

**STAFF ANALYSIS
EMERGENCY SPECIAL ACTION
WSA15-09**

ISSUES

Emergency Special Action WSA15-02, submitted by the State of Alaska, requests the Federal black bear season in Unit 6D of Sept. 1 – June 30 be closed, effective May 27, 2015.

DISCUSSION

The proponent requests the Federal black bear season be closed to align with the recent Emergency Order by the State which closes black bear hunting in Unit 6D on May 27th, 2015 because of conservation concerns for the species. The proponent states that black bear harvest in Unit 6D tripled between the late 1990s and 2007, followed by sharp declines in harvest in regulatory years 2012 and 2013. In addition, sows have made up an increasing proportion of the harvest, with the percentage of harvested females increasing to over 40 percent in the last three regulatory years and exceeding management objectives every year since 2006.

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

“...In an emergency situation, if necessary to ensure the continued viability of a fish or wildlife population, to continue subsistence uses of fish or wildlife, or for public safety reasons, the Board may immediately open or close public lands for the taking of fish and wildlife for subsistence uses, or modify the requirements for take for subsistence uses, or close public lands to take for nonsubsistence uses of fish and wildlife, or restrict the requirements for take for nonsubsistence uses.”

Existing Federal Regulation

Unit 6 – Black Bear

Unit 6D – 1 bear. In Unit 6D a Federal registration permit is required Sept. 1 – June 30 to harvest black bear from June 11 to June 30

Proposed Federal Regulation

Unit 6 – Black Bear

Unit 6D - 1 bear. ~~In Unit 6D a Federal registration permit is required~~ Sept. 1 – ~~June 30~~May 27 to harvest black bear from June 11 to June 30

Existing State Regulation

Unit 6D – Black Bear*

Residents and Nonresidents: one bear by permit. Sept. 10 – Jun. 10

*Note: In February 2015, the Alaska Board of Game changed the black bear hunt in Unit 6D to a registration hunt. This regulation will become effective July 1, 2015.

Extent of Federal Public Lands

Approximately 66% of the lands in Unit 6D are comprised of Federal public lands consisting of approximately 64% U.S. Forest Service (USFS) managed lands, and 2% Bureau of Land Management managed lands.

Customary and Traditional Use Determinations

Rural residents of Yakutat and Units 6C and 6D (except residents of Whittier) have a positive customary and traditional use determination for black bear in Unit 6A. Rural residents of Units 6C and 6D (except residents of Whittier) have a positive customary and traditional use determination for black bear in Unit 6 remainder.

Regulatory History

In 1990, the Federal Subsistence Board adopted temporary subsistence regulations for black bear hunting at bait stations that aligned with State regulations. The Federal and State bear baiting season in Units 6A, 6B, and 6C has been from Apr. 15 – June 15. The season in Unit 6D has been Apr. 15– June 10 since 2005/2006.

Several changes to black bear hunting in Unit 6D occurred under State regulations during the early 2000s. In 2003, the Alaska Board of Game (BOG) prohibited the shooting of black bears from a boat in Unit 6D as a conservation measure for the species. In 2005, the season length was shortened to end on June 10 and bear baiters were required to complete a bear hunter clinic before obtaining a bear bait permit. In 2009, the start of the State season was changed from Sept. 1 to Sept. 10.

In regulatory year 2009/2010, the BOG changed the season opening for Unit 6D from Sept. 1 – June 10 to Sept. 10 – June 30 to reduce the fall harvest of female black bears which was impacting the growth of the population. The intent of shifting the start of the season 10 days later was to reduce the harvest of black bears as they move from salmon streams to the high country during the fall. Also in 2009, the BOG approved the use of a harvest reporting system throughout Unit 6 in an effort to obtain more accurate and complete harvest information.

Current Events Involving the Species

In February 2015, the BOG adopted Proposal 210 to change the black bear hunt in Unit 6D to a registration hunt. The BOG felt that bears in the area were being overharvested and that a better management tool was needed to assess and control harvest. This new regulation will become effective July 1, 2015.

On February 27, 2015, the Alaska Department of Fish and Game (ADF&G) issued an Emergency Order closing the State black bear season in Unit 6D, effective May 27th, 2015. This was in response to a steady decline in the black bear population, a tripling of the harvest between the 1990s and 2007 along with a marked decrease in harvest in 2012 and 2013. In addition, the percentage of females in the harvest has exceeded management goals since 2006.

