

STAFF ANALYSIS
TEMPORARY SPECIAL ACTION
WSA 20-04

ISSUES

Temporary Wildlife Special Action Request, WSA20-04, submitted by Togiak National Wildlife Refuge (NWR) and Yukon Delta NWR, requests that the Federal in-season manager be delegated authority to open and close seasons, announce harvest limits, and set sex restrictions for caribou in all or portions of Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B for the 2020-2022 regulatory cycle.

DISCUSSION

The proponents state that the summer 2019 population estimate for the Mulchatna Caribou Herd (MCH) was 13,500 caribou, which represents a 50% decline from the previous five years and is well below the State’s minimum population objective of 30,000 caribou. The proponents note that 2019/20 Federal and State seasons were shortened due to conservation concerns and that the herd is not expected to recover within the next year. The proponents state that this request will help conserve and recover the MCH and provide the flexibility needed to make harvest management decisions in a timely manner. The proponents recognize this request will reduce harvest opportunity in the short run, but that conserving the MCH now will increase harvest opportunity in the future. The proponents also state that harvest of other resources such as moose may increase in response to this request.

The applicable Federal regulations are found in 36 CFR 242.19(b) and 50 CFR 100.19(b) (Temporary Special Actions) and state that:

. . . After adequate notice and public hearing, the Board may temporarily close or open public lands for the taking of fish and wildlife for subsistence uses, or modify the requirements for subsistence take, or close public lands for the taking of fish and wildlife for nonsubsistence uses, or restrict take for nonsubsistence uses.

Existing Federal Regulation

Note: These are the current Federal regulations. While the Federal Subsistence Board rescinded the closure in a portion of Unit 9C at their April 2020 meeting (see Regulatory History), these regulations may not be published as Federal regulations by the beginning of the new regulatory year on July 1, 2020.

Unit 9—Caribou

<i>Unit 9A—2 caribou by State registration permit</i>	<i>Aug. 1 – Mar. 15.</i>
<i>Unit 9B—2 caribou by State registration permit</i>	<i>Aug. 1 – Mar. 31.</i>
<i>Unit 9C, that portion within the Alagnak River drainage—2 caribou by State registration permit</i>	<i>Aug. 1 – Mar. 15.</i>

Unit 9C, that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek—2 caribou by State registration permit. Public lands are closed to the taking of caribou except by residents of Unit 9C and Egegik Aug. 1 – Mar. 15.

Unit 17–Caribou

Unit 17A-all drainages west of Right Hand Point—2 caribou by State registration permit Aug. 1 – Mar. 31.

Units 17B and 17C-that portion of 17C east of the Wood River and Wood River Lakes—2 caribou by State registration permit Aug. 1 – Mar. 31.

Unit 18–Caribou

Unit 18-that portion to the east and south of the Kuskokwim River—2 caribou by State registration permit Aug. 1 – Mar. 15.

Unit 18, remainder—2 caribou by State registration permit Aug. 1 – Mar. 15.

Unit 19–Caribou

Units 19A and 19B (excluding rural Alaska residents of Lime Village)—2 caribou by State registration permit Aug. 1 – Mar. 15.

Proposed Federal Regulation

Unit 9–Caribou

Unit 9A—2 caribou **season to be announced by in-season manager under** ~~by~~ State registration permit Aug. 1 – Mar. 15.

Unit 9B—2 caribou **season to be announced by in-season manager under** ~~by~~ State registration permit Aug. 1 – Mar. 31.

Unit 9C, that portion within the Alagnak River drainage—2 caribou **season to be announced by in-season manager under** ~~by~~ State registration permit Aug. 1 – Mar. 15.

Unit 9C, that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek—2 caribou **season to be announced by in-season manager under** ~~by~~ State registration permit Aug. 1 – Mar. 15.
Public lands are closed to the taking of caribou except by residents of Unit 9C and Egegik

Unit 17–Caribou

Unit 17A-all drainages west of Right Hand Point—2 caribou **season to be announced by in-season manager under** ~~by~~ State registration permit Aug. 1 – Mar. 31.

Units 17B and 17C—that portion of 17C east of the Wood River and Wood River Lakes—2 caribou season to be announced by in-season manager under by State registration permit Aug. 1 – Mar. 31.

Unit 18—Caribou

Unit 18—that portion to the east and south of the Kuskokwim River—2 caribou season to be announced by in-season manager under by State registration permit Aug. 1 – Mar. 15.

Unit 18, remainder—2 caribou season to be announced by in-season manager under by State registration permit Aug. 1 – Mar. 15.

Unit 19—Caribou

Units 19A and 19B (excluding rural Alaska residents of Lime Village)—2 caribou season to be announced by in-season manager under by State registration permit Aug. 1 – Mar. 15.

Existing State Regulation

Note: These are the State codified regulations. State regulations for the 2019/20 regulatory year were modified by emergency orders 04-06-19 and 04-02-20 (see Regulatory History). No seasons are open to nonresidents within the range of the MCH.

Unit 9—Caribou

Residents: Units 9A and 9C, that portion within the Alagnak River drainage—two caribou by permit available online at <http://hunt.alaska.gov> and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, McGrath, Palmer, Soldotna, and at local license vendors beginning July 11 RC503 Aug. 1 – Mar. 15

Residents: Unit 9B—two caribou by permit available online at <http://hunt.alaska.gov> and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, McGrath, Palmer, Soldotna, and at local license vendors beginning July 11 RC503 Aug. 1 – Mar. 31

Residents: Unit 9C, that portion north of the north bank of the Naknek River and south of the Alagnak River drainage—two caribou by permit available online at <http://hunt.alaska.gov> and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, McGrath, Palmer, Soldotna, and at local license vendors beginning July 11 RC503 Aug. 1 – Mar. 31

Unit 17—Caribou

Residents: Units 17A remainder, 17B and 17C east of the east banks of the Wood River, Lake Aleknagik, Agulowak River, Lake Nerka and the Agulukpak River— two caribou by permit available online at <http://hunt.alaska.gov> and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, McGrath, Palmer, Soldotna, and at local license vendors beginning July 11 RC503 Aug. 1 – Mar. 31

Unit 18—Caribou

Residents: Two caribou by permit available online at <http://hunt.alaska.gov> and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, McGrath, Palmer, Soldotna, and at local license vendors beginning July 11 RC503 Aug. 1 – Mar. 15

Unit 19—Caribou

Residents: Units 19A and 19B— two caribou by permit available online at <http://hunt.alaska.gov> and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, McGrath, Palmer, Soldotna, and at local license vendors beginning July 11 RC503 Aug. 1 – Mar. 15

Extent of Federal Public Lands

Collectively, Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B are comprised of 48% Federal public lands and consist of 32% U.S. Fish and Wildlife Service (USFWS) managed lands, 11% National Park Service (NPS) managed lands, and 5% Bureau of Land Management (BLM) managed lands (**Figure 1**). Land status by Unit is as follows.

Unit 9A is comprised of 40% Federal public lands and consists of 39% NPS managed lands and less than 1% each USFWS and BLM managed lands.

Unit 9B is comprised of 34% Federal public lands and consists of 26% NPS managed lands and 8% BLM managed lands

Unit 9C is comprised of 86% Federal public lands and consists of 78% NPS managed lands, 4% BLM managed lands and 4% USFWS managed lands.

Unit 17A is comprised of 87% Federal public lands and consists of 87% USFWS managed lands and less than 1% BLM managed lands.

Unit 17B is comprised of 8% Federal public lands and consists of 6% NPS managed lands, 1% BLM managed lands, and 1% USFWS managed lands.

Unit 17C is comprised of 25% Federal public lands and consists of 15% USFWS managed lands and 10% BLM managed lands.

Unit 18 is comprised of 67% Federal public lands and consists of 64% USFWS managed lands and 3% BLM managed lands.

Unit 19A is comprised of 23% Federal public lands and consists of 21% BLM managed lands and 2% USFWS managed lands.

Unit 19B is comprised of 13% Federal public lands and consists of 11% NPS managed lands, 2% BLM managed lands and less than 1% USFWS managed lands.

