



# BRISTOL BAY ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL Meeting Materials

*March 8 - 9, 2023  
Naknek*





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*On the cover...*

Crater of Mt. Chiginagak.  
Alaska Peninsula National Wildlife Refuge.



USFWS photo

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**BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Dolly Hall

Naknek

March 8 – 9, 2023

convening at 8:30 am daily

**TELECONFERENCE:** call the toll-free number: 1-866-801-9605, then when prompted enter the passcode: 29886091

**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. The Chair will identify the opportunities to provide public comments. 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

**AGENDA**

\*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** (*Chair*)
- 3. Roll Call and Establish Quorum** (*Secretary or DFO*)
- 4. Meeting Announcements** (*DFO*).....4
- 5. Welcome and Introductions** (*Chair*)
- 6. Review and Adopt Agenda\*** (*Chair*) ..... 1
- 7. Election of Officers**
  - Chair (*DFO*)
  - Vice-Chair (*New Chair*)
  - Secretary (*New Chair*)
- 8. Review and Approve Previous Meeting Minutes\*** (*Chair*)..... 5
- 9. Reports**
  - Council Member Reports
  - Chair’s Report
- 10. Public and Tribal Comment on Non-Agenda Items** (available each morning)

**11. Old Business (Chair)**

- a. 805(c) Report (*Leigh Honig, Council Coordinator*)
- b. North American Caribou Workshop and Arctic Ungulate Conference Update (*Kendra Holman, OSM Wildlife*)..... 13
  - 1. Feedback from Councils on the State and Federal ungulate management in Alaska symposium..... 14

**12. New Business (Chair)**

- a. Wildlife Closure Reviews
  - 1. **WCR24-04/06:** Unit 9C, remainder closed to caribou hunting except by residents of Unit 9C and Egegik, and Unit 9E closed to caribou hunting except by residents of Unit 9E, Nelson Lagoon and Sand Point (*Kendra Holman, OSM Wildlife*)..... 15
- b. Call for Federal Wildlife Proposals\* (*Kendra Holman, OSM Wildlife*) ..... 31
- c. 2021 Council Charter Review\* ..... 87
- d. Review and approve FY2022 Annual Report\* (*Leigh Honig, Council Coordinator*) ..... 34
- e. Federal Subsistence Board Updated Draft Council Correspondence Policy (*OSM*)..... 39
- f. Fisheries Resource Monitoring Program Update (*OSM, Anthropology and Fisheries Divisions*)
  - 1. FRMP Presentations (*TBD*)
- g. Partners for Fisheries Monitoring Program Update (*OSM, Anthropology and Fisheries Divisions*)
- h. Regulatory Cycle Update (*OSM, Anthropology and Fisheries Divisions*)
- i. NPS seeks input on proposed changes to 2020 Hunting and Trapping regulations on national preserves in Alaska (*NPS*) ..... 41

**13. Agency Reports**

(Time limit of 15 minutes unless approved in advance)

- a. Tribal Governments
- b. Native Organizations
- c. North Pacific Fishery Management Council
- d. US Fish and Wildlife Service
  - Togiak National Wildlife Refuge Report (*Andy Aderman, Wildlife Biologist*) ..... 49
  - Alaska Peninsula and Becharof National Wildlife Refuge Report ..... 55
- e. National Park Service
- f. Bureau of Land Management
- g. National Oceanic and Atmospheric Administration
  - Spring Climate Outlook (*Brian Brettschneider, NOAA*)..... 59
- h. Alaska Department of Fish and Game
- i. Office of Subsistence Management

**14. Future Meeting Dates\***

Confirm Fall 2023 meeting date and location ..... 83  
Select Winter 2024 meeting date..... 84  
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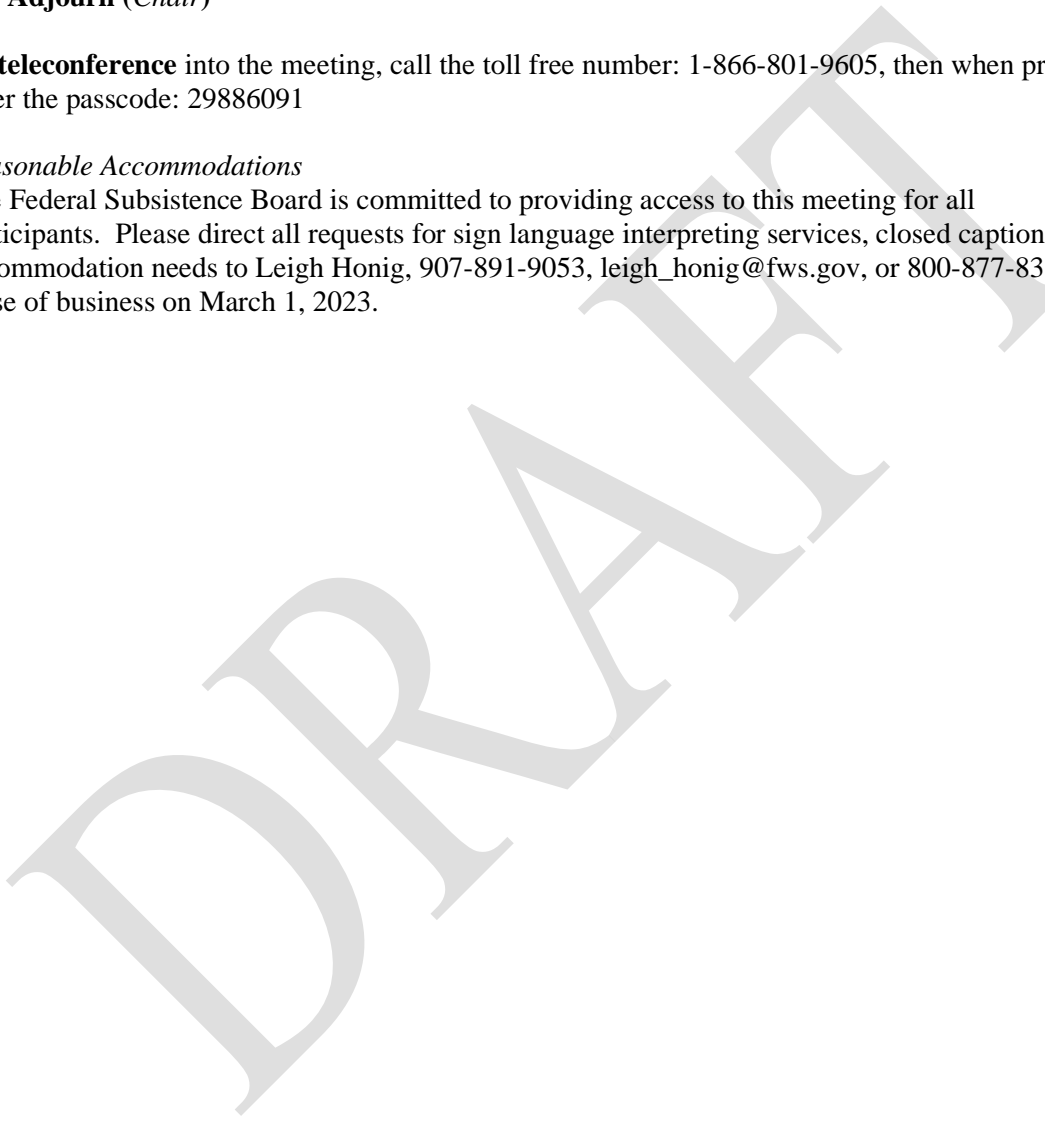
**15. Closing Comments**

**16. Adjourn (Chair)**

**To teleconference** into the meeting, call the toll free number: 1-866-801-9605, then when prompted enter the passcode: 29886091

*Reasonable Accommodations*

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Leigh Honig, 907-891-9053, leigh\_honig@fws.gov, or 800-877-8339 (TTY), by close of business on March 1, 2023.



**REGION 4—Bristol Bay Regional Advisory Council**

Seat	Yr Apptd <i>Term Expires</i>	Member Name	Represents
<b>1</b>	2022 <b>2025</b>	<b>John I. Christensen, Jr.</b> Port Heiden	Subsistence
<b>2</b>	2022 <b>2025</b>	<b>Robert P. Hill</b> Naknek	Subsistence
<b>3</b>	2003 <b>2025</b>	<b>Nanci A. Morris Lyon</b> <b>Chair</b> King Salmon	Comm/Sport
<b>4</b>	<b>2023</b>	<b>VACANT</b>	
<b>5</b>	2017 <b>2023</b>	<b>William W. Trefon, Jr.</b> Nondalton	Subsistence
<b>6</b>	<b>2023</b>	<b>VACANT</b>	
<b>7</b>	2003 <b>2023</b>	<b>Dan O. Dunaway</b> <b>Vice Chair</b> Dillingham	Comm/Sport
<b>8</b>	2012 <b>2024</b>	<b>Lary J. Hill</b> Iliamna	Subsistence
<b>9</b>	2021 <b>2024</b>	<b>Norman N. Anderson</b> Dillingham	Subsistence
<b>10</b>	2009 <b>2024</b>	<b>Richard J. Wilson</b> <b>Secretary</b> Naknek	Subsistence



**BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL**  
**Meeting Minutes**

Curyung Tribal Council Office  
Dillingham  
November 2, 2022

**Invocation:**

Richard Wilson provided an invocation.

**Call to Order, Roll Call, and Quorum Establishment:**

The meeting was called to order Wednesday, November 2, 2022, at 8:35 am. Council members Norman Anderson, Nanci Morris-Lyon, Dan Dunaway, and Richard Wilson were present in person. Lary Hill attended via teleconference for half of the day due to phone issues. William Trefon, Jr. was not present and was not excused. With five out of six seated Council members present (Council has four vacant seats) the quorum was established.

**Attendees:**

***In person:***

- Bristol Bay Native Association (BBNA): ***Gayla Hoseth and Cody Larson***
- Bureau of Indian Affairs (BIA): ***Rosalie Debenham***
- U. S. Fish and Wildlife Service (USFWS): ***Sara Boario***
- Katmai National Park and Preserve: ***Troy Hamon***
- Lake Clark National Park and Preserve: ***Liza Rupp and Susanne Fleek-Green***
- National Park Service (NPS): ***Dillon Patterson***
- Aniakchak National Monument: ***Mark Sturm***
- Togiak National Wildlife Refuge (NWR): ***Andy Aderman***
- Curyung Tribal Council: ***Courtenay Carty***
- Office of Subsistence (OSM): ***Lisa Grediagin, Katya Wessels, Jarred Stone, Leigh Honig, and Pippa Kenner***
- Alaska Peninsula and Becharof NWR: ***Bryce Woodruff, Susan Alexander, and Phil Smith***
- Alaska Department of Fish and Game (ADF&G): ***John Landsiedel, Chance Wilcox, and Evelyn Lichwa***

***Via teleconference:***

- USFWS: ***Jill Klein and Jon Gerken***
- Bureau of Land Management: ***Walker Gusse***
- OSM: ***Robbin La Vine, Kendra Holman, Jason Roberts, and Scott Ayers***
- ADF&G: ***Amy Vandervoort and Mark Burch***
- Curyung Tribal Council: ***Desi Bond***

- Togiak NWR: **Pat Walsh**
- Trustees for Alaska: **Geoff Toy**
- NPS: **Eva Patton**

### **Review and Adopt Agenda:**

Motion by Member Dunaway, seconded by Member Wilson, to adopt the agenda as read with the following changes:

- Add Alaska Peninsula and Becharof NWR under Agency Reports USFWS section

The motion passed unanimously.

### **Review and Approve Previous Meeting Minutes:**

Motion by Member Dunaway, seconded by Member Wilson, to approve the winter 2022 meeting minutes with the following modifications: add the date, February 8, 2022, and replace “bear” with “beaver” on page 11.

The motion passed unanimously.

### **Council Member and Chair Reports:**

Richard Wilson of Naknek reported that it had been a busy year; there was an abundance of fish and game coming back. Ptarmigan population levels are starting to recover. Folks were able to have moose and see caribou on occasion. He even had a caribou in his yard. He looked forward to the discussion with the Council on bycatch issues.

Dan Dunaway of Dillingham reported that the red (Sockeye) salmon returns were phenomenal in the Dillingham area. In King Salmon, the returns were not as good and is a concern. He heard from folks that the moose season was good. People in the community had been harvesting smelt recently.

Norman Anderson of Dillingham reported that he couldn't participate in subsistence activities due to some health issues. He received a Tier II caribou permit and plans on hunting during the winter.

Lary Hill of Iliamna apologized he couldn't make the meeting in person. There was interference on the phone making it difficult to hear his report.

Nanci Morris-Lyon of King Salmon reported that the Sockeye Salmon run was incredible. She was humbled and honored to be able to witness a run of that size, depth, and width. The rainy summer presented some challenges. Folks in her area were able to fill their freezers with moose and salmon. Ptarmigan and spruce grouse numbers seem to be improving. She has concerns over king (Chinook) salmon and feels that hard decisions are going to have to be made here soon to protect the species. She

invited the Regional Director of USFWS Sara Boario, who was present at the meeting in person, to share a few words.

Director Boario expressed to the Council she was happy to be able to attend the meeting in person and understood how difficult it was for the Council to conduct business remotely the past two years. Before becoming Regional Director, she had worked eight years with USFWS, and prior to that she had spent nine years with the U. S. Forest Service. The first seven months as Regional Director had been spent connecting with people throughout the state as places have started to open back up. The ability to meet people in person has created meaningful connections and has been fulfilling. She looked forward to hearing the Council discussions.

### **Old Business:**

The Council received presentations on the following topics:

- **Federal Subsistence Board (Board) 805(c) Report summary** presented by Council Coordinator Leigh Honig.
- **Board FY-2021 Annual Report Replies summary** presented by Ms. Honig. Member Dunaway spoke about the concerns of increased bear populations. He noted the season was already liberal and inquired about the ability of making it easier to sell bear hides. Member Dunaway will work with OSM staff on proposal development to bring back to the Council to discuss. Ms. Hoseth with BBNA and Chair Morris-Lyon discussed the turnover in agency staff and the Board and requested training be provided to ensure ANILCA is being followed and prevails over agency specific regulations.
- **Council Expenses for Fiscal Year 2022** presented by Ms. Honig.
- **Council Correspondence update** presented by Ms. Honig. The Council wrote a letter to the Board expressing concerns over HR4716 that sought to prohibit the use of body gripping traps within the NWR system. The letter was sent to the Secretary of the Interior, the Alaska Congressional Delegation, the Alaska Governor, and the Bristol Bay region representative in the Legislature. The bill was introduced in the House of Representatives and had not been taken up by Committee. USFWS provided technical assistance and worked with Representative Nadler of New York to include an exemption of Alaska's Refuges from the bill.
- **Deferred Wildlife Proposal WP22-40:** Deferred WP22-40 wolf and wolverine, Units 9B, 9C, 17B, 17C, allowing the use of snowmachines for positioning animals, was presented by Pippa Kenner, Anthropologist with OSM. The Board, at the request of the Council, deferred the proposal from its April 2022 meeting to allow the Council time to formulate language that would encompass the traditional harvest methods the Council was seeking. A working group met in September of 2022 to discuss the proposal further. At the Council meeting, public testimony from subsistence users in the region supported the working group's recommendation as it incorporated traditional harvest practices.

Motion made by Member Dunaway, seconded by Member Wilson, to amend the regulatory language and the Council's recommendation on WP22-40 to read "in Units 9C, 9B, Unit 17A, 17B, 17C, on open Federal lands a snowmachine may be used to approach and pursue wolves and

wolverine but may not come in contact with a live animal. An approach and pursuit under this paragraph is not driving, herding, or molesting under §\_\_.26(b)(5) Subsistence taking of wildlife. The motion as amended passed on a unanimous vote.

**New Business:**

***Fisheries Proposals and Closure Reviews:***

*Regional:*

**FCR21-13:** Review closure to subsistence harvest of salmon in Russel Creek and Nurse Lagoon – Waters of Russell Creek and Nurse Lagoon and within 500 yards outside of the mouth of Nurse Lagoon.

Motion by Member Dunaway, seconded by Member Wilson, to support the OSM conclusion on fisheries closure review FCR21-13. The Council motion to rescind the closure passed on a unanimous vote.

The Council agreed with the recommendations of the Kodiak Aleutians Regional Advisory Council and supports following Title VIII of ANILCA when resources are limited. Sport fishing should not occur when subsistence fishing is not permitted.

**FCR23-13:** Review closure to subsistence harvest of salmon in Trout Creek and within 500 yards outside its mouth.

Motion by Member Dunaway, seconded by Member Wilson, to support the OSM conclusion on fisheries closure review FCR23-13. The Council motion to rescind the closure passed on a unanimous vote.

The Council agreed with the recommendations of the Kodiak Aleutians Regional Advisory Council and supports following Title VIII of ANILCA when resources are limited.

***2024 Fisheries Resource Monitoring Program (FRMP)***

Jarred Stone, OSM Fisheries Biologist, led the discussion on the 2024 notice of funding opportunity for the FRMP and the development of priority information needs, the first draft of which was worked on by volunteers from the both the Kodiak/Aleutian and Bristol Bay Councils over the summer. The Council was in support of the priority information needs that were developed. Member Wilson requested a priority information need be further developed to also include harvest monitoring of Chinook Salmon by user group in the Bristol Bay region. The Council also added another priority information need, “All-encompassing regional study of sharing networks, particularly with communities in need (e.g., Chignik and Yukon communities).”

Motion by Member Wilson, seconded by Member Dunaway, to adopt the priority information needs with Member Wilson’s addition for submission to the 2024 FRMP. The motion passed on a unanimous vote.

### ***Partners for Fisheries Monitoring Program***

Mr. Stone provided the notice of funding opportunity for the Partners for Fisheries Monitoring Program that seeks proposals through a competitive grant for Alaska Native and rural nonprofit organizations to strengthen Alaska Native and rural involvement in Federal subsistence management. The grant, in addition, provides funding for science and culture camps and paid student internship.

### ***Harvest of Wildlife for Sport Purposes in National Preserves***

Susanne Fleek-Green, NPS, Lake Clark National Park and Preserve Superintendent, provided a report on the proposed wildlife rule that would affect sport hunting in National Preserves. At the time of the meeting, the proposed rule had not been published in the Federal Register. In 2015, the NPS finalized a rule that limited sport hunting activities such as hunting of black bears with artificial light at den sights, bear baiting, hunting and trapping wolves and coyotes including pups during denning season, and shooting caribou while swimming in National Preserves. In July 2020, under direction of the Department of Interior, the rule was rescinded. Coming full circle, under the direction of Secretary Deb Haaland, NPS has been tasked with revising the 2015 rule. Once the rule has been published, NPS staff will consult with Tribes and the State of Alaska and will review the rule to ensure it incorporates hunting practices that are consistent with legal and policy framework applicable to sport and non-subsistence harvest in National Preserves.

### ***Joint meeting: North American Caribou Workshop and Arctic Ungulate Conference in May 2023***

Lisa Grediagin, OSM Wildlife Division Supervisor, provided an announcement about the conference that will be held in Anchorage from May 8 – 12, 2023. The meeting will bring together an international group of managers, researchers, and indigenous and local knowledge holders who want to share their knowledge of caribou, muskoxen, Dall sheep, moose, and reindeer. The conference will include plenary sessions on co-management, the global status of caribou, integrating western science and indigenous knowledge and the effects of climate change on caribou. The Council provided feedback on possible topics to discuss during a “State and Federal ungulate management in Alaska” symposium, including the effects of climate change, predator control, overgrazing, and disease on ungulate populations. The Council also discussed the importance of hearing what has been happening on a circumpolar level to gain perspective on how Alaska’s caribou concerns may also be of concern to other countries. In addition, the Council discussed caribou demographics and the possibility of managing resident herds as a separate population, specifically the herd near Kokhanok.

Motion by Member Wilson, seconded by Member Anderson, to nominate Member Dunaway to attend the conference with Member Anderson as an alternate. The motion passed on a unanimous vote.

***Call for Regional Advisory Council appointments for Aniakchak Subsistence Resource Commission***

Dillon Patterson, NPS Subsistence Program, provided the call for Council appointments to the Aniakchak Subsistence Resource Commission (SRC). The SRC provides local subsistence users an opportunity to inform the management of subsistence resources in Aniakchak and the surrounding area in Unit 9E. There are currently two vacant Bristol Bay Council seats on the Aniakchak SRC. Members of the Council or the Local Advisory Council (AC) who live and participate in subsistence uses in the Monument area are eligible for the appointment. The Council did not take any action on the call for appointments, as the Council at the time of the meeting did not have any names to put forward. The Council suggested that the Lower Bristol Bay AC may have names to put forth for appointment and hoped to appoint someone at their winter 2023 meeting.

***Council Member reimbursement for telephonic/internet expenses related to Council teleconference meetings***

Ms. Honig provided the Council with the information on how to request reimbursement for telephonic/internet expenses during the period the Council meetings were held via teleconference. Council members can request reimbursement for internet and phone charges that are more than their normal bill. Council members may submit documentation showing the excess charges to their Council Coordinator or mail to OSM in Anchorage.

***Fall 2022 Council application/nomination open season:***

The 2023 Council application period will run from September 13, 2022 – February 21, 2023. Incumbent seats that expire on December 2, 2023 are encouraged to reapply during the open application period. At the request of the Board, OSM will engage the help of the Native Liaisons of Federal agencies to assist in soliciting more applications during the appointment cycle. The Council discussed reaching out to SRCs to see if someone from the SRC may be interested in applying to the Bristol Bay Council. Mr. Hamon with NPS in King Salmon reported that it has been a topic of conversation, but the SRCs are also having a difficult time filling their seats. The Council would like to see representation from the Ekwok, New Stuyahok, Koliganek, and Togiak areas. The Council also discussed reaching out to the Bristol Bay Native Corporation (BBNC) to help spread the word on Council recruitment. BBNC is working on recruiting people from the ages of 18-25 for leadership positions and this could be a good avenue to recruit younger folks to the Council. The Council requested that OSM provide a letter explaining the Council application and nomination process that could be sent to Tribal and borough entities to be shared at their monthly meetings.

***State of Alaska Board of Fisheries proposals:***

The proposals that were before the State of Alaska Board of Fisheries did not affect any subsistence uses, so the Council did not discuss any specific proposals.

***Identify Issues for FY2022 Annual Report:***

- Request that appointees to the Board be informed that ANILCA’s mandates supersede agency-specific regulations
- Concerns over increased bear populations
- Communicating with local SRCs on filling vacant Council seats

Motion made by Member Anderson, seconded by Member Wilson to write a letter to the Board expressing the Council’s concern over bycatch and intercept fisheries and the harmful effects on local fisheries within the Bristol Bay region. The motion passed on a unanimous vote.

**Reports:**

- North Pacific Fishery Management Council report presented by Dr. Diana Stram, Senior Scientist
- Curyung Tribe update presented by Courtenay Carty, Tribal Administrator
- BBNA Update presented by Cody Larson and Gayla Hoseth
- Togiak NWR update presented by Andy Aderman, Wildlife Biologist, Togiak NWR
- Alaska Peninsula and Becharof NWR:
  - Update presented by Susan Alexander, Refuge Manager
  - Bill Smith, Supervisory Biologist, presented an update on wildlife projects
- Lake Clark National Park and Preserve:
  - Update presented by Susanne Fleek-Green, Superintendent
  - Liza Rupp, Cultural Resources Program Manager and Subsistence Program Manager, provided highlights from her program
- Katmai National Park and Preserve, Aniakchak National Monument, and Alagnak Wild River
  - Update presented by Mark Sturm, Superintendent
  - Troy Hamon, Natural Resource Manager, presented an update on wildlife projects
- NPS Regional Subsistence Program Update presented by Dillon Patterson
- Alaska Department of Fish & Game, Chance Wilcox, Subsistence Resource Specialist, provided an update on the Division of Subsistence activities
- Office of Subsistence Management, Lisa Grediagin, Wildlife Division Supervisor, provided the OSM program update

**Future Meeting Dates:**

Winter 2023 meeting to be held March 8 – 9, 2023, in Naknek.

Fall 2023 meeting to be held October 24 – 25, 2023, in Dillingham.

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Leigh Honig, DFO  
USFWS Office of Subsistence Management

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Nanci Morris-Lyon, Chair  
Bristol Bay Subsistence Regional Advisory Council

These minutes will be formally considered by the Bristol Bay Subsistence Regional Advisory Council at its March 8 – 9, 2023 meeting in Naknek, and any corrections or notations will be incorporated in the minutes at that meeting.

For a more detailed report of this meeting, copies of the transcript and meeting handouts are available upon request. Call Leigh Honig at 1-800-478-1456 or 907-891-9053, email [leigh\\_honig@fws.gov](mailto:leigh_honig@fws.gov).





# 2023 NORTH AMERICAN CARIBOU WORKSHOP & ARCTIC UNGULATE CONFERENCE

Anchorage, Alaska ▪ May 8-12, 2023

Come to the conference to share your knowledge and learn from others! Join an international group of managers, biologists, Indigenous and Local Knowledge holders, and others to share knowledge of caribou, muskoxen, Dall's sheep, moose, and reindeer. The meeting will provide opportunities for exchanging viewpoints, concerns, and recommendations regarding the health, stewardship, use, and study of these important species.

The theme for the joint meeting is *Crossing Boundaries*. Arctic ungulates regularly cross landscape boundaries, connecting ecosystems and peoples, necessitating partnerships and collaboration across management and political boundaries. A critical component of such partnerships involves crossing the boundaries of Western science and Indigenous knowledges to identify creative opportunities to sustain Arctic ungulate populations in a changing world. We will explore these themes across four days of research talks, storytelling, workshops and panel discussions. Join us!

For more information visit [www.nacw-auc-2023.org](http://www.nacw-auc-2023.org) or e-mail [info@nacw-auc-2023.org](mailto:info@nacw-auc-2023.org).





## Feedback from Regional Advisory Councils on the State and Federal Ungulate Management in Alaska Symposium

At the North American Caribou Workshop and  
Arctic Ungulate Conference [www.nacw-auc-2023.org](http://www.nacw-auc-2023.org)

**Description:** This session is intended as a neutral forum for Federal Regional Advisory Council (Council) members, State Fish and Game Advisory Committee members, Federal and State agency staff, and any other interested parties to discuss ungulate management in Alaska, specifically regarding harvest regulations. The format will be facilitated discussion where participation by all attendees is encouraged. Specific topics will be determined after the Councils provide input during their fall 2022 and winter 2023 meetings.

### Potential Topics

1. The effectiveness and impact of antler restrictions in moose harvest management (i.e. do spike-fork and brow-tine restrictions actually provide more subsistence harvest opportunity or is it just an easy way to manage moose populations).
2. How to manage young growth forests for moose
3. Regulations that conflict with each other and across user groups (e.g. State community hunts)
4. How biological data is collected (e.g. population surveys)
5. Habitat changes (natural, manmade, and from climate change) and their effects on ungulates
6. Predator Control
7. Identification, viability, and utilization of resident caribou herds (vs. migratory)
8. Effects of climate change, disease and overgrazing on ungulate populations
9. Summer vs. winter diet of caribou (e.g. protein intake)
10. Bull caribou harvest during the rut
11. Effects of hunting pressure on caribou movements and migration routes
12. Effects of roads/development on caribou distribution and movements
13. Population thresholds for caribou herd recovery
14. Wanton waste of meat
15. The importance of funding wildlife surveys and receiving timely reports
16. Muskox harvest management
17. Honoring and incorporating Traditional Ecological Knowledge into harvest management (i.e. letting the leaders pass and ensuring uninterrupted caribou migrations)
18. Harvest management strategies when caribou populations are too high (e.g. showing signs of nutritional stress).
19. Unsafe and disrespectful hunting practices; need for better hunter education
20. Food security
21. Climate change impacts on ungulates, particularly caribou migration routes
22. Caribou distribution patterns in relation to village harvest needs; and exploring new ways to address the needs of villages (e.g. village quota systems)
23. Sport hunter disturbance to caribou and law enforcement
24. Harvest reporting: how to improve

## FEDERAL WILDLIFE CLOSURE REVIEW

### WCR24-04 and WCR24-06

**Issue:** Wildlife Closure Reviews WCR24-04 and WCR24-06 review closures to caribou hunting in Unit 9C, remainder and Unit 9E, respectively. In Unit 9C, remainder, Federal public lands are closed to caribou hunting, except by residents of Unit 9C and Egegik. In Unit 9E, Federal public lands are closed to caribou hunting, except by residents of Unit 9E, Nelson Lagoon, and Sand Point. These closures target the Northern Alaska Peninsula Caribou Herd (NAPCH).

