

<b>WP18–19 Executive Summary</b>	
<b>General Description</b>	<p>Proposal WP18–19 requests that requests that the Ahtna Inter-Tribal Resource Commission be allowed to distribute Federal registration permits to Ahtna tribal members for the Federal caribou season in Units 13A, 13B, and 13 remainder. The proposal also requests that the Ahtna Advisory Committee be added to the list of agencies and organizations consulted by the Bureau of Land Management Glennallen Field Office Manager when announcing the sex of the caribou to be taken in Units 13A and 13B. <i>Submitted by: Ahtna Inter-Tribal Resource Commission.</i></p>
<b>Proposed Regulation</b>	<p style="text-align: center;"><b>Unit— Caribou</b></p> <p><i>Unit 13A and 13B – 2 caribou by Federal registration permit only. The sex of animals that may be taken will be announced by the Glennallen Field Office Manager of the Bureau of Land Management in consultation with the Alaska Department of Fish and Game area biologist and Chairs of the Eastern Interior Regional Advisory Council and the Southcentral Regional Advisory Council and the Ahtna Advisory Committee</i></p> <p style="text-align: right;"><i>Aug. 1 – Sept. 30 Oct. 21 – Mar. 31</i></p> <p><i>Unit 13, remainder – 2 bulls by Federal registration permit only</i></p> <p style="text-align: right;"><i>Aug. 1 – Sept. 30 Oct. 21 – Mar. 31</i></p> <p><b><i>Ahtna Inter-Tribal Resource Commission will distribute (FC1302) caribou permits for tribal members only. Bureau of Land Management and Denali National Park &amp; Preserve will distribute (FC1302) caribou permits for other Federally qualified subsistence users.</i></b></p>
<b>OSM Preliminary Conclusion</b>	<b>Defer</b>

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<b>OSM Conclusion</b>	<p><b>Support WP18-19 with modification</b> to establish a community harvest system on Federal public lands for moose in Unit 11 and moose and caribou in Unit 13 to be managed by the AITRC and open to Federally qualified subsistence users living within the Ahtna traditional use territory, subject to a framework to be established by the Federal Subsistence Board.</p> <p><b>See pages 6-7 for Unit specific regulatory language.</b></p>
<b>Southeast Alaska Subsistence Regional Advisory Council Recommendation</b>	
<b>Southcentral Alaska Subsistence Regional Advisory Council Recommendation</b>	<p><b>Support WP18-19 with modification</b> to establish a community harvest system for moose and caribou in Units 11 and 13 to be managed by the AITRC, and open to Federally qualified residents of the Ahtna traditional use territory.</p>
<b>Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation</b>	
<b>Bristol Bay Subsistence Regional Advisory Council Recommendation</b>	
<b>Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation</b>	
<b>Western Interior Alaska Subsistence Regional Advisory Council Recommendation</b>	

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<b>Seward Peninsula Subsistence Regional Advisory Council Recommendation</b>	
<b>Northwest Arctic Subsistence Regional Advisory Council Recommendation</b>	
<b>Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation</b>	<b>Take no action</b>
<b>North Slope Subsistence Regional Advisory Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	<p>The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.</p> <p><b>The Interagency Staff Committee recommends deferral of WP18-19, both as proposed and as modified in the WP18-19 Analysis Addendum.</b></p> <p>The Interagency Staff Committee also recommends that the Board assign appropriate OSM and agency staff the task of exploring, with affected stakeholders, the details of how a federal community harvest system might best address AITRC’s desires for greater autonomy, remain consistent with the rural priority set forth in Title VIII, and develop a draft framework for possible implementation by the Board. The ISC also recommends that the Board establish a reasonable deadline for completing the draft framework so they may make a decision in a timely manner. The proponent cites the MOA between AITRC and the Department of Interior as being supportive of the proposal’s overall intent. However, the MOA describes establishment of a much different community harvest permitting system than was</p>

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originally proposed.

As written, WP18-19 seeks to delegate to AITRC the ability to distribute federal registration permits for hunting caribou in Unit 13 (FC1302) to its tribal members, while federal agencies would continue to distribute these same permits to other federally qualified and eligible rural residents. Federal personnel broadly distribute thousands of Unit 13 moose and caribou registration permits annually to eligible hunters throughout the region. Reducing this administrative burden through a cooperative arrangement with AITRC would be a welcomed outcome. However, there presently appears to be statutory impediments to the submitted proposal. Additionally, there are significant implementation uncertainties associated with the addendum's proposal for a community harvest system which was recommended by the Southcentral RAC and modified accordingly by OSM.

The modifications to WP18-19 in the addendum suggest broadening the proposal's scope by establishing a community harvest system for both moose and caribou in Units 11 and 13. The modifications openly limit participation in the community harvest system to only those federally qualified rural resident living in the Ahtna traditional use territory. This defined territory does not include all eligible rural residents with a positive C&T use determination. Noting the exponential growth and participation in the State's Community Subsistence Hunt, a commensurate interest and growth in a federal community harvest system by eligible users should be anticipated in coming years, especially if it confers a harvest advantage to subsistence users. This expansion would be counter to the intent of the proponent's wishes for AITRC administered hunts largely unencumbered by competition from out of area hunters.

Additionally, the modified proposal, similar to WP18-18 as modified, supports establishment of a winter season for antlered moose in Units 13 and 13 remainder, from December 1 to December 31, by federal registration permit. Unit 13 moose harvest objectives and quotas are established by ADF&G for individual subunits. A federal community harvest system, concentrated on the limited federal lands available in Unit 13, could result in localized depletions of moose on federal and adjacent state managed lands and in bull:cow ratios falling below state

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	<p>management objectives in these same areas. For BLM to responsibly authorize a winter season and establish a federal harvest quota following the State and federal fall hunts will require up-to-date moose population, harvest, and distribution information. ADF&amp;G, BLM, NPS and potentially AITRC will therefore need to work cooperatively to gather and share timely information. If necessary, an allocation and management framework should be in place prior to a winter hunt being established so that setting a winter moose quota is not an arbitrary decision.</p>
<b>ADF&amp;G Comments</b>	<b>Neutral</b>
<b>Written Public Comments</b>	<b>1 support</b>

**STAFF ANALYSIS**  
**WP18-19**

**ISSUES**

Proposal WP18-19, submitted by the Ahtna Inter-Tribal Resource Commission (AITRC), requests that AITRC be allowed to distribute Federal registration permits to Ahtna tribal members for the Federal caribou season in Units 13A, 13B, and 13 remainder. The proposal also requests that the Ahtna Advisory Committee be added to the list of agencies and organizations consulted by the Bureau of Land Management Glennallen Field Office Manager when announcing the sex of the caribou to be taken in Units 13A and 13B.

**DISCUSSION**

The proponent states that per the Memorandum of Agreement between the United States Department of Interior and the AITRC, Federal wildlife proposals are to be written to accommodate Ahtna customary and traditional ways of harvesting large wild game. The proponent also states that AITRC will distribute Federal permits in a customary and traditional manner to Ahtna tribal members, advising them where and when to hunt. The proponent wants to ensure that customary and traditional ways and practices of harvesting caribou are carried on from one generation to the next.

**Existing Federal Regulation****Unit 13— Caribou**

*Unit 13A and 13B – 2 caribou by Federal registration permit only. Aug. 1 – Sept. 30*  
*The sex of animals that may be taken will be announced by the Oct. 21 – Mar. 31*  
*Glennallen Field Office Manager of the Bureau of Land Management*  
*in consultation with the Alaska Department of Fish and Game area*  
*biologist and Chairs of the Eastern Interior Regional Advisory Council*  
*and the Southcentral Regional Advisory Council*

*Unit 13, remainder – 2 bulls by Federal registration permit only Aug. 1 – Sept. 30*  
*Oct. 21 – Mar. 31*

**Proposed Federal Regulation****Unit 13— Caribou**

*Unit 13A and 13B – 2 caribou by Federal registration permit only. Aug. 1 – Sept. 30*  
*The sex of animals that may be taken will be announced by the Oct. 21 – Mar. 31*

*Glennallen Field Office Manager of the Bureau of Land Management in consultation with the Alaska Department of Fish and Game area biologist and Chairs of the Eastern Interior Regional Advisory Council and the Southcentral Regional Advisory Council and the Ahtna Advisory Committee*

*Unit 13, remainder – 2 bulls by Federal registration permit only Aug. 1 – Sept. 30*

*Oct. 21 – Mar. 31*

***Ahtna Inter-Tribal Resource Commission will distribute (FC1302) caribou permits for tribal members only. Bureau of Land Management and Denali National Park & Preserve will distribute (FC1302) caribou permits for other Federally qualified subsistence users.***

**Existing State Regulation**

**Unit 13- Caribou**

<i>Residents – One caribou by permit per household, available only by application. See Subsistence Permit Hunt Supplement for details</i>	<i>RC566</i>	<i>Aug. 10 – Sept. 20 Oct. 21 – Mar. 31</i>
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*Or*

<i>Residents – One caribou by permit per household, available only by application. See the Subsistence Permit Hunt Supplement for details</i>	<i>CC001</i>	<i>Aug. 10 – Sept. 20 Oct. 21 – Mar. 31</i>
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*Or*

<i>Residents – One caribou by permit</i>	<i>DC485</i>	<i>Aug. 20 – Sept. 20 Oct. 21 – Mar. 31</i>
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<i>Nonresidents</i>	<i>No open season</i>
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**Extent of Federal Public Lands**

Federal public lands comprise approximately 12% of Unit 13 and consist of 6% National Park Service (NPS) managed lands, 4% Bureau of Land Management (BLM) managed lands, and 2% U.S. Forest Service (USFS) managed lands (see **Unit 13 Map**). Federal public lands within Denali National Park

as it existed prior to the Alaska National Interest Lands Conservation Act (ANILCA) (December 1980) are closed to all hunting and trapping.

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

Residents of Units 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79-110), 13, 20D (excluding residents of Fort Greely), and Chickaloon have a customary and traditional use determination for caribou in Unit 13B

Residents of Units 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79-110), 13, Chickaloon, Dot Lake, and Healy Lake have a customary and traditional use determination to harvest caribou in Unit 13C.

Residents of Units 11, 12 (along the Nabesna Road), 13, and Chickaloon have a customary and traditional use determination to harvest caribou in Unit 13A and 13D.

Residents of Units 11, 12 (along the Nabesna Road), 13, Chickaloon, McKinley Village, and the area along the Parks Highway between mileposts 216-239 (excluding the residents of Denali National Park Headquarters) have a customary and traditional use determination to harvest caribou in Unit 13E. Under the guidelines of ANILCA, National Park Service regulations identify qualified local rural subsistence users in National Parks and Monuments by: 1) identifying resident zone communities which include a significant concentration of people who have customarily and traditionally used subsistence resources on park lands; and 2) identifying and issuing subsistence use (13.440) permits to individuals residing outside of the resident zone communities who have a personal or family history of subsistence use. In order to engage in subsistence in the Denali National Park (DENA) ANILCA additions, the National Park Service requires that subsistence users either live within the park's resident zone (36 CFR 13.430, 36 CFR 13. 902) or have a subsistence permit (36 CFR 13.440) issued by the park superintendent.

### **Regulatory History**

The Nelchina Caribou Herd (NCH) is an important resource for many rural and non-rural users due to its proximity to Anchorage and Fairbanks and its distribution within Units 11, 12, 13, and 20E (Tobey 2003). A State Tier II system for NCH harvest was established in 1990 for Unit 13. A State Tier I permit was added for the 1996/97 and 1997/98 seasons to allow any Alaskan resident to harvest cows or young bulls, in order to reduce the herd to the management objective. In 1998, the Tier I hunt was closed, as the herd was brought within management objectives due to increased harvest and lower calf recruitment.

The two Federal registration hunts in Unit 13 are for residents of Units 11, 13, and residents along the Nabesna Road in Unit 12 and Delta Junction in Unit 20. In 1998 the Federal Subsistence Board (Board) adopted Proposal P98-036 to extend the winter caribou season from Jan. 5–Mar. 31 to Oct. 21–Mar. 31 (FWS 1998a). This gave Federally qualified subsistence users the same opportunity to harvest an animal as those hunting under the State regulations. In 1998, the Board adopted Proposal



P98-034, which opened the Federal registration hunt to residents of Unit 12, Dot Lake, Healy Lake and Mentasta between November and April when the NCH migrate through the Tetlin National Wildlife Refuge (FWS 1998b).

In 2001, the Board adopted Proposal WP01-07, which changed the harvest limit of 2 caribou to 2 bulls by Federal registration permit only, for all of Unit 13 (FWS 2001).

In 2003, the Board adopted Proposal WP03-14, which changed the harvest limit for Unit 13A and 13B back to 2 caribou from 2 bulls, with the harvest of bulls being allowed only during the Aug. 10 – Sept. 30 season. For the Oct. 21 – Mar. 31 winter season, the BLM's Glennallen Field Office Manager was delegated authority to determine the sex of animals taken in consultation with the Alaska Department of Fish and Game (ADF&G) area biologist and the Chairs of the Eastern Interior Alaska and Southcentral Alaska Regional Subsistence Advisory Councils. For the remainder of Unit 13, the harvest limit remained 2 bulls for the Aug. 10 – Sept. 30 and Oct. 21 – Mar. 31 season (FWS 2003).

In 2005, the Board adopted Proposal WP05-08 for Unit 13A and 13B to allow the sex of caribou harvested to be determined for both seasons by the BLM Glennallen Field Office Manager in consultation with the ADF&G area biologist and Chairs of the Eastern Interior Alaska and Southcentral Alaska Regional Subsistence Advisory Councils. This was in effect for the entire season (Aug. 10 – Sept. 30 and Oct. 21 – Mar. 31), not just the winter season (FWS 2005).

Emergency Order 02-01-07 closed the remainder of the 2006/2007 State season for the NCH on February 4, 2007 due to high State hunter success in the State Tier II hunt. Likewise, Emergency Order 02-08-07 closed the 2007/2008 Tier II hunt on September 20, 2007 and was scheduled to re-open on October 21, 2007. However concerns about unreported harvest in the State and Federal hunt resulted in a closure for the remainder of the season.

For the 2009/2010 season, the State Tier II hunt was eliminated. Two hunts were added: a Tier I hunt and a Community Harvest hunt for residents of Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Copper Center. The harvest limit for each was one caribou (sex to be announced annually) with season dates of Aug. 10 – Sept. 20 and Oct. 21 – Mar. 31 with a harvest quota of 300 caribou. A Federally qualified subsistence user could opt into the State community harvest system or use a State registration permit to harvest one caribou and then get a Federal permit to harvest an additional caribou since the Federal harvest limit was two caribou.

In July 2010, the Alaska Superior Court found that elimination of the Tier II hunt was arbitrary and unreasonable (ADF&G 2010a). In response, the Board of Game held an emergency teleconference in July 2010, and opened a Tier II hunt from Oct. 21 – Mar. 31, maintained the existing Tier I season, awarded up to 500 additional Tier I permits (ADF&G 2010a).

Emergency Order 04-1-10 closed the remainder of the winter Nelchina Tier II season due to harvest reports indicating that approximately 1,404 bulls and 547 cows were harvested and the unreported harvest was expected to raise the total harvest above the harvest objective (ADF&G 2010b, FWS 2102).

In 2012, the Board adopted Proposal WP12-25, which added an additional 9 days to the beginning of the fall caribou season to provide more opportunity for Federally qualified subsistence users. The season was extended from Aug. 10–Sept. 30 to Aug. 1 –Sept. 30 (FWS 2012).

