# SOUTHEAST ALASKA Federal Subsistence Regional Advisory Council

USFS

Sitka black-tailed deer.

## Meeting Materials

March 16–18, 2010

Saxman

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**SOUTHEAST ALASKA REGIONAL SUBSISTENCE ADVISORY COUNCIL**
**Saxman Community Center, Saxman Alaska**
**Address: Saxman Community Center**
**2841 South Tongass Hwy**
**Saxman**

**Tuesday, March 16, 2010 9:00 AM–Thursday, March 18, 2010 5:00 PM**

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.

## DRAFT AGENDA

1. **Call to Order (***Bertrand Adams)*
2. **Roll Call and Establish Quorum** *(Harvey Kitka)*.....4
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    b. Review of State Board of Game Actions for Wildlife *(Neil Barten)*
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t. WP10-21: Deer, Unit 4, Season Closure .....216

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v. WP10-23/24/25/26: Wolf Hunting,Units 1, 3, and 5, Revise Season; Wolf Trapping, Units 1, 3, and 4, Revise Season; Wolf Hunting and Trapping, Unit 4, Season Closure .....241

**13. Fisheries Closure Review FCR10-01 Sarkar River Sockeye** *(Jeff Reeves)*.....252

**14. Call for Fisheries Proposals for 2011–2013 (***Proposal period closes March 24, 2010)*

a. Potential Council proposals

1. Align Klawock Sockeye Season with State Regulations
2. Close The Unuk River Subsistence Eulachon Fishery

**15. Agency/Organization Reports**

a. Office of Subsistence Management

1. Update on the OSM Partners Program in the SE Region *(Pete Probasco)*

b. U.S. Forest Service

1. Travel Management Update
2. Minerals Exploration and Proposed Mining
3. Forest Products, Firewood and Timber Harvest Update

4. Implementation of Roadless Rule
5. Young Growth Management Update

c. U.S. Park Service

d. Bureau of Land Management

e. U.S. Fish and Wildlife Service

1. Management Summary for Sea Otters *(Doug Burn)*

f. Bureau of Indian Affairs

1. Update on Deer Uses and Needs Study by BIA *(Pat Petrivelli)*

**16. Confirm Date and Location for the Fall 2010 and Winter 2011 Council Meetings** .....255

a. October 28–30, Sitka, Fisheries

b. March 2011, Combined Meeting with Southcentral Council?

**17. Other Business**

a. Final Review of Council Communications and Council Actions

**18. Adjourn**

***Persons with disabilities****: Special accommodations for persons with disabilities may be arranged by contacting the Regional Coordinator at least 72 hours prior to the meeting. Hearing or speech impaired individuals may call the Federal Relay Service at 1-800-877-8339 or 1-907-786-3595 TTY.*

***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.*

**H*ave 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**

| Seat | Yr Apptd<br>Term Ends | Member Name | Community of Residence |
|---|---|---|---|
| **1** | 2001<br>***2010*** | **Richard Stokes** | Wrangell |
| **2** | 2004<br>***2010*** | **Frank Wright Jr.** | Hoonah |
| **3** | 1993<br>***2010*** | **Patricia Phillips** | Pelican |
| **4** | 2001<br>***2010*** | **Michael Douville** | Craig |
| **5** | 2002<br>***2010*** | **Harvey Kitka, Secretary** | Sitka |
| **6** | 1999<br>***2011*** | **Bertrand Adams, Chair** | Yakutat |
| **7** | 2002<br>***2011*** | **Floyd Kookesh, Vice-Chair** | Angoon |
| **8** | 2002<br>***2011*** | **Donald Hernandez** | Point Baker |
| **9** | 2008<br>***2011*** | **Vacant** | |
| **10** | 2006<br>***2012*** | **Merle Hawkins** | Ketchikan |
| **11** | 2009<br>***2012*** | **Cathy Needham** | Juneau |
| **12** | 2003<br>***2012*** | **Michael Bangs** | Petersburg |
| **13** | 2009<br>***2012*** | **Jack Lorrigan** | Sitka |
| | | **Robert Larson, Coordinator**<br>907-772-5930, robertlarson@fs.fed.us | |

# MINUTES OF THE SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

**Location of Meeting: Alaska Native Brotherhood Hall, Yakutat, AK**

**Date and Time of Meeting: 9:20 a.m. Tuesday, October 6 through 4:30 p.m. Thursday, October 7, 2009**

**Call to order**
Meeting called to order by Chairman Bertrand Adams at 9:20 am October 6, 2009.

**Roll call**
The following Council members were present: Bertrand Adams, chair; Floyd Kookesh, vice-chair; Harvey Kitka, secretary; Michael Douville; Merle Hawkins; Patty Phillips; Michael Bangs; and Donald Hernandez. These Council members were present throughout the meeting. Frank Wright attended the October 7 session. Council members Richard Stokes, Lee Wallace, Frank See and Joe Hotch were excused. The Council adjourned at 3:00 PM October 6 and 4:30 PM October 7.

**Welcome and introductions**
Welcoming remarks were presented by Mr. Lee Benson, the USFS Yakutat District Ranger; Rod Shrug, the superintendent of the Yakutat school system; Judy Ramos from the Yakutat Tlingit Tribe; and Bert Adams Jr., from the Yakutat Tlingit Tribe. The following persons were present at the start of the meeting or on subsequent days.

| Name | Agency | City |
|---|---|---|
| Lee Benson | USFS | Yakutat |
| Judy Ramos | Yakutat Tlingit Tribe | Yakutat |
| Carrie Sykes | CCT&H | Juneau |
| Jeff Fraker | Public | Yakutat |
| Rod Shrug | City of Yakutat | Yakutat |
| Pete Probasco | OSM | Anchorage |
| George Oviatt | BLM | Anchorage |
| Dianne McKinley | NPS | Anchorage |
| George Pappas | ADF&G | Anchorage |
| Cal Casipit | USFS | Juneau |
| Jeff Bryden | USFS-LEO | Moose Pass |
| Susan Oehlers | USFS | Yakutat |

| | | |
|---|---|---|
| Bert Adams Jr. | Yakutat Tlingit Tribe | Yakutat |
| Doug Burn | USFWS | Anchorage |
| Randy Larson | NPS | Glacier Bay |
| Neil Barten | ADF&G | Juneau |
| Pat Petrivelli | BIA | Anchorage |
| Patricia O'Connor | USFS | Juneau |
| Robert Larson | USFS | Petersburg |
| Maryann Porter | Public | Yakutat |
| Ladonna James | Public | Yakutat |
| Jacqueline Ashwell | NPS | Yakutat |
| Barbara Cellarius | NPS | Copper Center |
| Jim Capra | NPS | Yakutat |
| Terry Suminski | USFS | Sitka |
| George Ramos | Public | Yakutat |

**Review and Adoption of Agenda**
The agenda was reviewed and adopted as a guide.

**Review and adoption of minutes; Juneau, Southeast Alaska Subsistence Regional Advisory Council meeting, February 24-26, 2009**
There were a couple of corrections to the minutes noted by Ms. Hawkins. On Page 7, instead of Statehood was a great think, the correction is; Statehood was a great thing. Also in that section, the word Natives should be capitalized. With those corrections, the minutes from the Petersburg meeting were approved unanimously.

**Chair's report**
Subsistence users of herring in Sitka are deeply concerned about the harvesting of commercial herring in that area. They feel that it interferes with meeting their subsistence needs. That has also been a concern of the Council for many years and it is the Chair's position that something must be done. There is commercial fishing in or near waters under Federal jurisdiction and he is looking for more information on that subject. The Council has proposed special actions and the Council should stay aware of that process. Mr. Adams feels very strongly that RACs should have the ability to do Requests for Reconsideration. He will keep bringing this issue to the Board for additional discussion. Saxman should remain rural and the decision to combine Saxman and Ketchikan was wrong. The proposal to fund eulachon surveys in the Yakutat area is very appropriate. The residents of Yakutat, and other areas in Southeast Alaska, have been concerned with the abundance of eulachon. The Situk River is an example of a stream where eulachon returns have been poor.

**2008 Annual Report Reply**
Ms. Phillips had a comment regarding the response to Issue 3 where there is a reference to the MOU between the Board and the State of Alaska. She asked whether the Board and Federal staff

will take every opportunity to work with the Alaska Department of Fish and Game in developing and promoting a regulatory proposal that improves management for the continuation of subsistence uses while allowing adequate escapement to meet Federal and State mandates. She questioned whether ADF&G or the Alaska Board of Fisheries has formed a committee to address this issue. Staff responded that because the BOF took no action on proposals regarding the amounts necessary for subsistence, the BOF did not form a committee. Ms. Phillips suggested that the Council should be prepared to address this issue prior to the next BOF meeting. In addition, Ms. Phillips thought the Council should have an opportunity to review the current MOU. Ms. Hawkins disagreed with the decision not to have alternate council members. Under the current rule, if a councilor is unable to attend; that community has lost its representation. Ms. Hawkins, Mr. Adams, Mr. Bangs and Mr. Kookesh disagreed with only conducting council meetings in hub locations but recognized there was an opportunity for the Council to provide justification to meet in alternate locations. They agreed that it is important for the Council to meet in rural communities and listen to those subsistence users that are unable to travel.

**2009 Annual Report Issues**

The Council identified seven issues that should be included in the draft 2009 annual report.

1. Is there by-catch of Southeast Alaska and Yakutat origin salmon, primarily Chinook salmon, by commercial fisheries in the Bering Sea and Gulf of Alaska?
2. There is a lack of a subsistence priority for herring and herring spawn in the Makhnati Island area. The Council encourages the development of a comprehensive strategic plan for the management of herring in Sitka Sound that includes the needs and contribution of the subsistence uses.
3. There is a need to identify the contribution of Chatham Strait stock of origin sockeye salmon to the Southeast Alaska Region's commercial fishery.
4. In-season management authority to the Forest Service local land managers (District Rangers) is necessary for the conservation of wildlife populations.
5. The subsistence use of sea otters should be encouraged. Regulations to allow the transfer and sale of raw pelts should be developed and the definition of handicraft and significantly altered made clear.
6. There is concern for the effects of reduced funding by the USFS on the Fisheries Monitoring Projects. The continuation of funding the monitoring projects is critical for rational management of fisheries and an important source of jobs and capacity building for local tribal governments.
7. The process for filling a vacant position on the Council is a concern. Vacancies should be filled at the first opportunity and not postponed to the next nominations cycle.

**Council Member's Reports**

Mr. Hernandez: There are still issues with the descriptions of place of residence to determine who is eligible to participate in the subsistence halibut fishery. He is looking forward to a time when those issues are resolved and all rural residents can subsistence fish for halibut. There is still a concern with the effect on subsistence use of large areas of North Prince of Wales Island due to proposal to transfer 70,000 acres of land on the north half of the island to Sealaska Corporation. The Tongass Roundtable provides an important forum for discussions of land use planning; the Council should remain informed.

Mr. Douville: Herring are an issue in the Craig-Klawock area. Despite the fact that the pound fishery is successful; herring did not spawn on Fish Egg Island this spring. It appeared to him that the total population forecast was much too high.

Ms. Phillips: There was a large abundance of herring in Lisianski Inlet last year. The deer population is down from previous years but there are still adequate numbers for subsistence users. Land management decisions have long lasting consequences and people should monitor those proposals closely.

Mr. Bangs: Sea otters are increasing in abundance and distribution throughout Southeast Alaska. They are now having a significant negative effect on subsistence and commercial shellfish stocks. Subsistence rules can be confusing to users. It should be a goal of the Council to clarify and simplify subsistence regulations.

Mr. Kitka: Herring remain the big issue in Sitka. The information referenced in Sitka Tribe's fishery monitoring proposal is important, even though the Technical Review Committee did not recommend funding the proposal. Subsistence fishermen rely on herring close to town but the commercial fishery can move anywhere. Most of the sea otters have moved from the Sitka Area but not before they severely reduced local shellfish stocks. The National Marine Fisheries Service deals with issues important to subsistence users and the Council should be aware of those topics.

Chairman Adams: Sea otters are continuing to impact shellfish stocks in the Yakutat area. Regulations that restrict harvest should be identified and changed. Dual management of fish and wildlife by the State and Federal programs is a concern. The Wrangell-St. Elias Subsistence Resource Committee is active and the meetings are well attended by local residents. Items of concern to that group include the use of chainsaws and off road vehicle use. Tanada Creek, in the upper Copper River basin, had record breaking sockeye escapement in 2009.

Mr. Kookesh: There was a strong decline in the numbers of coho salmon caught in fisheries near Angoon this summer but the halibut stocks appear to be strong. There were much fewer herring in the local area. Floyd will serve on a subsistence panel during the Alaska Federation of Natives annual meeting. Some of those issues under consideration are the lack of coordination between the State Boards and the Subsistence Board, a lack of recognition that urban Natives need the same subsistence preference as rural residents and whether it is legal to make subsistence illegal.

Ms. Hawkins: The way people receive subsistence foods in changing. The school system used to provide fish for lunch and local fishermen would distribute large amounts of eulachon and herring eggs at the dock. The enforcement branches of government agencies are very heavy handed in enforcement of minor issues involving eagle feathers, clam digging and other customary uses. The Forest Service requires a special permit to harvest forest products for sale. The Council should spend time communicating with Agencies and providing cultural education. Saxman should not be considered part of Ketchikan. There are different tribal governments, different municipal governments and separate Village Corporations.

**Public testimony**
Throughout the duration of the meeting, the public was invited to testify on various issues.

Mr. Jeff Fraker is a subsistence hunter from Yakutat. He asked the Council to not submit a proposal to limit Yakutat moose to one moose per household. His family normally harvests more than one moose and they share the moose with a number of local households where there is a need. Restricting harvest to one moose per household would encourage sport use and decrease sharing in the community.

The Sitka Tribe submitted a letter to the Council asking to recommend addressing the Sitka Sound herring fisheries monitoring project next year. Approval of this project out-of-cycle would allow time for the Tribe to continue working with ADF&G on several technical details.

Mr. George Ramos, an elder from the Yakutat Tribe, reminded the Council that of all the laws in Tlingit culture, land ownership is most important. A person or group should ask permission before entering tribal lands. Right now the local Tlingit lifestyle is under attack because of recent interests in mining. Mr. Ramos hoped for a peaceful resolution to this issue.

Ms. Sykes, Central Council, Tlingit Haida has organized a constituent subsistence work group. She recently traveled to Bethel to meet with Larry Ecklehaw and Lucy Garriett who are policy advisors for the Department of Interior. Some of the top concerns she shared were Natives on Commissions and Boards (including the Subsistence Board. She has been working on educating the membership regarding subsistence. Central Council believes the Subsistence Council should receive more deference from the Board than what it has in the past. There are no instances of abuse of bear parts or subsistence harvest of steelhead.

**Fisheries Resource Monitoring Program**
Mr. Terry Suminski, (Forest Service) and Ms. Pippa Kenner (Fish and Wildlife Service) provided a review of the Fishery Resource Monitoring Plan. Investigative proposals have been reviewed by the Technical Review Committee and a list of recommended projects prepared.

There were 13 stock status and trends proposals and two traditional ecological knowledge and harvest monitoring proposals submitted in 2009. Twelve stock status projects and one traditional ecological knowledge project were forwarded for development of full investigation plans. The Technical Review Committee met to evaluate the investigation plans for strategic priority, scientific and technical merit, investigator ability and resources and partnership capacity building of these proposals and forwarded a recommendation to the Council to fund 12 projects. Projects include: Klawock Lake Sockeye Salmon Assessment, Hatchery Creek Sockeye Salmon Assessment, Kanalku Lake Sockeye Salmon Assessment, Karta River Sockeye Salmon Assessment, Yakutat Eulachon Surveys, Hetta Lake Sockeye, Kook Lake Sockeye, Klag Sockeye, Falls Lake Sockeye, Neva Lake Sockeye and Redoubt Lake Sockeye Salmon Assessment and Sitkoh Lake Sockeye Salmon Assessment. The Council was concerned that the Sitka Sound herring proposal was not recommended for funding and adopted a motion to allow the Sitka Tribe to submit this proposal in 2010, which would give them time to address several deficiencies.

Mr. Casipit informed the Council that there was currently a budget shortfall and there was a possibility that not all of these projects would be funded. There was a concern by the Council that stock identification issues remain for proper management of sockeye salmon in Chatham Strait. The Council drafted a letter to the Board that recommended funding proposals suggested by the Technical Review Committee and drafted another letter to the ADF&G requesting information on proposals to address stock of origin questions for Chatham Strait sockeye salmon.

**Wildlife information presentations**
Ms. Susan Oehlers (US Forest Service) provided a summary of current and historical wildlife harvests in the region. Mr. Neil Barten (ADF&G) provided a summary of the State of Alaska's wildlife monitoring program and detailed how recent winter conditions have had deleterious effects on deer and goat populations.

**Council generated Special Action Requests**
The council submitted a special action request to close portions of Unit 4 in the vicinity of the North East Chichagof Controlled Use Area (NECCUA) to non-federally qualified users. The Council also adopted a request to continue the restriction on the harvest of doe deer in the NECCUA through December 31 but allow the harvest of one doe deer during January. The Council also approved the special action request to close the marten trapping season on Kuiu Island for the 2010-11 season. The Council was reminded that a public hearing was held in Kake on August 12 and there was no opposition to the Kuiu Island marten trapping closure.

**Proposed changes to Federal wildlife regulations**
The Council submitted the following proposals to change wildlife regulations:

1. Close the marten trapping season on Kuiu Island
2. Reduce the deer harvest limit for Cleveland Peninsula
3. Establish an any-bull moose hunt in Units 1B and 3
4. Change the moose antler description for Units 1B and 3 to include moose with two brow tines on each antler
5. A customary and traditional use proposal for moose in Unit 1C to all rural residents of Southeast Alaska and Yakutat
6. Shorten the wolverine trapping season to match the State season
7. Close the doe deer season in portions of Unit 4 to non-federally qualified in December
8. Shorten the subsistence season in Unit 4 by two weeks
9. Amend the regulations to reference female deer instead of doe or antlerless deer
10. Close the goat season in portions of Unit 5 (Nunatak Bench)
11. Change harvest limits for moose in Unit 5A (except Nunatak Bench) to one moose per household
12. Specify that the moose harvest quota in Unit 5A and authority to close the subsistence hunt will be delegated to the USFS Yakutat District Ranger
13. Close deer hunting in the NECCUA to everyone except residents of Hoonah
14. Provide authority for in-season management of wildlife by letter of delegation from the Board to the same in-season managers as currently have in-season management authority for fish

**Agency/organization reports**

U. S. Fish and Wildlife Service

Mr. Doug Burn, Marine Mammal Coordinator (USFWS), provided a summary of the current plans regarding sea otters. He wrote the response to the Council's sea otter letter. The response outlined the laws and regulations regarding sea otter hunting and sea otter subsistence use. He also informed the Council that a new survey of the sea otter population was planned for 2010. Mr. Hoyt of ADF&G has received funding for a study of sea otter and fishery interactions. Also, the North Pacific Research Board has made sea otter related topics on of their top research needs. One of the topics that will be addressed by the USFWS is a need for education and outreach to folks in the communities about the laws and regulations regarding sea otter hunting. Mr. Douville commented that one of the main issues is the term significantly altered, which is subject to interpretation by enforcement. Mr. Hernandez initiated a discussion that reminded the Council that sea otter in Southeast Alaska are not listed under the Endangered Species Act but are protected under the Marine Mammal Protection Act. The Council wrote a letter to the Director of the USF&WS recommending the rapid development of a management plan specific to sea otters in Southeast Alaska and Yakutat. Components of this plan would include: directing harvest of sea otters to areas important to the subsistence harvest of shellfish, clearly defining products that are considered substantially altered or formed into handicrafts to more closely represent the traditional use of these products, promulgate regulations to facilitate the take and transfer of legally taken sea otters, carcasses or hides (either raw or tanned), and handicrafts between individual Alaska Natives.

Office of Subsistence Management

Mr. Probasco, Deputy Director USF&WS, summarized an opportunity, developed by the Office of Subsistence Management (OSM), for the Council to organize a Steelhead Working Group. He reminded the Council of the regulatory history of steelhead management and the continuing issues identified in the most recent request for reconsideration submitted by ADF&G. The OSM drafted a working group charge for the Council's consideration as an informational item and as a means to develop a cohesive and a more proactive means of dealing with steelhead. The Council decided to write a letter to the Board detailing why the Council thinks it is unnecessary to form a steelhead workgroup.

Mr. Probasco briefed the Council on actions of the Bear Claw Working Group. A summary was provided on Page 64 of the Council book. The group met during the summer of 2009 but representatives that were on this group have had difficulty being able to participate. OSM has charged this group to try to develop a way that isn't cumbersome to identify and track legally harvested animals. There will be additional meetings of this group next winter.

Mr. Probasco also informed the Council that Federal Agencies are being asked to include climate change in studies. He asked the Council to use a climate change criteria to evaluate future studies and to document actual physical climate change effects.

Mr. Probasco updated the Council on requests for reconsideration (RFR) by the Board, specifically 08-01 and 08-02. The first dealt with a no Federal subsistence priority, customary and traditional use determination for all fish in the waters crossed by or adjacent to roads in the

City and Borough of Juneau. The other requested to reject a fishery proposal which dealt with a proposed closure of the steelhead subsistence fishery on Admiralty, Baranof and Chichagof Islands. The Board reviewed the requests and found that there were no merits to the claims and therefore the RFRs were rejected.

Mr. Probasco also reported that the Board approved the Wildlife Special Action request from the Council to close the goat season in Unit 5A, Nunatak Bench. The Board also approved a special action to change the legal antler configuration for Moose in Units 1B and 3 and a special action to delegate authority to the Yakutat District Ranger to establish a quota and close the season in the Unit 5A moose hunt.

Mr. Probasco informed the Council that OSM has hired a new person, Palma Engles, to work with Native organizations in the Southeast Region to establish a partners program.

National Park Service
Ms. Cellarius provided a briefing on the Park Service report found on Page 78 of the Council book. The NPS is in the process of writing an environmental assessment whether to allow the collection and uses of plants and shed or discarded horn, antlers and bones by qualified, local rural residents in Park Service units where subsistence is allowed. You can collect plant items currently, but you can't make handicrafts for sale. Ms. Phillips asked if the Council could have an update on the murrelet study being conducted by the Park Service.

U. S. Forest Service, Law Enforcement
Mr. Cal Casipit provided a briefing on a lack of funding necessary to continue the Wildlife Resources Monitoring.

Bureau of Indian Affairs
Ms. Petrivelli reported that the Unit 2 deer uses and needs study was nearly finished with the data collecting stage. Analyzing and reporting the results will begin after all the data is verified.

U. S. Forest Service, Law Enforcement
Mr. Bryden, lead law enforcement officer for subsistence, provided a summary of the subsistence enforcement activities that have taken place on the Southeast area. There are three new officers; two for Prince of Wales and one assigned to Wrangell.

**Other Business**
The Council decided to schedule the fall meeting for September 28-30 in Sitka. Ms. Phillips suggested the Council pursue approvals for a joint meeting with the Southcentral Council; possibly in Cordova. Mr. Hernandez suggested a letter to ADF&G regarding the suitability of a request for proposal for genetic stock sampling of sockeye salmon in the Chatham Strait area. Mr. Hernandez also suggested a letter to the USFWS regarding subsistence harvest of sea otters. Mr. Bangs, Hernandez and Kookesh volunteered to draft the letters. The Council was interested in keeping informed about mining activity on the Tongass and requested a briefing at the March meeting.

The Council meeting adjourned at 4:30 pm October 7, 2009.

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

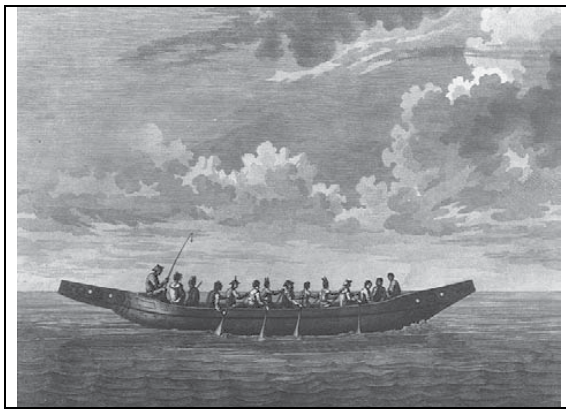
*\S\ Robert Larson* *January 8, 2010*

*Robert Larson, DFO, USFS Subsistence Management Program*

*\S\ Bertrand Adams* *January 8, 2010*

*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.*



# Southeast Alaska Subsistence Regional Advisory Council

**Bertrand Adams Sr., Chair**

Mike Fleagle, Chair
Federal Subsistence Board
C/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 E. Tudor Road, Mail Stop 121
Anchorage, AK 99503

Greetings Chairman Fleagle,

This is the 2009 Annual Report of the Southeast Alaska Subsistence Regional Advisory Council as authorized under Title VIII of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 311. In 2009, the Council met in Petersburg, Alaska from February 24 through 26, and in Yakutat, Alaska from October 6 through 7, 2009.

The meetings focused on developing the Council's recommendations on wildlife and fisheries subsistence management proposals. We are now entering into the 21st year of Federal management of subsistence resources in our region, and the Council wishes to raise a number of concerns dealing with implementation of ANILCA in the Yakutat and Southeastern Areas. The Council communicated process recommendations concerning deer management and in-season management of wildlife by letter to the Board. The Council also identified seven issues that it wanted to bring to the attention of the Federal Subsistence Board.

**Council Recommendation for a Deer Management Strategy**
The Council recommended the following strategy to guide decisions regarding management of deer in the Southeastern Alaska Area.

1. Identify current conditions concerning harvest, population status, and subsistence uses.
2. Support research projects required to address information deficiencies.
3. Understand land use decisions that could affect access to or the habitat of deer on Federal public land.
4. Coordinate management with the Alaska Department of Fish and Game.

**Council Recommendation for In-season Management of Wildlife**
The Council recommended that in-season management for wildlife would benefit from a strategic plan. The Council made the following process recommendations for implementation of the regulations found in 36 CFR 242.19 and ANILCA 816(b)).

1. The Board should delegate in-season management authority for wildlife to the same positions that currently have in-season management authority for fish.
2. Whenever the Council meeting schedule permits, the in-season manager will seek recommendations from the Council prior to implementing either an emergency or temporary special action.
3. The Board should conduct postseason evaluations of the effectiveness of wildlife special actions.

**2009 Annual Report Issues**

Issue 1: The incidental harvest of Southeast Alaska and Yakutat origin salmon, primarily Chinook salmon, by commercial fisheries in the Bering Sea and Gulf of Alaska remains a concern of the Council. This issue was included as an item of concern to the Council in the 2008 annual report. The Council is aware of the planning efforts to address the harvest of salmon in the Bering Sea pollock fishery but it is also aware of other commercial fisheries that may harvest salmon returning to local streams. The Council recommends that the Board remain vigilant in identifying and interacting with other agencies to minimize this harvest.

Issue 2: There is no subsistence priority for the subsistence use of herring and herring spawn in the Makhnati Island area. As stated in the 2008 Annual Report, the issue is not conservation of herring in areas far from waters under Federal jurisdiction but the preferential use and the continuation of subsistence uses by qualified subsistence users in waters under Federal jurisdiction. The Council encourages the development of a comprehensive strategic plan for the management of herring in Sitka Sound that recognizes the preference for subsistence use in waters under Federal jurisdiction and includes the needs and contributions of the subsistence users for the entire spawning stock.

Issue 3: There is a need to identify the contribution of Chatham Strait stock-of-origin sockeye salmon to the Southeast Alaska Region's commercial fishery. Adequate escapement of sockeye salmon into the terminal areas of some of the spawning systems in the Chatham Strait area has been difficult to achieve in recent years. As a result, the subsistence fishery has been restricted in an attempt to allow adequate numbers of spawning sockeye salmon. This topic was addressed by the Alaska Board of Fisheries at its last meeting which resulted in a letter by the Council to the ADF&G requesting additional information on the application of genetic markers for salmon stock identification. If an information need is identified by the State, the Council recommends the Board request a proposal for out-of-cycle funding.

Issue 4: In-season management authority delegated to the local Federal land managers (District Rangers) is necessary for the conservation of wildlife populations. Current Federal subsistence regulations for the subsistence management of wildlife in the Southeast Region include several examples of position specific delegations. The Council recommends that delegations be dispensed by letter from the Board to specific positions and include the instructions for

implementing that delegation in regulation. The in-season managers for fish are trained individuals that can be counted on to assume in-season management authority for wildlife.

Issue 5: The subsistence use of sea otters should be encouraged. Sea otter management (or the lack thereof) remains an ongoing concern of the Council. There is a significant harvestable surplus of sea otters and an opportunity for increased subsistence use of these animals. Continued expansion of the range and abundance of these animals will have a serious and long-term negative impact on the Region's shellfish populations. Regulations to allow the transfer and sale of raw pelts should be developed and the definition of 'handicraft' and 'significantly altered' made clear. The Council will continue to raise this issue but requests assistance from the Board in looking for solutions at the agency or Secretarial level.

Issue 6: There is concern about the effects of reduced funding by the USFS on the Fisheries Monitoring Projects. Continued funding of the monitoring projects is critical for rational management of fisheries and an important source of jobs and capacity building for local tribal governments. The Council has a limited role in influencing budgets but encourages individual Board members to keep funding of the Fisheries Monitoring Program as a high priority within their respective agencies.

Issue 7: The process for filling a vacant position on the Council is a concern. Vacancies should be filled at the first opportunity and not postponed to the next nominations cycle.

Thank you for considering the management and program issues of concern to the Council. Please address any questions with this letter either directly to me or through Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, AK 99833, 1 907-772-5930, robertlarson@fs.fed.us.

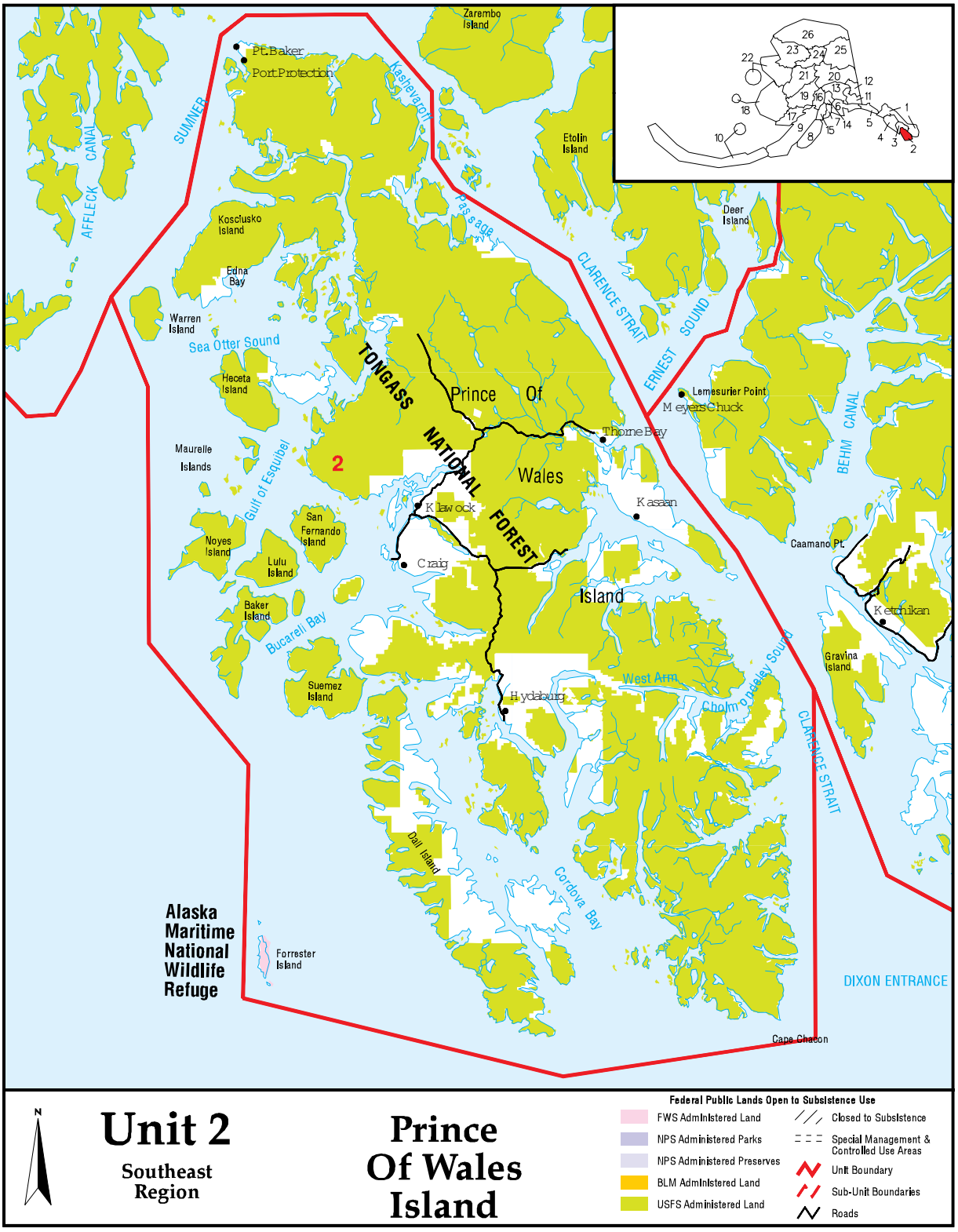
Sincerely,

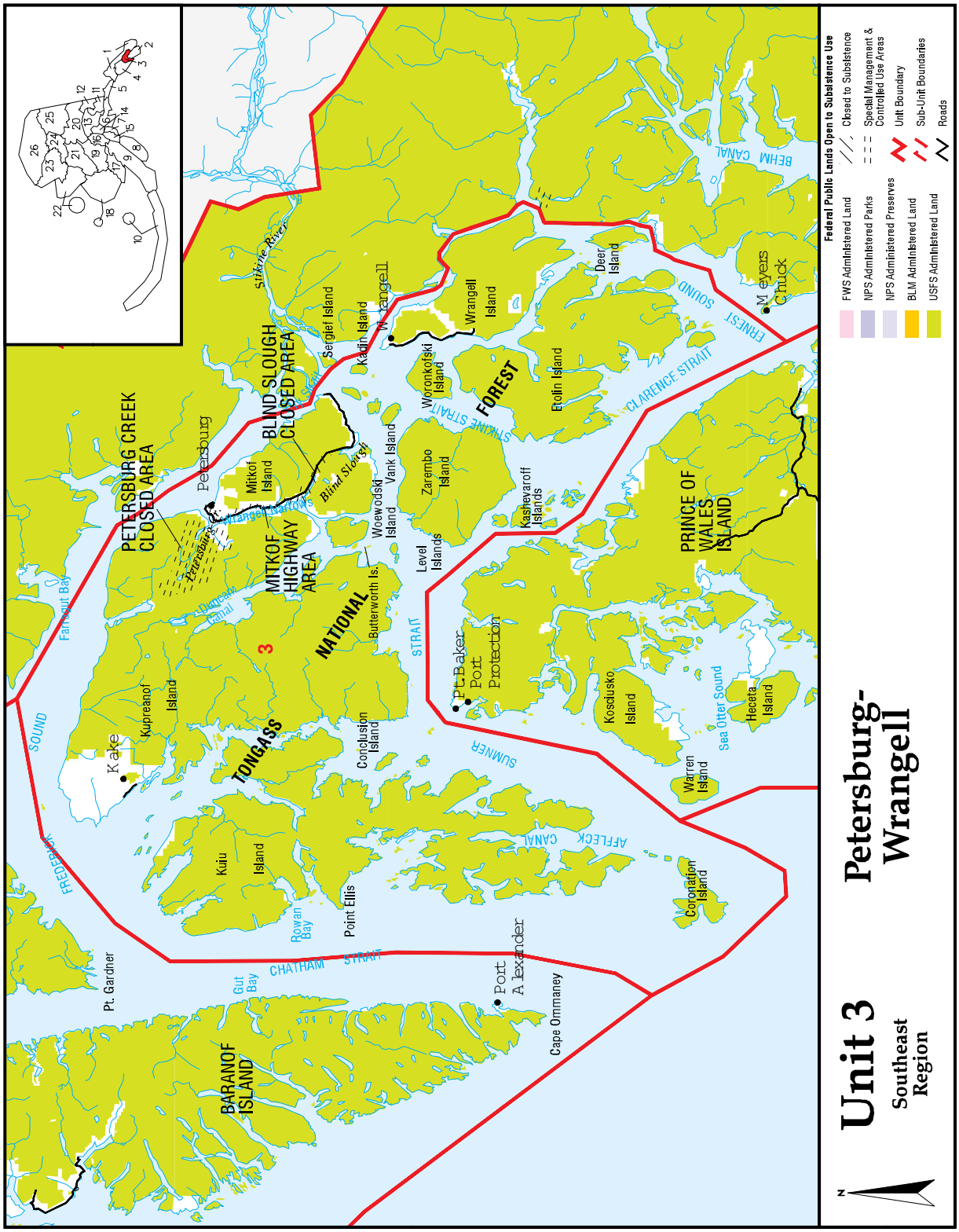
Bertrand Adams Sr.
SESRAC Chair

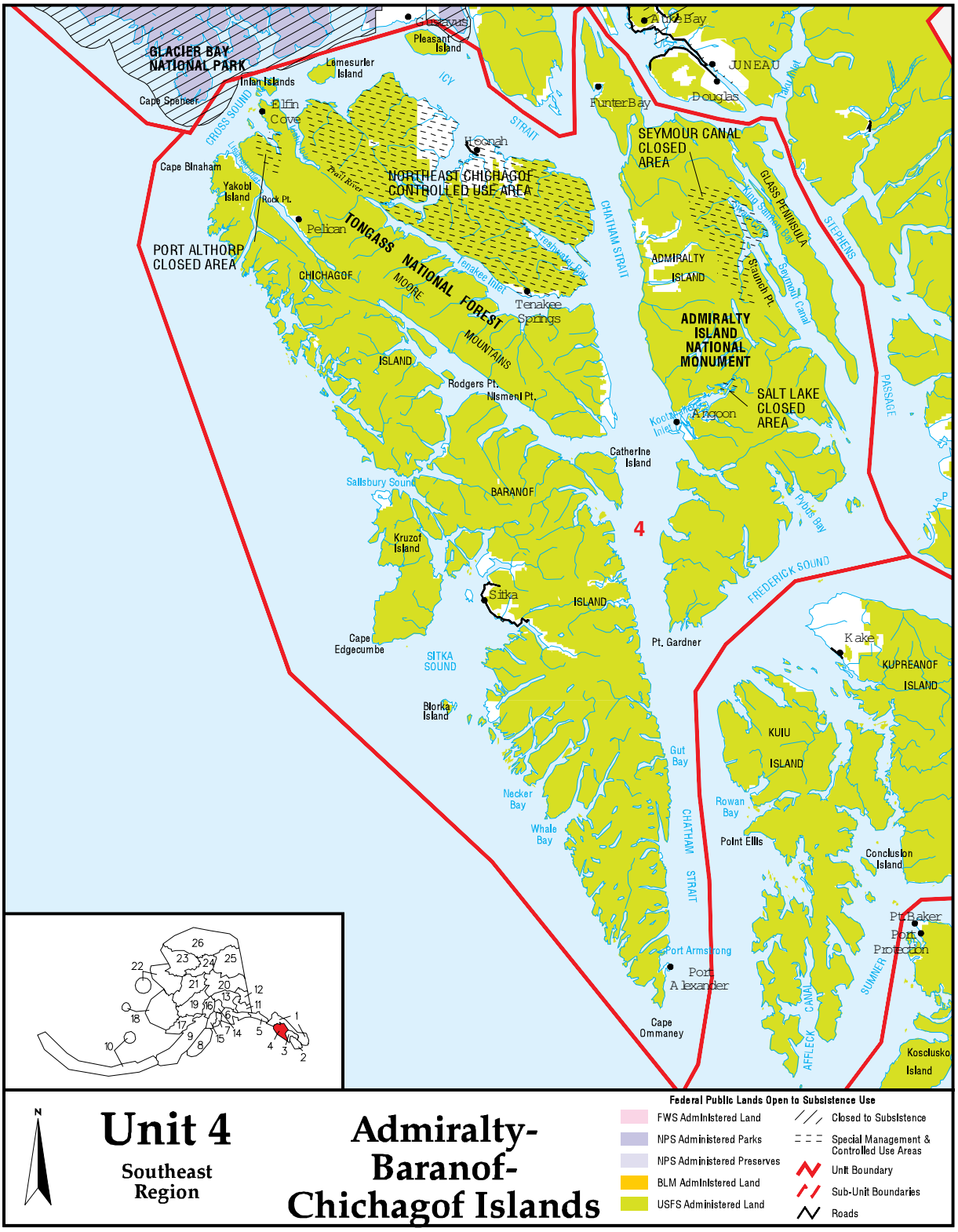
cc. Southeast Alaska Subsistence Regional Advisory Council
Interagency Staff Committee
Dr. Winifred Kessler, Forest Service

DRAFT

KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK
1D
1C
1B
1A
CANADA
US
GLACIER BAY NATIONAL PARK
Cape Fairweather
Skagway
Haines
Gustavus
Auke Bay
Juneau
Elfin Cove
CHICHAGOF ISLAND
Hoonah
Pelican
Tenakee Springs
ADMIRALTY ISLAND NATIONAL MONUMENT
Glass Peninsula
TONGASS
BARANOF
Angoon
Hood Bay
Sitka
Sitka Sound
ISLAND
Pt. Gardner
Kake
Kupreanof
Kulu Island
Island
NATIONAL
Petersburg
Mitkof Island
Wrangell
Wrangell Island
Etolin Island
Pt. Baker
Chatham Strait
Frederick Sound
Sumner Strait
Point Hobart
Port Houghton
Stikine River
LeConte Glacier
LeConte Bay
ANAN CREEK DRAINAGE
SALMON RIVER DRAINAGE
Hyder
FOREST
REVILLAGIGEDO ISLAND
MISTY FJORDS NATIONAL MONUMENT
Ketchikan
Saxman
Annette Island
Metlakatla
Cleveland Peninsula
PRINCE OF WALES ISLAND
Klawock
Craig
Kasaan
Hydaburg
Dall Island
Cordova Bay
Dixon Entrance
Unit 1
Southeast Region
Southeast Mainland
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads


Zarembo Island
Pt. Baker
Port Protection
Kashevaroff Passage
SUMNER
CANAL
AFFLECK
Etolin Island
Deer Island
Kosciusko Island
Edna Bay
Warren Island
Sea Otter Sound
Heceta Island
TONGASS NATIONAL FOREST
Prince Of Wales Island
CLARENCE STRAIT
ERNEST SOUND
Lemesurier Point
Meyers Chuck
Thorne Bay
BEHM CANAL
Maurelle Islands
Gulf of Esquibel
2
Klawock
Kasaan
San Fernando Island
Noyes Island
Lulu Island
Craig
Caamano Pt.
Ketchikan
Baker Island
Bucareli Bay
Gravina Island
Suemez Island
West Arm
Cholmondeley Sound
Hydaburg
CLARENCE STRAIT
Dall Island
Cordova Bay
Alaska Maritime National Wildlife Refuge
Forrester Island
DIXON ENTRANCE
Cape Chacon
N
Unit 2
Southeast Region
Prince Of Wales Island
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads


Unit 3
Southeast Region
Petersburg-Wrangell
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads
PETERSBURG CREEK CLOSED AREA
BLIND SLOUGH CLOSED AREA
MITKOF HIGHWAY AREA
TONGASS NATIONAL FOREST
PRINCE OF WALES ISLAND
BARANOF ISLAND
Petersburg
Wrangell
Meyers Chuck
Kake
Pt. Baker
Port Protection
Port Alexander
Pt. Gardner
Cape Ommaney
Point Ellis
Kuiu Island
Kupreanof Island
Mitkof Island
Sergief Island
Kadin Island
Wrangell Island
Woronkofski Island
Etolin Island
Deer Island
Vank Island
Woewodski Island
Zarembo Island
Kashevaroff Islands
Level Islands
Butterworth Is.
Conclusion Island
Kosciusko Island
Heceta Island
Warren Island
Coronation Island
Stikine River
Blind Slough
Wrangell Narrows
Duncan Canal
Farragut Bay
Rowan Bay
Gut Bay
Sea Otter Sound
FREDERICK SOUND
CHATHAM STRAIT
SUMNER STRAIT
STIKINE STRAIT
CLARENCE STRAIT
ERNEST SOUND
BEHM CANAL
AFFLECK CANAL
3


GLACIER BAY NATIONAL PARK
Gustavus
Pleasant Island
Lemesurier Island
Inian Islands
Cape Spencer
Elfin Cove
CROSS SOUND
ICY STRAIT
Hoonah
Funter Bay
Auke Bay
JUNEAU
Douglas
SEYMOUR CANAL CLOSED AREA
GLASS PENINSULA
STEPHENS PASSAGE
Cape Binaham
Yakobi Island
Rock Pt.
Pelican
NORTHEAST CHICHAGOF CONTROLLED USE AREA
TONGASS NATIONAL FOREST
PORT ALTHORP CLOSED AREA
CHICHAGOF ISLAND
MOORE MOUNTAINS
Tenakee Inlet
Tenakee Springs
CHATHAM STRAIT
ADMIRALTY ISLAND
Seymour Canal
ADMIRALTY ISLAND NATIONAL MONUMENT
SALT LAKE CLOSED AREA
Angoon
Rodgers Pt.
Nismeni Pt.
Catherine Island
Sallsbury Sound
BARANOF ISLAND
Kruzof Island
4
Pybus Bay
FREDERICK SOUND
Sitka
Cape Edgecumbe
SITKA SOUND
Pt. Gardner
Kake
KUPREANOF ISLAND
Biorka Island
KUIU ISLAND
Gut Bay
Necker Bay
Whale Bay
Rowan Bay
Point Ellis
Conclusion Island
Pt. Baker
Port Protection
Port Armstrong
Port Alexander
Cape Ommaney
AFFLECK CANAL
SUMNER
Kosciusko Island
N
Unit 4
Southeast Region
Admiralty-Baranof-Chichagof Islands
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
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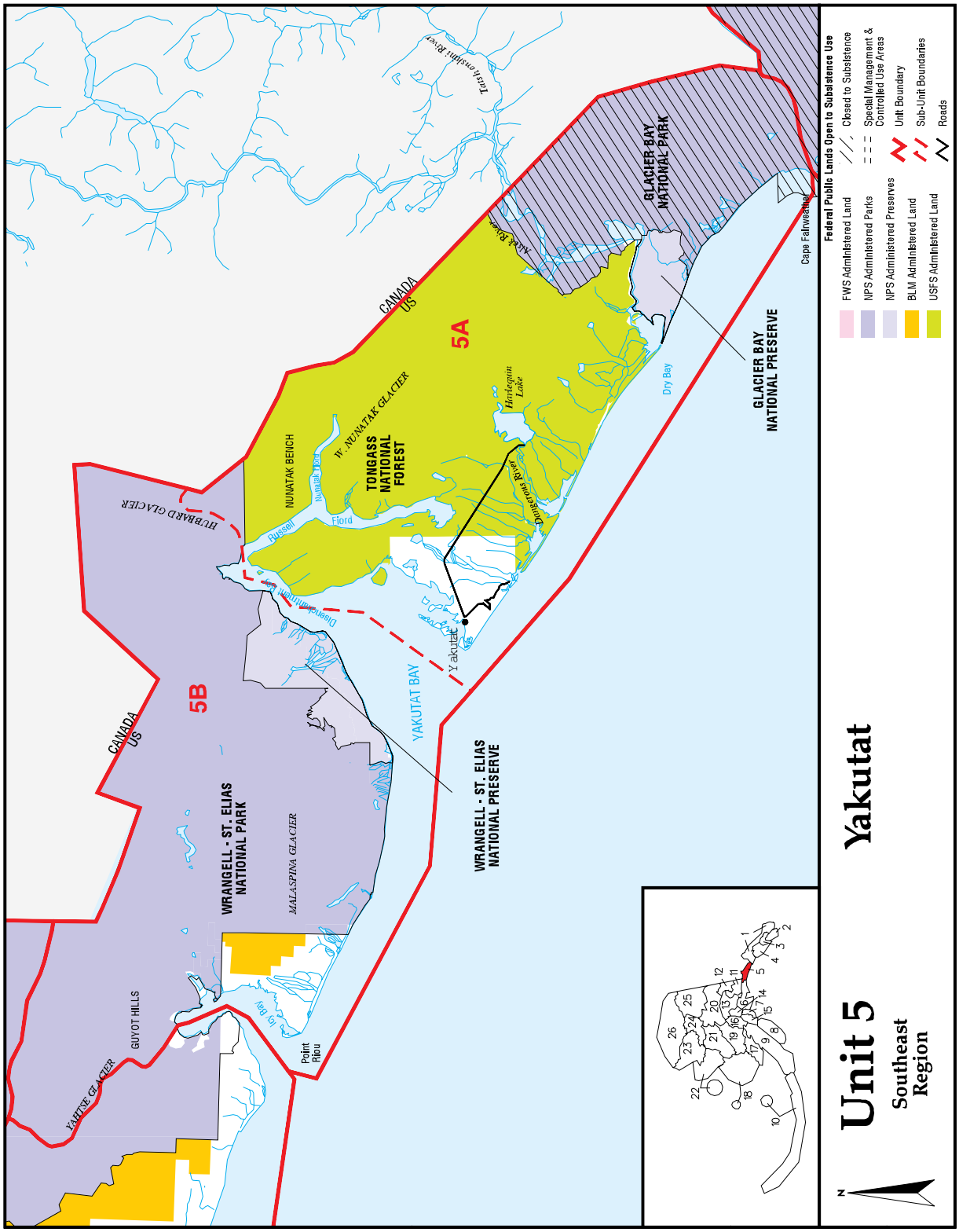
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads


Unit 5
Southeast Region
Yakutat
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads
5A
5B
CANADA
US
GLACIER BAY NATIONAL PARK
GLACIER BAY NATIONAL PRESERVE
WRANGELL - ST. ELIAS NATIONAL PARK
WRANGELL - ST. ELIAS NATIONAL PRESERVE
TONGASS NATIONAL FOREST
NUNATAK BENCH
W. NUNATAK GLACIER
HUBBARD GLACIER
MALASPINA GLACIER
YAHTSE GLACIER
GUYOT HILLS
YAKUTAT BAY
Yakutat
Dry Bay
Cape Fairweather
Harlequin Lake
Dangerous River
Russell Fiord
Nunatak Fiord
Disenchantment Bay
Icy Bay
Point Riou
Tashenshini River
Alsek River

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

*continued on next page*

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

# DRAFT STAFF ANALYSIS
# WP10-01

## ISSUES

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

## DISCUSSION

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

### Existing Federal Regulation

*Statewide-General Regulations*

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

### Proposed Federal Regulation

*Statewide-General Regulations*

*§__.25(a) Definitions*
***Drawing permit—a permit issued to a limited number of Federally qualified subsistence users selected by means of a lottery held for all Federally qualified subsistence users submitting valid applications for such permits and who agree to abide by the conditions specified for each hunt. Drawing permits are issued based on priorities determined by 36 CFR 242.17 and 50 CFR 100.17.***

### Existing State Regulation

*Definitions*

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

### Extent of Federal Public Lands/Waters

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

### Effects of the Proposal

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

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

**OSM PRELIMINARY CONCLUSION**

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

The modified regulation would read:

> *Statewide-General Regulations*
>
> *§__.25(a) Definitions*
> ***Drawing permit—a permit issued to a limited number of Federally qualified subsistence users selected by means of a random drawing.***

**Justification**

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

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

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

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

An initial scoping meeting between Federal and State staff was held in January 2009; at that meeting a draft charge was developed[1]. A briefing was provided to all Councils during the Winter 2009 meeting cycle on the status of the workgroup, and Councils selected representatives to participate in the workgroup. The workgroup, including representatives from nine Councils, and Federal and State staff met in June 2009. At that meeting, participants from the Councils posed a number of questions directed at whether or not bear claw tracking is a problem for subsistence users, and if regulations needed to be changed. These questions prompted Federal and State staff to conduct further research, and to meet as agency staff to compare notes and to follow up on research questions, which they did twice during summer 2009. The work group attempted to meet again during the summer of 2009, but this was not possible. In the interim, another briefing on the status of the workgroup was provided to the Councils at the Fall 2009 meetings.

### FUTURE DIRECTION

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

### LITERATURE CITED

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

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

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

# DRAFT STAFF ANALYSIS
# WP10-03

## ISSUES

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

## DISCUSSION

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

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

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

### Existing Federal Regulation

#### Program structure

***§____.10(d)***

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

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

**General regulations**

No existing regulation

**Fish regulations**

**§____.27(e)**

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

**Proposed Federal Regulation**

**Program structure**

**§____.10(d)**

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

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

**General regulations**

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

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

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

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

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

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

**Fish regulations**

**§____.27(e)**

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

**State Regulations**

**5 AAC 92.034 Permit to take game for cultural purposes**

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

**Regulatory History**

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

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

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

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

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

**Effects of the Proposal**

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

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

**OSM PRELIMINARY CONCLUSION**

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

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

The modified regulation should read:

**General regulations**

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

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

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

**Justification**

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

**LITERATURE CITED**

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

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

*continued on next page*

| WP10-05 Executive Summary *(continued)* | |
|---|---|
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-05

## ISSUES

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

## DISCUSSION

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

### Existing Federal Regulations

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

> §__*.25(c) Harvest Limits.*
>
> *(1) Harvest limits authorized by this section and harvest limits established in State regulations may not be accumulated.*
>
> *(2)*****
>
> *(3) A harvest limit applies to the number of fish, wildlife, or shellfish that can be taken during a regulatory year; however, harvest limits for grouse, ptarmigan, and caribou (in some Units) are regulated by the number that may be taken per day. Harvest limits of grouse and ptarmigan are also regulated by the number that can be held in possession.*

### Proposed Federal Regulations

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

> *§__.25(c) Harvest Limits.*
>
> *(1) Harvest limits authorized by this section and harvest limits established in State regulations may not be accumulated,* ***unless specified otherwise in §§__.26 or __ .27 or __.28****.*
>
> *(2)*****
>
> *(3) A harvest limit* ***may*** *~~applies~~* ***apply*** *to the number of fish, wildlife, or shellfish that can be taken* ***daily, seasonally and/or*** *during a regulatory year* ***or held in possession.*** *~~; however, harvest limits for grouse (in some Units), ptarmigan, and caribou (in some Units~~**~~),~~** ~~are regulated by the number~~*

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

**Existing State Regulations**

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

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

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

**Extent of Federal Public Lands and Waters**

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

**Regulatory History**

<u>Accumulating Federal and State harvest limits</u>

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

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

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

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

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

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

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

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

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

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

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

<u>Application of harvest limits</u>

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

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

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

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

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

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

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

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

**Effects of the Proposal**

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

**OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP10-05.

**Justification**

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

| WP10-06 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-06 requests the Federal Subsistence Board standardize the use of terms that describe female deer in Federal regulations in the Southeast and Yakutat Regions by changing all references for antlerless deer or doe deer to female deer. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | The definition of antlerless would remain the same. The term, "*female deer*" would be substituted for the word "antlerless," when used under the Harvest Limits section for deer in Units 1–5. |
| **OSM Preliminary Conclusion** | **Support** Proposal WP10-06 **with modification**. Replace antlerless deer with female deer in Harvest Limits sections of the Federal subsistence regulations in Units 1–5. |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Support** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-06

## ISSUES

Proposal WP10-06, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests the Federal Subsistence Board (Board) standardize the use of terms that describe female deer in Federal regulations in the Southeast and Yakutat Regions by changing all references for antlerless deer or doe deer to female deer.

## DISCUSSION

The Council identified the inconsistent use of the terms to describe female deer in the Federal subsistence regulations and recommended that the terms be standardized, so that all references to antlerless or doe deer be replaced with female deer. The Council endorsed this action, as necessary, to allow the harvest of male (buck) deer once they have dropped their antlers during a late season hunt. The Council believes that this change will benefit subsistence hunters by clearly identifying the intended sex of the animal referenced in the Federal subsistence regulations. The Council believes this regulatory change would not affect sport, commercial, or recreational users.

There has been considerable confusion regarding the definition of antlerless deer by hunters and law enforcement officers. The Federal regulations define "antlerless" as any caribou, deer, elk, or moose not having visible antlers attached to the skull. This definition of "antlerless" may be interpreted to include female deer of all age classes, all male deer less than one year old – commonly referred to as button bucks, buck fawns, or nubbin bucks, a small percentage of male deer that are over one year old, but have very small, stunted, non-visible antler projections, and any male deer shedding their antlers during December or January, which changes their status from antlered bucks to antlerless deer.

Federal subsistence regulations do not require a minimum antler size restriction for harvesting a buck deer. A buck is defined as any male deer. An illustration of the issue identified by the Council can be found in Unit 2, where current Federal subsistence regulations allow for the harvest of five deer, of which one of these deer may be "antlerless" after October 15$^{th}$. If after October 15$^{th}$, a Federally qualified subsistence user harvests a male yearling buck, male fawn, or adult buck once his antlers have been shed, this deer is considered "antlerless" and fulfills the opportunity to harvest one "antlerless" deer. However, the level of opportunity for "antlerless" deer in each Unit was established to allow limited harvest or the opportunity to harvest female deer (does) within sustainable populations. In this scenario, a subsistence hunter would benefit by tagging any "antlerless" male deer with a "buck" tag, therefore, retaining the opportunity to harvest one female deer (antlerless deer), if desired.

Harvest limits may include female deer and are primarily based on biological considerations with the first concern to maintain healthy, viable wildlife populations in balance with their habitat. The Board provides a key link in the regulation process, by providing a balance between the biological needs of the resources and the opportunity for subsistence users and public use of these resources. When deer numbers are low and management objectives are to increase their numbers, biology may dictate a hunting season for bucks only. However, if deer population numbers are stable or increasing, or the habitat is reaching carrying capacity for deer, subsistence users may be provided the option to harvest a limited number of female deer, depending upon unit.

**Existing Federal Regulation**

> *"Antlerless" means any caribou, deer, elk, or moose not having visible antlers attached to the skull (OSM 2009).*

**Proposed Federal Regulation**

The definition of antlerless would remain the same. The term, "*female deer*" would be substituted for the word "antlerless," when used under the Harvest Limits section for deer in Units 1–5.

**Existing State Regulation**

> *"Antlerless" – the absence of antlers (ADF&G 2009).*

**Extent of Federal Public Lands**

The Southeast Region is composed of Units 1–5, and 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**

Customary and traditional use determinations for deer in Units 1 – 5 are as follows:

| Unit—Deer | Customary and Traditional Use Determinations |
|---|---|
| *Unit 1A* | *Rural residents of Units 1A and 2* |
| *Unit 1B* | *Rural residents of Units 1A, 1B, 2, and 3* |
| *Unit 1C* | *Rural residents of Units 1C, 1D, Hoonah, Kake, and Petersburg* |
| *Unit 1D* | *No Federal subsistence priority* |
| *Unit 2* | *Rural residents of Units 1A, 2, and 3* |
| *Unit 3* | *Rural residents of Unit 3, Port Alexander, Port Protection, Pt. Baker and Meyers Chuck* |
| *Unit 4* | *Rural residents of Unit 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat* |
| *Unit 5* | *Rural residents of Yakutat* |

**Effects of the Proposal**

If adopted, this proposal would decrease ambiguities, therefore reduce inconsistencies in Federal subsistence regulation interpretation by hunters and law enforcement personnel. By replacing the terms *antlerless deer* to *female deer*, Federally qualified subsistence hunters would be allowed to legally tag harvested male deer as bucks, and retain the option to harvest one or more female deer, when identified under unit specific harvest limits. This would include all male deer commonly referred to as button bucks, buck fawns, or nubbin bucks, and any male deer which has shed its antlers during the late hunting season.

The definition of antlerless would remain as currently defined in the Federal regulations.

## OSM PRELIMINARY CONCLUSION

**Support** proposal WP10-06 **with modification**. Replace antlerless deer with female deer in Harvest Limits sections of the Federal subsistence regulations in Units 1–5.

### Justification

The modified proposal would benefit Federally qualified subsistence users by clearly identifying the intended sex of animals to be harvested. This modification allows for any male deer harvested to be tagged as a buck deer and will allow qualified hunters the option to harvest one or more female deer, if identified under Harvest Limits. This modification decreases Federal subsistence regulation interpretation variables by hunters and law enforcement personnel. Deer harvest reporting requires the hunter to report information regarding the number of bucks and does harvested and not "antlerless" harvest.

Adoption of this proposal modification would not affect sport, commercial, or recreational users of deer.

## LITERATURE CITED

ADF&G. 2009. 2009– 2010 Alaska Hunting Regulations. ADF&G. No. 47. 128pp.

Office of Subsistence Management. 2009. Subsistence Management Regulations for the Harvest of Wildlife on Federal Public Lands in Alaska. Office of Subsistence Management, Anchorage, AK. 138pp.

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

**Wildlife Proposal WP10-06:** This proposal would standardize the use of terms to describe a female deer in federal regulations by changing all references for antlerless or doe deer to female deer.

**Introduction:** Deer seasons for federally qualified subsistence hunters in portions of Southeast Alaska extend through January. Because bucks lose their antlers in late December, both bucks and does appear as "antlerless" deer late in the hunting season. State and Federal managers closed the "antlerless" season during parts of the 2007–2009 seasons to protect female deer, which unintentionally also made a buck without antlers illegal. Therefore, the legal description of a doe deer should be changed to "female deer" rather than "antlerless deer" to protect does while allowing harvest of bucks without antlers.

**Impact on Subsistence Users**: This change would allow federal subsistence hunters to harvest bucks during the late season that have lost their antlers, while protecting female deer as intended. Adoption of this proposal will also reduce confusion.

**Opportunity Provided by State**: The State deer hunts in Units 1-5 in Southeast Alaska allow for the harvest of doe deer under the definition of "any deer" in portions of Units 1C and 4 from September 15 through December 31.

**Conservation Issues:** The harvest of female deer has been prohibited in portions of Southeast Alaska in recent years due to high winter kills which negatively impacted the deer populations by varying degrees depending upon location.

**Enforcement Issues:** Federal subsistence hunters will be required to pay closer attention to deer without antlers later in the season to ensure female deer are not accidentally harvested in areas or dates where such is prohibited by regulation.

**Recommendation:** Support. (The department also would support with modification to change "antlered" and "bucks" to "male" deer.)

| WP10-07 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-07 requests closure of the Federal subsistence marten trapping season on Kuiu Island in Unit 3. The content of this proposal, and much of the analysis, has recently been addressed by the Federal Subsistence Board through Special Action WSA 09-03. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | **Units 1, 2, 3 (except Kuiu Island), and 4— Marten (Trapping)**<br>*No limit* *Dec. 1–Feb. 15*<br>**Kuiu Island portion of Unit 3** ***No open season*** |
| **OSM Preliminary Conclusion** | **Support** Proposal WP10-07 with modification. Reopen marten trapping in this portion of Unit 3 for Federally qualified subsistence users beginning the regulatory year of July 1, 2012. |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Support** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-07

## ISSUES

Proposal WP10-07, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests closure of the Federal subsistence marten trapping season on Kuiu Island in Unit 3. The content of this proposal, and much of the analysis, has recently been addressed by the Federal Subsistence Board through Special Action WSA 09-03.

## DISCUSSION

The Alaska Department of Fish and Game (ADF&G) and University of New Mexico conducted marten research on Kuiu Island over a seven year period (2001–2007). These studies indicate that marten populations on Kuiu Island are currently at extremely low levels. ADF&G radio telemetry studies conducted in 2007 and 2008 indicate that Kuiu Island marten experienced a high degree of natural mortality and low annual survival. Fur sealing records and reports from trappers indicate marten harvest on Kuiu Island has declined during the past 10 years. The Kuiu Island marten population is isolated from other marten populations with little immigration and may include one of the two endemic populations of the subspecies Pacific marten in Southeast Alaska. Because marten population numbers are currently at low levels on Kuiu Island, managers and biologists are concerned that trapping mortality may be additive to an already existing high natural mortality rate, especially when combined with three consecutive years of heavy snowfall which may have reduced prey populations or made prey food resources unavailable to marten due to snow cover. Port Alexander, on southern Baranof Island (west of Kuiu Island), for example, received 112.80 and 62.90 inches of snow during 2006-2007 and 2007-2008, respectively, as compared to the previous ten-year average of 39.16 inches (Western Regional Climate Center 2008a). Similarly, Petersburg, east of Kuiu Island, received 230.60 and 149.60 inches of snow during 2006-2007 and 2007-2008, respectively, compared to the previous ten-year average of 43.41 inches (Western Regional Climate Center 2008b). Based on available information the proponent believes there are conservation concerns in regards to marten on Kuiu Island and that the trapping season should be closed.

### Existing Federal Regulation

**Units 1, 2, 3, and 4—Marten (Trapping)**

| | |
|---|---|
| *No limit* | *Dec. 1–Feb. 15* |

### Proposed Federal Regulation

**Units 1, 2, 3 (except Kuiu Island), and 4— Marten (Trapping)**

| | |
|---|---|
| *No limit* | *Dec. 1–Feb. 15* |
| **Kuiu Island portion of Unit 3** | ***No open season*** |

### Existing State Regulation

**Units 1- 3 (except Kuiu Island)—Marten (Trapping)**

| | |
|---|---|
| *No limit* | *Dec. 1–Feb. 15* |
| *Unit 3, Kuiu Island* | *No open season* |

**Extent of Federal Public Lands**

Federal public lands comprise over 95% of the Kuiu Island portion of Unit 3 and are managed by the United States Forest Service (USFS).

