctic Regional Council Recommendation	

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WP10-04 Executive Summary (continued)	
Eastern Interior Regional Council Recommendation	
North Slope Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

**DRAFT STAFF ANALYSIS
WP10-04**

ISSUE

This proposal , submitted by the Office of Subsistence Management, would remove Units 6, 12, 20A, 20B, 20C east of the Teklanika River, 20D and 20E from the areas for which the Assistant Regional Director for Subsistence Management has the delegated authority to open, close or adjust Federal subsistence lynx seasons and to set harvest and possession limits.

DISCUSSION

Lynx trapping seasons are adjusted annually based on recommendations determined using Alaska Department of Fish and Game (ADF&G) Tracking Harvest Strategy for managing lynx (FSB 2001). The Alaska Board of Game removed Units 6, 12, 20A, 20B, 20C east of the Teklanika River, 20D and 20E from the list of units that are managed using the lynx harvest strategy. Based on this action these units should also be eliminated from regulation.

Existing Federal Regulation

§__.26 (f)(3)

The Assistant Regional Director for Subsistence Management, FWS, is authorized to open, close, or adjust Federal subsistence lynx seasons and to set harvest and possession limits for lynx in Units 6, 7, 11, 12, 13, 14, 15, 16, 20A, 20B, 20C east of the Teklanika River, 20D, and 20E, with a maximum season of November 1–February 28. This delegation may be exercised only when it is necessary to conserve lynx populations or to continue subsistence uses, only within guidelines listed within the ADF&G Lynx Harvest Management Strategy, and only after staff analysis of the potential action, consultation with the appropriate Regional Council Chairs, and Interagency Staff Committee concurrence.

Proposed Federal Regulation

§__.26 (f)(3)

The Assistant Regional Director for Subsistence Management, FWS, is authorized to open, close, or adjust Federal subsistence lynx seasons and to set harvest and possession limits for lynx in Units ~~6, 7, 11, 12, 13, 14, 15, and 16, 20A, 20B, 20C east of the Teklanika River, 20D, and 20E,~~ with a maximum season of November 1–February 28. This delegation may be exercised only when it is necessary to conserve lynx populations or to continue subsistence uses, only within guidelines listed within the ADF&G Lynx Harvest Management Strategy, and only after staff analysis of the potential action, consultation with the appropriate Regional Council Chairs, and Interagency Staff Committee concurrence.

Regulatory History

In 1987, ADF&G adopted a Tracking Harvest Strategy for managing lynx (ADF&G 1987). This strategy calls for shortening or closing trapping seasons when lynx numbers are low, and lengthening or opening seasons when lynx are abundant. In the spring of 1992, the Alaska Board of Game adopted

maximum possible seasons for a number of management units within the State. Authority to make season adjustments within seasonal windows was delegated to ADF&G by the Alaska Board of Game. The decision to adjust the season is based upon the reported number of lynx harvested and the percentage of kittens within the total harvest.

The Federal Subsistence Board (Board) endorsed the State's strategy for setting seasons on lynx and has regularly made annual adjustments to the Federal seasons to align with the State seasons. In 2001 the Federal Subsistence Board (FSB 2001) added a statewide regulatory provision and issued a Delegation of Authority Letter (**Appendix I**) so that the Office of Subsistence Management could adjust lynx trapping regulations through the use of the ADF&G tracking harvest strategy. This delegated authority requires coordination with ADF&G, consultation with the appropriate Federal land management agencies, and development of a staff analysis to evaluate the effects of the changes to the season and harvest limit and Interagency Staff Committee concurrence.

In March 2008, the Alaska Board of Game eliminated the lynx tracking strategy in the interior game management units and established permanent seasons for Unit 20. Unit 12 was previously removed from the tracking strategy and in March 2009 the Alaska Board of Game eliminated the tracking strategy for Unit 6.

Effects of the Proposal

When the Board first delegated its authority to the Assistant Regional Director for Subsistence Management, Units 6, 7, 11, 12, 13, 14, 15, 16, 20A, 20B, 20C east of the Teklanika River, 20D, and 20E were managed by the State using the lynx strategy. Over time, however, the State has removed a number of units from its lynx tracking strategy. If this proposal is adopted it would align Federal and State regulations regarding lynx management.

There should be no impacts on wildlife populations as season and harvest limits can still be changed through the normal regulatory cycle or through special action if needed. There will be no adverse impacts to subsistence users as season and harvest limits may still be changed. This proposed change only addresses the authority delegated to the Assistant Regional Director for the Office of Subsistence Management.

OSM PRELIMINARY CONCLUSION

Support proposal WP10-04 **with modification** to delete the regulatory language found in § __.26 (f)(3), and delegate the authority to open, close, or adjust Federal lynx seasons and to set harvest and possession limits for lynx via a delegation of authority letter only (**Appendix II**).

The regulation would be deleted:

§ __.26 (f)(3) [*Reserved*]

The Assistant Regional Director for Subsistence Management, FWS, is authorized to open, close, or adjust Federal subsistence lynx seasons and to set harvest and possession limits for lynx in Units 6, 7, 11, 12, 13, 14, 15, 16, 20A, 20B, 20C east of the Teklanika River, 20D, and 20E, with a maximum season of November 1–February 28. This delegation may be exercised only when it is necessary to conserve lynx populations or to continue subsistence uses, only within guidelines listed within the ADF&G Lynx Harvest Management Strategy, and only after staff analysis of the potential action, consultation with the appropriate Regional Council Chairs, and Interagency Staff Committee concurrence.

Justification

There should be no impacts on wildlife populations as season and harvest limits can still be changed via the normal regulatory cycle or via special action if needed. There will be no impacts to subsistence users as season and harvest limits may still be changed. This proposed change is only addressing the authority delegated to the Assistant Regional Director for the Office of Subsistence Management. The current delegation is already done through a letter and the regulatory language in §__.26 (f)(3) is redundant and not needed. The draft letter found in **Appendix II** would update the delegation of authority letter making it more consistent with other delegation letters issued throughout the state by the Board.

LITERATURE CITED

ADF&G, Division of Wildlife Conservation. 1987. Report to the Board of Game on lynx management. 30 pages.

ADF&G, Division of Wildlife Conservation. 2009. Recommendations for the 2008–2009 lynx trapping seasons: Interior Alaska Tracking Harvest Strategy. 2 pages.

FSB. 2001. Transcripts of the Federal Subsistence Board proceedings, May 9, 2001. Anchorage, AK.



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

Federal Subsistence Board

3601 C Street, Suite 1030
Anchorage, Alaska 99503-6199



FOREST SERVICE

JUN 15 2001

FWS/OSM/C:/LynxDelegation

Mr. Thomas H. Boyd
Assistant Regional Director, Subsistence Management
U.S. Fish and Wildlife Service
3601 C Street, Suite 1030
Anchorage, Alaska 99503

Dear Mr. Boyd:

This letter delegates regulatory authority from the Federal Subsistence Board to you as Project Leader of the Office of Subsistence Management to issue special actions when necessary to assure the conservation of healthy lynx populations and to provide for subsistence uses of lynx, consistent with the Alaska Department of Fish and Game Lynx Harvest Management Strategy, on Federal lands subject to ANILCA Title VIII.

Overview

It is the intent of the Federal Subsistence Board that lynx management by Federal officials be coordinated with the Alaska Department of Fish and Game and involve Regional Advisory Council representatives to conserve healthy lynx populations while providing for subsistence uses. Federal managers are expected to cooperate with State managers and minimize disruption to resource users and existing agency programs, as agreed to under the Interim Memorandum of Agreement for Coordinated Fisheries and Wildlife Management for Subsistence Uses on Federal Public lands in Alaska.

DELEGATION OF AUTHORITY

1. Delegation: The Project Leader of the Office of Subsistence Management is hereby delegated authority to approve special actions affecting lynx on Federal lands as outlined under **2. Scope of Delegation.**

2. Scope of Delegation: The regulatory authority hereby delegated is limited to authority to open, close, or adjust Federal subsistence lynx seasons and to set harvest and possession limits for lynx. This delegation may be exercised only when it is necessary to conserve lynx populations or to continue subsistence uses, only within guidelines listed within the Lynx Harvest Management Strategy, and only after staff analysis of the potential action and Staff Committee concurrence.

Mr. Thomas H. Boyd

2

All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to method or means of take, shall be directed to the Federal Subsistence Board.

The Federal lands subject to this delegated authority are those described in the Subsistence Management Regulations for Public Lands in Alaska. You will coordinate your decisions with all affected Federal land managers and the Alaska Department of Fish and Game.

3. Effective Period: This delegation of authority is effective from the date of this letter, and continues until revoked by the Federal Subsistence Board.

4. Guidelines for Delegation: You will review special action requests or situations that may require a special action and all supporting information to determine (1) if the request/situation falls within the scope of delegation, (2) if the action would be consistent with the conservation of healthy lynx populations, and (3) what the consequences of taking an action may be on potentially affected subsistence users and non-subsistence users. You will consider the management history of lynx in the affected region, current State and Federal lynx regulations and management plans, and lynx population and harvest status information. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will keep a record of all special action requests and their disposition.

You will immediately notify the Federal Subsistence Board and notify/consult with appropriate ADF&G managers, Regional Advisory Council members, and other affected Federal conservation unit managers concerning special actions being considered. You will issue timely decisions. Users, affected State and Federal managers, law enforcement personnel, and Regional Advisory Council representatives will be notified before the effective date/time of decisions.

5. Support Services: Administrative support for management activities will be provided by the Office of Subsistence Management, U.S. Fish and Wildlife Service, Department of the Interior.

6. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6).

This delegation of authority will assure conservation of lynx populations through sound management decisions in cooperation with State managers, thereby providing for the long-term needs of the subsistence user.

Sincerely,



Mitch Demientieff, Chair
Federal Subsistence Board

Attachment: Tracking Harvest Strategy for Lynx

cc: Members of the Federal Subsistence Board

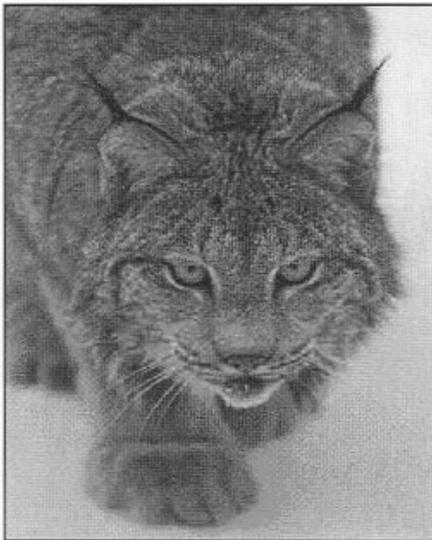
Mr. Stanley Pruszanski, Assistant Regional Director - Law Enforcement

Mr. Walter Soroka, Deputy Assistant Regional Director - Law Enforcement

Mr. Frank Rue, Commissioner, Alaska Department of Fish and Game

Tracking Harvest Strategy for Lynx

by Howard Golden
Furbearer Biologist, Southcentral Region

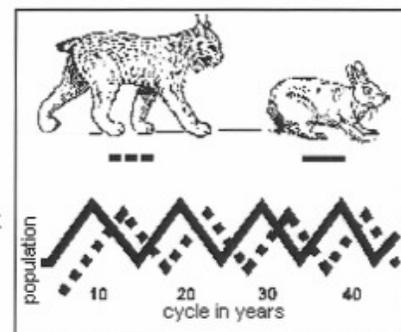


Lynx (*Lynx canadensis*) populations in Alaska and much of Canada fluctuate greatly over a 9-11-year period, responding mainly to the abundance of snowshoe hares (*Lepus americanus*). Lynx population trends are closely tied with those of snowshoe hares even when other prey is available. Lynx respond directly to changes in hare abundance through the number of kittens that are produced and the survival of kittens and adults. This response by lynx follows the hare population cycles, which are remarkably synchronous in northern latitudes.

