



NORTHWEST ARCTIC ALASKA  
SUBSISTENCE REGIONAL  
ADVISORY COUNCIL  
Meeting Materials

*March 6 - 7, 2023  
Kotzebue*





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Cover photo by Western Arctic National Parkland

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**NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Nullagvik Hotel Conference Room

Kotzebue

March 6-7, 2023

convening at 9:00 AM daily

**TELECONFERENCE:** call the toll-free number: 1-877-807-6997, then when prompted enter the passcode: 73803960.

**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. Moment of Silence**
- 2. Call to Order** (*Chair Thomas Baker*)
- 3. Roll Call and Establish Quorum** (*Secretary or DFO*) ..... 5
- 4. Meeting Announcements** (*Designated Federal Officer (DFO)/Council Coordinator Lisa Hutchinson-Scarborough*)
- 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*) ..... 6
- 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. Follow-up of the May 2023 North American Caribou Workshop and Arctic Ungulate Conference (*OSM Dr. Hannah Voorhees*) ..... 18
- Follow-up of the December 2022 Western Arctic Caribou Herd Working Group Meeting (*Agency Leads: FWS Will Wiese; ADF&G Alex Hansen*)

**12. New Business** (*Chair*)

- a. Moose, Dall Sheep, and Other Wildlife Updates for GMU 23 (*ADF&G, Christie Osburn*)..... 20
- b. Lower Kobuk Moose Survival Study (*ADF&G, Joelle Hepler*)..... 22
- c. Wildlife Closure Reviews (*OSM Tom Plank*)..... 27
  - WCR24-19 – Unit 23, that portion south of Kotzebue Sound and west of and including the Buckland River drainage closed to muskox hunting by non-Federally qualified users
- d. Western Arctic Caribou Herd Update (*ADFG, Alex Hansen*)..... 44
- e. Call for Federal Wildlife Proposals\* (*OSM Wildlife, Tom Plank*)
- f. Call for State of Alaska Board of Game Wildlife Proposals, Arctic/Western Region (Units 18, 22, 23, 26A) (*ADF&G, Alex Hansen, Christie Osburn*)
- g. 2021 Council Charter Review\* (*Council Coordinator*)..... 94
- h. Review and approve FY2022 Draft Annual Report\* (*Council Coordinator*)..... Supplemental
- i. Federal Subsistence Board Updated Draft Council Correspondence Policy (*OSM*)..... 58
- j. NPS seeks input on proposed changes to 2020 Hunting and Trapping regulations on national preserves in Alaska\* (*NPS*)..... 60
- k. Western Arctic Parklands, Gates of Arctic National Park and Preserve, and Yukon-Charley Rivers National Preserve Overview of Commercial Use Operations and Sport Hunting Update for FY22 (*Visitor and Resource Protection, Joe DalleMolle and Scott Sample*) ..... 68
- l. Subsistence Resource Commissions (SRC) updates and appointments\*
  - 1. Cape Krusenstern SRC and Kobuk Valley SRC (*Justin Junge, Emily Creek*)
  - 2. Gates of Arctic SRC (*Marcy Okada*)
- m. Request for input on impacts to subsistence of proposed OTZ Telecom Microwave Tower project (*FWS, Brittany Sweeney; BLM, Bruce Seppi*)
- n. Fisheries Resource Monitoring Program Update (*FRMP*) (*OSM, Fisheries Division*)

Agenda

- o. Fisheries Resource Monitoring Program Presentation
  - Summary of Findings for: 12-100; 14-104; 16:104 *Selawik River Inconnu Spawning Population Age Structure Evaluation and Spawner Recruitment Response to a 2004 Permafrost Thaw Slump (FWS, Ray Hander, Bill Carter)*
- p. Partners for Fisheries Monitoring Program Update (*OSM Fisheries Division, Karen Hyer*)
- q. Regulatory Cycle Update (*OSM Fisheries Division, Karen Hyer*)..... 70
- r. Northwest and Arctic Beaver Reports
  - 1. Arctic Beaver and Traditional Ecological Knowledge Cooperative Studies in Northwest Arctic and Arctic Regions (*University of Alaska, Fairbanks, Dr. Ken Tape, Ecologist, and ADF&G, Division of Subsistence, Helen Cold and Morgan Urquia*)
  - 2. Northwest Arctic Multi-year beaver range expansion, effects on water quality and fish (*NPS, Jon O'Donnell, United States Geological Survey, Mike Carey*)
- s. Project Proposal for Conducting Research on Orange Coloration into Local Streams (*NPS, Jon O'Donnell, United States Geological Survey, Mike Carey*)

**13. Other Reports**

(Time limit of 15 minutes unless approved in advance)

- a. Tribal Governments
- b. Native Organizations
- c. US Fish and Wildlife Service
  - Selawik National Wildlife Refuge Update (*Will Wiese*)
- d. National Park Service
  - 1. Western Arctic Parklands Parks Updates (*Ray McPadden, Justin Junge, Emily Creek*)
  - 2. Gates of the Arctic National Park and Preserve Park Updates (*Mark Dowdle, Marcy Okada, Kyle Joly*)
- e. Bureau of Land Management
- f. Alaska Department of Fish and Game
  - Division of Subsistence - Subsistence Wildlife Projects Overview (*Helen Cold and Morgan Urquia*)
- g. Office of Subsistence Management Update (*Scott Ayers*)

**14. Future Meeting Dates\***

- a. Confirm Fall 2023 meeting date and location..... 88
- b. Select preferred All Council Winter 2024 meeting dates..... 89

**15. Closing Comments**

**16. Adjourn (*Chair*)**

**To teleconference into the meeting, call the toll-free number: 1-877-807-6997, then when prompted enter the passcode: 73803960.**

*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 Lisa Hutchinson, 907-310-4097, [lisa\\_hutchinson@fws.gov](mailto:lisa_hutchinson@fws.gov), or 800-877-8339 (TTY), by close of business on February 27, 2023.

DRAFT



*Roster*  
**REGION 8**  
**Northwest Arctic Regional Advisory**  
**Council**

<b>Seat</b>	<b>Yr. Appointed <i>Term Expires</i></b>	<b>Member Name &amp; Community</b>	<b>Represents</b>
<b>1</b>	2022 <b>2025</b>	<b>Hannah P. Loon</b> Kotzebue	<b>Subsistence</b>
<b>2</b>	2019 <b>2025</b>	<b>Thomas C. Baker</b> Kotzebue <span style="float: right;"><b>Chair</b></span>	<b>Subsistence</b>
<b>3</b>	2019; 2022 <b>2025</b>	<b>Tristen S. Pattee</b> Ambler	<b>Commercial/ Sport</b>
<b>4</b>	2010 <b>2025</b>	<b>Michael C. Kramer</b> Kotzebue <span style="float: right;"><b>Vice Chair</b></span>	<b>Commercial/ Sport</b>
<b>5</b>	2013 <b>2023</b>	<b>Calvin D. Moto II</b> Deering	<b>Subsistence</b>
<b>6</b>	2020 <b>2023</b>	<b>Wilbur M. Howarth, Sr.</b> Noorvik	<b>Subsistence</b>
<b>7</b>	2020 <b>2023</b>	<b>Robert J. Schaeffer</b> Kotzebue	<b>Subsistence</b>
<b>8</b>	2020 <b>2025</b>	<b>Elmer Armstrong, Jr.</b> Noorvik	<b>Subsistence</b>
<b>9</b>	2011-2017; 2020 <b>2024</b>	<b>Vern J. Cleveland, Sr.</b> Noorvik	<b>Subsistence</b>
<b>10</b>	2022 <b>2025</b>	<b>Raymond Woods</b> Kotzebue/ Shungnak	<b>Subsistence</b>

# NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

## Meeting Minutes

Nullagvik Hotel Conference Room  
Kotzebue  
October 31-November 1, 2022

### Invocation:

Chair Thomas Baker called a moment of silence for those that have recently passed.

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

The meeting was called to order Monday October 31, 2022, at 8:37 am. Council Chair Thomas Baker, and Council members Elmer Armstrong, Wilbur Howarth, and Enoch Shiedt were present in person and Council Vice Chair Michael Kramer and Council member Vern Cleveland called in for the meeting. Calvin Moto called in for part of the meeting on October 31 but had poor phone connection. Council member Schaeffer was not able to attend due to being at remote camp without phone service and inability to travel to meet in person. With six out of eight seated Council members present (Council has two vacant seats) **the quorum was established.**

### Attendees:

#### *In person:*

- Alaska Department of Fish and Game (ADF&G): **Alex Hansen, Christie Osburn** (Kotzebue); **Morgan Urquia, Joe Spencer** (Fairbanks)
- National Park Service (NPS), Western Arctic National Parklands: **Ray McPadden, Joe Dallemolle, Raime Fronstin, Justin Junge** (Kotzebue); **Victoria Florey** (Anchorage)
- National Oceanic and Atmospheric Administration (NOAA), National Weather Service: **Brian Brettschneider** (Anchorage)
- U.S. Forest Service: **DeAnna Perry** (Juneau)
- U.S. Fish and Wildlife Service (FWS), Selawik NWR: **Bill Carter, Melissa Brown, Christina Nelson, Brittany Sweeney, and Will Wiese** (Kotzebue)
- NANA Regional Corporation: **Rob Kirk** (Kotzebue)
- Office of Subsistence Management (OSM): **Jessica Gill, Karen Hyer, Lisa Hutchinson-Scarborough, Tom Kron, Tom Plank, and Dr. Hannah Voorhees** (Anchorage)
- Wildlife Conservation Society: **Dr. Kevin Fraley** (Fairbanks)
- Public: **Susan Georgette, Seth Kantner, Lance Kramer, Hannah Loon, Walter Sampson, and Willie Towksjhea** (Kotzebue)
- Court Recorder: **Nathan Hile** (Anchorage)

***Via teleconference:***

- Interagency Staff Committee (ISC): ***Eva Patton*** (NPS) ***and Jill Klein*** (FWS) (Anchorage)
- OOSM: ***Kevin Foley, Robbin La Vine, and Liz Williams*** (Anchorage)
- USFWS: ***Ray Hander*** (Fairbanks)
- NPS, Bering Land Bridge National Preserve: ***Nicki Braem*** (Nome)
- NPS, Gates of the Arctic National Park and Preserve: ***Mark Dowdle, Kyle Joly, Marcy Okada, Ken Adkisson, Jeff Rasic, and Martha Fronstin*** (Fairbanks)
- Bureau of Land Management (BLM): ***Walter Gussey and Tom Spark*** (Nome)
- ADF&G: ***Mark Burch*** (Palmer); ***Helen Cold, Brendan Scanlon, Hannah Bolt, Brent Cameron,*** (Fairbanks)

**Review and Adopt Agenda:**

Motion by Council member Howarth, seconded by Council member Shiedt, to approve the agenda.

The motion was approved unanimously.

**Review and Approve Previous Meeting Minutes:**

Motion by Council member Armstrong, seconded by Council member Howarth, to approve their winter 2022 meeting minutes.

The motion was approved unanimously.

**Council Member and Chair Reports:**

Enoch Attamuk Shiedt of Kotzebue reported that the *oogruk* (bearded seals) season wasn't good. Blueberries were scarce, but there were lots of salmon berries. He said that we need to look for ways to protect caribou and moose. There has been lots of wind due to global warming. There have been high numbers of bears. He didn't see sheep from his camp up the Aggie River. Trout came in large numbers earlier than the salmon, which were late but strong. Subsistence hunters got some belugas this year. Caribou have been scarce. He urges attendees from corresponding organizations to worry about the number of caribou just before the migration and during calving. If it is too warm, they won't come. Global warming has clearly had an effect on hunting and harvesting. The land can only support so much, as the human population increases. He is worried about the resources. Fires affect caribou habitat and so does lichen growth, which is slow. He reports a lot of bears, which are destroying camps and resources. There are also lots of wolves and beavers. There is need to respect predators when they are young. He is worried about the caribou; caribou numbers are low. Hunters that went up to Onion Portage for two weeks were able to get caribou, but this is a long time to have to hunt.

Elmer Armstrong of Noorvik reported that he set salmon nets in early July and put salmon in the freezer. Bears were getting into fish and moose meat racks on both sides of the river near Noorvik. He worked the night shift all summer, which made it hard to get out for subsistence. He was glad that some people could

get caribou just before freeze up. Some hunters got beluga and moose too. He caught Sheefish and one Dolly Varden in his salmon net.

Wilbur Howarth of Noorvik reported that he had a good subsistence season. He got whitefish in the spring. The Northern Pike came late, and he didn't catch this species. Their salmon season was good. The fish looked healthy. He worries about the water coming out of the Salmon River; it is colored like he hasn't ever seen before. There haven't been caribou much in the Noorvik area. There were several sick caribou this year. One had pus near the back of its tongue, and another had pus and was discolored under its skin. He has instructed other hunters in the area to report and send picture to him if they see that again. The past two years, moose have been plentiful. He has been seeing cow moose with two calves. There are lots of bears. Aggressive bears have been going after fish in their nets and charging berry pickers. He mentioned that the bears have been so bad that they watched your camp and your nets constantly. He noted that 4 caribou are enough for his family. He stops hunting when his family has enough.

Vern Cleveland of Noorvik reported that caribou numbers are down again this year and asked what we should do for our hunters. He said that we need to start reporting what the subsistence caribou harvests are for each village, and that we need accurate counts. He noted that the Northwest Arctic Caribou Herd had declined from 188,000 to 164,000 animals. He said that he didn't hunt caribou this fall but his son had.

Mike Kramer of Kotzebue, Council Vice Chair, reported that the caribou herd has been hit hard and it has been difficult for a lot of people living on the Noatak River to get caribou. He has not heard from Kiana. He has been hearing numerous complaints from non-local and local hunters that they have been harassed by bears and wolves while hunting. He said that everybody had a good *oogruk* spring season and that some people in Kotzebue got some beluga and moose. The caribou herd is migrating farther to the east due to calving, but he has not heard from others of any other changes to the current migration. He also reports a high level of community concern about the caribou herd. He heard that it was a very good year for harvesting berries and other plant life and that many people got salmon.

Tom Baker of Kotzebue, Council Chair, reported that ice conditions were challenging for *oogruk* hunting and that the *oogruk* hunt was successful for Kotzebue people. As for the salmon season, he noticed a trend of commercial fishermen catching enough salmon to share some with the people of Kotzebue. Ice fishing for Sheefish was okay. Some people went up to Onion Portage for caribou. A lot of people got moose to offset the poor caribou harvests. Outside sport hunters were going to the Point Hope area. There was an instance that a group of hunters had to be rescued due to the danger of hypothermia after it snowed two feet in the mountains. He noticed that fewer hunters have been coming due to the Federal closures and an early snow season.

**Service Awards:** Council Coordinator Lisa Hutchinson-Scarborough introduced the OSM service awards. OSM's Statewide Support Supervisor Tom Kron presented a 10-year service award to Council Vice Chair Mike Kramer and a 20-year service award to Council member Enoch Shiedt. Chair Baker and other

Council members remarked and thanked Mr. Kramer and Mr. Shiedt for their years of service and commitment to serving on the Council and representing people in the region.

**Public and Tribal Comment on Non-Agenda Items:**

Melissa Brown introduced herself as the Selawik NWR Refuge Information Technician and noted that she is distributing Council application/recruitment forms in Selawik. She encouraged the spread of this information to other villages in the area as well as getting input from other villages. She mentioned that some sort of animal has been bothering Selawik, it had broken into a home last year.

Hannah Loon of Kotzebue talked about the need to get more Council applications out and have representation from additional communities such as Kivalina, Noatak, Ambler, and Kobuk. She added that she is concerned for increased bear populations and safety concerns particularly for children in Kotzebue and other communities. Council Vice Chair Mike Kramer responded that he knew some people interested in serving on the Council in Noatak and Ambler, and that representation on the Council from Shungnak, Kiana, Buckland, and Deering is wanted.

Mr. Walter Sampson introduced himself in Inupiaq. He noted the people sometimes don't understand when we talk in English and understandable information should reach the village level. This is a serious matter. Rural Alaskans are having a real struggle meeting their subsistence needs.

Mr. Willie Towksjhea expressed concern about fishing trawlers and bycatch. He expressed concern about the effect on salmon returns to Western and Northwestern Alaska.

Mr. Lance Kramer and Mr. Seth Kantner each spoke on their views and concerns for the caribou decline.

**Old Business:**

The Council received presentations on the following topics:

- **805(c) Report summary** – Lisa Hutchinson-Scarborough, Council Coordinator, provided the Council with a summary of the 805(c) Report from the Federal Subsistence Board's (Board) actions on proposals affecting residents in the Northwest Arctic Region.
- **Federal Subsistence Board FY-2021 Annual Report Replies summary** – Ms. Hutchinson-Scarborough provided the Council with a summary of the Board's reply to the Council's items identified in their FY-2021 annual report. There was specific mention of the need for Council members to attend the Ambler Road meetings and suggestions to input regulations now (e.g., controlled use area, similar to the Noatak Controlled Use Area) in the event that the road is approved. There were comments regarding what was viewed as a loophole in the regulations where Federal jurisdiction ends at the high-water line and clarification that the closure was only for Federal lands.
- Special Actions updates

- **WSA21-01:** Units 23 and 26A caribou and moose closure – Dr. Hannah Voorhees, OSM Anthropologist, provided a summary of WSA21-01: Unit 23 caribou and moose closure. There was concern about hunters coming into the area due to inconsistency between State regulations and the Federal closure. Joe Dallemolle with NPS gave a brief overview of information required from transporters in regard to moving hunters and meat in and out of that area. The public shared concern for local people being misinformed about the details of this closure.
- **WSA22-01:** Muskox Units 22 and 23 – Tom Plank, OSM Wildlife Biologist, provided a summary of WSA22-01: Muskox Units 22 and 23.

## **New Business:**

### ***Fisheries Proposals and Closure Reviews***

There were no Fishery Proposals or Closure Reviews for the Council to address at this meeting.

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

Ms. Karen Hyer, OSM Fisheries Biologist, and Dr. Voorhees provided a summary of the 2024 FRMP program and introduced presenters of some currently funded FRMP projects being conducted in the Northwest and Arctic regions.

