

**SOUTHEAST ALASKA  
Federal Subsistence  
Regional Advisory Council**



*2008 Student Art Contest Entry by Darian Meissner, Wrangell, Alaska*

**Meeting Materials**  
September 27–29, 2011  
Wrangell, Alaska

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# SOUTHEAST ALASKA REGIONAL SUBSISTENCE ADVISORY COUNCIL

James & Elsie Nolan Center  
296 Campbell Drive, Wrangell, Alaska 99929

Tuesday, September 27, 2011 9:00 a.m. – Thursday, September 29, 2011 5:00 p.m.  
or until the Council completes its business

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

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

- 1. **Call to Order** (*Bertrand Adams*)
- 2. **Roll Call and Establish Quorum** (*Harvey Kitka*)..... 4
- 3. **Review and Adopt Agenda**..... 1
- 4. **Welcome and Introductions** (*Chair*)
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- 6. **Chair’s Report** (*Chair*)
  - A. Annual Report Reply
  - B. Correspondence
- 7. **Council Members’ Reports**
- 8. **Public Testimony**
- 9. **Stikine River Field Trip**
  - A. Meeting will adjourn between 9:30 a.m. and 2:00 p.m. September 27.
- 10. **Presentations**
  - A. Review of Federal fishery issues and in-season fish and wildlife actions, including coordination of Special Actions and News Releases with ADF&G (*Terry Suminski*)
  - B. Summary of 2011 Fisheries Resource Monitoring Program projects including Yakutat eulachon surveys (*Ben VanAlen*)
  - C. Update on eulachon returns to the Southeast Region (*Jeff Reeves*)
  - D. Review of State fish and wildlife issues and Emergency Orders (*ADF&G staff*)
- 11. **Fisheries Resource Monitoring Program 2012 Projects** ..... 15

- A. Action Item; 2012 project recommendations (*Terry Suminski*)

**12. Report on the Tribal Consultation Teleconference**

- A. Compilation of Tribal Consultation of September 19, 2011 (*TBA*)

**13. Review and Make Recommendations on Federal Wildlife Proposals**

**Presentation Procedure for Proposals**

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

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**14. Agency/Organization Reports**

- A. Tribal Government Reports (*Tribal Government Representatives*)
- B. Office of Subsistence Management (*OSM staff*)

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2. Kootznoowoo petition for extra-territorial jurisdiction	
3. Personnel update	
4. Schedule of proposed actions (SOPA)	
5. Endangered species petition for listing Alexander Archipelago wolves	
D. National Park Service	
E. Bureau of Indian Affairs	
<b>15. Identify Issues for 2011 Draft Annual Report</b>	
<b>16. Review Southeast Alaska fishery proposals to the State Board of Fish</b>	
A. Proposals available at Board of Fish website and booklet ( <i>ADF&amp;G staff</i> )	
<b>17. Other Business</b>	
A. Council appointment to the Wrangell-St. Elias National Park Subsistence Resource Commission	
B. Council discussion of Stikine River fishery and field trip	
C. Council comments on State Board of Fish proposals	
<b>18. Confirm Date and Location for the 2012 Council Meetings .....</b>	<b>210</b>
A. March 20–22, 2012, Angoon or Craig?	
B. September–October 2012, location?	
<b>19. Final review of Council communications and Council actions</b>	
<b>20. Adjourn</b>	

*Teleconferencing is available upon request. You must call the Regional Coordinator at least 72 hours prior to the meeting to receive this service. Please notify the Regional Coordinator which agenda topic interests you and whether you wish to testify regarding it.*

*The U.S. Fish and Wildlife is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting, Computer Aided Real-time Translation (CART) or other accommodation needs to Robert Larson no later than Monday, September 21. Call 1-907-772-5930 or fax 1-907-772-5995, email*

*If you need alternative formats or services because of a disability, please contact the Diversity and Civil Rights Manager at (907)786-3328 (Voice), via e-mail at douglas\_mills@fws.gov, or via Alaska Relay (dial 7-1-1 from anywhere in Alaska or 1-800-770-8255 from out-of-state) for hearing impaired individuals with your request by close of business Monday, September 21.*

**Have a question** regarding this agenda or need more information? Contact Robert Larson, Council Coordinator at (907) 772-5930 or Fax (907)772-5995.

**SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL**

<b>Seat</b>	<b>Yr Apptd Term Ends</b>	<b>Member Name</b>	<b>Community of Residence</b>
<b>1</b>	2010 <b>2013</b>	<b>Timothy Ackerman</b>	Haines
<b>2</b>	2004 <b>2013</b>	<b>Frank Wright Jr.</b>	Hoonah
<b>3</b>	1993 <b>2013</b>	<b>Patricia Phillips</b>	Pelican
<b>4</b>	2000 <b>2013</b>	<b>Michael Douville</b>	Craig
<b>5</b>	2002 <b>2013</b>	<b>Harvey Kitka, Secretary</b>	Sitka
<b>6</b>	1999 <b>2011</b>	<b>Bertrand Adams, Chair</b>	Yakutat
<b>7</b>	2002 <b>2011</b>	<b>Floyd Kookesh</b>	Angoon
<b>8</b>	2002 <b>2011</b>	<b>Donald Hernandez</b>	Point Baker
<b>9</b>	2010 <b>2012</b>	<b>Frederick "Archie" Nielsen</b>	Sitka
<b>10</b>	2006 <b>2012</b>	<b>Merle Hawkins</b>	Ketchikan
<b>11</b>	2010 <b>2011</b>	<b>John A. Yeager</b>	Wrangell
<b>12</b>	2003 <b>2012</b>	<b>Mike Bangs</b>	Petersburg
<b>13</b>	2009 <b>2012</b>	<b>Cathy Needham</b>	Juneau

**Robert Larson**, Coordinator  
907-772-5930, robertlarson@fs.fed.us

**MINUTES OF THE MARCH 2011 SOUTHEAST ALASKA SUBSISTENCE REGIONAL  
ADVISORY COUNCIL MEETING**

**Location of Meeting:** Sitka Tribal Enterprises Community House 200 Katlian Street, Sitka, AK 99835

**Time and Date of Meeting:** 1:00 p.m. Tuesday, March 22– 5:00 p.m. Thursday, March 24, 2011

**Call to order**

Meeting called to order by Chairman Bertrand Adams at 1:00 p.m. March 22, 2011.

**Roll call**

All 13 members of the Council were present for every day of the meeting.

**Review and Adoption of Agenda**

The agenda was reviewed and adopted as a guide with a note to review the request for reconsideration issue and the reasons for eulachon stranding in the Chilkat River.

**Welcome and introductions**

Introductory remarks were provided by Woody Widmark, Chairman, Sitka Tribal of Alaska and Carol Goularte, USFS Sitka Area District Ranger. Mr. Widmark highlighted the great partnership the Tribe has with the Federal government and contributed to the betterment of the entire community of Sitka. The Tribe is very proud of the Tribal House where the Council meeting is occurring. The Tribe has a desire to participate in the management of subsistence activities but stressed that the cost to Tribes to participate in consultation can be a financial burden. Ms. Goularte reminded Council that herring spawning time is an exciting time to visit Sitka. There are several challenges and opportunities in the Sitka area that may be of interest to the Council. There is an interest in developing Special Forest Products as a cottage industry. Enhancing and monitoring the Redoubt sockeye salmon program is expensive and the Forest Service is looking for partners to help with that program. The biggest challenge is to provide for multiple uses of resources and increase job opportunities on the forest while balancing restoration, subsistence, outfitter-guide use, timber production and recreation.

The Council recessed the meeting to take part in an excellent field trip from 9:00 a.m. to 12:00 p.m. on March 23. The Council was able to observe the Makhnati Island area and other areas important to the subsistence spawn-on-kelp and the spawn-on-branches fisheries by boat. Mr. Bill Davidson of the Alaska Department of Fish and Game accompanied the Council to answer questions regarding the Sitka Sound herring fishery.

**Attendance**

<b>Name</b>	<b>City</b>	<b>Group/Agency Represented</b>
Jeffrey Bryden	Girdwood	USFS
Trevor Fox	Sitka	USFS
Carol Goularte	Sitka	USFS
Melinda Hernandez	Juneau	USFS
Steve Kessler	Anchorage	USFS
Greg Killinger	Sitka	USFS
Jack Lorrigan	Sitka	USFS
Terry Suminski	Sitka	USFS
Michael Baines	Sitka	Sitka Tribe of Alaska
Jean Bland	Hydaburg	Hydaburg Cooperative Association
Della Brouillette	Haines	Chilkoot Indian Association
Jeff Feldpausch	Sitka	Sitka Tribe of Alaska

Karla Jean Johnson	Sitka	Sitka Tribe of Alaska
Leighanne MCGough	Sitka	Sitka Tribe of Alaska
Marcus Nelson	Metlakatla	Metlakatla Indian Community
Richard Oliver	Wrangell	Wrangell Cooperative Association
Elizabeth “Jan” Piccard	Yakutat	Yakutat Tlingit Tribe
Vaughan Skinna	Klawock	Klawock Cooperative Association
Carrie Sykes	Juneau	Central Council Tlingit and Haida
Heather Meuret-Woody	Sitka	Sitka Tribe of Alaska
Boyd Didrickson	Sitka	Public
Larry Edwards	Sitka	Greenpeace
Lillian Feldpausch	Sitka	Public
Ed Gray	Sitka	Monarch Tannery
Randal Gluth	Sitka	Public
Wade P. Martin	Sitka	Public
Mike Miller	Sitka	Sitka Tribe of Alaska
James Nielsen	Sitka	Public
Ryan Olson	Sitka	Public
Douglas Burn	Anchorage	USFWS
Jim Capra	Yakutat	NPS
Glenn Chen	Homer	BIA
Diana Evans	Anchorage	NPFMC
Kristen K’eit	Anchorage	BIA
Dianne McKinley	Anchorage	NPS
Pat Petrivelli	Anchorage	BIA
Peter Probasco	Anchorage	USFWS-OSM
Nancy Swanton	Anchorage	NPS
Patrick Fowler	Juneau	ADFG
Lauren Sill	Juneau	ADFG
Phil Mooney	Sitka	ADFG
Troy Tydingco	Sitka	ADFG
Jennifer S. Yuhas	Anchorage	ADFG
Jennifer Hanlon	Sitka	SEACC
Ralph Lohse	Cordova	Southcentral Subsistence RAC

**Review and Approve Minutes of September 28-30, 2010 Council Meeting**

The minutes of the September 28, 2010 Council meeting were approved with the following corrections: Mike Bangs was present at the Hoonah meeting, goat numbers near Dry Bay were increasing but not those on the Nunatak Bench, The Akwe River was not the only stream in Yakutat with eulachon but there were more there than other streams, and Public Comments regarding Proposal FP09-15 included reading a letter from the Douglas Indian Association into the transcript.

**Chair’s report**

Mr. Adams’s Chair’s Report informed the Council that he continues to advocate for the Council to submit Request for Reconsideration of Board actions. However that process appears to be closed to the Councils. He has participated in the Brown Bear Claw Subcommittee and expects that group to author a proposal for consideration by the Councils and the Board during the wildlife cycle. The 2010 census results will be available soon and the Council should start thinking about a new rural determination evaluation process. Makhnati Island issues will be deliberated during the next fisheries cycle. There is an increased opportunity for Tribes to influence the subsistence management program and a Tribal Consultation Protocol is being developed. The Wrangell-St. Elias Subsistence Commission is concerned about the low

levels of game animals within the Park. The ability of residents within the Park boundaries to obtain firewood with the aid of chainsaws is a recurring issue.

Three ad hoc working groups were formed to develop council options for the Board's request for recommendations on the Memorandum of Understanding with the State, the Council Charter and whether the current customary and traditional use process is meeting the needs of the Southeastern Alaska Region. Mr. Adams appointed Harvey Kitka, John Yeager, Patty Phillips and Mike Bangs to the MOU Committee; Floyd Kookesh, Don Hernandez and Frank Wright to the Charter Committee; and Tim Ackerman, Cathy Needham, Merle Hawkins, Dianne McKinley and Pat Petrivelli to the customary and traditional use committee.

### **Council Comments**

Ms. Phillips reported that it has been a cold, windy winter in Northeast Chichagof Island but the deer population seems to be weathering the conditions much better than the previous bad winters. She observed the first pink salmon fry of the year already and the herring stock in Lisianski Inlet is continuing to increase.

Mr. Wright reported that it is becoming difficult for subsistence fishers to harvest halibut. The price of fuel in the small communities is becoming very expensive and is restricting the ability of users to travel longer distances from communities to harvest resources. The result is local depletions. Sea lions are abundant and taking fish that could be used by subsistence fishermen. Sea otters are continuing to expand their range and are taking clams and crab that are normally part of the subsistence harvest.

Ms. Hawkins reported that residents of Ketchikan and Metlakatla are very concerned about maintaining access to eulachon and herring eggs. There were some eulachon available in these communities that were harvested in the Stikine River and herring eggs would need to come from Sitka. There was a good berry crop in the southern portion of the region, particularly gray current, and she was able to produce a considerable amount of jam.

Mr. Yeager reported that eagles are staging at the mouth of the Stikine River in anticipation of the eulachon return. These fish are much appreciated by residents of Wrangell.

Mr. Douville reported that he attended the entire Board of Game meeting in Ketchikan and read the Council comments and recommendations regarding Board of Game proposals into the record. He encouraged the Board to work with the Council on issues of mutual concern. The Outfitter-Guide formula that defines and allocated use on the Forest is flawed a local areas should be closed to use by outfitters and guides to protect local resources. The current plan to close roads will compress the area available to hunters.

Mr. Hernandez reported that he was concerned actions by this Council and other people that affect our environment are having unknown consequences. The eulachon fishery must be closed to protect these fish until the population recovers. There are disturbing changes to halibut life history that are not understood. It is beneficial to use resources to their maximum for economic opportunity but there may be a cost in greater and unknown ecological issues. The Council needs to be aware of big picture and policy issues.

Mr. Adams was very concerned with the recent poor returns of Chinook salmon to the Situk River, but escapements of sockeye and coho salmon to the streams in Yakutat appear to be adequate. He was pleased to report that the Hubbard Glacier is not currently threatening Yakutat but residents continue to have a concern. Sea otters are affecting resident's ability to harvest shellfish and moose harvest levels needed to be restricted again last year because of a low bull-cow ratio.

Mr. Bangs reported that sea otters are expanding their range and are now approaching the communities of Wrangell and Petersburg. The municipality of Petersburg recently adopted a resolution asking for a management plan to address this issue. There is a concern with the decreased abundance of halibut and

the by-catch of halibut in other fisheries. Guided deer hunting is a new activity and needs to be monitored. On a positive note, red king crab near Petersburg are becoming more abundant.

Mr. Kitka reported that the abundance of herring and herring management are concerns of local residents. There are questions regarding the increase of hatchery raised salmon on the herring resource by competition and predation. There needs to be a different definition of what is significantly altered if there is going to be increased trade in sea otter hides.

Mr. Ackerman noted that there were significant red tide events in 2007 with unknown consequences to salmon. Eulachon are more abundant in the Chilkoot and Chilkat Rivers in recent years. There was an interesting incident where sea lions attacked and killed a killer whale near town last year and have been observed chasing whales. There have been mountain lions and white tailed deer observed in the area. Halibut are becoming less abundant in local waters and there are few Chinook salmon in the Chilkat River. At least one mountain goat was observed last year with orf disease.

Ms. Needham reported that the expansion of the sea otter population is a big concern to many organizations throughout Alaska. The issue needs to be highlighted and brought to Congress for action. She is encouraged by the reports of good herring populations in the Region. The Secretarial review of the subsistence program is important and deserves the Council's attentions.

Mr. Nielson reported that it is important for information regarding the status of herring in Sitka Sound to be shared with Sitka Tribe of Alaska and individual residents. Ferry service is important as it affects the quality of life of local residents

Mr. Kookesh reported that Council members need to speak for the Region as well as their community. Ms. Phillips is the senior member of the Council and is an inspiration to the other members. Mr. Kookesh wonders how the Administrative Procedures Act affects Council actions and subsistence users. The Tribe in Angoon is working on a petition to the Secretaries for extended jurisdiction for sockeye salmon in Chatham Strait to increase escapements and the opportunity for local residents to harvest fish for subsistence. It is difficult for most urban residents to engage in the subsistence harvest of herring eggs. Therefore it is important to protect the ability of residents near herring spawning locations to share herring eggs. The intent of the subsistence review recommendations to add two new Subsistence Board members is that they should be Alaska Natives.

### **Public Testimony**

Mr. John Duncan, a resident of Sitka, reminded the Council that Native fishing rights and practices must be respected. Poorly written regulations may result in enforcement efforts restricting subsistence activities unnecessarily.

Mr. Jeff Farvour, a commercial fisher from Sitka, provided testimony that halibut by-catch in the Gulf of Alaska groundfish fisheries was a serious issue for fishers targeting halibut, including subsistence users. The Council agreed to write a letter to the North Pacific Fisheries Management Council requesting a formal analysis of this issue.

Mr. Ed Gray, representing the Monarch Tanning Co., informed the Council that there is no clarity with regulations regarding the use of sea otters. Enforcement officers preference is to resolve issues on a case-by-case basis so there is always uncertainty regarding the legality of dealing with sea otters.

Mr. Mike Miller, Sitka Tribe of Alaska, has been working with the marine mammals folks and the Tribal co-management group and reported that the biggest hurdle is the definition of when a sea otter hide is "significantly altered".

Mr. James Nielson, resident of Sitka, testified that herring roe must not be sold. Sport fishing should be catch and release only and fish should be harvested only by residents. Logging has destroyed many salmon streams and the streams should be restored and protected.

Jack Lorrigan, a resident of Sitka, testified that killing then wasting halibut and Chinook by-catch is unacceptable. These fish should be retained and contributed to food banks. Directed fisheries have

severe restrictions regarding retention of these fish and dumping a prohibited species as wanton waste and should be illegal.

Mr. John Littlefield, a resident of Sitka, complimented the Council on a job well done and agrees with the direction the Council is taking on issues. He feels strongly that both of the two new Board members shouldn't come from the same Region.

Mr. Ralph Lohse, Chair of the Southcentral Council, recommended that there is a need for proposals to both the State Board of Fish and the Subsistence Board to protect salmon spawning grounds. There are a finite number of commercial and resident fishers, but there are essentially an infinite number of non-residents. Halibut and Chinook salmon should have trophy fees and annual limits for non-residents. If there is no subsistence use in a location, there should be no sport use.

Mike Baines, a resident of Sitka, reminded the Council that the Sitka Tribe has a herring committee that advises the Tribal Council. The Tribe is very concerned about nonresidents harvesting herring spawn-on-kelp and spawn-on-branches. This activity may have contributed to the poor subsistence herring egg harvest in Sitka Sound in the past few years. There is an ongoing Sitka Sound Herring Study being conducted by the Sitka Tribe.

### **Agency Reports**

Mr. Doug Burn, USFWS Marine Mammal Coordinator, and Ms. Carrie Sykes of the Central Council Tlingit Indian and Haida Indian Tribes of Alaska provided the Council with an update on recent activities regarding sea otter management. There was a meeting between the USFWS and most of the Tribes in the Southeast Region on March 21 and 22, 2011. This group will meet again in April 2011 to discuss the definition of when a sea otter hide is "significantly altered". The Tribes believe this is a crisis situation and Representative Don Young will submit a Bill to Congress that will facilitate sale of sea otter hides. The Tribes can develop a sea otter management plan but the Fish and Wildlife Service cannot. Developing the link between the hunters the tanner and the artist is an impediment as well as the costs associated with providing a sea otter hide to the artist. Law enforcement was unable to attend this meeting so their concerns are unknown.

Diana Evans from the North Pacific Fisheries Management Council provided an informative presentation on the issue of Chinook bycatch in the Gulf of Alaska. Staff are developing emergency regulations for the June meeting of the North Pacific Council that will likely result in a Chinook by-catch cap for the Gulf of Alaska pollock trawl fishery. The Council was very encouraged by the efforts of the Federal and State managers to deal with this issue immediately.

Mr. Steve Kessler, US Forest Service Subsistence Program Manager, reported that, although the specific budget line item for subsistence has been deleted, the total subsistence budget is anticipated to be about four million dollars for Fiscal Year 2012. He also wanted the Council to be aware that there is a new Forest Service Planning Rule that is available for public comment.

Mr. John Autrey, US Forest Service Tribal Liaison, informed the Council on new efforts by the Federal Government to engage the Tribes for consultation on a government to government basis. There are agreements (memorandum of understanding) with 10 tribes in this Region. Formal consultation is different than an informational exchange and is conducted only by Forest Service Line Officers. Because there are a large number of local and national issues, the result is an overwhelming workload for both Federal Agencies and Tribal Governments.

Mr. Terry Suminski, US Forest Service, reviewed the special actions issued in the Region during 2010 and provided a written table to the Council for future reference. He also provided an update on the Fisheries Resource Monitoring Program. Investigative plans for fisheries projects were submitted to the Office of Subsistence Management in January 2011 and will be evaluated this summer. The Council will

have an opportunity to review these proposals during their September meeting with final Board approval in January 2012.

Mr. Pete Probasco, Assistant Director-Office of Subsistence Management, reminded the Council that the Secretaries were soliciting comments from the Councils on the proposed rule to add two new Board members, whether the customary and traditional determination process was adequate. He informed the Council of the plan for the new rural determination process and asked whether the Council had comments regarding the Memorandum of Understanding between the State and Federal Agencies.

Ms. Jennifer Yuhas, State of Alaska Subsistence Program Liaison, introduced her staff to the Council and expressed optimism that problems between the State and the Federal programs could be minimized if everyone can work together. She thanked the Council for an informative field trip and reminded the Council of the State Board of Fish and Board of Game regulatory schedules. In answer to a question from the Council, she reported that the eulachon stranding experienced in the Chilkat River was not due to construction at the airport.

Jim Capra and Dianne McKinley, National Park Service, reported that the Agency has finished the Environmental Review that will result in subsistence harvest of gull eggs from Glacier Bay National Park. A new totem pole will be raised in the Sitka Park to commemorate the 100<sup>th</sup> anniversary of the Park. Tribal consultation regarding plant materials and sacred sites is ongoing with a need for local level participation.

### **Council Federal Subsistence Wildlife Proposals and Special Action**

The Council agreed to submit a proposal to the Subsistence Board for sealing wolves in Unit 2 in response to action taken by the State Board of Game in 2010. This proposal would modify the sealing requirement for wolves in Unit 2 from 30 days after harvest to 14 days. The new regulation would read:

Substitute language for §\_\_.26 Subsistence taking of wildlife. *(k) Sealing of beaver, lynx, marten otter, wolf, and wolverine. You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13E, or 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative in accordance with State or Federal regulations. (1) In Unit 18, you must obtain an ADF&G seal for beaver skins only if they are to be sold or commercially tanned. (2) In Unit 2, you must seal any wolf taken on or before the 14 30th day after the date of taking.*

The Council agreed to submit a proposal to the Subsistence Board to remove the requirement for mandatory harvest reporting of deer in Unit 2 in response to action taken by the State Board of Game in 2010. The Council also agreed to submit a special action request to remove this requirement effective for the 2011 season because the State's action will be effective for the 2011 season. The new regulation would read:

Substitute language for §\_\_.26 Subsistence taking of wildlife. *(n) Unit regulations. (2) Unit 2. (i) Unit-specific regulations:*

*Female deer may be taken only during the period Oct. 15–Dec. 31. ~~You are required to report all harvest using a joint Federal/State harvest report.~~ The harvest limit may be reduced to 4 deer based on conservation concerns. Harvest limits Open season The Federal public lands on Prince of Wales Island, excluding the southeast portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.*

### **Annual Report**

The Council approved the draft Annual Report with some minor edits and the addition of a section asking for deference in rural determinations. The 2010 Annual Report topics include:

1. The Council recommends the Board adopt criteria that results in a broad geographic representation when making recommendations for Council member appointments to the Secretaries of Agriculture and Interior.
2. Adequate funding of the subsistence program is paramount to success of the program.
3. The continuing expansion of the sea otter population is one of the biggest concerns of the Council and will likely have the most effect on subsistence lifestyle of residents of this region.
4. Developing policy affecting the management of subsistence resources is a legitimate role of the Councils. This Council is in favor of management planning for fish and wildlife and would like to have a leadership role in developing these plans for the Southeast Region.
5. Council participation at Subsistence Board meetings is inadequate. The Board should encourage increased participation by funding a member of the Council, in addition to the Chair, to attend Board meetings.
6. The Council would like additional training for members in methods or techniques that would result in the Council becoming a more effective voice for rural users.
7. The Council requests the Board review the Council Charter with the intention to make it clear that the Council can participate in subsistence issues in the region as a whole as defined in ANILCA Section 805 (a) (3) (A) and (B) and not be restricted to only those concerns on Federal Public Land.
8. Time and funding of field trips should be part of the normal planning process for Council meetings.
9. The Council is in the best position to evaluate whether a community should be rural or nonrural. The board should give the Councils deference in regards to determining the rural status of communities.

### **Council Proposal to State Board of Fish**

The Council believes that abuses to sport fishing bag and possession limits by some nonresident anglers are well known. These behavior patterns by a few nonresidents are contributing to conservation issues that are difficult to address on a case by case basis. One of the first pieces of information required to assess the impacts of nonresident anglers is to document the total harvest of salmon by this group. The Council approved sending the following proposal to the State Board of Fish for their consideration.

*5 AAC 47.020. General provisions for seasons and bag, possession, annual, and size limits for the salt waters of the Southeast Alaska Area*

*(2) salmon, other than king salmon: may be taken from January 1 - December 31; no annual limit **for residents. The annual limit for nonresidents is XX silver salmon, XX sockeye salmon, XX pink salmon and XX chum salmon;** no size limit;*

*5 AAC 47.022. General provisions for seasons and bag, possession, annual, and size limits for the fresh waters of the Southeast Alaska Area*

*(b) (2) salmon, other than king salmon: may be taken from January 1 - December 31; no annual limit **for residents. The annual limit for nonresidents is XX silver salmon, XX sockeye salmon, XX pink salmon and XX chum salmon;** no size limit;*

*(c) (2) salmon, other than king salmon: may be taken from January 1 - December 31; no annual limit **for residents. The annual limit for nonresidents is XX silver salmon, XX sockeye salmon, XX pink salmon and XX chum salmon;** no size limit;*

### **Other Council Actions**

The Council wrote a letter to the Board with four recommendations on how best to incorporate tribal consultation into the subsistence management process.

- 1) A semi-annual “Tribal Consultation Report” should be provided to the Councils by the Office of Subsistence Management. Included in the report would be Tribal consultations that occurred regarding fish and wildlife management in each Region.
- 2) There should be a place on the agenda at each Council meeting for Tribes to provide testimony to the Council.
- 3) There should be a place on the agenda at each Council meeting for Tribes to consult with any members of the Board that may be in attendance.
- 4) There should be a place on the agenda at each Board meeting for Tribes to consult with the Subsistence Board.

The Council wrote a letter to the Board with five comments regarding the Memorandum of Understanding with the State and two specific recommendations.

Comments

- 1) The MOU is unnecessarily difficult to understand. It should be rewritten using plain language.
- 2) The Council has heard testimony that the information sharing protocol has not been working as intended and that document should also be reviewed.
- 3) Information vital for management of fish and wildlife is more than scientific data; the role of Traditional Ecological Knowledge needs to be emphasized.
- 4) The wording and tone of the agreement appears to highlight the role of the State in how the Federal Subsistence Board manages subsistence and minimizes the role of the Councils.
- 5) The MOU should include a process to evaluate and monitor whether the “Purposes” and “Guiding Principles” are working to provide for subsistence uses. Is there a process of monitoring and evaluating how the information sharing protocol is working?

Recommendations

- a) Section IV, Paragraph 3) - Delete the reference to Alaska Statute 16.05.258 in the last sentence. The Federal program is concerned with providing a priority for rural residents. That is the paramount distinction between the State and Federal management programs and should be made clear in this section. The Council rejects the reasonable opportunity standard specified in the State Statute.
- b) Section IV, Paragraph 11) - Delete the second sentence that begins “Consider State fish ...” There is no need to incorporate State rules unnecessarily into the Federal program. If there is need to adopt a management plan or policy, it should be considered rulemaking and be subject to our regular public process. The standards for addressing subsistence needs and priority are different under State and Federal rules, so it is impossible for the Board to commit to providing for subsistence under both Federal and State law.

The Council was in favor of adding two new members to the Subsistence Board. They did not adopt a consensus position on the selection details but provided the following comments as individuals.

- A person with experience serving on a Subsistence Regional Advisory Council should be given preference for selection
- Members should be experienced in the Federal subsistence management process
- The appointments will be for 3 year staggered terms
- The two new members will not be subject to reappointment to ensure representation is rotated between Regions
- Members should be subject to reappointment if they are effective representatives for the entire State; provides program continuity
- Each appointment should be from a different Region to rotate members throughout the State such that the two members should always be from different Regions

- If a seat becomes vacant, it should not be filled from the same Region
- Appointments should be made without regard to age or ethnicity
- Each new member will be a Federally qualified subsistence user
- The new Board members should reside in a rural community and not simply claim rural residency while actually living in an urban community
- An important selection criteria for new members should be the ability to communicate effectively with councils throughout the State
- The intent of the new rule is to put a Native on the Board

The Council reviewed the Charter and determined that current wording in Paragraph 6, Duties of the Council; appears to be in conflict with section 805 of the Alaska National Interest Lands Conservation Act (ANILCA). The Council sent a letter to the Board with the following recommendations.

The words **on public lands** should be removed from paragraph “a” and “b”. Paragraph “f” should be replaced with **“When it is necessary to restrict subsistence take, the Council will provide recommendations for limitations based on customary and direct dependence on the resource, local residency and the availability of alternate resources”**. Paragraph “h” is unnecessary because there are no Federal local advisory committees. In Section 9, words should be added to indicate that the election of officers will occur during each winter meeting.

The Council identified deficiencies with the current customary and traditional use determination process and wrote a letter to the Board with the following observations and recommendation.

Comments

- ANILCA does not require customary and traditional use determinations.
- The C&T determination and the eight factor analysis is a carryover in implementing regulations from the State of Alaska.
- There is uncertainty in how the Federal Subsistence Board should apply the eight factors.

Recommendation

The Federal Subsistence Board eliminate the current regulations for customary and traditional use determinations, and task the Office of Subsistence Management with drafting regulations which adhere to provisions contained within Section 804 of ANILCA. The new regulations should give deference to the Council recommendation, review all species of fish and wildlife that have traditionally used, in a community’s (past and present) geographic area, and include a broad definition of customary use.

The Council is very concerned about incidental harvest of salmon and halibut. They wrote a letter to the North Pacific Fishery Management Council asking for an analysis of this problem.

The Council wrote a letter to Ms. Sue Masica expressing appreciation for the cultural perspective provided by Ms. Dianne McKinley and general support of Section 1308 and 1318 of ANILCA to provide needed interpretation of cultural resources to the Council.

The Council wrote a letter to the US Forest Service supporting the City of Craig in efforts to protect areas adjacent to town with important subsistence resources. The comments from the City of Craig provide a local perspective that is required to solve local issues.

**Other Business**

To aid the Council in understanding the Transboundary River Panel process, the Council asked that a member of the Panel be invited to attend the next Council meeting. The Council will meet in Wrangell, September 27-29, 2011 and voted to investigate the possibility of having the winter meeting in Angoon

on March 20-22, 2012. Craig would be the alternate winter meeting location. The March agenda topics and final location will be developed during the September 2011 Council meeting.

The Council meeting adjourned at 5:00 p.m. March 24, 2011.

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

\S\ Robert Larson

*June 30, 2011*

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*Robert Larson, DFO, USFS Subsistence Management Program*

\S\ Bertrand Adams

*June 30, 2011*

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*Bertrand Adams, Chair, Southeast Alaska Subsistence Regional Advisory Council*

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

## INTRODUCTION

### BACKGROUND

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

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

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

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

To implement the Monitoring Program, a collaborative approach is utilized in which five Federal agencies (Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of

Indian Affairs, and U.S. Forest Service) work with the Alaska Department of Fish and Game, Regional Advisory Councils, Alaska Native organizations, and other organizations. An interagency Technical Review Committee provides scientific evaluation of proposals and investigation plans. The Regional Advisory Councils provide review and recommendations, and public comment is invited. The Interagency Staff Committee also provides recommendations. The Federal Subsistence Board takes into consideration recommendations and comments from the process, and approves the final monitoring plan.

## PROJECT EVALUATION PROCESS

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

Four factors are used to evaluate studies:

### 1. Strategic Priority

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

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

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

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

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

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

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

### 2. Technical-Scientific Merit

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

### 3. Investigator Ability and Resources

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

#### **4. Partnership-Capacity Building**

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

### **POLICY AND FUNDING GUIDELINES**

Several policies have been developed to aid in implementing funding.

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

#### **Finances and Guideline Model for Funding**

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

The Monitoring Program budget funds continuations of existing projects (year-2, 3 or 4 of multi-year projects), and new projects in the biennial year. The Office of Subsistence Management issued requests for proposals on an annual basis until 2008, and then shifted to a biennial basis. Therefore, the next request for proposals after 2012 will be for 2014 proposals. Budget guidelines are established by

geographic region and data type, and for 2012, \$2 million is projected to be available for new starts. Proposals are solicited according to the following two data types:

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

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

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

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

**2012 FISHERIES RESOURCE MONITORING PLAN**

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

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

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

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

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

## SOUTHEAST ALASKA OVERVIEW

### Issues and Information Needs

For the Southeast Alaska Region, the 2012 Request for Proposals was focused on three priority information needs:

- Reliable estimates of sockeye salmon escapement. Stocks of interest include: Gut Bay, Red, Kah Sheets, Salmon Bay, Sarkar, Lake Leo, and Hoktaheen.
- In-season subsistence harvest assessment of sockeye salmon. Stocks of interest include: Hatchery Creek, Gut Bay, Red, Kah Sheets, Salmon Bay, Sarkar, Kanalku, and Hoktaheen.
- Contributions to the genetic stock identification baseline of Chatham Strait sockeye salmon.

### Projects Funded Under the Fisheries Resource Monitoring Program

Since the inception of the Monitoring Program in 2000, 59 projects have been funded in the Southeast Alaska Region, and 11 will still be operating during 2012 (Tables 1 and 2). Ten of the ongoing projects address sockeye salmon assessments in various systems, and the remaining project addresses eulachon timing, distribution, and relative abundance in the Yakutat area.

### Projects Forwarded for Investigation Plan Development

Five proposals for research in the Southeast Alaska Region were submitted to the Office of Subsistence Management for funding consideration in 2012. In March 2011, the Technical Review Committee reviewed these proposals and recommended four for development of investigation plans. Investigators used comments from the Technical Review Committee review of proposals to develop investigation plans. Detailed budgets submitted with each investigation plan allowed identification of funds requested by Alaska Native, State, Federal, and other organizations; funds that would be used to hire local residents; and matching funds from investigators (Tables 3 and 4).

### Available Funds

Federal Subsistence Board guidelines direct initial distribution of funds among regions and data types. While regional budget guidelines provide an initial target for planning, they are not rigid allocations. Upon review and evaluation, the Technical Review Committee, Regional Advisory Councils, Interagency Staff Committee and Federal Subsistence Board have the opportunity to address the highest priority projects across regions. The Department of Agriculture, through the U.S. Forest Service, may not be able to provide funding for new projects in 2012. If funding is not available, no 2012 investigation plans submitted for Southeast Region projects will be funded.

### Recommendations for Funding

The mission of the Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands for rural Alaskans through a multidisciplinary, collaborative program. It is the responsibility of the Technical Review Committee to develop the strongest possible monitoring plan for each region and across the entire state. After reviewing the four investigation plans, the Technical Review Committee recommended funding all four of the proposed projects (Table 5) and prioritized them in the following descending order:

12-601	Hoktaheen Lake Sockeye Salmon Stock Assessment	\$	152,533
12-602	Lake Leo Sockeye Salmon Stock Assessment (Option 2)	\$	31,498
12-651	Changing Use Patterns in Subsistence Salmon Fisheries	\$	52,630
12-600	Eek Lake Sockeye Salmon Stock Assessment	\$	84,525
	<b>Total</b>	\$	321,186

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

**12-601 Hoktaheen Lake Sockeye Salmon Stock Assessment.** This four-year project would provide annual estimates of escapement, run timing, and harvests (subsistence and sport) for the sockeye salmon run to the Hoktaheen Lake system. Mark-recapture methods and a video weir system would be used to estimate escapement and run timing. The sockeye salmon run to this system receives heavy fishing pressure, and fish can be very susceptible to harvest since they tend to congregate in Hoktaheen Cove until water conditions allow migration into the lake system. This run supports an important subsistence fishery for residents of Hoonah, Pelican and Elfin Cove. Information provided by this project would allow managers to better match subsistence fishing opportunities to sockeye salmon production trends. This project would address a priority information need identified in the 2012 Request for Proposals.

**12-602 Lake Leo Sockeye Salmon Stock Assessment.** This four-year project would identify spawning locations and provide annual estimates of escapement and run timing for the sockeye salmon run to the Lake Leo systems. Mark-recapture methods would be used on the spawning grounds within Lake Leo to estimate escapement. The sockeye salmon run to this system usually receives relatively low fishing pressure, but fish can be very susceptible to harvest since they tend to congregate at the marine terminus of the outlet creek (Leo's Anchorage) until water levels allow migration into the lake system. While this run is harvested by residents of the Sitka area, they usually only fish it while traveling to and from more productive systems. Information provided by this project would allow managers to better match subsistence fishing opportunities to sockeye salmon production trends. This project would address a priority information need identified in the 2012 Request for Proposals.

**12-651 Changing Use Patterns in Subsistence Salmon Fisheries.** This two-year project would document changes in subsistence salmon fisheries by residents of Hoonah and Klawock. Work would be focused on sockeye salmon populations in the Hoktaheen and Klawock drainages. Data collection would be comparable to ongoing Monitoring Program projects investigating climate change impacts in Northwest Alaska (project 10-125) and the Yukon River (project 10-250). Household harvest surveys and key respondent interviews with Hoonah and Klawock residents would be used to document changes in subsistence salmon fisheries, and these observations would be compared with those made during previous research conducted within these communities. This project would address a priority information need identified in the 2012 Request for Proposals.

**12-600 Eek Lake Sockeye Salmon Stock Assessment.** This four-year project would provide annual estimates of escapement for the sockeye salmon run to the Eek Lake system. Mark-recapture methods would be used on the spawning grounds with Eek Lake to estimate escapement. The sockeye salmon run to this system supports an important subsistence sockeye salmon fishery for Hydaburg residents, and has provided from 7% to 56% of the total community harvest for Hydaburg. Information provided by

this project would allow managers to better match subsistence fishing opportunities to sockeye salmon production trends. While this project would not address a priority information need identified in the 2012 Request for Proposals, Eek Lake supports an important subsistence sockeye salmon fishery for Hydaburg residents.

**Table 1.** Summary of Fisheries Resource Monitoring Program projects completed in Southeast Alaska since 2000. Abbreviations used by investigators are: ACA=Angoon Community Association, ADFG=Alaska Department of Fish and Game, CCTHITA=Central Council of Tlingit & Haida Indian Tribes of Alaska, HCA=Hydaburg Cooperative Association, HIA=Hoonah Indian Association, KCA=Klawock Cooperative Association, OVK=Organized Village of Kake, STA=Sitka Tribe of Alaska, TST=Third Sector Technologies, USFS=USDA Forest Service, WCA=Wrangell Cooperative Association, and YTT=Yakutat Tlingit Tribe.

Project Number	Project Title	Investigators
<u><i>Estimation of Sockeye Salmon Escapement</i></u>		
00-043	Klawock Lake Sockeye Salmon Assessment	ADFG, KCA
00-044	Falls Lake Sockeye Salmon Stock Assessment	ADFG, OVK
01-125	Gut Bay, Kook, and Hoktaheen L Sockeye Salmon Escapement Index	ADFG, OVK
01-126	Kanalku, Hasselborg and Sitkoh Lakes Sockeye Stock Assessment	ADFG
01-127	Thoms, Salmon Bay, Luck Lakes Sockeye Salmon Esc Index	ADFG, WCA
01-128	Klag Bay Sockeye Salmon Stock Assessment	ADFG, STA, USFS
01-130	Hetta Lake Sockeye Salmon Stock Assessment	ADFG, HCA
01-175	Salmon Lake Sockeye and Coho Salmon Stock Assessment	ADFG, STA, NSRAA, USFS
01-179	Virginia Lake Sockeye Salmon Assessment	USFS
02-012	Neva and Pavlof Sockeye Salmon Stock Assessment	USFS, HIA
02-017	Redfish Bay Sockeye Salmon Stock Assessment	STA, ADFG, USFS
03-007	Eek Lake Sockeye Salmon Stock Assessment	HCA, ADFG
04-604	Klawock Lake Sockeye Salmon Assessment	ADFG, KCA
04-605	Kanalku, Sitkoh Lakes Sockeye Salmon Stock Assessment	ADFG, ACA
04-606	Hetta Lake Sockeye Salmon Stock Assessment	ADFG, HCA
04-607	Falls, Gut, Kutlaku Subsistence Sockeye Stock Assessment	ADFG, OVK
04-608	Salmon Lake Sockeye Salmon Stock Assessment	STA
04-609	Klag Bay Sockeye Salmon Stock Assessment	STA, ADFG, USFS
05-601	Kook Lake Sockeye Salmon Assessment	ADFG, ACA, USFS
05-603	Klawock Lake Sockeye Salmon Assessment	ADFG, USFS
06-601	Neva Lake Sockeye Salmon Assessment	USFS
06-602	Kutlaku Lake Sockeye Salmon Assessment	ADFG, OVK
07-601 <sup>a</sup>	Hatchery Creek Sockeye Salmon Assessment	OVK, USFS
07-604	Klag Bay Sockeye Salmon Assessment	STA
07-606	Hetta Lake Sockeye Salmon Assessment	ADFG
07-607	Kanalku Lake Sockeye Salmon Assessment	ADFG, ACA
07-608	Klawock Lake Sockeye Salmon Assessment	ADFG, KCA
07-609	Falls Lake Sockeye Salmon Assessment	ADFG, OVK
08-600	Karta River Sockeye Salmon Assessment	OVKa
<u><i>Documentation of Subsistence Use Patterns for Salmon</i></u>		
00-015	SE Alaska Subsistence Fisheries Database Development	ADFG
00-045	SE Tribes Traditional Subsistence Territory Mapping	USFS, OVK, ACA, HIA
01-091	East Alsek River Salmon Historical Use and TEK	YTT
01-103	SE Subsistence Fisheries GIS Database	ADFG
01-104	Kake Sockeye Salmon Subsistence Harvest Use Pattern	ADFG, OVK
01-105	Klawock River and Sarkar L Sockeye Salmon Harvest Use Patterns	ADFG, KCA
02-038	SE Subsistence Fisheries GIS Database Development	ADFG, CCTHITA, TST
02-049	Wrangell Salmon Subsistence Harvest Use Pattern	ADFG, WCA, USFS
02-104	Hoonah and Klawock Salmon Survey	ADFG, CCTHITA, TST
04-651 <sup>a</sup>	SE Alaska Salmon TEK and Subsistence Monitoring	STA, ADFG
04-652	Subsistence TEK Database	ADFG, STA
06-651 <sup>a</sup>	Southeast Alaska Survey of Customary Trade in Seafood	CCTHITA
07-651	Hydaburg Sockeye Salmon Customary and Traditional System	HCA, PVT
08-651	Maknahti Island Subsistence Herring Fishery Assessment	STA

**Table 1** continued.

Project Number	Project Title	Investigators
<i><u>Prince of Wales Island Steelhead</u></i>		
01-105	POW Island Steelhead/Rainbow Trout Harvest Use Pattern	ADFG
05-604	Prince of Wales Steelhead Assessment	ADFG, OVKa
08-650	POW Island Steelhead Trout Subsistence Harvest Survey	OVKa, HCA
<i><u>Estimation of Non-salmon Species</u></i>		
07-610	Behm Canal Eulachon Genetics	USFWS
08-607	Unuk River Eulachon Assessment	USFS

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

**Table 2.** Summary of ongoing 2011 projects funded under the Fisheries Resource Monitoring Program in Southeast Alaska. Abbreviations for investigators are: ACA=Angoon Community Association, ADFG=Alaska Department of Fish and Game, HCA=Hydaburg Cooperative Association, HIA=Hoonah Indian Association, OVK=Organized Village of Kake, OVKa=Organized Village of Kasaan, STA=Sitka Tribe of Alaska, USFS=U.S. Forest Service, and YSB=Yakutat Salmon Board.