**Customary and Traditional Use Determinations**

There has been no customary and traditional use determination made for marten in Unit 3, therefore, all Federally qualified rural residents are eligible to harvest marten under Federal subsistence trapping regulations in Unit 3, including Kuiu Island.

**Regulatory History**

Historically, marten trapping seasons and harvest limits in Unit 3 have been liberal and State and Federal regulations have been aligned. Season dates were from December 1–February 15, with no harvest limits during the past 10 years. However, because of conservation concerns, the Alaska Board of Game passed a proposal submitted by ADF&G to permanently close marten trapping on Kuiu Island during its November 2008 meeting.[1] While the closure took effect for the regulatory year, July 1, 2009 through June 30, 2010, the State closure is not scheduled to be lifted and it is not known what conditions or research will warrant ADF&G to re-open the marten trapping season on Kuiu Island. In advance of the effective date of the change made by the Alaska Board of Game, ADF&G issued Emergency Order 01-11-08, effective November 30, 2008, to close marten trapping on Kuiu Island. A Special Action Request (WSA08-11) was presented and discussed at the Council meeting in Petersburg, AK on February 25, 2009, and reviewed and revalidated by Council at the October 6, 2009 meeting in Yakutat, AK. Following discussion, the Council recommended to support the Special Action Request (WSA09-03) for the 2009-2010 seasons, which proposed to close the subsistence marten trapping season on Kuiu Island during the 2009–2010 seasons.

**Current Events**

ADF&G issued Emergency Order 01-11-08 on November 30, 2008, closing the marten trapping season in the Kuiu Island portion of Unit 3. ADF&G followed this action by submitting a Special Acton Request (WSA08 –11) to the Federal Subsistence Board, which resulted in a closure of the Federal subsistence marten trapping season on Kuiu Island from December 11, 2008 through February 9, 2009. Per Federal regulation, Emergency Special Actions are only effective a maximum duration of 60 days in duration; therefore, the Federal marten trapping season was "open" six days at the end of the trapping season on Kuiu Island (February 10–15, 2009). No marten were trapped during this brief period.

On August 12, 2009, a public meeting was held in Kake for the purpose of obtaining information from potential affected local subsistence users on the proposed Special Action to close Kuiu Island to marten trapping during the 2009–2010 season. The meeting was presided over by a representative of the

1 ADF&G's original proposal was to shorten the trapping season, institute a controlled-use area where no motorized land vehicles would be allowed for trapping, and close the area to non-resident trapping. Subsequently, at the Board meeting, ADF&G recommended entirely eliminating the trapping season on Kuiu Island.

Organized Village of Kake and two USFS employees representing Federal Staff. Two persons attended, however, neither provided public testimony. A summary of this subsistence meeting was provided to the Council and during their October 6, 2009 meeting in Yakutat, Special Action Request WSA09-03 was reviewed and revalidated.

**Biological Background**

In North America, martens range from Alaska to the southern Sierra Nevada and to New Mexico (Powell et al. 2003). Both sexes reach sexual maturity by age one, although effective breeding may not occur before age 2. Alaska marten give birth in April or early May (Shepherd and Melchior 1994). Breeding occurs shortly after parturition; however, implantation is delayed. Males are polygynous, and females may be both polyandrous and selective (Powell et al. 2003). Average litter size is three in Alaska (Shepherd and Melchior 1994).

Although only one species of marten is formally recognized in Southeast Alaska, two distinct lineages exist, including the coastal form *caurina* and the continental form *americana*. Based on recent molecular analyses, it appears there are very different evolutionary histories (Carr and Hicks 1997, Cook et al. 2006, Dawson 2008). A 2002 genetic study by the University of Alaska Fairbanks documented that both lineages occur in Southeast Alaska, and that the *caurina* form inhabits only two islands within the Archipelago, Admirality and Kuiu Islands, and should be considered endemic (Dawson 2008). Hybridization between the two forms has been documented on Kuiu Island (Cook et al. 2006). Martens on Kuiu Island are likely genetically isolated from other marten populations.

Marten populations fluctuate greatly in response to food availability, habitat conditions, and trapping pressure (Powell 1994 *in* Powell et al. 2003, Sheperd and Melchior 1994, USFS 2008). In Southeast Alaska, based on recent studies, marten abundance and densities are largely determined by the abundance and biomass of their mammalian prey (ADF&G unpublished data; Flynn et al. *in review*, Flynn and Schumacher *in prep*).

Voles are the dominant prey of marten across their range (Powell et al. 2003), including Southeast Alaska (Flynn and Schumacher 1999, Shepherd and Melchior 1994). Other small mammals, berries, small birds, eggs, salmon, carrion and vegetation are also food sources for martens in Alaska (Flynn and Schumacher 1999, Sheperd and Melchior 1994). The role of ungulate carrion in the ecology of Southeast Alaska marten populations is unclear. Flynn et al. (2004) documented that ungulate density was a significant predictor of marten catch rate, but did not document ungulates in the diet. Ungulates may be a more important component of marten diets in the later winter and early spring when winter-killed carcasses become available. Kuiu Island has among the lowest deer density in Southeast Alaska (Lowell 2008); therefore, deer carcass availability may be limited.

Based on diversity in individual diets, marten are opportunistic predators, influenced by the type and quantity of local prey species (Ben-David et al. 1997). Ben-David et al. (1997) suggested that preference for small mammals as prey appears to increase when marten are least abundant. Flynn et al. (2004) documented seasonal variation in marten diet on Kuiu Island between 2001 and 2002. Although the composition of food sources was the same between years and included salmon, long-tailed voles, deer mice, red squirrels, and berries, the proportion of each food in the marten diet differed between the two years. Based on recent studies on Northern Kuiu Island, small mammal abundance was lower in 2007 than during previous studies in 2002 and 2003 (Flynn et al. 2004, Flynn and Dawson 2008). Similar low abundance of small mammals was documented in other Southeast Alaska locations in 2007, which was predicted to result in a decline in the marten population (Ben-David 2007).

Habitat requirements reflect interactions between food, cover, climate, and predation, with forest cover particularly important for travel, dens and resting sites, hunting, and avoiding predation and inclement weather (Flynn and Schumacher 1999, 2001). In Southeast Alaska, large contiguous stands of old-growth forest provide valuable habitat for marten (USFS 2008). Low elevation areas, including riparian areas and beach fringe, which accumulate less snow than other areas, provide important wintering habitat for marten (USFS 2008).

Marten are subject to high natural mortality rates, predation in particular (Hodgman et al. 1997, and Bull and Heater 2001). Bull and Heater (2001) reported that the probability of survival of marten >9 months old was 56% for 1 year, 38% for 2 years, 22% for 3 years, and 16% for 4 years, which equates to an average survival rate of approximately 65% per year over 4 years. Of 18 marten captured and radiocollared on northern Kuiu Island in the fall of 2007 and later radio-relocated, 10 animals (5 males and 5 females) died within one year (Flynn and Dawson 2008). The overall survival rate for the study period was estimated at 44%, with most mortalities occurring between January and March. On Chichagof Island, average survival rates for radiocollared martens were estimated at about 75% considering only natural mortality, and 66% with trapping mortality included (ADF&G unpublished data).

Marten are easily trapped, which can lead to overharvest (Powell et al. 2003, USFS 2008). In the early 1990s, overharvesting led, at least in part, to range reductions of marten (Powell et al. 2003). Trapping mortality may be additive to natural mortality in industrial forests (Payer 1999 *in* Powell et al. 2003). In some areas, even very low levels of trapping may limit marten populations (Schneider 1997 in Powell et al. 2003). Habitat quality must be considered when managing marten harvests. Refugia are one option to maintain viable populations of marten to act as a source for adjacent trapped areas, although in areas with high road densities and high trapping pressure, a refuge system alone may not be sufficient (Hodgman et al. 1997, Powell et al. 2003).

Habitat Conditions and Trends

Martens are wide ranging and require large tracts of contiguous habitat to move across the landscape, as well as habitats capable of supporting an adequate prey-base of small mammals. Marten are strongly associated with late-seral and old-growth forests below 1,500 feet in elevation. One of the most important factors related to viability of the marten populations on the Tongass National Forest is the large amount of habitat in Old Growth Reserves (OGRs) and non-development Land Use Designations (LUDs) (USFS 2008). Since the early 1950s, timber harvest on Federal lands has reduced the amount of old-growth forest habitat available on Kuiu Island by approximately 9% (Brainard 1992).

The ADF&G (2007) noted that the apparent low population densities and issues related to sub-speciation and endemism have given rise to concerns about marten populations, along with the loss of habitat and increasing road densities on Kuiu Island. Based on recent radio-telemetry data collected by ADF&G, Kuiu Island marten tend to concentrate near the beaches during winter (Flynn and Dawson 2008). This may increase their vulnerability to trapping. Since the radio- telemetry data was only collected during the recent severe winter of 2007 - 2008, it is unclear whether the winter concentration of marten on beaches occurs during all winters or during severe winters, coinciding with winter killed deer carrion availability, or to what level the prey species become unavailable due to variable snow conditions or the extent prey densities are altered.

Recent Population Indices

Based on previous research, marten numbers on Kuiu Island were among the lowest in Southeast Alaska (Flynn et al. 2004). Replicate marten live capture surveys along the Kuiu Island road system

between Rowan Bay and Three-mile Arm in 2001, 2002, and 2007 yielded marten capture rates of 1.1 captures/100 trap-nights, 0.6 captures /100 trap-nights, and 1.6 captures/100 trap-nights, respectively (Flynn et al. 2004, Flynn and Dawson 2008). In 2005, University of New Mexico personnel logged 1,057 trap nights for marten on Kuiu Island, including the relatively-poor-habitat southern portion of the Island. They documented an overall marten capture rate of 0.3 captures/100 trap-nights (Dawson 2005). Comparatively, a total of 936 trap nights on Admiralty Island during that same year yielded a capture rate of 4.0 captures/100 trap-nights. Most recently, overall capture rate of marten on Kuiu Island in fall 2008 averaged 1.1 captures/100 trap-nights, compared to an overall capture of 1.8 captures /100 trap-nights on the same traplines in fall 2007 (Flynn and Dawson 2008).

Similarly, based on recent studies on Admiralty Island, there was a decline in marten hair-snaring success from 2007 to 2008; however, the decline was lower than expected (Thomas and Ben-David 2008). These results may be confounded by a higher attraction of marten to hair snares when small mammal abundance is low; mark-recapture modeling would more adequately assess marten abundance. Furthermore, only the *caurina* form is present on Admiralty Island, which may have a broader dietary niche than the *americana* form and thus be less sensitive to declines in the abundance of small mammals.

**Harvest History**

Generally, marten harvest levels are directly related to fur prices and winter weather conditions during the trapping season (Lowell 2007). According to Alaska fur buyer Bob Green (2009, pers. comm), Southeast martens vary widely in quality and color and bring lower prices than Interior Alaska martens. Fluctuations in the number of marten taken annually may be related to variations in the number of successful trappers or local trappers may have avoided trapping marten on Kuiu Island in recent years, due to reports of low marten population densities. The number of marten taken by fur trappers on Kuiu Island has ranged from 0 to 51 since 1993, averaging 20 animals annually between 1993 and 2000 (**Figure 1**). Comparatively, the annual harvest on northern Prince of Wales Island was 224 marten per year from 1991-2002 (Flynn et al. 2004). However, during the past eight years (since 2001) the marten harvest has declined significantly, with an average annual harvest of five martens (this information includes four years when no marten were reported harvested). The number of individuals trapping marten on Kuiu Island ranged from 0-3 during 1993-2007 (**Figure 2**). Between 1993 and 2007, the majority of the marten harvest has occurred during December (42%) and February (41%), whereas only 17% of the harvest has occurred in January (Lowell 2008). No trapping for marten occurred on Kuiu Island during the 2008/2009 season, as both the State and Federal seasons were closed by Emergency Order and Special Action (except for the six days at the end of the Federal season, during which no marten were trapped).

**Other Alternatives Considered**

Administrative controls over trapping such as varying the season length or timing of season, and setting quotas to limit harvest are common management methods that have been used to enhance or control marten harvest.

Both Yeager (1950) and Quick (1956) found that early season catches had a preponderance of males and younger age classes. Therefore, limiting trapping to December, may select for young non-breeding animals and a higher percentage of male harvest. A shortened marten trapping season on Kuiu Island may also potentially reduce the total harvest. A marten trapping closure starting January 1st and extending through February 15th (the end of the season), would decrease the season from 77 days to 31 days. This would provide for marten conservation while still allowing subsistence harvest.

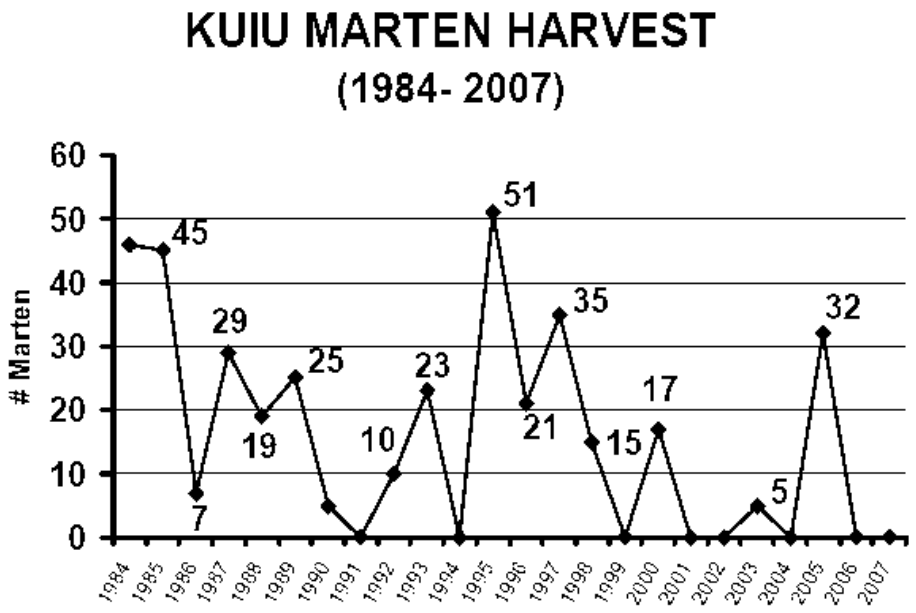


**Figure 1**. Annual total harvest of martens on Kuiu Island 1984-2007 (Lowell 2008).

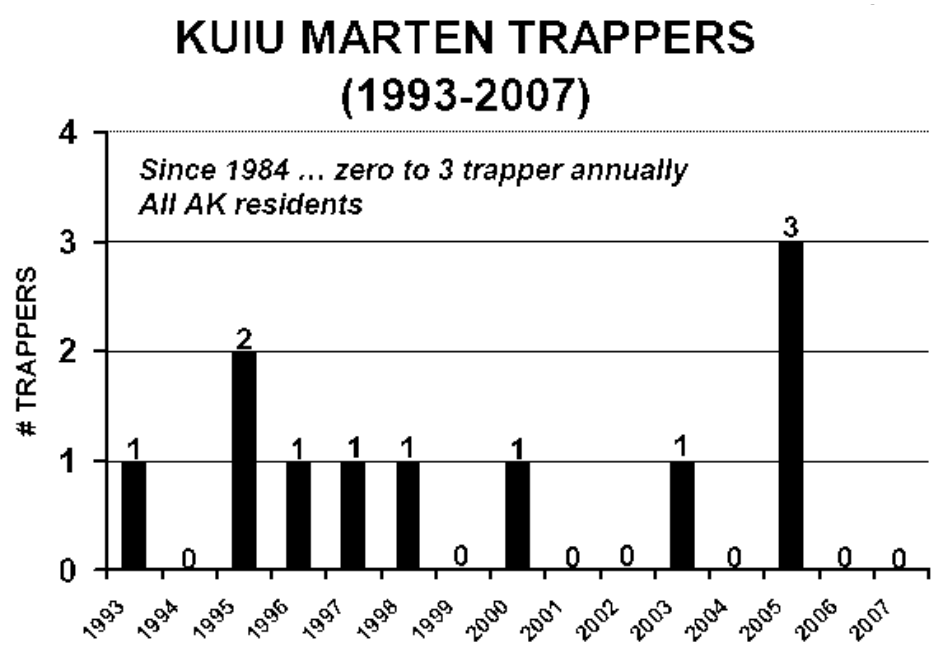


**Figure 2**. Annual number of marten trappers on Kuiu Island 1993-2007 (Lowell 2008).

A second alternative is to close the marten trapping season on Kuiu Island through July 1, 2010–June 30, 2012, which would provide four years for marten numbers to increase, as the trapping seasons would effectively be closed from 2008/2009 through 2011/2012. This would allow 2–3 sexual maturity life cycles for marten populations to increase without trapping mortality. As sexual maturity is achieved at approximately 15 months (Markley and Bassett 1942, Jonkel and Weckwirth 1963) each sexually mature female could potentially produce two to three young each year. Federally qualified subsistence users could be allowed to harvest marten on Kuiu Island beginning the regulatory years of July 1, 2012–June 30, 2014, with season length set appropriately.

A third and preferred alternative is to implement a combination of management methods over a short-term period, which would allow for marten conservation on Kuiu Island and limited subsistence harvest. ADF&G fur harvest reports indicate that only four trappers reported trapping marten on Kuiu Island since the 2000/2001 trapping season with 37 marten reported as harvested. During this time period, only two of these trappers were Federally qualified subsistence users. Allowing Federally qualified subsistence users the opportunity to trap marten on Kuiu Island beginning the regulatory year of July 1, 2012, with marten trapping season open from December 1–31, 2013, with a harvest limit of 10 marten per trapper, would implement several measures (limited season and harvest limits) to permit recovery of the populations and allow Federally qualified subsistence users the opportunity to harvest marten for economic gain and allow the collection of biological information and samples.

**Effects of the Proposal**

If this proposal is adopted, it would prohibit Federally qualified subsistence users from trapping marten in the Kuiu Island portion of Unit 3, effective July 1, 2010–June 30, 2012. All other areas of Unit 3 would remain open to marten trapping under Federal Subsistence Regulations. Because a majority of the lands on Kuiu Island are Federal, the current State closure may not be as effective to protect the marten populations, if Federal subsistence regulations are not aligned to close the area to marten trapping. Fur sealing records indicated that only four trappers have trapped marten on Kuiu Island since 2001. No Federally qualified subsistence users have trapped marten on Kuiu Island since 2005; therefore, it would appear that local trappers are voluntarily avoiding this area and no Federally qualified subsistence users attended the Kake hearing or provided feedback regarding the proposal. Although harvest has historically been minimal, given the apparent relatively low population density and high natural mortality, any additional mortality may jeopardize the health of this population.

**Support** Proposal WP10-07 **with modification**. Reopen marten trapping in this portion of Unit 3 for Federally qualified subsistence users beginning the regulatory year of July 1, 2012.

**Justification**

Recent studies indicate the marten population on Kuiu Island is among the lowest in southeast Alaska and suggests that the population has declined over the past two years. Although trapping pressure on Kuiu Island has been light and marten harvest has been low, the combination of trapping pressure, a high natural mortality rate, and recent hard winters has resulted in a conservation concern for the marten population. Three consecutive years of heavy snowfall have likely decreased the small-mammal prey population or snow accumulations have hampered the marten's ability to secure food for survival and reproduction. The low population density, isolation, and indications of decline in this population over the past two winters suggest that an approach that minimizes risk and errs on the side of conservation is the best approach to manage the Kuiu Island marten population. Closing the trapping season in the affected area will provide time for marten life cycles and populations to be enhanced without additional trapping mortality, then implementing a subsistence marten trapping season beginning the regulatory year of July

1, 2012. Currently, it is unknown what conditions, funding, or research will warrant additional marten population investigations on Kuiu Island, which would provide information to warrant the re-opening or continued closure of the marten trapping season on Kuiu Island. If Federally qualified subsistence users elect to pursue marten during the regulatory year of 2012, valuable population information can be collected through carcass collection, fur sealing process, trapper questionnaires, or telephone interviews. It is recommended that the marten trapping season be opened the next regulatory cycle which would implement an alternative that provides for conservation of marten, while providing biological information and subsistence priority.

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Comments WP10-07
January 27, 2010; Page 1 of 2

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

**Wildlife Proposal WP10-07:** This proposal would close the marten trapping season in a portion of Unit 3 – Kuiu Island.

**Introduction:** Current federal subsistence trapping regulations for marten in Unit 3 (including Kuiu Island) allow for an unlimited take and a season from December 1 through February 15. Research conducted during the past few years involving extensive live capture and hair-snaring efforts by department personnel and university researchers indicates that the Kuiu Island marten population exists at extremely low levels. An ongoing Department of Fish and Game (department) radio-telemetry study indicates a high degree of natural over-winter mortality resulting in concerns about marten survival and recruitment on the island. Because of this research effort, the department was concerned enough about the marten population on Kuiu Island to draft a proposal to the Alaska Board of Game to close the marten trapping season on this island. The Board of Game adopted this proposal in fall 2008, and the closure went into effect on July 1, 2009. The Federal Subsistence Board also closed the federal subsistence harvest of marten on Kuiu Island through adoption of Wildlife Special Action WSA 09-03 at the November 12, 2009, meeting.

**Impact on Subsistence Users**: During the 10-year period 1998-2007, an average of 0.6 trappers (range 0-3 trappers annually) reported trapping marten on Kuiu Island. During the same period, the annual marten harvest on Kuiu Island ranged from 0-32 marten annually. Due to low harvest and participation in trapping on Kuiu Island, a closure would have little impact on federal subsistence trapping activities.

**Opportunity Provided by State**: The marten trapping season throughout most of Unit 3 extends from December 1 through February 15. Due to the low marten population and conservation concerns, in November 2008 the Alaska Board of Game closed the state marten trapping season on Kuiu Island until the population increases. Because the regulatory action taken by the Board in fall 2008 would not become effective until July 2009, the department issued an emergency order closing the Kuiu marten trapping season prior to the start of the 2008-2009 season due to conservation concerns.

**Conservation Issues**: Extensive live capture and hair-snaring efforts conducted by department personnel in fall 2009 indicate that marten populations on Kuiu remain at low levels. Habitat conversion resulting from past and planned timber harvest and road building further contribute to concerns regarding Kuiu Island marten populations. Logging road densities on the northern half of Kuiu Island have exacerbated concern for overharvest of marten by increasing human access and trapping vulnerability. Telemetry relocation data indicate that Kuiu Island marten tend to concentrate near the beaches during winter where they are similarly vulnerable to shoreline trapping.

**Other Comments**: In 2002, a genetic survey in Southeast Alaska by the personnel from the University of Alaska Fairbanks found that both marten species (*Martes americana* and *Martes*

*caurina*) were found in the region. This survey found that *M. caurina* inhabits only two islands within the archipelago (Kuiu and Admiralty islands) and should be considered endemics.

**Recommendation:** Support. The department recommends that both the state and federal seasons remain closed until the population increases.

| WP10-08 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-08 requests that the harvest limit for deer in Unit 1A be reduced to two bucks. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | **Unit 1A — Deer**<br>***Cleveland Peninsula south of the divide between Yes Bay and Santa Anna Inlet - ~~4 antlered deer~~ 2 antlered deer*** *Aug. 1 – Dec. 31*<br>**Remainder** *– 4 antlered deer* |
| **OSM Preliminary Conclusion** | **Oppose** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Support** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-08

## ISSUES

Proposal WP10-08, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that the harvest limit for deer in Unit 1A be reduced to two bucks.

## DISCUSSION

In November 2008, the Alaska Board of Game adopted a regulation to reduce the harvest limit of deer in the Cleveland Peninsula area of Unit 1A from four bucks to two bucks. This action was determined to be necessary for conservation of a depressed population of deer and to make regulations consistent with Unit 1B which includes a portion of the Cleveland Peninsula. The Council Chair provided clarification that the intent of this proposal is to align Federal and State regulations, and only change the harvest limit on the Unit 1A side of the Cleveland Peninsula.

### Existing Federal Regulation

**Unit 1A — Deer**

| | |
|---|---|
| *4 antlered deer* | *Aug. 1 – Dec. 31* |

### Proposed Federal Regulation

**Unit 1A — Deer**

| | |
|---|---|
| ***Cleveland Peninsula south of the divide between Yes Bay and Santa Anna Inlet — ~~4 antlered deer~~ 2 antlered deer*** | *Aug. 1 – Dec. 31* |
| **Remainder** — *4 antlered deer* | |

### Existing State Regulation

**Unit 1A — Deer**

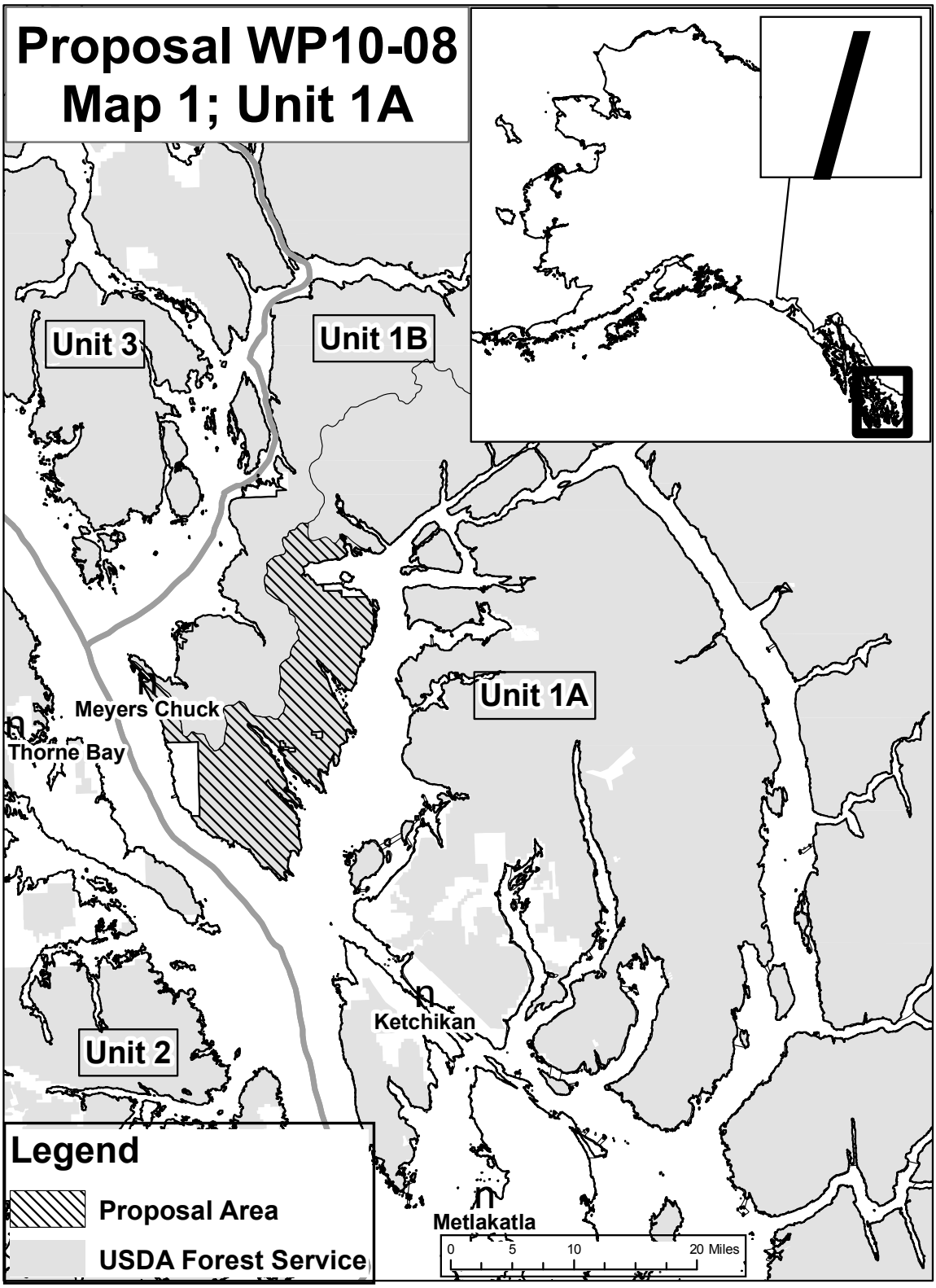
| | |
|---|---|
| *Cleveland Peninsula south of the divide between Yes Bay and Santa Anna Inlet — 2 bucks* | *Aug. 1 – Dec. 31* |
| *Remainder — 4 bucks* | |

### Extent of Federal Public Lands

Federal public lands comprise 95% of Unit 1A and 92% of the proposal area. All Federal public lands in the proposal area are managed by the USDA Forest Service (USFS), Tongass National Forest (**Map 1**).

### Customary and Traditional Use Determinations

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


Proposal WP10-08
Map 1; Unit 1A
Unit 3
Unit 1B
Unit 1A
Unit 2
Meyers Chuck
Thorne Bay
Ketchikan
Metlakatla
Legend
Proposal Area
USDA Forest Service
0 5 10 20 Miles

## Regulatory History

The history of State and Federal harvest regulations for deer in Unit 1A is shown in **Table 1**. The Federal subsistence harvest limit has been four antlered deer from Aug. 1 – Dec. 31 since its inception in 1990. The State reduced the harvest limit on the Cleveland Peninsula for 2009, but otherwise has had a four antlered deer, or buck, harvest limit and Aug. 1 – Dec. 31 season since 1988.

**Table 1.** Regulatory history for Unit 1A deer, 1925 to present.

| Year | Unit | Season Type | Season | Limit | Conditions and Limitations |
|---|---|---|---|---|---|
| 1925 | 1A | Open | Sept 16-Dec 15 | 3 Bucks | 3 inch or greater antler |
| 1926-1929 | 1A | Open | Sept 1-Nov 30 | 3 Bucks | 3 inch or greater antler |
| 1930-1941 | 1A | Open | Aug 20-Nov 15 | 3 Bucks | 3 inch or greater antler |
| 1942-1943 | 1A | Resident | Sept 16-Nov 15 | 2 Bucks | 3 inch or greater antler |
| 1942-1943 | 1A | Nonresident | Sept 16-Nov 15 | 1 Buck | 3 inch or greater antler |
| 1944-1948 | 1A | Resident | Sept 1-Nov 15 | 2 Bucks | 3 inch or greater antler |
| 1944-1948 | 1A | Nonresident | Sept 1-Nov 15 | 1 Buck | 3 inch or greater antler |
| 1949 | 1A | Resident | Sept 1-Nov 7 | 2 Bucks | 3 inch or greater antler |
| 1949 | 1A | Nonresident | Sept 1-Nov 7 | 1 Buck | 3 inch or greater antler |
| 1950-1951 | 1A | Resident | Sept 1-Nov 15 | 2 Bucks | 3 inch or greater antler |
| 1950-1951 | 1A | Nonresident | Sept 1-Nov 15 | 1 Buck | 3 inch or greater antler |
| 1952 | 1A | Open | Aug 20-Nov 15 | 2 Bucks | 3 inch or greater antler |
| 1953-1954 | 1A | Open | Aug 20-Nov 22 | 2 Bucks | 3 inch or greater antler |
| 1955 | 1A | Open | Aug 20-Nov 22 | 3 | 3 bucks or 2 bucks and 1 doe; bucks 3 inch or greater antler. |
| 1956 | 1A | Open | Aug 20-Nov 26 | 3 Bucks | |
| 1957-1958 | 1A | Open | Aug 20-Nov 30 | 3 Bucks | |
| 1959 | 1A | Open | Aug 8-Nov 30 | 4 | 4 bucks or 3 bucks and one doe; bucks only before 10/15. |
| 1960 | 1A | Open | Aug 20-Dec 15 | 4 | 4 bucks or 3 bucks/ 1 doe, or 2 bucks/ 2 does, bucks only before 10/1. |
| 1961 | 1A | Open | Aug 1-Nov 30 | 4 | Only 2 Antlerless; antlerless only from 9/15 to 11/30. |
| 1962 | 1A | Open | Aug 1-Dec 15 | 4 | Antlerless deer from 9/15 to 12/15 only. |
| 1963-1966 | 1A | Open | Aug 1-Dec 31 | 4 | Antlerless deer from 9/15 to 12/31 only. |
| 1967 | 1A | Open | Aug 1-Dec 31 | 4 | Antlerless deer from 10/1 to12/31 only. |
| 1968 | 1A | Open | Aug 1-Dec 15 | 4 | Antlerless deer from 9/15 to 12/15 only. |
| 1969-1970 | 1A | Open | Aug 1-Dec 31 | 4 | Antlerless deer from 10/1 to 12/31 only. |
| 1971 | 1A | Open | Aug 1-Nov 30 | 3 | Antlerless deer from 10/1 to 10/31 only. |
| 1972 | 1A | Open | Aug 1-Nov 30 | 3 | Antlerless deer from 11/1 to 11/30 only. |
| 1973 | 1A | Open | Sept 1-Nov 30 | 3 | One antlerless deer from 11/1 to 11/30. |
| 1974-1977 | 1A | Open | Aug 1-Nov 30 | 3 | One deer antlerless from 11/1 to 11/30. |
| 1978-1984 | 1A | Open | Aug 1-Nov 30 | 3 | Antlered deer. |
| 1985-1987 | 1A | Subs./General | Aug 1-Nov30 | 3 | Antlered deer. |
| 1988-1990 | 1A | Subs./General | Aug 1-Dec 31 | 4 | Antlered deer. |
| 1990-2009 | 1A | Fed. Subs. | Aug 1-Dec 31 | 4 | Antlered deer. |
| 1991-2008 | 1A | Subs./General | Aug 1-Dec 31 | 4 Bucks | |
| 2009 | 1A | General | Aug 1-Dec 31 | 2 Bucks | Cleveland Peninsula south of the divide between Yes Bay and Santa Anna Inlet |
| 2009 | 1A | General | Aug 1-Dec 31 | 4 Bucks | Remainder |

## Current Events

At its fall 2008 meeting, the Alaska Board of Game adopted a regulation to reduce the harvest limit from four bucks to two bucks for the Cleveland Peninsula. The regulation was in response to a long-term decline in the deer population which resulted in low harvests in this part of Unit 1A. The reason for the

population decline and lack of recovery is unknown, but is suspected to be a combination of deep snow winters, predation, and poor habitat quality (Porter 2009, pers. comm.).

**Biological Background**

Basic biological information on deer is provided in the analysis for proposal WP10-14.

The clumped distribution of deer on the Cleveland Peninsula creates a situation for potential overharvest of bucks in certain areas of the Cleveland Peninsula (ADF&G 2008).

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. **Table 2** shows the estimated deer habitat capability remaining on USFS managed lands in the proposal area. Although there has been some timber harvest, the habitat is largely intact.

**Table 2.** Deer habitat capability remaining on USFS managed lands in 2006 as a percentage of habitat capability prior to large scale timber harvest beginning in 1954. Data are reported by Wildlife Analysis Areas for the ADF&G Major Hunt Area within the proposal area. Habitat capability includes only National Forest System managed lands (USFS 2008).

| Major | WAA | Land <1500' Elevation (acres) | Percent of 1954 Habitat Capability Retained, 2006 |
|---|---|---|---|
| X06 | 612 | 61,861 | 99 |
| X06 | 613 | 38,416 | 95 |
| X06 | 614 | 10,729 | 98 |

Recent population indices

There are no population estimates for deer in Unit 1A. Porter (2007) indicated that deer numbers were at moderate to low levels in southern southeast Alaska, including Unit 1A. ADF&G deer pellet surveys are the primary source of available population information. Relating pellet group data to population levels is difficult, 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 2008). **Figures 1–4** show the deer pellet information for the Cleveland Peninsula in Unit 1A. These data indicate increasing populations during the 1980s, with relatively high populations during the late 1980s through the early 1990s; followed by decline and low numbers during the late 1990s to the present. The relatively high pellet densities recorded during 2007 at Helm Bay (**Figure 1**) are likely the result of deep snow concentrating the deer (McCoy 2007).

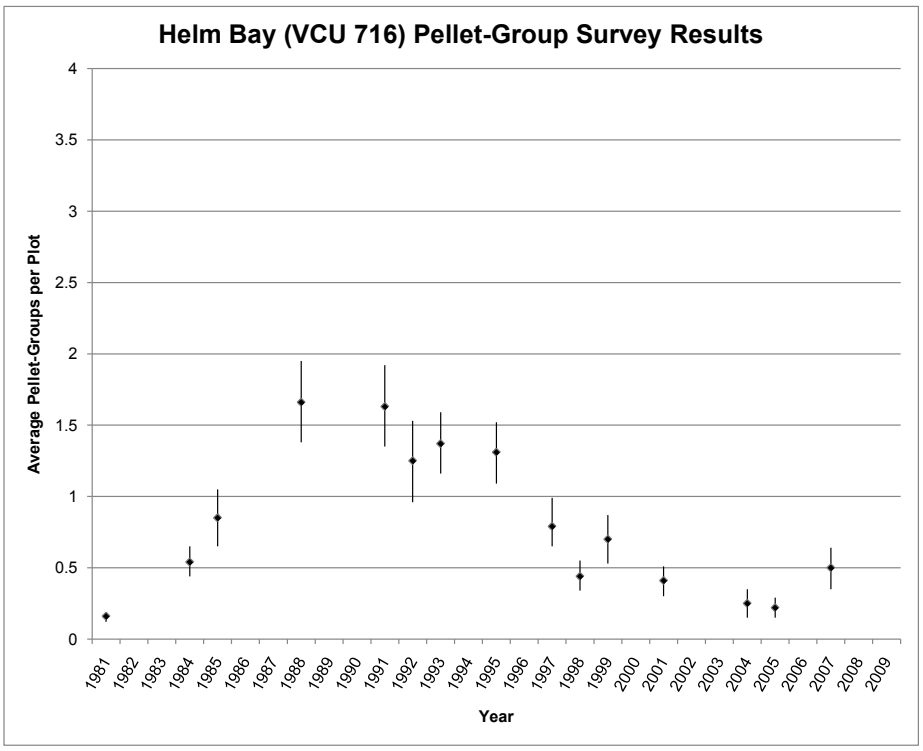



**Figure 1**. Helm Bay (VCU 716) pellet-group survey results showing mean pellet-groups per plot with 95% confidence intervals (McCoy 2008).

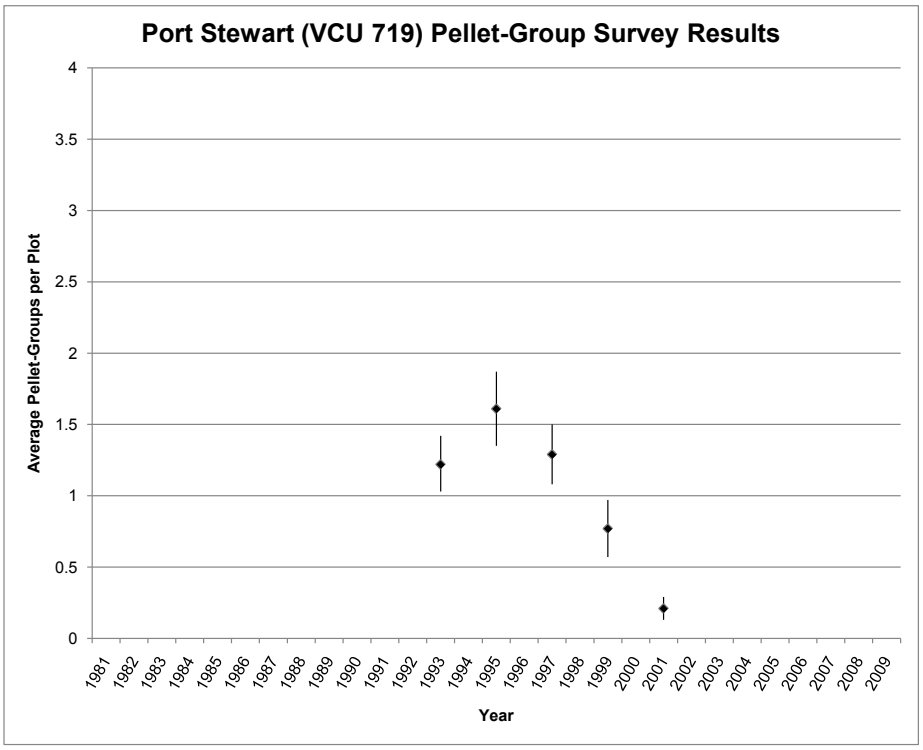



**Figure 2**. Port Stewart (VCU 719) pellet-group survey results showing mean pellet-groups per plot with 95% confidence intervals (McCoy 2008).

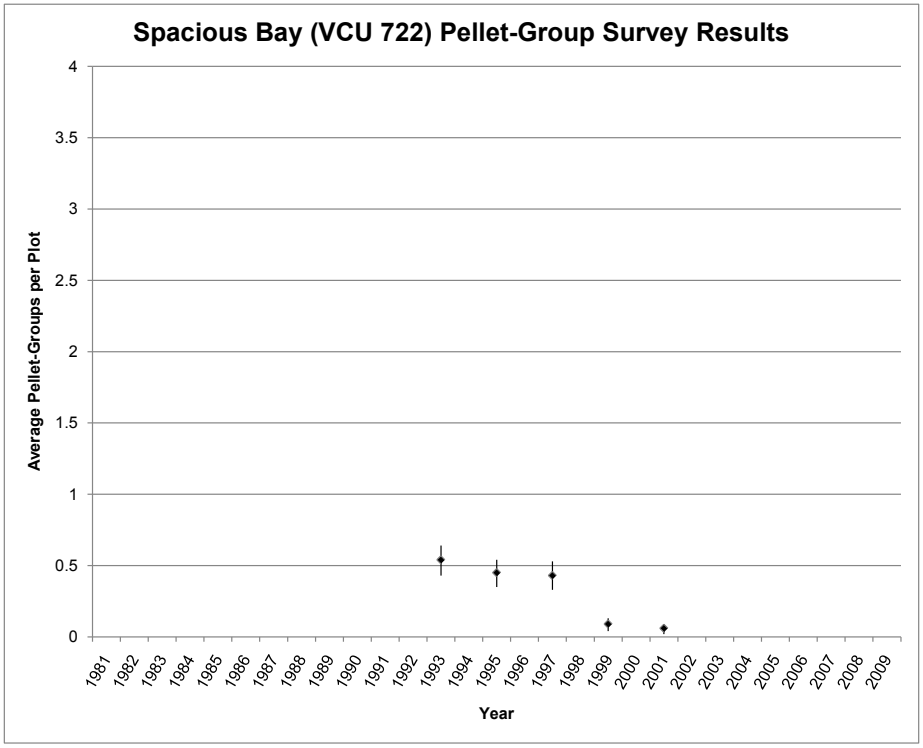



**Figure 3**. Spacious Bay (VCU 722) pellet-group survey results showing mean pellet-groups per plot with 95% confidence intervals (McCoy 2008).

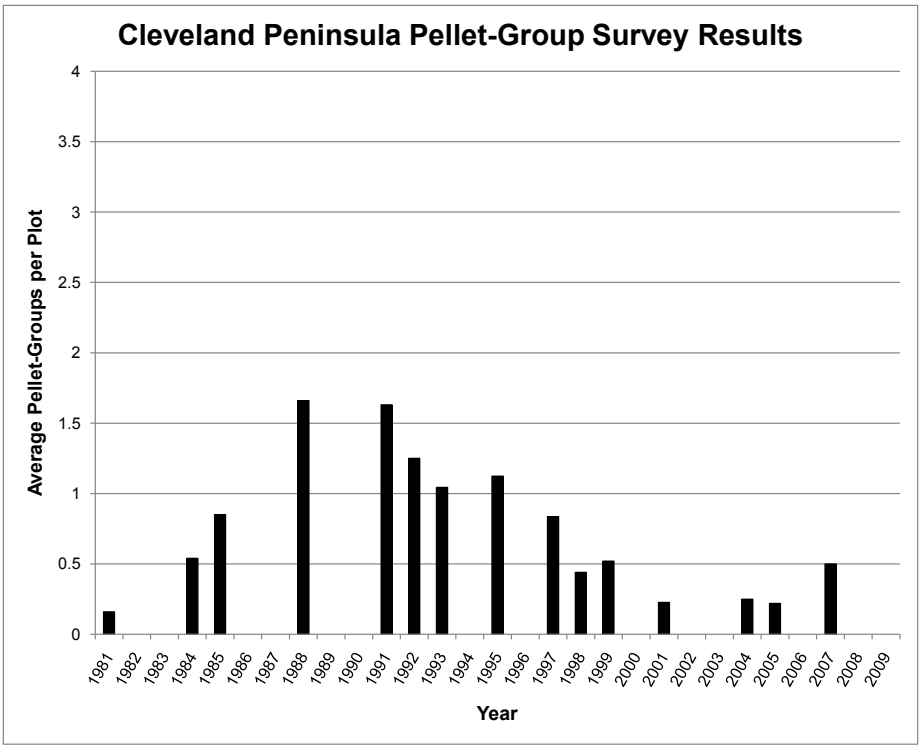



**Figure 4**. Combined pellet-group survey results for all dates and transects on the Cleveland Peninsula in Unit 1A (McCoy 2008).

**Harvest History**

**Figure 5** summarizes deer harvest and hunter effort for the Cleveland Peninsula since 1990. Harvests peaked in the early 1990s then declined and remain at a low level. Similar trends are evident for the number of hunters and number of days hunted.

Residents of Ketchikan dominate the deer harvest and harvest effort on the Cleveland Peninsula (**Table 3**). Meyers Chuck is the only community with a positive customary and traditional use determination that has documented use of the area for deer harvest from 1997–2008 (McCoy 2009, pers. comm.). The number of hunters that harvest two or more deer is unknown, but the average number of deer harvested per hunter (0–0.5 deer per hunter from 1997–2008; McCoy 2009, pers. comm.) suggests that few hunters achieve this level of harvest.

**Effects of the Proposal**

Adopting this proposal would reduce the harvest limit for Federally qualified subsistence users and restrict opportunities for them to harvest deer. In practice, this would restrict the opportunity for residents of Meyers Chuck to harvest additional deer near their community. Current harvest levels by Federally qualified users seem unlikely to substantially affect the population.

If this proposal is adopted, it would align Federal subsistence and State general regulations regarding deer in Unit 1A and make harvest limits consistent with the Unit 1B portion of the Cleveland Peninsula. There would be no preference for Federally qualified subsistence users on Federal public lands.

**OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP10-08.

**Justification**

Adopting this proposal would restrict opportunities for Federally qualified subsistence users by reducing the harvest limit. Harvest data suggests that the deer harvest by Federally qualified subsistence users will not have a detrimental effect on the deer population on the Cleveland Peninsula.

**LITERATURE CITED**

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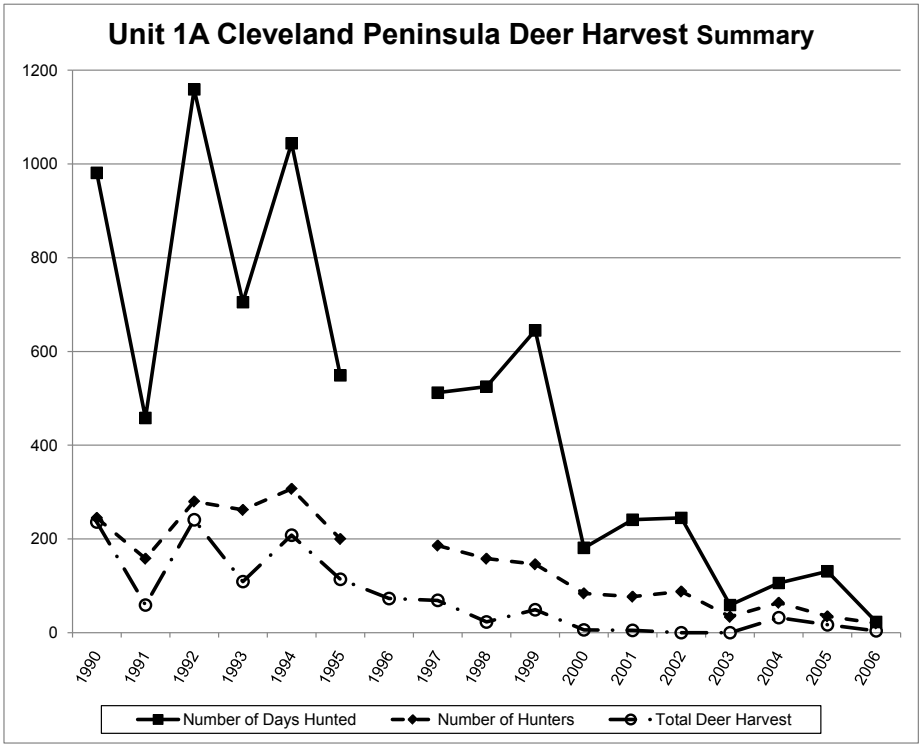



**Figure 5**. Deer harvest and hunter effort data for the Cleveland Peninsula of Unit 1A (Porter 2007, 2009 pers. comm.). Effort data for 1996 is unavailable.

**Table 3**. Community of residence, hunter effort, and number of deer harvested on the Cleveland Peninsula of Unit 1A from 1997-2003 (Porter 2009, pers. comm.).

| Community | Annual Number of Days Hunted | Average Number of Deer Harvested |
|---|---|---|
| Juneau | 1 | 1 |
| Ketchikan | 312 | 26 |
| Meyers Chuck | 20 | 2 |
| Other Alaska | 5 | 0 |
| Outside Alaska | 5 | 1 |
| Wrangell | 1 | 1 |

Porter, B. 2009. ADF&G Area Biologist. Personal communication: email and telephone. ADF&G. Ketchikan, AK.

USFS. 2008. Tongass Land and Resource Management Plan, Final Environmental Impact Statement. R10-MB-603c. USFS, Alaska Region.

Comments WP10-08
January 29, 2010; Page 1 of 2

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

**Wildlife Proposal WP10-08:** Reduce the federal subsistence bag limit in Unit 1A from 4 bucks to 2 bucks.

**Introduction:** This proposal would change the federal subsistence bag limit for deer on the Cleveland Peninsula portion of Unit 1A from 4 bucks to 2 bucks, matching the bag limit in the state hunting regulations for this area. The Cleveland Peninsula is split between Units 1A and 1B, and this change would make the entire Cleveland deer bag limit consistent. The Department of Fish and Game and local deer hunters have been concerned about a decline in deer numbers on the Cleveland Peninsula over the past 15 years. The deer population in this area remains at a low level with no obvious signs of recovery. The deer population appears to persist in small patches at low elevations, and a lower federal subsistence bag limit will help insure all the bucks are not harvested from these patches, especially during the vulnerable November period.

**Impact on Subsistence Users**: If the proposal is adopted, the bag limit reduction could impact a small number of federal subsistence hunters, while benefitting all users in the long term by providing deer a greater chance of rebounding from the present low levels. Approximately 7,000 federally qualified residents from units 1A and 2 are eligible to hunt deer under federal subsistence regulations in Unit 1A. However, during 1997-2008, an average of 2.3 federally qualified hunters took an average of 1.7 deer from this area, with a range of 0-7 hunters and a range of 0-13 deer taken. Based on these numbers, this regulatory change will not impact federally qualified deer hunters. Additionally, by lowering the bag limit, a greater number of hunters will have the opportunity to harvest deer because any single hunter can only take two of the available bucks, rather than four. This strategy has been used successfully under State hunting regulations for much of the Southeast Alaska mainland area between Ketchikan and Juneau.

**Opportunity Provided by State**: The state hunting season for both residents and non residents is August 1 through December 31 with an annual limit of two bucks. At the 2008 Alaska Board of Game meeting, the state bag limit was reduced from 4 to 2 bucks in this area.

**Conservation Issues**: Population trend data derived from spring pellet counts suggest the deer population along the Cleveland Peninsula declined around 1997 and remained at low levels since that time. Vegetation surveys were conducted in this area and compared to similar work completed in nearby Unit 2. The results of the comparison showed similar habitats on the Cleveland Peninsula produce less than one third the digestible forage compared to Prince of Wales Island. This may explain, at least in part, why this area is slow to recover. However, the decline and slow recovery is most likely a combination of factors such as: snow depth, snow persistence, low value winter forage, and predation by black bears, brown bears, and wolves. Addressing this conservation through the implementation of a lower bag limit may aid in the recovery of the Cleveland Peninsula deer population.

**Enforcement Issues**: Hunters will need to be aware of bag limit restrictions. If a hunter has taken two deer during the season from anywhere in Alaska, they can not take additional deer

from this area with a two buck bag limit. If someone wanted to hunt on the Cleveland Peninsula, they could harvest deer in that area first then move to an area with a higher bag limit.

**Recommendation:** Support.

| WP10-09 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-09 requests Federal draw-permit hunts for moose in Units 1B and 3: five draw-permits for Units 1B and five draw-permits for Unit 3 for any bull moose. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | **Units 1B, 1C (south of Point Hobart), and 3 — Moose**<br>*1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler by State registration permit only.* *Sept. 15 – Oct. 15*<br><br>***A total of 5 draw-permits will be issued to harvest any-bull moose in Units 1B and 1C south of Point Hobart, and 5 additional any-bull moose draw-permits in Unit 3***. |
| **OSM Preliminary Conclusion** | **Oppose** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Oppose** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-09

## ISSUES

Proposal WP10-09 was submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council) to provide Federal draw-permit hunts for moose in Units 1B and 3. The proposal requests five draw-permits for Units 1B and five draw-permits for Unit 3 for any bull moose.

## DISCUSSION

The proponent believes that an any-bull moose draw-permit harvest regulation would provide a meaningful subsistence opportunity for Federally qualified subsistence users. The Council Chair provided clarification that the intent of this proposal was to include Federal lands in Units 1B, 1C south of Point Hobart, and 3, consistent with the boundary for State registration hunt RM038 (**WP10-10, Map 1**).

The proponent also submitted proposal WP10-10 requesting that the Federal definition of a legally harvested moose in Units 1B and 3 be amended to include moose with two brow tines on each antler, consistent with State regulations. For the 2009 regulatory year, the Federal Subsistence Board supported Special Action WSA09-01, allowing the harvest of bull moose with 2 brow tines on each antler in Units 1B, 1C south of Point Hobart, and 3, consistent with State regulations.

### Existing Federal Regulation

**Units 1B, 1C (south of Point Hobart), and 3 — Moose**

| | |
|---|---|
| *1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler by State registration permit only.* | *Sept. 15 – Oct. 15* |

### Proposed Federal Regulations

**Units 1B, 1C (south of Point Hobart), and 3 — Moose**

| | |
|---|---|
| *1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler by State registration permit only.* | *Sept. 15 – Oct. 15* |

***A total of 5 draw-permits will be issued to harvest any-bull moose in Units 1B and 1C south of Point Hobart, and 5 additional any-bull moose draw-permits in Unit 3.***

**Existing State Regulations**

**Units 1B, 1C (south of Point Hobart), and 3 — Moose**

| | |
|---|---|
| *1 bull with spike-fork antlers or 50-inch antlers, or antlers with 3 or more brow tines on at least one side, or antlers with 2 or more brow tines on both sides, by permit available in person in Douglas, Kake, Ketchikan, Petersburg, Sitka, Wrangell, or by mail from Petersburg beginning Aug. 17.* | *Sept. 15 – Oct. 15* |

**Extent of Federal Public Lands**

Federal public lands comprise 99% of Unit 1B, 96% of Unit 1C, and 94% of Unit 3. Federal public lands within Units 1B and 3 are managed by the U.S. Forest Service (USFS), as part of the Tongass National Forest.

All Federal public lands within Unit 1C south of Point Hobart are managed by the Tongass National Forest.

**Customary and Traditional Use Determinations**

| Unit—Moose | Customary and Traditional Use Determinations |
|---|---|
| *Unit 1B* | *Residents of Units 1, 2, 3, and 4* |
| *Unit 3Mitkof and Wrangell Islands* | *Rural residents of Units 1B, 2, and 3* |
| *Unit 3 Remainder* | *All rural residents* |
| *Unit 1C Remainder* | *All rural residents* |

**Regulatory History**

Information on the regulatory history for the proposal area can be found in the analysis for proposal WP10-10.

**Current Events**

Current events for the proposal area are discussed in the analysis for proposal WP10-10.

**Biological Background**

The analysis for proposal WP10-10 provides a discussion of the biological background for moose in the proposal area.

As described in the analysis for WP10-10, the proposal area has recently experienced three consecutive deep snow winters. While population numbers are not available in Units 1B, 1C south of Point Hobart, and 3, White and Barten (2009) estimated a 30% decline in the Berners Bay (northern Unit 1C) moose population between fall 2006 and spring 2009, which they attributed to the three consecutive deep snow winters.

The spike-fork, 50 inch spread, three brow-tine antler restriction is a selective harvest management system that works independently of population size. It targets for harvest a portion of yearling bulls (spike and fork antlers) and mature bulls (it may take *gigas* moose 4–5 years to achieve a 50 inch antler spread), always leaving a protected segment of the bull population for breeding purposes. The two-by-two brow tine restriction is intended to do the same thing, but with an antler configuration that is more appropriate for the *andersoni* subspecies of moose in southeast Alaska. Data on age and antler configuration collected by ADF&G during the any bull permit hunts found that the median age of bulls from the RM058 hunt area with 2 brow tines on both antlers is 6 years of age (n = 39, range 3–11) (Lowell 2009, pers. comm.). When these data were gathered, the two-by-two brow-tine bulls in the population had not been targeted for harvest, so the median age likely is higher than it will be after implementation of the two-by-two brow-tine antler restriction. There are concerns about whether this antler configuration restriction will work as intended, because *andersoni* moose do not develop predictable antler configurations that correlate well with age (Lowell 2009, pers. comm.).

**Harvest History**

The harvest history for the proposal area is presented in the analysis for proposal WP10-10.

**Effects of the Proposal**

If this proposal is adopted, it would provide additional opportunity for Federally qualified subsistence users to harvest five bulls in Units 1B and 1C (south of Point Hobart), and five bulls in Unit 3. The any bull draw-permit would increase the likelihood of success for the permit holders.

Harvesting five additional bulls in Units 1B and 1C south of Point Hobart, could increase the harvest up to 15% over the 1995–2008 average of 33 moose. Harvesting five additional bulls in Unit 3 could increase the harvest up to 16% over the 1995–2008 average of 32 moose. This assumes none of the draw-permit harvested moose meet the spike-fork, 50 inch spread, three brow-tine or two-by-two brow tine antler configurations. Antler configuration data from the 2006–2008 any bull draw-permit harvests indicates approximately 17% of the any bull harvest would have been legal under the spike-fork, 50 inch spread, three brow-tine antler restriction and another 16% would have been legal under two-by-two brow tine regulations. Therefore, an increase of approximately 10%, compared to the long term average, is more likely for both areas.

If this proposal is adopted, the additional harvest combined with the effects of liberalized antler restrictions and three consecutive above average snow winters, could have a detrimental effect on the moose population. Harvest in these units increased substantially in 2009 due to the new two-by-two brow tine regulation. Most of this additional harvest was two-by-two brow tine bulls that were not legal to harvest in prior years.

The proposed any-bull harvest would remove some bulls from the protected segment of the population and would be more dependent on knowledge of population status to manage properly. Population information is unavailable for most of this area (except the Stikine River) because suitable techniques are lacking for surveying moose in the forested habitat of southeast Alaska. Under the spike-fork, 50 inch spread, three brow-tine restriction there appeared to be sufficient bull moose to support this extra harvest. However, it is unknown whether that surplus will be available after changes to the population resulting from implementation of the two-by-two brow tine antler restriction and recent deep snow winters.

## OSM PRELIMINARY CONCLUSION

**Oppose** Proposal WP10-09.

### Justification

The ability of the moose population to withstand harvest under the two-by-two antler restriction is unknown at this time. This moose population has suffered 3 consecutive deep snow winters that may have increased mortality and reduced recruitment. Until the effects of the change to the two-by-two brow tine antler restriction are more fully understood, it is prudent to refrain from harvesting moose within the protected portion of the bull population.

## LITERATURE CITED

Lowell, R. 2009. Area Wildlife Biologist. Personal communication: phone. ADF&G. Petersburg, AK.

White, K.S., and N.L. Barten. 2009. Moose assessment and monitoring along the Juneau Access Road corridor, southeast Alaska. Wildlife Research Annual Progress Report. ADF&G. Juneau, AK. 9 pages.

Comments WP10-09
January 29, 2010; Page 1 of 2

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

**Wildlife Proposal WP10-09:** This proposal would provide five federal subsistence drawing permits for any-bull moose in Units 1B and an additional five federal subsistence drawing permits for any-bull moose in Unit 3. (Federal staff indicates that the SE council chair requested to modify the proposal to include Unit 1C sout of Point Hobart, so we address that as well.)

**Introduction:** Moose hunting in the RM038 hunt area (including Units 1B and 3) is currently managed under antler restrictions. In November 2004, the Alaska Board of Game authorized a limited number of any-bull moose drawing permits specifically to gather information on antler characteristics and age structure of bulls protected under the previous antler regulation (spike or fork on one antler or three or more brow tines on one antler or 50 inch antler spread). The primary objective of the any-bull permits was to obtain information needed prior to making data-driven changes to the preexisting antler restrictions, which were widely believed to be overly restrictive. After three season of gathering information on bulls harvested during the any-bull drawing hunts, it was determined that the herd could likely sustain the additional harvest of bulls possessing 2 brow tines on both antlers, ***provided the any-bull drawing hunts were eliminated***. Based on information gathered during the any-bull drawing hunts, the Alaska Board of Game in November 2008 liberalized the antler restrictions for moose in the RM038 hunt area to include the harvest of bulls with 2 brow tines on both antlers. As a part of the same action, the Board eliminated the any-bull drawing hunts ***until such time that the impact of the new liberalized antler regulations on the herd could be evaluated.***

Illegally harvested bull moose currently represent approximately 10% of the annual RM038 moose harvest. Illegal moose represent animals that are already being taken from the segment of the bull population that the current antler restrictions are designed to protect for breeding purposes. Any additional harvest occurring under the proposed any-bull drawing permits would further reduce the segment of the population that the current antler restrictions are designed to protect.

**Impact on Subsistence Users**: From 2004 to 2008, approximately 95 percent (range: 93-98%) of the 324 successful RM038 moose hunters were federally qualified subsistence hunters. If this proposal is adopted, the few federal subsistence hunters who receive any-bull permits will benefit in the short term, but any additional harvest of sublegal bulls from the relatively small segment of the population currently protected by antler restrictions will risk overharvest. If the combined harvest of bulls via any-bull drawing permits and liberalized antler restrictions proves unsustainable, all hunters could be negatively impacted. As a result, emergency closures and/or reductions in season length may be necessary to reduce the harvest to sustainable levels.

**Opportunity Provided by State**: The Unit 1B and 3 moose season is September 15 through October 15 with a bag limit of one bull with spike-fork antlers, 50 inch antler spread, antlers with 3 or more brow tines on at least one antler, or 2 brow tines on both antlers.

**Conservation Issues**: Antler restrictions are intended to maximize hunting opportunity while ensuring that bull:cow ratios remain within acceptable levels. During the November 2008

meeting, the Alaska Board of Game significantly increased moose hunting opportunity in the RM038 hunt area by liberalizing moose antler restrictions to allow for the harvest of bulls with 2 brow tines on both antlers. The Board of Game' deliberations acknowledged the department's support for liberalizing the existing antler restrictions was contingent upon elimination of any-bull permit hunts that existed at that time in order to assure sustainability of the population. From 1999–2008, the RM038 moose harvest averaged 62 moose per year (range 47–83). As a result of the recently liberalized antler regulations, the fall 2009 RM038 moose harvest reached 109, the highest on record. This represents a 76% increase from the preceding 10-year average. Record harvest during fall 2009 was the direct result of recently liberalized antler restrictions which facilitated additional harvest of 36 2x2 brow tine bulls that would otherwise have been protected. It remains unclear if the harvest increase associated with the new antler regulations will prove sustainable over the long-term. Until results of the recently revised antler restrictions on the RM038 moose herd can be fully evaluated, allowing harvest of additional bulls from the currently protected segment of the population would increase the risk of overharvest and could prove detrimental to the herd and all Unit 1B and 3 moose hunters.

**Other Comments**: The federal and state hunt is currently coordinated by requiring a state registration permit. If additional harvest is authorized by federal subsistence regulations and not authorized under state regulations, a separate federal subsistence permit will be necessary.

If adopted as modified for Unit 1C south of Point Hobart and Unit 3 other than Wrangell and Mitkoff Islands, a federal subsistence priority will be established without a positive customary and traditional finding. As a result, all rural residents will qualify to apply for a federal drawing permit for these areas, increasing the applicant pool and lowering the local federal subsistence user's chance of drawing a permit.

The proposed drawing permit system would need to be implemented through ANILCA Section 804 because it would restrict the taking of wildlife for subsistence purposes among those federally qualified. In addition, if adopted as modified to add that portion of Unit 1C south of Point Hobart and Unit 3 other than Wrangell and Mitkoff Islands, the regulation would be the first statewide federal subsistence moose drawing permit hunt for all rural residents in Alaska.

**Recommendation:** Oppose

| WP10-10 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-10 requests that the definition of a legally harvested moose in Units 1B and 3 be amended to include moose with two brow tines on each antler. The Council Chair has provided clarification that the intent of the proposal is to change the antler definition to align with the State registration hunt RM038; which includes all of Unit 1B, Unit 3 and a small portion of Unit 1C. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | *Units 1B, 1C, that portion south of Point Hobart including all Port Houghton drainages, and 3—Moose*<br>*1 antlered bull with spike-fork or 50-inch antler, or antlers with 3 or more brow tines on one side,* ***or antlers with 2 brow tines on both sides*** *by State registration permit only* — *Sept. 15–Oct. 15* |
| **OSM Preliminary Conclusion** | **Support** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Support** if WP10-09 is not adopted. |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-10

## ISSUES

Proposal WP10-10, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that the definition of a legally harvested moose in Units 1B and 3 be amended to include moose with two brow tines on each antler. The Council Chair has provided clarification that the intent of the proposal is to change the antler definition to align with the State registration hunt RM038; which includes all of Unit 1B, Unit 3 and a small portion of Unit 1C.