### ***FRMP Research Reports***

Mr. Joe Spencer, Fishery Biologist for ADF&G Division of Sportfish and Graduate Student in the Fisheries Department at the University of Alaska Fairbanks (UAF), provided a project report on Dolly Varden and Whitefish Mixed Stock Analysis in Northwest Arctic. This project addressed the priority information need to identify changes in species compositions, abundance, and migration timing, especially of Dolly Varden and whitefish species in the Northwest Arctic area, to address changing availability of subsistence fishery resources. Mr. Spencer explained it is a joint project with FWS, ADF&G, and UAF. The project looks at the life history, migrations, and stock mixing habits of Dolly Varden populations in Northwestern Alaska. More specifically objectives are to characterize the age at length at seaward migrations, frequency of seaward migrations, overwintering location and fidelity focusing on Dolly Varden that spawned in the Noatak, Wulik, and Kivalina drainages. To date they have collected otolith samples for genetic testing taken from subsistence ice fishing catches in Kivalina and Noatak. Mr. Spencer also provided an update on Dolly Varden counts in Wulik River, Kotzebue Sound, and announced the commercial Chum Salmon projections for 2023.

Ms. Morgan Urquia, Subsistence Resource Specialist with ADF&G, Division of Subsistence, provided an update on two ongoing FRMP funded projects for the region. The Traditional and Ecological Knowledge of Dolly Varden and Whitefish Species Behavior, Health, and Abundance in the communities of Deering, Kotzebue, and Noatak; and Traditional and Ecological Knowledge of Salmon in River Drainages of Kotzebue Sound in communities of Deering, Kotzebue, and Noatak.

Dr. Kevin Fraley with the Wildlife Conservation Society (WCS) gave his project update on Kotzebue Sound Sheefish and Coastal Movement study. Mr. Fraley said that the WCS has been doing studies in the Sound to monitor fish abundance and diversity of Sheefish. This study is looking at changing distributions in Sheefish movements along the coast and new habitats, and by seasons, by tagging fish, literature review and conducting traditional and ecological interviews with subsistence users. Mr. Fraley asked the Council and other participants to inform him if there was anyone knowledgeable about Sheefish he could interview. Mr. Shiedt pointed out a whitefish and Sheefish study conducted by Susan Georgette and himself years prior that would be helpful to the study and pointed out that every village in Northwest Arctic except for Deering get whitefish.

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

Ms. Hyer provided a brief overview of the Partners for Fisheries Monitoring (Partners) Program and the upcoming notice for funding opportunity for the next Partners Program cycle.

### ***Priority Information Needs***

Dr. Voorhees and Ms. Hyer presented the FRMP overview and worked through the priority information needs process for the 2024-2027 FRMP Notice of Funding Opportunity. The Council reviewed the draft list provided to them by staff developed from consulting with some Council members. This list included the seven, priority information needs with additional recommendations and noted that all Northwest Arctic priority information needs should be accomplished working with local traditional knowledge. The priority information needs and additional Council comments and recommendations are as follows:

- Inventory and baseline data of fish assemblages in major rivers tied to subsistence use in Northwest Alaska. When possible, applicants are encouraged to include fisheries proximal to the communities of Shishmaref, Buckland, Deering, Kivalina, Point Hope and villages along Kobuk and Noatak rivers. The Council felt that the Village of Selawik should be added.
- Evaluate changes in water temperature and resulting low oxygen in major river systems associated with subsistence fishery resources in the Northwest Arctic Region, and how these changes will affect salmon, whitefish, Northern Pike, and other fish vital for subsistence. The Council wants wording added about the change in watercolor from melt/mineral deposits as a result of climate change
- The effects of expanding beaver populations and range on subsistence fisheries, including whitefish, in the Northwest Arctic Region. Include effects of dams on fish migration and effects of changes to water quality on fish health. The Council asked that this be done working with local traditional knowledge, to document effects on subsistence users.
- Document herring abundance, seasonal movements, and health and investigate causes of large herring mortality events in the Northwest Arctic. The Council commented that the marine portion of herring life history cycle would be outside the Federal Subsistence Management Program's jurisdiction.

- Document the effects of changing river and tributary conditions on salmon spawning in the Noatak and Kobuk River drainages, with focus on the potential effects of increased precipitation on spawning viability. The Council asked for documentation of changing water levels and the effects of climate change including increased precipitation, temperature change, on water levels and erosion.
- Changes in species compositions, abundance, and migration timing, especially of Dolly Varden, Lake Trout, and whitefish species in the Northwest Arctic, to address changing availability of subsistence fishery resources. The Council felt that this is okay as written.
- Identify the spawning areas, critical habitat and range expansion in major rivers tied to subsistence for Broad Whitefish, Least Cisco, Northern Pike, salmon, Grayling, and Dolly Varden in the Northwest Alaska Region. The Council also said the list should include Lake Trout and also Dolly Varden abundance in the Noatak River.

Motion by Council member Shiedt, seconded by Council member Cleveland, to approve the updated PINs.

The motion passed unanimously.

#### Agency Reports

##### ***Identify Issues for FY-2022 Annual Report:***

Ms. Hutchinson-Scarborough provided information regarding development of the FY-2022 Annual Report and asked the Council to provide to the Board any local issues or concerns. The Council discussed a wide range of concerns. and requested the following topics to be included in their FY-2022 Annual Report to the Board.

- Understandable information reaching to and from the village level
- Federal, State, cross regional coordination of caribou management that engages Tribes and communities
- Diseases of caribou and other causes of mortality
- Climate change effects on local resources and access for subsistence
- Full Council membership including alternates with better geographic distribution
- Predator concerns, interfering with subsistence activities, and safety of communities

Motion by Council member Armstrong, seconded by Council member Shiedt, to move ahead with the above list for the FY-2022 Annual Report.



The motion passed unanimously.

***Western Arctic Caribou Herd and Western Arctic Caribou Herd Working Group  
Updates***

Alex Hansen, Caribou Biologist with ADF&G, gave a comprehensive update of the Western Arctic Caribou Herd (WACH). His report included abundance, biological data, management, and harvest reporting. He noted that the WACH numbered about 70,000 animals in the 1970s and that the population had increased to about a half million caribou in the late 1990s. The past 20 years the Western Arctic Caribou population has been declining and is currently in a “preservative/declining” management mode. The 2022 count was finalized at 164,000, which is down from last year’s estimate of 188,000. The calving rate was estimated at 64% of adult females based on female counted with a calf, which is close to the long-term average of 70%, not alarming but something ADF&G is keeping their eye on. The spring aerial surveys estimate the recruitment. The WACH long-term average is about 17 short yearlings per 100 adults, and this average has been maintained the last four years. Adult survival is also critical, and the estimated female adult survival needs to be at least 80 percent for the herd grow; but in 2022 the female survival rate was estimated at 72 percent. Last spring 36 collars were deployed on adult females, and survival rates will be modeled after a year or in April-May 2023. Estimating bull to cow ratios is more difficult to measure as these surveys need to be done in the fall and often when caribou are scattered, and weather conditions are not ideal. Last year ADF&G estimated 47 bulls to 100 cows, which, Mr. Hansen said, is good as the management goal is 30 bulls to 100 cows. Mortality is more difficult to measure, and data only comes from collared animals primarily. If a collared animal stops moving, they try to get out as soon as possible to determine the cause of death.

Mr. Hansen also reported on some of the recommendations by the WACH Working Group (WG) at their last meeting. . The WACH WG recommended the management level move into the preservative, declining category and to maintain the harvest range of 6,000-10,000 animals within a population of 130,000 – 200,000 animals. He reported that non-local non-resident hunters harvest mostly bulls and before the recent closure that harvest was about 350 bulls and since the closure the number of hunters was cut by 2/3 with an estimated 80-100 bulls harvested. The Alaska Board of Game has made a positive customary and traditional (C&T) finding for subsistence harvests of caribou from the WACH and Teshekpuk Herds combined, with an amount necessary for subsistence (ANS) of 8,000-12,000 animals. Mr. Hansen thought these levels were still being met by subsistence users and said ADF&G estimated that subsistence hunters are taking 6,000-10,000 caribou each year based on permit returns and subsistence surveys.

Mr. Hansen answered multiple questions from Council members following his report. The Council expressed great concern over the declining herd numbers and provided reports of caribou migrations, harvests, sick animals, and the voluntarily reduction of caribou typically harvested for subsistence as hunters try their part to help maintain sustainability of the herd for future generations. Many concerns of fear were expressed as the caribou herd is a major part of the diet of most of the people in the region. Predator issues were discussed extensively, and some Council members thought that there has been an

increase in bear and wolf populations that are also contributing to the decline of caribou and more should be done, such as increased hunting or trapping or other control of these predators. One Council member also felt that there should be limits to guides and transporters, which needs to be considered further if the herd continues to drop. There was also some discussion for the need to find supplemental food sources such as moose to fill people's freezers or increase food distribution programs, particularly for elders.

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

Dr. Voorhees announced the Joint Meeting North American Caribou Workshop and Arctic Ungulate Conference in May 2023. She noted that OSM would support travel for one NWA Council member to attend and requested that the Council nominate one person and an alternate.

Motion by Council member Shiedt, seconded by member Howarth, to nominate Chair Baker to attend the North American Caribou Conference.

Motion passed unanimously.

Motion by Council member Howarth, seconded by member Shiedt, to nominate member Armstrong as their alternate to attend the North American Caribou Conference.

Motion passed unanimously.

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

Ray McPadden, Superintendent for Western Arctic National Parklands presented a summary.

***Council Appointments to Kobuk Valley and Cape Krusenstern Subsistence Resource Commissions (SRC)***

Mr. Justin Junge with NPS gave a summary. Council member Shiedt made a motion, seconded by Council member Howarth, which was approved unanimously to keep Merle Custer (ADF&G, Upper Kobuk Advisory Council member), who has been a member of the Kobuk Valley SRC. The Council opted to wait until the winter Council appointments are finalized before filling the other vacant SRC seat.

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

Ms. Jessica Gill with OSM read to the Council information for past or future reimbursement for telephonic/internet expenses related to Council teleconference meeting.

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

Ms. DeAnna Perry announced that membership applications or nominations for seats on the 10 Federal Subsistence Regional Advisory Councils are being accepted through February 21, 2023; and encouraged the Council and public to get the word out to Northwest Arctic communities to recruit new applicants. She also reminded members that have terms expiring next year to reapply. The Council had a brief discussion about the need by Council Members and OSM to increase outreach in unrepresented communities.

**Reports:**

- **Tribal Governments.** There were no Tribal reports presented.
- **National Weather Service, NOAA.** Dr. Brian Brettschneider, Physical Scientist and Climate Scientist for the Alaska Region gave a winter outlook report for the region. The arctic is warming faster than expected, massive increase in nearshore sea surface temperatures over the last 25 years and sea ice near Kotzebue will still be prevalent but 15% less ice in the year, but computer models predict the ice retention in the Kotzebue region in the winter indefinitely.
- **FWS, Selawik NWR.** The Refuge report was presented by Will Wiese, Assistant Refuge Manager, who introduced staff, provided management updates such as installation of communication towers for broadband capability, and provided summary of hunting guides and transporters on the Refuge and the Refuge's involvement with the WACH WG. The Refuge is really interested in working with NPS, the State, and the working group members to address the caribou issues. Mr. Wiese and Mr. Hanson with ADF&G traveled to Selawik, Ambler, Shungnak, and Kobuk in fall to do hunter information meetings. Fishery Biologist Bill Carter has been doing a lot of work measuring water temperatures and stream flow in the Refuge to better understand how much water is needed for fish to spawn.
- **FWS, Selawik NWR.** Brittany Sweeney, Outreach Specialist, gave a summary of the ongoing waterfowl monitoring conducted by the Migratory Birds Division and Refuge's support and partnership with the Northwest Arctic Regional Migratory Bird Council.
- **NPS, Gates of the Arctic National Park and Preserve.** New Superintendent Mark Dowdle introduced himself and Marcy Okada, Outreach Specialist, provided a Park activities summary and a summary of the recent Gates of the Arctic Subsistence Resource Commission's meeting that included Ambler Road Project and WACH discussions. Kyle Joly, Wildlife Biologist, provided reports on the WACH and moose surveys in the park.
- **NPS, Western Arctic National Parklands.** Ray McPadden, Superintendent, provided a few park updates including new hire Anthropologist Emily Creek that will facilitate the Subsistence Resource Commission (SRC) meetings and assist with Council meetings. He also talked about a

multi-year reclamation project of old quarry and gravel pit in Cape Krusenstern and implementation and enforcing Wildlife Special Action 21-01 (a). Joe Dallemolle, Wildlife Protection, provided brief report on big game guides that operated within the Park and reported he didn't see any violations to the Special Action WSA21-01: Unit 23 caribou and moose closures last fall and answered questions from the Council.

- **NPS, Western Arctic National Parklands and ADF&G, Division of Wildlife.** Raime Fronstin, Wildlife Biologist, and Christie Osburn, Unit 23 Area Biologist with ADF&G, provided wildlife reports for moose, Dall sheep, muskoxen, bear, and wolf and answered several questions from the Council.
- **NPS Kobuk Valley Subsistence Resource Commission (KVSRC).** Justin Junge mentioned a project conducted by NPS and U.S. Geological Survey researchers who did multi-year beaver range expansion project and looking at the browning of rivers and methane released in melting permafrost that was presented to the Kobuk Valley SRC and suggested the Council might also be interested in a report on this project at their next meeting. He responded to questions from the Council.
- **BLM.** Tom Sparks, Associate Manager for Anchorage Field Office based in Nome, provided short overview of statewide field office project updates of subsistence and wildlife and other projects. He also announced that BLM is looking for public comments due before November 4<sup>th</sup> on the Ambler Road Supplemental Review.
- **ADF&G, Division of Subsistence.** Project updates presented by Morgan Urquia. Ms. Urquia provided brief summaries of several projects being conducted in the region, including: The Arctic Beaver Observation Network in communities of Shungnak, Kotzebue, and Noatak; Bering Land Bridge Ethnographic Overview in eight Northwest and Arctic communities; Kiana Subsistence Harvest Assessment; and Traditional Ecological Knowledge of salmon in river drainages in Kotzebue Sound.
- **OSM.** Tom Kron, Statewide Support Division Manager, gave the OSM statewide summary.

### Future Meeting Dates:

After some discussion, a motion was made by Council member Cleveland, seconded by Council Vice Chair Kramer, to having their winter 2023 meeting in Kotzebue on March 6 & 7.

Motion passed unanimously.

There was a wish to have the pre-meeting, Sunday evening “meet and greet” again.

A motion by Council member Cleveland, seconded by Council member Shiedt, to have their fall 2023 meeting in Kotzebue on October 16 & 17.

Motion passed unanimously.

**Closing Comments:**

Council members thanked Council Coordinator Hutchinson-Scarbrough and staff. The Council felt that they got a lot done. Council members said that they received a lot of good information. Council members are hoping that we will be able to turn around the caribou decline.

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Lisa Hutchinson-Scarbrough, DFO  
USFWS Office of Subsistence Management

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Mr. Thomas Baker, Chair  
Northwest Arctic Subsistence Regional Advisory Council

These minutes will be formally considered by the Northwest Arctic Subsistence Regional Advisory Council at its March 6-7, 2023, meeting in Kotzebue, 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 Lisa Hutchinson-Scarbrough at: 1-800-478-1456 or 907-310-4097, email: [lisa\\_hutchinson@fws.gov](mailto:lisa_hutchinson@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



## Northwest Arctic RAC Meeting

### Species and Survey Update - March 2023

#### **Moose**

##### Surveys

- We completed a fall composition survey of the lower Noatak last November. We observed 451 moose and found ratios of 64 bulls:100 cows, 20 calves:100 cows and 12calves:100 adults. These ratios are up from the last survey done in 2017.
- Moose looked to be in good body condition. Snow was belly deep at higher elevations but appeared to be rather light and moose seemed to be moving through it well.
- A spring abundance survey of the lower Noatak will be conducted in early April. Recent abundance estimates in the lower Kobuk and Selawik showed relative stability in the population.

##### Research

- An adult survival study will be starting this spring to measure and identify causes of mortality in the lower Kobuk.

##### Harvest

- Moose season under the RM880 permit closed Dec 31st. New permits will be issued in-person beginning June 1<sup>st</sup> and will be available through July 15<sup>th</sup>.
- 533 permits were issued last year and. As of Jan 4<sup>th</sup>, only 78 people had reported on their permit and 56 moose had been reported harvested.
- Permit holders are required to report on their permit, even if they did not hunt. Reporting can be done by mail, phone, or online.

#### **Muskox**

##### Surveys

- An abundance and composition survey of the Cape Thompson Core area was completed last March in cooperation with the NPS. Abundance and composition within the core area has remained stable with an estimate of 343 muskoxen, 31 mature bulls: 100 mature cows, and 31 short-yearlings: 100 mature cows.
- The core area will be survey again this upcoming spring.



## **Muskox continued**

### Harvest

- Three permits will be issued through the state tier II hunt for 2023-2024.

## **Bear**

### Harvest

- Total harvest was lower this fall than previous years.
- For the fall hunt, 15 bears were harvested by NR and 4 were harvested by Alaska residents.
- Spring bear season is open until May 31<sup>st</sup> for residents.
- The hide and skull need to be salvaged and sealed by ADFG within 30 days of harvest.

## **Sheep**

### Surveys

- A minimum count survey was completed in the central and western De Long mountains last July. In total, 188 sheep were observed. Lamb ratios in the central De Longs were the lowest seen in the last 3 years with 18 lambs:100 ewe-like and 30 rams:100 ewe-like. Western De Longs had higher ratios at 38 lambs: 100 ewe-like and 47 rams: 100 ewe-like.
- Counts remain low, with very few full-curl rams and low lamb ratios.
- Another minimum count of the De Longs is planned for July of 2023.

### Research

- A study to investigate factors that are limiting these populations is planned for 2023 and 2024.
- This study will utilize collared animals to monitor mortality and movement in adults and to assess lamb production.
- Health assessments will be conducted at time of collaring to determine nutritional condition and survey for disease and parasite presence.
- Captures are planned to begin in fall of 2023.