**Closure Location and Species:** Unit 9C remainder, and 9E—Caribou (**Figure 1**)

#### Current Federal Regulation

##### Unit 9—Caribou

*Unit 9C, remainder – 1 bull by Federal registration permit or State permit. Federal public lands are closed to the taking of caribou except by residents of Unit 9C and Egegik* *May be announced*

*Unit 9E – 1 bull by Federal registration permit or State permit. Federal public lands are closed to the taking of caribou except by residents of Unit 9E, Nelson Lagoon, and Sand Point* *May be announced*

**Closure Dates:** Year-round

#### Current State Regulation

##### Unit 9—Caribou

*Residents: Unit 9C, south of the north bank of the Naknek River – 1 caribou by permit* *TC505 Aug. 10 – Oct. 10*

*Nov. 1 – Feb. 28*

*Residents: Unit 9E – 1 caribou by permit* *TC505 Aug. 10 – Oct. 10*

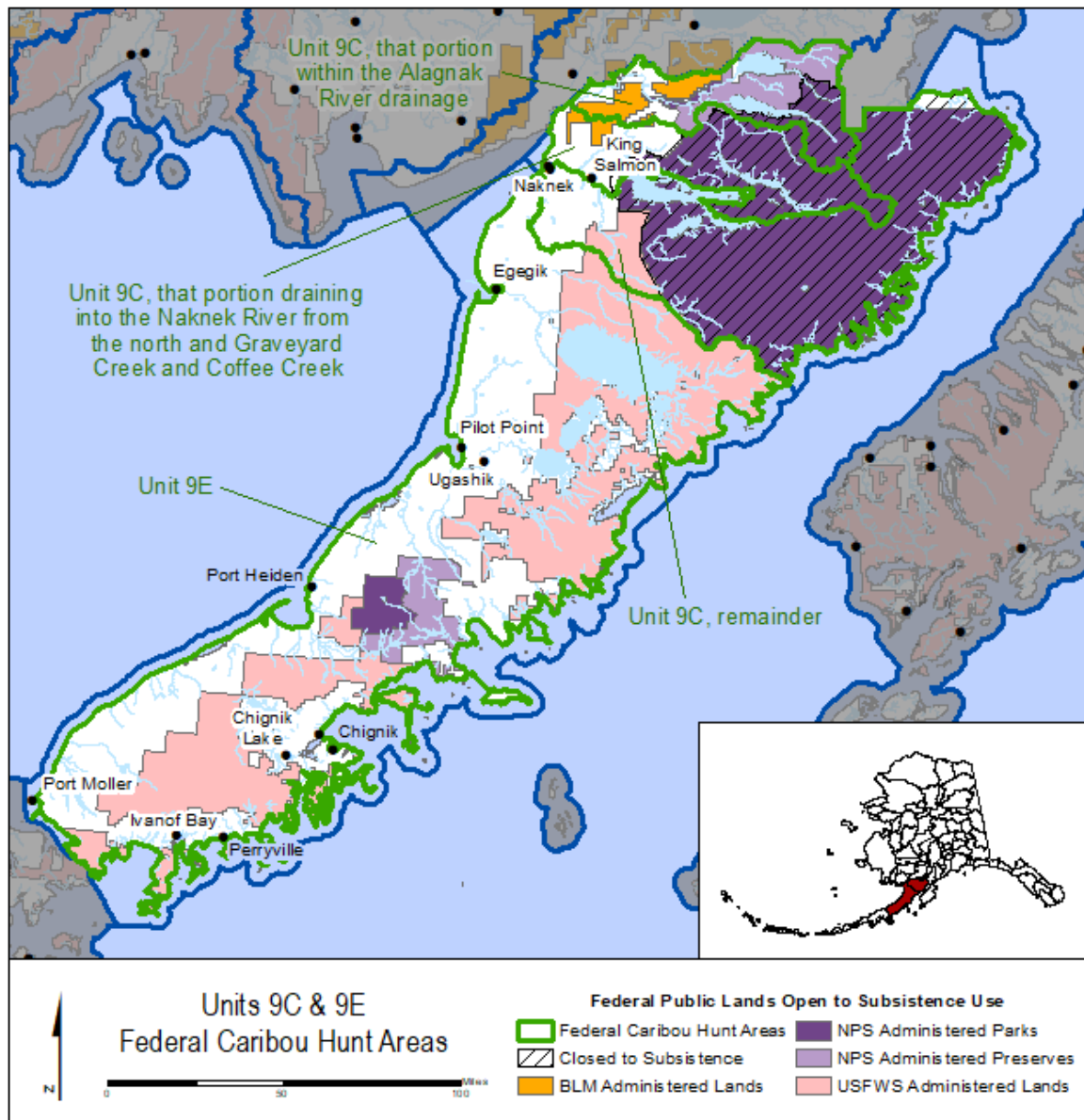
*Nov. 1 – Apr. 30*

**Regulatory Year Initiated:** 1999, closed except to residents of Units 9C and 9E; 2006, closed to all users; 2016, closed except by some Federally qualified subsistence users.

### Extent of Federal Public Lands

Unit 9C is comprised of 85% Federal public lands and consists of 78% National Park Service (NPS) managed lands, 4% U.S. Fish and Wildlife Service (USFWS) managed lands and 4% Bureau of Land Management (BLM) managed lands. Of note, Katmai National Park is closed to subsistence hunting.

Unit 9E is comprised of 49% Federal public lands and consists of 44% USFWS managed lands and 5% NPS managed lands (**Figure 1**).



**Figure 1.** Units 9C and 9E Federal caribou hunt areas.

### **Customary and Traditional Use Determination**

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

Residents of Units 9B, 9C, 9E, 17, Nelson Lagoon, and Sand Point have customary and traditional use determination for caribou in Unit 9E.

### **Regulatory History**

Prior to 1999, the harvest limit in Unit 9C remainder and Unit 9E remainder (which included most of Unit 9E) was 4 caribou. The season began on Aug. 1 in both hunt areas and ended on March 31 in Unit 9C remainder and on Apr. 30 in Unit 9E remainder. At that time, there was no Federal season in the southernmost portion of Unit 9E.

The Federal Subsistence Board's (Board) 1999 decision on three proposals resulted in the first iteration of the current closure. Collectively, WP99-32, submitted by the Bristol Bay Subsistence Regional Advisory Council (Council), WP99-33, submitted by Tim Enright of Pilot Point, and WP99-34, submitted by Chignik Lagoon Traditional Council, requested more restrictive harvest limits, more conservative seasons, and closure of some Federal public lands to the harvest of caribou in Units 9C and 9E. In response to a decline in the Northern Alaska Peninsula Caribou Herd (NAPCH), the Board adopted these proposals with modification. In addition to reduction in harvest limits and seasons, this action resulted in the closure of Federal public lands within Unit 9C remainder and all of Unit 9E to caribou harvest except by residents of Unit 9C and 9E. The Alaska Board of Game (BOG) implemented a Tier II hunt for the NAPCH the same year.

In 2000, the Board considered WP00-33, which was submitted by the Bristol Bay Native Association and requested the provision of designated hunter permits for caribou in Unit 9C and 9E. The Board approved this request because it was consistent with customary and traditional hunting practices and was not expected to impact the caribou population.

In 2004, the Board considered WP04-43, a request from the Council to allow same day airborne hunting for caribou throughout Units 9 and 17, except on NPS managed lands. All four Subsistence Regional Advisory Councils that voted on this proposal (Bristol Bay, Yukon-Kuskokwim Delta, Western Interior Alaska, Kodiak/Aleutians) opposed it, and the Board rejected the proposal.

In 2005, caribou seasons in Units 9C remainder and 9E were the subject of two special actions, both submitted by the Office of Subsistence Management (OSM). The first, Emergency Special Action WSA05-02, requested that caribou hunting on Federal lands be closed in Unit 9C remainder and Unit 9E, following the rapid decline of the NAPCH and the State's closure of the Tier II season. As authorized by the Board, this request was approved with the unanimous consent of the Interagency Staff Committee. Subsequently, Temporary Special Action WSA05-11 was submitted, a necessary step to extend the closure beyond the 60-day period approved through WSA05-02. With support of the Council, the Board adopted this request, resulting in closure of the caribou season for the entirety of the 2005-06 regulatory year.

The Council reviewed the Federal public lands closures in Units 9C remainder and 9E at their winter in 2005 meeting (WCR05-04/06). The Council concurred with OSM's recommendation, which was to maintain the status quo given continued population decline and insufficient recruitment. At the same meeting, the Council voted to submit a proposal to close Federal public lands in Units 9C remainder and 9E to the harvest of caribou by all users, effectively extending the closure that resulted from the Board's actions on WSA05-02 and WSA05-11. This proposal, WP06-22, was adopted by the Board, resulting in elimination of the Federal season for caribou in these units (BBRAC 2005). The State Tier II hunt was closed in 2005 as well.

In 2011, the Council reviewed the Federal public lands closure again (WCR10-04/06) and voted in favor of maintaining the closure (BBRAC 2011).

In 2015, the Council reviewed Wildlife Closure Review 14-04 and 15-06 (WCR14-04/06). During this meeting Alaska Department of Fish and Game (ADF&G) reported a limited Tier II hunt would occur in fall 2016, dependent on the NAPCH survey results having positive composition counts and population minimum counts (BBRAC 2015). The Council unanimously recommended to modify the closure to provide for a hunt on Federal public lands to Federally qualified subsistence users, should the State open the Tier II hunt. This resulted in Wildlife Proposal 16-21 (WP16-21).

In response to the 2014 closure review, the Council voted to submit Proposal WP16-21 to modify the conditions of the hunt. Specifically, the Council requested that the closure be modified to allow caribou harvest by residents of Units 9C and 9E. The Council also requested that a may-be-announced caribou season be established in Units 9C remainder and 9E, noting that the State was considering opening a Tier II drawing hunt. The Council believed that it would be useful for Federal managers to have the flexibility to open a hunt on Federal lands as well, particularly considering the extent of Federal land in Unit 9 (BBRAC 2015).

In 2016, the Board adopted Proposal WP16-21 was adopted by the Board at their April 2016 meeting, establishing a may-be-announced season (FC0914 and FC0915) and delegate authority to open and close the season, set quotas, any permit requirements or conditions, and harvest limit, including any sex restrictions to the Alaska Peninsula Becharof National Wildlife Refuge (NWR) manager. The Board adopted the proposal with modification to reduce the pool of eligible subsistence users on Federal public lands in Unit 9C remainder to residents of Unit 9C and Egegik, and on Federal public lands in Unit 9E to residents of Unit 9E, Nelson Lagoon, and Sand Point. The new Federal hunt coincided with 2016 changes in State regulations that opened a Tier II hunt (TC505).

In 2018, State harvest regulations for caribou in Unit 9 were again modified when the BOG acted on Proposals 125 and 127. As a result of the BOG's action on Proposal 125, the Tier II season for the NAPCH was extended throughout the TC505 permit area. In the portion of Unit 9C south of the north bank of the Naknek River, it was extended by 34 days to Aug. 10 – Oct. 10 and Nov. 1 – Feb. 28. In Unit 9E, it was extended by 20 days to Aug. 10 – Oct. 10 and Nov. 1 – Apr. 30. The BOG's action on proposal 127 resulted in the portion of Unit 9C north of the Naknek River and south of the Alagnak

River drainage becoming part of the RC503 Mulchatna Caribou Herd (MCH) permit area, with an Aug. 1 – Mar. 31 season, rather than part of the NAPCH TC505 permit area.

The Board considered a similar change in 2018. Proposal WP18-21, submitted by the Council, in part requested that the caribou season in Unit 9C north of the Naknek River be changed from a may-be-announced season to an Aug. 1 – Mar. 15 season with a harvest limit of 2 caribou. This request was consistent with requested Federal regulation changes throughout the range of the MCH and similar to the new State regulations in this hunt area. The Board adopted WP18-21 with modification to create a new hunt area, removing the portion of Unit 9C that drains into the Naknek River from the north and Graveyard Creek and Coffee Creek from Unit 9C remainder. The Board's action effectively shifted the regulatory emphasis within the new hunt area from the NAPCH to the MCH, reflecting current distribution patterns of these two herds.

In August 2020, the Board approved a revised closure policy, which stipulated all closures will be reviewed every four years. The policy also specified that closures, similar to regulatory proposals, will be presented to the Councils for a recommendation and then to the Board for a final decision. Previously, closure reviews were only presented to Councils who then decided whether to maintain the closure or to submit a regulatory proposal to modify or eliminate the closure.

In 2020, the Board reviewed the closure in Unit 9C, draining into the Naknek River from the north and Graveyard Creek and Coffee Creek; Unit 9C, remainder; and Unit 9E. The Board retained the closures within Units 9C remainder and 9E because the NAPCH continued to have a low population count and insufficient recruitment. The closure in Unit 9C, draining into the Naknek River from the north and Graveyard Creek and Coffee Creek was rescinded, as the NAPCH no longer range within this area.

**Closure last reviewed:** 2020 – WCR20-04/06

**Justification for Original Closure:**

§815(3) of ANILCA states:

*Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law...*

The original closure, in 1999, was initiated at a time when the NAPCH population was declining and there was a need to ensure subsistence opportunity for local users. By 2006, when Federal public lands were closed to all users, the caribou population had declined to a point that any harvest was unsustainable. In 2016, the state opened a Tier II system, and the Board adopted a may-be-announced season dependent on having positive composition counts and population minimum counts.

### **Council Recommendation for Original Closure:**

The Council's actions in 1999 addressed both conservation concerns and the need to provide continued subsistence opportunity for local communities. Specifically, the Council supported more restrictive harvest limits and seasons due to the declining caribou population size. They also supported closing Federal public lands in Units 9C remainder and 9E to caribou harvest except by residents of Unit 9C and 9E. The Council believed it was reasonable to limit distribution of Federal permits to these users, considering who has a customary and direct dependence on the resource, who is in closest proximity to the resource, and who has access to alternative resources.

In 2006, noting that recruitment was insufficient to offset adult mortality, the Council agreed that closing Federal public lands to all users was an appropriate compliment to the State's decision to close the State Tier II season.

In 2016, the Council supported Proposal WP16-21, which closed Units 9C remainder and 9E, except by some Federally qualified subsistence users, established a may-be-announced season, a cultural and traditional use determination for the NAPCH in Unit 9C and 9E, and delegated authority to Alaska Peninsula Becharof NWR manager to manage the hunt.

### **State Recommendation for Original Closure:**

In 1999, the State supported efforts to improve herd productivity by restricting harvest limits, reducing the season and limiting harvest through the use of quotas. In 2006, acknowledging the serious conservation concern, the State stopped issuing Tier II permits and supported closing the Federal caribou season. In 2016, the State opened a Tier II system, dependent on having positive composition counts and population minimum counts.

### **Biological Background**

Generally speaking, the NAPCH occupies Units 9C and 9E, from the Naknek River in the north to Port Moller in the south. It has varied considerably in size in the last century, ranging from approximately 2,000 during population lows to approximately 20,000 during population highs. These fluctuations in population size have been accompanied by shifts in distribution and movement patterns, likely due to impacts of population size on habitat quality. Following the most recent population peak in the mid-1980s, the herd began wintering north of the Naknek River. More recently, this northern range has become less important, with few caribou crossing to the north side of the Naknek River by 2000 (Crowley 2015).

The NAPCH experienced a steady multi-decade decline in population size between the mid-1980s and the mid-2010s, approximating historical lows of 2,000 caribou. Nutritional limitations have been implicated in the decline. In recent years, the population has showed a positive growth trend and was estimated to be approximately 3,800 caribou in 2018 (**Table 1**) but remains well below the State's population objective of 12,000 – 15,000 caribou (Crowley 2014, 2015, 2016, 2019, pers. comm.).



Calf-cow ratios have improved markedly from the single digit ratios of the mid-2000s. At last count, in 2018, there were 35 calves:100 cows. Bull:cow ratios have also improved in the last decade. The two most recent surveys, prior to 2018, estimated at least 70 bulls:100 cows (**Table 1**). Regardless, the bull:cow ratios have shown an increasing trend and local biologists believe that the current bull:cow ratio exceeds the management objective of 35 bulls:100 cows (Crowley 2014, 2016, 2018 pers. comm.).

**Table 1.** Northern Alaska Peninsula Caribou Herd composition counts and population estimates, 1984 – 2018 (Crowley 2014, 2016, 2019, pers. comm. and Reiley 2021, pers. Comm).

Year	Bulls:	Calves:	% of Total bulls			Composition sample size	Population Estimate
	100 cows	100 cows	Small bulls	Medium bulls	Large bulls		
1984	39	39	67	16	17	1,087	20,000
1990	41	29	-	-	-	1,484	17,000
1991	42	47	54	34	12	1,639	17,000
1992	40	44	44	38	19	2,766	17,500
1993	44	39	52	29	19	3,021	16,000
1994	34	34	58	28	14	1,857	12,500
1995	41	24	49	29	22	2,907	12,000
1996	48	38	71	19	10	2,572	12,000
1997	47	27	54	31	14	1,064	10,000
1998	31	30	57	28	15	1,342	9,200
1999	40	21	58	30	12	2,567	8,600
2000	38	18	59	24	18	1,083	7,200
2001	49	28	61	24	15	2,392	6,300
2002	46	24	57	19	24	1,007	6,600
2003	36	11	46	30	24	2,776	-
2004	34	7	40	34	25	1,355	-
2005	23	7	37	41	22	1,914	-
2006	26	14	26	43	31	1,725	-
2007	27	7	29	38	33	1,719	-
2008	19	10	33	25	43	1,841	-
2009	19	16	30	35	35	2,126	-
2010	25	18	30	31	39	1,795	2,169 <sup>a</sup>
2011	26	20	26	37	37	2,395	2,321 <sup>a</sup>
2012	28	22	24	37	40	1,352	2,525 <sup>a</sup>
2013	31	21	26	41	33	2,076	2,708 <sup>a</sup>
2014	40	34	23	50	28	2,295	3,101 <sup>a</sup>
2015 <sup>b</sup>	38	29	53	29	18	2,122	3,411 <sup>a</sup>
2016	70 <sup>c</sup>	24	30	47	23	1,556	3,617 <sup>a</sup>
2017	-	-	-	-	-	-	-
2018	72 <sup>c</sup>	35	29	42	29	1,327	3,800 <sup>a</sup>

<sup>a</sup>Estimate based on simulation modeling; <sup>b</sup>Survey limited to northern portion of NAP range.

<sup>c</sup>Likely biased high due to inability to locate entire herd

## Cultural Knowledge and Traditional Practices

There are 33 communities with an estimated total population of over 7,500 people included in the customary and traditional use determination for caribou in Units 9C remainder and 9E. However, only 14 of these communities have been eligible to harvest caribou on Federal public lands since 2015, based on the three criteria in ANILCA Section 804: (1) reliance on the resource as the mainstay of livelihood, (2) proximity to the resource, and (3) availability of other resources (see Proposal WP16-22 described above in **Regulatory History**). Eligible communities in the Unit 9C remainder hunt area are King Salmon, Naknek, South Naknek, and Egegik; and in the Unit 9E hunt area are Chignik Bay, Chignik Lagoon, Chignik Lake, Egegik, Perryville, Ivanof Bay, Pilot Point, Port Heiden, Ugashik, Nelson Lagoon, and Sand Point (**Figure 1**). The population of these communities is estimated at almost 2,000 people based on the 2020 U.S. Census and has declined since the 1990s (**Table 2**, ADCCED 2022).

Caribou were among the most important subsistence resource for Northern Alaska Peninsula communities (Fall 1993). The herd last peaked in about 1984, and harvest seasons were closed from 2005 through 2015. Residents of eligible communities have reported their harvests on household surveys since 1983. Residents' overall harvest of caribou and per person harvest in pounds edible weight have generally decreased by community since 1983 (ADF&G 2022, **Appendix 1**). Because of the lack of commercial vendors selling hunting licenses and the remoteness of many of the communities, reported harvest and periodic household subsistence surveys have been used in conjunction to produce more accurate estimates of community harvest.

The most recent household harvest surveys were conducted in 2014, 2016, and 2018. Residents of Egegik, Pilot Point, and Ugashik participated in harvest surveys in 2014 before the hunting season opened in 2016 (Sill et al. 2022). Residents commented on their preference for caribou, "Many respondents, particularly elders, commented that though salmon was a very important food source, caribou remained their preferred wild resource even though many had not had any in longer than two decades. There were residents who longed for caribou to return to their region so they could once again acquire them to feed their families" (Sill et al. 2022:247).

Some expressed fear that people would lose the ability to hunt and process caribou with legal hunts being closed for so long. An Ugashik resident made this comment during they survey, "I worry that the younger generation will not have anyone to teach them how to hunt if caribou return." Others spoke of how much they missed eating caribou, for example from Pilot Point, "I have not had one piece of caribou in so long I can't remember, but I can still taste it" (Sill et al. 2022:247).

Some harvesting opportunity has been available since 2015. The results of harvest surveys conducted since 2015 are described in **Table 3**. In the 1980s and 1990s, the annual caribou harvest for Pacific drainage communities in Unit 9E were generally lower than those of the Bristol Bay side—which includes Port Heiden and Egegik—because of more limited access to caribou (Fall 1993).

In 2018, Port Heiden community members commented on their experiences hunting caribou since 2015 after the long closure and reduced herd size. Jones and Cunningham (2020) described these comments,

Reestablishing caribou hunting also regenerated important learning, sharing, and trading networks within the community and with other communities. Port Heiden residents explained that enough people are still around and available to help bestow their caribou hunting and processing wisdom upon the younger generation whose members had yet to experience caribou hunting due to the regulatory closure. Regarding the transmission of caribou hunting knowledge, one key respondent explained: ‘ . . . Tier II caribou hunts closed, and hunting was a lost art. They [Port Heiden youth] didn’t know how to hunt, where to go, how to process. We’re lucky that hunt came back, and we were able to get the young people involved’ (Jones and Cunningham 2020:100).

Jones and Cunningham (2020) described changes in hunting patterns in 2018 compared to in the 1980s and 1990s, “According to elders and expert caribou hunters from Port Heiden, in the past, frozen rivers provided access to caribou hunting areas throughout the Alaska Peninsula. However, since the Tier II permit hunt opened in 2016, many of the rivers that hunters traditionally used for winter travel have not frozen adequately enough for safe passage to caribou hunting grounds. Many commented on this change in access to caribou hunting” (Jones and Cunningham 2020:98).

**Table 2.** The number of people living in northern Alaska Peninsula communities. Residents of these communities have been eligible to harvest caribou in Units 9C remainder and 9E since 2016 when hunting opportunity was provided for the first time since 2004 (ADCCED 2022).

Community of residence	Community	1980	1990	200	2010	2020
9C	King Salmon	545	696	442	374	307
9C	Naknek	318	575	678	544	470
9C	South Naknek	145	136	137	79	67
9E	Egegik	75	122	116	109	39
9E	Chignik Bay	178	188	79	91	97
9E	Chignik Lagoon	48	53	103	78	72
9E	Chignik Lake	138	133	145	73	61
9E	Ivanof Bay	40	35	22	7	1
9E	Perryville	111	108	112	113	88
9E	Pilot Point	66	53	100	68	70
9E	Port Heiden	92	119	119	102	100
9E	Ugashik	13	7	11	12	4
9D	Nelson Lagoon	59	83	83	52	41
9D	Sand Point	625	878	952	976	578
	TOTAL	2,453	3,186	3,099	2,678	1,995

**Table 3.** The estimated harvest of caribou by residents of communities eligible to harvest caribou in Units 9C remainder and 9E for one year study periods since reopening in 2016 (CI 95%, lower harvest estimate is the lower bound of the estimate or the reported harvest, whichever is larger) (ADF&G 2022a).

Community	Study year	Estimated Harvest	Lower harvest estimate	Upper harvest estimate	Per person harvest in pounds edible weight
Port Heiden	2018	44	37	51	64
Port Heiden	2016	31	23	39	44
Chignik Bay	2016	6	5	8	11
Chignik Lagoon	2016	0	0	0	0
Chignik Lake	2016	6	5	8	9
Egegik	2016	0	0	0	0
Perryville	2016	6	4	9	8
Sand Point	2016	4	2	7	1

### Harvest History

Harvest of the NAPCH peaked in 1993 and has declined since. These changes correspond to population size and harvest restrictions. Between 1990 and 1993, when the herd was large and seasons and harvest limits were liberal, annual reported harvest approached or exceeded 800 caribou annually. Declining herd size, fluctuating distribution and more restrictive regulations resulted in reported annual harvests of 400 – 500 caribou between 1994 and 1999 (**Table 4**). Reported harvest during the 1990s was skewed heavily toward hunters residing outside of Units 9C and 9E. However, unreported harvest was high at an estimated 500 – 1,500 caribou annually, particularly among residents of Units 9C and 9E. Accounting for this, residents of Units 9C and 9E likely harvested a greater proportion than harvest data suggests (Sellers 1995, 1999).

In 1999, following implementation of the State Tier II hunt, more restrictive Federal regulations, and implementation of the Federal public lands closure, reported harvest declined dramatically, averaging just 96 caribou per year between 1999 and 2004 (**Table 4**). User demographics shifted as well, with at least 90% of the reported harvest attributable to local users, defined here as those who are currently eligible to harvest caribou on Federal public lands in either Unit 9C remainder or in Unit 9E (residents of Units 9C, Egegik, 9E, Sand Point, and Nelson Lagoon). Legal harvest ceased in 2005, following closure of the State and Federal hunting seasons (ADF&G 2018b).

Federal and State seasons were reestablished in 2016. Since then, State reported harvest has averaged 52 caribou annually (**Table 4**), all of which were taken by local users. Federal reported harvest has averaged 2 caribou annually (**Table 5**). On average, harvest was 84% bulls, and 60% of reporting hunters were successful. Nearly two-thirds of the total harvest was taken during the winter hunt, between December and April. September and December were the most popular months, with an average of 19% of the total harvest occurring during each of these months (ADF&G 2018b, 2019c). Local biologists believe that the NAPCH can sustain a 4% harvest rate (152 caribou, based on 2018 population) and continue to grow (BOG 2018). Local State and Federal managers have the authority to manage for this quota through Emergency Orders and Special Actions. The quota has not been exceeded since seasons were opened in 2016.

**Table 4.** Reported harvest of the Northern Alaska Peninsula Caribou Herd 1990 – 2021, by sex. (Sellers 1995, 1999; ADF&G 2018b, 2019c, 2022b).

Year	Harvest (number of caribou)			
	Total	Males	Females	Unknown Sex
1990	791	679	110	2
1991	806	688	115	3
1992	921	816	98	7
1993	1,345	1,165	175	5
1994	569	478	91	-
1995	533	486	47	-
1996	481	438	43	-
1997	482	446	36	-
1998	490	453	31	6
1999	155	147	8	-
2000	82	76	6	-
2001	95	87	8	-
2002	82	78	4	-
2003	128	122	6	-
2004	32	30	2	-
2005-2015 <sup>a</sup>	-	-	-	-
2016	82	74	8	-
2017	58	42	16	-
2018	63	55	8	-
2019	43	39	3	1
2020	38	26	12	-
2021	25	23	1	1

<sup>a</sup>No season

**Table 5.** Reported harvest with Federal permits (FC0914, Unit 9C remainder and FC0915, Unit 9E) from 2016-2021 (OSM 2022).

	FC0914		FC0915	
	Permits Issued	Successful	Permits Issued	Successful
2016	1	1	0	0
2017	0	0	2	0
2018	5	0	8	3
2019	4	0	11	6
2020	0	0	3	1
2021	2	0	2	0

## Effects

Retaining the status quo would maintain the Federal subsistence priority and continue Federally qualified subsistence users to harvest at low levels on Federal public land. The caribou population remains low, and recruitment continues to be low. The population is unable to sustain additional harvest.