Biological Background

Black bears are common throughout Unit 6 with the exception of Kayak and Middleton Islands along the North Gulf Coast of Alaska (NGC) and Montague, Hinchinbrook, Hawkins, and several smaller islands in Prince William Sound (Crowley 2011). The State management goal for black bear in Unit 6 is to maintain a black bear population that will sustain a 3-year average annual harvest of 200 bears composed of at least 75% males with a minimum average skull size of 17 inches (Crowley 2011). The proportion of females taken exceeded the recommended management objective of 25% in 2006, 2007, and 2009 (Crowley 2011).

Black Bear densities tend to be highest in western Prince William Sound (Unit 6D) and lowest along the NGC and eastern Prince William Sound (Units 6A, 6B, and 6C) (McIlroy 1970; Modafferi 1978, 1982). Density estimates in good habitat in Prince William Sound range between 0.4 to 10 bears/km² (McIlroy 1970; Modafferi 1978, 1982) and the overall density in Unit 6D which has the most productive black bear habitat in Unit 6, was 0.59 bears/km² (range 0.33– 0.85 bears/km²) from 2004-2006 (Crowley 2008). Modafferi (1982) found that male black bears in Unit 6D tended to move to the beaches after emerging from winter dens to feed on new grasses and sedges whereas females concentrated on south facing slopes and avalanche chutes. Black bear populations in Unit 6 fluctuate due to the severity of winter weather, food abundance, hunting pressure and in some areas competition with and predation by grizzly bears (McIlroy 1970, Schwartz et al. 1986).

Harvest monitoring and assessment has been the primary method used to assess the status of the black bear population in Unit 6. In 2009 the BOG approved the use of a harvest reporting system that incorporated an assessment of effort in addition to the harvest (Crowley 2011). Since the late 1980s ADF&G has been using the skull size as an index because it is thought that changes may indicate changes in population size, harvest composition, and the sustainability of harvest levels. A decreasing skull size may indicate a decline in older bears in the population which may be indicative of a population decline (Lowell 2011). To assess the population age structure, which is a measure of population health, the skull size and harvest densities are compared between 8 geographic areas which correspond to well-defined watersheds within Unit 6 (Crowley 2011). The decline in skull size of male black bears with high annual harvest between 2005 and 2009, when compared to the previous two 5-year periods, suggests that the harvest may be impacting the age structure of the black bear population. A similar trend was not found for female harvested bears.

Harvest History

Although black bears were once a major subsistence staple for residents in Prince William Sound communities, Sitka Black-tailed deer have replaced black bears in importance according to local residents (Simeone 2008). Between 1986 and 2006, residents of Unit 6, resident hunters living outside of Unit 6, and nonresidents accounted for 11%, 58%, and 31% of the black bear harvest in Unit 6. A majority of the harvest (85%) over the same period occurred in Unit 6D (Simeone 2008). From 2005 – 2010, the hunting pressure and take of black bears in Unit 6 was greatest in Unit 6D (83– 86%), which coincides with greatest densities of black bears and ease of access by Anchorage hunters through the Anton Anderson Memorial Tunnel (Whittier Tunnel) (Simeone 2008, Crowley 2011). An average of 680 black bears were taken per regulatory year between 2005 and 2012 (**Table 1**), which far exceeds the management objective of the 3-year annual harvest of 200 black bears. However, without accurate population estimates it is difficult to determine if the current harvest levels are sustainable. Although it is difficult to determine the status of black bear populations using harvest data (Garshelis 1993), the decrease in age of harvested bears during the high harvest from 2005 – 2009 suggests that the harvest may be having population-level effect (reducing the overall size of the population).

Black bears may also be taken over bait, and the number of black bears taken over bait in Unit 6 by Federally qualified subsistence users from 2005 to 2011 was 10 (OSM 2013). The number of bears taken over bait almost doubled during the 5 year period between 2005 and 2011 (50 to 96) (**Table 2**) (Crowley 2011). The low harvest of black bears over bait in 2011 – 2012 was due in part to heavy snowfall and late spring melt. The percent of black bears taken over bait in Unit 6 ranged between 6.9% to 15.0% of the total harvest between 2005 and 2011.

The percentage of females in the harvest for Unit 6D has been increasing since 2008. Between 2011 and 2013, the percentage of females in the harvest exceeded 40%, and overall success rates have also declined during the same time period and overall harvest has been steadily declining over the last few years (Westing 2015). The majority of black bears harvested in Unit 6D (84%) are taken during “spot and stalk” hunts while only 16% are taken over bait (Westing 2015).