## **Miscellaneous**

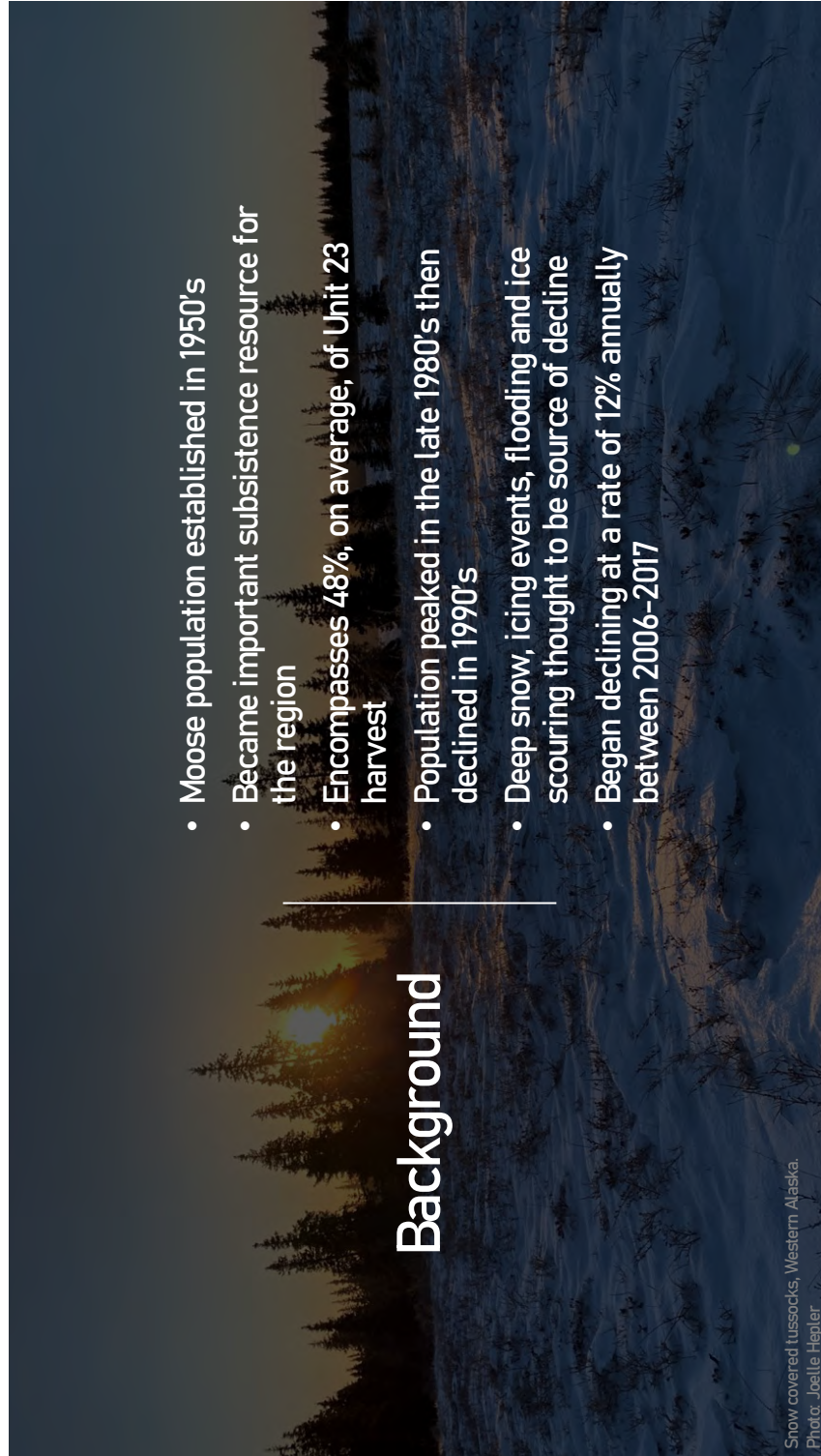
- Ptarmigan and Grouse- the small game program is looking to collect wings and heads of harvested birds for species and age data. If you're interested in donating samples, envelopes are provided at the Kotzebue F&G office.

# Lower Kobuk Moose Survival Study

Joelle Hepler  
Wildlife Biologist III  
Alaska Department of Fish and Game



Snow covered tussocks, Western Alaska.  
Photo: Joelle Hepler



## Background

- Moose population established in 1950's
- Became important subsistence resource for the region
- Encompasses 48%, on average, of Unit 23 harvest
- Population peaked in the late 1980's then declined in 1990's
- Deep snow, icing events, flooding and ice scouring thought to be source of decline
- Began declining at a rate of 12% annually between 2006-2017

Snow covered tussocks, Western Alaska.  
Photo: Joelle Hepler

## What has been done so far?

- A 3-year study on nutrition and calf mortality recently ended (2017-2021).
  - Nutritional condition of moose populations is good
    - Browse removal rates: **19%** (*concern if greater than 35%*)
    - Twinning rates average: **43.5%** (*concern if below 20%*)
    - Calf weights average: **43.6 pounds** (*concern if below 40 lbs*)
  - Mortality rates of calves averaged **71%**, similar to other mortality rates across Alaska with similar moose densities

Snow covered tussocks, Western Alaska.  
Photo: Joelle Hepler

## What is next?

### Investigate adult mortality

- Collar, weigh and take measurements of 60 short yearlings annually for 3 years
  - 30 males and 30 females
- Measure annual survival for up to 7 years
- Investigate causes of mortality
- Conduct another browse survey



Collared moose calf, Western Alaska.  
Photo: Joelle Hepler

## Capture Methods

- Spring of 2023
- Located by plane, darted from helicopter
- Use of immobilization drugs to safely handle the animal
- Animals will be collared
  - "Do not consume if harvested before XX-XX-XX"
- Drugs completely cleared from body within a month of capture
  - Study conducted on caribou in Alaska, drugs out of system within 21 days



Collared moose calf, Western Alaska.  
Photo: Joelle Hepler

## FEDERAL WILDLIFE CLOSURE REVIEW

### WCR24-19

**Issue:** Wildlife Closure Review WCR24-19 reviews the closure to muskox hunting by non-Federally qualified users in Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage (Unit 23 SW).

**Closure Location and Species:** Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage—Muskox (**Figure 1**)

#### Current Federal Regulation

##### Unit 23–Muskox

*Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage - 1 bull by Federal permit or State permit* Aug. 1- Mar. 15

*Federal public lands are closed to the taking of musk oxen except by federally qualified subsistence users hunting under these regulations*

**Closure Dates:** Year-round

#### Current State Regulation

##### Unit 23–Muskox

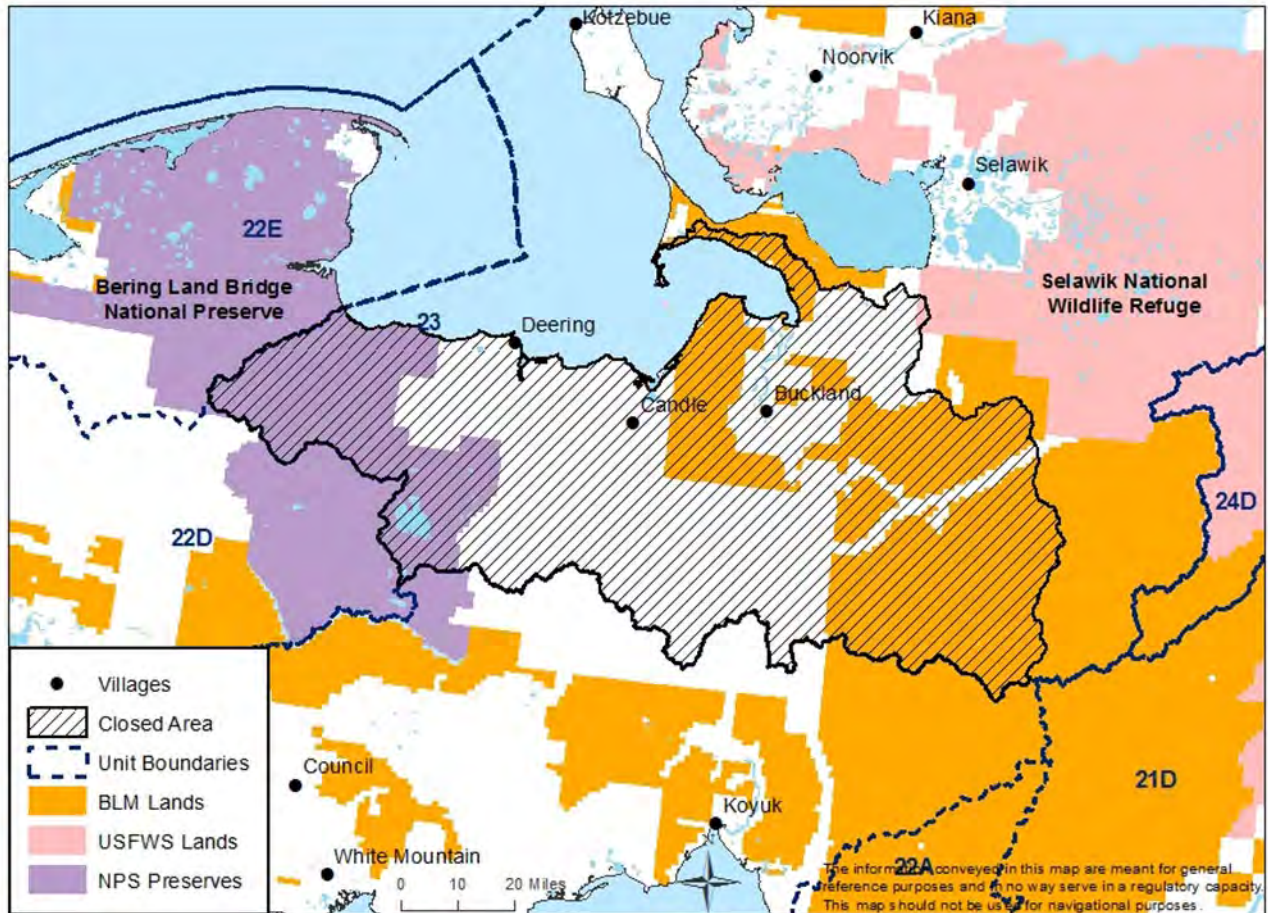
*Residents: Seward Peninsula west of and including the Buckland River drainage - One bull by permit* TX106 Aug. 1-Mar. 15

**Regulatory Year Initiated:** 1995

#### Extent of Federal Public Lands

Unit 23 is comprised of 71% Federal public lands and consist of 40% National Park Service (NPS) managed lands, 22% Bureau of Land Management (BLM) managed lands, and 9% US Fish and Wildlife Service (USFWS) managed lands.

Unit 23 SW is comprised of 50% Federal public lands and consist of 34% BLM managed lands and 16% NPS managed lands (**Figure 1**).



**Figure 1.** Map of Federal muskox hunt area Unit 23 SW.

### Customary and Traditional Use Determination

Residents of Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage have a customary and traditional use determination (C&T) for muskoxen in Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage.

### Regulatory History

In 1991, the BLM submitted and then withdrew Proposal P91-94 to add “no open season” and “no customary and traditional use determination” to muskox regulations in Unit 23. BLM submitted the proposal because the population estimate of 123 muskoxen did not support a viable hunt (OSM 1991).

A cooperative muskox management effort for the Seward Peninsula was begun in 1993 with the creation of the Seward Peninsula Muskox Cooperators Group (Cooperators). Muskox management efforts were guided by recommendations from this group, and the Seward Peninsula Cooperative Muskox Management Plan (1994) established the guiding management goals for muskoxen in this region.



In 1995, the Seward Peninsula Subsistence Regional Advisory Council (Council) submitted Proposal P95-44 to establish muskox hunts in Units 22D and 22E because the muskox population could withstand a harvest of 15 bulls as recommended by the Seward Peninsula Cooperative Muskox Management Plan (OSM 1995a). The Federal Subsistence Board (Board) adopted Proposal P95-44 with modification to establish the first Federal muskox hunt on the Seward Peninsula. The Board established a season of Sep. 1–Jan. 31 for Units 22D, 22E, and 23 west of and including the Buckland River drainage (Unit 23 SW), with a harvest limit of one bull by Federal permit and a quota of 3% of the population within each subunit from the most recent census and closed Federal public lands to the harvest of muskoxen except by Federally qualified subsistence user (FSB 1995a).

In 1998, the Seward Peninsula Council submitted Proposal P98-89 to extend the muskox season three months to Aug. 1–Mar. 31 for Units 22D, 22E, and Unit 23 SW. However, as part of the consensus agenda, the Board adopted Proposal P98-89 with modification to extend the season to Aug. 1–Mar. 15 in these areas. This modification was made due to biological concerns that hunting in late March could stress cows shortly before the calving season.

A shared Federal and State permit system for muskox on the Seward Peninsula was supported by the Seward Peninsula and Northwest Arctic Councils and adopted by the Board in 1998 (FSB 1998). In January 1998, the Cooperators met to discuss options for a combined Federal and State muskox harvest on the Seward Peninsula. The group reached consensus involving management on a subunit basis, allowing for continued growth of the population and increased harvest opportunities, with the intent that the Muskox Management Plan would be amended in the future to reflect these changes. Six affected villages (Brevig Mission, Buckland, Deering, Shishmaref, Teller, and Wales) considered allowing State harvest to increase harvest opportunities. Individual villages made decisions on the percent harvest rate and how the harvest should be divided between the State and Federal systems within their respective subunits. Village recommendations were summarized in a resolution written and supported by the Council in 1998 and subsequently presented to the Alaska Board of Game (BOG), which approved a Tier II subsistence muskox hunt for the Seward Peninsula with the assumption that this would be part of a combined Federal/State harvest program. Also in 1998, the Board followed the recommendations of the Seward Peninsula and Northwest Arctic Councils and approved a special action (WSA97-14) establishing these regulations for the 1998/99 Federal subsistence muskox season (FSB 1998).

In 1999, Proposal WP99-46 put the temporary regulations in WSA97-14 into codified regulation. Due to the long traveling distances needed to reach Federal lands and the poor travel/snow conditions during that time, the six affected villages supported the combination of the State and Federal harvest systems to create more harvest opportunities due to declining hunter success rates under the Federal subsistence hunt. The BOG adopted the combined Federal and State harvest into permanent State regulation in 1998. The consensus was to manage on a subunit basis within Unit 22 and Unit 23SW to allow for continued growth of the muskox population in this region and to increase harvest opportunities. Sharing the harvest quota between Federal and State systems helped meet local subsistence needs that may not have been met under only the Federal or State system separately. The

cooperative management dispersed hunting pressure over an entire area regardless of land ownership to create a more biologically sound management approach (OSM 2001).

In 2001, the Board adopted Proposal WP01-35, changing the Unit 23 SW harvest limit from one bull to one muskox. However, cows could only be taken from Jan. 1–Mar. 15 and no more than 8 cows could be harvested. Total harvest could not exceed 13 muskoxen. The Cooperators unanimously supported submitting the proposal to provide more subsistence opportunity, to better coordinate between State and Federal hunts, and because there were no conservation concerns (OSM 2001). The BOG adopted similar regulations.

In 2002, the Board adopted Proposal WP02-37 with modification, which delegated authority to the Superintendent of the Western Arctic National Parklands (WEAR) to announce harvest quotas and any needed closures in consultation with the Alaska Department of Fish and Game (ADF&G) and the Bureau of Land Management (BLM) in Units 22B, 22D SW, 22D remainder and 22E. This resulted in more efficient management of the Seward Peninsula muskox population. The modification to this proposal was to make minor adjustments to the regulatory language, as recommended by the Seward Peninsula and Northwest Arctic Councils.

In 2006, the Board adopted Proposal WP06-55, establishing a designated hunter permit for muskox in Unit 23 SW.

In 2008, the BOG made several regulatory changes affecting muskox in Unit 22B, 22D and 23 SW by adopting Proposal 77 with modification. Notably, registration permits were required for residents, rather than Tier II hunts, with permit distribution limited to vendors in Unit 22. This also opened a nonresident season via draw permit in Unit 22D southwest and remainder (Gorn 2011, Hughes 2018, pers. comm.). Trophy destruction was required for all skulls removed from Unit 22.

In 2010, the Board adopted Proposal WP10-84 with modification, clarifying the regulatory language and requiring a Federal permit or a State Tier I permit (instead of Tier II) to harvest muskox in Unit 23 SW. The Board revised permit requirements to maintain consistency with recent changes under State regulations.

In 2011, the BOG adopted Proposal 23, making the muskox hunting regulations in Unit 22 part of a threshold-based hunt regime conditioned on the relationship between the Amount Necessary for Subsistence (ANS) and the available harvestable portion for the Seward Peninsula muskox population, which includes all of Unit 22 and Unit 23 SW (Dunker 2018, pers. comm.). The regulatory thresholds defined conditions for Tier II hunts (harvestable portion below the ANS), Tier I registration hunts (harvestable portion within the ANS range) and registration/drawing hunts (harvestable portion above ANS). This change was in response to significant muskox population declines, low bull:cow ratios, and high harvest of mature bulls documented by ADF&G. Based on the implementation of the new harvest guidelines intended to address the high harvest of mature bulls and the decline in bull:cow ratios and based on further population declines revealed in March 2012 population surveys, State Tier II hunts were required in Unit 22B, 22D and 23 SW (22E retained use of RX104) for 2012-2013 regulatory

year due to the reduction of the harvestable surplus being below the lower end of the ANS (Dunker 2018, pers. comm.).

In 2014, the Board adopted Proposal WP14-41 with modification, eliminating the cow muskox hunt in Unit 23 SW because of conservation concerns. This proposal also authorized Federal managers to limit the number of Federal muskox permits available. This closure was also reviewed as part of Proposal WP14-41, and the Council decided to maintain status quo.

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 presented to Councils who then decided whether to maintain the closure or to submit a regulatory proposal to modify or eliminate the closure.

Also in 2020, WCR20-19 reviewed the Federal public lands closure in Unit 23 SW. The Board voted to maintain status quo because of the low harvestable surplus, to maintain a Federal subsistence priority, and to protect the muskox population.

In 2022, Temporary Wildlife Special Action WSA22-01a was approved by the Board for the 2022-2024 seasons. This special action changed the Federal muskox permit system for all six of the Seward Peninsula muskox hunt areas from a Federal registration permit to a Federal drawing permit (WSA22-01b addressed the Cape Thompson muskox population). Language in the Delegation of Authority letters (DALs) to the BLM and NPS in-season managers was standardized and clarified, and the in-season manager for the Seward Peninsula muskox hunt area in Unit 23 was changed from the WEAR superintendent to the BLM Anchorage Field Office manager to better reflect land status. Permits had been being distributed via a draw system for years, and unclear language in the DALs had been misinterpreted. The Board adopted the request to allow for effective and flexible hunt management and to ensure the sustainable harvest of muskoxen and equitable distribution of Federal permits.

**Closure last reviewed:** 2020 – WCR20-19

**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 Board's intent was to provide subsistence opportunity for hunting muskox in Unit 23 SW, maintaining a subsistence priority as mandated by ANILCA. The closure began in 1995 when the initial C&T and hunt were established by Proposals P95-43 and P95-44, respectively.

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

The Northwest Arctic Council opposed Proposal P95-44, stating “let the State season and the system work for a year to see if it meets the needs of the local people. If it does not, the Regional Council could always initiate a proposal to deal with the situation.” However, at the Board meeting, the Chair of the Council supported modified Proposal P95-44, which established a muskox hunt for Federally qualified subsistence users in Unit 23 SW (and closed the area to non-Federally qualified subsistence users) (FSB 1995).