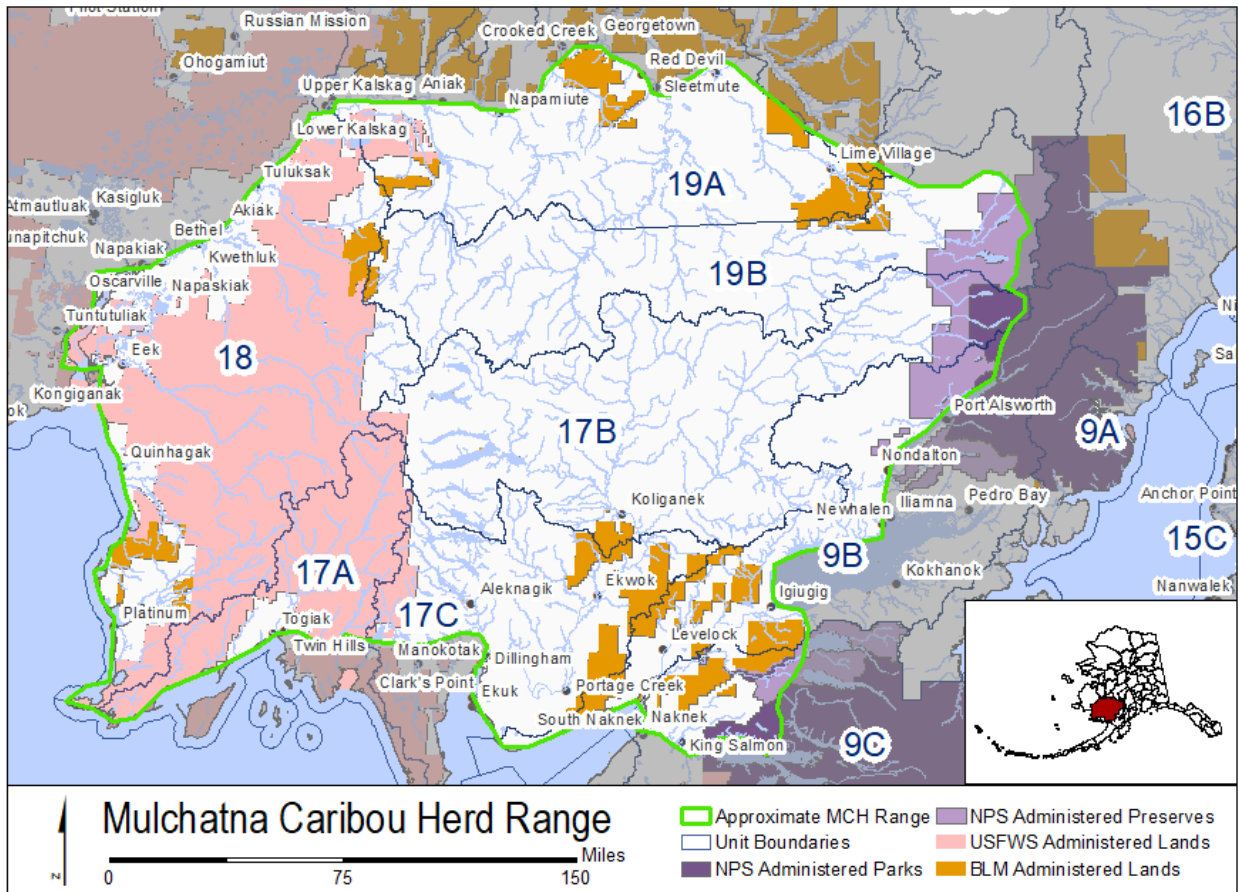


Figure 1. The Mulchatna Caribou Herd range covers ~60,000 square miles, primarily within Units 9B, 9C, 17A, 17B, 17C, 18, 19A and 19B.

Customary and Traditional Use Determinations

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

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

Residents of Units 9B, 17, Eek, Goodnews Bay, Lime Village, Napakiak, Platinum, Quinhagak, Stony River, and Tuntutuliak have a customary and traditional use determination for caribou in Unit 17A, that

portion west of the Izavieknik River, Upper Togiak Lake, Togiak Lake, and the main course of the Togiak River.

Residents of Units 9B, 17, Akiak, Akiachak, Lime Village, Stony River, and Tuluksak have a customary and traditional use determination for caribou in Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.

Residents of Units 9B, 17, Kwethluk, Lime Village, and Stony River have a customary and traditional use determination for caribou in Units 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwestern end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.

Residents of Units 9B, 17, Akiachak, Akiak, Bethel, Eek, Goodnews Bay, Lime Village, Napakiak, Platinum, Quinhagak, Stony River, Tuluksak, and Tuntutuliak have a customary and traditional use determination for caribou in Unit 17B, that portion of Togiak National Wildlife Refuge within Unit 17B.

Residents of Units 9B, 9C, 9E, 17, Lime Village, and Stony River have a customary and traditional use determination for caribou in Unit 17 remainder.

Residents of Unit 18, Lower Kalskag, Manokotak, Stebbins, St. Michael, Togiak, Twin Hills, and Upper Kalskag have a customary and traditional use determination for caribou in Unit 18.

Residents of Unit 19A and 19B, Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River, and residents of St. Mary's, Marshall, Pilot Station, and Russian Mission have a customary and traditional use determination for caribou in Units 19A and 19B.

Regulatory History

As a result of the dramatic population increase the MCH experienced during the 1990s, harvest regulations were liberalized throughout the range of the herd. By 1997, both State and Federal seasons in portions of Units 9, 17, and 19 extended from fall through spring, with liberal harvest limits and few restrictions. The subsequent population decline, beginning in 2004, resulted in the implementation of more restrictive regulations. Following is a summary of State and Federal regulatory changes since 2006.

At its spring 2006 meeting, the Alaska Board of Game (BOG) implemented more restrictive regulations for both resident and non-resident hunters. For resident hunters, they established an Aug. 1 – Mar. 15 season throughout the range of the herd. Previously, resident seasons ended on March 31 or April 15. The BOG also reduced the harvest limit throughout much of the range to three caribou, with only one caribou allowed Aug. 1 – Sep. 30. Nonresident seasons, which previously extended fall through spring, were reduced to Aug. 1 – Sep. 30.

The BOG further restricted harvest from the MCH in 2007. At that time, they reduced the resident harvest limit to two caribou with the restriction that no more than one bull could be taken and not more

than one caribou could be taken Aug. 1 – Jan. 31. In addition, same day airborne harvest was eliminated for Units 9B, 17B, and 17C. The non-resident seasons were reduced to Sep. 1 – 15 at this time.

The Federal Subsistence Board (Board) considered Proposal WP07-23 in 2007, which requested Federal regulations for caribou in Units 9B and 17 be modified to reflect the recent changes in State regulation. Following the recommendation of several Subsistence Regional Advisory Councils (Councils), the Board adopted this proposal with modification to also include Units 18, 19A and 19B. However, this proposal was submitted prior to the BOG's 2007 regulatory changes and the Board's modification did not accommodate the recent changes in State regulation. Consequently, Federal regulations were aligned with the State's 2006 regulations rather than the 2007 regulations.

Following continued decline of the MCH, the BOG adopted Proposal 57 in 2009, which eliminated the nonresident caribou season throughout the range of the MCH.

The Board considered three proposals in 2010, all of which proposed further restrictions on harvest of the MCH. Proposal WP10-51 requested that Federal caribou seasons in Units 9A, 9B, 17B, a portion of 17C, 18, 19A, and 19B be changed to Aug. 1–Mar. 31. The Board adopted this proposal with modification to end the seasons on March 15, as recommended by several Councils. Proposal WP10-53 requested that the harvest limit for caribou be set at two caribou throughout the range of the MCH, with the restriction that no more than one bull may be taken and no more than one caribou may be taken Aug. 1 – Jan. 31. The Board adopted this proposal. Proposal WP10-60 requested that the harvest limit for caribou in Unit 18 be reduced from three caribou to two caribou. This proposal was adopted by the Board with modification to include the restriction that no more than one bull may be taken and no more than one caribou may be taken Aug. 1 – Jan. 31, consistent with action taken on WP10-53. The result of the Board's actions in 2010 was that State and Federal regulations for caribou within the range of the MCH were largely aligned.

The BOG initiated intensive management for predator reduction within the range of the MCH in 2011. At their spring 2011 meeting, they established a predation management area in Units 9B, 17B, and 17C. At their spring 2012 meeting, they added Units 19A and 19C to the predation management area.