In 2016, the Board adopted Proposal WP16-17, which rescinded the restriction prohibiting Federally qualified users from hunting caribou within the Trans-Alaska Oil Pipeline right-of-way in Unit 13 (FWS 2016).

### **Biological Background**

The NCH calving grounds and summer range lie within Unit 13. The rut also generally occurs within Unit 13. About 60-95% of the NCH overwinters in Unit 20E, although Nelchina caribou also overwinter in Unit 12 and across northern portions of Units 13 and 11 (Schwanke and Robbins 2013). Nelchina caribou are usually found in Unit 12 remainder over the winter and en route to wintering grounds in Unit 20E. Winter competition with the Fortymile caribou herd in Unit 20E may be impacting the NCH and range conditions. While use (location and timing) of the NCH calving grounds remains static, use of other seasonal ranges varies with resource availability and snow cover (Schwanke and Robbins 2013).

State management goals and objectives for the NCH are based on the principle of sustained yield and are as follows (Schwanke and Robbins 2013):

- Maintain a fall population of 35,000–40,000 caribou, with a minimum of 40 bulls:100 cows and 40 calves:100 cows.
- Provide for the annual harvest of 3,000–6,000 caribou.

The State manages the NCH for maximum sustained yield, principally by annual adjustments in harvest quotas. The population of the NCH has fluctuated over time, influenced primarily by harvest (Schwanke and Robbins 2013). Between 2001/02 and 2015/16, the NCH population ranged from 31,114 - 49,550 caribou and averaged 39,672 caribou. However, the herd has exceeded State population objectives since 2010 (**Table 1**). Reduced predation resulting from intensive wolf management programs intended to benefit moose in Unit 13 and the Fortymile herd in Units 12 and 20 may have contributed to NCH population increases (Schwanke and Robbins 2013, ADF&G 2017a).

Bull:cow and calf:cow ratios have similarly fluctuated over time. Between 2001/02 and 2016/17, the fall bull:cow ratio ranged from 24-64 bulls:100 cows and averaged 39.5 bulls:100 cows. Over the same time period, the fall calf:cow ratio ranged from 19-55 calves:100 cows and averaged 40 calves:100 cows (**Table 1**). In summer 2017, composition surveys estimated 54 calves:100 cows (Robbins 2017, pers. comm.).

In recent years (2008-2012), below average fall calf weights and low parturition rates for 3-year-old cows suggest nutritional stress, raising concern for the health of NCH (Schwanke and Robbins 2013). Schwanke and Robbins (2013) caution that without a timely reduction in the NCH population, range

quality and long-term herd stability may be compromised. The current State management goal is herd reduction (Schwanke and Robbins 2013).

**Table 1.** Population size and composition of the Nelchina caribou herd (Tobey and Kelleyhouse 2007, ADF&G 2008, 2010, Schwanke 2011, Schwanke and Robbins 2013, Robbins 2015, 2016a, 2016b pers.comm., 2017, pers. comm.).

Year	Total bulls: 100 cows <sup>a</sup>	Calves: 100 cows <sup>a</sup>	Population size <sup>b</sup>
2001	37	40	35,106
2002	31	48	35,939
2003	31	35	31,114
2004	31	45	38,961
2005	36	41	36,993
2006	24 <sup>c</sup>	48 <sup>c</sup>	-
2007	34	35	33,744
2008	39	40	-
2009	42	29	33,146
2010	64	55	44,954
2011	58	45	40,915
2012	57	31	46,496
2013	30	19	40,121
2014	42	45	-
2015	36	45	48,700
2016	57	48	49,550
<b>Average</b>	39.5	40.1	39,672
<sup>a</sup> Fall Composition Counts			
<sup>b</sup> Summer photocensus			
<sup>c</sup> Modeled estimate			

## Harvest History

The NCH is a popular herd to hunt and experiences heavy harvest pressure due to its road accessibility and proximity to Fairbanks and Anchorage. Population limits can be controlled solely by human harvest, and harvest quotas are adjusted annually in order to achieve State management objectives (Schwanke and Robbins 2013).

Over 95% of the NCH harvest occurs in Unit 13. The Federal harvest limit for caribou in Unit 13A and 13B is two caribou with the sex to-be-announced, and in Unit 13 remainder the harvest limit is two bulls. Between 2001 and 2016, harvest from the NCH under State regulations ranged from 797-5,709 caribou/year and averaged 2,423 caribou/year (Robbins 2017, pers. comm.). Over the same time period, caribou harvest under Federal regulations in Unit 13 ranged from 237-610 caribou/year and averaged 417 caribou/year (OSM 2017, **Table 2**). During this time period, total NCH harvest from Unit 13 averaged 2,839 caribou/year.

While the long-term average is below State management objectives, the harvest quota and associated harvest has increased in recent years (2010-2017) in response to the increasing NCH population (**Table 2**). In 2016, the initial harvest quota of 4,000 caribou was lifted after population estimates from the summer photocensus showed that the NCH was still growing. No adjusted quota was announced in 2016 (Robbins 2017, pers. comm.).

**Table 2.** Nelchina caribou herd State harvest quota, State harvest, and Federal harvest (FC1302) in Unit 13 (Robbins 2015, pers. Comm., 2017 pers. Comm., Schwanke and Robbins 2013, Tobey and Schwanke 2009, Tobey and Kelleyhouse 2007, OSM 2017).

Regulatory Year	Harvest Quota	State Harvest	Federal Harvest (FC1302)	Total Unit 13 Harvest
2001		1,500	498	1,998
2002		1,344	337	1,681
2003		1,087	322	1,409
2004		1,265	335	1,600
2005		2,813	610	3,423
2006		3,090	570	3,660
2007		1,392	385	1,777
2008		1,372	273	1,645
2009		797	349	1,146
2010	2,300	2,439	451	2,890
2011	2,400	2,515	395	2,910
2012	5,500	4,429	537	4,966
2013	2,500	2,640	279	2,919
2014	3,000	2,818	237	3,055

Regulatory Year	Harvest Quota	State Harvest	Federal Harvest (FC1302)	Total Unit 13 Harvest
2015	5,000	3,550	595	4,145
2016	N/A <sup>a</sup>	5,709	491	6,200
2017	6,000 <sup>b</sup>			

<sup>a</sup>Initial harvest quota of 4,000 was lifted and no adjusted quota was announced

<sup>b</sup>3,000 bulls and 3,000 cows

### Other Alternatives Considered

Delegation of authority cannot be granted to non-Federal agencies as requested in this proposal. Therefore, a November 29, 2016 Memorandum of Agreement (MOA) between the Department of Interior and the Ahtna Intertribal Resource Commission (AITRC) describes initiating rulemaking to allow the Federal Subsistence Board (Board) to issue one or more community harvest permits to AITRC for a community harvest system authorizing the harvest of moose, caribou, and possibly other wildlife species. The MOA further describes that AITRC would then manage harvests by participating Federally qualified subsistence users who reside in the participating villages within a framework established by the Board. Instead of individual permits, AITRC would “provide the Department and Board with a list of all participants who will be hunting under the permit(s). The AITRC will also provide Federally qualified subsistence users participating in the community harvest system with a harvest tag or some other form of identification showing their eligibility to participate in the permit hunt and will ensure that all hunters understand all permit stipulations and applicable regulatory requirements.” See **Appendix 1** for the full text of the MOA, including specific language that relates to this community harvest permit (Article III(A)). This alternative avoids the legal uncertainty associated with the proposal for AITRC to issue permits and thus could be implemented within the existing legal framework of the Federal Subsistence Management Program.

### Effects of the Proposal

If adopted, this proposal would allow AITRC to distribute Federal registration permits to Ahtna tribal members for the Federal caribou season in Units 13A, 13B, and 13 remainder and the Ahtna Advisory Committee would be added to the list of agencies and organizations consulted by the Bureau of Land Management Glennallen Field Office Manager when announcing the sex of the caribou to be taken in Units 13A and 13B. The NCH within Unit 13 is stable or increasing, and there are currently no conservation concerns for the herd.

### OSM PRELIMINARY CONCLUSION

Defer Proposal WP18-19.

## **Justification**

The Board has established a framework of issuing Federal permits through the Subsistence Permitting System. Based on statutes and regulations covering system security and information collection, only Federal employees are granted access to this system and specific field managers are delegated authority to issue permits. 50 CFR 100.10(d)(6) states: The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.

Until further guidance is received from the Solicitors Office and DOI, the recommended course of action is to defer action on this proposal.

## **ANALYSIS ADDENDUM**

### **ISSUES**

At its November 6-7, 2017 meeting in Homer, the Southcentral Alaska Subsistence Regional Advisory Council (Council) discussed issues related to AITRC's proposals requesting authority to issue Federal registration permits for caribou and moose in Units 11 and 13. In order to alleviate legal concerns about non-Federal entities issuing Federal permits, the Council adopted a modification of Proposal WP18-19 to establish a community harvest system on Federal public lands for caribou and moose in Unit 11 and Unit 13 that would be administered by AITRC and open to Federally qualified users living within the Ahtna traditional use territory.

### **DISCUSSION**

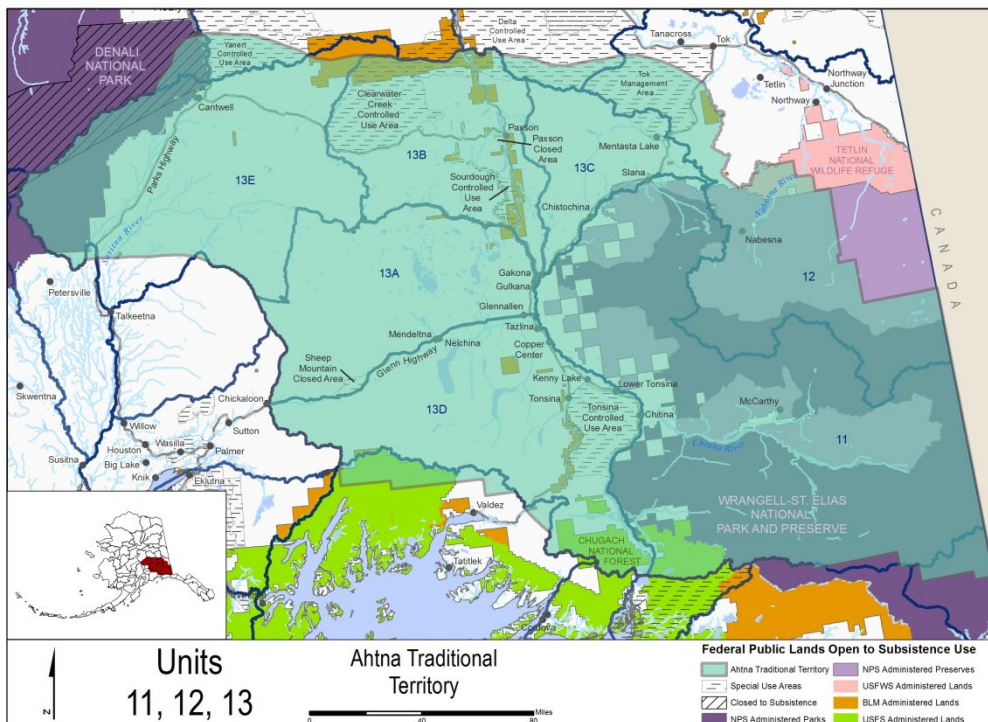
The Council, along with representatives of AITRC and staff from the Office of Subsistence Management, discussed possible alternatives to what was originally requested in WP18-19 so that legal concerns associated with AITRC issuing Federal registration permits would be alleviated. During this discussion, a modification was drafted to allow for a hunt via a community harvest system for caribou and moose in Units 11 and 13. In an effort to consolidate the three proposals submitted by AITRC (WP18-17, WP18-18, and WP18-19) hunts for moose in Unit 11 and for caribou and moose in Unit 13 were added to the species subject to the community harvest system in Proposal WP18-19.

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

#### Unit 11

Federal public lands comprise approximately 87% of Unit 11 and consist of approximately 84% National Park Service (NPS) managed lands, 3% U.S. Forest Service (USFS) managed lands, and 0.1% Bureau of Land Management (BLM) managed lands (See **Unit Map**).

Lands customarily and traditionally used by the Ahtna people extend from the Canadian border in the east to Denali National Park in the west and encompass most of Units 11, 12, and 13 (**Map 1**).



**Map 1.** Location of areas customarily and traditionally used for subsistence by the Ahtna people.

**Customary and Traditional Use Determinations**

Unit 11 Moose

Residents of Units 11, 12, 13A-D, Chickaloon, Healy Lake, and Dot Lake have a customary and traditional use determination for moose in Unit 11 north of the Sanford River.

Residents of Units 11, 13A-D, and Chickaloon have a customary and traditional use determination for moose in Unit 11 remainder.

Under the guidelines of ANILCA, National Park Service regulations identify qualified local rural subsistence users in National Parks and Monuments by: 1) identifying resident zone communities, which include a significant concentration of people who have customarily and traditionally used subsistence resources on park lands; and 2) identifying and issuing subsistence use (13.440) permits to individuals residing outside of the resident zone communities who have a personal or family history of subsistence use. In order to engage in subsistence in Wrangell St. Elias National Park, the National Park Service requires that subsistence users either live within the park’s resident zone (36 CFR 13.430, 36 CFR 13.1902) or have a subsistence permit (36 CFR 13.440) issued by the park superintendent.

### Unit 13 Moose

Residents of Unit 13, Chickaloon and Slana have a customary and traditional use determination for moose in Units 13A and 13D.

Residents of Units 13 and 20D (excluding residents of Fort Greely) and Chickaloon, and Slana have a customary and traditional use determination for moose in Unit 13B.

Residents of Units 12 and 13, Chickaloon, Healy Lake, Dot Lake, and Slana have a customary and traditional use determination for moose in Unit 13C.

Residents of Unit 13, Chickaloon, McKinley Village, Slana, and the area along the Parks Highway between mileposts 216 and 239 (excluding residents of Denali National Park headquarters) have a customary and traditional use determination for moose in Unit 13E.

Under the guidelines of ANILCA, National Park Service regulations identify qualified local rural subsistence users in National Parks and Monuments by: 1) identifying resident zone communities which include a significant concentration of people who have customarily and traditionally used subsistence resources on park lands; and 2) identifying and issuing subsistence use (13.440) permits to individuals residing outside of the resident zone communities who have a personal or family history of subsistence use. In order to engage in subsistence in the Denali National Park (DENA) ANILCA additions, the National Park Service requires that subsistence users either live within the park's resident zone (36 CFR 13.430, 36 CFR 13. 902) or have a subsistence permit (36 CFR 13.440) issued by the park superintendent.

### **Regulatory History**

#### Unit 11 Moose

In 1992, the Board added 10 days to the moose season in Unit 11, aligning it with seasons in adjoining subunits in Units 6, 12, and 13 (OSM 1992). In 1999, Healy Lake was added to communities having a customary and traditional use determination for moose in the portion of Unit 11 north of the Sanford River (OSM 1999a). In 1999, the Board adopted Proposal P99-16 with modification to allow a five day extension to the starting date in Unit 11 moose season to provide additional opportunity for subsistence harvest while protecting the moose population from disruption during the breeding season, and to align Federal and State seasons (OSM 1999b).

In 2000, the Board rejected Proposal P00-19/21 to include the residents in Unit 6C into those with customary and traditional use for moose (P00-19) and sheep (P00-21) in the portion of Unit 11 remainder because Cordova previously failed to qualify as a resident zone community for Wrangell-St Elias National Park (WRST), based on percentage of qualifying individuals ( OSM 2000a).