Project Number	Project Title	Investigators	Budget	
			2012	2013
	<u>Stock Status and Trends Projects</u>			
10-600	Karta River Sockeye Salmon Assessment	OVKa	\$152.2	\$161.4
10-601	Hatchery Creek Sockeye Salmon Assessment	USFS, OVKa	\$175.2	\$173.8
10-603	Yakutat Eulachon Surveys	USFS, YSB	\$29.9	\$31.6
10-604	Klag Lake Sockeye Salmon Assessment	STA	\$134.5	\$141.2
10-605	Sitkoh Lake Sockeye Salmon Assessment	USFS, ACA, ADFG	\$70.8	\$72.8
10-606	Hetta Lake Sockeye Salmon Assessment	HCA	\$171.9	\$169.1
10-607	Kanalku Lake Sockeye Salmon Assessment	ADFG, ACA, USFS	\$197.1	\$207.0
10-609	Falls Lake Sockeye Salmon Assessment	USFS, OVK	\$177.7	\$186.5
10-610	Kook Lake Sockeye Salmon Assessment	USFS, ACA, ADFG	\$123.4	\$129.9
10-611	Redoubt Lake Sockeye Salmon Assessment	USFS	\$187.3	\$190.9
10-612	Neva Lake Sockeye Salmon Assessment	USFS, HIA, ADFG	\$25.0	\$25.0
			\$149.0	\$153.1
	Total Southeast Monitoring Program		\$1,594.0	\$1,642.3

**Table 3.** Southeast Alaska funding recommendations by the Technical Review Committee (TRC) for the 2012 Fisheries Resource Monitoring Program.

Project Number	Title	Requested Budget (\$000)		
		Alaska Native	State	Federal Other
	<u>Stock Status and Trends Projects</u>			
12-600	EEK Lake Sockeye Salmon Stock Assessment	\$84.5		
12-601	Hoktaheen Lake Sockeye Salmon Stock Assessment	\$54.4		\$98.1
12-602	Lake Leo Sockeye Salmon Stock Assessment (Option 1 or 2)	\$13.0		\$18.5
	<u>Harvest Monitoring and Traditional Ecological Knowledge</u>			
12-651	Changing Use Patterns in Subsistence Salmon Fisheries			\$52.6

**Table 4.** Southeast Alaska local hire and matching funds for investigation plans submitted to the Fisheries Resource Monitoring Program for funding consideration in 2012. Abbreviations used are: ADFG=Alaska Department of Fish and Game, HCA=Hydaburg Cooperative Association, and USFS=U.S. Forest Service.

Project Number	Lead Organization	Title	Funding (\$000s)	
			Local Hire	Matching
<u>Stock Status and Trends Projects</u>				
12-600	HCA	Eek Lake Sockeye Salmon Stock Assessment	\$39.0	\$0.0
12-601	USFS	Hoktaheen Lake Sockeye Salmon Stock Assessment	\$0.0	\$0.0
12-602	USFS	Lake Leo Sockeye Salmon Stock Assessment (Option 1 or 2)	\$0.0	\$0.0
<u>Harvest Monitoring and Traditional Ecological Knowledge</u>				
12-651	ADFG	Changing Use Patterns in Subsistence Salmon Fisheries	\$0.0	\$0.0

**Table 5.** Southeast Alaska funding recommendations by the Technical Review Committee (TRC) for the 2012 Fisheries Resource Monitoring Program.

Project Number	Title	TRC	Requested Budget (\$000)		
			2010	2011	2012
<u>Stock Status and Trends</u>					
12-600	Eek Lake Sockeye Salmon Stock Assessment	Yes *	\$84.5	\$68.5	\$68.5
12-601	Hoktaheen Lake Sockeye Salmon Stock Assessment	Yes	\$152.5	\$130.6	\$135.1
12-602	Lake Leo Sockeye Salmon Stock Assessment (Option 2)	Yes	\$31.5	\$32.9	\$30.0
<u>Harvest Monitoring and Traditional Ecological Knowledge</u>					
12-651	Changing Use Patterns in Subsistence Salmon Fisheries	Yes *	\$52.6	\$33.3	\$0.0
			* = Yes with modification		
Total			\$321.1	\$265.3	\$233.6
Guideline			\$0.0		
TRC Recommendation			\$321.1	\$265.3	\$233.6
			\$240.0		

**Project Number:** 12-601  
**Project Title:** Hoktaheen Lake Subsistence Sockeye Salmon Stock Assessment  
**Geographic Area:** Southeast Alaska  
**Data Type:** Stock Status and Trends  
**Principal Investigator:** Jack C. Lorrigan, U.S. Forest Service  
**Co-Investigator:** Robert Starbard, Hoonah Indian Association

**Project Cost:**      **2012:** \$152,533      **2013:** \$130,583      **2014:** \$135,050      **2015:** \$140,051

## **Recommendation: Fund**

### **Issue**

Monitoring the stock status and in-season harvest of sockeye salmon (*Oncorhynchus nerka*) at the Hoktaheen Lake system has been identified as a priority information need for the Southeast Alaska region. Sockeye salmon returning to Hoktaheen Lake, on western Yakobi Island, are an important subsistence resource for the residents of Hoonah, Pelican, and Elfin Cove. Sockeye salmon congregate at Hoktaheen Cove and wait for water conditions that are conducive to migration to the lake system (e.g., above-average high tides or other high water events). Fish may hold in the cove for extended periods of time, especially during dry years, and may be susceptible to heavy fishing pressure. Despite the potential for overharvest, monitoring of escapement and harvest has been limited. Previous escapement estimates were limited to indices that lacked an established relationship to overall escapement and harvest information has consisted of voluntary, post-season, reports that have not been validated. To allow managers to maximize subsistence uses of sockeye salmon, a stock assessment program is needed to monitor escapement. In addition, without an in-season assessment of sockeye salmon harvest, managers may be forced to manage the Hoktaheen system more conservatively, which could result in more limited harvest opportunity for subsistence users.

### **Objectives**

1. Estimate the escapement of sockeye salmon into Hoktaheen Lake using mark-recapture methods and a video weir system.
2. Estimate the age, sex, and length distribution of sockeye salmon in the Hoktaheen Lake escapement population with an estimated coefficient of variation less than 5% for each estimate.
3. Estimate the subsistence and sport harvest of sockeye salmon at Hoktaheen Cove with an estimated coefficient of variation less than 15%.

### **Methods**

1. Estimate the escapement of sockeye salmon into Hoktaheen Lake using mark-recapture methods and a video weir system.

Sockeye salmon escapement will be estimated using mark-recapture methods. We will construct a weir/trap near Hoktaheen Cove to count and capture sockeye salmon. A portion of the fish captured in the trap will be marked with an adipose fin clip before being released upstream of the weir. Salmon will be recaptured as they pass through a net weir, with an underwater video chute, placed upstream from the initial weir. This mark-recapture design will allow us to estimate a total escapement of sockeye salmon into the system before they disperse to spawning areas in one of the lakes or streams. Additional recapture

events at spawning grounds will also be conducted to validate the escapement estimate from the net weir. Escapement will be estimated using Chapman's modification of the Peterson two-sample model. Separate escapement estimates will be calculated for video weir and spawning ground recaptures.

2. Estimate the age, sex, and length distribution of sockeye salmon in the Hoktaheen Lake escapement population with an estimated coefficient of variation less than 5% for each estimate.

We will describe the biological structure of the population of adult sockeye salmon returning to the Hoktaheen system by collecting age, sex, and length data. We will collect the age, sex, and length data from sockeye salmon caught in the fish trap. The sample size goal will be 600 sockeye salmon, distributed throughout the escapement period. Fish will be removed from the trap with a dip net and identified to species. Sex will be determined. The length of each sockeye salmon will be measured from the mid-eye to the fork of the tail to the nearest millimeter (mm). The age of each fish will be determined by scale analysis. We will collect three scales from the preferred area on the left side above the lateral line and these will be attached to a gum card. Scale samples will be prepared for analysis and analyzed at the Alaska Department of Fish and Game's Salmon Aging Laboratory in Douglas, Alaska. Salmon age will be reported following the European aging system, where freshwater and saltwater years are separated by a period (e.g., 1.3 denotes a fish with one freshwater and three ocean years. The freshwater year does not include the first year spent in the gravel during egg incubation and hatching. We will estimate the proportion of the escapement population that is in each age class. We will use standard summary statistics on length measurements among each age-sex class.

3. Estimate the subsistence and sport harvest of sockeye salmon at Hoktaheen Cove with an estimated coefficient of variation less than 15%.

We will estimate the overall harvest of to Hoktaheen sockeye salmon population by interviewing subsistence and sport fishers at the marine terminal area. We will attempt to interview all fishers to achieve a complete census of harvest. However, if any interviews are missed, we will estimate harvest using a single-stage sampling design. The sampler will introduce him/her self to each group, give a brief explanation about the harvest survey, and will ask fishers the amount of time they spent fishing and the number and species of fish caught. The harvest estimates from the user interviews will be compared with subsistence/personal use permit harvest report data. The comparison will help determine if current harvest reports are adequately portraying sockeye salmon harvest at Hoktaheen.

### **Partnerships/Capacity Building**

Hoonah Indian Association will employ local field technicians, including a crew leader, for the project. Hoonah Indian Association also hires field technicians for a sockeye salmon stock assessment project at Neva Lake, so this will provide additional jobs for locals interested in working in the field of natural resources. The Hoktaheen project may provide opportunity for Neva Lake technicians to broaden their experience with a different system. The U.S. Forest Service will provide training opportunities for field technicians, including first aid, survival training, and bear safety. Field work will build experience with fish identification, use of video weir equipment, data management, and fisheries management. Any technicians interested in learning more about natural resources management will be able to assist with data analysis and report writing to better prepare them for future work in the field. We will work with Hoonah Indian Association and other community leaders to present project details at local events or meetings. Presentations will include an explanation of how escapement and harvest information affects subsistence users and project results will be provided. Hoonah residents have complained about being inadequately informed about regulatory changes. We could provide updates on any regulatory changes that could affect residents, such as daily and annual possession limits.

**Justification**

Hoktaheen Lake provides sockeye subsistence harvest opportunities for the residents of Hoonah, Pelican and Elfin Cover. This proposal addresses the priority information need of sockeye salmon abundance estimation and harvest assessment of Hoktaheen Lake in the 2012 Request for Proposals. Sockeye salmon returns will be estimated using a traditional weir and net weir and underwater video camera. The project will build on the escapement information previously collected at Hoktaheen Lake (2001 through 2004) through Monitoring Program project 01-125. Periodic monitoring of this system, rather than a long-term continuous monitoring commitment, would be sufficient to evaluate changes in the sockeye salmon population and ensure escapement and subsistence opportunities are adequately met.

**Project Number:** 12-602  
**Project Title:** Lake Leo Subsistence Sockeye Salmon Stock Assessment  
**Geographic Area:** Southeast Alaska  
**Data Type:** Stock Status and Trends  
**Principal Investigator:** Jack C. Lorrigan, U.S. Forest Service  
**Co-Investigator:** Jeff Feldpausch, Sitka Tribe of Alaska

**Project Cost:**      **2012:**\$31,498      **2013:**\$32,926      **2014:**\$29,995      **2015:**\$31,384

**Recommendation: Fund**

**Issue**

Estimating sockeye salmon escapement at Lake Leo has been identified as a priority information need for the Fisheries Resource Monitoring Program, Southeast Region. Current data on the system is limited to voluntary harvest reports, and managers have no means of monitoring escapement trends. On average, the system receives relatively low fishing pressure, but overharvesting may occur under some environmental conditions. Subsistence fishermen from Sitka pass Leo’s Anchorage on their way to Klag Bay and Ford Arm to harvest higher allowable bag limits. If fish are present at Leo’s there is concern they could be mixed with those other harvests. Sockeye salmon congregate at the marine terminal area of the Lake Leo outlet creek (Leo’s Anchorage) and wait for increased water levels (e.g., above-average high tides, rain events) to enter the lake. Salmon may be vulnerable to harvest in this area and may remain there for an extended period of time, especially during dry conditions. Escapement estimates are needed to assess population trends and make informed management decisions.

**Objectives**

1. Locate primary sockeye salmon spawning areas around Lake Leo and within any input streams.
2. Estimate the escapement of sockeye salmon into Lake Leo using mark-recapture methods on spawning grounds.
3. Estimate the age, sex, and size distribution of sockeye salmon in the Lake Leo escapement with an estimated coefficient of variation for primary age classes less than 10%.

**Methods**

1. Locate primary sockeye salmon spawning areas around Lake Leo and within any inlet streams.

We will identify primary sockeye salmon spawning areas with boat and walking surveys around the lake and inlet streams. Weekly boat surveys will begin in mid-August to look for congregations of sockeye salmon along the shoreline of Lake Leo and near the mouths of any inlet streams. If we are unable to locate an adequate amount of spawning area, radio transmitters will be implanted in a sample of sockeye salmon, and individuals will be tracked to determine movement patterns and to help identify any additional spawning areas.

Estimate the escapement of sockeye salmon into Lake Leo using mark-recapture methods on spawning grounds.

We will estimate the escapement of sockeye salmon into Lake Leo using mark-recapture methods on beach and stream spawning grounds. Each year we will attempt to estimate escapement at all spawning areas to provide information on the whole-system escapement. The mark-recapture project will consist of four to five two-day sampling trips that consist of marking on day one and recaptures on day two. We will use a two-stage analysis to estimate the escapement of sockeye salmon into Lake Leo. In the first stage, we will calculate a two-sample Peterson estimate for each sampling trip. The Peterson estimates from stage one will then be incorporated into a modified Jolly-Seber estimator for multiple mark-recapture events in an open population.

Estimate the age, sex, and size distribution of sockeye salmon in the Lake Leo escapement with an estimated coefficient of variation for primary age classes less than 10%.

We will collect age, sex, and length information from a sample of sockeye salmon on the spawning areas to describe the biological structure of the population. The sampling goal for Lake Leo will be 600 fish. For each unmarked fish sampled, we will determine the sex based on jaw or kype characteristics and body morphology, measure the length of the fish (nearest mm) from the mid-eye to the fork of the tail, and collect scale samples. Three scales will be collected from the preferred area of each fish and will be attached to a gum card. Scale samples will be prepared for analysis and analyzed at the ADF&G Salmon Aging Laboratory in Douglas, Alaska. Salmon age will be reported following the European aging system, where freshwater and saltwater years are separated by a period (e.g., 1.3 denotes a fish with one freshwater and three ocean years). The freshwater year does not include the first year spent in the gravel during egg incubation and hatching.

### **Partnerships/Capacity Building**

The Sitka Tribe of Alaska is a federally recognized tribal government for approximately 4,100 tribal members. Sitka Tribe of Alaska will use its weir crew from the Klag Bay stock assessment project for the Lake Leo project. Working at Lake Leo will help broaden the crew's knowledge of fisheries management by using a different method of estimating escapement (i.e., mark-recapture on the spawning grounds). The U.S. Forest Service will provide training opportunities for field technicians, including first aid, survival training, and bear safety. Field work will build experience with fish identification, data management, and fisheries management. Any technicians interested in learning more about natural resources management will be able to assist with data analysis and report writing to better prepare them for future work in the field.

We will work with Sitka Tribe of Alaska and other community leaders to present project details at local events or meetings. Presentations will include an explanation of how escapement information affects subsistence users and project results will be presented.

### **Justification**

Lake Leo provides sockeye subsistence harvest opportunities for the residents of Sitka on their way to and from other sockeye salmon systems. Lake Leo is within the boundaries of the Tongass National Forest and sustains subsistence fishing effort from Federally qualified subsistence users. The need for escapement estimates of sockeye salmon in Lake Leo was included as a priority information need in the 2012 Request for Proposals. Sockeye salmon escapement will be estimated using mark-recapture methods. Periodic monitoring of this system, rather than a long-term continuous monitoring commitment, would be sufficient to evaluate changes in sockeye salmon population and ensure escapement and subsistence opportunities are adequately met.

**Project Number:** 12-651  
**Title:** Changing Use Patterns in Subsistence Salmon Fisheries, Southeast Alaska  
**Geographic Region:** Southeast Alaska  
**Data Type:** Harvest Monitoring/Traditional Ecological Knowledge  
**Principal Investigator:** Lauren Sill, Alaska Department of Fish and Game

**Project Cost:**      **2012:** \$52,630      **2013:** \$33,339      **2014:** \$0      **2015:** \$0

**Recommendation: Fund with modification**

**Issue**

This project will explore changing subsistence use patterns of salmon, with a focus on sockeye salmon *Oncorhynchus nerka*, in Hoonah and Klawock. These two communities are located within the Tongass National Forest and rely on sockeye salmon streams where information gaps have been identified by the Federal Resource Monitoring Program. The project responds to a multi-regional priority information need identified by the Office of Subsistence Management, Fisheries Fisheries Resource Monitoring Program to document “Changes in subsistence fishery resources and uses, in the context of climate change where relevant, including but not limited to fishing seasons, species targeted, fishing locations, fish quality, harvest methods and means, and methods of preservation. Include management implications.”

Sockeye salmon return to southeast Alaska from June through early September and in many places are the first salmon to return to freshwater streams. They are harvested in the subsistence, commercial, sport, and personal use fisheries with a variety of gear. Harvests occur in both fresh and salt waters. In the recent past, the majority of harvests in Hoonah have come from Hoktaheen Cove and Neva River, while Klawock residents rely on the Sarkar and Klawock Rivers. Reported sockeye salmon harvests in both communities have generally decreased over the last 15 years. The reasons for the declines are not well understood, but are likely due to a combination of sociocultural, economic, and environmental factors. In each community, this project will explore these changes in community harvest trends and patterns of use of sockeye salmon, focusing on harvest amounts and times, fishing locations, harvest methods and means, and methods of preservation. Understanding the causes and magnitude of changing use patterns will aid in robust management of Southeast sockeye salmon stocks. The location of the communities, one in northern Southeast and one in southern Southeast, will provide for intra-regional comparison. In addition, to complement previous studies (projects 10-125 and 10-250), this project will strive to collect comparable data sets for Southeast Alaska for analysis to facilitate inter-regional comparisons of climate change as they relate to subsistence fisheries.

**Objectives**

1. Evaluate recent changes in the harvest and use of sockeye salmon by residents of Hoonah and Klawock.
2. Synthesize literature and data sets describing the subsistence fisheries at Hoktaheen and Klawock Lake, with an emphasis on changes in the fisheries.
3. Describe specific factors contributing to changes in both study communities.
4. Identify general themes that emerge independently in each study community as well as those that are shared between the two.

## **Method**

A synthesis of literature and data sets describing subsistence fisheries at Hoktaheen Cove and Klawock Lake with a focus on changes within will meet Objective 2. Semi-structured key respondent interviews specifically address Objectives 1, 3, and 4. They will be conducted with 5–10 respondents in each community, representing a mixture of ages, gender and family/clan lines. Generally, the interviews will focus on: environment-related observations, environment-related effects on harvest of sockeye salmon, social changes within the community, regulatory factors affecting harvest of salmon, as well as basic demographic information, participation in commercial fisheries, family history, and personal histories, as they relate to fish harvesting and processing. A mapping component will be included in the interview process to document current and historic harvest use areas. A household survey will be used to meet Objectives 1, 3, and 4. A recall survey will be administered to a random sample of 50% of the households in each community. The survey will cover topics such as demographics, participation in commercial and subsistence fisheries, harvest, use and sharing of salmon, processing of fish, methods, means, location and timing of harvest, observation of change and household reporting of salmon harvests on permits. Harvest data gathered from household surveys will be included in the Alaska Subsistence Fisheries Database. Working with the Division of Commercial Fisheries, we will also attempt to update or modify the permit data based on the household survey results. Analysis of the surveys will include a discussion of permit data and permit reporting, along with a set of recommendations to improve the subsistence salmon harvest monitoring program, if results suggest improvements are necessary.

All of the information gathered from the household surveys will be available for review as preliminary findings presented to the communities during the fall of 2013. The aggregated mapping data will be presented at the community level to ensure that data recorded reflects the harvest locations of the community at large.

## **Partnerships/Capacity Building**

This project will entail working closely with the tribal governments of Klawock and Hoonah, to include drafting interview protocols, household survey questions, and review of the draft final report and research findings. This will result in increased organizational capacity and expertise in terms of understanding changing patterns of subsistence use of sockeye salmon both within the study community as well as in comparison to geographically distinct communities and will assist these organizations in participating in federal fisheries management of their resources. In addition, we will work with the tribal governments to identify local research assistants who will be hired and trained in survey administration and will assist with various aspects of project design and administration. Community meetings will be held to engage residents in designing the information gathering process, insights into how the data was analyzed and the draft results that were obtained. Copies of the report will be sent to all residents who participate in the project. Additional opportunities for capacity building will be sought throughout the duration of the project.

## **Justification**

The investigation plan is focused on addressing a priority information need in the 2012 Request for Proposals. The objectives are clearly stated. The investigator appears to be qualified to conduct the research. The Technical Review Committee requests a revised budget that more accurately reflects the project schedule, that additional funds be provided in the budget to support the principal investigator and local research assistants, and that the tribal councils in Hoonah and Klawock receive direct funding in the budget to support the completion of tasks by local research assistants, described in the investigation plan.

The Technical Review Committee further requests that the investigator receive written permission from the Hoonah and Klawock tribal councils before the Monitoring Program can support the study.

**Project Number:** 12-600  
**Title:** Eek Lake Subsistence Sockeye Salmon Stock Assessment Project  
**Geographic Region:** Southeast Alaska  
**Data Type:** Stock Status Trends  
**Principle Investigator:** Anthony Christianson, Hydaburg Cooperative Association  
**Co-Investigator:** Cathy Needham, Kai Environmental Consulting Services

**Project Cost**     **2012:** 84,525.00     **2013:** 68,467.00     **2014:** 68,467.00     **2015:** 68,467.00

**Recommendation: Fund with modification**

**Issue**

Hydaburg Cooperative Association is proposing to assess the escapement of sockeye salmon into one of Hydaburg’s most important subsistence system, Eek Lake. This information will continue to allow HCA and resource management agencies to monitor actual harvest in Hetta, and compare the percentage of harvest back to escapement estimates in order to manage the system more accurately. This proposal addresses priorities set forth in the 2012 Request for Proposals and the Strategic Plan for the Subsistence Fisheries Resource Monitoring Program (2006) by addressing the highest priority species (sockeye salmon). It also assesses the next highest priority information need for the community.

**Objectives**

1. Estimate escapement of sockeye salmon adults into Eek Lake using mark-recapture methods so that the estimate coefficient of variation is less than 20%
2. Estimate the age, sex and length composition of the sockeye salmon spawning in Eek Lake with a coefficient of variation less than 20% for the principle age class.

\*Note that a concurrent objective covered in the Hetta Lake Sockeye Assessment Project is:

3. Estimate the annual sockeye subsistence harvest of Eek Inlet sockeye salmon with a creel census program in conjunction with the Hetta Lake Project.

**Methods**

Each year the crew will conduct at least 5 mark-recapture events on the Eek Lake spawning grounds. Fish will be seined at the mouth of Eek Lake’s inlet creek and marked with a unique marking scheme designated for each mark-recapture event. Fish will then be recaptured on the spawning ground using dip nets, and observed for marks. Data will be analyzed to estimate the spawning population of sockeye salmon returning to Eek Lake. In addition, approximately 600 fish will be sampled on the spawning grounds for age, sex and length data. Fish will be measured and sexed on site. Scales will be removed and sent to the Alaska Department of Fish and Game to be read to determine age. Bi-weekly in-season reports of harvest and success of mark-recapture events will be shared with state and federal agencies. Annual reports will be produced after each field season, and a final report including all four seasons will be produced at the end of the project.

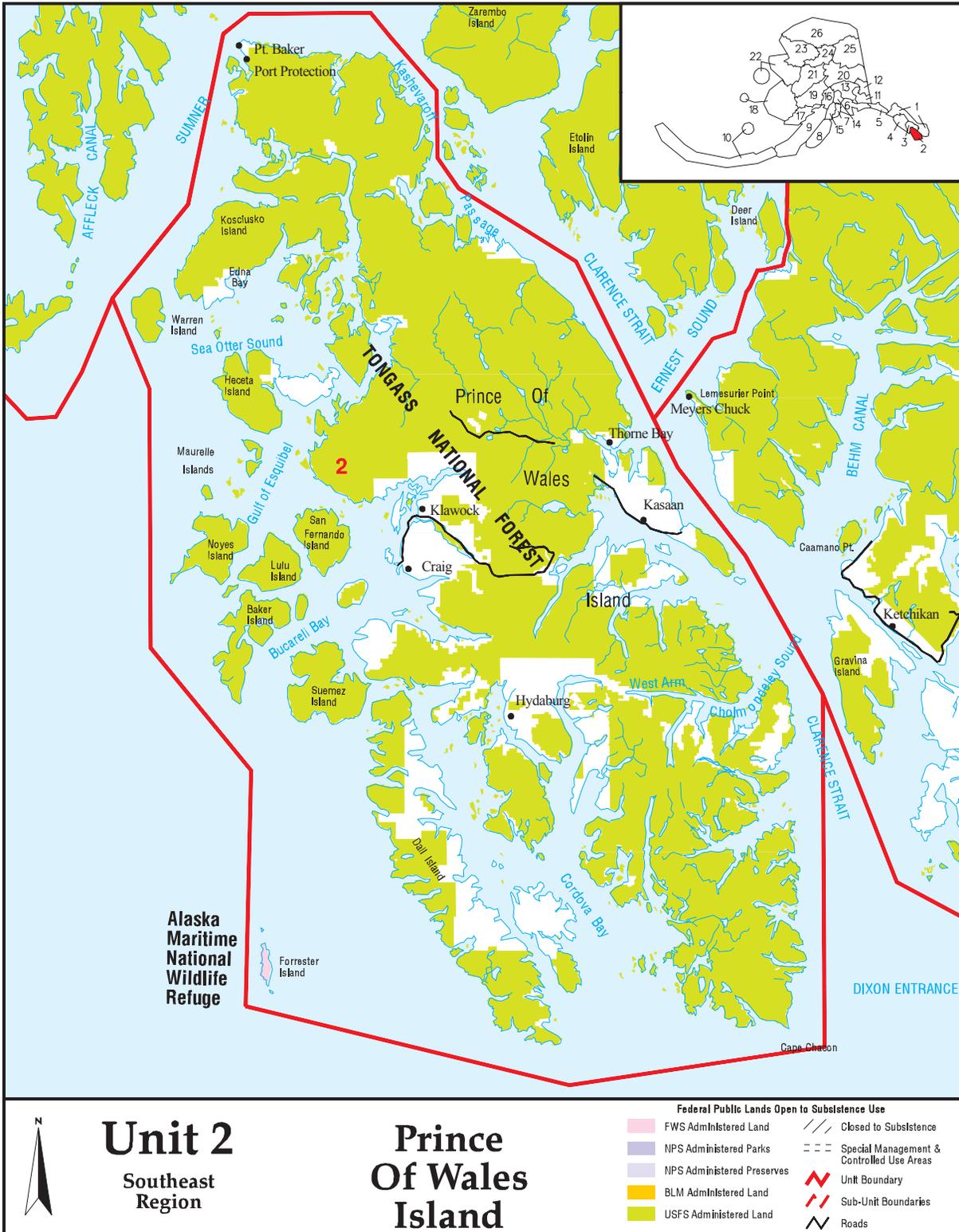
### **Partnership/Capacity Building**

Since 2001, Hydaburg Cooperative Association has been working with Alaska Department of Fish and Game to build capacity on Fisheries Resource Monitoring Program projects. The 2010 field season marked the first year that Hydaburg Cooperative Association became the primary investigator for the Hetta Lake Subsistence Sockeye Salmon Stock Assessment project. Hydaburg Cooperative Association will continue to work with a contracted biologist to assist with reporting Hydaburg Cooperative Association has accomplished this goal and demonstrates community control level of involvement. The Alaska Department of Fish and Game will still offer scale reading services to the project.

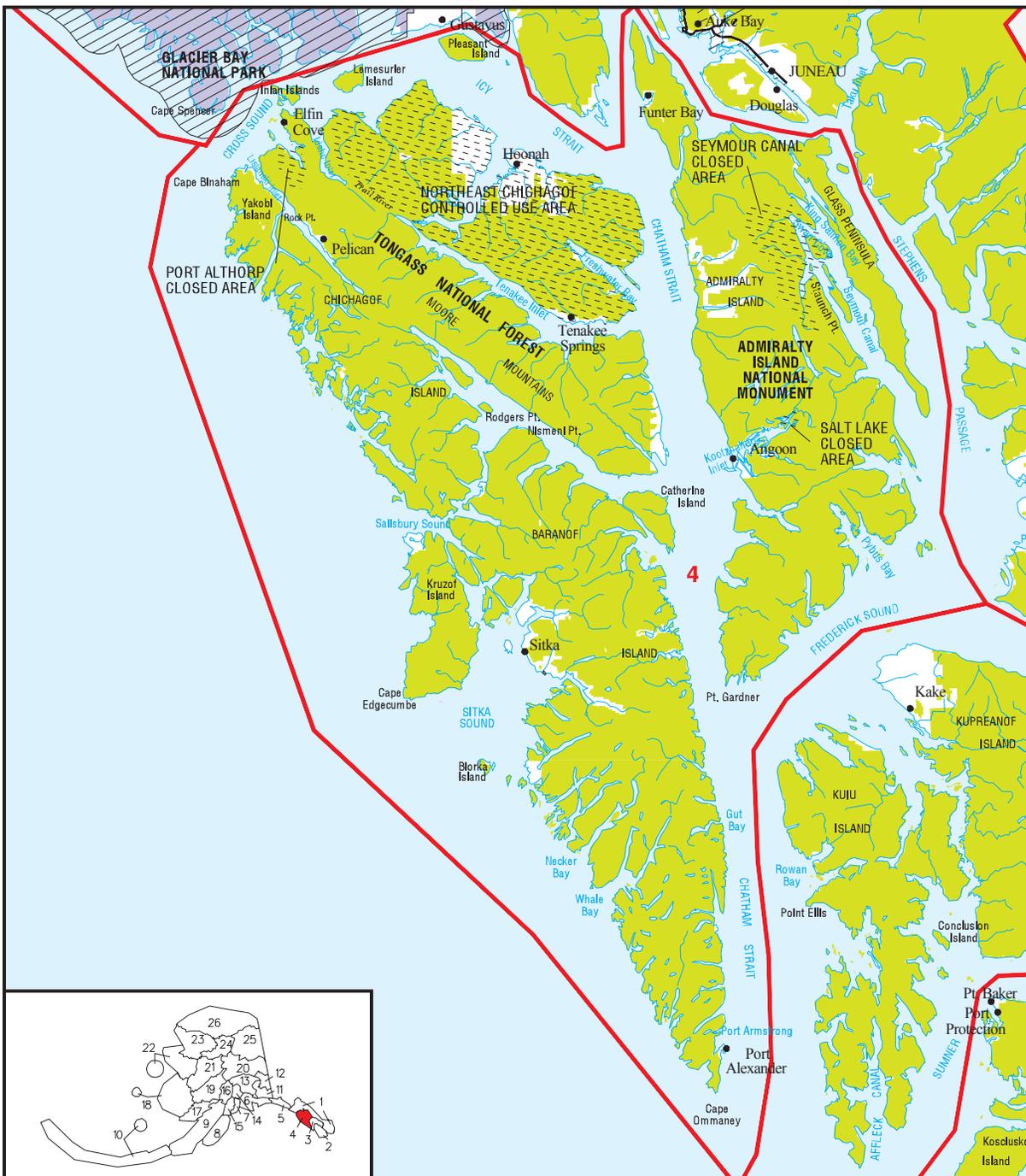
### **Justification**

Eek Lake provides sockeye subsistence harvest opportunities for the residents of Hydaburg. This system is in close proximity to significant commercial fisheries, the potential for competing harvest is high. Currently only one year (2003) of Eek Lake escapement data exists. This project would provide another four years of information. Periodic monitoring of this system over time would help fisheries managers better evaluate changes in the sockeye salmon population and ensure escapement and subsistence opportunities are adequately met. While the core of this project is complete, several details in the investigation plan need to be clarified before this project is funded. The investigators need to ensure the project objectives representative of the project's scope, the budget needs to be justified or reduced and the mark-recapture model assumptions need to be clarified. If this project is funded a revised budget and investigation plan will need to be provided.









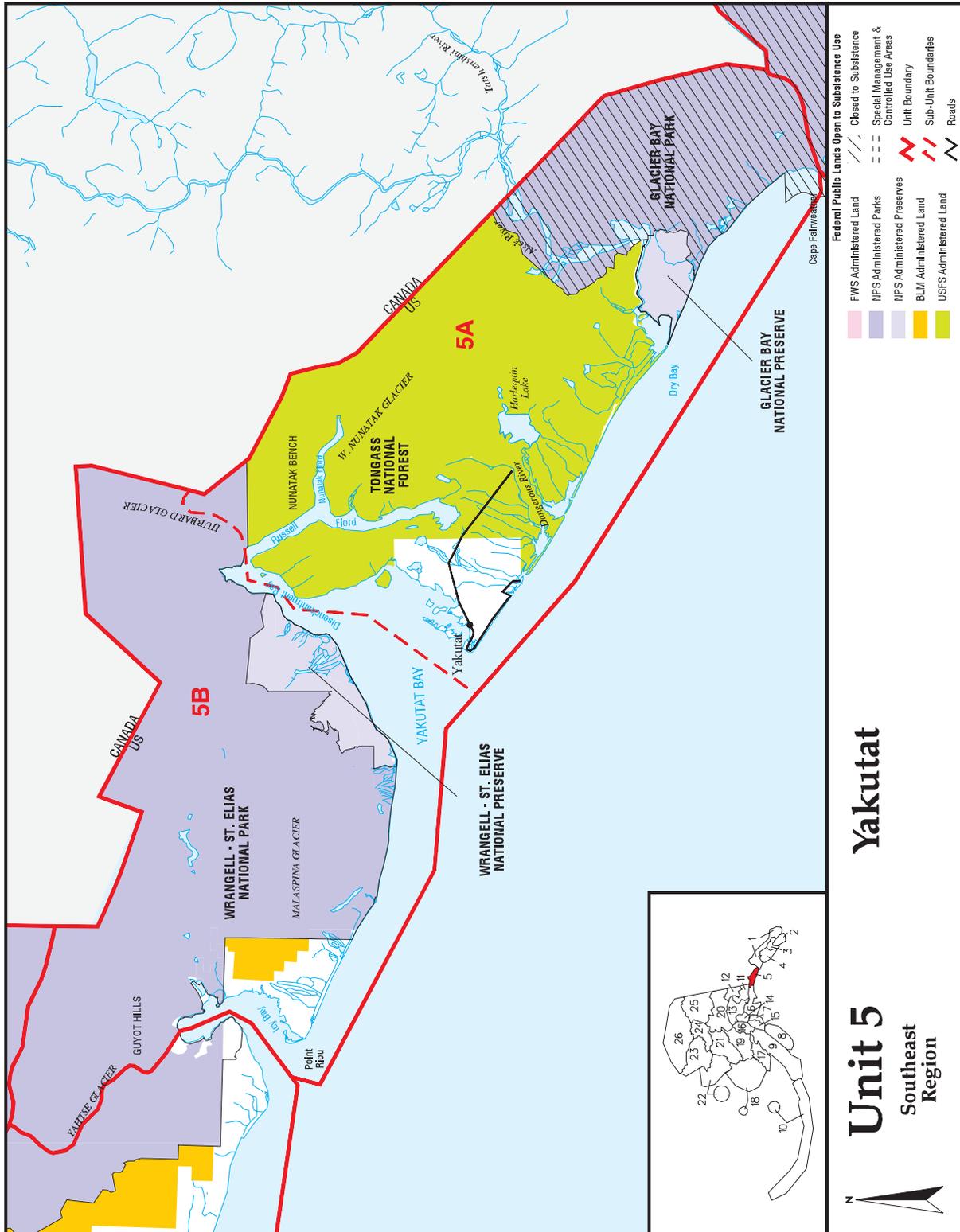


**Unit 4**  
Southeast  
Region

**Admiralty-  
Baranof-  
Chichagof Islands**

**Federal Public Lands Open to Subsistence Use**

<span style="display: inline-block; width: 15px; height: 10px; background-color: #f8d7da; border: 1px solid #c3e6cb;"></span> FWS Administered Land	<span style="display: inline-block; width: 15px; height: 10px; border-bottom: 1px dashed black;"></span> Closed to Subsistence
<span style="display: inline-block; width: 15px; height: 10px; background-color: #d1ecf1; border: 1px solid #bee5eb;"></span> NPS Administered Parks	<span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black;"></span> Special Management & Controlled Use Areas
<span style="display: inline-block; width: 15px; height: 10px; background-color: #d4edda; border: 1px solid #c3e6cb;"></span> NPS Administered Preserves	<span style="display: inline-block; width: 15px; height: 10px; border-bottom: 1px dashed black;"></span> Unit Boundary
<span style="display: inline-block; width: 15px; height: 10px; background-color: #fff3cd; border: 1px solid #ffeeba;"></span> BLM Administered Land	<span style="display: inline-block; width: 15px; height: 10px; border-bottom: 1px dashed black;"></span> Sub-Unit Boundaries
<span style="display: inline-block; width: 15px; height: 10px; background-color: #d4edda; border: 1px solid #c3e6cb;"></span> USFS Administered Land	<span style="display: inline-block; width: 15px; height: 10px; border-bottom: 1px dashed black;"></span> Roads



<b>WP12-01 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-01, submitted by the Brown Bear Claw Handicraft Working Group, requests that prior to selling a handicraft incorporating a brown bear claw(s), the hide or claw(s) not attached to a hide, must be sealed by an authorized Alaska Department of Fish and Game (ADF&G) representative and that a copy of the ADF&G sealing certificate would then accompany the handicraft when sold.
<b>Proposed Regulation</b>	<p><b>Definitions and Utilization of Wildlife</b></p> <p><i>§ __.25(j)(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, 22, 23, 24B (only that portion within Gates of the Arctic National Park), 25, or 26.</i></p> <p><i>(i) In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from Units 1, 4, or 5.</i></p> <p><i>(ii) <del>fReserved</del> Prior to selling a handicraft incorporating a brown bear claw(s), the hide or claw(s) not attached to a hide, must be sealed by an authorized ADF&amp;G representative.</i></p> <p><i>(A) A copy of the ADF&amp;G sealing certificate must accompany the handicraft when sold.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Southcentral Regional Council Recommendation</b>	
<b>Kodiak/Aleutians Regional Council Recommendation</b>	
<b>Bristol Bay Regional Council Recommendation</b>	
<b>Yukon/Kuskokwim Delta Regional Council Recommendation</b>	
<b>Western Interior Regional Council Recommendation</b>	
<b>Seward Peninsula Regional Council Recommendation</b>	

*continued on next page*

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

## DRAFT STAFF ANALYSIS WP12-01

### ISSUES

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

### DISCUSSION

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

### Existing Federal Regulation

#### Definitions and Utilization of Wildlife

*§ \_\_.25(j)(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, 22, 23, 24B (only that portion within Gates of the Arctic National Park), 25, or 26.*

*(i) In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from Units 1, 4, or 5.*

*(ii) [Reserved].*

### Proposed Federal Regulation

#### Definitions and Utilization of Wildlife

*§ \_\_.25(j)(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, 22, 23, 24B (only that portion within Gates of the Arctic National Park), 25, or 26.*

(i) *In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from Units 1, 4, or 5.*

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

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

## **Existing State Regulations**

*5AAC 92.200. Purchase and sale of game*

*In accordance with AS 16.05.920(a) and 16.05.930(e), the purchase, sale, or barter of game or any part of game is permitted except as provided in this section.*

*Except as provided in 5AAC 92.031, a person may not purchase, sell, barter, advertise or otherwise offer for sale or barter:*

*(1) any part of a bear, except an article of handicraft made from the fur of a bear;*

In 2005, the State of Alaska, Board of Game began to allow the sale of raw bear hides, with claws attached, harvested in specific predator control management areas under a State permit.

*5 AAC 92.031. Permit for selling skins, skulls, and trophies*

*(c) After the skin and skull is sealed as required under 5 AAC 92.165(a) , a person may sell the untanned skin, with claws attached, and skull of a black bear taken in an active predator control area listed in 5 AAC 92.125 only under a permit issued by the department.*

*(d) After the skin and skull is sealed as required under 5 AAC 92.165(a) , a person may sell the untanned skin, with claws attached, and skull of a brown bear taken in an active brown bear predator control area listed in 5 AAC 92.125 only under a permit issued by the department.*

*(e) In this section, “active” means that predator control permits have been issued for the referenced predator control area during the current year.*

## **Extent of Federal Public Lands**

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

## **Customary and Traditional Use Determinations**

The customary and traditional use determinations for brown bear for all units in the State are included in **Appendix A**.

## Regulatory History

The Board has consistently rejected attempts to remove brown bear claws as a legal item with which Federally qualified users can make handicrafts for sale. Retaining the use of claws in handicrafts for sale is consistent with previous Board action, and is not expected to significantly increase harvests, as described in previous analyses.

The Board has provided for the sale of handicrafts made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of brown bears by Federally qualified subsistence users where required. The intent of the Board has been to allow Federally qualified subsistence users to fully utilize the above-listed parts of bears legally harvested under Federal subsistence regulations. It has not been the intent of the Board to create a commercial incentive to harvest bears based on the sale of bear handicrafts.

The following is a brief summary of regulatory actions taken by the Board regarding the sale of handicrafts made from bear parts.

May 2002 — The Board adopted regulations allowing the sale of handicrafts made from the “fur” of black bear (statewide regulation).

May 2004 — The Board adopted regulations allowing the sale of handicrafts made from the “fur” of brown bear taken in Eastern Interior, Bristol Bay, and Southeast regions. The Board also clarified its intent to maintain the Federal definition of “fur,” which includes claws.