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

The State was neutral on the original closure (P95-44). While the State agreed with the intent of the cooperative muskox management effort, it recommended postponing a decision on P95-44 until the BOG decided on State regulations for muskox in Units 22 and 23 (OSM 1995a). The State submitted a request for reconsideration, R95-05, requesting that the Board rescind their decision on P95-44. The Board rejected R95-05.

### **Biological Background**

#### Seward Peninsula Muskox Population

Muskoxen are adapted for survival in arctic habitats. Their large body size, thick undercoat and long guard hairs allow muskoxen to stay warm in arctic climates and conserve energy (Klein 1992). However, their thick fur does not allow them to regulate their body temperature, especially following high exertion activities, such as running. Their lower chest height and smaller hooves make travelling through deep snow difficult (Klein 1992; Ihl and Klein 2001); therefore, they tend towards wind swept areas with reduced snow depth (Dau 2005). These adaptations limit suitable habitat and lead muskox groups to remain localized during winter months (Klein 1992). Therefore, disturbance to muskox groups during the winter by hunters or predators could decrease survival through increased energetic requirements and movement to unsuitable habitat (Nelson 1994; Hughes 2018).

Muskoxen were extirpated in Alaska by the late 1800s, and perhaps hundreds of years earlier on the Seward Peninsula (Gorn and Dunker 2015). Muskoxen were reintroduced to Units 22C and 22D in 1970 and have since expanded their range to the north and east (Gorn and Dunker 2015). Currently, muskoxen from the Seward Peninsula population occupy suitable habitat in Units 22, 21D and the southern portion of Unit 23.

Muskox management on the Seward Peninsula has been guided by recommendations developed by the Cooperators. The group was composed of staff from NPS, BLM, USFWS, ADF&G, Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities and representatives from other interested groups or organizations. The Cooperators Group has not met since January of 2008 and is now defunct (Braem 2022, pers. comm.). The following management goals formed the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994

(Nelson 1994): 1) manage populations to allow for growth while providing for harvest; 2) protect habitats; and 3) encourage cooperation and information sharing among agencies.

Aerial survey methods used to monitor the Seward Peninsula muskox population include minimum counts, distance sampling and composition surveys. Survey areas include the core count area of Units 22B, 22C, 22D, 22E, and 23 SW, and the expanded count area, which include the core count area as well as northern Unit 22A, southeastern Unit 23, western Unit 21D, and western Unit 24. Beginning in 2010, distance sampling techniques, conducted during the winter, were implemented to estimate abundance of Seward Peninsula muskox. This methodology replaced the minimum count surveys used since 1980. The minimum count surveys assumed 100% coverage but had varying effort from year to year. The distance sampling protocol was developed because it was believed that these estimates would provide more useful data and improve long-term monitoring efforts (Gorn and Dunker 2015). Surveys of the expanded count area were also implemented in 2010 to better understand the eastward migration of muskoxen from the Seward Peninsula, their current distribution and total population. Composition surveys, completed in the spring after distance sampling, document large scale patterns in age and sex structure of the population.

After reintroduction, the Seward Peninsula muskox population experienced periods of growth between 1970 and 2000 (14% annual rate of increase) and 2000 and 2010 (3.8% annual rate of increase), peaking at 2,903 muskoxen in 2010 (Gorn 2011). However, a 23.4% decrease in abundance occurred in 2012 and since 2015, the muskox population has experienced an annual rate of decline of 2%, to an estimated 2,071 muskoxen in 2021 (**Figure 2**). It was hypothesized the decline was related to the high mortality rates of adult cows and declines in the number of short yearlings (10–12-month-old muskoxen) (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample size (Gorn 2011).

Composition surveys indicated declines in mature bulls between 2002 and 2011 (**Figure 3**), which prompted changes to the method of determining sustainable harvest rates (Gorn 2011). Research suggested that selective harvest of mature bulls on the Seward Peninsula could be a driver of reduced population growth. The theory is young male muskoxen may be less effective at maintaining a harem, leading to extended calving seasons which in turn may decrease calf survival and reduce recruitment. Younger males may also be less effective than mature bulls at defending their harem from predatory attacks, leading to more predation mortality. Therefore, annual harvest was restricted to less than 10% of the estimated number of mature bulls in the interest of conservation (Schmidt and Gorn 2013). Following this change in harvest management, the mature bull:cow ratio of Seward Peninsula muskoxen has increased over the 2011 low of 29:100 and remained stable through 2021 at an average of 38:100 (Dunker 2017a, 2022 pers. comm.).

Short yearlings (SY) are muskox between 10 and 15 months old and provide a measure of recruitment and population growth. Composition surveys indicate a decrease in short yearlings between 2002 and 2015, from 44:100 to 23:100, with low recruitment rates of particular concern (Gorn and Dunker 2015; Dunker 2022, pers. comm.). Between 2002 and 2021, SY:cow ratios for the entire Seward Peninsula

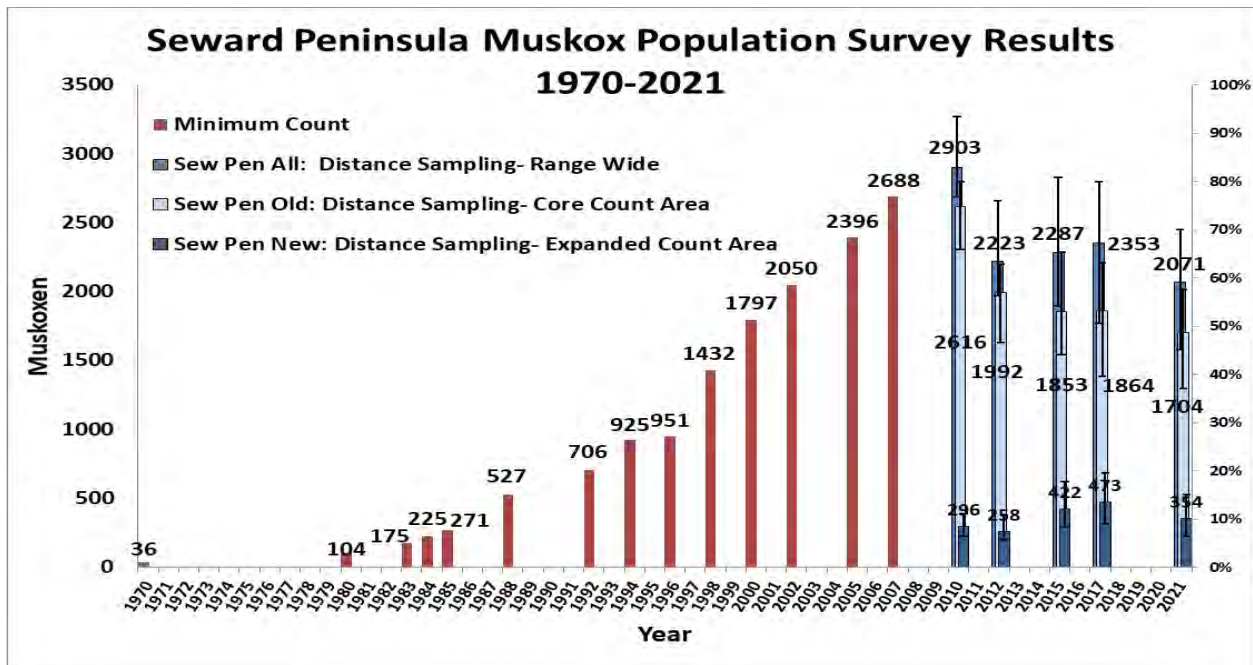
muskox population ranged from 17-44 SY:100 cows (**Figure 3**). Ratios have been increasing since 2015 to almost as high as 2002 levels, peaking in 2021 at 42:100.

Unit 23 SW Muskox Population

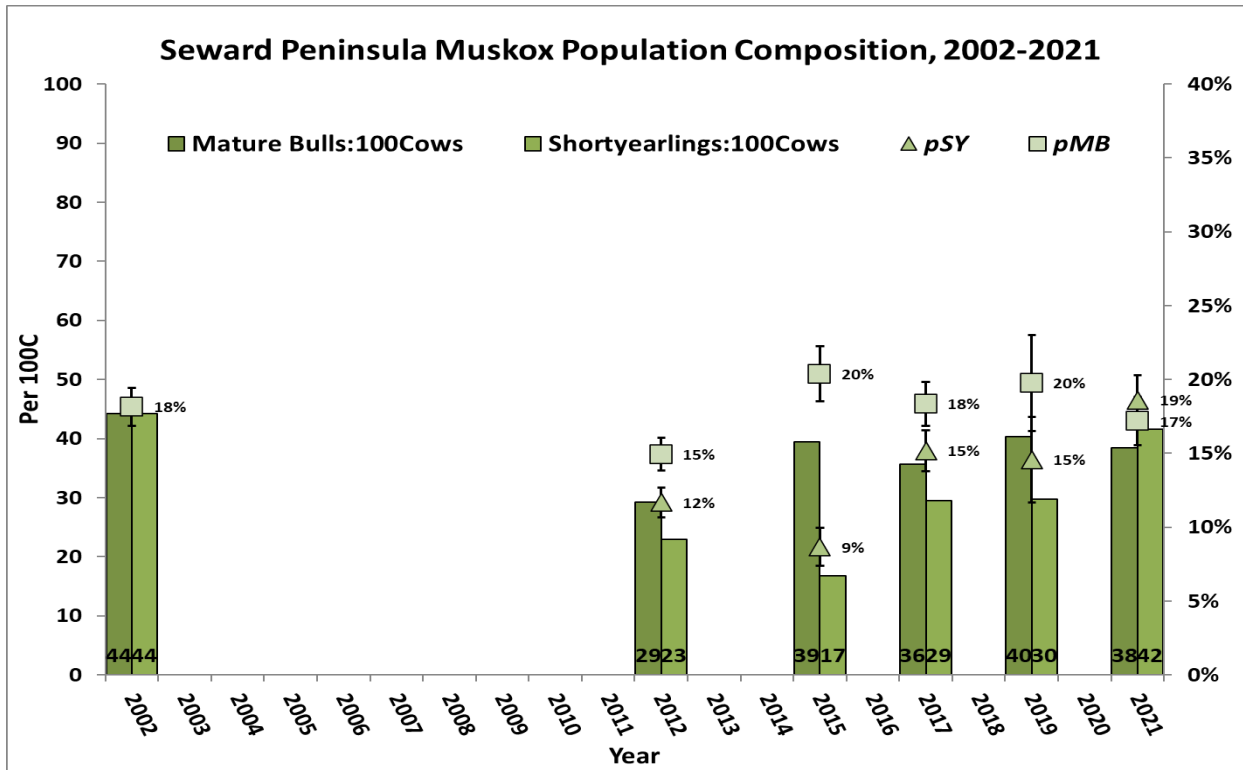
Between 1992 and 2017, the number of muskox in Unit 23 SW ranged from 134-255 muskox, averaging 205 muskox (**Figure 4**) (Gorn and Dunker 2015; Dunker 2017a). Over the same period, the percentage of the Seward Peninsula muskox population occupying Unit 23 SW ranged from 6%-27%, averaging 13% of the population. In 2017, 10% of the Seward Peninsula muskox population occupied Unit 23 SW.

From 2002–2021, mature bull (MB):100 cow ratios for muskox in Unit 23 SW ranged from 19–33 MB:100 cows and was 22 MB:100 cow in 2021(**Table 1**). In Unit 23 SW, the MB:100 cow ratio decreased from 2015–2017 but increased slightly in 2021 (**Table 1**) (Gorn and Dunker 2015; Dunker 2017b; Dunker 2022, pers. comm.).

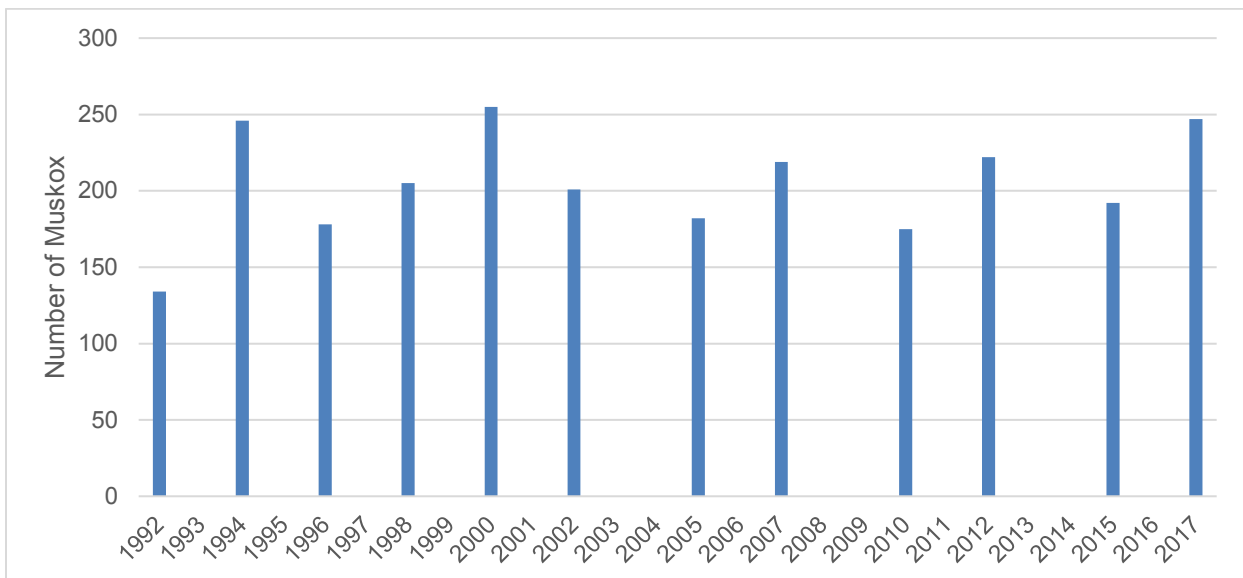
Between 2002 and 2021, the ratio of short-yearlings (SY) to 100 cows in Unit 23 SW ranged from 10–39 SY:100 cows, with the highest ratio occurring in 2021 (**Table 1**) (Gorn and Dunker 2015; Dunker 2017b; Dunker 2022, pers. comm.).



**Figure 2.** Population estimates for Seward Peninsula muskox. The results pre-2010 are from the minimum count surveys and post-2010 are from distance sampling technique. The core count area includes Units 22B, 22C, 22D, 22E, and 23 SW. The expanded count area includes the core count area, northern Unit 22A, southeastern Unit 23, western Unit 24, and western Unit 21D (Gorn and Dunker 2015, Dunker 2017a, 2022).



**Figure 3.** Population composition for Seward Peninsula muskox. Ratios are the number of mature bulls:100 cows and short yearlings:100 cows. Mature bulls are  $\geq 4$  years old. Short yearling are muskoxen between 10 and 15 months old. pSY and pMB are the proportion of short yearlings and mature bulls (respectively) in the estimate (Gorn and Dunker 2015, Dunker 2017b, 2022).



**Figure 4.** Population estimates for muskoxen in Unit 23SW (Gorn and Dunker 2015, Dunker 2017a).

**Table 1.** Mature bull:100 cow and short yearling:100 cow ratios for Unit 23 SW (Dunker 2022, pers. comm.)

Year	# Groups	# Muskox	MB:100Cow	SY:100Cow
2002	10	162	33	31
2010	11	157	19	18
2011	8	127	22	10
2012	20	318	25	20
2015	6	96	32	26
2017	8	145	20	18
2021	9	170	22	39

### Cultural Knowledge and Traditional Practices

In Iñupiaq, muskoxen are called *umingmak*, "the one with hair like a beard" (Lent 1999). The earliest archaeological evidence for use of muskoxen in arctic Alaska dates to Birnuk culture, beginning in approximately 600 A.D. (Lent 1999). In comparison to caribou, the availability of muskoxen was more predictable in time and space (Klein 1989). However, muskoxen were likely present at relatively low numbers, and their use was limited but continuous over approximately 1500 years.

Historically, muskoxen provided fat when caribou were lean in late winter and early spring and provided an alternative food source in years when caribou were scarce (Lent 1999). Today, muskoxen represent both a valuable subsistence resource and a nuisance or threat to communities (Mason 2015; Mikow and Kostick 2020) and cause damage to gravesites, structures, and infrastructure, such as airport equipment (Braem et al. 2017; NWARAC 2021a, 2021b, 2022). While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families. Harvest of muskoxen is more important for Northwest Arctic communities in years when there are fewer caribou (NWARAC 2021b and 2022).

Under the current closure, only residents of Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage may participate in the Federal subsistence hunt for muskoxen in Unit 23 SW. This area includes the primarily Iñupiat communities of Buckland and Deering. In 2019, the estimated population of Buckland was 509 and the estimated population of Deering was 166 (ADLWD 2020).

Buckland and Deering have been the subject of multiple subsistence surveys by ADF&G, Division of Subsistence, the results of which are included in the Community Subsistence Information System (CSIS) database (ADF&G 2022, **Table 2**). These data include estimates of all muskoxen harvested by residents of the communities under any hunt opportunity (State or Federal) and in any location during the survey year. **Table 2** indicates that Buckland harvested an estimated average of 3.7 muskoxen per study year, and Deering harvested an estimated average of one muskox per study year.



**Table 2.** Three measures of muskox harvest and use by communities with a customary and traditional use determination in Unit 23 south of the Kotzebue Sound and west of and including the Buckland River drainage (ADF&G 2022). Values for estimated number of muskoxen harvested are rounded to whole numbers.

Community	Survey year	Estimated number of muskoxen harvested	Estimated pounds per person harvested	Percent using
Buckland	2003	6	9.2	13%
	2009	4	5.2	7%
	2018	1	0.5	6%
	<b>Average</b>	<b>3.7</b>	<b>5.0</b>	<b>9%</b>
Deering	2007	2	5.9	13%
	2013	1	2.3	9%
	2017	0	0	2%
	<b>Average</b>	<b>1</b>	<b>2.7</b>	<b>8%</b>

## Harvest History

### Seward Peninsula Muskox Range-wide Harvest

Prior to 2012, muskox harvest rates on the Seward Peninsula were calculated as 3% of the total population size. The harvest quota for each hunt area was determined based on the percentage of the range-wide muskox population occurring within that hunt area, with the harvest rate reaching up to 8% of a population in some subunits (OSM 2014). However, following declines in recruitment, bull:cow ratios, and overall population size, managers reassessed this strategy. Consequently, a new harvest management strategy was implemented in 2012. Since 2012, Unit 22 muskox harvest rates have been based primarily on the number of mature bulls in the population. Specifically, harvest quotas are calculated as 10% of the estimated number of mature bulls within the hunt area, and range-wide harvest targets are set at 2% of the estimated population size (Gorn and Dunker 2013; Gorn and Dunker 2015).