In 2000, the Board adopted Proposal P00-20 modifying general regulations requiring evidence of sex. The regulation was modified to allow hunters in Units 11 and 13 to possess either sufficient portions of



the external sex organs, still attached to a portion of the carcass, or the head (with or without the antlers attached) to indicate the sex of the harvested moose; however this does not apply to the carcass of an ungulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed (OSM 2000b).

In 2002, the Board adopted Proposal WP02-19 to allow for the harvest of a moose without a calf in either Unit 11 or Unit 12 for the annual Batzulnetas Culture Camp by two hunters designated by the Mt. Sanford Tribal Consortium (OSM 2002). The Board adopted this proposal because it was an established, well known culture camp and the change streamlined the process for issuing permits.

In 2007, the Board rejected Proposal WP07-20 to change the season dates from Aug. 20-Sept. 20 to Sept. 1-Sept. 30 to reduce spoilage due to warm weather, because the moose population was low and shifting the season had the potential to increase moose harvest, which would have detrimental effects for the conservation of the population (OSM 2007).

In 2012, the Board adopted Proposal WP12-70 with modification, dividing Unit 11 into two hunt areas and creating a single, joint Federal/State registration permit to administer the hunt area in Units 11 and 12 along the Nabesna Road, and a Federal registration permit for Unit 11 remainder. The season dates for Unit 12 remainder were also modified. These changes aligned the Federal seasons within the area of the joint State/Federal registration permit and helped to improve harvest reporting. In addition, the moose population was healthy enough to allow for the potential increase in bull harvest (OSM 2012).

In 2014, the Board adopted Proposal WP14-16 with modification to establish a winter moose season from Nov. 20 to Dec. 20 in Unit 11, south and east of a line running along the north bank of the Chitina River, the north and west banks of the Nizina River, and the west bank of West Fork of the Nizina River, continuing along the western edge of the West Fork Glacier to the summit of Regal Mountain. The Board also delegated authority to the WRST Superintendent to open and close any portion of the winter season and to establish a harvest quota (OSM 2014). Moose in the area south of the Chitina River (**Map 2**) typically stay at higher elevations during the fall where they are largely inaccessible to subsistence users. In addition, there is limited access during the fall moose season due, in part, to having to cross the Chitina River. The winter hunt provides subsistence hunters with more opportunity to hunt moose when they are more accessible by snowmachine and allows them to store meat without freezers.

### Unit 13 Moose

The existing Federal subsistence regulations, one antlered bull moose by Federal registration permit only, from Aug. 1 to Sept. 20 (OSM 1995), have been in place since 1995 when the season starting date was changed from Aug. 25 to Aug. 1 thus providing an additional 14 days for Federally qualified subsistence users to harvest moose without interference from State Tier II permit hunters.

In 2004, the Board considered Proposal WP04-27, which requested that the harvest season for moose be shortened by 14 days, and to require reporting of the permit number and exact location of the harvest, and require a 3-day vs 5-day harvest reporting period to BLM (OSM 2004). The Board

rejected this proposal because it would have reduced the harvest opportunity by two weeks, and the permit requirements would have done little to curtail illegal harvest.

The State general harvest regulations for moose in Unit 13 were changed in 2000 when the designation of a legal bull went from 3 or more brow tines or 50-inch antler spread to a 4 or more brow tines or 50-inch antler spread and have been in effect ever since. The same year, non-resident general moose hunting was eliminated from Unit 13 in the State regulations due to low moose population numbers. In addition, the Alaska Department of Fish and Game (ADF&G) also managed a State Tier II hunt (TM300) for one bull moose by permit Aug. 15 – Aug. 31 between 1995 and 2008.

In 2008, the State Tier II hunt was changed by the Alaska State Board of Game (BOG) to add a community harvest (CM300) and the season was modified to Aug 10 – Sept 20 with an upper harvest limit of 10 any-bull moose for Unit 13 and an unlimited number of spike/fork, 50 inch, and 4 or more brow tine moose. For residents, drawing permit hunts (DM330-334) for one bull moose with a season of Sept. 1-Sept. 20 were added as a new harvest option in select areas where moose numbers had increased. For non-residents, drawing permit hunts (DM 335-339) were established to harvest one bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side from Sept. 1-Sept. 20. These three hunts were in addition to the State general harvest of one bull moose with spike-fork or 50-inch antlers or antlers with 4 or more brow tines on at least one side from Sept.1 to Sept. 20 for residents.

In March 2009, the BOG revised the amount reasonably necessary for subsistence (ANS) findings for moose and caribou in Unit 13 eliminated the Tier II hunts for both populations and created the Community Subsistence Hunts (CSH) Robbins 2017). The CSH included an allocation of 100 bulls that did not meet the antler restrictions. The BOG also created antlerless moose drawing hunts of residents and antlered bull moose hunts for nonresidents.

In 2011, the BOG adopted a new regulation for the Community Subsistence Hunt in 2011/12 which allowed any community or group of Alaska residents numbering 25 or more to apply for the hunt between Aug.10 and Sept. 20. Following this change, the number of participants in the CSH hunts increased substantially. The BOG decreased the number of bulls that do not meet the antler restrictions from 100 to 70.

In 2013, the BOG increased the number of bulls not required to meet the antler restrictions from 70 back to 100 in response to increased participation in the hunt. A winter registration hunt from Dec.1-Dec.31, which was effective in 2014, was also added to provide additional opportunity for bulls that do not meet the antler restrictions. The hunt was closed after one day due to very high levels of participation and was not resumed.

In 2015, the BOG required participants in the CSH to commit to participation for two consecutive years and provide an annual group report with the stipulation that if a report is not submitted the entire group would be ineligible for a permit hunt the next regulatory year. The BOG also created an any bull moose drawing for residents which was effective in 2016 and shortened the CSH season by 10 days from Aug. 10-Sept. 20 to Aug. 20-Sept. 20 for the 2016/17 regulatory year.

The Paxson Closed Area in Unit 13B was established by the State in 1958 to provide a viewing area adjacent to the junction of the Richardson and Denali Highways (ADF&G 2015). During 1991/1992 and 1992/1993 regulatory years, Federal public lands within the Paxson Closed Area were closed to the hunting of big game under the Special Provisions section for Unit 13 in the Federal Subsistence Management Regulations for Federal public lands in Alaska. However, the hunting for small game was still allowed in the Paxson Closed Area. In 1992, the Federal Subsistence Board (Board) closed the Paxson Closed Area in Unit 13B to the taking of big game. In June 2014, the Glennallen Field Office of BLM became aware of the unencumbered Federal public lands within the Paxson Closed Area and they were subsequently removed from State selection. As a result, Federal public lands in the Paxson Closed Area were determined to be opened (i.e. no longer State selected) to the taking of big game, which includes moose, by Federally qualified subsistence users under Federal subsistence regulations. In 2016, the Board rejected Wildlife Proposal WP16-16 which requested that the Federal public lands within the Paxson Closed Area in Unit 13 be closed to Federally qualified subsistence users (OSM 2016).

To address concerns that the communal pattern of use was not providing reasonable opportunity in Unit 13, the BOG adopted amended Proposal 20 (RC25) at the special meeting in Glennallen in February 2017 to retain the CSH moose hunt for resident hunters for the fall (Aug. 20 – Sept. 20) and winter (Dec. 1 - Dec. 31; subsistence hunt only) hunts with the following restrictions: *One bull per by community harvest permit only; however, no more than 100 bulls that do not meet antler restrictions may be taken by Tier II permit during the August 20 – September 20 season, up to 350 Tier II permits may be issued, one Tier II permit per household.*

## **Biological Background**

### Unit 11 Moose

## **Biological Background**

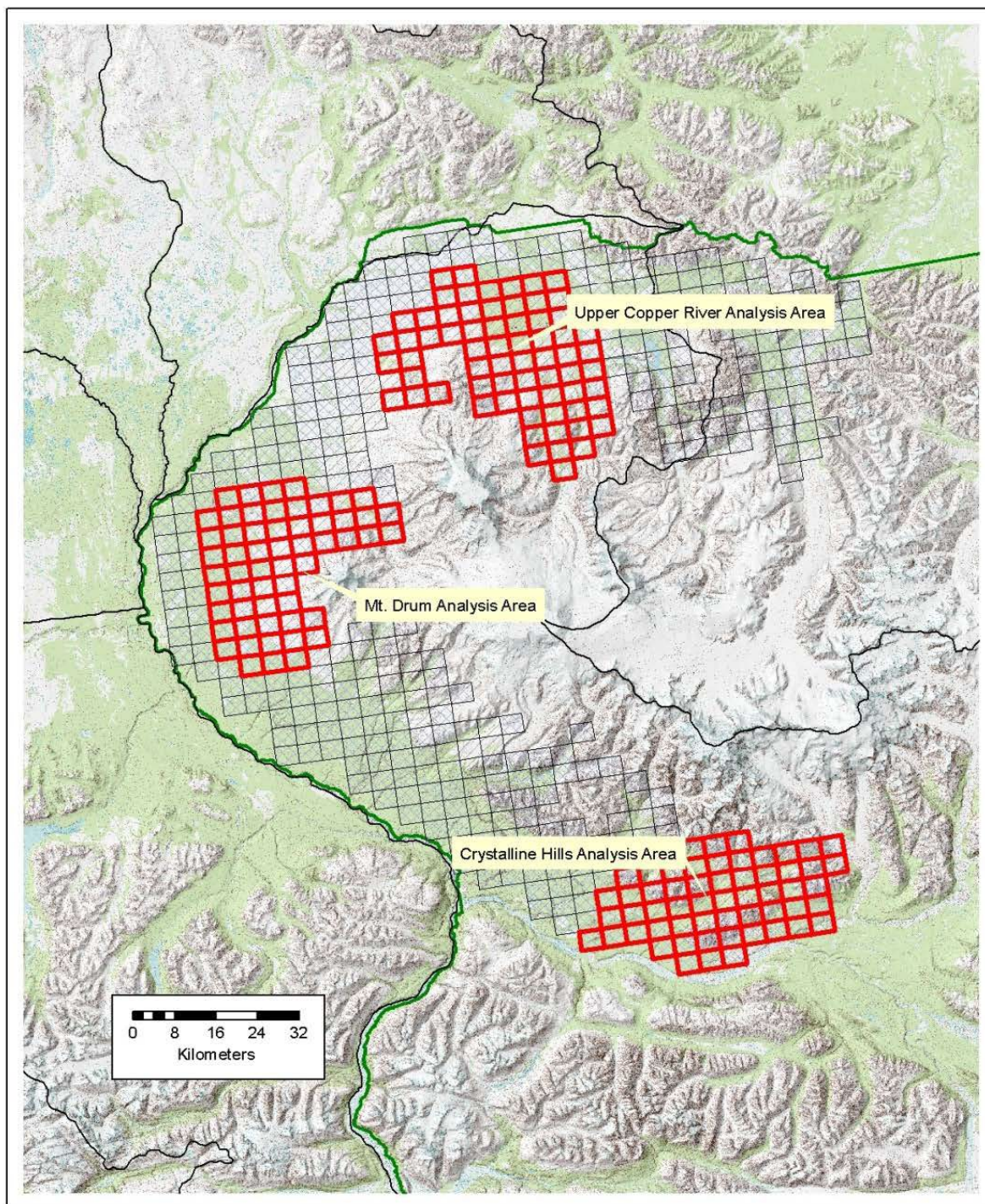
The moose population in Unit 11, which initially increased in the 1950s, has experienced two peaks, one in the early 1960s and the other in 1987, and two lows in 1979 and 2001 (Tobey 2010). Predation on moose calves by bears and wolves has been shown to be an important limiting factor in some moose populations (Tobey 2010). High brown bear and wolf numbers in Unit 11 may be contributing to the low calf:cow ratios observed in this unit, as well as the overall low, but stable density moose population (Tobey 2008).

State management goals for moose in Unit 11 are (Tobey 2010):

- To allow the populations to fluctuate based on the available habitat and predation rates.
- Maintain a population with a post hunt age/sex composition of 30 bulls (of which 10-15 are adult bulls) per 100 cows

Three main moose survey efforts have been conducted in Unit 11. The first are ongoing surveys conducted by the Alaska Department of Fish and Game (ADF&G) in the Mount Drum area, the second were surveys conducted by WRST in the north end of Unit 11 from 2003 – 2008, and the third were Geospatial Population Estimator (GSPE) surveys conducted in 2007, 2010, 2011, and 2013 by WRST staff throughout Unit 11 (**Map 2**). The scheduled moose survey for 2016 was not conducted due to inadequate snow conditions (Putera et al. 2017). No moose surveys have been conducted in the winter hunt area in Unit 11. Aerial population and composition trend surveys are usually conducted by the Alaska Department of the Fish and Game (ADF&G) every other year during late fall along the western slopes of Mount Drum (Count Area CA11). The survey indicator area on Mt. Drum includes 212 mi<sup>2</sup> which is approximately 1.7% of Unit 11 (12470 mi<sup>2</sup>). The total number of moose counted in CA11 averaged 170 moose per regulatory year between 1998 and 2015 (**Table 3**). Density estimates from 1999 to 2015 ranged from 0.3 to 1.0 moose/mi<sup>2</sup> in CA11 (**Table 3**) (Tobey 2004, 2010). The bull:cow ratio averaged 95 bulls:100 cows from 1998 through 2015 (Tobey 2010, Schwanke 2013, pers. comm., Hatcher 2014, Robbins 2017, pers. comm.), which exceeds current State management goals. The average number of calves: 100 cows in Unit 11 between 1998 and 2015 was 21 (range 9-48) (Tobey 2010, Schwanke 2013, pers. comm., Hatcher 2014, Robbins 2017, pers. comm.).

The Upper Copper River Analysis Area (UCR) is part of WRST's GSPE moose survey is located near the north end of Unit 11 and covers the Boulder Creek drainage east to Copper Lake (**Table 4**). Although a portion of this survey area is accessible using all-terrain vehicles from the Nabesna Road, the western portion of the survey area is accessible only by aircraft. Between 2003 and 2008 (excluding 2007), an average of 297 moose were counted annually in the Upper Copper River moose survey area (**Table 4**) (Reid 2007, pers comm.). Results from sex and age composition counts found that the calf:cow ratio was fairly stable, averaging 12 calves:100 cows with calves accounting for about 7% of the population. Bull:cow ratios remained fairly stable as well, averaging 46 bulls:100 cows; well above the management objective.



**Map 2.** Analysis areas within the count area. These areas were selected to allow comparisons with historical survey areas (Putera 2010).

Although a moose population census for all of Unit 11 has never been conducted, population estimates from the GSPE surveys conducted in 2007, 2010, 2011, and 2013 by WRST staff represent the most comprehensive moose population data for Unit 11 (Putera 2013, pers. comm). GSPE developed by ADF&G is an accepted method for estimating moose populations in large areas such as Unit 11 (Ver

Hoef 2001). Population estimates for the total survey area, bull:cow ratios, and calf:cow ratios increased slightly from 2007 to 2013 (**Table 5**) (Reid 2008, Putera 2010, 2013). Separate population estimates were also determined for three analysis areas that cover previous trend count survey areas. For the Mt. Drum area, bull:cow ratios continued to remain high at 118:100 in 2007, 55:100 in 2010, and 79:100 in 2013 (**Table 5**). Moose density increased slightly in 2013 from the 2010 survey. Results of the 2007 and 2010 GSPE surveys for the UCR area are consistent with previous trend surveys, with 2-3 times more moose observed than in the Mt. Drum and Crystalline Hills survey areas. Calf:cow ratios were slightly higher in 2013 (**Table 5**) than surveys conducted in 2012 (**Table 3**). The Crystalline Hills and Mt. Drum count areas had the greatest increase from 2010 to 2013 (**Table 5**). In cooperation with ADF&G, WRST staff conducted a GSPE survey in 2011 along the Nabesna Road corridor, an area that receives relatively high hunting pressure. The population estimate was 1,272 moose with an estimated density of 0.79 moose/mi<sup>2</sup>, a bull:cow ratio of 34:100 and a calf:cow ratio of 27:100. The bull:cow ratio along the Nabesna Road corridor was substantially lower than bull:cow ratios from the 2007 and 2010 GSPE surveys (**Table 5**).