## DISCUSSION

In November 2008, the Alaska Board of Game adopted a regulation amending the definition of a legal moose for State registration hunt RM038 (Units 1B and 3 and that portion of Unit 1C south of Point Hobart) **(Map 1)** to allow the harvest of a moose with two brow tines on each antler. The current definition of a legally harvested moose in Federal regulations for this hunt area is a moose with spike-fork or 50-inch antlers or 3 or more brow tines on either antler. The proponent states that this change would align Federal regulations with less restrictive State regulations. Since subsistence users are currently able to hunt under the more liberal State regulations, any additional harvest as a result of this proposal will be limited to moose harvested under the Federal designated hunter program.

### Existing Federal Regulations

| | |
|---|---|
| *Units 1B, 1C, that portion south of Point Hobart including all Port Houghton drainages, and 3 — Moose* | |
| *1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler by State registration permit only.* | *Sept. 15–Oct. 15* |

Note: The Federal Subsistence Board passed a Special Action (WSA09-01) allowing harvest of bull moose with antlers with 2 brow tines on both sides for the 2009 season within State registration hunt area RM038 (Units 1B, 3and that portion of 1C south of Point Hobart), consistent with State regulations

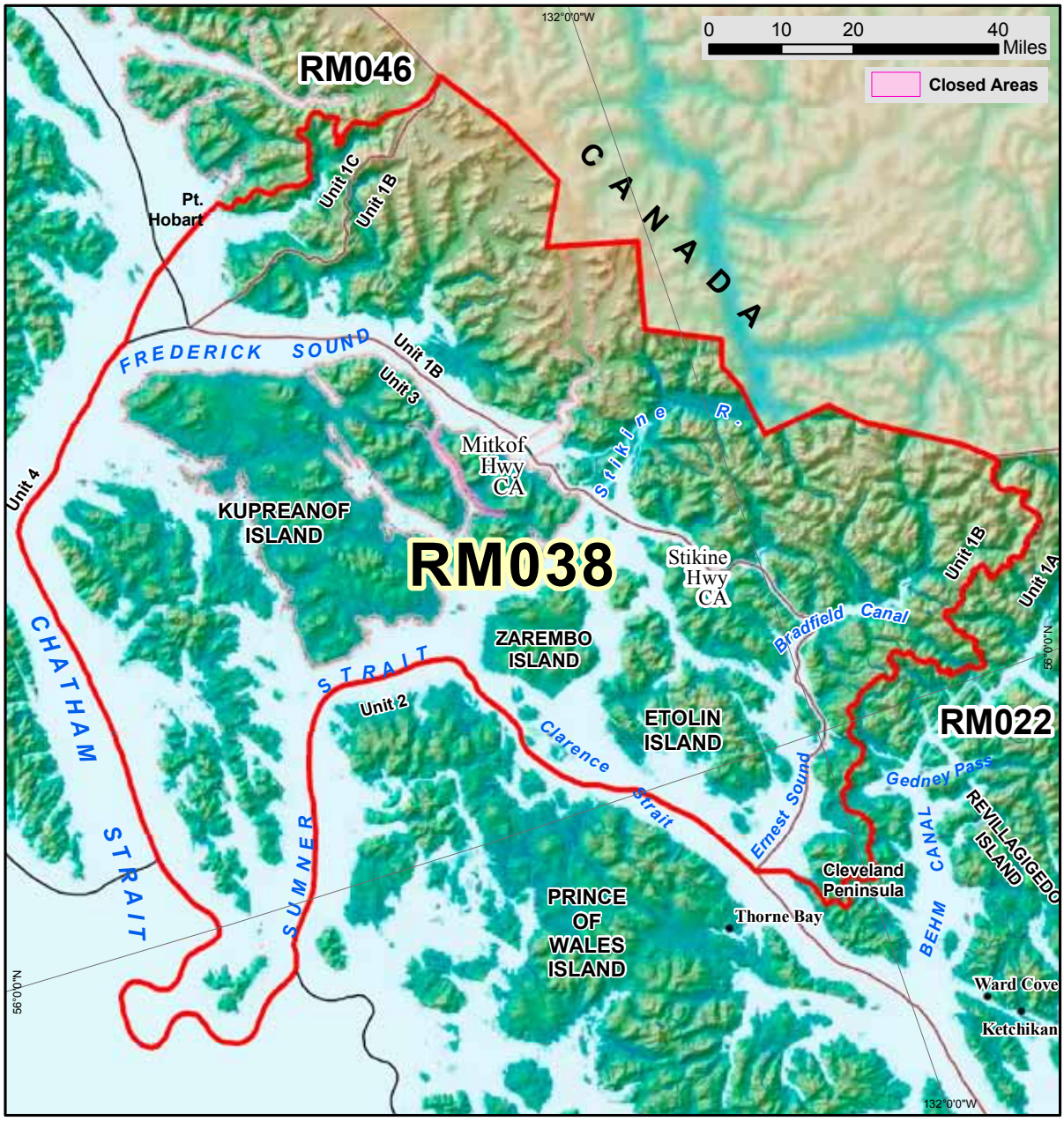
### Proposed Federal Regulations

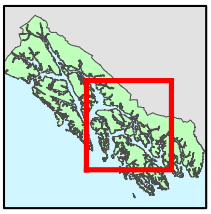
| | |
|---|---|
| *Units 1B, 1C, that portion south of Point Hobart including all Port Houghton drainages, and 3—Moose* | |
| *1 antlered bull with spike-fork or 50-inch antler, or antlers with 3 or more brow tines on one side,* ***or antlers with 2 brow tines on both sides*** *by State registration permit only* | *Sept. 15–Oct. 15* |

### Existing State Regulations

*Units 1B, 3, and 1C south of Point Hobart including all Port Houghton drainages—Moose*

# RM038 - Moose Registration Permit Hunt



**AREA DESCRIPTION FOR RM038 - Moose - Registration Permit Hunt**

HUNT AREA: Units 1B, 3, and that portion of Unit 1C south of Point Hobart.

Source maps: USGS 1:63,360 Bradfield Canal, Craig, Ketchikan, Sitka, Sumdum, Port Alexander, Petersburg

t:\wc\huntarea\arcmap\rm038.mxd 05/04 skt; 07/04 ras; 08/29/05 skt

| | |
|---|---|
| *One bull with spike-fork or 50-inch antlers, antlers with 3 or more brow tines on at least one side, or antlers with 2 brow tines on both sides* | *Sept. 15–Oct. 15* |

**Extent of Federal Public Lands**

Federal public lands comprise over 90% of Units 1B, 1C and 3 and are managed by the U.S. Forest Service.

**Customary and Traditional Use Determinations**

| **Unit—Moose** | **Customary and Traditional Use Determinations** |
|---|---|
| *Unit 1B* | *Residents of Units 1, 2, 3, and 4* |
| *Unit 3 Mitkof and Wrangell Islands* | *Rural residents of Units 1B, 2, and 3* |
| *Unit 3 Remainder* | *All rural residents* |
| *Unit 1C Remainder* | *All rural residents* |

**Regulatory History**

In Unit 3, from 1960 through 1967, the State season was Sept. 15–Oct. 14with a one-bull limit. The season was closed from 1968 until 1990, when the season reopened on Wrangell Island from 1–15 Oct., with a bag limit of one-bull with a spike-fork or 50-inch antler restriction, and a harvest ticket requirement. In 1991, the season reopened on Mitkof Island from 1–15 Oct. with a bag limit of one-bull with a spike-fork or 50-inch antler restriction, and a harvest ticket requirement. In 1993, the remainder of Unit 3 was reopened from 1–15 Oct. with a bag limit of one-bull with a spike-fork, 3-brow tine or 50-inch antler restriction; and a registration permit requirement. From 1995 to present the season dates have remained15 Sept.15 Oct.

From 1959 to present, in Unit 1B, Stikine River, the State moose hunt, season was 15 Sept.–15 Oct. with a one-bull limit. However, between 1972 and 1974 the harvest of antlerless moose was allowed by permit. Since 1993 a registration permit (RM038) has been required in the unit. Antler restrictions were implemented in 1995, defining a legal bull as having a spike-fork, at least a 50-inch antler spread, or three or more brow tines on at least one antler.

From 1959 to 1981, the Unit 1B, Thomas Bay area season was bulls-only and typically 31 days long, 15 Sept. –15 Oct. From 1980 to 1994, the moose season was from 1–15 Oct. In 1984, a spike, fork, or at least 50-inch antler harvest limit restriction was implemented as well as a registration permit. In 1993 the State antler restriction was amended to include bulls with three or more brow tines on at least one side. Since 1995 the State season has remained 15 Sept.–15 Oct.

In 1995, the Alaska Board of Game established a registration permit (RM038) hunt in Units 1B and 3 and Unit 1C south of Point Hobart.

The Alaska Board of Game authorized an any-bull drawing permit hunt in the RM038 hunt area, for the 2005 season. The change was made to allow the removal of surplus bulls and provide information on the age structure and antler characteristics of that segment of the bull population protected under the then existing antler restrictions.

**Current Events**

In November 2008, the Alaska Board of Game adopted a regulation to allow the harvest of moose with two brow tines on each antler within the RM038 area, to be implemented during the 2009 season. The Alaska Board of Game also suspended the any-bull drawing permit within the RM038 hunt area. The Alaska Board of Game justified this action by evaluating information regarding age and antler configuration obtained by examining moose harvested through the any-bull drawing program.

The Council submitted a Special Action Request (WSA09-01) to amend the definition of legal moose for subsistence harvest in Units 1B and 3 to include moose with two brow tines on each antler for the 2009 season. The Federal Subsistence Board (Board) approved this request with modification to include that portion of Unit 1C south of Point Hobart, consistent with the intent of the Council and State regulations for registration hunt RM038.

The Council submitted another proposal (WP10-09) requesting a limited number of subsistence draw-permits to be issued for any-bull moose in Units 1B and 3 for this regulatory cycle. The proposal requests that a total of 5 draw-permits be issued to harvest any-bull moose in Unit 1B and 5 additional any-bull moose draw-permits be issued in Unit 3, to provide a meaningful subsistence opportunity for qualified users.

Southeast Alaska received high snowfalls during the winters of 2006–2009. Above average snowfalls were recorded in Petersburg during the winters of 2006–2007 (230.6”), 2007–2008 (149.60”) and 2008–2009 (166.50”). The average total snowfall from 1982–2009 was 91.78 inches (Western Regional Climate Center 2009a). Similarly, in Wrangell, above average snowfalls were recorded during the winters of 2006–2007 (141.2”), 2007–2008 (85.40”), and 2008–2009 (90.90”), as compared to 61.56” average total snowfall from 1948–2009 (Western Regional Climate Center 2009b). These harsh winters may have resulted in a temporary decline in the moose population, as indicated by reduced harvest in 2007 and 2008 (see harvest history section).

**Biological Background**

With the exception of two transplants, moose were present on all major ranges in southeast Alaska by the 1950’s (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. Harsh winters are thought to have caused steep declines in most populations during the early 1970’s. Moose populations gradually recovered, and by the early 1990’s most populations were estimated to be at or near the carrying capacity of the habitat (ADF&G 1990).

Moose occur in isolated populations in several areas of Unit 1B (Lowell 2006a). Concentrations occur near Thomas Bay and along the Stikine River. Moose also occur around Virginia Lake, Mill Creek, and Aaron Creek. Moose immigrated to the Unit 3 islands over the past several decades from the Stikine and possibly Thomas Bay populations (Lowell 2006b). Isolated populations of moose now occur on the major islands of Unit 3, and populations and distribution may be increasing (Lowell 2006b).

Moose generally exhibit a harem mating system, in which a dominant male herds and defends a group of females, and courts females as they come into estrus (Bowyer et al. 2003, Van Ballenberghe and Miquelle 1993, Molvar and Bowyer 1994). The most dominate males mate most often (Van Ballenberghe and Miquelle 1993, 1996). Harvest regulations are generally designed to prevent low male to female ratios (Schwartz et al. 1992).

Moose in Units 1B and 3 are believed to be the andersonii subspecies (Lowell 2006a, b). Andersoni moose are thought to have different antler characteristics than the gigas subspecies of moose found elsewhere in Alaska, including; 1) smaller body and antler size; 2) less predictable antler configurations relative to age; 3) only occasionally achieve 3 brow tines; and 4) almost never achieve 50-inch spreads (Lowell 2008). Data obtained from the any-bull drawing hunts since 2005 indicate little difference in bulls with three brow tines on one side or two brow tines on both sides: the median age was five for both, average spread of bull moose with three brow tines on one side was 39 inches, and average spread of bulls with two brow tines on both sides was 40 inches (Lowell 2008).

Speculation has long existed that the current antler restrictions, which were developed for the gigas subspecies of moose found elsewhere in Alaska, are overly restrictive when applied to the smaller andersonii subspecies in Units 1B and 3 (Lowell 2006a, b). Moose in Units 1B and 3 do not appear to develop antler configurations that are predictable relative to age; they rarely achieve 50-inch antler spreads, and in Thomas Bay, in particular, the population appears to contain a surplus of sub-legal bulls in excess of that needed to ensure timely breeding of cows (Lowell 2006a).

Wolves are common throughout Units 1B 3, and predation by wolves on both adult and calf moose has been documented (Lowell 2006b). Substantial predation of moose calves by black bears in Unit 3 is probable as well (Lowell 2006b). The extent of predation on moose in Unit 1B is unknown, but it appears that in some years, wolves and bears (both black and brown) are responsible for low calf survival on the Stikine River. At Thomas Bay, wolves are thought to be responsible for the majority of moose predation (Lowell 2006a).

**Habitat Condition and Trends**

Moose habitat in Unit 3 consists primarily of old-growth spruce-hemlock forest and clearcut areas. Early succession vegetation in clearcut areas provides good moose browse. There is no information available on the quantity or quality of moose range in this unit (Lowell 2006b). Because moose appear to depend on deciduous vegetation in clearcut areas, it is unknown whether the habitat can sustain a viable moose population over the long term as existing clearcuts age and browse availability decreases (Lowell 2006b).

The Thomas Bay moose population in Unit 1B occupies an area that was logged from the late 1950s to the early 1970s; this population may decline significantly as these clearcut areas mature and forage production is reduced (Lowell 2006a). Since the initial logging, closed-canopy forests resulting from natural regeneration of second growth stands has reduced the available understory browse vegetation (Lowell 2006a).

ADF&G conducted a preliminary assessment of browse utilization in the Thomas Bay and Stikine River areas in 2003. Observations of high browse utilization rates indicate that moose may be at or above carrying capacity in Thomas Bay (Lowell 2006a). Browse utilization on the Stikine River appeared to be lower, indicating that moose are probably below carrying capacity along the river corridor (Lowell 2006a).

ADF&G implemented habitat enhancements (pre-commercial thinning and partial strip clearing of second-growth stands) for moose on State land at Thomas Bay in 1997. Hunter reports and staff observations indicate that use by moose has increased in the treated areas, as browse production increases and the slash begins to settle and decompose (Lowell 2006a).

**Recent population trends**

There is no current population estimate for moose in Unit 3 and no population assessment surveys have ever been conducted in this unit. ADF&G estimates that moose in Unit 3 are at low-to-moderate density and appear to be increasing (Lowell 2006b). Densities seem highest on Mitkof and eastern Kupreanof islands (Lowell 2006b).

Population assessment surveys in Unit 1B are conducted infrequently. In 1983, the Stikine River moose population was estimated at 300 moose and appeared to be increasing (Craighead et al. 1984, in Lowell 2006a). The population has fluctuated but was thought to be stable at a moderate density in 2005 (Lowell 2006a). An aerial moose survey of the Stikine River in February 2005 documented 134 moose on the U.S. side of the international boundary (Lowell 2006a).

The Thomas Bay population in Unit 1B was estimated at 180 moose in the late 1970s (Lowell 2006b).

Bull cow ratios are difficult to determine due to difficult survey conditions. One of the few estimates was produced during an aerial survey of the Stikine River area in 2005, which provided a ratio of 40 bulls per 100 cows. The upper boundary Stikine area is the Canadian border, which the moose cross freely (Lowell 2006b).

**Harvest History**

The average annual harvest in Unit 3 was 32 moose from 1995–2008. Total annual harvest in Unit 3 was lower in 2007 (33) and 2008 (34) than 2006 (43), possibly related to the recent harsh winters. During the 2009 season, a total of 64 moose were harvested, primarily due to the harvest of two brow tine on each antler moose **(Figure 1)** (Lowell 2009). The majority of hunters in Unit 3 are local residents of Petersburg, Kake, and Wrangell. No non-local residents were successful in harvesting a moose in Unit 3 from 1995–2004 (Lowell 2006b).

The average annual harvest in Unit 1B was 33 moose from 1995–2008. Total annual harvest in Unit 1B was less in 2007 (31) and 2008 (27) than 2006 (48), possibly related to the recent harsh winters During the 2009 season, a total of 43 moose were harvested, again primarily the result of the double two brow tine regulation **(Figure 1)** (Lowell 2009). The Thomas Bay moose harvest began to decline in 2000 and has remained relatively stable at low levels (Lowell 2006a).

The majority of moose hunters in Unit 1B are local residents. In 2003, for example, local residents of Wrangell and Petersburg represented 83% of successful hunters on the Stikine River, and in 2004 local residents represented 93% of successful hunters. During the 2003–2005 reporting period, 100% of successful hunters in Thomas Bay and Farragut Bay were Petersburg residents (Lowell 2006a).

During the period of 1996–2008, there were four moose harvested in Unit 1C within the RM038 permit area, with one moose harvested in 1996, 2001, 2006, and 2008. There were two moose harvested in the Unit 1C portion of hunt area RM038 during the 2009 season. A Petersburg and Sitka resident harvested the moose in 1996 and 2001, respectively, and Juneau residents were responsible for the harvest in 2006 and 2008.

Between 2003 and 2008, a total of 31 designated hunter permits were issued in Units 1 and 3, averaging 5 permits issued annually. Of the 31 designated hunter permits issued, 20 of those hunters reported that they did not hunt, 11 reported hunting, and one reported harvesting a bull moose. In 2009, there were nine

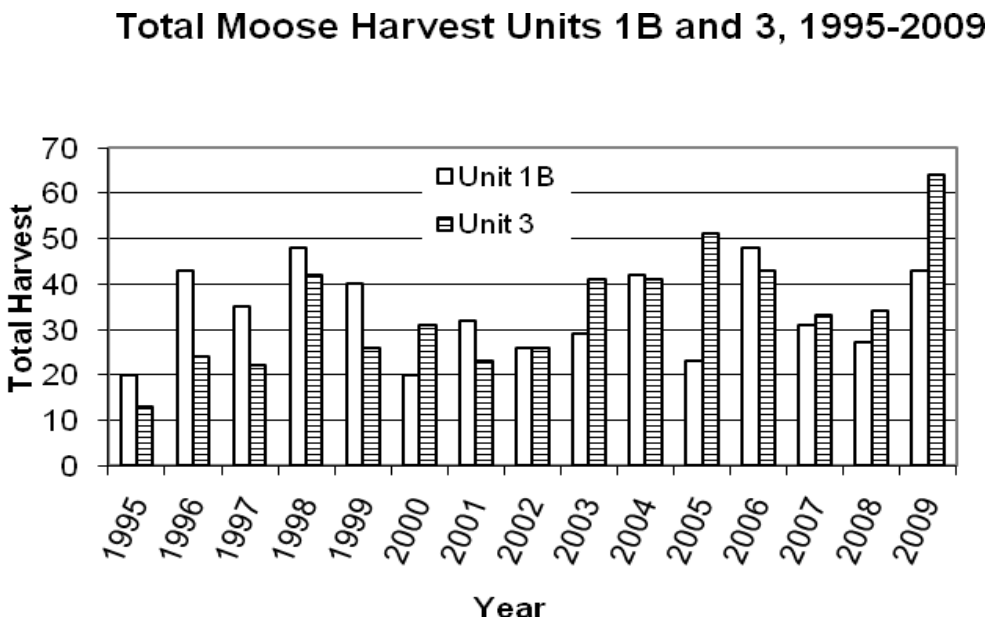



**Figure 1.** Total annual moose harvest for Units 1B and 3 1995-2009. Includes reported legal, illegal, and defense of life and property harvest. This figure does not include a total of six moose harvested during this time span from Unit 1C, south of Hobart Bay. Source: ADF&G Winfonet Database.

designated moose hunting permits issued for Units 1 and 3 with a reported harvest of one moose **(Table 1)**.

**Table 1**. Designated moose hunter data for Units 1 and 3, 2003-2009 (USFS unpublished data).

| Year | Total # Permits | # Hunted | # Did Not Hunt | # Bulls Harvested |
|---|---|---|---|---|
| 2003 | 5 | 2 | 3 | 0 |
| 2004 | 0 | N/A | N/A | N/A |
| 2005 | 6 | 2 | 4 | 0 |
| 2006 | 4 | 1 | 3 | 1 |
| 2007 | 6 | 2 | 4 | 0 |
| 2008 | 10 | 4 | 6 | 0 |
| 2009 | 9 | 5 | 4 | 1 |

During the 2009 season, 36 moose out of a total of 109 moose harvested in Units 1B, 3, and the portion of Unit 1C south of Point Hobart exhibited the two brow tines on each antler configuration. The total of 109 moose harvested in 2009 is significantly higher than the average of 65 moose harvested in Units 1B and 3 from 1995–2008.

**Effects of the Proposal**

If this proposal is adopted it would align Federal and State regulations, ensuring that Federal subsistence users have opportunities similar to those of State hunters in moose registration hunt area RM038. Adoption of this proposal would allow a larger segment of the moose population to be available for harvest, and could result in additional harvest by Federally qualified subsistence users who use the designated hunter provision. Harvest of moose under the Federal designated hunter program has been minimal in Units 1 and 3 during the past five years; therefore, any additional harvest as a result of this proposal is likely to be low. The recent suspension of the any-bull drawing permits by the Alaska Board of Game will help to compensate for any additional harvest as a result of adopting this proposal, unless this is re-instated under proposal WP10-09. If this proposal is not adopted, the subsistence regulations for this area will have the unusual status of being much more restrictive than State regulations.

Although there was a negative effect by recent winter conditions, moose populations in 1B appear to be stable with areas of increasing abundance in some portions of Unit 3. Harvest was low in both units during the 2007 and 2008 seasons, likely due to harsh winters; however, harvest increased in 2009, in part due to the liberalized antler restrictions under both State and Federal regulations. As long as the State retains the new definition of legal antlers, additional harvest as a result of this proposal is expected to be low; consequently, adoption of this proposal, by itself, is not likely to cause a conservation concern.

**OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP10-10.

## Justification

Adoption of this proposal is necessary to ensure that Subsistence users have opportunities similar to those of State hunters. Populations appear to be stable or increasing at low to mid densities throughout Units 1B and 3 at this time. Additional harvest as a result of this proposal will be limited to moose harvested under the Federal designated hunter program and therefore expected to be low, since subsistence users are currently able to hunt under the more liberalized State regulations. Consequently, adoption of this proposal is not likely to cause a conservation concern.

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Comments WP10-10
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**Alaska Department of Fish and Game**
***Comments to the Regional Advisory Council***

**Wildlife Proposal WP10-10:** This proposal would liberalize the moose antler restriction in Units 1B and 3 to allow the harvest of bulls with 2 brow tines on both antlers in addition to the existing spike-fork, 3 or more brow tines on one side, or 50-inch antler criteria.

**Introduction:** The antler restrictions currently in place for the RM038 moose hunt (Units 1B, 3 and southern 1C) were originally developed for Alaska-Yukon moose (*Alces alces gigas*) on the Kenai Peninsula and later applied to western Canada moose (*Alces alces andersoni*) inhabiting central southeast Panhandle. Speculation had long existed that the previous antler restrictions were overly restrictive when applied to the smaller *andersoni* subspecies inhabiting the central Panhandle region and were protecting mature bulls in excess of those needed for complete and timely breeding of cows. Unlike *gigas* moose found elsewhere in the state, *andersoni* moose in the central Panhandle region typically possess smaller antlers and seldom acquire antler spreads in excess of 50 inches. Therefore, the previous antler restrictions did not partition the harvest among various age classes as intended. Nonetheless, the antler restrictions were very effective at maintaining the harvest to within sustainable levels given the nearly 1,000 registration permits issued annually.

In fall 2004, the Alaska Board of Game implemented a limited number of any-bull moose drawing permits to gather information on the antler characteristics and age structure of bulls protected under previous antler regulation (spike or forked antler on one side, 3 or more brow tines on one antler, or 50 inch antler spread). The intent of the any-bull permits was specifically to obtain information with which to make data driven changes to the preexisting antler regulations. After three season of gathering information on bulls harvested during the any-bull drawing hunts, it was determined that the herd could likely sustain the additional harvest of bulls with 2 brow tines on both antlers, ***provided that any-bull drawing permits were eliminated.***

In fall 2008, the Alaska Board of Game liberalized the antler restrictions for moose in the RM038 hunt area to allow the additional harvest of bull moose with 2 brow tines on both antlers. As a part of the same action, the Board of Game eliminated the any-bull drawing hunts ***until such time that the impact of the new antler regulations on the herd could be evaluated.*** The Federal Subsistence Board adopted WSA09-01 on September 3, 2009, which liberalized the federal subsistence moose hunting antler restrictions to allow the harvest of bull moose with two brown tines on both antlers in Units 1B and 3 during the September 15 through October 15, 2009, federal season.

**Impact on Subsistence Users**: From 2004 to 2008, approximately 95 percent (range: 93-98%) of the 324 successful RM038 moose hunters were federally qualified subsistence hunters.

**Opportunity Provided by State**: The Unit 1B and 3 moose season is September 15 through October 15 with a bag limit of one bull with spike-fork antlers, 50 inch antler spread, antlers with 3 or more brow tines on at least one antler, or 2 brow tines on both antlers.

Comments WP10-10
January 29, 2010; Page 1 of 2

**Conservation Issues**: Antler restrictions are intended to maximize hunting opportunity while maintaining bull:cow ratios at acceptable levels. From 1999–2008, the RM038 moose harvest averaged 62 moose per year (range 47–83). As a result of the recently liberalized antler regulations, the fall 2009 RM038 moose harvest reached 109, the highest on record. This represents a 76% increase from the preceding 10-year average. The record harvest last fall directly resulted from the recently liberalized antler restrictions, which facilitated additional harvest of 36 2x2 brow tine bulls that would otherwise have been protected. It is unclear if increased harvest associated with the new antler regulations will be sustainable over the long-term. It remains unknown what impact the liberalized antler will have on bull:cow ratios, reproductive success, or recruitment of young into the population.

**Enforcement Issues**: Illegally harvested animals currently represent approximately 10% of the annual RM038 moose harvest. These illegal kills represent animals that are already being removed from the segment of the bull population the current antler restrictions are designed to protect for breeding.

**Other Comments**: The impacts of adoption of WP10-10 if WP10-09 is also adopted need to be carefully considered. Adoption of both WP10-09 (establish a federal subsistence permit drawing for 10 any bull moose) and WP10-10 (liberalize moose antler restrictions) may cumulative increase bull moose harvest rates to a level which may not be sustainable under the current combined federal subsistence and State regulations.

**Recommendation:** Support if WP10-09 is not adopted.

| WP10-11 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-11 requests the recognition of customary and traditional uses of moose in Unit 1C for all rural residents of the Southeastern Alaska Management Area and the Yakutat Management Area, comprised of Units 1 through 5. No season and no harvest limit are requested. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | **~~Unit 1C Berners Bay Drainages—Moose~~**<br>*~~No Federal subsistence priority~~*<br>**Unit 1C ~~Remainder~~—Moose**<br>*~~All rural residents~~* ***Rural residents of Units 1, 2, 3, 4, and 5*** |
| **OSM Preliminary Conclusion** | **Support** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-11

## ISSUES

Proposal WP10-11, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests the recognition of customary and traditional uses of moose in Unit 1C for all rural residents of the Southeastern Alaska Management Area and the Yakutat Management Area, comprised of Units 1 through 5 (from here forward referred to as Southeast Alaska). No season and no harvest limit are requested.

## DISCUSSION

For most of Unit 1C no Federal customary and traditional use determination has been made for moose. All rural residents are Federally qualified users. The Berners Bay drainage is an exception. In this area of Unit 1C the Federal Subsistence Board (Board) has determined that there is no Federal subsistence priority for moose and thus no Federally qualified users.

Unit 1C encompasses northern portions of the Southeast Alaska mainland, north of Port Houghton and south of Sullivan Island in Lynn Canal (see **Unit 1 Map**). Glacier Bay National Park constitutes one third of the land mass in Unit 1C. Federal public lands within the park are closed to all hunting, and wildlife management in the park is not in the Board's jurisdiction. The proponent is aware that the request will not affect the hunting regulations in the park.

There is one rural community in Unit 1C, Gustavus. A significant factor affecting hunting effort in Unit 1C is the heavily populated Juneau road system area (about 30,000 people). The Juneau area is a nonrural area under Federal Subsistence Management regulations. Juneau area residents are not eligible to harvest fish and wildlife under Federal subsistence regulations, and the proposed determination will not apply to Juneau area residents.

Through Proposal WP10-11, the Council requests the evaluation of the uses of moose by rural residents of Units 1, 2, 3, 4, 5. Because no Federal customary and traditional use determination has been made for moose in Unit 1C the analysis will evaluate use by all rural residents who may harvest the resource in the management unit.

### Existing Federal Regulation

**Unit 1C Berners Bay Drainages—Moose**

*No Federal subsistence priority*

**Unit 1C Remainder—Moose**

*All rural residents*

### Proposed Federal Regulation

~~**Unit 1C Berners Bay Drainages—Moose**~~

~~*No Federal subsistence priority*~~

**Unit 1C ~~Remainder~~—Moose**

~~*All rural residents*~~ ***Rural residents of Units 1, 2, 3, 4, and 5***

**Extent of Federal Public Land**

Federal public lands comprise approximately 98% of Unit 1C and consist of 65% U.S. Forest Service lands (Tongass National Forest) and 35% National Park Service lands (Glacier Bay National Park). Federal public lands within the park are closed to all hunting (see **Unit 1 Map**).

**Regulatory History**

At the inception of the Federal Subsistence Management Program in Alaska in 1990, the Board adopted the customary and traditional use determinations from the State. The majority of the Berners Bay drainage was in the Juneau nonrural area established by the State, and the State did not allow subsistence uses in nonrural areas. As a result, the Board established a no Federal subsistence priority for moose within Berners Bay drainages. In 2002, Proposal WP02-14 was submitted to the Federal program requesting that the Board remove the no Federal subsistence priority customary and traditional use determination for moose in the Berners Bay drainage. The Council tabled the proposal until their spring 2003 meeting when staff could present information for a customary and traditional use determination in Unit 1C (SERAC 2002). However, before the next regulatory cycle the proponent withdrew the proposal (FWS 2003). In 2007, the proposal under consideration in this analysis was submitted to the Federal program (WP08-06). The Council requested that the Board defer the proposal, giving the Council the opportunity to submit its own proposal, WP10-11, requesting an evaluation of the customary and traditional uses of moose in Unit 1C by rural residents of all of Southeast Alaska, Units 1 through 5.

Currently in Southeast Alaska, customary and traditional use determinations for moose exist for Units 1, 3, and 5 only. There is no mention of moose in Federal regulations for Unit 2 and Unit 4 because these units are islands cut off from the mainland, and moose have not migrated there. Additionally, moose were scarce in Unit 3 until 1990, the year a season first opened.

Since the implementation of the Federal program in 1990, the Board has adopted two customary and traditional use determinations for moose in Southeast Alaska. One recognized uses in an area previously closed to Federal regulations, described as having no Federal subsistence priority, in Unit 1B (see WP96-04). The other reduced the pool of eligible hunters from all rural residents for a portion of Unit 3 (see FP96-10).

**Community Characteristics**

The proposal seeks to change the customary and traditional use determination in Unit 1C from all rural residents to rural residents of Units 1, 2, 3, 4, and 5 only. The population of rural residents in these management units is roughly 29,000 people living in 46 widely dispersed communities (ADLWD 2009). **Table 1** shows the rural Southeast Alaska communities for which an effort to harvest moose in Unit 1C has been documented. This is based on ADF&G's harvest permit database 1983–2002 (see **Table 2** and **Table 3**) and Berners Bay drawing permit applications 1993–2007 (see **Table 4**).

Gustavus is the only rural community in Unit 1C. Gustavus lies on the north shore of Icy Passage, and the surrounding area is called the forelands. Gustavus began as an agricultural homestead in 1914. It

**Table 1**. The population and number of households in selected rural communities in Southeast Alaska, 2000 (U.S. Census 2009).

| Unit of Residence | Community | Number of People | Number of Households | Unit of Residence | Community | Number of People | Number of Households |
|---|---|---|---|---|---|---|---|
| 1A | Metlakatla | 1,375 | 469 | 3 | Kake | 710 | 246 |
| 1A | Meyers Chuck | 21 | 9 | 3 | Petersburg | 3,224 | 1,240 |
| 1A | Neets Bay | * | * | 3 | Wrangell | 2,308 | 907 |
| 1A | Saxman | 431 | 127 | 4 | Angoon | 572 | 184 |
| 1A | Yes Bay | * | * | 4 | Cube Cove | 72 | 25 |
| 1C | Excursion Inlet | 10 | 8 | 4 | Elfin Cove | 32 | 15 |
| 1C | Gustavus | 429 | 199 | 4 | Funter Bay | * | * |
| 1C | Hobart Bay | 3 | 2 | 4 | Game Creek | 35 | 10 |
| 1C | Swanson Harbor | * | * | 4 | Gull Cove | * | * |
| 1D | Haines/Klukwan | 2,392 | 991 | 4 | Hoonah | 860 | 300 |
| 1D | Skagway | 862 | 401 | 4 | Pelican | 163 | 70 |
| 2 | Craig | 1,397 | 523 | 4 | Port Alexander | 81 | 34 |
| 2 | Kasaan | 39 | 17 | 4 | Sitka | 8,835 | 3,278 |
| 2 | Klawock | 854 | 313 | 4 | Tenakee Springs | 104 | 59 |
| 2 | Point Baker | 35 | 13 | 4 | Whitestone | 116 | 36 |
| 2 | Port Protection | 63 | 31 | 5 | Yakutat | 808 | 265 |
| 2 | Port St. Nicholas | * | * | | | | |
| 2 | Thorne Bay | 557 | 219 | | TOTAL | 26,388 | 9,991 |

* Information not available.

is surrounded by Glacier Bay National Park on three sides. Glacier Bay National Monument, part of the national park system, was established in 1925 and expanded in 1939. Hoonah Tlingit used the land and resources in the Gustavus area, as well as the lands and waters now inside the park (Schroeder and Kookesh 1990). A permanent community of primarily Hoonah Tlingit is located on Chichagof Island in Unit 4, across Icy Strait from Gustavus.

## Eight Factors for Determining Customary and Traditional Uses

A community or area's customary and traditional use is generally exemplified through the following eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

**Table 2**. The reported moose harvest in Unit 1C, cumulative 1983 - 2002 (ADF&G 2009a).

| Unit | Community | Number of hunters | Number harvested | Unit | Community | Number of hunters | Number harvested |
|---|---|---|---|---|---|---|---|
| | Blank record | 1 | 0 | 4 | **Hoonah** | 118 | 20 |
| | Nonresident | 89 | 25 | 4 | **Pelican** | 20 | 1 |
| | Residency Unknown | 17 | 4 | 4 | **Port Alexander** | 6 | 2 |
| 1A | Ketchikan | 10 | 2 | 4 | **Sitka** | 87 | 19 |
| 1A | **Meyers Chuck*** | 3 | 0 | 4 | **Tenakee Springs** | 1 | 0 |
| 1C | **Excursion Inlet** | 2 | 0 | 4 | **Whitestone** | 1 | 0 |
| 1C | **Gustavus** | 756 | 232 | 5 | **Yakutat** | 3 | 1 |
| 1C | **Hobart Bay** | 23 | 1 | 7 | Seward | 1 | 0 |
| 1C | Juneau Area | 3,529 | 809 | 14A | Houston | 1 | 0 |
| 1C | **Swanson Harbor** | 5 | 2 | 14A | Wasilla | 1 | 0 |
| 1D | **Haines** | 191 | 34 | 14C | Anchorage | 20 | 7 |
| 1D | **Skagway** | 10 | 0 | 14C | Chugiak | 1 | 1 |
| 2 | **Craig** | 1 | 1 | 14C | Eagle River | 1 | 0 |
| 2 | **Thorne Bay** | 1 | 0 | 14C | Girdwood | 1 | 0 |
| 3 | **Kake** | 2 | 0 | 15A | Soldotna | 1 | 0 |
| 3 | **Petersburg** | 88 | 15 | 15B | Kasilof | 2 | 0 |
| 3 | **Wrangell** | 7 | 2 | 15C | Homer | 1 | 0 |
| 4 | **Angoon** | 14 | 0 | 15C | Ninilchik | 1 | 0 |
| 4 | **Elfin Cove** | 15 | 5 | 20B | Fairbanks | 4 | 1 |
| 4 | **Funter Bay** | 2 | 2 | 22C | Nome | 1 | 1 |
| 4 | **Game Creek** | 1 | 0 | | | | |
| | (*continue next column*) | | | | TOTAL | 5,039 | 1,187 |

* **Bolded** communities are rural communities in Southeast Alaska.

The Federal Subsistence Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR Part 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit the eight factors. The Board does not use such customary and traditional use determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limitations or seasonal restrictions rather than by limiting the customary and traditional use finding.

Specific information on each of the eight factors is not required because a community or area seeking a customary and traditional use determination only has to "generally exhibit" the eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)).

Moose (*dzisk'w* in Tlingit) are recent arrivals in Southeast Alaska according to historical records (Brown 2004). The documented moose migrations into Southeast Alaska have been by way of river valley corridors from the Interior through the Coast Range. By the 1950s, moose were present on all major ranges in Southeast Alaska. Prior to the migration of moose into hunting areas, moose skins and sinew

**Table 3**. The reported moose harvest in Unit 1C by rural communities in Southeast Alaska, cumulative 1983 - 2002 (ADF&G 2009a)

| Unit of Residence | Rural Community | Number of hunters | Number harvested |
|---|---|---|---|
| 1A | Meyers Chuck | 3 | 0 |
| 1C | Excursion Inlet | 2 | 0 |
| 1C | Gustavus | 756 | 232 |
| 1C | Hobart Bay | 23 | 1 |
| 1C | Swanson Harbor | 5 | 2 |
| 1D | Haines | 191 | 34 |
| 1D | Skagway | 10 | 0 |
| | **Subtotal** | **990** | **269** |
| 2 | Craig | 1 | 1 |
| 2 | Thorne Bay | 1 | 0 |
| | **Subtotal** | **2** | **1** |
| 3 | Kake | 2 | 0 |
| 3 | Petersburg | 88 | 15 |
| 3 | Wrangell | 7 | 2 |
| | **Subtotal** | **97** | **17** |
| 4 | Angoon | 14 | 0 |
| 4 | Elfin Cove | 15 | 5 |
| 4 | Funter Bay | 2 | 2 |
| 4 | Game Creek | 1 | 0 |
| 4 | Hoonah | 118 | 20 |
| 4 | Pelican | 20 | 1 |
| 4 | Port Alexander | 6 | 2 |
| 4 | Sitka | 87 | 19 |
| 4 | Tenakee Springs | 1 | 0 |
| 4 | Whitestone | 1 | 0 |
| | **Subtotal** | **265** | **49** |
| 5 | Yakutat | 3 | 1 |
| | **Subtotal** | **3** | **1** |
| | TOTAL | 1,359 | 337 |

were valued and traded, probably along with moose meat, by the Tlingit (Goldschmidt and Hass 1998, Kamenskii 1985 [1906], Oberg 1973). For example, Stikine Tlingit traded with Tahltan hunters in the interior. Taku Tlingit were harvesting moose prior to 1946 from upriver areas. As soon as moose became available, local hunters, both Native and non-Native, began utilizing this resource. Emmons (1991) lists among Tlingit crests that of moose for the Raven moiety, and several Houses throughout Southeast Alaska are named after moose. In Unit 1C the first documented migration of moose was in 1962. Fifteen moose

**Table 4**. Applicants: Berners Bay drawing permit, cumulative 1993 - 2007 (ADF&G 2007).

| Unit of Residence | Community | Number of applicants | Unit of Residence | Community | Number of applicants |
|---|---|---|---|---|---|
| | Nonresident | 91 | 4 | **Pelican** | 27 |
| | Residency unknown | 4 | 4 | **Port Alexander** | 4 |
| 1A | Ketchikan | 113 | 4 | **Sitka** | 409 |
| 1A | **Metlakatla*** | 9 | 4 | **Tenakee Springs** | 68 |
| 1A | **Meyers Chuck** | 11 | 4 | **Whitestone logging camp** | 4 |
| 1A | **Neets Bay** | 1 | 5 | **Yakutat** | 2 |
| 1A | **Yes Bay** | 1 | 6C | Cordova | 3 |
| 1C | Auke Bay | 1,083 | 6D | Valdez | 2 |
| 1C | Douglas | 1,490 | 7 | Seward | 4 |
| 1C | **Gustavus** | 19 | 8 | Kodiak | 43 |
| 1C | **Hobart Bay** | 6 | 8 | Port Lions | 2 |
| 1C | Juneau | 13,267 | 11 | Copper Center | 1 |
| 1C | **Swanson Harbor** | 10 | 12 | Tok | 3 |
| 1C | **Thorne Bay** | 5 | 13A | Glennallen | 2 |
| 1D | **Haines** | 543 | 14A | Wasilla Palmer Area | 23 |
| 1D | **Klukwan** | 1 | 14C | Eagle River | 5 |
| 1D | **Skagway** | 35 | 14C | Anchorage | 160 |
| 2 | **Craig** | 38 | 15A | Kenai | 11 |
| 2 | **Kasaan** | 6 | 15A | Sterling | 1 |
| 2 | **Klawock** | 1 | 15B | Soldotna | 7 |
| 2 | **Point Baker** | 1 | 15C | Homer | 3 |
| 2 | **Port Protection** | 6 | 19C | Kasilof | 2 |
| 2 | **Port St Nicholas** | 1 | 20B | Eielson AFB | 3 |
| 3 | **Kake** | 2 | 20B | Fairbanks | 48 |
| 3 | **Petersburg** | 155 | 20B | North Pole | 3 |
| 3 | **Wrangell** | 17 | 20B | Two Rivers | 3 |
| 4 | **Angoon** | 13 | 20D | Delta Junction | 6 |
| 4 | **Cube Cove** | 7 | 20E | Chicken | 2 |
| 4 | **Elfin Cove** | 37 | 22D | Savoonga | 2 |
| 4 | **Funter Bay** | 4 | 22C | Nome | 2 |
| 4 | **Gull Cove** | 2 | 28 | Barrow | 15 |
| 4 | **Hoonah** | 90 | | | |
| | (*continue next column*) | | | TOTAL | 17,939 |

* **Bolded** communities are rural communities in Southeast Alaska.

calves were introduced to Berners Bay in 1958 and a supplemental release of six more calves occurred in 1960.

**Table 2**, based on ADF&G's hunting permit database from 1983 to 2002, shows that people from all over Alaska have attempted to harvest moose in Unit 1C (ADF&G 2009a). It is clear that most of the hunting effort (3,529 of 5,039 hunters, about 70%) and moose taken (809 of 1,187 moose, about 68%) were by residents of the nonrural Juneau area (with a population of about 30,000 people). The remaining 32% of hunters came from communities throughout Southeast Alaska and parts of the rest of Alaska. It is also apparent that many hunters come from nonrural communities such as Ketchikan (10 hunters) making the percentage of moose harvested by residents of rural communities small (28%). Because Saxman is counted in these data along with Ketchikan, no separate tally is available for Saxman hunters. **Table 2** also shows that in some cases significant effort has gone into hunting with little or no harvest occurring.

In the case of Hoonah, for example, 118 hunting attempts over 20 years yielded 20 moose. In short, residents of rural communities in each of Units 1, 2, 3, 4, and 5 have harvested moose in Unit 1C.

The section below looks at the pattern of use in Unit 1C by communities within Southeast Alaska and by communities outside the region.

From 1983 to 2002, based on ADF&G harvest permit data shown in **Table 3**, there were 990 hunters from Unit 1 using Unit 1C during this period. During the same period, two hunters from Unit 2 communities attempted to harvest moose in Unit 1C; 97 hunters from Unit 3 communities attempted to harvest moose in Unit 1C; 265 hunters from Unit 4 communities attempted to harvest moose in Unit 1C; and 3 hunters from Unit 5 communities attempted to harvest moose in Unit 1C.

Two rural communities from outside Southeast Alaska, Nome and Ninilchik, account for a total of two hunters taking a total of one moose from Unit 1C in the 20 year span between 1983 and 2002.

Concerning Berners Bay specifically, **Table 4**, based on ADF&G's harvest permit data 1993–2007, shows that people from all over Alaska have applied for drawing permits to harvest moose in the Berners Bay drainages in Unit 1C (ADF&G 2007). It is clear that most of the applicants (15,840 of 17,939 applicants, about 88%) were residents of the nonrural Juneau area. The remaining 12% of applicants came from communities throughout Southeast Alaska and parts of the rest of Alaska. The percentage of applicants from rural communities was small (9%). Residents of rural communities in each of Units 1, 2, 3, 4, and 5 have applied to harvest moose in the Berners Bay drainage. For all communities, during this 15-year period (1993–2007), on average, 1,196 people applied and 11 permits total were given out. The corresponding draw success rate was 1%.

The number of applicants from a community demonstrates that people were interested in using the area, but the actual level of interest in hunting moose in the Berners Bay drainage has not been documented.

The use of river drainages to harvest wild resources in Southeast Alaska is well documented (Davidson 1928, Goldschmidt and Haas 1998). Drainages were regularly used to hunt goat and bear, trap furbearers, and collect plants and berries. Cabins and smokehouses were often located on these routes where meat was preserved by smoking. After migrating into these areas, moose were also harvested. Berners Bay (*Daxanáak* in Tlingit) was visited by both Chilkat Tlingit, from Skagway and Haines areas, and Auk Tlingit, from Juneau and Admiralty Island areas, to harvest wild resources during the late nineteenth and early twentieth centuries. In the nineteenth century, there were two, year-round villages, seasonally occupied camps, and smokehouses located along Berners Bay drainages.

Further review of the pattern of use in Southeast Alaska indicates that, historically, moose hunting was undertaken during fall and occasionally winter or spring. Moose are generally considered to be in their prime prior to the fall rutting season. There have been open seasons for moose from the 1950s to the present, occurring in September and October. State regulations provide a hunt for residents and nonresidents across Unit 1C; however, the State moose season in the Berners Bay drainage has not opened since 2007. Federal subsistence regulations provide a hunt in Unit 1C except along Berners Bay drainages.

From 1983 through 2002, ADF&G harvest permit data (ADF&G 2009a) show that the pattern of use in Unit 1C has been primarily by boat (2,958 hunters), with some access by airplane (715 hunters) and highway vehicle (454 hunters). Use of horse/dogsled (2 hunters), ATV (44 hunters), and airboat (32 hunters) were also reported. Skiffs or small boats are used for river access to hunt moose. Moose are hunted with rifles or bow and arrow. Off road vehicles are used for transportation and hauling if feasible.

In some areas, prior to logging, hunters walked inland to the lakes to get a moose and packed the moose back to their boats. After the construction of logging roads, hunters used vehicles to transport the harvest (Smythe 1988).

Southeast Alaska moose populations are associated with habitats located near streams with suitable forage of willow and dogwood. Moose prefer the valleys around the rivers and areas recently exposed by receding glaciers. Boat access to moose habitat is particularly effective, especially for residents of communities such as Petersburg and Haines who live relatively close to Unit 1C. Traditionally, the Native peoples of Southeast Alaska were able to travel throughout the region by boat, and the tradition continues with travel by fishing boat, skiff, and other small boats.

Patterns of sharing are a common characteristic of customary and traditional uses. A tradition of distribution and exchange continues as part of the great gift-giving associated with elaborate feasts and ceremonies, and between individuals and families at the everyday level (De Laguna 1990). These traditions of sharing are observed in contemporary patterns. Communities often have designated hunters or fishers for groups of relatives or neighbors. Subsistence use household surveys conducted in Southeast Alaska indicate a pattern of sharing moose through giving and receiving (**Table 5**). For example, many residents of Southeast Alaska reported that they used moose even though no one in the community reported harvesting a moose. These households received moose from successful hunters in other communities. This illustrates cross-community sharing in Southeast Alaska.

Although salmon continues to be the mainstay of the economy in most of Southeast Alaska, moose is an important part of wild resource harvests and uses. Hunting for large land mammals, including moose, goats, bears, and deer, is augmented and complemented by the seasonal round of collecting fish, hunting for other terrestrial and marine mammals, collecting intertidal resources, and harvesting plants from beaches, forests, and elsewhere (ADF&G 2009b).

**Effects of the Proposal**

If this proposal is adopted, only rural residents of Units 1, 2, 3, 4, and 5 would be eligible to hunt moose on Federal public lands in Unit 1C under Federal wildlife regulations. Currently there is no Federal open moose season or harvest limit in Berners Bay drainages, and therefore no other effects are anticipated until a moose season and harvest limit are adopted.

If this proposal is not adopted, there would continue to be no Federal subsistence priority in the Berners Bay drainage and hunters would continue to hunt in the Berners Bay drainage with a State draw permit only.

**OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP10-11.

**Justification**

Based on a review of the eight factors, rural residents of Units 1–5 have demonstrated customary and traditional uses of moose in areas of Unit 1C in close proximity to them or accessible to them by boat. According to ethnographic descriptions and harvest documentation supporting such a finding, rural residents of Southeast Alaska customarily and traditionally used moose from Unit 1C since moose first migrated into the area. The ability to harvest moose in the Berners Bay drainage has been restricted by the drawing permit process and, therefore, due to reasons beyond the control of the rural residents of

**Table 5**. The estimated moose harvest in selected years in Unit 1 through Unit 5 based on household harvest surveys (ADF&G 2009b).

| | | | | % of Households that | | | |
|---|---|---|---|---|---|---|---|
| Community | Unit of Residence | Study Year | Estimated Harvest | Harvest | Use | Receive | Give |
| Metlakatla | 1A | 1987 | 0 | 0 | 4 | 4 | 0 |
| Meyers Chuck | 1A | 1987 | 2 | 10 | 10 | 0 | 10 |
| Saxman | 1A | 1987 | 3 | 3 | 21 | 18 | 3 |
| Gustavus | 1C | 1987 | 0 | 0 | 14 | 14 | 0 |
| Haines | 1D | 1996 | 68 | 8 | 67 | 59 | 11 |
| Klukwan | 1D | 1996 | 2 | 7 | 65 | 61 | 7 |
| Skagway | 1D | 1987 | 0 | 0 | 15 | 15 | 0 |
| Coffman Cove | 2 | 1998 | 3 | 4 | 30 | 28 | 6 |
| Craig | 2 | 1997 | 4 | 1 | 11 | 11 | 2 |
| Edna Bay | 2 | 1998 | 0 | 0 | 8 | 8 | 0 |
| Hollis | 2 | 1998 | 3 | 4 | 9 | 9 | 4 |
| Hydaburg | 2 | 1997 | 0 | 0 | 4 | 4 | 4 |
| Hyder | 2 | 1987 | 2 | 6 | 33 | 27 | 0 |
| Kasaan | 2 | 1998 | 0 | 0 | 7 | 7 | 7 |
| Klawock | 2 | 1997 | 9 | 3 | 7 | 5 | 3 |
| Point Baker | 2 | 1987 | 0 | 0 | 5 | 5 | 0 |
| Port Protection | 2 | 1996 | 0 | 0 | 8 | 8 | 0 |
| Thorne Bay | 2 | 1998 | 0 | 0 | 9 | 9 | 1 |
| Kake | 3 | 1996 | 3 | 1 | 4 | 3 | 0 |
| Petersburg | 3 | 1987 | 119 | 8 | 27 | 22 | 7 |
| Wrangell | 3 | 1987 | 64 | 6 | 43 | 38 | 6 |
| Angoon | 4 | 1996 | 0 | 0 | 3 | 3 | 0 |
| Hoonah | 4 | 1996 | 11 | 4 | 16 | 12 | 4 |
| Pelican | 4 | 1987 | 3 | 4 | 16 | 13 | 4 |
| Sitka | 4 | 1996 | 112 | 3 | 12 | 10 | 4 |
| Tenakee Springs | 4 | 1987 | 0 | 0 | 10 | 10 | 0 |
| Yakutat | 5 | 2000 | 45 | 17 | 77 | 65 | 30 |

Southeast Alaska, few harvests by them from this area have been documented. Additionally, several subunits located in Southeast Alaska are sparsely populated with no access to air or mail services. Their moose harvesting efforts were often grouped with nearby communities. In the case of Unit 1B, for example, harvest reporting was likely grouped with nearby Petersburg and Wrangell, located in Unit 3. Therefore, even though no reported harvest from Unit 1B residents was documented in the harvest data reviewed in this analysis, the rural residents of Unit 1B have been included in the customary and traditional determination for moose in Unit 1C.

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| WP10-12 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-12 requests that the wolverine trapping season in Units 1–5 be changed from November 10–April 30 to November 10–February 15. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | **Units 1, 2, 3, 4, and 5—Wolverine (Trapping)**<br>*No limit* *Nov. 10.–~~April 30~~* ***Feb. 15*** |
| **OSM Preliminary Conclusion** | **Support** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Support** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-12

## ISSUES

Proposal WP10-12, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requests that the wolverine trapping season in Units 1–5 be changed from November 10–April 30 to November 10 –February 15.

## DISCUSSION

In November 2008, the Alaska Board of Game reduced the length of the wolverine trapping season in Units 1–5 effective for the 2009 season. As a consequence, the Federal subsistence trapping season, which was previously aligned with the State season, now ends 2 1/2 months later. The Alaska Board of Game shortened the wolverine trapping season to protect lactating female wolverine in the harvest after February 15. This change would decrease opportunity to harvest wolverine for subsistence users in the short term, but increase reproductive potential of the population.

### Existing Federal Regulation

**Units 1, 2, 3, 4, and 5—Wolverine (Trapping)**

| | |
|---|---|
| *No limit* | *Nov. 10.–April 30* |

### Proposed Federal Regulation

**Units 1, 2, 3, 4, and 5—Wolverine (Trapping)**

| | |
|---|---|
| *No limit* | *Nov. 10.–~~April 30~~* ***Feb. 15*** |

### Existing State Regulation

**Units 1–5—Wolverine (Trapping)**

| | |
|---|---|
| *No limit* | *Nov. 10.–Feb. 15* |

### 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

There has been no customary and traditional use determination made for wolverine trapping in Units 1–5. Therefore, all rural Alaskan residents are eligible to trap wolverine under Federal subsistence regulations.

**Regulatory History**

Prior to 1985, the regional wolverine trapping season typically extended from November 10 through February 15. In 1986 the Alaska Board of Game adopted a November 10 to April 30 trapping season to allow for incidental wolverine harvest during wolf trapping season.

On July 1, 1990, the Federal Subsistence Board (Board) adopted subsistence regulations for wolverine trapping that aligned with State regulations. The Units 1–5 wolverine subsistence trapping season remains the same as initially adopted; November 10–April 30 with no harvest limit.

During the November 2008 meeting of the Alaska Board of Game, the season was changed to November 10 to February 15; primarily to reduce the harvest of female wolverines with dependant young. February 15 was selected to align the season closing date with the closing date of the mink and marten trapping season.

**Biological Background**

Wolverine populations occur in Units 1, 3 and 5. Although there is a trapping season, wolverines are not known to occur in Units 2 and 4. There are no wolverine population estimates for the area, however based on harvest records; the wolverine population appears to be stable. There is not an estimate of the total number of wolverine in this region. Kits are typically born in February and March and the loss of those young may result in reduced recruitment. Recent studies have documented the importance of protecting reproductive females for successful survival of wolverine kits and health of the population (Magoun et al. 2008).

**Harvest History**

Harvested wolverines must be sealed within 30 days of capture. The average annual harvest of wolverines for Unit 1 has been 21 animals; in Unit 3, one animal and Unit 5, two animals; for a total annual harvest of 24 wolverines from the Southeast Region (ADF&G 2009). Females comprise approximately 40% of the total harvest, 43% of the March harvest and 42% of the April harvest. Approximately 83% of wolverines are taken between November and February with an additional 10% taken in March and 7% in April **(Table 1)**. There is no information on how many wolverines are taken incidentally in set for other species. However, it is common knowledge that in Southeast Alaska, traps specifically designed to harvest wolverine on the uplands are much more effective at capturing wolverine than traps designed to capture wolves in the intertidal areas. Trapping effort for both wolverine and wolves decreases in March and April due to the increased potential to catch black bears as they emerge from hibernation.

**Effects of the Proposal**

Adoption of this proposal would reduce wolverine trapping opportunities for subsistence users in February, March and April. However, harvest and effort is low during this time. The shorter season will reduce the harvest of female wolverines with dependant young after February 15. This should help with kit survival and ultimately increase recruitment of young into the population. There may be some incidental harvest of wolverine, if the season is shortened, during wolf trapping season. The potential is thought to be small due to the differences in trapping techniques employed when targeting wolves. If this proposal is adopted it would also align the Federal and State trapping seasons in the region.

**Table 1**. Units 1–5 wolverine harvest by month (ADF&G 2009)

| Month | Average Harvest | Percent Harvest | Percent Female |
|---|---|---|---|
| November | 1 | 2% | 64% |
| December | 5 | 22% | 35% |
| January | 8 | 35% | 39% |
| February | 6 | 23% | 39% |
| March | 2 | 10% | 43% |
| April | 2 | 7% | 42% |

## OSM PRELIMINARY CONCLUSION

**Support** Proposal WP10-12.

### Justification

Recent information has highlighted the importance to the health of wolverine populations by protecting reproductive female wolverines after the kits are born. Reduced survival of reproductive female and young-of-year wolverine may affect the size of the total population and result in fewer adult animals available for harvest.

## LITERATURE CITED

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Magoun, A.J., P. Valkenburg and R.E. Lowell. 2008. Habitat Associations and Movement Patterns of Reproductive Female Wolverines (Gulo gulo luscus) on the Southeast Alaska Mainland. Wildlife Research Annual Report. ADF&G, Petersburg, Alaska. 29 pages.

Comments WP10-12
January 29, 2010; Page 1 of 1

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

**Wildlife Proposal WP10-12:** Shorten the wolverine trapping season in Units 1-5 by ending the season on February 15 rather than the present April 30.

**Introduction:** A key component of viable wolverine populations is the survival of reproductive females. Recent genetic research on wolverines in Unit 1B indicates that recruitment of reproductive females is primarily from females that are born within the region and survive to reproductive age. Female wolverines do not produce young until at least three years old and successfully raise only one or two young every other year. To maintain sustainable populations of wolverines in Southeast Alaska, harvest of females with dependent young should be minimized. Wolverine kits are born in February and early March and remain in the den until late May. Prior to November 2008 when the Alaska Board of Game took action to shorten the wolverine trapping season to limit exposure of reproductive females with dependent young to harvest, Units 1-5 had the longest wolverine trapping season in Alaska and, when considered in conjunction with the hunting season, wolverines were previously vulnerable to harvest 242 days of the year. As a result of reduced state season length, all trappers will benefit from increased survival and reproductive success of denning females and the potential increase in recruitment of young into the population for harvest.

**Impact on Subsistence Users**: Most wolverines in Southeast Alaska are harvested in December, January, and February. Shortening the wolverine season would not significantly impact trapping opportunity or the time period when most wolverines are trapped. While opportunity may be reduced for a relatively small number of trappers that continue to trap wolverines during late February through April, federal subsistence trappers will benefit from the potential increase in recruitment of young into the population as result of increased survival and reproductive success of denning females.

**Opportunity Provided by State**: State regulations allow wolverine trapping from November 10 through February 15 and do not limit the number of wolverines that can be harvested.

**Conservation Issues**: From February through March, reproducing females are most vulnerable to trapping because they travel extensively to obtain food while attempting to meet the energetic demands of lactation for their den-bound kits. Harvesting reproductive female wolverines during this period impacts young and could negatively affect recruitment into the population. Closing the wolverine trapping season on February 15 will contribute to long-term and sustainable wolverine hunting and trapping opportunities.

**Enforcement Issues**: Closing the wolverine trapping season on February 15 will reduce confusion by making the closing dates and sealing deadlines for wolverine trapping consistent with most other furbearers across the region.

**Recommendation:** Support.

| WP10-13 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-13 requests that the doe harvest season be closed on January 15, in that portion of Unit 4 draining into Chatham Strait, Peril Strait, and Icy Strait, including Tenakee Inlet. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | **Unit 4 — Deer**<br>***That portion of Unit 4 draining into Chatham Strait, Peril Strait, and Icy Strait, including Tenakee Inlet — 6 deer; however, female deer may be taken only from Sept. 15–Jan. 15 .*** *Aug. 1−Jan. ~~31~~**15***<br>**Remainder -** *6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31.* *Aug. 1–Jan. 31* |
| **OSM Preliminary Conclusion** | **Oppose** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Support with modification** to eliminate the January season to protect deer when most vulnerable. |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-13

## ISSUES

Proposal WP10-13, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that the doe harvest season be closed on January 15, in that portion of Unit 4 draining into Chatham Strait, Peril Strait, and Icy Strait, including Tenakee Inlet.

## DISCUSSION

Conservation concerns regarding the deer population in Unit 4 have developed over the last several years due to deep snow winters, which have resulted in increases in mortality and reduced recruitment. In response to these harsh winters, there have been several doe season closures in all or parts of Unit 4. The Council submitted this proposal to protect female deer when they are most vulnerable.

### Existing Federal Regulation

**Unit 4 — Deer**

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

**Note:** Federal in-season managers closed the Northeast Chichagof Controlled Use Area (NECCUA) doe season from Sept. 15 – Nov. 13 by Emergency Special Action (7-BD05-09). The Federal Subsistence Board closed the NECCUA doe season through January 31, 2010 (WSA09-10).

### Proposed Federal Regulation

**Unit 4 — Deer**

***That portion of Unit 4 draining into Chatham Strait, Peril Strait, and Icy Strait, including Tenakee Inlet — 6 deer; however, female deer may be taken only from Sept. 15–Jan. 15 .*** *Aug. 1–Jan. ~~31~~**15***

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

### Existing State Regulation

**Unit 4 — Deer**

*That portion of Chichagof Island east of Port Frederick and north of Tenakee Inlet including all drainages into Tenakee Inlet. 3 deer, however, only bucks may be taken after September 14.*

*That portion of Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, and west of Port Frederick including all drainages into the west side Port Frederick, Mud Bay and Icy Strait. 4 deer; however, only bucks may be taken after September 14.*

| | |
|---|---|
| *Remainder. 4 deer total* | |
| *Bucks* | *Aug. 1 – Sept. 14* |
| *Any deer* | *Sept. 15 – Dec. 31* |

**Note:** ADF&G closed the doe harvest season in the NECCUA for the entire 2009/10 season.

**Extent of Federal Public Lands**

Federal public lands comprise 96% of Unit 4. Almost all Federal public lands within Unit 4 are managed by the U.S. Forest Service (USFS), as part of the Tongass National Forest.

**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**

A discussion of the regulatory history for deer in Unit 4 can be found in the analysis for WP10-14.

**Current Events**

Current events pertaining to Unit 4 deer are discussed in WP10-14.

**Biological Background**

The biological background for Unit 4 deer pertaining to this analysis is presented in WP10-14.

**Harvest History**

The harvest history for Unit 4 deer is presented in the analysis for WP10-14.

**Effects of the Proposal**

If this proposal is adopted, it would reduce harvest opportunities for Federally qualified subsistence users by closing a large portion of Unit 4 to doe harvest in late January, shortening the season by 16 days. All January harvest is by Federally qualified subsistence users because the State deer season closes December 31st.

Adopting this proposal would have a relatively small effect on the overall doe harvest within the proposal area. The harvest data (**Table 1** and WP10-14 **Table 8**) indicate that the reported January doe harvest accounts for 97 does, or 8% of the annual doe harvest within the proposal area, which is lower than the reported harvest in each of the months of October, November, and December. Mortality is expected to be additive at current deer population levels, so any decrease in doe mortality would likely benefit recruitment and population recovery. Assuming the deer population recovers, which has historically occurred within about 5 years after a deep snowfall year, the reduced doe harvest could decrease deer population productivity and unnecessarily limit harvest opportunity for Federally qualified subsistence users.

**Table 1**. Moose composition survey results for the Yakutat Forelands, 2005-2008 (Barten 2002, 2005, 2006b, 2007, Oehlers 2008a, b, c).

| Month | Year | Survey Area | # Bulls | # Cows | # Calves | # Unknown | Total | Bull:cow |
|---|---|---|---|---|---|---|---|---|
| March | 2002 | Yakutat Forelands | 28 | 146 | 21 | 0 | 195 | 19:100 |
| November | 2005 | Eastern Forelands | 33 | 166 | 17 | 0 | 216 | 20:100 |
| November | 2006 | Western Forelands | 12 | 119 | 11 | 0 | 142 | 10:100 |
| December | 2007 | Western Forelands | 24 | 21 | 21 | 200 | 266 | 11:100[1] |
| December | 2007 | Eastern Forelands | 55 | 49 | 53 | 262 | 419 | 18:100[1] |
| November | 2008 | Western Forelands | 23 | 67 | 4 | 0 | 94 | 34:100 |
| December | 2008 | Western Forelands | 24 | 166 | 31 | 0 | 221 | 14:100 |
| December | 2008 | Eastern Forelands | 23 | 100 | 4 | 2 | 139 | 23:100 |

[1] Minimum estimate.