In 2012, the Board considered Proposal WP12-42, which requested that, in Unit 18, the harvest limit be reduced from two caribou to one caribou and the season be reduced from Aug. 1 – Mar. 15 to Aug. 1 – Sep. 3 and Dec. 20 – last day of February. The Board adopted the proposal with modification, which resulted in the establishment of two separate hunt areas in Unit 18. For the portion of Unit 18 east and south of the Kuskokwim River, the season was reduced as proposed, while the harvest limit remained at two caribou, with the restriction that not more than one caribou may be taken Aug. 1 – Sep. 30 or Dec. 20 – Jan. 31. For the remainder of Unit 18, there were no changes to regulations.

Shortly after the Board's decision on WP12-42, it received two Special Action Requests to make similar changes for the remainder of the 2011/12 regulatory year. WSA11-10 requested that the caribou season in Unit 18 be shortened by 2 weeks, to end on February 29, rather than March 15. WSA11-11 requested that Federal public lands in the portion of Unit 18 south and east of the Kuskokwim River be closed to the harvest of caribou by all users beginning March 1. The Board rejected both requests on the grounds that

it would be detrimental to subsistence users and that there was insufficient evidence that the situation required immediate action.

In February 2013, the BOG adopted Proposal 45A, which required use of a registration permit (RC503) in Units 9A, 9B, portions of 9C, 17, 18, 19A, and 19B. Previously, MCH harvest was allowed with just a harvest ticket. These changes were aimed at improving harvest management and assessment of the MCH's response to the ongoing intensive management program.

The Board considered two Special Action Requests in 2013. The first, Temporary Special Action WSA13-02, requested alignment of Federal permit requirements and season dates with the recently modified State regulations. As a result of the Board's approval of this request, Federally qualified subsistence users hunting under Federal regulations were required to obtain a State registration permit in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B. The Board's action also shortened the to-be-announced season in Units 17A remainder and 17C remainder from Aug. 1–Mar. 31 to Aug. 1–Mar. 15. These changes were in effect for the remainder of the 2013/14 regulatory year. The second request, Temporary Special Action WSA13-03, requested the closure of Federal public lands in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B to the harvest of caribou, except by Federally qualified subsistence users. The Board rejected WSA13-03 on the grounds that the MCH population was within State management objectives, and composition metrics were showing improvement.

In 2014, the Board adopted Proposal WP14-22 with modification, which resulted in the requirement of a State registration permit for Federally qualified subsistence users hunting under Federal regulations in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B. It also resulted in a shortening of the to-be-announced season in Units 17A remainder and 17C remainder, from Aug. 1 – Mar. 31 to Aug. 1 – Mar. 15. Finally, it delegated authority to the Togiak National Wildlife Refuge Manager to take specific in-season management actions in portions of Units 17A and 17C. This included the authority to open and close seasons, establish harvest limits and restrictions, and identify hunt areas. These changes were meant to align Federal and State regulations across the range of the MCH, while providing improved harvest reporting.

In February 2015, the BOG adopted Proposal 47 with an amendment to accommodate the request made in Proposal 48. As a result of this action, caribou seasons in Units 9B and 17 were changed from Aug. 1 – Mar. 15 to Aug. 1 – Mar. 31. This change was made to accommodate hunters who reported that travel conditions often prohibited caribou hunting after the last day of March.

In March 2016, BOG adopted Proposal 134, which resulted in liberalization of the harvest restrictions for caribou harvested within the range of the MCH. Specifically, the harvest limit remained at two caribou, but the restrictions that no more than one bull may be taken and no more than one caribou may be taken from Aug. 1 – Jan. 31 were eliminated. By 2016, the bull:cow ratio had reached the management threshold and conservation of bulls had become less critical compared to 2007, when the restrictions were implemented. Fewer restrictions also resulted in a less complicated regulatory structure and were not expected to result in unsustainable levels of harvest.

The same spring, the Board considered Proposal WP16-29/30, which requested that caribou seasons in Unit 9B and portions of Unit 17 be extended from Aug. 1 – Mar. 15 to Aug. 1 – Mar. 31. This proposal was intended to provide additional subsistence opportunity and to align Federal and State regulations for caribou hunting within the range of the MCH. The Board adopted this proposal with modification to move in-season management language from unit-specific regulations to a delegation of authority letter. However, this proposal was submitted prior to the BOG’s 2016 regulatory changes and the Board’s modification did not accommodate the recent changes to State regulation. Consequently, Federal regulations were aligned with the State’s 2016/17 regulations rather than the 2017/18 regulations.

In February 2018, the BOG adopted Proposal 127. As a result, the portion of Unit 9C north of the Naknek River and south of the Alagnak River drainage became part of the MCH RC503 permit area, rather than part of the Northern Alaska Peninsula Caribou Herd (NAPCH) TC505 permit area. The BOG’s action also established an Aug. 1 – Mar. 31 resident season in the hunt area north of the Naknek River. This action brought State harvest regulations into line with the current distribution of the MCH and NAPCH caribou herds.

In April 2018, the Board considered Proposal WP18-21, which responded to the 2016 and 2018 changes made in State regulation. Specifically, WP18-21 requested that the harvest limit for the MCH be changed to two caribou with no additional restrictions in portions of Units 9, 17 and 19, and that the caribou season in Unit 9C north of the Naknek River be changed from a may-be-announced season to an Aug. 1 – Mar. 15 season with a harvest limit of two caribou. The Board adopted WP18-21 with modification to create a new hunt area, removing the portion of Unit 9C that drains into the Naknek River from the north and Graveyard Creek and Coffee Creek from Unit 9C remainder. This action brought Federal harvest regulations into line with the current distribution of the MCH and NAPCH caribou herds and also aligned the harvest limit throughout the range of the MCH. However, the Board’s action did not address the Federal public lands closure within the new hunt area. Originally implemented for the conservation of the NAPCH, this closure is now the only Federal public lands closure within the range of the MCH.

The Board also considered Proposal WP18-31 in April 2018, which requested that the MCH season in Unit 18 be shortened from Aug. 1 – Mar. 15 to Aug. 1 – Feb. 28, due to an observed scarcity of caribou. The Board rejected this proposal on the grounds that it would have a negligible effect on harvest or on the conservation status of the population, given that the State season would continue to be open until March 15. The Board noted that the regulatory complexity this change would introduce was unnecessary in the absence of a conservation benefit.

In August 2019, the Alaska Department of Fish and Game (ADF&G) issued emergency order 04-16-19, which decreased the harvest limit of the RC503 caribou registration permit hunt from two caribou to one caribou for the 2019/20 regulatory year. The RC503 permit targets the MCH in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B (range of the MCH). ADF&G issued this emergency order to conserve the MCH due to recent survey data indicating the MCH population is 13,500 caribou, which is well below the minimum State objective of 30,000 caribou.

In November 2019, the Board approved Special Action Request WSA19-07 with modification to decrease the harvest limit for Mulchatna caribou from two to one caribou across the range of the MCH for the 2019/20 regulatory year. The modification included closing Units 18, 19A and 19B to caribou hunting except by Federally qualified subsistence users, with a harvest limit of one bull caribou and delegating authority to the Togiak NWR Manager to open and close seasons throughout the range of the herd and to set sex restrictions in Units 9A, 9B, 9C, 17A, 17B and 17C for the 2019/20 regulatory year. The Board approved the request due to serious conservation concerns for the MCH and support from the affected Regional Advisory Councils and local users.

The Togiak NWR Manager exercised his delegated authority to close caribou hunting on Federal public lands across the range of the MCH on December 31, 2019 for the remainder of the season. As of December 16, 2019, 79 caribou had been reported harvested, with an additional seven caribou known to be harvested but not reported. Agency staff determined no harvestable surplus existed that would allow for herd growth and closed the season to promote herd recovery.

In January 2020, ADF&G issued emergency order 04-02-20, which closed the RC503 caribou registration permit hunt on January 31, 2020. ADF&G issued this emergency order because of MCH population declines. Both ADF&G and USFWS staff conducted extensive outreach efforts to notify communities of the caribou hunting closure (BBRAC 2020, WIRAC 2020).

In April 2020, the Board considered Wildlife Closure Review WCR20-04/06, which reviewed caribou hunting closures in Units 9C and 9E. The Board voted to modify the closure, rescinding the closure in the portion of Unit 9C that drains into the Naknek River from the north, and Graveyard Creek and Coffee Creek (Unit 9C Naknek), while maintaining the closures in the other hunt areas in concurrence with the Bristol Bay Council's recommendation. The closure in Unit 9C Naknek to caribou hunting except by residents of Unit 9C and Egegik had been the only closure in regulation within the range of the MCH. The closure was a vestige of the Board's action on Proposal WP18-21, which shifted the regulatory emphasis within Unit 9C Naknek from the NAPCH to the MCH, to reflect current distribution patterns of these two herds. However, during its deliberation of Proposal WP18-21, the Board did not address the Federal public lands closure, which had been originally implemented for the conservation of the NAPCH.