May 2005 — The Board adopted regulations that:

- Modified the definition of the term *handicraft*.
- Modified the definition of the terms *skin, hide, pelt, and fur*.
- Modified regulatory language to clarify that bear claws can be used in handicrafts for sale. (The previous language allowing the sale of handicrafts made with bear claws specifically referred to bear fur, with the reference to claws contained in the definition of fur. With the old language it was not obvious to most readers that the use of claws was permitted. This action by the Board did not authorize any new uses.)
- Allowed the sale of handicrafts in Units 1–5 made from bones, teeth, sinew, or skulls of bears taken in those units.

May 2006 — The Board rejected proposed regulations to prohibit the sales of handicrafts made from bear claws to businesses. However, the Board did adopt regulatory language that prohibits handicraft sales that constitute a “significant commercial enterprise.”

May 2007 — The Board rejected proposed regulations that claws be removed from the Federal definition of fur and that sales of handicraft articles made from claws, bones, teeth, sinew, or skulls of black and brown bears be allowed for sale only between Federally qualified subsistence users statewide.

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

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

### Brown Bear Claw Handicraft Working Group

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

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

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

### **Biological Background**

Brown bears range throughout most of Alaska, except the islands of the Aleutian Chain west of Unimak and the southeast Alaska islands south of Frederick Sound. Brown bear populations throughout most of Alaska are generally stable and occupy all of their historic range (Miller 1993). Throughout the State, brown bear population densities are diverse and vary according to food availability. On the North Slope where food is scarce, bear densities can be as low as one bear every 300 miles. Brown bear densities as high as one brown bear per mile have been recorded in coastal areas with healthy salmon runs. Brown

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

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

The following quote from *Ursus* (2002) may provide a clearer picture of the status of brown and other bears:

Despite our rapidly increasing knowledge of bears, there are few places in the world where we really know how bear populations are faring...Assessments of bear populations often are based on records of dead animals and trends in habitat availability. These data produce dubious indications of population trends. Case studies relating to the trade in bear parts, sport harvests, and nuisance kills indicate that records of human-killed bears may not be accurate and may not necessarily reflect changes in population size. Increasing bear populations may continue to rise with increased levels of human exploitation (as long as it is below the maximum sustainable take), whereas declining populations may continue to plummet despite reduced exploitation. Ironically, bear populations that have been managed for sustained harvests have generally fared better than populations in which hunting has been prohibited, mainly because the former better controls illicit hunting than the latter (Garshelis 2002: 321–334).

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

### **Effects of the Proposal**

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

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

There is no known evidence to indicate that current Federal subsistence regulations adversely affect brown bear populations, nor that Federal subsistence regulations have led to an increased legal or illegal harvest of brown bears.

### **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP12-01.

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

Regulation	Unit																			
	1	2	3	4	5	6-8	9	10-11	12	13-16	17	18	19	20	21	22	23	24	25	26
___25(j)(7) Authorized to sell handicrafts made from skin, hide, pelt, or fur, including claws, of a brown bear taken from the below units:	X	X	X	X	X		A, B, C, E		X		X			X		X	X	B <sup>1</sup>	X	X
___25(j)(7)(i) In Units 1-5, authorized to sell handicrafts made from skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from the below units:	X			X	X															
___25(j)(2)(ii) The hide of brown bears need not be salvaged in units:					X		B				X	X	A <sup>2</sup> , B		D	X	X	X		A
___26(j)(2) You may not possess or transport from Alaska the untanned skin or skull of a bear unless both have been sealed; sealing is not required for bears taken in the below units unless removed from the area.					X		B, E				X	X	A, B <sup>3</sup>		D	X	X	X		A
___26(j)(3) You must keep a bear skin and skull together until both are sealed; this provision and sealing is not required for bears taken in the below units unless removed from the area. If sealed, ADF&G will remove a rudimentary premolar tooth.					X		B, E				X	X	A, B <sup>3</sup>		D	X	X	X		A
___26(j)(3)(ii) If the skin or skull of a bear taken in the below units are removed from the area, you must have it sealed in Bethel, Dillingham, or McGrath; ADF&G will retain the skin of the skull and front claws.							B						X	X						
___26(j)(3)(iii) If the skin or skull of a bear taken in the below units are removed from the area or taken for commercial tanning within the area, you must first have it sealed in Barrow, Galena, Nome, or Kotzebue; ADF&G will retain the skin of the skull and front claws.																				
___26(j)(3)(iv) If the skin or skull of a bear taken in the below units are removed from the area, you must first have it sealed in Yakutat.					X															
___26(j)(3)(v) If the skin or skull of a bear taken in the below units are removed from the unit, you must first have it sealed; ADF&G will retain the skin of the skull and front claws.							E													

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

## **Justification**

Previous action of the Board has been consistent with Section 803 of ANILCA, which includes the “making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption.” This proposal would provide some protection to subsistence users who incorporate brown bear claws into handicrafts for sale by providing proof that the claws are from brown bears that were harvested by Federally qualified subsistence users. Requiring a copy of the sealing certificate to accompany the handicraft would clearly identify that the claws are from a legally-harvested brown bear. Value could be added to the handicraft, because the sealing certificate would identify that the claws are from a legally-harvested brown bear. Those subsistence users who harvest brown bears from units where sealing is already required would not be affected by this proposal. It is not anticipated that this proposal would adversely affect brown bear populations.

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

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

## **LITERATURE CITED**

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Garshelis, D. 2002. Misconceptions, Ironies, and Uncertainties Regarding Trends in Bear Populations. *Ursus* 13:321–334.

Miller, S. D. 1993. Brown bears in Alaska: a statewide management overview. Wildlife Tech. Bull. #11. ADF&G, Division of Wildlife Conservation. 40 pages.

**APPENDIX A**

The customary and traditional use determinations for brown bear for all units in the State are included below.

<b>Unit</b>	<b>C &amp; T determination for Brown Bear</b>	<b>Harvest Limits for Brown Bear</b>
<b>1</b>	Unit 1A—Rural residents of Unit 1A, except no Federal subsistence priority for residents of Hyder  Unit 1B—Rural residents of Unit 1A, Petersburg and Wrangell, except no Federal subsistence priority for residents of Hyder  Unit 1C—Rural residents of Unit 1C, Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, except no Federal subsistence priority for residents of Gustavus  Unit 1D—Rural residents of Unit 1D	1 bear every four regulatory years by State registration permit only
<b>2</b>		
<b>3</b>		
<b>4</b>	Rural residents of Unit 4 and Kake	1 bear every four regulatory years by State registration permit only
<b>5</b>	Rural residents of Yakutat	1 bear by Federal registration permit only
<b>6</b>	No Federal subsistence priority	No Federal open season
<b>7</b>	No Federal subsistence priority	No Federal open season
<b>8</b>	Rural residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions	1 bear by Federal registration permit only. Up to 1 permit may be issued in Akhiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 2 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions.

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
9	Unit 9A—Residents of Pedro Bay Unit 9B—Rural residents of Unit 9B Unit 9C—Rural residents of Unit 9C Unit 9D—Rural residents of Units 9D and 10 (Unimak Island) Unit 9E—Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik	Units 9A, 9C, and 9D: <i>see Special Provisions</i> for the communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon.  Unit 9B, Lake Clark National Park and Preserve—Residents of Nondalton, Illiamna, Newhalen, Pedro Bay, and Port Alsworth only—1 bear by Federal registration permit only. The season will be closed when 4 females or 4 bears have been taken, whichever occurs first.  Unit 9B remainder—1 bear by State registration permit only  Unit 9E—1 bear by Federal registration permit only
10	Unit 10—Rural residents of Units 9D and 10 (Unimak Island)	No Federal open season.  <i>See Special Provisions for the communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon for Unit 10.</i>
11	Unit 11, north of the Sanford River—Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12  Unit 11 remainder—Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11	1 bear
12	Rural residents of Unit 12, Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana	1 bear
13	Rural residents of Unit 13 and Slana	1 bear—Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the superintendent after 4 bears have been harvested
14	Unit 14A—All rural residents Units 14B and 14C—No Federal subsistence priority	No Federal open season
15	No Federal Subsistence priority	
16	No Federal subsistence priority	

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
17	<p>Unit 17A—Rural residents of Unit 17, and rural residents of Akiak, Akiachak, Goodnews Bay and Platinum</p> <p>Units 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of Upper Togiak Lake, and northeast to the northern point of Nukakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills—Rural residents of Kwethluk</p> <p>Unit 17B, that portion draining into Nuyakuk Lake and Tikchik Lake—Rural residents of Akiak and Akiachak</p> <p>Units 17B and 17C—Rural residents of Unit 17</p>	<p>1 bear by State registration permit only</p> <p><i>Contact ADF&amp;G for permit details</i></p>
18	<p>Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mountain Village, Napaskiak, Platinum, Quinhagak, St. Marys and Tuluksak</p>	<p>1 bear by State registration permit only</p>
19	<p>Units 19A and 19B—Rural residents of Units 19 and 18 within the Kuskokwim River drainage upstream from and including) the Johnson River</p> <p>Unit 19C—No Federal subsistence priority</p> <p>Unit 19D—Rural residents of Units 19A and 19D, Tuluksak, and Lower Kalskag</p>	<p>Units 19A and 19B, those portions which are downstream of and including the Aniak River drainage—1 bear by State Registration permit only</p> <p>Unit 19A remainder; Unit 19B remainder; and Unit 19D—1 bear</p> <p>Unit 19C—No Federal open season</p>
20	<p>Unit 20E—Rural residents of Unit 12 and Dot Lake</p> <p>Unit 20F—Rural residents of Unit 20F, Stevens Village and Manley</p> <p>Unit 20 remainder—All rural residents</p>	<p>Unit 20A—1 bear</p> <p>Unit 20E—1 bear</p> <p>Unit 20 remainder—1 bear</p>
21	<p>Rural residents of Units 21 and 23</p>	<p>Unit 21D—1 bear by State registration permit only</p> <p>Unit 21 remainder—1 bear</p>
22	<p>Unit 22—Rural residents of Unit 22</p>	<p>Units 22A, 22B, 22D, and 22E—1 bear by State registration permit only</p> <p>Unit 22C—1 bear by State registration permit only</p>
23	<p>Rural residents of Units 21 and 23</p>	<p>Unit 23, except the Baldwin Peninsula north of the Arctic Circle—1 bear by State registration permit only</p> <p>Unit 23 remainder—1 bear every four years</p>

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
24	Unit 24, that portion south of caribou mountain and on public lands within and adjacent to the Dalton Highway Corridor Management Area—Rural Residents of Unit 24 and Stevens Village  Unit 24 remainder—Rural residents of Unit 24	1 bear by State registration permit
25	Unit 25D—Rural residents of Unit 25D  Unit 25 remainder—Residents of Unit 25 and Eagle	Units 25A and 25B—1 bear  Unit 25C—1 bear  Unit 25D—1 bear
26	Rural residents of Unit 26, except the Prudhoe Bay-Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope	Unit 26A—1 bear by State registration permit only  Unit 26B—1 bear  Unit 26C—1 bear

## WRITTEN PUBLIC COMMENTS

**Support.** No justification was provided.

*Gates of the Arctic Subsistence Resource Commission*

<b>WP10-02 (Deferred) Executive Summary</b>	
<b>General Description</b>	Proposal WP10-02 (deferred proposal WP08-05) requested clarification of the existing Federal Subsistence management regulation governing the use of brown bear claws in handicrafts for sale. The proposal asked for the removal of all unit-specific regulations related to the statewide sale of brown bear handicrafts made of skin, hide, pelt or fur and that sales of brown bear handicrafts made of claws, bones, teeth, sinew, or skulls should occur only between Federally qualified subsistence users. <i>Submitted by the Alaska Department of Fish and Game</i>
<b>Proposed Regulation</b>	<p>§ __.25(j)(7) <i>If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, <b>not</b> including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, or 25.</i></p> <p style="padding-left: 40px;"><i>(i) <del>In Units 1, 2, 3, 4, and 5,</del> <b>If you are a Federally qualified subsistence user,</b> you may sell handicraft articles made from the skin, hide, <del>pelt, fur,</del> claws, bones, teeth, sinew, or skulls of a brown bear <b>to another Federally qualified subsistence user</b> taken from Units 1, 4, or 5.</i></p> <p style="padding-left: 40px;"><i>(ii) [Reserved].</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Take no action</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Southcentral Regional Council Recommendation</b>	
<b>Kodiak/Aleutians Regional Council Recommendation</b>	
<b>Bristol Bay Regional Council Recommendation</b>	
<b>Yukon/Kuskokwim Delta Regional Council Recommendation</b>	
<b>Western Interior Regional Council Recommendation</b>	
<b>Seward Peninsula Regional Council Recommendation</b>	
<b>Northwest Arctic Regional Council Recommendation</b>	
<b>Eastern Interior Regional Council Recommendation</b>	

*continued on next page*

<b>WP10-02 (Deferred) Executive Summary (continued)</b>	
<b>North Slope Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>None</b>

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

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

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

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

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

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

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

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

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

Analysis of Proposal WP12-01 is presented separately.

### **OSM PRELIMINARY CONCLUSION**

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

#### **Justification**

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

### **LITERATURE CITED**

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## APPENDIX A

### STAFF ANALYSIS WP08-05

#### ISSUES

Proposal WP08-05, submitted by the Alaska Department of Fish and Game (ADF&G), requests the removal of all unit-specific regulations related to the statewide sale of brown bear handicrafts made of skin, hide, pelt or fur and that sales of brown bear handicrafts made of claws, bones, teeth, sinew, or skulls should occur only between Federally qualified subsistence users.

It should be noted that within the Proposed Federal Regulation, the regulatory language, as presented, would preclude all sales of brown bear claws unless amended. This language is found in §\_\_.25(j)(7) and includes “not including claws” which would supersede the language in the next passage which, as written, is intended to allow the sale of handicrafts that include brown bear claws only between Federally qualified subsistence users.

#### DISCUSSION

The proponent submitted this proposal in order to refine Federal regulations, which, in its view, allow for “unconstrained commercial sale of handicrafts made from brown bear parts” and create “market incentives for poaching.” Between 2002 and 2007, the Federal Subsistence Board (Board) considered seven proposals regarding the sale of handicrafts made from some of the nonedible parts of bears. Throughout this period, the Board has consistently provided for the sale of handicrafts made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, and skulls of brown bear taken by Federally qualified subsistence users from units where these practices are considered appropriate.

The proponent’s description of persons eligible to sell handicrafts made with these parts would increase the types of bear parts eligible for sale in much of the State, but would narrow sales only to those between Federally qualified rural residents.

Many of the proponent’s requests are based on conservation concerns (ADF&G 2008). There are many well documented conservation concerns connected to the illegal trade of bear parts such as gall bladders, bile, and paws. These concerns exist because of the lucrative markets for what is referred to as the “traditional Chinese medicine” trade and Asian “wildlife cuisine” which includes the meat of bear paws (not including claws) (HSUS 2008, Garshelis and McLellan 2008, Garshelis 2002, Williamson and Phipps 1999). These types of illegal trade are a threat to bears in North America and around the world. On the other hand, there appears to be an absence of documentation regarding conservation concerns related to bear claws and bear claw handicrafts. This absence seems to indicate that the effects of the trade or sale of bear claws is not comparable to the trade and sale of bear gall bladders and paws.

## Existing Federal Regulation

### Definitions & Utilization of Wildlife

§ \_\_.25(j)(7) *If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, or 25.*

(i) *In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from Units 1, 4, or 5.*

(ii) *[Reserved].*

## Proposed Federal Regulation

### Definitions & Utilization of Wildlife

§ \_\_.25(j)(7) *If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, **not** including claws, of a brown bear ~~taken from Units 1–5, 9A–C, 9E, 12, 17, 20, or 25.~~*

(i) *In Units 1, 2, 3, 4, and 5, **If you are a Federally qualified subsistence user**, you may sell handicraft articles made from the ~~skin, hide, pelt, fur~~, claws, bones, teeth, sinew, or skulls of a brown bear **to another Federally qualified subsistence user** ~~taken from Units 1, 4, or 5.~~*

(ii) *[Reserved].*

## Existing State Regulations

*5AAC 92.200. Purchase and sale of game*

*In accordance with AS 16.05.920(a) and 16.05.930(e), the purchase, sale, or barter of game or any part of game is permitted except as provided in this section.*

*Except as provided in 5AAC 92.031, a person may not purchase, sell, barter, advertise or otherwise offer for sale or barter:*

(1) *any part of a bear, except an article of handicraft made from the fur of a bear;*

In 2005, the State of Alaska, Board of Game began to allow the sale of raw bear hides, with claws attached, harvested in specific predator control management areas under a State permit.

*5 AAC 92.031. Permit for selling skins, skulls, and trophies*

(c) *After the skin and skull is sealed as required under 5 AAC 92.165(a) , a person may sell the untanned skin, with claws attached, and skull of a black bear taken in an active predator control area listed in 5 AAC 92.125 only under a permit issued by the department.*

(d) *After the skin and skull is sealed as required under 5 AAC 92.165(a) , a person may sell the untanned skin, with claws attached, and skull of a brown bear taken in an active brown bear predator control area listed in 5 AAC 92.125 only under a permit issued by the department.*

(e) In this section, “active” means that predator control permits have been issued for the referenced predator control area during the current year.

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

Proposed regulations would apply to all Federal public lands in Alaska, as defined by Federal Subsistence hunting regulations. Federal public lands represent approximately 60% of Alaska or 380,000 square miles.

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

The customary and traditional use determinations for brown bear for all units in the State are included in **Appendix A**.

### **Regulatory History**

The following is a brief summary of regulatory actions taken by the Board regarding the sale of handicrafts made from bear parts.

May 2002 — The Board adopted regulations allowing the sale of handicrafts made from the “fur” of black bear (statewide regulation).

May 2004 — The Board adopted regulations allowing the sale of handicrafts made from the “fur” of brown bear taken in Eastern Interior, Bristol Bay, and Southeast regions. The Board also clarified its intent to maintain the Federal definition of “fur,” which includes claws.

May 2005 — The Board adopted regulations that:

- Modified the definition of the term *handicraft*.
- Modified the definition of the terms *skin, hide, pelt, and fur*.
- Modified regulatory language to clarify that bear claws can be used in handicrafts for sale. (The previous language allowing the sale of handicrafts made with bear claws specifically referred to bear fur, with the reference to claws contained in the definition of fur. With the old language it was not obvious to most readers that the use of claws was permitted. This action by the Board did not authorize any new uses.)
- Allowed the sale of handicrafts in Units 1–5 made from bones, teeth, sinew, or skulls of bears taken in those units.

May 2006 — The Board rejected proposed regulations to prohibit the sales of handicrafts made from bear claws to businesses. However, the Board did adopt regulatory language that prohibits handicraft sales that constitute a “significant commercial enterprise.”

May 2007 — The Board rejected proposed regulations that claws be removed from the Federal definition of fur and that sales of handicraft articles made from claws, bones, teeth, sinew, or skulls of black and brown bears be allowed for sale only between Federally qualified subsistence users statewide.

### **Biological Background**

Brown bears range throughout most of Alaska, except the islands of the Aleutian Chain west of Unimak and the southeast Alaska islands south of Frederick Sound. Brown bear populations throughout most of Alaska are generally stable and occupy all of their historic range (Miller 1993). Throughout the State, brown bear population densities are diverse and vary according to food availability. On the North Slope

where food is scarce, bear densities can be as low as one bear every 300 miles. Brown bear densities as high as one brown bear per mile have been recorded in coastal areas with healthy salmon runs. Brown bear density is moderate in interior Alaska where the average is one bear per 15–23 miles (Eide and Miller 1994 and 2003).

The following quote from *Ursus* (2002) may provide a clearer picture of the biological status of brown and other bears:

Despite our rapidly increasing knowledge of bears, there are few places in the world where we really know how bear populations are faring... Assessments of bear populations often are based on records of dead animals and trends in habitat availability. These data produce dubious indications of population trends. Case studies relating to the trade in bear parts, sport harvests, and nuisance kills indicate that records of human-killed bears may not be accurate and may not necessarily reflect changes in population size. Increasing bear populations may continue to rise with increased levels of human exploitation (as long as it is below the maximum sustainable take), whereas declining populations may continue to plummet despite reduced exploitation. Ironically, bear populations that have been managed for sustained harvests have generally fared better than populations in which hunting has been prohibited, mainly because the former better controls illicit hunting than the latter (Garshelis 2002: 321–334).

### **Effects of the Proposal**

Under current Federal subsistence regulations, brown bear fur with claws can only be used to make handicrafts for sale if the bears were harvested from units in Eastern Interior, Bristol Bay and Southeast Alaska. Other parts, such as bones teeth, sinew, or skulls can only be used in handicrafts for sale from brown bear taken in Southeast Alaska. The proponent's description of persons eligible to sell handicrafts made with these parts would increase the types of bear parts eligible for sale in much of the State, but would narrow all sales only to those between Federally qualified rural residents. The removal of unit-specific restrictions would negate the intent of the Board and the Regional Advisory Councils in recognizing the diverse customary and traditional uses of bears and bear parts throughout the State. These diverse customary and traditional uses are reflected in Regional Advisory Council recommendations. Three proposals (WP08-12, WP08-52 and WP08-53) which request the inclusion of Units 11, 23, 24B and 26 for eligibility to sell brown bear handicrafts with claws have been submitted for the 2008–2010 wildlife regulatory cycle and are analyzed separately.

Previous Board action provided for the sale of handicrafts made from bear claws by Federally qualified subsistence users to consumers including and other than Federally qualified subsistence users. Restricting sales solely to other Federally qualified rural residents, as proposed, will satisfy the need to use these products for regalia and cultural events in rural areas; however, the proposed regulatory language will not allow for handicraft sales to a variety of consumers, which is desired by subsistence users to support themselves and their families in a contemporary cash-subsistence economy.

The Board has also consistently rejected attempts to remove brown bear claws as a legal item with which Federally qualified users can make handicrafts for sale. Retaining the use of claws in handicrafts for sale is consistent with previous Board action, and is not expected to significantly increase harvests, as described in previous analyses.

The Board has provided for the sale of handicrafts made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of brown bears by Federally qualified subsistence users where appropriate. The intent of

the Board has been to allow Federally qualified subsistence users to fully utilize the above-listed parts of bears legally harvested under Federal subsistence regulations. It has not been the intent of the Board to create a commercial incentive to harvest bears based on the sale of bear handicrafts.

There is no known evidence to indicate that current Federal subsistence regulations adversely affect brown bear populations, nor that Federal subsistence regulations have led to an increased legal or illegal harvest of brown bears.

## **OSM CONCLUSION**

**Oppose** proposal WP08-05.

### **Justification**

Previous action of the Board has been consistent with Section 803 of ANILCA, which includes the “making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption.” This proposal would unnecessarily restrict the subsistence uses of Federally qualified subsistence users as specified in ANILCA Section 803. There is no evidence to indicate that current Federal regulations adversely affect bear populations, nor has any been provided. Further, there has been no evidence provided to indicate that current Federal regulations have led to an increased legal or illegal harvest of bears. If adopted, this proposal would broaden the use of some of the nonedible parts of brown bear into regions where use is not allowed under current Federal regulations. The residents of a number of these regions have stated, through their Regional Subsistence Advisory Councils, they are opposed to inclusion in these regulations.

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**WP08-05  
APPENDIX A**

The customary and traditional use determinations for brown bear for all units in the State are included below.

<b>Unit</b>	<b>C &amp; T determination for Brown Bear</b>	<b>Harvest Limits for Brown Bear</b>
<b>1</b>	<p><i>Unit 1A—Rural residents of Unit 1A, except no Federal subsistence priority for residents of Hyder</i></p> <p><i>Unit 1B—Rural residents of Unit 1A, Petersburg and Wrangell, except no Federal subsistence priority for residents of Hyder</i></p> <p><i>Unit 1C—Rural residents of Unit 1C, Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, except no Federal subsistence priority for residents of Gustavus</i></p> <p><i>Unit 1D—Rural residents of Unit 1D</i></p>	1 bear every four regulatory years by State registration permit only
<b>2</b>		
<b>3</b>		
<b>4</b>	<i>Rural residents of Unit 4 and Kake</i>	Unit 4, Chichagof Island south and west of a line that follows the crest of the island from Rock Point to Rodgers Point, including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nisnemi Point to the entrance of Gut Bay and including Kruzof and other adjacent islands—One bear every four regulatory years by State permit only
<b>5</b>	<i>Rural residents of Yakutat</i>	1 bear by Federal registration permit only
<b>6</b>	<i>No Federal subsistence priority</i>	No Federal open season
<b>7</b>	<i>No Federal subsistence priority</i>	No Federal open season

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
8	<i>Rural residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions</i>	1 bear by Federal registration permit only. Up to 1 permit may be issued in Akhiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 2 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions.
9	<p><i>Unit 9A—Residents of Pedro Bay</i></p> <p><i>Unit 9B—Rural residents of Unit 9B</i></p> <p><i>Unit 9C—Rural residents of Unit 9C</i></p> <p><i>Unit 9D—Rural residents of Units 9D and 10 (Unimak Island)</i></p> <p><i>Unit 9E—Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik</i></p>	<p>Units 9A, 9C, and 9D: <i>see Special Provisions</i> for the communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon.</p> <p>Unit 9B, Lake Clark National Park and Preserve—Residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth only—1 bear by Federal registration permit only. The season will be closed when 4 females or 4 bears have been taken, whichever occurs first.</p> <p>Unit 9B remainder—1 bear by State registration permit only</p> <p>Unit 9E—1 bear by Federal registration permit only</p>
10	<i>Unit 10—Rural residents of Units 9D and 10 (Unimak Island)</i>	<p>No Federal open season.</p> <p><i>See Special Provisions for the communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon for Unit 10.</i></p>
11	<p><i>Unit 11, north of the Sanford River—Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12</i></p> <p><i>Unit 11 remainder—Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11</i></p>	1 bear
12	<i>Rural residents of Unit 12, Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana</i>	1 bear

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
13	<i>Rural residents of Unit 13 and Slana</i>	1 bear—Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the superintendent after 4 bears have been harvested
14	<i>Unit 14A—All rural residents</i> <i>Units 14B and 14C—No Federal subsistence priority</i>	No Federal open season
15	<i>No Federal Subsistence priority</i>	
16	<i>No Federal subsistence priority</i>	
17	<i>Unit 17A—Rural residents of Unit 17, and rural residents of Akiak, Akiachak, Goodnews Bay and Platinum</i>  <i>Units 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of Upper Togiak Lake, and northeast to the northern point of Nukakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills—Rural residents of Kwethluk</i>  <i>Unit 17B, that portion draining into Nuyakuk Lake and Tikchik Lake—Rural residents of Akiak and Akiachak</i>  <i>Units 17B and 17C—Rural residents of Unit 17</i>	1 bear by State registration permit only  <i>Contact ADF&amp;G for permit details</i>
18	<i>Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mountain Village, Napaskiak, Platinum, Quinhagak, St. Marys and Tuluksak</i>	1 bear by State registration permit only
19	<i>Units 19A and 19B—Rural residents of Units 19 and 18 within the Kuskokwim River drainage upstream from and including the Johnson River</i>  <i>Unit 19C—No Federal subsistence priority</i>  <i>Unit 19D—Rural residents of Units 19A and 19D, Tuluksak, and Lower Kalskag</i>	Units 19A and 19B, those portions which are downstream of and including the Aniak River drainage—1 bear by State Registration permit only  Unit 19A remainder; Unit 19B remainder; and Unit 19D—1 bear  Unit 19C—No Federal open season
20	<i>Unit 20E—Rural residents of Unit 12 and Dot Lake</i>  <i>Unit 20F—Rural residents of Unit 20F, Stevens Village and Manley</i>  <i>Unit 20 remainder—All rural residents</i>	Unit 20A—1 bear  Unit 20E—1 bear  Unit 20 remainder—1 bear

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
21	<i>Rural residents of Units 21 and 23</i>	Unit 21D—1 bear by State registration permit only  Unit 21 remainder—1 bear
22	<i>Unit 22—Rural residents of Unit 22</i>	Units 22A, 22B, 22D, and 22E—1 bear by State registration permit only  Unit 22C—1 bear by State registration permit only
23	<i>Rural residents of Units 21 and 23</i>	Unit 23, except the Baldwin Peninsula north of the Arctic Circle—1 bear by State registration permit only  Unit 23 remainder—1 bear every four years
24	<i>Unit 24, that portion south of caribou mountain and on public lands within and adjacent to the Dalton Highway Corridor Management Area—Rural Residents of Unit 24 and Stevens Village</i>  <i>Unit 24 remainder—Rural residents of Unit 24</i>	1 bear by State registration permit
25	<i>Unit 25D—Rural residents of Unit 25D</i>  <i>Unit 25 remainder—Residents of Unit 25 and Eagle</i>	Units 25A and 25B—1 bear  Unit 25C—1 bear  Unit 25D—1 bear
26	<i>Rural residents of Unit 26, except the Prudhoe Bay-Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope</i>	Unit 26A—1 bear by State registration permit only  Unit 26B—1 bear  Unit 26C—1 bear

<b>WP12-02 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-02 requests that only people 60 years of age or older, or disabled, be allowed to designate their harvest limit to another person. <i>Submitted by Michael Cronk of Tok</i>
<b>Proposed Regulation</b>	<p><b>§__.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.</b></p> <p><i>(e) Hunting by designated harvest permit.</i></p> <p><i>If you are a Federally qualified subsistence user (recipient) <b>who is 60 years of age or older, or disabled</b>, you may designate another Federally qualified subsistence user to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in §__.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulations in §__.26.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Southcentral Regional Council Recommendation</b>	
<b>Kodiak/Aleutians Regional Council Recommendation</b>	
<b>Bristol Bay Regional Council Recommendation</b>	
<b>Yukon/Kuskokwim Delta Regional Council Recommendation</b>	
<b>Western Interior Regional Council Recommendation</b>	
<b>Seward Peninsula Regional Council Recommendation</b>	
<b>Northwest Arctic Regional Council Recommendation</b>	
<b>Eastern Interior Regional Council Recommendation</b>	

*continued on next page*

<b>WP10-01 Executive Summary (continued)</b>	
<b>North Slope Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>1 support with modification</b> to include windows.

## DRAFT STAFF ANALYSIS WP12-02

### ISSUES

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

### DISCUSSION

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

#### Existing Federal Regulation

**§ \_\_.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.**

*(e) Hunting by designated harvest permit.*

*If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in § \_\_.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit specific regulations in § \_\_.26.*

#### Proposed Federal Regulation

**§ \_\_.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.**

*(e) Hunting by designated harvest permit.*

*If you are a Federally qualified subsistence user (recipient) **who is 60 years of age or older, or disabled**, you may designate another Federally qualified subsistence user to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in § \_\_.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest*

*report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulations in § \_\_\_.26.*

**Relevant Federal Regulation**

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

**Existing State Regulation**

The State of Alaska provides for the transfer of harvest limits from one person to another through its proxy hunting program (5 AAC 92.011; see Appendix B). **Table 1** is a side-by-side comparison of the State’s proxy system to the Federal designated hunter system.

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

<b>State of Alaska Proxy System</b>	<b>Federal Subsistence Management Program Designated Hunter System</b>
Applies where there is an open State harvest season.	Applies to Federal public lands when there is an open Federal harvest season.
Applies to caribou, deer, and moose.	Applies to caribou, deer, and moose.
Available to a hunter who is blind, physically disabled, or 65 years of age or older.	Available to Federally qualified subsistence users.
Either the recipient or the hunter may apply for the authorization.	Recipient may designate another Federally qualified subsistence user on his/her behalf.
No person may be a proxy for more than one recipient at a time.	A person may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time.
Antler destruction is required for all species.	No antler destruction.

**Extent of Federal Public Land**

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

**Regulatory History**

Prior to 2003, the Board adopted designated hunter regulations for 21 unit-specific hunts, and there were differences in how the regulations addressed the designated hunter system (see FSB 2003). In 2003, the Board established the statewide designated hunter system for deer, caribou, and moose, leaving the option for unit-specific regulations to include other species and special provisions (68 FR 38466. June 27, 2003). The Board was supported by the majority of Regional Advisory Councils and the Interagency Staff Committee (FSB 2003).

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

### **Customary and Traditional Uses**

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

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

[The designated hunter system] legalizes a traditional practice that is already going on. Within the individual harvest limits, some hunters cannot fulfill both the requirements of their own household and those of the people with whom they share. The proposal would permit hunters to harvest moose expressly for sharing.

In every society, the ratio of producers to dependents is strongly influenced by the ecological setting and dominant mode of production. In societies with hunting and gathering economies (termed “subsistence” in Alaska), the proportion of producers ranges from approximately 50 to 70 percent. However, not all producers are hunters; some are engaged in processing foods. Consequently, it is common for a single hunter, in the northern context, to harvest resources for four or more individuals.

Domestic units may pass through several developmental stages with widely varying ratios of producers to dependents. For example, a household in its early stages of development, with infants and small children, is different from a domestic unit headed by a middle-aged couple with several unmarried adult children. During later stages a household may be composed exclusively of elderly post-productive people. In any stage of development, households may contain members who are unable to or do not choose to harvest for themselves. Single-parent families are another category of households, which may rely on others to supply them with resources.

Like households, individual producers also pass through developmental stages with distinctive productive capacities. A considerable amount of an apprentice harvester or processor's effort is consumed in learning. Conversely, individuals in their final productive years are primarily engaged with education and supervisory tasks rather than the direct procurement and processing of resources. Hence, the majority of production is accomplished by that segment of a population that, while having mastered requisite skills, is free of the responsibilities and physical impairments acquired with advancing adulthood. Finally, regardless of stage of development, all producers do not possess equal skills, abilities, and aptitudes. Each community has a minority of good hunters, trappers, and fishers.

Inequalities in individual and household productive capacities are equalized via processes of distribution (sharing and feasting) and exchange (trade and barter). The nature, magnitude, and geographic extent of distributive processes are highly variable across households, communities, societies, and time periods (FSB 1995:31–32).

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

### **Harvest History**

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

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

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

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

<sup>a</sup> All hunters including Federally qualified, non-Federally qualified, and nonresidents of the state.

<sup>b</sup> Harvest by all hunters available to 2007 only.

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

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

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

Note: percentages may not equal 100 due to rounding.

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

### Other Relevant Proposals

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

### Effects of the Proposal

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

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

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

## **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP12-02.

### **Justification**

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

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

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## APPENDIX A

### FEDERAL DESIGNATED HUNTER—UNIT SPECIFIC REGULATIONS

#### § \_\_.26(n) Unit regulations

##### **Unit 6**

*(ii)(D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled may designate another Federally qualified subsistence user to take any moose, deer, black bear, and beaver on his or her behalf in Unit 6, and goat in Unit 6D, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in his or her possession at any one time;*

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

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

##### **Unit 9**

*(iii)(E) For Units 9C and 9E only, a Federally qualified subsistence user (recipient) of Units 9C and 9E may designate another Federally qualified subsistence user of Units 9C and 9E to take bull caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report and turn over all meat to the recipient. There is no restriction on the number of possession limits the designated hunter may have in his/her possession at any one time;*

*(iii)(F) For Unit 9D, a Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time;*

##### **Unit 22**

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

##### **Unit 23**

*(iv)(D) For the Baird and DeLong Mountain sheep hunts—A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for only one recipient in the course of a season and may have both his and the recipients' harvest limits in his/her possession at the same time;*

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

## **Unit 26**

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

*(iv)(D) For the DeLong Mountain sheep hunts—A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for only one recipient in the course of a season and may have both his and the recipient's harvest limits in his/her possession at the same time.*

**APPENDIX B****STATE PROXY HUNTER REGULATIONS****5 AAC 92.011. Taking of game by proxy**

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

*(d) A person may not be a proxy*

- (1) for more than one beneficiary at a time;*
- (2) more than once per season per species in Unit 13;*
- (3) for Tier II Caribou in Unit 13, unless the proxy is a Tier II permittee.*

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

*(k) Proxy hunting under this section is only allowed for*

- (1) caribou;*
- (2) deer; and*
- (3) moose in Tier II hunts, any-bull hunts, and antlerless moose hunts.*

*(l) Notwithstanding (k) of this section, proxy hunting is prohibited in the following hunts where the board has determined that the use of the proxy would allow circumvention of harvest restrictions specified by the board:*

- (1) Unit 20(E) moose and caribou registration hunts;*
- (2) Units 21(B), 21(C), 21(D), and 24 moose hunts if either the proxy or the beneficiary holds a drawing permit for Units 21(B), 21(C), 21(D), or 24 moose hunts;*
- (3) Units 9(A) and 9(B), unit 9(C), that portion within the Alagnak River drainage, and units 17(B), 17(C), 18, 19(A), and 19(B) caribou hunts from August 1 through October 31.*



## WRITTEN PUBLIC COMMENTS

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

*Gates of the Arctic National Park Subsistence Resource Commission*

<b>WP12-03 Executive Summary</b>	
<b>General Description</b>	<p>Proposal WP12-03 would require trappers to move a trap that incidentally harvests a moose, caribou, or deer at least 300 feet for the remainder of the regulatory year. The animal would become the property of the regional management agency. The proposed regulation asks trappers to salvage the edible meat and turn it over to the appropriate agency, but this would not be required. <i>Submitted by the Orutsararmiut Native Council</i></p>
<b>Proposed Regulation</b>	<p><b>§___.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.</b></p> <p><i>(a) Definitions.</i></p> <p><i>Salvage means to transport the edible meat, skull, or hide, as required by regulation, of a regulated fish, wildlife, or shellfish to the location where the edible meat will be consumed by humans or processed for human consumption in a manner which saves or prevents the edible meat from waste, and preserves the skull or hide for human use.</i></p> <p><i>(j) Utilization of fish, wildlife, or shellfish.</i></p> <p style="padding-left: 40px;"><i>(1) You may not use wildlife as food for a dog or furbearer, or as bait . . . except for the following:</i></p> <p style="padding-left: 80px;"><i>(i) The hide, skin, viscera, head, or bones of wildlife.</i></p> <p><i>(3) You must salvage the edible meat of ungulates, bear, grouse, and ptarmigan.</i></p> <p><b>§___.26 Subsistence taking of wildlife.</b></p> <p><i>(b) Except for special provisions found at paragraphs (n)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:</i></p> <p><i>(10) Using a trap to take ungulates or bear. Continuing to take, or attempting to take, furbearers at a site where a moose, caribou, or deer has been taken incidentally is a violation. Any moose, caribou or deer that dies as a result of being caught in a trap or snare, whether found dead or euthanized, becomes the property of the regional management agency. The trapper should salvage edible meat and surrender it to the appropriate agency. A person who salvages and surrenders the edible meat in accordance with this regulation will not be subject to citation. If such an incidental take occurs, the trapper must move all active traps and snares at least 300 feet from the site for the remainder of the regulatory year (July 1 through June 30), and after the ending of the July 1 – June 30 regulatory year, may reset again in the same place or area during subsequent trapping seasons.</i></p>

*continued on next page*

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

**DRAFT STAFF ANALYSIS  
WP12-03**

**ISSUES**

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

**DISCUSSION**

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

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

**Existing Federal Regulation**

**§ \_\_\_\_ .25 Subsistence taking of fish, wildlife, and shellfish: general regulations.**

*(a) Definitions.*

*Salvage means to transport the edible meat, skull, or hide, as required by regulation, of a regulated fish, wildlife, or shellfish to the location where the edible meat will be consumed by humans or processed for human consumption in a manner which saves or prevents the edible meat from waste, and preserves the skull or hide for human use.*

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

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

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

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

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

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

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

**Proposed Federal Regulation**

**§ \_\_.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.**

*(a) Definitions.*

*Salvage means to transport the edible meat, skull, or hide, as required by regulation, of a regulated fish, wildlife, or shellfish to the location where the edible meat will be consumed by humans or processed for human consumption in a manner which saves or prevents the edible meat from waste, and preserves the skull or hide for human use.*

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

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

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

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

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

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

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

**Existing State Regulation**

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

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

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

**5 AAC 92.095. Unlawful methods of taking furbearers; exceptions**

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

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

**5 AAC 92.210. Game as animal food or bait**

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

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

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

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

**5 AAC 92.990. Definitions**

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

**16.30.010. Wanton waste of big game animals and wild fowl**

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

**Extent of Federal Public Land**

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

**Regulatory History**

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

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

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

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

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

### **Effects of the Proposal**

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

### **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP12-03.

### **Justification**

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

### **LITERATURE CITED**

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<b>WP12-04/05 Executive Summary</b>	
<b>General Description</b>	<p>Proposal WP12-04 requests extending the coyote (<i>Canis latrans</i>) trapping season closing date to from February 15 to April 30 in Units 1–4. Proposal WP12-05, submitted by Andy Savland, requests that coyote taken incidentally with a trap or snare during any open trapping season may be retained by the trapper in Units 1–5. <i>Submitted by Monte Mitchell</i></p>
<b>Proposed Regulation</b>	<p><u>WP12-04</u></p> <p><i>You may trap wildlife for subsistence uses only within the seasons and harvest limits in these unit trapping regulations. Trapping wildlife out of season or in excess of harvest limits for subsistence uses is illegal and prohibited. However, you may trap unclassified wildlife such as squirrel and marmot species in all units, without harvest limits, from July 1, 2010 through June 30, 2012.</i></p> <p><b>Units 1, 2, 3, and 4 — Coyote (trapping)</b>  <i>No limit</i> <span style="float: right;"><i>Dec. 1 – Feb. 15 Apr. 30</i></span></p> <p><b>Unit 5 — Coyote (trapping)</b>  <i>No limit</i> <span style="float: right;"><i>Nov. 10 – Feb. 15</i></span></p> <p><u>WP12-05</u></p> <p><i>You may trap wildlife for subsistence uses only within the seasons and harvest limits in these unit trapping regulations. Trapping wildlife out of season or in excess of harvest limits for subsistence uses is illegal and prohibited. However, you may trap unclassified wildlife such as squirrel and marmot species in all units, without harvest limits, from July 1, 2010 through June 30, 2012.</i></p> <p><b>Units 1, 2, 3, and 4 — Coyote (trapping)</b>  <i>No limit</i> <span style="float: right;"><i>Dec. 1 – Feb. 15</i></span></p> <p><b>Unit 5 — Coyote (trapping)</b>  <i>No limit</i> <span style="float: right;"><i>Nov. 10 – Feb. 15</i></span></p> <p><b>Units 1–5 — Coyote taken with a trap or snare during any open trapping season may be kept and used for subsistence purposes.</b></p>

*continued on next page*

<b>WP12-04/05 Executive Summary (continued)</b>	
<b>OSM Preliminary Conclusion</b>	<p><b>Oppose</b> Proposal WP12-04</p> <p><b>Support</b> Proposal WP12-05 <b>with modification</b> to allow for the retention of coyotes during trapping seasons which extend beyond the current coyote season and have a high probability of catching coyotes.</p> <p>The modified proposed regulation would read:</p> <p><i>You may trap wildlife for subsistence uses only within the seasons and harvest limits in these unit trapping regulations. Trapping wildlife out of season or in excess of harvest limits for subsistence uses is illegal and prohibited. However, you may trap unclassified wildlife such as squirrel and marmot species in all units, without harvest limits, from July 1, 2010 through June 30, 2012.</i></p> <p><b>Units 1–5 – Coyotes taken incidentally with a trap or snare during an open Federal trapping season for wolf, wolverine, or beaver may be legally retained.</b></p>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<p><b>Support</b> WP12-04 <b>with modification</b>. Generally, the state does not support extending the trapping season for a species for which there is no population or reliable harvest data. However, to allow trappers to retain incidentally taken coyotes the state recommends support with modification. The department recommends that federal subsistence coyote trapping season match the state’s wolf trapping seasons in Units 1-4. This would require modification of the proposal to adjust the trapping season dates in Unit 2 to December 1 through March 31.</p> <p><b>Take no action</b> on WP12-05 based upon support for WP12-04.</p>
<b>Written Public Comments</b>	<b>None</b>

**DRAFT STAFF ANALYSIS  
WP12-04/05**

**ISSUES**

Proposal WP12-04, submitted by Monte Mitchell, requests extending the coyote (*Canis latrans*) trapping season closing date to from February 15 to April 30 in Units 1–4. Proposal WP12-05, submitted by Andy Savland, requests that coyote taken incidentally with a trap or snare during any open trapping season may be retained by the trapper in Units 1–5.