Adopting this proposal would reduce management flexibility compared to existing in-season management authority. Federal managers and the ADF&G have emergency action authority to quickly close all, or any portion of Unit 4, if problems become evident. Federal in-season managers cannot expand seasons without regulatory proposals. The agencies have worked with local residents and the council to implement appropriate closures during the last three seasons. History suggests the decline in the deer population will be temporary and the population should recover to levels sufficient for doe harvest in about three to five years assuming more typical winter snowfall.

If this proposal is adopted, it could displace some Federally qualified subsistence users to other areas, such as east Admiralty Island or western Baranof Island, which could affect deer population recovery rates in those areas.

## OSM PRELIMINARY CONCLUSION

**Oppose** Proposal WP10-13.

### Justification

Although the population data suggest that any restriction of doe harvest would improve recruitment at current deer population levels, adopting this proposal would decrease the overall doe harvest by a small percent. Federal and State management agencies have worked closely with local communities and the Council since 2006 to monitor the deer population and implement temporary harvest restrictions using existing authorities. These temporary authorities provide more flexibility to meet changing population levels during the recovery period than the proposed closure would. In the long-term, this reduction in doe harvest is probably not necessary and would restrict Federally qualified subsistence user opportunities to harvest does.

## LITERATURE CITED

McCoy, K. 2009. Personal communication: email containing ADF&G deer harvest survey data. ADF&G, Douglas, AK.

Comments WP10-13
January 29, 2010; Page 1 of 2

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

**Wildlife Proposal WP10-13:** Close a portion of the federal subsistence deer season in that portion of Unit 4 draining into Chatham Strait, Peril Strait, and Icy Strait, including Tenakee Inlet, on January 15.

**Introduction:** 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 2 fewer weeks (22 weeks instead of 24 weeks) to harvest 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.

**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 any January doe season in this area for conservation reasons, whether it is two weeks or the entire month.** During January, deer are more likely to be concentrated on beaches, making them very vulnerable to high levels of harvest. When deer numbers are low, the January season could prove detrimental to the rebound of deer populations at the local level.

**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 with modification to eliminate the January season to protect deer when most vulnerable.

| WP10-14 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-14 requests the closure Federal public lands in the Northeast Chichagof Controlled Use Area to the harvest of female deer by non-Federally qualified users in December. Additionally, the Council requests that the analysis evaluate the need for closing the areas draining into Chatham Strait, Peril Strait, and Icy Strait, including Tenakee Inlet to the harvest of female deer by non-Federally qualified users in December. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | **Unit 4 — Deer**<br>*6 deer; however, female deer may be taken only from Sept. 15–Jan. 31.* — *Aug. 1 – Jan. 31*<br>***Federal public lands of Unit 4 draining into Chatham Strait, Peril Strait, and Icy Strait, including Tenakee Inlet are closed to the taking of female deer by non-Federally qualified users Dec. 1 – 31.*** — *Aug. 1 − Jan. 31* |
| **OSM Preliminary Conclusion** | **Oppose** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Oppose** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-14

## ISSUES

Proposal WP10-14, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests the closure Federal public lands in the Northeast Chichagof Controlled Use Area (NECCUA, **Map 1**) to the harvest of female deer by non-Federally qualified users in December. Additionally, the Council requests that the analysis evaluate the need for closing the areas draining into Chatham Strait, Peril Strait, and Icy Strait, including Tenakee Inlet (**Map 1**) to the harvest of female deer by non-Federally qualified users in December.

## DISCUSSION

The Alaska Department of Fish and Game (ADF&G) and the Federal Subsistence Board (Board) have closed the NECCUA to the harvest of female deer by all hunters for all or portions of regulatory years 2007/08, 2008/09, and 2009/10. Additionally, all of Unit 4 was closed for a portion of 2007/08. These closures were in response to a series of deep snow winters in southeast Alaska that reduced the deer population and caused concerns about the status of the population and how long it will take to recover. The Council believes that there is a conservation concern for the local deer population and, because of this, it is necessary to protect female deer when they are most vulnerable.

### Existing Federal Regulation

**Unit 4 — Deer**

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

**Note:** Federal in-season managers closed the NECCUA doe season from Sept. 15–Nov. 13, 2009 by Emergency Special Action (7-BD-05-09). The Federal Subsistence Board closed the NECCUA doe season Nov. 14, 2009–Jan. 31, 2010 (WSA09-10).

### Proposed Federal Regulations

**Unit 4 — Deer**

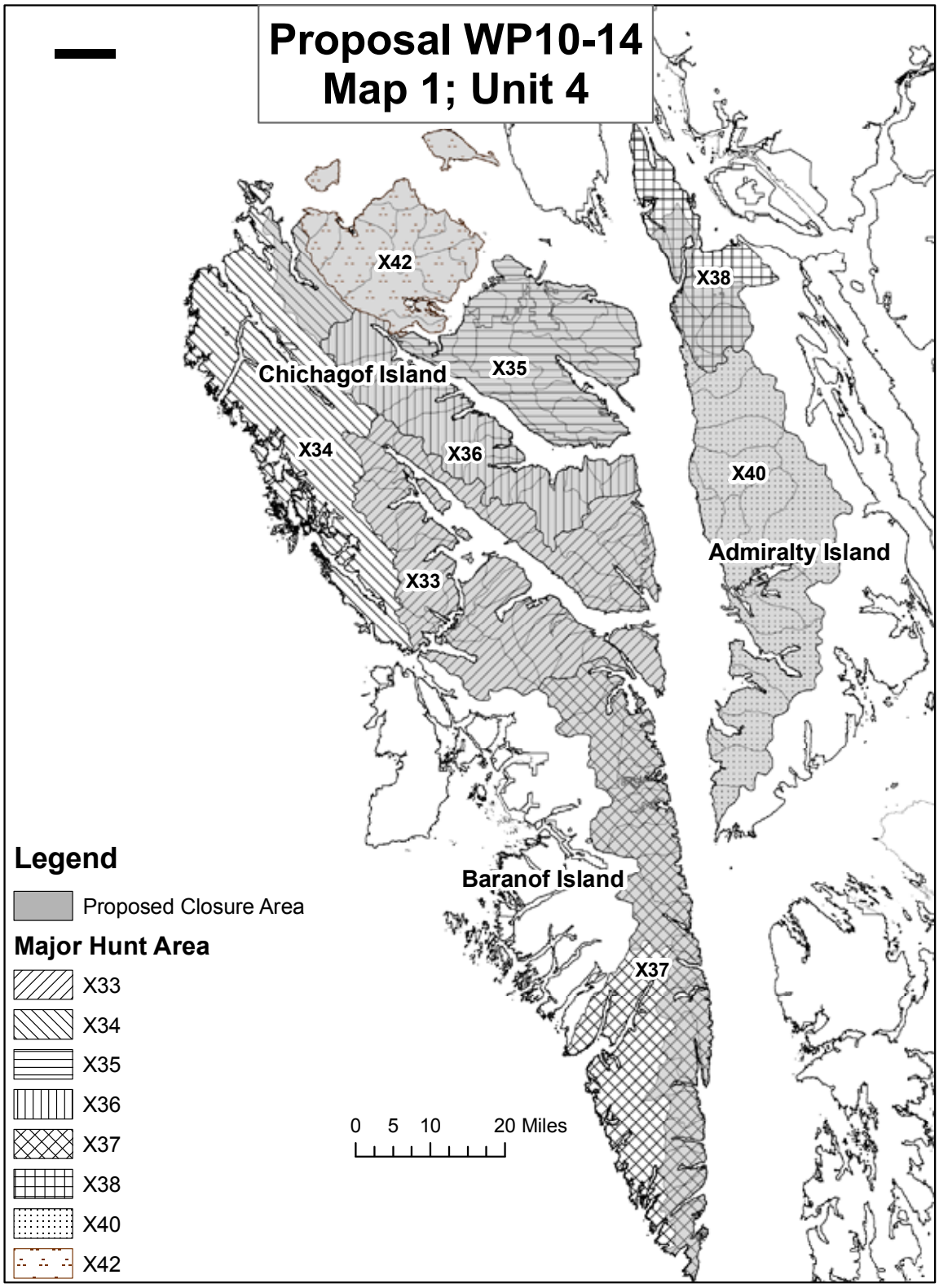
*6 deer; however, female deer may be taken only from Sept. 15–Jan. 31.* *Aug. 1 – Jan. 31*

***Federal public lands of Unit 4 draining into Chatham Strait, Peril Strait, and Icy Strait, including Tenakee Inlet are closed to the taking of female deer by non-Federally qualified users Dec. 1 – 31.*** *Aug. 1 − Jan. 31*

### Existing State Regulation

**Unit 4 — Deer**

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


Proposal WP10-14
Map 1; Unit 4
X42
X38
Chichagof Island
X35
X34
X36
X40
Admiralty Island
X33
Baranof Island
X37
Legend
Proposed Closure Area
Major Hunt Area
X33
X34
X35
X36
X37
X38
X40
X42
0 5 10 20 Miles

| | | |
|---|---|---|
| *3 deer total:* | *Bucks* | *Aug. 1 – Sept. 14* |
| | *Any deer* | *Sept. 15 – Dec. 31* |
| *Remainder.* | | |
| *4 deer total:* | *Bucks* | *Aug. 1 – Sept. 14* |
| | *Any deer* | *Sept. 15 – Dec. 31* |

**Note:** ADF&G closed the doe season in the NECCUA for the entire 2009/10 season.

**Extent of Federal Public Lands**

Federal public lands comprise 96% of Unit 4. Almost all Federal public lands within Unit 4 are managed by the U.S. Forest Service (USFS), as part of the Tongass National Forest.

**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 (**Table 1**). Harvest of antlerless deer has been permitted from September 15 to January 31. In 1992, 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 (**Table 1**). 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 and the season extended from August 1 to January 31.

The State and Federal doe season closures that have been implemented in response to the deep snow winters that have depressed the Unit 4 deer population can be found in **Table 2**.

**Current Events**

The USFS held a public hearing in Hoonah in September 2009 regarding special action WSA09-10 which proposed doe harvest closures in the NECCUA for the 2009/10 season. Nobody present at the meeting spoke against the closure.

On September 10, 2009, the ADF&G closed the doe season in the NECCUA for the entire 2009 season (E.O. 01-02-09). Effective September 15, 2009, Federal in-season managers closed the Federal subsistence doe season on Federal public lands in the NECCUA through November 13, 2009 (Special

**Table 1.** Regulatory history for Unit 4 deer, 1985 to present.

| Year | Unit | Season Type | Season | Limit | Conditions and Limitations |
|---|---|---|---|---|---|
| 1985-1986 | 4 | Subs./General | Aug 1-Dec 31 | Four | All drainages on the west side on Admiralty I. from Pt. Marsden to Pt. Gardner. Antlerless deer from 9/15 to 12/31. |
| 1985-1986 | 4 | Subs./General | Jan 1-Jan 31 | Two | By registration permit only. |
| 1985-1986 | 4 | Subs./General | Aug 1-Dec 31 | Four | Baranof I. N and W of the divide between North Cape and Portage Pt. and Chicagof I. S of the divide between Pt. Leo and Pt. Hayes and all adjacent islands including Kruzof and Catherine islands. Antlerless deer from 10/15-12-31. One deer/day, 12/1-12/31. |
| 1985-1986 | 4 | Subs./General | Aug 1-Dec 31 | Four | Remainder of Unit 4. Antlerless from 9/15 to 12/31. |
| 1987 | 4 | General | Aug 1-Jan 7 | Six | Antlerless deer may be taken only from 9/15 to 1/31. |
| 1987 | 4 | Subsistence | Aug 1-Jan 31 | Six | Antlerless deer may be taken only from 9/15 to 1/31. |
| 1988-1990 | 4 | Subsistence | Aug 1-Jan 31 | Six | Chichagof I. E of Port Frederick and N of Tenakee Inlet including all drainages into Tenakee Inlet; antlerless deer may only be taken from Sept 15 to Jan 31. |
| 1988-1990 | 4 | General | Aug 1-Jan 31 | Three | Chichagof I. E of Port Frederick and N of Tenakee Inlet including all drainages into Tenakee Inlet; antlerless deer may only be taken from Sept 15 to Jan 31. |
| 1988-1990 | 4 | Subs./General | Aug 1-Jan 31 | Six | Remainder of Unit 4; antlerless deer from 9/15 to 1/31. |
| 1991 | 4 | Subs./General | Aug 1-Jan 31 | Three | Chichagof I. E of Port Frederick and N of Tenakee Inlet including all drainages into Tenakee Inlet; antlerless deer may only be taken from Sept 15 to Jan 31. |
| 1991 | 4 | Subs./General | Aug 1-Jan 31 | Six | Remainder of Unit 4; Antlerless deer from 9/15 to 1/31. |
| 1990-1992 | 4 | Fed. Subs | Aug 1-Jan 31 | Six | Antlerless deer from 9/15 to 1/31. |
| 1993 | 4 | Fed. Subs. | Aug 1-Jan 31 | Six | Chichagof I. E of divide from Gull Cove to Trail R. and Upper Tenakee In., including drainages into Tenakee In. and Chatham St. N of Kook Lake; offshore islands included. Area closed to non-subsistence hunting after Nov 1. Antlerless deer 9/15-1/31. |
| 1993 | 4 | Fed. Subs. | Aug 1-Dec 31 | Four | Baranof I. N of North Pt./Kasnyku Bay, SW to North Cape of Whale Bay, drainages into Peril St. Hoonah and Salisbury sounds E of Point Leo, and offshore islands. Closed to non-subsistence hunting. Antlerless deer 9/15 to 12/31. |
| 1993 | 4 | Fed. Subs. | Aug 1-Jan 31 | Six | Remainder of Unit 4; antlerless deer from 9/15 to 1/31. |
| 1992-2009 | 4 | Subs./General | Aug 1-Dec 31 | Three | Chichagof I. E of Port Frederick and N of Tenakee Inlet including all drainages into Tenakee Inlet; antlerless deer may only be taken from Sept 15 to Dec 31. |
| 1992-2009 | 4 | Subs./General | Aug 1-Dec 31 | Four | Remainder of Unit 4; antlerless deer may only be taken from Sept 15 to Dec 31. |
| 1994-2009 | 4 | Fed. Subs. | Aug 1-Jan 31 | Six | Antlerless deer may be taken only from 9/15 to 1/31. |

**Table 2**. Doe season closures enacted by the Alaska Department of Fish and Game and the Federal Subsistence Board within Unit 4 since the winter of 2006-07.

| Regulatory Year | Agency | Area | Closure Dates | Emergency Order / Special Action Number |
|---|---|---|---|---|
| 2007/08 | ADF&G | NECCUA [1] | November 8 - December 31, 2007 | 01-06-07 |
| 2007/08 | ADF&G | Unit 4 | December 14 - December 31, 2007 | 01-13-07 |
| 2007/08 | FSB | NECCUA | November 27, 2007 - January 25, 2008 | WSA07-05 |
| 2007/08 | FSB | Unit 4 | January 1 - January 31, 2008 | WSA07-07 |
| 2008/09 | ADF&G | NECCUA | October 1 - December 31, 2008 | 01-03-08 |
| 2008/09 | FSB | NECCUA | October 2, 2008 - January 31, 2009 | 7-BD-05-08 |
| 2009/10 | ADF&G | NECCUA | September 14 - December 31, 2009 | 01-02-09 |
| 2009/10 | FSB | NECCUA | September 14 - November 13, 2009 | 7-BD-05-09 |
| 2009/10 | FSB | NECCUA | November 14, 2009 - January 31, 2010 | WSA09-10 |

[1] Northeast Chichagof Controlled Use Area

Action 7-BD-05-09). In response to Special Action Request WSA09-10, submitted by the Council, the Board closed the doe season in the NECCUA through January 31.

**Biological Background**

Unit 4 deer population levels fluctuate, primarily influenced by winter snow depths (Olson 1979). Mooney (2007: 53) summarized the cyclic pattern of the Unit 4 deer population:

> Most winters in Unit 4 were mild from the mid 1970s through 1987–88, with high survival of fawns and adult deer. However, during the winters of 1988–89 through 1990–91, persistent snow caused significant deer mortality. During the winters of 1994–95 and 1998–99 many fawns died, but these appeared to be relatively minor setbacks. A series of mild winters beginning in 1999–2000 to the present period have allowed an apparent recovery of deer populations. Record low snowfall was recorded during the winters of 2002–06.

Deer have trouble meeting their energy needs in winter (Hanley and McKendrick 1985, Parker *et al*. 1999) and long periods of deep snow restrict the availability of forage, resulting in depletion of their energy reserves to the point of starvation (Olson 1979). White *et al*. (2009) found that forage availability (blueberry shrubs, *Vaccinium* spp.), even in prime old-growth forest habitat, is extremely limited when snow depths reach 12 inches. Herbaceous plants and roots provide higher energy intake than shrubs in winter but can be buried by four inches of snow (Parker *et al*. 1999). Record high snow levels occurred throughout much of southeast Alaska during the winter of 2006–07, and winters since then have had above average snow persisting late into the spring (Western Regional Climate Center 2009). During the winter of 2006–07, deep snow came early and stayed late. In Hoonah, for example, 70 inches fell during November 2006 while 141 inches fell in March 2007. During the winters of 2007–08 and 2008–09, deep snow did not occur as early but lingered late into the spring (Western Regional Climate Center 2009). These severe winters have resulted in substantial winter mortality of deer (ADF&G 2009).

There has likely been limited recruitment of breeding does during the last three years because of the harsh winter conditions. Fawns have limited fat reserves and are typically some of the first animals to die from starvation during hard winters (Klein and Olson 1960, Ballard *et al*. 2001). Nutritionally stressed does produce smaller and fewer fawns (Olson 1979).

Summer nutrition is important for building body reserves for sustaining deer through the winter (Stewart *et al*. 2005). Not much information is available on summer habitat conditions because winter habitat carrying capacity is generally considered to be the limiting factor for deer in southeast Alaska. However, it has been shown that deer populations at or above habitat carrying capacity are affected by intra-specific competition for food and enter winter in reduced condition compared to deer populations below carrying capacity (Kie *et al*. 2003, Stewart *et al*. 2005). This can result in higher susceptibility to severe winters and lower productivity (Kie *et al*. 2003, Stewart *et al*. 2005).

The breeding season (or rut) peaks during late November. During the rut, bucks spend little time foraging and by late November have used up much of their fat reserve. Does typically enter December in prime condition. Prime age does (5 to 10 years) typically produce two fawns annually, so deer have a high reproductive potential (Merriam *et al.* 2008). Wolves are not present in Unit 4, which greatly reduces predation pressure during the winter, when deer are most susceptible. Thus, when mild winter conditions return, deer populations can increase quickly. At a recruitment rate around 30%, the population would double in two years (Person 2009, pers. comm.). Olson (1979) stated that deer populations are capable of recovering to previous levels within 4–5 years, based on prior deer population cycles.

Habitat

Old-growth forests are considered primary deer winter range. Habitat quality varies widely across Unit 4. **Table 3** shows estimated deer winter habitat capability remaining as of 2006 in each Wildlife Analysis Area (WAA) for the proposed closure area (USFS 2008). WAAs are subdivisions of Units that are used by ADF&G for data collection purposes, and generally include several small watersheds. This data only includes Federally managed lands of the Tongass National Forest. Thus, habitat capability on lands in ADF&G major harvest areas X35, X40, and X42 is less than indicated because of substantial timber harvest on private lands. Major harvest areas are larger Unit subdivisions used by ADF&G for analysis purposes and generally include several WAAs. Northeast Chichagof Island (X35) has had some of the most substantial habitat loss due to timber harvest and road development. In addition to the habitat changes resulting from timber harvest, a road system connected to Hoonah allows hunters easier access to interior deer habitat. Ferry system access to Hoonah allows relatively easy access for hunters from other communities as well. Some WAAs in the north Chichagof Island (X42), southeast Chichagof Island (X33, X36), and north Baranof Island (X33) areas have also had fairly substantial habitat loss to timber harvest, but the road systems are not connected to any communities. Compared to Northeast Chichagof Island (X35), no other area within the proposed closure area has a similar combination of habitat loss and road accessibility.

Based on information collected during deer-pellet and spring mortality surveys, Mooney (2008, pers. comm.) reported that prior to the winter of 2006–07, plants at low and high elevations showed signs of heavy browsing. Deer were targeting not only good, palatable species like blueberry (*Vaccinium* sp.), but less digestible species like copper bush. Surveys in 2008 and 2009 generally indicated that preferred browse and forbs were recovering and showed little evidence of use by deer (Mooney 2008, pers. comm.; 2009, pers. comm.). However, during spring 2009 deer heavily browsed some low elevation areas as green-up was delayed by cold spring temperatures (Mooney 2009, pers. comm.).

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. The population is now considered to be at a low level (ADF&G 2009). Prior to the winter of 2006–07, deer densities were considered high, but below carrying capacity (Mooney 2007). Person *et al.* (2009) recently completed a study on Prince of Wales Island

**Table 3.** Deer habitat capability remaining in 2006 as a percentage of habitat capability prior to large scale timber harvest beginning in 1954. Data are reported by Wildlife Analysis Areas and ADF&G Major Hunt Areas within the proposed closure area. Habitat capability includes only National Forest System managed lands (USFS 2008).

| Major | WAA | Land <1500' Elevation (acres) | Percent of 1954 Habitat Capability Retained, 2006 |
|---|---|---|---|
| X33 | 3308 | 74187 | 66 |
| X33 | 3309 | 30912 | 99 |
| X33 | 3310 | 65612 | 93 |
| X33 | 3311 | 48674 | 97 |
| X33 | 3312 | 16080 | 91 |
| X33 | 3313 | 51568 | 65 |
| X33 | 3314 | 32321 | 88 |
| X33 | 3315 | 34856 | 83 |
| X34 | 3416 | 52726 | 100 |
| X34 | 3417 | 116392 | 100 |
| X34 | 3418 | 47059 | 100 |
| X34 | 3419 | 37207 | 100 |
| X34 | 3420 | 30546 | 100 |
| X34 | 3421 | 33854 | 100 |
| X35 | 3523 | 32707 | 81 |
| X35 | 3524 | 7422 | 100 |
| X35 | 3525 | 53779 | 78 |
| X35 | 3526 | 26513 | 81 |
| X35 | 3551 | 48218 | 83 |
| X36 | 3627 | 21224 | 76 |
| X36 | 3628 | 26066 | 98 |
| X36 | 3629 | 66007 | 91 |
| X36 | 3630 | 37917 | 99 |
| X37 | 3731 | 42961 | 92 |
| X37 | 3732 | 30652 | 100 |
| X37 | 3733 | 127382 | 100 |
| X37 | 3734 | 86474 | 100 |
| X38 | 3835 | 29831 | 100 |
| X38 | 3836 | 37757 | 100 |
| X38 | 3837 | 23343 | 100 |
| X40 | 4041 | 43788 | 90 |
| X40 | 4042 | 44027 | 100 |
| X40 | 4043 | 85729 | 100 |
| X40 | 4044 | 26423 | 100 |
| X40 | 4054 | 44896 | 100 |
| X40 | 4055 | 44592 | 96 |
| X42 | 4222 | 62605 | 97 |
| X42 | 4252 | 10814 | 92 |
| X42 | 4253 | 29418 | 85 |
| X42 | 4256 | 18377 | 100 |

(POW, Unit 2) using DNA techniques to estimate deer populations. They estimated a 30% decrease in the population of deer on their study sites on POW between the spring of 2006 (prior to the severe winters) and spring of 2008.

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 2008).

**Figures 1–5** show pellet-group survey results for all of Unit 4, those transects within the proposed closure area, transects outside the proposed closure area, transects within the NECCUA, and transects outside the NECCUA, respectively. Trends appear similar in all the areas. 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 2007). Pellet-group surveys since 2006 appear to indicate a downward trend.

The USFS and ADF&G conducted deer mortality transects during the spring of 2007. Transects conducted in Unit 4 averaged 3.90 mortalities per beach mile (Dickerson 2007). During spring 2008, ADF&G documented approximately 0.17 dead deer per mile of beach (Mooney 2008, pers. comm.), while in spring 2009, ADF&G documented approximately 0.75 dead deer per mile of beach (Mooney 2009, pers. comm.). For comparison, Klein and Olson (1960) reported between 0.7 and 4.7 dead deer per mile in Unit 4 between 1952 and 1956. The 4.7 dead deer per mile occurred in the spring of 1956, which followed a deep snow winter. Olson (1979) reported one deer or less per mile in Unit 4 between 1971 and 1977, which were mild snow years.

ADF&G conducted shoreline condition assessment surveys during March 2008 around Peril Strait and Hoonah Sound and located few deer (107 observed), but the deer and beach habitat were in relatively good condition (Mooney 2008, pers. comm.). Surveys in February through April 2009 in Unit 4 located 1050 live deer, of which 325 were classified. Of these, 110 were in fair to poor condition while 215 were in good condition. Prior to the winter of 2006–07, Mooney (2007) reported that deer observed during spring condition surveys in Unit 4 in 2005 and 2006 were in good shape.

ADF&G conducted road surveys within the NECCUA during late October 2007. Survey techniques included roadside counts by vehicle during all times of day and walking spur roads with vehicle restrictions. Twenty seven deer were observed during these surveys, and all appeared to be in good physical condition. Road surveys in August 2008 detected 20 deer along 430 miles of road in the NECCUA. There was little evidence of browsing and few fresh pellets and tracks were seen. Browse and preferred forbs were in excellent condition overall with a remarkable recovery from just prior to the winter of 2006–07 (Mooney 2008, pers. comm.). Road surveys in 2009 located 52 does along 2180 miles of road surveyed. Deer forage again showed a lack of browsing pressure (Mooney 2009, pers. comm.).

ADF&G area biologists receive reports from hunters during the hunting season. During the 2008 season, hunters in the middle area of Unit 4 (Sitka Sound, Kruzof Island, and Peril Strait) reported fairly good success in the early deer hunt. Hoonah residents reported seeing more deer than in 2007, but the numbers were still very low. Deer harvested were in good condition (Mooney 2008, pers. comm.). In 2009, hunters reported seeing few deer, with tough hunting conditions of little snow and crunchy ground conditions. During the 2009 season, hunters reported that deer, including post-rut bucks, were in good condition with substantial fat deposition (Mooney 2009, pers. comm.).

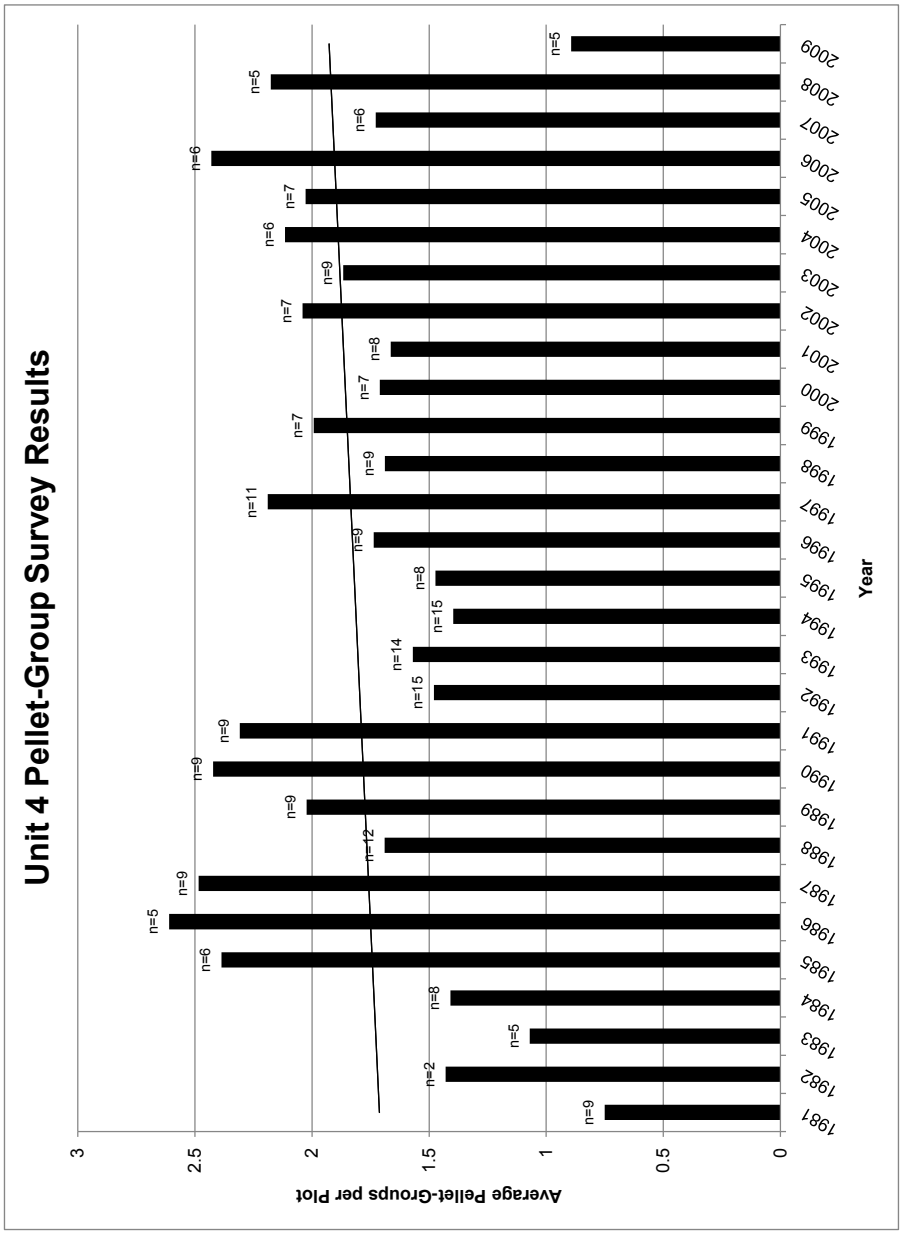



**Figure 1**. Average pellet-group counts for all of Unit 4 since transects began in 1981. Data labels represent the number of VCUs surveyed that year. 2009 data are preliminary (McCoy 2008, McCoy 2009).

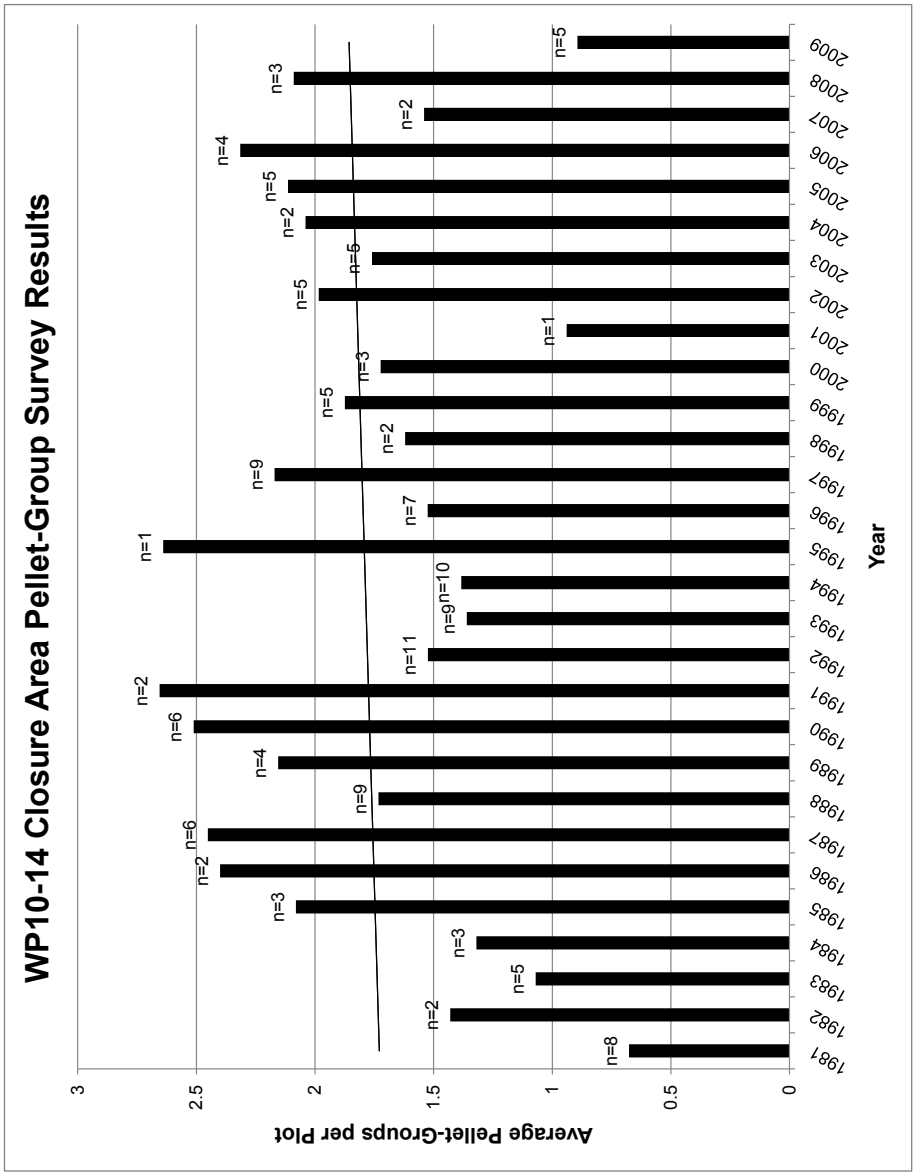



**Figure 2**. Average pellet-group counts for transects within the proposed closure area. Data labels represent the number of VCUs surveyed that year. 2009 data are preliminary (McCoy 2008, McCoy 2009).

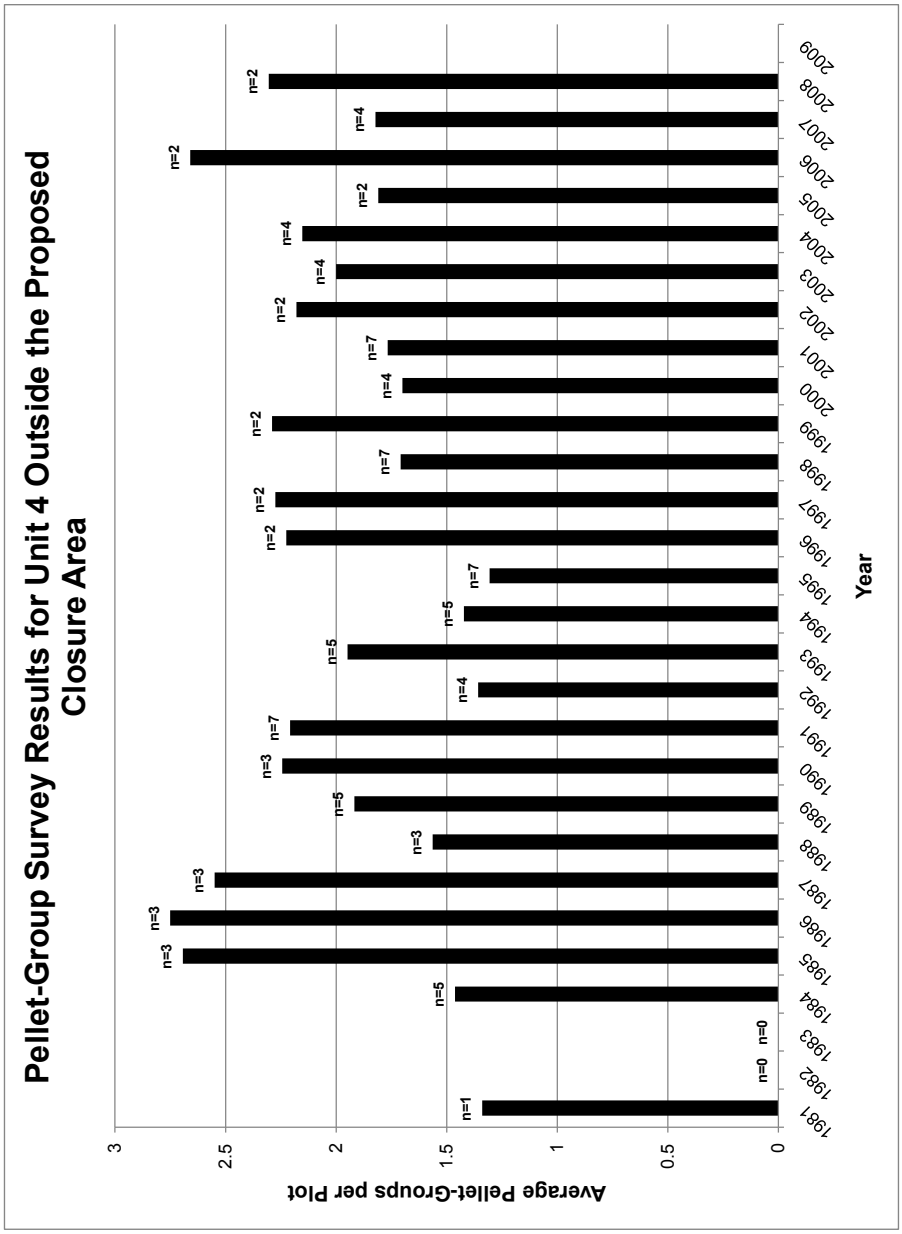



**Figure 3**. Average pellet-group counts for transects in Unit 4 that are outside of the proposed closure area. Data labels represent the number of VCUs surveyed that year (McCoy 2008).

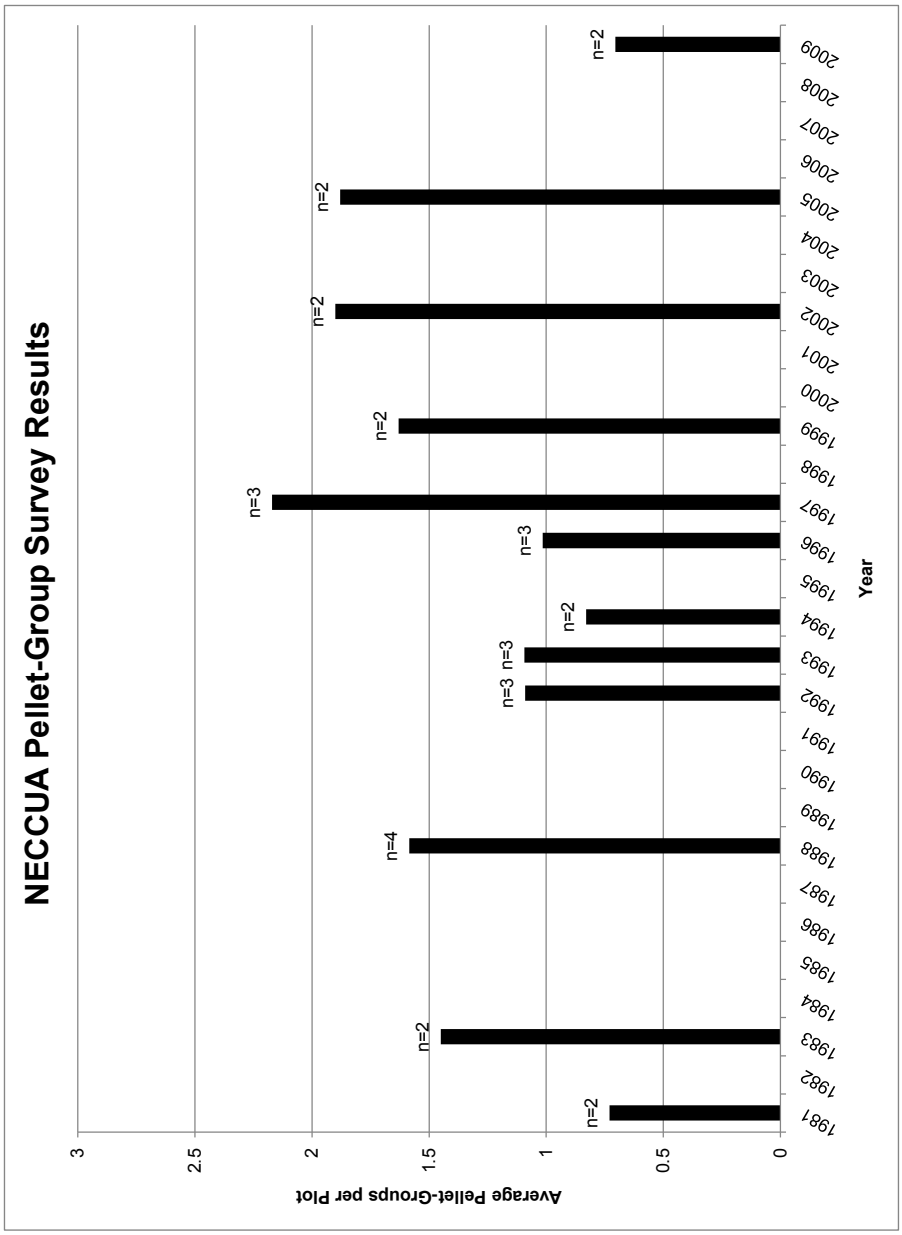



**Figure 4**. Average pellet-group counts for transects within the Northeast Chichagof Controlled Use Area. Data labels represent the number of VCUs surveyed that year. 2009 data are preliminary (McCoy 2008, 2009).

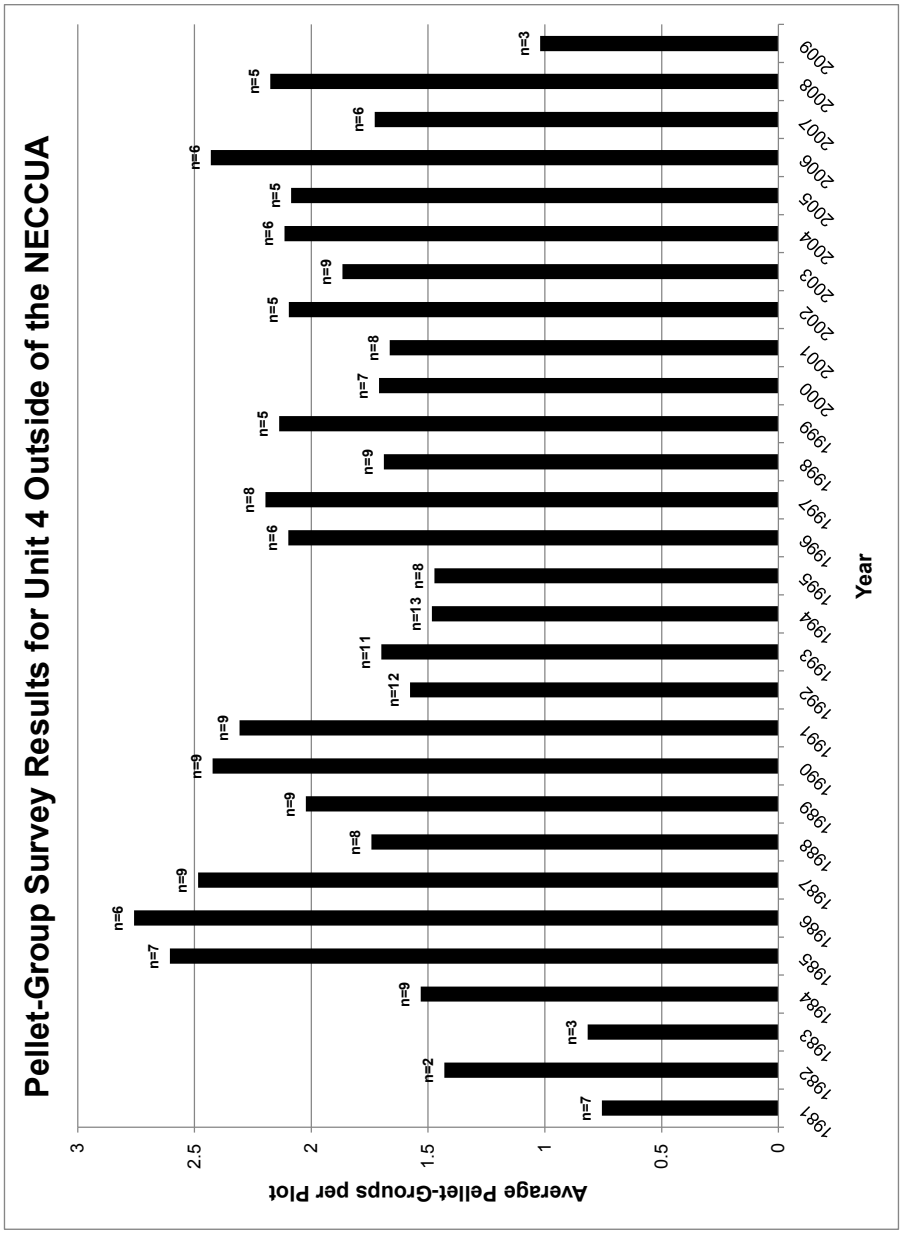



**Figure 5**. Average pellet-group counts for transects in Unit 4 that are outside of the NECCUA. Data labels represent the number of VCUs survyed that year. 2009 data are preliminary (McCoy 2008, 2009).

Person *et al*.'s (2009) POW deer density estimates were used to develop deer population estimates for the proposed closure area (**Table 4**), to more quantifiably evaluate the level of population change in the context of population parameters that are useful in determining harvest strategies. While this information represents the best available information (i.e., most recent and locally relevant), there are differences between Units 2 and 4, so the numbers should be viewed as ball-park estimates. For example, differences between Person *et al*.'s (2009) study area and a specific area of Unit 4 could include, but are not limited to, vegetation productivity, wolf predation, snow levels, road access, habitat disturbances, and access to alpine (summer) habitat. The POW population estimates were corrected for Unit 4 using pellet-group ratios. The 2006 population estimate is assumed to represent the population at carrying capacity and was used to estimate maximum sustained yield (MSY). MSY is approximately 63% of carrying capacity for mule deer (Person 2001), and is the point on the population recruitment curve where the number of recruits is maximized by removing the same number of individuals as would normally be added to the population. These estimates suggest that the deer population in the proposal area has declined below MSY. In populations below MSY, mortality is thought to be additive (e.g., deer not harvested would survive) and harvesting females lowers recruitment (Ballard *et al*. 2001, Kie *et al*. 2003). As populations grow beyond MSY and approach carrying capacity, mortality becomes compensatory (e.g., harvested deer would not survive) and intraspecific competition results in lower productivity (Ballard *et al*. 2001, Kie *et al*. 2003).

**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 ± 236) was down significantly from 2006/07 (7,746 ± 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. **Table 5** illustrates how 2007/08 hunter success and effort compare to the average for the previous ten years for the major harvest areas in the proposed closure area. Decreased harvest per unit effort indicates a lower deer population.

**Table 6** shows the average annual doe harvest for each major harvest area in the proposed closure area by Federal eligibility of the hunters from regulatory years 1997/98 through 2006/07. Regulatory year 2007/08 data were excluded from this portion of the analysis because of partial closure of the doe harvest season. All harvest by residents of communities with a positive customary and traditional use determination is considered Federal subsistence harvest; however, there is no way to determine if this harvest occurred on Federally managed lands and under Federal subsistence harvest regulations. These data indicate that Federally qualified hunters dominate the harvest in the Peril Strait (X33) and East and South Baranof Island (X37) major harvest areas. Non-Federally qualified hunters dominate harvest in the North Admiralty Island (X38) major harvest area. **Table 7** shows the average December doe harvest. December harvest patterns generally reflect annual harvest patterns, although some of the late season effort by non-Federally qualified hunters appears to shift from West Admiralty to the NECCUA.

**Table 4**. Estimated Unit 4 deer population in 2006 near carrying capacity, in 2009, and at maximum sustained yield, for major hunt areas within the proposed closure area; based on data provided by McCoy (2008, 2009), Person (2001), Person *et al*. (2009), Person (2009, pers. comm.). Majors composing the Northeast Chichagof Controlled Use Area are highlighted.

| Major Hunt Area | Acres below 1500 feet Elevation | 2006 Population Estimate [1] | 2009 Population Estimate [2] | Estimated Maximum Sustained Yield [3] |
|---|---|---|---|---|
| X33 - Peril Strait | 354,210 | 33,200 | 6,700 | 21,000 |
| X34 - W. Chichagof/Yakobi | 317,784 | 29,800 | 6,000 | 18,800 |
| X35 - NE Chichagof Island | 168,639 | 15,800 | 3,200 | 10,000 |
| X36 - S Shore Tenakee Inlet | 151,214 | 14,200 | 2,900 | 8,900 |
| X37 - E and S Baranof Island | 287,469 | 26,900 | 5,500 | 16,900 |
| X38 - N Admiralty Island | 90,931 | 8,500 | 1,700 | 5,400 |
| X40 - W Admiralty Island | 289,455 | 27,100 | 5,500 | 17,100 |
| X42 - Icy Strait | 121,214 | 11,400 | 2,300 | 7,200 |

**1 -** The 2006 population estimates are based on the 2006 POW deer population estimate (12.1 deer/km2) corrected with a ratio of the 2006 Unit 4 average pellet-group density (2.43 pellet-groups per plot) to the 2006 Unit 2 average pellet-group density (1.27 pellet-groups per plot).

**2 -** The 2009 population estimates are based on the 2008 POW deer population estimate (8.4 deer/km2) corrected with a ratio of the 2009 Unit 4 average pellet-group density (0.89 pellet-groups per plot) to the 2008 Unit 2 average pellet-group density (1.59 pellet-groups per plot).

**3** - MSY = 2006 population estimate * 0.63

**Table 8** shows the chronology of the doe harvest by major harvest area for regulatory years 1997/98 through 2006/07. December generally ranks as the second or third highest for doe harvest behind November and October.

Non-Federally qualified hunters reported taking an estimated average of 98 does per year within the proposed closure area during December (**Table 7**), which represents approximately 8% of the reported annual doe harvest for the proposed closure area. Approximately half of the non-Federally qualified December doe harvest total occurs on north Admiralty Island, which is not fully included in the proposed closure area. Non-Federally qualified hunters take an estimated average of 23 does per year within the NECCUA during December, which is approximately 7% of the annual doe harvest for the NECCUA.

**Table 9** shows the 2009 estimated population level and harvest pressure indicators for the proposed closure area. Harvest rates and hunter pressure is highest in major harvest areas X35 (Northeast Chichagof) and X38 (North Admiralty), but the estimated harvest rates are below the 27% allowable harvest rate estimated by McCullough (2001) for mule deer. It is also below the 8%–14% combined doe harvest and wolf predation rate on the doe population for which Person (2004) documented a 7% per year population increase on POW. However, the POW deer population increase occurred with a 30%–35% recruitment rate. The recruitment rate for Unit 4 is unknown, but was likely well below 30% the last 3 years.

**Supporting Information Summary**

The available information clearly shows that the deer population in Unit 4 has declined since 2006. This is a recurring cycle for deer in southeast Alaska after deep snow winters. Deer populations can recover quickly with mild winters; historically within about five years. Surviving deer appear to be in good shape and despite late snows the last two springs, winter mortality appears to be substantially reduced compared to the winter of 2006–07 (Mooney 2008 and 2009, pers. comm.). The available data suggest that the Unit 4 deer population is not depressed to the point that all harvest should be eliminated, but at current estimated population levels, harvest of does will reduce recruitment and extend the length of time before the deer population recovers to near 2006 levels.

**Table 5**. Measures of hunter effort and success for the 2007/08 season compared to the average for the prior ten years for each major harvest area in the proposed closure area (McCoy 2009, pers. comm.). Majors composing the Northeast Chichagof Controlled Use Area are highlighted.

| | Deer per Hunter | | | Days per Deer | | | Total Days Hunted | | | Total Deer Harvest | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Major Hunt Area | 97-06 Avg [1] | 2007 | % Change | 97-06 Avg | 2007 | % Change | 97-06 Avg | 2007 | % Change | 97-06 Avg | 2007 | % Change |
| X33 - Peril Strait | 3.1 | 0.9 | -71% | 1.8 | 5.7 | 220% | 1,979 | 1,054 | -47% | 1,195 | 185 | -85% |
| X34 - W. Chichagof/Yakobi | 2.5 | 1.0 | -60% | 2.2 | 4.1 | 89% | 964 | 497 | -48% | 466 | 122 | -74% |
| X35 - NE Chichagof Island | 2.2 | 0.7 | -68% | 2.7 | 6.7 | 149% | 2,458 | 1,019 | -59% | 922 | 151 | -84% |
| X36 - S Shore Tenakee Inlet | 2.2 | 0.9 | -58% | 2.7 | 6.1 | 130% | 580 | 452 | -22% | 232 | 74 | -68% |
| X37 - E and S Baranof Island | 2.9 | 3.3 | 16% | 1.8 | 2.9 | 64% | 467 | 525 | 12% | 289 | 182 | -37% |
| X38 - N Admiralty Island | 1.3 | 0.3 | -77% | 3.3 | 13.5 | 305% | 1,598 | 942 | -41% | 493 | 70 | -86% |
| X40 - W Admiralty Island | 2.2 | 0.9 | -59% | 2.4 | 5.1 | 109% | 1,024 | 729 | -29% | 412 | 142 | -66% |
| X42 - Icy Strait | 2.0 | 0.4 | -80% | 2.2 | 13.5 | 503% | 745 | 406 | -46% | 341 | 30 | -91% |

**1** Average for regulatory years 1997/08 through 2006/07.

**Table 6**. Number and percentage of the average annual female deer harvest by major hunt area and hunters' Federal qualifications for regulatory years 1997/98 through 2006/07 (McCoy 2009, pers. comm.). This represents the ten years prior to partial closures of female deer hunting seasons in Unit 4. Majors composing the Northeast Chichagof Controlled Use Area are highlighted.

| Major Hunt Area | Average Annual Doe Harvest 1997/98 - 2006/07 | Average Annual Doe Harvest by Federally Qualified Users | Percent Doe Harvest by Federally Qualified Users | Average Annual Doe Harvest by non-Federally Qualified Users | Percent Doe Harvest by non-Federally Qualified Users |
|---|---|---|---|---|---|
| X33 - Peril Strait | 356 | 321 | 90% | 35 | 10% |
| X34 - W. Chichagof/Yakobi | 92 | 61 | 66% | 31 | 34% |
| X35 - NE Chichagof Island | 245 | 153 | 62% | 92 | 38% |
| X36 - S Shore Tenakee Inlet | 56 | 27 | 48% | 29 | 52% |
| X37 - E and S Baranof Island | 54 | 48 | 89% | 6 | 11% |
| X38 - N Admiralty Island | 160 | 6 | 4% | 154 | 96% |
| X40 - W Admiralty Island | 129 | 51 | 40% | 78 | 60% |
| X42 - Icy Strait | 96 | 72 | 75% | 24 | 25% |
| TOTAL | 1,188 | 739 | 62% | 449 | 38% |

**Table 7**. Number and percentage of the average December female deer harvest by major hunt area and hunters' Federal qualifications for regulatory years 1997/98 through 2006/07 (McCoy 2009, pers. comm.). This represents the ten years prior to partial closures of female deer hunting seasons in Unit 4. Majors composing the Northeast Chichagof Controlled Use Area are highlighted. Rows may not total correctly due to rounding errors.

| Major Hunt Area | Average December Doe Harvest 1997/08 - 2006/07 | Average December Doe Harvest by Federally Qualified Users | Percent December Doe Harvest by Federally Qualified Users | Average December Doe Harvest by non-Federally Qualified Users | Percent December Doe Harvest by non-Federally Qualified Users |
|---|---|---|---|---|---|
| X33 - Peril Strait | 103 | 93 | 90% | 10 | 10% |
| X34 - W. Chichagof/Yakobi | 23 | 15 | 65% | 9 | 39% |
| X35 - NE Chichagof Island | 29 | 14 | 48% | 15 | 52% |
| X36 - S Shore Tenakee Inlet | 11 | 6 | 55% | 5 | 45% |
| X37 - E and S Baranof Island | 23 | 22 | 96% | 1 | 4% |
| X38 - N Admiralty Island | 45 | 1 | 2% | 44 | 98% |
| X40 - W Admiralty Island | 18 | 12 | 67% | 6 | 33% |
| X42 - Icy Strait | 22 | 14 | 64% | 8 | 36% |
| TOTAL | 274 | 177 | 65% | 98 | 36% |

**Table 8.** Female deer harvest by month, as a percentage of the total female deer harvest for major hunt areas in the proposed closure area for regulatory years 1997/08 through 2006/07 (McCoy 2009, pers. comm.). Majors composing the Northeast Chichagof Controlled Use Area are highlighted. Major Hunt Areas do not total 100% because some harvest reports did not include harvest date information.

| Major Hunt Area | August | September | October | November | December | January |
|---|---|---|---|---|---|---|
| X33 - Peril Strait | 0% | 7% | 12% | 32% | 29% | 15% |
| X34 - W. Chichagof/Yakobi | 0% | 9% | 12% | 41% | 25% | 8% |
| X35 - NE Chichagof Island | 3% | 15% | 24% | 31% | 12% | 2% |
| X36 - S Shore Tenakee Inlet | 0% | 4% | 19% | 40% | 20% | 13% |
| X37 - E and S Baranof Island | 2% | 3% | 12% | 30% | 42% | 8% |
| X38 - N Admiralty Island | 0% | 7% | 22% | 40% | 28% | 0% |
| X40 - W Admiralty Island | 2% | 9% | 25% | 43% | 14% | 4% |
| X42 - Icy Strait | 1% | 5% | 27% | 26% | 23% | 11% |

**Table 9**. Estimated population and harvest pressure indicators by major hunt area for the proposed closure area (McCoy 2008, 2009, 2009, pers. comm.; Person *et al*. 2009). Majors composing the Northeast Chichagof Controlled Use Area are highlighted.

| Major Hunt Area | 2009 Population Estimate [1] | 2007 Total Deer Harvest | 2007 Harvest - Percent of Population | 97-07 Average Annual Hunter Days / $mi^2$ |
|---|---|---|---|---|
| X33 - Peril Strait | 6,700 | 185 | 3% | 3.6 |
| X34 - W. Chichagof/Yakobi | 6,000 | 122 | 2% | 1.9 |
| X35 - NE Chichagof Island | 3,200 | 151 | 5% | 9.3 |
| X36 - S Shore Tenakee Inlet | 2,900 | 74 | 3% | 2.5 |
| X37 - E and S Baranof Island | 5,500 | 182 | 3% | 1.0 |
| X38 - N Admiralty Island | 1,700 | 70 | 4% | 11.2 |
| X40 - W Admiralty Island | 5,500 | 142 | 3% | 2.3 |
| X42 - Icy Strait | 2,300 | 30 | 1% | 3.9 |

**1** See Table 8 for calculation information.

The NECCUA has a road system connected to a community which provides easy accessibility to interior habitat in addition to fairly extensive winter habitat reduction from timber harvest. This is a unique situation in Unit 4 that creates additional concerns specific to that area. Hunter reports, changes in harvest success parameters, and harvest pressure information suggest the NECCUA deer population may have been particularly hard hit. In December, non-Federally qualified users harvest approximately 23 does (47%) of the does harvested in the NECCUA.

## Effects of the Proposal

Adopting this proposal would likely reduce the doe harvest in the proposed closure area. At current deer population levels, protecting these does would likely increase recruitment. The estimated number of does that would be protected is a small portion of the overall doe harvest. Assuming the deer population recovers, which has historically occurred within about 5 years after a deep snowfall year, the reduced doe harvest could decrease deer population productivity.

Adopting this proposal would reduce management flexibility compared to existing in-season management authority. Federal managers and the ADF&G have emergency action authority to quickly close all, or any portion of Unit 4, if problems become evident. Federal in-season managers cannot expand seasons or provide larger harvest limits without regulatory proposals, which are on a two year cycle. The agencies have worked with local residents and the Council to implement appropriate closures during the last three seasons. History suggests the decline in the deer population will be temporary and the population should recover to levels sufficient for doe harvest in about three to five years assuming more typical winter snowfall. For example, a similar series of severe winters occurred in the late 1980s which resulted in

the Board adopting restrictive regulations for the 1992/93 and 1993/94 seasons. The original Federal regulations were restored for the 1994/95 season.

If this proposal is adopted, opportunities for non-Federally qualified users to harvest does in the proposed closure area would be reduced. The Federal Subsistence Board has established a closure policy, based on ANILCA, which includes conditions that must be met in order to exclude non-Federally qualified users. The two conditions that apply in the situation covered by this proposal include: 1) when a population is not sufficient to provide for both Federally qualified subsistence users and other users, and 2) when necessary to ensure the continuation of subsistence uses by Federally qualified subsistence users. The population appears to be large enough to support harvest of bucks by all users. Current harvest rates appear to be within acceptable limits for population growth, assuming more usual winter weather returns. It does not appear that adopting this proposal is necessary to ensure the continuation of subsistence uses. Adopting this proposal would decrease competition somewhat by eliminating doe harvest by non-Federally qualified users during December in a portion of unit 4. Non-Federally qualified users would still be able to harvest bucks in the area during December. Whether it would increase harvest efficiency or the number of deer harvested by Federally qualified subsistence users is unknown.

Adopting this proposal could displace some non-Federally qualified users to other areas, such as east Admiralty Island or western Baranof Island, which could affect the recovery rates in those areas.

## OSM PRELIMINARY CONCLUSION

**Oppose** Proposal WP10-14.

### Justification

Although the population data indicate that any restriction of doe harvest would improve recruitment, adopting this proposal would decrease the overall doe harvest by a small amount. History suggests that the population is likely to recover within about five years, and reduced doe harvest may decrease deer productivity and unnecessarily restrict harvest opportunities. Federal and State management agencies have worked closely with local communities and the Council since 2006 to monitor the deer population and implement temporary harvest restrictions using existing authorities. These temporary authorities provide more flexibility to meet changing population levels during the recovery period than the proposed closure would.

The proposed exclusion of non-Federally qualified users does not meet the conditions set by the Federal Subsistence Board for closing Federal public lands to non-Federally qualified users. Existing population and harvest information indicate that the deer population in the proposed closure area is sufficient to provide for continued harvest of male deer by both Federally qualified and non-Federally qualified users. Adopting this proposal would not necessarily improve deer harvest for Federally qualified subsistence users.

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Comments WP10-14
January 29, 2010; Page 1 of 2

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

**Wildlife Proposal WP10-14:** Close a portion of federal public lands to harvest of female deer by non-federally qualified users during December in the Northeast Chichagof Controlled Use Area (NECCUA). If a broader conservation concern exists, expand the closure to include all of Unit 4 draining into Chatham Strait, Peril Strait, and Icy Strait, including Tenakee Inlet.

**Introduction:** The federal deer hunting season for Unit 4 is August 1 through January 31 and is one month longer than the August 1 though December 31 State season. The federal and state regulations allow taking of female deer after September 15, but, due to severe winter weather and resulting mortality, federal and State seasons for female deer were shortened or closed for portions of Unit 4 during 2007, 2008, and 2009. In 2009 the female deer season in the NECCUA was closed prior to opening under both federal subsistence and State hunting regulation due to low deer numbers. During 2007 through 2009, the NECCUA has been frequently closed due to extreme levels of winter mortality in this area. Other portions of Unit 4 were included in the closures in 2007, when the second year of heavy snows resulted in closing of female deer season for all of Unit 4 under federal subsistence and State regulations in early December. The department determined this widespread closure was necessary in 2007 to protect female deer in all of these areas to allow deer populations to rebound.

The department did not support Unit-wide closures on harvest of does in 2008 or 2009 because concern focused on NECCUA where deer numbers appear to be more heavily impacted by recent winters than other areas. The situation for deer in NECCUA is unique due to easy hunting access via logging roads, extreme snow conditions during the past three winters, and compromised winter habitat due to clear cutting of mature forests. These three factors make the deer population in this area especially vulnerable and have prompted both the federal and State managers to focus management actions on specific areas (such as NECCUA) only, rather than taking an overly restrictive and unnecessary broad scale approach.

**Impact on Subsistence Users**: The department supports a December closure to the harvest of female deer by all user groups in <u>specific areas</u> hit hardest by snow conditions which significantly increased mortality rates. For example, the department fully supported the closure of the NECCUA to the harvest of female deer by all user groups during a portion of the 2008 season and again in 2009 to rebuild that population. The department would support similar closures of <u>specific areas</u> to the harvest of female deer by all user groups until the deer populations rebound should this become necessary.

**Opportunity Provided by State**: The deer hunting season under State regulation in this area (NECCUA) is August 1 through December 31, with a bag limit of three deer. The remainder of Unit 4 has a bag limit of four deer during the same season dates. The State of Alaska closed harvest of doe deer in NECCUA for the 2009/2010 hunting season under Emergency Order (01-02-09).

**Conservation Issues**: At the February 2009 SE RAC meeting, both federal and department wildlife biologists agreed that deer populations have declined dramatically in <u>portions</u> of GMU 4

due to recent heavy winter mortalities, likely caused by extreme snow falls during the last few winters. Heavy snows significantly impacted some deer populations, especially in areas where extensive habitat alterations reduced or eliminated the winter habitat necessary to improve deer population overwintering survival rates. Adoption of this proposal would result in an additional conservation issue by allowing harvest of does by federally qualified users in an area hard hit by three consecutive winters. The department opposes this proposal for several reasons. Conservation concerns that necessitated closing of the female deer season are due mostly to winter weather conditions and resulting deer mortality. In portions of GMU 4, taking of female deer by any users should be curtailed until this population recovers. However, there is no substantive evidence of a conservation concern for the deer populations in all of GMU 4 and no evidence that closure is necessary for the entire unit to ensure continuation of subsistence uses by federally-qualified subsistence users on all of the identified federal public lands in GMU 4. Adoption of this proposal in areas that do not have conservation concerns would result in unnecessary restrictions on non-federally qualified users, contrary to Section 815 of ANILCA.