Rescinding the closure would allow for non-Federally qualified subsistence users to hunt caribou on Federal public lands under State regulations. Historically a large number of non-Federally qualified subsistence users hunted this area; however, currently the State hunt is a Tier II permit hunt, which limits participation and harvest. Currently the caribou population is not large enough to sustain high levels of hunting pressure or any additional harvest.

Modifying the closure to open to all Federally qualified subsistence users and, closed to non-Federally qualified users would allow a larger number of subsistence users to harvest caribou. Currently, the population of the NAPCH remains low and is unable to sustain additional harvest. There remains a conservation concern for the herd.

Modifying the closure to close to all users would prevent Federally qualified subsistence users from harvesting an important subsistence source. While the population of the NAPCH is low, it is on the rise from the lowest point in 2010, and current harvest levels appear to be sustainable (Crowley 2014 pers. comm.), but it is still not large enough to open to all users.

## OSM PRELIMINARY CONCLUSION:

- Retain the Status Quo**
- Rescind the Closure**
- Modify the closure to . . .**
- Defer Decision on the Closure or Take No Action**

## Justification

The NAPCH remains a population of concern in Unit 9C remainder and Unit 9E. Although this population has shown recent improvement in population size, as well as bull:cow and calf:cow ratios, it remains well below the established population size objective. The current management approach, which includes the State's Tier II hunt, limiting harvest on Federal lands to those with recognized customary and traditional use of the resource and direct dependence on it, and a harvest quota managed by Emergency Order/Special Action, appears to be effective in allowing harvest while supporting population growth. Consequently, retaining the Federal public lands closure within Units 9C remainder and 9E is appropriate and likely offers the best opportunity for both continuation of subsistence uses and recovery of the NAPCH.

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## APPENDIX 1

**Appendix 1.** The estimated harvest of caribou by residents of communities eligible to harvest caribou in Units 9C remainder and 9E for one year study periods between 1983 and 2018 (CI 95%, lower harvest estimate is the lower bound of the estimate or the reported harvest, whichever is larger) (ADF&G 2022).

Unit of residence	Community	Study year	Estimated Harvest	Lower harvest estimate	Upper harvest estimate	Per person harvest
9C	King Salmon	1983	182	122	242	74
		1994	226	155	297	92
		1995	183	121	245	66
		1996	114	58	169	46
		2007	16	14	18	10
	Naknek	1983	140	92	188	55
		1994	432	332	532	118
		1995	252	167	336	70
		1996	279	201	357	82
		2007	74	66	83	21
	South Naknek	1983	135	75	195	147
		1992	82	68	100	91
		1994	103	77	129	119
		1995	128	110	149	133
		1996	138	128	175	157
9E	Chignik Bay	2007	2	2	3	7
		1984	6	4	9	7
		1989	12	11	15	15
		1991	13	9	20	16
		1994	1	1	2	2
		1995	3	3	5	6
		1996	5	5	6	9
		2003	1	1	3	2
	Chignik Lagoon	2016	6	6	8	11
		1984	5	4	8	11
		1989	4	4	4	15
		1994	21	20	24	33
		1995	15	9	26	25
		1996	5	3	9	10
	Chignik Lake	2003	8	6	13	17
		2016	0	0	0	0
		1984	82	66	98	79
		1989	129	97	180	173
1991		105	79	131	120	
1994		111	91	134	105	
Egegik	1995	67	48	86	88	
	1996	55	36	77	76	
	2003	19	13	33	25	
	2016	6	5	8	9	
	1984	151	112	190	233	
	1994	147	90	204	186	

Unit of residence	Community	Study year	Estimated Harvest	Lower harvest estimate	Upper harvest estimate	Per person harvest
		1995	128	109	146	144
		1996	77	56	98	86
		2014	0	0	0	0
		2016	0	0	0	0
	Ivanof Bay	1984	20	12	31	82
		1989	23	23	23	108
		1994	5	4	6	21
		1995	14	9	29	52
		1996	13	13	13	78
	Perryville	1984	30	22	41	39
		1989	22	19	29	28
		1994	12	8	22	18
		1995	24	15	49	27
		1996	23	16	42	29
		2003	12	10	17	15
		2016	6	4	9	8
	Pilot Point	1987	98	93	109	229
	PilotPoint/Ugashik	1991	135	135	135	261
	Pilot Point	1994	127	118	144	182
		1995	51	44	61	65
		1996	129	113	160	170
		2014	0	0	0	0
	Port Heiden	1987	168	168	168	245
		1991	174	174	174	227
		1994	139	114	178	197
		1995	240	167	312	275
		1996	175	120	241	228
		2016	31	23	39	44
		2018	44	37	51	64
	Ugashik	1987	20	20	20	300
		1994	21	16	26	350
		1995	21	13	29	300
		1996	34	31	37	435
		2014	0	0	0	0
9D	Nelson Lagoon	1987	53	38	81	119
	Sand Point	1992	39	22	56	10
		2016	4	2	7	1



U.S. Fish and Wildlife Service  
Bureau of Land Management  
National Park Service  
Bureau of Indian Affairs

## Federal Subsistence Board Informational Flyer



U.S. Forest Service

**Contact:**

Office of Subsistence Management  
(907) 786-3888 or (800) 478-1456  
[subsistence@fws.gov](mailto:subsistence@fws.gov)

## How to Submit a Proposal to Change Federal Subsistence Regulations

Alaska rural residents and the public are an integral part of the Federal regulatory process. Any person or group can submit proposals to change Federal subsistence regulations, comment on proposals, or testify at meetings. By becoming involved in the process, subsistence users and the public assist with effective management of subsistence activities and ensure consideration of traditional and local knowledge in subsistence management decisions. Subsistence users also provide valuable fish and wildlife harvest information.

A call for proposals to change Federal subsistence regulations is issued in January of even-numbered years for fish and shellfish and in odd-numbered years for wildlife. Proposals to change the nonrural determinations will be accepted in January of every other even-numbered year (every other fish cycle). The period during which proposals are accepted is no less than 30 calendar days. Proposals must be submitted within this time frame. Announcements are made each year regarding the proposals being accepted and timelines that apply.

You may propose changes to Federal subsistence season dates, harvest limits, methods and means of harvest, customary and traditional use and nonrural determinations.

### **What your proposal should contain:**

*There is no form to submit your proposal to change Federal subsistence regulations. Include the following information in your proposal submission (you may submit as many as you like):*

- Your name and contact information (address, phone, fax, or e-mail address)
- Your organization (if applicable)
- What regulations you wish to change. Include game management unit number, drainage, or area, and species. Quote the current regulation if known. If you are proposing a new regulation, please state “new regulation.”
- The proposed regulation written as you would like to see it
- An explanation of why this regulation change should be made
- Any additional information that you believe will help the Federal Subsistence Board (Board) in evaluating the proposed change

**You may submit your proposals by one of the following methods:**

- Electronically: Go to the Federal Rulemaking Portal: <https://www.regulations.gov>. In the Search box, enter the Docket number [the docket number will list in the proposed rule, news releases, and other forms of outreach]. Then, click on the Search button. On the resulting page, in the Search panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. Ensure you select the proposed rule by the U.S. Fish and Wildlife Service and **not** by the U.S. Forest Service. You may submit a comment or proposal by clicking on “Comment.”
- By mail: Submit by U.S. mail or hand delivery: Public Comments Processing, Attn: [list the Docket number]; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: PRB (JAO/3W); Falls Church, VA 22041–3803.
- By hardcopy: If in-person Federal Subsistence Regional Advisory Council (Council) meetings are held, you may also deliver a hard copy to the Designated Federal Official (DFO) attending any of the Council public meetings. Information on the dates, locations, and call-in numbers for the Council meetings are announced with several news releases, public service announcements, on our webpage, and social media (see bottom of page for web addresses).

Submit a separate proposal for each proposed change; however, ***do not submit the same proposal by different accepted methods listed above.*** To cite which regulation(s) you want to change, you may reference 50 CFR 100 or 36 CFR 242, or the proposed regulations published in the Federal Register: <https://www.federalregister.gov/>. All proposals and comments, including personal information, are posted online at <https://www.regulations.gov>.

We cannot accept proposals delivered or sent to the Alaska Regional Office of the U.S. Fish and Wildlife Service, this includes: phone or voicemail, fax, hand delivery, mail, or email.

For the proposal processing timeline and additional information contact the Office of Subsistence Management at (800) 478-1456 / (907) 786-3888 or go to <https://www.doi.gov/subsistence/proposal/submit.cfm>.

**How a proposal to change Federal subsistence regulations is processed:**

- Once a proposal to change Federal subsistence regulations is received by the Board, the U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM) validates the proposal, assigns a proposal number and lead analyst.
- The proposals are compiled into a book for statewide distribution and posted online to the Program website (<https://www.doi.gov/subsistence/current-proposals>). The proposals are also sent out to the applicable Councils and the Alaska Department of Fish and Game (ADF&G) and the Interagency Staff Committee (ISC) for review. The period during which comments are accepted is no less than 30 calendar days. Comments must be submitted within this time frame.
- The lead analyst works with appropriate agencies and proponents to develop an analysis on the proposal.
- The analysis is sent to the Regional Advisory Councils, ADF&G, and the ISC for comments and recommendations to the Federal Subsistence Board. The public is welcome and encouraged to provide comments directly to the Councils and the Board

at their meetings. The final analysis contains all the comments and recommendations received by interested/affected parties. This packet of information is then presented to the Board for action.

- The decision to adopt, adopt with modification, defer, or reject the proposal is then made by the Board. The public is provided the opportunity to provide comment directly to the Board prior to the Board's final decision.
- The final rule is published in the Federal Register and a public regulations booklet is developed and distributed statewide and on the Program's website.

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**Missing out on the latest Federal subsistence issues?** If you'd like to receive emails and notifications on the Federal Subsistence Management Program, you may subscribe for regular updates by emailing [fws-fsb-subsistence-request@lists.fws.gov](mailto:fws-fsb-subsistence-request@lists.fws.gov). Additional information on the Federal Subsistence Management Program may be found on the web at <https://www.doi.gov/subsistence> or by visiting [www.facebook.com/subsistencealaska](http://www.facebook.com/subsistencealaska).

## **ANNUAL REPORTS**

### **Background**

ANILCA established the Annual Reports as the way to bring regional subsistence uses and needs to the Secretaries' attention. The Secretaries delegated this responsibility to the Board. Section 805(c) deference includes matters brought forward in the Annual Report.

The Annual Report provides the Councils an opportunity to address the directors of each of the four Department of Interior agencies and the Department of Agriculture Forest Service in their capacity as members of the Federal Subsistence Board. The Board is required to discuss and reply to each issue in every Annual Report and to take action when within the Board's authority. In many cases, if the issue is outside of the Board's authority, the Board will provide information to the Council on how to contact personnel at the correct agency. As agency directors, the Board members have authority to implement most of the actions which would effect the changes recommended by the Councils, even those not covered in Section 805(c). The Councils are strongly encouraged to take advantage of this opportunity.

### **Report Content**

Both Title VIII Section 805 and 50 CFR §100.11 (Subpart B of the regulations) describe what may be contained in an Annual Report from the councils to the Board. This description includes issues that are not generally addressed by the normal regulatory process:

- an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;
- an evaluation of current and anticipated subsistence needs for fish and wildlife populations from the public lands within the region;
- a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the public lands; and
- recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

Please avoid filler or fluff language that does not specifically raise an issue of concern or information to the Board.

### **Report Clarity**

In order for the Board to adequately respond to each Council's annual report, it is important for the annual report itself to state issues clearly.

- If addressing an existing Board policy, Councils should please state whether there is something unclear about the policy, if there is uncertainty about the reason for the policy, or if the Council needs information on how the policy is applied.
- Council members should discuss in detail at Council meetings the issues for the annual report and assist the Council Coordinator in understanding and stating the issues clearly.

- Council Coordinators and OSM staff should assist the Council members during the meeting in ensuring that the issue is stated clearly.

Thus, if the Councils can be clear about their issues of concern and ensure that the Council Coordinator is relaying them sufficiently, then the Board and OSM staff will endeavor to provide as concise and responsive of a reply as is possible.

### **Report Format**

While no particular format is necessary for the Annual Reports, the report must clearly state the following for each item the Council wants the Board to address:

1. Numbering of the issues,
2. A description of each issue,
3. Whether the Council seeks Board action on the matter and, if so, what action the Council recommends, and
4. As much evidence or explanation as necessary to support the Council's request or statements relating to the item of interest.

**Bristol Bay Subsistence Regional Advisory Council**

c/o Office of Subsistence Management  
1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199  
Phone: (907) 787-3888, Fax: (907) 786-3898  
Toll Free: 1-800-478-1456

In Reply Refer To:  
RAC/BB.23000.LH

Anthony Christianson, Chair  
Federal Subsistence Board  
c/o Office of Subsistence Management  
1011 E. Tudor Road, MS 121  
Anchorage, Alaska 99503-6199

Dear Chairman Christianson:

The Bristol Bay Subsistence Regional Advisory Council (Council) appreciates the opportunity to submit its FY-2022 Annual Report to the Federal Subsistence Board (Board) under the provisions of Section 805(a)(3)(D) of the Alaska National Interest Lands Conservation Act (ANILCA). At its public meeting held on November 2, 2022, the Council identified concerns and recommendations for this report. The Council approved this Annual Report at its March 8 – 9, 2023, meeting. The Council wishes to share information and raise some of their concerns dealing with implementation of Title VIII of ANILCA, and the continuation of subsistence uses in the Bristol Bay Region.

**1. Recommendations that Appointees to the Board Receive Training of ANILCA Mandates**

The Council is concerned about Board decisions in situations where agency-specific regulations conflict with ANILCA, Title VIII. For example, ANILCA §811(b) permits the use of snowmobiles for subsistence purposes, which means that multiple existing Federal agency regulations conflict with ANILCA because they prohibit the use of snowmobiles for harvesting of caribou, wolves, and wolverine for subsistence uses. In past years, the Council has requested clarification about how the Board makes decisions on regulatory proposals in these types of situations.

The Council first raised the issue of Board decisions conflicting with ANILCA in its FY-2019 Annual Report. The Board's most recent response to the FY-2021 Annual Report reply stated "Since the FY-2019 Annual Report and Board reply were presented to your Council in 2020, the Federal Subsistence Management Program experienced the turnover of both the Interagency Staff Committee Members and Board members in three of the five Federal agencies: specifically, the BLM, the USFWS, and the NPS. In addition, the Administration has changed. As new staff



and Board members continue to become familiar with this issue, we will rely on Title VIII of ANILCA to direct Board authority and action.”

The Council recommends that Appointees to the Board and agency staff that are responsible for implementing Title VIII of ANILCA continue to receive training so that decisions made by the Board uphold the subsistence priority on Federal public lands, specifically when there is a conflict between ANILCA and agency specific regulations.

## **2. Bear Predation**

The Council continues to draw the Board’s awareness to the issue of growing brown bear populations in the Bristol Bay region. The Council reported to the Board in its FY 2021 Annual Report that bears have become an increasing concern for subsistence users. This concern still exists, especially after a record-breaking year of Sockeye Salmon returns that will only fuel the growth of brown bear populations in the area. The State recently expanded the predator control plan in Unit 17 and will potentially be implementing the plan within in the next year. The Council discussed the potential of submitting a regulatory proposal that would address the selling of bear hides harvested under Federal regulations. Currently, Federal regulations only allow the sale of handicrafts made from the skin, hide, pelt, or fur of a brown bear taken in Unit 17. The Council discussed submitting a proposal that would allow the sale of brown bear hides from Unit 17 to encourage the harvest of brown bears.

## **3. Need to Fill Vacant Seats on the Council**

The Council has ongoing concerns about filling the five vacant seats on the ten-member Council. The Council requests that the Board communicate with the local Subsistence Resource Commissions (SRC) to see if members of the SRCs may be willing to volunteer to serve on the Bristol Bay Council.

The Bristol Bay Subsistence Regional Advisory Council appreciates the Board’s attention to these matters and the opportunity to assist the Federal Subsistence Management Program in meeting its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. The Council looks forward to continuing discussions about the issues and concerns of subsistence users in the Bristol Bay Region. If you have any questions regarding this report, please contact me via Leigh Honig, Council Coordinator, Office of Subsistence Management, at leigh\_honig@fws.gov, or 1-800-478-1456 or 1-907-891-9053.

Sincerely,

Nanci Morris Lyon  
Chair Regional Advisory Council  
Bristol Bay Region

cc: Federal Subsistence Board  
Bristol Bay Subsistence Regional Advisory Council  
Office of Subsistence Management  
Interagency Staff Committee  
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game  
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game  
Administrative Record

## Subsistence Regional Advisory Council Correspondence Policy

The intent of the Subsistence Regional Advisory Council (Council) correspondence policy is to ensure that Councils can correspond appropriately with the Federal Subsistence Board (Board) and other entities. In addition, the correspondence policy will assist Councils in directing their concerns in an effective manner.

The Alaska National Interest Lands Conservation Act (ANILCA), Title VIII required the creation of the Councils to serve as advisors to the Secretary of the Interior and the Secretary of Agriculture and to provide meaningful local participation in the management of fish and wildlife resources on Federal public lands. Within the framework of Title VIII and the Federal Advisory Committee Act, Congress assigned specific powers and duties to the Councils. These are also reflected in the Councils' charters. (*Reference: ANILCA Title VIII §805, §808, and §810; Implementing regulations for Title VIII, 50 CFR 100 .11 and 36 CFR 242 .11; Implementing regulations for FACA, 41 CFR Part 102-3.70 and 3.75*)

The Secretaries of the Interior and Agriculture created the Board and delegated responsibility for implementing the Title VIII rural subsistence priority regarding fish and wildlife resources on Federal public lands and waters. The Board was also given the duty of establishing rules and procedures for the operation of the Councils in accordance with the requirements of the Federal Advisory Committee Act. The Office of Subsistence Management (OSM) was established to facilitate the work of the Federal Subsistence Management Program.

### Policy

1. Council correspondence shall be limited to subsistence-related matters, including matters related to the operation of the Federal Subsistence Management Program, and issues relevant to the subsistence way of life.
2. Councils may and are encouraged to correspond directly with the Board. The Councils are advisory bodies to the Board.
3. Councils are urged to make use of the annual report process to bring matters to the Board's attention.
4. Types of communication encompassed by this policy include but are not limited to the following: letters of support, resolutions, letters offering comment or recommendations, ANILCA §810 comments (subsistence and land use decisions), and any other correspondence to any government agency or any tribal or private organization or individual.
5. The correspondence process is as follows:
  - Councils shall discuss and agree upon the contents of proposed correspondence during a public meeting.
  - Council Coordinators draft the correspondence in accordance with the Council's position.
  - Council Coordinators will transmit all draft correspondence to the Assistant Regional

Director (ARD) of OSM for review prior to mailing, except as noted in items 6, 7, and 8 of this policy.

- Recognizing that such correspondence is the result of an official Council action and may be urgent, the ARD will complete this review in a timely manner.
  - Modifications identified as necessary by the ARD will be discussed with the Council Chair. Council Chairs have the final authority to approve letters.
6. Councils may submit notification of appointment directly to Subsistence Resource Commissions under §808 without review by the ARD of OSM.
  7. Councils may submit comments regarding proposed regulatory changes affecting subsistence uses within their regions to the Alaska Board of Fisheries and the Alaska Board of Game without review by the ARD of OSM. The comments will be channeled through the appropriate OSM division(s) supervisors for review. A copy of comments or proposals will be forwarded to the ARD when the original is submitted.
  8. Administrative correspondence such as letters of appreciation, requests for agency reports at Council meetings, and cover letters for meeting agendas will be channeled through the Council Coordinator to the appropriate OSM division(s) supervisor for review.
  9. Due to Hatch Act restrictions, Councils may not communicate with elected officials or political appointees in other Federal agencies. Councils further may not write directly to Secretaries of Federal agencies or their offices, and instead may write to the Board to request that the Board relay correspondence on relevant subject matters of interest to the Secretaries of the Interior or Agriculture or to other Federal agencies at the Secretarial level. This does not prohibit Council members from acting in their capacity as private citizens or through other organizations with which they are affiliated.
  10. Councils will submit copies of all correspondence generated and received by them to OSM to be filed in the administrative record system.

Approved by the Federal Subsistence Board on June 15, 2004.

Revised by the Federal Subsistence Board on XXXXXXXX.

TABLE 1—COMPARISON OF CURRENT<sup>1</sup> AND PROPOSED FEES—Continued

I-407	Record of Abandonment of Lawful Permanent Resident Status	No Fee	No Fee	N/A	N/A
I-485J	Confirmation of Bona Fide Job Offer or Request for Job Portability Under INA Section 204(j).	No Fee	No Fee	N/A	N/A
I-508	Request for Waiver of Certain Rights, Privileges, Exemptions, and Immunities.	No Fee	No Fee	N/A	N/A
I-566	Interagency Record of Request—A, G, or NATO Dependent Employment Authorization or Change/Adjustment To/From A, G, or NATO Status.	No Fee	No Fee	N/A	N/A
I-693	Report of Medical Examination and Vaccination Record	No Fee	No Fee	N/A	N/A
I-854	Inter-Agency Alien Witness and Informant Record	No Fee	No Fee	N/A	N/A
I-864	Affidavit of Support Under Section 213A of the INA	No Fee	No Fee	N/A	N/A
I-864A	Contract Between Sponsor and Household Member	No Fee	No Fee	N/A	N/A
I-864EZ	Affidavit of Support Under Section 213A of the INA	No Fee	No Fee	N/A	N/A
I-864W	Request for Exemption for Intending Immigrant's Affidavit of Support.	No Fee	No Fee	N/A	N/A
I-865	Sponsor's Notice of Change of Address	No Fee	No Fee	N/A	N/A
I-912	Request for Fee Waiver	No Fee	No Fee	N/A	N/A
I-942	Request for Reduced Fee	No Fee	No Fee	N/A	N/A

<sup>1</sup> These are fees that USCIS is currently charging and not those codified by the 2020 fee rule.

**Christina E. McDonald,**

*Federal Register Liaison, U.S. Department of Homeland Security.*

[FR Doc. 2023-00274 Filed 1-6-23; 8:45 am]

BILLING CODE 9111-97-P

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

**36 CFR Part 13**

[NPS-AKRO-33913; PPAKAKROZ5, PPMRLE1Y.L00000]

RIN 1024-AE70

**Alaska; Hunting and Trapping in National Preserves**

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service (NPS) proposes to amend its regulations for sport hunting and trapping in national preserves in Alaska. This proposed rule would prohibit certain harvest practices, including bear baiting; and prohibit predator control or predator reduction on national preserves.

**DATES:** Comments on the proposed rule must be received by 11:59 p.m. ET on March 10, 2023.

**ADDRESSES:** You may submit comments, identified by Regulation Identifier Number (RIN) 1024-AE70, by either of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail or Hand Deliver to:* National Park Service, Regional Director, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501. *Comments delivered on external electronic storage devices (flash drives, compact discs, etc.) will not be accepted.*

- *Instructions:* Comments will not be accepted by fax, email, or in any way other than those specified above. Comments delivered on external electronic storage devices (flash drives, compact discs, etc.) will not be accepted. All submissions received must include the words “National Park Service” or “NPS” and must include the docket number or RIN (1024-AE70) for this rulemaking. Comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and search for “1024-AE70.”

**FOR FURTHER INFORMATION CONTACT:**

Regional Director, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501; phone (907) 644-3510; email: [AKR\\_Regulations@nps.gov](mailto:AKR_Regulations@nps.gov).

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Alaska National Interest Lands Conservation Act (ANILCA) allows harvest of wildlife in national preserves in Alaska for subsistence purposes by local rural residents under Federal regulations. ANILCA also allows harvest of wildlife for sport purposes by any individual under laws of the State of Alaska (referred to as the State) that do not conflict with federal laws. ANILCA requires the National Park Service (NPS) to manage national preserves consistent

with the NPS Organic Act of 1916, which directs the NPS “to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” 54 U.S.C. 100101(a).

On June 9, 2020, the NPS published a final rule (2020 Rule; 85 FR 35181) that removed restrictions on sport hunting and trapping in national preserves in Alaska that were implemented by the NPS in 2015 (2015 Rule; 80 FR 64325). These included restrictions on the following methods of taking wildlife that were and continue to be authorized by the State in certain locations: taking black bear cubs, and sows with cubs, with artificial light at den sites; harvesting bears over bait; taking wolves and coyotes (including pups) during the denning season (between May 1 and August 9); taking swimming caribou; taking caribou from motorboats under power; and using dogs to hunt black bears. The 2015 Rule prohibited other harvest practices that were and continue to be similarly prohibited by the State. These prohibitions were also removed by the 2020 Rule. The 2020 Rule also removed a statement in the 2015 Rule that State laws or management actions that seek to, or have the potential to, alter or manipulate natural predator populations or processes in order to increase harvest of ungulates by humans are not allowed in national preserves in Alaska. The NPS based the 2020 Rule in part on direction from the Department of the Interior (DOI) to expand recreational hunting opportunities and align hunting opportunities with those established by states. Secretarial Orders 3347 and 3356. The 2020 Rule also responded to direction from the

Secretary of the Interior to review and reconsider regulations that were more restrictive than state provisions, and specifically the restrictions on harvesting wildlife found in the 2015 Rule.

The harvest practices at issue in both the 2015 and 2020 Rules are specific to harvest under the authorization for sport hunting and trapping in ANILCA. Neither rule addressed subsistence harvest by rural residents under title VIII of ANILCA.

#### The 2015 Rule

Some of the harvest methods prohibited by the 2015 Rule targeted predators. When the NPS restricted these harvest methods in the 2015 Rule, it concluded that these methods were allowed by the State for the purpose of reducing predation by bears and wolves to increase populations of prey species (ungulates) for harvest by human hunters. The State's hunting regulations are driven by proposals from members of the public, fish and game advisory entities, and State and Federal government agencies. The State, through the State of Alaska Board of Game (BOG), deliberates on the various proposals publicly. Many of the comments made in the proposals and BOG deliberations on specific hunting practices showed that they were intended to reduce predator populations for the purpose of increasing prey populations. Though the State objected to this conclusion in its comments on the 2015 Rule, the NPS's conclusion was based on State law and policies;<sup>1</sup> BOG proposals, deliberations, and decisions;<sup>2</sup> and Alaska Department of Fish and Game actions, statements, and publications leading up to the 2015 Rule.<sup>3</sup> Because NPS Management

<sup>1</sup> Alaska Statutes (AS) section 16.05.255(k) (definition of sustained yield); Findings of the Alaska Board of Game, 2006–164–BOG, Board of Game Bear Conservation and Management Policy (May 14, 2006) (rescinded in 2012).

<sup>2</sup> See, e.g., Alaska Board of Game Proposal Book for March 2012, proposals 146, 167, 232.

<sup>3</sup> See, e.g., AS section 16.05.255(e); State of Alaska Department of Fish and Game Emergency Order on Hunting and Trapping 04–01–11 (Mar. 31, 2011) (available at Administrative Record for Alaska v. Jewell et al., No. 3:17–cv–00013–JWS, D. Alaska pp. NPS0164632–35); State of Alaska Department of Fish and Game Agenda Change 11 Request to State Board of Game to increase brown bear harvest in game management unit 22 (2015); Alaska Department of Fish and Game Wildlife Conservation Director Corey Rossi, "Abundance Based Fish, Game Management Can Benefit All," Anchorage Daily News (Feb. 21, 2009); ADFG News Release—Wolf Hunting and Trapping Season extended in Unit 9 and 10 in response to caribou population declines (3/31/2011); Alaska Department of Fish and Game Craig Fleener, Testimony to U.S. Senate Committee on Energy and Natural Resources re: Abundance Based Wildlife Management (Sept. 23, 2013); Alaska Department of

Policies state that the NPS will manage park lands for natural processes (including natural wildlife fluctuations, abundances, and behaviors) and explicitly prohibit predator control, the NPS determined that these harvest methods authorized by the State were in conflict with NPS mandates. NPS Management Policies (4.4.1, 4.4.3) (2006). For these reasons and because the State refused to exempt national preserves from these authorized practices, the NPS prohibited them in the 2015 Rule and adopted a regulatory provision consistent with NPS policy direction on predator control related to harvest. The 2015 Rule further provided that the Regional Director would compile, annually update, and post on the NPS website a list of any State predator control laws or actions prohibited by the NPS on national preserves in Alaska.