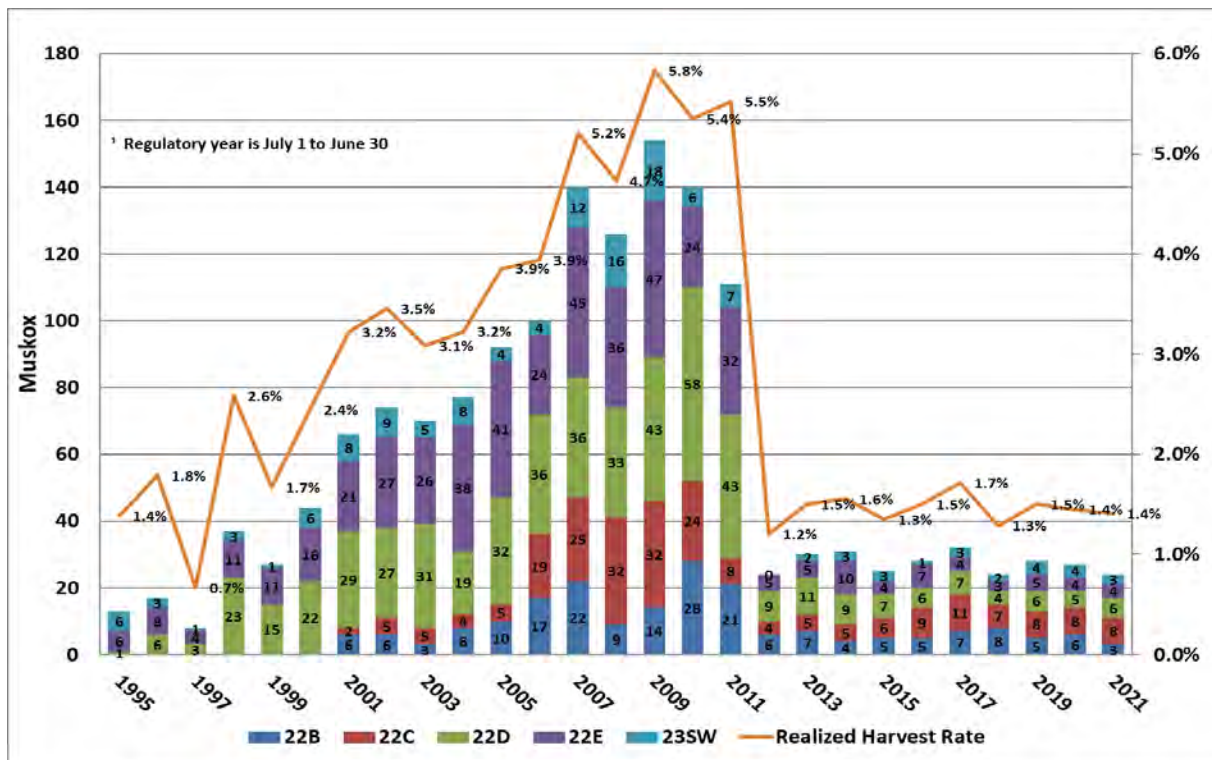
This shift in harvest management was accompanied by a significant reduction in harvest. Range-wide, harvest declined from 111 muskox in 2011 (5.5% of the total population) to 26 muskoxen in 2012 (1.2% of the total population). Total reported harvest has remained below 2% of the total population, which has likely been influential in the subsequent increase in mature bulls (Gorn and Dunker 2015). Between 1995 and 2011, the realized harvest rate for Seward Peninsula muskox ranged from .7%-5.8%, peaking in 2009 (**Figure 4**) (Gorn and Dunker 2015; Dunker 2022, pers. comm.). After the population decline in 2012 and Schmidt and Gorn (2013) reported on the importance of mature bull muskoxen in a population, the realized harvest rate has remained below 2% of the range-wide population estimate, ranging from 1%–1.7% with an average of 1.3% between 2012 and 2021 (Dunker 2022, pers. comm.).

Harvest of muskoxen on the Seward Peninsula by Federal permit has remained low with most muskox harvest occurring by State permit (**Table 4**). From 2001–2012 Federal permit harvest averaged 5.3

muskoxen per year. From 2013- 2021, after the change in harvest management, Federal permit harvest averaged 3.4 muskoxen per year. From 2001- 2020, Federal permit harvest of muskox ranged from 0-15 muskoxen harvested per year, with an average success rate of 27%. Since 2012, harvest by Federal permit has accounted for 3.4%- 25% of overall muskox harvest on the Seward Peninsula, averaging 10% (Table 5) (OSM 2022).

Unit 23 SW Muskox Harvest

Muskox harvest in Unit 23 SW occurs by Federal permit, FX2302 and by State Tier II permit, TX106. Between 1995 and 2011, the muskox harvest quota in Unit 23 SW ranged from 6–18 muskox (OSM 2014). Between 1995 and 2021, annual harvest ranged from 0–18 muskox (Figure 5) (Dunker 2018, pers. comm.; Dunker 2022, pers. comm.). Most of the harvest occurred by State permit. Since 2008, no muskoxen have been reported harvested by Federal permit in Unit 23 SW (Table 4) (Adkisson 2018, pers. comm.). Often, the more accessible muskoxen are found on State lands, so the harvest quota may already be reached before Federally qualified subsistence users have an opportunity to access Federal lands (Adkisson 2018, pers. comm.). Since 2012 over half the muskox harvest in Unit 23 SW has been from Kotzebue and Noorvik residents hunting under State permits (ADF&G 2018).



**Figure 5.** Reported harvest and realized harvest rate as percentage of herd population for Seward Peninsula muskox by subunit (Gorn and Dunker 2015, Dunker 2022; Germain 2022, pers. comm.).

**Table 3.** Federal permits issued and reported Federal muskox harvest for Seward Peninsula 2001- 2021 (OSM 2022). Blanks indicate no data present.

Regulatory Year	Unit 22		Unit 23		Total
	Issued	Harvested	Issued	Harvested	Harvested
2001	25	10	6	3	13
2002	37	7	3	0	7
2003	31	12	6	2	14
2004	18	3	5	1	4
2005	21	7	2	1	8
2006	20	8	3	1	9
2007	16	2	6	1	3
2008	23	1	5	0	1
2009	13	0	4	0	0
2010	2	0			0
2011	1	0			0
2012	9	2	0	0	2
2013	12	10	0	0	10
2014	9	4	4	0	4
2015	5	3	2	0	3
2016	9	2	2	0	2
2017	6	3	1	0	3
2018	8	2	2	0	2
2019	12	1	3	2	1
2020	11	2	3	1	2
2021			3	1	
2022			3		
Total	288	79	50	9	88
Success	27.40%		18.00%		26.00%

**Table 4.** Federal and State muskox harvest in Unit 23 SW (Dunker 2018, pers. comm.; Dunker 2022, pers. comm.; Adkisson 2018, pers. comm.; OSM 2022).

Year	FX2302 Issued	FX2302 Harvest	Tier II TX106 Issued	Tier II TX106 Harvest	RX106 Issued	RX106 Harvest	DX106 Issued	DX106 Harvest	Total Harvest
1995	7	6							6
1996	9	3							3
1997	6	1							1
1998	7	1	2	1					2
1999	8	0	1	1					1
2000	4	1	8	5					6
2001	6	3	11	6					9
2002	3	0	9	9					9
2003	6	2	10	3					5
2004	5	1	12	6					7
2005	2	1	8	3					4
2006	3	1	13	3					4
2007	6	1	30	10					11
2008	5	0	0	0	49	16	2	0	16
2009	4	0	0	0	27	17	1	1	18
2010			0	0	25	6			6
2011			0	0	8	7			7
2012	0	0	4	0					0
2013	0	0	5	2					2
2014	4	0	4	3					3
2015	2	0	4	3					3
2016	3	0	3	1					1
2017	1	0	3	3					3
2018	2	0	3						0
2019	3	2							0
2020	3	1							0
2021	3	1							
2022	3								

### Effects

If the closure were retained, there would be no change in how the hunt is currently managed. Only Federally qualified subsistence users would be allowed to harvest muskoxen on Federal public lands in Unit 23 SW by either Federal or State permit. The muskox population that currently exists in the area would remain protected from overharvest due to the limited number of permits issued and the conservative management strategy.

If the closure were rescinded, Federal public lands in Unit 23 SW would be open to the harvest of muskoxen by anyone hunting under State regulations. Over-harvest would not be a concern, as harvest would still be managed by a shared quota with a limited number of permits issued. However, Federally qualified subsistence users would experience increased competition on Federal public lands from people hunting under State regulations. If the closure were modified to close to all users, Federally qualified subsistence users would unnecessarily lose the opportunity to harvest muskox under Federal regulations in Unit 23 SW.

**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 current closure, in conjunction with decreased harvest quotas, have slowed or stalled the decline in muskox populations in this portion of the Seward Peninsula. This closure should remain in place to ensure conservation of the muskox populations, and to allow for the continuation of subsistence uses by providing for a Federal subsistence priority and ensuring opportunities to harvest this subsistence resource into the future.

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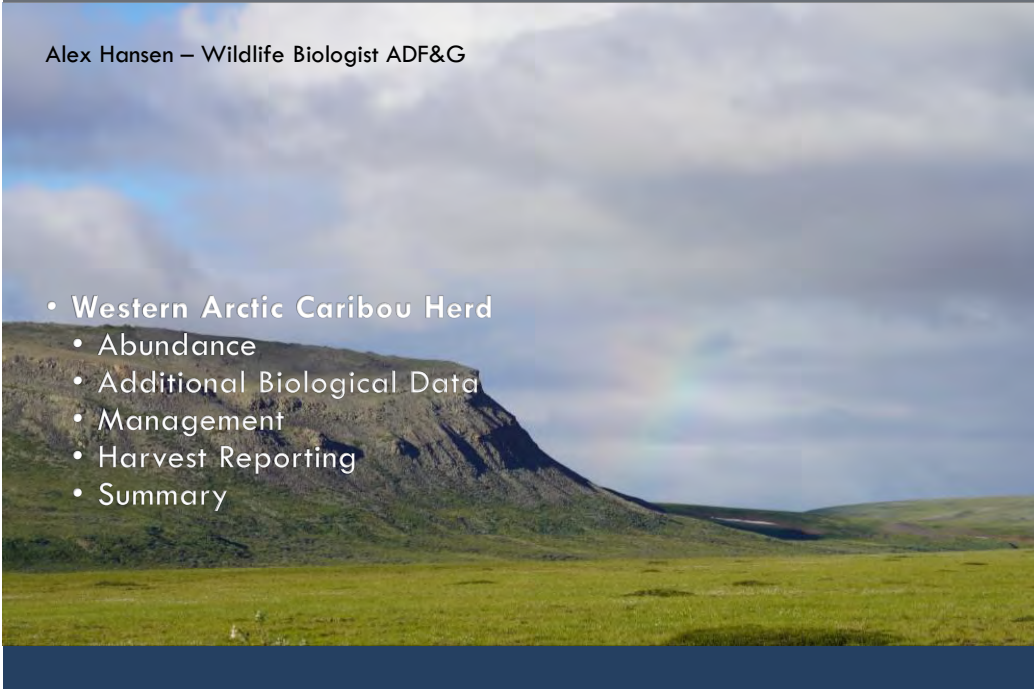
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## WAH Caribou Overview

Alex Hansen – Wildlife Biologist ADF&G

- Western Arctic Caribou Herd
  - Abundance
  - Additional Biological Data
  - Management
  - Harvest Reporting
  - Summary



## WAH Abundance

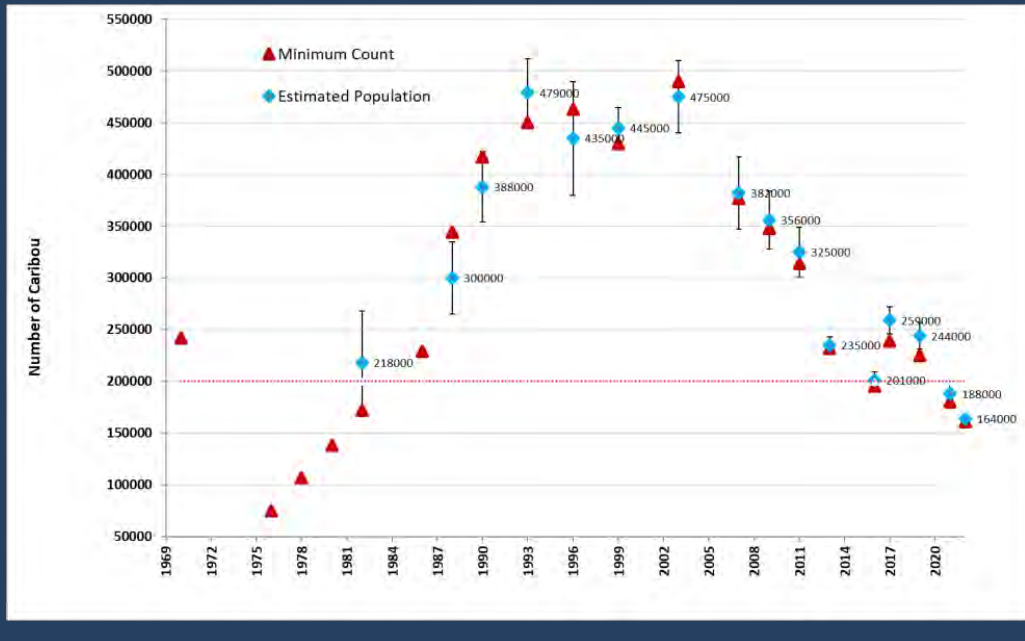
### 2022 Photocensus Results

- Rivest Estimate: **164,000**
- +/- 7,271 (95% CI)
  - Minimum Count: 161,034
- 2021 – 188,000
- 2020 – no census
- 2019 – 244,000
- 2018 – no census
- 2017 – 259,000
- 2016 – 201,000



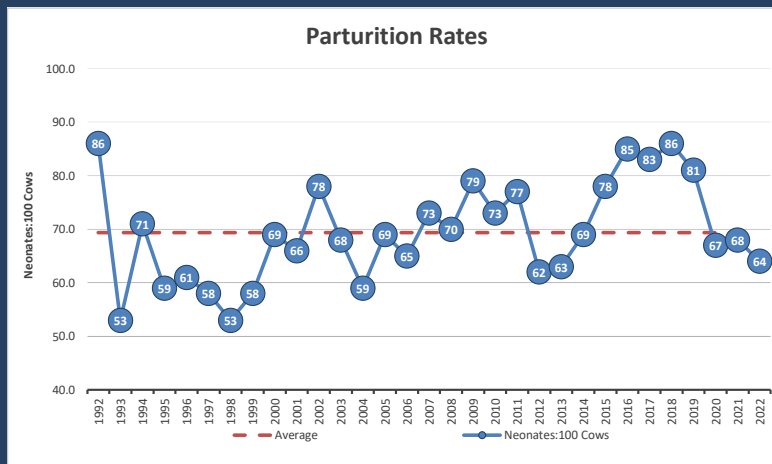


## WAH Abundance Over Time



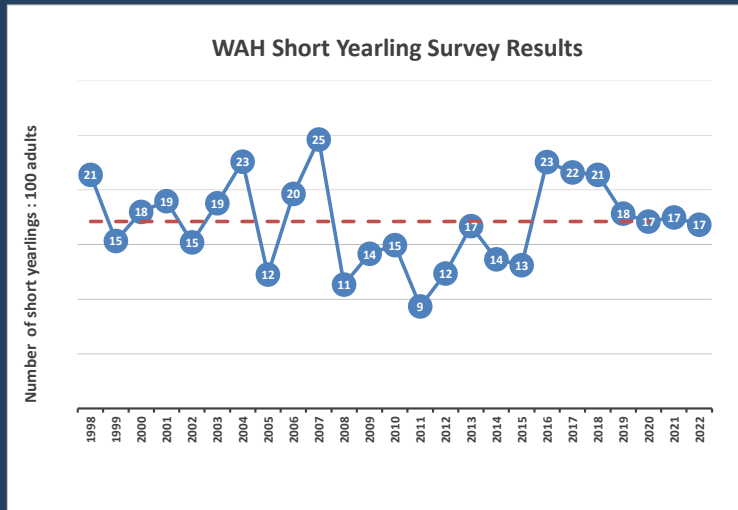
## Calving

- Parturition - 66% (2020-2022)
- Long-term average (70%)



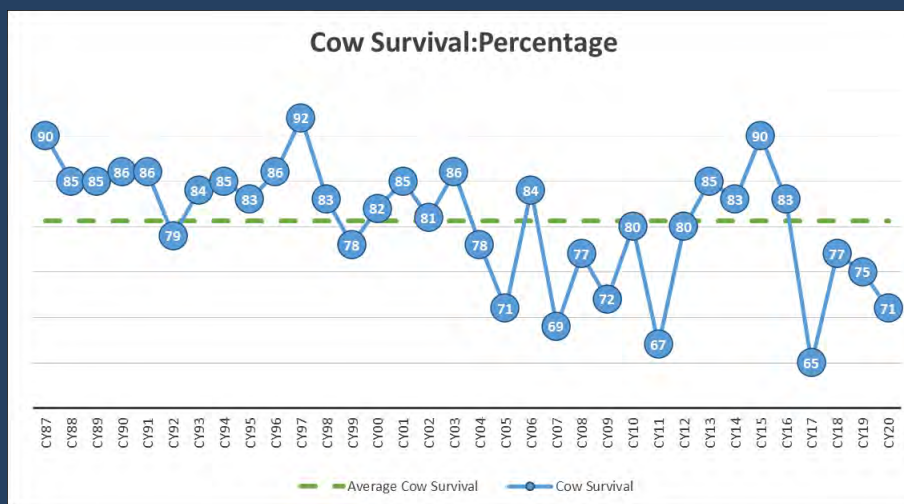
## Recruitment

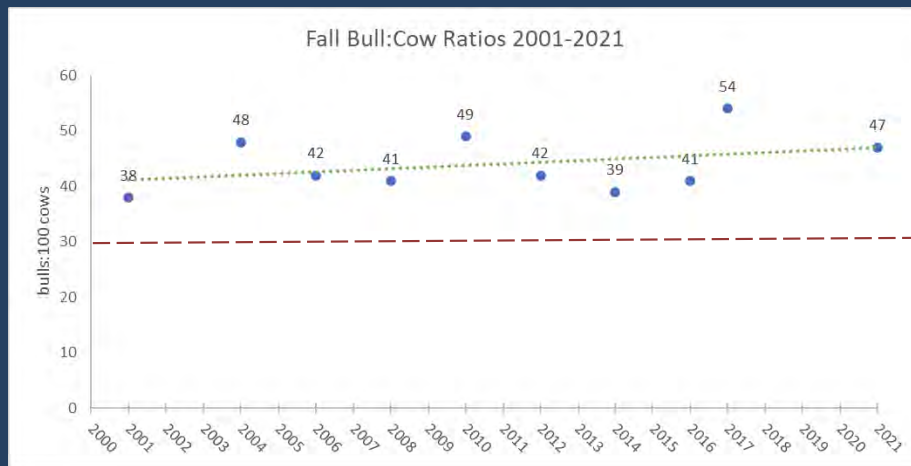
- Short Yearling Recruitment = 17:100 adults (average)
  - Long term average = 17