**Table 3.** Unit 11 moose population demographics on the western slopes of Mount Drum, Wrangell-St Elias National Park and Preserve, AK, 1998-2009 – a lightly hunted population (Tobey 2004, 2008; Schwanke 2013, Hatcher 2014, Robbins 2017, pers.comm.).

Year	Number of Bulls	Number of Cows	Number of Calves	Total Moose	Bulls:100 Cows	Calves/100 Cows	% Calves	Moose /hour	Density Moose/ mi <sup>2</sup>
1998-99	51	46	7	104	111	15	7	24	0.4
1999-00	58	53	11	122	109	21	9	28	0.4
2000-01	58	37	9	104	157	24	9	23	0.4
2001-02	43	46	4	93	94	9	4	19	0.3
2002-03	----	----	----	----	----	---	--	---	----
2003-04	69	60	9	138	115	15	7	30	0.5
2004-05	----	----	----	----	----	----	----	----	----
2005-06	----	----	----	----	----	----	----	----	----
2006-07	57	62	30	149	92	48	20	32	0.5
2007-08	----	----	----	----	----	----	----	----	----
2008-09	63	86	15	164	73	17	9	38	0.6
2009-10	----	----	----	----	----	----	----	----	----
2011-12	98	138	29	265	71	21	11	46	0.9
2012-13	120	143	19	282	84	13	7	46	1.0
2013-14	91	103	27	221	88	26	12	45	0.8
2014-15	67	133	30	230	50	23	13	45	0.8
Mean	70	82	17	170	95	21	10	32	0.56

**Table 4.** Unit 11 moose population demographics in the Upper Copper River survey area, Boulder Creek to Copper Lake, Wrangell – St. Elias National Park and Preserve, AK, 2003-2008 – a relatively heavily hunted population accessible by aircraft and all-terrain vehicles (Reid 2007, 2008; Putera 2010).

Year	Number of Bulls	Number of Cows	Number of Calves	Total Moose	Bulls:100 Cows	Calves/100 Cows	% Calves
2003	97	215	21	333	45	10	6
2004	78	142	25	245	55	18	10
2005	92	183	11	286	50	6	4
2006	86	218	31	335	39	14	9
2008	77	186	22	285	41	12	8
<b>Total</b>	430	944	110	1,484			
<b>Mean</b>	86	189	22	297	46	12	7

**Table 5.** Moose Population Estimates for selected areas of Unit 11, from GSPE surveys conducted in 2007, 2010, 2011 and 2013 (Reid 2008, Putera 2010, 2013).

Area	Year	Population Estimate	Moose Observed	Calf:100 Cows	Bull:100 Cows	No. Units Surveyed	Density (mi <sup>2</sup> )
Total Survey 3170 mi <sup>2</sup>	2007	1576 ± 244	500	19	52	87	0.49
	2010	1584 ± 214	623	17	50	94	0.50
	2013	2107 ± 307	725	18	64	83	0.70
Upper Copper 524 mi <sup>2</sup>	2007	403 ± 70	170	16	38	25	0.76
	2010	539 ± 106	220	14	49	19	1.02
	2013	515 ± 121	155	16	61	16	1.0
Mt. Drum 349 mi <sup>2</sup>	2007	232 ± 65	82	11	118	8	0.66
	2010	186 ± 51	66	35	55	11	0.53
	2013	225 ± 56	94	25	79	9	0.70
Crystalline Hills 349 mi <sup>2</sup>	2007	260 ± 93	63	29	42	9	0.74
	2010	259 ± 55	134	17	50	16	0.74
	2013	380 ± 78	179	19	70	13	1.10
Nabesna 1602 mi <sup>2</sup>	2011	1272 ± 134	551	27	34	107	0.79

### Unit 13 Moose

In the early 1900s, moose densities in Unit 13 were low but increased gradually until peaking in the mid-1960s. The population then declined due to a combination of factors including overhunting, severe winters, and predation, primarily by brown bears and wolves (Ballard et al. 1987, Schwanke 2012, Robbins 2014). The population reached a low in 1975 and then started to increase by 1978, reaching a second peak in 1987. Between 1988 and 1994, the moose population declined due to a

combination of factors including hunting pressure, deep snow and increasing wolf predation (Robbins 2014). From 1987 to 2001 the moose population declined by an estimated 47% (Tobey and Schwanke 2008, 2010). The moose populations in Unit 13 have grown since 2000 due to a combination of mild winters, predator control, and more conservative hunting regulations (Schwanke 2012, Robbins 2014).

State management objectives for moose populations and human use in Unit 13 are as follows (Robbins 2014):

#### Population Objectives

- Maintain a combined population of 17,600 to 21,900 moose in Unit 13:
  - 3,500-4,200 moose in Subunit 13A
  - 5,300-6,300 moose in Subunit 13B
  - 2,000-3,000 moose in Subunit 13C
  - 1,200-1,900 moose in Subunit 13D
  - 5,000-6,000 moose in Subunit 13E
- Maintain minimum fall composition ratios:
  - 25–30 calves:100 cows in Subunit 13A
  - 30 calves:100 cows in Subunits 13B, 13C, 13D, and 13E
  - 25 bulls:100 cows in all subunits
  - 10 yearling bulls:100 cows in all subunits

#### Human Use Objectives

- Maintain a combined annual harvest of 1,050–2,180 moose in Unit 13:
  - 210-420 moose in Subunit 13A
  - 310-620 moose in Subunit 13B
  - 155-350 moose in Subunit 13C
  - 75-190 moose in Subunit 13D
  - 300-600 moose in Subunit 13E

ADF&G conducts fall counts to determine the sex and age composition and population trends in large count areas distributed throughout Unit 13. From 2001–2009 the number of moose observed in Unit 13 during the fall increased from 3,466 in 2001 to 5,604 in 2011 and then dropped slightly to 5,596 in 2015 (**Table 6**). Although the bull:cow and yearling bull:cow ratios increased in Unit 13, with the population increases between 2001–2012, calf:cow ratios remained below the minimum management objective of 25:100 cows (**Table 6**). In 2012 (Robbins 2014) and 2015 (DelFrate 2017) bull:cow ratios were within the State management objectives for all subunits. In 2012, the yearling bull:cow and calf:cow ratios were below the State management objectives of 10 yearling bulls:100 cows and 25 calves:100 cows in Unit 13A and 30 calves:100 cows in the remaining units (**Table 7**) (Robbins 2014). The bull: cow ratios were above State bull:cow objectives in all the subunits except 13A based on opportunistic composition surveys conducted by BLM and ADF&G during fall of 2016 (Hankins 2017a).



Moose are most abundant along the southern slopes of the Alaska Range in Units 13B (Alphabet Hills) and 13C and in the eastern Talkeetna Mountains in western Unit 13B. The lowest densities are found in the section of Denali National Park located in the western portion of Unit 13E, Lake Louise Flats in eastern portion of Unit 13A, and Unit 13D. Historically, moose numbers in the western portion of Unit 13A, Unit 13B, and Unit 13C tend to fluctuate more than in lower density areas (Tobey and Schwanke 2008, 2010, Robbins 2014).

Moose typically congregate in subalpine habitats during fall rutting and move down to lower elevations as the snow increases (Tobey and Schwanke 2010). Winter distribution depends mainly on snow depth and to a lesser extent wolf distribution (Tobey and Schwanke 2010). Known wintering areas include the southern Alphabet Hills, the upper Susitna River, Tolsona Creek burn, the eastern foothills of the Talkeetna Mountains, and the Copper River floodplain (Robbins 2014). Severe winters with deep snow are known to cause winter mortality by increasing nutritional stress through restriction of movements. Severe winters prevent access to adequate and/or quality food (Coady 1974, Testa 2004, Bubenik 2007, Innes 2010), and increases the risk of predation, primarily by wolves (Bishop and Rausch 1974, Peterson et al. 1984). Snow depths greater than 35 inches represent a critical depth for adults with calves (Coady 1974), older adults ( $\geq 8$  yrs. old), and adult males which are more susceptible to nutritional stress and death (Coady 1982). In 2004–2005, despite the severe snowpack conditions compared to the previous 11 years (Testa 2004), moose numbers remained fairly stable in Unit 13B (Tobey and Schwanke 2008).

Fluctuations in moose populations in Denali National Park were shown to be linked to occasional severe winters. Hunting mortality combined with increased predation during severe winters can severely reduce moose populations (Walters et al. 1981). Prime breeding bulls and cows are particularly vulnerable during the rut which occurs primarily during the month of September in Denali National Park and Preserve (Miquelle 1991). Consequently, hunting seasons are often scheduled after the peak rut when bulls are extremely wary and much less vulnerable, in order to leave more prime bulls in the population and ensure the successful breeding of cows. During early winter aggregations of bulls and cows, excessive harvests can also occur from hunters using snowmobiles and all-terrain vehicles (Timmerman and Buss 2007). For example in 2017, large aggregations of bull moose were still present in Unit 13 B from Nov. 22 – 27 during the fall moose composition surveys (Hankins 2017b, pers. comm.). Many subsistence users will avoid taking bull moose during the rut because of the poor quality of the meat.

**Table 6.** Unit 13 fall aerial moose composition counts in trend count areas 3, 5, 6, 10, 13, 14, 15, and 16 (Tobey and Schwanke 2008, 2010, Robbins 2014, Robbins 2015, 2017 pers. comm.).

Year	Bulls:100 cows	Yearling bulls: 100 cows	Calves: 100 cows	% Calves	Adults observed	Total moose observed	Moose/hour	Density moose/mi <sup>2</sup> (observed range)
2001	23	3	15	11	3,086	3,466	37	1.0 (0.6 – 1.4)
2002 <sup>a</sup>	24	6	22	15	2,918	3,428	36	1.0 (0.5 – 1.2)
2003	24	8	18	12	3,707	4,230	47	1.2 (0.5 – 1.7)
2004	28	6	22	15	3,215	3,768	40	1.1 (0.5 – 1.7)
2005	27	7	18	13	3,500	4,009	45	1.1 (0.4 – 1.4)
2006	30	8	23	15	3,416	4,028	49	1.1 (0.5 – 1.5)
2007 <sup>b</sup>	32	10	22	14	3,875	4,517	40	1.3 (0.5 – 1.8)
2008	35	12	19	13	3,918	4,481	54	1.3 (0.5 - 1.9)
2009 <sup>b</sup>	34	9	23	15	4,315	5,046	50	1.7 (0.5-2.0)
2010	30	10	21	14	4,558	5,313	53	1.5 (0.6-2.2 0
2011	33	10	23	15	4,777	5,604	53	1.6 (0.5-2.2)
2012	32	7	16	11	4,821	5,404	50	1.5 (0.5-2.2)
2013	34	5	27	17	4,453	5,350	49	1.5 (0.4-2.4
2014 <sup>c</sup>	35	11	16	11	1,975	2,213	53	1.5 (0.4-2.4
2015	32	7	25	16	4,694	5,596	50	1.6 (0.3-2.4
<sup>a</sup> Two of eight count areas were not flown in 2002, therefore data were estimated for those areas								
<sup>b</sup> One of eight count areas was not flown in 2007, therefore data was estimated for those areas								
<sup>c</sup> Three of eight count areas were not flown in 2014, therefore data was estimated for those areas								

**Table 7.** Unit 13A, 13B, 13C, 13D, and 13E fall aerial moose composition counts for calendar year 2012 (Robbins 2014).

Unit	Bulls:100 cows	Yearling bulls: 100 cows	Calves: 100 cows	% Calves	Total moose observed	Density moose/mi <sup>2</sup>
13A	26	7	15	11	1,580	1.6
13B	34	7	18	12	2,685	1.8
13C	30	6	12	9	506	1.7
13D	67	2	14	8	174	0.5
13E	31	9	24	10	1,525	1.2

## Harvest History

### Unit 11 Moose

Moose harvest from 1963 to 1974 averaged 164 moose per year in Unit 11. During this time there was both a fall and winter season and cows made up as much as 50% of the harvest (Tobey 2010). In response to declining moose numbers, seasons were shortened, the winter season was eliminated, and harvest was restricted to bulls only from 1975 to 1989. The average annual bull harvest was 45 (range 21-58) between 1975 and 1989.

In 1990 the State season was shortened to Sept. 5 - Sept. 9 to align the season with the adjacent Unit 13 and because of the population decline following the severe winter in 1988/1989 (Tobey 1993 2010). During the 1990s, the average harvest was 34 bulls (range 22-42). Since 2000, the mean harvest has been 58 bulls, which includes an estimated 10 unreported moose being harvested each year (**Table 8**) (Tobey 2010, FWS 2017). One moose was harvested in Unit 11 under the Copper Basin Community Permit Hunt (CM300) in 2009 (FWS 2017). The mean annual moose harvest under Federal and State regulations in Unit 11 from 2000 to 2012 was 21 and 28, respectively (**Table 8**). Under the joint State/Federal permit from 2012 to 2016 the annual Federal and State moose harvest was 59 (**Table 8**). Hunting pressure has typically been low in Unit 11, in part because moose densities are greater and access is easier in the adjacent Unit 13. Increasing the harvest season by approximately six months in two areas within Unit 11 has the potential to significantly increase harvest on Federal public lands. The majority of the moose harvest in Unit 11 occurs on Federal public lands. The impact of such an increase of harvest is likely to be much greater in Unit 11 than in adjacent Unit 13, where moose populations are larger, and the majority of lands are non-Federal.

**Table 8.** State and Federal Moose harvest in Unit 11 from 2000-2015<sup>a</sup> (Tobey 2010, Hatcher 2014, FWS 2017, ADF&G 2017a).

Year	M	F	U	Estimate of Unreported Kill	Federal Total	State Total	Total
2000/2001	52	0	1	10	23	30	63
2001/2002	43	1	1	10	14	31	55
2002/2003	40	0	1	10	8	33	51
2003/2004	45	0	0	10	15	30	55
2004/2005	56	0	1	10	27	30	67
2005/2006	47	1	0	10	24	24	58
2006/2007	41	0	1	10	20	22	52
2007/2008	47	2	0	10	25	24	59
2008/2009	53	0	0	10	28	25	63
2009/2010	64	0	2	10	20	36	66
2010/2011	38	0	0	10	20	18	48
2011/2012	74	0	0	10	27	37	74
2012/2013	48	0	0	10	9 <sup>a</sup>	39	58
2013/2014	61	0	0	10	12 <sup>a</sup>	39	61
2014/2015	39	0	0	10	10 <sup>a</sup>	29	49
2015/2016	47	0	0	10	13 <sup>a</sup>	34	57
2016/2017	62	0	0	10	17 <sup>a</sup>	45	72

<sup>a</sup> Harvests by Federally qualified subsistence users under the joint State/Federal permit established in 2012 are included in the "Total State" column

### Unit 13 Moose

Historically, Unit 13 has been an important area for moose hunting in Alaska due to its proximity to major human populations within the state. Throughout the 1960s and early 1970s, annual harvests averaged more than 1,200 bulls and 200 cows (Tobey 2004). During this time, harvests occurred in both fall and winter seasons. By the late 1970s harvests declined to approximately 775 bulls annually, while cow harvests and the winter season were eliminated, and the bull:cow ratios were low. In response, ADF&G changed the harvest of any bull to a harvest of a bull with an antler spread of at least 36 inches or 3 brow tines on at least one antler in 1980. This harvest regime helps to promote growth of the moose population. Subsequently the harvests increased, peaking in 1998 when 1259 moose were reported harvested (Tobey 2004). However, since 1990 State harvest regulations have

been revised several times in response to low bull:cow ratios, severe winter mortality, and increased predation. Since 2001, moose harvest and population levels have continued to increase throughout Unit 13, although calf:cow ratios have remained below State management objectives (**Table 9, Table 10**) (Robbins 2014).