As stated above, the 2015 Rule only restricted harvest for "sport purposes." Although this phrase is used in ANILCA, the statute does not define the term "sport." In the 2015 Rule, the NPS reasoned that harvest for subsistence is for the purpose of feeding oneself and family and maintaining cultural practices, and that "sport" or recreational hunting invokes Western concepts of fairness which do not necessarily apply to subsistence practices. Therefore, the 2015 Rule prohibited the practices of harvesting swimming caribou and taking caribou from motorboats under power which the NPS concluded were not consistent with generally accepted notions of "sport" hunting. This conclusion also supported restrictions in the 2015 Rule on the practices of taking bear cubs and sows with cubs; and using a vehicle to chase, drive, herd, molest, or otherwise disturb wildlife. To illustrate how the 2015 Rule worked in practice, a federally qualified local rural resident could harvest bear cubs and sows with cubs, or could harvest swimming caribou (where authorized under federal subsistence regulations), but a hunter from Anchorage, Fairbanks, Juneau or other nonrural areas in Alaska, or a hunter from outside Alaska, could not.

In the 2015 Rule, the NPS also concluded that the practice of putting out bait to attract bears for harvest poses an unacceptable safety risk to the visiting public and leads to unnatural wildlife behavior by attracting bears to a food source that would not normally

Fish and Game, Hunting and Trapping Emergency Order 4–01–11 to Extend Wolf Hunting and Trapping Seasons in GMU [Game Management Unit] 9 and 10 (LACL and KATM) (Nov. 25, 2014); ADFG Presentation Intensive Management of Wolves, Bears, and Ungulates in Alaska (Feb. 2009).

be there. The NPS based this conclusion on the understanding that bears are more likely to attack when defending a food source and therefore visitors who encountered a bait station would be at risk from bear attacks. In addition, the NPS concluded that baiting could cause more bears to become conditioned to human food, creating unacceptable public safety risks. The NPS based this conclusion on the fact that not all bears that visit bait stations are harvested; for example, a hunter may not be present when the bear visits the station, or a hunter may decide not to harvest a particular bear for a variety of reasons. Additionally, other animals are attracted to bait stations. Because bait often includes dog food and human food, including items like bacon grease and pancake syrup, which are not a natural component of animal diets, the NPS was concerned that baiting could lead to bears and other animals associating these foods with people, which would create a variety of risks to people, bears, and property. For these reasons, the 2015 Rule prohibited bear baiting in national preserves in Alaska.

The NPS received approximately 70,000 comments during the public comment period for the 2015 Rule. These included unique comment letters, form letters, and signed petitions. Approximately 65,000 comments were form letters. The NPS also received three petitions with a combined total of approximately 75,000 signatures. The NPS counted a letter or petition as a single comment, regardless of the number of signatories. More than 99% of the public comments supported the 2015 Rule. Comments on the 2015 Rule can be viewed on *regulations.gov* by searching for "RIN 1024-AE21".

#### The 2020 Rule

The 2020 Rule reconsidered the conclusions in the 2015 Rule regarding predator control, sport hunting, and bear baiting. First, the 2020 Rule reversed the 2015 Rule's conclusion that the State intended to reduce predator populations through its hunting regulations. As explained above, the NPS's conclusion in the 2015 Rule was based on BOG proposals, deliberations, and decisions; and Alaska Department of Fish and Game actions, statements, and publications that preceded the 2015 Rule. However, in their written comments on the 2015 and 2020 Rules, the State denied that the harvest

practices for predators were part of their predator control or intensive management programs and therefore were not efforts to reduce predators. In its written comments, the State argued that the liberalized predator harvest

rules were simply a means to provide new opportunities for hunters to harvest predators, in response to requests received by the BOG. The State argued that it provided these new opportunities under a “sustained yield” management framework, which is distinct from what the State considers “predator control.” The State asserted that it has a separate, formal predator control program which is not considered “hunting” by the State. According to the State, predator control occurs only through its “intensive management” program.

The NPS afforded the State’s written comments on the 2020 Rule more weight than it did on the State’s similar comments on the 2015 Rule, both of which were in conflict with other contemporaneous public State positions on the matter. The NPS took into account the analysis in the environmental assessment supporting the 2020 Rule, which concluded that the hunting practices in question would not likely alter natural predator-prey dynamics at the population level or have a significant foreseeable adverse impact to wildlife populations, or otherwise impair park resources. The NPS also considered what it viewed as the legislative requirements of ANILCA with respect to hunting. Based upon these considerations, the NPS concluded the hunting practices did not run afoul of NPS Management Policies section 4.4.3, which prohibits predator reduction to increase numbers of harvested prey species. This led the NPS to remove two provisions that were implemented in the 2015 Rule: (1) the statement that State laws or management actions intended to reduce predators are not allowed in NPS units in Alaska, and (2) prohibitions on several methods of harvesting predators. With prohibitions on harvest methods removed, the 2020 Rule went back to deferring to authorizations under State law for harvesting predators. To illustrate how the 2020 Rule works in practice, Alaska residents, including rural and nonrural residents, and out-of-state hunters may take wolves and coyotes (including pups) for sport purposes in national preserves during the denning season in accordance with State law.

The 2020 Rule also relied upon a different interpretation of the term “sport” in ANILCA’s authorization for harvest of wildlife for sport purposes in national preserves in Alaska. As explained above, the 2015 Rule gave the term “sport” its common meaning associated with standards of fairness, and prohibited certain practices that were not compatible with these standards. In the 2020 Rule, the NPS

stated that in the absence of a statutory definition, the term “sport” merely served to distinguish sport hunting from harvest under federal subsistence regulations. Consequently, under the 2020 Rule, practices that may not be generally compatible with notions of “sport”—such as harvesting swimming caribou or taking cubs and pups or mothers with their young—may be used by anyone in national preserves in accordance with State law.

Finally, the 2020 Rule reconsidered the risk of bear baiting to the visiting public. The NPS noted that peer-reviewed data are limited on the specific topic of hunting bears over bait. Additionally, the NPS concluded that human-bear interactions are likely to be rare, other than for hunters seeking bears, due to a lack of observed bear conditioning to associate bait stations with humans and the relatively few people in such remote areas to interact with bears. In making this risk assessment, the NPS took into account state regulations on baiting that are intended to mitigate safety concerns, and NPS authority to enact local closures if and where necessary. For these reasons and because of policy direction from the DOI and the Secretary of the Interior requiring maximum deference to state laws on harvest that did not exist in 2015, the 2020 Rule rescinded the prohibition on bear baiting that was implemented in the 2015 Rule. As a result, any Alaska resident, including rural and nonrural residents, or out-of-state hunter may take bears over bait in national preserves in Alaska in accordance with State law, including with the use of human and dog foods.

The NPS received approximately 211,780 pieces of correspondence, with a total of 489,101 signatures, during the public comment period for the 2020 Rule. Of the 211,780 pieces of correspondence, approximately 176,000 were form letters and approximately 35,000 were unique comments. More than 99% of the public comments opposed the 2020 Rule. Comments on the 2020 Rule can be viewed on *regulations.gov* by searching for “RIN 1024-AE38”.

#### Proposed Rule

In this proposed rule, the NPS reconsiders the conclusions that supported the 2020 Rule. This proposed rule addresses three topics that were considered in the 2015 and 2020 Rules: (1) bear baiting; (2) the meaning and scope of hunting for “sport purposes” under ANILCA; and (3) State law addressing predator harvest. After reconsidering these topics, the NPS

proposes in this rule to prohibit the same harvest methods that were prohibited in the 2015 Rule. The proposed rule also would prohibit predator control or predator reduction on national preserves. Finally, the proposed rule would clarify the regulatory definition of trapping for reasons explained below. The NPS has begun consulting and communicating with Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations that would be most affected by this proposed rule and the feedback provided to date has been incorporated by the NPS in this proposed rule as discussed below.

#### Bear Baiting

The NPS proposes to prohibit bear baiting in national preserves in Alaska. Bait that hunters typically use to attract bears includes processed foods like bread, pastries, dog food, and bacon grease. As explained below, this proposal would lower the risk that bears will associate food at bait stations with humans and become conditioned to eating human-produced foods, thereby creating a public safety concern. This proposal would also lower the probability of visitors encountering a bait station where bears may attack to defend a food source. The proposal to prohibit baiting is supported by two primary risk factors and other considerations that are discussed below.

#### Risk of Bears Defending a Food Source

The risks caused by humans feeding bears (including baiting them with food) are widely recognized.<sup>4</sup> Bears are more likely to attack when defending a food source, putting visitors who encounter a bear at or near a bait station or a kill site

<sup>4</sup>Herrero, S. 2018. Bear attacks: their causes and avoidance. Lyons Press, Guilford, Connecticut, USA at p. 22; Glitzenstein, E., Fritschie, J. The Forest Service’s Bait and Switch: A Case Study on Bear Baiting and the Service’s Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests. 1 *Animal Law* 47, 55–56 (1995). See also, Denali State Park Management Plan, 69 (2006) (“The practice has the potential for creating serious human-bear conflicts, by encouraging bears to associate campgrounds and other human congregation points with food sources.”); City and Borough of Juneau, Living with Bears: How to Avoid Conflict (available at [https://juneau.org/wp-content/uploads/2017/03/2004\\_living\\_w\\_pamphlet\\_finaljustified.pdf](https://juneau.org/wp-content/uploads/2017/03/2004_living_w_pamphlet_finaljustified.pdf)), City and Borough of Juneau, Living in Bear Country (available at [https://juneau.org/wp-content/uploads/2017/03/living\\_in\\_bear\\_country\\_color.pdf](https://juneau.org/wp-content/uploads/2017/03/living_in_bear_country_color.pdf)) (“It is well known that garbage kills bears—that is, once bears associate people with a food reward, a chain of events is set into motion and the end result, very often, is a dead bear.”); Biologists say trash bears in Eagle River will be killed—but people are the problem, Anchorage Daily News (available at [www.adn.com/alaska-news/wildlife/2018/06/18/biologists-say-trash-bears-in-eagle-river-will-be-killed-but-people-are-the-problem/](http://www.adn.com/alaska-news/wildlife/2018/06/18/biologists-say-trash-bears-in-eagle-river-will-be-killed-but-people-are-the-problem/)).

at significant risk.<sup>5</sup> Visitors to national preserves in Alaska may inadvertently encounter bears and bait stations while engaging in sightseeing, hiking, boating, hunting, photography, fishing, and a range of other activities. This is because despite the vast, relatively undeveloped nature of these national preserves, most visitation occurs near roads, trails, waterways, or other encampments (e.g., cabins, residences, communities). Establishing and maintaining a bait station requires the transport of supplies, including bait, barrels, tree stands, and game cameras. The same roads, trails, and waterways used by visitors are, therefore, also used by those setting up a bait station. Thus, despite the vast landscapes, bear baiting and many other visitor activities are concentrated around the same limited access points. Processed foods are most commonly used for bait because they are convenient to obtain and are attractive to bears. Processed foods do not degrade quickly nor are they rapidly or easily broken down by insects and microbes. As a result, they persist on the landscape along with the public safety risk of bears defending a food source.

The NPS recognizes that there are restrictions in State law intended to mitigate the risks described above. Bait stations are prohibited within ¼ mile of a road or trail and within one mile of a dwelling, cabin, campground, or other recreational facility. State regulations also require bait station areas to be signed so that the public is aware that a bait station exists. Although these mitigation measures may reduce the immediate risk of park visitors approaching a bear defending bait, NPS records indicate that bait stations established at Wrangell-St. Elias National Park and Preserve often do not comply with the State's minimum distance requirements. Further, as discussed below, these requirements do not mitigate the risk of other adverse outcomes associated with baiting that are discussed below.

#### *Risk of Habituated and Food-Conditioned Bears*

Another aspect of bear baiting that poses a public safety and property risk is the possibility that bears become habituated to humans through exposure to human scents at bait stations and then become food conditioned, meaning

<sup>5</sup>Herrero, S. 2018. Bear attacks: their causes and avoidance. Lyons Press, Guilford, Connecticut, USA. at p. 22; Glitzenstein, E., Fritschie, J. The Forest Service's Bait and Switch: A Case Study on Bear Baiting and the Service's Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests. 1 Animal Law 47, 55–56 (1995).

they learn to associate humans with a food reward (bait). This is particularly true of processed foods that are not part of a bear's natural diet because virtually all encounters with processed foods include exposure to human scent.

It is well understood that habituated and food-conditioned bears pose a heightened public safety risk.<sup>6</sup> The published works of Stephen Herrero, a recognized authority on human-bear conflicts and bear attacks explain the dangers from bears that are habituated to people or have learned to feed on human food, highlight that habituation combined with food-conditioning has been associated with a large number of injuries to humans, and indicate food-conditioning of bears may result from exposure to human food at bait stations.

The State's mitigation measures mentioned above, including requirements for buffers and signage, do not adequately address the risk associated with habituated and food-conditioned bears because bears range widely, having home ranges of tens to hundreds of square miles.<sup>7</sup> The buffers around roads, trails, and dwellings are therefore inconsequential for bears that feed at bait stations but are not harvested there. These bears have the potential to become habituated to humans and conditioned to human-produced foods, resulting in increased likelihood of incidents that compromise public safety, result in property damage and threaten the lives of bears who are killed in defense of human life and property.

In the 2020 Rule, the NPS determined that the lack of conclusive evidence that bear baiting poses safety concerns justified allowing bear baiting. While the NPS acknowledges the lack of peer-reviewed data demonstrating that bear baiting poses a public safety risk, this data gap exists primarily because rigorous studies specific to this point are logistically and ethically infeasible. The determination made by the NPS in the 2020 Rule did not fully consider the vast experience and knowledge of recognized experts and professional resource managers. In April 2022, the NPS queried 14 NPS resource managers

<sup>6</sup>Herrero, S. 2018. Bear attacks: their causes and avoidance. Lyons Press, Guilford, Connecticut, USA. at p. 22; Glitzenstein, E., Fritschie, J. The Forest Service's Bait and Switch: A Case Study on Bear Baiting and the Service's Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests. 1 Animal Law 47, 55–56 (1995).

<sup>7</sup>See, e.g., Glitzenstein, E., Fritschie, J. The Forest Service's Bait and Switch: A Case Study on Bear Baiting and the Service's Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests. 1 Animal Law 52–53 (1995).

and wildlife biologists from 12 different National Park System units in Alaska about bear baiting. These technical experts' unanimous opinion was that bear baiting will increase the likelihood of defense of life and property kills of bears and will alter the natural processes and behaviors of bears and other wildlife. Considering the potential for significant human injury or even death, these experts considered the overall risk of bear baiting to the visiting public to be moderate to high. These findings generally agree with the universal recognition in the field of bear management that food conditioned bears result in increased bear mortality and heightened risk to public safety and property, and that baiting, by its very design and intent, alters bear behavior. The findings also are consistent with the State's management plan for Denali State Park. The management plan expresses concern that bear baiting "teaches bears to associate humans with food sources" and states that bear baiting is in direct conflict with recreational, non-hunting uses of the park. The plan further notes that bear baiting has "the potential for creating serious human-bear conflicts, by encouraging bears to associate campgrounds and other human congregation points with food sources."<sup>8</sup>

#### *Other Considerations*

In addition to the risks explained above, there are other considerations that support the proposal to prohibit all bear baiting. The NPS is guided by its mandates under the NPS Organic Act to conserve wildlife and under ANILCA to protect wildlife populations. Food-conditioned bears are more likely to be killed by authorities or by the public in defense of life or property.<sup>9</sup> While the NPS supports wildlife harvest as authorized in ANILCA, it cannot

<sup>8</sup>Denali State Park Management Plan, 69 (2006).

<sup>9</sup>See e.g., City and Borough of Juneau, Living with Bears: How to Avoid Conflict (available at [https://juneau.org/wp-content/uploads/2017/03/2004\\_living\\_w\\_pamphlet\\_finaljustified.pdf](https://juneau.org/wp-content/uploads/2017/03/2004_living_w_pamphlet_finaljustified.pdf)), ¶ and Borough of Juneau, Living in Bear Country (available at [https://juneau.org/wp-content/uploads/2017/03/living\\_in\\_bear\\_country\\_color.pdf](https://juneau.org/wp-content/uploads/2017/03/living_in_bear_country_color.pdf))

("It is well known that garbage kills bears—that is, once bears associate people with a food reward, a chain of events is set into motion and the end result, very often, is a dead bear."); Biologists say trash bears in Eagle River will be killed—but people are the problem, Anchorage Daily News (available at [www.adn.com/alaska-news/wildlife/2018/06/18/biologists-say-trash-bears-in-eagle-river-will-be-killed-but-people-are-the-problem/](http://www.adn.com/alaska-news/wildlife/2018/06/18/biologists-say-trash-bears-in-eagle-river-will-be-killed-but-people-are-the-problem/)); Glitzenstein, E., Fritschie, J. The Forest Service's Bait and Switch: A Case Study on Bear Baiting and the Service's Struggle to Adopt a Reasoned Policy on a Controversial Hunting Practice within the National Forests. 1 Animal Law 52–53 (1995).



promote activities that increase non-harvest mortalities of bears.

*Feedback From Tribes and ANCSA Corporations on Bear Baiting*

Feedback received to date from Tribes and ANCSA Corporations indicates baiting bears is not a common activity in or near national preserves and not something done commonly by local rural residents. Many of the entities voiced support for prohibiting baiting altogether, limiting bait to natural items, increasing buffer zones around developments, or requiring a permit. On the other hand, a minority—mostly entities affiliated with the Wrangell-St. Elias area—recommended continuing to allow sport hunters to harvest bears over bait, including with use of processed foods like donuts and dog food. Consultation and communication with Tribes and ANCSA Corporations is ongoing and feedback will continue to be considered by the NPS throughout the rulemaking process.

*The Meaning and Scope of Hunting for “Sport Purposes” Under ANILCA*

Hunting is prohibited in National Park System units except as specifically authorized by Congress. 36 CFR 2.2(b). Title VIII of ANILCA allows local rural residents to harvest wildlife for subsistence in most, but not all, lands administered by the NPS in Alaska. Title VIII also created a priority for federal subsistence harvest over other consumptive uses of fish and wildlife. Separate from subsistence harvest, ANILCA authorized anyone to harvest wildlife for “sport purposes.” When first authorized under ANILCA, the State managed subsistence harvest by local rural residents under Title VIII as well as harvest for sport purposes by anyone. After a ruling from the State Supreme Court that the State Constitution barred the State from implementing the rural subsistence provisions of ANILCA, the Federal government assumed management of subsistence harvest under title VIII. Following this decision, the State only regulates harvest for sport purposes under ANILCA.<sup>10</sup> Under the State’s current framework, Alaska residents have a priority over nonresidents but there is no prioritization based upon where one resides in Alaska.

<sup>10</sup> The State of Alaska also uses the term “subsistence” when referencing harvest of fish and wildlife by state residents. It is important to recognize, however, that state subsistence harvest is not the same as federal subsistence under title VIII of ANILCA, which is limited to only local rural residents. When the term “subsistence” is used in this document, it refers to subsistence under title VIII of ANILCA and harvest of fish and wildlife under federal regulations.

Accordingly, all residents of Alaska have an equal opportunity to harvest wildlife for “sport purposes” in national preserves under State law.

The NPS is re-evaluating whether it was appropriate for the 2020 Rule to change its interpretation of the term “sport” in the 2015 Rule. An important implication of that change is that the 2020 Rule expanded sport hunting opportunities for nonlocal residents who are not qualified to harvest wildlife under federal subsistence laws. As mentioned above, in the spring of 2022 the NPS reached out to Tribes and ANCSA Corporations that are most likely to be impacted by this proposed rule. In these discussions, most of these entities expressed concern that increasing harvest opportunities under ANILCA’s authorization for sport hunting and trapping could result in increased competition from individuals that are not local to the area. In addition, most of these entities do not believe there is a demand to engage in these harvest practices in national preserves (other than limited demand to bait bears in Wrangell-St. Elias) and expressed a preference that the NPS not authorize practices that could encourage more nonlocal hunters to visit the area and compete for wildlife resources.

This feedback from Tribes and ANCSA Corporations illustrates a tension between the interests conveyed and the outcome of the 2020 Rule which increased harvest opportunities for nonlocal rural residents. In the 2015 Rule, the NPS said harvest of wildlife for “sport purposes” carries with it concepts of fairness or fair chase. These constructs do not necessarily apply to subsistence practices which emphasize cultural traditions and acquisition of calories for sustenance. In the 2020 Rule, the NPS changed its interpretation by saying the term “sport” only serves to differentiate harvest under State regulations from harvest under federal subsistence regulations. As a result, practices that some might consider only appropriate for subsistence harvest by local rural residents now may be used by anyone harvesting for “sport purposes” under State law. As conveyed by the Tribes and ANCSA Corporations, this increases competition between federal subsistence hunters and sport hunters by expanding hunting opportunities to those who are not local rural residents. It also allows for sport hunters to engage in practices that are not considered sporting under notions of the term as described above. The examples below illustrate how this issue plays out in national preserves in Alaska today:

- *Swimming caribou.* Under the 2015 Rule, only qualified rural residents could harvest swimming caribou in national preserves in accordance with federal subsistence regulations, which recognize the practice as part of a customary and traditional subsistence lifestyle. Individuals from Anchorage, Fairbanks, Juneau and other nonrural areas in Alaska, as well as out-of-state hunters, could not harvest swimming caribou in national preserves. Under the 2020 Rule, residents of nonrural areas in Alaska (including Anchorage, Fairbanks, and Juneau) and out-of-state hunters can harvest swimming caribou in national preserves in accordance with State law under ANILCA’s authorization for harvest for “sport purposes.”

- *Black bear cubs and sows with cubs.* Under the 2015 Rule, only a qualified rural resident could harvest bear cubs and sows with cubs in accordance with federal subsistence regulations, which recognize this practice as an uncommon but customary and traditional harvest practice by some Native cultures in northern Alaska. Accordingly, while the NPS supported the activity under federal subsistence regulations, the NPS did not support it under ANILCA’s authorization for “sport” hunting.” Under the 2020 Rule which deferred to State law, harvest of bear cubs and sows with cubs is not limited based on where one resides. Accordingly, under the 2020 Rule individuals who are not local to the area can harvest bear cubs and sows with cubs at den sites in national preserves under ANILCA’s authorization for harvest for “sport” purposes.

- *Take of wolves and coyotes, including pups, during the denning season.* The 2015 Rule prohibited sport hunters from taking wolves and coyotes during the denning season, a time when their pelts are not in prime condition, which can leave pups and cubs orphaned and left to starve. Under the 2020 Rule, any hunter (including those from out of state) can harvest wolves and coyotes year-round, including pups during the denning season. This reduces the number of wolves and coyotes available to harvest when their pelts are fuller and therefore more desirable to subsistence users and other trappers.

These examples demonstrate that the NPS’s interpretation of the term “sport” under the 2015 Rule created a result that is more in line with the majority of feedback received to date from Tribes and ANCSA Corporations. The NPS Organic Act directs the NPS to conserve wildlife. Based upon this conservation mandate, hunting is prohibited in National Park System units except as authorized by Congress. 36 CFR 2.2(b).

ANILCA authorizes harvest for Federal subsistence and “sport purposes” in national preserves in Alaska. The NPS interprets the term “sport” to include the concept of fair chase as articulated by some hunting organizations,<sup>11</sup> as not providing an unfair advantage to the hunter and allowing the game to have a reasonable chance of escape. This involves avoiding the targeting of animals that are particularly vulnerable, such as while swimming, while young, or while caring for their young. While the NPS understands that the exact boundaries of this concept involve some level of ambiguity, the NPS believes the practices addressed in this proposed rule fall outside the norms of “sport” hunting.

The NPS requests comment on this concept of “sport” and whether the practices described in these examples should be allowed as a “sport” hunt in national preserves in Alaska. Giving meaning of the term “sport” also prioritizes harvest for subsistence by local rural residents by avoiding competition with nonlocal residents who are hunting for sport purposes under ANILCA. This is consistent with the priority that Congress placed on the customary and traditional uses of wild renewable resources by local rural residents under ANILCA (*see* Sec. 101(c)). For these reasons, the proposed rule would reinstate the prohibitions in the 2015 Rule on methods of harvest that are not compatible with generally accepted notions of “sport” hunting. The proposed rule would define the terms “big game,” “cub bear,” “fur animal,” and “furbearer,” which are used in the table of prohibited harvest methods, in the same way they were defined in the 2015 Rule.

#### *State Law Addressing Predator Harvest*

The proposed rule also would address opportunities to harvest predators that are authorized by the State. NPS policy interprets and implements the NPS Organic Act. NPS Management Policies require the NPS to manage National Park System units for natural processes, including natural wildlife fluctuations, abundances, and behaviors, and specifically prohibit the NPS from engaging in predator reduction efforts to benefit one harvested species over another or allowing others to do so on NPS lands. (NPS Management Policies 2006, Ch. 4). These activities are prohibited by policy even if they do not actually reduce predator populations or

increase the number of prey species available to hunters. The NPS believes the 2020 Rule is in tension with these policies based upon the information it collected over a period of years before the publication of the 2015 Rule. This information indicates that the predator harvest practices that were allowed by the State were allowed for the purpose of benefited prey species over predators. For this reason, the proposed rule would reinstate the prohibitions in the 2015 Rule on methods of harvest that target predators for the purpose of increasing populations of prey species for human harvest. In addition, the proposed rule would add the following statement to its regulations to clarify that predator control is not allowed on NPS lands: “Actions to reduce the numbers of native species for the purpose of increasing the numbers of harvested species (*e.g.*, predator control or predator reduction) are not allowed.”

#### *Trapping Clarification*

Finally, the proposed rule would revise the definition of “trapping” in part 13 to clarify that trapping only includes activities that use a “trap” as that term is defined in part 13. The definition of “trapping” promulgated in the 2015 Rule inadvertently omitted reference to the use of traps, instead referring only to “taking furbearers under a trapping license.” The proposed revision would resolve any question about whether trapping can include any method of taking furbearers under a trapping license, which could include the use of firearms depending upon the terms of the license. This change would more closely align the definition of “trapping” in part 13 with the definition that applies to System units outside of Alaska in part 1.

#### **Compliance With Other Laws, Executive Orders and Department Policy**

##### *Regulatory Planning and Review (Executive Orders 12866 and 13563)*

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the OMB will review all significant rules. The Office of Information and Regulatory Affairs has determined that this proposed rule is significant because it raises novel legal or policy issues. The NPS has assessed the potential costs and benefits of this proposed rule in the report entitled “Cost-Benefit and Regulatory Flexibility Analyses: Alaska Hunting and Trapping Regulations in National Preserves” which can be viewed online at <https://www.regulations.gov> by searching for “1024-AE70.” Executive Order 13563

reaffirms the principles of Executive Order 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The NPS has developed this proposed rule in a manner consistent with these requirements.

##### *Regulatory Flexibility Act*

This proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on the cost-benefit and regulatory flexibility analyses found in the report entitled “Cost-Benefit and Regulatory Flexibility Analyses: Alaska Hunting and Trapping Regulations in National Preserves” which can be viewed online at <https://www.regulations.gov> by searching for “1024-AE70.”