## Adult Survival

- Adult Female Survival – 71% (below average)
  - Long term average = 81%





## Management Level Overview

Management Level	Population Trend		
	Declining Adult Cow Survival <80% Calf Recruitment <15:100	Stable Adult Cow Survival 80%-88% Calf Recruitment 15-22:100	Increasing Adult Cow Survival >88% Calf Recruitment >22:100
Liberal	Pop: 265,000+ Harvest: 14,000+	Pop: 230,000+ Harvest: 14,000+	Pop: 200,000+ Harvest: 14,000+
Conservative	Pop: 200,000-265,000 Harvest: 10,000-14,000	Pop: 170,000-230,000 Harvest: 10,000-14,000	Pop: 150,000-200,000 Harvest: 10,000-14,000
Preservative	Pop: 130,000-200,000 Harvest: 6,000-10,000	Pop: 115,000-170,000 Harvest: 6,000-10,000	Pop: 100,000-150,000 Harvest: 6,000-10,000
Critical	Pop: <130,000 Harvest: <6,000	Pop: <115,000 Harvest: <6,000	Pop: <100,000 Harvest: <6,000

## Recommended Harvest

Management Level	Population Trend		
	Declining Adult Cow Survival <80% Calf Recruitment <15:100	Stable Adult Cow Survival 80%-88% Calf Recruitment 15-22:100	Increasing Adult Cow Survival >88% Calf Recruitment >22:100
Liberal	Pop: 265,000+ Harvest: 14,000+	Pop: 230,000+ Harvest: 14,000+	Pop: 200,000+ Harvest: 14,000+
Conservative	Pop: 200,000-265,000 Harvest: 10,000-14,000	Pop: 170,000-230,000 Harvest: 10,000-14,000	Pop: 150,000-200,000 Harvest: 10,000-14,000
Preservative	Pop: 130,000-200,000 Harvest: 6,000-10,000	Pop: 115,000-170,000 Harvest: 6,000-10,000	Pop: 100,000-150,000 Harvest: 6,000-10,000
Critical	Pop: <130,000 Harvest: <6,000	Pop: <115,000 Harvest: <6,000	Pop: <100,000 Harvest: <6,000

- Recommended harvest rate at the preservative declining level
  - ~ 4.6% at 130,000
  - ~ 5% at 200,000
- 4.8% harvest of 164,000 = 7,872 combination of bulls/cows/calves
- What about harvest ratios?
  - GMU 23 harvest is approximately 70% bulls and 30% cows
- Based on current harvest ratios, if we treat calves as adults, the plan recommends a harvest of up to...
  - 5511 bulls
  - 2361 cows
  - = 7,872 maximum harvest

## Management Level

### Management Plan: Harvest Recommendations

#### Conservative Management (orange)

1. Encourage voluntary reduction in calf harvest... ✓
2. No non-resident cow harvest ✓
3. Restrict nonresident bull harvest ✓
4. Encourage voluntary reduction in resident cow harvest ✓
5. Limit subsistence harvest of bulls only if < 30 bulls:100 cows

#### Preservative Management (yellow)

1. No harvest of calves
2. Limit harvest of cows by residents through permit hunts and/or village quotas
3. Limit subsistence harvest of bulls to maintain at least 30 bulls:100 cows
4. Harvest restricted to residents only, according to State and federal law, closure of some federal public lands may be necessary

## WAH Management

C&T Finding: Positive

ANS: 8,000-12,000, WAH and TCH

Annual Harvest

Estimate: ~12,000 (+/- 1,750)  
Includes ~3,600 cows

Intensive Management Objectives:

Population - 200,000 or less

Harvestable Surplus:

Approximately 7,872 (bulls/cows/calves)

## Management Actions

Net reduction of harvest likely necessary

- Cow harvest – highest priority
- Bull harvest – maintain healthy bull:cow

Get accurate harvest data

- Through permits
- Other tools as needed

Increase understanding of mortality causes

- Mitigate if possible

Continued Monitoring

## Management Actions

Now is the time to take action...

- Ideas?
- Suggestions.
- Proposals!
- Kotzebue Sound AC and WAH WG, draft proposals

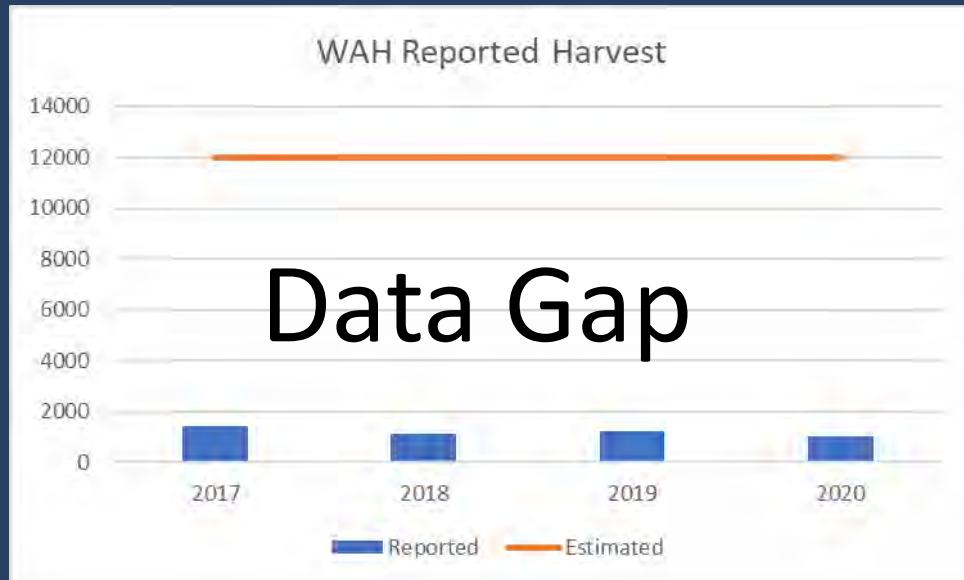
## WAH Management Challenges

RC907/800 participation is too low to provide a clear picture of harvest

Harvest model is too coarse to provide meaningful data for management

Increased understanding of harvest is key to understanding human caused impacts

## Harvest Reporting



## Summary

### Biological Concerns:

- Hovering around critical thresholds (WAH WG Plan)
  - Short-yearling recruitment – average
  - Calving – below average
  - Adult cow survival – below average
  - Harvestable Surplus – need data
  - NFQU harvest is a known and very small part of total harvest  
better local data is needed
  - Better understanding of resident harvest is necessary







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.

## 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/2011/03/living\\_in\\_bear\\_country\\_color.pdf](https://juneau.org/wp-content/uploads/2011/03/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]

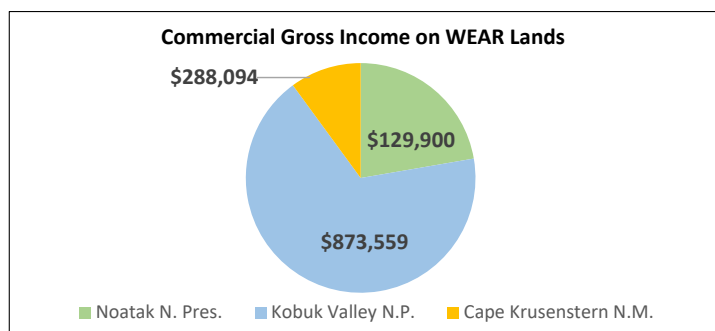
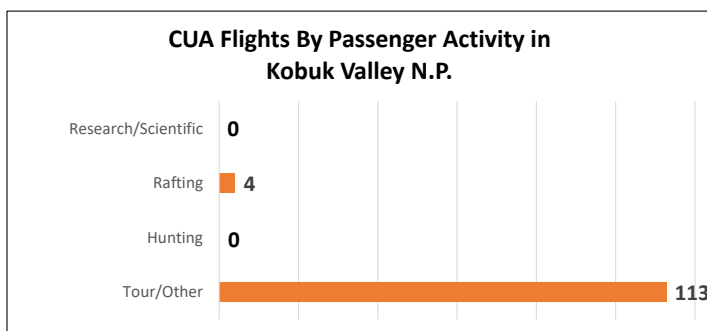
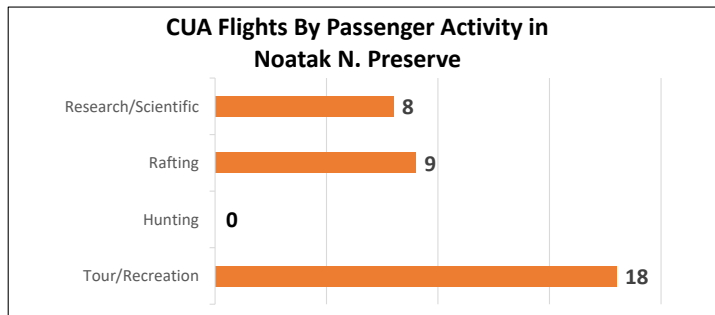
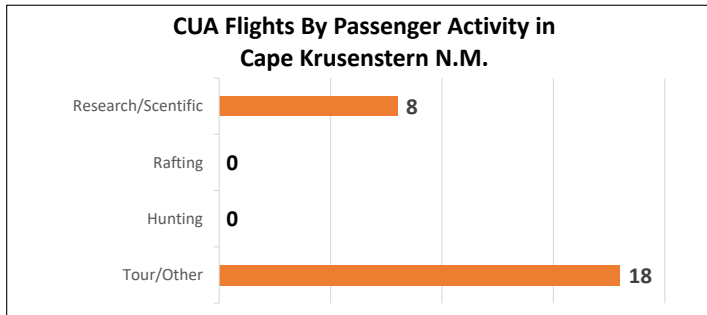
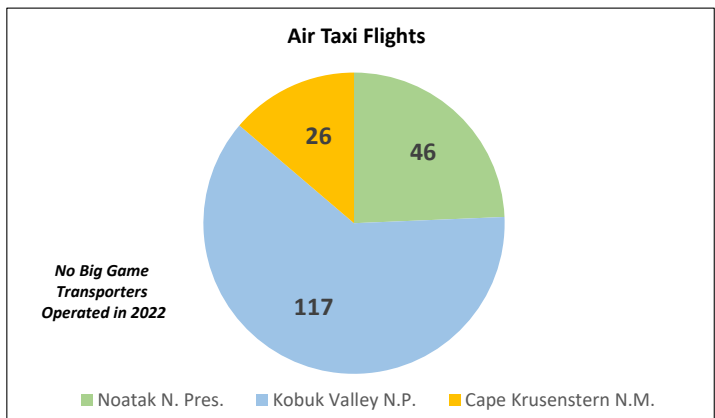
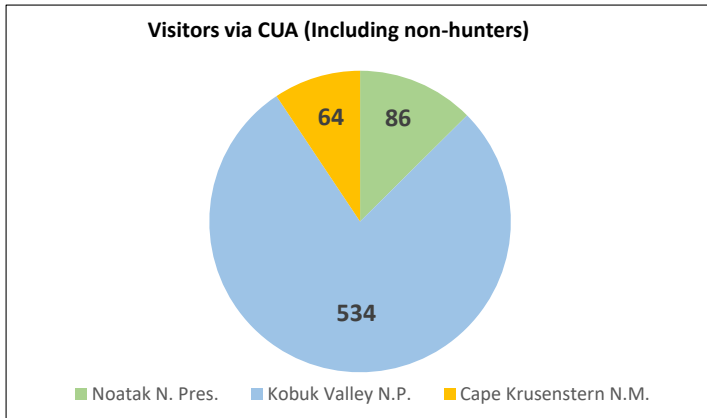
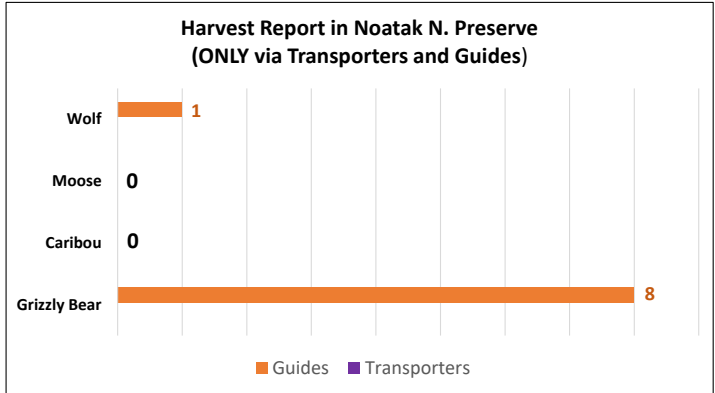
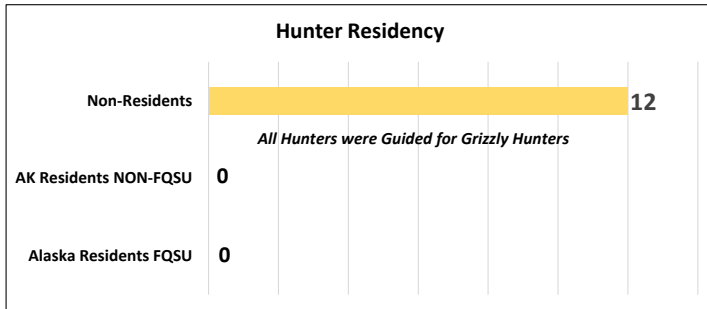
BILLING CODE 4312-52-P

# Western Arctic National Parklands Commercial Use Statistics 2022



These Statistics are **ONLY** for commercial operators; they do **NOT** account for private visitation, hunting, or flights.

3 Big Game Guide Services Operated  
5 Air Taxi Companies Operated; No Big Game Transporters Operated  
Reference "Methods" used to determine data



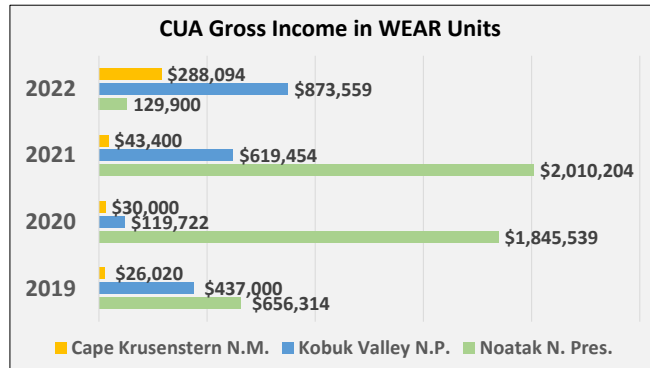
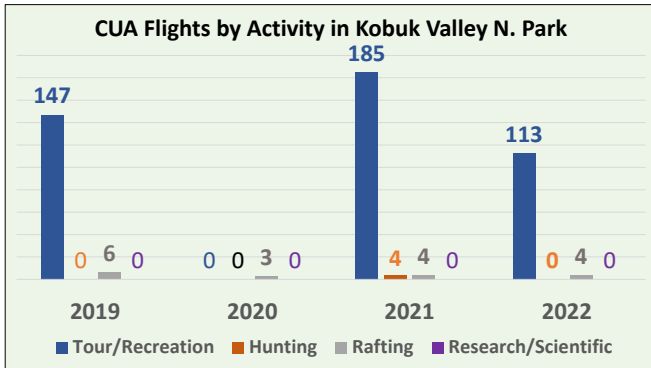
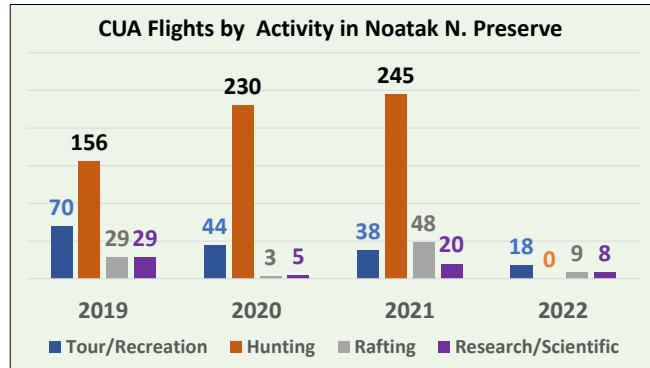
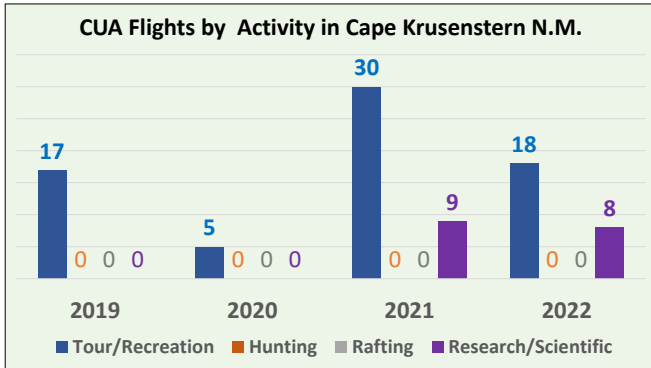
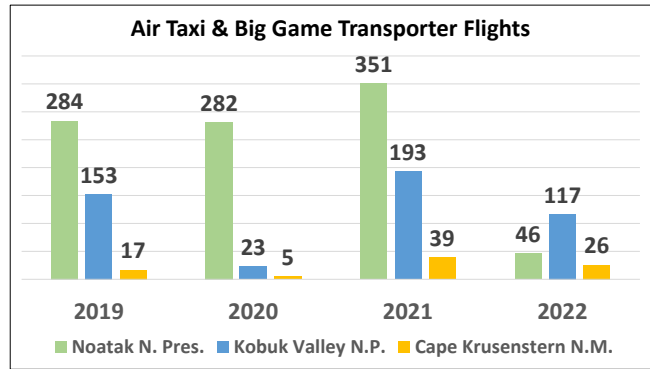
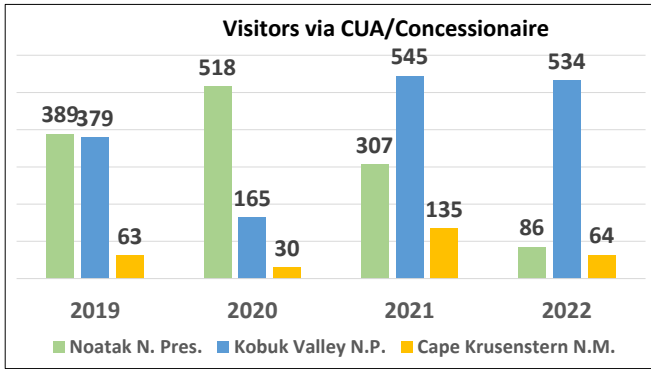
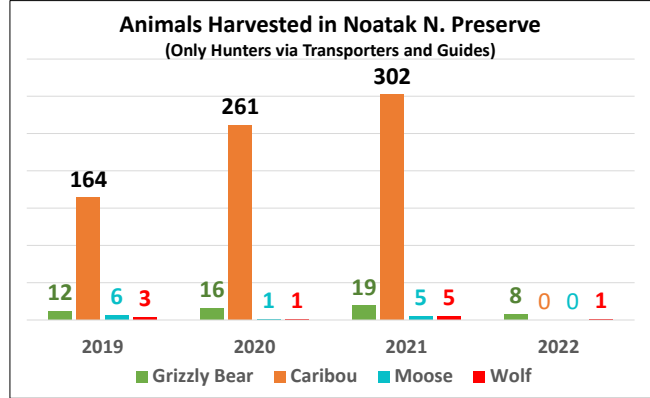
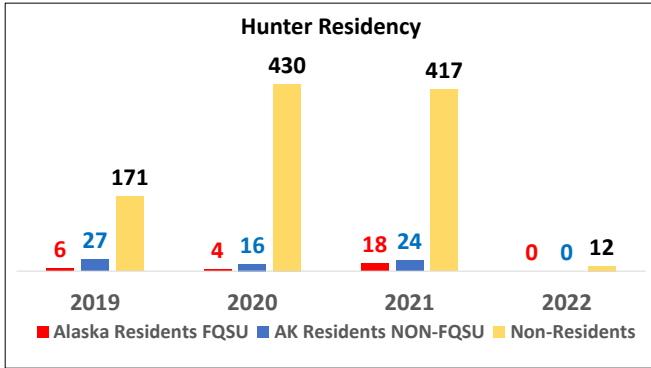


## Western Arctic National Parklands Commercial Use Statistics 2019-2022 COMPARISON



These Statistics are ONLY for commercial operators; they do NOT account for private visitation, hunting, or flights.