Currently, the Federal season in Unit 13 allows for a longer subsistence opportunity for Federally qualified subsistence users than the season for non-Federally qualified users. A majority of the moose harvest in Unit 13 occurs during the State general hunt from Sept. 1 – Sept. 20 (Del Frate 2017). Moose harvest on Federal public lands, which comprise only a small portion of Unit 13, has been approximately 6-8% of the total harvest for the last 10 years. From 2006 to 2016 the total annual moose harvest in Unit 13 has ranged from a low 776 to a high of 1,095 (**Table 11**). Under the current Federal and State regulations the harvest in each subunit is currently within State management objectives (**Table 12**). During the last two years, the combined annual harvest has exceeded 1,000 bulls, which is close to the minimum State harvest objective of 1,050 moose. A majority of the annual moose harvest on Federal public lands (75% in 2016) occurs in Unit 13B (Robbins 2015 pers. comm.).

Ahtna Athabascans, which are the indigenous people of the Copper River Basin, have expressed concerns that increased competition and abuse of the Community Harvest System has decreased their ability to harvest moose according to customary and traditional practices (Fall 2017). As a result of the numerous proposals submitted to the BOG on issues surrounding the community caribou and moose hunts, a special meeting on Copper Basin moose and caribou hunting was held on March 18-21, 2017 at Glennallen, Alaska. A summary of information presented at this meeting can be found at: <http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=03-18-2017&meeting=glennallen>

A brief history of the Community Subsistence Hunt (CSH) in the Copper River Basin area as it relates to the harvest history is as follows (ADF&G 2017b). The BOG noted that residents of communities in the hunt area (Unit 13) typically travelled shorter distances than non-local hunters and have traditionally hunted moose throughout the year. Harvest by local users was traditionally conducted without regard to antler size restrictions as this was the most efficient way to obtain their food. Hunting regulations that specify specific antler configuration, which are usually done to protect the most important segment of the breeding population, also allow for more hunters in the field as not all animals are available. In addition, restrictions on the season and antler configuration may also reduce the success of local users. In 2009, the BOG established the CSH, with an earlier Aug. 10 starting date versus Aug. 15, to provide a community-based hunt that had been established and used by the Ahtna people.

Beginning in 2011, any community or group of Alaskan hunters numbering 25 or more could apply for the hunt from Aug. 10-Sept. 20. Up to 70 bulls not meeting the general season antler restrictions could be taken.

In 2013, up to 100 bulls not meeting the general season antler restrictions could be taken in CSH hunt area which included Unit 11, a portion of Unit 12, and Unit 13. In addition, the BOG provided other

regulatory options to provide reasonable opportunities for those individuals and families that chose not to organize as a community. These options included a general hunt with a harvest ticket (with antler restrictions), a winter “any bull” moose hunt, and drawing hunts.

Between 2009 and 2016 the number of groups and participants in the CSH has increased from 1 to 73 and 378 to 3,023, respectively (**Table 13**) (ADF&G 2017c). Although the number of groups, households, and participants increased, the CSH total moose harvest (approximately 19%) did not increase at the same rate (**Table 13**) (Del Frate 2017). Currently the moose population in Unit 13 is stable based on the 2015 population estimates and composition surveys (Del Frate 2017). A majority of the hunters currently participating in the CSH are non-local residents.

**Table 9.** Unit 13 fall aerial moose composition counts in trend count areas 3, 5, 6, 10, 13, 14, 15, and 16 (Tobey and Schwanke 2008, 2010, Robbins 2014, Robbins 2015, 2017 pers. comm.).

Year	Bulls:100 cows	Yearling bulls: 100 cows	Calves: 100 cows	% Calves	Adults observed	Total moose observed	Moose/hour	Density moose/mi <sup>2</sup> (observed range)
2001	23	3	15	11	3,086	3,466	37	1.0 (0.6 – 1.4)
2002 <sup>a</sup>	24	6	22	15	2,918	3,428	36	1.0 (0.5 – 1.2)
2003	24	8	18	12	3,707	4,230	47	1.2 (0.5 – 1.7)
2004	28	6	22	15	3,215	3,768	40	1.1 (0.5 – 1.7)
2005	27	7	18	13	3,500	4,009	45	1.1 (0.4 – 1.4)
2006	30	8	23	15	3,416	4,028	49	1.1 (0.5 – 1.5)
2007 <sup>b</sup>	32	10	22	14	3,875	4,517	40	1.3 (0.5 – 1.8)
2008	35	12	19	13	3,918	4,481	54	1.3 (0.5 - 1.9)
2009 <sup>b</sup>	34	9	23	15	4,315	5,046	50	1.7 (0.5-2.0)
2010	30	10	21	14	4,558	5,313	53	1.5 (0.6-2.2 0)
2011	33	10	23	15	4,777	5,604	53	1.6 (0.5-2.2)
2012	32	7	16	11	4,821	5,404	50	1.5 (0.5-2.2)
2013	34	5	27	17	4,453	5,350	49	1.5 (0.4-2.4)
2014 <sup>c</sup>	35	11	16	11	1,975	2,213	53	1.5 (0.4-2.4)
2015	32	7	25	16	4,694	5,596	50	1.6 (0.3-2.4)
<sup>a</sup> Two of eight count areas were not flown in 2002, therefore data were estimated for those areas								
<sup>b</sup> One of eight count areas was not flown in 2007, therefore data was estimated for those areas								
<sup>c</sup> Three of eight count areas were not flown in 2014, therefore data was estimated for those areas								

**Table 10.** Unit 13A, 13B, 13C, 13D, and 13E fall aerial moose composition counts for calendar year 2012 (Robbins 2014).

Unit	Bulls:100 cows	Yearling bulls: 100 cows	Calves: 100 cows	% Calves	Total moose observed	Density moose/mi <sup>2</sup>
13A	26	7	15	11	1,580	1.6
13B	34	7	18	12	2,685	1.8
13C	30	6	12	9	506	1.7
13D	67	2	14	8	174	0.5
13E	31	9	24	10	1,525	1.2

**Table 11.** State and Federal moose harvest in Unit 13 from 2006-2016 (Toby and Schwanke 2008, 2010, Robbins 2014, WinfoNet 2017, FWS 2017, Hankins 2017a).

Year	M	F	U	Estimate Unreported	Estimate Illegal	Accidental Road/Train	Federal Harvest	State Harvest	Total
2006/07	665	4	0	25	25	55	47	669	821
2007/08	628	4	0	25	25	75	53	632	810
2008/09	710	1	4	25	25	75	57	715	897
2009/10	857	1	2	25	25	26	61	860	997
2010/11	855	1	0	25	25	113	77	854	1,094
2011/12	867	1	0	25	25	68	80	868	1,066
2012/13	651	5	2	25	25	54	59	658	821
2013/14	674	2	0	25	25	-	50	676	776 <sup>a</sup>
2014/15	842	4	0	25	25	-	86	846	982 <sup>a</sup>
2015/16	952	8	0	25	25	-	85	960	1,095 <sup>a</sup>
2016/17	953	4	0	25	25	-	99	957	1,106 <sup>a</sup>
2017/18	-	-	-	-	-	-	89	-	-

<sup>a</sup> Total does not include road/train mortality data

**Table 12.** Comparison of current population and harvest estimates for Units 13A, 13B, 13C, 13D, and 13E in 2015 with State management population and harvest objectives (Del Frate 2017).

Unit	Population	Harvest	Bulls:100 cows
<b>13A</b> <sup>a</sup>	3,500 – 4,200	210 -420	25:100
2015	3,568	335	25:100
<b>13B</b> <sup>a</sup>	5,300 – 6,300	310 - 620	25:100
2015	4,762 (± 530)	243	28:100
<b>13C</b> <sup>a</sup>	2,000 – 3,000	155 – 350	25:100
2015	2,184	115	30:100
<b>13D</b> <sup>a</sup>	1,200 – 1,900	75 – 190	25:100
2015	948	78	58:100
<b>13E</b> <sup>a</sup>	5,000 – 6,000	300 – 600	25:100
2015	5,085	192	30:100

<sup>a</sup> State management objective

**Table 13.** Characteristics of the Community Subsistence Hunt for moose and total harvest in Units 11, 13 and portion of Unit 12 from 2009-2016 (ADF&G 2017b, DelFrata, 2017).

Regulatory Year	Number of Groups	Number of Communities	Number of Households	Number of Individuals	CSH Harvest	Total Harvest (Unit 13)
<b>2009/2010</b>	1	19	246	378	98	997
<b>2010/2011</b> <sup>a</sup>	-	-	-	-	-	1,094
<b>2011/2012</b>	9	31	416	814	83	1,066
<b>2012/2013</b>	19	29	460	969	92	821
<b>2013/2014</b>	45	41	955	2,066	152	776 <sup>c</sup>
<b>2014/2015</b>	43	41	893	1,771	149	982 <sup>c</sup>
<b>2015/2016</b>	43	43	1,039	1,984	170	1,095 <sup>c</sup>
<b>2016/2017</b> <sup>b</sup>	73	48	1,527	3,400	201	1,106 <sup>c</sup>

<sup>a</sup> A community hunt was not offered in 2010/2011

<sup>b</sup> Harvest is not finalized

<sup>c</sup> Total does not include road/train mortality data

## OSM CONCLUSION

**Support WP18-19 with modification** to establish a community harvest system on Federal public lands for moose in Unit 11 and moose and caribou in Unit 13 to be managed by the AITRC and open to Federally qualified subsistence users living within the Ahtna traditional use territory, subject to a framework to be established by the Federal Subsistence Board. Unless formed, the Ahtna Advisory Committee will not be one of the entities consulted with by the Federal land manager during administration of this hunt.



The modified regulation should read:

§\_\_\_\_.26(n)(11)(iii) Unit 11—Unit specific regulations

(A) For Federally qualified subsistence users living within the Ahtna traditional use territory, a community harvest system for moose is authorized on Federal public lands within the Ahtna traditional use territory, subject to a framework to be established by the Federal Subsistence Board.

§\_\_\_\_.26(n)(13)(iii) Unit 13—Unit specific regulations

(C) For Federally qualified subsistence users living within the Ahtna traditional use territory, a community harvest system for caribou and moose is authorized on Federal public lands within the Ahtna traditional use territory, subject to a framework to be established by the Federal Subsistence Board.

**Unit 11—Moose**

*Unit 11—that portion draining into the east bank of the Copper River upstream from and including the Slana River drainage—1 antlered bull by joint State/Federal registration permit. Aug. 20–Sept. 20*

*Unit 11— that portion south and east of a line running along the north bank of the Chitina River, the north and west banks of the Nizina River, and the west bank of West Fork of the Nizina River, continuing along the western edge of the West Fork Glacier to the summit of Regal Mountain – 1 bull by Federal registration permit. However, during the period Aug. 20-Sept. 20, only an antlered bull may be taken. Aug. 20–Sept. 20  
Nov. 20–Dec. 20*

*Unit 11 remainder—1 antlered bull by Federal registration permit only Aug. 20–Sept. 20*

**Unit 13— Caribou**

*Unit 13A and 13B – 2 caribou by Federal registration permit only. Aug. 1 – Sept. 30  
The sex of animals that may be taken will be announced by the Oct. 21 – Mar. 31  
Glennallen Field Office Manager of the Bureau of Land Management in consultation with the Alaska Department of Fish and Game area biologist and Chairs of the Eastern Interior Regional Advisory Council and the Southcentral Regional Advisory Council ~~and the Ahtna Advisory Committee~~*

*Unit 13, remainder – 2 bulls by Federal registration permit only Aug. 1 – Sept. 30  
Oct. 21 – Mar. 31*

### **Unit 13—Moose**

*Unit 13E—1 antlered bull moose by Federal registration permit only; only one permit per household.* Aug. 1–Sept. 20

*Unit 13, remainder —1 antlered bull moose by Federal registration permit only.* Aug. 1–Sept. 20

### **Justification**

Establishing a community harvest system will allow AITRC to manage such a hunt without having to issue Federal permits. Currently, under 50 CFR 100.10(d)(6), only Federal employees are able to issue Federal permits due to issues related to permit system security and information collection. The community harvest system would still be subject to the same harvest limits, seasons and methods and means already established under Federal regulations, but would not involve the actual issuance of Federal permits. The proposed modification was supported by both AITRC and the Southcentral Alaska Subsistence Regional Advisory Council (Council) at the Council's November 2017 meeting. The specific guidelines governing the community harvest system would need to be established and agreed upon by Federal managers, AITRC and the Office of Subsistence Management. Moose and caribou populations in the units under consideration are not expected to be adversely affected by the creation of a community harvest system on the relatively small amount of Federal public lands occurring within the Ahtna traditional territory in Unit 13. Federal regulations for moose and caribou in Unit 11 will remain the same. Once formed, the Ahtna Advisory Committee will be one of the entities to be consulted by the Federal land manager prior to a caribou hunt occurring in Units 13A and 13B at this time.

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## SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

### Southcentral Alaska Subsistence Regional Advisory Council

**Support** WP18-19 **with modification** to establish a community harvest system for moose and caribou in Units 11 and 13 to be managed by the AITRC, and open to Federally qualified residents of the Ahtna traditional use territory.

### Eastern Interior Alaska Subsistence Regional Advisory Council

**Take no action** on WP18-19. The Council briefly considered opposing the proposal due to the conservation reasons outlined by OSM but then decided to take no action due to their vote on WP18-19 and preferred to defer to the home region on this proposal because the area does not affect the Eastern Interior Region.

## INTERAGENCY STAFF COMMITTEE COMMENTS

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

**The Interagency Staff Committee recommends deferral of WP18-19, both as proposed and as modified in the WP18-19 Analysis Addendum.**

The Interagency Staff Committee also recommends that the Board assign appropriate OSM and agency staff the task of exploring, with affected stakeholders, the details of how a federal community harvest system might best address AITRC's desires for greater autonomy, remain consistent with the rural priority set forth in Title VIII, and develop a draft framework for possible implementation by the Board. The ISC also recommends that the Board establish a reasonable deadline for completing the draft framework so they may make a decision in a timely manner. The proponent cites the MOA between AITRC and the Department of Interior as being supportive of the proposal's overall intent. However, the MOA describes establishment of a much different community harvest permitting system than was originally proposed.