##### *Unfunded Mandates Reform Act*

This proposed rule does not impose an unfunded mandate on Tribal, State, or local governments or the private sector of more than \$100 million per year. The proposed rule does not have a significant or unique effect on Tribal, State, or local governments or the private sector. It addresses public use of national park lands and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

##### *Takings (Executive Order 12630)*

This proposed rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

##### *Federalism (Executive Order 13132)*

Under the criteria in section 1 of Executive Order 13132, the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This proposed rule only affects use of federally administered

<sup>11</sup> The Hunting Heritage Foundation, [www.huntingheritagefoundation.com](http://www.huntingheritagefoundation.com) (last visited July 25, 2022); Boone and Crockett Club, [www.boone-crockett.org/principles-fair-chase](http://www.boone-crockett.org/principles-fair-chase) (last visited July 25, 2022).

lands and waters. It has no outside effects on other areas. A Federalism summary impact statement is not required.

*Civil Justice Reform (Executive Order 12988)*

This proposed rule complies with the requirements of Executive Order 12988. This proposed rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

*Consultation With Indian Tribes and ANCSA Corporations (Executive Order 13175 and Department Policy)*

The DOI strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. The NPS has begun consulting and communicating with Tribes and ANCSA Corporations that would be most affected by this proposed rule and the feedback provided to date has been incorporated by the NPS in this proposed rule. The NPS has evaluated this proposed rule under the criteria in Executive Order 13175 and under the Department's Tribal consultation and ANCSA Corporation policies. This proposed rule would restrict harvest methods for sport hunting only; it would not affect subsistence harvest under Title VIII of ANILCA. Feedback from Tribes and ANCSA Corporations indicates that these harvest methods are not common or allowed in many areas by the State. For these reasons, the NPS does not believe the proposed rule will have a substantial direct effect on federally recognized Tribes or ANCSA Corporation lands, water areas, or resources. Consultation and communication with Tribes and ANCSA Corporations is ongoing and feedback will continue to be considered by the NPS throughout the rulemaking process.

*Paperwork Reduction Act*

This proposed rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required. The NPS may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

*National Environmental Policy Act*

The NPS will prepare an environmental assessment of this proposed rule to determine whether this proposed rule will have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969. The environmental assessment will include new information, as appropriate, as well as an impact analysis similar to what was provided in the environmental assessments prepared for the 2015 Rule and the 2020 Rule, both of which resulted in a finding of no significant impact.

*Effects on the Energy Supply (Executive Order 13211)*

This proposed rule is not a significant energy action under the definition in Executive Order 13211; the proposed rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and the proposed rule has not otherwise been designated by the Administrator of Office of Information and Regulatory Affairs as a significant energy action. A Statement of Energy Effects is not required.

*Clarity of This Rule*

The NPS is required by Executive Orders 12866 (section 1(b)(12)) and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule the NPS publishes must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that the NPS has not met these requirements, send the NPS comments by one of the methods listed in the ADDRESSES section. To better help the NPS revise the rule, your comments should be as specific as possible. For example, you should identify the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

**Public Participation**

It is the policy of the DOI, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule

by one of the methods listed in the ADDRESSES section of this document.

**Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask the NPS in your comment to withhold your personal identifying information from public review, the NPS cannot guarantee that it will be able to do so.

**List of Subjects in 36 CFR Part 13**

Alaska, National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 13 as set forth below:

**PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA**

- 1. The authority citation for part B continues to read as follows:

**Authority:** 16 U.S.C. 3101 *et seq.*; 54 U.S.C. 100101, 100751, 320102; Sec. 13.1204 also issued under Pub. L. 104–333, Sec. 1035, 110 Stat. 4240, November 12, 1996.

- 2. In § 13.1:
  - a. Add in alphabetical order the definitions for “Big game”, “Cub bear”, “Fur animal”, and “Furbearer”.
  - b. Revise the definition of “Trapping”.
 The additions and revision read as follows:

**§ 13.1 Definitions.**

\* \* \* \* \*

*Big game* means black bear, brown bear, bison, caribou, Sitka black-tailed deer, elk, mountain goat, moose, muskox, Dall's sheep, wolf, and wolverine.

\* \* \* \* \*

*Cub bear* means a brown (grizzly) bear in its first or second year of life, or a black bear (including the cinnamon and blue phases) in its first year of life.

\* \* \* \* \*

*Fur animal* means a classification of animals subject to taking with a hunting license, consisting of beaver, coyote, arctic fox, red fox, lynx, flying squirrel, ground squirrel, or red squirrel that have not been domestically raised.

*Furbearer* means a beaver, coyote, arctic fox, red fox, lynx, marten, mink, least weasel, short-tailed weasel, muskrat, land otter, red squirrel, flying squirrel, ground squirrel, Alaskan marmot, hoary marmot, woodchuck, wolf and wolverine.

\* \* \* \* \*

*Trapping* means taking furbearers with a trap under a trapping license.

\* \* \* \* \*

3. In § 13.42, add paragraphs (f) and (k) to read as follows:

**§ 13.42 Taking of wildlife in national preserves.**

\* \* \* \* \*

(f) Actions to reduce the numbers of native species for the purpose of increasing the numbers of harvested species (*e.g.*, predator control or predator reduction) are prohibited.

\* \* \* \* \*

(k) This paragraph applies to the taking of wildlife in park areas

administered as national preserves except for subsistence uses by local rural residents pursuant to applicable Federal law and regulation. The following are prohibited:

TABLE 1 TO PARAGRAPH (k)

Prohibited acts	Any exceptions?
(1) Shooting from, on, or across a park road or highway .....	None.
(2) Using any poison or other substance that kills or temporarily incapacitates wildlife.	None.
(3) Taking wildlife from an aircraft, off-road vehicle, motorboat, motor vehicle, or snowmachine.	If the motor has been completely shut off and progress from the motor's power has ceased.
(4) Using an aircraft, snowmachine, off-road vehicle, motorboat, or other motor vehicle to harass wildlife, including chasing, driving, herding, molesting, or otherwise disturbing wildlife.	None.
(5) Taking big game while the animal is swimming .....	None.
(6) Using a machine gun, a set gun, or a shotgun larger than 10 gauge	None.
(7) Using the aid of a pit, fire, artificial salt lick, explosive, expanding gas arrow, bomb, smoke, chemical, or a conventional steel trap with an inside jaw spread over nine inches.	Killer style traps with an inside jaw spread less than 13 inches may be used for trapping, except to take any species of bear or ungulate.
(8) Using any electronic device to take, harass, chase, drive, herd, or molest wildlife, including but not limited to: artificial light; laser sights; electronically enhanced night vision scope; any device that has been airborne, controlled remotely, and used to spot or locate game with the use of a camera, video, or other sensing device; radio or satellite communication; cellular or satellite telephone; or motion detector.	(i) Rangefinders may be used. (ii) Electronic calls may be used for game animals except moose. (iii) Artificial light may be used for the purpose of taking furbearers under a trapping license during an open season from Nov. 1 through March 31 where authorized by the State. (iv) Artificial light may be used by a tracking dog handler with one leashed dog to aid in tracking and dispatching a wounded big game animal. (v) Electronic devices approved in writing by the Regional Director.
(9) Using snares, nets, or traps to take any species of bear or ungulate	None.
(10) Using bait. ....	Using bait to trap furbearers.
(11) Taking big game with the aid or use of a dog .....	Leashed dog for tracking wounded big game.
(12) Taking wolves and coyotes from May 1 through August 9 .....	None.
(13) Taking cub bears or female bears with cubs .....	None.
(14) Taking a fur animal or furbearer by disturbing or destroying a den	Muskrat pushups or feeding houses.

**Shannon Estenoz,**  
*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2023-00142 Filed 1-6-23; 8:45 am]

BILLING CODE 4312-52-P



## United States Department of the Interior

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Togiak National Wildlife Refuge  
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### INFORMATION BULLETIN - January 2023

***Kanektok River salmon weir removal*** Contact: Pat Walsh

The Alaska Department of Fish and Game operated a salmon weir on Togiak Refuge on the Kanektok River from 2002-2015. The weir has been inoperative since 2016 due to lack of funding. In spring 2022, ADF&G began removing the weir materials and field camp. It is anticipated that weir removal will be complete by spring 2023.

***Aerial Salmon Survey*** Contact: Truett Cawfield

The Fish and Wildlife service has initiated an aerial survey of the Salmon River which flows into the Kuskokwim Bay. The aim of this survey is to establish a baseline for salmon run timing and run size for this system. A weir will be constructed on the Salmon River in 2023 and will be managed by the Kenai Fish and Wildlife Conservation Office, who is partnering with the Togiak Refuge staff on this project. The weir will be utilized to ensure the accuracy and precision of aerial surveys.

***Arctic Char Population Inventory*** Contact: Truett Cawfield

Togiak Refuge has developed a multi-year study to inventory Arctic char populations throughout the Refuge. This species was previously confirmed to occur in 27 lakes. Since the beginning of the study 34 lakes have been sampled, and Arctic char occurrence has been documented in 13 new lakes. We have collected size and genetic information from 355 fish and provided the UAF museum with voucher specimens. If you have any first-hand knowledge of small or unique Arctic char populations and would be willing to share that information please contact Truett Cawfield at the Togiak Refuge office.

***Mulchatna Caribou*** Contact: Andy Aderman

Togiak Refuge assisted ADF&G with telemetry and law enforcement flights, satellite data acquisition, data entry and database management. A June 2022 post-calving survey estimated the Mulchatna herd at 12,112 caribou, slightly down from 12,850 estimated in 2021, and well below the population objective of 30,000-80,000 caribou.

Togiak Refuge Manager Moos, under authority delegated by the Federal Subsistence Board, closed caribou hunting and closed Federal public lands in the RC503 hunt area for caribou hunting.

ADF&G staff radiocollared 12 caribou in April 2022 in the area from Cape Newenham north to the Arolik River. On June 23, 2022 we located 11 collars in 8 groups and 1 collar that was a recent mortality. We also observed 9 uncollared groups ranging from 1-7 caribou. The combined total for all groups was a minimum of 470 caribou. A composition survey in early October 44.4 bulls and 46 calves per 100 cows. Thus far these caribou have remained in the general proximity of where they were captured. We plan to deploy additional radiocollars on caribou in this area in March 2023.

***Nushagak Peninsula Caribou*** Contact: Andy Aderman

A photocensus of the Nushagak Peninsula Herd on June 25, 2022 found a minimum of 359 caribou in 7 groups which resulted in a total population estimate of 442 +/- 118 (359-560) caribou at the 95% confidence interval. A similar effort in 2021 found a minimum of 258 caribou in 2 groups resulting in an estimate of 287 +/- 47 (258-334) caribou. A composition survey in early October estimated 41.3 bulls and 63.3 calves per 100 cows. The calf to cow ratio was highest since 1994. The bull to cow ratio was similar to 2021.

The Nushagak Peninsula Caribou Planning Committee met via teleconference July 27, 2022 and reviewed results of previous hunts, population and lichen monitoring, and the harvest strategy. Following the Harvest Strategy adopted in 2019, the Committee favored having a hunt with a total of 48 permits, with 8 permits going to each of the 6 communities: Aleknagik, Clark's Point, Dillingham, Manokotak, Togiak and Twin Hills. Refuge Manager Moos' decision was to open the Federal caribou hunt on the Nushagak Peninsula from August 1-March 15 with a harvest objective of 48 caribou, a harvest limit of 1 caribou per hunter, and 8 permits going to each of the 6 communities. As of January 5, 2023, hunters reported taking 3 caribou. We plan to deploy additional radiocollars on caribou in this area in March 2023.

***Nushagak Peninsula Lichen Monitoring*** Contact: Andy Aderman

Lichen cover on the Nushagak Peninsula declined from 48.1% in 2002 to 18.7% by 2022. Surveys estimated cover had declined 2.3% from 2002 to 2007; 6.3% from 2007 to 2012; 8.9% from 2012 to 2017, and 11.4 from 2017 to 2022. The declining trend from 2002 on, suggests lichen cover could decrease to a low enough level in the next 10 years, such that caribou may abandon the Nushagak Peninsula. It is likely Nushagak Peninsula caribou would leave the peninsula before lichens were depleted. What is not known is if caribou leave the peninsula will it be temporary, seasonal, or long term.

***Moose*** Contact: Andy Aderman

In 2022, 14 of 19 collared adult cows produced a minimum of 25 calves (3 singles and 11 sets of twins) suggesting a production rate of 131.6 calves per adult 100 cows. Adult twinning rate was 78.6%. Three of 8 2-year old cows had a single calf. Calf survival from birth to November was 28% which was higher than 2021 (11%) and 2019 (22.5%).

During the 2021-2022 fall moose hunts in Unit 17A (RM 571, RM 573, and DM 570), hunters reported harvesting 60 moose (57 bulls, 3 cows) which was similar to the 60 moose (55 bulls, 5 cows) taken the previous year. During the 2021-2022 winter moose hunts in Unit 17A (RM 575 and RM 576), hunters reported harvesting 86 moose (28 bulls, 58 cows). In southern Unit 18, hunters reported harvesting 7 bulls in the RM 617 hunt and 12 bulls in the RM 620 hunt. Harvest was down 5 moose for the RM 617 hunt and no change for the RM 620 hunt.

Togiak Refuge and ADF&G-Dillingham staff conducted a moose survey in Unit 17A and southern Unit 18 (south of and including the Goodnews River drainage) from October 17-23, 2022. In Unit 17A the population estimate was 1,976  $\pm$ 358 (1,618-2,334) which was 7.6% lower than the October 2019 estimate of 2,139  $\pm$ 495 (1,644-2,634). In the Goodnews drainage the moose population estimate was 464  $\pm$ 106 (358-570). Togiak Refuge and ADF&G-Bethel staff conducted a moose count in southern Unit 18 (south of and including the Goodnews River drainage) from February 27-28, 2020 and counted a minimum of 450 moose.

***The relationships of wolf and brown bear predation with moose population density and growth at Togiak National Wildlife Refuge and BLM Goodnews Block, Alaska*** Contact: Pat Walsh

In summer 2014, Togiak Refuge, the USFWS Genetics Lab, ADF&G, and BLM initiated a study to understand the effects of wolf and brown bear predation in regulating the populations of moose. The study relies on radio telemetry and stable isotope analysis. Our approach is to relate the predation impact by

wolves and bears on moose at varying levels of moose population density. This requires having population estimates of both bears and wolves. We estimate the brown bear population totals approximately 855 bears (95% confidence limits: 664 – 1,154). Using radio telemetry, we estimate the wolf population varies widely but averages 90-100 wolves consisting of approximately 12 packs averaging 7 wolves plus approximately 10% of wolves unaffiliated with packs. Using these demographic data, we will model wolf and bear predation on moose based on the diet composition of both species determined through analysis of carbon and nitrogen isotopes occurring in wolf and bear tissues. Lab analyses are complete and modelling is currently underway.

**Walrus** Contact: Pat Walsh

The Togiak Refuge has annually monitored the number and timing of Pacific walrus at haul-outs since 1985, using ground counts (1985-2008), aerial surveys (2003-2011) and time lapse photography (2010-2022). Overall, walrus numbers observed at haul-outs on Togiak Refuge have declined, with the greatest declines at Cape Peirce and Cape Newenham. Peak annual haul-out counts have varied greatly, ranging from >12,000 in 1985 to <300 in 2002. Since 2002, peak counts have averaged 1,615. However, in fall 2021, a group of approximately 7,500 walrus hauled out on Hagemeister Island (Fig. 1), which was the greatest number of walrus using Togiak Refuge since 1998.

**Seabirds** Contact: Jannelle Trowbridge

The abundance of black-legged kittiwakes, common murres, and pelagic cormorants has been monitored at Cape Peirce since 1990. Monitoring was not conducted in 2015 and 2020. This year's average number of birds counted on study plots was 669 kittiwakes, 241 murres, and 28 cormorants. Over the past 30 years, the average number of birds counted on study plots are 1,040 kittiwakes (range = 238-1,906), 2,437 murres (range = 53-4,490), and 84 cormorants (range = 14-149). Abundance has been below average for kittiwakes since 2021, murres since 2014, and cormorants since 2016.

Signs of avian influenza were observed at Cape Peirce this year, although lab tests were not possible in most cases. About 230 black brant were found dead along Nanvak Bay this spring. Symptoms of bird flu such as swimming in circles were also observed in living black brant. At Cape Peirce 4 glaucous-winged gulls, 1 glaucous gull, 1 raven, 1 common eider, and 1 jaeger were also found dead.

**Invasive Aquatic Plant Surveys** Contact: Kara Hilwig

*Elodea spp.* is a highly invasive and difficult to control aquatic plant implicated in the degradation and loss of fish habitat across the world. It was confirmed present in Alaska in 2009 and is now found in several waterbodies across the State. Refuge and Park staff are cooperating to complete the fifth *Elodea* survey within the Togiak Refuge, Wood-Tikchik State Park and the surrounding area. Twenty-five annual monitoring sites have been established in high use areas such as lodge docks, boat ramps, and popular float plane destinations. In 2022, field crews visited 33 lakes, ponds, and rivers. Crews sampled 9 locations in the Park, 15 in the Refuge, and 6 in the outlying area from June 29 to September 26, 2022. These included 3 fishing lodges located in the Park. Sampling effort included overflights of 7 lakes, 25 fragment searches, and an intensive sampling effort in Mission Bay at Lake Aleknagik. In total, 2,072 rake samples were collected. No *Elodea* or other invasive aquatic plants were detected.

**Water Temperature Monitoring** Contact: Truett Cawlfeld

Stream temperature monitoring has been conducted at 21 locations on 14 rivers in Togiak Refuge since August 2001. Continuous hourly water temperatures were recorded at each site. Over 2.4 million temperature records were collected, quality-graded, and digitally stored in a database. The warmest month each year was July. The warmest temperatures were observed in the Kukaktlim Lake outlet and the coolest temperatures were observed in the Weary River. Project reports are available upon request.

In addition to the stream temperature monitoring, we monitored lake temperature using moored all-season temperature arrays to record hourly temperatures throughout the water column in 2 lakes since 2011. The lakes differed significantly in surface area, water volume, and elevation with Ongivinuk Lake being smaller and at higher elevation than Snake Lake. We observed variation in lake ice timing and fewer days of ice cover on Snake Lake than on Ongivinuk Lake. We observed that both lakes turn over in spring and fall. We observed water temperatures in excess of standards for fish rearing and migration habitats during summer down to 12.5 m in Snake Lake and down to 5 m in Ongivinuk Lake. Project reports are available upon request.

***Quantifying River Discharge*** Contact: Pat Walsh

Togiak Refuge and the USFWS Water Resources Branch have worked cooperatively since 1999 to acquire hydrologic data of the flow regime (magnitude, duration, timing, frequency, and rate of change) and water quality on rivers throughout the Refuge. A network of stream discharge gages collected stream flow data from 1999-2005 at 20 locations. A subset of five of these stations continued to collect data through fall 2009, after which three of the five stations were removed. We continue to monitor discharge in the Togiak and Kulukak Rivers, although due to Covid-19 travel restrictions, the gages were inoperative in 2020-2021. Both stations were brought back into operation in July 2022.

***Education and Outreach*** Contact: Terry Fuller

At the time of this writing, Togiak Refuge's education and outreach efforts have slowly started to resume. Togiak Refuge normally has a very active education and outreach program. From an education standpoint, during a normal school year, Refuge staff conducts an average of 60+ classroom visits throughout 12 Bristol Bay villages annually, Classroom visits include lessons about the Migratory Bird Calendar, National Wildlife Refuge Week, careers in natural resource conservation, and numerous teacher requested classroom presentations. The Refuge works with several school districts and private schools including the Southwest Region, Lower Kuskokwim, Dillingham City school districts and the Dillingham 7<sup>th</sup> Day Adventist School. Some topics often include bird walks, wilderness survival skills, archery, salmon life cycles, aquatic resources, and bear safety. School visits started back up early in 2022 and we anticipate even more during the new school year. The refuge website, one of our educational tools, is undergoing a migration to a new platform, and we are excited about better access it will allow and the content it will provide.

Togiak Refuge, in partnership with ADF&G and the Southwest Region School District, also conducts hunter safety courses throughout western Bristol Bay Villages. Classes have impacted more than 100 students in Manokotak, Dillingham, Twin Hills, Togiak, Aleknagik and Quinhagak. The refuge plans to continue these courses, as requested, in 2023 and is in the planning stages to add a National Archery in School Program to its offerings in the future, pending a return to normal outreach efforts.

The Refuge education program also produces Bristol Bay Field Notes, an award-winning weekly radio program on KDLG 670 AM that covers an array of outdoor-related topics (past episodes can be found on KDLG's website). Togiak Refuge has an active and heavily followed Facebook page which disseminates information on a daily basis to a rapidly growing global audience.

The Refuge normally hosts an Open House event, in celebration of National Public Lands Day and National Hunting and Fishing Day. This year that event was pushed back to October 2022. Approximately 100 people attended; on hand were a wide range of displays, hands on activities, food and beverages.

Togiak Refuge staff continues to work with the Alaska Migratory Bird Co-Management Council and the ADF&G to conduct household subsistence waterfowl surveys. Refuge staff and volunteers conduct surveys in a number of southwest Alaska communities, Aleknagik, Dillingham, Togiak, Clark's Point, Newhalen,



Chignik Lake and Chignik Lagoon. Due to budgetary constraints those surveys are on hold for this year. .

Also, the Refuge partners with others to conduct three environmental education camps. As with other Service sponsored education camps, those camps were cancelled for 2021 due to covid-19 related concerns. Summer 2022 saw a partial return of camp offerings.

***Cape Peirce Marine Science and Yup'ik Culture Camp*** Contact: Terry Fuller

This camp was scheduled to happen in July 2022 but was cancelled due to weather. Most recent camp: In July 2019 an enthusiastic group of seven area junior high students representing three villages (Dillingham, Togiak and Platinum) traveled to Cape Peirce for this camp. Students were able to observe seabirds, marine mammals, and learn how field work is conducted, as well as learning about the food webs and ecological relationships found at the Cape Peirce area. Students also learned about traditional Yup'ik uses of animals and plants and about Native survival skills. This camp is designed to help students gain a better understanding of the biological diversity of a marine ecosystem. It also strengthens their sense of stewardship for local natural resources. Other topics at this camp included tide pools, wilderness survival skills, archery, bear safety, Leave No Trace camping practices and careers with USFWS. Refuge Interpreter Jon Dyasuk spoke with students about traditional resource uses. A special offering for this year's camp was the chance for the students to try their hand drawing with Colorado pastel artist Penny Creasy. Traditional councils and school districts from throughout western Bristol Bay are cooperators with this camp.

***Southwest Alaska Science Academy (Salmon Camp)*** Contact: Terry Fuller

\*Note: Was not held during 2022. Most recent: In July 2019, Togiak Refuge helped with the 19<sup>th</sup> year of a summer camp aimed at teaching middle and high school students about fisheries science and the importance of salmon to our ecosystem. Students were selected from the Bristol Bay region. During the camp students worked in the field alongside fisheries professionals. Cooperators with the Refuge on this project included the Bristol Bay Economic Development Corporation, Bristol Bay Science and Research Institute, University of Alaska, University of Washington School of Fisheries, the Dillingham City and Southwest Region school districts, and ADF&G.

***Summer Outdoor Skills and River Ecology Float Camp*** Contact: Terry Fuller

This camp was a modified camp held during mid-August 2022. The camp still used rafting as one of the major activities, but it was a stationary camp at Pungokebuk Lake for six junior high students. Students observed and learned about the many fish, wildlife and plant species found around Pungokebuk Lake. Rafting skills, water safety, different angling practices (Catch and Release), Leave No Trace camping practices and bear safety were topics during the trip. Students also participated in other outdoor activities such as wilderness survival skills. This camp helps students grasp the biological diversity of riparian ecosystems and the importance of salmon as a nutrient source, while developing a deeper sense of stewardship for local natural resources. Traditional councils and school districts in western Bristol Bay are cooperators with this camp.

***Division of Refuge Law Enforcement*** Contact: Derek Thompson

Federal Wildlife Officers work to protect wildlife and habitat and make refuges safe places for visitors and staff. Regional Law Enforcement Specialist (RLES) Derek Thompson is stationed in Dillingham, AK. He is the Officer responsible for patrolling Togiak NWR and providing Regional assistance and guidance for the AK Division of Refuge Law Enforcement (DRLE).

Visitation and use in 2022 within Togiak NWR was at pre-covid levels, with many local and non-local users in the Refuge. Mulchatna caribou are a local and regional priority. RLES Thompson is the Federal team lead for patrolling and monitoring the Eastern Mulchatna herd. This winter AK DRLE will again team up

with up with ADF&G, AWT, BLM, and FWS OLE to enforce the Mulchatna caribou hunting closure. Nushagak Peninsula caribou permits have been increased for the 2022-2023 season. RLES Thompson reminds hunters who obtain a permit for this hunt to be familiar with the permit conditions and designated hunter permits and conditions. Please call if you have any questions.

RLES Thompson encourages anyone with questions regarding USFWS law enforcement to contact him; and reminds all who enjoy and rely upon the resources in the Bristol Bay Region the USFWS Division of Refuge Law Enforcement is here to help protect those resources for future generations.

### ***Staff Update***

The Fisheries Biologist position was filled by Jonathan Cawfield (aka Truett) in May. Truett comes from South Texas, having completed an acoustic telemetry study on marine fishes in fulfillment of a Master of Science degree in 2021.

Budget Analyst Yong Ellis has retired from the Service effective 12/30/2022. We are happy to have LoRae Helms as our new Budget Analyst. LoRae moved to Dillingham in November from Montana. We are excited to have her as part of our refuge team and she will also provide budget coverage for the Alaska Region Fire Program.



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
 Alaska Peninsula and Becharof National Wildlife Refuges  
 P. O. Box 277  
 King Salmon, Alaska 99613  
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Agency Report to:

## Bristol Bay Federal Subsistence Regional Advisory Council

Public Meeting, Naknek, Alaska  
 March 8-9, 2023

### Mammal Projects

#### Project: Moose Composition and Trend Surveys (GMUs 9C & 9E)

In collaboration and coordination with ADF&G the Refuge conducted aerial moose composition surveys from Oct 29<sup>th</sup>-Nov 25<sup>th</sup>, 2022. We surveyed eight long-term Refuge trend areas in 9C and 9E, which encompassed approximately 989 mi<sup>2</sup>, entailing 46 hours of total flight time and 25 hours of survey time.

Data collected by Refuge staff was shared with ADF&G staff in King Salmon. ADF&G is summarizing the combined survey effort from the Refuge, ADF&G and NPS moose surveys for all GMU 9 moose composition data by sub-unit. Table 1 and Table 2 below summarizes surveys conducted by Refuge staff. Broad scale results of the Refuge portion of the survey were similar to the last several surveys in terms of total numbers of moose and the composition of the population. The number of total moose observed this year on Refuge trend areas was 510, just down from 516 in 2020, and just above the 3-year average of 503. The percentage of calves in 2022 was 12.5% for a cow calf ratio of 24:100, below the 3-year average of 35:100. The bull:cow ratio in 2022 on Refuge trend areas was 70:100, just under the 3-year average ratio of 73:100. The observed moose density in 2022 was 0.52 moose/mi<sup>2</sup>, down slightly from the 2020 survey of 0.59 moose/mi<sup>2</sup>.

Table 1. Observed moose and moose composition estimates in 2022 for Alaska Peninsula-Becharof National Wildlife Refuges, GMU 9, Alaska.