Managers of lynx harvest in these areas must be able to respond with appropriate harvest regulations to ensure sustainable harvests are maintained. A tracking harvest strategy is one method for managing the harvest of populations in a fluctuating environment. Under a tracking harvest strategy, harvest is increased while a population is growing and is decreased during a population decline. In 1987, the Alaska Department of Fish and Game (ADF&G) and the Board of Game (BOG), which authorizes seasons and bag limits in Alaska, adopted a tracking harvest strategy to allow the dynamic management of lynx based on the ability of populations to support harvest. This was in response to concerns by lynx managers that high lynx-pelt prices would encourage excessive harvest during the declining phase of the lynx cycle.

The tracking harvest strategy applies to the road-connected areas of Interior and Southcentral Alaska that have high trapper use. Several criteria are used to determine if lynx seasons should be changed, including:

1. Percent kittens in the harvest
2. Evidence of increasing or decreasing populations of both lynx and hares
3. Period of pelt primeness
4. Potential negative effects of early seasons' orphaning kittens too young to survive
5. Possible effects of late seasons on higher harvests due to increased movement and greater vulnerability of lynx

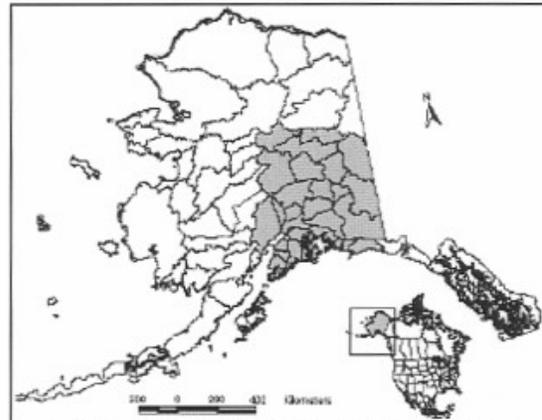


The tracking harvest strategy for lynx was implemented in 1988. The strategy resulted in season closures in some units when lynx populations seemed to be at low levels but later allowed seasons in those units to reopen once lynx populations began to increase. The tracking harvest strategy became difficult to use because of the need to issue emergency orders to change seasons outside the usual regulatory schedule established by the BOG. This problem was resolved in 1992 when the BOG authorized ADF&G to

change season lengths within the broad seasons of 1 November-28 February in Interior game management units and 10 November-28 February in Southcentral units. ADF&G is not authorized to modify bag limits under this plan because that is a BOG allocation prerogative. There is a no-limit bag for lynx trapping throughout most of the state.

Every spring ADF&G biologists analyze data collected over winter during the trapping season to determine the most appropriate lynx seasons for the next winter. Biologists use a variety of tools to make their decisions. These tools include:

1. Track counts in snow to monitor the relative abundance of lynx and snowshoe hares
2. Pelt measurements to estimate the proportion of kittens in the harvest
3. Biological measurements from lynx carcasses purchased from trappers
4. Harvest data to determine where and how many lynx were trapped
5. Reports from trappers to get their on-the-ground observations
6. Other things like weather and snow conditions and pelt prices



Tracking harvest strategy area (shaded) and Game Management Unit boundaries in Alaska.

The new seasons may be long during the high years in a population cycle, closed during a low period, or somewhere in between during the middle years.

LynxTrak: A Tool for Lynx Harvest Managers



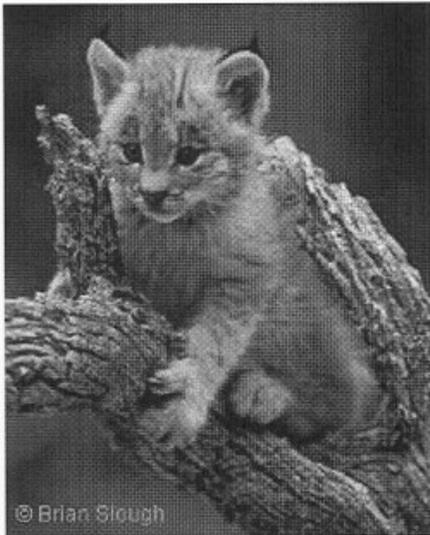
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Division Webmaster: <mailto:%20wcweb@fishgame.state.ak.us>
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Last Modified 08/10/2001 14:02:00

LynxTrak: A Tool for Lynx Harvest Managers

by Howard Golden
Furbearer Biologist, Southcentral Region

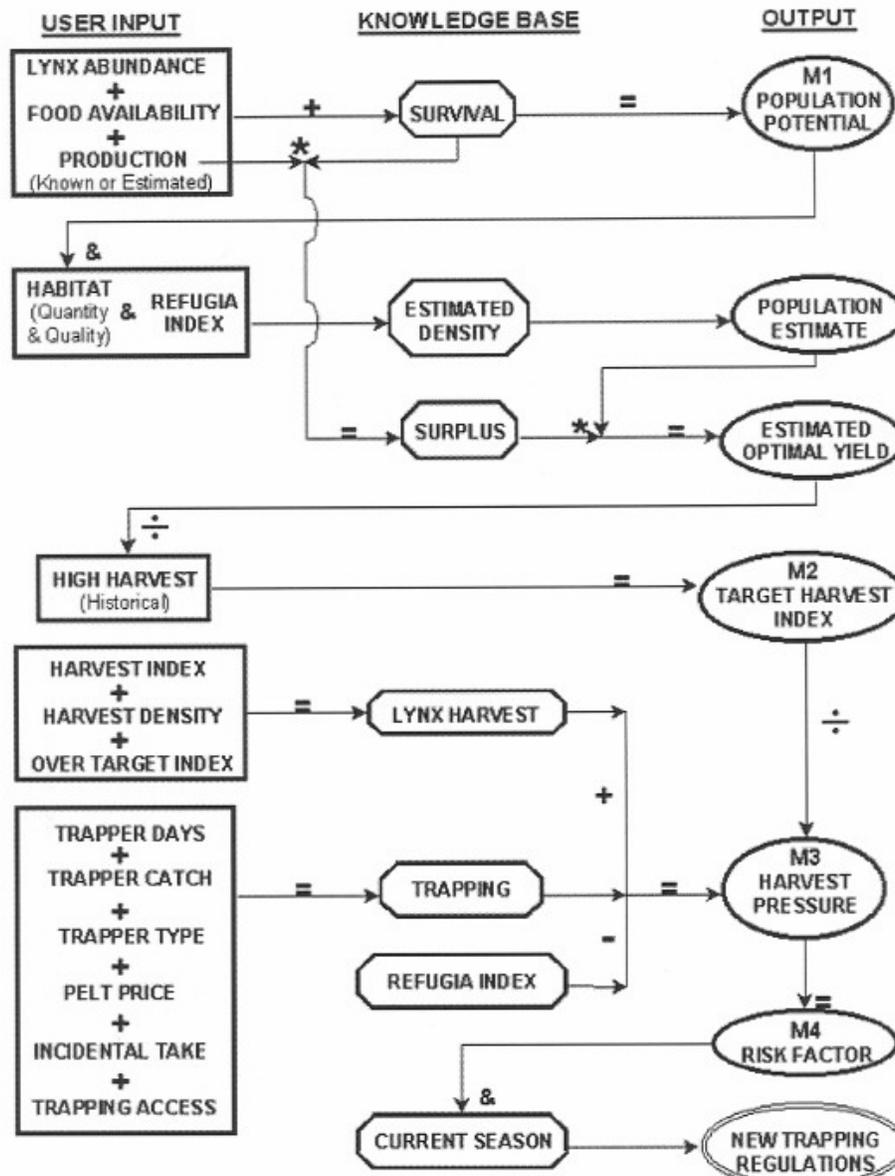


© Brian Slough

To aid lynx managers achieve sustainable harvest objectives under the tracking harvest strategy, I developed a rule-based model, called **LynxTrak**, as a decision-making tool. The advantage of the rule-based model is that it provides a documented, logical structure to the decision-making process that is both intuitive and experiential. Such models can process quantitative data but are most useful when coping with qualitative information to reach decisions. Rule-based models build on what is known using available literature, in-house databases, and the collective knowledge of experts. These types of models have become known as knowledge-based systems or expert systems. Expert systems are now widely used to address many situations in natural resource management, such as management of rangelands and lake systems, prescribed burning, and population modeling. The knowledge base for **LynxTrak** incorporates material from pertinent literature, lynx researchers, managers, and trappers in Alaska and Canada, and from Alaskan

lynx harvest data gathered through pelt sealing.

Expert systems are used with a computer program shell to incorporate the user's experience and available information into a decision tree, which is the foundation of the rule-based model. Designers of a model first establish all potential decisions or goals that could reasonably be made regarding a particular situation. Next, questions using qualitative variables are formulated about the specific conditions or situations that may exist. Finally, a set of rules is devised as if-then scenarios that direct the user toward an informed, logical, and consistent decision. This modeling approach can provide the user with a protocol that, because it is fully documented, ensures accountability. Lynx harvest managers in southcentral Alaska have been using the model for the last few years.



Summary flow diagram of LynxTrak depicted as user input, knowledge base, and output through the 4 modules: population potential (M1), target harvest index (M2), harvest pressure (M3), and risk factor (M4). The user input (rectangles) is the response given to questions (or occasionally variables) which LynxTrak asks as questions. The responses are then used to calculate numerical variables that become the knowledge base (octagons). The output (ovals) consists of the knowledge base variables used in combination to calculate other numerical variables and, finally, the goal of new trapping regulations.

LynxTrak is available in a runtime version that may be downloaded from this web site. The user guide ([PDF version](#) – 33K) for the model should be printed to aid installation and running the model. The model is in a [self-extracting zip file](#) (668K) that includes all the files needed to run **LynxTrak**.

Full documentation and technical support for **LynxTrak** is available from Howard Golden (mailto:20howard_golden@fishgame.state.ak.us).



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Contact: Howard Golden (mailto:%20howard_golden@fishgame.state.ak.us)

Division Webmaster: <mailto:%20wcweb@fishgame.state.ak.us>

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Last Modified 08/10/2001 14:02:14

Mr. Peter J. Probasco
Assistant Regional Director, Subsistence Management
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, Alaska 99503

Dear Mr. Probasco:

This letter delegates regulatory authority from the Federal Subsistence Board to you as Project Leader of the Office of Subsistence Management to take action when necessary to assure the conservation of healthy lynx populations and to provide for subsistence uses of lynx, consistent with the Alaska Department of Fish and Game Lynx Harvest Management Strategy, on Federal lands subject to ANILCA Title VIII. This supersedes and replaces the original delegation letter dated June 15, 2001.

Overview

It is the intent of the Federal Subsistence Board that lynx management by Federal officials be coordinated with the Alaska Department of Fish and Game and involve Regional Advisory Council representatives to conserve healthy populations while providing for subsistence uses. Federal managers are expected to cooperate with State managers and minimize disruption to resource users and existing agency programs, as agreed to under the Memorandum of Understanding for Coordinated Fisheries and Wildlife Management for Subsistence Uses on Federal Public lands in Alaska (December 18, 2008).