Current Events

The Lake Clark National Park Subsistence Resource Commission submitted a letter of support for WSA20-04, voting unanimously to support the request as submitted.

A public meeting was held via teleconference on May 27, 2020 for WSA20-04. Seven people provided testimony, and all supported the request and conservation of the MCH. Several testifiers emphasized that the MCH is an extremely important subsistence resource. Others stated that they are seeing much fewer caribou now than in the past and support whatever conservation measure are needed to recover the MCH for this and future generations. The Chair of the Yukon-Kuskokwim Delta Council expressed concern about the unsustainability of unreported harvests in Unit 18, but that she is striving to build regional awareness of the MCH decline and unsustainable harvest rates. She also expressed concern about brown bear predation on calves. One testifier believed that the MCH population decline is due to winter icing

events, which makes it difficult for caribou to feed as their food is frozen. Another testifier stated that close coordination between State and Federal managers is essential and that he is concerned about aerial survey work being completed this summer because of the COVID-19 pandemic. ADF&G stated that they plan to continue to monitor the herd and already have a pilot contracted for this summer's survey. The Orutsararmiut Native Council supported closing the MCH hunt until it recovers to 30,000 caribou, which is within the population objective range. One testifier mentioned possibly opening the fall hunt to provide some opportunity, but ultimately supported conservation of the herd.

Tribal and ANCSA corporation consultations were held via teleconference on May 28, 2020. During the Tribal consultation, Curyung Tribal Council expressed general support for the request. During the ANCSA corporation consultation, the Chair of the Western Interior Council stated he was very appreciative of the Board's and Federal in-season manager's actions last year to conserve the MCH. He stated that the herd experiences high predation pressure, particularly from brown bears on the calving grounds and that if the herd dips below a certain threshold, recovery will be much harder.

Biological Background

The MCH has experienced dramatic changes in population size and distribution in the past 40 years. In the early 1980s, the population was estimated to include approximately 20,000 caribou. Its winter range included the north and west side of Iliamna Lake north of the Kvichak River. By the mid-1990s, the herd had grown to its peak size of approximately 200,000 caribou and absorbed the smaller Kilbuck caribou herd. The MCH increasingly begun wintering in southern Unit 18 and southwestern Unit 19B. Population growth during this time was attributed to mild winters, movement into previously unexploited range, and relatively low predation and harvest rates.

Currently, the MCH range covers ~60,000 square miles, primarily within Units 9B, 9C, 17A, 17B, 17C, 18, 19A and 19B (**Figure 1**). The herd does not move seasonally as a single distinct group. Rather, caribou move from calving areas east of the Tikchik Mountains to either the eastern or western portion of their range for the rut and wintering. In the 2000s, movements of radio-collared caribou indicated that individual caribou had little fidelity to specific calving or wintering areas. Since 2008, however, radio-collared cows that winter in the eastern portion of their range calve in the Tundra Lake or Bonanza Hills areas (western Units 19A, 19B, 17B) while those that winter in the western portion of their range calve in the Kemuk Mountain/Koliganek area (southern Unit 17B, northern Unit 17C) (Barten 2015). ADF&G is hoping to radio-collar additional caribou and conduct more surveys to determine if the MCH is still one herd or if it has separated into two distinct herds (BBRAC 2020). Additionally, the potential for caribou in Katmai National Preserve to be a non-migratory population that is not part of the MCH was voiced during Tribal consultation for WSA19-07 and the Bristol Bay Council's winter 2020 meeting. The NPS expressed their intention to study these caribou in the near future (BBRAC 2020).

Photocensuses conducted during summer post-calving aggregations are used to estimate abundance (Barten 2015). These estimates show that in 2013, the MCH was estimated to be 18,016 caribou, the lowest estimate in over 30 years, and well below the State's population objective of 30,000 – 80,000 caribou (**Table 1**). Estimates over the next three years indicated that the population had grown, nearing the lower bound of this population objective from 2014-2016. However, the most recent estimate,

obtained in July 2019, shows that the population is less than half of the State's minimum population objective, at 13,448 caribou (ADF&G 2019c). The western segment of the MCH has declined appreciably since 2012, while the eastern segment's population increased between 2012 and 2015 and then declined back to 2012 levels in 2019 (**Figure 2**; ADF&G 2019e, Rinaldi 2020, pers. comm.). Therefore, the population increases from 2014-2016 were due to increases in the eastern segment's population, while the 2019 decline are due to declines in both segments.

ADF&G and Togiak NWR plan to reevaluate the population objective range to determine if any adjustments are warranted (BBRAC 2020). In March 2020, ADF&G conducted two flights over the western segment of the herd and one flight over the eastern segment to monitor its status. ADF&G reported observing <2,500 caribou in the western segment, which was less than expected (YKDRAC 2020).

Estimates of composition are made during October aerial surveys. Given that the eastern and western population segments of the MCH have different seasonal ranges and are therefore subject to differing nutrition, predation, and other factors, composition ratios are summarized both collectively and individually by population segment. This allows for comparison between the eastern and western segments. As a whole, the MCH experienced a steady increase in bull:cow ratios between 2010 and 2016 (**Table 1**). In 2016, the ratio was 39 bulls:100 cows, which is the highest estimate since the late 1990s. The most recent estimate, in 2018, showed the bull:cow ratio was 32 bulls:100 cows, which is below the State's minimum bull:cow objective of 35 bulls:100 cows. Bull:cow ratios for the western segment have typically been higher than those for the eastern segment, though the difference has diminished in recent years (**Figure 3**). In 2017, this relationship was reversed. At that time, the eastern population segment had 33 bulls:100 cows while the western population segment had 31 bulls:100 cows (Barten 2017).

Calf:cow ratios have been variable for the MCH, ranging from 16 calves:100 cows in 2007 to 30 calves:100 cows in 2011 and 2014 (**Table 1**). In 2018, the most recent estimate, there were 34 calves:100 cows, which is above the State's minimum objective of 30 calves:100 cows and an improvement from 2017 (ADF&G 2019d). The calf:cow ratio has varied significantly between population segments. Between 2007 and 2013, the western population segment had consistently higher calf:cow ratios than the eastern segment. However, that relationship has been reversed since 2014 (**Figure 4**). In 2017, the eastern segment had 28 calves:100 cows while the western segment had 18 calves:100 cows (Barten 2017). Current calf:cow ratios are within the range of variability typical of herds occupying interior and southwest Alaska.

Habitat was not thought to be limiting the MCH based on nutritional indicators, including high pregnancy rates and calf weights (Barten 2015, ADF&G 2019d). However, now ADF&G and Togiak NWR are considering decreased range quality as a potential cause for the decline and are investigating ways to conduct habitat assessments (BBRAC 2020, WIRAC 2020). Predation may be contributing to the population decline. ADF&G initiated a wolf predation control program near MCH calving grounds in southwestern Unit 17 in 2012 and expanded the control area in 2017 to include almost all of Unit 17B and portions of Units 9B and 19B (ADF&G 2019d, YKDRAC 2020). However, while wolf densities on the calving grounds are low, brown bear predation of calves on the calving grounds may be contributing to the population decline (WIRAC 2020). Heavy harvest pressure, icing events, deep snows and changing movement patterns may also have contributed to the population decline (YKDRAC 2020).

Table 1. Mulchatna Caribou Herd composition counts and population estimates, 1975 – 2019 (Barten 2017, ADF&G 2019c, 2019d, Rinaldi 2020, pers. comm.).