		2022								
		Date	Area (mi <sup>2</sup> )	Survey Hrs	Yearlings	Bulls	Cows	Calves	Adults	Total Moose
<b>Moose Observed</b>										
	Kejulik	Oct. 28	177	4.4	2	19	14	2	33	35
	Black Lake	Oct. 31	114	3.4	3	27	23	10	50	60
	King Salmon River	Nov. 3	69	2.6	0	21	41	11	62	73
	Meshik	Nov. 14	109	3.1	4	18	19	3	37	40
	Mother Goose	Nov. 15	155	3.6	3	28	35	10	63	73
	Flats B	Nov. 18	176	2.8	2	26	29	4	55	59
	Big Creek Corridor	Nov. 25	68	1.8	2	11	30	15	41	56
	Park Border	Nov. 25	121	3.7	4	33	72	9	105	114
	<b>Total</b>		<b>989</b>	<b>25.4</b>	<b>20</b>	<b>183</b>	<b>263</b>	<b>64</b>	<b>446</b>	<b>510</b>

**Composition Estimates**

	Calves: 100 Cows	Bulls: 100 Cows	Yearlings: 100 Cows	% Calves	Moose/hr	Moose/mi <sup>2</sup>	Snow Cover
Kejulik	14	136	14	5.7	7.9	0.20	Bare Ground Showing
Black Lake	44	117	13	16.7	17.6	0.53	Low Veg Showing
King Salmon River	27	51	0	15.1	27.9	1.06	Bare Ground Showing
Meshik	16	95	21	7.5	13	0.37	None
Mother Goose	29	80	9	13.7	20.4	0.47	None
Flats B	14	90	7	6.8	21.1	0.34	None
Big Creek Corridor	50	37	7	26.8	31.1	0.82	Low Veg Showing
Park Border	12.5	46	6	7.9	30.7	0.94	Low Veg Showing
<b>Average</b>	<b>25</b>	<b>70</b>	<b>8</b>	<b>12.5</b>	<b>20.1</b>	<b>0.52</b>	

For more information on mammal projects contact: Bryce Woodruff, USFWS, Alaska Peninsula/Becharof NWR, PO Box 277, King Salmon, AK 99613. Phone: 509-846-3307; e-mail: [bryce\\_woodruff@fws.gov](mailto:bryce_woodruff@fws.gov)

**Project: Alaska Hare Track and Pellet Surveys**

With new staff on board, the Refuge has undertaken an effort to learn more about Alaska hares (*Lepus othus*) on the Alaska Peninsula. The initial phase of this effort has been focused on conducting ground-based track surveys via snowmachine and aerial surveys by super cub in areas of historical presence and/or reported recent observations. Refuge staff will document all Alaska hare sign located during surveys and use this information to create standardized survey routes. These routes will be surveyed on an annual basis to establish a baseline population index and to recognize any sudden population changes. Samples will be collected of any fecal pellets found, to aid in the precision of population indices.

Currently, Refuge staff has begun surveying and samples have been collected.

For more information on mammal projects contact: Bryce Woodruff, USFWS, Alaska Peninsula/Becharof NWR, PO Box 277, King Salmon, AK 99613. Phone: 509-846-3307; e-mail: [bryce\\_woodruff@fws.gov](mailto:bryce_woodruff@fws.gov)

**Project: Unit 9 Brown Bear Density and Demography**

Refuge staff met with ADF&G King Salmon Area Biologist Amy Vande Voort this January to discuss Refuge assistance and cooperation within an ADF&G funded project to estimate brown bear density and abundance on GMU 9. ADF&G plans on capturing and collaring 40 bears per year for 4 years (2024-2028), yielding 160 collared bears over the 5-year study to determine density, abundance, and ascertain other demographic information including adult survival rates, litter sizes, cub survival, composition, age structure, home range, and movement patterns. Refuge study contributions will entail providing a fixed-wing aircraft, pilot, and biologist to survey females emerging from dens to determine litter size and periodically surveying spring, summer, and fall cub survival.

For more information on mammal projects contact: Bryce Woodruff, USFWS, Alaska Peninsula/Becharof NWR, PO Box 277, King Salmon, AK 99613. Phone: 509-846-3307; e-mail: [bryce\\_woodruff@fws.gov](mailto:bryce_woodruff@fws.gov)

**Habitat Projects**

**Project: Snow and Ice Cover Extent**

In winter 2023 the Refuge will determine suitable locations to initiate longterm monitoring of annual snowpack rate of variation on the Northern Alaska Peninsula by conducting accurate ground-based manual measurements of snowpack and snow water equivalent at predetermined snow coarse locations during accumulation, metamorphism and ablation, to develop—and continuously refine—indices of stream flow for 3 respective watersheds on the Northern Alaska Peninsula. We will concurrently, measure ice thickness and freeze-up/break-up dates on lakes using direct and remote (e.g., MODIS imagery, automated camera) observations.

For more information on habitat projects contact: Bill Smith, USFWS, Alaska Peninsula/Becharof NWR, PO Box 277, King Salmon, AK 99613. Phone: 907-246-3339; e-mail: [william\\_smith@fws.gov](mailto:william_smith@fws.gov)

**Project: Naknek River Chinook- Big Creek Salmon Weir**

Alaska Peninsula-Becharof NWR is collaborating with fisheries biologists from the USFWS Kenai Fish and Wildlife Conservation Office to attain funding for the construction and operation of salmon weir on Big Creek, a tributary of the Naknek River. Anecdotal information in recent years points to declining Chinook subsistence and recreational catch rates on the Naknek. Our objective will be to secure adequate funding to operate a weir on Big Creek form 2024-2028 to attain an accurate and precise 5-year estimate of Big Creek adult salmon return abundance and run timing through in-river run enumeration in comparison to Big Creek weir data from 2003-2004. Should we be able to secure adequate funds, we may also initiate Big Creek study objectives for determining: smolt abundance (via mark-recapture), total return of smolts as adults (as calculated); and estimating fry abundance and brood-year strength to better understand if coherent trends exist.

For more information on aquatic projects contact: Bill Smith, USFWS, Alaska Peninsula/Becharof NWR, PO Box 277, King Salmon, AK 99613. Phone: 907-246-3339; e-mail: [william\\_smith@fws.gov](mailto:william_smith@fws.gov)

## **Visitor Services Programs**

**Project: Multi-Use Visitor and Community Center, King Salmon, AK.**

Alaska Peninsula and Becharof National Wildlife Refuges is working with three partner organizations – the Bristol Bay Borough, Bristol Bay Borough Chamber of Commerce, Katmai National Park and Preserve, to develop a vision for a new multi-use space in King Salmon, Alaska.

Through community and tribal consultation, we envision a Bristol Bay Regional Visitor Center that:

- Provides a gateway to area communities and Southwest Alaska’s diversity of lands by creating a welcoming environment for visitors to learn about the Bristol Bay watershed, wildlife, and the region’s natural, cultural, geologic, and industrial heritage
- Orients, informs, and inspires newcomers by providing information about local cultures, businesses, tourism, facilities, and recreation opportunities across the region
- Offers an education campus available for local community access, particularly during non-tourism seasons
- Advances the region’s growing tourism industry by attracting and encouraging visitors to fully explore Southwest Alaska

For more information on the visitor services program contact: Sarah Lang, USFWS, Alaska Peninsula/Becharof NWR, PO Box 277, King Salmon, AK 99613. Phone: 907-246-1201; e-mail: [sarah\\_lang@fws.gov](mailto:sarah_lang@fws.gov)

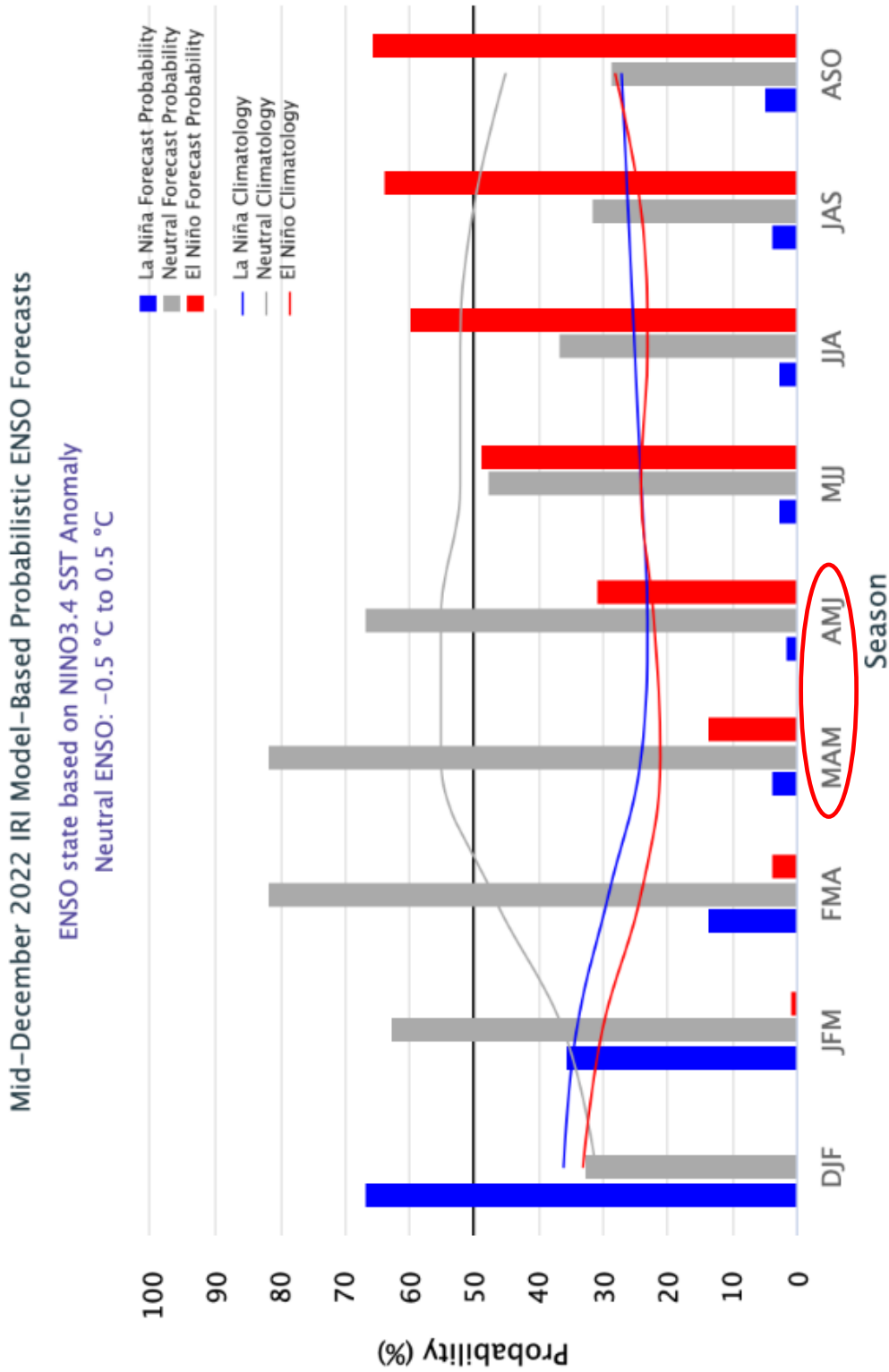
# Bristol Bay Regional Advisory Council Spring Climate Outlook

Brian Brettschneider, PhD  
National Weather Service – Alaska Region

[brian.brettschneider@noaa.gov](mailto:brian.brettschneider@noaa.gov)