DELEGATION OF AUTHORITY

1. Delegation: The Project Leader of the Office of Subsistence Management is hereby delegated authority to issue special action regulations affecting lynx on Federal lands as outlined under **2. Scope of Delegation.**

2. Scope of Delegation: The regulatory authority hereby delegated is limited to authority to open, close or adjust Federal subsistence lynx seasons and to set harvest and possession limits for lynx. This delegation may be exercised only when it is necessary to conserve lynx populations or to continue subsistence uses, only within guidelines listed within the Lynx Harvest Management Strategy.

All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to method or means of take, shall be directed to the Federal Subsistence Board.

The Federal lands subject to this delegated authority are those described in the Subsistence Management Regulations for Public Lands in Alaska. You will coordinate your decisions with all affected Federal land managers and the Alaska Department of Fish and Game.

3. Effective Period: This delegation of authority is effective from the date of this letter, and continues until revoked by the Federal Subsistence Board.

4. Guidelines for Delegation: You will become familiar with the management history of lynx in the region, with the current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will review situations that may require action and all supporting information to determine (1) if the request/situation falls within the scope of authority, (2) if significant conservation problems or subsistence harvest concerns are indicated, and (3) what the consequences of taking an action may be on potentially affected subsistence users and non-subsistence users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will keep a record of all special action requests and their disposition.

You will immediately notify the Federal Subsistence Board and notify/consult with local ADF&G managers, Regional Advisory Council members, and other affected Federal conservation unit managers concerning actions being considered. You will issue timely decisions. Users, affected State and Federal managers, law enforcement personnel, and Regional Advisory Council representatives will be notified before the effective date/time of decisions.

5. Support Services: Administrative support for management activities will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, Department of the Interior.

6. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6).

This delegation of authority will assure conservation of lynx populations through sound management decisions in cooperation with State managers, thereby providing for the long-term needs of the subsistence user.

Sincerely,

Michael R. Fleagle, Chair
Federal Subsistence Board

cc:

Members of the Federal Subsistence Board
Interagency Staff Committee
Tina Cunning, ADF&G

WP10-05 Executive Summary	
General Description	Proposal WP10-05 seeks to update, clarify, and simplify the regulations regarding accumulation of harvest limits for both fish and wildlife. <i>Submitted by the Office of Subsistence Management</i>
Proposed Regulation	<p>§ __.25(c) <i>Harvest Limits.</i></p> <p>(1) <i>Harvest limits authorized by this section and harvest limits established in State regulations may not be accumulated, unless specified otherwise in §§ __.26 or __.27 or __.28.</i></p> <p>(2) ****</p> <p>(3) <i>A harvest limit may applies apply to the number of fish, wildlife, or shellfish that can be taken daily, seasonally and/or during a regulatory year or held in possession.; however, harvest limits for grouse (in some Units), ptarmigan, and caribou (in some Units), are regulated by the number that may be taken per day. Harvest limits of grouse, and ptarmigan are also regulated and the number that can be held in possession.</i></p>
OSM Preliminary Conclusion	Support
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Northwest Arctic Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
North Slope Regional Council Recommendation	

continued on next page

WP10-05 Executive Summary (continued)

Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

**DRAFT STAFF ANALYSIS
WP10-05**

ISSUES

Proposal WP10-05, submitted by the Office of Subsistence Management, seeks to update, clarify, and simplify the regulations regarding accumulation of harvest limits for both fish and wildlife.

DISCUSSION

A prohibition against accumulating Federal and State harvest limits has been included in the statewide general Federal subsistence regulations since 1990 (§__.25(c)(1)). Wording in Section __.25(c)(3) dates back to 1994; this section identifies the species for which harvest limits apply. There is a need to update both Sections __.25(c)(1) and (3). While the Board has addressed a number of area specific proposals concerning the accumulation of harvest limits over the years, these two sections of the general regulations have not been updated to reflect changes to the unit and area specific regulations; the current proposal addresses those inconsistencies.

Existing Federal Regulations

Statewide – Subsistence taking of fish, wildlife, and shellfish: general regulations

§__.25(c) *Harvest Limits.*

(1) *Harvest limits authorized by this section and harvest limits established in State regulations may not be accumulated.*

(2)****

(3) *A harvest limit applies to the number of fish, wildlife, or shellfish that can be taken during a regulatory year; however, harvest limits for grouse, ptarmigan, and caribou (in some Units) are regulated by the number that may be taken per day. Harvest limits of grouse and ptarmigan are also regulated by the number that can be held in possession.*

Proposed Federal Regulations

Statewide – Subsistence taking of fish, wildlife, and shellfish: general regulations

§__.25(c) *Harvest Limits.*

(1) *Harvest limits authorized by this section and harvest limits established in State regulations may not be accumulated, **unless specified otherwise in §§__.26 or __.27 or __.28.***

(2)****

(3) *A harvest limit **may applies apply** to the number of fish, wildlife, or shellfish that can be taken **daily, seasonally and/or during a regulatory year or held in possession.** ~~; however, harvest limits for grouse (in some Units), ptarmigan, and caribou (in some Units), are regulated by the number~~*

that may be taken per day. Harvest limits of, grouse, and ptarmigan are also regulated and the number that can be held in possession.

Existing State Regulations

In State hunting regulations a harvest (bag) limit applies to a regulatory year unless otherwise specified, and includes animals taken for any purpose, including for subsistence. State hunting regulations provide daily limits for wolves (all or part of Units 9, 10, 13, 17 and 19); caribou (all or part of Units 21, 22, 23, 24 and 26); coyote (Units 6–17, 19 and 20); grouse (1–7, 9, 11–26); hare (all or part of Units 1–5 and 14) and ptarmigan (Units 1–26).

State regulations do not prohibit the accumulation of harvest limits taken in State sport, personal use, and subsistence fisheries across most of Alaska (Kotzebue, Norton Sound-Port Clarence, Yukon-Northern, Kuskokwim, Bristol Bay, Aleutian Islands, Alaska Peninsula, Chignik, Kodiak, Cook Inlet and Prince William Sound areas). In the Southeast Area, the State prohibits fishers from possessing salmon taken in the sport fishery on the same day as salmon taken in either subsistence or personal use fisheries (5 AAC 01.745(b); 5 AAC 77.682(e)). In the Yakutat Area, the State prohibits possession of personal use-taken and sport-taken salmon on the same day (5 AAC 77.628(f)).

In State subsistence fish regulations, ten areas (Norton Sound-Port Clarence, Yukon-Northern, Bristol Bay, Aleutian Islands, Alaska Peninsula, Chignik, Kodiak, Cook Inlet, Prince William Sound and Southeast (5 AAC 01)) have annual harvest limits for some species of freshwater fish. The annual subsistence harvest limits specified in the Aleutian Islands, Chignik and Kodiak areas are the same as those in Federal subsistence regulations and the subsistence fisheries in these three areas are administered using State permits. There is no State subsistence daily, possession or annual harvest limit regulations for freshwater fisheries in two areas (Kotzebue and Yakutat). Only one area (Southeast Alaska) has a specific State subsistence regulatory daily and possession limit (for one species at one location; 5 AAC 01.760). Most State sport fish harvest regulations are based on daily and possession limits (5 AAC 47-75).

Extent of Federal Public Lands and Waters

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

Regulatory History

Accumulating Federal and State harvest limits

The current wording in Section __.25(c)(1) that addresses the prohibition against accumulating Federal and State harvest limits dates back to 1990. Based on requests from subsistence users, ADF&G, and the review and recommendations of the Southcentral Alaska and Southeast Alaska Subsistence Regional Advisory Councils, the Federal Subsistence Board (Board) supported several exemptions to and clarification of the general prohibition against accumulation of harvest limits in Section __.25(c)(1).

In 2004, the Board authorized accumulation of subsistence harvest limits for salmon in the Copper River drainage upstream from Haley Creek with harvest limits for salmon authorized under State of Alaska sport fishing regulations (27(i)(11)(B)). In 2005, the Board also authorized the accumulation of Federal subsistence fish annual harvest limits with State sport fishing limits for the Southeast Alaska area (27(i)(13)(vii)).

In 2006, the Board allowed accumulation of Federal subsistence fishing harvest limits with State of Alaska sport fishing harvest limits within the Chugach National Forest and in the Copper River drainage downstream from Haley Creek provided that the accumulation of fishing harvest limits would not occur in the same day (27(i)(11)(A)).

In 2009, the Board clarified regulations by stipulating that a subsistence fisher may not accumulate Federal subsistence harvest limits authorized for Southeast Alaska Area with any harvest limits authorized under any State of Alaska fishery with the following exceptions: annual and seasonal Federal subsistence harvest limits may be accumulated with State sport fishing harvest limits provided that accumulation of harvest limits does not occur during the same day (27(i)(13)(vii)). That year, the Board further clarified that fishers may not possess subsistence taken and sport taken fish of a given species on the same day in the Yakutat (27(i)(12)(viii)) and Southeast Alaska (27(i)(13)(xi)) Areas.

Current Federal subsistence management regulations that address applicability for subsistence take of wildlife (§__.26) provide the following clarification concerning accumulation of harvest limits (§__.26(e)(1)):

Except as specified in paragraphs (e)(2) or (f)(1) of this section, or as otherwise provided, you may not take a species of wildlife in any unit, or portion of a unit, if your total take of that species already obtained anywhere in the State under Federal and State regulations equals or exceeds the harvest limit in that unit.

Sections __.26(e)(2) and (f)(1) address established community harvest limit allowances and an allowance for accumulating hunting and trapping harvest limits.

The regulations that address applicability for subsistence taking of fish (§__.27) provides the following clarification concerning accumulation of harvest limits:

(§__.27(a)(2)) The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative, except as modified by regulations in §__.27(i). This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional fish of that species under any other harvest limit specified for a State season.

The regulations that address applicability for subsistence taking of shellfish (§__.28) provides the following clarification concerning accumulation of harvest limits:

(§__.28(d)(1)) The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional shellfish of that species under any other harvest limit specified for a State season.

Application of harvest limits

The current wording in Section __.25(c)(3) dates back to 1994 and specifies that harvest limits apply to “regulatory year”, with the exception of ptarmigan, and in some units for grouse and caribou.

Current Federal hunting regulations (§__.26) include daily limits for beaver (Unit 9 and 17), caribou (all or part of Units 21–24 and 26); hare (all or part of Units 1–5 and 14); and wolf (part of Unit 19). There

are daily and possession limits for grouse (all or part of Units 1–7, 9 and 11–25); ptarmigan (Units 1–26); and beaver (all or part of Units 7, 11, 13 and 25).

When Federal subsistence management regulations for fish (§ __.27) were first implemented on October 1, 1999, there were no specified daily or possession limits for fish in Federal regulations except on the Kenai Peninsula. Since that time, the Federal Subsistence Board has established daily and/or possession limits for specific fish species and locations in 5 of 13 fishery management areas. Federal regulatory provisions for daily harvest and/or possession limits for specific species of fish were first established in the Southeast Area in 2001, the Yukon-Northern and Cook Inlet areas in 2002, the Bristol Bay Area in 2003, and the Yakutat Area in 2006.