Year	Bulls: 100 cows	Calves: 100 cows	% of Total bulls			Composition sample size	Population Estimate
			Small bulls	Medium bulls	Large bulls		
1975	55	35	-	-	-	1,846	14,000
1978	50	65	-	-	-	758	7,500
1980	31	57	-	-	-	2,250	-
1981	53	45	-	-	-	1,235	20,600
1986	56	37	-	-	-	2,172	-
1987	68	60	-	-	-	1,858	52,500
1988	66	54	-	-	-	536	-
1993	42	44	-	-	-	5,907	150,000 ^a
1996	42	34	49	29	22	1,727	200,000 ^a
1998	41	34	28	43	29	3,086	-
1999	30	14	60	26	14	4,731	175,000 ^b
2000	38	24	47	33	20	3,894	-
2001	25	20	32	50	18	5,728	-
2002	26	28	57	30	13	5,734	147,000 ^b
2003	17	26	36	45	19	7,821	-
2004	21	20	64	29	7	4,608	85,000 ^b
2005	14	18	55	33	12	5,211	-
2006	15	26	57	34	9	2,971	45,000 ^b
2007	23	16	53	36	11	3,943	-
2008	19	23	47	36	17	3,728	30,000 ^b
2009	19	31	40	44	16	4,595	-
2010	17	20	30	44	26	4,592	-
2011	22	19	32	41	27	5,282	-
2012	23	30	38	38	24	4,853	22,930 ^c
2013	27	19	39	36	25	3,222	18,016 ^c
2014	35	30	44	31	25	4,793	27,225 ^c
2015	35	29	35	43	22	5,414	28,662 ^c
2016	39	22	43	29	28	5,195	28,775 ^c
2017	32	23	44	28	28	5,160	-
2018	32	34	-	-	-	-	-
2019	-	-	-	-	-	-	13,448 ^c

^aEstimate derived from photo-counts, corrected estimates, subjective estimate of number of caribou in areas not surveyed, and interpolation between years when aerial photo surveys were not conducted.

^bEstimate of minimum population size based on July photo census.

^cEstimate based on Rivest et al. (1998) caribou abundance estimator.

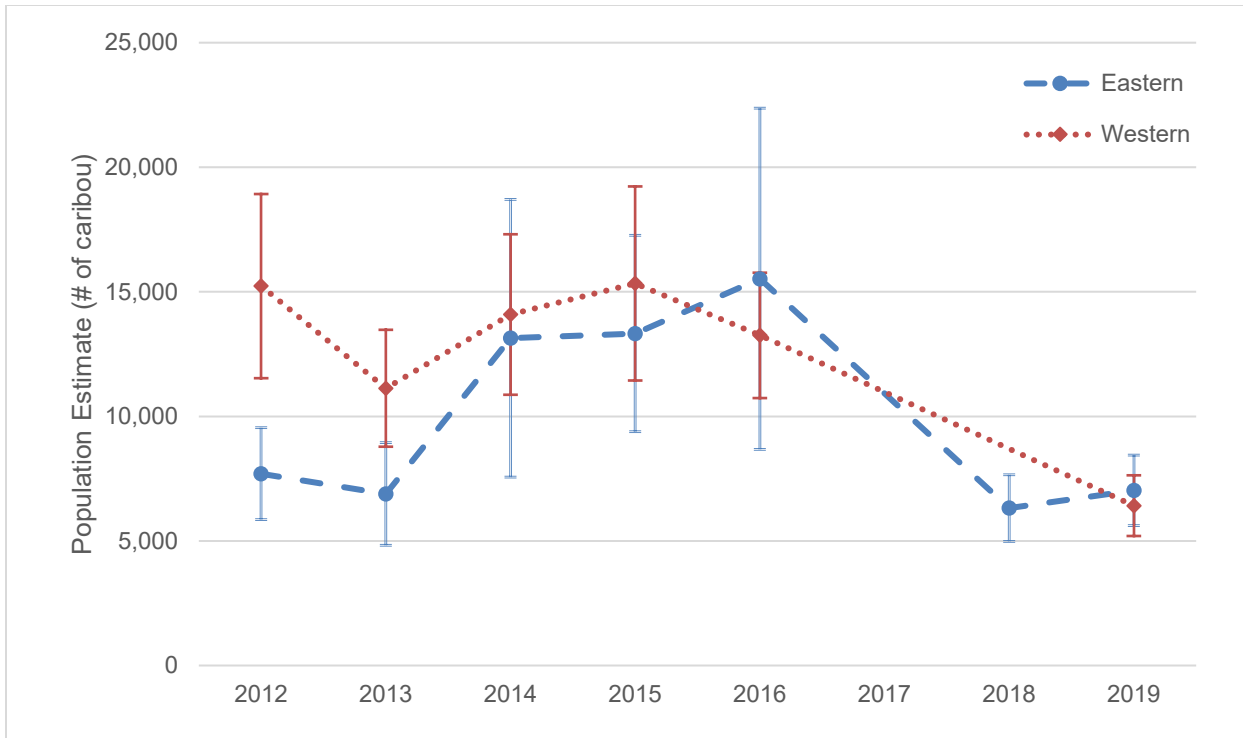


Figure 2. Population estimates of the eastern and western segments of the Mulchatna caribou herd with 95% confidence intervals (Rinaldi 2020, pers. comm.).

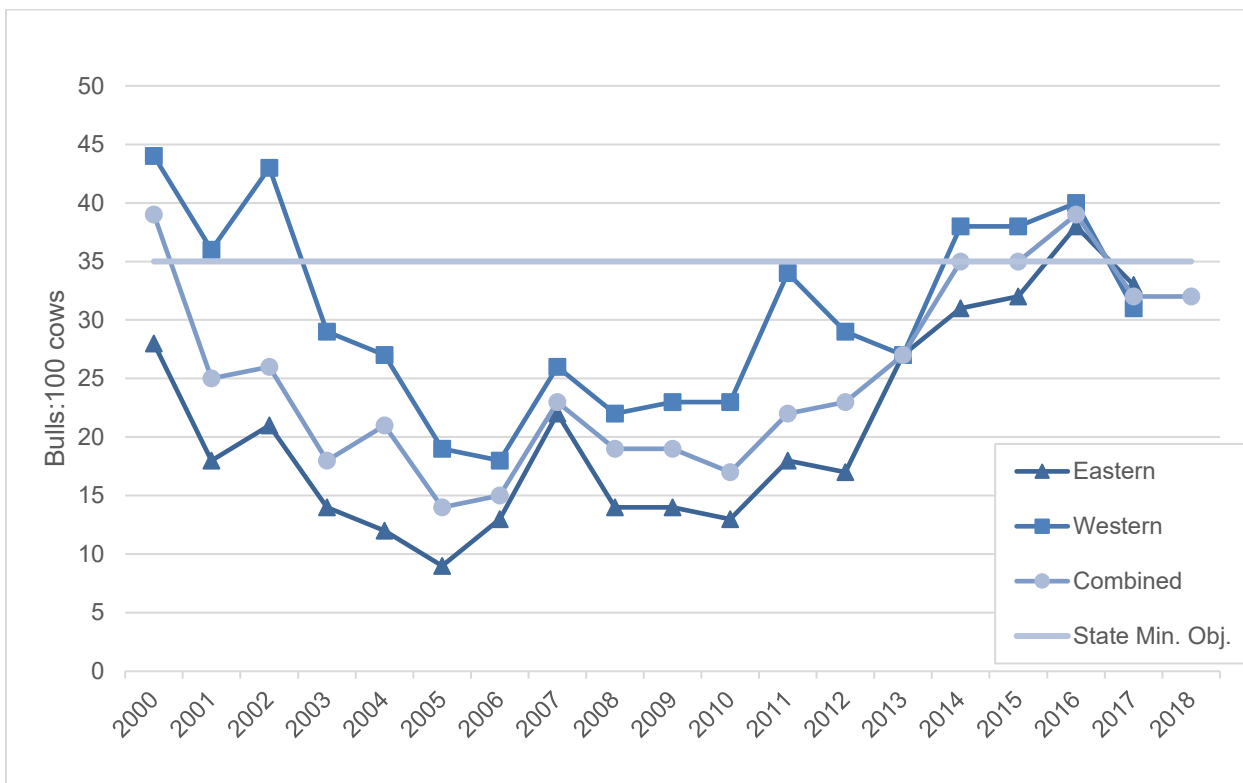


Figure 3. Mulchatna Caribou Herd fall bull:cow ratios, 2000 – 2018. The solid line represents the State's minimum management objective of 35 bulls:100 cows (Barten 2017, ADF&G 2019d).