**Enforcement Issues:** Differences in federal and State regulations resulting from adoption of this proposal create confusion and enforcement issues in areas with mixed land ownership.

**Other Comments**: The intent of this proposal was discussed at the October 6, 2009, Southeast Regional Advisory Council meeting in Yakutat. At the meeting, the federal and State wildlife managers stated the harvest of any does by any user group should be prohibited until the NECCUA deer population rebounds.

**Recommendation:** Oppose. The department supports a December closure to harvest of female deer by all user groups in specific areas hit hardest by snow conditions and with significantly increased mortality rates. For example, the department fully supported closure of NECCUA to harvest of female deer by all user groups during a portion of the 2008 season and again in 2009 to rebuild that population. The department would support similar closures of specific areas to harvest of female deer by all user groups until deer populations rebound, if necessary for conservation purposes.

| WP10-15 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-15 requests that the Federal subsistence goat hunting season in Unit 5A, that area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord, be closed. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | **Unit 5A—Goat**<br>*Unit 5A, That area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord – ~~1 goat by Federal Registration Permit. The U.S. Forest Service Yakutat District Ranger and ADF&G will jointly announce the harvest quota prior to the season. A minimum of two goats in the harvest quota will be reserved for Federally qualified subsistence users. The season will be closed by local announcement when the quota has been taken.~~* ~~*Aug. 1 – Jan. 3*~~ ***No Federal open season***<br>~~*The harvest quota and season announcements will be made in consultation with the National Park Service and local residents.*~~ |
| **OSM Preliminary Conclusion** | **Support** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Support** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-15

## ISSUES

Proposal WP10-15, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that the Federal subsistence goat hunting season in Unit 5A, that area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord, be closed.

## DISCUSSION

The proponents state that there is a conservation concern for goats in this area, and that it is necessary to close the hunting season to protect the goat population. The goat population appears to have begun declining in this portion of Unit 5A, commonly referred to as the Nunatak Bench, around the year 2000, and has remained at low levels since the early 2000s. The Federal subsistence season has been closed by Federal managers annually since 2001. Following an emergency closure in 2001, the State eliminated this area from the State registration permit (RG170) area.

Regulatory proposal, WP10-22 was also submitted by the Council, and it requests standardization of the in-season management of fish and wildlife in the Southeast region by removing specific references to in-season management authority in the Southeastern Alaska Area wildlife regulations. If this proposal is approved by the Federal Subsistence Board, in-season management authority to close, reopen or adjust Federal Subsistence seasons and to set harvest and possession limits for wildlife would be delegated by letter from the Board to a uniform set of fish and wildlife in-season managers.

### Existing Federal Regulation

| Unit 5A—Goat | |
|---|---|
| *Unit 5A, That area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord –1 goat by Federal Registration Permit. The U.S. Forest Service Yakutat District Ranger and ADF&G will jointly announce the harvest quota prior to the season. A minimum of two goats in the harvest quota will be reserved for Federally qualified subsistence users. The season will be closed by local announcement when the quota has been taken.* | *Aug. 1 – Jan. 31*<br><br>*The harvest quota and season announcements will be made in consultation with the National Park Service and local residents.* |

Note: The Federal Subsistence Board closed the 2009-2010 goat season in the affected area (Wildlife Special Action WSA09-10).

**Proposed Federal Regulation**

| **Unit 5A—Goat** | |
|---|---|
| *Unit 5A, That area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord – ~~1 goat by Federal Registration Permit. The U.S. Forest Service Yakutat District Ranger and ADF&G will jointly announce the harvest quota prior to the season. A minimum of two goats in the harvest quota will be reserved for Federally qualified subsistence users. The season will be closed by local announcement when the quota has been taken~~.* | *~~Aug. 1 – Jan. 3~~* ***No Federal open season*** *~~The harvest quota and season announcements will be made in consultation with the National Park Service and local residents.~~* |

**Existing State Regulation**

| **Unit 5A—Goat** | |
|---|---|
| *Unit 5A, That area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord* | *No open season* |

**Extent of Federal Public Lands**

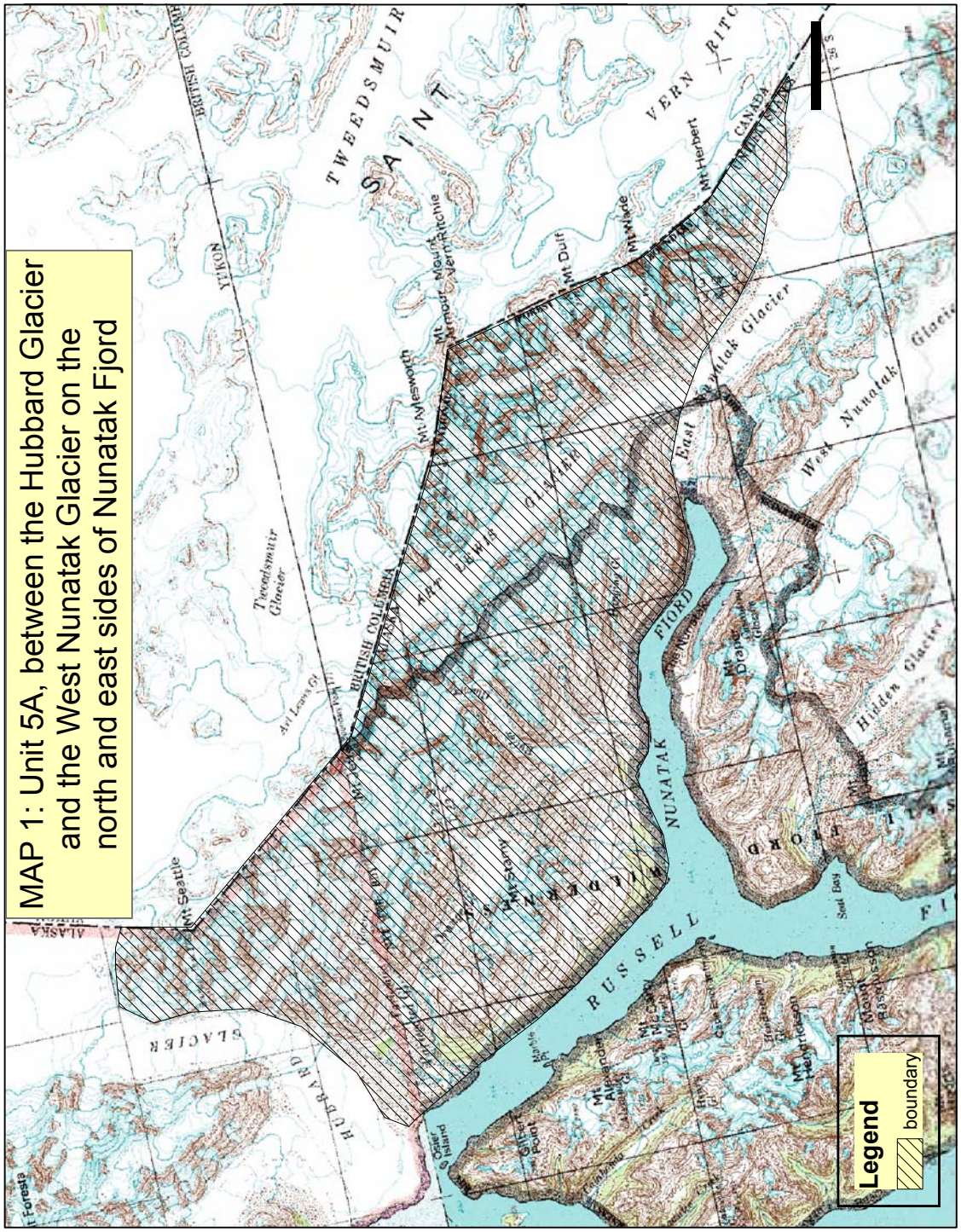
Federal public lands comprise 100% of the area of Unit 5A between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord, and are managed by the U.S. Forest Service and National Park Service (**Map 1**).

**Customary and Traditional Use Determinations**

All rural residents of Unit 5A are eligible to harvest goat under Federal subsistence hunting regulations in Unit 5A, including that area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord.

**Regulatory History**

From 1959 until 1972, the State season dates for goat in Unit 5A varied, although between 1973 and 2000, the State season was open annually from August 1st to December 31st. Since 1975, the harvest limit was one goat by registration permit. The Federal subsistence season was implemented in 1996, with effective harvest season dates of August 1st-January 31st, and a harvest limit of one goat by Federal registration permit. After an initial emergency closure of the Nunatak Bench Area in 2001, because of the continued decline in the population, ADF&G eliminated the Nunatak Bench from the State registration permit area (RG170) in 2002, thereby eliminating the need for repeated emergency closures and assuring a closure until survey data indicates the population has a harvestable surplus. The Federal subsistence season has been closed annually by in-season action since 2001.


MAP 1: Unit 5A, between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord

**Current Events**

Southeast Alaska experienced high snowfalls during the winters of 2006-2009. Above average snowfalls were recorded at the Yakutat airport during the winters of 2006-2007 (225”), 2007-2008 (162.3”) and 2008-2009 (163.5”). The average total snowfall from 1987-2008 was 147 inches (Endicott 2008, pers. comm., Western Regional Climate Center 2009).

**Biological Background**

Habitat and Diet

Goats have been reported to winter in coniferous forests down to sea level and to summer in the mountains (alpine and subalpine areas) in coastal areas of British Columbia and Southeast Alaska (Hebert and Turnbull 1977, Fox 1983, Smith 1984, Robus and Carney 1995). In more inland areas of Southeast Alaska, where drier and colder conditions generally prevail, radio collared goats have been observed to winter at high elevations (White 2009, pers. comm.). Selection for south facing slopes during winter has been documented throughout the range of the goat, including Southeast and Southcoastal Alaska (Hebert and Turnbull 1977, Fox 1978, Schoen and Kirchhoff 1982, Hundertmark et al. 1983, Nichols 1985, Smith 1985, Smith 1986a, Poole and Heard 2003, Taylor et al. 2006). Goats in Southeast Alaska are associated with escape terrain during both summer and winter (Fox et al. 1989, Schoen and Kirchhoff 1982, Fox 1983, Smith 1985). Goats generally occupy distinct seasonal areas, although seasonal ranges usually overlap in Southeast Alaska goat populations (Schoen and Kirchhoff 1982). Winter use areas are usually smaller than summer use areas (Smith 1982). Goat home ranges average 10-20 $km^2$ in Southeast Alaska (Fox et al. 1989).

Goats eat a variety of forage, and are classified as intermediate browsers. They appear to be a generalist herbivore that eats what is available; therefore, diets vary according to availability (Côte and Festa-Bianchet 2003). Fox et al. (1989) summarized that goats in Southeast Alaska make use of a variety of habitats during summer, including tall grass-herbs, mesic sedge-grass tundra, alpine herbaceous tundra, and substantial use of closed tall shrub, open conifer forest, and wet sedge-grass tundra. In winter, goats in Southeast Alaska predominantly use closed conifer forest, alpine herbaceous tundra, tall grass-bluejoint herb, and open conifer forest, with lesser use of closed tall shrub and shrub tundra (Fox et al. 1989). Most recently, White and Barten (2008) reported that preliminary estimates of the summer and fall diet of goats in Southeast Alaska is composed of four primary forage types: sedges/rushes, lichens, forbs, and ferns. During winter, conifer needles (*Tsuga* sp.) comprised over 70% of the diet, with lichens (*Lobaria* sp.) and *Vaccinium* sp. comprising approximately 12% and 10% of the diet, respectively. Fox et al. (1989) suggested that quantity and quality of forage is likely a major limiting factor for goats in Southeast Alaska.

Reproduction

Mating season generally occurs from late October to early December, and the birthing season is usually from mid-May to early June. Goats have a low reproductive rate compared to some other ungulates. Females generally begin producing kids at around age five (see Festa-Bianchet and Côte 2008 for review). White and Barten (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. Females generally produce a single kid; 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) 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. Reproductive success has been linked to winter conditions, specifically late spring snow depth (Adams 1981).

Mortality Factors

Causes of goat mortality are often difficult to determine. Natural mortality factors include predation, accidents, parasites and diseases, and malnutrition (generally associated with winter habitat and weather conditions). The most likely predators of goats are brown bears and wolves; coyotes, black bears, and wolverines are potential predators as well (Côte and Festa-Bianchet 2003). Other studies have reported minimal extent and effect of predation on goats (Klein 1953, Chadwick 1979, and Festa-Bianchet et al. 1994); however, predation may be an important mortality factor in native populations (Côte and Festa-Bianchet 2003) and may inhibit recovery of depressed populations (Ballard 1977, Fox and Steveler 1986). Based on data from Caw Ridge, Alberta, predation could be an important source of mortality in young goats (Festa-Bianchet et al. 1994).

Contagious echthyma (CE, commonly known as Orf or sore mouth disease) is a viral disease, characterized by proliferative, crusted, and sometimes pustular lesions of the lips and muzzle, and occasionally of the udder, feet and vulva (Samuel et al. 1975). Most populations appear to be free of CE (Côte and Festa-Bianchet 2003). Samuel et al. (1975) suggested that CE is probably negligible in animals with mild infections, but that in combination with other factors such as a high number of parasites and low nutrition, can be an important mortality factor in wild sheep and goats. CE has been documented in goats in Southeast Alaska (Beckmen 2009). Although not confirmed, local hunters have reported seeing goats exhibiting the symptoms of CE in the Nunatak Bench and surrounding areas (Oehlers and Henniger 2009).

Smith (1995) suggested that winter weather is the primary factor limiting goat populations. High snow accumulations not only limit forage availability, but also contribute to mortality through avalanches and accidental falls. Greater snow depth and longer duration have a negative effect on kid survival (Rideout 1974, Smith 1976). Severe winters have been associated with declines in several goat populations, including Southeast Alaska (Smith 1976, Wright 1977, Smith 1984).

Mainly adults are harvested, and harvest is generally considered additive to natural mortality (Kuck 1977, Smith 1986b, Hamel et al. 2006, Festa-Bianchet and Côte 2008). Goat populations appear to be highly susceptible to harvest (Festa-Bianchet et al. 1994, Côte et al. 2001), likely due to low recruitment and either-sex harvest (Voyer et al. 2003). Because of the variance in mortality and reproductive success between sex-age classes, changes in sex-age structure can strongly affect the population growth rate independently of other factors (Festa-Bianchet and Côte 2008). Overharvest has been associated with population declines in several native (Hebert and Turnbull 1977, Kuck 1977, Jamieson 1978, Toweill et al. 2004, Hamel et al. 2006) and nonnative (Varley 1995) goat populations throughout their range.

Harvest recommendations generally range from 2-5% of the total population or <5% of adults (Hebert and Turnbull 1977, Youds et al. 1980, Voyer et al. 2003). Gonzalez-Voyer et al. (2000) suggested that harvest of only 1-2 adult billies a year is sustainable for a population of 100 goats. Festa-Bianchet and Côte (2008) recommend a 1% harvest rate comprised mostly of males for native goat populations. Voyer et al. (2003) suggested establishing a total and female quota for harvest in each population, and closing the following season if the female quota is exceeded. In practice, most harvest is <4% of the population (Festa-Bianchet and Côte 2008). The Alaska Department of Fish and Game's management objective for Unit 5 is to maintain a guideline harvest not to exceed 6 points (males = 1 pt. and females = 2 pts.) per 100 goats observed (Barten 2008). The State also recommends that harvest should not be allowed in the

Nunatak Bench area until a population of at least 100 animals is observed for several consecutive years (Barten 2009, pers. comm.).

Survival Rates

Smith (1986b) reported that annual mortality rates were 29% for yearlings, 0-9% for 2-8 year olds, and 32% for goats older than 8 years old in Southeast Alaska. Prime age adults exhibited very low natural mortality rates (approximately 1%), but they suffered from high hunting mortality, whereas predation and other natural causes were the main source of mortality for yearlings and those older than 8 years old. Kid survival generally varies according to winter weather (Thompson 1981, Adams and Bailey 1982).

White et al. (2007) documented 15 mortalities out of 58 goats monitored for one year during an ongoing study of Southeast Alaskan goats. During the second year, 9 animals out of 67 monitored animals died of various natural causes (White and Barten 2008). Record snowfall during the study may have resulted in a higher than normal mortality rate. In a preliminary review of coastal Alaskan goat studies, ADF&G reported high survival during prime age years and lower survival during early and later years (White et al. 2008). Snow depth affects survival most during late winter (Feb-May), and sub-adults are affected differently by winter severity than adults and old animals. The highest proportion of mortalities occurred from March through May; however, the seasonality of mortalities differed depending on winter severity.

Dispersal and Genetics

It is likely that dispersal plays an important role in goat population dynamics, but it is not well understood and is difficult to document in research studies. Emigration appears to occur generally in July and August, and may contribute to a skewed adult sex ratio (Festa-Bianchet and Côte 2008). Schoen and Kirchhoff (1982) did not observe any emigration or immigration in a northern Southeast Alaska population, and concluded that repopulation of locally reduced herds may take many years.

Goats tend to exist in somewhat isolated sub-populations with limited genetic exchange between populations (Côte and Festa-Bianchet 2003). Theoretical arguments (Wilson 1975, in Smith and Raedeke 1982) supported by empirical data indicate that inbreeding in ungulates may affect population dynamics, specifically reducing juvenile survival and reproductive performance of adult females (Ralls et al. 1979). Low genetic variability may expose goats to higher risks of pathogens and parasites and demographic decline (Mainguy et al. 2007).

Habitat Condition and Trends

Little information is available regarding habitat conditions in this portion of Unit 5A. The U.S. Forest Service GIS layer "existing veg" details a portion of the Nunatak Bench area. According to this data source, 5% of the area is forested and 95% is non-forested. The forested area is approximately 76% black cottonwood; limited information on the remainder of the forested portion is available, other than that it is of low productivity. The non-forested area is predominantly rock (36%) and ice/snow fields (33%), followed by brush (non-alder 16%), alder brush (11%), and river fill (3%). Alpine and other habitat types make up the remainder of the area. Alpine areas support sedges, grasses, and forbs, with vegetation grading to low shrubs and Sitka spruce forests as elevation declines to stream valleys (USDA Forest Service 2005).

Forested winter range appears to be limited in extent in this area (White 2009, pers. comm.), increasing the goat's vulnerability to deep snow loads. No extensive changes to habitat are known to have occurred prior to the population decline; therefore, it is likely that something other than habitat precipitated the

initial decline. Minimal suitable winter habitat may, however, contribute to the slow population recovery rate, particularly during heavy snow years.

Recent population indices

There were no efforts at routine surveys of goat populations in Unit 5A, prior to 2000. An aerial survey effort was initiated during the summer of 2000 in the Nunatak Bench area. Based on the subsequent aerial survey data, the Nunatak Bench goat population appears to have declined substantially, though not steadily, between 2000 and 2009 (**Table 1, Figure 1)**. After 82 goats were counted in 2000, only 48 goats were counted in 2001 (Barten 2001a), then 29 in 2002 (Barten 2002), and 43 in 2003 (Barten 2003). Based on these counts, there was a relatively stable population after the apparent decline from the 2000 count; however, this was followed by another apparent decline during 2005-2009. Most recently, 33 goats were observed in late September 2009 (Oehlers 2009). Barten (2008) reported that the Nunatak Bench population remains at a very low level and likely will not support a hunt for many years to come. Until aerial surveys enumerate at least 100 goats for several consecutive years, ADF&G recommends that harvest not be allowed in the Nunatak Bench area (Barten 2009, pers. comm.).

It is important to note that fluctuations in population surveys may be reflective of several factors more related to survey condition and timing than actual changes in the populations. Changes in the number of goats seen may reflect seasonal movements out of the survey area. Furthermore, the proportion of the actual population of goats observed, commonly referred to as "sightability," can differ between surveys, and is particularly dependent on weather conditions, observer experience, and aircraft type. Nevertheless, there does appear to be a downward population trend since regular surveys were initiated in 2000.

Surveys in the area adjacent to the Nunatak Bench, from Nunatak Fjord south to Harlequin Lake, indicate the population there has also declined in recent years (Oehlers 2009 and Oehlers and Henniger 2009). Alaska Department of Fish and Game closed this portion of Unit 5A to hunting of goats by Emergency Order in 2008 and 2009.

**Harvest History**

The earliest available harvest data are from 1986. An average of 3 goats was harvested annually in the Nunatak Bench area between 1986 and 2000 (under State regulations until 1995, and under State and Federal regulations combined from 1996-2000); Yakutat residents accounted for 54% of the harvest (**Figure 2;** ADF&G 2000). Yakutat residents make up the majority of successful goat hunters in Unit 5, including the Nunatak Bench, probably due to the cost and logistical difficulty of hunting goats in this area (Barten 2008).

**Other Alternatives Considered**

An alternative would be to delegate authority to the Yakutat District Ranger to close the season for conservation purposes. The goat population is not expected to be sufficient to support a harvest for several years; therefore, adoption of this alternative would facilitate management flexibility and responsiveness by allowing the Yakutat District Ranger to close the season annually until conditions warrant a season, without additional action from the Federal Subsistence Board.

**Effects of the Proposal**

If this proposal is adopted, goat hunting would continue to be closed to subsistence users in the Nunatak Bench area of Unit 5A. This area has been closed to harvest of goats under both State and Federal

**Table 1.** Number of goats observed during aerial surveys of the Nunatak Bench, 2000-2008 (Barten 2000, 2001a, 2002, 2003, 2005, 2006, 2007, Oehlers 2005, 2008, 2009, and White 2008).

| Year | Month | Adults | Kids | Unk. | Total | Kid:100 adults | % kids | Goats /hr |
|---|---|---|---|---|---|---|---|---|
| 2000 | July | 69 | 13 | | 82 | 19 | 16 | 91 |
| 2000 | August | 40 | 6 | | 46 | 15 | 13 | 52 |
| 2001 | August | 37 | 11 | | 48 | 30 | 23 | 20 |
| 2001 | September | 37 | 2 | | 39 | 5 | 5 | 54 |
| 2001 | November | | | 48 | 48 | | | |
| 2002 | September | 25 | 4 | | 29 | 16 | 14 | 19 |
| 2003 | September | 29 | 14 | | 43 | 48 | 33 | 40 |
| 2005 | July | 4 | | | 4 | | | |
| 2005 | July | 17 | 5 | 19 | 41 | | | |
| 2005 | September | 17 | 5 | | 22 | | | |
| 2006 | October | 15 | 4 | | 19 | 21 | 21 | |
| 2006 | October | 26 | 7 | | 33 | 26 | 21 | |
| 2007 | September | 17 | 6 | | 23 | 35 | | 31 |
| 2008 | August | 9 | 3 | | 12 | 33 | 25 | 9 |
| 2008 | Sept | 26 | 7 | | 33 | 26 | 21 | 26 |
| 2008 | October | 32 | 8 | | 40 | 25 | 20 | 18 |
| 2009 | September | 12 | 1 | | 13 | 8 | 8 | 13 |
| 2009 | September | 27 | 6 | | 33 | 22 | 18 | 28 |

regulations since 2001 due to conservation concerns. Prior to this closure, an average of three goats were harvested annually, with over half of the harvest by Federally qualified subsistence users. Because harvest was low prior to 2001 and harvest has not been allowed since then, subsistence users will be minimally affected by the adoption of this proposal. Non-Federally qualified hunters will not be affected by the adoption of this proposal because the State season has been closed since 2001. Goat populations have been demonstrated to take a long time to recover following a decline, and any harvest could further retard the recovery rate. Therefore, prohibiting harvest now is expected to promote future recovery of this population, increasing the possibility of a harvestable population to provide subsistence opportunities in the future.

The Board established a policy in 2007 that "closures will be reviewed by the Federal Subsistence Board no more than three years from the establishment of the closure and at least every three years thereafter." If the survey data indicates a population capable of sustaining a harvest, the season could be reopened by submitting a proposal through the Federal subsistence regulatory process.

If this proposal is not adopted, the delegation of authority language in the existing regulation should be modified to clearly allow the Yakutat District Ranger to close the entire season for conservation reasons.

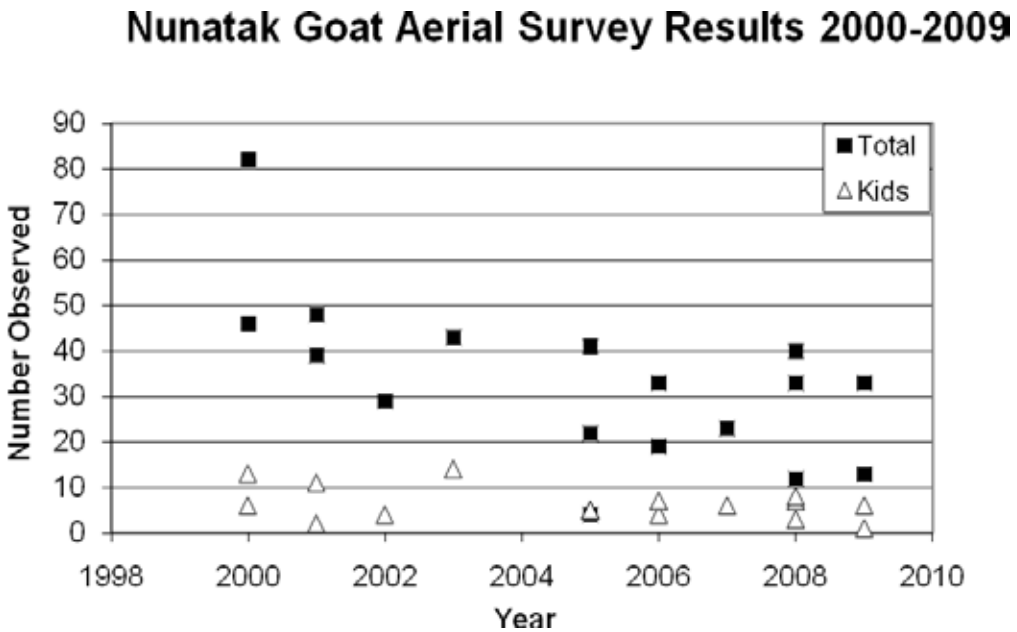



**Figure 1**. Number of goats observed during aerial surveys of the Nunatak Bench (Barten 2000, 2001, 2002, 2003, 2005, 2006, 2007, Oehlers 2005, 2008, 2009, and White 2008).

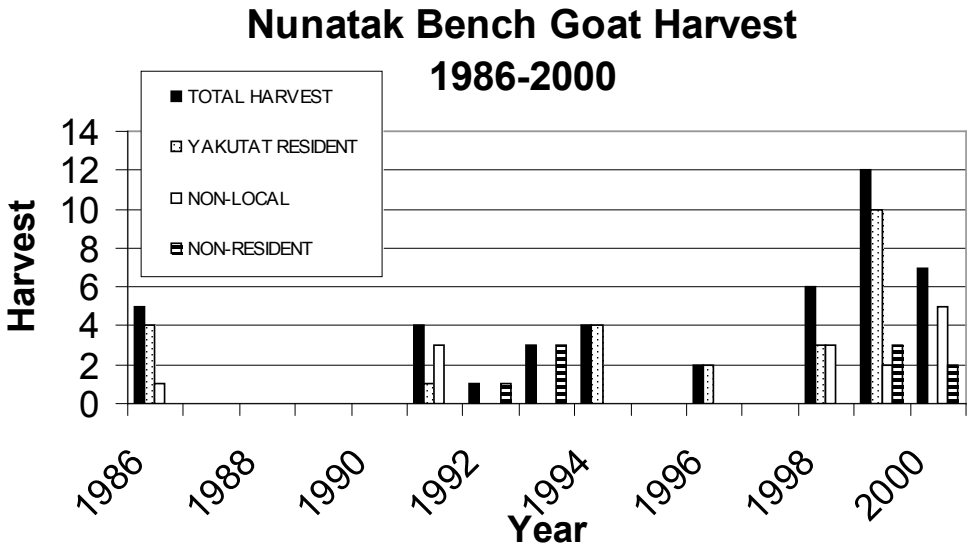



**Figure 2**. Reported harvest for Nunatak Bench area 1986-2000. Source: ADF&G 2000, Winfonet Database.

## OSM PRELIMINARY CONCLUSION

**Support** Proposal WP10-15.

**Justification**

The goat population between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord has declined and remains at a low level that is insufficient to sustain any harvest on Federal public lands. Recent harsh winters have likely contributed to this decline. Since the population is not expected to increase for a number of years, Federal public lands should continue to be closed because of conservation concerns for the Unit 5A goat population. Harvest should not be allowed until a population of at least 100 animals is observed for several consecutive years (as recommended by ADF&G). Because the harvest of goats was low prior to 2001 and has not been allowed since then, subsistence users will be minimally affected by the adoption of this proposal. Closing the Federal season will promote recovery of this population, increasing the possibility of a harvest for Federally qualified subsistence users in the future. This closure would be reviewed by the Federal Subsistence Board no more than three years from the establishment of the closure and at least every three years thereafter. If the survey data indicates a population sufficient to sustain harvest, the season could be reopened by submitting a proposal through the Federal regulatory process.

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Comments WP10-15
January 29, 2010; Page 1 of 1

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

**Wildlife Proposal WP10-15:** This proposal would close the federal subsistence goat hunting season in that portion of Unit 5A between Hubbard Glacier and West Nunatak Glacier on the north and east side of Nunatak Fjord.

**Introduction:** The area described in this proposal is known as Nunatak Bench in State of Alaska regulations. Based on aerial survey data, the goat population in this area began declining precipitously in about 2001. An aerial survey conducted in 2000 enumerated 82 goats, followed by 48 in 2001 and an average high count of 33 goats per year during 2005-2008. Reasons for the decline are likely related in part to hunting, but winter weather, predation, and disease may also have contributed. Due to low numbers seen during aerial surveys, the department closed this area to goat hunting by Emergency Order in 2001 and 2002. The hunt was closed under state regulations in 2002 and has remained closed. Beginning in 2003, the department omitted this area from the Unit 5 mountain goat State registration permit (RG170). The department will keep this area closed until the population rebounds to a sustainable level.

**Impact on Subsistence Users**: Closing this area under federal regulations will have no impact on subsistence hunters at this time. Although this area was once the most sought after area to harvest goats for federal subsistence, no goats have been taken since 2000 due to federal subsistence season closures enacted in concert with ADF&G closures.

**Opportunity Provided by State**: The State of Alaska closed this area to goat hunting in 2003 by removing it from the legal hunting area under registration permit RG170.

**Conservation Issues**: Adoption of this proposal will ensure that no goats are taken in this hunt area, which is necessary to allow this population of goats to rebound to a level sufficient to support a huntable population.

**Other Comments:** Adoption of this proposal will eliminate annual requirement for the approval of a wildlife special action by the Federal Subsistence Board to close this hunt. Once the goat population rebounds, a proposal can be submitted to the Federal Subsistence Board to reopen the federal subsistence hunt.

**Recommendation:** Support.

| WP10-16 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-16 requests that the harvest limit for moose in Unit 5A be modified from one bull per person to one bull per household. *Submitted by the Southeast Alaska Regional Advisory Council* |
| **Proposed Regulation** | **Unit 5A—Moose**<br>*Unit 5A except Nunatak Bench—1 bull* ***per household*** *by joint State-Federal registration permit only. The season will be closed when 60 bulls have been taken from Unit 5A. The season will be closed in that portion west of the Dangerous River when 30 bulls have been taken in that area. From Oct. 8–Oct. 21, Federal public lands are closed to taking of moose except by residents of Unit 5A hunting under these regulations.* *Oct. 8–Nov. 15* |
| **OSM Preliminary Conclusion** | **Oppose** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Oppose** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-16

## ISSUES

Proposal WP10-16, submitted by the Southeast Alaska Regional Advisory Council (Council), requests that the harvest limit for moose in Unit 5A be modified from one bull per person to one bull per household.

## DISCUSSION

The Council is requesting this action because it believes that it is necessary to prevent waste of moose and to promote sharing within the community of Yakutat. Concerns from the community have been brought to the Council's attention. The concerns are that one household is harvesting more moose than can be processed and preserved to prevent spoilage. Residents of the community have observed wasted moose meat. Council members have heard from residents that this pattern is neither customary nor compatible with community standards.

The Council is aware that the requirement to salvage the meat of ungulates, including moose, in Federal regulations (36 CFR Part 242.25(j) and 50 CFR Part 100.25(j)) does not apply to this situation because the spoiling occurred after the meat was removed from the field.

A review of the minutes of the Council meeting show that the Council's intent was to change the regulation only in the remainder area of Unit 5A (described in the regulations as Unit 5A except Nunatak Bench) (FWS 2009).

### Existing Federal Regulation

| | |
|---|---|
| **Unit 5A—Moose** | |
| *Unit 5A except Nunatak Bench—1 bull by joint State-Federal registration permit only. The season will be closed when 60 bulls have been taken from Unit 5A. The season will be closed in that portion west of the Dangerous River when 30 bulls have been taken in that area. From Oct. 8–Oct. 21, Federal public lands are closed to taking of moose except by residents of Unit 5A hunting under these regulations.* | *Oct. 8–Nov. 15* |

### Proposed Federal Regulation

| | |
|---|---|
| **Unit 5A—Moose** | |
| *Unit 5A except Nunatak Bench—1 bull* ***per household*** *by joint State-Federal registration permit only. The season will be closed when 60 bulls have been taken from Unit 5A. The season will be closed in that portion west of the Dangerous River when 30 bulls have been taken in that area. From Oct. 8–Oct. 21, Federal public lands are closed to taking of moose except by residents of Unit 5A hunting under these regulations.* | *Oct. 8–Nov. 15* |

**Existing State Regulation**

| | |
|---|---|
| **Unit 5A—Moose** | *Resident and Nonresident* |
| *Unit 5A except Nunatak Bench—1 bull by permit available in Douglas or Yakutat or by mail from Douglas beginning Aug. 17.* | *Oct. 15–Nov. 15* |

Note: Up to 55 bulls may be taken; however, no more than 25 bulls may be taken west of the Dangerous River

**Extent of Federal Public Land**

Federal public lands comprise approximately 98% of Unit 5A and consist of 66% USFS and 34% NPS lands (see **Unit 5 map**). Forest Service lands in Unit 5A are within the Tongass National Forest. Glacier Bay National Park is the majority of NPS land in the subunit, and the park is closed to all hunting. A small portion of NPS land is in the preserve, and Federal subsistence hunting regulations apply. Other NPS lands in Unit 5A are within the boundaries of Wrangell–St. Elias National Park.

The majority of State and private land in Unit 5A is located on a portion of the forelands surrounding the community, locally referred to as the "nine townships."

**Customary and Traditional Use Determination**

Residents of Unit 5A have a customary and traditional use determination to harvest moose in Unit 5A. Yakutat is the only community in Unit 5A.

**Regulatory History**

Season and Quota

The State moose hunting season in Unit 5A was closed from 1974 to1977 in response to low population numbers. This followed aggressive harvest strategies during the late 1960s (including cow hunts) as well as over browsing of the moose range and a series of severe winters. A Federal subsistence season was instituted in 1991, concurrent with the State season. From 1991 to the present, hunting on Federal public lands has been restricted to Yakutat residents during the first week of the combined Federal/State season. Since 1996, the Federal season has opened one week earlier than the State season, effectively limiting hunting on Federal public lands to Yakutat residents for 2 weeks prior to these lands being open to non-Federally qualified subsistence users. Since 1990, the State and Federal seasons have followed a guideline harvest of 60 bulls across all of Unit 5A, with the portion of Unit 5A west of the Dangerous River being closed when 30 bulls are taken in that area. In practice, the State and Federal seasons have been closed, once the quota is met, in a joint announcement by the Yakutat District Ranger and ADF&G.

In November 2004, the State issued Emergency Order (E.O.) 01-02-04 to close that portion of Unit 5A west of the Dangerous River when the harvest reached 28 moose. In November 2007, the State again issued an E.O. (01-08-07) to close that portion of Unit 5A west of the Dangerous River when the harvest reached 28 moose. In 2008, the State and the Federal Subsistence Board reduced the total harvest quota in Unit 5A from 60 to 50 bulls with a quota of 20 bulls west of the Dangerous River, in response to continued low bull:cow ratios (Barten 2008a). On October 20, 2008, the State issued E.O. 01-07-08 to close that portion of Unit 5A west of the Dangerous River when the harvest reached 20 moose. All State closures were concurrent with closures of the Federal subsistence season by the Yakutat District Ranger.

For the 2009 season, in response to improved bull:cow ratios estimates after the 2008 season, the State established a harvest quota of 55 moose, restricted to 25 bulls west of the Dangerous River. The Yakutat District Ranger reduced the Federal subsistence harvest quota consistent with that of the State, under temporary authority delegated by the Federal Subsistence Board resulting from a Special Action Request (WSA09-04). The quota was not reached and therefore the season was not closed early during the 2009 season.

In 2009, the Federal Subsistence Board delegated authority to the Yakutat District Ranger to establish the quota in consultation with ADF&G and the chair of the Southeast Alaska Subsistence Regional Advisory Council and to close the season when the quota has been reached for the 2009 season by Special Action (WSA 09-04); consequently, the district ranger established the 2009 quota consistent with that of the State regulations.

Harvest Permit

Unit 5A moose hunting has been managed under a State registration permit system since 1978. The State and U.S. Forest Service began issuing a joint Federal/State registration permit for all moose hunters in Unit 5A during the 2004 season. This allows for better tracking of hunting effort and harvest and simplifies the permit application and reporting process for the hunters.

The request in the proposal is for a harvest limit of one bull per household by joint Federal/State registration permit. Only one instance of a household harvest limit, in contrast to an individual harvest limit, exists in Federal wildlife regulations. It is one elk per household by Federal registration permit in a portion of Unit 8. The harvest of elk is additionally restricted by a State draw permit for residents only and a State registration permit available in person beginning 18 days before the season. Instances of limiting permit distribution to one permit per household, in contrast to one moose per household, are more common. It occurs four times in Federal regulations: moose in Unit 6C, moose in Unit 13E, moose in Unit 16B, and moose in Unit 21B. In each of these instances the harvest of moose is restricted by a State Tier II permit, a State draw permit and a Federal draw permit, or a winter season that is closed to non-Federally qualified users. In all five of these instances described above, one with a per household harvest limit in Unit 8 and four in which a household is limited to one permit, harvesting opportunity was already being restricted due to conservation concerns before the Board adopted the per household harvest limit or limited permit distribution to one per household.

The proponent is requesting a harvest limit of one bull moose per household that would apply to Federally qualified users, in this case, residents of Yakutat. The joint Federal/State permit would be replaced by separate Federal and State permits unless the State of Alaska Board of Game adopted a similar harvest limit. There are no instances of household harvest limits in State wildlife regulations at this time. There are two instances in State wildlife regulations where the distribution of permits is limited to one per household: moose in Unit 20B and moose in Unit 22C. In both instances, the harvest of moose is restricted by a registration permit available in only a few communities on only one day of the year, or by limiting the number of registration permits that can be distributed. The conservation issues that exist for these hunts in Units 20B and 22C do not exist in Unit 5A at this time, and it is unlikely the Alaska Board of Game would adopt a regulation limiting all state residents to only to one bull per household or one permit per household to harvest moose in Unit 5A.

**Biological Background**

Moose were first documented in the Dry Bay area in the eastern section of Unit 5A in the late 1920s or early 1930s. The population expanded its range westward and peaked in the early 1960s at an estimated

2,000 animals, which is likely above the carrying capacity of the range (Barten 2006a). The population began declining and a combination of poor reproductive success, poor browse conditions, and severe winters in the early 1970s further depressed the population. The season was closed from 1974 to 1977, after which the population slowly increased to its present level of approximately 600-800 animals (Barten 2006a).

The State management direction for Unit 5A since 1989 has been to maintain a post-hunt moose population of 1,000 animals, annual harvest of 70 animals, and hunter success rate of 28% (Barten 2006a, 2009). Barten (2009) notes, however, that these objectives are out-dated and not currently realistic, and that a post-hunt moose population of 800 animals and annual harvest of 45-50 animals would be a more appropriate management objective. State management objectives for Unit 5A are to maintain a minimum bull:cow ratio of 25:100 (Barten 2008a). Recent surveys indicate a bull:cow ratio significantly below the State management objective (ranging from 11:100 to 34:100; Barten 2008b, Oehlers 2008a, b, c), particularly on the western forelands (that area between the mountains and the ocean west of the Dangerous River). A sufficient bull:cow ratio is necessary to ensure timely breeding of cows and to maximize productivity.

Habitat Conditions and Trends

Since moose first populated the forelands, habitat succession has likely decreased the quantity and quality of forage available for moose; however, new habitat is being formed through glacial isostatic rebound (Barten 2008a). Isostatic rebound is the gradual rising of the land surface because it is no longer weighted with glaciers; some land in the Yakutat area is rising as much as one inch per year.

ADF&G estimates that the current population "appears to be at the carrying capacity of the habitat" (Barten 2006a). Barten (2008a) clarified this statement to include other factors such as weather and predation that contribute to the range's carrying capacity. No formal habitat assessment has been conducted in Unit 5A; however, good body condition and high pregnancy and twinning rates indicate that the range is in good condition (ADF&G 2005, USFS 2005, Oehlers 2007).

Recent Population Indices

The most recent complete survey of the Yakutat Forelands moose population, in December 2007, resulted in an uncorrected count of 685 moose (Barten 2007). Findings of a sightability study on the Yakutat Forelands (Oehlers 2007) indicate that the 70% sightability of moose during winter aerial surveys is higher than previously estimated, and that prior population estimates using the 50% factor have been inflated. This result, however, does not conflict with reports of a stable population for the past 10 years.

Composition surveys between 2002 and 2007 indicate a bull:cow ratio ranging from 10:100 to 34:100 on the Yakutat Forelands (**Table 1**). The 2007 estimates should be considered minimum ratios since bulls had begun to cast their antlers; nevertheless, this information helps demonstrate a pattern of low bull:cow ratios, particularly on the western forelands. Harvest is generally higher on the western forelands because of accessibility, likely contributing to the lower bull:cow ratio. Furthermore, the age structure of bulls harvested west of the Dangerous River is skewed lower than those harvested east of the Dangerous River. The mean age of moose harvested west of the Dangerous River was 2.4 years for the past 5 years, with 70% between 1.5 and 2.5 years old, compared to a mean age of 3.2 years for bulls harvested east of the Dangerous River, with only 50% between 1.5 and 2.5 years old (Barten 2008a).

Following the harvest quota reduction in 2008, several composition surveys were conducted on the Yakutat Forelands. Federal biologists estimated a bull:cow ratio of 34:100 and 14:100 on the western

**Table 1**. Moose composition survey results for the Yakutat Forelands, 2005-2008 (Barten 2002, 2005, 2006b, 2007, Oehlers 2008a, b, c).

| Month | Year | Survey Area | # Bulls | # Cows | # Calves | # Unknown | Total | Bull:cow |
|---|---|---|---|---|---|---|---|---|
| March | 2002 | Yakutat Forelands | 28 | 146 | 21 | 0 | 195 | 19:100 |
| November | 2005 | Eastern Forelands | 33 | 166 | 17 | 0 | 216 | 20:100 |
| November | 2006 | Western Forelands | 12 | 119 | 11 | 0 | 142 | 10:100 |
| December | 2007 | Western Forelands | 24 | 21 | 21 | 200 | 266 | 11:100[1] |
| December | 2007 | Eastern Forelands | 55 | 49 | 53 | 262 | 419 | 18:100[1] |
| November | 2008 | Western Forelands | 23 | 67 | 4 | 0 | 94 | 34:100 |
| December | 2008 | Western Forelands | 24 | 166 | 31 | 0 | 221 | 14:100 |
| December | 2008 | Eastern Forelands | 23 | 100 | 4 | 2 | 139 | 23:100 |

[1] Minimum estimate.

forelands during November and December, respectively, and 23:100 on the eastern forelands during December. The December surveys are likely reflective of a proportion of bulls having dropped their antlers, and therefore should be considered a minimum estimate. Although these minimum bull:cow ratios are higher than previously reported, the December surveys indicate a continued lower ratio on the western side of the forelands.

**Harvest History**

The total annual harvest of moose in Unit 5A except Nunatak Bench ranged from 31 to 48 during 1999-2008, with a mean of 39. The harvest quota of 60 antlered bulls for the entirety of Unit 5A, except Nunatak Bench, has not been reached in the last 10 years. Harvest is generally higher west of the Dangerous River, primarily because of easy access. This area was closed by Emergency Order in 3 of the past 6 years when the quota was reached. Annual harvest of bulls west of the Dangerous River ranged from 19 to 31 bulls from 2003 to 2007, with a mean annual harvest of 25 animals, whereas harvest east of the Dangerous River ranged from 10 to 17 bulls during this period, with a mean annual harvest of 12 animals.

The majority of the moose harvest west of the Dangerous River occurs during the first 2 weeks of the combined Federal/State season (Oct. 8–21). There are two factors that favor Yakutat resident hunters: 1) only Yakutat residents are allowed to hunt during the first week (Oct. 8–14), and 2). Federal public lands are open to Yakutat residents on Oct. 8, but are closed to other hunters until Oct. 22. These two factors provide Yakutat residents with a better opportunity to harvest moose than hunters from outside Unit 5A. As a result, Yakutat residents took 85% (79 of 93) of the bulls harvested west of the Dangerous River during the 2003–2006 reporting period, with 72% of those taken during the first 2 weeks of the season (Barten 2006a). In 2008, Yakutat residents accounted for 63% (24 of 35) of the total harvest, and 80% (16 of 20) of the harvest west of the Dangerous River. Preliminary estimates indicate that 23 and 14 moose were harvested west and east of the Dangerous River, respectively, during 2009.

For the 5-year period 2004 to 2008, an average of 107 permits were used by residents of Yakutat. There were 97 hunters in 2007 and 101 hunters in 2008 (**Table 2**). In 2000 there were estimated to be 808 people living in 265 households in Yakutat (U.S. Census Bureau 2009).

**Table 2**. Yakutat residents hunting in the remainder area of Unit 5A (ADF&G 2009).

| Year | Number of Hunters | Number of Moose Harvested |
|---|---|---|
| 2008 | 101 | 24 |
| 2007 | 97 | 33 |
| 2006 | 99 | 23 |
| 2005 | 117 | 23 |
| 2004 | 119 | 30 |

**Effects of the Proposal**

If this proposal is adopted, a separate Federal permit would be required because the State harvest limit would remain one bull per person and the Federal harvest limit would change to one bull per household. The effects on Yakutat residents would be:

- All Yakutat hunters would continue to be eligible to harvest one bull per person from State and private lands the entire season starting Oct. 15.
- Yakutat hunters who choose not to participate in the early hunt Oct. 8 to Oct. 21 would continue to be eligible to harvest one bull per person from State, private, and Federal public lands the remainder of the hunting season.
- Yakutat hunters participating in the early hunt Oct. 8 to Oct. 21 would be limited to one bull per household from Federal public lands the entire hunting season.
- No member of a household that designated a hunter outside the household would be able to hunt for moose on Federal public lands.

The proposed action would not limit Yakutat residents to one bull per household and would be very difficult to administer and enforce. Responsible households could have only one hunter in the field at a time or hunters in the household would have to hunt together; otherwise, they would risk violating the regulation.

If this proposal is adopted, there would be no effect on non-Federally qualified hunters, and they would continue to be allowed to harvest one bull per person in Unit 5A except Nunatak Bench. If imposing a per household harvest limit on Yakutat residents decreased the harvest of moose during the early part of the season, more moose would be available for non-Federally qualified hunters.

If this proposal is not adopted, the harvest limit in Unit 5A except Nunatak bench would remain one bull per person with a joint Federal/State permit.

**OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP10-16.

**Justification**

The moose harvest is controlled through harvest quotas in Unit 5A (except Nunatak bench). Reducing the harvest limit from one bull per person to one bull per household is not necessary to manage the moose population at this time. There is no conservation concern with the harvest of moose in Unit 5A since the harvest is managed with a quota that is established in proportion to the observed population.

The proposed regulation would restrict residents of Yakutat to address an issue with one family, and it would adversely affect households composed of extended families and multiple families. As a consequence, it has the potential to reduce the effectiveness of the early Federal only season, shifting moose harvests to non-Federally qualified hunters, and shifting moose harvests to non-Federal public lands surrounding the town of Yakutat. Furthermore, it would be detrimental to the successful, cooperative administration of the hunt. Presently the moose hunt in Unit 5A is successfully administered under a joint Federal/State permit. This proposal would require separate permits for Federal and State hunts and would increase the complexity of administering the hunt. Finally, the regulation would require increased and intrusive enforcement efforts to be effective.

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

**Wildlife Proposal WP10-16:** This proposal would limit the annual moose harvest limit to one moose per household.

**Introduction:** This proposal was submitted to address a concern of Yakutat residents that a single family harvests a disproportionate number of bull moose during the Unit 5A moose hunt. This hunt is managed under a joint State/Federal registration permit (RM061). The Federal subsistence season opens October 8, and the State season opens October 15. The permit hunt area is divided into two moose management zones. One zone close to the community of Yakutat has better access by road and boat than the other area, so during the moose hunt, is more popular with subsistence hunters. This area has been managed with a quota of 30 bull moose since 1990, but in 2008 the quota was dropped to 20 and, in 2009, the quota was 25. With a population of 800+ people in Yakutat, these 20-30 moose are very important for subsistence. During recent years, a single family took multiple moose and, in some cases, 5-6 of the allowable quota, leaving hunters for other families with less opportunity.

**Enforcement Issues**: Determining who lives in the same household could be problematic for enforcement of this proposal unless some administrative solution requires listing all household members when acquiring a permit. Also, if more than one person per household can get a permit, there is the chance of two people from the same household taking a moose at the same time and, thereby, taking one illegal moose. If the permit is limited to one per household, all household members should be listed on the permit and should require the permit to be in possession when harvesting moose.

**Other Comments:** This proposal could be difficult to administer unless the proposal limits the permits to one per household. Another administrative option is to limit the number of permits per household. The State has discretionary authority to list this as a condition of a permit. Since this moose hunt is managed as a joint State/federal registration permit, parallel language is preferred. If adopted, hunters could simply decide to hunt under state regulations to avoid the restrictions this proposal presents.

**Recommendation:** Oppose.

| WP10-17 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-17 requests that authority be delegated to the U.S. Forest Service Yakutat District Ranger to establish the quota for moose in Unit 5A, except Nunatak Bench, and to close the season when the quota has been filled. This quota would be established in consultation with the Alaska Department of Fish and Game (ADF&G), the Yakutat District Ranger for Wrangell St. Elias and Glacier Bay National Parks and Preserves, and the chair of the Council. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | **Unit 5A — Moose**<br>*Unit 5A, except Nunatak Bench—1 bull by joint State/Federal registration permit only.* ~~*The season will be closed when 60 bulls have been taken from the Unit. The season will be closed in that portion west of the Dangerous River when 30 bulls have been taken in that area .*~~***The Yakutat District Ranger of the U. S. Forest Service is authorized to establish the quota, in consultation with ADF&G, the Yakutat District Ranger for Wrangell-St. Elias and Glacier Bay National Parks and Preserves, and the chair of the Southeast Alaska Subsistence Regional Advisory Council, and to close the season by local announcement when the quota has been taken.*** *From Oct. 8–21, public lands will be closed to taking of moose, except by residents of Unit 5A hunting under these regulations.* *Oct.8− Nov. 15* |
| **OSM Preliminary Conclusion** | **Support** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Support with modification** language that clarifies the authority is to reduce the upper harvest quota or to close but is not to increase the upper harvest quota. |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-17

## ISSUES

The Southeast Alaska Subsistence Regional Advisory Council (Council) submitted proposal WP10-17, which asks to delegate authority to the U.S. Forest Service Yakutat District Ranger to establish the quota for moose in Unit 5A, except Nunatak Bench, and to close the season when the quota has been filled. This quota would be established in consultation with the Alaska Department of Fish and Game (ADF&G), the Yakutat District Ranger for Wrangell St. Elias and Glacier Bay National Parks and Preserves, and the chair of the Council.

## DISCUSSION

The proponent states that the harvest quota in current regulation does not represent best management practices and is not sustainable. The proponent stated that this action is necessary to maintain a healthy moose population in Unit 5A. Federal managers share the conservation concerns expressed by the proponent and the State. It is not anticipated that the harvest quota would be increased in the foreseeable future above the level currently in regulation as a result of adoption of this proposal.

Board action on proposal WP10-22 may make this proposal moot. Proposal WP10-22 requests standardization of the in-season management of fish and wildlife in the Southeast region by removing specific references to in-season management authority in the Southeastern Alaska Area wildlife regulations. If this proposal is approved by the Federal Subsistence Board, in-season management authority to close, reopen or adjust Federal Subsistence seasons and to set harvest and possession limits for wildlife would be delegated by letter from the Board to a uniform set of fish and wildlife in-season managers.

### Existing Federal Regulation

**Unit 5A — Moose**

| | |
|---|---|
| *Unit 5A, except Nunatak Bench—1 bull by joint State/Federal registration permit only. The season will be closed when 60 bulls have been taken from the Unit. The season will be closed in that portion west of the Dangerous River when 30 bulls have been taken in that area. From Oct. 8–21, public lands will be closed to taking of moose, except by residents of Unit 5A hunting under these regulations.* | *Oct.8− Nov. 15* |

**Proposed Federal Regulation**

**Unit 5A — Moose**

| | |
|---|---|
| *Unit 5A, except Nunatak Bench—1 bull by joint State/Federal registration permit only. ~~The season will be closed when 60 bulls have been taken from the Unit. The season will be closed in that portion west of the Dangerous River when 30 bulls have been taken in that area .~~**The Yakutat District Ranger of the U. S. Forest Service is authorized to establish the quota, in consultation with ADF&G, the Yakutat District Ranger for Wrangell-St. Elias and Glacier Bay National Parks and Preserves, and the chair of the Southeast Alaska Subsistence Regional Advisory Council, and to close the season by local announcement when the quota has been taken.** From Oct. 8–21, public lands will be closed to taking of moose, except by residents of Unit 5A hunting under these regulations.* | *Oct.8− Nov. 15* |

**Existing State Regulation**

**Unit 5A remainder – Moose**

| | |
|---|---|
| *1 moose by permit, available in person in Douglas or Yakutat or by mail from Douglas beginning Aug. 17** | *Oct. 15 −Nov. 15* |

*NOTE:* Up to 55 bulls may be taken; however, no more than 25 bulls may be taken west of the Dangerous River*

**Extent of Federal Public Lands**

Federal public lands comprise approximately 98% of Unit 5A, with 64% of the Unit U.S. Forest Service (USFS) lands and 34% National Park Service lands. Federal public lands within Glacier Bay National Park are closed to subsistence use, while Glacier Bay National Preserve is open to subsistence use.

**Customary and Traditional Use Determinations**

Rural residents of Unit 5A have a positive customary and traditional use determination for moose in Unit 5A.

**Regulatory History**

The State and USFS began issuing a joint State and Federal permit for all moose hunters in Unit 5A during the 2004 season. This allowed better tracking of hunting effort and harvest and simplified the permit application and reporting process for the hunters. Since 1990, the State and Federal seasons have followed a guideline harvest of 60 bulls across all of Unit 5A, with the portion of Unit 5A west of the Dangerous River being closed when 30 bulls are taken in that area. State and Federal seasons have been closed, once the quota is met, in a joint announcement by the Yakutat District Ranger and ADF&G.

In November 2004, the State issued Emergency Order (E.O.) 01-02-04 to close that portion of Unit 5A west of the Dangerous River when the harvest reached 28 moose. In November 2007, the State again issued an E.O. (01-08-07) to close that portion of Unit 5A west of the Dangerous River when the harvest

reached 28 moose. In 2008, the State and the Federal Subsistence Board reduced the total harvest quota in Unit 5A from 60 to 50 bulls with a quota of 20 bulls west of the Dangerous River, in response to continued low bull:cow ratios (Barten 2008). On October 20, 2008, the State issued E.O. 01-07-08 to close that portion of Unit 5A west of the Dangerous River when the harvest reached 20 moose. All State closures were concurrent with closures of the Federal subsistence season by the Yakutat District Ranger. For the 2009 season, in response to improved bull:cow ratios estimates after the 2008 season, the State established a harvest quota of 55 moose, restricted to 25 bulls west of the Dangerous River. The Yakutat District Ranger set the Federal subsistence harvest quota consistent with that of the State, under temporary authority delegated by the Federal Subsistence Board resulting from Special Action Request WSA09-04.

**Biological Background**

Please see WP10-16 for the biological background.

**Harvest History**

Please see WP10-16 for the harvest history.

**Other Alternatives Considered**

This proposal could be modified to limit the Yakutat District Ranger's authority to reduce the quota, while retaining the existing maximum quota of 60 moose, including 30 west of the Dangerous River, in addition to retaining the authority to close the season when the quota is met. This option is not recommended because granting authority to the Yakutat District Ranger to establish the quota, as requested in this proposal, allows flexibility and responsiveness to align quotas with the State if the moose population increases and allows quotas to be set higher than what is now limited by regulation.

Another alternative would be to limit the Yakutat District Ranger's authority to close the season if there is no harvestable surplus, or when the established quota has been reached. Under this alternative, any changes to the current quota would be implemented by action of the Federal Subsistence Board. This alternative is not recommended, because it is anticipated that the harvest quota will need to be adjusted in the future, and allowing the Yakutat District Ranger to establish the quota, as requested in this proposal, will allow for establishment of the quota without additional action from the Federal Subsistence Board.

**Effects of the Proposal**

Adoption of this proposal will facilitate flexibility and responsiveness in managing this population, allowing the Yakutat District Ranger to determine the harvest quota for moose in Unit 5A in alignment with the State and close the season by local announcement when the quota has been taken without additional action from the Federal Subsistence Board. If, after consultation with ADF&G, the National Park Service, and the chair of the Council, a quota adjustment is considered necessary, the Yakutat District Ranger will be able to implement such an action, thus maintaining productivity and long-term subsistence opportunities. Quota adjustments during the last two seasons demonstrate that a static quota in regulation is not appropriate for management of this moose population. Furthermore, the season has been closed in a portion of the area during three of the past six seasons when the quota was reached. If this proposal is not adopted, the delegation of authority that is contained in this regulation may be addressed by Board action WP10-22.

## OSM PRELIMINARY CONCLUSION

**Support** Proposal WP10-17.

### Justification

The moose quota has been adjusted during the last two seasons in response to changes in the population of moose in Unit 5A. This demonstrates that a static quota in regulation is not appropriate for management of this moose population. Adoption of this proposal will facilitate management flexibility and responsiveness by allowing the Yakutat District Ranger, after consultation with ADF&G, the National Park Service, and the chair of the Council, to determine the harvest quota for moose and to close the season when the quota has been taken in Unit 5A without additional action from the Federal Subsistence Board. The intent of this proposal was to allow the Yakutat District Ranger to adjust the currently unsustainable harvest quota. Consequently, it is not anticipated that the harvest quota would be increased any time soon above the level currently in regulation. If this proposal is adopted, The Yakutat District Ranger is expected to consult with ADF&G and the other previously mentioned contacts regarding the quota, including consideration of an increase from the current quota if warranted by the population in the future.

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Comments WP10-17
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**Alaska Department of Fish and Game**
***Comments to the Regional Advisory Council***

**Wildlife Proposal WP10-17:** This proposal requests delegation of authority to the Yakutat District Ranger to determine the subsistence moose harvest quota for Unit 5A on an annual basis and to close this hunt in consultation with the Alaska Department of Fish and Game and the Southeast Regional Advisory Council chair when the quota is reached.

**Introduction:** During the past two hunting seasons, the department lowered the harvest quota for bull moose on the west side of the Dangerous River due to low bull:cow ratios. Because this hunt is managed under a State/Federal joint moose permit, it is necessary to have the federal season quota be the same as that of the state. Although the US Forest Service District Ranger responsible for the federal subsistence moose hunt on federal lands in Unit 3 has been able to lower the federal quota to match the state quota, the process required a Special Action Request to accomplish this task. Adopting this proposal would streamline this process by delegating the authority to the District Ranger to make the decision to lower the quota and cooperate with Alaska Department of Fish and Game's management of this moose population within sustainable yield principles. The Department supports the intent of this proposal to authorize the federal delegated official to close the federal moose season in a portion of Unit 5A for conservation purposes following consultation, but we have a some concerns.

First, the proposal requests the District Ranger be delegated authority "to <u>establish</u> the quota." The description suggests the proponent intended to request authority "to <u>reduce</u> the quota" when necessary to align the federal quota with a lowered State quota in years of low bull:cow ratios. The moose hunt in this portion of Unit 5A is managed under a joint State/Federal permit, and the season is closed when 60 bulls are taken from Unit 5A, with the portion west of the Dangerous River closed when 30 bulls are taken in that area. Reductions in the quota in recent years necessitated special action by the Federal Subsistence Board in 2008 based on conservation concerns and a similar reduction was made in 2009. Authorizing the federal delegated official to close the federal season when the reduced quota is reached would streamline the process of closing the federal portion of the season. The current management authority of the Petersburg District Ranger exemplifies the intent of streamlining the federal process by authorizing the District Ranger to close the federal subsistence deer hunting season based on conservation concerns (harvest quota levels are expected to be reached), in consultation with the department and the Southeast Regional Advisory Council.

The change in delegated authority should clarify it is not intended to expand (increase) the present quota in regulations of 60 bulls in Unit 5A with a maximum of 30 west of the Dangerous River. If this proposal is adopted, the department requests the delegated authority be clarified by confirming that the delegated authority retains the existing maximum harvest quota and authorizes a reduced quota and closure if necessary to assure conservation of the moose population.

**Impact on Subsistence Users**: Adoption of this proposal would allow for more efficient and effective management of this moose hunt, which will provide for a healthy moose population for subsistence moose hunters.

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**Opportunity Provided by State**: The State of Alaska moose hunting season in Unit 5A (except in Nunatak Bench) is from October 15 through November 15. This hunt is managed under a joint State/Federal moose permit.

**Conservation Issues**: This proposal will help in the management of this moose herd by allowing the District Ranger to work in concert with the department to assure the bull moose harvest is kept at a sustainable level.

**Recommendation:** Adopt with amended language that clarifies the authority is to reduce the upper harvest quota or to close but is not to increase the upper harvest quota.

| WP10-18a Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-18a requests the recognition of customary and traditional uses of moose in the Berners Bay drainage portion of Unit 1C for rural residents of Units 1C and 1D. This proposal was deferred from 2008 when it was numbered WP08-06. As was the case in 2008, this proposal is addressed in two analyses: WP10-18a addresses the customary and traditional use determination, and WP10-18b addresses the Federal season and harvest limit. *Submitted by Chuck Burkhardt of Gustavus* |
| **Proposed Regulation** | **Unit 1C Berners Bay Drainages—Moose**<br>~~*No Federal subsistence priority*~~ ***Rural residents of Unit 1C and 1D***<br><br>**Unit 1C Remainder—Moose**<br>*All rural residents* |
| **OSM Preliminary Conclusion** | **Take no action** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-18a

## ISSUES

Proposal WP10-18a, submitted by Chuck Burkhardt of Gustavus, requests the recognition of customary and traditional uses of moose in the Berners Bay drainage portion of Unit 1C for rural residents of Units 1C and 1D. This proposal was deferred from 2008 when it was numbered WP08-06. As was the case in 2008, this proposal is addressed in two analyses: WP10-18a addresses the customary and traditional use determination, and WP10-18b addresses the Federal season and harvest limit.

## DISCUSSION

The Federal Subsistence Board (Board) has adopted a customary and traditional use determination for the Berners Bay drainage that does not allow a Federal subsistence priority for moose. When a proposal seeks to add a community to a customary and traditional use determination made by the Board, the analysis focuses on the community or communities identified in the proposal. In the proposal under consideration, the proponent requested the evaluation of the uses by the rural residents of Units 1C and 1D only, thus only the uses of residents in these subunits will be analyzed. Gustavus is the only rural community in Unit 1C. Skagway, Klukwan, and Haines are the rural communities in Unit 1D. These communities are the focus of this analysis. A significant factor affecting hunting effort along Berners Bay drainages is the heavily populated Juneau area (about 30,000 people). The Juneau area is a nonrural area in Federal Subsistence Management regulations. Juneau area residents are not eligible to harvest fish and wildlife under Federal subsistence regulations, and as a result the proposed customary and traditional use determination would not apply to Juneau area residents.

The Board has previously recognized the customary and traditional uses of moose by Unit 1D communities. The Board has not been asked to recognize the customary and traditional uses of moose by Gustavus.

### Existing Federal Regulation

**Unit 1C Berners Bay Drainages—Moose**

*No Federal subsistence priority*

**Unit 1C Remainder—Moose**

*All rural residents*

### Proposed Federal Regulation

**Unit 1C Berners Bay Drainages—Moose**

~~*No Federal subsistence priority*~~ ***Rural residents of Unit 1C and 1D***

**Unit 1C Remainder—Moose**

*All rural residents*

**Extent of Federal Public Land**

The Tongass National Forest comprises approximately 97% of the Berners Bay drainage (**Map 1)**

**Regulatory History**

At the inception of the Federal Subsistence Management Program in Alaska in 1990, the Board adopted the customary and traditional use determinations from the State. The majority of the Berners Bay drainage was in the Juneau nonrural area established by the State, and the State did not allow subsistence uses in nonrural areas. As a result, the Board established a no Federal subsistence priority for moose within Berners Bay drainages. In 2002, Proposal WP02-14 requested that the Board remove the no Federal subsistence priority customary and traditional use determination for moose in the Berners Bay drainage. The Southeast Alaska Regional Advisory Council (Council) tabled the proposal until its spring 2003 meeting when staff would present information for a customary and traditional use determination in Unit 1C (SERAC 2002). However, before the next regulatory cycle the proponent withdrew the proposal (FWS 2003). In 2007, the proposal under consideration in this analysis was submitted (WP08-06). The Council requested the Board defer the proposal giving the Council the opportunity to submit its own proposal, WP10-11, requesting an evaluation of the customary and traditional uses of moose in Unit 1C by rural residents of all of Southeast Alaska, Units 1 through 5.