Reference "Methods" used to determine data



# Expanding beaver engineering exacerbates changes in the Arctic

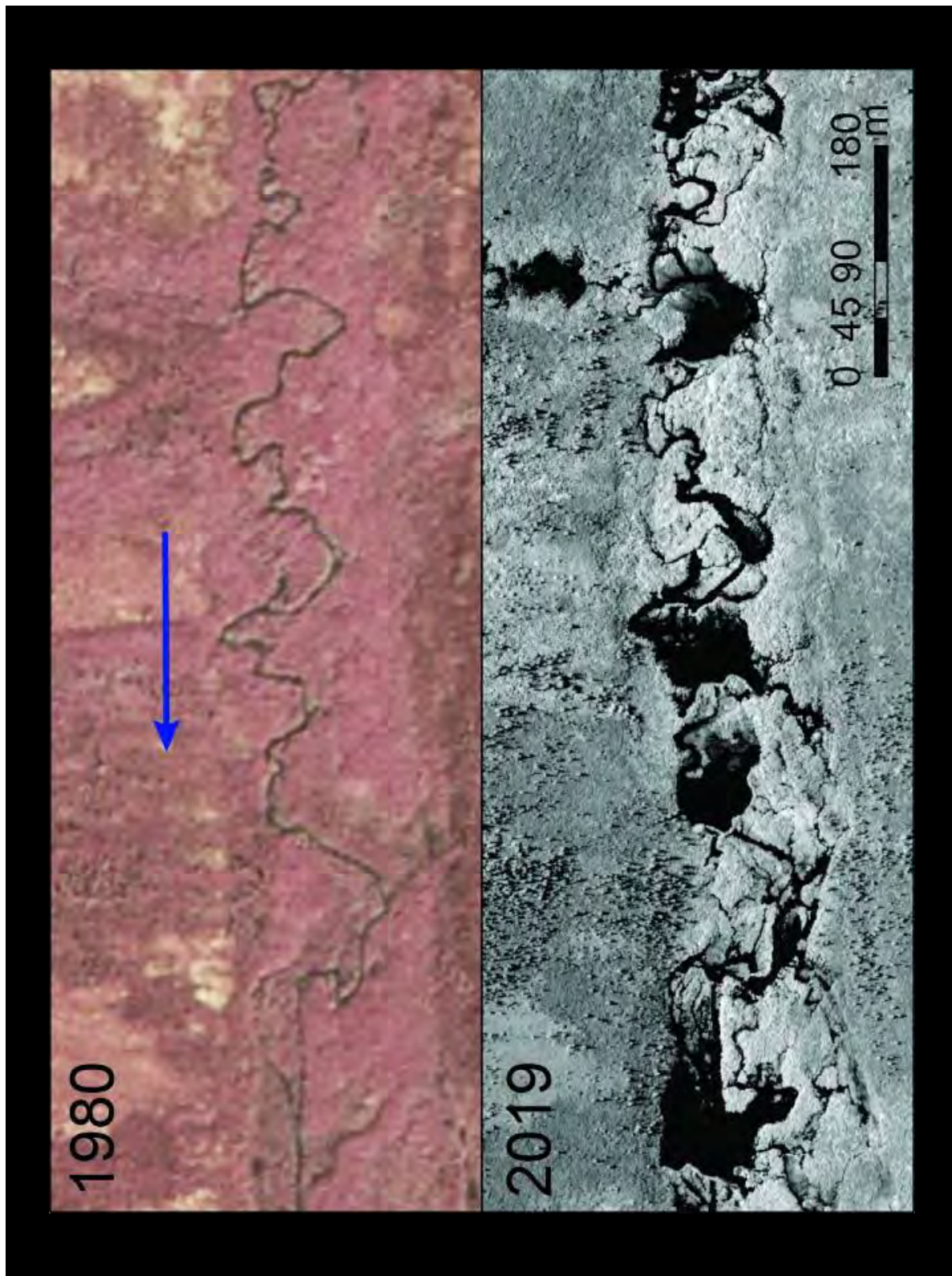


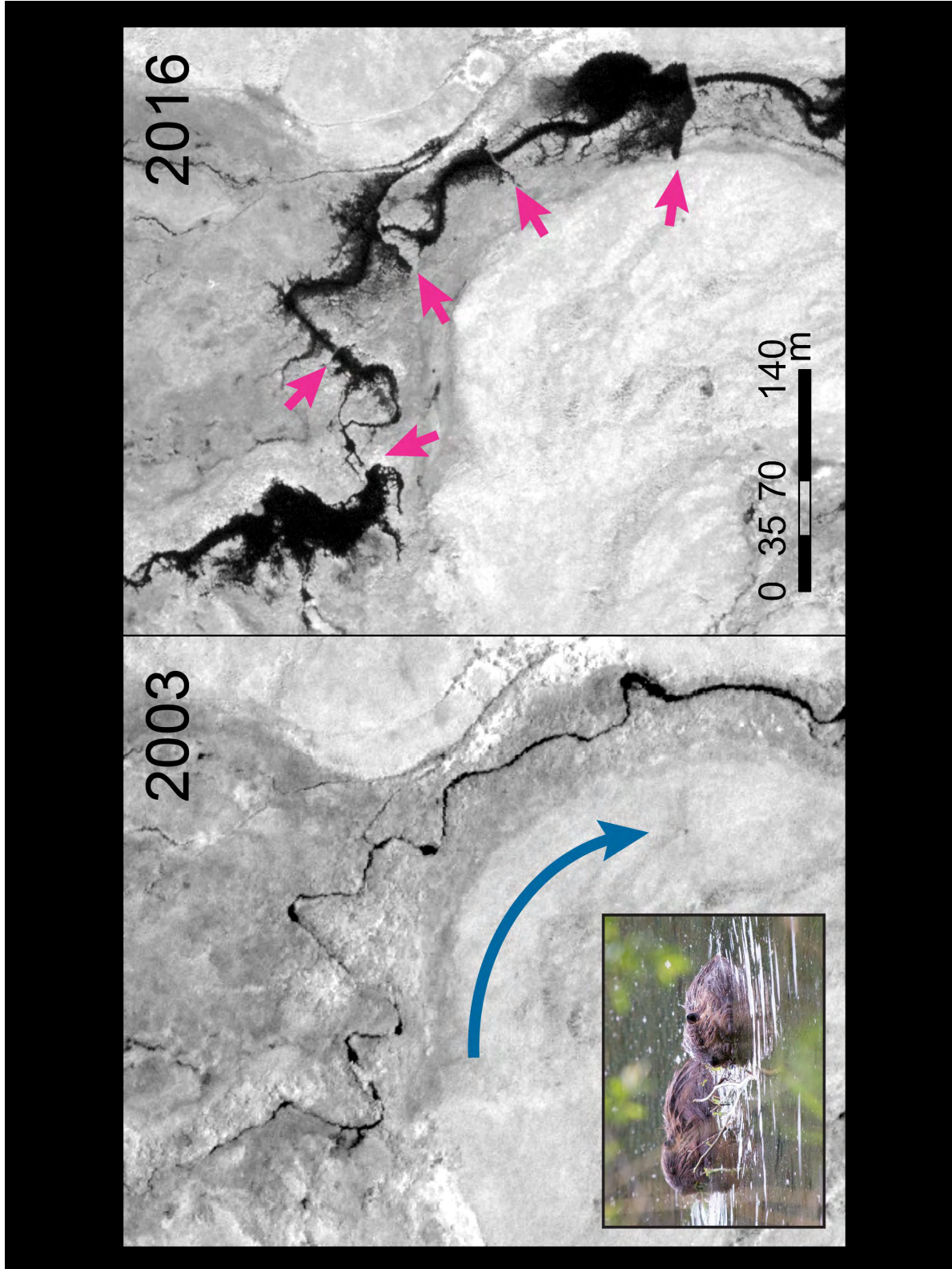
Ken Tape



Primary collaborators:  
Ben Jones & Jason Clark  
Arctic Beaver Observation Network



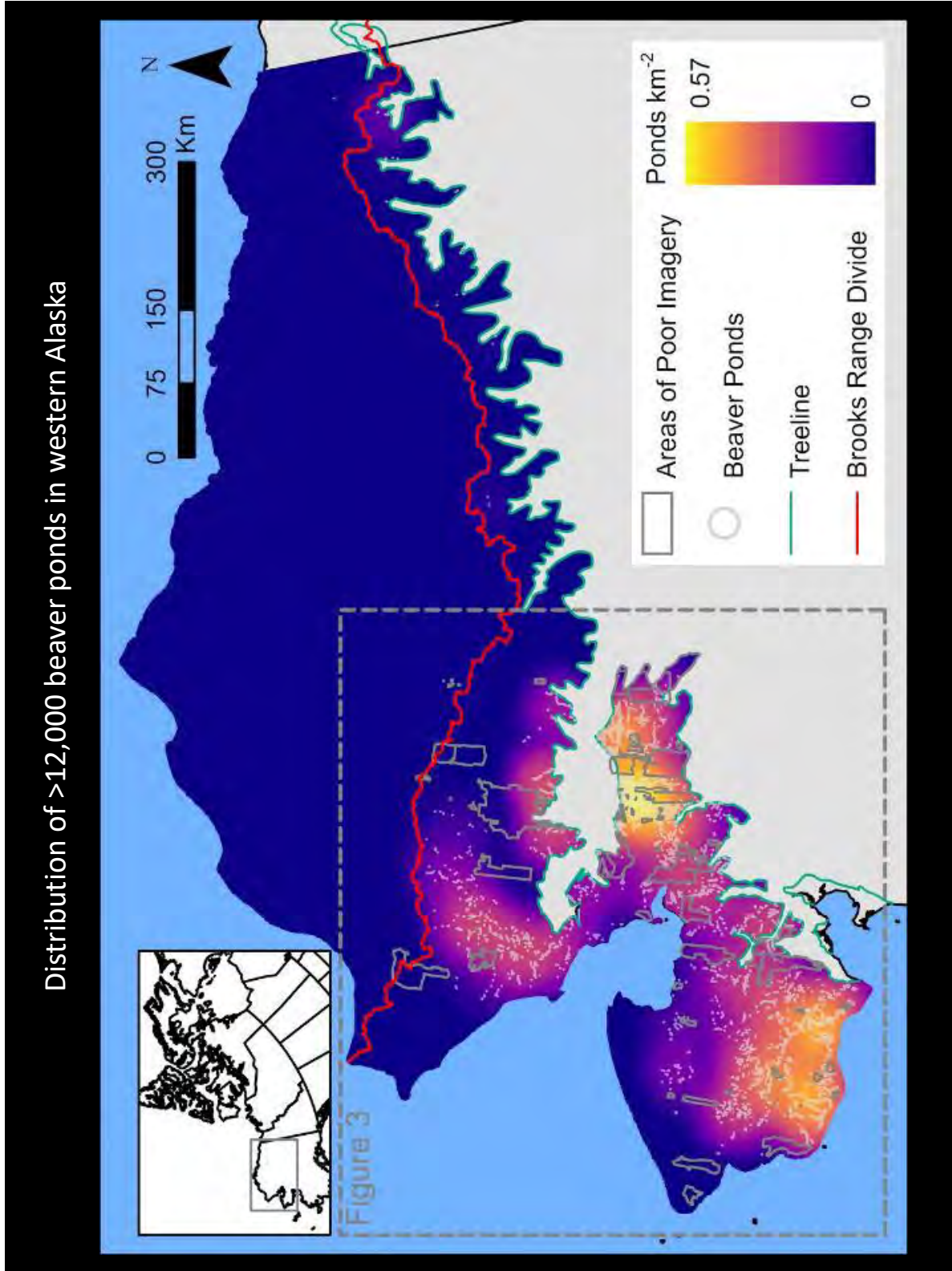




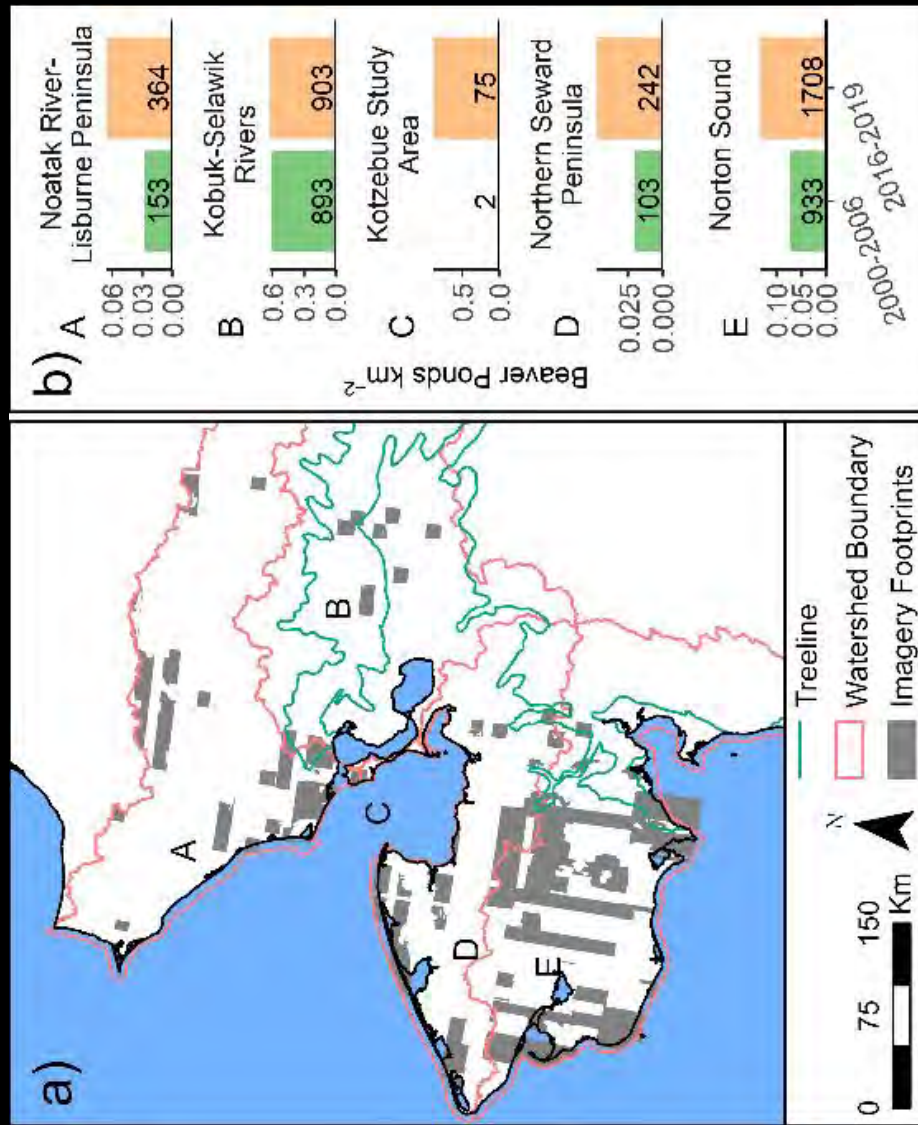
# Overarching science questions

(does not include management)