**DISCUSSION**

The proponents of these two proposals are seeking (through different methods) to allow Federally qualified subsistence users the ability to retain coyotes taken outside the regular coyote season while trapping for other species. The proponent of WP12-04 asks for an extension to the end of the coyote season in Units 1–4 while the proponent of WP12-05 is asking to retain coyotes taken outside the regular coyote season while trapping for other species in Units 1–5. The proponents have indicated that coyotes are becoming more prominent where they trap, and it is nearly impossible to avoid trapping coyotes in traps or snares set for wolves. One of the proponents also indicated that he has taken an average of 2 coyotes per season after the February closure which had to be forfeited to the State.

**Existing Federal Regulation**

*You may trap wildlife for subsistence uses only within the seasons and harvest limits in these unit trapping regulations. Trapping wildlife out of season or in excess of harvest limits for subsistence uses is illegal and prohibited. However, you may trap unclassified wildlife such as squirrel and marmot species in all units, without harvest limits, from July 1, 2010 through June 30, 2012.*

**Units 1, 2, 3, and 4 – Coyote (trapping)**

*No limit*

*Dec. 1 – Feb. 15*

**Unit 5 – Coyote (trapping)**

*No limit*

*Nov. 10 – Feb. 15*

**Proposed Federal Regulation**

WP12-04

*You may trap wildlife for subsistence uses only within the seasons and harvest limits in these unit trapping regulations. Trapping wildlife out of season or in excess of harvest limits for subsistence uses is illegal and prohibited. However, you may trap unclassified wildlife such as squirrel and marmot species in all units, without harvest limits, from July 1, 2010 through June 30, 2012.*

**Units 1, 2, 3, and 4 – Coyote (trapping)**

*No limit*

*Dec. 1 – ~~Feb. 15~~ Apr. 30*

**Unit 5 – Coyote (trapping)**

*No limit*

*Nov. 10 – Feb. 15*

WP12-05

*You may trap wildlife for subsistence uses only within the seasons and harvest limits in these unit trapping regulations. Trapping wildlife out of season or in excess of harvest limits for subsistence uses is illegal and prohibited. However, you may trap unclassified wildlife such as squirrel and marmot species in all units, without harvest limits, from July 1, 2010 through June 30, 2012.*

**Units 1, 2, 3, and 4 – Coyote (trapping)**

*No limit*

*Dec. 1 – Feb. 15*

**Unit 5 – Coyote (trapping)**

*No limit*

*Nov. 10 – Feb. 15*

***Units 1–5– Coyote taken with a trap or snare during any open trapping season may be kept and used for subsistence purposes.***

**Existing State Regulations**

**Unit 1–4 – Coyote (trapping)**

*No limit*

*Dec. 1 – Feb. 15*

**Unit 5 – Coyote (trapping)**

*No limit*

*Nov. 10 – Feb. 15*

***Possession of Furbearers***

*If you take an animal during a closed season or for which there is no open season, it is the property of the state. If you salvage the animal, transport it immediately to the nearest office of ADF&G or Alaska Wildlife Troopers and surrender it, you will not be cited.*

**Extent of Federal Public Lands**

Federal public lands comprise approximately 95% of the Southeast Region which includes Units 1–5. The Forest Service manages the Tongass National Forest. The National Park Service (NPS) manages the Glacier Bay National Park and Preserve, Sitka National Historical Park, Klondike Gold Rush National Historical Park and the Wrangell-St. Elias National Park and Preserve. In order to engage in subsistence in Wrangell-St. Elias National Park, the NPS requires 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. The US Fish and Wildlife Service manages the Alaska Maritime National Wildlife Refuge. The Bureau of Land Management manages lands near Icy Bay.

**Customary and Traditional Use Determinations**

There is no specific Customary and Traditional use determination for coyotes in Units 1–5. All rural residents of the state are eligible to harvest coyotes under Federal subsistence trapping regulations.

## **Regulatory History**

The Alaska Board of Game during its November 2006 meeting passed a proposal to change the opening date of the coyote trapping season in Unit 5 from December 1 to November 10. Wolverine and wolf seasons were opening on November 10 and this date change allowed trappers in Unit 5 to retain any coyote incidentally taken in gear set during the beginning of the trapping season for wolverine or wolf.

The Federal trapping season for coyotes in Units 1–5 was from December 1 to February 15 until 2007. During the 2007 regulatory cycle, WP07-11 was submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council). This proposal asked that the opening date for coyote trapping in Unit 5 be changed from December 1 to November 10. The Council submitted the proposal in order to align the starting date for coyote trapping under Federal subsistence trapping regulations in Unit 5 with the start date for coyotes under state regulation as discussed above. The Federal Subsistence Board supported this proposal.

## **Biological Background**

The coyote, like the wolf, is a member of the dog family (Canidae) and resembles a medium-sized shepherd-collie type dog. Distinctive features of the coyote are its sharp pointed ears that never droop, a sharp pointed nose, and long bushy tail. The legs of the coyote are generally slimmer and the feet smaller than those of a dog of comparable size. Coyotes average 22 to 33 pounds (10–15 kg) or about one-third the size of wolves. Males are slightly heavier than females. Coyote average 2 feet high (.6 m) at the shoulder and, including tail, are approximately 4 feet (1.2 m) long. The summer coat is predominantly gray, washing into tan along the belly, lower legs, muzzle, and ears. Some guard hairs are tipped with black, as is the tail. The upper lip and underside are whitish. The intensity and amount of coloring varies, and individuals are usually lighter in winter (ADF&G 2007).

Coyotes were first noted in the state shortly after the turn of the 20th century. Populations were first reported on the mainland of Southeast Alaska. Within Unit 1, particularly sections 1C and 1D, reports of harvests and sightings of coyotes have been increasing. This is especially true for the Juneau road system, as well as Pt. Couverden where the authors of the coyote proposals trap (Pappas 2011). Coyotes are noted as being present within Units 1C, 1D, and 5 however, actual numbers are unknown. No coyotes have been noted in Units 1A, 1B, 2, 3, or 4 (Barten 2011).

## **Harvest History**

Canines (wolves, foxes, and coyotes) are typically taken in “blind” set snares (to capture the animal as it passes through an area) or with a scent post foothold set (draws animal to particular location where it steps into the concealed trap). Due to a canine’s behavior of using scent to mark and identify territory and travel corridors, it is not uncommon to catch other species of canines in sets made for another species of canine. Most trappers in Southeast Alaska use snares to target wolves. Since snares are typically fatal to the canine when caught, release is not an option.

Neither the Alaska Department of Fish and Game (ADF&G) nor the Federal subsistence regulations require coyotes to be sealed. Any information on coyotes harvested would have to come directly from the trapper either through conversation or the Annual Trapper Survey & Questionnaire. Trappers in Southeast Alaska do not specifically target coyotes, and those harvested have been typically taken in snares set for wolves. Coyote harvest in Units 1–5 averages less than ten per year. The majority of the harvest is occurs in Unit 1C (Barten 2011).

Multiple suggestions, to extend coyote trapping seasons to match wolf and wolverine seasons, have been noted in both the 2006–2007 and 2007–2008 Annual Trapper Survey & Questionnaires (ADF&G 2010a, ADF&G 2010b). A comparison of the Federal trapping season closing dates for coyote, wolf, wolverine, and beaver can be found in **Table 1**.

**Table 1.** Comparisons of the season dates for the Federal Trapping seasons in Units 1-5 for coyote, wolf, wolverine, and beaver.

	<b>Species</b>	<b>Opening date</b>	<b>Closing date</b>
Unit 1			
	Coyote	December 1	February 15
	Wolf	November 10	April 30
	Wolverine	November 10	March 31
	Beaver	December 1	May 15
Unit 2			
	Coyote	December 1	February 15
	Wolf	November 15	March 31
	Wolverine	November 10	March 31
	Beaver	December 1	May 15
Unit 3			
	Coyote	December 1	February 15
	Wolf	November 10	April 30
	Wolverine	November 10	March 31
	Beaver	December 1	May 15 (Mitkof Island closes April 15)
Unit 4			
	Coyote	December 1	February 15
	Wolf	November 10	April 30
	Wolverine	November 10	March 31
	Beaver	December 1	May 15
Unit 5			
	Coyote	December 1	February 15
	Wolf	November 10	April 30 <sup>1</sup>
	Wolverine	November 10	March 31
	Beaver	November 10	May 15

<sup>1</sup> The closing date for wolf trapping in this unit in the Federal Subsistence Wildlife Regulation booklet is in error. The date reflected in this table comes from 36 CFR.

Although not specifically mentioned by either proponent, beaver season in Units 1–5 runs into late spring. Trappers will target beaver by either setting conibear style traps or snares “blindly” in the ditches and ponds that beaver travel within or by setting large foothold traps near a castor mound. Taking a canine in a beaver trap set in the water would be very unusual, however the possibility does exist of capturing a coyote in a castor mound set.

### **Effects of the Proposal**

WP12-04 will extend the ending date of the trapping season for coyotes, thus increasing the opportunity to legally retain coyotes. However, the proposal would not allow for the retention of coyotes taken during trapping seasons that start before the coyote season. With no estimates of coyote populations within Units 1–5, it is unclear whether the extension of a season that targets coyotes would be consistent with principles of wildlife conservation.

WP12-05 will allow Federally qualified subsistence users to retain coyotes taken while a trapping season for another species is open. This action benefits subsistence users by allowing for the retention of an animal that would otherwise have to be forfeited to the State or Federal government. This proposal will not significantly increase coyote harvest since they are not specifically targeted and are rarely taken. No conservation concern for coyotes is anticipated. There would be no effect on other users. This proposal provides additional administrative benefit by avoiding future proposals to change coyote seasons each time a trapping season for another species (wolf, wolverine, or beaver) is changed.

## **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP12-05 **with modification** to allow for the retention of coyotes during trapping seasons which extend beyond the current coyote season and have a high probability of catching coyotes.

The modified proposed regulation would read:

*You may trap wildlife for subsistence uses only within the seasons and harvest limits in these unit trapping regulations. Trapping wildlife out of season or in excess of harvest limits for subsistence uses is illegal and prohibited. However, you may trap unclassified wildlife such as squirrel and marmot species in all units, without harvest limits, from July 1, 2010 through June 30, 2012.*

***Units 1–5 – Coyotes taken incidentally with a trap or snare during an open Federal trapping season for wolf, wolverine, or beaver may be legally retained.***

**Oppose** Proposal WP12-04

### **Justification**

Adopting proposal WP12-05 with modification will allow Federally qualified subsistence users to retain coyotes, taken in gear set for wolves, wolverine or beaver that would otherwise be required to be forfeited to the State or Federal government. Coyote harvested outside of the coyote season has been minimal (2 per year). The retention of coyotes should only be allowed in the wolf, wolverine, and beaver seasons, as these seasons have the highest probability of catching coyotes. Allowing trappers to retain coyote taken during these seasons should not significantly increase coyote harvest since coyotes are not targeted and rarely taken. No conservation concern for coyotes is anticipated. There would be no effect on other users. Adoption of this modified proposal eliminates the need for the Federal Subsistence Board to further change coyote seasons should the seasons for wolf, wolverine or beaver change in future wildlife regulatory cycles.

Proposal WP12-04 is opposed since it would not allow for the retention of coyotes taken during wolf, wolverine or beaver seasons that start before the present coyote season and would not accomplish the intent of the proponent. Additionally, with no estimates of coyote populations within Units 1–5, the extension of a season that targets coyotes is not supported because it is unclear whether harvest would be consistent with principles of wildlife conservation.

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ADF&G Comments on WP12-04 and WP12-05  
August 30, 2011; Page 1 of 2

**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-04 and WP12-05:** Proposal WP12-04 would extend the federal subsistence trapping season for coyote by six weeks in Units 1-4 to match the wolf trapping season closure date of April 30. Proposal WP12-05 requests that federal subsistence trappers be allowed to retain incidentally harvested coyotes during any trapping season in Units 1-5.

**Introduction:** Current federal subsistence trapping seasons for coyote in Units 1-4 are December 1 through February 15. Proposal WP12-04 seeks to liberalize the trapping season dates to match the wolf trapping season dates with the intent of allowing trappers to legally retain coyotes that with the present season dates are considered by-catch and must be turned over to the department. The proponent indicates coyote are being accidentally caught in traps set for wolves during the period when the wolf trapping season is open but the coyote trapping season is closed.

The proponent for WP12-05 is seeking the allowance for retention of coyote incidentally caught in traps set for other species after the coyote season has been closed. The proponent indicates the incidentally caught and retained out of season coyotes could be used for subsistence purposes. Currently, coyotes (and other fur bearers listed in federal regulations) incidentally taken during a closed season are considered property of the state. Incidental taken coyote require salvage, immediate transport, and surrender to the nearest ADF&G office or Alaska Wildlife Trooper. If adopted as proposed, federal subsistence users could retain incidentally trapped coyotes from all trapping seasons and trap types. The proponent indicates coyote are being accidentally caught in traps set for wolves during the period when the wolf trapping season is open but the coyote trapping season is closed.

**Impact on Subsistence Users:** During the 10-year period 2001-2010, an average of 148 wolves (range 100-195) were taken annually by trappers in Units 1-4. 412 trappers took wolves between 2001 and 2010 for an average harvest of 3.5 wolves per trapper. The majority of wolves were taken in Units 1A, 2 and 3. The number of coyotes taken during and outside the established trapping season is unknown. Anecdotal information suggests the coyote harvest in Units 1-4 is low. Changing the existing coyote trapping season would likely have little effect on subsistence trappers.

**Opportunity Provided by State:** The coyote trapping season throughout Units 1-4 extends from December 1 through February 15 and November 10 through February 15 in Unit 5. There is no daily or annual limit on harvest of coyote. The wolf trapping season in Units 1, 3, and 4 is November 1 through April 30 and is December 1 through March 31 in Unit 2. Coyotes may also be taken in Units 1-4 under both state and federal hunting regulations with a bag limit of two coyotes, and an open season from September 1 to April 30.

State trapping regulations prohibit the possession of fur, or parts of a furbearer if the trapper knows or should know the animals were illegally taken (e.g. out of season incidentally trapped coyote) unless they are being transported directly from the field to be surrendered to an ADF&G or Alaska Wildlife Trooper representative. If a trapper takes an animal during a closed season or for which there is no open season, it is the property of the state. If a trapper salvages the animal,

ADF&G Comments on WP12-04 and WP12-05  
August 30, 2011; Page 1 of 2

transports it immediately to the nearest office of ADF&G or Alaska Wildlife Troopers and surrenders it, the trapper will not be cited for possession of illegally taken animal.

**Conservation Issues:** There is no empirical data available for coyote population levels in Southeast, Alaska. Responses to the 2008-2009 Trapper Questionnaire suggests coyotes are either not present, or are scarce in Units 1-4. Alaska trapping regulations do not require coyote furs to be sealed, therefore reliable harvest data is not available. Anecdotal information is obtained through conversations with trappers, trapper questionnaires, and when coyotes are taken outside the present seasons and the hides are turned over to the department.

**Other Comments:** Incidental take of furbearers outside established seasons does occur, however no enforcement action is taken if the take is not the result of directed trapping efforts toward that species and the animal is surrendered to ADFG or the Alaska Wildlife Troopers. Trappers reporting fur harvest in the 2008-2009 Trapper Questionnaire did not provide any information regarding the importance of coyotes in their trapping efforts (1=Very Important, 11=Least Important).

**Recommendation:** Support WP12-04 with modification. Generally, the state does not support extending the trapping season for a species for which there is no population or reliable harvest data. However, to allow trappers to retain incidentally taken coyotes the state recommends support with modification. The department recommends that federal subsistence coyote trapping season match the state's wolf trapping seasons in Units 1-4. This would require modification of the proposal to adjust the trapping season dates in Unit 2 to December 1 through March 31.

Take no action on WP12-05 based upon support for WP12-04.

<b>WP12-06 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-06 requests that the deer harvest season in Unit 4 close December 31. <i>Submitted by Mike Svenson</i>
<b>Proposed Regulation</b>	<b>Unit 4 — Deer</b> <i>6 deer, however, female deer may Aug. 1 – Jan. Dec. 31 be taken only from Sept. 15– Jan. Dec. 31.</i>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Support</b>
<b>Written Public Comments</b>	<b>None</b>

**DRAFT STAFF ANALYSIS  
WP12-06**

**ISSUES**

Proposal WP12-06, submitted by Mike Svenson, requests that the deer harvest season in Unit 4 close December 31.

**DISCUSSION**

The proponent states that it is not “fair chase” to harvest deer in January and would like to see the elimination of the January deer season. The proponent also is concerned about the harvest of pregnant does.

**Existing Federal Regulation**

**Unit 4 — Deer**

*6 deer; however, female deer may be taken only from Sept. 15–Jan. 31. Aug. 1 – Jan. 31*

**Proposed Federal Regulation**

**Unit 4 — Deer**

*6 deer, however, female deer may be taken only from Sept. 15–~~Jan.~~ Dec. 31. Aug. 1 – ~~Jan.~~ Dec. 31*

**Existing State Regulation**

**Unit 4 — Deer**

*Chichagof Island east of Port  
Frederick and north of Tenakee  
Inlet including all drainages into  
Tenakee Inlet.*

<i>3 deer total:</i>	<i>Bucks</i>	<i>Aug. 1 – Sept. 14</i>
	<i>Any deer</i>	<i>Sept. 15 – Dec. 31</i>

*Remainder.*

<i>4 deer total:</i>	<i>Bucks</i>	<i>Aug. 1 – Sept. 14</i>
	<i>Any deer</i>	<i>Sept. 15 – Dec. 31</i>

**Extent of Federal Public Lands**

Federal public lands comprise approximately 96% of Unit 4. The US Forest Service manages 99% of those lands as part of the Tongass National Forest. The National Park Service manages less than 1% of those lands as the Sitka National Historical Park which is closed to subsistence hunting and trapping. The US Fish and Wildlife Service manages less than 1% of those lands as part of Alaska Maritime National Wildlife Refuge (St. Lazaria Island) (see **Unit 4 Map**).

## **Customary and Traditional Use Determinations**

Rural residents of Unit 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat have a positive customary and traditional use determination for deer in Unit 4.

## **Regulatory History**

With the exception of the 1992/93 and 1993/94 regulatory years, the Federal harvest season for deer in Unit 4 has been from August 1 to January 31, with a harvest limit of six deer. Harvest of antlerless deer has been permitted from September 15 to January 31. In 1992, in response to several deep snow winters, the northern Baranof Island area harvest limit was reduced to four deer, the season was shortened to December 31, and the area was closed to non-Federally qualified users. Also in 1992, the northeast Chichagof Island area was closed to non-Federally qualified users after November 1.

Since 1992, the State season has been from August 1 through December 31 with the antlerless deer season from September 15 through December 31. For Chichagof Island east of Port Frederick and north of Tenakee Inlet including all drainages into Tenakee Inlet, the harvest limit has been three deer while the harvest limit for the remainder of Unit 4 has been four deer. From the late 1980s through 1991, the State general season in the northeast Chichagof area had a harvest limit of three deer. However, the State subsistence season allowed six deer and the season extended from August 1 until January 31. In the remainder of Unit 4, the State general and subsistence harvest limits were six deer with an August 1 – January 31 season.

State and Federal in-season closures restricting female deer harvest have been implemented since 2007, primarily in the Northeast Chichagof Controlled Use Area (NECCUA) of Unit 4, in response to the deep snow winters that depressed the Unit 4 deer population.

There were three regulatory proposals during the 2010 cycle addressing Unit 4 deer regulations in relation to the steep population drop that occurred during the winter of 2006–07. These proposals analyzed a variety of timing and harvest restrictions to protect the deer population and subsistence priority. None of the proposals was adopted.

## **Current Events**

Federal and State managers closed the doe harvest season in the NECCUA of Unit 4 for the 2010/11 regulatory year to help the population recover from deep-snow winters during 2006–07, 2007–08, and 2008–09.

## **Biological Background**

Sitka black-tailed deer spend the winter and early spring at low elevation where less snow accumulation and forests provide increased foraging opportunities. Fawning occurs in late May and early June as vegetation greens-up, providing abundant forage to meet energetic needs of the lactating doe. Migratory deer follow the greening vegetation up to alpine for the summer. Resident deer remain at lower elevations. The breeding season, or rut, generally occurs in October through November and peaks in late November (ADF&G 2009). Wolves and black bears are not present in Unit 4, so the primary predator, besides humans, is brown bears. The number of deer killed by brown bears are estimated to equal 15%–20% of the annual total of deer harvested by hunters (Mooney 2009). Unit 4 deer population levels fluctuate, primarily influenced by winter snow depths (Olson 1979).

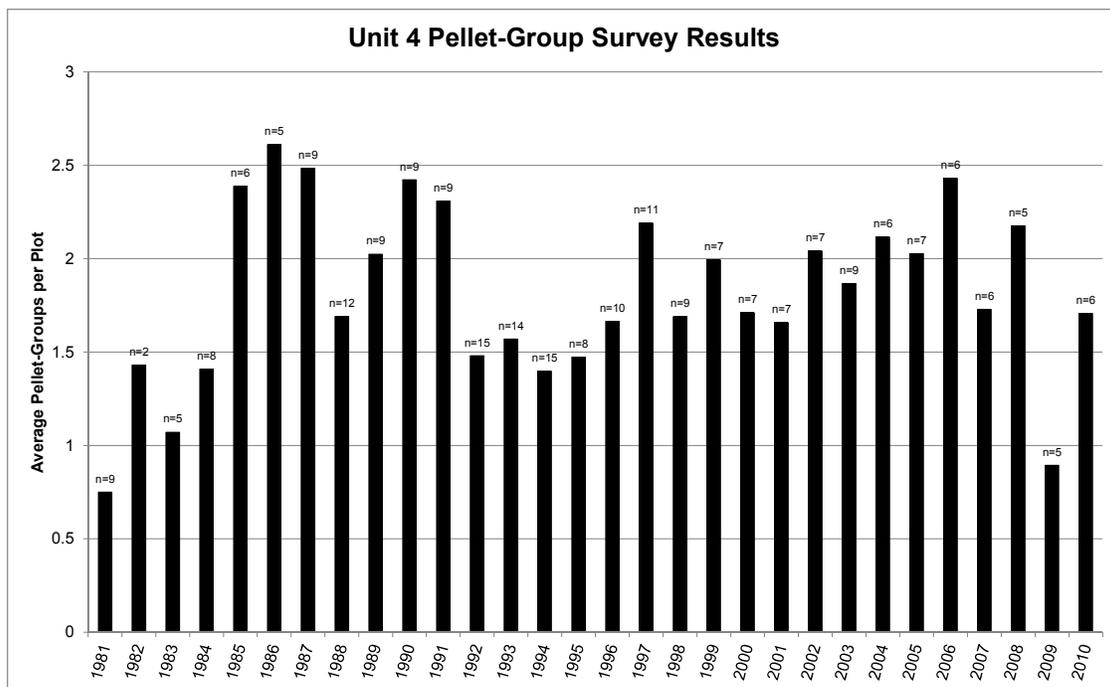
Habitat

Old-growth forests are considered primary deer winter range, in part because the complex canopy cover allows sufficient sunlight through for forage plants to grow but intercepts snow, making it easier for deer to move and forage during winters when deep snow hinders access to other habitats. Some areas of Unit 4 have been impacted by large scale changes in habitat, while the habitat is largely intact in other areas. Areas with substantial timber harvest, such as northeastern Chichagof and northwestern Baranof Islands, are expected to have lower long-term carrying capacity compared to pre-harvest conditions.

Recent population indices

There are no methods to directly count deer in southeast Alaska, so managers use a variety of indices and observations to monitor the deer population. Prior to the winter of 2006–07, deer densities were likely above carrying capacity following a period of mild winters in the early 2000s (Mooney 2009). The deep snow winter of 2006–07 caused a substantial drop in the population (Mooney 2009).

ADF&G deer pellet surveys are the primary source of available population information. Relating pellet group data to population levels is difficult, however, because factors other than changes in deer population size can affect deer pellet-group density. Snowfall patterns influence the distribution and density of deer pellets from year to year, and snow persisting late into the spring at elevations below 1500 feet limits the ability to consistently survey the same elevation zones among years. In mild winters, deer can access forage in a greater variety of habitats, not all of which are surveyed. Conversely, in severe winters deep snow concentrates deer (McCoy 2010). **Figure 1** shows pellet-group survey results for all of Unit 4. Prior to the deep snow winters starting in 2006–07, pellet-group surveys indicated a slightly increasing population, reflecting a series of low snow winters (Mooney 2009). Pellet-group surveys since 2006 appear to indicate a downward trend.



**Figure 1.** Average pellet-group counts for all of Unit 4 since transects began in 1981 (McCoy 2010) Data labels represent the number of VCUs surveyed that year.

After the mild winter of 2009–10, recruitment appears to have improved in 2010 (Mooney 2010, pers. comm.). During spring surveys in 2011, deer populations appear to be trending up, although the rate varies within the unit (Mooney 2011, pers. comm.).

### Harvest History

Harvest data reported below are provided by ADF&G (McCoy 2009, pers. comm.) and are based on a sample of hunters. In general, 35% of hunters from each community are sampled each year and while response rates vary by community, the overall response rate across communities is approximately 60% each year. Harvest numbers are extrapolated using expansion factors that are calculated as the total number of harvest tickets issued to a community divided by the total number of survey responses for that community. If response is low from a community, an individual hunter may have a disproportionate effect on the data. As confidence intervals are not available for these data, exact numbers should be considered as estimates and used with caution. Trends, however, especially at larger scales, should be fairly accurate.

Deer harvest in Unit 4 in 2007/08 ( $1,858 \pm 236$ ) was down significantly from 2006/07 ( $7,746 \pm 594$ ) and is the lowest harvest for Unit 4 in over a decade (McCoy *et al.* undated). Prior to 2007/08, Unit 4 deer harvest was mostly stable, fluctuating around 7,000 deer. Preliminary information indicates that the total Unit 4 deer harvests increased during regulatory years 2008 and 2009 and were 4123 and 3461 deer, respectively (McCoy 2011, pers. comm.). Approximately 4% (470 deer) of the annual harvest occurs in January which is the least of any month during the season and well below the primary harvest months (**Table 1**).

**Table 1.** Deer harvest chronology for a Unit 4 from 2005-2009 (McCoy pers. comm. 2011). Percentages do not total 100% because some harvest reports lacked harvest date information and due to harvest during other months.

	Deer Harvested	Percent of Total	Annual Average
<b>August</b>	4544	10%	909
<b>September</b>	3554	8%	711
<b>October</b>	6991	15%	1398
<b>November</b>	20577	43%	4115
<b>December</b>	6859	14%	1372
<b>January</b>	1747	4%	349

**Note:** This data is preliminary and the numbers will change when finalized. However, the trends are not expected to change.

### Effects of the Proposal

Adopting this proposal would likely reduce deer harvest, although a small percentage of the overall deer harvest occurs in January. Closure of the January season is not necessary for conservation of the resource. The primary population regulator in Unit 4 is winter weather. Current harvest levels are not generally considered sufficient to regulate the population. Due to severe winters 3–5 years ago, doe harvest has been temporarily closed in portions of Unit 4 where harvest is most likely to influence population recovery.

Adopting this proposal would reduce opportunity for subsistence users. Although the January harvest is relatively low, it provides an important opportunity for those that may not have been able to hunt earlier in the season, or were not successful earlier. It can provide an opportunity for fresh meat late in the season. It can be a relatively efficient hunt under the right snow conditions. Efficiency of effort is a characteristic of subsistence harvests.

Adopting this proposal would not eliminate harvest of pregnant females, which was a stated concern of the proponent. To eliminate the harvest of pregnant females the doe season would need to close by early to mid October.

## **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP12-06.

### **Justification**

This proposal would reduce opportunity for subsistence users. It is not necessary for conservation of the resource. It would have relatively little influence on the total harvest, and would not accomplish the proponents stated goal of eliminating harvest of pregnant does.

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ADF&G Comments on WP12-06  
August 30, 2011; Page 1 of 2

**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-06:** Shorten the federal subsistence deer season in Unit 4 one month.

**Introduction:** This proposal seeks to shorten the federal subsistence deer hunt during the month of January. The proponent indicates elimination of the January portion of the federal subsistence hunt would protect pregnant does from harvest. The proponent indicates if this proposal is adopted, the remaining five month federal subsistence hunting season should provide ample opportunity to harvest deer.

The federal deer hunting season for Unit 4 is August 1 through January 31, and the state season is August 1 through December 31. The state season originally also ended January 31 but was reduced in 1993 to protect deer when extremely vulnerable if winter weather concentrates them on the beaches. The recent federal subsistence deer hunting season in Unit 4 not only extends through January 31, but the bag limit is 6 deer of which antlerless deer may be taken from September 15 to January 31.

**Impact on Subsistence Users:** Federally qualified subsistence hunters would have four fewer weeks (20 weeks instead of 24 weeks) to harvest their 6 deer seasonal bag limit if this proposal is adopted. The proposed season should be sufficiently long for subsistence users to acquire deer given that the realized harvest reduction will be 3-8% of the total annual harvest based on the chronology of harvest from previous years.

**Opportunity Provided by State:** The state deer hunting season in this proposal area is August 1 through December 31, with a bag limit of three deer in some portions (NECCUA) and four in others (remainder of Unit 4).

**Conservation Issues:** Conservation concerns exist for portions of the deer populations in Unit 4 due to recent high winter kills. **The department opposes the January doe season in this area for the following reasons:** 1) during January, deer are more likely to be concentrated on beaches, making them very vulnerable to high levels of harvest; 2) when deer numbers are low as is the case in some areas today, the January season could prove detrimental to the rebound of deer populations at the local level due to concentrated areas of high harvest; and 3) bucks shedding antlers in late December and January make it difficult for hunters to clearly identify bucks from does resulting in higher harvests of does.

**Other Comments:** The state has long objected to the six deer federal bag limit, (beginning with proposal #3 adopted by the Federal Subsistence Board on July 29, 1992) because the federal subsistence bag limit was based on adopting the state's season in 1990, when the deer populations in Unit 4 were at peak abundance levels. The state recommends changing the federal regulation to use the 5-month, 4-deer season and bag limit which preceded peak abundance of deer in the late 1980s. This harvest regime met local subsistence needs from the time of statehood and was liberalized only to provide increased opportunities during a peak abundance of deer.

**Recommendation:** Support.

<b>WP12-07 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-07 requests an extension of the deer hunting season on the lower Chilkat Range (Unit 1C) through January and an increase in the harvest limit to six deer. <i>Submitted by Monte Mitchell</i>
<b>Proposed Regulation</b>	<p><b>Unit 1C — Deer</b></p> <p><i>That portion of Unit 1C on the Chilkat Range south and west of a boundary established by the unnamed creek that enters Lynn Canal at approximately 58° 22' 45.03" N, 135° 04' 36.67 W, then west to the watershed divide ridge, then north to the Glacier Bay National Park boundary and west to where the GBNP boundary meets Excursion Inlet.</i></p> <p><del>4</del> <i>deer 6 deer; however, female deer may be taken only from Sept. 15–Dec. Jan. 31</i>      <i>Aug. 1 – Dec. Jan. 31</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Oppose</b>
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP12-07

### ISSUES

Proposal WP12-07, submitted by Monte Mitchell, requests an extension of the deer hunting season on the lower Chilkat Range (Unit 1C) through January and an increase in the harvest limit to six deer.

### DISCUSSION

Residents of Excursion Inlet are eligible to harvest deer in Unit 4 through January but crossing Icy Strait can be treacherous in winter months. The proponent states that extending the season and increasing the harvest limit in a portion of Unit 1C would allow residents of Excursion Inlet to more safely harvest deer closer to home.

#### Existing Federal Regulation

##### Unit 1C — Deer

*4 deer; however, female deer may be taken only from Sept. 15–Dec. 31      Aug. 1 – Dec. 31*

#### Proposed Federal Regulation

##### Unit 1C — Deer

*That portion of Unit 1C on the Chilkat Range south and west of a boundary established by the unnamed creek that enters Lynn Canal at approximately 58° 22' 45.03" N, 135° 04' 36.67 W, then west to the watershed divide ridge, then north to the Glacier Bay National Park boundary and west to where the GBNP boundary meets Excursion Inlet.*

*~~4~~deer 6 deer; however, female deer may be taken only from Sept. 15–~~Dec.~~ Jan. 31      Aug. 1 – ~~Dec.~~ Jan. 31*

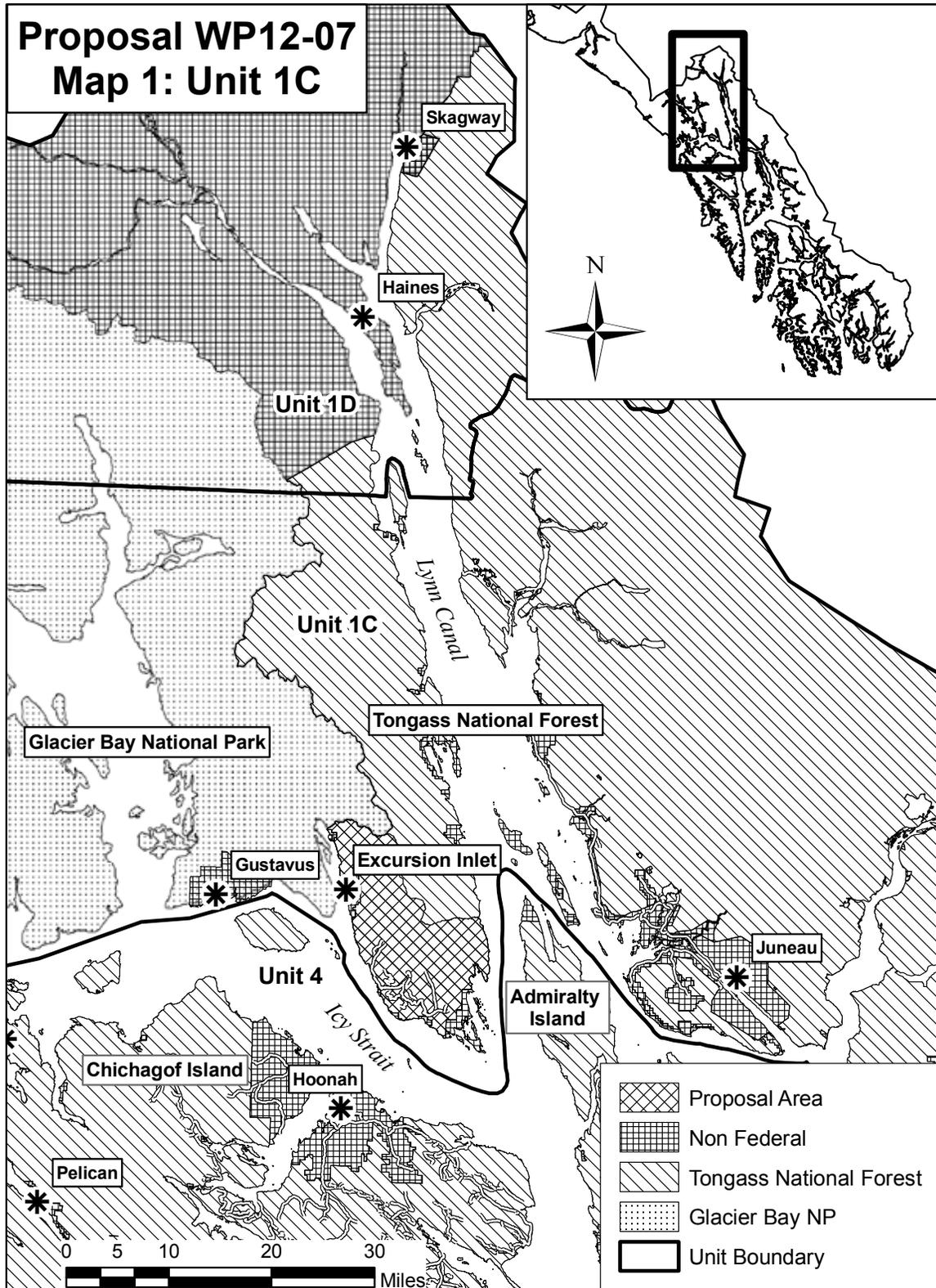
#### Existing State Regulation

##### Unit 1C — Deer

*Remainder — 2 bucks      Aug. 1 – Dec. 31*

#### Extent of Federal Public Lands

Federal public lands comprise approximately 97% of Unit 1C. The U.S. Forest Service manages 65% of those lands as part of the Tongass National Forest. The National Park Service manages 35% of those lands as part of the Glacier Bay National Park which is closed to subsistence hunting (see **Unit 1C Map**). The Tongass National Forest comprises 93% of the proposal area (**Map 1**).



## Customary and Traditional Use Determinations

Rural residents of Units 1C, 1D, Hoonah, Kake, and Petersburg have a positive customary and traditional use determination for deer in Unit 1C.

## Regulatory History

Since its inception in 1990, the Federal subsistence deer season in Unit 1C has been from Aug. 1 – Dec. 31 with a four deer harvest limit and female (antlerless) deer may be taken only from Sept. 15–Dec. 31. The State season has been Aug. 1–Dec. 31 since 1982. The State harvest limit has varied from one to four, but has been four for all or part of the unit since 1959. Since 1991, the State has had a two bucks harvest limit on the mainland portions of the unit, with a four deer limit on the major islands of the unit (Douglas, Shelter, Lincoln, and Sullivan).

## Biological Background

Sitka black-tailed deer spend the winter and early spring at low elevation where less snow accumulation and forests provide increased foraging opportunities. Fawning occurs in late May and early June as vegetation greens-up, providing abundant forage to meet energetic needs of the lactating doe. Migratory deer follow the greening vegetation up to alpine for the summer. Resident deer remain at lower elevations. Summer and fall are periods of active foraging as deer accumulate fat reserves to help them through the winter and early spring. The breeding season, or rut, generally occurs in October through November and peaks in late November (ADF&G 2009). All major predators of deer (wolves, brown bears, and black bears) are present in Unit 1C, and may affect deer populations. However, deer population fluctuations in southeast Alaska are primarily influenced by winter snow depths (Olson 1979).

### Habitat

Old-growth forests are considered primary deer winter range, in part because the complex canopy cover allows sufficient sunlight through for forage plants to grow but intercepts snow, making it easier for deer to move and forage during winters when deep snow hinders access to other habitats. The USFS has harvested old growth forests in the proposal area in the past and, as of 2006, estimated that between 84% (west side of southern Chilkat Range) and 97% (east side of southern Chilkat Range) of suitable deer habitat remained compared to 1954 (USFS 2008). Associated with this harvest is a developed road system that improves access to alpine and interior forested habitats in the area.

### Recent population indices

There are no population estimates for deer in the proposal area, or in all of Unit 1C (Scott 2009). ADF&G deer pellet surveys are the primary source of available population information. Relating pellet group data to population levels is difficult, however, because factors other than changes in deer population size can affect deer pellet-group density. Snowfall patterns influence the distribution and density of deer pellets from year to year, and snow persisting late into the spring at elevations below 1500 feet limits the ability to consistently survey the same elevation zones among years. In mild winters, deer can access forage in a greater variety of habitats, not all of which are surveyed. Conversely, in severe winters deep snow concentrates deer (McCoy 2010). Deer pellet survey data for Unit 1C indicate a cyclical pattern with a recent high in 2005–06 and a decline since then (McCoy 2010). However, most of these data are from North Douglas and Shelter Islands, which lack wolves. Only one transect has ever been surveyed in the proposal area (Couverden, in 1993). The pellet density on this transect in 1993 was approximately one-half and one-third of the pellet densities on North Douglas and Shelter Islands, respectively, during the

same year. This is consistent with the expectation that mainland deer populations are generally lower than island populations due to lower habitat quality, higher snow loads, and the presence of all three major predators (ADF&G 2009). However, population trends are expected to be similar.

**Harvest History**

**Table 1** summarizes deer harvest and hunter effort for Unit 1C. Harvests peaked in the early 1990s and again in 2005–06. Since most deer harvest in Unit 1C occurs on the islands, this data may not provide an accurate picture of harvest in the proposal area. Within the proposal area, only 21 deer were reported as being harvested from 2005–09 (McCoy 2011, pers. comm.). However, ADF&G survey techniques are not designed to provide accurate data at this scale. The low numbers of hunters using this area make it likely that they were not adequately sampled.

**Table 1.** Unit 1C hunter effort and harvest success, 1990 through 2007 (Scott 2009). Harvest information is expanded from hunter surveys. Data is not available for 1996 due to changes in the survey.

Regulatory Year	Hunters	Days Hunted	Deer Killed	Males	Females	Deer/hunter	Days/deer
1990	948	3,262	499	330	169	0.5	6.5
1991	827	2,993	417	245	172	0.5	7.2
1992	959	3,202	511	358	153	0.5	6.3
1993	904	2,950	579	302	277	0.6	5.1
1994	1,017	4,151	659	427	232	0.6	6.3
1995	990	3,968	311	210	101	0.3	12.8
1996	257	n/a	n/a	n/a	n/a	n/a	n/a
1997	861	3,819	438	342	96	0.5	8.3
1998	950	3,396	388	272	116	0.4	8.7
1999	851	2,327	335	196	139	0.4	7.0
2000	803	2,312	241	172	69	0.3	9.6
2001	881	2,764	345	274	71	0.4	8.0
2002	795	2,612	367	226	141	0.5	7.1
2003	910	3,038	472	335	137	0.5	6.4
2004	872	3,262	343	257	86	0.4	9.5
2005	928	3,601	500	279	221	0.5	7.2
2006	784	2,783	640	391	249	0.8	4.4
2007	611	2,403	155	129	26	0.3	15.5

**Effects of the Proposal**

Adopting this proposal would increase opportunities for Federally qualified subsistence users to harvest deer by adding a month to the Federal season and increasing the harvest limit from four to six in the proposal area.

Adopting this proposal would likely increase harvest in the proposal area. The level of increase is unknown, although it seems unlikely that very many hunters would come to the area to harvest six deer due to the low deer population density. Most Federally qualified subsistence users have closer access to Unit 4 with higher deer densities (Map 1), but potential communities would include Excursion Inlet, Haines, Skagway, and Gustavus. The stated intent of the proponent is to be able to harvest deer close to home late in the season when access to more plentiful deer in Unit 4 is hindered. Harvesting deer early in

the season in Unit 4, with a six deer limit, then harvesting additional deer later in the season in Unit 1C can only be practical if the harvest limit in Unit 1C is increased from four to six. Extending the season through January could increase harvest because deer would be most concentrated along beaches and susceptible to harvest.