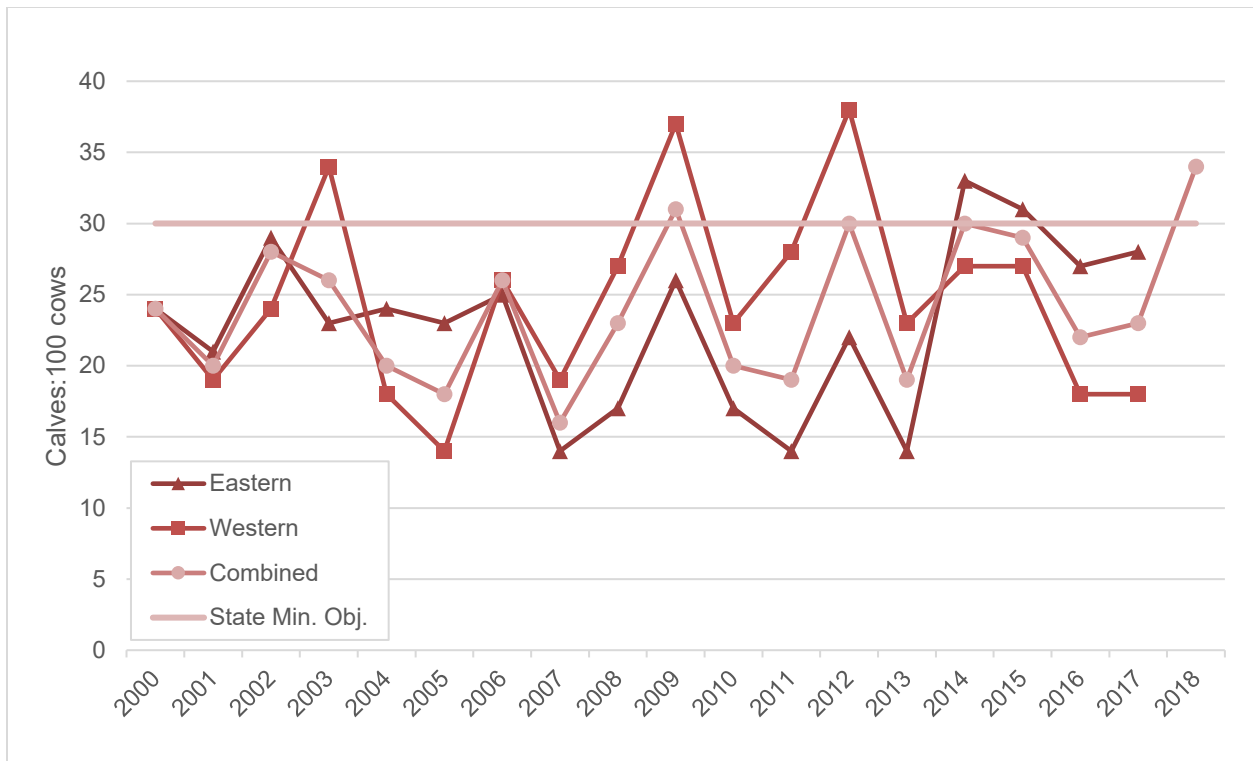


Figure 4. Mulchatna Caribou Herd fall calf:cow ratios, 2000 – 2018. The solid line represents the State’s minimum management objective of 30 calves:100 cows (Barten 2017, ADF&G 2019d).

Cultural Knowledge and Traditional Practices

At least five Alaska Native groups, Alutiiq, Central-Yup’ik, and the Athapaskan subgroups known as the Deg Xinag, Kolchan/Upper Kuskokwim, and Dena’ina, have historically inhabited and hunted in sections of Units 9, 17, and 19. Relationships between these groups varied from intermarriage, trading, and feuding (Snow 1981). All of these groups have a history of hunting caribou in this area and some participated in herding upon the introduction of reindeer in the 1890s (Willis 2006).

Historically, people in Western and Southwestern Alaska hunted caribou in the spring and fall with the occasional summer harvest. Historical accounts suggest that caribou was an important subsistence resource for food and the creation of winter clothing. Caribou were traditionally caught through the use of snares, surrounds, guide fences, bow and arrow, stalking, spears, and the Dena’ina utilized dogs (Clark 1981; Hosley 1981; Snow 1981; Townsend 1981; VanStone 1981). Vanstone mentioned that Central-Yup’ik groups used caribou hides in the creation of winter clothing and Hosley (1981) noted that the Kolchan made a paste out of caribou brains to tan hides for clothing purposes.

Russian fur traders travelled up the Alaskan coast and came into contact with the Alutiiq Koniag after 1760. It was not long after this initial contact that trading posts were established in the area that currently consists of Unit 9 (Clark 1981). As the Russians moved further north along the Alaska coast the fur trade expanded into what is now Units 17 and 19 (Snow 1981; Vanstone 1981). The arrival of the Russians was followed by the creation of missions, boarding schools, canneries, and the arrival of both Russian and European trappers and prospectors (Hosley 1981; Snow 1981; Townsend 1981).

The most recent comprehensive subsistence surveys conducted by ADF&G have been used to provide examples for each unit in this proposal. ADF&G conducted a survey on the community of Naknek in Unit 9 during 2007, Manokotak in Unit 17 during 2008, and Nikolai in Unit 19 during 2011 (Holen et al. 2011; Holen et al. 2012; Ikuta et al. 2014). Within these communities, large mammal harvest is high and ranged between 12.1% on the low end and 52% on the high end (Holen et al. 2011; Ikuta et al. 2014). The per capita caribou harvest from Naknek, Manokotak, and Nikolai ranged from a low of 2 lbs/person in Nikolai to 21 lbs/person in Naknek (Holen et al. 2011; Ikuta et al. 2014). Even in those communities that reported no harvest for their study year, caribou was widely used, shared, and received. For example, in Manokotak for the 2008 study year, about 50% of the community households used caribou, 44% reported receiving caribou, and about 7% of the households reported sharing caribou with others (Holen et al. 2012).

Harvest History

Reported harvest of the MCH has decreased significantly since the early 2000s, when the herd was very large (**Figure 5**). Total reported harvest declined from 3,949 caribou in 2000 to 238 caribou in 2018. Harvest among all user groups declined during this period, but the decline was especially pronounced among nonlocal residents and nonresidents. Reduction of the State harvest limit in 2006 and elimination of the nonresident season in 2009 were influential in this decline (ADF&G 2017, 2019a).

Currently, harvest is dominated by local users, defined here as those with a customary and traditional use determination for caribou anywhere within the MCH range. Since 2009, the year the nonresident season was eliminated, 84% of reported harvest, or 263 caribou annually, can be attributed to local residents. The remainder, 49 caribou annually, were taken by nonlocal residents of Alaska (ADF&G 2017, 2019a). However, reported harvest may underestimate actual harvest. Though the magnitude of unreported harvest is unknown (Barten 2015, ADF&G 2019d), household survey data obtained by the ADF&G Subsistence Division provides some insights (**Table 2**). These surveys represent only a sampling of communities and years, so they cannot be used to quantify total annual harvest. In addition, they estimate an annual range of harvest for each community and are intended to demonstrate community harvest patterns and resource use, rather than precise numbers. However, they indicate that communities within the MCH range harvest more caribou than harvest reports suggest (**Table 2, Figure 5**). ADF&G suspects actual harvest is substantially higher than reported harvest in some years (ADF&G 2019d).

Acknowledging that reported harvest is not an accurate assessment of total harvest, it may provide insights into temporal and geographic harvest patterns. Among local users for the 2009 – 2018 time period, 81% of reported harvest occurred between December and March. March was the busiest month for harvest, accounting for 40% of the reported harvest by local users since 2009. These patterns are broadly similar to longer term averages (ADF&G 2017, 2019a).

Harvest is not evenly distributed across the range of the MCH. More caribou are harvested from the western segment of the population than from the eastern (BBRAC 2020). Since 2009, among local users, 54% of reported harvest has occurred in Unit 18, and 17% has occurred in Unit 17C. Less than 10% of reported harvest by local users is attributable to any other single unit. Converse trends exist for non-local users. Harvest in Unit 17B accounts for 53% (26 caribou annually), while Unit 18 accounts for 20% (10

caribou annually) of the reported harvest among this user group since 2009. Fewer than 5 caribou, on average, are reported harvested each year by nonlocal users in any other single unit.

During the 2019/20 season, over 2,000 RC503 permits were issued and 1,040 permits had been returned as of March 16, 2020. From the returned permits, 113 caribou (73 bulls, 40 cows) were reported harvested, while the remaining returned permits reported unsuccessful or unattempted hunts (BBRAC 2020). Over half of the unreturned permits are from Unit 17 and the Bethel area (YKDRAC 2020). Information and observations from law enforcement personnel indicated that actual harvest well exceeded reported harvest (Moos 2020, pers. comm.).