Current Federal subsistence management regulations include daily and/or possession limits for sockeye and coho salmon, steelhead trout, brook trout, grayling, Dolly Varden, cutthroat trout, and rainbow trout in all or parts of the Southeast Area. Yakutat Area regulations include a daily harvest and possession limit for Dolly Varden and address a daily limit for steelhead trout.

In parts of the Cook Inlet Area there are specific daily harvest and possession limits in Federal regulations for Chinook, sockeye, coho and pink salmon; Dolly Varden/Arctic char; lake trout and rainbow/steelhead trout. In other parts of the Cook Inlet Area, Federal subsistence regulations specify that the daily harvest and possession limits for fish are the same as those in Alaska sport fishing regulations. In a November 24, 2008 letter to OSM, Federal Subsistence Board Chairman Fleagle clarified that the Board's intent was that Federal subsistence and State sport harvest limit for fish not be accumulated for the Kasilof and Kenai river drainages and vicinity.

Federal subsistence management regulations also specify daily and possession limits for rainbow trout in the Bristol Bay Area and daily and possession limits for grayling in a part of the Yukon-Northern Area. There are no Federal daily or possession limits for fish in the Kotzebue, Norton Sound-Port Clarence, Kuskokwim, Aleutian Islands, Alaska Peninsula, Chignik, Kodiak, or Prince William Sound areas. Federal subsistence management regulations specify annual harvest limits for fish species and locations in seven areas (Aleutian Islands, Alaska Peninsula, Chignik, Kodiak, Cook Inlet, Prince William Sound, and Southeast). There are no daily, possession or annual limits for fish under Federal subsistence management regulations in three areas (Kotzebue, Norton Sound-Port Clarence, and Kuskokwim).

Shellfish regulations (§ __.28) include daily and possession limits as well. There are daily limits for shellfish in Bering Sea Area. There are daily and/or possession limits for shellfish in the Cook Inlet, Kodiak, and Alaska Peninsula-Aleutian Islands Areas.

Effects of the Proposal

Proposal WP10-05 does not affect fish and wildlife populations, subsistence uses or other uses (i.e., sport/recreational or commercial). Rather, the proposal seeks to update, clarify, and simplify Sections __.25(c) (1) and (3), all of which reference accumulation of harvest limits. Section __.25(c)(1) dates back to 1990 and Section __.25(c)(3) dates back to 1994. The proposed wording changes retain the general prohibition of accumulation of Federal and State harvest limits, and points to unit and area specific regulations for details and exceptions. Unit and area specific regulations currently provide daily, daily and possession, or possession limits for ptarmigan, grouse, caribou, wolf, hare, beaver, fish and shellfish. This proposal does not change any unit or area specific Federal subsistence regulations concerning accumulation of harvest limits or the timeframe (daily, seasonal or regulatory year) for harvest limits.

OSM PRELIMINARY CONCLUSION

Support Proposal FP09-05.

Justification

The general regulations concerning accumulation of harvest limits need to be updated to reflect Board action over the years. The Board has addressed a number of proposals concerning accumulation of harvest limits; the approved exceptions are reflected within the Federal hunting and trapping (§__.26), fishing (§__.27), and shellfish (§__.28) regulations. The changes to the general regulations proposed herein recognize all of the previously approved exceptions. This proposal does not affect fish and wildlife populations, subsistence users or other users. Given the number of species, areas and units affected, and the changes that may occur in the future, it is appropriate to use more general wording in these general regulations.

WP10-82 Executive Summary	
General Description	Proposal WP10-82 requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 30–September 30. <i>Submitted by Virgil Adams</i>
Proposed Regulation	<i>(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 2530–September 15 30. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.</i>
OSM Preliminary Conclusion	Take no action due to action on Proposal WP10-85.
Northwest Arctic Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

WP10-83 Executive Summary	
General Description	Proposal WP08-83 requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 25–October 30. <i>Submitted by the Maniilaq Association</i>
Proposed Regulation	<i>(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 25–September 15 October 30. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.</i>
OSM Preliminary Conclusion	Take no action due to action on Proposal WP10-85.
Northwest Arctic Regional Council Recommendation	

continued on next page

WP10-83 Executive Summary (continued)	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

WP10-85 Executive Summary	
General Description	Proposal WP08-85 requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 15–September 30. <i>Submitted by the Native Village of Noatak</i>
Proposed Regulation	<p><i>(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 25–September 15. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.</i></p> <p><i>The Noatak Controlled Use Area is closed for the period August 15 – September 30 to the use of aircraft in any manner either for hunting of an ungulate (with or having hooves), bear, wolf, or wolverine, or for transportation of hunters or harvested species. This does not apply to the transportation of hunters or parts of ungulate, bear, wolf, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service. The Noatak Controlled Use Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River and extending upstream to the mouth of Sapun Creek inclusive of the Noatak River and its tributaries.</i></p>
OSM Preliminary Conclusion	Support Proposal WP10-85 with modification to use the current Federal regulatory language and adjust the dates as requested.
Northwest Arctic Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

DRAFT STAFF ANALYSIS WP10-82/83/85

ISSUES

This analysis includes three proposals, all of which request a change in the time period during which aircraft are restricted in the Noatak Controlled Use Area. Because they are similar, they have been combined for the purposes of analysis.

- Proposal WP10-82, submitted by Virgil Adams, requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 30–September 30.
- Proposal WP08-83, submitted by the Maniilaq Association, requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 25–October 30.
- Proposal WP08-85, submitted by the Native Village of Noatak, requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 15–September 30.

DISCUSSION

The proponent for Proposal WP10-82 states that because caribou are migrating later in the season compared with previous years, the restriction on flying aircraft over the Noatak Controlled Use Area should be changed accordingly. The proponent also states that this will improve the opportunity for increased caribou harvests by subsistence users.

The proponent for WP08-83 states:

Much has changed since the village of Noatak first requested the prohibition on the use of aircraft on the Noatak drainage in 1984. With climate change, the western arctic caribou are migrating later and later, and freeze up of the river and streams do not occur until mid-October.

The proponent also claims that restricting the use of aircraft over the Noatak Controlled Use Area through the end of October will allow caribou to migrate on their normal routes, which will improve subsistence hunting opportunities.

The proponent for WP08-85 claims that climate change has had an effect on migration timing and routes of the Western Arctic Caribou Herd and the closure period of the Noatak Controlled Use Area should change accordingly.

The fall caribou season in Unit 23 has seen user conflicts between local hunters, non-local hunters, and commercial operators for three decades. To address these issues, the Unit 23 Working Advisory Group was formed in 2008 to work towards developing common-ground solutions. Since 2000, caribou fall migration has shifted both spatially and temporally within Unit 23, generally occurring two to six weeks later in the fall when compared to the prior two decades (Dau 2007). As a result, caribou appear sporadically outside the boundaries and time-period defined by the provisions of the Noatak Controlled Use Area (Noatak CUA).

Existing Federal Regulation

Unit 23 — Special Provisions

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 25–September 15. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River; and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.

Proposed Federal Regulations

WP10-82

*(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August ~~25~~**30**–September ~~15~~ **30**. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River; and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.*

WP10-83

*(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 25–~~September 15~~**October 30**. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River; and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.*

WP10-85

~~(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 25–September 15. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River; and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.~~

The Noatak Controlled Use Area is closed for the period August 15 – September 30 to the use of aircraft in any manner either for hunting of an ungulate (with or having hooves), bear, wolf, or wolverine, or for transportation of hunters or harvested species. This does not apply to the transportation of hunters or parts of ungulate, bear, wolf, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service. The Noatak

Controlled Use Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River and extending upstream to the mouth of Sapun Creek inclusive of the Noatak River and its tributaries.

Existing State Regulations

(A) (ii) Noatak Controlled Use Area: a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. The area is closed from August 15 – September 30 to the use of aircraft in any manner for big game hunting, including transportation of big game hunters, their hunting gear, and/or parts of big game; however, this does not apply to the transportation of big game hunters or parts of big game to and between publicly owned airports.

Extent of Federal Public Lands

Federal public lands comprise approximately 56% of Unit 23 and consist of 40% National Park Service, 7% US Fish and Wildlife Service, and 9% Bureau of Land Management lands. (See **Unit 23 Map**).

Regulatory History

In 1988, the Alaska Board of Game implemented the Noatak CUA (**Unit 23 Map**), which restricted the use of aircraft in any manner for big game hunting from August 20 through September 20. However, the Alaska Board of Game amended the proposal to limit the original CUA to that section of river between the mouths of Sapun Creek and the Kuguruk River. In 1990, the Federal Subsistence Board adopted the Noatak CUA when the Federal government assumed responsibility for management of subsistence harvests on Federal public lands in Alaska.

The Alaska Board of Game modified the CUA boundaries beginning with the 1994–95 regulatory year, to a five-mile corridor on either side of the Noatak River beginning at the mouth of the Noatak River and extending upstream to the mouth of Sapun Creek with the objective of separating boat and airplane hunters during the fall season. The CUA restrictions were in effect from August 25 to September 15. The Federal Subsistence Board adopted Proposal 50 at its April 1995 meeting, which incorporated the changes made by the Alaska Board of Game into the Federal subsistence regulations effective the 1995/96 regulatory year.

Biological Background

Because these three proposals cite the Western Arctic Caribou Herd (WACH) as the reason for changing the Noatak CUA closure dates, biological information pertaining to the WACH is included herein. The WACH passes repeatedly through the Noatak valley on its seasonal north-south migration. In mid-August to mid-September, the fall migration begins as the WACH moves southwest toward Kotzebue and Norton Sound, through mountain passes and across the Noatak River to winter range in the upper Kobuk drainage, Nulato Hills or areas on the Seward Peninsula. Although caribou cross the Noatak every fall, the route and timing of their migration varies from year to year and from decade to decade (Dau 2005).

In 2003, 99% of the WACH (486,000 of 490,000 animals) was on summer range with an estimated density of 11.2 caribou/mi² (Dau 2005). However in 2007, the census estimate had decreased to 377,000 caribou. The fall population composition of the WACH from 1961–2004 averaged 44 calves:100 cows and 48 bulls:100 cows (Dau 2005). In 2009, the bull:cow ratio was 45:100, and the calf:cow ratio was 48:100 (ADF&G 2009).

WACH migration has shifted both temporally and spatially throughout Unit 23 and as a result, caribou movements have occurred outside the current three-week period as defined by the Noatak CUA (Dau 2007) with migration occurring in early to mid-September rather than in August (Dau 2007).

Management Direction

The management goals for the WACH are: (1) protect and maintain the WACH and its habitat; (2) provide for subsistence and recreational hunting on a sustained yield basis; (3) provide for viewing and other uses of caribou; and (4) perpetuate associated wildlife populations, including carnivores. The management objectives center on habitat protection; cooperation among State and Federal agencies, as well as local governing bodies; simple, consistent and understandable regulations; minimizing conflict between user groups; and the understanding, appreciation and integration of both scientific information and traditional knowledge in the management of the herd.

Harvest History

There is a long history of hunting caribou by the people in the Noatak valley (Georgette and Loon 1988), especially in the fall when bulls are harvested prior to the rut. During most of the twentieth century, caribou were reliably found in the upper Noatak—in contrast to other areas—where they were accessible by traditional hunting methods; i.e., primarily by snow machines from late October–early May (Dau 2005). Few local hunters use aircraft to hunt caribou, while nonlocal hunters rely almost entirely on aircraft to access caribou hunting areas in Unit 23. Once in the field, nonlocal hunters use boats to float the river, or ATV's supplied by hunting guides, who store them at remote camps.