About 25 instances of no Federal subsistence priority exist in the Federal wildlife regulations. No Federal subsistence priority means that the Board has identified no customary and traditional uses of a resource in an area, and therefore, no Federal season or harvest limit can be adopted by the Board. Hunting may be allowed under State regulations. For Southeast Alaska, the four instances of no Federal subsistence priority are: residents of Hyder hunting brown bear in Unit 1A; residents of Gustavus hunting brown bear in Unit 1C; hunting for moose in the Berners Bay drainage of Unit 1C; and hunting for deer in Unit 1D.

Since the implementation of the Federal program in 1990, the Board has adopted two customary and traditional use determinations for moose in Southeast Alaska. One recognized uses in an area previously closed to Federal regulations, described as having no Federal subsistence priority, in Unit 1B (see WP96-04). The other reduced the pool of eligible hunters from all rural residents for a portion of Unit 3 (see WP96-10).

**Community Characteristics**

The proposal seeks to change the customary and traditional use determination for moose in the Berners Bay drainage from no Federal subsistence priority to the rural residents of Units 1C and 1D only. The communities under consideration in this analysis are Skagway, Klukwan, Haines, and Gustavus, roughly 3,600 people (**Table 1**).

Skagway, located in Unit 1D, is at the extreme northern end of Lynn Canal, roughly 15 miles north of Haines. The location of Skagway was once the site of a Chilkat Tlingit village, and other seasonal camps and smokehouses existed along the Skagway River (Betts et al. 1999, Goldschmidt and Haas 1998). Chilkat Tlingit controlled this area that includes what is known today as the Chilkoot Trail, the trade route over Chilkoot Pass to the Canadian Interior. Trade with the Canadian Interior was supervised by Tlingit into the twentieth century. Gold was discovered in the Klondike in the 1890s and the Chilkoot Trail was the most accessible route to the gold fields. A highway connects Skagway to the Canadian Interior.

Klukwan, located in Unit 1D, is situated on the Chilkat River, 22 road miles north of Haines at the northern end of Lynn Canal. Klukwan is a Chilkat Tlingit village of long standing and the principal town

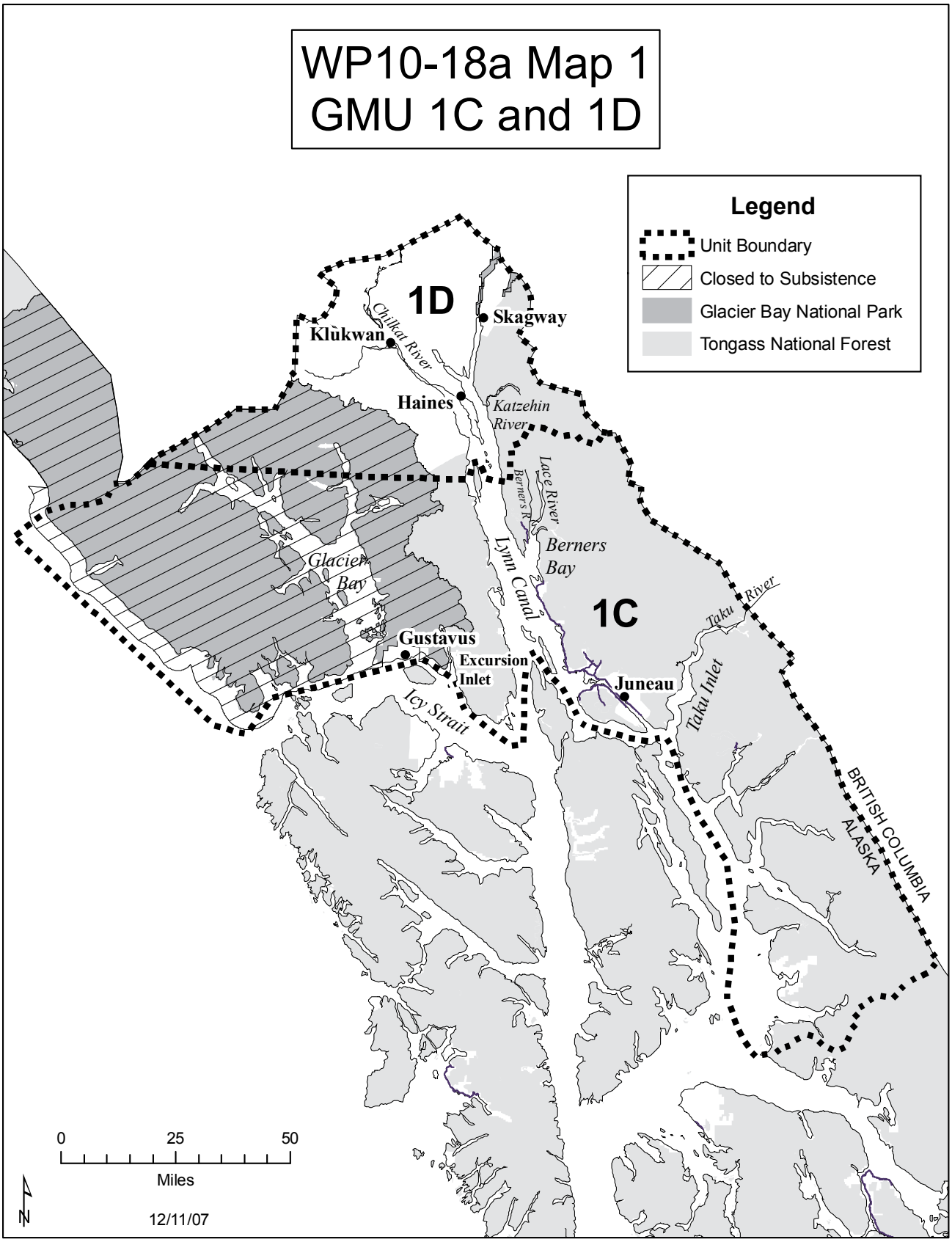
WP10-18a Map 1
GMU 1C and 1D
Legend
Unit Boundary
Closed to Subsistence
Glacier Bay National Park
Tongass National Forest
1D
1C
Skagway
Klukwan
Chilkat River
Haines
Katzehin River
Lace River
Berners R.
Berners Bay
Lynn Canal
Glacier Bay
Gustavus
Excursion Inlet
Icy Strait
Juneau
Taku River
Taku Inlet
BRITISH COLUMBIA
ALASKA
0
25
50
Miles
N
12/11/07

**Table 1**. Rural communities in Units 1C and 1D: population and number of households (U.S. Census Bureau 2009)

| Community | 2000 Population | 2000 Number of Households |
|---|---|---|
| Skagway | 862 | 401 |
| Haines/Klukwan | 2,392 | 991 |
| Gustavus | 429 | 199 |
| Total | 3,683 | 1,591 |

of the Chilkat Tlingit, whose territory generally includes the Chilkat River and its upper drainages and the Lynn Canal area to Berners Bay (Betts et al. 1999, Goldschmidt and Haas 1998). Several salmon canneries were located along Chilkat Inlet beginning in 1882. The nearby Dalton Trail was a route to the Canadian Interior used by many during the Klondike gold rush in the 1890s. However, the village has remained predominantly Tlingit. A highway connects Klukwan to Haines and the Canadian Interior.

Haines, located in Unit 1D, is situated at the mouth of the Chilkat River at the northern end of Lynn Canal, 80 air miles northwest of Juneau. Haines was originally occupied by Chilkat Tlingit who had villages located throughout the area. A United States military base opened in Haines in 1904 and operated through 1945 (Betts et al. 1999). Commercial fishing and logging activities added to the growth of Haines.

Gustavus is the only rural community in Unit 1C. Gustavus lies on the north shore of Icy Passage, and the surrounding area is called the forelands. Gustavus began as an agricultural homestead in 1914. It is surrounded by Glacier Bay National Park on three sides. Glacier Bay National Monument, part of the national park system, was established in 1925 and expanded in 1939. Hoonah Tlingit used the land and resources in the Gustavus area, as well as the lands and waters now inside the park (Schroeder and Kookesh 1990). A permanent community of primarily Hoonah Tlingit is located on Chichagof Island in Unit 4, across Icy Strait from Gustavus.

**Eight Factors for Determining Customary and Traditional Uses**

A community or area's customary and traditional use is generally exemplified through the following eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; (8) a pattern

of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Federal Subsistence Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR Part 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit the eight factors. The Board does not use such customary and traditional use determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limitations or seasonal restrictions rather than by limiting the customary and traditional use finding.

Specific information on each of the eight factors is not required because a community or area seeking a customary and traditional use determination only has to "generally exhibit" the eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)).

Moose (*dzisk'w* in Tlingit) are recent arrivals in Southeast Alaska according to historical records (Brown 2004). The documented moose migrations into Southeast Alaska have been by way of river valley corridors from the Interior through the Coast Range. By the 1950s moose were present on all major ranges in Southeast Alaska. Prior to the migration of moose into hunting areas, moose skins and sinew were valued and traded, probably along with moose meat, by the Tlingit (Goldschmidt and Hass 1998, Kamenskii 1985 [1906], Oberg 1973). For example, Stikine Tlingit traded with Tahltan hunters in the Interior. Taku Tlingit were harvesting moose prior to 1946 from upriver areas. As soon as moose became available in Southeast Alaska, local hunters, both Native and non-Native, began utilizing this resource. Emmons (1991) lists among Tlingit crests that of moose for the Raven moiety and several Houses throughout Southeast Alaska are named after moose. In Unit 1C the first documented migration of moose was in 1962. On the Gustavus forelands, the first sightings of moose occurred in 1968. Fifteen moose calves were introduced to Berners Bay in 1958 and a supplemental release of six more calves occurred in 1960.

The use of river drainages in general to harvest wild resources in Southeast Alaska is well documented (cf. Davidson 1928, Goldschmidt and Haas 1998). Chilkat, Auk, and Taku Tlingit regularly used river drainages to access goat and bear and trap furbearers. After migrating into these areas, moose were also harvested. Cabins and smokehouses were often located on these routes where meat was preserved by smoking. Animals were hunted in the Chilkat River Valley, especially in the area of the Canadian Border, the Skagway River drainage and Taiyasanka Harbor, Chilkoot Lake, the Katzehin River drainage, and the Taku River drainage, mentioned above. Berners Bay (*Daxanáak* in Tlingit) was visited by both Chilkat Tlingit, from Skagway and Haines areas, and Auk Tlingit, from Juneau and Admiralty Island areas, to harvest wild resources during the late nineteenth and early twentieth centuries. In the nineteenth century, there were two year-round villages, seasonally occupied camps, and smokehouses located along Berners Bay drainages. The State moose season in Berners Bay drainages has not opened since 2007.

Further review of the pattern of use in Southeast Alaska indicates that, historically, moose hunting was undertaken during fall and occasionally winter or spring. Moose are generally considered to be in their prime prior to the fall rutting season.

**Table 2,** based on ADF&G's harvest permit database 1993–2007, is clear that most of the applicants for drawing permits for Berners Bay drainage moose (15,840 of 17,939 applicants, about 88%) were residents

of the nonrural Juneau area (with a population of about 30,000 people). During this same period, 35 applicants were from Skagway, 544 from Haines/Klukwan, and 19 from Gustavus. For all communities, during this 15-year period (1993–2007), on average, 1,196 people applied and 11 permits total were given out. The corresponding draw success rate was 1%.

The number of applicants from a community demonstrates that people were interested in using the area, but the actual level of interest in hunting moose in the Berners Bay drainage has not been documented.

From 1983 to 2002, residents of Skagway, Klukwan, Haines, and Gustavus obtained 11 State draw permits to hunt moose in the Berners Bay drainage. Seven hunters reported travelling by boat, one reported use of a highway vehicle, and one reported use of an airboat (ADF&G 2009a). The State moose season in the Berners Bay drainage has not opened since 2007.

**Table 2**. Applicants: Berners Bay drawing permit, cumulative 1993 - 2007 (ADF&G 2007).

| Unit of Residence | Community | Number of applicants | Unit of Residence | Community | Number of applicants |
|---|---|---|---|---|---|
| | Nonresident | 91 | 4 | Pelican | 27 |
| | Residency unknown | 4 | 4 | Port Alexander | 4 |
| 1A | Ketchikan | 113 | 4 | Sitka | 409 |
| 1A | Metlakatla | 9 | 4 | Tenakee Springs | 68 |
| 1A | Meyers Chuck | 11 | 4 | Whitestone logging camp | 4 |
| 1A | Neets Bay | 1 | 5 | Yakutat | 2 |
| 1A | Yes Bay | 1 | 6C | Cordova | 3 |
| 1C | Auke Bay | 1,083 | 6D | Valdez | 2 |
| 1C | Douglas | 1,490 | 7 | Seward | 4 |
| 1C | **Gustavus** | 19 | 8 | Kodiak | 43 |
| 1C | Hobart Bay | 6 | 8 | Port Lions | 2 |
| 1C | Juneau | 13,267 | 11 | Copper Center | 1 |
| 1C | Swanson Harbor | 10 | 12 | Tok | 3 |
| 1C | Thorne Bay | 5 | 13A | Glennallen | 2 |
| 1D | **Haines/Klukwan** | 544 | 14A | Wasilla Palmer Area | 23 |
| 1D | **Skagway** | 35 | 14C | Eagle River | 5 |
| 2 | Craig | 38 | 14C | Anchorage | 160 |
| 2 | Kasaan | 6 | 15A | Kenai | 11 |
| 2 | Klawock | 1 | 15A | Sterling | 1 |
| 2 | Point Baker | 1 | 15B | Soldotna | 7 |
| 2 | Port Protection | 6 | 15C | Homer | 3 |
| 2 | Port St Nicholas | 1 | 19C | Kasilof | 2 |
| 3 | Kake | 2 | 20B | Eielson AFB | 3 |
| 3 | Petersburg | 155 | 20B | Fairbanks | 48 |
| 3 | Wrangell | 17 | 20B | North Pole | 3 |
| 4 | Angoon | 13 | 20B | Two Rivers | 3 |
| 4 | Cube Cove | 7 | 20D | Delta Junction | 6 |
| 4 | Elfin Cove | 37 | 20E | Chicken | 2 |
| 4 | Funter Bay | 4 | 22D | Savoonga | 2 |
| 4 | Gull Cove | 2 | 22C | Nome | 2 |
| 4 | Hoonah | 90 | 28 | Barrow | 15 |
| | (*continue next column*) | | | TOTAL | 17,939 |

Patterns of sharing are a common characteristic of customary and traditional uses. A tradition of distribution and exchange continues as part of the great gift-giving associated with elaborate feasts and ceremonies, and between individuals and families at the everyday level (De Laguna 1990). These traditions of sharing are observed in contemporary patterns. Communities often have designated hunters or fishers for groups of relatives or neighbors. Household surveys of subsistence uses of resources conducted in Southeast Alaska indicate a pattern of sharing moose through giving and receiving (**Table 3)**. For example, many households in Skagway, Haines, Klukwan, and Gustavus indicated that they used moose even though no one in the community reported harvesting a moose. These households received moose from successful hunters in other communities. This illustrates cross-community sharing in Southeast Alaska.

**Table 3**. The estimated moose harvest in selected years based on household harvest surveys (ADF&G 2009b).

| | | | | % of Households that | | | |
|---|---|---|---|---|---|---|---|
| Community | Unit | Study Year | Estimated Harvest | Harvest | Use | Receive | Give |
| Skagway | 1D | 1987 | 0 | 0 | 14 | 15 | 0 |
| Klukwan | 1D | 1983 | 84 | 13 | 27 | 15 | 6 |
| Klukwan | 1D | 1987 | 23 | 4 | 45 | 30 | 3 |
| Klukwan | 1D | 1996 | 68 | 8 | 67 | 61 | 7 |
| Haines | 1D | 1983 | 4 | 9 | 24 | 16 | 6 |
| Haines | 1D | 1987 | 0 | 0 | 30 | 42 | 4 |
| Haines | 1D | 1996 | 2 | 7 | 65 | 59 | 11 |
| Gustavus | 1C | 1987 | 0 | 0 | 15 | 14 | 0 |

While salmon continues to be the mainstay of the economy in most of Southeast Alaska, moose is an important part of wild resource harvests and uses. Hunting for large land mammals, including moose, goats, bears, and deer, is augmented and complemented by the seasonal round of collecting fish, hunting for other terrestrial and marine mammals, collecting intertidal resources, and harvesting plants from beaches, forests, and elsewhere (ADF&G 2009b).

As previously mentioned, the Board has recognized the customary and traditional uses of moose for residents of Unit 1D, including residents of Skagway, Haines, and Klukwan. The Board has not recognized Gustavus' customary and traditional uses of moose. However, Gustavus has demonstrated these uses as described by the eight factors. Since 1989 when the first open hunting season occurred at the Gustavus forelands, residents of Gustavus have harvested all or almost all of their moose from the forelands, adjacent to the community in Unit 1C, according to the ADF&G harvest database (ADF&G 2009a). Gustavus is a community of long standing, established in 1914. Additionally, the community exhibits characteristics of other rural communities, and fishing and hunting are central activities in the community (Wolfe and Walker 1987).

The rural residents of Units 1C and 1D have demonstrated customary and traditional uses of moose as described by the eight factors. The ability of residents of these communities to harvest moose in the Berners Bay drainage has been hampered by the drawing permit process and, therefore, due to reasons beyond the control of the residents of these communities, few harvests by them from this area have been documented.

**Effects of the Proposal**

If this proposal is adopted, rural residents of Units 1C and 1D would be eligible to hunt moose on Federal public lands in the Berners Bay drainage area of Unit 1C under Federal subsistence wildlife regulations. There has been no open moose season in the Berners Bay drainage since 2007 due to conservation concerns, and it is not anticipated that a Federal or State season could open in 2010, and therefore, nonsubsistence uses would not be affected this year.

If this proposal is not adopted, rural residents would continue to be eligible to hunt moose in Berners Bay drainages only under State wildlife regulations and a State draw permit.

## OSM PRELIMINARY CONCLUSION

**Take no action** on Proposal WP10-18a.

**Justification**

The Board is considering two proposals on this issue: Proposal WP10-11, which concerns moose in Unit 1C in its entirety, and Proposal WP10-18a, which concerns Berners Bay in Unit 1C. Proposal WP10-11 encompasses the request in WP10-18a. If the Board adopts Proposal WP10-11, and recognizes customary and tradional uses of moose in Berners Bay, then there would be no need to consider and take action on WP10-18a, but the Board would need to consider and take action on WP10-18b. If the Board does not adopt Proposal WP10-11, then it will need to consider and take action on WP10-18a.

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| WP10-18b Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-18 requests the recognition of customary and traditional uses of moose in the drainages of Berners Bay in Unit 1C, for rural residents of Units 1C and 1D. It also requests establishment of a Federal season and harvest limit for moose in the Berners Bay drainages. This proposal was deferred from 2008, when it was numbered WP08-06. As was the case in 2008, this proposal is addressed in two analyses: WP10-18a addresses the customary and traditional use determination, and WP10-18b addresses the Federal season and harvest limit. *Submitted by Chuck Burkhardt of Gustavus* |
| **Proposed Regulation** | **Unit 1C — Moose**<br>*Unit 1C — Berners Bay drainages* ~~*No open season*~~ ***Sept. 15–Oct. 15 — 1 bull, by Federal registration permit.*** |
| **OSM Preliminary Conclusion** | **Oppose** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-18b

## ISSUES

Proposal WP10-18, submitted by Chuck Burkhardt of Gustavus, requests the recognition of customary and traditional uses of moose in the drainages of Berners Bay in Unit 1C, for rural residents of Units 1C and 1D. It also requests establishment of a Federal season and harvest limit for moose in the Berners Bay drainages. This proposal was deferred from 2008, when it was numbered WP08-06. As was the case in 2008, this proposal is addressed in two analyses: WP10-18a addresses the customary and traditional use determination, and WP10-18b addresses the Federal season and harvest limit.

## DISCUSSION

The proponent states that rural residents of Units 1C and 1D are being denied subsistence opportunity and that the current customary and traditional use designation of no Federal subsistence priority violates the letter, spirit, and intent of the Alaska National Interest Lands Conservation Act (ANILCA).

### Existing Federal Regulation

**Unit 1C — Moose**

| | |
|---|---|
| *Unit 1C — Berners Bay drainages.* | *No open season* |

### Proposed Federal Regulation

**Unit 1C — Moose**

| | |
|---|---|
| *Unit 1C — Berners Bay drainages* ***— 1 bull, by Federal registration permit.*** | *~~No open season~~* ***Sept. 15–Oct. 15*** |

### Existing State Regulation

**Unit 1C—Moose**

| | |
|---|---|
| *Unit 1C Berners Bay drainages* | *No open season* |

### Extent of Federal Public Lands

Federal public lands comprise approximately 98% of Unit 1C. The U.S. Forest Service manages 63% (Tongass National Forest), and the National Park Service 35% (Glacier Bay National Park, closed to subsistence harvest). The Tongass National Forest comprises approximately 97% of the Berners Bay drainages (**Map 1).**

### Regulatory History

Harvest regulations for moose in Unit 1C, Berners Bay are summarized in **Table 1.** The State has managed the hunt under a draw permit system since 1978, with the exception of 1985, when it was a Tier II hunt due to a change in State law. No permits were issued for the 2007, 2008, and 2009 seasons.

A similar proposal, WP02-14, was submitted to the Federal Subsistence Management Program in 2002. It is discussed in WP10-18a.

**Table 1**. State of Alaska and Federal moose hunting regulations for Unit 1C, Berners Bay drainages, since 1959. Updated from Schroeder 2005 (pers. comm.).

| Year | Unit | Season Type | Season | Limit | Conditions and Limitations |
|---|---|---|---|---|---|
| 1959 | 1C | Open | Sept 15-Oct 15 | One | One bull, except Berners Bay drainages (closed) |
| 1960-1961 | 1C | Open | Sept 15-Oct 15 | One | One bull, except Berners Bay drainages (closed) |
| 1962 | 1C | Open | Sept 15-Oct 15 | One | One bull S. of Endicott-Sherman line; except Berners Bay drainages (closed) |
| 1963-1964 | 1C | Open | Sept 1-Oct 15 | One | One bull, North of the latitude of the Endicott |
| 1965-1967 | 1C | Open | Sept 1-Oct 15 | One | One moose, antlerless moose from 10/14 to 10/15 only |
| 1968 | 1C | Open | Sept 1-Oct 15 | One | One moose |
| 1969-1970 | 1C | Open | Sept 1-Oct 15 | One | One moose, closed after 50 antlerless moose are taken |
| 1971-1973 | 1C | Open | Sept 15-Oct 15 | One | Berners Bay drainages, one moose by permit only, up to 40 permits issued |
| 1974 | 1C | Open | Sept 15-Oct 15 | One | Berners Bay drainages, 50 moose by permit only |
| 1975-1977 | 1C | | No open season | | Berners Bay drainages only |
| 1978-1979 | 1C | Open | Sept 15-Oct 15 | One | Berners Bay drainages, one bull by drawing permit, up to 20 permits issued |
| 1980-1982 | 1C | Open | Sept 15-Oct 15 | One | Berners Bay drainages, one bull by drawing permit, up to 25 permits issued |
| 1983-1984 | 1C | Open | Sept 15-Oct 15 | One | Berners Bay drainages, one antlerless moose by drawing permit, up to 15 permits issued |
| 1985 | 1C | General | No open season | | Berners Bay drainages |
| 1985 | 1C | State Subsistence | Sept 15-Oct 15 | One | Berners Bay drainages, one moose by Tier II permit, up to 15 permits may be issued |
| 1986 | 1C | General | Sept 15-Oct 15 | One | Berners Bay drainages, one moose by drawing permit, up to 7 permits issued |
| 1987-1990 | 1C | General | Sept 15-Oct 15 | One | Berners Bay drainages, one moose by drawing permit, up to 5 permits issued |
| 1991-1992 | 1C | General | Sept 15-Oct 15 | One | Berners Bay drainages, one moose by drawing permit, up to 10 permits issued |
| 1993-2000 | 1C | General | Sept 15-Oct 16 | One | Berners Bay drainages, one moose by drawing permit, up to 20 permits issued |
| 2001-2007 | 1C | General | Sept 15-Oct 17 | One | Berners Bay drainages, one moose by drawing permit, up to 30 drawing permits issued |
| 2008-2009 | 1C | General | No open season | | Berners Bay drainages |
| 1991-2009 | 1C | Federal Subsistence | No open season | | Berners Bay drainages |

**Biological Background**

Berners Bay moose are an introduced population in a small, geographically isolated location. Fifteen moose calves from the Matanuska and Susitna Valleys were released in Berners Bay in 1958, and a supplemental release of 6 more calves occurred in 1960. This introduction was a cooperative effort by the ADF&G, FWS, Territorial Sportsmen, and the U.S. military (Nelson 1959, in Burris and McKnight 1973). The geography of the area allows for minimal immigration or emigration, and has limited habitat. Because of this, ADF&G has used a variety of harvest management strategies, changing the harvest from bulls only to bulls and cows, in an attempt to balance the herd's sex ratio and to keep the population size within the carrying capacity of the habitat. The use of a habitat capability model and moose browse surveys in the early 1980s helped develop the present management strategy of keeping the post-hunt population at no more than 90 moose observed during aerial surveys to assure the herd does not exceed a level the habitat can support (Barten 2008).

Population Information

As of 2006, the Berners Bay moose population appeared to be near the estimated carrying capacity of between 100 and 150 animals (Barten 2008). Subsequent surveys by White and Barten (2009, **Table 2)** indicate that the population has declined approximately 30% since 2006, which they attribute to harsh winter conditions resulting in poor spring body condition and moderate-low adult survival and pregnancy rates. Low calf survival rates (including summer predation mortality) are another factor in the population decline (White and Barten 2009). Moose in Berners Bay are subject to predation by wolves, brown bears, and black bears, but the amount has not been quantified. ADF&G has not issued any harvest permits for this hunt for the last three seasons (2007, 2008, and 2009) due to conservation concerns about the population. Population estimates are not available for surveys prior to 2006 because there were no collared moose to develop sightability correction factors. Prior to 2006, ADF&G assumed that 80-90 moose observed equated to a population within the estimated carrying capacity (Barten 2008). Survey results from 1990-2009 are included in **Table 3.** ADF&G uses the aerial survey results to determine the number of bull and cow moose draw permits issued. The low numbers of moose seen in the fall 2009 survey are similar to the last two fall surveys and indicate that harvest in 2010 is not recommended.

Habitat

Radio-collared moose in the Berners Bay area primarily use lowland areas close to the major rivers and do not utilize alpine areas (White and Barten 2009). The majority of the Berners Bay drainages (including the most important moose habitats) are managed by the USFS in an undeveloped condition.

Although, there is no current road access to the primary hunt area, the State of Alaska is in the design and permitting stages for the Juneau Access Road. This project, if completed, would provide highway access to the Berners Bay area, cross moose winter habitat (White and Barten 2009), and facilitate human access to the area. This highway could impact the Berners Bay moose population by reducing habitat, blocking migration, improving access for legal and illegal harvest, and causing moose-vehicle collisions (Bangs et al. 1989, Seiler et al. 2003, Seiler 2005). Currently, the Juneau road system accesses Berners Bay with a boat ramp on the south end at Echo Cove. The Echo Cove boat ramp is approximately 38 road miles from downtown Juneau and ten miles by water from the primary hunt area (see **WP10-18a, Map 1).**

**Harvest History**

The first limited open moose hunting season in Berners Bay was held in 1963, when 4 bulls were harvested. Since that time, the annual harvest has ranged from 0 to 23 animals (Barten 2008). **Table 4** shows the numbers of draw permits issued and moose harvested from 1983 through 2009. The number

**Table 2**. Population estimates for Berners Bay moose 2006-09 (White and Barten 2009, Scott 2010, pers. comm.).

| Survey Year | Survey Date | Total Moose Seen | Total Marked Moose | Marked Moose Seen | Proportion Moose Observed | Population Estimate |
|---|---|---|---|---|---|---|
| 2006 | 11/25/2006 | 85 | 31 | 22 | 0.71 | 119 ± 22 |
| 2006 | 1/11/2007 | 76 | 31 | 20 | 0.65 | 116 ± 25 |
| 2006 | 1/26/2007 | 69 | 31 | 16 | 0.52 | 131 ± 36 |
| 2006 | 2/13/2007 | 78 | 30 | 19 | 0.63 | 121 ± 27 |
| 2007 | 12/19/2007 | 59 | 30 | 17 | 0.57 | 102 ± 25 |
| 2007 | 1/7/2008 | 62 | 30 | 18 | 0.60 | 102 ± 23 |
| 2007 | 2/18/2008 | 41 | 28 | 13 | 0.46 | 86 ± 26 |
| 2007 | 2/23/2008 | 34 | 28 | 11 | 0.39 | 84 ± 29 |
| 2008 | 12/16/2008 | 33 | 32 | 12 | 0.38 | 85 ± 28 |
| 2008 | 2/17/2009 | 55 | 32 | 21 | 0.66 | 83 ± 15 |
| 2009 | 12/15/2009 | 51 | 33 | 22 | 0.65 | 78 ± 18 |

of permits issued remained steady between 2003 and 2006. However, this is down from the previous ten years when between 15 and 20 permits were issued each year. Hunters that receive permits have a high success rate, ranging from 60% to 100% in any given year. The success rate is high because the narrow valley bottoms containing moose habitat concentrate moose along the river corridors that provide hunter access. The season has been closed since 2007 due to conservation concerns resulting from mortality during the last three winters.

**Table 5** shows the Berners Bay moose harvest by community of residence for 1990 through 2006. **Tables 6 and 7** show the community of residence for applicants for the Berners Bay bull (hunt DM041) and antlerless (hunt DM042) harvest permits from 1993 through 2007. It is likely that many of the applicants for the bull hunt also apply for the antlerless hunt. By far, the majority of applicants and successful hunters come from the Juneau area. Haines shows a consistent number of applicants that exceeds the number of permits issued on a yearly basis. Gustavus and Skagway show fairly consistent low numbers of applicants. Thus, the demand for moose from the communities proposed for a positive customary and traditional use determination appears to be greater than the harvestable surplus.

**Effects of the Proposal**

Prior to addressing this proposal, the Federal Subsistence Board (Board) must first make a positive finding of customary and traditional use to identify who qualifies as Federally qualified users for harvest of Berners Bay moose. This issue is addressed in the analyses for proposals WP10-11 and WP10-18a. If the Board makes a positive customary and traditional use determination for Berners Bay moose, however, given the small moose population and limited harvestable surplus, it may be necessary to close Federal public lands to non-Federally qualified users. Additionally, it may be necessary to further limit the pool of Federally qualified users through an ANILCA section 804 analysis.

Adopting this proposal would establish a Federal subsistence harvest season in Berners Bay drainages in Unit 1C. The proposed season would run from September 15–October 15 and have a one bull harvest limit by Federal registration permit. Such a season would provide opportunity for Federally qualified rural residents to harvest moose on Federal public lands.

If harvest under a registration permit is allowed, permit stipulations limiting the day, time of day, or number of permit holders in the field at a given time, and requiring harvest reporting in a short period

**Table 3.** Survey data for the Berners Bay moose herd 1990-2009 (Barten 2008, 2010, pers. comm.; White and Barten 2009).

| Survey Year | Survey Date | Bulls | Cows | Calves | Unknown | Total moose | Count time (hrs) | Bulls per 100F | Calves per 100F | Calves % in herd | Moose per hour |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1990 | | 14 | 53 | 18 | 0 | 85 | 2.6 | 26 | 34 | 21 | 33 |
| 1991 | | --- | --- | 11 | 50 | 61 | 1.2 | --- | --- | 18 | 50 |
| 1992 | | 14 | 61 | 8 | 0 | 83 | 2.8 | 23 | 13 | 10 | 29 |
| 1993 | | --- | --- | 12 | 45 | 67 | 2.8 | --- | --- | 18 | 24 |
| 1994 | | 17 | 45 | 13 | 0 | 75 | 2.0 | 38 | 29 | 17 | 38 |
| 1995 | | | | | | No Survey | | | | | |
| 1996 | | | | | | No Survey | | | | | |
| 1997 | | 6 | 11 | 12 | 31 | 60 | 2.1 | --- | --- | 20 | 29 |
| 1998 | | 14 | 9 | 10 | 37 | 70 | 2.6 | --- | --- | 14 | 27 |
| 1999 | | 14 | 11 | 13 | 70 | 108 | 2.4 | 17 | 16 | 12 | 45 |
| 2000 | | --- | 10 | 12 | 57 | 79 | 2.4 | --- | --- | 15 | 33 |
| 2001 | | --- | 10 | 10 | 46 | 66 | 2.0 | --- | --- | 15 | 33 |
| 2002 | | --- | 4 | 4 | 50 | 58 | 2.2 | --- | --- | 7 | 26 |
| 2003 | | 18 | 50 | 13 | 0 | 81 | --- | 36 | 26 | 16 | 31 |
| 2004 | | --- | --- | 12 | 74 | 86 | --- | --- | --- | 14 | 26 |
| 2005 | | 15 | 72 | 13 | 0 | 100 | --- | 21 | 18 | 13 | 40 |
| 2006 | 11/11/2006 | 10 | 56 | 9 | 0 | 75 | --- | 18 | 16 | 12 | 21 |
| 2006 | 11/25/2006 | 10 | 60 | 12 | 3 | 85 | --- | 17 | 20 | 14 | --- |
| 2006 | 1/11/2007 | 3 | 9 | 11 | 53 | 76 | --- | --- | --- | 14 | --- |
| 2006 | 1/26/2007 | 1 | 6 | 7 | 55 | 69 | --- | --- | --- | 10 | --- |
| 2006 | 2/13/2007 | 0 | 6 | 8 | 64 | 78 | --- | --- | --- | 10 | --- |
| 2007 | 12/19/2007 | 10 | 44 | 5 | 0 | 59 | --- | 23 | 11 | 8 | --- |
| 2007 | 1/7/2008 | 5 | 5 | 5 | 47 | 62 | --- | --- | --- | 8 | --- |
| 2007 | 2/18/2008 | 0 | 0 | 5 | 36 | 41 | --- | --- | --- | 12 | --- |
| 2007 | 2/23/2008 | 0 | 0 | 2 | 32 | 34 | --- | --- | --- | 5 | --- |
| 2008 | 12/16/2008 | 3 | 22 | 3 | 5 | 33 | --- | 11 | 14 | 9 | --- |
| 2008 | 2/17/2009 | 0 | 8 | 8 | 39 | 55 | --- | --- | --- | 15 | --- |
| 2009 | 12/15/2009 | 12 | 20 | 4 | 15 | 51 | 3.0 | 34 | 11 | 8 | 17 |

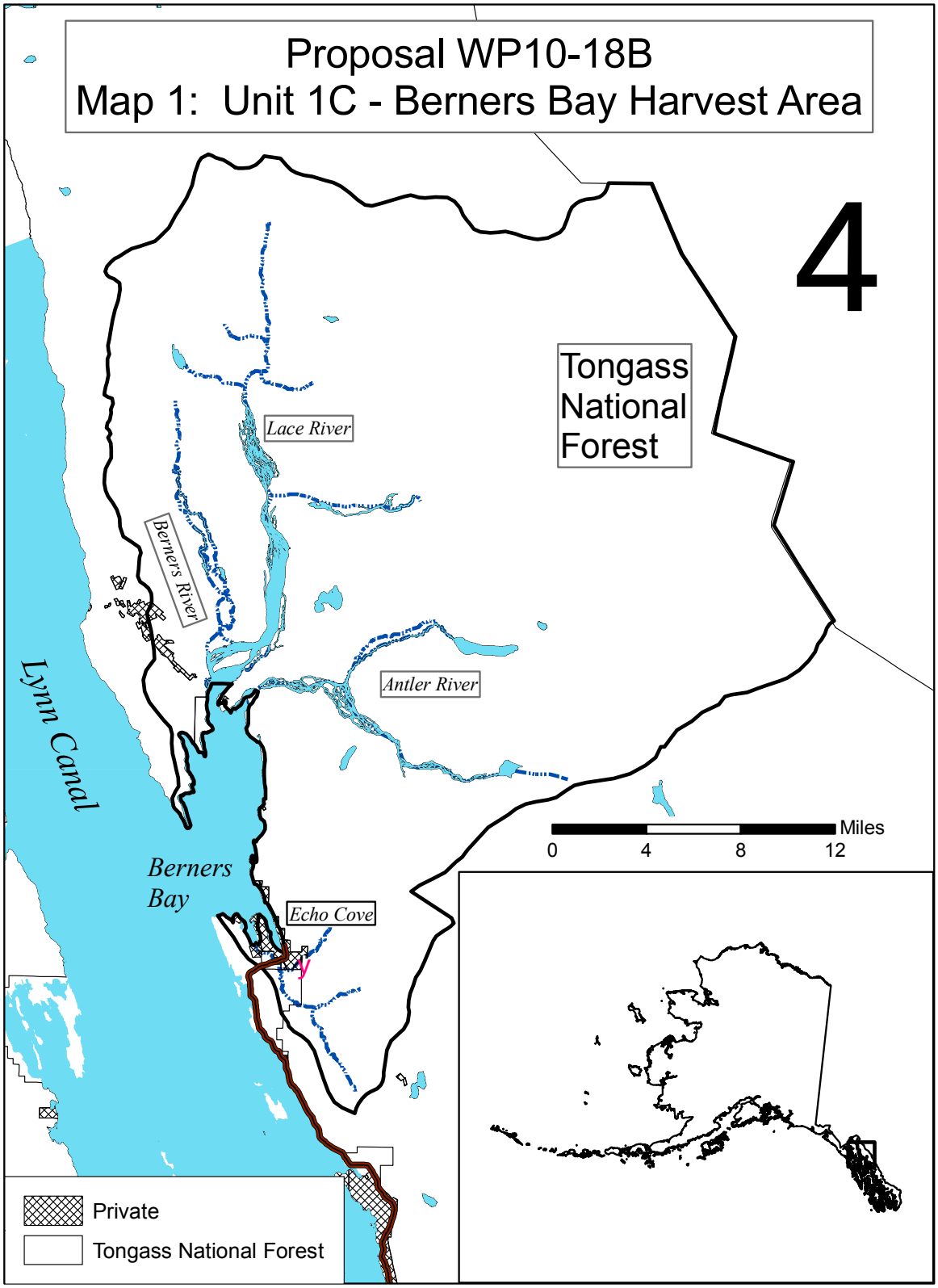
Proposal WP10-18B
Map 1: Unit 1C - Berners Bay Harvest Area
4
Tongass National Forest
Lace River
Berners River
Antler River
Lynn Canal
Berners Bay
Echo Cove
Miles
0
4
8
12
Private
Tongass National Forest

**Table 4**. Number of permits issued and moose harvested in Unit 1C, Berners Bay 1983 through 2009 (ADF&G 2007a, 2007b; Haynes 2007, pers. comm., Barten 2008).

| | Permits | | | Harvest | | | |
|---|---|---|---|---|---|---|---|
| Year | Bulls | Cows | Total | Bulls | Cows | Unknown | Total |
| 1983 | --- | --- | --- | --- | 8 | 1 | 9 |
| 1984 | --- | --- | --- | 1 | 13 | 0 | 14 |
| 1985 | --- | --- | --- | 8 | 5 | 0 | 13 |
| 1986 | --- | --- | --- | 5 | 0 | 0 | 5 |
| 1987 | --- | --- | --- | 5 | 0 | 0 | 5 |
| 1988 | --- | --- | --- | 4 | 0 | 0 | 4 |
| 1989 | --- | --- | --- | 5 | 0 | 0 | 5 |
| 1990 | --- | --- | 5 | 5 | 0 | 0 | 5 |
| 1991 | --- | --- | 10 | 5 | 5 | 0 | 10 |
| 1992 | --- | --- | 10 | 5 | 4 | 0 | 9 |
| 1993 | 8 | 7 | 15 | 7 | 7 | 0 | 14 |
| 1994 | 8 | 7 | 15 | 8 | 6 | 0 | 14 |
| 1995 | 8 | 7 | 15 | 11 | 2 | 0 | 13 |
| 1996 | 9 | 8 | 17 | 7 | 7 | 0 | 14 |
| 1997 | 8 | 7 | 15 | 8 | 7 | 0 | 15 |
| 1998 | 8 | 7 | 15 | 8 | 7 | 0 | 15 |
| 1999 | 10 | 8 | 18 | 10 | 5 | 0 | 15 |
| 2000 | 10 | 10 | 20 | 8 | 7 | 0 | 15 |
| 2001 | 10 | 10 | 20 | 7 | 6 | 0 | 13 |
| 2002 | 8 | 7 | 15 | 5 | 4 | 0 | 9 |
| 2003 | 9 | 0 | 9 | 8 | 0 | 0 | 8 |
| 2004 | 8 | 0 | 8 | 6 | 0 | 0 | 6 |
| 2005 | 8 | 0 | 8 | 5 | 0 | 0 | 5 |
| 2006 | 6 | 2 | 8 | 5 | 2 | 0 | 7 |
| 2007 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2008 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2009 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

of time would be needed. Local in-season management authority for the Federal land manager would be necessary so that the season could be closed when the target harvest level is achieved. Without these or similar restrictions, a registration permit harvest season would likely result in over-harvest because of the remote nature of the hunt and high success rate. The moose population in this area is small and vulnerable, even at optimal population levels, and the harvest of even a few extra moose could result in a conservation concern.

Adoption of this proposal would not allow for the harvest of cow moose. ADF&G has used cow harvest to maintain herd composition and population levels within management goals. This is an important aspect of management for such a small population with limited habitat. Cow harvest permits would not be needed every year, but would depend on yearly population survey results.

## OSM PRELIMINARY CONCLUSION

**Oppose** Proposal WP10-18b.

**Table 5**. Residency of successful hunters in the Berners Bay portion of Unit 1C (State hunts DM041and DM042), from 1990 through 2007 (T. Cunning 2007, pers. comm., Barten 2008.).

| Year | Residency | | | | | | | | | | | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Anchorage | Angoon | Auke Bay | Douglas | Fairbanks | Haines | Juneau | Nome | Petersburg | Sitka | Non-resident | |
| 1990 | | | | | | | 5 | | | | | 5 |
| 1991 | | | | | | 1 | 9 | | | | | 10 |
| 1992 | | | | | | | 9 | | | | | 9 |
| 1993 | | | | | | 1 | 13 | | | | | 14 |
| 1994 | | | | | | 1 | 13 | | | | | 14 |
| 1995 | 1 | | | | | | 11 | 1 | | | | 13 |
| 1996 | | | | | | | 14 | | | | | 14 |
| 1997 | | | | | | | 13 | | | 1 | 1 | 15 |
| 1998 | | | 2 | 1 | | 1 | 9 | | 1 | 1 | | 15 |
| 1999 | | | 2 | 2 | | 1 | 10 | | | | | 15 |
| 2000 | | | 2 | 1 | 1 | | 10 | | 1 | | | 15 |
| 2001 | 1 | | 3 | 1 | | | 7 | | 1 | | | 13 |
| 2002 | | | | 2 | | 1 | 6 | | | | | 9 |
| 2003 | | 1 | 1 | 1 | | | 5 | | | | | 8 |
| 2004 | | | | 1 | | | 5 | | | | | 6 |
| 2005 | | | | | | | 5 | | | | | 5 |
| 2006 | | | 1 | | | | 6 | | | | | 7 |
| 2007 | | | | | | | | | | | | 0 |
| **Total** | **2** | **1** | **11** | **9** | **1** | **6** | **150** | **1** | **3** | **2** | **1** | **187** |

**Table 6**. Residency of applicants for the Unit 1C, Berners Bay, bull moose hunt (State hunt DM041) for the 1993/94 through 2007/08 regulatory years (T. Cunning 2007, pers. comm.). Only communities proposed for a positive customary and traditional use determination are individually labeled.

| Year | Community | | | | | | |
|---|---|---|---|---|---|---|---|
| | Excursion Inlet | Gustavus | Haines | Klukwan | Skagway | Other | Unknown |
| 1993 | | | 6 | | | 595 | 55 |
| 1994 | | 1 | 14 | | | 648 | 88 |
| 1995 | | | 28 | | | 748 | 68 |
| 1996 | | | 22 | | 2 | 746 | 56 |
| 1997 | | | 19 | | 5 | 586 | 30 |
| 1998 | | | 31 | | 1 | 596 | 60 |
| 1999 | | 1 | 38 | | 4 | 864 | |
| 2000 | | 1 | 31 | | 2 | 882 | |
| 2001 | | 1 | 32 | | | 800 | |
| 2002 | | 1 | 28 | | 2 | 795 | |
| 2003 | | 5 | 19 | | 3 | 746 | |
| 2004 | | 2 | 16 | | | 720 | |
| 2005 | | | 12 | | | 597 | |
| 2006 | | | 15 | | 2 | 507 | |
| 2007 | | | 7 | | | 458 | |

**Table 7**. Residency of applicants for the Unit 1C, Berners Bay, antlerless moose hunt (State hunt DM042) for the 1993/94 through 2007/08 regulatory years (T. Cunning 2007, pers. comm). Only communities proposed for a positive customary and traditional use determination are individually labeled.

| | Community | | | | | | |
|---|---|---|---|---|---|---|---|
| Year | Excursion Inlet | Gustavus | Haines | Klukwan | Skagway | Other | Unknown |
| 1993 | | | 5 | | | 559 | 55 |
| 1994 | | 1 | 13 | | | 608 | 90 |
| 1995 | | | 26 | | | 712 | 66 |
| 1996 | | | 19 | | 1 | 669 | 53 |
| 1997 | | | 20 | | 6 | 535 | 25 |
| 1998 | | | 20 | | 1 | 539 | 55 |
| 1999 | | 1 | 23 | 1 | | 762 | |
| 2000 | | 1 | 27 | | 3 | 827 | |
| 2001 | | 1 | 33 | | | 745 | |
| 2002 | | 2 | 28 | | 2 | 750 | |
| 2003 | | | | | | 6 | |
| 2004 | | | | | | | |
| 2005 | | | | | | | |
| 2006 | | 1 | 11 | | 1 | 342 | |
| 2007 | | | | | | | |

**Justification**

There is a conservation concern for the Berners Bay moose population. There has been a downward population trend since 2006 and recent surveys indicate that the moose population remains well below objectives. The ADF&G has not issued harvest permits since the 2006 season and, until the population can withstand harvest, a Federal season is not warranted.

If the Board recognizes a positive customary and traditional use determination for moose in this area, and if a Federal season is opened at some point in the future, an ANILCA Section 804 analysis would have to be conducted as the harvestable surplus is small and only limited opportunity is likely to be available.

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| WP10-19 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-19 requests that the Federal subsistence season for hunting antlerless Sitka black-tailed deer (*Odocoileus hemionus sitkensis*) in Unit 2, be changed from October 15 through December 31, to September 15 through October 15. *Submitted by D. J. O'Brien* |
| **Proposed Regulation** | **Unit 2 — Deer**<br>*5 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period ~~Oct. 15 – Dec.31,~~* ***Sept. 15 – Oct. 15.*** *You are required to report all harvests using a joint Federal/State harvest report. The Forest Supervisor is authorized to reduce the harvest to 4 deer based on conservation concerns, in consultation with ADF&G and the Chair of the Southeast Alaska Subsistence Regional Advisory Council.* — *July 24 – Dec. 31*<br>*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.* |
| **OSM Preliminary Conclusion** | **Oppose** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Neutral** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-19

## ISSUES

Proposal WP10-19, submitted by D. J. O'Brien, requests that the Federal subsistence season for hunting antlerless Sitka black-tailed deer (*Odocoileus hemionus sitkensis*) in Unit 2, be changed from October 15 through December 31, to September 15 through October 15.

## DISCUSSION

The proponent expressed concern that the current Federal subsistence regulations in Unit 2 allows harvest of does that are likely to have been bred and are carrying the next year's fawn cohort. The proponent believes that by adjusting the season in which an antlerless deer may be harvested, a larger deer population will result, as recruitment in succeeding years would increase. The proponent acknowledges the antlerless deer season will be reduced for subsistence hunters, but believes over the years, both Federally qualified and non-Federally qualified hunters will benefit from greater overall deer populations.

The issues include: 1) whether there is a decline in the deer population in Unit 2, and if so, what role is played by the harvest of antlerless deer; 2) whether adopting the proposal would maintain, increase or decrease subsistence opportunity; and 3) whether adopting the proposal would negatively impact subsistence users or other uses of deer in Unit 2.

Since 1996, the Southeast Alaska Subsistence Regional Advisory Council (Council) and the Federal Subsistence Board (Board) have addressed 35 proposals requesting changes in deer hunting regulations for Unit 2. The antlerless deer hunt in Unit 2 has been deliberated several times in previous Federal subsistence regulatory cycles. In 2000, 2002, 2004 and 2007, the Board determined there were no overall population concerns requiring elimination or modification of the antlerless deer harvest in Unit 2.

In 2004, the Council initiated a cooperative planning process to address Unit 2 deer management and Federal harvest regulations. The planning process was conducted by a subcommittee of the Council, the Unit 2 Deer Planning Subcommittee (Subcommittee) which included hunters, users, and managers of deer. The Subcommittee presented its consensus recommendations to the Council in the Unit 2 Deer Management Final Report (Caulfield 2005). In April 2006, the Council submitted the Unit 2 Deer Planning Process (A Report from the Southeast Alaska Subsistence Regional Advisory Council to the Federal Subsistence Board). The Council recommended no major changes to Unit 2 deer harvest management for three to five years (2009 – 2011).

**Existing Federal Regulation**

**Unit 2 — Deer**

| | |
|---|---|
| *5 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15 – Dec. 31. You are required to report all harvests using a joint Federal/State harvest report. The Forest Supervisor is authorized to reduce the harvest to 4 deer based on conservation concerns, in consultation with ADF&G and the Chair of the Southeast Alaska Subsistence Regional Advisory Council.* | *July 24 – Dec. 31.* |
| *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.* | |

**Proposed Federal Regulation**

**Unit 2 — Deer**

| | |
|---|---|
| *5 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period ~~Oct. 15 – Dec.31,~~* ***Sept. 15 – Oct. 15.*** *You are required to report all harvests using a joint Federal/State harvest report. The Forest Supervisor is authorized to reduce the harvest to 4 deer based on conservation concerns, in consultation with ADF&G and the Chair of the Southeast Alaska Subsistence Regional Advisory Council.* | *July 24 – Dec. 31* |
| *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.* | |

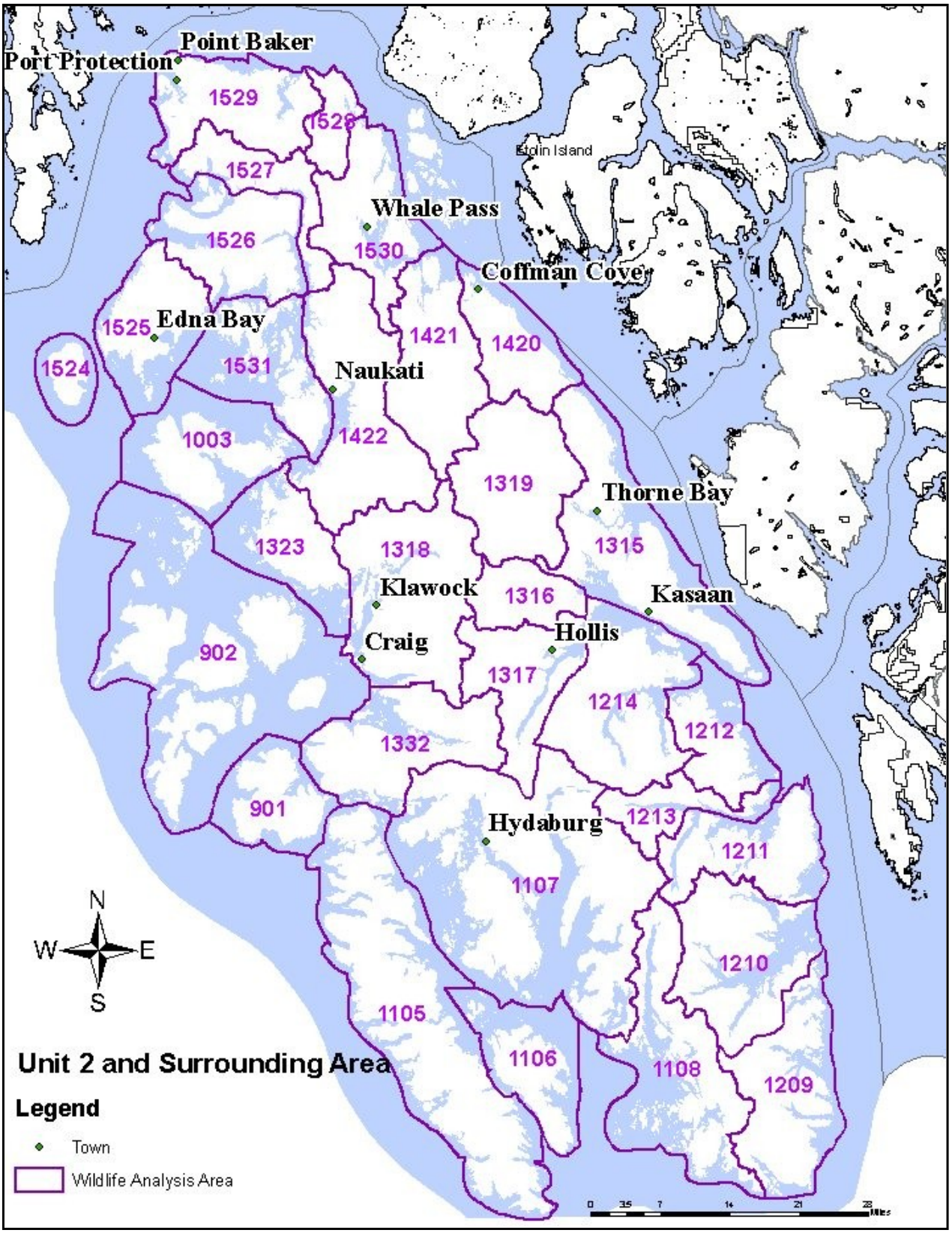
**Existing State Regulations**

**Unit 2 — Deer**

| | |
|---|---|
| *Four bucks* | *Aug 1 – Dec 31.* |

**Extent of Federal Public Lands**

Federal lands compromise approximately 85% of Unit 2 and consist mainly of USFS lands administered by the Tongass National Forest (**Map 1**).


Point Baker
Port Protection
1529
1528
1527
Etolin Island
Whale Pass
1526
1530
Coffman Cove
1525
Edna Bay
1421
1420
1524
1531
Naukati
1003
1422
1319
Thorne Bay
1323
1318
1315
Klawock
1316
Kasaan
Hollis
Craig
902
1317
1214
1212
1332
901
Hydaburg
1213
1211
1107
N
W
E
S
1210
1105
1106
1108
1209
Unit 2 and Surrounding Area
Legend
Town
Wildlife Analysis Area

**Customary and Traditional Use Determination**

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

**Regulatory History**

State hunting regulations permitted the harvest of antlerless deer from 1925 through 1978 (**Table 1**). Between 1978 and 1995, there was not a season for antlerless deer, except in 1987. There is currently no antlerless season in the State hunting regulations (ADF&G 2009a). The current Federal subsistence regulation which allows the harvest of one antlerless deer in Unit 2 was adopted in 1995.

The dates for antlerless deer seasons vary by unit in State and Federal regulations. Units 1C, 4, 6, and 8 allow for antlerless deer harvest in both State and Federal regulations, beginning Sept. 15 or Oct. 15 (depending upon Unit) and antlerless season continues through December 31. In Units 6 and 8, the Federal subsistence hunting regulations allow antlerless season to continue through Jan. 31. Current Federal subsistence regulations in Unit 2 allow Federally qualified hunters to harvest five deer with an option to take one antlerless deer as part of the five deer bag limit from Oct. 15 – Dec. 31.

Current Federal subsistence regulations define "Antlerless" as *any caribou, deer, elk, or moose not having visible antlers attached to the skull*.

**Current Events Involving Species**

Three recommendations provided in the Unit 2 Deer Management Final Report (2005) are currently ongoing on Prince of Wales Island (POW), which focus on Unit 2 deer management and subsistence information needs.

A preliminary study estimating deer abundance using DNA from fecal pellets was conducted in three POW watersheds from 2006 – 2008 (Person et al. 2009). Preliminary results are positive and substantiate that DNA from fecal deer pellets may provide a new tool for estimating populations in areas where visual counting is unfeasible. The hope is that this DNA mark-recapture methodology can be investigated further and expanded to provide cost effective estimates of deer abundance across POW and SE Alaska. The study extrapolated the average estimates of deer density from the three sample areas and estimated the deer populations on POW at 64,100 in 2006, 57,700 in 2007 and 44,500 in 2008 and in all of Unit 2 (including adjacent islands) at 93,200 in 2006, 83,930 in 2007, and 67,700 in 2008. This estimate indicated that the deer population declined approximately 30% from 2006. The study deducted the decline was most likely due to the prolonged snowy winters of 2006/07 and 2007/08.

The Craig Community Association (CCA) began a Unit 2 Subsistence Uses and Needs Study in May 2007. The research project involved four aspects of data gathering: 1) literature review; 2) key respondent interviews with mapping activities; 3) household and hunter surveys, and 4) documentation of the use of deer at community events. This study gathered hunting and use patterns of Federally qualified subsistence users and non-Federally qualified users to determine if there are any differences in use patterns. Surveys were completed in POW communities and the Ketchikan area. A draft report is anticipated in January 2010.

The joint USFS and ADF&G Unit 2 Deer Harvest Reporting Program began in 2005. Since that time, the Unit 2 deer harvest reporting rate has increased from approximately 42% to over 90%. Multiple strategies that have been implemented to achieve increased deer harvest reporting include: press releases requesting

**Table 1.** Regulatory History for Unit 2 Deer Hunting (State and Federal Subsistence Regulations)

| Year | Type of Season | Season | Limit | Conditions and Limitations |
|---|---|---|---|---|
| 1925 | Open | 15 Sep - 16 Dec | 3 | Bucks, 3” or greater antler growth |
| 1925 - 1929 | Open | 01 Sep - 30 Nov | 3 | Bucks, 3” or greater antler growth |
| 1930 - 1941 | Open | 20 Aug - 15 Nov | 2 | Bucks, 3” or greater antler growth |
| 1942 - 1943 | Resident | 16 Sep - 15 Nov | 2 | Bucks, 3” or greater antler growth |
| 1942 - 1943 | Non-resident | 16 Sep - 15 Nov | 1 | Bucks, 3” or greater antler growth |
| 1944 - 1948 | Resident | 1 Sep - 07 Nov | 2 | Bucks, 3” or greater antler growth |
| 1944 - 1948 | Non-resident | 01 Sep - 07 Nov | 1 | Bucks, 3” or greater antler growth |
| 1949 | Resident | 01 Sep - 15 Nov | 2 | Bucks, 3” or greater antler growth |
| 1949 | Non-resident | 01 Sep - 15 Nov | 1 | Bucks, 3” or greater antler growth |
| 1950 - 1951 | Resident | 20 Aug-15 Nov | 2 | Bucks, 3” or greater antler growth |
| 1950 - 1951 | Non-resident | 20 Aug-15 Nov | 1 | Bucks, 3” or greater antler growth |
| 1952 | Open | 20 Aug - 22 Nov | 2 | Bucks, 3” or greater antler growth |
| 1953 - 1954 | Open | 20 Aug - 22 Nov | 3 | Bucks, 3” or greater antler growth |
| 1955 | Open | 20 Aug - 22 Nov | 3 | 3 bucks or 2 bucks and one doe; bucks 3” or greater antler growth |
| 1956 | Open | 20 Aug - 26 Nov | 4 | 3 bucks or 2 bucks and one doe; does 11/13 –11/26 |
| 1957 - 1958 | Open | 20 Aug - 30 Nov | 4 | Does allowed 10/15-11/30 |
| 1959 | Open | 08 Aug - 30 Nov | 4 | 4 bucks or 3 bucks and one doe or 2 bucks and 2 does; bucks only before 10/01 |
| 1960 | Open | 20 Aug - 15 Dec | 4 | 4 bucks or 3 bucks and one doe; bucks only before 10/15 four bucks or 3 bucks and one doe or 2 bucks and 2 does; bucks only before 10/01 |
| 1961 | Open | 01 Aug - 30 Nov | 4 | Only 2 antlerless; antlerless only from 9/15-11/30 |
| 1962 | Open | 01 Aug - 15 Dec | 4 | Antlerless deer from 9/15-12/15 only |
| 1963 - 1967 | Open | 01 Aug - 31 Dec | 4 | Antlerless deer from 9/15-12/15 only |
| 1968 | Open | 01 Aug - 15 Dec | 4 | Antlerless deer from 9/15-12/15 |

| | | | | |
|---|---|---|---|---|
| 1969 - 1971 | Open | 01 Aug - 31 Dec | 4 | Antlerless deer from 9/15-12/31 only |
| 1972 | Open | 01 Aug - 31 Dec | 3 | Antlerless deer from 11/01-11/30 |
| 1973 - 1977 | Open | 01 Aug - 30 Nov | 3 | One antlerless deer from 11/01-11/30 |
| 1978 - 1984 | Open | 01 Aug - 30 Nov | 3 | Antlered deer |
| 1985 - 1986 | State Subsistence General | 01 Aug - 30 Nov | 3 | 3 antlered deer |
| 1987 | State Subsistence General | 01 Aug - 30 Nov | 3 | 3 antlered deer, 1 antlerless deer from 10/10-10/31 |
| 1988 - 1990 | State and Fed Subsistence | 01 Aug - 31 Dec | 4 | Antlered deer |
| 1991 - 1994 | State and Fed Subsistence | 01 Aug - 31 Dec | 4 | Antlered deer |
| 1995 - 2005 | State | 01 Aug - 31 Dec | 4 | 4 buck deer |
| 1995 - 2000 | Fed Subsistence | 01 Aug - 31 Dec | 4 | 4 antlered deer. Not more than one may be antlerless deer; antlerless deer may be taken only during 10/15-12/31 |
| 2001 - 2002 | Fed Subsistence | 01 Aug - 31 Dec | 4 | 4 antlered deer. Not more than one may be antlerless deer; antlerless deer may be taken only during 10/15-12/31 |
| 2003 - 2005 | Fed Subsistence | 24 Jul - 31 Dec | 4 | 4 antlered deer. Not more than one may be antlerless deer; antlerless deer may be taken only during 10/15-12/31 |
| 2006 -2009 | Fed Subsistence | 24 July – 31 Dec | 5 | 5 deer, however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15 – Dec. 31. |

Unit 2 deer hunting harvest report forms in POW, Ketchikan, Wrangell, and Petersburg newspapers; flyers posted in all POW villages and on Inter-Island Ferry; radio spots on Ketchikan networks; three independent harvest report letters to non-respondents; one certified letter mailing to non-respondents, and telephone interviews.

During early 2010, the U. S. Forest Service (USFS), CCA, and Todd Brinkman (Institute of Arctic Biology, University of Alaska, Fairbanks) anticipate presenting summaries of the Brinkman DNA Study, Unit 2 Deer Use and Needs Study, and Unit 2 Deer Harvest Reporting Program in POW communities and Ketchikan, as recommended by Unit 2 Deer Management Report (Caulfield 2005).

**Biological Background**

Research conducted in Southeast Alaska indicates that high-volume, mature forests at lower elevations are needed to sustain deer populations during severe winters (Schoen and Kirchhoff 1985; Hanley and Rose 1987; Yeo and Peek 1992). Large, strong branches of mature stands intercept snow and maintain available forage. Productive, higher volume stands of old-growth forests support the largest biomass of herb and shrub forage (Alaback 1982). Deer populations are affected by the combination of deep-snow winters and large amounts of winter range converted to second-growth. Snow reduces or eliminates forage availability in young clearcuts. Closed canopy young-growth stands provide little forage in any season (Schoen and Kirchhoff 1990; Hanley et al. 1989). In Southeast Alaska, second-growth forests develop a closed canopy state after approximately 25-30 years which creates an understory with less deer forage for up to 200 years, or until understory development advances (Alaback 1984).

In Unit 2, the deer breeding season (or rut) peaks during late November. Most female deer breed during their second year of life and continue producing fawns annually until they are 10 or 12 years of age (Johnson 1987). Fawns are born in early June and typically weigh six to eight pounds at birth. The ratio of male and female fawns born each year is often assumed to be 50:50, however, Trainer et. al (1976) found male fawns made up 29-61% of the fetuses examined over several years of study.

If the deer population in Unit 2 has reached the carrying capacity of the available habitat, mortality may be considered compensatory and antlerless harvest can increase, because some portion of natural mortality can be captured in harvest (Erickson et al. 2003). At this time, most biologists believe predators, especially wolves and to some extent, black bears, not regulated hunting, prevent Unit 2 deer from reaching carrying capacity levels. Deer populations may be 30 – 40% lower on islands where wolves are present versus island where wolves are not present (Darimont, et al. 2004). If carrying capacity has not been reached or exceeded, a general rule is that deer herds increase if you shoot only bucks and the harvest of antlerless deer may be considered as additional mortality. However, there are trade-offs, if deer populations on POW remain below carrying capacity levels, deer are generally in better body condition, therefore, have greater potential to survive and produce healthy offspring.