Table 1. *Total black bear harvest in Unit 6 from 2005-2011 (Westing 2015, pers. comm.).

Year	Male (%)	Female (%)	Total
2005	417 (82)	90 (18)	568
2006	434 (74)	153 (26)	661
2007	460 (68)	214 (32)	758
2008	476 (76)	149 (24)	701
2009	419 (73)	156 (27)	648
2010	386 (70)	164 (30)	617

2011	304 (60)	205 (40)	575
2012	230 (56)	178 (44)	408
2013	131 (59)	91 (41)	222

*Unreported harvest is estimated at 12% annually.

Table2. Black Bear harvest over bait in Unit 6A, 6B, 6C, and 6D from 2005-2011 (Westing 2015, pers. comm.).

Year	Unit 6A	Unit 6C	Unit 6D	Total
2005	12	4	34	50
2006	8	4	54	66
2007	11	4	61	76
2008	13	4	54	71
2009	21	9	67	97
2010	17	8	67	92
2011	0	7	33	40
2012	0	7	27	34
2013	0	13	30	43

Over the last 20 years, harvest of black bears by Federally qualified subsistence users in Unit 6D has been low. Between 1994 and 2013, the average annual percentage of the black bear harvest by Federally qualified subsistence users is .81% and the percentage of the harvest by rural users has yet to exceed 2% in any given year during the same time period (Burcham 2015, pers. comm.). In addition, there has been no harvest under the Federal registration hunt for black bears in Unit 6 since it was instituted in 2014.

Effects of the Proposal

If this Special Action is approved, it will close the Federal black bear season in Unit 6D on May 27, 2015. The closure will reduce harvest opportunities for Federally qualified subsistence users by eliminating 35 days of the existing season. Closure of the Federal season is not likely to have any appreciable effect on the black bear population in Unit 6D since harvest by Federally qualified subsistence users has been very low over the past 20 years.

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INTERAGENCY STAFF COMMITTEE RECOMMENDATION

WSA15-09

The Interagency Staff Committee unanimously **supports** WSA15-09 **with modification** to require a Federal registration permit starting May 27, rather than June 11. The modified language would read as follows:

*Unit 6–1 bear. In Unit 6D a Federal registration permit is required to harvest black bear from **May 27** ~~June 11~~ to June 30. (FR0608) Sept. 1–June 30*

Justification

The ADF&G recently issued an Emergency Order to close the State black bear season in Unit 6D effective May 27, 2015 due to concerns over a prolonged decline in the black bear population. However, while overall harvest has been high, the harvest of black bears by Federally qualified subsistence users in Unit 6D has been very low and has yet to exceed 2% of the annual reported harvest. In addition, there has been no harvest under the Federal subsistence registration hunt for black bears in Unit 6D since it was instituted in 2014. Closing the Federal subsistence season is not likely to have any measureable effect on the black bear population. Use of a Federal registration permit beginning May 27 will allow for better tracking of any harvest that may occur for the remainder of the black bear season, though this harvest is expected to be minimal. A Federal registration permit is already required for Federally qualified subsistence users to harvest black bear from June 11 – 30.

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Approximately 66% of the lands in Unit 6D are comprised of Federal public lands consisting of approximately 64% U.S. Forest Service (USFS) managed lands, and 2% Bureau of Land Management managed lands.

Customary and Traditional Use Determinations

Rural residents of Yakutat and Units 6C and 6D (except residents of Whittier) have a positive customary and traditional use determination for black bear in Unit 6A. Rural residents of Units 6C and 6D (except residents of Whittier) have a positive customary and traditional use determination for black bear in Unit 6 remainder.

Regulatory History

In 1990, the Federal Subsistence Board adopted temporary subsistence regulations for black bear hunting at bait stations that aligned with State regulations. The Federal and State bear baiting season in Units 6A, 6B, and 6C has been from Apr. 15 – June 15. The season in Unit 6D has been Apr. 15– June 10 since 2005/2006.

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Effects of the Proposal

If this Special Action is approved, it will close the Federal black bear season in Unit 6D on May 27, 2015. The closure will reduce harvest opportunities for Federally qualified subsistence users by eliminating 35 days of the existing season. Closure of the Federal season is not likely to have any appreciable effect on the black bear population in Unit 6D since harvest by Federally qualified subsistence users has been very low over the past 20 years.

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