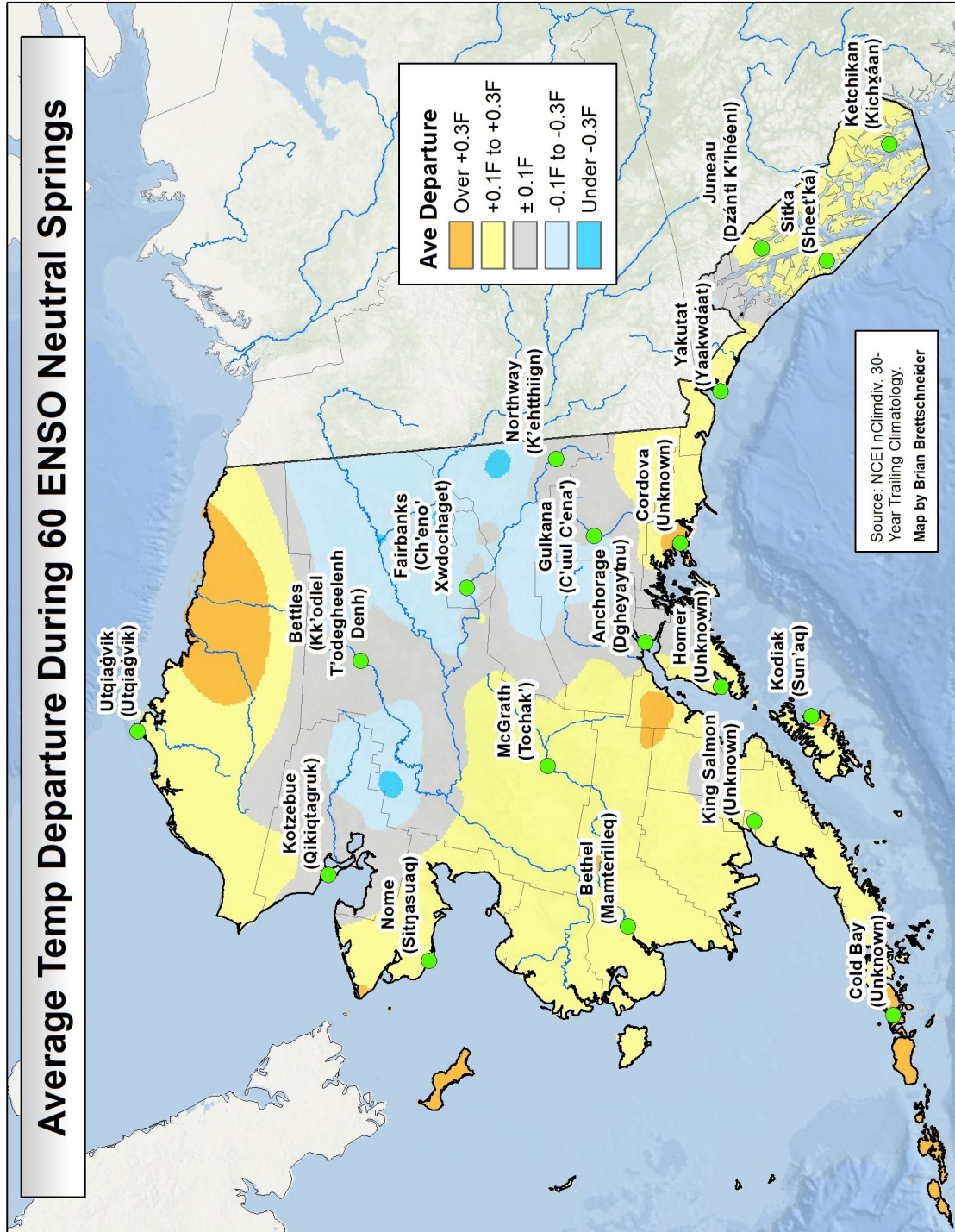


# ENSO Often Drives the Seasonal Outlooks

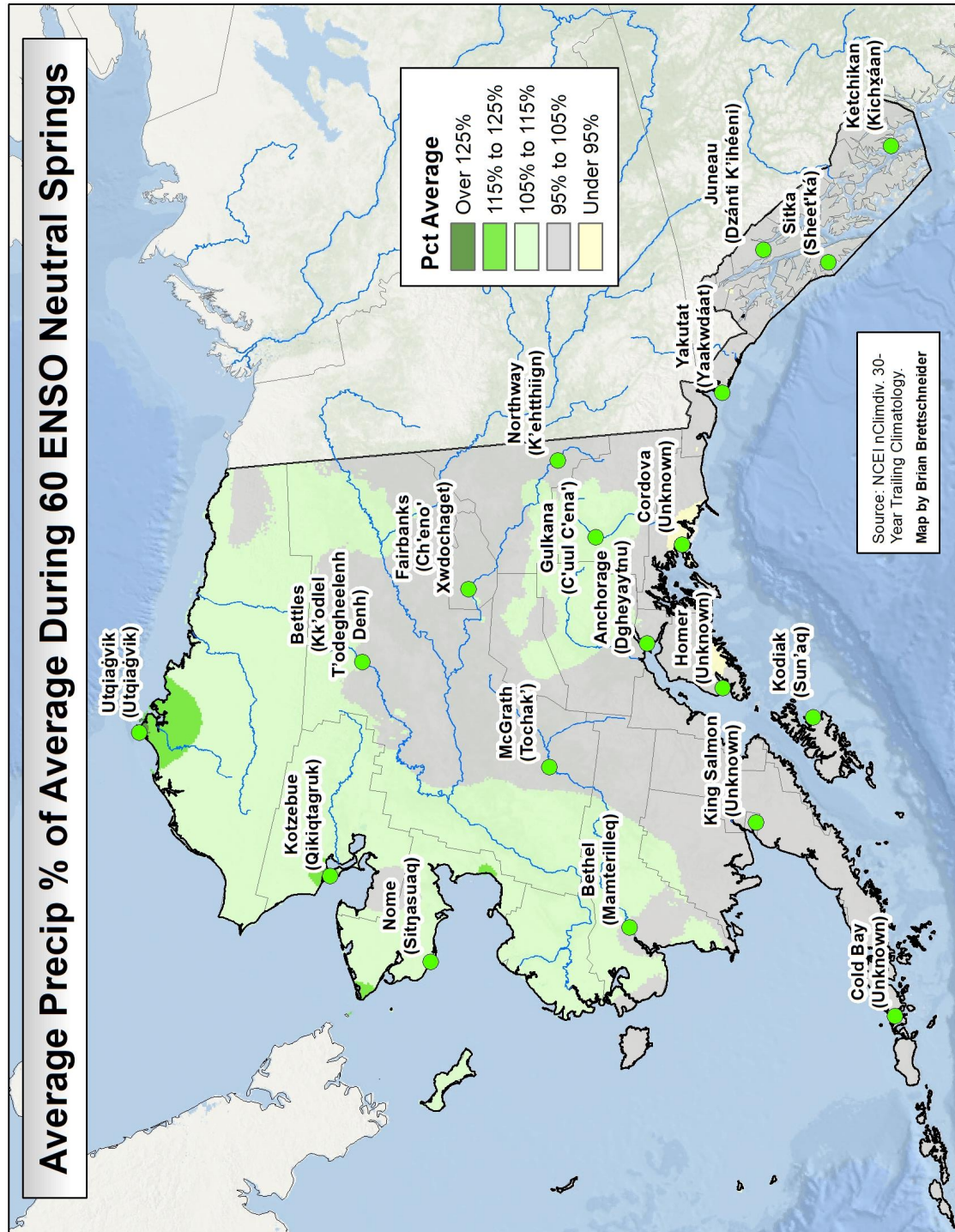




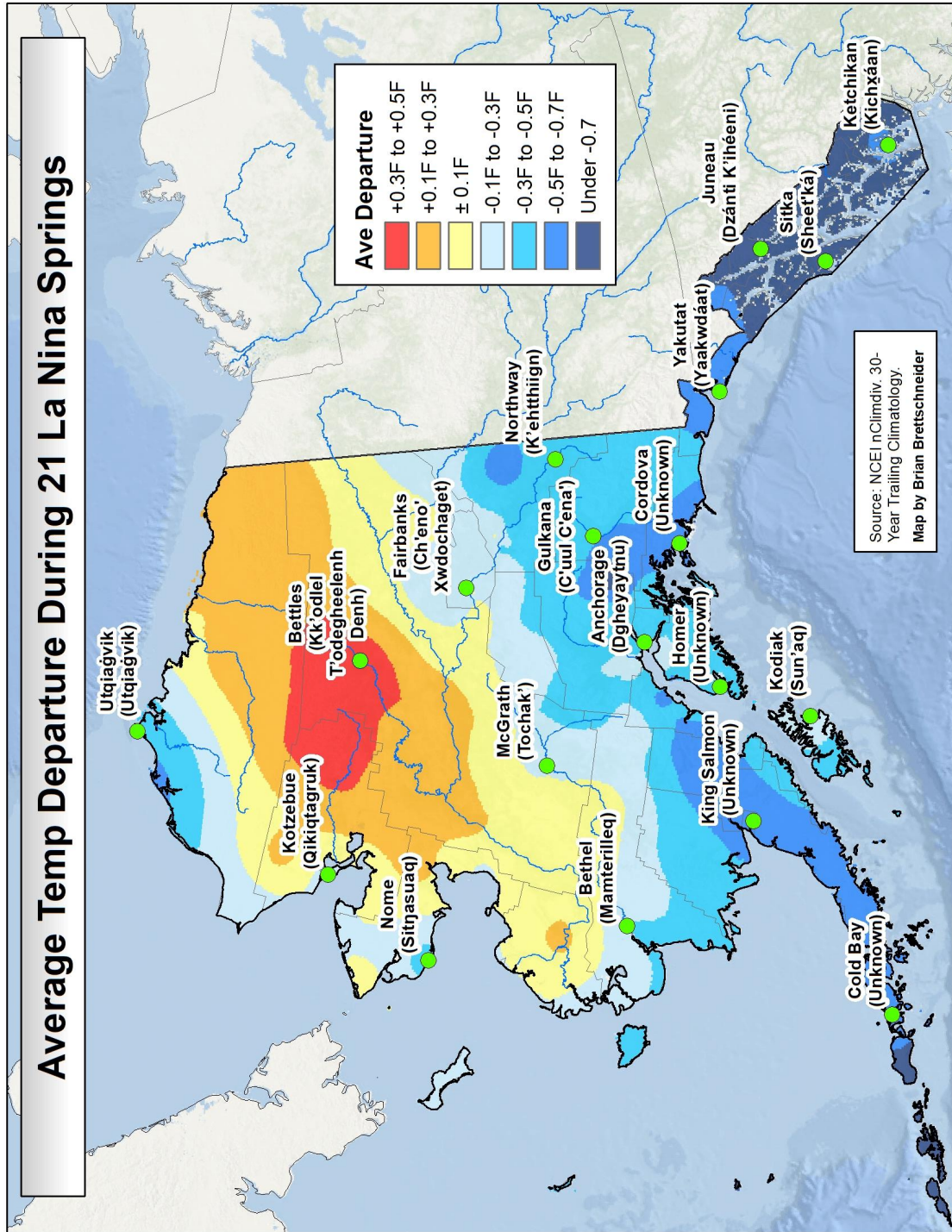
# ENSO Neutral Temperature Composite



# ENSO Neutral Precipitation Composite

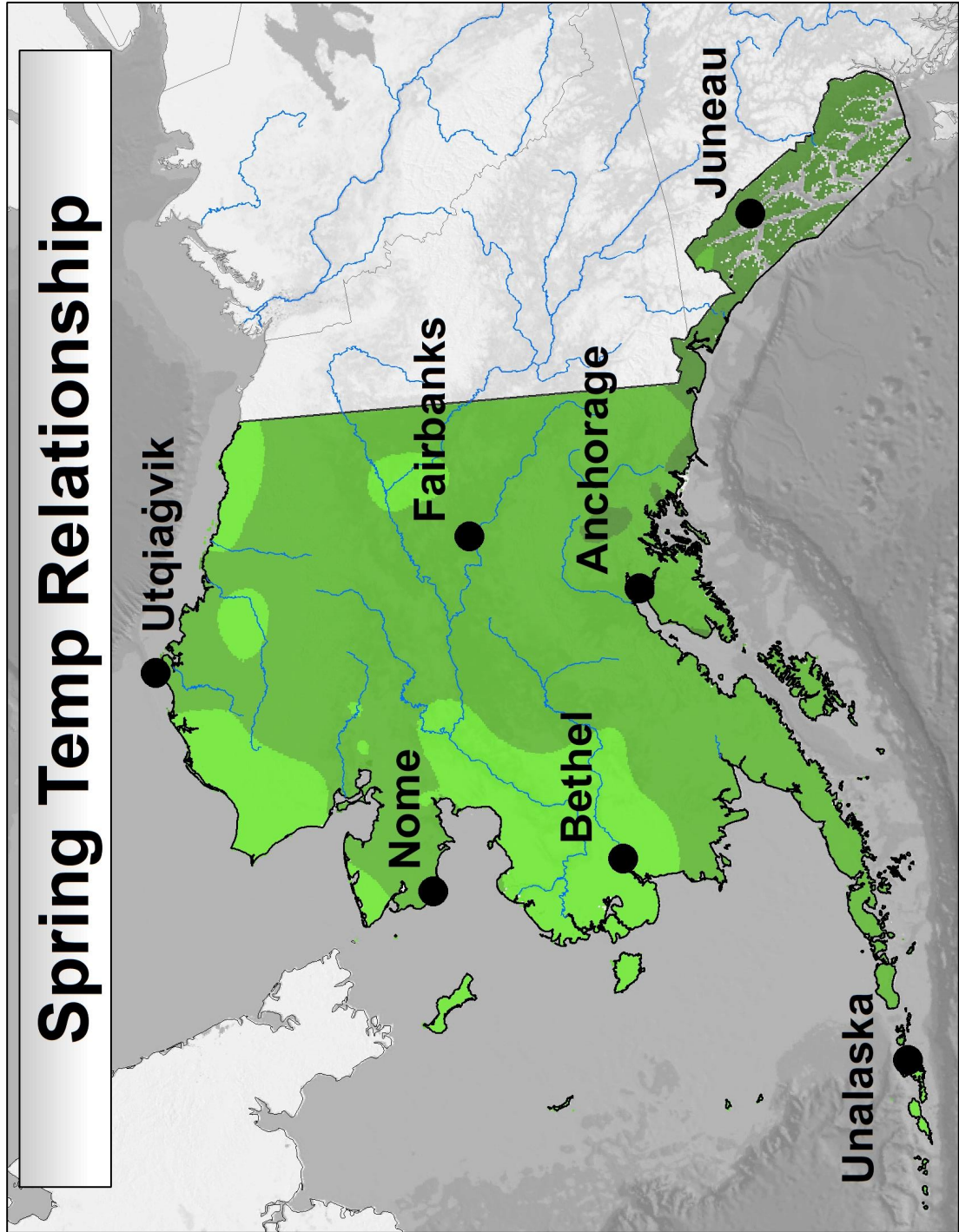


# La Nina Temperature Composite

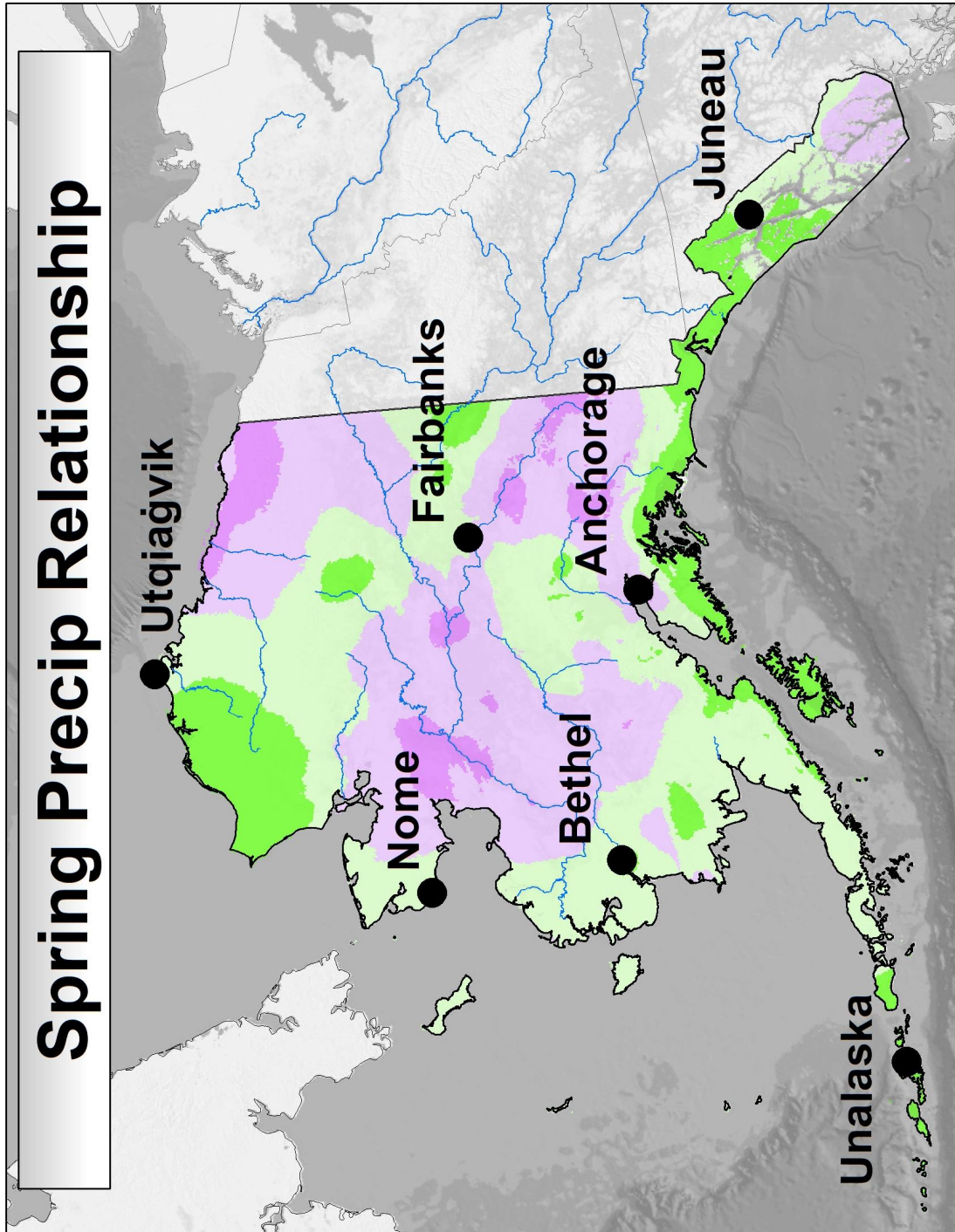




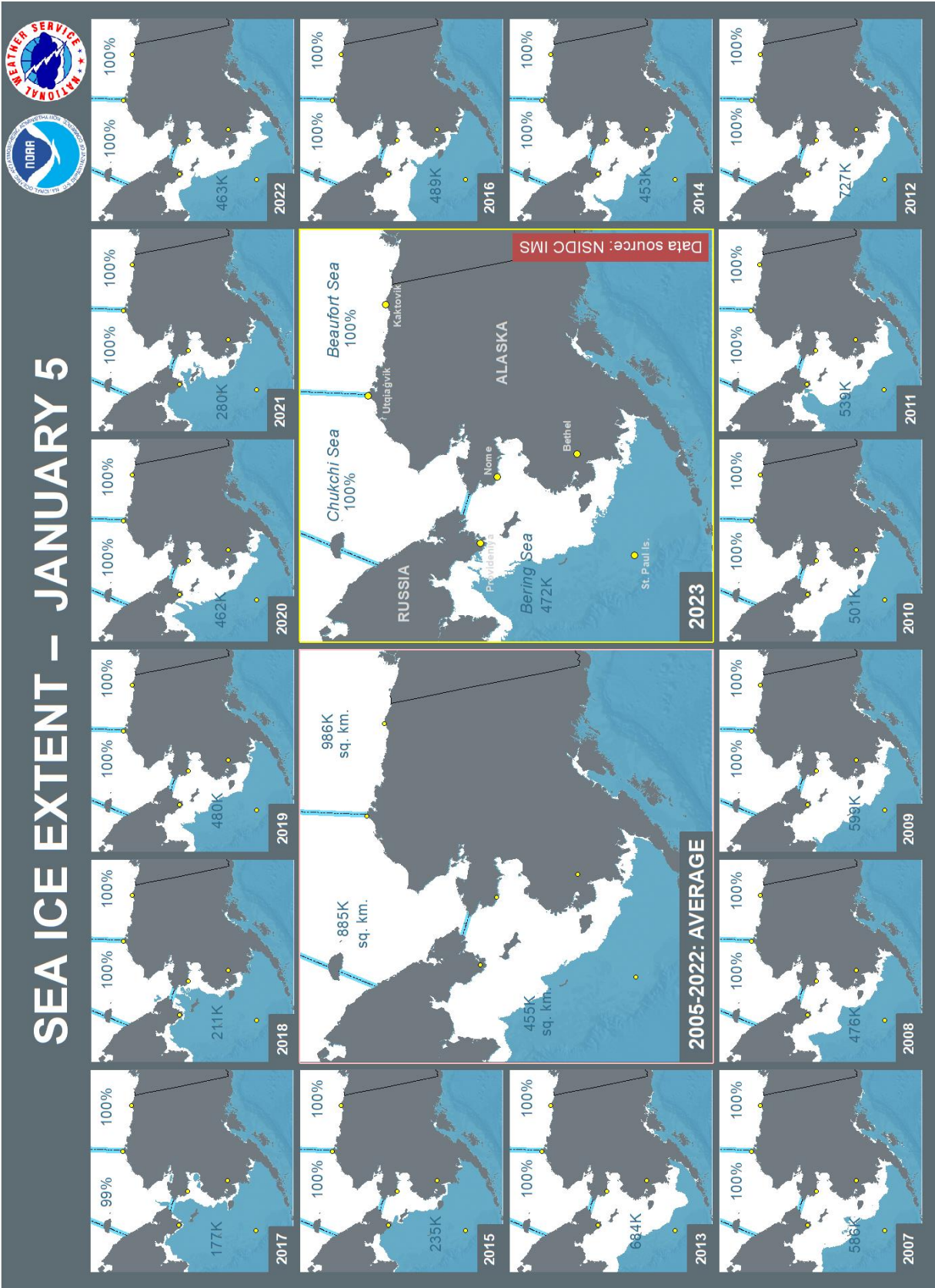
# ENSO Status Correlations With Temps



# ENSO Status Correlations With Temps



**Sea ice is a major factor in Spring conditions.**





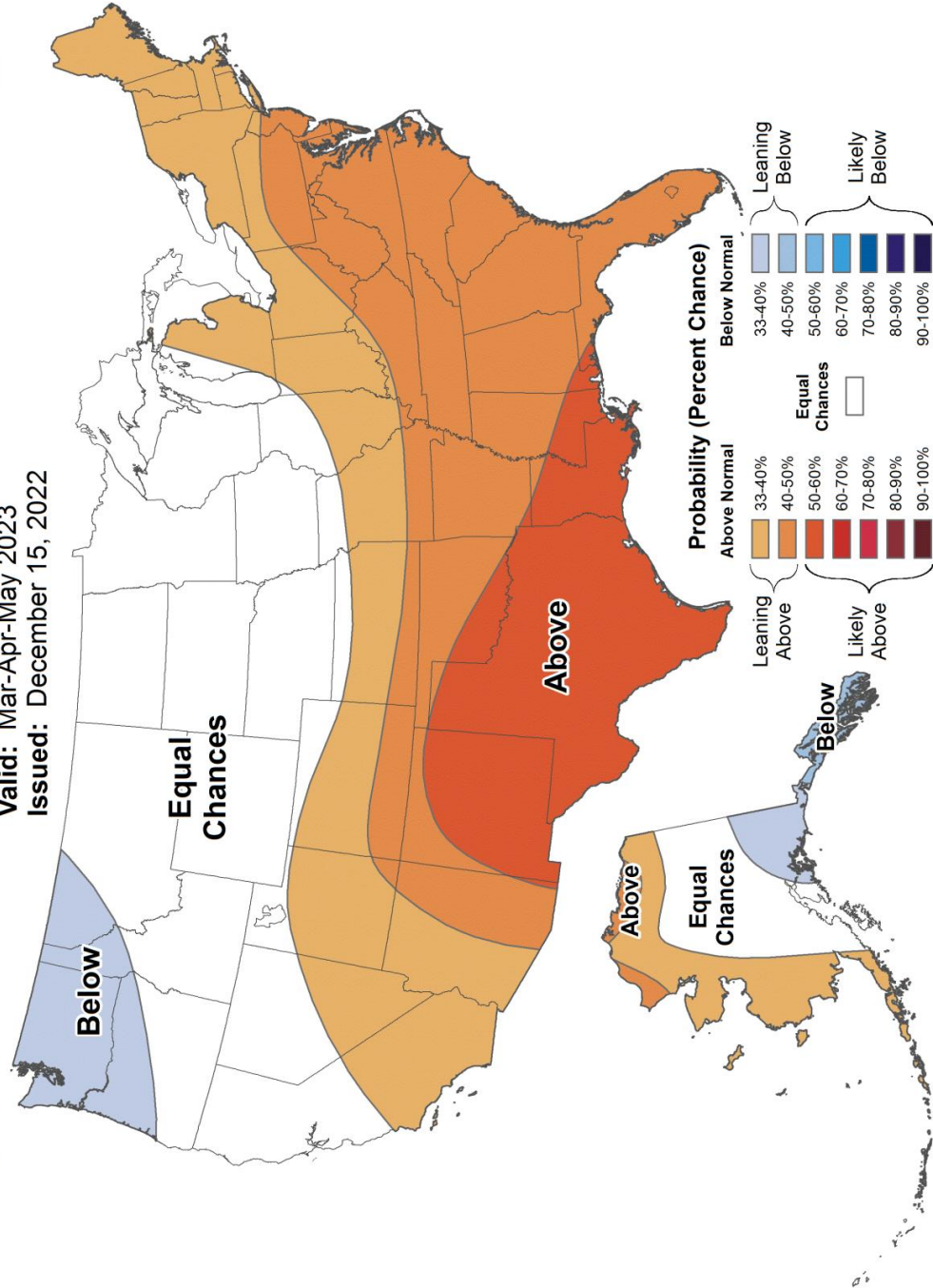
# **Official CPC Outlooks**

# CPC Spring Temp Outlook Issued Dec 15, 2022



## Seasonal Temperature Outlook

Valid: Mar-Apr-May 2023  
Issued: December 15, 2022



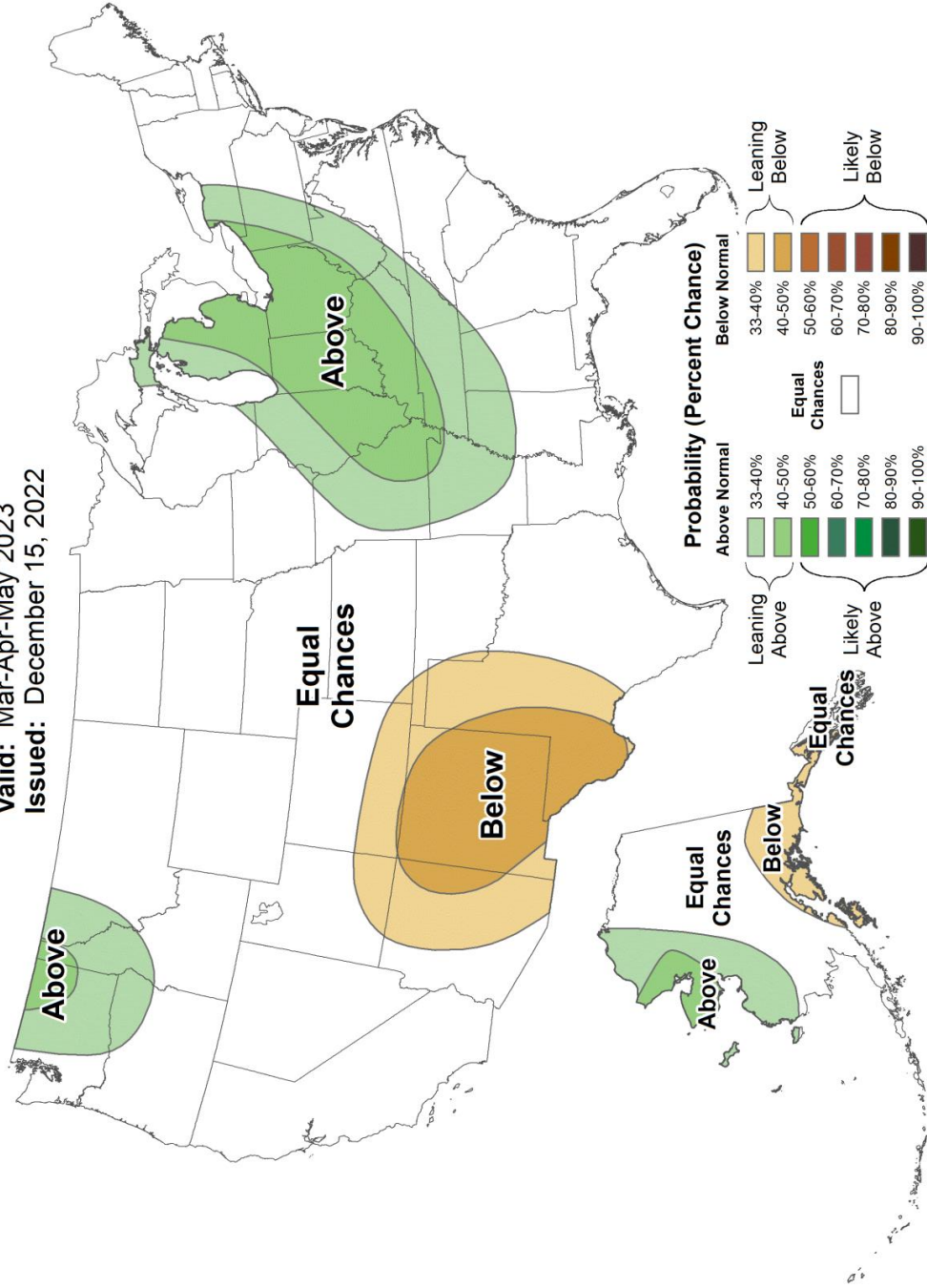
Newer Outlooks here: [https://www.cpc.ncep.noaa.gov/products/predictions/long\\_range/](https://www.cpc.ncep.noaa.gov/products/predictions/long_range/)

# CPC Spring Precip Outlook Issued Dec 15, 2022



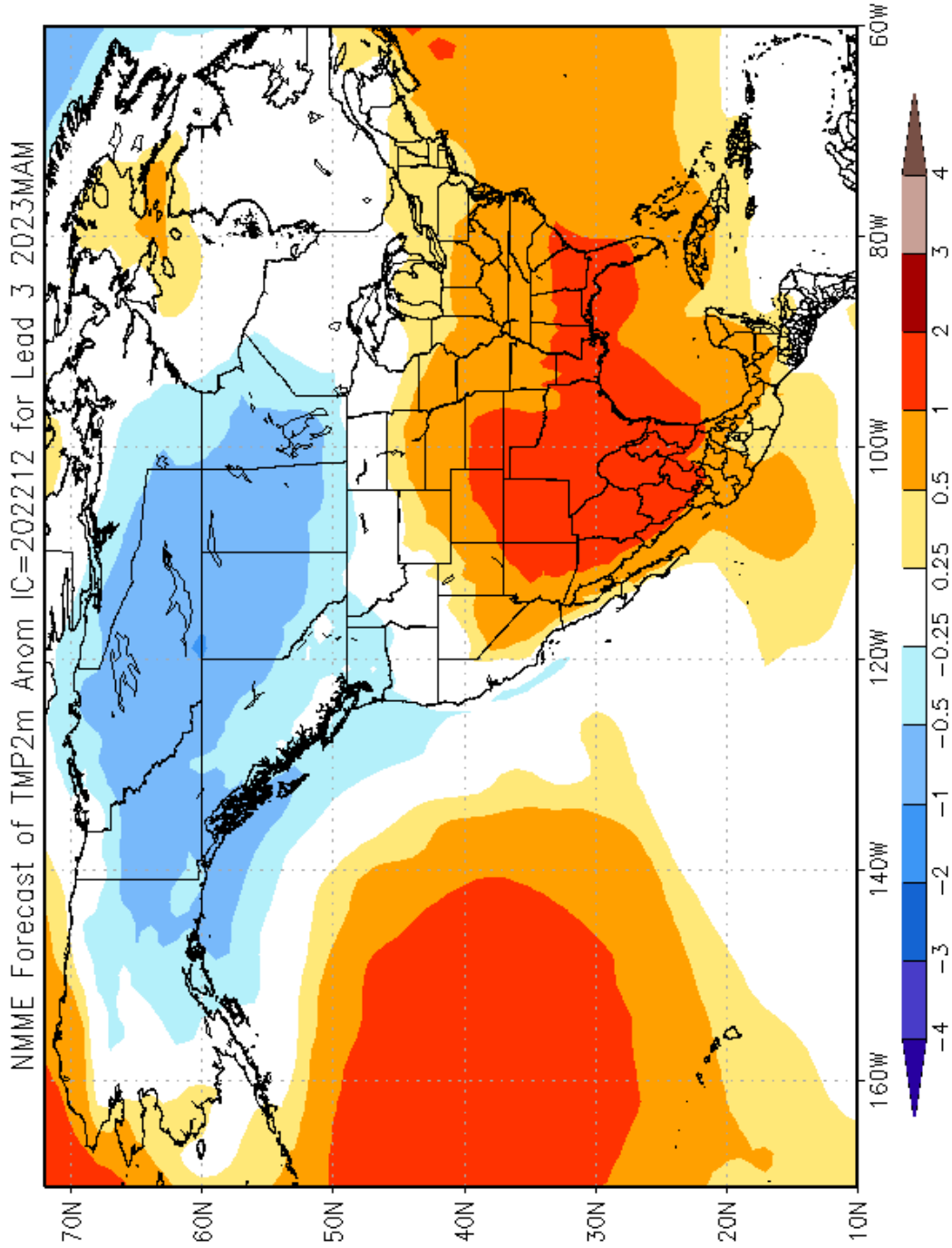
## Seasonal Precipitation Outlook

Valid: Mar-Apr-May 2023  
Issued: December 15, 2022



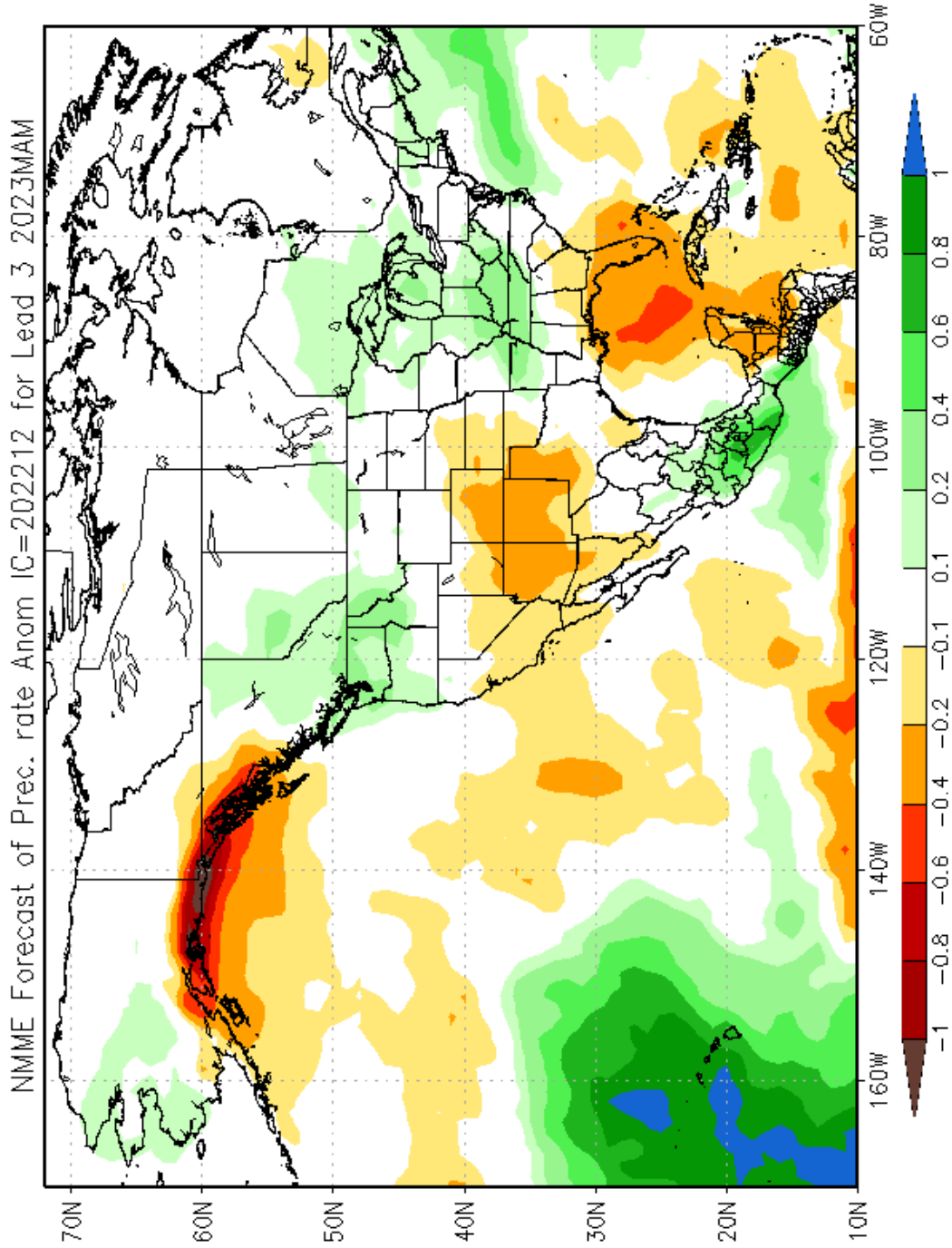
Newer Outlooks here: [https://www.cpc.ncep.noaa.gov/products/predictions/long\\_range/](https://www.cpc.ncep.noaa.gov/products/predictions/long_range/)

# NMME Spring Temp Outlook Issued Dec 2022



[https://www.cpc.ncep.noaa.gov/products/NMME/current/images/NMME\\_ensemble\\_tmp2m\\_us\\_season2.png](https://www.cpc.ncep.noaa.gov/products/NMME/current/images/NMME_ensemble_tmp2m_us_season2.png)

# NMME Spring Precip Outlook Issued Dec 2022

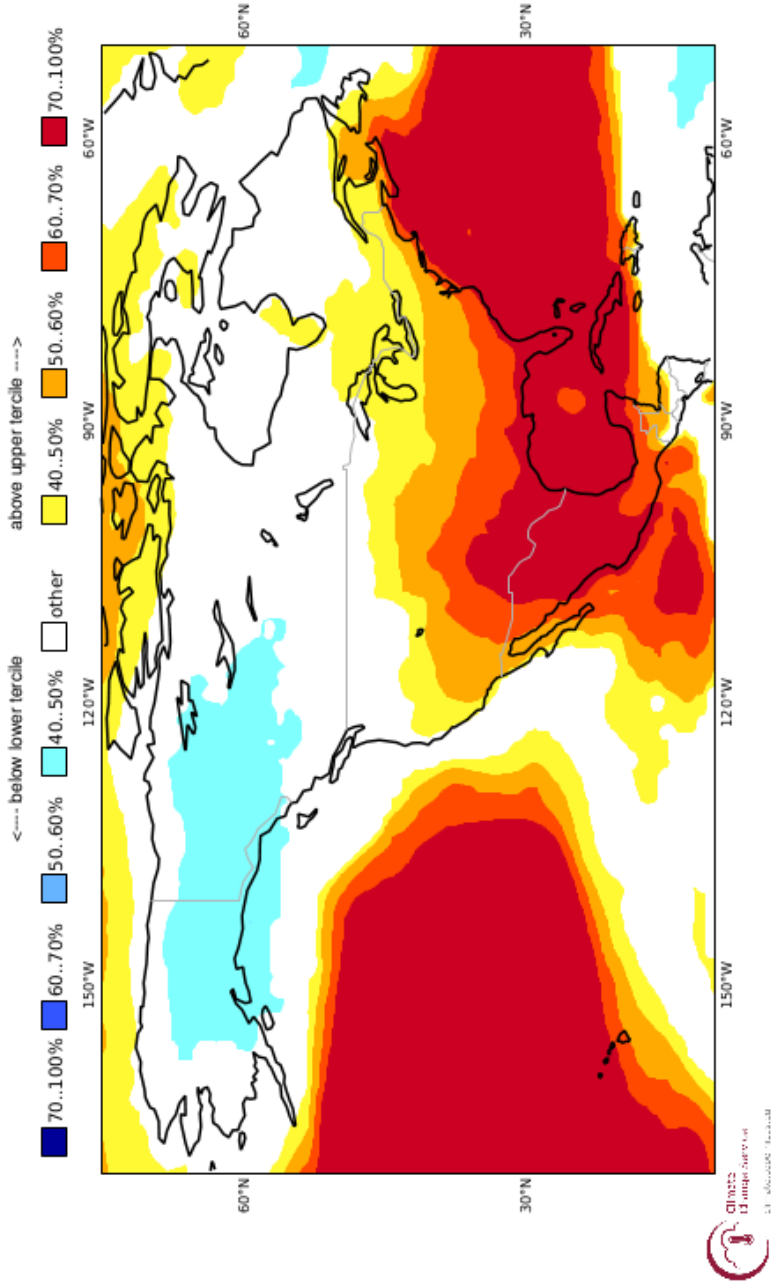


[https://www.cpc.ncep.noaa.gov/products/NMME/current/images/NMME\\_ensemble\\_tmp2m\\_us\\_season2.png](https://www.cpc.ncep.noaa.gov/products/NMME/current/images/NMME_ensemble_tmp2m_us_season2.png)

# CS3 Winter Temp Outlook Issued Oct 1, 2022

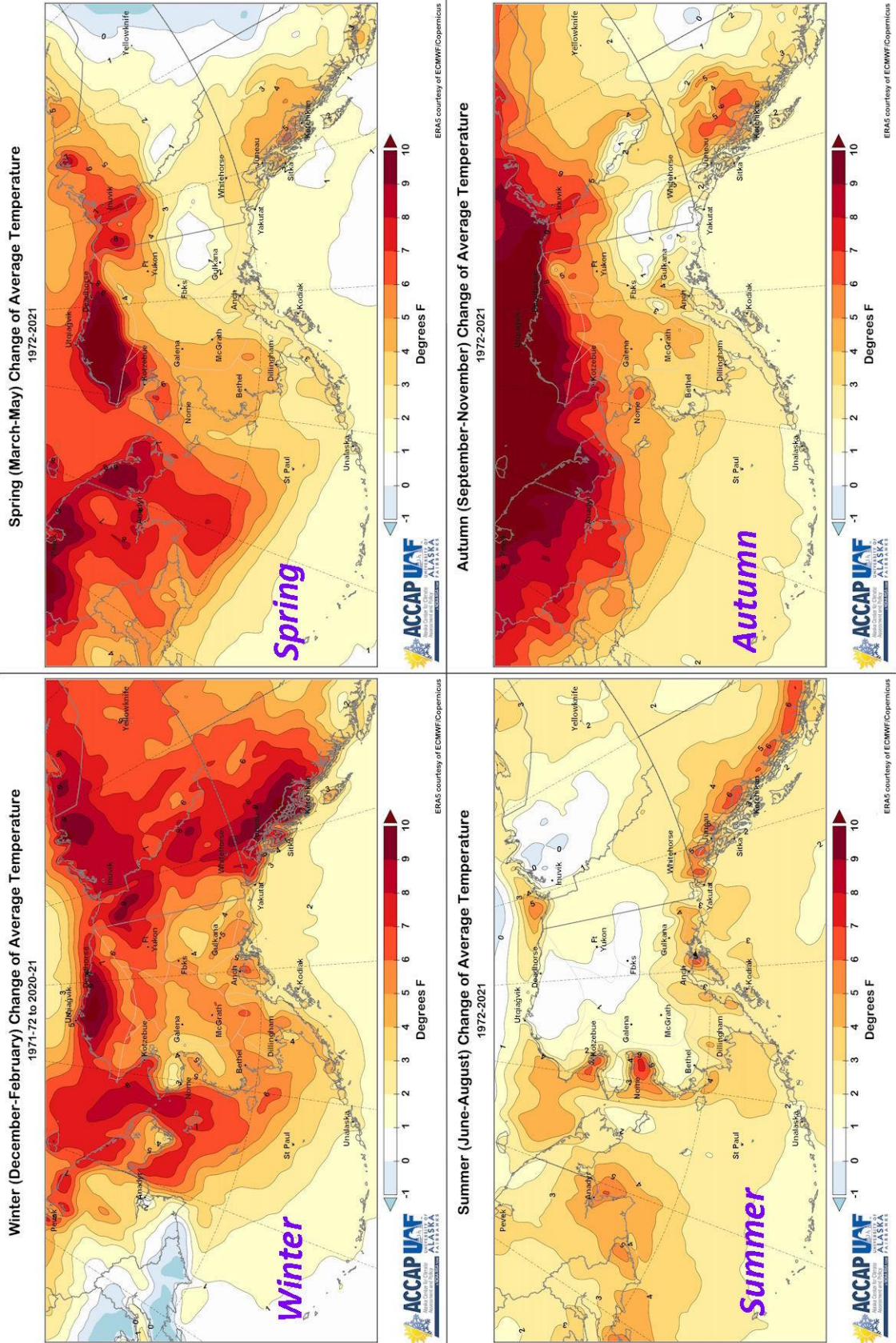
C3S multi-system seasonal forecast    ECMWF/Met Office/Météo-France/CMCC/DWD/NCEP/JMA/ECFC  
Prob (most likely category of 2m temperature)    MAM 2023