The impact of increased harvest on the deer population in this area is hard to quantify. Deer populations on the mainland are not considered sufficient to sustain a six deer, either sex harvest, although without population data it is not possible to determine the sustainable harvest. No other mainland area in southeast Alaska has a six deer limit. However, there is not a conservation concern at current harvest levels.

## **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP12-07.

### **Justification**

This proposal is not consistent with established principles of wildlife conservation because a six deer, either sex harvest limit is not considered sustainable on the southeast Alaska mainland. Extending the season is not consistent with other mainland areas of southeast Alaska, and may not provide a benefit if subsistence users have previously harvested four or more deer in nearby Unit 4.

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**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-07:** Liberalize the federal subsistence deer hunting season by one month and increase the bag limit from four to six deer in a portion of Unit 1C on the lower Chilkat Peninsula.

**Introduction:** This proposal seeks to lengthen the federal subsistence deer hunting season on the Lower Chilkat Peninsula in Unit 1C by one month to include the month of January. The proponent indicates extending the hunting season in this area through January will allow federally qualified subsistence users residing in Excursion Inlet the ability to hunt closer to home during the winter and avoid dangerous winter travel to other areas open during the month of January. The proposal also seeks to liberalize the bag limit from four to six deer per year.

**Impact on Subsistence Users:** Federally qualified subsistence hunters would have four additional weeks (24 weeks instead of 20 weeks) to harvest up to 6 deer if this proposal is adopted. The season is sufficiently long to acquire deer for subsistence use, whereas if the deer population declines, then further reductions in season length or bag limit will be necessary. Increasing harvest limits and lengthening hunting seasons, as proposed may result in declining deer numbers and localized depletions, which will require significant hunt restrictions and reduce subsistence opportunity in the long-term.

**Opportunity Provided by State:** The state deer hunting season for the identified portion of Unit 1C is August 1 through December 31, with a bag limit of two buck deer.

**Conservation Issues:** Conservation concerns exist for portions of the deer populations in Unit 1C due the relatively low density of deer in these areas as compared with many of the island populations. Reasons for this lower density stem from harsher winters, less optimal habitat, and the presence of wolves, coyotes, black bears and brown bears, all of which can play a role in limiting deer numbers. Because of these limiting factors, the department manages deer in much of the mainland SE Alaska with a bucks only, 2 deer bag limit because of concerns with maintaining these populations at sustainable levels. The present federal hunting season in this area that allows for 4 deer (females included) already surpasses what the department believes is wise management of this resource. To add another month to the season, and increase the bag limit to 6 deer is not a recommended, and may ultimately lead to fewer subsistence opportunities if the deer population in this area becomes overexploited.

Little deer population and hunter harvest data is available for mainland areas of Unit 1C. Deer pellet surveys were conducted in the Point Couverden area in 1993. Pellet densities were extremely low (.35 groups/plot) with a range of .27-.44 groups per plot. This pellet group density is considered extremely low when compared to densities found on nearby islands that approach 2.0 groups per plot. While pellet survey data does not directly correlate with deer populations, the low densities found at Point Couverden suggest a small number of deer utilize the area. The negative impacts of an extended deer season, compounded by potential female harvest, can be significant.

ADF&G Comments on WP12-07  
August 30, 2011; Page 1 of 2

Deer hunter survey data is collected by randomly sampling approximately 33% of deer harvest ticket holder. Survey data for the period 1997-2009 indicate very little hunter effort. Buck deer were taken in both Excursion Inlet and along the southern tip of the Chilkat Peninsula. Deer harvests are recorded for only two years (2006 & 2008). In these years, 4-10 successful hunters took an estimated 1 buck deer per hunter. If a high density of deer existed in these areas, capable of supporting an extended, either sex bag limit, the hunter effort would be higher, and likely there would be additional successful hunters.

The federal deer hunting season for Unit 1C is August 1 through December 31, and the state season is August 1 through December 31. The state season originally also ended January 31 but was reduced in 1993 to protect deer when extremely vulnerable if winter weather concentrates them on the beaches.

**Other Comments:** The state has long objected to the six deer federal bag limit, (beginning with proposal #3 adopted by the Federal Subsistence Board on July 29, 1992) because the federal subsistence bag limit was based on adopting the state's season in 1990, when the deer populations in Unit 4 were at peak abundance levels. Islands in Unit 4 offer better hunting opportunities than Unit 1C mainland areas. The Chilkat Peninsula, including Excursion Inlet, is in close proximity to areas with higher deer densities, and while winter travel is difficult it is not impossible with appropriate planning and precautions.

As an alternative, the state considered recommending support with modification. The department recommends maintaining the current federal subsistence hunting season dates of August 1 through December 31 and recommends the annual bag limit for the lower Chilkat Peninsula be reduced to two buck deer.

**Recommendation:** Oppose.

<b>WP12-08 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-08 requests rescinding the Federal requirement that Federally qualified users complete a joint State-Federal deer harvest report in Unit 2. <i>Submitted by the Southeast Alaska Subsistence Regional Advisory Council</i>
<b>Proposed Regulation</b>	<i>5 deer; however, no more than one may be a female deer. Female deer may be taken only during the period Oct. 15–Dec. 31. <del>You are required to report all harvest using a joint Federal/State harvest report.</del> The harvest limit may be reduced to 4 deer based on conservation concerns. The Federal public lands on Prince of Wales Island, excluding the southeast portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.</i> July 24 – Dec. 31
<b>OSM Preliminary Conclusion</b>	<b>Support</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Support</b>
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP12-08

### ISSUES

Proposal WP12-08, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council) requests rescinding the Federal requirement that Federally qualified users complete a joint State-Federal deer harvest report in Unit 2.

### DISCUSSION

In November 2010, the Alaska Board of Game adopted proposal 41 to replace the State mail-out deer hunter survey with a deer harvest reporting system in Units 1–5. The Council submitted comments to the Alaska Board of Game supporting this regulatory change. The new State deer harvest reporting system became effective July 1, 2011 for Units 1–5 and adequately replaced the joint State-Federal harvest reporting system for Unit 2. Therefore, the Council asserts that the Federal reporting requirement to hunt deer in Unit 2 is no longer needed.

### Existing Federal Regulation

#### Unit 2—Deer

*5 deer; however, no more than one may be a female deer. Female deer may be taken only during the period Oct. 15–Dec. 31. You are required to report all harvest using a joint Federal/State harvest report. The harvest limit may be reduced to 4 deer based on conservation concerns. The Federal public lands on Prince of Wales Island, excluding the southeast portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.*

*July 24 – Dec. 31*

### Proposed Federal Regulation

#### Unit 2—Deer

*5 deer; however, no more than one may be a female deer. Female deer may be taken only during the period Oct. 15–Dec. 31. ~~You are required to report all harvest using a joint Federal/State harvest report.~~ The harvest limit may be reduced to 4 deer based on conservation concerns. The Federal public lands on Prince of Wales Island, excluding the southeast portion (lands south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait), are closed to hunting of deer from Aug. 1 to Aug. 15, except by Federally qualified subsistence users hunting under these regulations.*

*July 24 – Dec. 31*

## **Existing State Regulation**

### **Unit 2—Deer**

*Four bucks*

*Aug. 1–Dec. 31*

## **Extent of Federal Public Lands**

Unit 2 is approximately 83% Federal public land. The US Forest Service manages 99% of those lands as part of the Tongass National Forest. The US Fish and Wildlife Service manages less than 1% of those lands as part of Alaska Maritime National Wildlife Refuge (Forrester Island).

## **Customary and Traditional Use Determinations**

Rural residents of Units 1A, 2, and 3 have a positive customary and traditional use determination for deer harvest in Unit 2.

## **Harvest Reporting History**

Since 1980, the Alaska Department of Fish and Game (ADF&G) has used a mail out survey to estimate deer harvest in Southeast Alaska. Questionnaires were sent to a stratified random sample of approximately 33% of hunters who obtained deer harvest tickets. Approximately 60% of these were returned. When the survey was initiated, it was less expensive than harvest reports, and was considered superior in acquiring reliable harvest data (Scott 2011, pers. comm.).

In 2004, the Council initiated a cooperative planning process to address Unit 2 deer management issues and Federal harvest regulations. The Council formed a subcommittee, the Unit 2 Deer Planning Subcommittee (Subcommittee), which included several Council members, hunters (local and non-local) and tribal representatives. The Council adopted the recommendations of the subcommittee which are contained in the Unit 2 Deer Management Final Report (Caulfield 2005). The Council determined that better harvest data were needed and recommended to the Federal Subsistence Board (FSB) that a joint State-Federal deer harvest reporting requirement be implemented in Unit 2. The FSB adopted the Council recommendation into regulation in May of 2005 via proposal WP05-04.

In November of 2010, the Alaska Board of Game adopted proposal 41 which replaced the State mail-out deer hunter survey with a deer harvest reporting system in Units 1–5. All deer hunters will receive a harvest report when they obtain their harvest tags. Returning the harvest report is voluntary. Hunters will be able to obtain their harvest tickets and report their harvests via the internet. While more reports will be processed due to the expected increase in reports received, the cost of processing individual reports will be reduced. Based on harvest reporting for other species, 50% of hunters are expected to return their hunt report initially and another 25% after a reminder letter. The initial report and reminder letter will provide a higher level of reported harvest for deer for the entire region than has been available in the past. A follow-up survey of non-respondents will allow extrapolation of the remaining harvest and enable ADF&G to continue to report total harvest with confidence. Harvest data will be compatible with the existing statewide harvest database. (Barten 2011, pers. comm.).

## **Effects of the Proposal**

This change would benefit subsistence users by eliminating the redundant State-Federal deer harvest report in Unit 2. The new State harvest reporting system for Units 1–5 will collect information

comparable to that which has been collected on the joint State-Federal permit system for Unit 2. The new State harvest reporting system will provide a uniform and cost effective method of determining total deer harvest in Units 1–5 and will allow improved access to and analysis of those data. The present State-Federal harvest report for Unit 2 deer does not have an option to report via the internet. With the new State harvest report system, users can return their report by mail and will also gain the option to report harvest via the internet. State harvest data will be more easily shared with Federal managers. ADF&G will fund the harvest reporting system thus saving the Federal Program substantial cost and staff time. The proposal will benefit non-Federally qualified users through improved deer management.

## **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP12-08.

### **Justification**

The State-Federal harvest report requirement for Unit 2 is no longer needed since comparable harvest data will be gathered by the new State deer harvest reporting system. Federally qualified users will benefit by not having to fill out a separate, redundant State-Federal report for deer harvested in Unit 2.

## **LITERATURE CITED**

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ADF&G Comments on WP12-08  
August 30, 2011; Page 1 of 2

**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-08:** Delete the federal subsistence deer harvest reporting forms requirement in Unit 2.

**Introduction:** This proposal seeks to eliminate the federal subsistence deer harvest reporting form currently required in Unit 2. This proposal was submitted in response to a recent Alaska Board of Game decision to revamp deer harvest reporting requirements in Units 1-5. The Board of Game passed a regulation which requires all deer hunters in Unit 1-6 and 8 fill out an annual harvest report form which will be issued and attached to the deer harvest tags. This new regulation replaces the former requirement to fill out a deer harvest survey post season. Additionally, deer harvest reporting will be made available on line in the near future.

**Impact on Subsistence Users:** If adopted, federally qualified subsistence hunters would be required to fill out a State of Alaska harvest report form after harvesting a deer or report harvest on line (once programming is available). As federally qualified subsistence hunters in Unit 2 already are required to fill out a federal subsistence harvest report form, subsistence users will be burdened with redundant reporting and will not be able to report harvest on line if this proposal is not adopted.

**Opportunity Provided by State:** The state deer hunting reporting requirements in Units 1-6 and 8 will change beginning July 1, 2011. The state reporting requirement for deer in these Units will require hunters to fill out harvest reports for deer harvested or enter harvest information on line (once available). This new reporting requirement is similar to many of the moose and caribou reporting requirements statewide.

**Conservation Issues:** The Board of Game adopted the new deer hunting reporting requirements to provide managers with more timely and accurate harvest data. Having both state and federal subsistence deer hunters participate in the same harvest reporting system will assist managers with more accurate resource management.

**Recommendation:** Support.

<b>WP12-10 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-10 requests the addition of a regulation to require antler destruction of deer and moose taken by Federally qualified designated hunters in Units 1–5. <i>Submitted by Andy Savland</i>
<b>Proposed Regulation</b>	<p><b>Designated Hunter</b></p> <p><i>In order to receive a Federal Subsistence Registration Permit or Federal Designated Harvester Permit or designate someone to harvest fish or wildlife for you under a Federal Designated Harvester Permit, you must be old enough to reasonably harvest that species yourself (or under the guidance of an adult).</i></p> <p><i>If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user (designated hunter) to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in § __.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time unless otherwise specified in unit-specific regulations at § __.26. Any designated hunter taking wildlife on behalf of another rural Alaska resident shall deliver the wildlife promptly to that rural Alaska resident.</i></p> <p><i>A rural Alaska resident who has been designated to take wildlife on behalf of another rural Alaska resident in accordance with § __.10(d)(5)(ii) must promptly deliver the wildlife to that rural Alaska resident and may not charge the recipient for his/her services in taking the wildlife or claim for themselves the meat or any part of the harvested wildlife.</i></p> <p><b><i>When participating in the designated hunter program in Units 1-5, designated hunters must remove at least one antler from the skull plate, cut the skull plate in half, or cut and or break off one of the main beams of the deer or moose’s antler. Antler destruction must be completed before leaving the kill site, unless the antlers must be submitted to the ADF&amp;G for measuring.</i></b></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Support</b>
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP12-10

### ISSUES

Proposal WP12-10, submitted by Andy Savland, requests the addition of a regulation to require antler destruction of deer and moose taken by Federally qualified designated hunters in Units 1-5.

### DISCUSSION

The proponent states that some designated hunters use the benefits to pursue trophy animals, which are not sought for food value. The proponent feels that adopting this proposal would reduce the take of trophy animals. Three other proposals requesting changes to the designated hunter program have been submitted for 2012. WP12-02 requests designated hunters only be able to harvest for people who are 60 years of age or older, or disabled. WP12-11 requests that the mountain goat be added to the Federal designated hunter permit in Southeast Alaska (Units 1-5). WP12-13 requests that a Federal designated hunter be limited to hunting deer for only two recipients in Units 1B and 3.

### Existing Federal Regulation

#### Designated Hunter

*In order to receive a Federal Subsistence Registration Permit or Federal Designated Harvester Permit or designate someone to harvest fish or wildlife for you under a Federal Designated Harvester Permit, you must be old enough to reasonably harvest that species yourself (or under the guidance of an adult).*

*If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user (designated hunter) to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in §\_\_.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time unless otherwise specified in unit-specific regulations at §\_\_.26. Any designated hunter taking wildlife on behalf of another rural Alaska resident shall deliver the wildlife promptly to that rural Alaska resident.*

*A rural Alaska resident who has been designated to take wildlife on behalf of another rural Alaska resident in accordance with §\_\_.10(d)(5)(ii) must promptly deliver the wildlife to that rural Alaska resident and may not charge the recipient for his/her services in taking the wildlife or claim for themselves the meat or any part of the harvested wildlife.*

### Proposed Federal Regulation

#### Designated Hunter

*In order to receive a Federal Subsistence Registration Permit or Federal Designated Harvester Permit or designate someone to harvest fish or wildlife for you under a Federal Designated*

*Harvester Permit, you must be old enough to reasonably harvest that species yourself (or under the guidance of an adult).*

*If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user (designated hunter) to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in §\_\_.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time unless otherwise specified in unit-specific regulations at §\_\_.26. Any designated hunter taking wildlife on behalf of another rural Alaska resident shall deliver the wildlife promptly to that rural Alaska resident.*

*A rural Alaska resident who has been designated to take wildlife on behalf of another rural Alaska resident in accordance with §\_\_.10(d)(5)(ii) must promptly deliver the wildlife to that rural Alaska resident and may not charge the recipient for his/her services in taking the wildlife or claim for themselves the meat or any part of the harvested wildlife.*

***When participating in the designated hunter program in Units 1-5, designated hunters must remove at least one antler from the skull plate, cut the skull plate in half, or cut and or break off one of the main beams of the deer or moose's antler. Antler destruction must be completed before leaving the kill site, unless the antlers must be submitted to the ADF&G for measuring.***

## **Existing State Regulation**

### **Proxy Hunter**

*An Alaska resident (the beneficiary) may obtain an authorization allowing another Alaska resident (the proxy) to hunt moose, caribou, or deer for them if they are blind, 70-percent physically disabled, or 65 years of age or older. A person may not be a proxy for more than one beneficiary at a time.*

*Proxy hunting is allowed for all deer hunts, most caribou hunts and some moose hunts, with the following restrictions:*

*Antler destruction:*

- *consists of removing at least one antler from the skull plate or cutting the skull plate in half to destroy the trophy value,*
- *is required for all species,*
- *is required for each animal taken by the proxy hunter (both the proxy hunter's animals and the beneficiary's animals),*
- *must occur at the kill site unless uncut antlers must be submitted to ADF&G for measuring,*
- *will be completed after measuring by ADF&G.*

*Both beneficiary and proxy must have obtained licenses, regardless of age, and any necessary harvest tickets and/or permits, before applying for a Proxy Hunting Authorization at any ADF&G office or other issuing location.*

## **Extent of Federal Public Lands**

Federal public lands comprise approximately 95% of the Southeast Region which includes Units 1-5. The Forest Service manages the Tongass National Forest. The National Park Service manages the Glacier Bay National Park and Preserve, Sitka National Historical Park, Klondike Gold Rush National Historical Park, and the Wrangell-St. Elias National Park and Preserve. There is no subsistence hunting allowed within the Glacier Bay National Park, Sitka National Historical Park, or the Klondike Gold Rush National Historical Park. 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. The US Fish and Wildlife Service manages the Alaska Maritime National Wildlife Refuge. The Bureau of Land Management manages lands near Icy Bay.

## **Customary and Traditional Use Determinations**

All rural residents of Units 1-5 have a positive customary and traditional use determination for both species in some portion of Units 1-5.

## **Regulatory History**

In 1994, four proposals related to the use of designated hunters to harvest wildlife for others were rejected by the Federal Subsistence Board (Board). The Board recognized that the taking of resources by a few hunters in a community and the sharing of the harvest is a cultural tradition throughout Alaska. The Board, in rejecting these proposals, directed the staff to work with the Regional Councils to develop proposed regulations for the 1995-96 regulatory year that address the situation on a State-wide basis (59 Fed. Reg., no page number, [June 3, 1994]). The first designated hunter rule in the Southeast Region occurred in 1995 when the Board instituted a designated hunter system for deer in Units 1-5 and for moose in Unit 5 (60 Fed. Reg. 115. 31544 [June 15, 1995]). In 1997, the Board rejected a proposal to eliminate the designated hunter option (62 Fed. Reg. 103. 29017 [May 29, 1997]). In 2002, the Board rejected four proposals requesting revisions to the designated hunter provision for deer in the Southeast Region, because they were considered detrimental to subsistence users and unnecessary for conservation purposes (67 Fed. Reg. 125. 43710 [ June 28, 2002]). In 2003, the Board established a Statewide designated hunter program for subsistence harvest of moose, deer, and caribou, subject to unit-specific provisions (68 Fed. Reg. 124. 38466 [June 27, 2003]). This rule included the establishment of a possession limit for designated hunters of two harvest limits. In 2005 and 2006, the Board rejected proposals requesting the cutting of antlers from moose or separation from the skull plate as an unnecessary restriction on subsistence users (70 Fed. Reg.119. 36269 [June 22, 2005]; 71 Fed. Reg. 126. 37644 [June 30, 2006]).

## **Biological Background**

### Moose

With the exception of two transplants, moose were present on all major ranges in southeast Alaska by the 1950s (ADF&G 1990). In most cases, moose thrived and the population increased rapidly as a result of previously unexploited range. Hunting and other human use expanded as the moose populations increased.

The northwestern moose subspecies occupies the southern Southeast Region (Units 1A, 1B, 3, and part of 1C) up to the Stikine River/Thomas Bay area with Alaskan/Yukon moose subspecies occurring in the northern Southeast Region (Rausch *et. al* 2008). The northwestern moose is smaller in body size and does not develop the large antlers typical of the Alaskan/Yukon moose.

Moose habitat in southeast Alaska is associated with riparian and post-glacial early-successional vegetation types and is isolated by mountains, icefields, and fjords. Some populations have become established in areas where clear-cut logging has changed old-growth forests to early successional stages (ADF&G 1990).

Moose occur in harvestable populations in Units 1, 3, and 5. Unit 1D does not have a Federal moose season due to lack of Federal lands with suitable moose habitat. Moose are occasionally observed in Unit 2, but there is no moose harvest season there (ADF&G 2008). Moose occur on Pleasant Island in Unit 4 but there is no harvest season in Unit 4. In the majority of their range in southeast Alaska, moose are subject to predation by brown bears, black bears, and wolves, which limits moose populations in some areas of Alaska (Rausch *et. al* 2008).

ADF&G conducts aerial surveys to gather moose population data, however, in some areas surveys are not productive due to dense forest cover and the lack of winter concentration areas. Southeast Region moose are divided into 11 discrete populations for management purposes (ADF&G 1990). As of 2007, most of these populations appeared stable (ADF&G 2008). Deep snow winters from 2006-2009 reduced moose populations in study areas of northern Southeast (White and Barten 2010) and possibly other areas of Southeast Alaska as well.

## Deer

Sitka black-tailed deer spend the winter and early spring at low elevation where less snow accumulation and forests provide increased foraging opportunities. Fawning occurs in late May and early June as vegetation greens-up, providing abundant forage to meet energetic needs of the lactating doe. Migratory deer follow the greening vegetation up to alpine for the summer. Resident deer remain at lower elevations. The breeding season, or rut, generally occurs in October through November and peaks in late November (ADF&G 2009).

Southeast Alaska deer populations fluctuate primarily in response to the depth and duration of the winter snowpack (Olson 1979). Deer are subject to predation by black bears, brown bears and wolves in Southeast, but not all these predators occur in all areas. Wolves and black bears are not present in Unit 4, whereas brown bears are not present in Unit 2 and parts of Unit 3. The mainland (Unit 1) tends to have all three major predators as well as more severe winters and lower quality habitats. Thus, densities are lower there.

## **Harvest History**

### Moose

In the Southeast Region, moose harvest regulations have become more restrictive over time. Starting as open hunts with liberal season lengths, the majority of hunts now require permits and have harvest quotas. Bulls-only harvest quotas, often with antler size restrictions, predominate, although occasional cow or either-sex hunts have been held (ADF&G 1990). Moose are harvested in the Southeast Region primarily for meat and none of the populations have been managed to produce trophy animals (ADF&G 1990). Designated hunter harvest report data suggest that Federal designated hunters in Units 1-5 have taken 7

moose (less than 1%) since 2003 (Table 1). The maximum reported harvest by an individual designated hunter is 2 moose.

### Deer

Designated hunter harvest report data suggests that Federal designated hunters take approximately 2% of the total estimated deer harvest each year in Units 1-5 (Table 1). The maximum reported harvest by an individual designated hunter is 20 deer.

### Traditional harvest

The subsistence way of life is very much a part of the social fabric of Alaskan rural communities. Within Alaska Native cultures, the harvesting of subsistence foods is inextricably intertwined with social interactions. Social interactions may be in the form of extended families spending time at fish camps during the summer, young hunters learning harvesting skills from their older relatives, or individuals sharing their harvest successes with community members. Subsistence includes a cultural value system of sharing, which Alaska Natives have maintained since before contact with Russians and Europeans (Wolfe and Ellana 1983).

The hunting of ungulates in Southeast Alaska is a physically demanding task which not every household in a given community is able to undertake. It is common for able-bodied, younger individuals to take on the responsibility of harvesting meat for families and individuals outside of their household (i.e. the elderly and single mothers). Deer and moose are vital food staples and an important protein source for many rural Alaskans.

In 1997, the ADF&G Division of Subsistence conducted key respondent interviews in Prince of Wales (POW) Island communities and Ketchikan regarding subsistence deer hunting on POW Island. Hunting and sharing practices are similar throughout most POW Island communities, and it was noted that some hunters regularly supply deer to other households as well as their own (Turek *et. al* 2004). Regardless of the demographics and cultural histories of communities throughout POW Island, residents gave very similar answers to the questions regarding sharing and hunting practices.

### **Effects of the Proposal**

Implementing this proposal would add an unnecessary burden on subsistence users because under current regulations they must promptly deliver the harvested animal, including the antlers and all salvageable meat, to the recipient.

Implementing this proposal would likely create confusion because, for deer, in all hunts limited to one sex, if antlers are used as evidence of sex, they must remain naturally attached to the entire carcass. While antlers are not the only acceptable evidence of sex, it could create confusion for some users on the appropriate action to take.

Implementing this proposal is unlikely to change designated hunter harvest substantially. Deer and moose in southeast Alaska do not develop large antlers prized by trophy hunters, although there is likely a relative trophy value to a large animal from the area. Designated hunters are required to salvage the meat of deer and moose and, although adding a burden to their hunt, cutting the antlers is not likely to substantially change their harvest patterns. It is likely that some subsistence users target large antlered animals, but the extent of this practice is unknown, and there is no evidence to suggest that it is causing a

conservation concern. Large antlered animals also have large bodies and are desirable for the amount of meat they provide.

## **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP12-10.

### **Justification**

This proposal would create an unnecessary burden on subsistence users. Federal regulations require that designated hunters salvage the meat from deer and moose harvested in Units 1-5. The extent to which subsistence users target large antlered animals is unknown, but there is nothing illegal about doing so, as long as the salvage requirements are met. Regulations are already in place requiring designated hunters to salvage all usable meat, restricting them to two harvest limits in possession, and requiring them to promptly deliver the wildlife to the recipient. The designated hunter may not claim for themselves the meat or any part of the harvested wildlife. Harvest by designated hunters is a small, but socially important, percentage of the overall harvest.

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**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-10:** Require antler destruction on deer and moose taken by federal subsistence designated hunters in Units 1-5.

**Introduction:** This proposal seeks to require the destruction of antlers from deer and moose harvested by federal subsistence designated hunters. The proponent indicates adoption of this proposal will eliminate the small percentage of federal subsistence designated hunters who might take multiple animals per year in hopes that one of the animals will be a trophy. Current federal subsistence designated hunter regulations do not address this issue.

**Impact on Subsistence Users:** If adopted, federally qualified subsistence designated hunters would be required to destroy antler trophy value of all deer and moose harvested for others by cutting at least one antler from the skull plate, cutting the skull plate in half, or cutting or breaking one of the main beams of the antlers.

**Opportunity Provided by State:** Under the State of Alaska proxy regulations, a person may only proxy hunt for a beneficiary if the beneficiary is an Alaska resident, has a valid hunting license, is blind, 70-percent disabled, or 65 years of age or older. State antler destruction regulations are statewide in scope and apply to all deer, some moose and some caribou hunts. In the Southeast region (Units 1-5) state antler destruction regulations for deer require the destruction of the antler trophy value for all deer harvested by means of proxy hunting, whether taken by the proxy hunter for themselves, or taken by the proxy hunter for a beneficiary. In other words, if a hunter decides to sign up as a proxy hunter for a beneficiary, all deer harvested by the hunter that year will require antler destruction (both the proxy hunter's animals and the beneficiary's animals). Moose antler destruction is required for all proxy hunter harvested animals in Units 1-5 moose hunts where an antler restriction regulation is not in place. Proxy hunting for moose is not allowed in any Unit 1-5 moose hunt where antler restrictions are in regulation (e.g. 50" or spike fork regulations). The Alaska Board of Game approved proxy hunting antler destruction regulations to prevent hunters from serially trophy hunting under the guise of proxy hunting for beneficiaries. The intent of this proposal generally parallels the intent of state hunting regulation associated with antler destruction and proxy hunting.

**Conservation Issues:** Conservation concerns exist for portions of the deer and moose populations in Units 1-5. Conservative regulations have been carefully established to ensure deer and moose populations are sustainable. Conservative management plans, including moose antler restrictions, are implemented to prevent over exploitation. The state proxy hunting restrictions with antler destruction stipulations were designed and implemented to prevent abuses to the proxy system. This is especially true for easily accessible areas where a single hunter might take numerous animals under the proxy system at the expense of other hunters who want to harvest their own game. This not only takes opportunity away from other hunters, but may cause conservation concerns in small areas.

**Enforcement:** Adoption of this proposal would significantly reduce differences in federal and state regulations which presently add to confusion and enforcement issues in areas with mixed land ownership.

ADF&G Comments on WP12-10  
August 30, 2011; Page 1 of 2

**Recommendation:** Support.

<b>WP12-11 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-11 requests adding the mountain goat to the Federal Designated Hunter permit in Southeast Alaska (Units 1–5). <i>Submitted by Monte Mitchell</i>
<b>Proposed Regulation</b>	<i>If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user (designated hunter) to take deer, moose and caribou (<b>and goats in Units 1–5</b>) on your behalf. Designated hunters may hunt for any number of recipients, but have no more than two harvest limits in possession at any one time except where specified under unit-specific provisions. Any designated hunter taking wildlife on behalf of another rural Alaska resident shall deliver the wildlife promptly to that rural Alaska resident.</i>
<b>OSM Preliminary Conclusion</b>	<b>Support</b> Proposal WP12-11 <b>with modification</b> to allow only one harvest limit in possession at any one time.  The modified regulation should read:  <b>Units 1–5—Designated Hunter</b>  <i>If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user (designated hunter) to take deer, moose and caribou (<b>and goats in Units 1–5</b>) on your behalf. Designated hunters may hunt for any number of recipients, but have no more than two harvest limits in possession at any one time except <b>for goats, where designated hunters may have no more than one harvest limit in possession at any one time, and</b> where specified under unit-specific provisions. Any designated hunter taking wildlife on behalf of another rural Alaska resident shall deliver the wildlife promptly to that rural Alaska resident.</i>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Oppose</b>
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP12-11

### ISSUES

Proposal WP12-11, submitted by Monte Mitchell, requests adding the mountain goat (goat) to the Federal Designated Hunter permit in Southeast Alaska (Units 1–5).

### DISCUSSION

The proponent states that due to the nature of the terrain that goats inhabit, some Federally qualified subsistence users are physically unable to pursue them. Adding goats to the list of eligible species to hunt under the Federal Designated Hunter Permit in Units 1–5 would allow Federally qualified users the benefits of the meat and hides of this species.

#### Existing Federal Regulation

##### Units 1–5—Designated Hunter

*If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user (designated hunter) to take deer, moose and caribou on your behalf. Designated hunters may hunt for any number of recipients, but have no more than two harvest limits in possession at any one time except where specified under unit-specific provisions. Any designated hunter taking wildlife on behalf of another rural Alaska resident shall deliver the wildlife promptly to that rural Alaska resident.*

#### Proposed Federal Regulation

##### Units 1–5—Designated Hunter

*If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user (designated hunter) to take deer, moose and caribou (**and goats in Units 1–5**) on your behalf. Designated hunters may hunt for any number of recipients, but have no more than two harvest limits in possession at any one time except where specified under unit-specific provisions. Any designated hunter taking wildlife on behalf of another rural Alaska resident shall deliver the wildlife promptly to that rural Alaska resident.*

#### Existing State Regulation

##### Units 1–5

*N/A (there is no designated hunter system under the State, and currently goats are not allowed under the proxy hunting authority)*

#### Extent of Federal Public Lands

The Southeast Region is composed of Units 1–5. The Region includes all of the Tongass National Forest, all of the Glacier Bay National Park and Preserve, and the southeast portion of the Wrangell-St. Elias National Park and Preserve. Approximately 95% of the lands are Federal public lands although there is no subsistence use allowed within the Glacier Bay National Park.

## **Customary and Traditional Use Determinations**

All rural residents have a positive customary and traditional use determination (C&T) for goat harvest in Units 1A and 1D, rural residents of Units 1B and 3 have a positive C&T for goats in Unit 1B, and residents of Haines, Kake, Klukwan, Petersburg, and Hoonah have a positive C&T for goats in Unit 1C. Residents of Sitka, Hoonah, Tenakee, Pelican, Funter Bay, Angoon, Port Alexander, and Elfin Cove have a positive C&T for goats in Unit 4. All rural residents of Unit 5A have a positive C&T for goats in Unit 5. 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. Yakutat, in Unit 5A, is a resident zone community for Wrangell-St. Elias National Park.

## **Regulatory History**

In Units 1–5, the State uses a weighted point system whereby males=1 point and females=2 points. General management guidelines for Units 1–5 (1A, 1B, 1C, 1D, 4 and 5) are to maintain a guideline harvest not to exceed 6 points per 100 goats observed (ADF&G 2008). Hunters are encouraged to harvest males rather than females, and are prohibited from harvesting nannies with kids (effective in 2006 by Alaska Board of Game regulation). Quotas are combined for harvest by Federal and State users. Each hunt area is delineated into discreet geographic management areas and a quota is established for each area. Quotas for each management area are generally low, ranging from 1–30. Current quotas, for example, range from 2–5 in Unit 4, 5–6 in Unit 5, and 1–10 in Unit 1D (Scott 2011). Once the harvest quota for an area is met, an Emergency Order (EO) is used to close the season. Most goat hunts in Units 1–5 are managed under a State registration permit open to all hunters, and drawing permits are available for Unit 1A; however, a Federal registration permit is required for the taking of a second goat in Units 1A and 1B remainder, and Federal permits are available for Units 5A remainder and 5B.

## **Current Events Involving Species**

The Alaska Department of Fish and Game (ADF&G) issued an Emergency Order (E.O.) effective July 31, 2011, closing that portion of Unit 5(A) that is bounded on the east by the western edge of Harlequin Lake and the Yakutat Glacier, on the west by Russell Fiord, and on the north by Nunatak Fiord (including the East Nunatak Glacier), due to conservation concerns. Aerial surveys conducted during 2006–2010 in this area indicate a significant decline in goat numbers. This area was also closed by E.O. in 2009 and 2010.

The Sitka Ranger District, under authority delegated by the Federal Subsistence Board, closed the watersheds of Blue Lake, Medveije Lake, and the southern half of the Katlian River drainage, on Baranof Island in Unit 4, to the harvest of mountain goats by all users, effective Monday, August 1, 2011, remaining in effect for the remainder of the season which runs through December 31, 2011. ADF&G has issued a closure in the same watersheds, effective from August 1, 2011, to the close of the season on December 31, 2011. In addition to the closure, a 2011 management plan establishing sub-management units within these watersheds, with distinct male and female goat harvest caps for each area, was established. An overall decline in the goat population in these areas has occurred since the extreme winter weather of 2006–2007.

## **Biological Background**

Goats occupy steep and rugged terrain, and occur in Alaska throughout Southeast and along the coastal mountains to Cook Inlet. In Southeast Alaska, goats have been introduced to non-native range on Baranof Island (Unit 4) where the population expanded, to Chichagof Island (Unit 4) where the transplant

apparently failed, and most recently on Revillagigedo Island (Unit 1A) where they have become established (ADF&G 2011). Recent genetic investigations suggest that a residual population may have existed in seclusion on Baranof Island prior to the 1923 transplants from Tracy Arm (Paul 2009). Goats in coastal areas typically migrate from alpine summer ranges to winter ranges at lower elevations, typically in old-growth forest habitats (ADF&G 2011).

Males (billies) and females (nannies) are similar in appearance, except that males are ~ 40% larger than females and have differently shaped horns (ADF&G 2011). Nannies usually do not reproduce until around the age of 5 (see Festa-Bianchet and Côte 2008 for review); indeed, White et al. (2008) did not document any case where females less than four years of age had kids at heel during the summer in a Southeast Alaska goat population. Female goats appear to have adopted a very conservative reproductive strategy, generally exhibiting a low reproductive effort and favoring strategies to ensure their long-term survival over any one reproductive event (Festa-Bianchet and Côte 2008). Females generally produce single kids; twinning may be more common in introduced and rapidly growing populations than in native or established and stable populations (Côte and Festa-Bianchet 2003). Productivity varies between populations and annually. White et al. (2007), for example, observed that 57–64% of females in a Southeast Alaska goat population were seen with kids during the summer; however, this study did not directly monitor the initial parturition rate. White et al. (2008) reported that younger and older females were less likely to have a kid at heel than prime-aged females (i.e. 7–9 years old).

Goat populations are extremely sensitive to adult female mortality (Gaillard et al 2000), therefore a male only harvest is generally recommended to maintain population productivity (Hebert and Turnbull 1977, Youds et al. 1980, Festa-Bianchet and Côte 2008). Indeed, harvest of mature females has led to declines in native populations (see Festa-Bianchet and Côte 2008 for reviews). Male only harvest is not without problems, however, including further skewing the sex ratio and increasing the risk of inbreeding (Festa-Bianchet and Côte 2008). Either-sex harvests are generally implemented because of the difficulty of sexing animals in the field (Voyer et al. 2003, Festa-Bianchet and Côte 2008).

### Population Trends

The current population estimate is 7,300–10,200 goats for Unit 1A; goat populations appear to be stable throughout most of this unit (Porter 2008). Data are insufficient to determine precise goat population trends in Unit 1B; however, available information indicates Unit 1B goat populations have remained relatively stable, with the exception of the late 1960s and early 1970s when severe winters reduced the herd (Lowell 2008). In Unit 1C, goat populations seem to be at medium to high densities when compared to historical data over most of the range (Barten 2008). In Unit 1D, mountain goat populations appear to be at medium to high densities in those areas routinely surveyed (Scott 2008).

The 2004 population estimate for Unit 4 (Baranof Island) was approximately 1,529 (Mooney 2008). The harsh winters of 2006–2008, with record-breaking snowfall and persistent deep snowpack well into early June, reduced the goat population on the island. Aerial surveys of goats since 2006 show a declining adult population (~900–1000) as well as steep declines (61% reduction) in kid numbers (Mooney 2011, pers. comm.). Recent high harvest rates of female goats have impacted recruitment of the population, and recent aging of harvested females indicates the age structure of this component is getting older, raising conservation concerns for managers (Mooney 2011, pers. comm.).

Within Unit 5, the goat population in the Nunatak Bench area declined starting in 2000 and remains at a low density; 33 goats were observed during fall aerial surveys in both 2008 and 2009; (Oehlers 2008, 2009); this area has been closed under both State and Federal regulation since 2000. Goat populations in the area of Unit 5 from Harlequin Lake to the Alsek River appear stable; 157 goats were observed during

a fall survey in 2010 (Oehlers 2010). Recent surveys indicate a decline in numbers between Harlequin Lake and Nunatak Fiord; 48 goats were observed in 2009 (Oehlers 2009) as compared to an estimated 154 goats in 2006 (Barten 2006).

**Harvest History**

Between 2006 and 2010, a total of 735 goats were harvested in Unit 1–5 (**Table 1**). Of this total, 235 (37%) were harvested by Federally qualified subsistence users; this figure is based on the harvesters community of residence, but does not necessarily reflect the regulations (State or Federal) under which the harvest was conducted.

**Table 1.** Reported harvest of goats in Units 1-5, 2006-2010 (Scott 2011). Designation of Federally qualified subsistence user is based on harvester’s community of residence.

Year	Federally qualified subsistence user	Alaska Resident	Non-resident	Unknown
2006	67	35	64	
2007	69	36	50	
2008	26	46	61	
2009	58	35	48	1
2010	53	31	52	3

Because it is difficult to predict the designated hunter harvest of goats, and therefore the effects, if this proposal is accepted, the following designated hunter harvest of ungulates data are presented for comparative purposes. Between 2003 and 2010, 1 moose was harvested by designated hunters in each of Units 1(B) and 3. During the same time period, 19 and 316 deer were harvested by designated hunters in Units 1 and 3, respectively.

Traditional harvest

The subsistence way of life is very much a part of the social fabric of Alaskan rural communities. Within Alaska Native cultures, the harvesting of subsistence foods is inextricably intertwined with social interactions. Social interactions may be in the form of extended families spending time at fish camps during the summer, young hunters learning harvesting skills from their older relatives, or individuals sharing their harvest successes with community members. Subsistence includes a cultural value system of sharing, which Alaska Natives have maintained since before contact with Russians and Europeans (Wolfe and Ellana 1983).

The hunting of ungulates in Southeast Alaska is a physically demanding task which not every household in a given community is able to undertake. It is common for able-bodied, younger individuals to take on the responsibility of harvesting meat for families and individuals outside of their household (i.e. the elderly and single mothers). Deer and moose are vital food staples and an important protein source for many rural Alaskans.

In 1997, the Alaska Department of Fish and Game Division of Subsistence conducted key respondent interviews in Prince of Wales (POW) Island communities and Ketchikan regarding subsistence deer hunting on POW Island. Hunting and sharing practices are similar throughout most POW Island communities, and it was noted that some hunters regularly supply deer to other households as well as their own (Turek et. al 2004). Several individuals mentioned this pattern specifically in their responses. Regardless of the demographics and cultural histories of communities throughout POW Island, residents

gave very similar answers to the questions regarding sharing and hunting practices.

### **Other Alternatives Considered**

Several alternatives are available to mitigate any potential negative side effects of this proposal, such as over harvest or harvesting of nannies, if designated hunters are allowed to harvest multiple animals.

One alternative would be to add goats to the designated hunter permit (for Units 1–5), but with the condition that the designated hunter have no more than one harvest limit in possession at any one time. Mountain goats inhabit rugged terrain, and the harvest and transport of one animal is challenging (the dressed weight of a 250 pound goat, for example, is approximately 150 pounds). Harvesting and transporting two animals at a time would be more difficult, and may lead to unintended waste if the designated hunter is unable to remove both animals from the field. This alternative would also address some of the potentially negative effects of the initial proposal such as over harvest or the harvesting of nannies. A similar restriction is in place for the designated hunting of goats in Unit 6D.

Another alternative for designated hunters interested in harvesting more than one goat would be to restrict the designated hunter to harvesting one goat per 24 hour period. This alternative would likely reduce the risk of multiple animals and/or nannies being taken from one group, and also reduce the risk of unintentional waste. Similarly, the designated hunter could be required to report their harvest, including the sex of the harvested animal, before they are allowed to harvest any additional animals, reducing the chance of over harvesting. Other alternatives would be to shorten the required harvest reporting time period (for example, from 5 days to 2 days), or to limit the number of persons for which a designated hunter may harvest goats.

### **Effects of the Proposal**

It is difficult to predict the effects of the proposal; however, it is expected that the designated hunter effort/harvest for mountain goats may be similar to the current pattern of designated hunter harvest for moose, which is fairly low. Because the State manages mountain goat harvest in a combined State and Federal quota, the total harvest of goats is not expected to change. If this proposal is adopted, although the total harvest is not likely to change, the percent of the total harvest by subsistence users, including designated hunters, may increase, thereby reducing the opportunities for State harvesters.

If designated hunters are allowed to have two harvest limits in their possession at any one time, they may harvest two animals out of one herd, potentially resulting in the harvest quota being met sooner or possibly being exceeded in areas of low quotas before an Emergency Order can be implemented. Designated hunters targeting two animals out of one herd may also be less selective in the sex of animals taken; higher female harvest by designated hunters would result in the harvest quota being reached sooner, and has the potential to negatively affect the reproductive rate of that population. While the option to designate a hunter will benefit the recipient, enabling them to enjoy the benefits of the meat and hides of goats, and supports the traditional practice of hunting for others, opportunities for other users to harvest goats may be diminished.