For the purpose of this proposal, antlerless deer are defined as female deer of all age classes, all male deer less than one year old – commonly referred to as button bucks, buck fawns, or nubbin bucks, and a small percentage of male deer that are over one year old, but have very small, stunted, non-visible antler projections and are generally small in body size as well. Also, mature male deer typically begin to shed their antlers during December, which changes their status from antlered bucks to antlerless deer during this period, and may be harvested through December 31st.

Habitat Conditions and Trends

The Unit 2 Deer Management Report (Caulfield 2005) identified young growth forest management as a major deer management issue and described the potential to thin young growth forest stands to benefit deer and other wildlife. Studies during the 1980s, determined that pre-commercial thinning of 20-30 year of old stands did not appear to result in growth of understory shrubs and herbs that would benefit deer. However, Alaback (2003) suggested if thinning treatments are conducted to improve wildlife habitat, especially on poorer sites, it is crucial to concentrate on areas with a rich and diverse understory initially. In 2006, the USFS identified priority Wildlife Analysis Areas (WAAs) to focus young growth forest rehabilitation in areas that would provide the greatest benefit to deer by increasing the supply of deer forage.

Continued old-growth harvest activities and associated road development are expected to cause further fragmentation and isolation of deer winter range within Unit 2. This may concentrate deer in fewer and smaller wintering areas and make deer more susceptible to predation by wolves ((*Canis lupus ligoni*) (Person et al. 1996). In the long term, it is expected that Unit 2 deer populations will decline as old-growth winter habitat is lost and second-growth forests are unable to provide a substitute (Porter 2007, Mazza 2003, USDA 1997).

Deer Pellet Group Data Trends

There is currently no method available to accurately determine the deer population size in Unit 2. Southeast Alaska and in particular POW receives from 59 – 196 inches of annual rainfall, which translates to rapid and heavy growth of vegetation (National Weather Service 2008). The presence of the underbrush and dense forest canopy make it especially difficult to directly observe deer. Traditional techniques used to monitor deer populations do not work well in Unit 2. Deer pellet group surveys are used to routinely monitor deer population trends (Kirchoff and Pitcher 1988) in Southeast Alaska. To date, the most important and consistent method used to monitor the deer population is the hunter harvest information collected subsequent to the fall/winter hunting seasons. Even the most quantitative approach to analyzing deer harvest numbers, at best, provides only an index to changing trends in population, not reliable estimates of the absolute abundance of deer.

The USFS and ADF&G biologists have collected deer pellet group data since the early 1980s. This long-term monitoring effort was designed to provide an indication of overall deer population trends in the region. Average pellet group densities of less than one group per plot are considered low densities; one to two pellet groups per plot are considered medium, and greater than two pellet groups per plot are considered high (Kirchoff and White 2002). Recent deer pellet data suggests that deer populations in the unit remain stable, with some transects indicating levels of decreasing or increasing deer numbers. Pellet count surveys are basically trend indicators, as they provide information to give a sense for whether populations are up, down or stable. It remains unclear whether the data represents short or long-term trends.

In 2008, a study involving DNA analysis of surveyed deer fecal pellets from three watersheds was initiated on POW to estimate deer population abundance and monitor trends. The pilot project examined deer pellet groups in diverse habitats such as muskeg, low-volume old-growth, mid-volume old-growth, high volume old-growth, managed stands (<25 years old), and managed stands (>25 years old). Preliminary results substantiate that DNA from fecal deer pellets may provide a new tool for estimating populations in areas where visual counting is unfeasible. Southeast Alaska wildlife managers are hopeful the study can be expanded into a greater number of productive watersheds and evaluate the reliability of the current deer pellet group surveys for monitoring deer population trends.

Deer Winter Mortality Surveys

During the Spring of 2007 and 2009, USFS and ADF&G personnel conducted deer winter mortality transects on POW for Sitka black-tailed deer following the severe winters of 2006/2007 and 2008/2009. Thirteen deer mortality transects were completed in Unit 2 during late April and early May, 2007. The 13 transects totaled 13.0 miles of beach fringe walked and 1.2 deer carcasses were recorded per mile. Data collected during the 2009 winter mortality transects have not been evaluated at this time; however the preliminary results in Unit 2 appear similar to 2007.

Though snowfall levels were at 20 - 30 year highs during the winter of 2006/07 and slightly lower during the winter of 2008/09, the effects of winter malnutrition or starvation did not appear to cause extensive winter mortality. It appears that during the freeze, thaw, and warm weather breaks, many deer moved from poor winter habitat to more favorable microclimates and forage resources. Additional mortalities which may have occurred at higher elevations (above beach fringe) were not accounted for in this mortality protocol. As it is difficult to measure or estimate total losses from winter kill and little information is available regarding deer mortality following mild or normal winters, this information should not be expanded as a direct measurement of Unit 2 winter mortality. It is unknown if a greater number of deer survived, due to the populations being below carrying capacity levels or if the effects of winter malnutrition were expressed in reduced fawn crops.

Predation

In addition to habitat influences, wolf and black bear (*Ursus americanus*) predation can be significant factors addressing deer populations. Person et al. (1996) estimated the postdenning population of 250 -300 wolves on POW and a mean predation rate of 26 deer per wolf per year. Black bears are also present in high numbers in Unit 2 and are thought to be considerable predators during the early summer fawning periods. Preliminary black bear DNA studies are being conducted on POW. However, at this time, there are limited data on black bear populations and their magnitude of deer predation in Unit 2. Periodically, a severe winter combined with habitat changes and predation can contribute to population declines in localized areas.

Hunter Observations

Since 1996, the Council and the Board have received 35 proposals requesting changes in deer hunting regulations for Unit 2. Many subsistence proponents have maintained that they have had increasing difficulty in meeting subsistence needs for deer in Unit 2.

Brinkman (2006) conducted 88 face-to-face interviews with Alaskan residents with in-depth knowledge of deer hunting on POW. Information on three main topics was collected: 1) deer hunting patterns, 2) deer population trends, and 3) deer habitat and hunting access. Forty nine percent of the hunters interviewed perceived the time and effort needed to harvest a deer have remained the same over the last five years, whereas 36% perceived more time and effort, and 14% perceived that less time and effort were needed to harvest a deer. Hunters reported harvesting an average of four deer each year, which was equal to the number of deer required to meet the typical hunter's own household needs. However, this was less than the number required to meet both the average hunter's own household needs and the other households for which he or she provided deer.

**Harvest History**

While data on Unit 2 deer harvest is limited, the data has improved greatly since 2005 with the implementation of the joint USFS and ADF&G Unit 2 Deer Harvest Reporting Program. Since 2005, the deer harvest reporting rate has increased from approximately 42% to greater than 90% from all Unit 2 hunters.

In Unit 2, the majority of the deer harvest occurs in the WAAs on POW that have a high density of roads (Turek et al. 1998, Paul and Straugh 1999). Paul and Straugh (1999) reported the deer harvest in Unit 2 appears variable from year to year, but overall long-term trends have been relatively stable, with harvest ranging from 1800 (in 1987) to approximately 3300 (in 1995). In 2008, the reported overall deer harvest in Unit 2 was 3,367, which was above the reported mean deer harvest estimates of 2,635 during the past 10 years (**Figure 1**).

During the past 10 years, the reported antlerless deer harvest has ranged from a low of 75 to a high of 231 (**Figure 2**).

A total of 170 antlerless deer were reported harvested in 2008, which is 5.0% of the total reported deer harvest in Unit 2. Approximately 49% of the 2008 reported antlerless deer harvest occurred in five WAAs containing high density road systems on POW:

- 19% of the antlerless harvest in WAA 1422 (Staney Creek, Naukati, Sarkar)
- 9% in WAAs 1530 (Exchange Cove) and 1315 (Kasaan Penninsula, Thorne Bay)
- 6% of the antlerless harvest occurred in WAAs 1420 (Coffman Cove area) and 1319 (Thorne River area).

The remaining 51% of the antlerless harvest was distributed across the remaining 26 WAAs in Unit 2.

Unit 2 hunter success rates from 2003 – 2008 increased from the 10 year average (**Figure 3**). The number of hunter-days per unit deer harvest effort declined from the 10 year average during those years, which corresponds with and supports the slight increase in success rate. Harvest data from 2008 indicated a 71% hunter success rate and an average unit effort of 3.8 days per harvested deer. During the past 10 years, the average hunter success rate has been 61% with an average of 4.2 hunter days per harvested deer (**Figure 4**).

The number of hunters participating in the Unit 2 deer hunt has increased by approximately 22%, from 1,569 hunters in 2005 to 2,009 hunters in 2008. From 2005 to 2008, nonresident hunters increased by 52% (83 to 170), hunters living in Unit 1A by 43% (338 to 590), and hunters living within the unit by 11% (823 to 921) (**Figure 5**). There has been little increase of hunters from within Units 1C, 1D, 3, 4, or from hunters living in other areas of Alaska.

Reported deer harvest numbers in Unit 2 have increased by approximately 26%, from 2,484 in 2005 to 3,367 in 2008. The majority of the increase can be attributed to harvest by hunters residing in Units 1A and 2. Hunters from Unit 1A have increased their reported deer harvest by 33% (562 to 837), while hunters living on POW have increased their reported harvest by 16% (1507 to 1794) (**Figure 6**). During this period, hunters residing in Units 1C, 1D, 3, 4 or from other hunters living in other areas of Alaska have harvested less than 100 antlerless deer. During the past four years, Unit 2 and Unit 1A deer hunters have accounted for 87% of the reported harvest (62% and 25% respectively). Nonresidents of Alaska have

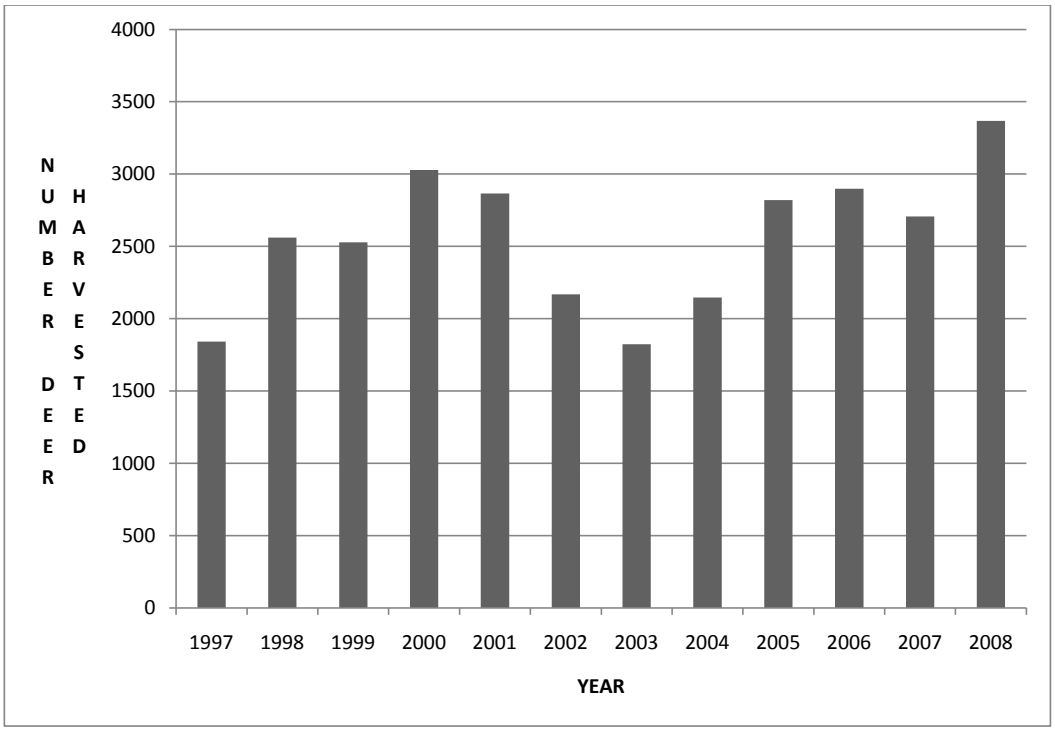



**Figure 1.** Harvest of Sitka black-tailed deer in Unit 2, 1997 – 2008 (ADF&G Winfonet 2009)

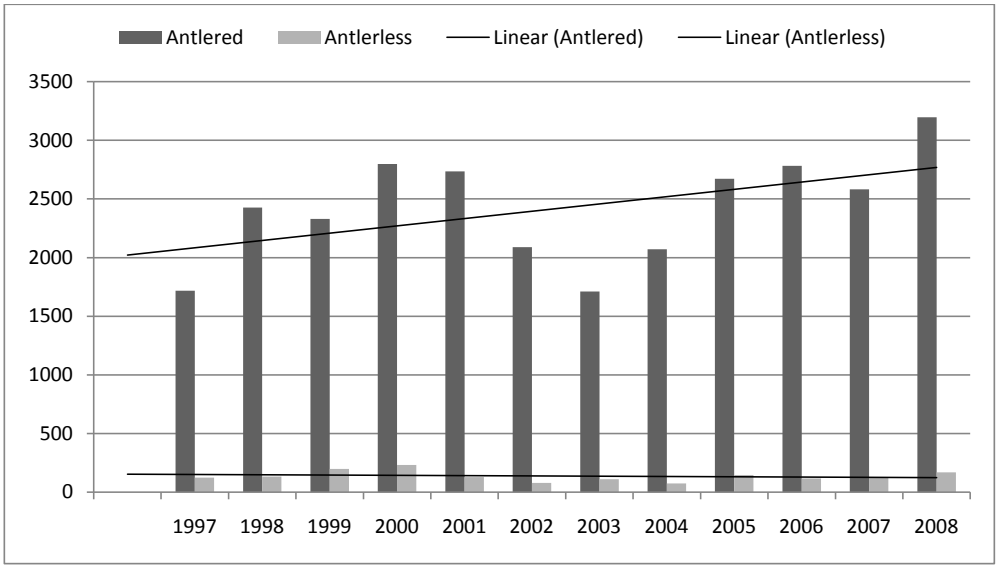



**Figure 2.** Harvest of antlered and antlerless Sitka black-tailed deer in Unit 2, 1997 – 2008 (ADF&G 2009).

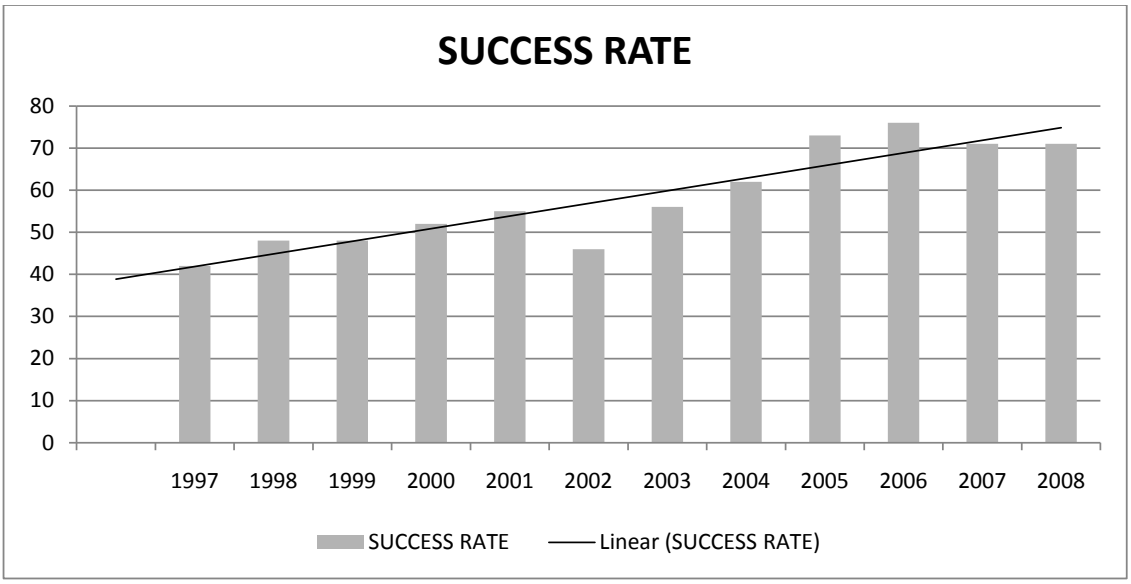



**Figure 3.** Hunter success rates for Sitka black-tailed deer in Unit 2, 1997 – 2008 (ADF&G 2009).

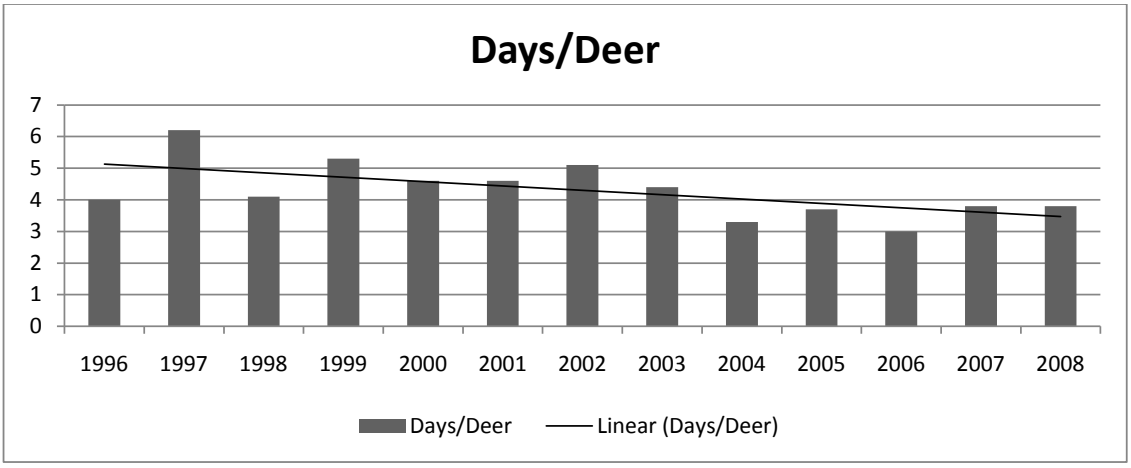



**Figure 4.** Hunter deer harvest effort for Sitka black-tailed deer in Unit 2, 1996 – 2008 (ADF&G 2009).

accounted for 3% of the reported harvest during these years. All other Units and Alaska residents have combined for the remaining 10% of the reported deer harvest during the past 4 years.

Unit 2 deer harvest reports (2005 – 07) indicate that most deer harvest occurs in November (45%) with percent deer harvest as follows: October (17%), August (16%), September (11%), July (7%), and December (4%) (**Figure 7**).

Mazza (2003) also found that approximately 32% of the GMU 2 hunters were from the City of Ketchikan. If the residents of POW were unable to meet their subsistence needs, the first likely regulatory measure would restrict the deer harvest by urban hunters. Mazza (2003) also found that non-residents of Alaska accounted for five percent or less of the GMU 2 hunters.

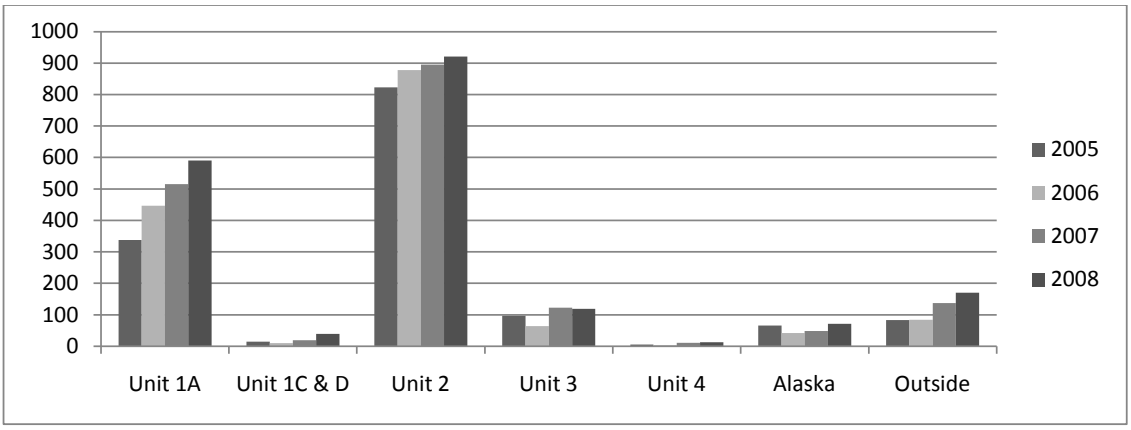



**Figure 5.** Number of hunters by residence unit, hunting in Unit 2, 2005 – 2008 (ADF&G 2009).

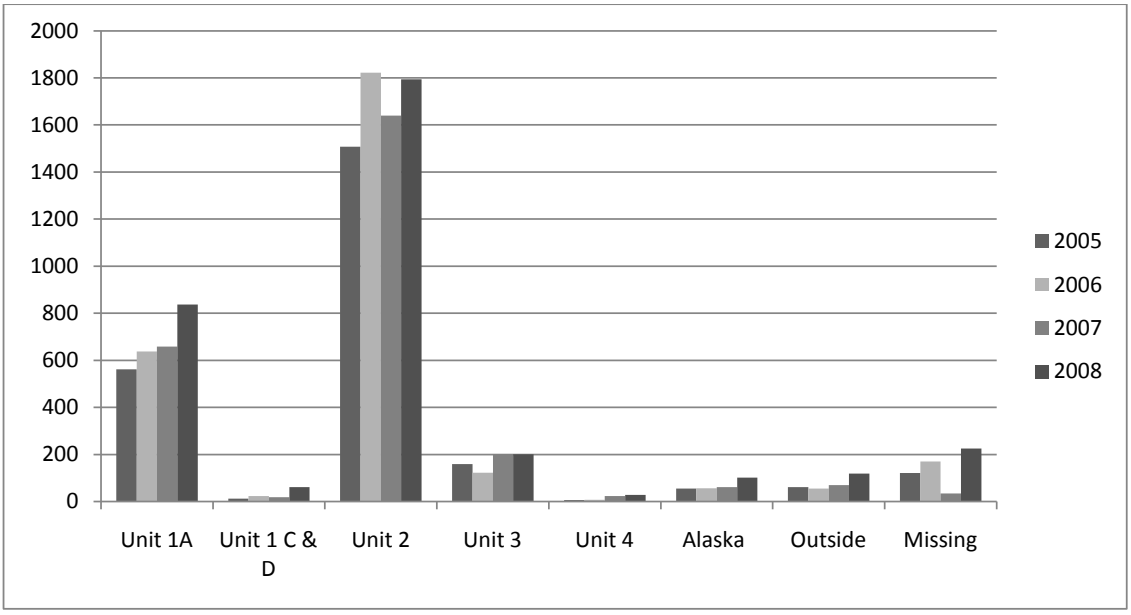



**Figure 6.** Deer harvest in Unit 2 by residence unit of hunter, 2005 – 2008 (ADF&G 2009).

From July through mid October, does are widely scattered and many remain at higher elevations, therefore, they are not as available to hunters. From November through late December, does become more available to hunters, as they migrate from higher elevations to the winter range and can be more easily accessed from the POW road system or boats. During the rutting season, does are very active and are easily called by hunters. It can be assumed that most adult does will be bred each year, therefore, harvesting an adult doe at any time of the deer season would result in the potential loss of next spring's fawn. Unit 2 Deer Harvest Reports indicate that from mid September through mid October, a smaller percentage of Federally qualified hunters pursue deer, therefore, it is likely that fewer female deer would be harvested during this time (September 15 – October 15).

The impact of antlerless harvest is important because adult does represent the reproductive segment and are therefore considered the most biologically important component of the population. The effect of antlerless harvest on population trend depends on percent of adult does harvested and recruitment of

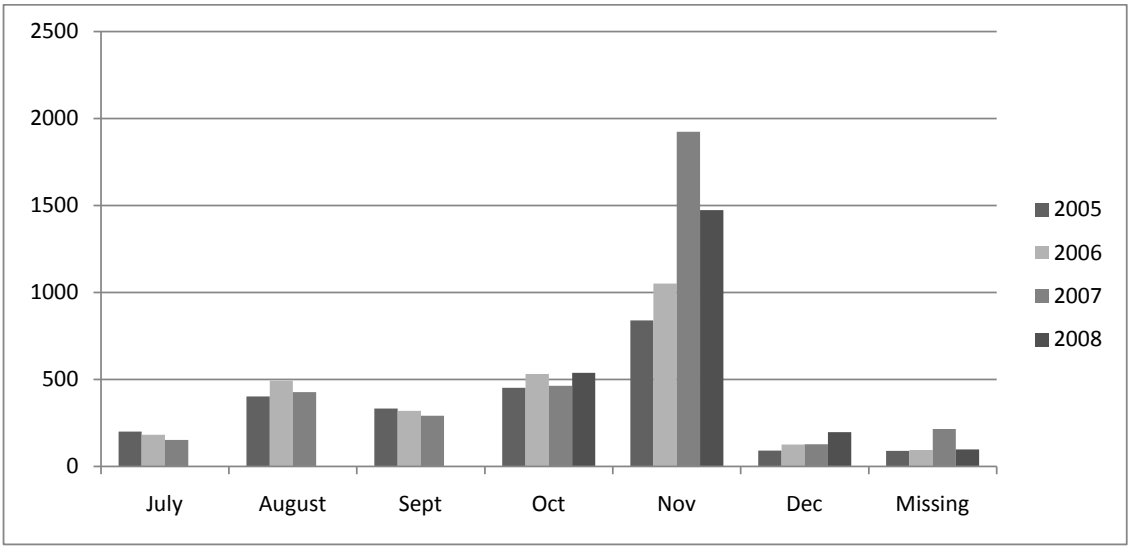



**Figure 7.** Deer harvest by month in Unit 2, 2005 – 2008 (ADF&G 2009).

fawns into the population (Erickson et al. 2003). Porter (2007) estimated the current deer population in Unit 2 at 55,000 animals. A harvest level of 10% of the deer herd within Unit 2 is thought to be sustainable on a long-term basis (Flynn and Suring 1993). By following this sustainable harvest equation, approximately 5,500 deer could be harvested annually in Unit 2. Person (2006, pers. comm.) estimated that up to 10% of the sustainable portion of the harvest may consist of antlerless deer. Therefore up to 550 antlerless deer may be harvested each year and maintain current populations. If the maximum annual harvest of antlerless deer has been 231(the maximum reported harvest number during the past 10 years), this equates from 42% of the allowable antlerless deer harvest, which is acceptable and amounts to less than one half of one percent of the total estimated population.

**Other Alternative(s) Considered**

From 2004 - 2005, a wide variety of alternatives were considered by the Subcommittee to address the persistent harvest regulation conflicts and varied regulatory proposals submitted by Federally qualified and non-Federally qualified Unit 2 deer hunters. The Subcommittee was directed to follow Title VIII requirements, which allows subsistence hunters to have a "meaningful" preference over non-subsistence hunters, while allowing for the balancing of subsistence, conservation, and non-subsistence hunting.

The Subcommittee considered many alternatives which dealt with deer conservation and subsistence competition issues (Caulfield 2005). One alternative considered was to eliminate or restrict the antlerless hunt in Unit 2. This alternative was eliminated and not addressed in detail by the Subcommittee (Caulfield 2005).

**Effects of the Proposal**

If this proposal was adopted it would provide Federally qualified subsistence hunters the opportunity to harvest an antlerless deer from September 15 – October 15, which would reduce the existing opportunity by 46 days. During the past 10 years, Unit 2 rural hunters have harvested a total of 1,383 antlerless deer which averages to 138 antlerless deer per year or 4.0% of the total annual reported deer harvest during 2008 (**Figure 3**). If this proposal is adopted, hunter opportunity would be reduced by 60% (77 days to 31 days), which would negatively affect Federally qualified users.

The harvest of antlerless deer (does) remains controversial, especially when combined with limited population information. Unit 2 deer harvest reports for 2008 indicate the highest deer harvest in ten years, as hunters experienced an increase in success rate and were more successful per hunter unit effort. This information must be used cautiously, but does not indicate a decline in the Unit 2 deer population.

## OSM PRELIMINARY CONCLUSION

**Oppose** Proposal WP10-19.

### Justification

Adoption of this proposal would result in reduced opportunity for Federally qualified subsistence users to harvest deer in Unit 2. While this proposal would positively affect the deer population, other variables such as weather patterns, road access, wolf and bear predation, illegal harvest, levels of enforcement, public education, and habitat changes are likely to affect the deer population and harvest levels more than seasonal modification of the antlerless season. Current deer pellet information indicates the deer population across Unit 2 is stable, with some areas suggesting decreasing or increasing deer populations. Persons et al. (2009) has suggested an estimated 30% decrease in the Unit 2 deer population may have occurred between 2006/08, most likely due to persistent harsh winter conditions. However, in 2008, Unit 2 hunters participated in one of the best deer harvest seasons during the past 10 years, in terms of deer numbers harvested, harvest success per hunter, and deer harvest per hunter unit effort.

The impact of antlerless harvest is important as adult does are considered the most biologically important component of the population. Unit 2 deer harvest reporting indicates less than ½ (42%) of the allowable antlerless deer are harvested, which is acceptable and amounts to less than one half of one percent of the total estimated deer population in Unit 2.

There are eligible subsistence hunters who object to antlerless deer harvest for a variety of reasons. If a proportion of hunters elect to not harvest antlerless deer, these additional deer may be available for other subsistence hunters or for population recruitment.

At this time, the reported harvest of antlerless deer in Unit 2 is within sustainable limits. At the present time, hunter success rate and unit effort per deer harvest do not indicate a decline in the deer population in Unit 2. Continued antlerless harvest can be an important tool to maintain opportunity and additional venison for subsistence hunters.

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Comments WP10-19
January 29, 2010; Page 1 of 1

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

**Wildlife Proposal WP10-19:** Reduce federal subsistence doe deer hunting season dates in GMU 2 from October 15 through December 31 (2 ½ months) to September 15 through October 15 (1 month).

**Introduction:** The federal subsistence doe deer hunting season in GMU 2 fluctuated over the past 10 years while the bag limit remained one female deer. Federally qualified hunters are allowed 5 deer total which can include one doe. This proposal requests the doe deer season be reduced by six weeks and also change the start date to September 15 (one month earlier).

**Impact on Subsistence Users**: Adoption of this proposal would reduce federal subsistence user opportunity to harvest doe deer by 6 weeks per year but sufficient opportunity remains to fill the bag limit.

**Opportunity Provided by State**: Under State regulation, the harvest of antlerless deer in GMU is prohibited. The State GMU 2 deer hunting season is August 1 through December 31. State bag limits for GMU 2 deer have not changed since 1987, when the bag limit was increased from 3 antlered deer to 4 and the deer season extended from November 30 to December 31. In 1998, state regulation changed from 4 antlered deer to 4 bucks. Currently there are no plans to change state deer hunting regulations in Unit 2.

**Conservation Issues**: This proposal does not raise new conservation concerns. The current federal subsistence doe season was established in mid October to help insure young of the year fawns are weaned and able to survive without the close association of the adult female. Harvesting adult females one month earlier would further compromise survival of young fawns. However, the proposed shorter doe season could protect pregnant females and stimulate herd growth in high use hunting areas especially near POW communities.

**Recommendation:** Neutral

| WP10-20 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-20 requests the closure of Federal public land in Unit 2 to the harvest of Sitka black-tailed deer (*Odocoileus hemionus sitkensis*) by non-Federally qualified users be changed from August 1 through August 15 to July 24 through July 31. *Submitted by D. J. O'Brien* |
| **Proposed Regulation** | **Unit 2 — Deer**<br>*5 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15 – Dec. 31. You are required to report all harvests using a joint Federal/ State harvest report. The Forest Supervisor is authorized to reduce the harvest to 4 deer based on conservation concerns, in consultation with ADF&G and the Chair of the Southeast Alaska Subsistence Regional Advisory Council.*<br>*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. 1to Aug. 15~~, **July 24 to July 31**, except by Federally qualified subsistence users hunting under these regulations.* |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | See the State's comments following the analysis. |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-20

## ISSUES

Proposal WP10-20, submitted by D. J. O'Brien, requests the closure of Federal public land in Unit 2 to the harvest of Sitka black-tailed deer (*Odocoileus hemionus sitkensis*) by non-Federally qualified users be changed from August 1 through August 15 to July 24 through July 31.

## DISCUSSION

The proponent believes that a meaningful preference for Federally qualified subsistence hunters can be provided, while at the same time reducing the closure to non-Federally qualified hunters on Federal Public lands from 23 to 8 days. The proponent also believes a meaningful preference is provided through additional opportunities provided to Federally qualified hunters, such as the ability to harvest five deer (of which one can be antlerless) and the use of Federal Designated Hunters.

The proponent states that the traditional deer season for non-subsistence hunters historically began on August 1, as proposed. The proponent believes this proposal would restore the traditional deer hunting season start date for non-qualified users and provide greater participation for junior hunters and families. The proponent believes the deer populations in Unit 2 were healthy and stable and continue to be so.

The two primary issues raised by this proposal include whether Unit 2 Federally qualified hunters are currently being provided a meaningful preference, as defined by the Alaska National Interest Lands Conservation Act (ANILCA) and to determine, if seasonal restrictions placed on non-Federally qualified hunters since 2004 are warranted. Since 1996, the Southeast Alaska Subsistence Regional Advisory Council (Council) and the Federal Subsistence Board (Board) have addressed 35 proposals requesting changes in deer hunting regulations for Unit 2. Prior to 2005, the majority of these proposals were submitted by Federally qualified hunters with concerns that subsistence deer hunters in Unit 2 were not able to harvest enough deer to meet their needs or were experiencing increasing difficulty in meeting their subsistence needs for deer in Unit 2. However, since 2005, the majority of the Federal regulatory proposals regarding Unit 2 deer have been submitted by affected hunters who live in Ketchikan, who are considered to be non-rural users. The subsistence priority for deer in Unit 2 remains contentious between Federally qualified users and non-Federally qualified users.

The controversial aspects of Unit 2 Federal deer regulations and management have been addressed in the past. In 2004, the Council initiated a cooperative planning process to address Unit 2 deer management and Federal harvest regulations. The planning process was conducted by an advisory subcommittee of the Council, which included hunters, users, and managers of deer. The Unit 2 Deer Planning Subcommittee (Subcommittee) presented their consensus advisory recommendations to the Council in the Unit 2 Deer Management Final Report (Caulfield 2005). In April 2006, the Council submitted the Unit 2 Deer Planning Process (A Report from the Southeast Alaska Subsistence Regional Advisory Council to the Federal Subsistence Board). The Council recommended no major changes to Unit 2 deer harvest management for three to five years (2009 – 2011).

**Existing Federal Regulation**

**Unit 2 — Deer**

| | |
|---|---|
| *5 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15 – Dec. 31. You are required to report all harvests using a joint Federal/State harvest report. The Forest Supervisor is authorized to reduce the harvest to 4 deer based on conservation concerns, in consultation with ADF&G and the Chair of the Southeast Alaska Subsistence Regional Advisory Council.* | *July 24 – Dec. 31* |

*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.*

**Proposed Federal Regulation**

**Unit 2 — Deer**

*5 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15 – Dec. 31. You are required to report all harvests using a joint Federal/State harvest report. The Forest Supervisor is authorized to reduce the harvest to 4 deer based on conservation concerns, in consultation with ADF&G and the Chair of the Southeast Alaska Subsistence Regional Advisory Council.*

*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. 1to Aug. 15~~, **July 24 to July 31**, except by Federally qualified subsistence users hunting under these regulations.*

**Existing State Regulations**

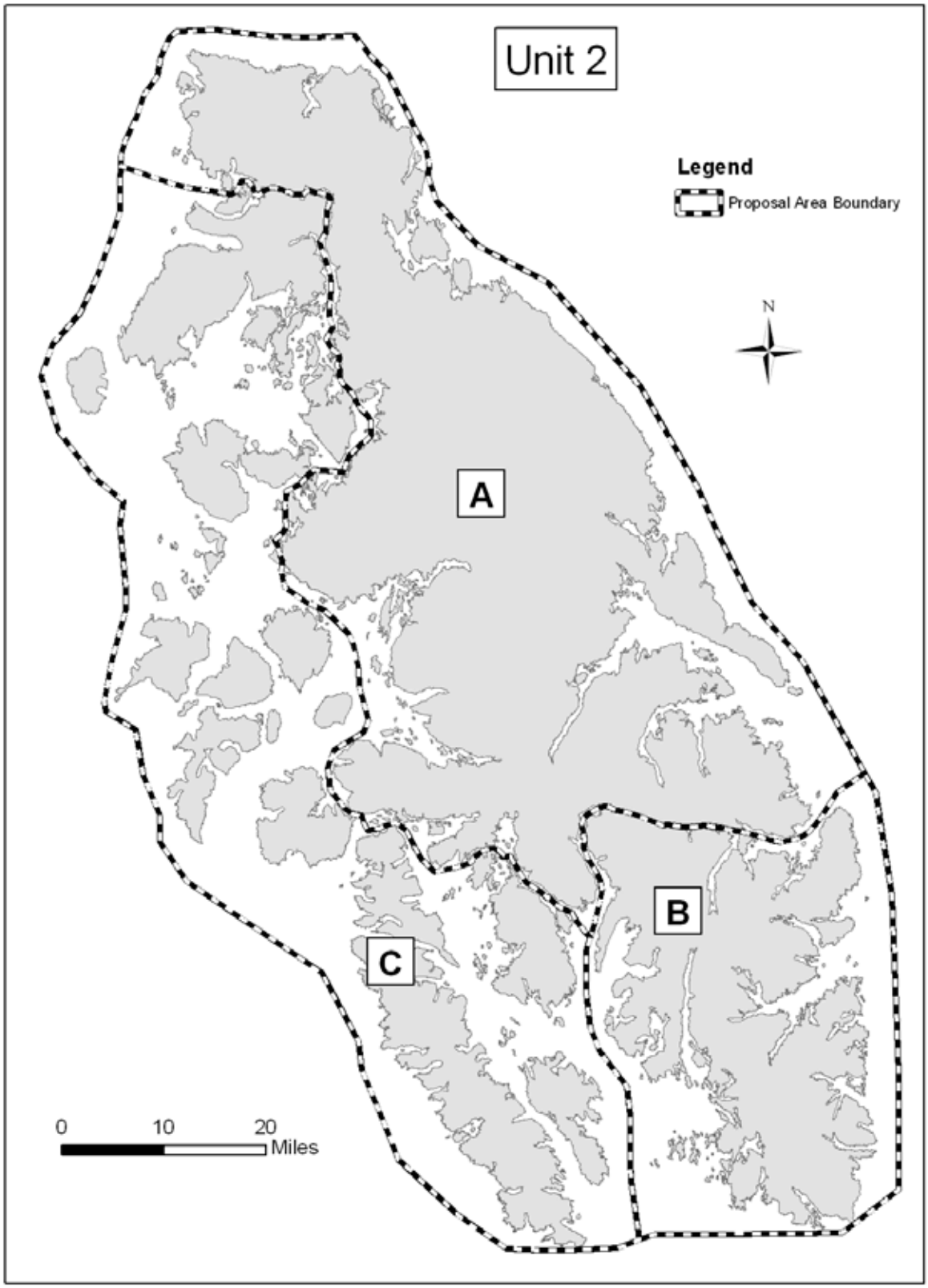
**Unit 2 — Deer**

| | |
|---|---|
| *Four bucks* | *Aug 1 – Dec 31.* |

**Extent of Federal Public Lands**

Federal lands compromise approximately 85% of Unit 2 and consist mainly of USFS lands administered by the Tongass National Forest (**Map 1**).

**PROPOSAL WP10-20**
**MAP 1**



**Customary and Traditional Use Determination**

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

**Regulatory History**

Prior to 1988, the State harvest limit and regulatory season was, for the most part, more limited. Alaska regulations permitted the harvest of antlerless deer from 1925 through 1978. From 1978 – 95, antlerless deer could not be legally harvested, except in 1987.

From 1988 – 2003, a four deer harvest limit and an August 1– December 31 season was in place under State regulations and since 1990, under Federal subsistence regulations (**Table 1**). Since 1995, Federal subsistence regulations have allowed Federally qualified subsistence users the opportunity to harvest one antlerless deer. Beginning the regulatory year 2003/2004, Federal subsistence regulations for Unit 2 deer hunting closed Federal public lands to deer hunting on Prince of Wales Island (POW) from August 1–21, except for Federally qualified subsistence users and opened the deer hunting season earlier, starting on July 24. The following Federal regulatory year, 2004/05, the closure of deer hunting to non-Federally qualified users on Federal public lands on POW was adjusted by seven days (reduced from August 1 – 21 to August 1 – 15). The 2006/07 Federal subsistence regulations were modified to allow Unit 2 rural residents to harvest five deer**.** The Federal subsistence regulations have remained unchanged since 2006/07.

Current Federal subsistence regulations provide Federally qualified subsistence hunters seven days of "exclusive" use of Unit 2 and not 23, as stated by the proponent for deer hunting (July 24 – 31). Beginning August 1st, Federal subsistence regulations allow non-rural hunters to hunt deer on Federal lands on the Southeast portion of Prince of Wales Island (land south of the West Arm of Cholmondeley Sound draining into Cholmondeley Sound or draining eastward into Clarence Strait and all Federal lands off Prince of Wales Island, which equates to all outside islands within Unit 2 (Areas B and C, **Map 2**). The proponent is correct in stating that Federally qualified hunters have the ability to harvest five deer (of which one can be antlerless) and the use of Federal Designated Hunters, whereas non-rural hunters are limited to four deer, all of which must be bucks. Non-rural hunters are allowed to Proxy hunt deer in Unit 2 under State regulations, but are not allowed to hunt under the Federal Designated Hunter Permit.

**Current Events Involving Species**

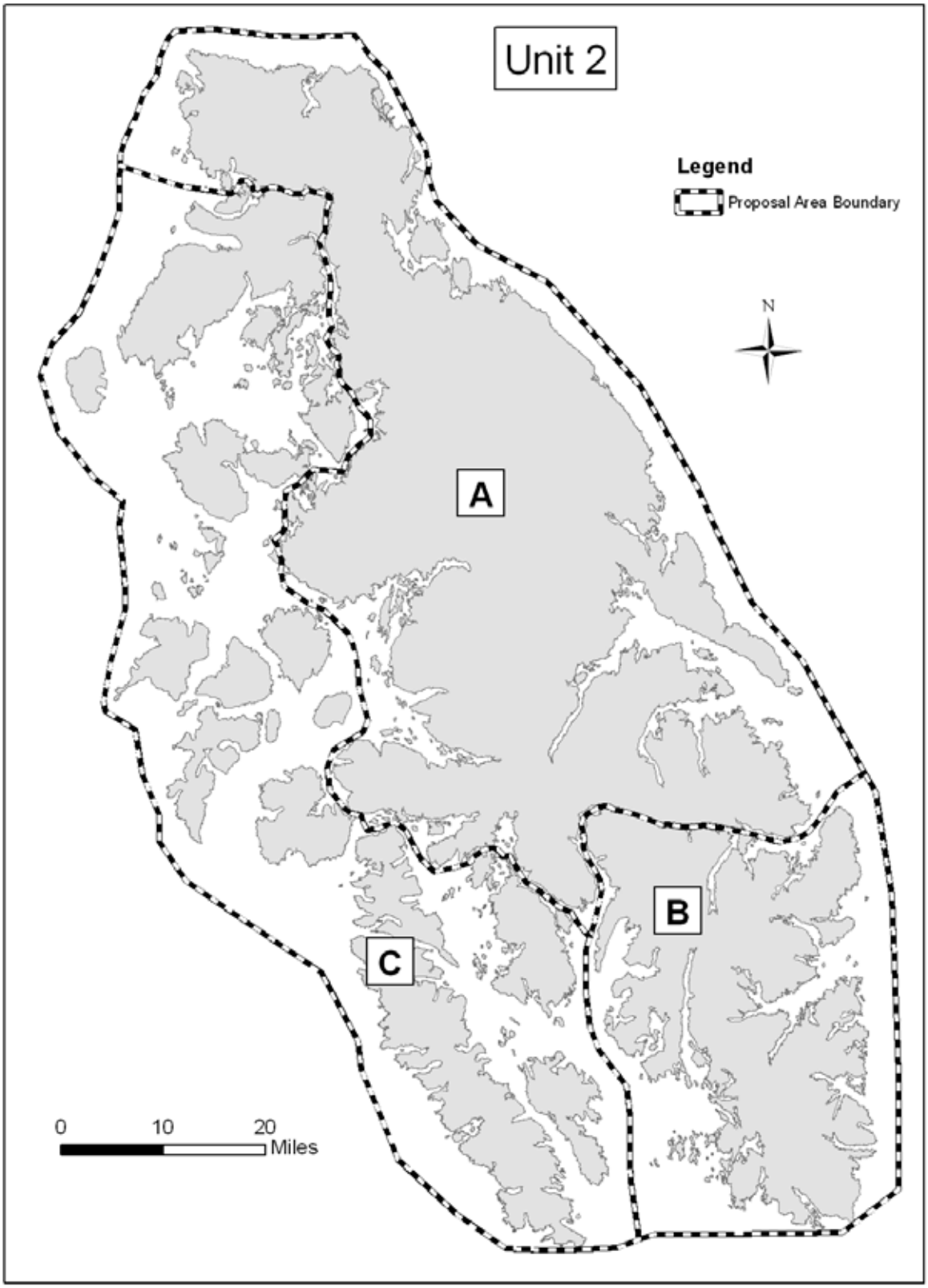
Three recommendations provided in the Unit 2 Deer Management Final Report (2005) are currently ongoing on Prince of Wales Island (POW), which focus on Unit 2 deer management and subsistence information needs.

A preliminary study estimating the abundance of Sitka black-tailed deer using DNA from fecal pellets was conducted in three POW watersheds from 2006 – 2008 (Person et al. 2009). Preliminary results are positive and substantiate that DNA from fecal deer pellets may provide a new tool for estimating populations in areas where visual counting is unfeasible. The hope is that this DNA mark-recapture methodology can be investigated further and expanded to provide cost effective estimates of deer abundance across POW and SE Alaska. The study extrapolated the average estimates of deer density from the three sample areas and estimated the deer populations on POW at 64,100 in 2006, 57,700 in 2007 and 44,500 in 2008 and in all of Unit 2 (including adjacent islands) at 93,200 in 2006, 83,930 in 2007, and 67,700 in 2008. This estimate indicated that the deer population declined approximately 30% from

**Table 1.** Regulatory History for Unit 2 Deer Hunting (State and Federal Subsistence Regulations)

| Year | Type of Season | Season | Limit | Conditions and Limitations |
|---|---|---|---|---|
| 1925 | Open | 15 Sep - 16 Dec | 3 | Bucks, 3” or greater antler growth |
| 1925 - 1929 | Open | 01 Sep - 30 Nov | 3 | Bucks, 3” or greater antler growth |
| 1930 - 1941 | Open | 20 Aug - 15 Nov | 2 | Bucks, 3” or greater antler growth |
| 1942 - 1943 | Resident | 16 Sep - 15 Nov | 2 | Bucks, 3” or greater antler growth |
| 1942 - 1943 | Non-resident | 16 Sep - 15 Nov | 1 | Bucks, 3” or greater antler growth |
| 1944 - 1948 | Resident | 1 Sep - 07 Nov | 2 | Bucks, 3” or greater antler growth |
| 1944 - 1948 | Non-resident | 01 Sep - 07 Nov | 1 | Bucks, 3” or greater antler growth |
| 1949 | Resident | 01 Sep - 15 Nov | 2 | Bucks, 3” or greater antler growth |
| 1949 | Non-resident | 01 Sep - 15 Nov | 1 | Bucks, 3” or greater antler growth |
| 1950 - 1951 | Resident | 20 Aug-15 Nov | 2 | Bucks, 3” or greater antler growth |
| 1950 - 1951 | Non-resident | 20 Aug-15 Nov | 1 | Bucks, 3” or greater antler growth |
| 1952 | Open | 20 Aug - 22 Nov | 2 | Bucks, 3” or greater antler growth |
| 1953 - 1954 | Open | 20 Aug - 22 Nov | 3 | Bucks, 3” or greater antler growth |
| 1955 | Open | 20 Aug - 22 Nov | 3 | 3 bucks or 2 bucks and one doe; bucks 3” or greater antler growth |
| 1956 | Open | 20 Aug - 26 Nov | 4 | 3 bucks or 2 bucks and one doe; does 11/13 –11/26 |
| 1957 - 1958 | Open | 20 Aug - 30 Nov | 4 | Does allowed 10/15-11/30 |
| 1959 | Open | 08 Aug - 30 Nov | 4 | 4 bucks or 3 bucks and one doe or 2 bucks and 2 does; bucks only before 10/01 |
| 1960 | Open | 20 Aug - 15 Dec | 4 | 4 bucks or 3 bucks and one doe; bucks only before 10/15 four bucks or 3 bucks and one doe or 2 bucks and 2 does; bucks only before 10/01 |
| 1961 | Open | 01 Aug - 30 Nov | 4 | Only 2 antlerless; antlerless only from 9/15-11/30 |
| 1962 | Open | 01 Aug - 15 Dec | 4 | Antlerless deer from 9/15-12/15 only |
| 1963 - 1967 | Open | 01 Aug - 31 Dec | 4 | Antlerless deer from 9/15-12/15 only |
| 1968 | Open | 01 Aug - 15 Dec | 4 | Antlerless deer from 9/15-12/15 |

**PROPOSAL WP10-20**
**MAP 2**



2006. The study deducted the decline was most likely due to the prolonged snowy winters of 2006/07 and 2007/08.

The Craig Community Association (CCA) began a Unit 2 Subsistence Uses and Needs Study in May 2007. The research project involved four aspects of data gathering: 1) literature review; 2) key respondent interviews with mapping activities; 3) household and hunter surveys, and 4) documentation of the use of deer at community events. This study gathered hunting and use patterns of Federally qualified subsistence users and non-Federally qualified users to determine if there are any differences in use patterns. Surveys were completed in POW communities and the Ketchikan area. A draft report is anticipated in January 2010.

The joint USFS and ADF&G Unit 2 Deer Harvest Reporting Program began in 2005. Since that time, the Unit 2 deer harvest reporting rate has increased from approximately 42% to over 90%. Multiple strategies that have been implemented to achieve increased deer harvest reporting include: press releases requesting Unit 2 deer hunting harvest report forms in POW, Ketchikan, Wrangell, and Petersburg newspapers; flyers posted in all POW villages and on Inter-Island Ferry; radio spots on Ketchikan networks; three independent harvest report letters to non-respondents; one certified letter mailing to non-respondents, and telephone interviews.

During early 2010, the U. S. Forest Service (USFS), CCA, and Todd Brinkman (Institute of Arctic Biology, University of Alaska, Fairbanks) anticipate presenting summaries of the Brinkman DNA Study, Unit 2 Deer Use and Needs Study, and Unit 2 Deer Harvest Reporting Program in POW communities and Ketchikan, as recommended by Unit 2 Deer Management Report (Caulfield 2005).

**Biological Background**

Please refer to the full biological background provided in analysis WP10-19.

**Harvest History**

Please refer to the harvest history provided in analysis WP10-19.

**Other Alternative(s) Considered**

From 2004 – 2005, a wide variety of alternatives were considered by the Subcommittee to address the persistent harvest regulation conflicts and varied regulatory proposals submitted by Federally qualified and non-Federally qualified Unit 2 deer hunters. The Subcommittee was directed to follow Title VIII requirements, which allows subsistence hunters to have a "meaningful" preference over non-subsistence hunters, while allowing for the balancing of subsistence, conservation, and non-subsistence hunting. The Subcommittee considered many alternatives which dealt with deer conservation and subsistence competition issues (Caulfield 2005). One alternative considered was to eliminate or restrict the antlerless hunt in Unit 2. This alternative was eliminated and not addressed in detail by the Subcommittee (Caulfield 2005).

The consensus resolution (between the Subcommittee's rural and non-rural members) recommended that the deer hunting season for non-Federally qualified hunters open August 1st on the Southeast portion of POW. These are the public lands south of the West Arm of Cholmondeley Sound or draining eastward into Clarence Strait (Area B, **Map 2**). The Subcommittee also recommended to allow deer hunting on all Unit 2 outside islands to non-Federally qualified hunters beginning August 1st (Area C, **Map 2**).

This alternative allows non-rural residents to begin harvesting deer in Unit 2 on August 1st in Wildlife Analysis Units (WAAs) numbers 1525, 1526, 1531, 5015, 1524, 1003, 902, 901, 1105, 1106, 1211, 1210, 1209, 1108, and the eastern ½ of 1107, including Sukkwan Island (**Map 1**). However, most of these WAAs are not accessible by the POW road system and can only be accessed by boat or airplane. The Subcommittee did not want these areas to be considered Subunits to Unit 2, but only to apply to deer harvest regulations (**Map 2**).

The Subcommittee considered many other alternatives, which dealt with deer conservation and subsistence competition issues (Caulfield 2005):

1. establishing a one-month closure of Federal public land on POW to non-rural hunters
2. reducing the harvest limit for non-rural hunters
3. eliminating or restricting the antlerless hunt and researching the status of customary and traditional uses in Unit 2
4. increasing bag limit for rural residents from four to six
5. requiring registration permits for non-rural hunters
6. defining subsistence need in regulatory content

**Effects of the Proposal**

If this proposal is adopted it would allow non-Federally qualified subsistence users the opportunity to harvest deer two weeks earlier in Unit 2 (**Map 1**). This opportunity may result in an increased participation by non-Federally qualified subsistence users and may result in an increase in Unit 2 deer harvest. For example, during the 2008 deer hunt, 518 (78%) of the residents of Unit 1A (mostly Ketchikan residents) that hunted deer, reported hunting deer in Unit 2, while only 141 (22%) reported hunting in Units1A, 1C, 3 or 4. Therefore, opening all Federal lands in Unit 2 to non-rural deer hunters beginning August 1 should increase both opportunity and deer harvest for non-rural residents. Opening the closed area portion of POW Federal lands by two weeks to non-Federally qualified users may result in greater competition for Federally qualified subsistence users.

Unit 2 deer harvest data suggests that during August, most hunters (76%) tend to concentrate their efforts along the POW road system. In the past, the extensive road system on POW helped to geographically distribute hunters. However, the POW Access Travel Management Plan (ATM) (USFS 2009); proposes to reduce the existing motorized access in 25 of the 31 Unit 2 Wildlife Analysis Areas by approximately 42%. The ATM will be implemented over the next five to ten years (depending upon funding), and states that, "impacts to subsistence users are anticipated, which limits access to the resource and increases competition for the resource in Unit 2 (this finding applies primarily to deer, furbearers, and firewood).

Brinkmann (2005) reported that experienced POW deer hunters preferred muskeg systems, clear-cuts, old-growth, and alpine systems for hunting. Approximately 94% of the clear-cut areas that are connected to POW roads have already transitioned into second growth timber stands and have less value to subsistence deer hunters. Therefore, an increase in non-rural hunters may negatively affect rural hunters, when combined with a 42% reduction in available motorized roads and reduction in available (remaining 6%) clear-cuts. These effects would concentrate hunters greater than does the current conditions in Unit 2.

The current deer pellet information indicates the deer population across Unit 2 is stable, with localized areas having decreasing or increasing deer populations. Persons et al. (2009) has suggested an estimated 30% decrease in the Unit 2 deer population may have occurred between 2006/08, most likely due to persistent harsh winter conditions. However, in 2008, Unit 2 hunters participated in one of the best deer harvest seasons during the past 10 years, in terms of deer numbers harvested, harvest success per hunter, and deer harvest per hunter unit effort.

During the past four years, Unit 2 deer harvest reporting data indicates a 22% increase in hunter pressure and a 26% increase in deer harvest. Unit 2 is also experiencing changes due to reduced road access and declining available deer hunting habitat, which collectively combine to negatively affect Federally qualified hunters.

## OSM PRELIMINARY CONCLUSION

**Oppose** Proposal WP10-20.

### Justification

Adoption of this proposal may result in an increase in competition and reduced opportunity for Federally qualified deer hunters in Unit 2. During the past four years, Unit 2 deer harvest reporting data indicates a 22% increase in hunter pressure and a 26% increase in deer harvest. Unit 2 is also experiencing changes due to reduced road access (potential 42% reduction) and declining available deer hunting habitat (only 6% of clearcuts remain "huntable"), which collectively combine to adversely affect Federally qualified hunters. Current Federal subsistence regulations provide deer hunting opportunities for non-rural hunters beginning August 1 on all Unit 2 outside islands and in the West Arm of Cholmondeley Sound. All Federal public lands open to non-Federally qualified hunters in Unit 2, beginning August 16.

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Comments WP10-20
January 29, 2010; Page 1 of 2

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

**Wildlife Proposal WP10-20:** This proposal would change the Unit 2 deer season beginning date from August 16 to August 1 for non-federally qualified hunters on federal public lands.

**Introduction:** This proposal would reopen deer hunting in Unit 2 to allow non-federally qualified users to hunt federal public lands beginning on August 1 rather than August 16. Federal subsistence regulations were changed in 2005 to close Unit 2 deer hunting season on federal lands to non-federally qualified subsistence users from August 1 through August 15 and open the season for federally qualified hunters on July 24, providing three weeks of hunting before non-federally qualified hunting on federal lands. All of Unit 2 is open under state regulation August 1 through December 31. The federal subsistence deer harvest limit is 5 deer of which one may be antlerless, while the state harvest limit is four bucks.

**Impact on Subsistence Users**: Federally qualified subsistence hunters can begin hunting on July 24, while the state season on federal public lands begins on August 1. However, only federally qualified subsistence users can hunt on most federal land in Unit 2 during July 24 through August 15 due to the federal lands closed to non-federally qualified hunters. If this proposal is adopted, federally qualified subsistence hunters would still have an 8-day hunting period before the state season begins August 1 and would maintain the more liberal bag limit. Maintaining the existing three week closure is not necessary to provide the meaningful preference for federal subsistence on federal public lands.

**Opportunity Provided by State**: Under state regulation, the deer hunting season in Unit 2 is August 1 through December 31, with an annual bag limit of 4 bucks.

**Conservation Issues**: This proposed regulation change does not raise conservation concerns. The deer population in Unit 2 appears to be healthy, stable, and able to support any additional hunting pressure this proposal would provide. The closure on federal public lands to non-federally qualified hunters during August 1 through August 15 cannot be justified for conservation purposes.

**Other Comments**: Maintaining the full three-week closure to non-federally qualified users while also maintaining a larger bag limit for federally qualified users is inconsistent with the Federal Subsistence Board closure policy and unnecessary to provide the federal subsistence opportunity on federal public lands.

Recent Forest Service planning for Access and Travel Management proposes to close many duplicative roads and trails. The plan was designed not to limit access but to resolve issues of maintaining duplicative roads. Roads that maintain access throughout the island were retained while roads that duplicated access were closed, so the closures are not expected to impact subsistence opportunity.

**Recommendation:** Further information may be needed to determine whether the federal closure for two weeks of the state season should be retained or removed to be consistent with the Federal Subsistence Board closure policy.

| WP10-21 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-21 requests that deer harvest on Federal public lands of the Northeast Chichagof Controlled Use Area (NECCUA) in Unit 4 be restricted to residents of Hoonah. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | **Unit 4 — Deer**<br>*6 deer; however, female deer may be taken only from Sept. 15–Jan. 31.* — *Aug. 1–Jan. 31*<br>***Federal public lands of Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay are closed to the taking of deer except by residents of Hoonah.*** — *Aug. 1–Jan. 31* |
| **OSM Preliminary Conclusion** | **Oppose** |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Oppose** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-21

## ISSUES

Proposal WP10-21, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that deer harvest on Federal public lands of the Northeast Chichagof Controlled Use Area (NECCUA) in Unit 4 be restricted to residents of Hoonah.

## DISCUSSION

The proponent believes that the NECCUA should be closed to non-Federally qualified users and further that the pool of Federally qualified users allowed to hunt deer in the NECCUA be restricted to residents of Hoonah. The proponent states that conservation concerns regarding the deer population in this area prompted this request.

If the Board reaches the conclusion that conservation concerns mandate closure of Federal public lands to non-Federally qualified users, and further, that the pool of Federally qualified users must be further restricted, as requested in this proposal, then a Section 804 analysis would be necessary. Section 804 of ANILCA establishes criteria that must be used when distinguishing among subsistence users. However, before conducting a Section 804 analysis, the Board must first determine that it is necessary to close the NECCUA to non-Federally qualified users for deer harvesting.

The Board also will be considering another proposal, Proposal WP10-14, which requests that the NECCUA be closed to the hunting of does in December by non-Federally qualified users, and the preliminary conclusion reached by staff is that closure to non-Federally qualified users is not warranted at this time to 1) provide for both Federally qualified subsistence users and other users, and 2) ensure the continuation of subsistence uses by Federally qualified subsistence users. Clearly, if that closure is not necessary, then the closure to all deer hunting by non-Federally qualified users would not be necessary,

The Section 804 analysis below is presented in the event that the Board reaches the conclusion that conservation concerns mandate closure of Federal public lands to non-Federally qualified users, and further, that the pool of Federally qualified users must be further restricted.

### Existing Federal Regulation

**Unit 4 — Deer**

| | |
|---|---|
| *6 deer; however, antlerless 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. 31.* | *Aug. 1–Jan. 31* |
| ***Federal public lands of Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay are closed to the taking of deer except by residents of Hoonah.*** | *Aug. 1–Jan. 31* |

**Existing State Regulation**

**Unit 4 — Deer**

| | | |
|---|---|---|
| *Chichagof Island east of Port Frederick and north of Tenakee Inlet including all drainages into Tenakee Inlet.* | | |
| *3 deer total:* | *Bucks* | *Aug. 1–Sept. 14* |
| | *Any deer* | *Sept. 15–Dec. 31* |
| *Remainder.* | | |
| *4 deer total:* | *Bucks* | *Aug. 1–Sept. 14* |
| | *Any deer* | *Sept. 15–Dec. 31* |

**Extent of Federal Public Lands**

Federal public lands comprise 84% of the NECCUA and are managed by the U.S. Forest Service (USFS) as part of the Tongass National Forest (the NECCUA is comprised of Major Hunt Areas X35 and X42[1] shown **Map 1**).

**Customary and Traditional Use Determinations**

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

**Regulatory History**

A discussion of the regulatory history for Unit 4 deer can be found in the analysis for Proposal WP10-14.

**Current Events**

Current events pertaining to Unit 4 deer are discussed in the analysis for Proposal WP10-14.

**Biological Background**

The biological background for Unit 4 deer pertaining to this analysis is presented in Proposal WP10-14.

**Harvest History**

The general harvest history for deer in the NECCUA is presented in the analysis for Proposal WP10-14.

**Table 1** summarizes harvest and effort information for the NECCUA obtained through the ADF&G deer harvest survey for Hoonah residents, all other Federally qualified subsistence users, and non-Federally qualified users within the NECCUA from 1997–2007 (McCoy 2009, pers. com.). In 2007, the season following the first deep snow winter, the number of deer harvested and the number of hunters decreased,

[1] Major X42 also includes Lemesurier and Pleasant Islands in Icy Straits that are not part of the NECCUA. Staff were not able to separate information concerning the islands from X42.