Subsistence harvests comprises on average 95% of the total harvest in Unit 23 with approximately 14,000–15,000 caribou harvested annually (ADF&G 2009); although the total nonlocal harvest has increased incrementally each year since 1999.

Current Events Involving Species

At its November 2009 meeting, the Alaska Board of Game adopted Proposal 22 which revised the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 15–September 30. Proposal 22 was developed through consensus by the Unit 23 User Conflict Working group which includes representatives of Unit 23 Advisory Committees and Regional Advisory Councils, guides, transporters, Federal and State agencies, tribal government, native corporations, and the Northwest Arctic Borough. The Working Group helps to address concerns regarding competition between users in the area.

Effects of the Proposal

If any of these proposals are adopted, Federally qualified subsistence users within Unit 23 would have less competition from commercial operators, their clients, and general hunters along the Noatak River. However, if proposals WP10-82 or WP10-83 were adopted the aircraft restrictions under Federal regulations would be out of alignment with the recent changes made by the Board of Game, making enforcement difficult due to the varied land status in the area. If proposal WP10-85 was adopted it would align Federal and State regulations for the Noatak CUA and would support the aircraft restriction dates reached by consensus by the Unit 23 User Conflict Working Group.

OSM PRELIMINARY CONCLUSION

Support Proposal WP10-85 **with modification** to use the current Federal regulatory language and adjust the dates as requested.

The modified regulation should read:

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 25-15-September 15 30. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.

Take no action on Proposals WP10-82 and WP10-83, due to action on Proposal WP10-85, which address similar dates as those found in the other proposals and aligns with recent actions taken by the State based on a proposal submitted to the Alaska Board of Game from the Unit 23 User Conflict Working Group.

Justification

WACH migration has shifted both temporally and spatially throughout Unit 23 and as a result, caribou movements have occurred outside the current three-week period of aircraft closure in the Noatak CUA. For example, in 2007 caribou occurred in pulses and lulls throughout the fall, and in 2008, migrating caribou appeared in mid-August and continued through most of September. Because of this shift of season, lengthening the effective period of the Noatak CUA would accomplish the original objective of separating boat and airplane hunters during the fall season. This would help to alleviate the concern that aircraft use disturbs the WACH into moving away from areas subsistence users' access via boat.

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Georgette, S. and H. Loon. 1988. The Noatak River: fall caribou hunting and airplane use. ADF&G, Division of Subsistence. Technical Paper No. 162. Kotzebue, AK. 70 pages.

WP10-84 Executive Summary	
General Description	<p>Proposal WP10-84 requests that the regulation allowing for the harvest of one muskox by Federal permit or State Tier II permit be revised as follows: change the Tier II permit to State Tier I subsistence registration permit, change the sex of the animal that can be harvested during the Aug. 1–Dec. 31 season to bulls only, and allow the harvest of any muskox during the Jan. 1–Mar. 31 season. <i>Submitted by the Northwest Arctic Regional Advisory Council</i></p>
Proposed Regulation	<p>Unit 23—Muskox</p> <p><i>Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage — 1 muskox by Federal permit or State Tier II Subsistence Registration permit; however, cows bulls only may only be taken during the period Jan. 1–Mar. 15 Aug. 1–Dec. 31.</i></p> <p>OR</p> <p><i>1 muskox by Federal permit or State Tier I Subsistence Registration permit. Jan. 1–Mar. 15</i></p> <p><i>Federal public lands are closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures for Unit 23 will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.</i></p>
OSM Preliminary Conclusion	<p>Support Proposal WP10-84 with modification to clarify the regulatory language for the Aug. 1–Dec. 31 season.</p> <p>The modified regulation should read:</p> <p><i>Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage — 1 muskox 1 bull by Federal permit or State Tier II I Registration permit;</i></p> <p>OR</p> <p><i>1 muskox by Federal permit or State Tier I Registration permit. Jan. 1–Mar. 15</i></p> <p><i>Federal public lands are closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures for Unit 23 will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.</i></p>

continued on next page

WP10-84 Executive Summary (continued)

Northwest Arctic Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

**DRAFT STAFF ANALYSIS
WP10-84**

ISSUES

Proposal WP10-84, submitted by the Northwest Arctic Regional Advisory Council, requests that the regulation allowing for the harvest of one muskox by Federal permit or State Tier II permit be revised as follows: change the Tier II permit to State Tier I subsistence registration permit, change the sex of the animal that can be harvested during the Aug. 1–Dec. 31 season to bulls only, and allow the harvest of any muskox during the Jan. 1–Mar. 31 season.

DISCUSSION

In January 2008, the Alaska Board of Game adopted new regulations that changed the State managed hunt in Unit 23—Seward Peninsula west of and including the Buckland River drainage, from a Tier II hunt to a Tier I subsistence hunt. The proponent would like to align the Federal and State regulations to improve management coordination since State and Federal hunts share a single total harvest quota, while still allowing for continued opportunity for Federally qualified subsistence users by allocating harvest among two seasons through registration permits.

Existing Federal Regulation

Unit 23—Muskox

Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage — 1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. *Aug. 1–Mar. 15*

Federal public lands are closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures for Unit 23 will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.

Proposed Federal Regulations

Unit 23—Muskox

*Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage — 1 muskox by Federal permit or State Tier **H I Subsistence Registration** permit; however, **cows bulls only** may ~~only~~ be taken during the period ~~Jan. 1–Mar. 15~~ **Aug. 1–Dec. 31**.* *Aug. 1–Dec. 31*

OR

*1 muskox by Federal permit or State Tier **I Subsistence Registration** permit.* *Jan. 1–Mar. 15*

Federal public lands are closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures for Unit 23 will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.

Existing State Regulations

Unit 23 — Muskox

Unit 23 — Seward Peninsula west of and including the Buckland River drainage.

***Residents:** One bull by **registration** permit (RX106). Season will be closed by emergency order when the quota of 16 muskoxen are taken (including up to 8 cows). Aug. 1–Mar. 15*

OR

***Residents:** One muskox by **registration** permit (RX106). Season will be closed by emergency order when the quota of 16 muskoxen are taken (including up to 8 cows). Jan. 1–Mar. 15*

***Both residents and non-residents:** One bull 4 years old or older by **drawing** permit (DX106). Aug. 1–Mar. 15*

Unit 23 — that portion north and west of Noatak River

***Residents:** One bull by **Tier II** permit (TX107). Aug. 1–Mar. 15*

Extent of Federal Public Lands

Federal public lands comprise approximately 56% of Unit 23 and consist of 40% National Park Service, 7% US Fish and Wildlife Service, and 9% Bureau of Land Management lands. (See **Unit 23 Map**).

Customary and Traditional Use Determinations

The rural residents of Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage have a positive customary and traditional use determination for muskoxen in this area of Unit 23SW. The rural residents of Unit 23 east and north of the Buckland River drainages have a positive customary and traditional use determination for muskoxen in Unit 23 remainder.

Regulatory History

The Seward Peninsula Cooperative Muskox Management Plan (1994) established the management goals for muskoxen in this region.

In 1995 the Federal Subsistence recognized the positive customary and traditional use of musk ox by rural residents in Unit 22 and Unit 23 west of and including the Buckland River drainage and also established the first Federal muskoxen hunt on the Seward Peninsula. The Board established a season of Sept. 1–Jan.

31 for Units 22D, 22E, and 23 west of and including the Buckland River drainage, and limited the harvest to bulls with a quota of 7 muskoxen (FWS 1995).

In 1999, the Board supported proposal 46, which extended the Special Action (SA 97-14) that combined the State/Federal harvest system. The combined Federal and State harvest was approved into permanent regulations by both the Alaska Board of Game (1998) and the Federal Subsistence Board (1999). The consensus was to manage on a subunit basis within Unit 22 and Unit 23SW to allow for continued growth of the muskoxen population in this region and to increase harvest opportunities. The combination of the long traveling distances needed to reach Federal public lands and the poor travel/snow conditions during that time had resulted in reduced hunter success for the Federal hunt, so the six affected villages supported the combination of the State and Federal harvest systems to create expanded harvest opportunities. Sharing the harvest quota between Federal and State systems provided more opportunity than was provided by the Federal or State system separately. The dual Federal/State harvest management system also dispersed hunting pressure over an entire area regardless of land ownership to create a more biologically sound management approach (FWS 2001).

In 2001, the Board adopted Proposal WP01-35, which established a cow harvest between Jan. 1–Mar. 15 in Unit 23SW. This proposal was supported by the Seward Peninsula Cooperative Muskoxen Management Working Group (SPMCG), as it provided additional flexibility and opportunity for subsistence users, with minimal impact to the rate of growth of the muskox population. This proposal was supported by the Northwest Arctic and Seward Peninsula Subsistence Regional Advisory Councils (FWS 2001). Historically, there had been consistently low hunter success in all subunits, and adding the ability to harvest either sex during January–March was designed to improve hunter success.

In 2002, the Board adopted proposal WP02-37, which delegated the authority to the park Superintendent, in consultation with ADF&G and BLM, to set harvest quotas for Unit 22 and Unit 23SW.

In 2006, the Board adopted proposal WP06-55, which established the use of a designated hunter permit for muskoxen in Unit 23 (SW), south of Kotzebue Sound and west of and including the Buckland River drainage, by Federally qualified subsistence users.

Biological Background

Historical accounts of muskoxen in Alaska show they were extirpated by the late 1800s and may have disappeared from the Seward Peninsula hundreds of years earlier (Gorn 2007). Towards this end, thirty-four muskoxen were originally released in Fairbanks from Greenland in 1930. In 1935 and 1936, the entire herd in Fairbanks was transported to Nunivak Island where they continue to thrive. In 1970, thirty-six muskoxen were translocated from Nunivak Island to the southern portion of the Seward Peninsula in Units 22C and 22D. In 1981, thirty-five additional muskoxen from Nunivak Island were translocated to join the existing population on Seward Peninsula. By 2007, the Seward Peninsula population had grown to an estimated 2688 animals in Unit 22 and Unit 23SW (Gorn 2007). The entire current range of muskoxen in Alaska comprises many of the locations where Nunivak Island muskoxen were originally transplanted (**Figure 1**). Specifically for Unit 23SW, muskoxen census results for 1992–2007 showed a decreasing population trend from 2000 to 2005, however an upward trend was shown in 2007 (**Table 1**).