### **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP12-11 **with modification** to allow only one harvest limit in possession at any one time.

The modified regulation should read:

### **Units 1–5—Designated Hunter**

*If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user (designated hunter) to take deer, moose and caribou (and goats in Units 1–5) on your behalf. Designated hunters may hunt for any number of recipients, but have no more than two harvest limits in possession at any one time except for goats, where designated hunters may have no more than one harvest limit in possession at any one time, and where specified under unit-specific provisions. Any designated hunter taking wildlife on behalf of another rural Alaska resident shall deliver the wildlife promptly to that rural Alaska resident.*

### **Justification**

As stated by the proponent, due to the nature of the terrain that goats inhabit, some Federally qualified subsistence users are physically unable to pursue them, and are therefore unable to enjoy the benefits of the meat and hides of this species under Federal regulations. Adoption of this proposal, as modified, will enable these Federally qualified subsistence users to enjoy the benefits of the meat and hides of goats, and supports the traditional practice of hunting for others. Because there is a combined State and Federal quota for goats, adoption of this proposal as modified is not expected to affect the total harvest of goats in Units 1–5. The modification to allow the designated hunter to have no more than one harvest limit in their possession at any one time will help to minimize any over-harvest and potential waste, as well as maintain opportunities for other subsistence and non-Federally qualified subsistence users.

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**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-11:** Authorize designated hunting of mountain goat in Southeast Alaska.

**Introduction:** This proposal seeks to add mountain goat to the federal subsistence designated hunter program in Units 1-5. The proponent indicates adoption of this proposal will provide meat and hides to some federally qualified users who cannot participate in the hunt for any reason. The proponent also indicates the additional harvest will not impact the goat populations because the state micromanages the goat hunts by sub unit. Current federal subsistence designated hunter regulations do not list mountain goats as a species which can be harvested by designated hunters.

**Impact on Subsistence Users:** If adopted, federally qualified subsistence designated hunters could harvest as many goats as the number of designated permits he/she seeks during the federal subsistence goat hunting season which lasts up to five month annually. If adopted, federal subsistence designated hunters could harvest up to two possession goats per day (current federal designated hunter regulations allow two bag limits in possession at a time).

**Opportunity Provided by State:** State regulations prohibit proxy hunting for mountain goats statewide.

**Conservation Issues:** Immediate conservation concerns could develop from over harvest from a particular goat herd or sub unit in Southeast Alaska. This is especially true for female goats with young which are often found in groups making them the most visible, and the most vulnerable to harvest. Allowing hunters to take multiple goats through a federally designated hunter program could cause conservation concerns by increasing the take on female goats which are the most important yet susceptible portion of the population.

Presently goat populations in Unit 4 and Unit 5 are at low levels to the point where harvest quotas have been lowered, and portions closed due to low goat numbers. In other portions of the region goat populations are still recovering from the three hard winters of 2006-2008. Conservative harvest strategies are being employed to assure that goats in these areas are not over harvested.

If this proposal is adopted we risk having hunters take multiple goats at a time (potentially several females), which could jeopardize goat populations at least at local levels. Our strategy for managing goats is to minimize the harvest of females to provide for healthy populations. Heavy snow pack can drive mountain goats into more easily accessed areas (such as lowlands and ocean beaches) in the winter which could lead to significant increases in goat concentrations and harvest rates. With the potential for several females being taken at one time, and maybe even more if several designated hunters are targeting the same group of goats, we may have to close areas entirely to prevent over harvest.

ADF&G Comments on WP12-11  
August 30, 2011, Page 1 of 2

**Enforcement Issues:** This proposal would allow persons to be a designated hunter under federal regulations for a species not allowed by proxy hunting under state regulations. If this proposal is adopted, it is the responsibility of federal agencies to inform designated hunters that they can only hunt on federal public lands and to enforce this provision. Additionally, if this proposal is adopted, the federal land managers will be required to develop a goat hunt permitting and reporting system because regulations governing the state's permitting, licensing, and reporting system prohibits proxy hunting for mountain goats and/or possession of more than one bag limit of mountain goat.

**Other Comments:** The State authorizes proxy hunting only for moose, deer, and caribou. Other differences between state proxy hunting and federal designated hunter regulations are described in the Office of Subsistence Management's analysis. Whether or not designated hunting should be authorized for species other than moose, deer, and caribou merits additional discussion.

**Recommendation:** Oppose.

<b>WP12-12 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-12 requests that the Federal moose season in a portion of Unit 1C start one week earlier. <i>Submitted by Monte Mitchell</i>
<b>Proposed Regulation</b>	<p><b>Unit 1C — Moose</b></p> <p><i>That portion of Unit 1C on the Chilkat Range south and west of a boundary established by the unnamed creek that enters Lynn Canal at approximately 58° 22' 45.03" N, 135° 04' 36.67 W, then west to the watershed divide ridge, then north to the Glacier Bay National Park boundary and west to where the GBNP boundary meets Excursion Inlet.</i></p> <p><i>1 antlered bull by State registration permit Sept. 15 8 – Oct. 15 only</i></p>
<b>OSM Preliminary Conclusion</b>	<p><b>Support</b> proposal WP12-12 <b>with modification</b> to start the Federal moose season three days early on the southern Chilkat Range and provide a Federal registration permit.</p> <p>The modified proposal should read:</p> <p><b>Unit 1C — Moose</b></p> <p><i>That portion of Unit 1C on the Chilkat Range south and west of a boundary established by the unnamed creek that enters Lynn Canal at approximately 58° 22' 45.03" N, 135° 04' 36.67 W, then west to the watershed divide ridge, then north to the Glacier Bay National Park boundary and west to where the GBNP boundary meets Excursion Inlet.</i></p> <p><i>1 antlered bull by State <b>Federal</b> registration permit only Sept. 15 12 – Oct. 15</i></p>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Oppose</b>
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP12-12

### ISSUES

Proposal WP12-12, submitted by Monte Mitchell, requests that the Federal moose season in a portion of Unit 1C start one week earlier.

### DISCUSSION

The southern end of the Chilkat Range has a road system and relatively easy boat access from nearby communities. Regulatory changes in the nearby Gustavus Forelands hunt on State lands may have shifted some hunting pressure to the Chilkat Range. The proponent believes that competition during the opening of the season reduces the chances for subsistence users to harvest a moose. He believes that opening the season one week early for Federally qualified subsistence users would reduce competition and help them meet their needs for moose.

#### Existing Federal Regulation

##### Unit 1C (remainder) — Moose

*1 antlered bull by State registration permit only*

*Sept. 15 – Oct. 15*

#### Proposed Federal Regulation

##### Unit 1C — Moose

*That portion of Unit 1C on the Chilkat Range south and west of a boundary established by the unnamed creek that enters Lynn Canal at approximately 58° 22' 45.03" N, 135° 04' 36.67 W, then west to the watershed divide ridge, then north to the Glacier Bay National Park boundary and west to where the GBNP boundary meets Excursion Inlet.*

*1 antlered bull by State registration permit only*

*Sept. 15 8 – Oct. 15*

#### Existing State Regulation

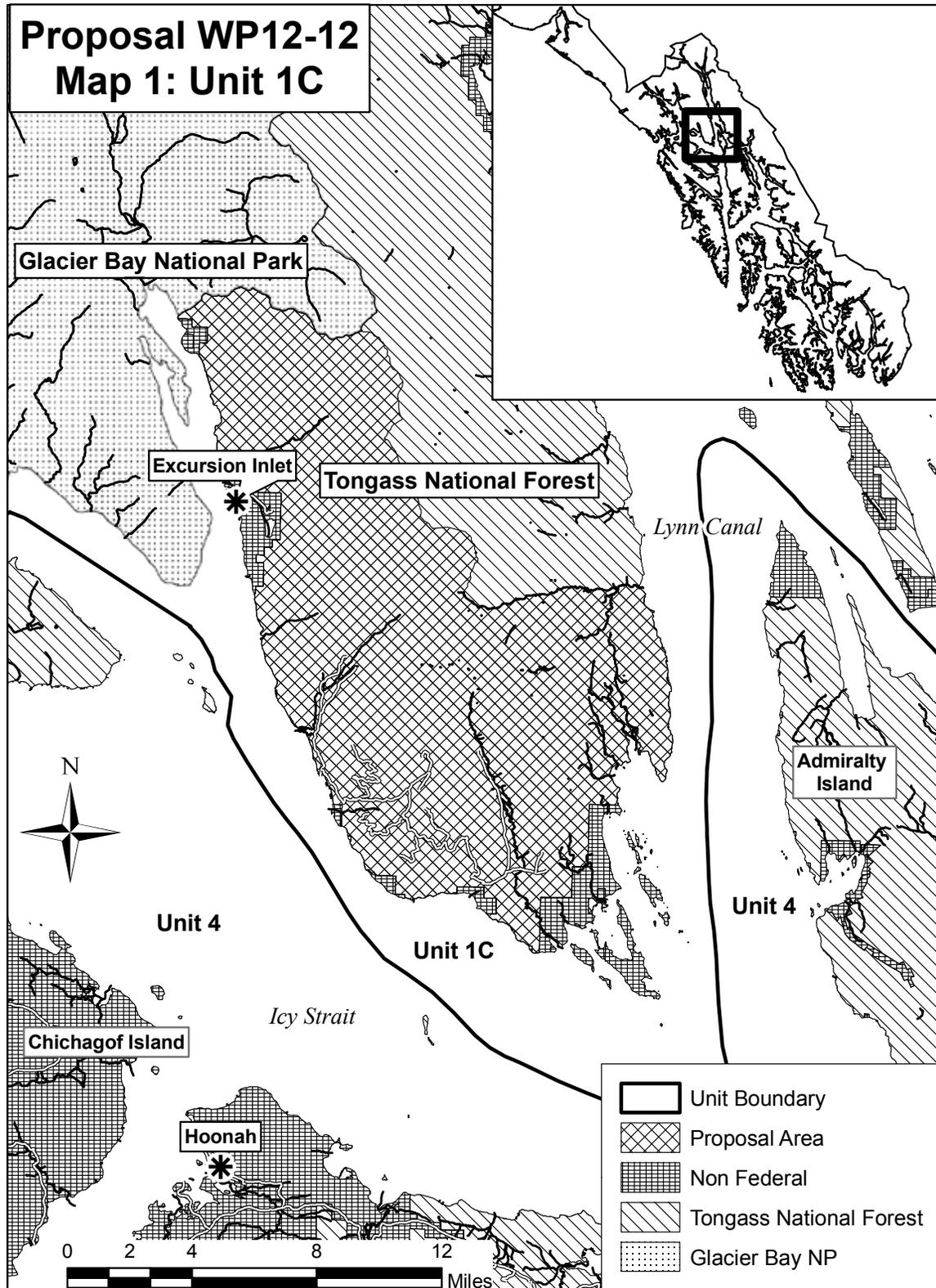
##### Unit 1C (remainder) – Moose

*One bull by permit*

*Sept. 15 – Oct. 15*

#### Extent of Federal Public Lands

Federal public lands comprise approximately 97% of Unit 1C. The U.S. Forest Service manages 65% of those lands as part of the Tongass National Forest. The National Park Service manages 35% of those lands as part of the Glacier Bay National Park which is closed to subsistence hunting (see Unit 1C Map). The Tongass National Forest comprises 93% of the proposal area (**Map 1**).



## Customary and Traditional Use Determinations

Rural residents of Units 1–5 have a positive customary and traditional use determination for moose in Unit 1C.

## Regulatory History

Since its inception in 1990, the Federal subsistence season, for the portion of Unit 1C addressed in this proposal, has been Sept. 15–Oct. 15, with a harvest limit of one antlered bull by State registration permit. Since 1985, the State season has been Sept. 15–Oct. 15 with a harvest limit of one bull by State registration permit.

In 2006, Chuck Burkhardt of Gustavus, submitted proposal WP06-12 which requested a Federal registration permit hunt for the southern portion of the Chilkat Range in Unit 1C. The Southeast Alaska Subsistence Regional Advisory Council (Council) and the Federal Subsistence Board (Board) took no action on the proposal, with agreement from the proponent, when ADF&G agreed to drop the “super-exclusive” condition on the State registration permit for the Gustavus Forelands hunt in Unit 1C. This “super-exclusive” condition prohibited hunters who registered for moose hunting on the Gustavus Forelands of Unit 1C from hunting moose anywhere else in Unit 1C.

In 2010, the Council, submitted proposal WP10-11 which requested the recognition of customary and traditional uses of moose in Unit 1C for all rural residents of Units 1 through 5. The Board adopted the proposal. Prior to 2010, Unit 1C did not have a specific customary and traditional use determination for moose.

## Biological Background

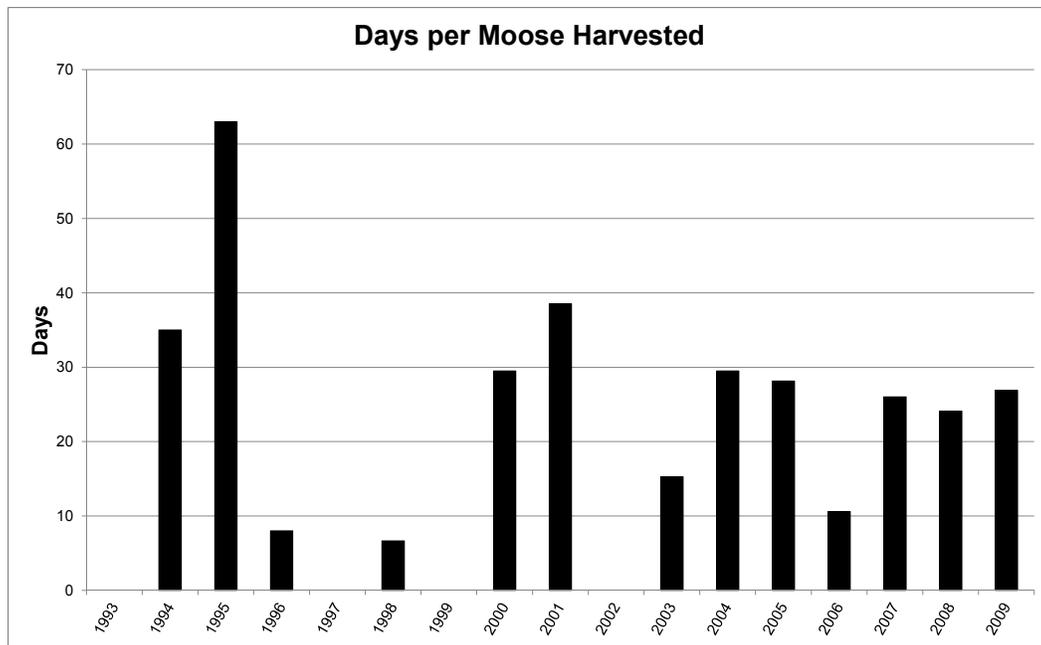
Moose were first observed in the Chilkat Mountain range in 1963 and were probably animals that originated from the Chilkat Valley population near Haines (Barten 2008). They gradually colonized to the southern end of the range which has seen increased harvest in recent years. The densely forested habitat in the area makes it hard to gather survey data (Barten 2008). Moose breed in the fall with the peak of rut in late September and early October. Moose in Unit 1C are subject to predation by brown and black bears, and wolves, which limits moose populations in some areas of Alaska (Rausch *et. al* 2008).

### Recent population indices

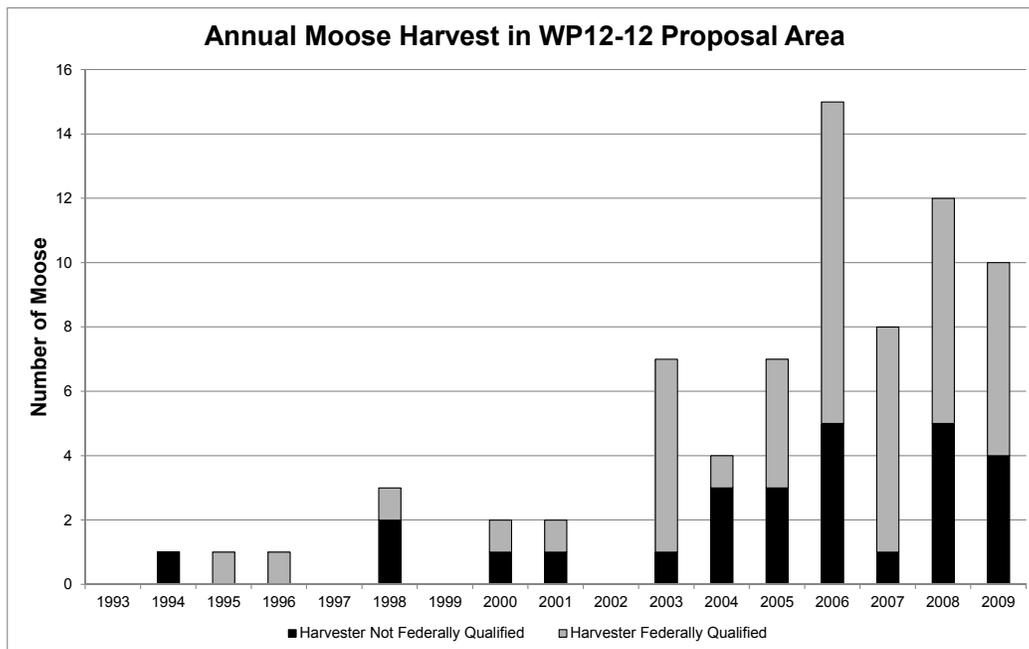
The status of the moose population on the southern Chilkat Range is unknown (Barten 2008). Barten (2008) thought the population was increasing, as of 2007, based on harvest records and hunter information. Starting with the winter of 2006–07, several consecutive deep snow winters decreased the moose population in the nearby Berners Bay by approximately 30% (White and Barten 2010). During the same period, they found that moose survival was better on the Gustavus Forelands, just west of the Chilkat Range, so the moose population in the proposal area has likely slightly decreased or remained stable since 2007. Harvest effort per moose harvested (**Figure 1**), another indicator of population trend, has remained steady in recent years. There does not appear to be a conservation concern for moose on the Chilkat Range.

## Harvest History

Harvest increased dramatically starting in 2003, peaked in 2006, and has remained relatively high (**Figure 2**). This corresponds to a sharp increase in the number of hunters who reported actively hunting in the

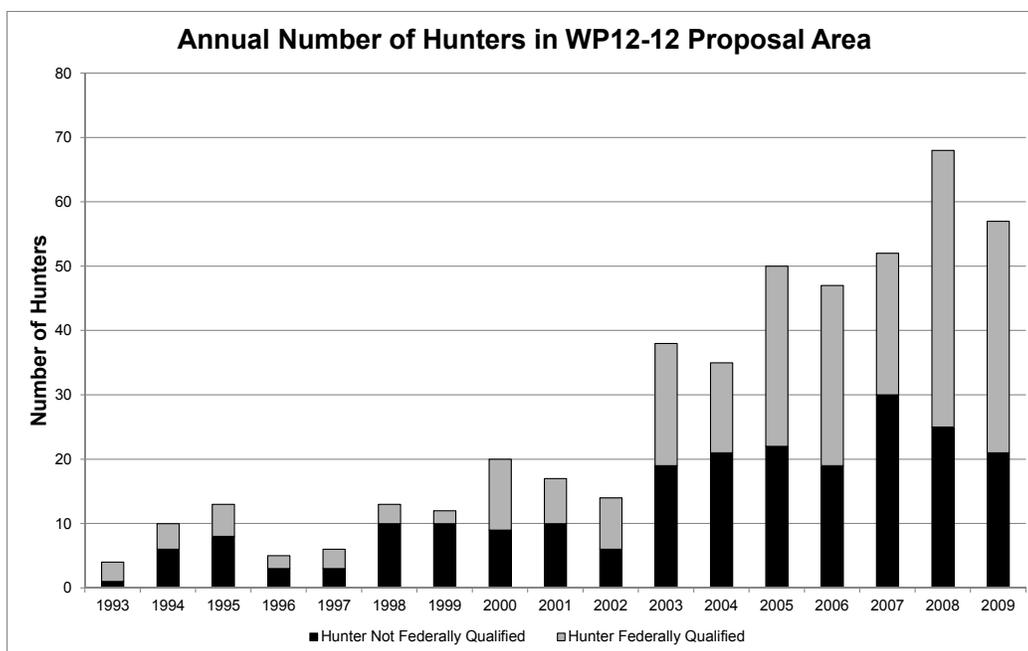


**Figure 1.** Harvest effort by year on the southern Chilkat Peninsula, proposal area WP12-12 (minor harvest areas 0503–0507 and 0601–0605 within major harvest area X23). ADF&G data accessed through the OSM harvest database.



**Figure 2.** Moose harvest by year and Federal qualification in the WP12-12 proposal area (minor harvest areas 0503–0507 and 0601–0605 within major harvest area X23). ADF&G data accessed through the OSM harvest database.

proposal area (**Figure 3**). The number of hunters peaked in 2008 and remains relatively high. Juneau and Hoonah residents reported had the highest use of the area (**Table 1**). Juneau residents are not qualified to harvest moose under Federal subsistence regulations, while Hoonah residents are. Approximately 52% of the past users are Federally qualified under current regulations. Most harvest occurs during the first

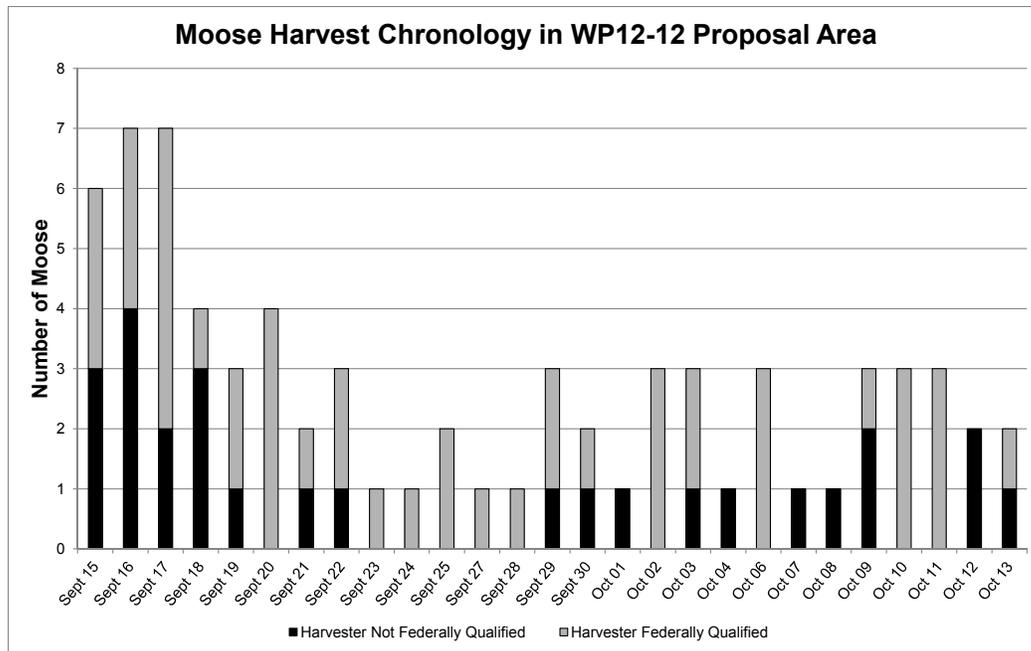


**Figure 3.** Moose hunters by year and Federal qualification on the WP12-12 proposal area (minor harvest areas 0503–0507 and 0601–0605 within major harvest area X23). ADF&G data accessed through the OSM harvest database.

**Table 1.** Community of residence and Federal eligibility for hunters in the WP12-12 proposal area from 1993-2009. ADF&G data accessed through the OSM database.

Residence Community	Number of Hunters
<b>Federally Eligible</b>	
Elfin Cove	1
Excursion Inlet	3
Funter Bay	2
Gustavus	34
Haines	5
Hoonah	147
Naukati Bay	1
Pelican	1
Sitka	27
Skagway	13
Swanson Harbor	1
Tenakee Springs	3
<b>Subtotal</b>	<b>238</b>
<b>Not Federally Eligible</b>	
Anchorage	3
Auke Bay	9
Chugiak	1
Douglas	4
Fairbanks	1
Juneau	189
Ketchikan	1
Seward	1
Non-resident	14
<b>Subtotal</b>	<b>223</b>
<b>Total</b>	<b>461</b>

week of the season and the first weeks' harvest is fairly evenly split between Federally qualified and non-Federally qualified users (**Figure 4**). Overall, Federally qualified users have harvested 63% of the reported moose taken since 1993.



**Figure 4.** Chronology of moose harvest in the WP12-12 proposal area (minor harvest areas 0503–0507 and 0601–0605 within major harvest area X23) by Federal qualification from 1993–2009. ADF&G data accessed through OSM database.

### Effects of the Proposal

Implementing this proposal would increase opportunities for Federally qualified subsistence users to harvest moose by adding a week to the Federal season and reducing competition about 50% during that week.

By increasing the length of the Federal season, implementing this proposal could increase the moose harvest. Since the population is unknown, the sustainable harvest in the area is unknown, and the potential impact on the population is unclear. Current harvest appears to be sustainable, although harvest has increased in recent years and long-term sustainability is uncertain.

Implementing this proposal could increase participation within the proposal area by attracting Federally qualified subsistence users who would normally hunt elsewhere, but could now hunt the southern Chilkat Range before the season in nearby areas begins. If this occurs, although all early season harvest would be by Federally qualified subsistence users, competition among individuals could be similar to the existing condition. Reducing the early season opening to three days might reduce this attraction by reducing the time to hunt the early season in the southern Chilkat area before moving to other hunting areas for their season opening. Daily harvest is highest during the first three days of the existing season.

## OSM PRELIMINARY CONCLUSION

**Support** proposal WP12-12 **with modification** to start the Federal moose season three days early on the southern Chilkat Range and provide a Federal registration permit.

The modified proposal should read:

### **Unit 1C — Moose**

*That portion of Unit 1C on the Chilkat Range south and west of a boundary established by the unnamed creek that enters Lynn Canal at approximately 58° 22' 45.03" N, 135° 04' 36.67 W, then west to the watershed divide ridge, then north to the Glacier Bay National Park boundary and west to where the GBNP boundary meets Excursion Inlet.*

*1 antlered bull by State **Federal** registration permit only*

*Sept. 15 12 – Oct. 15*

### **Justification**

The number of hunters has increased in recent years, creating increased competition especially during the early season. This change would disperse hunting pressure through time and provide an opportunity for Federally qualified users to harvest moose under less competitive circumstances. Current harvest pressure appears sustainable; however, this modification would lessen the possibility of increased harvest and impacts to the population by reducing the likelihood of attracting hunters from other areas.

A Federal registration permit with appropriate conditions would be necessary to allow harvest outside the State season and track the harvest.

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**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-12:** Liberalize federal subsistence moose hunting season on the Chilkat Peninsula within Unit 1C by adding one week to the beginning of the season.

**Introduction:** This proposal was submitted to liberalize the federal subsistence moose hunting season on the Chilkat Peninsula by moving the season opening date up to September 7. The proponent indicates the current federal subsistence moose hunting season dates reduces hunter success rates due to concentrated pressure on the herds, chaotic competition with other non-federally qualified hunters, and presence of other hunters on the hunting grounds. The proponent indicates adoption of this proposal will potentially increase federal subsistence harvest success, result in larger antlered moose availability to non-federally qualified users, increase the success of all hunters, and increase the moose population in the identified area.

**Impact on Subsistence Users:** If this proposal is adopted, all residents of rural communities in Southeast Alaska will have an additional week to hunt moose in the identified area prior to the opening of the general hunt.

**Opportunity Provided by State:** The state moose hunt is by registration permit and the season in the Chilkat Peninsula (Remainder of Unit 1C) is from September 15 through October 15 with a bag limit of one bull moose. The Gustavus area registration moose hunt is from September 15-October 15 with a bag limit of one bull moose meeting spike/fork, or 3 brow tine, or 50 inch antler width requirements. Proxy hunting regulations provide the opportunity to harvest moose in any-bull hunts for residents meeting the requirements for a proxy authorization.

**Conservation Issues:** Outside the Gustavus area little population level data is available for moose on the Chilkat Peninsula. The majority of the Chilkat Peninsula is heavily forested precluding aerial survey data collection for moose because they cannot be detected and counted. Aerial survey data is a key component in moose management strategies. Without aerial survey data information such as overall harvest and the age structure of the harvest are used to make management decisions. During the period 2001-2010, an average of 108 hunters (range 75-121) hunted moose on the Chilkat Peninsula (excluding Gustavus); the harvest averaged 17 moose annually (range 11-28). In 2010, 106 hunters hunted taking 11 bull moose; this years' harvest is the lowest in ten years. Beginning in 2006 severe winter weather impacted ungulate herds across Southeast, Alaska. Collared moose mortality rates in Gustavus and Berners Bay approached 20% resulting in closing the Berners Bay hunt, and reducing the harvest level in Gustavus. Higher than anticipated winter related mortalities continued in 2007-2008 and 2008-2009. Without collared moose in the proposal hunt area the impacts of the recent severe winters in unknown but it is likely this herd is experiencing similar levels of winter related mortalities. The low bull moose harvest on the Chilkat Peninsula in 2010 may be the result of winter related mortalities and any increase in the current harvest level must be monitored closely for signs of a continuing population decrease; changes to the current hunt strategies should not promote a significant increase above the current harvest level.

**Other Comments:** During the period 2001-2010, the overall success rate for Chilkat Peninsula (excluding Gustavus) moose hunters was 16%. This level of success is the surpassed only by Unit 5 in Southeast, Alaska. Federally qualified hunters represent 26% of the hunters, with a success rate of 18%. Between 2001 and 2010, 33 hunters took 2 or more moose in the proposal area. Moose taken

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by designated and proxy hunters are credited to the original permit holder, not the proxy hunter. Therefore, the harvest data does not reflect multiple moose being taken by an individual in a given regulatory year though this is known to occur.

If adopted, federal land managers will be required to issue federal moose hunting permits because the current state registration permit is not be valid when an area is closed to moose hunting by state regulation.

There is no information to suggest this proposal will impact the size of antlers available to any group of hunters participating in the moose hunt. Generally speaking, moose in Southeast, Alaska do not attain the antler size of moose in southcentral and interior. Regardless of the status of a hunter, moose hunts in southeast are focused on taking game for consumption and recreation.

The impacts of this proposal will not increase the moose population on the Chilkat Peninsula. Population size is dependent on habitat capability, weather, predation and harvest. The status of the moose population is unknown. Current harvest levels have remained relatively stable over the last ten years with variability that is expected in any hunt.

**Recommendation:** Oppose. The level of success for all hunters (16%) in this area indicates there is a high likelihood that hunters will have an opportunity to harvest a moose. Federally qualified hunters are well represented the successful hunter data with 18% of federally qualified hunters taking a moose; federally qualified hunters as a group succeed in taking a moose at a higher rate than that of all hunters in aggregate.

<b>WP12-13 Executive Summary</b>									
<b>General Description</b>	Proposal WP12-13 requests that the Federal designated hunting provisions limit the number of Federally qualified recipients that a designated hunter may hunt deer for in Units 1B and 3. <i>Submitted by Wrangell Fish and Game Advisory Committee</i>								
<b>Proposed Regulation</b>	<p><b>General provisions</b></p> <p>§ ____.25(e) <i>If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose, and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in § ____.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulation in § ____.26.</i></p> <p><b>Unit Specific Regulations</b></p> <p>§ ____.26(n)(1)(vii)(C) <i>In Unit 1B, a designated hunter may hunt deer for only two other specified recipients per year.</i></p> <p>§ ____.26(n)(3)(iii)(C) <i>In Unit 3, a designated hunter may hunt deer for only two other specified recipients per year.</i></p> <p><b>Unit 1B — Deer</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">2 antlered deer</td> <td style="text-align: right;">Aug. 1 – Dec. 31</td> </tr> </table> <p><b>Unit 3 — Deer</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Unit 3 Mitkof, Woewodoski, and Butterworth Islands – 1 antlered deer</td> <td style="text-align: right;">Oct. 15 – Oct. 31</td> </tr> <tr> <td style="width: 70%;">Unit 3 remainder — 2 antlered deer</td> <td style="text-align: right;">Aug. 1 – Nov. 30</td> </tr> <tr> <td></td> <td style="text-align: right;">Dec. 1 – Dec. 31 season to be announced</td> </tr> </table>	2 antlered deer	Aug. 1 – Dec. 31	Unit 3 Mitkof, Woewodoski, and Butterworth Islands – 1 antlered deer	Oct. 15 – Oct. 31	Unit 3 remainder — 2 antlered deer	Aug. 1 – Nov. 30		Dec. 1 – Dec. 31 season to be announced
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<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>								
<b>Southeast Regional Council Recommendation</b>									
<b>Interagency Staff Committee Comments</b>									

*continued on next page*

<b>WP12-13 Executive Summary (continued)</b>	
<b>ADF&amp;G Comments</b>	<p><b>Support WP12-13 with modification.</b></p> <p>(1) Adopt the portion of the proposal which restricts designated hunter take but modify the proposal to reducing the allowed possession limit to one bag limit of deer at any time.</p> <p>(2) Do not adopt regulations which limit the total number of recipients a federal subsistence hunter may harvest for annually in areas without conservation concerns, have high deer densities, and are outside of high use areas.</p> <p>(3) Adopt antler destruction regulations for all deer harvested by federal subsistence designated hunters. The Alaska Board of Game approved proxy hunting antler destructions regulations to prevent hunters from serially trophy hunting under the guise of proxy hunting for other beneficiaries. The intent of this recommended modification parallels the intent of state hunting regulation.</p>
<b>Written Public Comments</b>	<b>None</b>

**DRAFT STAFF ANALYSIS  
WP12-13**

**ISSUES**

Proposal WP12-13, submitted by Wrangell Fish and Game Advisory Committee, requests that the Federal designated hunting provisions limit the number of Federally qualified recipients that a designated hunter may hunt deer for in Units 1B and 3.

**DISCUSSION**

The proponent is concerned that the designated hunter program allows for over exploitation of deer within Units 1B and 3. The proponent states that some hunters use the designated hunting system to take 20–30 deer or more in a hunting season, with the majority of these deer being young bucks. Since younger bucks do not provide as much meat as fully mature bucks, more deer are taken to meet subsistence users needs which is slowly over exploiting the resource. The proponent indicates that the deer populations in Units 1B and 3 are the lowest of all the units within southeast Alaska. The proponent believes that the deer populations in these units will increase by limiting the number of recipients a designated hunter may harvest for during a season within these units.

**Existing Federal Regulations**

**General provisions**

*§ \_\_\_\_.25(e) If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose, and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in § \_\_\_\_.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulation in § \_\_\_\_.26.*

**Unit 1B — Deer**

*2 antlered deer*

*Aug. 1 – Dec. 31*

**Unit 3 — Deer**

*Unit 3 Mitkof, Woewodoski, and Butterworth Islands — 1 antlered deer*

*Oct. 15 – Oct. 31*

*Unit 3 remainder — 2 antlered deer*

*Aug. 1 – Nov. 30*

*Dec. 1 – Dec. 31*

*season to be announced*

**Proposed Federal Regulation**

**General provisions**

*§ \_\_.25(e) If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose, and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in § \_\_.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulation in § \_\_.26.*

**Unit Specific Regulations**

*§ \_\_.26(n)(1)(vii)(C) In Unit 1B, a designated hunter may hunt deer for only two other specified recipients per year.*

*§ \_\_.26(n)(3)(iii)(C) In Unit 3, a designated hunter may hunt deer for only two other specified recipients per year.*

**Unit 1B — Deer**

*2 antlered deer Aug. 1 – Dec. 31*

**Unit 3 — Deer**

*Unit 3 Mitkof, Woewodoski, and Butterworth Islands – 1 antlered deer Oct. 15 – Oct. 31*

*Unit 3 remainder — 2 antlered deer Aug. 1 – Nov. 30  
Dec. 1 – Dec. 31  
season to be announced*

**Existing State Regulations**

State regulations have similar provisions which allow for residents that meet certain criteria the ability to have someone else hunt for them. The State’s system is referred to as “proxy” hunting and is governed by the following provisions:

**Statewide—Proxy hunting provisions**

*An Alaska resident (the beneficiary) may obtain an authorization allowing another Alaska resident (the proxy) to hunt moose, caribou, or deer for them if they are blind, 70-percent disabled\*, or 65 years of age or older. A person may not be a proxy for more than one beneficiary at a time.*

*\*Definition of “70-percent disabled” — a person who presents to ADF&G either written proof that the person receives at least 70-percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state, stating that the person is at least 70-percent disabled.*

## **Extent of Federal Public Lands**

Federal public lands compromise approximately 99% of Unit 1B and are managed by the US Forest Service as part of the Tongass National Forest (**see Unit 1 map**). Federal public lands comprise approximately 94% of Unit 3 and are managed by the US Forest Service as part of the Tongass National Forest (**see Unit 3 map**).

## **Customary and Traditional Use Determinations**

Rural residents of Units 1A, 1B, 2, and 3 are qualified to subsistence hunt for deer within Unit 1B. Rural residents of Units 1A, 3, Port Alexander, Port Protection, Pt. Baker and Meyers Chuck are qualified to subsistence hunt for deer within Unit 3.

## **Federal Regulatory History**

Federal Designated Hunting regulations allow a Federally qualified subsistence user to hunt for another Federally qualified user (recipient) who also qualifies for that particular hunt. There are no age or disability provisions required of the recipient. The designated hunter is required to have a current Federal Designated Hunting permit in their possession, along with the recipient's harvest ticket(s) or permit for that particular specie. The hunter can hunt for any number of recipients, but may not possess more than two harvest limits at a time. All wildlife taken under designated hunting rules must be delivered promptly to the recipient. The hunter can accept no compensation for hunting.

In 2002, WP02-04, -05, and -06 were considered within the same analysis. The proposals were all similar, seeking to limit the eligibility or the recipients along with the number of recipients a designated hunter could hunt for. Proposal WP02-10 was also considered during this cycle. This proposal asked for a prohibition on designated hunting within a portion of Unit 3. The proposals were opposed by the Southeast Alaska Regional Subsistence Advisory Council. Federal Subsistence Board (Board) action to oppose the proposals occurred through action on the consent agenda.

A similar proposal (WP12-02) will be deliberated by the Board during this regulatory cycle. This proposal is asking the designated hunting program be altered statewide to allow designated hunting only for Federally qualified subsistence users that are either over the age of 60 or a person that is disabled. Action on that proposal could directly effect this proposal.

## **Biological Background**

The Sitka black-tailed deer is native to the wet coastal rainforests of Southeast Alaska. Deer populations in Alaska are dynamic and fluctuate considerably with the severity of the winters. When winters are mild, deer numbers generally increase. Periodically, however, a severe winter will cause a major decline in the population. Deer have a high reproductive potential, and reduced populations normally recover rapidly. In some cases, predation may accelerate a decline in deer numbers, or slow recovery to higher levels. (ADF&G 2011)

## **Harvest History**

Deer harvests reported from Units 1B and 3 on Federal Designated Hunting permits is low. **Table 1** also shows overall designated hunter harvest, maximum harvest reported on a permit, and average harvest per permit of deer reported from Federal Designated Hunter permits since 2003 within these units.

**Table 1.** Numbers of Sitka Black tail deer in Units 1B and 3 taken by Federal designated hunters, maximum number and average number of deer reported harvested on designated hunting permits. (USFWS 2011)

Year	Unit 1B Fed Des. Hvst 1B	Unit 3 Fed Des. Hvst	Max rptd hvst on permit	Average hvst/permit
2003	7	48	6	2
2004	3	58	13	2.2
2005	3	45	14	1.8
2006	3	39	4	1.7
2007	0	20	5	2.5
2008	1	32	8	2.1
2009	0	36	5	2.4
2010	2	38	4	1.4

### Cultural Aspects of Designated Hunting

The subsistence way of life is very much a part of the social fabric of Alaskan rural communities. Within Alaska Native cultures, the harvesting of subsistence foods is inextricably intertwined with social interactions. Social interactions may be in the form of extended families spending time at fish camps during the summer, young hunters learning harvesting skills from their older relatives, or individuals sharing their harvest successes with community members. Subsistence includes a cultural value system of sharing, which Alaska Natives have maintained since before contact with Russians and Europeans (Wolfe and Ellana 1983).

The hunting of ungulates in Southeast Alaska is a physically demanding task which not every household in a given community is able to undertake. It is common for able-bodied, younger individuals to take on the responsibility of harvesting meat for families and individuals outside of their household (i.e. the elderly and single mothers). Deer and moose are vital food staples and an important protein source for many rural Alaskans.

In 1997, the ADF&G Division of Subsistence conducted key respondent interviews in Prince of Wales (POW) Island communities and Ketchikan regarding subsistence deer hunting on POW Island. Hunting and sharing practices are similar throughout most POW Island communities, and it was noted that some hunters regularly supply deer to other households as well as their own (Turek *et. al* 2004). Several individuals mentioned this pattern specifically in their responses. Communities such as Hydaburg, which is predominantly populated by Alaska Natives, had similar answers to the same questions as Pt. Baker and Port Protection whose populations are mostly Caucasian. It is anticipated that comparable information would be found if the same study were conducted in communities of Units 1B and 3.

### **Effects of the Proposal**

This proposal reduces the number of Federally qualified recipients a designated hunter would be able to hunt deer for within Units 1B and 3. Adoption of the proposal will have a negative effect on rural residents that are both unable to hunt for themselves and dependent on deer as a food source.

Adopting the proposal will likely not reduce the total deer harvest within these areas as the reported harvests from Federal Designated Hunter permits are low. Adopting this proposal will result in an exception to the general designated hunting regulations within these areas. Because the deer populations within these units are predominantly influenced by winter weather conditions and predation, and

are managed by seasons and harvest limits, the proposal will have no measurable effect on the deer population. With little or no effect on the deer population, there would be no effect on non-Federally qualified users.

## **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP12-13.

### **Justification**

Adoption of this proposal would restrict the traditional practice of hunting for others and would limit the ability of some Federally qualified subsistence users, unable to hunt for themselves, to enjoy the benefits of deer harvested by others.

Deer populations in this area are predominantly influenced by winter weather conditions and predation. Additionally, deer conservation is managed by the applicable seasons and harvest limits with further reinforcement coming from the designated hunting regulations. The number of deer taken annually by designated hunters is small compared to the total harvest. For these reasons, the proposal will likely have no measurable effect on the deer population so there is no need to restrict the traditional practice of hunting for others.

## **LITERATURE CITED**

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**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-13:** Limit federal subsistence designated hunters annual harvest limit to the total allowable take of three annual limits of deer in Units 1, 1B, and 3.

**Introduction:** This proposal seeks to limit the total annual harvest of a federal subsistence designated hunter to their own bag limit plus two additional bag limits for other federally qualified recipients per year. The proponent indicates adoption of this proposal will eliminate the small percentage of federal subsistence designated hunters who harvest “20-30” deer a year over a 4-6 month federal season. The proponent also indicates the current federal subsistence designated hunter program may lead to over exploitation of finite populations in Units 1, 1B and 3, harvest of small spike deer, and leave an open door to unlimited harvest under current federal regulation. The author further states that current federal subsistence designated hunter regulations do not address localized depletion or over exploitation of deer population within the identified Units.

