

## FEDERAL SUBSISTENCE BOARD 805(c) REPORT

April 2-5, 2024

Anchorage, AK

Section 805(c) of the Alaska National Interest Lands Conservation Act provides that the “Secretary ... shall consider the report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses.” The Secretary has delegated authority to issue regulations for the take of fish and wildlife to the Federal Subsistence Board (Board). Pursuant to this language in Section 805(c), the Board defers to the Council’s recommendations. However, Section 805(c) also provides that the Board “may choose not to follow any recommendations which [it] determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.” The purpose of this report is to detail how the Board’s action differed from the Council’s recommendations based on these criteria.

### BRISTOL BAY AREA WILDLIFE PROPOSALS

#### Regional Proposals

##### Wildlife Proposal WP24-12/13/14 – Extend the Unit 9B moose season

DESCRIPTION: Wildlife Proposals WP24-12/13/14 requested request extending the closing date of the fall moose season in Unit 9B to September 25.

##### COUNCIL RECOMMENDATIONS:

Bristol Bay Subsistence Regional Advisory Council – **Support with modification** to open the Unit 9B moose season 5 day earlier, Aug. 27 – Sept. 20.

BOARD ACTION: **Adopt WP24-12 with modification** to extend the Unit 9B moose season by 5 days at the beginning and 5 days at the end, changing the season to Aug. 27 - Sept. 25. **Take no action** on WP24-13 and WP24-14, based on the action taken on WP24-12.

JUSTIFICATION: The Council suggested adding the five-day season extension to the beginning to increase access to moose as well as the moose being more palatable prior to the rut. However, with the seasons being warmer, there are also concerns about it being too warm to hunt in August. Adding 10 days to the season provides the additional flexibility and opportunity needed for subsistence users to harvest a moose.

There are currently no conservation concerns with moose in Unit 9B, and the biologist with Lake Clark National Park does not believe that adding these additional days would cause conservation concern. Adding 5 days to the season at the beginning and 5 days at the end of the current season provides a reasonable priority for federally qualified subsistence users.

## **Wildlife Proposal WP24-18 – Unit 17 Nushagak Caribou Hunt Area**

DESCRIPTION: Wildlife Proposal WP24-18 proposed to expand the hunt area for the Nushagak Peninsula Caribou Herd.

### COUNCIL RECOMMENDATIONS:

Bristol Bay Subsistence Regional Advisory Council – **Support with OSM modification**

Western Interior Alaska Subsistence Regional Advisory Council – **Support**

BOARD ACTION: **Adopt with Board modification** to further expand the hunt area as recommended by the Bristol Bay Tribes and modify the Delegation of Authority letter to reflect the new hunt area boundary and delegate additional authority to “set harvest areas.”.

JUSTIFICATION: After much public testimony at the Board meeting, the Board modified the proposal to further expand the hunt area to account for local knowledge holder input. The Nushagak Peninsula Caribou herd has been expanding westward and modifying the hunt area to account for that will allow for continuation of subsistence uses in areas closer to local communities. Concerns about harvest of Mulchatna caribou were expressed if the hunt area were expanded further because historically the ranges of these two caribou herds overlapped. Delegating additional authority to allow the in-season manager to “set harvest areas” allows the new hunt area to be partially opened or closed, allowing for continuation of subsistence uses while protecting the Mulchatna Caribou Herd should their range overlap with the Nushagak Peninsula Caribou Herd in the future.

## **Statewide Proposals**

### **Wildlife Proposal WP24-01 – Sale of Brown Bear Hides**

DESCRIPTION: Wildlife Proposal WP24-01 requested allowing the sale of brown bear hides statewide.

### COUNCIL RECOMMENDATIONS:

Southeast Alaska Subsistence Regional Advisory Council—**Take No Action**

Southcentral Alaska, Kodiak/Aleutians, Bristol Bay, and Northwest Arctic Subsistence Regional Advisory Councils—**Support**

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council—**Oppose**

Western Interior Alaska, Seward Peninsula, and North Slope Subsistence Regional Advisory Councils—**Support as modified by OSM** to allow the sale of brown bear hides with claws attached in areas where the Federal harvest limit is two bears every regulatory year and after first obtaining a permit available at the time of sealing from an Alaska Department of Fish and Game (ADF&G) sealing officer.

Eastern Interior Alaska Subsistence Regional Advisory Council—**Support with modification** to include black bear hides in the regulation.

**BOARD ACTION:** **Defer** until the Board’s summer work session in August 2024

**JUSTIFICATION:** The Board supported the intent of the proposal as written. It deferred its action on Wildlife Proposal WP24-01 because adopting the proposed regulation might conflict with the Convention on International Trade in Endangered Species (CITES), an international treaty.

ADF&G is the authority under CITES regulating the international export of brown bear hides harvested in Alaska. ADF&G prepares every hide for purchase that it seals by requiring that you obtain a “Permit to Sell a Brown/Grizzly Bear Hide and/or Skull” from ADF&G at the time of sealing. ADF&G restricts the sale of hides to brown bears harvested in areas with a two-brown bear harvest limit only. Deferred Proposal WP24-01 is a request to allow sale of hides to brown bears legally harvested in areas with less than a two-brown bear harvest limit.

The Board’s justification for deferring the proposal was twofold: (1) to allow time to explore options for a federally qualified subsistence user to obtain from a Federal agency a permit allowing the sale of a hide and (2) to potentially establish a workgroup to negotiate with ADF&G concerning the use of its “Permit to Sell a Brown/Grizzly Bear Hide and/or Skull.”

The Board said that Federal regulations require that the edible meat be salvaged for human consumption, so the brown bear must be hunted for food. Allowing for the sale of a hide harvested in an area with a one-brown bear harvest limit is not expected to cause an increased harvest or conservation concern but will allow for subsistence hunters to benefit from the sale of the hide under customary trade provisions.

Additionally, the proponent of this proposal lives in a resident zone community of Wrangell-St. Elias National Park, and sale of brown bear hides taken on National Park or National Monument lands is currently not allowed. Adopting the proposal will allow the sale of hides harvested on National Park or National Monument lands.