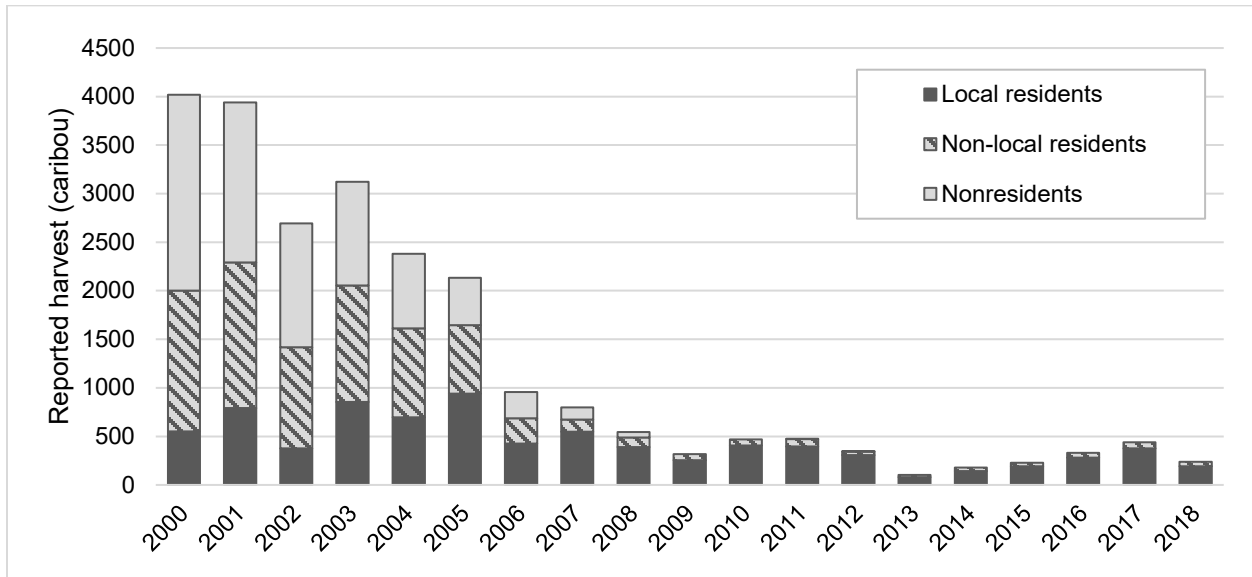


Figure 5. Reported harvest from the Mulchatna Caribou Herd by all users, 2000 – 2018. Nonresident seasons were eliminated in 2009 (ADF&G 2017, 2019a).

Table 2. Use of caribou by communities across the range of the Mulchatna Caribou Herd, 2000 – 2013, based on household surveys (ADF&G 2019b).

Unit	Community	Year	Households using caribou	Households harvesting caribou	Harvest	
					Number of caribou	95% CI
9B	Igiugig	2001	100%	91%	23	0%
		2005	100%	58%	24	22%
	Iliamna	2001	76%	43%	40	34%
		2004	77%	8%	3	62%
	Kokhanok	2001	94%	25%	20	84%
		2005	80%	26%	21	32%
	Levelock	2001	100%	53%	28	37%
		2005	100%	64%	27	33%
	Newhalen	2001	94%	65%	71	14%
		2004	88%	44%	49	9%
	Nondalton	2001	94%	27%	23	30%
		2004	53%	13%	18	9%

Unit	Community	Year	Households using caribou	Households harvesting caribou	Harvest	
					Number of caribou	95% CI
	Pedro Bay	2001	21%	0%	0	0%
		2004	28%	6%	1	0%
	Port Alsworth	2001	90%	10%	4	82%
		2004	86%	9%	6	21%
9C	King Salmon	2007	33%	12%	16	11%
	Naknek	2007	49%	21%	74	12%
	South Naknek	2007	62%	5%	2	6%
17A	Togiak	2001			106	27%
	Twin Hills	2001			8	31%
17B	Koliganek	2001	91%	57%	93	41%
		2005	89%	61%	91	28%
17C	Aleknagik	2001	89%	47%	48	23%
		2008	13%	0%	0	0%
	Clarks Point	2001	86%	57%	28	0%
		2008	36%	9%	2	216%
	Dillingham	2001	14%	6%	344	30%
		2010	36%	5%	63	52%
	Ekwok	2001	97%	31%	28	23%
	Manokotak	2001	88%	42%	68	17%
		2008	49%	8%	20	5%
	New Stuyahok	2001	98%	66%	260	13%
		2005	92%	59%	178	20%
	Portage Creek	2001	71%	29%	10	0%
18	Akiak	2010	78%	37%	55	21%
	Bethel	2011	55%	16%	446	20%
		2012	55%	13%	374	27%
	Eek	2013	61%	27%	47	28%
	Kwethluk	2010	87%	39%	111	21%
	Marshall	2010	7%	2%	6	136%
	Mountain Village	2010	6%	0%	0	
	Napakiak	2011	75%	32%	45	27%
	Napaskiak	2011	86%	41%	60	24%
	Oscarville	2010	92%	50%	10	28%
	Pilot Station	2013	6%	1%	3	102%
	Quinhagak	2013	65%	29%	125	21%
	Russian Mission	2011	11%	4%	5	96%
	Scammon Bay	2013	20%	4%	10	64%
	Tuluksak	2010	68%	22%	29	26%
	Tuntutuliak	2013	19%	8%	12	54%
19A	Red Devil	2005	0%	0%	0	0%
		2009	36%	18%	1	244%

Unit	Community	Year	Households using caribou	Households harvesting caribou	Harvest	
					Number of caribou	95% CI
	Sleetmute	2003	24%	10%	8	41%
		2004	18%	0%	0	0%
		2005	16%	0%	0	0%
		2009	3%	3%	2	75%
	Stony River	2003	53%	29%	14	22%
		2004	60%	20%	6	439%
		2005	33%	0%	0	0%
		2009	42%	8%	2	423%
	Upper Kalskag	2003	53%	35%	42	49%
		2004	30%	6%	4	24%
		2005	26%	15%	16	98%
		2009	15%	2%	1	605%

Effects of the Proposal

If this request is approved, the Federal in-season manager would be delegated authority to open and close seasons, announce harvest limits and set sex restrictions across the range of the MCH for the 2020/21 and 2021/22 regulatory years. While this change may decrease harvest opportunity for Federally qualified subsistence users for the 2020-2022 regulatory cycle, it may also help conserve the MCH to ensure future harvest opportunities.

Given the recent, substantial decline in the MCH population, conservation measures are warranted. Low calf:cow ratios in the western segment of the MCH population in 2016 and 2017, where most of the harvest occurs, further contribute to conservation concerns (**Figure 4**). Furthermore, bull:cow ratios, which have been depressed since 2001, are hovering around the State’s minimum objective of 35 bulls:100 cows (**Table 1**).

However, the effects of harvest on the population decline are unclear. In 2017 and 2018, reported harvest (440 and 238 caribou, respectively) only accounted for 3.3% and 1.8% of the estimated MCH population (13,500 caribou), respectively, which are very conservative harvest rates. Additionally, the magnitude of unreported harvest is unknown, with unknown effects on the MCH population. Therefore, the conservation benefits of approving WSA20-04 are uncertain.

Delegating authority to an in-season manager provides management flexibility, which is critical in responding to changing herd conditions in a timely manner. For example, an in-season manager could maximize harvest opportunity in the event of herd recovery or close all hunts in the event of further population declines to aid herd recovery.

OSM CONCLUSION

Support Special Action Request WSA20-04 **with modification** to clarify the regulatory language and to delegate authority to the Togiak NWR manager to open/close seasons, announce harvest limits and set sex restrictions via delegation of authority letter only (**Appendix 1**).