**Impact on Subsistence Users:** If adopted, federally qualified subsistence designated hunters would be restricted to a total annual harvest of the designated hunter’s bag limit and the bag limits for two additional federally qualified recipients. If adopted, fewer recipients of the designated hunter program would benefit from “super-harvesters.”

**Opportunity Provided by State:** Proxy deer hunting for another licensed beneficiary resident of Alaska who is blind, 70-percent disabled, or 65 years of age or older is allowed statewide. Proxy hunters are only allowed to hunt for one beneficiary at a time, although they can be in possession of their personal bag limit plus that of the beneficiary simultaneously. Antler destruction for deer in Units 1-5 is required for all animals harvested by proxy hunters. In other words, if a hunter decides to sign up as a proxy hunter for a beneficiary, all deer harvested by the hunter that year will be subject to antler destruction (both the proxy hunter’s animals and the beneficiary’s animals). State antler destruction regulations for deer in Units 1-5 require the destruction of antler trophy value for all deer harvested by means of cutting at least one antler from the skull plate, cutting the skull plate in half, or cutting or breaking one of the main beams of the antlers.

**Conservation Issues:** Deer numbers in Units 1, 1B and 3 are markedly lower than in other parts of southeast Alaska, including Units 1C, 2, and 4. In lower density areas, lower harvest limits and regulations designed to control cumulative harvest are necessary for preventing unsustainable harvests. For example, only bucks are legal for harvest in Units 1A, 1B, and 3 due to low deer numbers. After the severe winters of 2006-2008, deer numbers declined even further than previously, and deer hunter success has declined as well. Aside from severe winter weather, extensive logging of low elevation old growth forests continues to reduce the extent of deer winter range and lowers the carrying capacity for deer in Unit 3 and in portions of Unit 1B. Continuation of unlimited harvest potential by the current federal subsistence designated hunter program might create conservation issues in several of these areas. For example, if we get another severe winter and deer are forced to the beaches, a single federally qualified hunter with unlimited access to beneficiaries could harvest a high percentage of deer in a particular area and lead to localized depletions. If this

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proposal is adopted deer harvests during heavy snowfall years would be less likely to overexploit the deer populations by limiting the number of deer a federally designated hunter could take.

The department deems the declining trend in both the reported cumulative and maximum harvest by federal designated hunters since 2005 (see Table 1, USFS staff analysis) as a reflection of recent declines in the availability of Unit 3 deer. Federal designated hunters who circumvent the state bag limit by harvesting multiple deer for nonhunting family members, acquaintances and other recruited beneficiaries reduce the availability of deer for other federally qualified hunters who hunt deer to feed their families. If this proposal is adopted along with recommended modifications, harvest pressure on Unit 3 deer will be reduced thereby allowing depleted populations to recover. Furthermore, the number of deer available for federally qualified hunters who actually take to the field will be improved. Limiting the number of deer a federal designated hunter may take will allow a more equitable distribution of deer among those who actively hunt deer for their own families.

**Recommendation:** Support with modification.

- (1) Adopt the portion of the proposal which restricts designated hunter take but modify the proposal to reducing the allowed possession limit to one bag limit of deer at any time.
- (2) Do not adopt regulations which limit the total number of recipients a federal subsistence hunter may harvest for annually in areas without conservation concerns, have high deer densities, and are outside of high use areas.
- (3) Adopt antler destruction regulations for all deer harvested by federal subsistence designated hunters. The Alaska Board of Game approved proxy hunting antler destructions regulations to prevent hunters from serially trophy hunting under the guise of proxy hunting for other beneficiaries. The intent of this recommended modification parallels the intent of state hunting regulation.

<b>WP12-14 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-14 requests that traps and snares be marked with trapper identification in Southeast Alaska (Units 1–5). <i>Submitted by James F. Baichtal</i>
<b>Proposed Regulation</b>	<p><b>Units 1–5—Trapping (Special Provisions)</b></p> <p><i>Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper’s name and address, or the trapper’s permanent identification number, or is set within 50 yards of a sign that lists the trapper’s name and address, or the trapper’s permanent identification number; the trapper must use the trapper’s Alaska driver’s license number or state identification card number as the required permanent identification number; if a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Support</b>
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP12-14

### ISSUES

Proposal WP12-14, submitted by James F. Baichtal, requests that traps and snares be marked with trapper identification in Southeast Alaska (Units 1–5).

### DISCUSSION

The proponent states that Federal subsistence regulations should match the existing State regulation(s) requiring the identification of traps or snares. The proponent also contends that there are increasing incidents of traps and snares being set prior to the start of the trapping season and especially traps and snares left in the field after the season is over, and that many of the public and State and Federal personnel have encountered these illegal sets. Furthermore, the proponent states that there are documented cases of bear and deer being caught and killed in these illegal sets, and that guides and hunters are increasingly reporting animals with snares attached or with snare wounds. It is unclear whether these incidents are the result of negligence due to inexperience, an ethical issue, or the result of purposeful intent. The proponent contends that the inconsistency between the Federal and State regulations with regard to trap and snare identification makes enforcement problematic. The proponent believes that passage of this proposal will help law enforcement personnel identify trappers responsible for placing/leaving traps and snares in the field illegally, which may help to modify unethical trappers behavior and limit the waste of resources.

#### Existing Federal Regulation

##### Units 1–5—Trapping

*N/A; currently no relevant regulation*

#### Proposed Federal Regulation

##### Units 1–5—Trapping (Special Provisions)

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

## Existing State Regulation

### Units 1–5—Trapping

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

### Extent of Federal Public Lands

Federal public lands comprise approximately 95% of the Southeast Region which includes Units 1–5. The Forest Service manages the Tongass National Forest. The National Park Service manages the Glacier Bay National Park and Preserve, Sitka National Historical Park, Klondike Gold Rush National Historical Park and the Wrangell-St. Elias National Park and Preserve. There is no subsistence hunting allowed within the Glacier Bay National Park, Sitka National Historical Park or the Klondike Gold Rush National Historical Park. 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. The U.S. Fish and Wildlife Service manages the Alaska Maritime National Wildlife Refuge. The Bureau of Land Management manages lands near Icy Bay.

### Customary and Traditional Use Determinations

All rural residents have a positive customary and traditional use determination for trapping beaver, coyote, Arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river otter, wolf, and wolverine in Units 1–5.

### Regulatory History

The current State requirement for marking traps and snares was passed at the 2006 Alaska Board of Game meeting, and was implemented during the 2007/2008 (State) regulatory year.

### Effects of the Proposal

Title 50 (Wildlife and Fisheries) 100.6.3 of the Code of Federal Regulations (CFR) requires subsistence users to "Possess and comply with the provisions of any pertinent permits, harvest tickets, or tags required by the State unless any of these documents or individual provisions in them are superseded by the requirements in subpart D of this part". There is no reference to the marking of traps in subpart D. Further, CFR 50 100.14a, states that "State fish and game regulations apply to public lands and such laws are hereby adopted and made a part of the regulations in this part to the extent they are not inconsistent with, or superseded by, the regulations in this part." Section 816 (a) of ANILCA states that "All national parks and monuments in Alaska shall be closed to the taking of wildlife except for subsistence uses to the extent specifically permitted by this Act. Subsistence uses and sport fishing shall be authorized in such areas by the Secretary and carried out in accordance with the requirements of this title and other

applicable laws of the United States and the State of Alaska.” Consequently, the State regulations for trap and snare marking also apply to subsistence users on public lands throughout Units 1–5, with the exception of Wrangell St. Elias National Park. Adoption of this proposal would, therefore, extend the trap marking requirement to subsistence users trapping within Wrangell St. Elias National Park. Although the marking requirement is currently applicable on Federal public lands within Unit 1–5 because of the State regulations, most subsistence users are probably not aware of this, and adopting this proposal would clarify the requirement for both subsistence users and law enforcement. Additionally, the following effects apply to subsistence users trapping in Wrangell St. Elias National Park:

Subsistence users will be required to purchase and install metal name tags on their traps and snares, or to place a sign near their snare site(s). Copper tags stamped with the trapper’s identification information, including fasteners, cost approximately \$26 per 100 tags (including shipping), or less (approximately \$15–\$20) for “write your own” tags. This proposal should have minimal affect on subsistence users because of the minimal additional expense and time involved with marking traps. Many trappers operate on both State and Federal land and already have their traps identified to meet State trapping requirements. This proposal may reflect positively on subsistence trappers through demonstrated responsibility and trapping ethics. This proposal will not affect other (State) users, and subsistence users trapping in areas outside of Wrangell St. Elias National Park, since they are already required to mark their traps. Indeed, two State trappers in Southeast voiced their support for consistency between State and Federal regulations on this issue, citing conservation and enforcement reasons including eliminating the possibility of trappers using the lack of a federal marking requirement as an excuse for not abiding by the State marking requirement (ADF&G 2010). Adoption of this proposal has the potential to benefit all users by promoting responsible and ethical trapping techniques and practices.

Adoption of this proposal may help protect and conserve wildlife populations by making trappers more accountable for their sets as well as providing enforcement officers a way to contact trappers concerning a particular set or sets should the need arise. Enforcement officers would, for example, be better able to contact subsistence trappers and educate them on trapping rules and regulations in the case of unintentional violations. Illegal trappers will, however, likely continue these practices with un-marked illegal sets.

The marking of traps has an added public safety benefit; if non-trappers, including parents and dog owners, encounter a set while recreating, they can contact the trapper for more information on trapping activity in the area, thus reducing the potential for user conflicts including injured children and pets. Minimizing user conflicts also helps prevent negative public attitude regarding trapping. A potential negative effect of the proposal may be harassment of trappers and theft of traps and snares by persons opposed to trapping who encounter the marked traps.

## **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP12-14.

### **Justification**

Adoption of this proposal will align State and Federal regulations within Wrangell St. Elias National Park, and clarify the alignment of State and Federal regulations throughout the remainder of Units 1–5. In regards to the extension to Wrangell St. Elias National Park lands, although not likely to result in the intended effect of reducing intentional illegal trapping, it will allow better communication with and education of well-intended subsistence trappers, thereby promoting responsible and ethical trapping techniques and practices, and potentially improve public safety. Adoption of this proposal may reflect

positively on the subsistence trapper through demonstrated responsibility and trapping ethics and reduced user conflicts. There will be no effect to other users and minimal effects to subsistence users. Although there is potential for subsistence trappers to be targeted by anti-trapping persons encountering their marked traps, these effects are expected to be minimal.

#### **LITERATURE CITED**

Alaska Department of Fish and Game. 2010. Trapper Questionnaire. Statewide Annual Report 1 July 2008–30 June 2009. ADF&G. Juneau, Alaska.

**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-14:** Requests all traps and snares used for federal subsistence trapping in Units 1-5 be marked with trapper's identification.

**Introduction:** This proposal seeks marking requirements for all traps used by federal subsistence users in Southeast Alaska. The proposal requests federal subsistence used snares and traps be:

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

The proponent indicates an increasing trend of traps and snares being set prior to the start of trapping season and traps being left in the field after the season is over is illegal. The proponent indicates this illegal activity might be committed by negligent inexperienced trappers or intentionally by experienced trappers and is resulting in wasting of game resources. The proponent indicates adoption of this proposal will make Federal and State trap marking regulations consistent which will assist with enforcement efforts and should limit the waste of resources.

**Impact on Subsistence Users:** If adopted, federally qualified subsistence trappers in Units 1-5 would be required to individually mark each trap or snare used for subsistence or post a sign near the traps as outlined above.

**Opportunity Provided by State:** The state trap identification regulations for Units 1-5 follow:

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

ADF&G Comments on WP12-14  
August 31, 2011; Page 1 of 2

**Conservation Issues:** The Board of Game adopted trap marking requirements for Units 1-5 in 2006 year in response to concerns by Alaska Wildlife Troopers, Department of Fish and Game personnel, and members of the public that trapping as a whole would benefit from having some way of identifying ownership of traps and snares. This was prompted by traps being placed in areas where trapping was not allowed, or in some cases where pets were caught and contacting the trapper was not possible due to no required marking on the traps. In the case of this proposal, it makes sense for federally qualified trappers to also have to mark their traps and snares to address these same types of problems. In addition, there have been numerous cases of unattended snares being found on Prince of Wales Island without any way of contacting the responsible trapper. In some cases snares were found after the season closed and still capable of capturing a passing deer, bear, or wolf. In these cases, it is essential for conservation of these species that the owner of the snares be identified for both educational and enforcement purposes.

**Recommendation:** Support.

<b>WP12-15 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-15 requests closing subsistence bear hunting within ¼ mile of Margaret Creek (located on Revillagigedo Island in Unit 1) downstream of the outlet of Margaret Lake and also close bear hunting within ¼ mile of the Dog Salmon Creek (located on Prince of Wales Island in Unit 2) wildlife viewing area and within ¼ mile of Dog Salmon Creek downstream of the viewing platform to Polk Inlet. <i>Submitted by Brien Salazar</i>
<b>Proposed Regulation</b>	<p><b>Unit 1—Brown Bear</b></p> <p><i>Unit 1A —1 bear every four regulatory years by State registration permit only.      Sept. 15–Dec. 31 Mar. 15–May 31</i></p> <p><b><i>The Margaret Creek drainage within one-quarter mile of Margaret Creek downstream from the mouth of Margaret Lake to the mouth of the creek is closed to the taking of black bears and brown bears.</i></b></p> <p><b>Unit 1—Black Bear</b></p> <p><i>Unit 1A—2 bear, no more than one may be a blue or glacier bear      Sept. 1–June 30</i></p> <p><b><i>The Margaret Creek drainage within one-quarter mile of Margaret Creek downstream from the mouth of Margaret Lake to the mouth of the creek is closed to the taking of black bears and brown bears.</i></b></p> <p><b>Unit 2—Black Bear</b></p> <p><i>2 bear, no more than one may be a blue or glacier bear.      Sept. 1–June 30</i></p> <p><b><i>Dog Salmon Creek drainage within ¼ mile of the Dog Salmon Creek wildlife viewing area and within ¼ mile of Dog Salmon Creek downstream of the viewing platform to mouth of the creek is closed to the taking of black bears.</i></b></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Support WP12-15 with modification</b> to restrict bear hunting year-round on Federal public lands within ¼ mile on either side of Margaret Creek from the dock to the lake and oppose restricting bear hunting near Dog Salmon Creek.
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP12-15

### ISSUES

Proposal WP12-15, submitted by Brien Salazar, requests closing subsistence bear hunting within ¼ mile of Margaret Creek (located on Revillagigedo Island in Unit 1) (**Map 1**) downstream of the outlet of Margaret Lake and also close bear hunting within ¼ mile of the Dog Salmon Creek (located on Prince of Wales Island in Unit 2) wildlife viewing area and within ¼ mile of Dog Salmon Creek downstream of the viewing platform to Polk Inlet (**Map 2**).

### DISCUSSION

The U.S. Forest Service (USFS) maintains wildlife viewing platforms at both Margaret Creek (accessible by boat and air) and Dog Salmon Creek (accessible by boat, air, and road). The USFS also regulates commercial bear viewing tours in these areas through outfitter/guide permitting. There is strong demand from both Alaska residents and visitors to see Alaska wildlife, particularly bears. The only other developed bear viewing areas in Southeast Alaska are at Anan Creek on Cleveland Peninsula and Pack Creek on Admiralty Island. The proponent states that there are inherent dangers of bear viewing and hunting taking place at the same location.

The proponent's company, Taquan Air, has an outfitter/guide permit for 3,400 guests for the Margaret Creek viewing area, and has operated in this area for 12 years. Taquan Air has been operating in the Dog Salmon Creek (drains into Polk Inlet) area for nine years, and is permitted by the USFS to bring 2,000 visitors for wildlife viewing to Polk Inlet each year. Based on the company guide's reporting, there has been increased bear hunting activity and annual declines in bear sightings since the company started bringing guests to Dog Salmon Creek. The proponent states that at the present rate of bear population decline, it won't be long before the platform on Dog Salmon Creek will not be a viable bear viewing facility.

The proponent states that the proposed regulation is necessary to maintain a healthy bear population for those wanting to enjoy wildlife viewing in a wilderness setting, as well as for the safety of these same people.

On June 7, 2011, the proponent clarified that the intent of this proposal was to close the aforementioned areas to subsistence harvest of bears.

### Existing Federal Regulation

#### **Unit 1—Brown Bear**

<i>Unit 1A — 1 bear every four regulatory years by State registration permit only.</i>	<i>Sept. 15–Dec. 31, Mar. 15–May 31</i>
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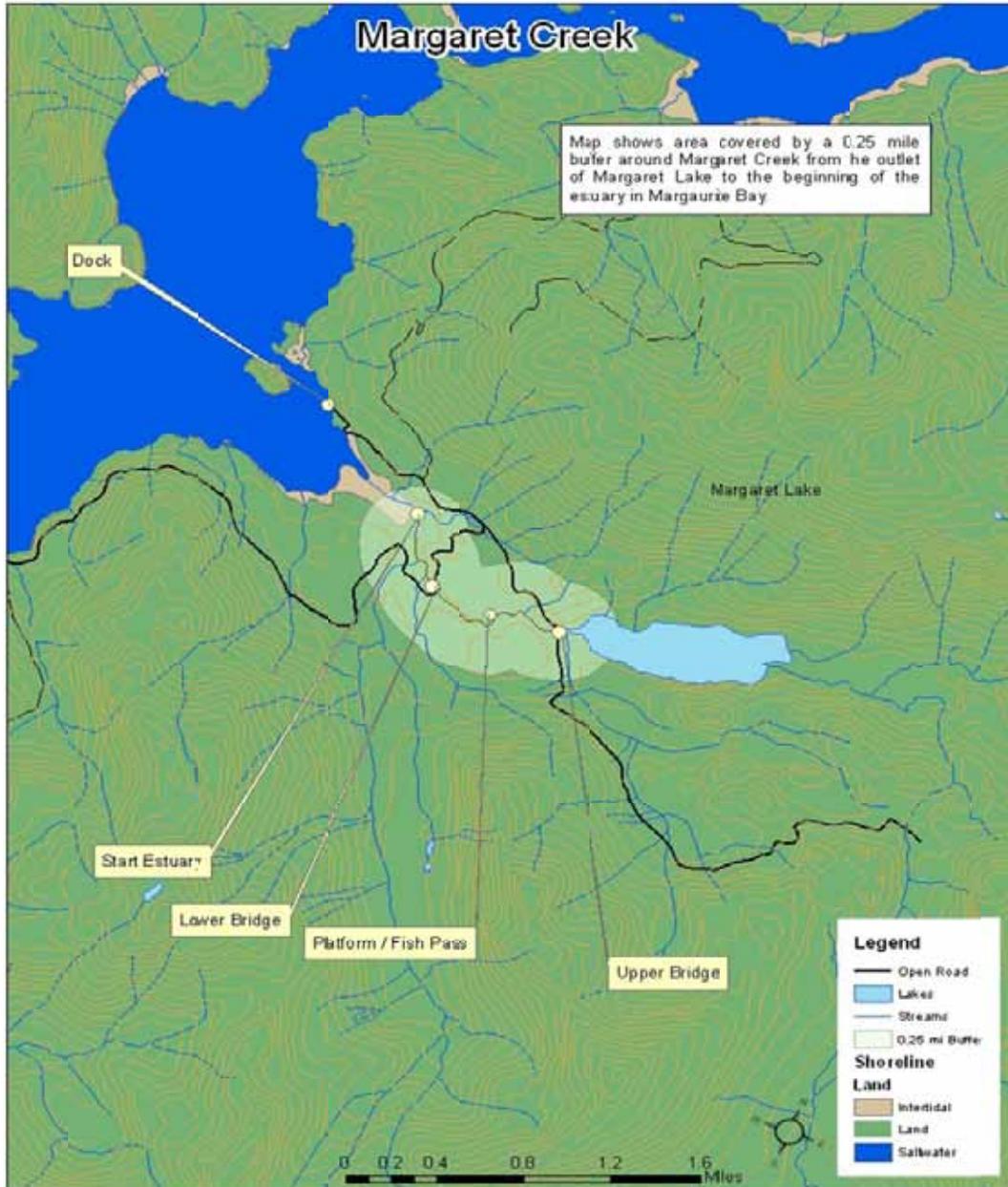
#### **Unit 1—Black Bear**

<i>Unit 1A — 2 bear, no more than one may be a blue or glacier bear.</i>	<i>Sept. 1–June 30</i>
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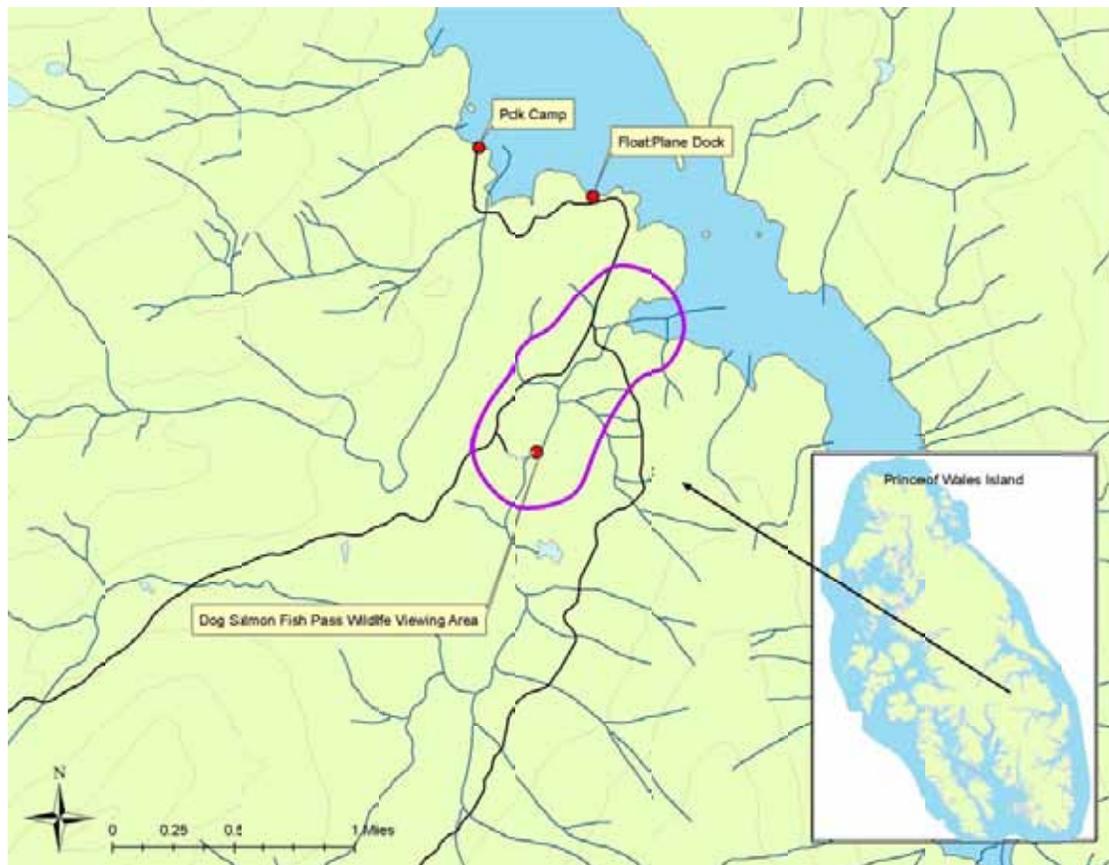
#### **Unit 2—Black Bear**

<i>2 bear, no more than one may be a blue or glacier bear.</i>	<i>Sept. 1–June 30</i>
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**Map 1.** – WP12-15. The Margaret Creek wildlife viewing/fish pass site showing the ¼ mile closure to bear hunting implemented by the Alaska Board of Game. The proponent of WP12-15 requested a closure of the same area as closed by the Board, except the area from the mouth of Margaret Lake downstream to ¼ mile of the wildlife viewing area. Ketchikan is located approximately 23 air miles to the south.



**Map 2.** WP12-15. The Dog Salmon Creek wildlife viewing area shown with ¼ mile buffer areas around the viewing site and along Dog Salmon creek to the mouth of the creek that would be closed to bear hunting.



**Proposed Federal Regulation**

**Unit 1—Brown Bear**

*Unit 1A—1 bear every four regulatory years by State registration permit only.*

*Sept. 15–Dec. 31  
Mar. 15–May 31*

***The Margaret Creek drainage within one-quarter mile of Margaret Creek downstream from the mouth of Margaret Lake to the mouth of the creek is closed to the taking of black bears and brown bears.***

**Unit 1—Black Bear**

*Unit 1A—2 bear, no more than one may be a blue or glacier bear*

*Sept. 1–June 30*

***The Margaret Creek drainage within one-quarter mile of Margaret Creek downstream from the mouth of Margaret Lake to the mouth of the creek is closed to the taking of black bears and brown bears.***

**Unit 2—Black Bear**

*2 bear, no more than one may be a blue or glacier bear.* Sept. 1–June 30

***Dog Salmon Creek drainage within ¼ mile of the Dog Salmon Creek wildlife viewing area and within ¼ mile of Dog Salmon Creek downstream of the viewing platform to mouth of the creek is closed to the taking of black bears.***

**Existing State Regulation**

**Unit 1—Brown Bear**

*Sept. 15–Dec. 31*

*Unit 1A—One bear every four regulatory years by permit, available in person in Douglas, Haines, Ketchikan, Petersburg, Sitka, online at [www.hunt.alaska.gov](http://www.hunt.alaska.gov) or by mail from Douglas beginning Aug. 17*

*OR*

*One bear every four regulatory years by permit available beginning Mar. 3* Mar. 15–May 31

*The Margaret Creek drainage within one-quarter mile of Margaret Creek downstream from the mouth of Margaret Lake to the mouth of the creek is closed to the taking of black bears and brown bears.*

**Unit 1—Black Bear**

*Unit 1A—Residents—Two bears but not more than one may be a blue or glacier bear*

*Nonresidents—One bear*

**Unit 2—Black Bear**

*Sept. 1–June 30*

*Residents—Two bears, but not more than one may be a blue or glacier bear.* Sept. 1–June 30

*Nonresidents—one bear*

**Extent of Federal Public Lands**

Federal public lands compromise approximately 95% of Unit 1A and are managed by the U.S. Forest Service as part of the Tongass National Forest (see **Unit 1 Map**). Federal public lands comprise approximately 83% of Unit 2. The US Forest Service manages 99% of those lands as part of the Tongass National Forest. The US Fish and Wildlife Service manages less than 1% of those lands as part of Alaska Maritime National Wildlife Refuge (Forrester Island) (see **Unit 2 Map**).

## Customary and Traditional Use Determinations

Rural residents of Unit 1A have a positive customary and traditional use determination (C&T) for brown bear harvest in Unit 1A, except there is no Federal subsistence priority for residents of Hyder. All rural residents have a positive C&T for black bear harvest in Unit 1A. All rural residents have a positive C&T for black bear harvest in Unit 2.

## Regulatory History

Currently at Dog Salmon Creek, there is signage at the main road, trailhead, and parking area referencing 36 CFR 261.10(d) which prohibits shooting within 150 yards of a developed recreation site.

At their November 5–9, 2010 meeting, the Alaska Board of Game (BOG) passed a hunting closure within a quarter mile of Margaret Creek downstream from the mouth of Margaret Lake, to the mouth of the creek. The BOG rejected a similar proposal for a hunting closure in Dog Salmon Creek, on the grounds that the Alaska Department of Fish and Game (ADF&G) and the USFS are currently collaborating on developing a viewing management plan for this area, which may include an expanded hunting closure area.

A similar proposal was submitted by the National Park Service to the Federal Subsistence Board in 1995. This proposal (#53) requested that lands within one mile of the Kantishna airport to the Former Mt. McKinley Park boundary be closed to all subsistence hunting from June 1–Sept. 30, with the reasoning to improve safety and reduce potential user-conflicts (wildlife viewers and subsistence users). The ISC recommendation was to adopt the proposal as modified by the Denali Subsistence Resource Commission and the Eastern Interior Regional Council, which would revise the closed period to June 30 – September 12. After much discussion, the Board deferred action on the proposal while going on record supporting the National Park Service taking the necessary administrative action to address the public safety issue. The resulting regulation (36 CFR 13.912) was implemented as follows:

### **§ 13.912 Kantishna area summer season firearm safety zone.**

*What is prohibited? No one may fire a gun during the summer season in or across the Kantishna area firearm safety zone, unless they are defending life or property.*

*(a) The summer season begins on the Saturday of Memorial Day weekend and continues through the second Thursday following Labor Day or September 15, whichever comes first.*

*(b) The Kantishna Area firearm safety zone includes: The Kantishna Airstrip; the State Omnibus Act Road right-of-way; and all public lands located within one mile of the Kantishna Airstrip or the State Omnibus Act Road right-of-way, from the former Mt. McKinley National Park boundary at mile 87.9 to the south end of the Kantishna Airstrip.*

## Biological Background

Quantitative data are not available for Unit 1 brown bears; however, indications are that the population is stable. Currently, there is brown bear research in the Unuk River area of Unit 1A and Bradfield Canal in Unit 1B (Scott 2007). No black bear population studies have been conducted in Unit 1A; however, the population for Revillagigedo Island (including the Margaret Creek bear viewing area) is estimated at 1,764 bears (Scott 2007).

Unit 2 (Prince of Wales and adjacent islands) has some of the best black bear habitat in Southeast Alaska, including abundant productive salmon streams, many large estuaries, and subalpine and alpine areas at lower, more hospitable elevations compared to mainland locations (Porter 2008). The larger average skull sizes of Unit 2 bears compared to other Southeast Alaska bears is another indication of productive habitats (Porter 2008). Black bear populations around the Dog Salmon Creek viewing area appear to be stable (Porter 2011).

### **Harvest History**

During the period from 2000–2010, an average of 7 and 21 black bears were harvested in the watersheds surrounding Margaret Creek and Dog Salmon Creek viewing areas, respectively (**Tables 1 and 2**; Porter 2011). These data represent the harvest within over 30 and 50 square miles around the Margaret Creek and Dog Salmon Creek bear viewing areas, respectively. There were no bears harvested by Federally qualified subsistence users in the Margaret Creek viewing area watersheds from 2000–2010. A total of 16 black bears were harvested by Federally qualified subsistence users in the Dog Salmon Creek area watersheds during this time period, averaging 1 bear per year.

### **Effects of the Proposal**

At Margaret Creek, the Alaska Board of Game recently implemented a hunting closure within a quarter mile of Margaret Creek downstream from the mouth of Margaret Lake, to the mouth of the creek. The action was taken to increase safety for bear viewers and to potentially increase the number of bears available for viewing. Adopting this proposal would align Federal and State regulations in this area. Federally qualified bear hunters would be restricted by closing this area. Non-Federally qualified subsistence users at Margaret Creek would not be affected since that area is already closed to bear harvest under State regulations.

Adopting the proposal at Dog Salmon Creek would not affect non-Federally qualified subsistence users since it remains open under State regulations, and Federally qualified subsistence users could still harvest bears in this area under State regulations.

Adopting this proposal would unnecessarily restrict Federally qualified users from taking bears in both areas. Federally qualified users can only be restricted if there is a conservation concern with the resource, to continue subsistence uses, or for public safety. No conservation concern with Federally qualified users taking bears has been identified at either location. A closure clearly does not continue subsistence uses of bears in these areas. The safety concern is minimal since Federally qualified users rarely take bears at either location and the wildlife viewing tours are largely conducted in the summer when bear hunting season is closed, although there may be some overlap between hunters and viewings during the beginning and end of the hunting season. Additionally, USFS regulation prohibits the discharge of a weapon within 150 yards of a developed recreation site such as the wildlife viewing platforms at Margaret and Dog Salmon Creeks.

The U.S. Forest Service is evaluating increasing the size of the area currently closed to the discharge of weapons around the viewing site at Dog Salmon Creek to increase public safety as part of a comprehensive recreation management plan. Whereas the Federal Subsistence Board can regulate the “taking” of wildlife, the Forest Service has the authority to prohibit the discharge of weapons which would better address any safety issues in the areas under consideration by this proposal. With the U.S. Forest Service working with users and cooperators to develop this plan, this proposed regulation is not needed.

**Table 1.** Reported harvest of black bears in the watersheds surrounding Margaret Creek bear viewing area, 2000-2010 (Porter 2011). Designation of Federally qualified subsistence user is based on harvester's community of residence.

Year	Federally qualified subsistence user	Non-federally qualified subsistence user	Non-resident	Total
2000	0	3	7	10
2001	0	3	3	6
2002	0	1	3	4
2003	0	5	1	6
2005	0	2	3	5
2005	0	5	4	9
2006	0	3	2	5
2007	0	8	9	17
2008	0	4	4	8
2009	0	2	4	6
2010	0	3	3	6

**Table 2.** Reported harvest of black bears in the watersheds surrounding Dog Salmon Creek bear viewing area, 2000-2010 (Porter 2011). Designation of Federally qualified subsistence user is based on harvester's community of residence.

Year	Federally qualified subsistence user	Non-federally qualified subsistence user	Non-resident	Total
2000	1	0	9	10
2001	4	0	19	23
2002	1	4	26	31
2003	2	0	25	27
2004	2	1	26	29
2005	2	2	19	23
2006	0	1	9	10
2007	1	1	15	17
2008	0	1	25	26
2009	2	3	19	24
2010	1	3	12	16

## OSM PRELIMINARY CONCLUSION

**Oppose** Proposal WP12-15.

### Justification

Adopting this proposal would unnecessarily restrict Federally qualified users from taking bears in both areas. Federally qualified users can only be restricted if there is a conservation concern with the resource, to continue subsistence uses, or for public safety. No conservation concern with Federally qualified users taking bears has been identified at either location. A closure clearly does not continue subsistence uses of bears in these areas. The safety concern is minimal since Federally qualified users rarely take bears at either location and the wildlife viewing tours are largely conducted in the summer when bear hunting season is closed. Additionally, U.S. Forest Service regulation prohibits the discharge of a weapon within 150 yards of a developed recreation site such as the wildlife viewing platforms at Margaret and Dog

Salmon Creeks. Furthermore, adopting the proposal at Dog Salmon Creek would not have the intended effect of reducing bear hunting, since it remains open under State regulations, and Federally qualified subsistence users could still harvest bears in this area under State regulations.

A closure to bear hunting would only partially address the concerns stated by the proponent. Whereas the Federal Subsistence Board can regulate the “taking” of wildlife, the Forest Service has the authority to prohibit the discharge of weapons which would better address any safety issues in the areas under consideration by this proposal. The development of comprehensive recreation management plans by the U.S. Forest Service with users and cooperators would create an effective solution.

## **LITERATURE CITED**

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Scott, R. 2007. Unit 1 brown bear management report. Pages 1–19 in P. Harper, editor. Brown bear management report of survey and inventory activities 1 July 2004–30 June 2006. Alaska Department of Fish and Game. Juneau, Alaska.

ADF&G Comments WP12-15  
August 30, 2011; Page 1 of 2

**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-15:** Close two areas in Units 1 and 2 to federal subsistence bear hunting to provide for a safe and enjoyable wildlife viewing from established platforms.

**Introduction:** The proponent submitted this proposal to close the following two established bear viewing areas for safety reasons and to increase the chances for viewing of wildlife.

- a. Margaret Creek: to within a quarter mile radius of Margaret Creek wildlife viewing platform and downstream from the mouth of Margaret lake including the area within a quarter mile radius from the mouth of Margaret Creek outlet (in Unit 1).
- b. Dog Salmon Creek: to within a quarter mile radius of the Dog Salmon Creek wildlife viewing platform and downstream to within a quarter mile radius from the mouth of Dog Salmon Creek at Polk Inlet (in Unit 2).

**Impact on Subsistence Users:** If adopted, federal subsistence hunters would be prohibited from hunting for bear in the two identified areas. To date, no bears have been harvested under federal subsistence regulations in the two areas identified in this proposal.

**Opportunity Provided by State:** State Statute 16.05 255(a) authorizes the Alaska Board of Game to develop regulations which consider a variety of factors including for the purpose of safety:

Sec. 16.05.255. Regulations of the Board of Game; management requirements.

(a) The Board of Game may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act) for

(11) taking game to ensure public safety;

This authority was exercised during the November 5-9, 2010 Alaska Board of Game meeting which adopted a modified proposal 4 restricting bear hunting within ¼ mile on either side of Margaret Creek from the dock to the lake for year-round.

**Enforcement Issues:** Adoption of this proposal might result in some confusion by federal subsistence users who would have to know the exact boundaries of the closed areas. If this proposal is adopted, the department recommends the United States Forrest Service issue detailed maps clearly identifying the boundaries of the areas closes to federal subsistence bear hunting.

**Recommendation:** Support with modification to restrict bear hunting year-round on federal public lands within ¼ mile on either side of Margaret Creek from the dock to the lake and oppose restricting bear hunting near Dog Salmon Creek.

<b>WP12-16 17 20 21 Executive Summary</b>	
<b>General Description</b>	Proposals WP12-16, -17, -20 and -21 request changes in the wolf hunting and trapping seasons in Southeast Alaska. <i>Submitted by the Defenders of Wildlife</i>
<b>Proposed Regulation</b>	<p><b>Proposal WP12-16</b>  <b>Units 1, 3, 4 and 5—Wolf Hunting</b>  <i>5 Wolves</i> <span style="float: right;"><i>Sept. 1–Mar. 31</i></span>  <span style="float: right;"><i>Aug. 1–April 30</i></span></p> <p><b>Proposal WP12-17</b>  <b>Units 1, 3 and 4—Wolf Trapping</b>  <i>No limit</i> <span style="float: right;"><i>Nov. 10–Mar. 31 April 30</i></span></p> <p><b>Proposal WP12-20</b>  <b>Unit 4—Wolf Hunting</b>  <i>5 Wolves</i> <span style="float: right;"><i>No open season</i></span>  <span style="float: right;"><i>Aug. 1–April 30</i></span></p> <p><b>Proposal WP12-21</b>  <b>Unit 4—Wolf Trapping</b>  <i>No limit</i> <span style="float: right;"><i>No open season</i></span>  <span style="float: right;"><i>Nov. 10–April 30</i></span></p>
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Oppose</b> WP12-16
<b>Written Public Comments</b>	<b>None</b>

**DRAFT STAFF ANALYSIS**  
**WP12-16, -17, -20 AND -21**

**ISSUES**

Proposals WP12-16, -17, -20 and -21 were submitted by the Defenders of Wildlife and request changes in the wolf hunting and trapping seasons in Southeast Alaska.

**DISCUSSION**

Proposal WP12-16 requests that wolf hunting not be allowed in Units 1, 3, 4 and 5 in the months of August and April. Proposal WP12-17 requests that wolf trapping not be allowed in Units 1, 3 and 4 in the month of April. Proposals WP12-20 and -21 seek to close wolf hunting and trapping seasons in Unit 4.

The proponent states that wolf hides harvested in April are rubbed, have reduced value on the fur market, and make poor trophies. The proponent notes that by late April, female wolves are nearly at full term. The proponent states that in August, at the start of the wolf hunting season, pups are totally dependent on adults for survival. The proponent also states that hides harvested in August are nearly worthless on the fur market and make very poor trophies. The proponent believes that the wolf hunting and trapping seasons in Unit 4 should be closed since wolves do not currently occur there. The proposed regulations will make Federal seasons shorter than State seasons, in some areas.

**Existing Federal Regulations**

**Units 1, 3, 4 and 5—Wolf Hunting**

*5 Wolves*

*Aug. 1–April 30*

**Units 1, 3 and 4—Wolf Trapping**

*No limit*

*Nov. 10–April 30*

**Proposed Federal Regulations**

Proposal WP12-16

**Units 1, 3, 4 and 5—Wolf Hunting**

*5 Wolves*

*Sept. 1–Mar. 31*

*Aug. 1–April 30*

Proposal WP12-17

**Units 1, 3 and 4—Wolf Trapping**

*No limit*

*Nov. 10–Mar. 31 April 30*

Proposal WP12-20

**Unit 4—Wolf Hunting**

*~~5 Wolves~~*

*No open season*

*Aug. 1–April 30*

Proposal WP12-21

**Unit 4—Wolf Trapping**

*No limit*

*No open season*

*Nov. 10–April 30*

**Existing State Regulations**

**Units 1B, remainder, 1C, 1D, 4 and 5—Wolf Hunting**

*5 Wolves*

*Aug. 1–April 30*

**Units 1A, 1B, that portion south of the Bradfield Canal and the east fork of the Bradfield River, and Unit 3—Wolf Hunting**

*5 Wolves*

*Aug. 1–May 31*

**Units 1, 3 and 4—Wolf Trapping**

*No limit*

*Nov. 1–April 30*

**Extent of Federal Public Lands**

Federal public lands comprise approximately 89% of Unit 1 and consist of 80% U.S. Forest Service (USFS) and 20% National Park Service (NPS) managed lands (see **Unit 1 Map**). All of the NPS managed lands are part of Glacier Bay National Park, which is closed to subsistence.

Federal public lands comprise approximately 94% of Unit 3 and are 100% USFS managed land (see **Unit 3 Map**).

Federal public lands comprise approximately 96% of Unit 4 and are nearly 100% USFS managed land (see **Unit 4 Map**).

Federal public lands comprise approximately 96% of Unit 5 and consist of 65% NPS, 34% USFS and 1% Bureau of Land Management managed lands (see **Unit 5 Map**). Glacier Bay National Park and Preserve managed lands are closed to subsistence.

**Customary and Traditional Use Determinations**

All rural residents are eligible to harvest wolves in Units 1, 3 and 4.

Rural residents of Unit 5A have a positive customary and traditional use determination to harvest wolves in Unit 5. 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.

**Regulatory History**

The Federal subsistence wolf trapping seasons in Units 1, 3 and 4 were December 1–February 15 with no harvest limit in regulatory year 1990/91. The wolf trapping seasons in these units were changed to November 10–April 30 in regulatory year 1991/92.

In regulatory year 1990/91 there was no closed season and no harvest limit for wolf hunting in Units 1, 3, 4 and 5. Action taken on a proposal from ADF&G (Proposal 2) changed the wolf hunting season to August 1–April 30 and established a harvest limit of 5 wolves in regulatory year 1994/95.

In 2004, Defenders of Wildlife submitted Proposal WP05-02 requesting that wolf hunting seasons in Units 1, 3–4, 5A, 6–7, 9–13, 14C, 15–21, and 24–26 be closed until September 15. The Southeast Alaska Subsistence Regional Advisory Council (Council) opposed that proposal, as did seven other Regional Advisory Councils. In its comments concerning Proposal WP05-02, the Council noted that this proposal was not necessary, would adversely affect subsistence use, and was not supported by substantial evidence (FSB 2005). Consistent with Regional Advisory Council recommendations, the Federal Subsistence Board rejected Proposal WP05-02.

In 2009, the Alaska Wildlife Alliance requested these same regulatory changes (WP10-23, -24, -25 and -26). The Southeast Alaska Regional Advisory Council opposed Proposals WP10-23, -24, -25 and -26 noting that there were no wolf conservation concerns and that these actions would result in unnecessary restrictions on subsistence users. The Federal Subsistence Board rejected Proposals WP10-23, -24, -25 and -26.