Muskoxen have dispersed and extended their range east throughout Seward Peninsula (**Figure 2 and 3**) and now occupy suitable habitat in Units 22C, 22D, 22E, 22B-West, and 23-SW. Individuals and small groups are found in Units 22B-East, 22A-North, Unit 23 along the Tagagawik River and in the Purcell Mountain, Unit 21 along the Yukon River near Ruby, and in Unit 24 near Huslia (Joly 2007). A census was completed on portion of the Selawik Wildlife Refuge (Unit 23) in 2005 to determine any further

Table 1. Seward Peninsula muskox census results, Units 22 and 23 Southwest, 1992–2007 (ADFG 2008 and Gorn 2007)

Year	Unit					Total % Change From Previous Census in Unit 23SW Only	% Average Annual Change in Population in Unit 23SW
	22B	22C	22D	22E	23SW		
1992	3	49	340	180	134	n/a	
1994	11	79	405	184	246	+83.5%	+40%
1996	51	87	308	327	178	-27.6%	-13.8%
1998	27	124	714	362	205	+15.2%	+7.6%
2000	159	148	774	461	255	+24.4%	+12.2%
2002	189	257	771	632	201	-21.2%	-10.6%
2005	326	220	796	863	182	-9%	-3%
2007	329	445	746	949	219	+20.3%	+10.2%

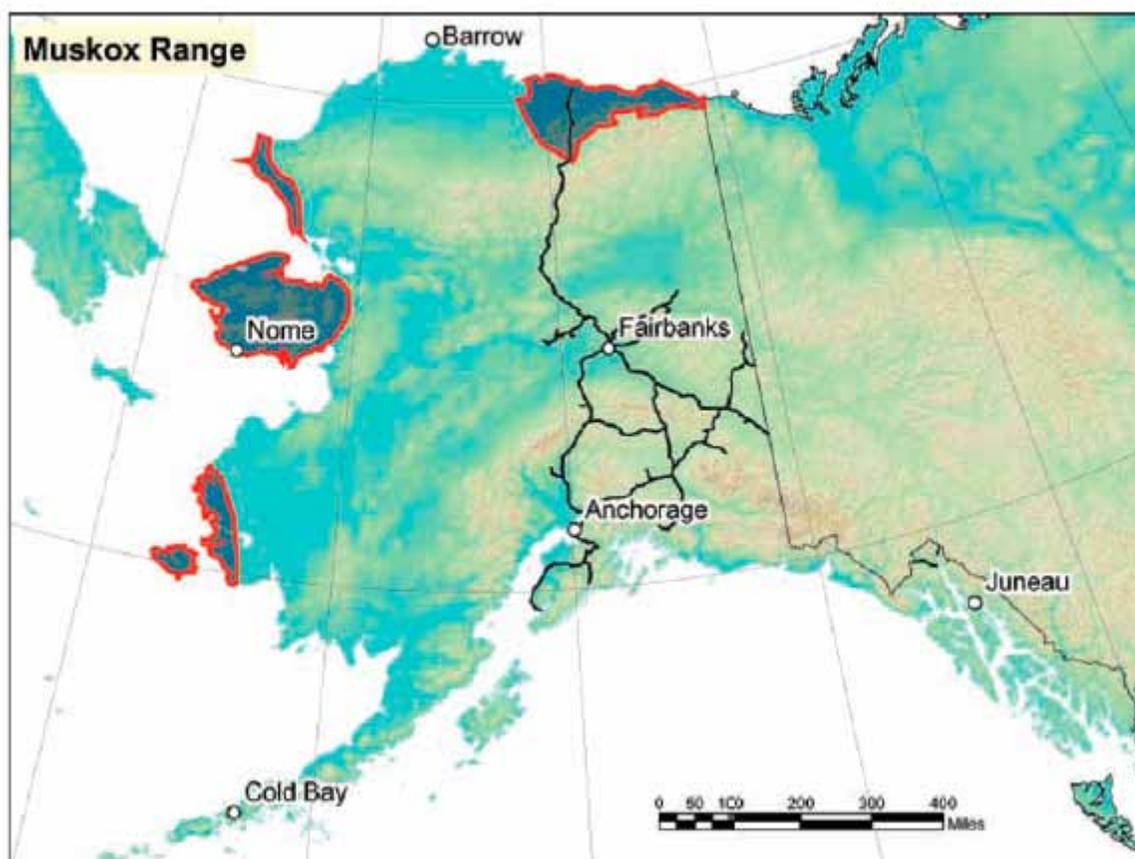


Figure 1. Current range of muskoxen in Alaska (ADF&G).

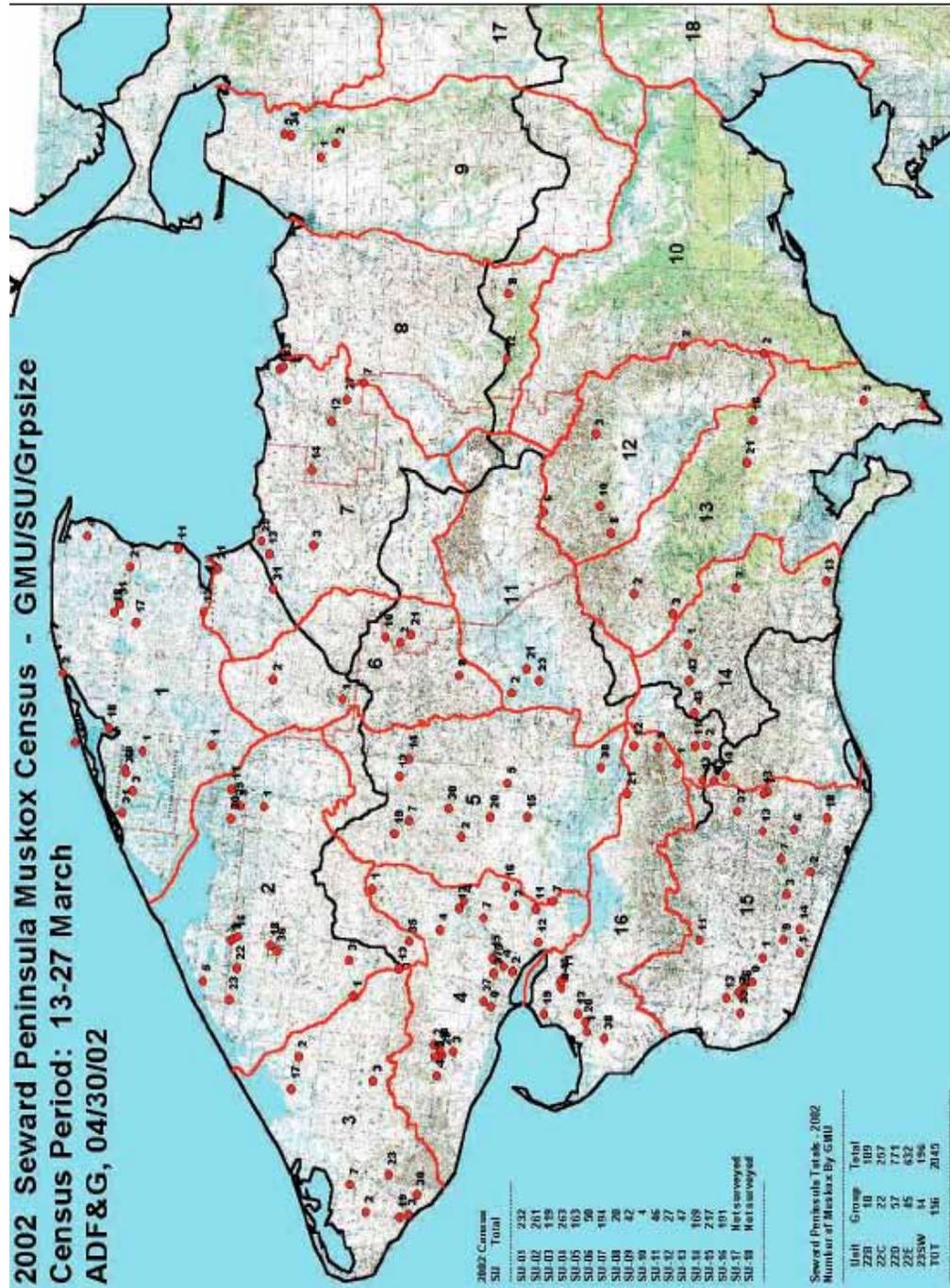


Figure 2. Seward Peninsula muskox census results, 2002 (July 2007, courtesy of ADF&G). Black lines are GMU (game management unit) boundaries; red lines are SU (survey unit) boundaries.

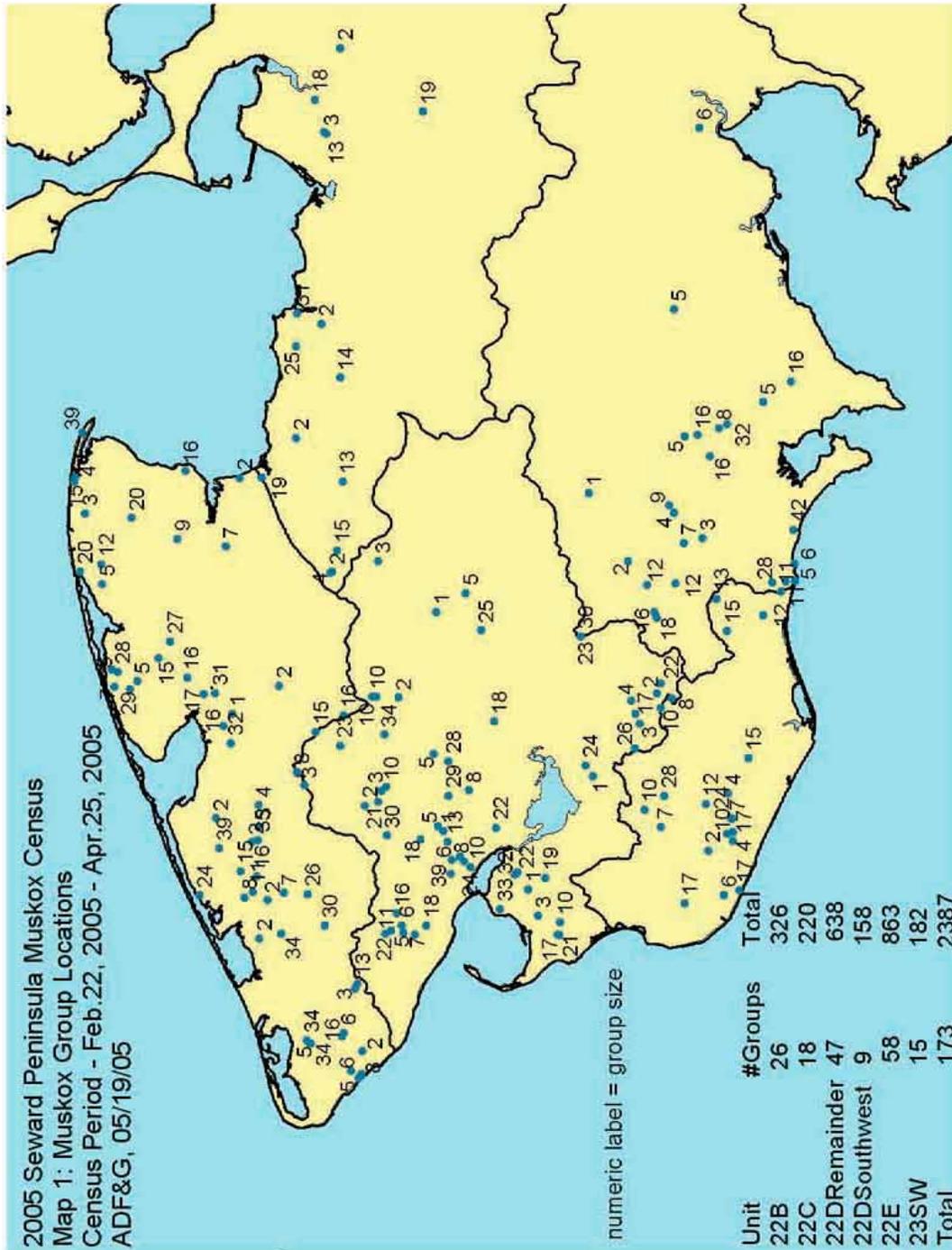


Figure 3. Seward Peninsula muskox census results, 2005 (July 2007, courtesy of ADF&G).

range expansion east of the Seward Peninsula but no muskoxen were observed in the area during that census (Gorn 2007). However personal observations of State staff and public have reported that the muskoxen population in Seward Peninsula is continuing to expand eastward and muskoxen have been observed in eastern 22B (Gorn 2007).