As written, WP18-19 seeks to delegate to AITRC the ability to distribute federal registration permits for hunting caribou in Unit 13 (FC1302) to its tribal members, while federal agencies would continue to distribute these same permits to other federally qualified and eligible rural residents. Federal personnel broadly distribute thousands of Unit 13 moose and caribou registration permits annually to eligible hunters throughout the region. Reducing this administrative burden through a cooperative arrangement with AITRC would be a welcomed outcome. However, there presently appears to be statutory impediments to the submitted proposal. Additionally, there are significant implementation uncertainties associated with the addendum's proposal for a community harvest system which was recommended by the Southcentral RAC and modified accordingly by OSM.

The modifications to WP18-19 in the addendum suggest broadening the proposal's scope by establishing a community harvest system for both moose and caribou in Units 11 and 13. The modifications openly limit participation in the community harvest system to only those federally qualified rural resident living in the Ahtna traditional use territory. This defined territory does not include all eligible rural residents with a C&T use determination. Noting the exponential growth and participation in the State's Community Subsistence Hunt, a commensurate interest and growth in a federal community harvest system by eligible users should be anticipated in coming years, especially if it confers a harvest advantage to subsistence users. This expansion would be counter to the intent of the proponent's wishes for AITRC administered hunts largely unencumbered by competition from out of area hunters.

Additionally, the modified proposal, similar to WP18-18 as modified, supports establishment of a winter season for antlered moose in Units 13 and 13 remainder, from December 1 to December 31, by federal registration permit. Unit 13 moose harvest objectives and quotas are established by ADF&G for individual subunits. A federal community harvest system, concentrated on the limited federal lands available in Unit 13, could result in localized depletions of moose on federal and adjacent state managed lands and in bull:cow ratios falling below state management objectives in these same areas. For BLM to responsibly authorize a winter season and establish a federal harvest quota following the State and federal fall hunts will require up-to-date moose population, harvest, and distribution information. ADF&G, BLM, NPS and potentially AITRC will therefore need to work cooperatively to gather and share timely information. If necessary, an allocation and management framework should be in place prior to a winter hunt being established so that setting a winter moose quota is not an arbitrary decision.

## ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

**Wildlife Proposal WP18-19:** This proposal, submitted by the Ahtna Inter-Tribal Resource Commission (AITRC), would allow AITRC the authority to accommodate Ahtna customary and traditional ways of harvesting large wild game by allowing them to issue federal caribou registration permits in Unit 13 (FC1302) to their federally qualified tribal members. In addition, the proposal would allow the Bureau of Land Management and Denali National Park & Preserve Office to distribute federal FC1301 permits to other federally qualified subsistence hunters.

**Introduction:** If adopted AITRC would issue the FC1302 federal caribou permit to Ahtna tribal members while other residents in the area would have permits issued by the NPS and BLM. The proposer states that this change is in accordance with a Memorandum of Agreement (MOA) between the United States Department of Interior and AITRC. The proposer also states that per the MOA, proposals are to be written to accommodate Ahtna customary and traditional harvest methods and that AITRC will distribute federal permits in a customary and traditional manner (advising tribal members when and where to hunt). Between 2011 and 2015 an average of 2,981 FC1302 caribou permits were issued annually by the Glennallen BLM office, and an average of 407 caribou were harvested.



Available federal data does not describe how many Ahtna tribal members were issued permits, or the number of caribou they harvested.

**Impact on Subsistence Uses:** The Bureau of Land Management (BLM) and the Denali National Park would continue to issue the FC1302 caribou permits to federally qualified subsistence hunters who are not Ahtna tribal members. Tribal members may find it easier to get permits from AITRC.

**Impact on Other Uses:** None.

**Opportunity Provided by State:**

**State customary and traditional use findings:** The Alaska Board of Game has made positive customary and traditional use findings for the Nelchina caribou herd in Units 12 and 13.

**Amounts Reasonably Necessary for Subsistence:** Alaska state law requires the Board of Game to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The board does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

Contrary to its name, ANS does not indicate subsistence “need”. Instead, ANS provides the board with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for Nelchina caribou is 600-1,000 animals. The reported resident Nelchina caribou herd harvest was 4,325 in RY2012; 2,575 in RY2013; 2,946 in RY2014; 4,118 in RY2015; and 6,255 in RY2016. The mean harvest for these years is 4,044 caribou, well above ANS.

Open Season (Permit/Hunt #)

<u>Unit/Area</u>	<u>Bag Limit</u>	<u>Resident</u>	<u>Nonresident</u>
Unit13	1 caribou	August 10–September 20	October. 21–March 31
		(RC566 & CC001)	
Unit13	1 caribou	August 20–September 20	Oct. 21–March 31
		(DC485)	

**Special instructions:**

RC566

- No member of the household may hunt caribou or moose outside of Unit 13.
- The bag limit may change to bull only, and the hunt could be closed by Emergency Order (EO) at some point during the season. It is your responsibility to be aware of hunt changes and closures. Call the Nelchina hotline at 267-2304 before you hunt for closure and other herd information. EO information can also be viewed online by following links at <http://www.adfg.alaska.gov/>.
- The meat of the front quarters, hind quarters, and the ribs must remain naturally attached to the bone until transported from the field or processed for human consumption prior to 1 Oct.
- See state hunting regulation for hunter education requirements for GMU 13.
- Successful hunters must report their take within 3 days of kill. If you did not hunt, or hunted unsuccessfully, you must report within 15 days of the season end or emergency closure. If your report is not received within the allotted time, you will be ineligible for any drawing, Tier II, registration (including Tier I Nelchina caribou) permits next season, and you may be cited. You may report online by following links at <http://www.adfg.alaska.gov/>.

CC001

- This harvest ticket is valid for the taking of one (1) caribou in GMU 13; season dates are 10 August-20 Sept. and 21 Oct.-31 Mar. No more than one (1) caribou may be retained per household. Up to 300 caribou can be taken by CSH Hunt (state and federal hunts combined). Any household member listed on the harvest ticket may harvest the caribou, unless he/she has already harvested a caribou under federal hunting regulations, unless changed or closed by Emergency Order (EO).
- This caribou hunt may close by Emergency Order (EO) or bag limit changed to bull only. It is your responsibility to be aware of hunt changes and closures. Call the Nelchina Caribou hotline at 907-267-2304 or the community hunt hotline at 907-822-6789 before you hunt for closure and other herd/hunt information. EO information can also be viewed online at [http:// adfg.alaska.gov](http://adfg.alaska.gov) (see News and Events).
- Evidence of sex must remain naturally attached to the meat if the bag limit changes to bull only.
- Copper Basin CSH caribou hunters must salvage for human consumption all edible meat from the forequarters, hindquarters, ribs, neck, and backbone, as well as the heart, liver, kidneys, and fat; and
- Prior to October 1, meat from the forequarters, hindquarters, and ribs must remain naturally attached to the bone until delivered to the place where it is processed for human consumption.

- Successful harvest reports are due to Glennallen ADF&G (822-3461) within 5 days of kill, or report online, or by mail. If unsuccessful or did not hunt, reports are due within 15 days of close of the season online at <http://www.adfg.alaska.gov>, by phone or mail.
- Any member of the community/group may hunt on behalf of another member as a designated hunter. In the field, designated hunters must carry the signed harvest ticket of any CSH beneficiary they are hunting for, along with their own CSH harvest ticket.

DC485

- The caribou hunt may be closed by Emergency Order (EO) prior to the end of the season. It is your responsibility to be aware of hunt changes and closures. Call the Nelchina hotline at 267-2304 before you hunt for closure and other herd information. EO information can also be viewed online by following links at <http://www.alaska.gov/>.
- It is your responsibility to be aware of closed and controlled use areas in Unit 13. See the state hunting regulations for details.
- For caribou in Unit 13, the meat of the front quarters, hind quarters, and the ribs must remain naturally attached to the bone until transported from the field or processed for human consumption prior to October 1.
- Permit holders are highly encouraged to allow youth hunters to take caribou. Please see state hunting regulations for hunter education and youth hunting requirements for GMU 13.
- You must sign the back of your harvest ticket for it to be valid. You must carry it with you in the field while hunting. Remember to validate your ticket immediately after taking a caribou by cutting out the month and day.
- Successful hunters must report their take within 5 days of kill. If you did not hunt, or hunted unsuccessfully, you must report within 15 days of the season end or emergency closure. If your report is not received within the allotted time, you will be ineligible for any drawing, Tier II, targeted, or registration, (including Tier I Nelchina caribou) permits next season, and you may be cited. You may report online by following links at <http://www.alaska.gov/>.

**Conservation Issues:** None.

**Enforcement Issues:** None.

**Recommendation:** ADF&G is **NEUTRAL** on how federal permit hunts are administered, and suggests that any administrative changes to permitting continue to lead to timely harvest reporting. This is important for in-season and post-season management and decision-making. Additionally, permit decisions should be simple for users to understand and they should facilitate participation.

## WRITTEN PUBLIC COMMENTS

### **WP18-18 Extend season [Unit 13 moose] (CRITR)**

We support WP18-18 to extend moose season and to allow AITRC to distribute moose permits. Moose population in Unit 13 can sustain a moose hunt from August 1 to March 31. Moose population will not be depleted or over harvested by Ahtna tribal members who are federally qualified hunters. Bureau of Land Management Biologist reported in 2016 1,384 moose permits were distributed, 681 moose permits were used and 99 moose were harvested by federally qualified subsistence hunters. An increase of moose harvest on federal public lands will not occur with the newly established tribal moose hunt.

AITRC has management capability to distribute Unit 13 moose federal permits to Ahtna tribal members. A permitting system will be set up to allow proof of residency within the Copper Basin and Cantwell communities before moose permits are distributed to federally qualified tribal members. AITRC staff will monitor moose permit and hunting by tribal members. AITRC has a wildlife biologist on staff to help with moose hunt. AITRC has management capability to distribute Unit 13 moose permits to tribal members. Ahtna, Inc. staff, who are on loan to AITRC has coordinated the Copper Basin Community Subsistence Hunt since 2009. AITRC has experienced staff to distribute moose permits and ensure tribal hunters will return moose permits.

### **WP18-19 Caribou – Revise permitting system [Unit 13 caribou] (CRITR)**

We support WP18-19 to allow AITRC to distribute Unit 13 Nelchina Caribou hunting permits to Ahtna tribal members, who are federally qualified customary and traditional use hunters.

AITRC has management capability to distribute Unit 13 Nelchina Caribou permits to tribal members. Ahtna, Inc. staff, who are on loan to AITRC has coordinated the Copper Basin Community Subsistence Hunt since the year 2009. AITRC has experienced staff to distribute Nelchina Caribou permits and ensure tribal hunters return caribou permits.

## Eastern Interior Subsistence Regional Advisory Council

### WP18-50 Extend season [Unit 11 moose]

We do not support WP18-50, we support WP18-17. See comments under WP18-17.

### WP18-51 Statewide – Modify baiting restrictions to align State regulations

We support WP18-51 to modify bait regulations to align with State regulations. Federal regulations are more restrictive than State regulations. Adding skinned carcasses of furbearers and fur animals, small game, with the exception of the meat of birds, to bait bear regulations will align State and Federal regulations, provide more opportunities for federal subsistence hunters who use bait stations to harvest bears.

Traditional use of grease, parts of wild game, and other methods of harvesting bears at bait stations would occur, hunters who use bait stations would have an improved chance of harvesting a bear with more options to choose from to use as bait.

### WP18-54 – Increase harvest limit and Delegate Authority to set harvest limit for [Unit 12 caribou] to be announced winter season

We do not support WP18-54 to change Unit 12 Caribou regulations to “up to 3 caribou” may be taken with a federal registration permit. This will increase the take of caribou beyond sustainable limits and will stress the herd in its winter range. We have seen overharvest of caribou in the past with liberal bag limit that has taken decades to recover. This is not a wise proposal and we oppose it..

### WP18-55 Extend Winter and fall season [Unit 12 moose]

Unit 12 Moose

That portion within Tetlin National Wildlife Refuge Aug. ~~24~~ 20 - Sept. ~~29~~ 30

and those lands within the Wrangell-St. Elias National

Preserve north and east of a line formed by the

Pickeral Lake Winter Trail from the Canadian border

to Pickerel Lake – 1 antlered bull by Federal registration Nov. 1 - ~~Feb. 28~~ Apr. 30

permit (FM1203)

We are neutral on WP18-55 to extend Unit 12 Moose season to allow longer hunting opportunity.

## Appendix 1



Ahtna

**MEMORANDUM OF AGREEMENT  
BETWEEN  
UNITED STATES DEPARTMENT OF THE INTERIOR  
AND  
AHTNA INTER-TRIBAL RESOURCE COMMISSION  
FOR  
A DEMONSTRATION PROJECT FOR COOPERATIVE MANAGEMENT OF  
CUSTOMARY AND TRADITIONAL SUBSISTENCE USES IN THE AHTNA REGION**

This Memorandum of Agreement (MOA) is entered into for the purpose of formalizing the subsistence wildlife management partnership between the United States Department of the Interior (Department) and the Ahtna Inter-Tribal Resource Commission (hereinafter referred to as AITRC) for the allocation and harvest of moose and caribou by rural residents of the Native villages in the Ahtna region (as shown on the attached map) on Federal public lands. It also establishes a process for the formation of a local advisory committee and memorializes the parties' mutual goal of developing a regional management plan for moose, caribou, and other wildlife populations traditionally taken by the Ahtna villages to allow for better informed management and decisionmaking in the future.

**ARTICLE I – BACKGROUND AND OBJECTIVES**

The Department is committed to developing a subsistence wildlife management partnership project with the AITRC that will result in empowering the rural Native villages of the Ahtna region with greater self-determination and, when possible and in accordance with applicable law, providing improved hunting opportunities that will allow them to continue practicing their customary and traditional way of life. The Department recognizes that special circumstances within the Ahtna region have not permitted these local residents to meet their subsistence needs. Moreover, the Department recognizes the right of the rural resident members of the Native villages in the Ahtna region to maintain their cultural identity through opportunities to practice their subsistence lifestyle on the Federal public lands in a manner that enables them to pass down traditional knowledge and customary practices from generation to generation. The Department further recognizes that it has an obligation to uphold the Federal trust responsibility to tribes, a well-established legal obligation that originates from the unique historical relationship between the United States and the tribes. Central to the Department's mission is honoring and supporting the government-to-government relationship with tribes.

The Department and AITRC share a mutual interest in the conservation of healthy wildlife populations and their habitats as well as the opportunity for customary and traditional subsistence uses. The Department and AITRC are committed to developing and maintaining a mutually beneficial relationship that will serve the best interests of the residents of the Ahtna region, the wildlife management agencies within the Department, and the wildlife resources and the environment necessary to sustain healthy populations. To that end, the Department is committed to incorporating Ahtna traditional ecological knowledge and customary and traditional management practices, based on Ahtna's special geographical, historical, and cultural connections to the lands, waters and wildlife in the Ahtna traditional territory, into the Department's subsistence wildlife management structure and policies. The AITRC values the scientific and monitoring tools that the Department brings to subsistence wildlife management, and is committed to building capacity in this area and partnering with the Department on such projects. The Department and AITRC are committed to working together to arrive at mutually beneficial solutions and programs when, through law or policy, wildlife management objectives differ between the parties.

The Department and AITRC also share a mutual concern for the already very evident impact of climate change on the habitat and resources within the Ahtna region, including wildlife populations. The parties agree that in order to begin to address this changing environment, it will be necessary to incorporate traditional ecological knowledge broadly into wildlife management decision making, including, when appropriate, comprehensive wildlife and habitat management plans for the public lands within the Ahtna region.