The modified regulations should read:

Unit 9–Caribou

*Unit 9A—**up to 2** caribou by State registration permit* Aug. 1 – Mar. 15.
Season may be announced

*Unit 9B— **up to 2** caribou by State registration permit* Aug. 1 – Mar. 31.
Season may be announced

*Unit 9C, that portion within the Alagnak River drainage— **up to 2** caribou by State registration permit* Aug. 1 – Mar. 15.
Season may be announced

*Unit 9C, that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek— **up to 2** caribou by State registration permit. Public lands are closed to the taking of caribou except by residents of Unit 9C and Egegik* Aug. 1 – Mar. 15.
Season may be announced

Unit 17–Caribou

*Unit 17A-all drainages west of Right Hand Point— **up to 2** caribou by State registration permit* Aug. 1 – Mar. 31.
Season may be announced

*Units 17B and 17C-that portion of 17C east of the Wood River and Wood River Lakes— **up to 2** caribou by State registration permit* Aug. 1 – Mar. 31.
Season may be announced

Unit 18–Caribou

*Unit 18-that portion to the east and south of the Kuskokwim River— **up to 2** caribou by State registration permit* Aug. 1 – Mar. 15.
Season may be announced

*Unit 18, remainder— **up to 2** caribou by State registration permit* Aug. 1 – Mar. 15.
Season may be announced

Unit 19–Caribou

*Units 19A and 19B (excluding rural Alaska residents of Lime Village)— Aug. 1 – Mar. 15.
up to 2 caribou by State registration permit* **Season may be
announced**

Justification

Conservation concerns exist for the MCH due to a substantial decline in abundance coupled with poor composition metrics. While the impact of harvest on the MCH is unclear, measures to conserve the herd and aid recovery are warranted. Delegating authority to an in-season manager provides the flexibility needed to make timely decisions and respond to changing conditions (e.g. MCH population decline or recovery).

The proposal as submitted did not define a harvest limit, so the harvest limit, which can be adjusted by the Federal in-season manager needed to be clarified. Additionally, as the Federal in-season manager may not open a season at all depending on herd status and conservation concerns, the season was changed from to-be-announced to may-be-announced.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Bristol Bay Subsistence Regional Advisory Council:

Support WSA20-04. The Bristol Bay Council supported the request with the recognition that research is needed to determine if caribou in the Kokhanok area are part of a separate herd that may need to be managed independently of the Mulchatna herd. The Council discussed the benefits of having one Federal in-season manager across the range of herd, but recognized the need for input and concurrence from other involved organizations and Federal agencies. The Council hopes Federal and State managers will work together and coordinate their management actions.

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council:

Support WSA20-04. The Yukon-Kuskokwim Delta Council supported the request because of substantial conservation concerns for the Mulchatna caribou herd. The Council supports actions that help rebuild the herd and reduce harvests. The Chair asked for the creation of a Mulchatna Working Group to discuss Mulchatna caribou issues with the public, tribal entities and agency personnel. One Council member stated he supported the request, but desires an open fall season for Federally qualified subsistence users.

Western Interior Alaska Subsistence Regional Advisory Council:

Support WSA20-04. The Western Interior Council is very supportive of this request and stressed that the Mulchatna caribou herd needs to be protected until the next regulatory cycle. The Council noted that the herd's pregnancy and productivity rates have been high, yet the herd's population has substantially declined. The Council is concerned with brown bear predation of calves on the calving grounds and unreported harvests. The Council hopes State and Federal managers will continue to work together to protect this herd and recognizes the need for a Federal in-season manager.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee (ISC) concurs with the OSM staff analysis that conservation measures are warranted for the Mulchatna Caribou Herd (MCH). The 2019 population estimate of 13,500 caribou is substantially below the State objective of 30,000. The poor population estimate is coupled with cow:calf and bull:cow metrics that are below State objectives. As indicated by the proponent, this population will likely not recover in the next year. Changing the regulation to a may be announced season with a harvest limit of two caribou will reduce harvest opportunity in the short term, however, conserving the MCH now, will increase harvest opportunity in the future. To offset the loss of caribou, harvest of other resources, such as moose, may increase in response to this request. There is uncertainty about why the herd has declined, and providing this conservative framework to control harvest, while also evaluating other factors, will likely improve the potential recovery of the herd. This action will allow the Manager to coordinate with State actions in response to changing conditions. The ISC supports the Yukon-Kuskokwim Delta (YKD), Bristol Bay and Western Interior Regional Advisory Council (RAC) recommendations in support of this request to take management actions necessary to conserve the MCH. Approval of this request allows consideration of actions to be taken at the local level, which was supported by the State at the public hearing. The ISC also supports the desire of the YKD RAC to develop a Mulchatna Working Group to discuss Mulchatna caribou issues with the public, tribal and agency representatives. Development of such a working group may improve communication and information sharing among users that ultimately could aid in the herd's recovery.

Appendix 1

Refuge Manager
Togiak National Wildlife Refuge
P.O. Box 270 MS 569
Dillingham, Alaska 99576

Dear Refuge Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the manager of the Togiak National Wildlife Refuge to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of a wildlife population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Units 9A, 9B, 9C (that portion within the Alagnak River drainage), 9C (that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek), 17A (all drainages west of Right Hand Point), 17A remainder, 17B, 17C (that portion of 17C east of the Wood River and Wood River Lakes), 17C remainder, 18 (that portion to the east and south of the Kuskokwim River), 18 remainder, 19A and 19B (excluding rural Alaska residents of Lime Village) for the management of caribou on these lands.

It is the intent of the Board that actions related to management of caribou by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), representatives of the Office of Subsistence Management (OSM), the Bureau of Land Management (BLM) Anchorage Field Office manager, the Nushagak Peninsula Caribou Planning Committee, the Yukon Delta National Wildlife Refuge manager, the Superintendent of Katmai National Park and Preserve, the Superintendent of Lake Clark National Park and Preserve, and the Chair of affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, local tribes, and Alaska Native Corporations to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Togiak National Wildlife Refuge manager is hereby delegated authority to issue emergency or temporary special actions affecting caribou on Federal lands as outlined under the **Scope of Delegation**. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

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

50 CFR 100.10(d)(6), which state: “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.”

3. Scope of Delegation: The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

To open and close seasons, announce harvest limits and set sex restrictions for caribou on Federal public lands in Units 9A, 9B, 9C (that portion within the Alagnak River drainage), 9C (that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek), 17A (all drainages west of Right Hand Point), 17B and 17C (that portion of 17C east of the Wood River and Wood River Lakes), 18 (that portion to the east and south of the Kuskokwim River), 18 remainder, 19A and 19B (excluding rural Alaska residents of Lime Village).

This delegation also permits you to close and reopen Federal public lands to nonsubsistence hunting, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed hunts.

This delegation may be exercised only when it is necessary to conserve caribou populations, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those within Units 9A, 9B, 9C (that portion within the Alagnak River drainage), 9C (that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek), 17A (all drainages west of Right Hand Point), 17A remainder, 17B, 17C (that portion of 17C east of the Wood River and Wood River Lakes), 17C remainder, 18 (that portion to the east and south of the Kuskokwim River), 18 remainder, 19A and 19B (excluding rural Alaska residents of Lime Village).

4. Effective Period: This delegation of authority is effective from the date of this letter and expires on March 31, 2022.

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 36 CFR 242.19,

(2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected Federally qualified subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication will take place before decisions are implemented. You will also establish meaningful and timely opportunities for government-to-government consultation related to pre-season and post-season management actions as established in the Board's Government-to-Government Tribal Consultation Policy (Federal Subsistence Board Government-to-Government Tribal Consultation Policy 2012 and Federal Subsistence Board Policy on Consultation with Alaska Native Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM, and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). If the affected Council(s) provided a recommendation, and your action differs from that recommendation, you will provide an explanation in writing in accordance with 50 CFR 100.10(e)(1) and 36 CFR 242.10(e)(1).

You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, OSM, affected State and Federal managers, law enforcement personnel, and Council members. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, OSM, affected State and Federal managers, and the local Council members at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately. A summary of special action requests and your resultant actions must be provided to the coordinator of the appropriate Council(s) at the end of each calendar year for presentation to the Council(s).

You may defer a special action request, otherwise covered by this delegation of authority, to the Board in instances when the proposed management action will have a significant impact on a large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for

conservation purposes. The Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management.

Sincerely,

Anthony Christianson
Chair

Enclosures

cc: Federal Subsistence Board

Acting Assistant Regional Director, Office of Subsistence Management
Acting Deputy Assistant Regional Director, Office of Subsistence Management
Acting Subsistence Policy Coordinator, Office of Subsistence Management
Wildlife Division Supervisor, Office of Subsistence Management
Subsistence Council Coordinators, Office of Subsistence Management
Chair, Bristol Bay Subsistence Regional Advisory Council
Chair, Western Interior Alaska Subsistence Regional Advisory Council
Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Yukon Delta National Wildlife Refuge Manager
Katmai National Preserve Superintendent
Lake Clark National Preserve Superintendent
Bureau of Land Management, Anchorage Field Office Manager
Commissioner, Alaska Department of Fish and Game
Special Assistant to the Commissioner, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record