Muskoxen are more limited by snow than caribou due to their greater foot loading, low chest height, and smaller hooves, which make it more difficult to travel through deep or wind-hardened snow (Klein 1992). As a result, muskox tend towards coastal areas due to the higher winds which reduce the snow depth during winter (Dau 2005). Muskoxen tend to be more sedentary during periods of heavy snow cover; however, adult bulls generally tend to be less conservative than the general population and will enter previously unused winter habitats due to distant movements during the fall in search of harems (Smith 1989). Bulls may tend to be undercounted in composition surveys due to their proclivity for being solitary and therefore, are more difficult to spot during census. Despite the difficulty in counting lone bulls, bull:cow ratio is important to track to determine if bull:cow ratio is beginning to decline. Female muskoxen can potentially reproduce at 2 years of age (Jingfors and Klein 1982, Reynolds 2001) and have continued reproductive potential until 15–18 years of age (Reynolds 2001). In Alaska, muskoxen typically calve during May (Jingfors 1982) but may be born through mid-June (Reynolds 2001) and are weaned between December and February, or even later in non-pregnant or poorly fed cows (Adamczewski 1995, White et al. 1997).

It is likely that bulls and small mixed-sex groups are emigrating out of Unit 23SW further east on the peninsula in the Tagagawik, Selawik and Kobuk River drainages, and the Nulato Hills (Gorn 2007). In 2002, composition surveys were conducted for the Seward Peninsula which classified 88% of the animals (170 of 196 muskoxen) by sex and age. Yearling:cow (31 yearlings:100 cows) ratios are generally lower than other subunits on the Seward Peninsula (**Table 2**). In 2002, yearlings comprised 13% of the population which was the lowest of all the subunits for that census year. In Unit 23SW bulls of all age classes comprised 33% of the population censused in 2002. Unit 23SW has shown a decrease in muskoxen in two consecutive censuses in 2002 and 2005, but exhibited an increase in the 2007 census (ADFG 2008 and Gorn 2007).

Management Direction

The SPMCG provides recommendations regarding muskox management on the Seward Peninsula. The SPMCG is comprised of staff from Alaska Department of Fish and Game (ADF&G), National Park Service (NPS), Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), Bering Straits Native Corporation (BSNC), Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association (NANA), residents of Seward Peninsula communities, and representatives from other interested groups or organizations.

State management goals for muskoxen in Unit 23SW are to allow for continued growth and range expansion while providing for subsistence hunting and eventually provide for recreational hunting of muskox on a sustained yield basis, as well as provide for nonconsumptive uses of muskoxen such as viewing and photography.

Current State management objectives for muskoxen in Unit 23SW require a complete census at 3-year intervals for population and distribution changes, as well as monitor changes in age and sex structure of the population. The census data is used to determine harvest amount in each subunit and how to divide the permits between the state and federal agencies to reach combined quotas.

Table 2. Age and sex composition of Seward Peninsula muskox groups in Unit 23SW (Gorn 2007, ADF&G 2009a).

Unit	Year	Total Sampled	Males ≥4 yrs old (%)	Males 3 yrs old (%)	Males 2 yrs old (%)	Females ≥4 yrs old (%)	Females 3 yrs old (%)	Females 2 yrs old (%)	Yearlings (%)	Unk (%)	Bull:cow ratio	Yearling: cow ratio
23SW	2002	170	33 (19%)	8 (5%)	15 (9%)	52 (31%)	20 (12%)	20 (12%)	22 (13%)	0	56:100	31:100
23SW	2008	141	19 (13%)	8 (6%)	7 (6%)	52 (37%)	8 (6%)	8 (6%)	16 (11%)	0	50:100	24:100
23SW	2009	117	12 (10%)	7 (6%)	5 (4%)	42 (36%)	12 (10%)	5 (4%)	15 (13%)	0	41:100	25:100

(%) is of total sampled population

Harvest History

The allowable harvest rates are recommended by the SPMCG and adopted by the State and Federal boards. Prior to 2005, the allowable harvest rate in Unit 23SW was 5% including up to a 2% cow harvest. In November 2005, the Alaska Board of Game adopted the SPMCG proposal to change the harvest rate in Unit 23SW to 8%. Reported harvests for Unit 23SW have been consistently lower than the harvest quotas. In response, more permits than the harvest quota are issued depending on previous success rates in the hunt area. In 2004–2005, residents of Buckland and Deering received 20 Tier II permits of which 10 individuals actually harvested a muskox for a hunter success rate of 90%. For the Federal subsistence hunt, three hunters out of seven permits issued, harvested a muskox for a hunter success rate of 67% (**Table 3**). The number of permits issued was increased in 2006–2007 with 39 Tier II (TX106) permits and 9 Federal (RX116) permits. With the increase in permits, eighteen hunters utilized the Tier II permits for a hunter success rate of 72% and three hunters used the Federal permits for a hunter success rate of 67%.

The majority of the harvest in Unit 23SW typically occurs in the winter season, likely because access by snowmachine is possible (**Table 4**). From 2004–2007, 69% of the total muskoxen were harvested in March and 85% were harvested between January and March.

Until 2008, harvest quotas were rarely met for this portion of Unit 23SW which potentially left a harvestable surplus of muskoxen. Prior to 2007, Unit 23SW showed a decrease in muskoxen in two consecutive censuses in 2002 and 2005, but exhibited an increase in the 2007 census (ADFG 2008 and Gorn 2007).

Effects of the Proposal

In 2008, the State changed the Tier II subsistence hunt (TX106) to a Tier I registration hunt (RX106), which is open to all Alaskan residents regardless of community residence. This was a shift in management strategy on the part of the State, and while there was limited harvest success (2 of 16) by residents outside Unit 23 in 2008, the potential exists for most of the harvest quota to be taken by non local hunters for the first portion of the season (Aug. 1–Dec. 31). Creating two seasons will allow a more equitable spread of the harvest between seasons. Currently, total harvest is controlled by closing the hunt by emergency order if the allowable harvest is reached resulting in lost opportunity to harvest muskoxen later in the season. Currently the allowable harvest is set based on percentages of animals identified during the most recent count. If this proposal is adopted, the quotas will remain intact, but will be distributed throughout the length of the season which will give an opportunity for subsistence hunters to use snowmachines, during adequate snowcover, to access distant Federal lands to harvest muskoxen.

OSM PRELIMINARY CONCLUSION

Support Proposal WP10-84 **with modification** to clarify the regulatory language for the Aug. 1–Dec. 31 season.

The modified regulation should read:

*Unit 23 south of Kotzebue Sound and west of and including the
Buckland River drainage — ~~1 muskox~~ **1 bull** by Federal permit
or State Tier II **I Registration** permit;*

OR

Aug. 1–Dec. 31

Table 3: Results of state and federal muskox hunts on the Seward Peninsula 2004–2007 (ADFG 2009b and FWS 2009).

Hunt #	Year	Muskox Harvest Quota ¹	Cow Muskox Harvest Quota ¹	# of State Permits Issued (TX106 or RX106 ²)	# of State hunters who used permit	State Bull Harvest	State Cow Harvest	# of Federal Permits Issued (RX 116)	# of Federal hunters who used permit	Federal Bull Harvest	Federal Cow Harvest
TX106 and RX116	2004	17	7	12	6	3	3	5	2	1	0
TX106 and RX116	2005	17	7	8	4	1	2	2	1	0	1
TX106 and RX116	2006	17	7	13	5	2	1	3	1	1	0
TX106 and RX116	2007	17	7	26	13	8	2	6	2	0	1
TX106/ RX106 and RX116	2008	17	7	49	20	15	1	5	0	0	0

¹ Combined State and Federal quotas (Gorn 2005 and 2007)

² In 2008, TX106 was changed to RX106

Table 4. Chronology of muskoxen state and federal harvest in Unit 23SW for 2004–2007 (ADF&G 2009b and FWS 2009)

		Chronology of Harvest														
		State harvest by month						Federal harvest by month								
Year	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2004	1							5								1
2005						1	1	1								1
2006	1						1	1								1
2007		1	1			1		7						1		

1 muskox by Federal permit or State Tier I Registration permit. Jan. 1–Mar. 15

Federal public lands are closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures for Unit 23 will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.

Justification

Creating two seasons will allow a more equitable spread of the harvest between seasons. Currently the allowable harvest is set based on percentages of animals identified during the most recent survey of the population with harvest being controlled by closing the hunt by emergency order if the quota is reached. This results in a lost opportunity to harvest muskoxen later in the season.. If this proposal is adopted, the quotas will remain intact, but distribution will be throughout the length of the season which will give a continued opportunity for subsistence hunters without an impact to the muskoxen population because harvest quotas are in place.

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Fall 2010 Regional Advisory Council Meeting Window

August 30–October 15, 2010 current as of 11/03/09

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 22	Aug. 23	Aug. 24	Aug. 25	Aug. 26	Aug. 27	Aug. 28
		NS—Barrow				
Aug. 29	Aug. 30 WINDOW OPENS	Aug. 31	Sept. 1	Sept. 2	Sept. 3	Sept. 4
			NWA— Kotzebue			
Sept. 5	Sept. 6 HOLIDAY	Sept. 7	Sept. 8	Sept. 9	Sept. 10	Sept. 11
Sept. 12	Sept. 13	Sept. 14	Sept. 15	Sept. 16	Sept. 17	Sept. 18
Sept. 19	Sept. 20	Sept. 21	Sept. 22	Sept. 23	Sept. 24	Sept. 25
		KA—TBA	BB—Naknek			
Sept. 26	Sept. 27	Sept. 28	Sept. 29	Sept. 30 END OF FY2010	Oct. 1	Oct. 2
		SE—Sitka			YKD—TBA	
Oct. 3	Oct. 4	Oct. 5	Oct. 6	Oct. 7	Oct. 8	Oct. 9
		WI—McGrath				
Oct. 10	Oct. 11 HOLIDAY	Oct. 12	Oct. 13	Oct. 14	Oct. 15 WINDOW CLOSES	Oct. 16
			EI—Central			
			SC—Cordova			
			SP—Nome			

Winter 2011 Regional Advisory Council Meeting Window

February 15–March 24, 2011 current as of 01/25/10

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 13</i>	<i>Feb. 14</i>	<i>Feb. 15</i> <i>Window Opens</i>	<i>Feb. 16</i>	<i>Feb. 17</i>	<i>Feb. 18</i>	<i>Feb. 19</i>
<i>Feb. 20</i>	<i>Feb. 21</i> HOLIDAY	<i>Feb. 22</i>	<i>Feb. 23</i>	<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>
<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i>
<i>Mar. 6</i>	<i>Mar. 7</i>	<i>Mar. 8</i>	<i>Mar. 9</i>	<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>
<i>Mar. 13</i>	<i>Mar. 14</i>	<i>Mar. 15</i>	<i>Mar. 16</i>	<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>
<i>Mar. 20</i>	<i>Mar. 21</i>	<i>Mar. 22</i>	<i>Mar. 23</i>	<i>Mar. 24</i> <i>Window Closes</i>	<i>Mar. 25</i>	<i>Mar. 26</i>

IN CASE I can't make it to present this, could you please limit need for me?
Thanking
Jake

9-2-09 Dear Chairman & Members of the Northwest Arctic Subsistence Regional Advisory Council,

My name is J.P. "Jake" Jacobson, & I have known you all for many years. A brief history of my time in NW Alaska began in 1967, when I was sent to Kotzebue by the PHS, as an itinerant dentist. Upon leaving the service, I moved to Kotzebue in October, 1969 & provided dental services throughout the region & other parts of Alaska until 1986.