## **ARTICLE II - AUTHORITY**

The following authorities support the MOA:

- Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. § 3111 et seq.
- Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments"
- Secretarial Order 3317, "Department of Interior Policy on Consultation with Indian Tribes"
- Secretarial Order 3335, "Reaffirmation of the Federal Trust Responsibility to Recognized Indian Tribes and Individual Indian Beneficiaries"
- Secretarial Order 3342, "Identifying Opportunities for Cooperative and Collaborative Partnerships with Federally Recognized Indian Tribes in the Management of Federal Lands and Resources"
- Federal Subsistence Board Regulations at 36 C.F.R. § 242 and 50 C.F.R. § 100

Congress has vested authority in the Secretaries of the Interior and Agriculture (Secretaries) through Title VIII of ANILCA to manage subsistence uses and resources on the Federal public lands in Alaska. The Secretaries have delegated significant aspects of subsistence management on Federal public lands to the Federal Subsistence Board (Board). The Secretary of Interior, (Secretary) however, retains broad management authority over the National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management public lands in Ahtna's

traditional territory. Section 809 of ANILCA authorizes the Secretaries to enter into cooperative agreements or otherwise cooperate with other Federal agencies, the State of Alaska (State), Native Corporations, other appropriate persons and organizations to effectuate the purposes and policies of Title VIII. Additional Federal laws, including the Indian Self-Determination and Education Assistance Act as amended, authorize contracts, compacts and other forms of funding agreements with tribes for Federal programs.

The AITRC is composed of a representative of each of the eight federally recognized tribes in the Ahtna region, (Native Villages of Cantwell, Mentasta, Cheesh'na, Chitina, Gulkana, Gakona, Tazlina, and Kluti Kaah) Ahtna Inc., the ANCSA regional corporation, and Chitina Native Corporation, the ANCSA village corporation for the Native Village of Chitina. The other seven ANCSA village corporations for the Ahtna region merged with Ahtna, Inc. The eight federally recognized Ahtna tribes through resolutions of their governing bodies established the AITRC for the purpose of management of customary and traditional resources, lands and waters, including engaging in cooperative management agreements, and for related Federal tribal contracting opportunities.

The Southcentral Subsistence Regional Advisory Council (SCRAC) and Eastern Interior Subsistence Regional Advisory Council (EIRAC) (collectively, RAC), which were established pursuant to section 805 of ANILCA, have authority to make recommendations to the Board and Secretary on issues related to the taking of subsistence wildlife on the public lands within Ahtna's traditional territory. The Subsistence Resource Commissions (SRC) for the Denali and Wrangell-St. Elias National Parks are responsible for developing annual recommendations for subsistence hunting programs on park and preserve lands in Ahtna's traditional territory. The SRC recommendations go directly to the Secretary.

Both the Regional Advisory Council and SRC recommendations concerning the taking of fish and wildlife are entitled to deference pursuant to sections 805 and 808 of ANILCA and Federal regulations.

### **ARTICLE III - STATEMENT OF AGREEMENT**

This MOA formalizes an agreement for the purpose of establishing a process and structure as a demonstration project within the Federal Subsistence Management Program that provides the AITRC with authority to cooperatively manage, within parameters established by the Board, certain aspects of subsistence hunting on Federal public lands by rural residents who are members of the eight federally recognized tribes in the Ahtna region, which is delineated on the attached map.

- A. The Department will immediately commence rulemaking to allow the issuance of AITRC-managed community harvest permit(s) through the Federal Subsistence Management Program.**
- 1) The Department agrees that during the next subsistence regulatory cycle following the signing of this MOA, the Department will commence rulemaking with the goal of authorizing the Board to issue a permit, or series of permits, to the AITRC for subsistence taking of wildlife species, including moose, caribou, and other species culturally and



traditionally harvested, on Federal public lands within the Ahtna region pursuant to the following goals and caveats:

- a) Such permit or permits will allow AITRC to establish harvest limits, quotas, season dates, and methods and means within the framework, if any, established by the Board through its regulatory process and included as a condition or conditions of the permit(s) for the purposes of conservation of healthy populations, public safety, or administration. The objective is to provide maximum opportunity for the continuation of the Ahtna tribes' hunting way of life and right to self-determination through providing AITRC with authority to manage the taking of wildlife according to the customary and traditional knowledge and practices of the Ahtna people through a process that is consistent with the Board's legal mandates.
  - b) Such permit(s) may be for the benefit of the AITRC's member tribal communities only; however, the parties understand and agree that the taking of fish and wildlife on all Federal public lands must be implemented in a manner consistent with the statutory rural priority set forth in Title VIII.
  - c) The Secretaries will direct the Board to strive to authorize the subsistence taking on the Federal public lands within the Ahtna region of allocations of moose, caribou, and other wildlife species that are sufficient to meet the needs of the participating Ahtna villages to the fullest extent possible in light of the Board's legal obligations.
  - d) At its discretion, the Board may delegate to the agency field officers for the Wrangell-St. Elias and Denali National Parks, Tetlin National Wildlife Refuge, and for the Bureau of Land Management lands within the Ahtna region, the authority to issue the permit(s) and establish the AITRC quotas.
- 2) The AITRC agrees that when implementing the permit or permits, it will:
- a) Provide notice of all openings, closings, limits, and changes to methods and means to the appropriate agency field officers and the Office of Subsistence Management in a timely manner so as to allow adequate advanced notice to the public;
  - b) Comply with all permit conditions;
  - c) Provide the Department and Board with a list of all participants who will be hunting under the permit(s). The AITRC will also provide all hunters participating in the permit with a harvest tag or some other form of identification showing their eligibility to participate in the permit hunt and will ensure that all hunters understand all permit stipulations and applicable regulatory requirements.

- B. The Department will seek to establish an Ahtna region specific local advisory committee pursuant to ANILCA section 805 to allow greater reliance on local ecological knowledge and input by regional residents into subsistence hunting management plans and decisionmaking.**
- 1) The Department agrees that within 30 days following the signing of this MOA, the Office of Subsistence Management will, in consultation with AITRC, draft a charter for a subsistence local advisory committee pursuant to 36 C.F.R. § 242.12, 50 C.F.R. § 100.12, and section 805(a) of ANILCA and initiate the regulatory process for implementing the charter. It is anticipated that membership shall consist of six residents of the Ahtna region nominated by AITRC and appointed by the Secretary, one representative each from the SCRAC, EIRAC, the Wrangell-St. Elias SRC, the Denali SRC, and the State of Alaska, for a total of eleven members.
    - a) The purpose of the local advisory committee will be to make recommendations concerning policies, standards guidelines, and regulations to the Secretary, Board (or its delegate), RAC's, and SRC for implementing a recommended strategy for the management and taking of wildlife species customarily and traditionally used within the Ahtna traditional territory.
    - b) The local advisory committee shall be permitted to meet at least twice per year, with planning, administrative assistance, and travel expenses including per diem (except for the State representative) to be borne by the Office of Subsistence Management.
    - c) The Board shall give substantial weight to the recommendations of the local advisory committee except when such recommendations either contradict the recommendations of the appropriate regional advisory council or, as set forth in section 805(c) of ANILCA, are not supported by substantial evidence, are contrary to recognized principles of fish or wildlife management, or are detrimental to the satisfaction of subsistence needs.
      - i. Ahtna traditional knowledge and understanding of the customary and traditional needs, practices and uses of Ahtna tribal communities will be presumed to be substantial evidence.
      - ii. Ahtna traditional knowledge and customary and traditional management practices shall be presumed to be consistent with recognized principles of wildlife management unless it is demonstrated that there is a significant likelihood that the local advisory committee's recommendations for harvest management will result in material detriment to the conservation of a wildlife stock or population.
  - 2) With regard to the establishment of the local advisory committee, AITRC understand as follows:

- a) Such committee will be subject to the Federal Advisory Committee Act (FACA), including, but not limited to the requirements of: advanced notice and open meetings; attendance at meetings by a Designated Federal Officer; a membership that is fairly balanced in terms of those directly affected, interested, and qualified on the issues to be addressed by the committee; and, an approved charter.
- b) Charter approval is a statutory prerequisite to action by any federal advisory committee. Such approval is a lengthy process and cannot be guaranteed, however, the Department will make all good faith efforts to expedite the process and charter approval.

**C. The future cooperative development and implementation of policies, programs and projects for the conservation and sustainable subsistence harvest of wildlife customarily and traditionally utilized on lands within the Ahtna region.**

- 1) Many wildlife species migrate, and none recognize political or ownership boundaries. The Department and AITRC agree that there are substantial potential benefits for the managers of neighboring land within the Ahtna region to cooperate in reaching subsistence wildlife management objectives. Section 802(3) of ANILCA recognizes the need for cooperation among Native corporations and adjacent land managers such as AITRC “in managing subsistence activities on public lands and in protecting the continued viability of all wild renewable resources in Alaska.” The parties therefore agree to a cooperative partnership for the development and implementation of policies, programs, and projects that will serve mutual subsistence management objectives.
- 2) The partnership will address the conservation and sustainable subsistence harvest of wildlife customarily and traditionally utilized within the Federal public lands and Ahtna lands within the Ahtna region. The parties acknowledge that it may not be practicable to include all wildlife populations customarily and traditionally utilized by the Ahtna Native villages in the initial phases of the cooperative partnership. Moose, caribou, and any other large mammal populations identified by either party after consultation with the other party will be included.
- 3) A central purpose of the partnership is the incorporation of Ahtna’s traditional ecological knowledge and customary management practices into the Department’s subsistence wildlife management structure and policies. The parties agree that one important means for achieving this mutual goal is the meaningful incorporation of AITRC in the implementation of the policies, programs, and projects derived from the partnership.
- 4) Policies, programs, and projects cooperatively developed for purposes related to conservation and sustainable subsistence harvests will include those related to takings quotas and allocations, habitat conservation and enhancement, harvest and population monitoring, research, trespass control and enforcement, and access for subsistence hunting, including access by motorized vehicles to retrieve harvested game. The work of the partnership is intended to inform wildlife-related decisionmaking by the Board, the

Department land managing agencies, the United States Department of Agriculture Forest Service, and the AITRC for the foreseeable future.

- 5) Both parties agree that it would be beneficial to the residents of the Ahtna region to include the State of Alaska in the development and implementation of the policies, programs and projects described in this section of the MOA. The Department and AITRC therefore mutually agree to invite the State's participation in the work described in this section in the hope that the State: 1) will participate in discussions with the parties that are consistent with the goals and purposes of this section into the future; and 2) will agree, to the maximum extent permitted by applicable law, to implement policies, programs, and projects mutually agreed upon by AITRC, the Department and the State on State managed lands. The State's participation shall have no impact on the ability of AITRC and the Department to reach independent agreements on other subsistence related matters, policies, programs, and projects.

**D. Funding AITRC capacity building and participation in the development and implementation of the MOA.**

Both parties agree to diligently pursue sources for funding that will assist AITRC in developing and sustaining the capacity to meaningfully participate in the permits and programs set forth in this MOA. It is the mutual goal of the parties that AITRC will, within the near future and depending on the availability of appropriations, enter into funding agreement(s) with the Department for the capacity, expertise, research, and administrative costs associated with development and implementation of the parts of this MOA.

**ARTICLE IV – GENERAL PROVISIONS**

- A. No member of, or delegate to, Congress shall be admitted to any share or part of this document, or to any benefit that may arise therefrom.
- B. The provisions of this MOA are complementary to and are not intended to replace Federal responsibility under Title VIII or any other law for the conservation of fish and wildlife on Federal public lands and the subsistence uses thereof.
- C. Nothing herein is intended to conflict with Federal, State, or local laws or regulations.
- D. Upon signing, the parties shall each designate an individual and an alternate to serve as the principal contact or liaison for implementation of this MOA.
- E. This MOA becomes effective upon signing by all signatories and will remain in force until: (1) terminated by one or both of the parties; or, (2) dissolution of AITRC or cessation of operations thereby.
- F. In the event that the State of Alaska assumes subsistence management on public lands within the Ahtna traditional territory under Title VIII of ANILCA, Article III Section A

of this Agreement will be suspended for the period of State management. In the event that the State of Alaska ceases to manage public lands, this Agreement will resume and Article III Section A will return to full force and effect as if never suspended.

- G. Except as already required by law, nothing in this document shall be construed as obligating the signatories to expend funds or involving the United States or AITRC in any contract or other obligations for the future payment of money, except as may be negotiated in future cooperative funding agreements.
- H. This MOA establishes mutual goals and establishes proposed courses of action for reaching those goals, but it does not create any legally enforceable obligations or rights.
- I. This MOA does not restrict the signatories from participating in any other agreements with other public or private agencies, organizations, or individuals.

**ARTICLE V.**

**SIGNATORIES:**

**FOR THE AHTNA INTERTRIBAL RESOURCE COMMISSION:**



A handwritten signature in blue ink, appearing to read "Christopher Gene", written over a horizontal line.

**Christopher Gene, Chairman**



A handwritten signature in blue ink, appearing to read "Karen Linnell", written over a horizontal line.

**Karen Linnell, Executive Director**

**FOR THE DEPARTMENT OF THE INTERIOR:**



A handwritten signature in blue ink, appearing to read "Michael L. Connor", written over a horizontal line.

**Michael L. Connor, Deputy Secretary of the Interior**

**ARTICLE V.**

**SIGNATORIES:**

**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

Ahtna, Incorporated acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink, appearing to read "Nicholas Jackson", written over a horizontal line.

**Nicholas Jackson, Chairman of Ahtna, Incorporated**

A handwritten signature in blue ink, appearing to read "Michelle Anderson", written over a horizontal line.

**Michelle Anderson, President of Ahtna, Incorporated**

**ARTICLE V.**

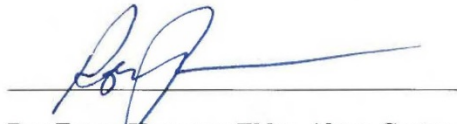
**SIGNATORIES:**

**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Ahtna Customary and Traditional Use Committee acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.



**Eleanor Dementi, Chair, Ahtna Customary and Traditional Use Committee**



**Roy Ewan, Honorary Elder, Ahtna Customary and Traditional Use Committee**



**ARTICLE V.**

**SIGNATORIES:**

**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Chitina Native Corporation acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink that reads "Anne Thomas" is written over a horizontal line.

**Anne Thomas, President of Chitina Native Corporation**

**ARTICLE V.**

**SIGNATORIES:**

**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Cantwell acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink, reading "Rene Nicklie", is written over a horizontal line.

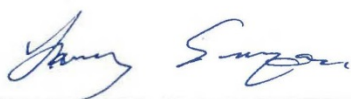
**Rene Nicklie, Native Village of Cantwell**

**ARTICLE V.**

**SIGNATORIES:**

**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Chistochina acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.



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**Larry Sinyon, Native Village of Chistochina**

**ARTICLE V.**

**SIGNATORIES:**

**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Chitina Traditional Indian Village Council acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.



A handwritten signature in blue ink, appearing to read "Rose Tyone", is written over a horizontal line.

**Rose Tyone, President Chitina Traditional Indian Village Council**

**ARTICLE V.**

**SIGNATORIES:**

**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Gakona acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink that reads "Darrin Gene". The signature is written in a cursive style with a large initial "D".

**Darrin Gene, Native Village of Gakona**

**ARTICLE V.**

**SIGNATORIES:**

**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Gulkana acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.



\_\_\_\_\_

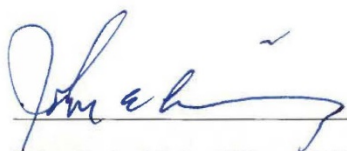
**Eileen Ewan, Native Village of Gulkana**

**ARTICLE V.**

**SIGNATORIES:**

**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Kluti-Kaah acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink, appearing to read "John Craig", is written over a horizontal line.