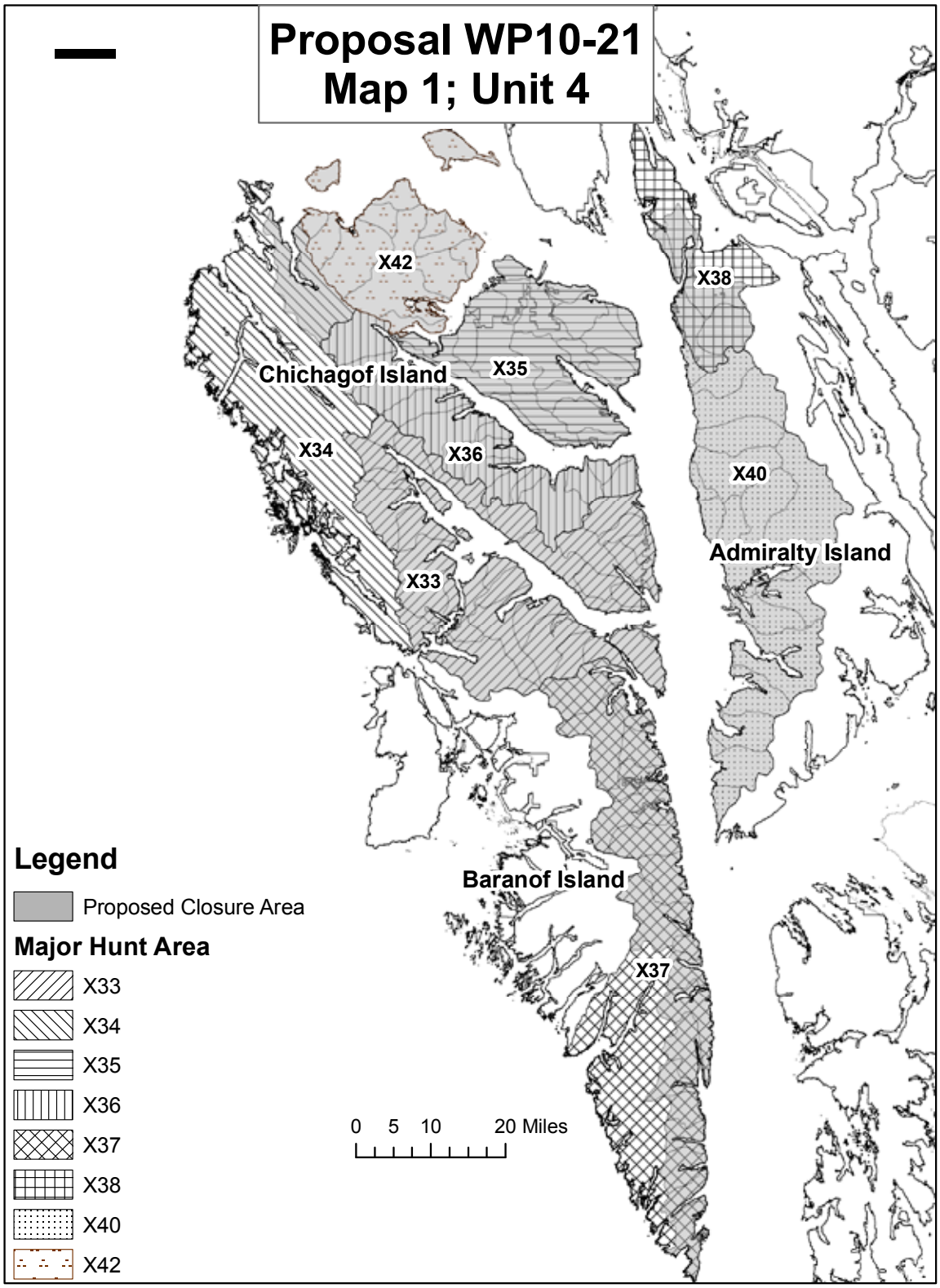
Proposal WP10-21
Map 1; Unit 4
X42
X38
Chichagof Island
X35
X34
X36
X40
Admiralty Island
X33
Baranof Island
X37
Legend
Proposed Closure Area
Major Hunt Area
X33
X34
X35
X36
X37
X38
X40
X42
0 5 10 20 Miles

**Table 1**. Deer harvest and effort in the Northeast Chichagof Island Controlled Use Area by user group from 1997-2007 (McCoy 2009, pers. comm).

| | Major Harvest Area X35: NE Chichagof Island | | | | Major Harvest Area X42: Icy Strait | | | |
|---|---|---|---|---|---|---|---|---|
| Year | Total Hunters | Total Deer | Deer per Hunter | Days per Deer | Total Hunters | Total Deer | Deer per Hunter | Days per Deer |
| **Non-Federally Qualified Users** | | | | | | | | |
| 1997 | 150 | 189 | 1.3 | 3.6 | 42 | 72 | 1.7 | 2.9 |
| 1998 | 164 | 430 | 2.6 | 2.2 | 14 | 19 | 1.4 | 4.3 |
| 1999 | 229 | 361 | 1.6 | 4.0 | 32 | 49 | 1.5 | 2.6 |
| 2000 | 251 | 358 | 1.4 | 3.1 | 38 | 77 | 2.0 | 3.6 |
| 2001 | 169 | 240 | 1.4 | 3.6 | 72 | 123 | 1.7 | 2.9 |
| 2002 | 247 | 354 | 1.4 | 3.7 | 56 | 61 | 1.1 | 2.7 |
| 2003 | 227 | 503 | 2.2 | 2.3 | 65 | 180 | 2.8 | 1.7 |
| 2004 | 178 | 440 | 2.5 | 2.2 | 47 | 83 | 1.8 | 2.6 |
| 2005 | 219 | 399 | 1.8 | 2.4 | 48 | 85 | 1.8 | 2.2 |
| 2006 | 173 | 287 | 1.7 | 2.9 | 73 | 150 | 2.1 | 2.5 |
| 2007 | 67 | 17 | 0.3 | 19.5 | 33 | 8 | 0.2 | 16.8 |
| Total | 2,074 | 3,578 | 1.7 | 2.9 | 520 | 907 | 1.7 | 2.7 |
| Average | 189 | 325 | 1.7 | | 47 | 82 | 1.7 | |
| Percent of Total | | 80% | | | | 20% | | |
| **Federally Qualifed Users Except Hoonah** | | | | | | | | |
| 1997 | 118 | 203 | 1.7 | 2.2 | 71 | 87 | 1.2 | 2.3 |
| 1998 | 75 | 130 | 1.7 | 1.9 | 68 | 164 | 2.4 | 1.4 |
| 1999 | 64 | 156 | 2.4 | 2.7 | 42 | 74 | 1.8 | 2.5 |
| 2000 | 85 | 98 | 1.2 | 5.4 | 72 | 64 | 0.9 | 3.4 |
| 2001 | 81 | 199 | 2.5 | 2.7 | 41 | 34 | 0.8 | 2.9 |
| 2002 | 49 | 69 | 1.4 | 4.8 | 50 | 104 | 2.1 | 3.0 |
| 2003 | 55 | 138 | 2.5 | 2.1 | 62 | 85 | 1.4 | 2.6 |
| 2004 | 18 | 29 | 1.6 | 1.2 | 58 | 103 | 1.8 | 3.0 |
| 2005 | 55 | 190 | 3.5 | 1.1 | 74 | 154 | 2.1 | 2.2 |
| 2006 | 58 | 84 | 1.4 | 6.2 | 46 | 102 | 2.2 | 1.7 |
| 2007 | 42 | 45 | 1.1 | 3.6 | 15 | 8 | 0.5 | 9.1 |
| Total | 700 | 1,341 | 1.9 | 2.8 | 599 | 979 | 1.6 | 2.4 |
| Average | 64 | 122 | 1.9 | | 54 | 89 | 1.6 | |
| Percent of Total | | 10% | | | | 8% | | |
| **Hoonah** | | | | | | | | |
| 1997 | 135 | 422 | 3.1 | 2.7 | 51 | 118 | 2.3 | 1.7 |
| 1998 | 162 | 357 | 2.2 | 2.5 | 57 | 65 | 1.1 | 4.5 |
| 1999 | 219 | 417 | 1.9 | 2.3 | 73 | 159 | 2.2 | 1.6 |
| 2000 | 155 | 534 | 3.4 | 3.3 | 54 | 209 | 3.9 | 2.3 |
| 2001 | 218 | 451 | 2.1 | 3.2 | 30 | 120 | 4.0 | 1.9 |
| 2002 | 165 | 523 | 3.2 | 2.9 | 46 | 93 | 2.0 | 2.1 |
| 2003 | 92 | 328 | 3.6 | 1.6 | 76 | 202 | 2.7 | 1.0 |
| 2004 | 166 | 454 | 2.7 | 2.6 | 49 | 178 | 3.6 | 0.7 |
| 2005 | 165 | 572 | 3.5 | 1.4 | 69 | 139 | 2.0 | 2.7 |
| 2006 | 104 | 296 | 2.8 | 1.8 | 80 | 256 | 3.2 | 1.8 |
| 2007 | 95 | 77 | 0.8 | 5.5 | 27 | 14 | 0.5 | 14.2 |
| Total | 1,676 | 4,431 | 2.6 | 2.5 | 612 | 1,553 | 2.5 | 2.0 |
| Average | 152 | 403 | 2.6 | | 56 | 141 | 2.5 | |
| Percent of Total | | 35% | | | | 12% | | |

while the effort per deer harvested increased. From 1997 to 2007, Hoonah residents harvested the most deer in the NECCUA, followed by non-Federally qualified users, and other Federally qualified subsistence users harvested the fewest. Table 5 (in WP10-14) illustrates the percent change in these harvest parameters in 2007 compared to the previous 10 years.

**Section 804 Analysis**

Whenever a proposal to change Federal regulations seeks a prioritization for use of a subsistence resource among rural residents having customary and traditional use of that resource, an analysis must be done in accordance with Section 804 of ANILCA. Section 804 of ANILCA mandates that the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Section 804 further requires that whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations or to continue such uses, such a priority shall be implemented through appropriate limitations. These limitations are based on the application of three criteria, including customary and direct dependence upon the populations as the mainstay of livelihood, local residency, and the availability of alternative resources. As noted at the beginning of this analysis, before considering the Section 804 portion of this analysis the Board must first determine that it is necessary to close the NECCUA to non-Federally qualified users for deer harvesting.

The following 19 communities, roughly 21,000 people (**Table 2**; U.S. Census 2009), are included in the existing customary and traditional use determination for deer in Unit 4: Angoon, Cube Cove, Elfin Cove, Funter Bay, Game Creek, Gustavus, Haines, Hoonah, Kake, Klukwan, Pelican, Petersburg, Point Baker, Port Alexander, Port Protection, Sitka, Tenakee Springs, Whitestone Camp, Wrangell, and Yakutat. The communities located in the affected area are Game Creek, Hoonah, Tenakee Springs, and Whitestone Camp. Published subsistence studies of the communities included in the customary and traditional use determination for deer in Unit 4 include: Betts et al. in prep, Cohen 1988, George and Kookesh 1982, George and Bosworth 1988, Gmelch et al. 1983, Kookesh and Leghorn 1986, Mills and Firman 1986, Schroeder and Kookesh 1990, and Smythe 1988. Another source of information is the ADF&G deer hunter survey conducted each year for Southeast Alaska (ADF&G 1998–2004). The following paragraphs address the three criteria as they relate to each of the communities.

*1. Customary and Direct Dependence upon the Populations as a Mainstay of Livelihood*

For the period 1997–2003, both Angoon and Hoonah have small sample returns, usually fewer than 10% of the deer harvest ticket holders (ADF&G 1998–2004). However, these data provide an idea about the relative participation and where hunting occurs by these communities. Deer hunter survey data (**Table 3**) indicates that residents of five communities (Game Creek, Gustavus, Hoonah, Tenakee Springs, and Whitestone Camp) primarily focused their deer harvesting efforts in the NECCUA, which includes Major Hunt Areas (Majors) X35 and X42. Four of these communities (Game Creek, Hoonah, Tenakee Springs, and Whitestone Camp) are located within the boundaries of the NECCUA; the fifth, Gustavus, is located in Unit 1C across Icy Strait. Deer harvested in the NECCUA represented between 36% and 100% of the total estimated deer harvested by these five communities 1997–2003, higher than any of the other 14 communities. The percentage of the total deer harvest represented by the NECCUA deer harvest for each of these communities is as follows: Game Creek (100%), Gustavus (76%), Hoonah (94%), Tenakee Springs (36%), and Whitestone Camp (97%). Of these five communities, only Tenakee Springs reported harvesting less than 50% of its harvest from the NECCUA. The remainder of its harvest was reported to be taken in the Major on the south shore of Tenakee Inlet, outside the NECCUA.

**Table 2**. The popualtion and the number of households in communities whose residents are Federally qualified to harvest deer in the NECCUA, 2000 (U.S. Census 2000).

| Community | Number of People | Number of Households |
|---|---|---|
| Angoon | 572 | 184 |
| Elfin Cove | 32 | 15 |
| Game Creek | 35 | 10 |
| Gustavus | 429 | 199 |
| Haines/Klukwan | 2,392 | 991 |
| Hoonah | 860 | 300 |
| Kake | 710 | 246 |
| Pelican | 163 | 70 |
| Petersburg | 3,224 | 1,240 |
| Point Baker | 35 | 13 |
| Port Protection | 63 | 31 |
| Sitka | 8,835 | 3,278 |
| Tenakee Springs | 104 | 59 |
| Whitestone Camp | 116 | 45 |
| Wrangell | 2,308 | 907 |
| Yakutat | 808 | 265 |
| TOTAL | 20,686 | 7,853 |

*2. Local Residency—Proximity to the Resource*

As mentioned previously, four communities (Game Creek, Hoonah, Tenakee Springs, and Whitestone Camp) that are included in the customary and traditional use determination for deer in Unit 4 are located within the NECCUA. Three communities, Game Creek, Hoonah, and Whitestone Camp, are located adjacent to one another. Tenakee Springs is located on Tenakee Inlet at the southern boundary of the NECCUA.

The other communities in Unit 4 are Angoon, Funter Bay, and Cube Cove on Admiralty Island; Elfin Cove and Pelican on north Chichagof Island; Sitka on west Baranof Island; and Port Alexander on south Baranof Island. Of these communities, Elfin Cove and Pelican are nearest to the NECCUA.

The remaining Federally qualified users are residents of the communities of Gustavus in Unit 1C and directly across Icy Strait from the NECCUA; Haines and Klukwan in Unit 1D; Port Protection and Port Baker on Prince of Wales Island in Unit 2; Kake, Petersburg, and Wrangell in Unit 3; and Yakutat in Unit 5A.

*3. Availability of Alternative Resources*

All of the communities in the customary and traditional use determination for deer in the NECCUA have subsistence-based economies. The wild resources used vary according to geographic location of the community and species availability.

**Table 3**. The estimated deer harvest by Federally qualified users, cumulative 1997-2003 (ADF&G 1998-2004).

| | Southeast Alaska | | Major Hunt Area X35: NE Chichagof Island | | Major Hunt Area X42: Icy Strait | |
|---|---|---|---|---|---|---|
| **Community** | **Number of Hunters** | **Number Harvested** | **Number of Hunters** | **Number Harvested** | **Number of Hunters** | **Number Harvested** |
| **Game Creek** | 57 | 94 | 27 | 40 | 36 | 54 |
| Gustavus | 383 | 416 | 45 | 47 | 288 | 269 |
| **Hoonah** | 1,757 | 4,217 | 1,246 | 3,003 | 544 | 966 |
| **Tenakee Springs** | 278 | 591 | 160 | 212 | 0 | 0 |
| **Whitestone Camp** | 184 | 292 | 174 | 264 | 23 | 19 |
| Angoon | 464 | 1,255 | 7 | 7 | 13 | 26 |
| Cube Cove | 120 | 330 | 0 | 0 | 0 | 0 |
| Elfin Cove | 138 | 295 | 3 | 9 | 4 | 0 |
| Funter Bay | 7 | 22 | 2 | 6 | 0 | 0 |
| Haines/Klukwan | 799 | 1,522 | 138 | 326 | 89 | 142 |
| Kake | 792 | 1,189 | 0 | 0 | 0 | 0 |
| Pelican | 310 | 790 | 0 | 0 | 6 | 6 |
| Petersburg | 4,649 | 4,866 | 21 | 17 | 8 | 4 |
| Point Baker | 101 | 168 | 0 | 0 | 0 | 0 |
| Port Alexander | 99 | 223 | 0 | 0 | 0 | 0 |
| Port Protection | 58 | 77 | 0 | 0 | 0 | 0 |
| Sitka | 8,831 | 18,540 | 85 | 88 | 48 | 61 |
| Wrangell | 3,267 | 3,859 | 6 | 6 | 0 | 0 |
| Yakutat | 244 | 149 | 0 | 0 | 5 | 29 |
| TOTAL | 21,436 | 36,916 | 1,914 | 4,025 | 1,058 | 1,570 |

**Bold**=community in NECCUA.

Note: the Major Hunt Areas X35 and X42 together comprise the NECCUA.

There is no open season for deer in Unit 1D. Haines and Klukwan residents must go to another management unit to harvest deer. The ADF&G deer hunter survey indicates residents of these communities harvest deer in many different areas, located in several management units (ADF&G 1998–2004). Gustavus is located on a foreland that is a popular moose hunting area, where deer are scarce. Port Protection and Point Baker are located in Unit 2 and are adjacent to prime deer habitat. A huntable population of deer exists near Kake, Petersburg, and Wrangell in Unit 3. A population of deer exists also in Unit 5A where Yakutat is located.

*Summary of Section 804 Analysis*

While 19 communities are included in the customary and traditional use determination for deer in the NECCUA, the residents of the area—including residents of Game Creek, Hoonah, Tenakee Springs, and Whitestone Camp—and Gustavus have exhibited the highest level of dependence on and are closest in proximity to the deer population in the NECCUA. This finding is based on the total hunting effort and

harvest of deer in Southeast Alaska by each community and the percentage of the hunting effort and harvest of deer reported in the NECCUA. While the residents of communities that are in the NECCUA and Gustavus have not always reported that the majority of their harvest of deer took place in the NECCUA, their level of hunting effort in the NECCUA is highest of all Federally qualified users residing in 19 communities. In addition, most of the hunters living outside of the NECCUA have other deer populations available to them, in Units 2, 3, and 5A.

The residents of communities located within the boundary of the NECCUA and Gustavus have exhibited the highest levels of reliance on the deer in the area. Deer harvest on Federal public lands in the NECCUA should be restricted to the residents of the area including residents of Game Creek, Hoonah, Tenakee Springs, and Whitestone Camp; and Gustavus.

**Effects of the Proposal**

If this proposal is adopted, Federal public lands in the NECCUA would be closed to the harvest of deer by non-Federally qualified users as well as residents of the some other communities included in the customary and traditional use determination for deer. These communities include Angoon, Cube Cove, Elfin Cove, Funter Bay, Haines, Kake, Klukwan, Pelican, Petersburg, Point Baker, Port Alexander, Port Protection, Sitka, Wrangell, and Yakutat.

If this proposal is adopted, competition to harvest deer in the NECCUA would decrease, and the deer harvest would likely be reduced.

If this proposal is not adopted, all users would continue to be eligible to hunt deer in the NECCUA.

**OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP10-21

**Justification**

The proposed exclusion of non-Federally qualified users does not meet the conditions set by the Federal Subsistence Board for closing Federal public lands to non-Federally qualified users. The two conditions that apply in the situation covered by this proposal include: 1) when a population is not sufficient to provide for both Federally qualified subsistence users and other users, and 2) when necessary to ensure the continuation of subsistence uses by Federally qualified subsistence users.

The biological analysis of the deer population is found in Proposal WP10-14 analysis. As discussed in that analysis, existing population and harvest information indicate that the deer population in the NECCUA is sufficient to provide for continued harvest of bucks by both Federally qualified and non-Federally qualified users.

In recent years, there have been instances of heavy snow and increased deer mortality resulting in restrictions being placed on the harvest of deer in Unit 4 and the NECCUA area. Emergency actions were issued by both the Federal and State management programs to promote the rebound of the deer population in this area. Federal and State management programs have worked with local communities and the Council since 2006 to monitor the deer population and implement temporary harvest restrictions using existing authorities that should help the deer population to recover. History suggests that the population is likely to recover within about five years, and restricting eligibility to harvest deer in the NECCUA may be unnecessarily because current harvest rates appear to be within acceptable limits for population

growth, assuming more usual winter weather returns. Thus, it does not appear that adopting this proposal is necessary to ensure the continuation of subsistence uses.

If the Board determines that the pool of Federally qualified users must be reduced, the preliminary staff conclusion would be to adopt the results of the Section 804 analysis and restrict deer hunting in the NECCUA to residents of the area and Gustavus.

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Comments WP10-21
January 29, 2010; Page 1 of 1

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

**Wildlife Proposal WP10-21:** This proposal would restrict deer harvest on Federal public lands of the Northeast Chichigof Controlled Use Area (NECCUA) to residents of Hoonah. This proposal requests total closure to non-federally qualified users and would restrict federally qualified users under ANILCA Section 804 to only one community.

**Introduction:** This proposal was submitted to address a conservation concern with deer on NECCUA, by restricting the hunting to Hoonah residents only. The proposal states that there are not enough deer in this area to share outside the community of Hoonah and implies that this action to further restrict eligibility under ANILCA 804 is necessary.

Over the past three hunting seasons, the department has implemented doe closures in this area: EO 01-06-07, EO 1-13-07, EO 01-03-08, EO 01-02-09. The USFS worked in consultation with the Federal Subsistence Board and the department to enact similar closures under federal subsistence regulations: WSA07-05, WSA 07-07, 7-BD-05-08, 7-BD-05-09, WSA 09-10. These efforts were necessary to allow the reproductive portion of this deer population to remain intact to allow this population to begin to recover. These actions show a shared responsibility between State and federal managers towards addressing a resource concern.

The recent subsistence deer hunting season dates in NECCUA are from August 1 through January 31, and the bag limit has been 6 deer of which antlerless deer may only be taken from September 15 to January 31.

**Impact on Subsistence Users**: If adopted, federally qualified subsistence hunters from Hoonah would benefit from exclusive deer hunting rights on federal public lands in this area. However, other federally qualified subsistence users would not be able to participate in this hunt, nor would non-federally qualified hunters.

**Opportunity Provided by State**: State deer hunting seasons in NECCUA are August 1 through December 31, and the bag limit is three deer in some portions of NECCUA and four in the remainder of GMU 4, of which either sex deer may be harvested from September 15 through December 31. The federal subsistence deer season lasts one month longer than the state hunting season and up to twice the state harvest limit.

**Conservation Issues**: The doe closures are necessary in order to provide for sufficient reproduction to allow population recovery. Even if hunting is limited to Hoonah hunters, the deer population would remain at low levels if does are harvested during periods of low deer abundance.

**Enforcement Issues:** If adopted, differences in federal and state regulations create confusion and enforcement issues in areas with mixed land ownership and distinguishing between state and federal lands within NECCUA.

**Recommendation:** Oppose.

| WP10-22 Executive Summary | |
|---|---|
| **General Description** | Proposal WP10-22 requests the Board standardize the in-season management of fish and wildlife in the Southeast Region by removing specific references to what position is delegated authority for in-season management for a specific wildlife species in the Southeastern Alaska and Yakutat Areas wildlife regulations. Although specific regulatory language is not provided, the intention is to provide authority to close, reopen or adjust Federal Subsistence seasons and to set harvest and possession limits for wildlife to a uniform set of fish and wildlife in-season managers. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council* |
| **Proposed Regulation** | *See the analysis for the proposed regulation language.* |
| **OSM Preliminary Conclusion** | **Support** Proposals WP10-22 **with modification** to delegate only the same in-season management authority by letter as currently referenced in regulation. In-season management for wildlife on a species by species basis would be delegated to the same managers as presently identified in regulation. |
| **Southeast Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | **Oppose** |
| **Written Public Comments** | **None** |

# DRAFT STAFF ANALYSIS
# WP10-22

## ISSUES

Proposal WP10-22, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requests the Board standardize the in-season management of fish and wildlife in the Southeast Region by removing specific references to what position is delegated authority for in-season management for a specific wildlife species in the Southeastern Alaska and Yakutat Areas wildlife regulations. Although specific regulatory language is not provided, the intention is to provide authority to close, reopen or adjust Federal Subsistence seasons and to set harvest and possession limits for wildlife to a uniform set of fish and wildlife in-season managers.

## DISCUSSION

In the Southeast Alaska Region, there are 11 delegations of authority for wildlife in Federal regulations and seven delegations for wildlife by letter from the Board. The staff interpretation and scope of this analysis is to implement the proponent's intention by suggesting the Board remove the specific positions with delegated authority for in-season management identified in regulation. Special action authority necessary to assure the conservation of wildlife would be delegated by letter from the Board. The delegated officials for wildlife would be one of the same six Federal delegated officials that currently have in-season authority for fish in those areas.

### Existing Federal Regulations

| | |
|---|---|
| § __.26(*n)(1); To close the moose season in Unit 1B* | *Petersburg District Ranger* |
| § __.26(*n)(1); To close the deer season in Unit 1B* | *Petersburg District Ranger* |
| § __.26(*n)(2) Close the wolf hunting and trapping seasons when quota is reached in Unit 2* | *Tongass Forest Supervisor* |
| § __.26(*n)(2); Reduce harvest limit to 4 deer in Unit 2* | *Tongass Forest Supervisor* |
| § __.26(*n)(3; To close the moose season in Unit 3* | *Petersburg District Ranger* |
| § __.26(*n)(3); To close the deer season in Unit 3 Mitkof, Woewodski, and Butterworth Islands* | *Petersburg District Ranger* |
| § __.26(*n)(3); To close the deer season in Unit 3 remainder* | *Petersburg District Ranger* |
| § __.26(*n)(4)(ii)(D); Issue five permits for taking brown bear for educational purposes in Unit 4* | *FS District Ranger* |
| §__.26(*n)(5); Announce harvest quota for goat in Unit 5(A) Nunatak Bench and 5(A) remainder and close season when quota is taken* | *Yakutat District Ranger* |
| § _.26(*n)(5); Close Unit 5A moose season when quota is reached* | *Yakutat District Ranger* |
| § _.26(*n)(5); Close Unit 5B moose season when quota is reached* | *National Park Service* |

*§ __.10 Federal Subsistence Board. (d)(6) The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.*

*§ __.19 Special actions. (a) The Board may restrict, close, or reopen the taking of fish and wildlife for non-subsistence uses on public lands when necessary to assure the continued viability of a particular fish or wildlife population, to continue subsistence uses of a fish or wildlife population, or for reasons of public safety or administration.*

*(b) The Board may open, close, or restrict subsistence uses of a particular fish or wildlife population on public lands to assure the continued viability of a fish or wildlife population, to continue subsistence uses of a fish or wildlife population, or for reasons of public safety or administration.*

*(c) The Board will accept a request for a change in seasons, methods and means, harvest limits and/or restrictions on harvest under this § 100.19 only if there are extenuating circumstances necessitating a regulatory change before the next annual subpart D proposal cycle. Extenuating circumstances include unusual and significant changes in resource abundance or unusual conditions affecting harvest opportunities that could not reasonably have been anticipated and that potentially could have significant adverse effects on the health of fish and wildlife populations or subsistence uses.*

*(d) In an emergency situation, the Board may immediately open, close, liberalize, or restrict subsistence uses of fish and wildlife on public lands, or close or restrict non-subsistence uses of fish and wildlife on public lands, if necessary to assure the continued viability of a fish or wildlife population, to continue subsistence uses of fish or wildlife, or for public safety reasons. Prior to implementing an emergency action, the Board shall consult with the State. The emergency action shall be effective when directed by the Board, may not exceed 60 days, and may not be extended unless it is determined by the Board, after notice and public hearing, that such action should be extended.*

*(e) After consultation with the State, the appropriate Regional Advisory Council(s), and adequate notice and public hearing, the Board may make or direct a temporary change to close, open, or adjust the seasons, to modify the harvest limits, or to modify the methods and means of harvest for subsistence uses of fish and wildlife populations on public lands.*

**Proposed Federal Regulation**

The proposal submitted by the Council reads:

*"References in regulation for in-season management for deer, wolves, moose and bears would be removed from wildlife regulations. In-season management authority to close, reopen or adjust Federal Subsistence seasons and to set harvest and possession limits for wildlife would be delegated by letter from the Board to a uniform set of fish and wildlife in-season managers."*

Suggested regulatory implementation includes deleting regulatory delegations as follows:

*§ __.26(n)(1); To close the moose season in Unit 1B* ~~*Petersburg District Ranger*~~

| | |
|---|---|
| *§ __.26(n)(1); To close the deer season in Unit 1B* | ~~*Petersburg District Ranger*~~ |
| *§ __.26(n)(2) Close the wolf hunting and trapping seasons when quota is reached in Unit 2* | ~~*Tongass Forest Supervisor*~~ |
| *§ __.26(n)(2); Reduce harvest limit to 4 deer in Unit 2* | ~~*Tongass Forest Supervisor*~~ |
| *§ __.26(n)(3; To close the moose season in Unit 3* | ~~*Petersburg District Ranger*~~ |
| *§ __.26(n)(3); To close the deer season in Unit 3 Mitkof, Woewodski, and Butterworth Islands* | ~~*Petersburg District Ranger*~~ |
| *§ __.26(n)(3); To close the deer season in Unit 3 remainder* | ~~*Petersburg District Ranger*~~ |
| *§ __.26(n)(4)(ii)(D); Issue five permits for taking brown bear for educational purposes in Unit 4* | ~~*FS District Ranger*~~ |
| *§__.26(n)(5); Announce harvest quota for goat in Unit 5(A) Nunatak Bench and 5(A) remainder and close season when quota is taken* | ~~*Yakutat District Ranger*~~ |
| *§ _.26(n)(5); Close Unit 5A moose season when quota is reached* | ~~*Yakutat District Ranger*~~ |
| *§ _.26(n)(5); Close Unit 5B moose season when quota is reached* | ~~*National Park Service*~~ |

**Existing State Regulation**

Alaska Statute Sec. 16.05.060. Emergency orders.

___(a) This chapter does not limit the power of the commissioner or an authorized designee, when circumstances require, to summarily open or close seasons or areas or to change weekly closed periods on fish or game by means of emergency orders.

**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**

Customary and traditional use determinations for wildlife in the Southeastern Alaska and Yakutat Areas vary between no Federal subsistence priority and all rural Alaska residents according to species and location.

**Regulatory History**

Since inception of the Federal subsistence program, the Board has adopted a number of regulatory proposals, which has resulted in 11 instances where management authority for a wildlife species was delegated to local managers by regulation in Southeast Alaska. There have also been seven instances

where the Board delegated authority for the management of a wildlife species in Southeast Alaska by letter **(Table 1)**.

**Effects of the Proposal**

Adopting this proposal would result in a slightly smaller group of positions with delegated authority for wildlife than what are currently found in regulation (6 rather than 8). However, the function of the subsistence management program in the Southeastern Alaska and Yakutat Areas would be enhanced because management of fish and wildlife would be the responsibility of a standardized group with the specialized training necessary to comply with subsistence policies, protocols and regulations. The infrastructure for this type of delegation is already in place for the management of fisheries and it would work much the same way for wildlife, as staff is already in place. Wildlife and fisheries biologists are located on each Ranger District to supply information on local conditions. Oversight is provided by a Tongass National Forest subsistence program leader, a Council coordinator and extensive support staff. The current staff is familiar with the in-season management process and has written three wildlife special actions and four fisheries special actions in 2008 and eight special actions for wildlife and five for fish in 2009 **(Table 2)**.

The Alaska Department of Fish and Game is organized where there are generally six area management biologists for commercial fisheries, sport fisheries and wildlife within the Southeast and Yakutat Region. Each of these individuals resides in communities within his area of responsibility and has delegated management authority according to State statue. A parallel Federal management structure would facilitate cooperation in data gathering and facilitate communication between Federal and State managers.

The number of instances where authority for wildlife has been delegated has been increasing and there are now six Units, five species and eight positions with delegated authority included either in regulation or by letter **(Table 3)**. If this proposal is adopted, it would help to limit the number of individuals with delegated authority and would standardize who has the authority in the each portion of the Unit.

There is a delegated official for fish for each of the six management areas within the entire Southeastern Alaska and Yakutat Areas **(Table 4).**

Adoption of this proposal would reduce complexity and inconsistencies within the current wildlife regulations for the Southeastern Alaska Area. The lack of detail in regulatory delegations has produced uncertainty and ambiguity in implementing the direction of the Board. An advantage of delegating by letter is the ability of the Board to provide more detailed direction to in-season mangers than can be efficiently provide through regulation. The Board also has more flexibility to amend instructions to in-season managers by delegation letter. The current system of delegating authority for wildlife on a case by case basis may be outdated and changes to increase efficiencies and effectiveness should be investigated.

Without regard to the final decision regarding how the Board chooses to delegate authority to managers; the staff realizes that public awareness of in-season authorities would be improved if a table of managers and their delegated authorities would be included in the subsistence wildlife regulations booklet.

The single exception to the proposed delegation occurs in Unit 5B where the current in-season manager for moose is the National Park Service Ranger and the manager of fish in that area is the Forest Service Ranger. Letters of delegation for both fish and wildlife should include a protocol for joint management of wildlife and fish in Unit 5A and 5B.

**Table 1**. Delegated Authorities for wildlife in the Southeastern Alaska and Yakutat Areas.

| | | |
|---|---|---|
| *§ __.26(n)(1)* | Petersburg District Ranger | Close the moose season in Unit 1B |
| *§ __.26(n)(1)* | Petersburg District Ranger | To close the deer season in Unit 1B |
| *§ __.26(n)(2)* | Tongass Forest Supervisor | Close the wolf hunting and trapping seasons when quota is reached in Unit 2 |
| *§ __.26(n)(2)* | Tongass Forest Supervisor | Reduce limit to 4 deer in Unit 2 |
| *§ __.26(n)(3)* | Petersburg District Ranger | To close the moose season in Unit 3 |
| *§ __.26(n)(3)* | Petersburg District Ranger | To close the deer season in Unit 3 Mitkof, Woewodski, and Butterworth Islands |
| *§ __.26(n)(3)* | Petersburg District Ranger | To close the deer season in Unit 3 remainder |
| *§ __.26(n)(4)(ii)(D)* | FS District Ranger | Issue 5 permits for taking brown bear for educational purposes in Unit 4 |
| *§__.26(n)(5)* | Yakutat District Ranger | Announce harvest quota for goat in Unit 5(A) Nunatak Bench and 5(A) remainder and |
| *§ _.26(n)(5)* | Yakutat District Ranger | Close Unit 5A moose season when harvest quota is reached |
| *§ _.26(n)(5)* | National Park Service | Close Unit 5B moose season when harvest quota is reached |
| Letter from the Board Chairman, dated October 2008 | Sitka District Ranger | To issue special actions when necessary to assure the conservation of deer in Unit 4 |
| Letter from the Board Chairman, dated October 2008 | Juneau District Ranger | To issue special actions when necessary to assure the conservation of deer in Unit 4 |
| Letter from the Board Chairman, dated October 2008 | Hoonah District Ranger | To issue special actions when necessary to assure the conservation of deer in Unit 4 |
| Letter from the Board Chairman, dated March 2004 | Petersburg District Ranger | To annually issue a Federal registration permit to the Organized Village of Kake to harvest one deer in Unit 3 for their annual culture camp |
| Letter from the Board Chairman, dated March 2004 | Sitka District Ranger | To annually issue a Federal registration permit to Southeast Alaska Indian Cultural Center (SEAICC) to harvest three male goats in Unit 4 for use in cultural and educational activities at the Sitka National Historic Park. |
| Letter from the Board Chairman, dated March 2004 | Sitka District Ranger | Annually issue a Federal registration permit to the North American Traditional Indian Value Enrichment, Inc. (N.A.T.I.V.E., Inc) to harvest one deer per camp in Unit 4 and/or 24 Coho salmon for their annual culture camp. |
| Letter from the Board Chairman, dated October 2008 | District Ranger, Admiralty Island National Monument | To issue special actions when necessary to assure the conservation of deer in Unit 4 |

**Table 2**. Summary of Federal Subsistence Special Actions for Fish and Wildlife in the Southeastern Alaska Area; Regulatory Years 2008 and 2009.

**2008-2009 Regulatory Year for Fish and Wildlife**

| Special Action Number | Area & Species Affected | Summary of Action | Authorized By |
|---|---|---|---|
| WSA 7-BD-05-08 | Unit 4 NECCUA Deer | Closed the Northeast Chichagof Controlled Use Area (NECCUA) to the taking of female deer from October 2, 2008 through January 31, 2009. | USFS Hoonah District Ranger via authority delegated by the Federal Subsistence Board |
| WSA08-05 | Unit 5A Moose | Changed the Moose quotas for Unit 5A except Nunatak Bench, when **50** (60) bulls have been taken from the Unit. The season would be closed in that portion west of the Dangerous River when **20** (30) bulls have been taken in that area. | Federal Subsistence Board |
| WSA08-11 | Unit 3 Marten | Closed Federal public lands in Unit 3, Kuiu Island only, to trapping or taking of marten from December 12 through February 9. | Federal Subsistence Board |
| FSA 7-EU-01-08 | Unit 1 Unuk River Eulachon | Closed the Unuk River to the taking of Eulachon starting February 26, 2008 for 60 days for conservation. | USFS Ketchikan District Ranger via authority delegated by the FSB |
| FSA 7-RS-02-08 | District 6 Hatchery Creek Sockeye Salmon | Closed Hatchery Creek drainage to the taking of sockeye salmon from July 10 to July 31, 2008. Beginning August 1, 2008, the drainage was re-opened to allow subsistence harvest of coho salmon. Gear was limited to rod and reel or dip net. Any sockeye caught had to be immediately returned to the water unharmed. | USFS Craig District Ranger via authority delegated by the FSB |
| FSA 7-RS-03-08 | District 13 Redoubt Lake Sockeye Salmon | Closed Redoubt Lake to the harvest of sockeye salmon from July 18 through September 17, 2008 due to low escapement in compliance with the Redoubt Lake Sockeye Salmon Management Plan. | USFS Sitka District Ranger via authority delegated by the FSB |
| FSA 7-RS-04-08 | District 2 Karta River Sockeye Salmon | Closed the Karta River drainage to the taking of sockeye salmon beginning August 1, Federally qualified users could fish for other salmon with rod and reel or dip net gear. Any sockeye caught had to be immediately released. | USFS Craig District Ranger via authority delegated by the FSB |

**2009-2010 Regulatory Year for Fish and Wildlife**

| Special Action Number | Area & Species Affected | Summary of Action | Authorized By |
|---|---|---|---|
| WSA09-01 | Units 1B and 3 and a Portion of Unit 1C Moose | Amended the definition of a legally harvested moose in Units 1B and 3 and the portion of Unit 1C south of Point Hobart to include moose with two brow tines on each antler. | Federal Subsistence Board |
| WSA09-02 | Unit 5A Goat | Closed the August 1, 2009 through January 31, 2010 Federal goat hunting season in the portion of Unit 5A known as the Nunatak Bench. | Federal Subsistence Board |
| WSA09-03 | Unit 3 Marten | Closed Federal public lands in Unit 3, Kuiu Island only, to trapping or taking of marten from December 1, 2009 through February 15, 2010. | Federal Subsistence Board |
| WSA09-04 | Unit 5A Moose | Delegated authority to the USFS Yakutat District Ranger to establish the quota for moose in Unit 5A, except Nunatak Bench, in consultation with the Alaska Department of Fish and Game (ADF&G) and the Chair of the Southeast Alaska Subsistence Regional Advisory Council, and to | Federal Subsistence Board |

| | | | |
|---|---|---|---|
| | | close the season when the quota has been reached. | |
| SA 7-MO-06-09 | Unit 5A Moose | Reduced the bull moose harvest quota from 60 to 55 in Unit 5A and from 30 to 25 on Federal public lands west of the Dangerous River, except the Nunatak Bench for the 2009 season, October 8-November 15. | USFS Yakutat District Ranger via authority delegated by the Federal Subsistence Board |
| WSA09-05 | Unit 4 Deer | Closed the Federal public lands of Unit 4 draining into Chatham Strait, Peril Strait and Icy Strait, including Tenakee Inlet, to the harvest of female deer by non-federally qualified users for the month of December, 2009. | NOT APPROVED Federal Subsistence Board |
| SA 7-BD-05-09 | Unit 4 Deer | Closed the Federal public lands of the Northeast Chichagof Controlled Use Area of Unit 4 to the taking of female deer from September 14, to November 13, 2009. | USFS Hoonah and Sitka District Rangers via authority delegated by the Federal Subsistence Board |
| WSA09-10 | Unit 4 Deer | Closed the Federal public lands of Unit 4, Northeast Chichagof Controlled Use Area (NECCUA), to the harvest of female deer from November 14, 2009 through December 31, 2009. | Federal Subsistence Board |
| FSA 7-EU-01-09 | Section 1D Unuk River Eulachon | Closed the Unuk River to the taking of Eulachon starting February 22, until April 23, 2009 | USFS Ketchikan District Ranger via authority delegated by the Federal Subsistence Board |
| FSA09-03 | Section 3B Klawock River Sockeye Salmon | Extended the season closing date for the Federal subsistence sockeye salmon fishery in the Klawock River from July 31 to August 7, 2009. | Federal Subsistence Board |
| FSA 7-RS-02-09 | District 6 Hatchery Creek Sockeye Salmon | Reduced the limit for sockeye salmon in the Hatchery Creek drainage to 3 sockeye per day and set an annual limit of 9 sockeye salmon from June 1, until June 28, 2009 Closed a portion of the Hatchery Creek drainage, from 100 feet upstream of the upper falls to 100 feet downstream of the lower falls, to all Federal subsistence fishing, closed the remainder of the drainage to the harvest of sockeye salmon and restricted fishing gear to rod and reel and dip net from June 29 to July 31, 2009. | USFS Craig District Ranger via authority delegated by the Federal Subsistence Board |
| FSA 7-RS-03-09 | District 6 Hatchery Creek Sockeye Salmon | Closed a portion of the Hatchery Creek drainage, from 100 feet upstream of the upper falls to 100 feet downstream of the lower falls, to all Federal subsistence fishing, closed the remainder of the drainage to the harvest of sockeye salmon and restricted fishing gear to rod and reel and dip net from June 20 until July 31, 2009. | USFS Craig District Ranger via authority delegated by the Federal Subsistence Board |
| FSA 7-RS-04-09 | District 6 Hatchery Creek Sockeye Salmon | Closed a portion of the Hatchery Creek drainage, from 100 feet upstream of the upper falls to 100 feet downstream of the lower falls, to all Federal subsistence fishing, closed the remainder of the drainage to the harvest of sockeye salmon and restricted fishing gear to rod and reel and dip net from August 1 until August 16, 2009. | USFS Craig District Ranger via authority delegated by the Federal Subsistence Board |

**Table 3**. Delegated in-season management authority for wildlife in the Southeastern Alaska and Yakutat Areas.

| Area | Species | Delegated Official | Authority Delegated |
|---|---|---|---|
| Unit 1B | Deer | Petersburg District Ranger | To close the season based on conservation concerns, in consultation with ADF&G and the chair of the Southeast Alaska Subsistence Regional Advisory Council (SESRAC) |
| Unit 1B | Moose | Petersburg District Ranger | To close the season based on conservation concerns, in consultation with ADF&G and the chair of the SESRAC. |
| Unit 2 | Deer | Tongass Forest Supervisor | To reduce the harvest to 4 deer (from 5) based on conservation concerns, in consultation with ADF&G and the chair of the SESRAC. |
| Unit 2 | Wolf | Tongass Forest Supervisor | To close the Federal hunting and trapping season, in consultation with ADF&G and the chair of the SESRAC when the combined Federal-State harvest quota is reached. |
| Unit 3 | Deer | Petersburg District Ranger | To close the season on Mitkof, Woewodski and Butterworth Islands based on conservation concerns, in consultation with ADF&G and the chair of the SESRAC. To open the December season by announcement, or to close any portion of the entire season for the remainder of Unit 3 based on conservation concerns, in consultation with ADF&G and the chair of the SESRAC. |
| Unit 3 | Moose | Petersburg District Ranger | To close the season based on conservation concerns, in consultation with ADF&G and the chair of the SESRAC. |
| Unit 4 | Deer | Admiralty, Hoonah, Juneau and Sitka District Rangers | To close, re-open, or adjust the Federal season and to set harvest and possession limits within the limits set by regulation and to close Federal lands to all users. |
| Unit 4 | Bear | Sitka and Hoonah District Rangers | To issue up to five Federal Registration Permits for educational purposes associated with teaching customary and traditional practices. |
| Unit 4 | Goat | Sitka District Ranger | To issue up to three Federal Registration Permits to the Sitka Tribe of Alaska or the Southeast Alaska Indian Cultural Center for Cultural and Educational purposes. |
| Unit 5A | Goat | Yakutat District Ranger | To close the season when the quota has been reached. |
| Unit 5A | Moose | Yakutat District Ranger | To close the season when five moose have been taken from the Nunatak Bench. For the remainder of Unit 5A, except Nunatak Bench- to close the season when 60 bulls have been taken form Unit 5 A and to close that portion west of the Dangerous River when 30 bulls have been taken from that are. |
| Unit 5B | Moose | National Park Service | To close the season when 25 antlered bulls have been taken. |

**Table 4**. Federal Delegated Officials for in-season management authority for fish in the Southeastern Alaska and Yakutat Areas.

| Area | Species | Delegated Official | Authority Delegated |
|---|---|---|---|
| Yakutat; the Yakutat Ranger District, portions of the Wrangell-St. Elias National Park and Preserve and Glacier Bay National Preserve | All fish | Yakutat District Ranger | To issue Special Actions not to exceed 60 days to open or close fishing periods or areas, to specify methods and means, set permit conditions and to set harvest and possession limits for Federal subsistence fisheries. |
| Baranof and Chichagof Islands, mainland of Icy Straits; the Sitka and Hoonah Ranger Districts | All fish | Sitka District Ranger | Same as Yakutat |
| Admiralty Island and Northern Southeast inside waters; the Juneau and Admiralty Ranger Districts | All fish | Juneau District Ranger | Same as Yakutat |
| Prince of Wales and Associated Islands; the Craig and Thorne Bay Ranger Districts | All fish | Craig District Ranger | Same as Yakutat |
| Kuiu, Kupreanof, Zarembo, Etolin, and Wrangell Islands, Stikine River, and Central Southeast inside waters; the Petersburg and Wrangell Ranger Districts | All fish | Petersburg District Ranger | Same as Yakutat |
| Revillagigedo, Gravina, and Duke Islands, and Southern Southeast inside waters; the Ketchikan/Misty Fjords Ranger District | All fish | Ketchikan/Misty Fjords District Ranger | Same as Yakutat |

There remains some uncertainty in the need for delegation of authority for wildlife above what is currently provided by the Board. The proposal asks for authority to close, reopen or adjust Federal subsistence seasons and to set harvest and possession limits for all wildlife. Until there is a situation identified that requires expanded authority, the first step in changing the delegation process should be to provide the same delegations as already established by the Board to the current in-season managers for wildlife with the same constraints.

**OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP10-22 **with modification** to delegate only the same in-season management authority by letter as currently referenced in regulation. In-season management for wildlife on a species by species basis would be delegated to the same managers as presently identified in regulation.

**Justification**

The current system of delegated authorities is the result of a long history of public process and should only be amended through an appropriate public process. Removing the references to positions in area specific regulations could be considered housekeeping provided that the information regarding which delegations is made readily available to the public in the wildlife regulatory booklet. Adopting this proposal, as modified, will provide a rational first step in standardizing in-season management authorities as requested by the Council.

Comments WP10-22
January 29, 2010; Page 1 of 2

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

**Wildlife Proposal WP10-22:** Delegate all of the Federal Subsistence Board's authority to open, close, and restrict hunting and trapping through in-season letters of authority to federal land managers in GMUs 1-5.

**Introduction:** The Southeast Regional Advisory Council (SE RAC) is proposing the Federal Subsistence Board grant the Southeast Alaska federal land managers authority to inseason manage the federal subsistence hunting and trapping seasons. The proposal requests federal land managers be authorized to: close, open, or change seasons and adjust harvest and possession limits. Currently, only certain federal land managers in Southeast Alaska are delegated specific inseason management authorities for identified federal subsistence hunts.

The SE RAC Chair stated their preference of granting the federal land managers some authority at the April 29, 2008, Federal Subsistence Board meeting to close federal subsistence hunting or trapping seasons for conservation purposes if the same federal manager was authorized to change other regulations such as open a season as granted to federal subsistence fisheries managers. The SE RAC also requested delegation of inseason hunt authority in its 2008 Annual report to the Federal Subsistence Board, approved at the March 24, 2009, SE RAC meeting. The Federal Subsistence Board responded to this request on August 4, 2009, as follows:

> **Item 5: In-season Management of Wildlife**
>
> *The Southeast Region has been faced with a number of situations in the past two years where special actions were necessary to provide for conservation of wildlife resources. The Council recommends the board delegate in-season management authority for all wildlife to the same Forest Service managers that have in-season management authority for fish.*

The Federal response to SE RAC annual report in a letter stated**:**

> Under 50CFR100.10 and 36CFR242.10, the Board can delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board. As you note, the Board has previously delegated inseason management authority for fisheries, and in some instances for wildlife, to agency field officials. A primary reason for equipping field officials with in-season fisheries management authority is to provide the required tools to implement timely conservation actions, recognizing the dynamic nature of fish populations. A similar need to universally delegate in-season management authority of all wildlife populations in order to provide for conservation of wildlife resources has not been demonstrated. Instead, for wildlife management, delegation of authority occurs on a case-by-case basis. Any field official receiving delegated in-season management authority is required to complete an analysis, consult with appropriate agencies and individuals, and document rationale for the special action. The Board believes that such

processes have been responsive and timely in regard to processing special actions. Anyone may submit a proposal during the upcoming call for 2010-2012 wildlife regulatory proposals requesting delegation of authority for wildlife management field officials.

**Other Comments**: The Alaska Department of Fish and Game recently supported wildlife special action WSA09-04 which temporarily granted federal land managers inseason authority to close a portion of the federal subsistence moose season in a portion of GMU 5A for conservation purposes following consultation with the Alaska Department of Fish and Game. Although the department supported this special action, the Department requested that the change in delegated authority should not be to expand the moose quota in regulations and requested the authority be clarified by inserting the present harvest quota into the proposal language to establish the upper harvest limit. Confirming that the delegated authority retains the existing maximum harvest quotas and limits set by the department and Federal Board, while delegating authority to reduce the quota and implement a closure is necessary to assure conservation of the moose population.

The Alaska Department of Fish and Game reiterates and amplifies this concern with WP10-22. While WSA09-04 addressed a moose season in a portion of a specific unit, Wp10-22 would broadly delegate all in-season federal subsistence hunt authority to federal land managers in GMUs 1-5. The Department recommends the delegation of in-season management authority for federal land managers should be explicitly detailed in the "Scope of Delegation" and "Guidelines of Delegation" sections of letters of delegation from the Federal Subsistence Board for the purpose of authorizing in-season management actions based on conservation. The letters of delegation should contain sideboards on the delegated power, such as specifying upper limits in quotas for conservation purposes. This is required by 50 CFR 100.10(d)(6) and 36 CFR 242 10(d)(6), which authorize the Board to delegate authority only "within frameworks established by the board." The Board should consult with the Alaska Department of Fish and Game in developing these sideboards. The Alaska Department of Fish and Game recommends language be developed which prohibits liberalizations and conditions that result in reallocation between users without the direction set by the Federal Subsistence Board. The Department also requests that language be added stating that federal managers will consult with the Department prior to making decisions that involve the Department's management of fish and wildlife, as specified in our January 12, 2010, review of the October 14, 2009, proposed rulemaking involving special actions to define what that consultation entails.

Although the proponent and the federal staff explain that addressing this proposal through the Federal Subsistence Board process would allow for a public review and discussion of the proposed solution, adoption of this proposal would eliminate the public from the regulatory process of modifying and expanding delegated authorities. If adopted, designated in-season officials would be issued a letter of delegation by the Federal Subsistence Board which grants all in-season authorities currently in regulation but future changes to the letter of delegation could expand that authority outside of the public process, thus eliminating the transparency of the public process in rulemaking.

The proponent and federal staff indicate this proposed change is necessary for rational implementation of wildlife regulations and cooperative management. The Alaska Department of

Comments WP10-22
January 29, 2010; Page 1 of 2

Fish and Game concludes this point is overstated. The Department has cooperatively guided and assisted federal staff during development and execution of federal subsistence fisheries and hunts for closure for 10 and 20 years, respectively. Eventual full delegation of in-season management authority is not necessary for rational implementation of federal subsistence regulation for conservation of fish and wildlife resources for federal subsistence users on federal public lands in Southeast Alaska. Though the proposed framework for eventually achieving full delegation of authority to designated federal officials in Southeast Alaska has not been deliberated by the Federal Subsistence Board, the Federal Board clearly has not delegated full authority to any federal staff in Alaska for the purpose of managing federal subsistence wildlife hunting or trapping.

The Department presently works cooperatively with federal staff and does not foresee the benefits of adoption of this proposal. Delegation of all of the Board's authority to open, close, and restrict hunting and trapping by federal staff in Southeast Alaska is not only unnecessary and contravenes public process, but it may also exacerbate misunderstandings that the state remains responsible for the sustainability of all wildlife on all lands in Alaska.

**Recommendation:** Oppose. If adopted, modification is needed that clarifies that the letters of delegation will be developed in consultation with the Alaska Department of Fish and Game to include: (1) maximum harvest quotas and harvest limits that do not exceed sustainable harvest established by the State and other sideboards on the exercise of delegated authority, (2) details the requirements and process for consultation with the State, (3) clearly detail the public review process required for modifying letters of delegation and/or protesting such modifications, and (4) direct federal staff to make the letters of delegation reasonably available to the public for review.

| WP10-23/24/25/26 Executive Summary | | |
|---|---|---|
| **General Description** | Proposals WP10-23, -24, -25 and -26 request changes in the wolf hunting and trapping seasons in Southeast Alaska. *Submitted by the Alaska Wildlife Alliance* | |
| **Proposed Regulation** | | |
| **Proposal WP10-23:** | **Units 1, 3, 4 and 5—Wolf Hunting** | |
| | *5 Wolves* | ***Sept. 1–Mar. 31*** ~~*Aug. 1–April 30*~~ |
| **Proposal WP10-24:** | **Units 1, 3 and 4—Wolf Trapping** | |
| | *No limit* | *Nov. 10–**Mar. 31*** ~~*April 30*~~ |
| **Proposal WP10-25:** | **Unit 4—Wolf Hunting** | |
| | ~~***5 Wolves***~~ | ***No Federal open season*** ~~*Aug. 1–April 30*~~ |
| **Proposal WP10-26:** | **Unit 4—Wolf Trapping** | |
| | ~~***No limit***~~ | ***No Federal open season*** ~~*Nov. 10–April 30*~~ |
| **OSM Preliminary Conclusion** | **Oppose** | |
| **Southeast Regional Council Recommendation** | | |
| **Interagency Staff Committee Comments** | | |
| **ADF&G Comments** | **Oppose** | |
| **Written Public Comments** | **1 Oppose** | |

# DRAFT STAFF ANALYSIS
# WP10-23, -24, -25 AND -26

## ISSUES

Proposals WP10-23, -24, -25 and -26 were submitted by the Alaska Wildlife Alliance and request changes in the wolf hunting and trapping seasons in Southeast Alaska.

## DISCUSSION

Proposal WP10-23 requests that wolf hunting not be allowed in Units 1, 3, 4 and 5 in the months of August and April. Proposal WP10-24 requests that wolf trapping not be allowed in Units 1, 3 and 4 in the month April. Proposals WP10-25 and -26 seek to close the 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.

### 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 WP10-23:

| | |
|---|---|
| **Units 1, 3, 4 and 5—Wolf Hunting** | |
| *5 Wolves* | ***Sept. 1–Mar. 31*** <br> ~~*Aug. 1–April 30*~~ |

Proposal WP10-24:

| | |
|---|---|
| **Units 1, 3 and 4—Wolf Trapping** | |
| *No limit* | *Nov. 10–**Mar. 31*** ~~*April 30*~~ |

Proposal WP10-25:

| | |
|---|---|
| **Unit 4—Wolf Hunting** | |
| ~~***5 Wolves***~~ | ***No Federal open season*** <br> ~~*Aug. 1–April 30*~~ |

Proposal WP10-26:

**Unit 4—Wolf Trapping**

| | |
|---|---|
| ~~***No limit***~~ | ***No Federal open season*** ~~*Nov. 10–April 30*~~ |

**Existing State 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. 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) 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 land (see **Unit 3 Map**).

Federal public lands comprise approximately 96% of Unit 4 and are nearly 100% USFS 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 lands (see **Unit 5 Map**). Glacier National park 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 to 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.

**Biological Background**

Wolves (*Canis lupus)* likely moved into Southeast Alaska following postglacial immigration and establishment of Sitka black-tailed deer populations (Lowell 2006b). 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 2006b). 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. 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.

<u>Unit 1</u>

The wolf population in Unit 1A appears to be stable (Porter 2006). Though data was limited, Lowell (2006a) 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 is not sufficient data to provide meaningful population estimates (Barten 2006a, Scott 2006).

<u>Unit 3</u>

Lowell (2006b) 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 number, 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 $mi^2$ 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 2006b). 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 2006a). Porter (2006) and Lowell (2006a and b) observed that recent low harvest and low effort has likely been related to high gas prices.

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 2008/09, the reported annual harvest of wolves ranged from 67 to 141 wolves in Units 1, 3 and 5 (**Table 1**). Of the 1081 cumulative harvest during that period, 118 (11%) 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.

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 ≤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 low. Lowell (2006a) 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.

**Table 1.** Reported wolf harvest and method of take for Units 1, 3 and 5 (ADF&G 2009 and 2010).

| Regulatory | Reported Total | August & April | Method of take for total harvest from Units 1, 3 and 5 | | | | |
|---|---|---|---|---|---|---|---|
| Year | Harvest | Harvest | Trap/ snare | (%) | Shot | % | Unk |
| 1999/2000 | 129 | 19 | 77 | 60 | 49 | 38 | 3 |
| 2000/01 | 141 | 17 | 97 | 69 | 44 | 31 | 0 |
| 2001/02 | 113 | 15 | 77 | 68 | 33 | 29 | 3 |
| 2002/03 | 139 | 17 | 84 | 60 | 52 | 37 | 3 |
| 2003/04 | 90 | 0 | 55 | 61 | 35 | 39 | 0 |
| 2004/05 | 77 | 0 | 51 | 66 | 26 | 34 | 0 |
| 2005/06 | 96 | 11 | 56 | 58 | 40 | 42 | 0 |
| 2006/07 | 103 | 4 | 53 | 51 | 23 | 20 | 26 |
| 2007/08 | 67 | 12 | 35 | 52 | 32 | 48 | 0 |
| 2008/09 | 126 | 23 | 72 | 57 | 53 | 42 | 1 |

Unit 3

Lowell (2006b) observed that most of Unit 3 is not trapped for wolves and that hunters/trappers using highway vehicles harvested the majority of the wolves. 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 WP10-23 is adopted, the Federal wolf hunting season in Units 1, 3, 4, and 5 would be closed August 1–31 and April 1–30, thereby shortening the seasons in these units by 61 days. If Proposal WP10-24 is adopted, it would close Federal wolf trapping seasons in Units 1, 3 and 4 during April, thereby shortening the seasons in these units by 30 days. Between regulatory years 1999/2000 and 2008/09, 11% of the reported wolf harvest in Units 1, 3 and 5 occurred in August and April (**Table 1)**.

If Proposals WP10-25 and -26 are adopted, the Federal wolf hunting and trapping seasons in Unit 4 would 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 WP10-23 would make the Federal subsistence wolf hunting seasons for Unit 1, 3, 4 and 5 shorter than the State seasons. Proposal WP10-24 would make the Federal subsistence wolf trapping seasons for Units 1, 3 and 4 even shorter than the State seasons. The proposed closure of wolf hunting and trapping for Unit 4 would make the Federal subsistence regulations more restrictive than the State regulations.

## OSM PRELIMINARY CONCLUSION

**Oppose** Proposals WP10-23, -24, -25 and -26.

### Justification

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 were adopted by the Federal Subsistence Board, hunters would still be able to take wolves under State regulations on USFS, Wrangell St. Elias National Preserve and Glacier Bay National Preserve lands. Therefore, adoption of these proposals by the Federal Subsistence Board would not have the effect sought by the proponent.

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Comments WP10-23, Wp10-24, WP10-25, WP10-26
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**Alaska Department of Fish and Game**
***Comments to the Regional Advisory Council***

**Wildlife Proposal WP10-23:** 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.

**Wildlife Proposal WP10-24:** Shorten the wolf trapping season in Units 1, 3, and 4 from the present dates of November 10 through April 30 to November 10 through March 31.

**Wildlife Proposal WP10-25:** Eliminate the wolf hunting season in Unit 4.

**Wildlife Proposal WP10-26:** Eliminate the wolf trapping season in Unit 4.

**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 and trapping 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 WP10-23 would shorten the wolf hunting season from 9 months to 7 months, reducing some opportunity for federal subsistence hunters and WP10-24 would shorten the wolf trapping season by ending March 31 instead of April 30, also reducing federal subsistence trapping opportunities. 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. The past three severe winters lowered these prey

species populations, and any additional mortality could inhibit their ability to recover. Given that no wolves have been harvested in Unit 4, proposals 25 and 26 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 past three 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.

**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. The wolf trapping season under state regulation in this area is November 10 through April 30 with no bag limit.

**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**: This proposal might result in some confusion by federal subsistence users who would have a shorter season than those hunting under state regulations.

**Recommendation:** Oppose.

## WRITTEN PUBLIC COMMENTS

**Oppose**. We have a very high level of respect for Alaska's wolf population and believe they are integral to the fabric of Alaska. However, they have to have population control measures that will enable prey species to live within balance of what their habitats will provide. Wolves have to be included into the management process in an active enough manner to provide maximum human benefit from the prey species. This type of management provides the best stewardship possible for the prey species as well as all people who depend upon or enjoy the benefit of high density population equilibriums. As the Federal Subsistence Board is mandated with providing important subsistence hunting opportunities and the scope of these proposals takes away from that objective, we encourage the Board not to pass these proposals.

*Alaska Professional Hunters Association*

# FEDERAL FISHERIES CLOSURE REVIEW
# FCR10-01

**Closure Location:** Sarkar River System, upstream of the highway bridge.

**Current Federal Regulation:**

> *27(i)(13)(xiii) The Sarkar River system above the bridge is closed to the use of all nets by both Federally qualified and non-Federally qualified users.*

**Closure Dates:** Year round

**Current State Regulation**

The Sarkar subsistence fishery is not defined under State regulation. There is, however, a customary and traditional use determination defined under State regulation:

> *5AAC 01.716(15) salmon, Dolly Varden char, and steelhead trout in Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point and in waters of Warm Chuck Inlet north of a line from a point on Hecata Island at 55 44'N. lat., 133 25'W.long to Bay Point, and in Section 3-C in waters of Karheen Passage north of 55 44'N. lat., and east of 133 20'W. long and in waters of Sarkar Cove and Sarkar Lakes.*

Regulations for the Sarkar River subsistence fishery are determined each year, prior to the fishery, by the Alaska Department of Fish and Game Ketchikan area management biologist. Typical permit conditions allow the fishery to occur from June 1 to July 31, with a daily harvest limit of 20 sockeye. There is no annual limit for sockeye at Sarkar. Fishing gear has typically been limited to beach seines, hand purse seines, and dip nets under the terms of a State subsistence fishing permit.

**Regulatory Year Initiated:**

Proposal FP00-35 was reviewed and deliberated on during the 2000 regulatory cycle. Federal Subsistence Board (Board) action on this proposal occurred on December 5, 2000. The closure became effective during the 2001 fishing season.

**Proposal number of initial closure and any subsequent proposals:**

FP00-35 was submitted by Mike Douville of Craig, Alaska. The proposal requested a prohibition to the use of nets above the Sarkar Bridge. The proposal was submitted out of concern that the use of nets within the freshwater portion of the drainage was not allowing for enough sockeye salmon escapement. The proponent indicated that nets had never been used traditionally above saltwater. Road access (with bridge crossing) since the late 1960's, and a Forest Service cabin on Sarkar Lake since 1965 has allowed easier access to Sarkar River. With easier access, subsistence fishers were able to utilize beach seines and dip nets at or upstream of the bridge (freshwater) increasing the harvest of sockeye on the spawning grounds.

**Closure last reviewed:** Not previously reviewed

**Justification for original closure (Section 815(3) criteria):**

With subsistence users expressing concern over the apparent decline in sockeye escapement at the Sarkar River, suggesting this decline most likely being attributed to the use of nets within the spawning grounds, the Board unanimously supported the proposal to restrict the use of nets above the highway bridge.

**Council recommendation for original closure:**
The Southeast Alaska Subsistence Regional Advisory Council (Council) supported the proposal as submitted by the proponent.

**State recommendation for original closure:**
The State's recommendation was to oppose the proposal. A proposal was submitted to the Alaska Board of Fisheries in 2000 by the East Prince of Wales Fish and Game Advisory Committee, which, believing that Sarkar River sockeye salmon were on the verge of a conservation concern, requested a reduction in the daily harvest limit, implementation of an annual limit, and establishment of a defined subsistence fishing schedule for the Sarkar River drainage. The Board of Fisheries opposed the proposal on the grounds that harvests from the Sarkar River had been stable and there appeared to be no conservation concern with the stock.

**Other significant comments presented when the Board adopted the original closure:**
The Interagency Staff Committee recommendation was to only prohibit the use of gillnets. During Board discussions, however, it was revealed that gillnets were not allowable gear, and that the Council's recommendation was supported by Federally qualified subsistence users, and did not eliminate sport fishing opportunity or the ability to use rod and reel gear. The Board adopted the original proposal as submitted by the proponent and recommended by the Council.

**Resource population trend:**
Limited salmon escapement information exists for the Sarkar River system. A weir was operated during 1982 and 1983. Weir counts totaled 7,975 sockeye in 1982, and 2,336 sockeye in 1983. Escapement observations have been conducted via aerial and foot surveys on the Sarkar River system, however these are not considered total counts for the system and the surveys primarily targeted pink salmon escapement. Peak annual escapement survey counts varied over the period from 1941 to 1999, ranging from a low of 211 sockeye in 1993 to a high of 55,000 sockeye in 1955 (Orrell et al 1963, Edgington et al 1981, ADF&G 2000).

**Harvest trend and/or fishing effort:**
Until 2007, all subsistence fishing effort occurred under the terms of a State issued subsistence fishing permit. Harvests have ranged from 66 to 2,437 sockeye during the period of 1985 to 2008 (Pappas, 2009). Since 2007, only 121 sockeye have been reported on Federal subsistence fishing permits (Forest Service, 2009). These fish were reported as taken with rod and reel, handline, and beach seine gear. The Federal jurisdictional boundary occurs downstream of the highway bridge, so it is most likely sockeye taken under a Federal permit by beach seine were in the area downstream of the bridge.

**OSM PRELIMINARY RECOMMENDATION:**

X **maintain status quo**
__ **initiate proposal to modify or eliminate the closure**
__ **other recommendation**

**Justification:**
There have been no new population studies to determine if the Sarkar River sockeye population can sustainably support net fishing above the bridge. Although anecdotal information indicates that sockeye were abundant in 2008 and 2009, there is no assurance that the population is healthy enough to allow subsistence harvest by net from the spawning grounds. Lastly, this restriction is only on the use of nets. Users may still use other gear if they choose to harvest sockeye upstream of the highway bridge.

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# Fall 2010 Regional Advisory Council Meeting Window

*August 30–October 15, 2010 current as of 02/22/10*

Meeting dates and locations are subject to change.

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

# Winter 2011 Regional Advisory Council Meeting Window

*February 15–March 24, 2011 current as of 02/22/10*

Meeting dates and locations are subject to change.

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