My wife, Mae, & I began offering Guiding Services in 1972. Our base was our camp on Trail Creek, a branch of the Kuguroruk River. It is still our base & all of the animals our guest hunters have taken in the past 13 years have been taken within 5 miles of our camp - by foot. We have never seen another hunter, local or otherwise in any area that we have hunted.

My wife, Mae passed away in September, 1983. I sold our home in Kotzebue in 1986 & have spent winters mostly in Kodiak since then, returning to our camp every summer - usually for August & September.

The National Park Service became the land manager for the Noatak National Preserve in 1978. Prior to that, we had always operated a very low volume hunting service.

Based on our history, we were given a quota of 12 hunting guests per year in the Noatak National Preserve. Prior to implementation of this quota, NPS personnel & I had discussed a provision to "carry over" unused quota from previous years - so that the total of 120 for the 10 year Concession contract would not be exceeded. However this provision was not included in the contracts issued in 2005.

In the past, on the rare occasions when we had more than 12 guests per year, I could take any extras to other areas such as the Selawik Refuge, but I discontinued use of that area in 1998, due to my observations of increased use of that area by local hunters & transported hunters.

The 12 guest/client quota for my 10 year Concession with the National Park Service allows for a total of 120 guest hunters in the 10 years. Most years I have not even taken the allowed 12 hunters. In 2005, the first year of my Concession, I had only 7 guest hunters. In 2006, I had 6 hunters, in 2007 I had 5 hunters and in 2008, I had 7 guest hunters.

For this year, 2009, I had pre-booked several hunters who had been guests in the past. By December, 2008, I had booked my quota of 12 hunters.

In January I discussed the "carry over" with NPS personnel. I had a total of 4 people who were interested in joining friends for this season. In May, I was given permission to carry over 2 hunters per year, making the total for this year 14 guest hunters. I am pleased to have this flexibility, but by the time the decision was made, the interested hunters had found another guide.

It is my request that my Concession contract be modified to allow for "carry over" of up to 4 guest hunter/clients for any given year. As our impact on other hunters in the area is negligible, I do not believe this change will have any adverse effect whatsoever, on anyone.

With the national & world economy in such bad shape, it is especially important to my operation & to my family that I have this degree of flexibility.

Many of you have first hand knowledge of my sharing of meat from our guest hunters. My family (2 children, 11 grandchildren & 3 great grandchildren in Kotzebue, and 2 children in Kodiak) share in the meat our guests take, but do not care to transport home with them. When we have surplus, I have given meat to dozens of other residents of Kotzebue.

Most of our guest hunters are nonresident US citizens, however about 20%, over the years have been aliens. For 2009 I have 2 Alien hunters. No aliens can take meat with them, across international borders. Many Americans find it economically & practically disadvantageous to transport their meat with them.

Over the years, I have employed many local residents as Assistant Guides, packers & general helpers. Mike Kramer, Lance Kramer, my grandson Spencer Shroyer & others have recently assisted me in my guiding pursuits. As no guide or assistant guide may harvest any game while engaged in guiding, meat taken by the hunters is shared with these

people as well. In fact, my contract states that half of all meat taken by our guest hunters shall be retained by us for our own use. And we take good care of the meat.

With the large numbers of non-local hunters allowed to use the Preserve through Transporter services, (I understand that 7 Transporters are allowed collectively 357 drop off hunters per year, with the greatest number for any one Transporter being 163 guests per year), my "carry over" of up to 4 hunters per year is negligible.

I ask that you approve of my request for up to 4 "carry over" guest hunters.

Respectfully,
J.P. "Jake" Jacobson

Virgil D. Adams Noatak
Percy C. Ballot Sr. Buckland
Victor Karmun Kotzebue
Walter G. Sampson Kotzebue
Enoch Shiedt Sr. Kotzebue
Hazel Smith Kotzebue
Austin Swan Sr. Kivalina
Vacant - 3 SEATS

NPS SUMMARY

JAKE JACOBSON – REQUEST TO MODIFY ANNUAL GUIDE CLIENT NUMBERS IN NOATAK NATIONAL PRESERVE

1/20/10

The current concession contract for guides in Noatak National Preserve (NOAT) limits the maximum annual number of paying clients to twelve (12) per year per guide. This means that over the ten year life of the contract, a maximum of one hundred twenty (120) total clients are currently authorized.

In April 2009, NOAT concessioner Jake Jacobson requested the maximum annual client number be raised from 12 to 16 per year with the explicit understanding that the total client number over the ten year life of the contract would remain unchanged at 120. Under this proposal, once the ten year client limit of 120 is met, the guide would cease to operate in NOAT for the remainder of the life of the contract. The guide could be authorized to resume operations when the next ten year concession contract cycle is initiated.

Under this proposal, it is conceivable that a guide could reach the 120 ten year client maximum in 8 years (i.e., 120 clients/ 16 clients per year = 7.5 years). The guide would then be required to take a 2 year hiatus until the initiation of the next contract cycle, assuming he receives a new contract.

If Jacobson's request is granted, the NOAT concession contract for guides would be amended to read:

"For the duration of the contract, the number of clients per year shall not exceed sixteen (16) hunters. The number of clients over the lifetime of the contract shall not exceed one hundred twenty (120) hunters. These numbers do not include non-hunters."

This change would apply to all guides currently operating in NOAT. The three guides may currently take a combined maximum of 36 clients per year into the Noatak National Preserve. This proposal, if adopted, could result in the maximum total number of clients increasing to 48 per year, an increase of 12 clients per year over the current allowed level. However the actual increase per year would likely be less as each guide would still be limited to 120 clients over the 10 year life of the contract and maximizing the number of clients each year early on could result in up to two years at the end of the contract in which the guide would not be able to operate.

2010 Selawik NWR Biological Program

SURVEYS

- **Upper Noatak Spring Moose Survey (March-April)**
Refuge biologists will work cooperatively with ADF&G, NPS, and BLM to survey the upper Noatak and estimate the total number of moose in that area. If the survey conditions are unfavorable (for example, not enough snow), a similar-sized area in the lower Kobuk will be surveyed instead.
- **Black Scoter Breeding Population Aerial Survey (June 21-23)**
The Refuge participates in an annual effort to estimate the breeding population of black scoters in Alaska. There is concern that the state's black scoter population is declining. This joint effort with Migratory Bird Management and other refuges in western Alaska will address these concerns.
- **Kotzebue Sound Coastal Bird Aerial Survey (Aug.–Oct.)**
The Refuge will conduct a coastline bird survey along southern Kotzebue Sound (Cape Espenberg to Eschscholtz Bay) and from the Noatak River mouth to Kivalina. The abundance and distribution of birds and the timing of their use in these areas will be documented from mid-August to early October. This survey was last conducted in 2005.

RESEARCH and MONITORING

- **High Altitude Climate Change Monitoring (July)**
In 2006, the Selawik National Wildlife Refuge was accepted as an observation site in a worldwide monitoring network studying the effect of global warming on high mountain ecosystems. The network is known as GLORIA—Global Observation Research Initiative in Alpine Environments—and headquartered at the University of Vienna in Austria <<http://www.gloria.ac.at/>>. Accelerating climate warming threatens much of the unique biodiversity hosted by mountain environments. This project explores the possibility that plant communities found at treeline are likely to be early indicators of change as a result of changes in temperature, precipitation, and season length.

Most of the network's 47 observation sites are located in Europe. Selawik and the Arctic NWR contain the only two GLORIA sites in the North American Arctic. The Selawik site in the Hockley Hills will be revisited and surveyed in July 2010.

- **Sheefish Winter Movement Patterns and Habitat Use of Selawik Drainage (late July-August)**
The Refuge is working cooperatively on this project with Trent Sutton, a University of Alaska Fairbanks professor. This project will examine the distribution patterns of Selawik River sheefish after spawning and will determine whether water depth, temperature, or salinity influence winter habitat selection by sheefish within this system.
- **Upper Selawik Thaw Slump Characteristics and Water Quality (July-Sept.)**
Ben Crosby, a professor at Idaho State University, will study the structure of the thaw slump on the upper Selawik River and try to determine the effect of its sediment on the river. He

will also analyze remote sensing maps to try to predict potential future slumps along the river. This is the second year of a three-year project. Ben is offering a two-week internship for interested high school or college students from the region. Up to two students would work with him and his assistant during their July 6-12 or August 11-20 field sessions.

- **Swan Avian Influenza Sampling (late July-early Aug.)**
Tundra swans have been tested for H5N1 avian flu in this region since 2006 with no positive results. In 2010 the Refuge will continue to assist Migratory Bird Management in testing molting tundra swans for avian flu in the Kotzebue Sound region.
- **Tracking Sheefish in the Kobuk and Selawik Rivers (August-Sept.)**
The Refuge will conduct telemetry flights for Kobuk and Selawik river sheefish with radio transmitters implanted by ADF&G and FWS in the past several years. The data collected will help researchers and managers understand the timing of migration and the location of spawning grounds for sheefish in both river populations.
- **Genetic Stock ID and Composition of Sheefish from the Hotham Inlet and Selawik Lake Winter Mixed Stock Subsistence Fishery (Nov. 2011)**
The Fairbanks Fish and Wildlife Office (USFWS), Kotzebue IRA, and Selawik NWR will work cooperatively to collect genetic samples (fin clips) from sheefish during the winter fishery in 2010-11 and 2011-12. This will provide estimates of the contribution of Kobuk and Selawik River stocks to the subsistence gillnet fishery and help managers determine if there is any possibility of overharvesting the smaller Selawik River stock. Results will also provide insight into the spatial and temporal distribution of Selawik River sheefish in the subsistence gillnet fishery.
- **Consequences of Sedimentation from Upper Selawik River Thaw Slump on Sheefish Spawning Grounds (late Sept.)**
Chris Zimmerman with USGS and a hydrologist will revisit the Selawik River sheefish spawning area from mid- September to early October. They are studying the effect of the sedimentation from the thaw slump on sheefish eggs.
- **Stream Gaging Stations**
To monitor environmental change, the Refuge is interested in designing and installing a hydrologic monitoring network for Selawik NWR to obtain long-term hydrology data for the Selawik River and its tributaries. The Refuge is planning to install at least one stream gaging station on the Selawik River in 2010.

MISC

- **Tagagawik Hills Remote Automatic Weather Station (June)**
A Remote Automatic Weather Station (RAWS) will be installed in the Tagagawik Hills near the repeater. This station is similar to the RAWS station located on the Selawik River a few miles downstream from the Kuugruaq River mouth.
- **Refuge Comprehensive Conservation Plan Revisions**
- **Western Arctic Caribou Herd Technical Committee: Revision of 2003 Cooperative Management Plan**
The Refuge is working with the Western Arctic Caribou Herd Working Group, ADF&G, NPS, BLM, and others to revise the 2003 Western Arctic Caribou Herd Cooperative

Management Plan. Notable progress was made on this during the Working Group's meeting in December 2009.