**John Craig, Native Village of Kluti-Kaah**

**ARTICLE V.**

**SIGNATORIES:**

**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Mentasta acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

A handwritten signature in blue ink, appearing to read "Ted Sanford", is written over a horizontal line.

**Ted Sanford, Native Village of Mentasta**



**ARTICLE V.**

**SIGNATORIES:**

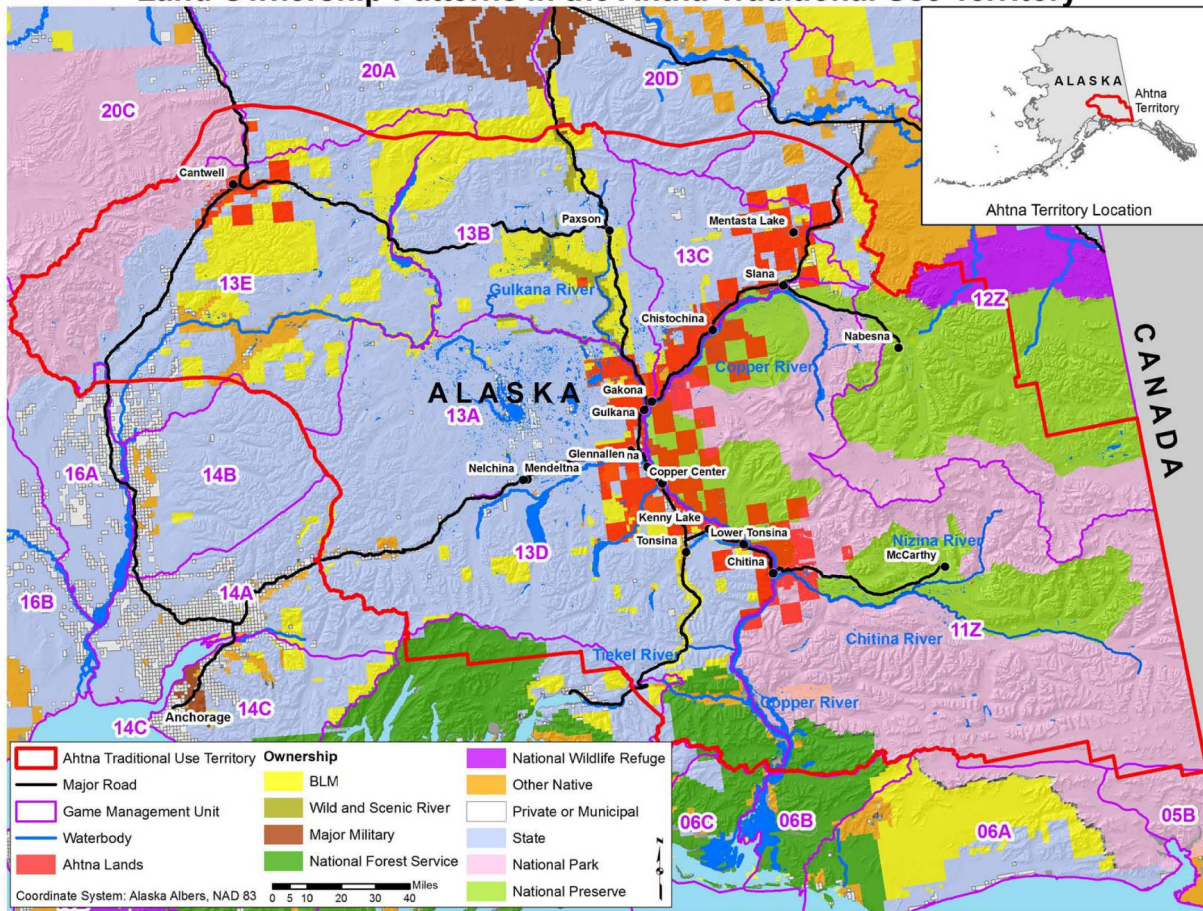
**SIGNATURE OF SUPPORTING ORGANIZATIONS:**

The Native Village of Tazlina acknowledges and supports this Memorandum of Agreement between the Department of the Interior and the Ahtna Inter-Tribal Resource Commission, and the spirit of cooperation it manifests.

 \_\_\_\_\_

**Gloria Stickwan, Native Village of Tazlina**

### Land Ownership Patterns in the Ahtna Traditional Use Territory



## DEFERRED PROPOSAL WP18-19

### Interagency Staff Committee Comment

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

Due to events that followed deferment of this proposal since the April 2018 Board meeting (described below), the Interagency Staff Committee recommends the following modifications to WP18-19:

#### § \_\_\_\_ .26(n)(11)(iii) Unit 11—Unit specific regulations

**(A) For Federally qualified subsistence users living within the Ahtna traditional communities of Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta Lake, and Tazlina, a community harvest system for moose is authorized on Federal public lands within Unit 11, subject to a framework to be established by the Federal Subsistence Board.**

#### § \_\_\_\_ .26(n)(13)(iii) Unit 13—Unit specific regulations

**(C) For Federally qualified subsistence users living within the Ahtna traditional communities of Cantwell, Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta Lake, and Tazlina, a community harvest system for caribou and moose is authorized on Federal public lands within Unit 13, subject to a framework to be established by the Federal Subsistence Board.**

#### **Unit 11—Moose**

*Unit 11—that portion draining into the east bank of the Copper River upstream from and including the Slana River drainage—1 antlered bull by joint State/Federal registration permit. Aug. 20–Sept. 20*

*Unit 11— that portion south and east of a line running along the north bank of the Chitina River, the north and west banks of the Nizina River, and the west bank of West Fork of the Nizina River, continuing along the western edge of the West Fork Glacier to the summit of Regal Mountain – 1 bull by Federal registration permit. However, during the period Aug. 20-Sept. 20, only an antlered bull may be taken. Aug. 20–Sept. 20*

*Unit 11 remainder—1 antlered bull by Federal registration permit only Aug. 20–Sept. 20*

**Unit 13—Moose**

*Unit 13E—1 antlered bull moose by Federal registration permit only; only one permit per household.* Aug. 1–Sept. 20  
 Season may be announced  
 Dec. 1 – Dec. 31

*Unit 13, remainder —1 antlered bull moose by Federal registration permit only.* Aug. 1–Sept. 20  
 Season may be announced  
 Dec. 1 – Dec. 31

**Unit 13— Caribou**

*Unit 13A and 13B – 2 caribou by Federal registration permit only. The sex of animals that may be taken will be announced by the Glennallen Field Office Manager of the Bureau of Land Management in consultation with the Alaska Department of Fish and Game area biologist and Chairs of the Eastern Interior Regional Advisory Council and the Southcentral Regional Advisory Council and the Ahtna Advisory Committee* Aug. 1 – Sept. 30  
 Oct. 21 – Mar. 31

*Unit 13, remainder – 2 bulls by Federal registration permit only* Aug. 1 – Sept. 30  
 Oct. 21 – Mar. 31

1. The changes made above to the proposed Unit 11 and Unit 13 unit-specific regulations, involve the naming of individual communities, and deleting the broader definition of “Ahtna traditional use territory”.

These changes resulted from a review of past Board actions involving rural determinations and customary traditional use determinations. In these determinations, the Board has treated the concept of community as being geographically based and involving all residents of the community. The longstanding practice of a geographically defined community was most recently illustrated in the nonrural determination review process, where the proposal by the Kenaitze Indian Tribe to have the Board recognized their tribal members residing on the Kenai Peninsula as a rural community was determined to be invalid because the practice is to recognize communities with distinct geographic boundaries. In the matter of customary and traditional use determinations, in 2000, the Board accepted RW00-01, a wildlife request for reconsideration for WP00-12, when a customary and traditional use

determination mistakenly separated the community of Slana into two portions. In accepting this reconsideration, the Board stated that their policy is to treat a community as a whole.

Based upon past Board determinations, in creating a community harvest system, the relevant community must be geographically defined and all residents of the community must be eligible to participate in the community harvest regardless of tribal membership. These distinctions have been made by the Board in implementing the subsistence priority for rural residents as provided in ANILCA Title VIII. For these reasons, modifications were made to the proposed regulatory language for WP18-19 restricting eligibility to residents of the eight traditional Ahtna communities as opposed to “*Federally qualified subsistence users living within the Ahtna traditional use territory*”.

2. The other proposed modification is to add a may-be-announced season Dec. 1 – Dec. 31 for moose in Unit 13

These modifications are being proposed because of actions that occurred following the deferral of WP18-19 by the Board in April 2018. During the 2018 wildlife regulatory review process, three proposals were submitted by the AITRC. WP18-17 requested an extension of the moose season in Unit 11 and the delegation of authority to AITRC to issue federal registration permits to its tribal members for this hunt. This proposal was rejected by the Board. WP18-18 requested an extension of the moose season in Unit 13 and the delegation of authority to AITRC to issue federal registration permits to its tribal members for this hunt. WP18-19 requested an extension of the caribou season in Unit 13 and the delegation of authority to AITRC to issue federal registration to its tribal members for this hunt. During the regulatory review process, besides recommending modification to a community harvest system, the Southcentral Council recommended rather than the extensive moose season requested in WP18-18, a Dec. 1 – Dec. 31 to-be-announced season to parallel the then existing State subsistence hunt. The OSM addendum supported this modification with implementation through a delegation of authority. At the April 11, 2018 Board meeting, the Board rejected WP18-17 as recommended by the Southcentral and Eastern Interior Councils. AITRC withdrew WP18-18 with concurrence of the Board and the understanding that its provisions would be included in the community harvest system recommended in the Southcentral modification for WP18-19. On April 12, 2018 during the review of WP18-19, there was extensive dialogue between the Board and AITRC representatives concerning the framework for the community harvest system. The Board voted to defer action on WP18-19 until the July or August work session, instructing “the Office of Subsistence Management to use the deferral time to work with AITRC, the Regional Advisory Councils, the Federal management agencies and to also consult with the Alaska Department of Fish and Game, as necessary, to cooperative establish a framework for a workable community harvest system for moose and caribou in Units 11 and 13” (Federal Subsistence Board transcripts, April 12, 2018, p. 279). Ms. Mouritsen also provided the following justification and expectations for this action (Federal Subsistence Board transcripts, April 12, 2018, pp. 279-280):

My expectation in this matter is that the parties referenced in my motion will work cooperatively to develop a framework for a Federal community harvest system, or harvest, that is consistent with the intent of the DOI/AITRC MOA to the extent possible, and then to submit

a special action request to the Federal Subsistence Board for the Board's consideration and potential implementation as expeditiously as possible.

The Board is fully supportive of AITRC's request to establish community harvest that help in addressing AITRC's nutritional and cultural needs.

My expectation is that the framework of a community harvest scheme, unlike the State's community harvest program should be designed to be community based and all eligible rural residents within a community should be able to participate if they so desire – if they so desire to participate in a community harvest system that's managed and administered by AITRC and is within the framework set out by the Board. . . .

The Board voted to defer WP18-19 (Federal Subsistence Board transcripts, Apr 12 2018, pp. 281-283).

In May 2018, AITRC submitted a special action request with a community harvest framework, which after clarification included only federally-qualified tribal members living in Ahtna traditional territory. This request was rejected due to its invalid eligibility for the reasons stated above. AITRC attended the August work session of the Board. The Board committed to work with AITRC to develop a community harvest framework.

Board members Don Striker and Dave Schmid met with AITRC on March 27, 2020 to discuss the DEFERRED WP18-19 Community Harvest Framework below. (The community harvest framework was based upon the above proposed modified regulations). Feedback from this meeting will be presented to the entire Board at its April wildlife regulatory review meeting.

## DEFERRED PROPOSAL WP18-19

### Community Harvest Framework

#### Background

Deferred Wildlife Proposal 18-19 was one of three proposals, originally submitted by Ahtna Inter-Tribal Resource Commission (AITRC), as a step towards the cooperative management of moose and caribou by Ahtna tribal villages for customary and traditional uses. The Federal Subsistence Board acknowledges that the AITRC, representing the eight Ahtna tribal communities of Cantwell, Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta Lake, and Tazlina, signed a Memorandum of Agreement with the Department of Interior regarding a demonstration project for cooperative management of customary and traditional uses in the Ahtna Region, when possible and in accordance with applicable law.

During the 2018 wildlife proposal regulatory review process it was determined that AITRC could not issue permits as called for under WP18-19 and that a community harvest permit might be the vehicle that would allow AITRC to manage harvests of caribou and moose within the Ahtna traditional use territory within Units 11 and 13. OSM agreed with a modification developed by the Southcentral Council and provided the following justification:

#### **WP18-19 Justification**

Establishing a community harvest system will allow AITRC to manage such a hunt without having to issue Federal permits. Currently, under 50 CFR 100.10(d)(6), only Federal employees are able to issue Federal permits due to issues related to permit system security and information collection. The community harvest system would still be subject to the same harvest limits, seasons and methods and means already established under Federal regulations, but would not involve the actual issuance of Federal permits. The proposed modification was supported by both AITRC and the Southcentral Alaska Subsistence Regional Advisory Council (Council) at the Council's November 2017 meeting. The specific guidelines governing the community harvest system would need to be established and agreed upon by Federal managers, AITRC and the Office of Subsistence Management. Moose and caribou populations in the units under consideration are not expected to be adversely affected by the creation of a community harvest system on the relatively small amount of Federal public lands occurring within the Ahtna traditional territory in Unit 13. Federal regulations for moose and caribou in Unit 11 will remain the same. Once formed, the Ahtna Advisory Committee will be one of the entities to be consulted by the Federal land manager prior to a caribou hunt occurring in Units 13A and 13B at this time.

At the Federal Subsistence Board meeting in April 2018, during discussion of the proposed modification, questions remained about eligible participants in a community harvest. The Board deferred action on WP18-19. The other two proposals were dealt with at the meeting by either being rejected by the Board (WP18-17) or withdrawn by AITRC (WP18-18). At the next Board meeting, a

work session in August 2018, the Board agreed to meet with AITRC and to present a community harvest framework for discussion purposes.

The community harvest framework has been developed based on the intent of proposed modified regulation contained in WP18-18 and WP18-19 and the clarification of the definition of community:

**§ \_\_\_\_ .26(n)(11)(iii) Unit 11—Unit specific regulations**

**(A) For Federally qualified subsistence users living within the Ahtna traditional communities of Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta Lake, and Tazlina, a community harvest system for moose is authorized on Federal public lands within Unit 11, subject to a framework to be established by the Federal Subsistence Board.**

**§ \_\_\_\_ .26(n)(13)(iii) Unit 13—Unit specific regulations**

**(C) For Federally qualified subsistence users living within the Ahtna traditional communities of Cantwell, Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta Lake, and Tazlina, a community harvest system for caribou and moose is authorized on Federal public lands within Unit 13, subject to a framework to be established by the Federal Subsistence Board.**

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Season may be announced*



*Dec. 1 – Dec. 31*

*Unit 13, remainder —1 antlered bull moose by Federal registration permit only.*

*Aug. 1–Sept. 20*

*Season may be announced  
Dec. 1 – Dec. 31*

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*Aug. 1 – Sept. 30*

*Oct. 21 – Mar. 31*

*Unit 13, remainder – 2 bulls by Federal registration permit only*

*Aug. 1 – Sept. 30*

*Oct. 21 – Mar. 31*