In 2011, the Alaska Board of Game (Proposal 27) extended the wolf hunting season to May 31 in Units 1A, 1B, that portion south of the Bradfield Canal and the east fork of the Bradfield River and Unit 3.

### **Biological Background**

Wolves (*Canis lupus*) likely moved into Southeast Alaska following postglacial immigration and establishment of Sitka black-tailed deer populations (Lowell 2006a). Wolves are found throughout most of Units 1, 3 and 5. Wolves are well adapted to the island and mainland environment of Southeast Alaska, although densities on the mainland are generally lower than on maritime-influence islands. Wolves are capable swimmers and regularly travel between adjacent islands in search of prey (Porter 2006). Deer are the primary food source of wolves in Southeast Alaska (Lowell 2006a). Other prey species include mountain goat, moose, small mammals, beaver, salmon and waterfowl.

Wolves first breed at age two to four and produce pups in dens during the spring (Mech et al. 1998). Litters average five or six pups. Wolves abandon the den after pups are about eight weeks old and live at sites above ground until early autumn when the entire pack roams a large territory for the rest of the fall and winter. Wolves live at low densities in a structured population of territorial packs (Mech and Boitani 2003). Meier et al. (2006) reported that 28% of the wolves leave their packs each year, and that most offspring eventually leave the pack. Dispersing wolves form new packs when they locate dispersers of the opposite sex from another pack and a vacant area to establish a territory (Rothman and Mech 1979). Meier et al. (2006) observed that wolves sometimes disperse great distances. Porter (2006) reported that one radio-collared wolf from Kupreanof was observed moving more than 120 miles overland and making several saltwater crossings.

Wolf pack territories overlap one another and change over time (Meier et al. 2006). As a pack makes its way around its territory, it may encounter and engage with other wolves within its territory at any time. A fight to the death can occur during such encounters. Predation by other wolves is probably the major cause of natural mortality among adult wolves. Meier et al. (2006) observed that at least 60% of the wolf deaths in Denali National Park and Preserve came from wolves being killed by other wolf packs. With high reproductive capacity, good survival of young, and high dispersal rates, wolf populations are able to quickly respond to changes in prey abundance.

### Unit 1

The wolf population in Unit 1A appears to be stable (Porter 2006). Though data were limited, Lowell (2006b) estimated that the population in Unit 1B was 45–85 wolves in approximately 8 packs. While wolves are common throughout most of Units 1C and 1D, there are not sufficient data to provide meaningful population estimates (Barten 2006a, Scott 2006).

### Unit 3

Lowell (2006a) estimated that the Unit 3 wolf population was 125–235 animals in approximately 21 packs and noted that recent increases in moose abundance had probably helped sustain relatively high wolf numbers.

### Unit 4

Wolves are not established in Unit 4. There have been confirmed reports of wolves on Pleasant Island near Gustavus (Cunning 2010, pers. comm.) and along the east side of Admiralty Island (Grossman 2009). At the nearest points, it is only about three miles from the mainland to both of these islands.

### Unit 5

Barten (2006b) reported that while there had been no attempts in recent years to quantify wolf numbers, it appears that the population is stable throughout the unit. In 1977, it was estimated that there were 45–50 wolves at a density of 67/1000 mi<sup>2</sup> in Unit 5A. In 1979 the Unit 5A and 5B minimum population estimates were 35 and 10 wolves respectively. In 1980 the estimates were 50 wolves in Unit 5A and 12 in Unit 5B (Barten 2006b). It appears that salmon are an important food source for wolves in late fall and early winter (Barten 2006b).

## **Harvest History**

Wolf pelts have long been important for subsistence uses in Southeast Alaska (Smythe 1988, Mills and Firman 1986, Firman and Bosworth 1990, and Cohen 1989). Hunters occasionally take wolves opportunistically in the fall and early spring when they are hunting other species. Fur prices and weather conditions affect wolf trapping effort. Unusually mild winters can contribute to reduced trapper success (Lowell 2006a). The harvest by trappers is normally spread throughout the winter and declines in late-winter. Wolf hides in Southeast Alaska are generally considered to be of relatively poor quality by fur buyers, so there is little financial incentive to harvest wolves (Lowell 2006b). Porter (2006) and Lowell (2006a and b) observed that recent low harvest and low effort has likely been related to high gas prices. The cost of gas, traps, and other equipment has increased over the last 20 to 25 years, yet the price of wolf pelts has declined.

Wolves harvested either by trapping or hunting in Alaska must be sealed by an ADF&G representative or appointed fur sealer. During the sealing process, information is obtained on the date and location of take, sex, color of pelt, estimated size of the wolf pack, method of take, and access used. Between regulatory years 1999/2000 to 2009/10, the reported annual harvest of wolves ranged from 67 to 141 wolves in Units 1, 3 and 5 (**Table 1**). Of the 1162 cumulative harvest during that period, 126 (10.8%) were taken during the months of August and April (**Table 1**). Lowell (2006a and b) reported that the wolf harvest in Units 1B and 3 probably under represented the actual wolf harvest. He suspected that some poaching was occurring and that some wolves are shot and left. Wolves are difficult animals to bring down and it is not unreasonable to assume that some mortality is occurring as a result of wounding loss. Some

**Table 1.** Reported wolf harvest and method of take for Units 1, 3 and 5, regulatory years 1999/00 to 2009/10 (ADF&G 2011).

Regulatory year	Reported total harvest	April harvest	Aug. harvest	Method of take for total harvest from Units 1, 3 and 5				
				Trap/snare	(%)	Shot	%	Unknown
1999/2000	129	16	3	77	60	49	38	3
2000/01	141	15	1	97	69	44	31	0
2001/02	113	12	4	77	68	33	29	3
2002/03	139	13	0	84	60	52	37	3
2003/04	90	0	2	55	61	35	39	0
2004/05	77	0	0	51	66	26	34	0
2005/06	96	6	4	56	58	40	42	0
2006/07	103	2	2	53	51	23	20	26
2007/08	67	13	1	35	52	32	48	0
2008/09	126	22	0	72	57	53	42	1
2009/10	81	7	3	43	53	37	47	1

wolves caught in traps that are not checked regularly are scavenged by other animals, and the hides are so damaged that they are discarded in the field with the harvest going unreported.

Based on an analysis of information from North American wolf populations, Adams et al. (2008) concluded that wolf populations appear to be largely unaffected by human take of  $\leq 29\%$  annually. Given the limited effects of moderate levels of human take, they concluded that the risks of reducing wolf populations through regulated harvest are quite low.

### Unit 1

Porter (2006) observed that trapping effort and catch per trapper in Unit 1A were relatively low. Lowell (2006b) noted that much of Unit 1B is not hunted or trapped. Barten (2006a) stated that there is little effort exerted toward taking wolves in Unit 1C, and that the harvest remains well below the level that would negatively influence the population. Scott (2006) observed that there is little pressure from either hunters or trappers to take wolves in Unit 1D.

### Unit 3

Lowell (2006a) observed that most of Unit 3 is not trapped for wolves and that hunters/trappers harvested the majority of the wolves off the road system. He noted that reduced harvests in regulatory years 2003/04

and 2004/05 were the direct result of actions taken by the Alaska Board of Game to shorten the wolf hunting and trapping seasons.

### Unit 5

Barten (2006b) reported that people hunting other species shot most of the wolves taken in the fall, and that during the winter and spring, the harvest is mostly limited to trappers. He observed that hunting and trapping pressure on wolves will probably remain low due to difficult access and inclement weather throughout the unit.

### **Effects of the Proposal**

If any of these proposals are adopted, opportunity to harvest wolves under Federal subsistence regulations in Southeast Alaska will be reduced.

If Proposal WP12-16 is adopted, the Federal wolf hunting season in Units 1, 3, 4, and 5 will be closed August 1–31 and April 1–30, thereby shortening the seasons in these units by 61 days. If Proposal WP12-17 is adopted, the Federal wolf trapping seasons in Units 1, 3 and 4 will be closed during April, thereby shortening the seasons in these units by 30 days. Between regulatory years 1999/2000 and 2009/10, 10.8% of the reported wolf harvest in Units 1, 3 and 5 occurred in August and April (**Table 1**).

If Proposals WP12-20 and -21 are adopted, the Federal wolf hunting and trapping seasons in Unit 4 will be closed. While there is not an established population of wolves in Unit 4, there have been confirmed reports of wolves in Unit 4. Hunting and trapping could help prevent wolves from becoming established in Unit 4. Wolves would likely have a significant impact on the ecology of Unit 4 and the deer populations that are so important to subsistence users. The deer model for USFS land management in Southeast Alaska incorporates about a 1/3 deer population reduction factor on islands with wolves (Grossman 2009, pers. comm.).

Proposal WP12-16 will further shorten the Federal subsistence wolf hunting seasons for Unit 1, 3, 4 and 5 than the currently longer State seasons. Proposal WP12-17 will make the Federal subsistence wolf trapping seasons for Units 1, 3 and 4 even shorter than the State seasons that have recently been lengthened. The proposed closure of wolf hunting and trapping for Unit 4 will make the Federal subsistence regulations more restrictive than the State regulations.

### **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposals WP12-16, -17, -20 and -21.

#### Justification

Two years ago the Alaska Wildlife Alliance requested these same regulatory changes. The Southeast Alaska Regional Advisory Council opposed those proposals and the Federal Subsistence Board rejected them.

The wolf populations in Units 1, 3, and 5 appear to be healthy. Wolves are prolific and survival of young is generally high. Young wolves disperse from packs at high rates as yearlings and 2-year-olds; these individuals are abundant and available to be harvested. The wolf population in these units is thought to be regulated more by natural factors than harvest by hunters and trappers. Wolves are a very important subsistence resource in Units 1, 3 and 5. The harvest of wolves and the use, barter, and sale of pelts is a

long standing component of the subsistence economy. While wolves are not established in Unit 4, there have been confirmed reports of wolves from this unit.

Even if these proposals are adopted by the Federal Subsistence Board, hunters will still be able to take wolves under State regulations on USFS, Wrangell St. Elias National Preserve lands. Therefore, adoption of these proposals by the Federal Subsistence Board will not have the effect sought by the proponent.

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ADF&G Comments on WP12-16  
August 30, 2011; Page 1 of 2

**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-16:** Shorten the wolf hunting season in Units 1, 3, 4, and 5 from the present dates of August 1 through April 30 to September 1 through March 31.

**Introduction:** The federal subsistence and State of Alaska wolf hunting seasons are identical (August 1 through April 30). During the 2002 and 2004 Alaska Board of Game meetings, proposals were submitted to change the wolf hunting season dates. In 2002, a proposal was adopted to shorten the season, and in 2004 a proposal was adopted to return to the original season dates prior to the 2002 season adjustment. The Department did not support shortening the season in 2002 and supported readopting the pre-2002 season dates during the 2004 Board of Game meeting.

Wolf populations are healthy and the hunting seasons length does not compromise sustained yield principles. The August 1 opening allows hunters who are afield for goats or deer to opportunistically harvest a wolf. In spring, the Department supported a season extending through April to allow people to shoot or trap wolves. These season dates provide for substantial hunting and trapping harvest opportunity while allowing for sustainable wolf populations. The department opposed extending the trapping season into May because of wolf pupping season and to avoid catching bears after they emerge from dens in early May.

The only portion of Unit 4 where wolves have ever been documented with certainty is Pleasant Island near Gustavus, and this has been only on an occasional basis. The present hunting season dates reflect an interest by the department to keep an open season on wolves in this area should they become established. Unit 4 represents the primary producer of deer for many hunters from many communities in northern Southeast Alaska. Much of the area is subject to substantial snowfall during winter, which concentrates deer near the beaches and leaves them vulnerable to predation. If wolves do become established, the deer population would likely decline dramatically, leaving many fewer animals available for subsistence hunters. By leaving the present season dates intact, hunters can harvest wolves and prevent them from becoming established in Unit 4.

**Impact on Subsistence Users:** Proposal WP12-16 would shorten the wolf hunting season from 9 months to 7 months, reducing some opportunity for federal subsistence hunters. Federal subsistence hunting opportunities for deer, moose, and goats could be impacted if a shorter wolf season resulted in reduced wolf harvests and increased predation rates on these species.

Given that no wolves have been harvested in Unit 4, adoption of this proposal would have no affect on federal subsistence users. However, the deer populations in Unit 4 are at low levels due to increased mortality during the recent severe winters. Therefore, if wolves were to become established in Unit 4, the combination of vulnerability to predation and mortality due to severe winters would have a significant detrimental affect on deer populations in northern southeast Alaska.

ADF&G Comments on WP12-16  
August 30, 2011; Page 1 of 2

**Opportunity Provided by State:** The wolf hunting season under state regulation in this area is from August 1 through April 30, with a bag limit of five wolves.

**Conservation Issues:** This proposal presents no conservation issues for wolves. However, in some areas where wolves prey on deer and other ungulates, a shorter season may result in higher numbers of wolves and fewer of the prey species federal subsistence hunters depend upon.

**Enforcement Issues:** This proposal could create confusion by federal subsistence users who would have a shorter season than those hunting under state regulations.

**Recommendation:** Oppose.

<b>WP12-18 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-18 requests that in Unit 2, wolf traps and snares be marked with owner's identification, and to close the season when the combined State and Federal harvest reaches 45 wolves. <i>Submitted by Defenders of Wildlife</i>
<b>Proposed Regulation</b>	<p><b>Unit 2—Wolves (Trapping)</b></p> <p><i>No Limit. Any wolf taken in Unit 2 must be sealed within 30 days of harvest. <b>Traps and snares must be marked with owner's identification. The season will be closed when a combined State and Federal harvest for hunting and trapping wolves reaches 45 wolves.</b></i> Nov. 15–Mar. 31</p> <p><b>Unit 2—Wolves (Hunting)</b></p> <p><i>5 wolves. The Federal hunting and trapping season <del>may</del> <b>will</b> be closed when the combined Federal-State harvest <del>quota is reached</del> <b>reaches 45 wolves.</b></i> Sept. 1–Mar. 31</p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b> Proposal WP12-18 <b>with modification</b> to take no action on the marking traps and snares component of the proposal, and oppose the harvest limit component of the proposal.
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Take no action</b> on the traps and snares marking requirement based on proposal WP12-14 and oppose remainder of WP12-18.
<b>Written Public Comments</b>	<b>None</b>

**DRAFT STAFF ANALYSIS  
WP12-18**

**ISSUES**

Proposal WP12-18, submitted by Defenders of Wildlife, requests that in Unit 2, wolf traps and snares be marked with owner's identification, and to close the season when the combined State and Federal harvest reaches 45 wolves.

**DISCUSSION**

The proponent contends that a lower harvest cap will ensure a sustainable harvest of wolves and that marking traps will decrease illegal harvest.

**Existing Federal Regulation**

**Unit 2—Wolves (Trapping)**

*No Limit. Any wolf taken in Unit 2 must be sealed within 30 days of harvest.\**

**Unit 2—Wolves (Hunting)**

*5 wolves. The Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached.\**

*Nov. 15–Mar. 31*

*Sept. 1–Mar. 31*

**Proposed Federal Regulation**

**Unit 2—Wolves (Trapping)**

*No Limit. Any wolf taken in Unit 2 must be sealed within 30 days of harvest. **Traps and snares must be marked with owner's identification. The season will be closed when a combined State and Federal harvest for hunting and trapping wolves reaches 45 wolves.***

*Nov. 15–Mar. 31*

**Unit 2—Wolves (Hunting)**

*5 wolves. The Federal hunting and trapping season ~~may~~ **will be closed when the combined Federal-State harvest ~~quota is reached~~ reaches 45 wolves.***

*Sept. 1–Mar. 31*

## Existing State Regulation

### Unit 2—Wolves (Trapping)

*No limit. Wolves taken in Unit 2 must be sealed on or before the 14<sup>th</sup> day after the date of taking.* Dec. 1–Mar. 31

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

### Unit 2—Wolves (Hunting)

**5 wolves.** Dec. 1–Mar. 31

*The season will be closed by Emergency Order when 30% of the estimated fall population is harvested.*

## Extent of Federal Public Lands

Federal public lands comprise approximately 83% of Unit 2. The U.S. Forest Service manages 99% of those lands as part of the Tongass National Forest. The U.S. Fish and Wildlife Service manages less than 1% of those lands as part of Alaska Maritime National Wildlife Refuge (Forrester Island) (see **Unit 2 Map**).

## Customary and Traditional Use Determinations

All rural residents have a positive customary and traditional use determination (C&T) for trapping and hunting wolves in Unit 2.

## Regulatory History

The current State requirement for marking traps and snares was passed at the 2006 Alaska Board of Game meeting, and was implemented during the 2007/2008 (State) regulatory year.

In 1996, the Alaska Board of Game adopted a harvest cap of 25 percent of the estimated fall Unit 2 wolf population (estimated at 350 wolves at that time), effective with the 1997/1998 hunting and trapping season (Porter 2000). This estimate was based on population modeling augmented by radiotelemetry and demographic data. A harvest in excess of the guideline was determined to be non-sustainable in the long term and could lead to a population decline. In fall 2000, to provide more hunting and trapping opportunity, avoid emergency order closures, and improve harvest reporting, the Alaska Board of Game increased the wolf harvest cap from 25 to 30 percent of the estimated fall population (Porter 2003).

## Biological Background

Wolves (*Canis lupus*) likely moved into Southeast Alaska following postglacial immigration and establishment of Sitka black-tailed deer populations (Lowell 2006). Wolves are found throughout most of Units 1, 2, 3, and 5. Wolves are well adapted to the island and mainland environment of Southeast Alaska, although densities on the mainland are generally lower than on maritime-influence islands. Wolves are capable swimmers and regularly travel between adjacent islands in search of prey (Porter 2006). Deer are the primary food source of wolves in Southeast Alaska (Lowell 2006). Other prey species include mountain goat, moose, small mammals, beaver, salmon and waterfowl.

Wolves first breed at age two to four and produce pups in dens during the spring (Mech et al. 1998). Litters average five or six pups. Wolves abandon the den after about eight weeks and live at sites above ground until early autumn when the entire pack roams a large territory for the rest of the fall and winter. Wolves live at low densities in a structured population of territorial packs (Mech and Boitani 2003). Meier et al. (2006) reported that 28% of the wolves leave their packs each year, and that most offspring eventually leave the pack. Dispersing wolves form new packs when they locate dispersers of the opposite sex from another pack and a vacant area to establish a territory (Rothman and Mech 1979). Meier et al. (2006) observed that wolves sometimes disperse great distances. Porter (2006) reported that one radio-collared wolf from Kupreanof was observed moving more than 120 miles overland and making several saltwater crossings.

Wolf pack territories overlap one another and change over time (Meier et al. 2006). As a pack makes its way around its territory, it may encounter and engage with other wolves within its territory at any time. A fight to the death can occur during such encounters. With high reproductive capacity, good survival of young, and high dispersal rates, wolf populations are able to quickly respond to changes in prey abundance.

In 1994, the estimated population of wolves in Unit 2 was 336 wolves (Person et al. 1996). The wolf population in Unit 2 is thought to have declined since the mid-nineties when the population was thought to be high (Alaska Board of Game 2010), but no current formal estimate of the population exists.

## Harvest History

During the period 2000–2009, 482 wolves were harvested in Unit 2 (Table 1). Of this harvest, 4 wolves were harvested by non-residents, and 10 wolves were harvested by Ketchikan residents, neither of whom have a positive customary and traditional use determination for wolves in Unit 2. Average annual harvest by rural residents (and thus Federally qualified subsistence users) was 47 wolves during this time period.

## Effects of the Proposal

If this proposal is adopted, Federally qualified subsistence trappers in Unit 2 will have to mark their wolf traps and snares. The effects of marking traps and snares are discussed in detail in WP12-14. Adoption of WP12-14 will make this aspect of WP12-18 moot.

The harvest level set by the Alaska Board of Game is 30% of the estimated fall population. Adoption of a harvest quota of 45 wolves will set a static harvest quota for subsistence harvest of wolves in Unit 2. A special action will be necessary to change the quota if necessary in the future for the Federal quota to be consistent with that of the State. If this proposal is adopted and the quota is reduced to 45, and the State quota remains higher, this proposal will likely have no effect on the total harvest, since subsistence users

**Table 1.** Reported harvest of wolves in Unit 2, 2000-2009 (Scott 2011). Harvest year is reflective of hunter license; not the regulatory.

<b>Year</b>	<b>Rural Resident</b>	<b>Ketchikan</b>	<b>Non-resident</b>
2000	30	1	0
2001	71	0	1
2002	51	0	0
2003	43	3	2
2004	54	4	0
2005	61	0	0
2006	37	0	1
2007	34	0	0
2008	16	0	0
2009	33	0	0
Unknown	38	0	2

are eligible to harvest wolves under the State regulations and the individual limits and season end dates are the same

## **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP12-18 **with modification** to take no action on the marking traps and snares component of the proposal, and oppose the harvest limit component of the proposal.

### **Justification**

The full justification supporting the marking traps and snares is included in WP12-14, and the same rationale applies to this proposal. Adoption of WP12-14 will make this aspect of WP12-18 moot.

The Alaska Board of Game passed a quota guideline of 30% of the estimated fall population. Because the quota is set and combined for both State and Federal harvest, State and Federal managers need to collaborate to set the quota for each season. A static quota of 45 is not recommended because it does not allow for flexibility in setting the quota. A joint quota cannot be set if the State's quota is flexible and the Federal quota is not. If populations do continue to decline, a quota of 45 may indeed be too high, causing a conservation concern. Leaving the quota flexible will allow for prompt management of the harvest without the possible time delays through the special action process. Setting a static quota of 45 in regulation is not supported since it is contrary to sound wildlife management principles and may create conservation concerns.

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ADF&G Comments on WP12-18  
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**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-18:** Require traps and snares to be marked with owner's identification and establish a hunting and trapping harvest management objective of 45 wolves on Prince of Wales Island in Unit 2.

**Introduction:** The portion of this proposal requesting federal subsistence trappers mark their traps and snares is addressed in proposal WP12-14. The proponent also seeks to establish an annual harvest limit of 45 wolves between the combined state and federal subsistence wolf hunting and trapping seasons. The proponent indicates they feel the Unit 2 wolf population is being unsustainably managed and are in decline due to multiple reasons.

**Impact on Subsistence Users:** If adopted, the federal subsistence wolf hunting and trapping seasons could be unnecessarily eliminated on Prince of Wales Islands if the 45 wolf quota is reached during years when the wolf population could sustainably provide additional harvest.

**Opportunity Provided by State:** The wolf hunting and trapping seasons under state regulation in this area are from December 1 through March 31 with an annual hunting bag limit of five wolves and annual trapping limit. Wolves taken in Unit 2 must be sealed on or before the 30<sup>th</sup> day after the date of taking. Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number; the trapper must use the trapper's Alaska driver's license number or state identification card number as the required permanent identification number; if a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

**Conservation Issues:** This proposal would not present conservation issues for wolves. However, in some areas where wolves prey on deer and other ungulates, a shorter season may result in higher numbers of wolves and fewer of the prey species federal subsistence hunters depend upon.

**Enforcement Issues:** If adopted, this proposal might result in some confusion by federal subsistence users in the field who do not receive word the wolf hunting and trapping seasons were closed in season.

**Recommendation:** Take no action on the traps and snares marking requirement based on proposal WP12-14 and oppose remainder of WP12-18.

<b>WP12-19 Executive Summary</b>	
<b>General Description</b>	Proposal WP12-19 requests that the sealing requirement for wolves in Unit 2 be reduced from 30 days after harvest to 14 days after harvest. <i>Submitted by the Southeast Alaska Subsistence Regional Advisory Council</i>
<b>Proposed Regulation</b>	<p>§ __.26 Subsistence taking of wildlife. (k) Sealing of beaver, lynx, marten otter, wolf, and wolverine. You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13E, or 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative in accordance with State or Federal regulations. (1) In Unit 18, you must obtain an ADF&amp;G seal for beaver skins only if they are to be sold or commercially tanned. (2) In Unit 2, you must seal any wolf taken on or before the 14<sup>th</sup> 30<sup>th</sup> day after the date of taking.</p> <p><b>Unit 2—Wolves (Trapping)</b></p> <p><i>No Limit. Any wolf taken in Unit 2 must be sealed within 14 30 days of harvest. Nov. 15–Mar. 31</i></p> <p><b>Unit 2—Wolves (Hunting)</b></p> <p><i>5 wolves. The Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached. Any wolf taken in Unit 2 must be sealed within 14 days of harvest. Sept. 1–Mar. 31</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b>
<b>Southeast Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	<b>Support</b>
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP12-19

### ISSUES

Proposal WP12-19, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that the sealing requirement for wolves in Unit 2 be reduced from 30 days after harvest to 14 days after harvest.

### DISCUSSION

The proponent states that this proposed regulation is necessary to allow the management agencies to track the total harvest in Unit 2 to prevent overharvest of this population and align Federal and State regulations.

#### Existing Federal Regulation

*§\_\_.26 Subsistence taking of wildlife. (k) Sealing of beaver, lynx, marten otter, wolf, and wolverine. You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13E, or 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative in accordance with State or Federal regulations. (1) In Unit 18, you must obtain an ADF&G seal for beaver skins only if they are to be sold or commercially tanned. (2) In Unit 2, you must seal any wolf taken on or before the 30<sup>th</sup> day after the date of taking.*

#### Unit 2—Wolves (Trapping)

*No Limit. Any wolf taken in Unit 2 must be sealed within 30 days of harvest.\** *Nov. 15–Mar. 31*

#### Unit 2—Wolves (Hunting)

*5 wolves. The Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached.\** *Sept. 1–Mar. 31*

#### Proposed Federal Regulation

*§\_\_.26 Subsistence taking of wildlife. (k) Sealing of beaver, lynx, marten otter, wolf, and wolverine. You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13E, or 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative in accordance with State or Federal regulations. (1) In Unit 18, you must obtain an ADF&G seal for beaver skins only if they are to be sold or commercially tanned. (2) In Unit 2, you must seal any wolf taken on or before the 14<sup>th</sup> 30<sup>th</sup> day after the date of taking.*

**Unit 2—Wolves (Trapping)**

*No Limit. Any wolf taken in Unit 2 must be sealed within 14 30 days of harvest.*

*Nov. 15–Mar. 31*

**Unit 2—Wolves (Hunting)**

*5 wolves. The Federal hunting and trapping season may be closed when the combined Federal-State harvest quota is reached. Any wolf taken in Unit 2 must be sealed within 14 days of harvest.*

*Sept. 1–Mar. 31*

**Existing State Regulation**

**Unit 2—Wolves (Trapping)**

*No limit. Wolves taken in Unit 2 must be sealed on or before the 14<sup>th</sup> day after the date of taking.*

*Dec. 1–Mar. 31*

**Unit 2—Wolves (Hunting)**

*5 wolves.*

*Dec. 1–Mar. 31*

*The season will be closed by Emergency Order when 30% of the estimated fall population is harvested. Hides must be sealed within 14 days of kill.*

**Extent of Federal Public Lands**

Unit 2 is approximately 83% Federal public lands. The Federal public lands are managed primarily by the U.S. Forest Service as part of the Tongass National Forest. Less than 1% of that total is managed by the U.S. Fish and Wildlife Service (Forrester Island) as part of the Alaska Maritime National Wildlife Refuge.

**Customary and Traditional Use Determinations**

All rural residents have a positive customary and traditional use determination for trapping and hunting wolves in Unit 2.

**Regulatory History**

From 1915 through the early 1970s, a cash bounty was paid for wolves in Southeast Alaska (ADF&G 1997). Biological and harvest information has been collected on harvested wolves since the early 1960s. Records from 1961–62 and from 1970–71 are from bounty payments. A State mandatory sealing program has been in effect since that time (Alaska Department of Fish and Game 1989).

In 1997, the Federal Subsistence Board, through proposal WP07-15, adopted a requirement that all wolves taken in Unit 2 must be sealed within 30 days of harvest.

In November 2010, the Alaska Board of Game (BOG) adopted a regulation modifying the time for wolves to be sealed in Unit 2 from 30 days to 14 days (BOG 2010). This action was determined to be necessary to allow the managers to track the harvest and stay within the total allowable harvest.

## **Biological Background**

Please refer to WP12-18.

## **Harvest History**

Please refer to WP12-18.

## **Effects of the Proposal**

If adopted, this proposal would align Federal and State regulations by requiring subsistence users to bring wolf hides from Unit 2 into ADF&G offices or to a designated sealer for sealing within 14 days of harvest. Unit 2 wolves are managed under a harvest quota of 30% of the estimated fall population. The shortened sealing requirement will allow the management agencies to more effectively track the harvest of wolves in Unit 2 and avoid exceeding the harvest quota.

Shortening the reporting period would have minimal effects on subsistence users since 14 days is generally considered to be an adequate amount of time to turn in the hides. This proposal would not affect other users because this regulation already exists under State regulations. Both subsistence users and non-Federally qualified users will benefit by this proposal since more effective management will ensure continued long-term availability of this resource.

## **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP12-19.

### **Justification**

The shortened sealing requirement will allow the management agencies to more effectively track the harvest of wolves in Unit 2 and avoid exceeding the harvest quota, with minimal effects to subsistence users. All users should benefit long-term from more effective management of the population.

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ADF&G Comments on WP12-19  
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**Alaska Department of Fish and Game**  
***Comments to Regional Advisory Council***

**Wildlife Proposal WP12-19:** Shorten the sealing requirement for wolves harvested by federal subsistence trappers in Unit 2.

**Introduction:** This proposal was submitted to shorten the total days between harvest and required sealing of wolf hides harvested by federal subsistence trappers in Unit 2 from 30 days to 14 days. The proponent indicates the intent of this proposal is to modify federal subsistence regulations to match the November 2010 Alaska Board of Game adopted sealing requirements for Unit 2. The proponent also indicates adoption of this proposal will assist management agencies with more up to date information to track harvest and stay within the total allowable take goal. If adopted, management agencies will have more timely information available to manage the resource without exceeding the established harvest quota for Unit 2.

The proponent offers the following regulatory language.

§ \_\_.26 Subsistence taking of wildlife. (k) Sealing of beaver, lynx, marten otter, wolf, and wolverine. You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13E, or 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative in accordance with State or Federal regulations. (1) In Unit 18, you must obtain an ADF&G seal for beaver skins only if they are to be sold or commercially tanned. (2) In Unit 2, you must seal any wolf taken on or before the **14** 30th day after the date of taking.

**Impact on Subsistence Users:** If adopted, federal subsistence trappers would be required to bring in harvested wolf pelts from Unit 2 for sealing within 14 days of taking.

**Opportunity Provided by State:** The wolf trapping season under state regulation in this area is from December 1 through March 31, with no harvest limit.

**Conservation Issues:** This proposal would assist management agencies with more timely and accurate decision making potentially avoiding overharvests in areas with low wolf concentrations.

**Enforcement Issues:** Adoption of this proposal will reduce some confusion by federal subsistence users who might participate in both the federal subsistence and state trapping seasons.

**Recommendation:** Support.

## **BRIEFING ON TRIBAL CONSULTATION**

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

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

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

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

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

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

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

U. S. Department of Interior  
& U.S. Department of Agriculture  
FEDERAL SUBSISTENCE BOARD

INTERIM PROTOCOL

FOR

GOVERNMENT-TO-GOVERNMENT CONSULTATION

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

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

1. Each federally recognized Tribe will be sent a letter from the Federal Subsistence Board inviting consultation on all 2012-2014 wildlife regulatory proposals. The letter will:
  - a. Explain the interim consultation process and the need for this interim consultation effort regarding the 2012-2014 wildlife regulatory proposals.
  - b. Explain that the final consultation protocol is expected to be in place by May 2012 in time to be implemented for the fisheries regulatory cycle process.
  - c. Inform the Tribes of the face-to-face consultation opportunity focusing on the consultation protocol during the Tribal Service Providers Conference on the afternoon of December 1, 2011 in Anchorage.
2. Government-to-government consultation will take place regarding the 2012-2014 wildlife regulatory proposals during the August 15 through September 16, 2011, timeframe.
  - a. Conduct a consultation via teleconference for each Federal Subsistence Regional Advisory Council area prior to the Regional Advisory Council meeting.
    - i. At least four Federal Subsistence Board members or their designees will participate in each teleconference.

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

- ii. Federal officials will receive training on principles and practices of government-to-government consultation prior to participating in the teleconferences.
  - iii. A Tribal official and Federal official will be selected during the consultation to jointly report the results of the consultation to the Federal Subsistence Regional Advisory Council.
3. An in-person government-to-government consultation will be held the day prior to the January Federal Subsistence Board meeting regarding wildlife regulatory proposals and the May Board meeting regarding the consultation protocol.

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

FEDERAL SUBSISTENCE BOARD

INTERIM PROTOCOL

FOR

GOVERNMENT-TO-ANCSA-CORPORATIONS CONSULTATION

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

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

Interim Consultation Protocol:

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

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

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

*Secretary Salazar, December 2010*

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

*Secretary Vilsack, April 2011*

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

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

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

1. Develop a proposed regulation to increase the membership on the Federal Subsistence Board to include two additional public members representing subsistence users.
  - **Status:** A Final Rule has been developed and will be published in the Federal Register following Secretarial Signature. The recommended language from the Secretaries is as follows:

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

- Once the Final Rule is published, the Secretaries will begin the application/nomination process. The goal is to have these two positions seated by January 2012.
2. As a matter of policy, expand deference to appropriate RAC recommendations in addition to the “takings” decisions of the Board provided for under Section 805(c) of ANILCA, subject to the three exceptions found in that Section.
    - **Status:** The Board is still in the process of considering expanding its deference to Regional Advisory Council recommendations to matters beyond take. The Board is generally supportive of expanding deference to Councils on C&T and has yet to determine whether or not it is sufficient to reflect this perspective in policy or if rulemaking needs to be pursued. With regard to deference on rural determinations, the Board is continuing to learn the intricacies of the regulations and the process, and is exploring whether or not deference regarding rural determinations is appropriate given Court findings. Finally, with regard to deference on in-season management decisions, the Board understands that because in-season management decisions often must be made quickly in response to newly obtained information, deference to Council recommendations will occur only when time and conservation allow.
  3. Review, with RAC input, the December 2008 Memorandum of Understanding (MOU) with the State to determine either the need for the MOU or the need for potential changes to clarify federal authorities in regard to the subsistence program.
    - **Status:** The MOU was provided to all ten Regional Advisory Councils for comment during winter 2011 meeting cycle. Council comments were summarized and reviewed by the Board in summer 2011. The Board has directed that the changes recommended by the Councils be examined by a work group comprised of both state and federal members, with a report back to the Board and final action on proposed changes by December 2011.
  4. Review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes.
    - **Status:** All ten Regional Advisory Councils were asked for their perspectives on the existing process during the Winter 2011 meeting cycle. These comments were summarized and reviewed by the Board in May 2011. Because most comments were generally supportive of the existing process, the Board is focusing its energies on other action items at this point in time.
  5. Review, with RAC input, rural/nonrural determination process and present recommendations for regulatory changes.
    - **Status:** The Board held a work session in April to learn about rural process, and is continuing to learn the intricacies of the regulations and the process. In response to the Secretarial Review, the Board is exploring whether or not it can delay the implementation date for the communities or areas which were rural and were determined to be nonrural during the 2000 review process. The Board is evaluating how best to proceed in conducting the 2010 rural determination process.
  6. Review the Board’s written policy on executive sessions and minimize the use of executive sessions to those cases specifically prescribed.

- **Status:** The Board has revised its Executive Session policy to reflect that it intends to keep its business transparent, and will provide a summary of Executive Sessions as and when they occur. The Board adopted its revised policy at its May 2011 meeting.
7. At the request of the Director of the US Fish and Wildlife Service and under Departmental procedures, review and submit recommendations for Departmental consideration of the annual budget for the Federal subsistence program. Under this directive, the following elements (gleaned from the Secretarial Review comments) are recommended as a focus:
- a. Hold Federal Subsistence Board meetings in rural areas
    - **Status:** Pending Additional funding
  - b. Increase Training and support to Regional Advisory Councils
    - **Status:** Implement when funding and staffing allow.
  - c. Implement Wildlife Monitoring Studies
    - **Status:** Pending additional funding
  - d. Increase Tribal Consultation
    - **Status:** In Progress (see written briefing)
  - e. Increase capacity within Office of Subsistence Management for research and implementation
    - **Status:** Pending additional funding
  - f. Reinstate the annual regulatory cycle
    - **Status:** The Board sees the value of every other year cycle, but may be open to reinstating the annual cycle should funding allow.

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

- 8. Review, with RAC input, and present recommendations for changes to Federal subsistence procedural and structural regulations (Parts A&B of the CFRs) adopted from the State in order to ensure Federal authorities are fully reflected and in accord with subsistence priorities provided for in Title VIII.
- 9. Ensure the Secretaries are informed when non-Department rule-making entities develop regulations that may adversely affect subsistence users.
- 10. To the extent practicable, utilize contracting and use of ANILCA Section 809 cooperative agreements with local tribes and other entities in the Board's review and approval of proposals for fulfilling subsistence program elements.

## **BUDGET IMPLICATIONS**

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

## **BRIEFING ON GULF OF ALASKA CHINOOK SALMON BYCATCH**

In 2010, the amount of Chinook salmon bycatch was over 51,000 fish in the Gulf of Alaska groundfish fishery, one of the highest bycatch amounts on record. Most of the bycatch (41,000) was taken during the pollock fishery. The North Pacific Fishery Management Council expedited this issue in order to address it through regulation no later than the start of the 2012 fishing season.

During its April 2011 meeting in Anchorage, the North Pacific Fishery Management Council adopted a preliminary preferred alternative with a hard cap of 22,500 Chinook salmon, an amount higher than the 2003–2010 bycatch average of approximately 19,000 utilized in the staff analysis. In May 2011, the Federal Subsistence Board sent a letter to the North Pacific Fishery Management Council recommending a hard cap of 15,000, the lowest hard cap amount among the range of alternatives under consideration. If the Board’s recommendation was adopted it would more likely lead to a “de facto” reduction in Chinook salmon bycatch in the Gulf of Alaska. The Board’s recommended this cap because they were very concerned about Chinook salmon runs on Kodiak Island, which have had escapement goal shortfalls and subsistence harvest restrictions in recent years.

At its June 2011 meeting in Nome, the North Pacific Fishery Management Council took final action on this issue and selected a hard cap of 25,000 Chinook salmon for the commercial pollock fishery. The full Council’s motion can be read at:  
[http://www.fakr.noaa.gov/npfmc/current\\_issues/bycatch/GOAChinookBycatchMotion611.pdf](http://www.fakr.noaa.gov/npfmc/current_issues/bycatch/GOAChinookBycatchMotion611.pdf)



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

**Federal Subsistence Board**  
1011 E. Tudor Rd., MS 121  
Anchorage, Alaska 99503-6199



FWS/OSM11057/TT

Eric Olson, Chair  
North Pacific Fishery Management Council  
605 W. 4th Avenue, Suite 306  
Anchorage, Alaska 99501-2252

MAY 20 2011

Dear Mr. Olson:

The Federal Subsistence Board (Board) appreciates the opportunity to provide its comments on the initial review draft of the *Environmental Assessment/ Regulatory Impact Review/ Initial Regulatory Flexibility Analysis for Amendment 90 to the Fishery Management Plan for Groundfish of the Gulf of Alaska, Chinook Salmon Bycatch in the Gulf of Alaska pollock Fishery (EA)*, dated March 2011, and the North Pacific Fishery Management Council's (NPFMC) preliminary preferred alternative. The Board, comprised of the Regional Directors of the U.S. Fish and Wildlife Service, the Bureau of Indian Affairs, the National Park Service, the Bureau of Land Management and the USDA Forest Service, and a Chair appointed by the Secretaries of the Interior and Agriculture, provides subsistence fishing opportunities in Federal public waters in Alaska under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA).

Bycatch is of concern to the Board and the affected Regional Advisory Councils because the Chinook salmon stocks listed in Table 63, page 124 of the EA, are important subsistence resources for Federally-qualified subsistence users in several areas of the state, including Southeast Alaska, Prince William Sound, Cook Inlet and Kodiak Island.

The Board urges the National Marine Fisheries Service and North Pacific Fishery Management Council to significantly reduce the amount of Chinook salmon bycatch in the GOA pollock fishery. Several Chinook salmon runs, most likely impacted by the GOA pollock fishery, were rated as "poor" to "below average" in 2010, as pointed out in Table 63, page 124 of the EA. The Chinook salmon runs on Kodiak Island are of particular concern. In 2010, Chinook salmon escapement in the Karluk River was below the escapement goal range for the fourth consecutive year and the subsistence fishery was closed the entire season. This was the third consecutive year that restrictions to the Chinook salmon subsistence fishery were necessary. In January 2011, the Alaska Board of Fisheries designated Karluk River Chinook salmon a stock of concern. In the nearby Ayakulik River, the lower end of the Chinook salmon escapement goal was achieved in 2010, however escapement goals were not met in 2006-2009.

Eric Olson

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The Board believes that the proposed hard cap of 22,500 in the Preliminary Preferred Alternative does not represent a meaningful reduction in Chinook salmon bycatch, as it is higher than the 2003-2010 bycatch average of approximately 19,000 Chinook shown in Table 4, page 21. Therefore, **the Board recommends that a hard cap of 15,000 be adopted.** This alternative would provide a better opportunity for increased numbers of Chinook salmon to reach affected rivers to help achieve escapement goals and provide for subsistence uses. In addition, the option of allowing a 25% “overage provision” one out of every three years should be eliminated, as it appears to be incongruent with the Council’s stated goal to reduce bycatch. The Board also recommends that the NPFMC recognize the importance of subsistence in the Problem Statement and more fully discuss the status of the Chinook salmon stocks most likely impacted by the GOA pollock fishery.

Thank you for this opportunity to provide our comments and recommendations on this important subsistence issue. If the Board can be of further assistance, please contact Peter J. Probasco, Assistant Regional Director, Office of Subsistence Management, at (907) 786-3888. The Board will continue to monitor developments on this issue and looks forward to the results of your efforts to significantly reduce Chinook salmon bycatch in the GOA pollock fishery.

Sincerely,

/S/

Tim Towarak  
Chair, Federal Subsistence Board

cc: Federal Subsistence Board members

Gene Virden, Acting Regional Director - Bureau of Indian Affairs  
Bud Cribley, State Director - Bureau of Land Management  
Sue Masica, Regional Director - National Park Service  
Geoff Haskett, Regional Director - U.S. Fish and Wildlife Service  
Beth Pendleton, Regional Forester - USDA Forest Service  
Pat Pourchot, Department of the Interior, Alaska  
Peter J. Probasco, Office of Subsistence Management  
Speridon Simeonoff, Chair, Kodiak/Aleutians Regional Advisory Council  
Ralph Lohse, Chair, Southcentral Alaska Regional Advisory Council  
Bert Adams, Chair, Southeast Alaska Regional Advisory Council  
Cora J. Campbell, Commissioner, Alaska Department of Fish and Game  
James W. Balsiger, Administrator, Alaska Region, National Marine Fisheries Service

# Winter 2012 Regional Advisory Council Meeting Calendar

February–March 2012 current as of 03/28/11

Meeting dates and locations are subject to change.

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

# Fall 2012 Regional Advisory Council Meeting Calendar

*August 20–October 12, 2012 current as of 07/20/11*

Meeting dates and locations are subject to change.

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