Nominal forecast start: 01/12/22  
Unweighted mean



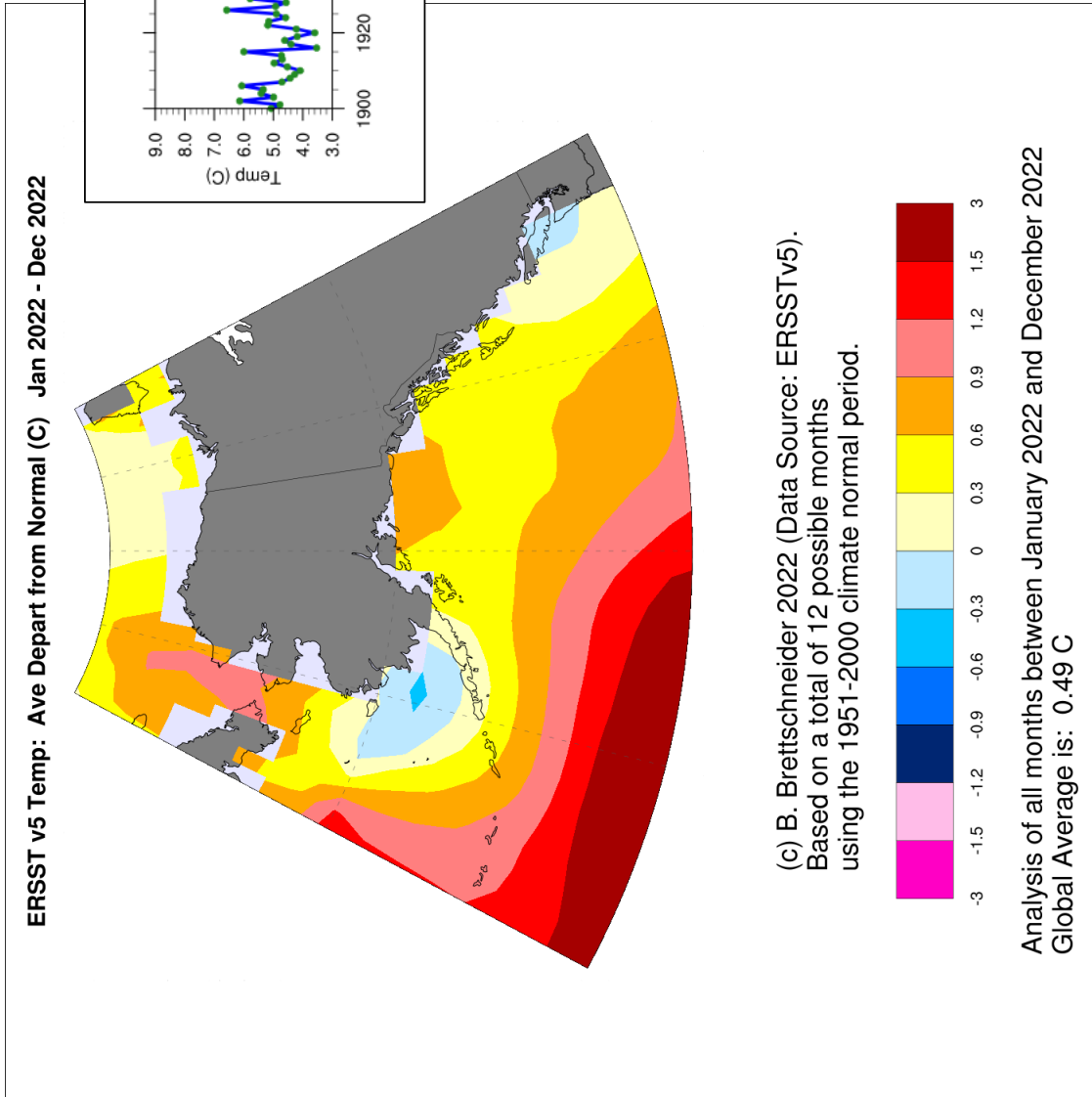
## **Trends are a major factor in climate forecasts**

# Trends Are Not Our Friend





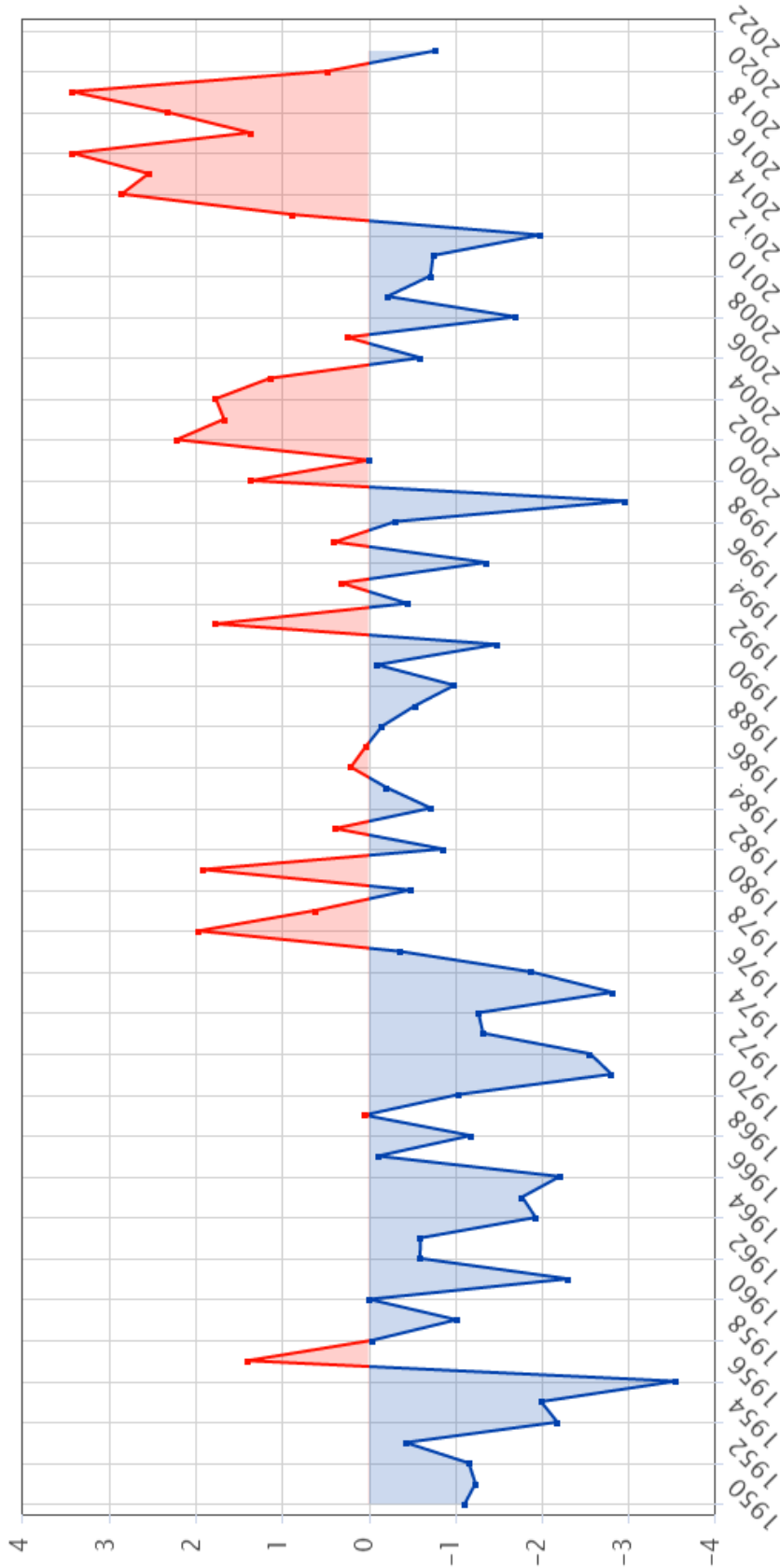
# Sea Surface Temps in Bristol Bay



# Annual Trend In Temperature for BB Region

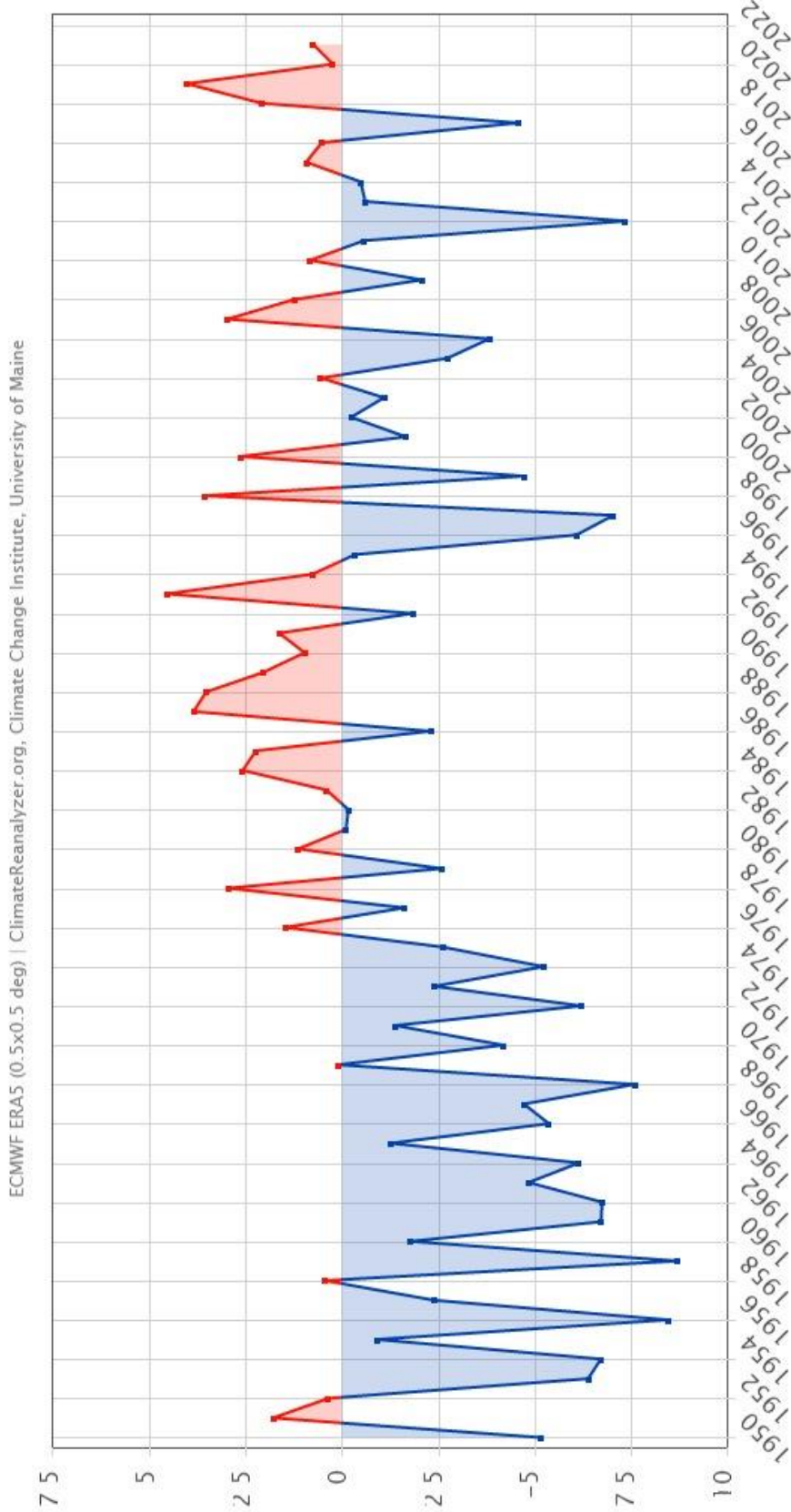
Annual 2m Temperature Anomaly (°C) [1981–2010]  
Specify Point (60°N, 158°W)

ECMWF ERA5 (0.5x0.5 deg) | ClimateReanalyzer.org, Climate Change Institute, University of Maine



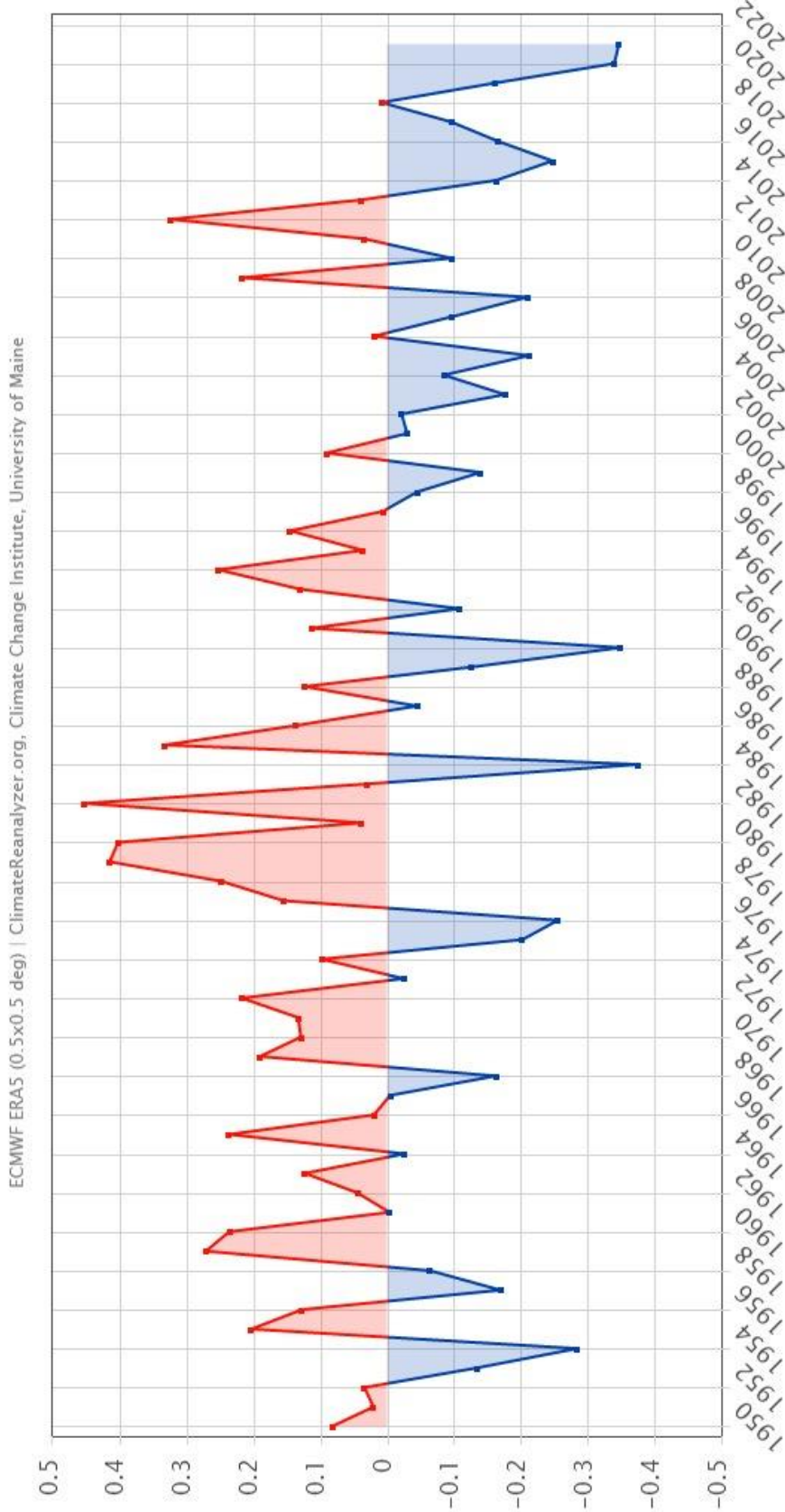
# Annual Trend In Cloudiness for BB Region

Annual Total Cloud Cover Anomaly (%) [1981-2010]  
Specify Point (60°N, 158°W)



# Annual Trend In Wind Speed for BB Region

Annual 10m Wind Speed Anomaly (m/s) [1981-2010]  
Specify Point (60°N, 158°W)



## **Subsistence Regional Advisory Council Correspondence Policy**

The Federal Subsistence Board (Board) recognizes the value of the Regional Advisory Councils' role in the Federal Subsistence Management Program. The Board realizes that the Councils must interact with fish and wildlife resource agencies, organizations, and the public as part of their official duties, and that this interaction may include correspondence. Since the beginning of the Federal Subsistence Program, Regional Advisory Councils have prepared correspondence to entities other than the Board. Informally, Councils were asked to provide drafts of correspondence to the Office of Subsistence Management (OSM) for review prior to mailing. Recently, the Board was asked to clarify its position regarding Council correspondence. This policy is intended to formalize guidance from the Board to the Regional Advisory Councils in preparing correspondence.

The Board is mindful of its obligation to provide the Regional Advisory Councils with clear operating guidelines and policies, and has approved the correspondence policy set out below. The intent of the Regional Advisory Council correspondence policy is to ensure that Councils are able to correspond appropriately with other entities. In addition, the correspondence policy will assist Councils in directing their concerns to others most effectively and forestall any breach of department policy.

The Alaska National Interest Lands Conservation Act, Title VIII required the creation of Alaska's Subsistence Regional Advisory Councils to serve as advisors to the Secretary of the Interior and the Secretary of Agriculture and to provide meaningful local participation in the management of fish and wildlife resources on Federal public lands. Within the framework of Title VIII and the Federal Advisory Committee Act, Congress assigned specific powers and duties to the Regional Advisory Councils. These are also reflected in the Councils' charters. (*Reference: ANILCA Title VIII §805, §808, and §810; Implementing regulations for Title VIII, 50 CFR 100 \_\_.11 and 36 CFR 242 \_\_.11; Implementing regulations for FACA, 41 CFR Part 102-3.70 and 3.75*)

The Secretaries of Interior and Agriculture created the Federal Subsistence Board and delegated to it the responsibility for managing fish and wildlife resources on Federal public lands. The Board was also given the duty of establishing rules and procedures for the operation of the Regional Advisory Councils. The Office of Subsistence Management was established within the Federal Subsistence Management Program's lead agency, the U.S. Fish and Wildlife Service, to administer the Program. (*Reference: 36 CFR Part 242 and 50 CFR Part 100 Subparts C and D*)

### **Policy**

1. The subject matter of Council correspondence shall be limited to matters over which the Council has authority under §805(a)(3), §808, §810 of Title VIII, Subpart B §\_\_\_.11(c) of regulation, and as described in the Council charters.
2. Councils may, and are encouraged to, correspond directly with the Board. The Councils are advisors to the Board.
3. Councils are urged to also make use of the annual report process to bring matters to the Board's attention.

4. As a general rule, Councils discuss and agree upon proposed correspondence during a public meeting. Occasionally, a Council chair may be requested to write a letter when it is not feasible to wait until a public Council meeting. In such cases, the content of the letter shall be limited to the known position of the Council as discussed in previous Council meetings.
5. Except as noted in Items 6, 7, and 8 of this policy, Councils will transmit all correspondence to the Assistant Regional Director (ARD) of OSM for review prior to mailing. This includes, but is not limited to, letters of support, resolutions, letters offering comment or recommendations, and any other correspondence to any government agency or any tribal or private organization or individual.
  - a. Recognizing that such correspondence is the result of an official Council action and may be urgent, the ARD will respond in a timely manner.
  - b. Modifications identified as necessary by the ARD will be discussed with the Council chair. Councils will make the modifications before sending out the correspondence.
6. Councils may submit written comments requested by Federal land management agencies under ANILCA §810 or requested by regional Subsistence Resource Commissions (SRC) under §808 directly to the requesting agency. Section 808 correspondence includes comments and information solicited by the SRCs and notification of appointment by the Council to an SRC.
7. Councils may submit proposed regulatory changes or written comments regarding proposed regulatory changes affecting subsistence uses within their regions to the Alaska Board of Fisheries or the Alaska Board of Game directly. A copy of any comments or proposals will be forwarded to the ARD when the original is submitted.
8. Administrative correspondence such as letters of appreciation, requests for agency reports at Council meetings, and cover letters for meeting agendas will go through the Council's regional coordinator to the appropriate OSM division chief for review.
9. Councils will submit copies of all correspondence generated by and received by them to OSM to be filed in the administrative record system.
10. Except as noted in Items 6, 7, and 8, Councils or individual Council members acting on behalf of or as representative of the Council may not, through correspondence or any other means of communication, attempt to persuade any elected or appointed political officials, any government agency, or any tribal or private organization or individual to take a particular action on an issue. This does not prohibit Council members from acting in their capacity as private citizens or through other organizations with which they are affiliated.

Approved by the Federal Subsistence Board on June 15, 2004.

# Fall 2023 Regional Advisory Council Meeting Calendar

*Last updated 11/7/2022*

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 13	Aug. 14 <b>Window Opens</b>	Aug. 15	Aug. 16	Aug. 17	Aug. 18	Aug. 19
Aug. 20	Aug. 21	Aug. 22	Aug. 23	Aug. 24	Aug. 25	Aug. 26
Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sep. 1	Sep. 2
Sep. 3	Sep. 4 <b>Labor Day Holiday</b>	Sep. 5	Sep. 6	Sep. 7	Sep. 8	Sep. 9
Sep. 10	Sep. 11	Sep. 12	Sep. 13	Sep. 14	Sep. 15	Sep. 16
Sep. 17	Sep. 18	Sep. 19	Sep. 20	Sep. 21	Sep. 22	Sep. 23
		<b>KARAC (King Cove)</b>				
Sep. 24	Sep. 25	Sep. 26	Sep. 27	Sep. 28	Sep. 29	Sep. 30
Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5	Oct. 6	Oct. 7
	<b>SCRAC (Kenai)</b>		<b>EIRAC (Tok or Fairbanks)</b>			
Oct. 8	Oct. 9 <b>Columbus Day Holiday</b>	Oct. 10	Oct. 11	Oct. 12	Oct. 13	Oct. 14
		<b>YKDRAC (Anchorage or Bethel)</b>				
		<b>WIRAC (Fairbanks)</b>				
Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20	Oct. 21
	<b>NWARAC (Kotzebue)</b>					
Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28
		<b>BBRAC (Dillingham)</b>				
		<b>SEARAC (Sitka)</b>				
Oct. 29	Oct. 30	Oct. 31	Nov. 1	Nov. 2	Nov. 3 <b>Window Closes</b>	Nov. 4
			<b>NSRAC (Utqiagvik)</b>			
			<b>SPRAC (Nome)</b>			

# Winter 2024 Regional Advisory Council Meeting Calendar

*Last updated 12/22/2022*

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

Sunday	Monday	Tuesday	Wednesday-	Thursday	Friday	Saturday
<i>Mar. 3</i>	<i>Mar. 4 Window Opens</i>	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>	<i>Mar. 8</i>	<i>Mar. 9</i>
<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>	<i>Mar. 13</i>	<i>Mar. 14</i>	<i>Mar. 15</i>	<i>Mar. 16</i>
<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i>	<i>Mar. 21</i>	<i>Mar. 22</i>	<i>Mar. 23</i>
<i>Mar. 24</i>	<i>Mar. 25</i>	<i>Mar. 26</i>	<i>Mar. 27</i>	<i>Mar. 28</i>	<i>Mar. 29 Window Closes</i>	<i>Mar. 30</i>



# Fall 2024 Regional Advisory Council Meeting Calendar

*Last updated 12/22/2022*

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 18	Aug. 19 <b>Window Opens</b>	Aug. 20	Aug. 21	Aug. 22	Aug. 23	Aug. 24
Aug. 25	Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31
Sep. 1	Sep. 2 <b>Labor Day Holiday</b>	Sep. 3	Sep. 4	Sep. 5	Sep. 6	Sep. 7
Sep. 8	Sep. 9	Sep. 10	Sep. 11	Sep. 12	Sep. 13	Sep. 14
Sep. 15	Sep. 16	Sep. 17	Sep. 18	Sep. 19	Sep. 20	Sep. 21
Sep. 22	Sep. 23	Sep. 24	Sep. 25	Sep. 26	Sep. 27	Sep. 28
Sep. 29	Sep. 30	Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5
Oct. 6	Oct. 7	Oct. 8	Oct. 9	Oct. 10	Oct. 11	Oct. 12
Oct. 13	Oct. 14 <b>Columbus Day Holiday</b>	Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19
Oct. 20	Oct. 21	Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26
Oct. 27	Oct. 28	Oct. 29	Oct. 30	Oct. 31	Nov. 1 <b>Window Closes</b>	Nov. 2



**Department of the Interior  
U. S. Fish and Wildlife Service**

**Bristol Bay Subsistence Regional Advisory Council**

**Charter**

1. **Committee's Official Designation.** The Council's official designation is the Bristol Bay Subsistence Regional Advisory Council (Council).
2. **Authority.** The Council is renewed by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is regulated by the Federal Advisory Committee Act (FACA), as amended, (5 U.S.C., Appendix 2).
3. **Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
4. **Description of Duties.** Council duties and responsibilities, where applicable, are as follows:
  - a. Recommend the initiation, review, and evaluate of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the region.
  - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.
  - c. Encourage local and regional participation in the decision-making process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses.
  - d. Prepare an annual report to the Secretary containing the following:
    - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region;
    - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region;

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs; and
    - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
  - e. Appoint three members to the Lake Clark National Park and three members to the Aniakchak National Monument Subsistence Resource Commissions, in accordance with section 808 of the ANILCA.
  - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
  - g. Make recommendations on determinations of rural status.
  - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
- 5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
- 6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
- 7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council’s functions are estimated to be \$155,000, including all direct and indirect expenses and 1.0 staff year.
- 8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 11, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
  - (a) Approve or call all Council and subcommittee meetings;
  - (b) Prepare and approve all meeting agendas;
  - (c) Attend all committee and subcommittee meetings;
  - (d) Adjourn any meeting when the DFO determines adjournment to be in the public interest; and

(e) Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will be inactive 2 years from the date the charter is filed, unless prior to that date, the charter is renewed in accordance with provisions of section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

Ten members who are knowledgeable and experienced in matters relating to subsistence uses of fish and wildlife and who are residents of the region represented by the Council.

To ensure that each Council represents a diversity of interests, the Federal Subsistence Board in their nomination recommendations to the Secretary will strive to ensure that seven of the members (70 percent) represent subsistence interests within the region and three of the members (30 percent) represent commercial and sport interests within the region. The portion of membership representing commercial and sport interests must include, where possible, at least one representative from the sport community and one representative from the commercial community.

The Secretary of the Interior will appoint members based on the recommendations from the Federal Subsistence Board and with the concurrence of the Secretary of Agriculture.

Members will be appointed for 3-year terms. Members serve at the discretion of the Secretary.

If appointments for a given year have not yet been announced, a member may continue to serve on the Council following the expiration of his or her term until such appointments have been made. Unless reappointed, the member's service ends on the date of announcement even if that member's specific seat remains unfilled.

Alternate members may be appointed to the Council to fill vacancies if they occur out of cycle. An alternate member must be approved and appointed by the Secretary before attending the meeting as a representative. The term for an appointed alternate member will be the same as the term of the member whose vacancy is being filled.

Council members will elect a Chair, Vice-Chair, and Secretary for a 1-year term.

Members of the Council will serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council, or subcommittee business, approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under Section 5703 of title 5 of the United States Code.

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any Council or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.
14. **Subcommittees.** Subject to the DFO’s approval, subcommittees may be formed for the purpose of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** The Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, must be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedules. These records must be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. 552).

\_\_\_\_\_/signature on the filed original/  
Secretary of the Interior

\_\_\_\_\_  
Dec. 10, 2021  
Date Signed

\_\_\_\_\_  
Dec. 13, 2021  
Date Filed



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