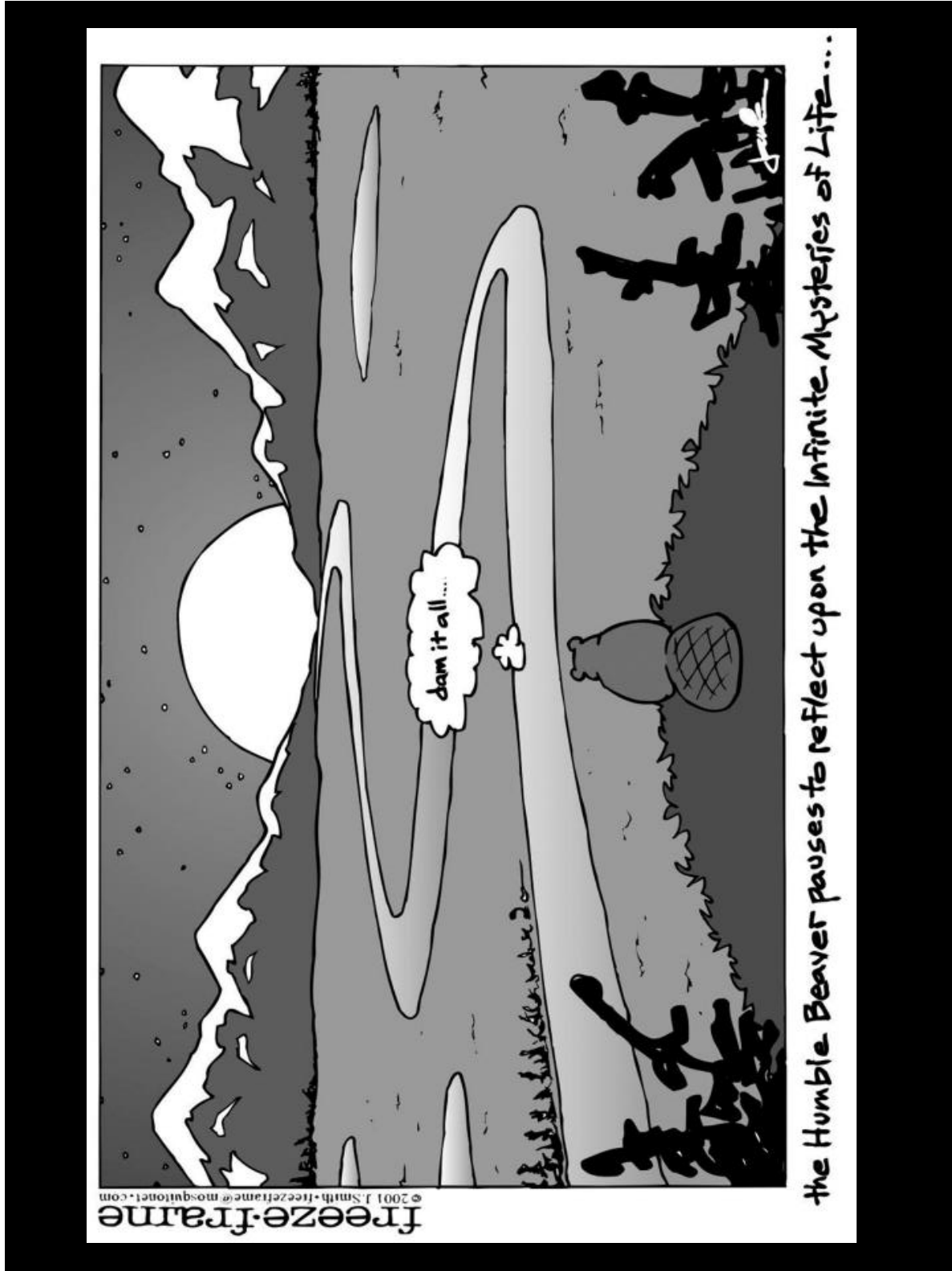
1. What is the scale of beaver engineering in the Arctic, and how is that changing?  
Answer for Alaska: Big! Canada? Asia?
2. What is the nature of beaver impacts in the Arctic?  
Answer for Alaska: Starting to understand permafrost impacts; otherwise TBD, hypotheses around oasis concept



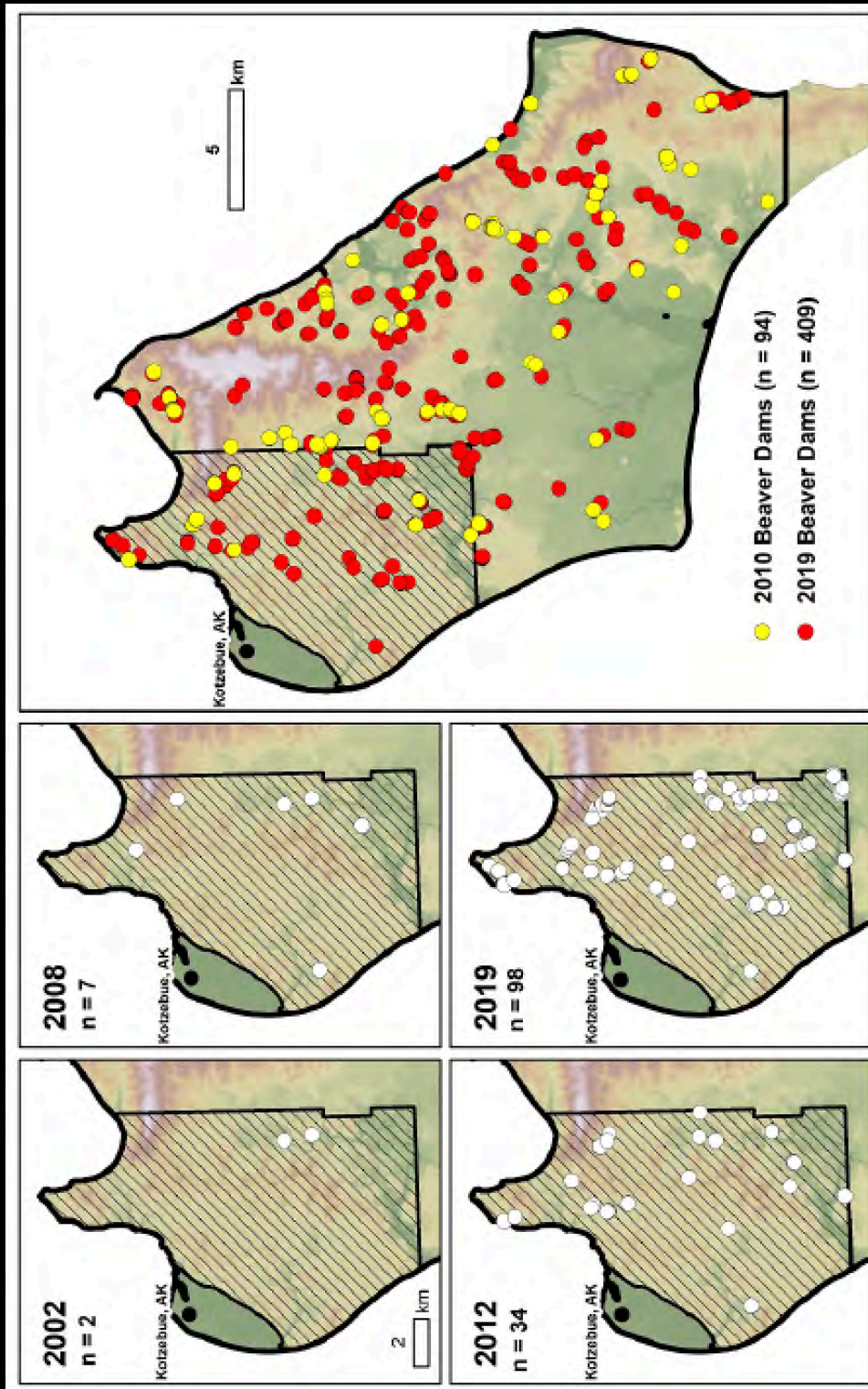
# Doubling of beaver ponds since 2000 in most regions of W Alaska



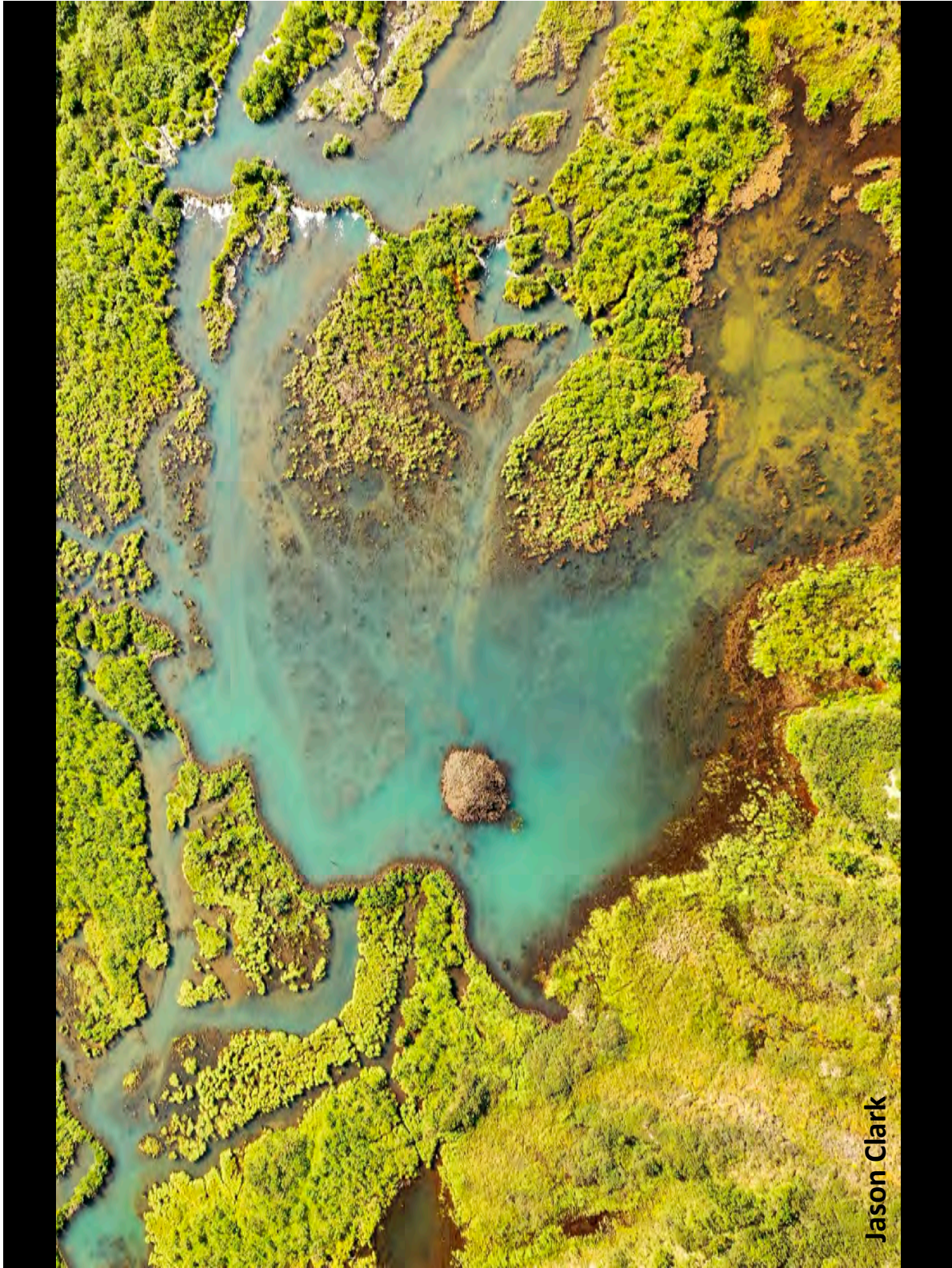




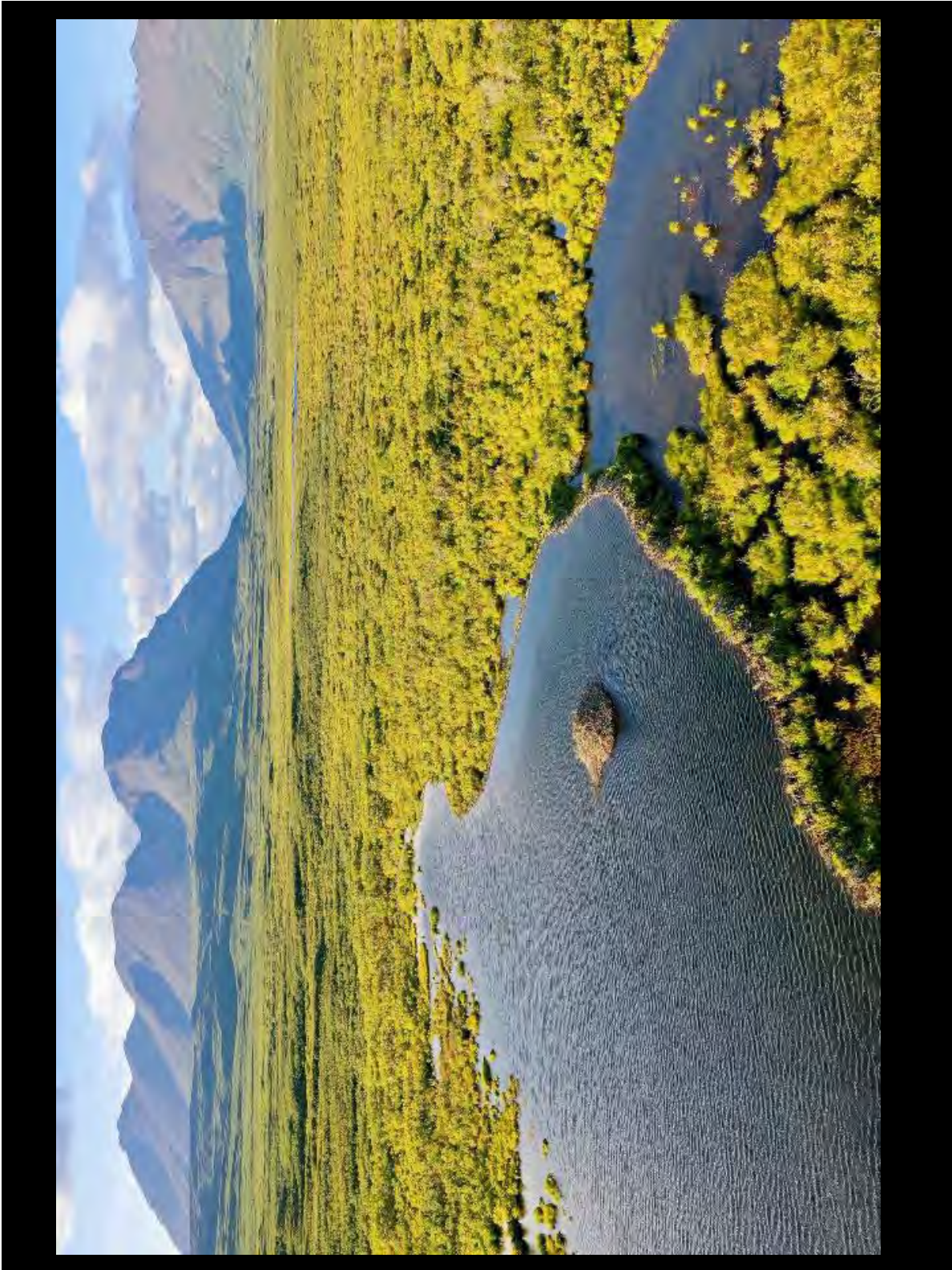
# Increase in beaver ponds near Kotzebue, 2002-2019

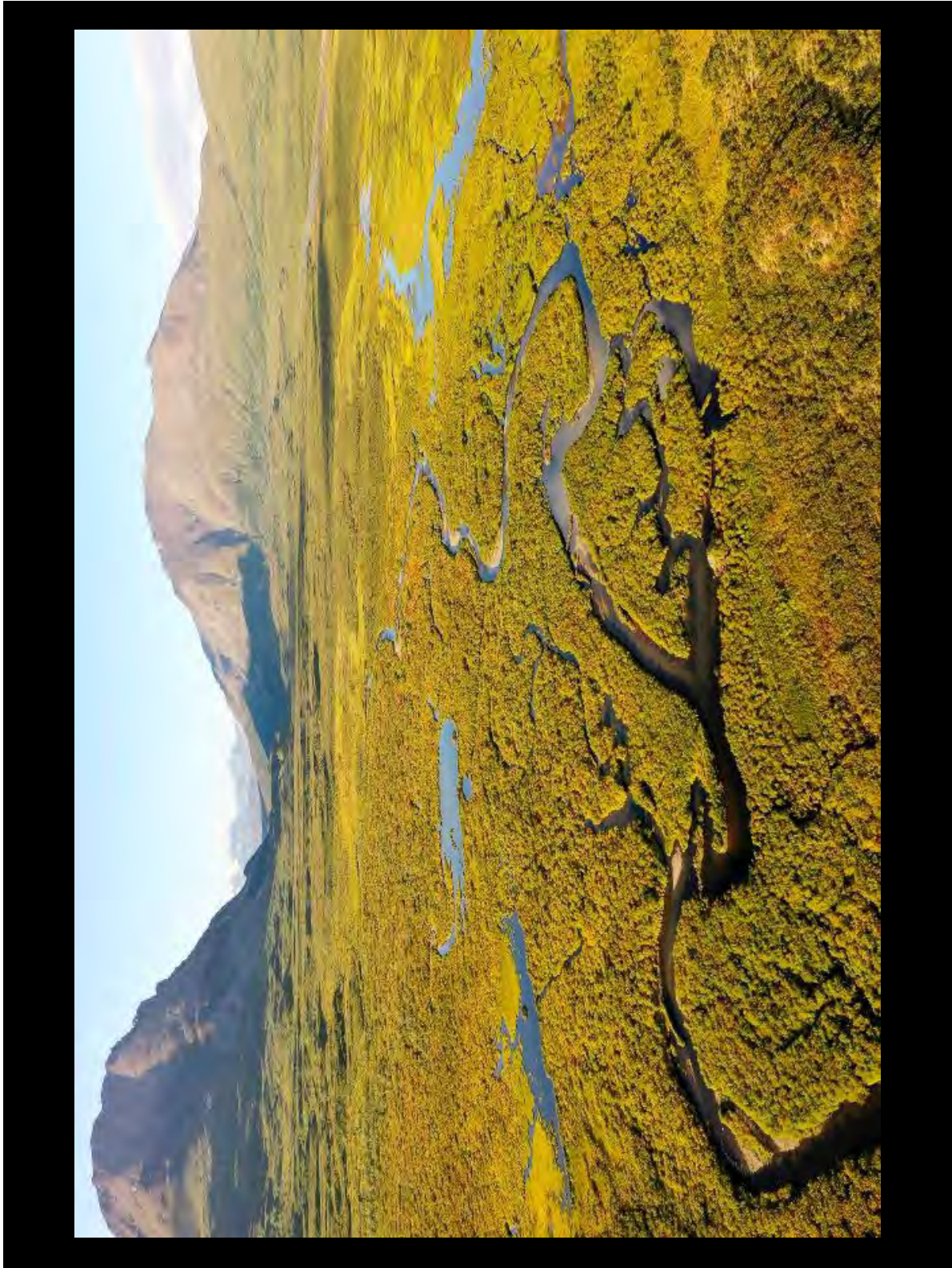


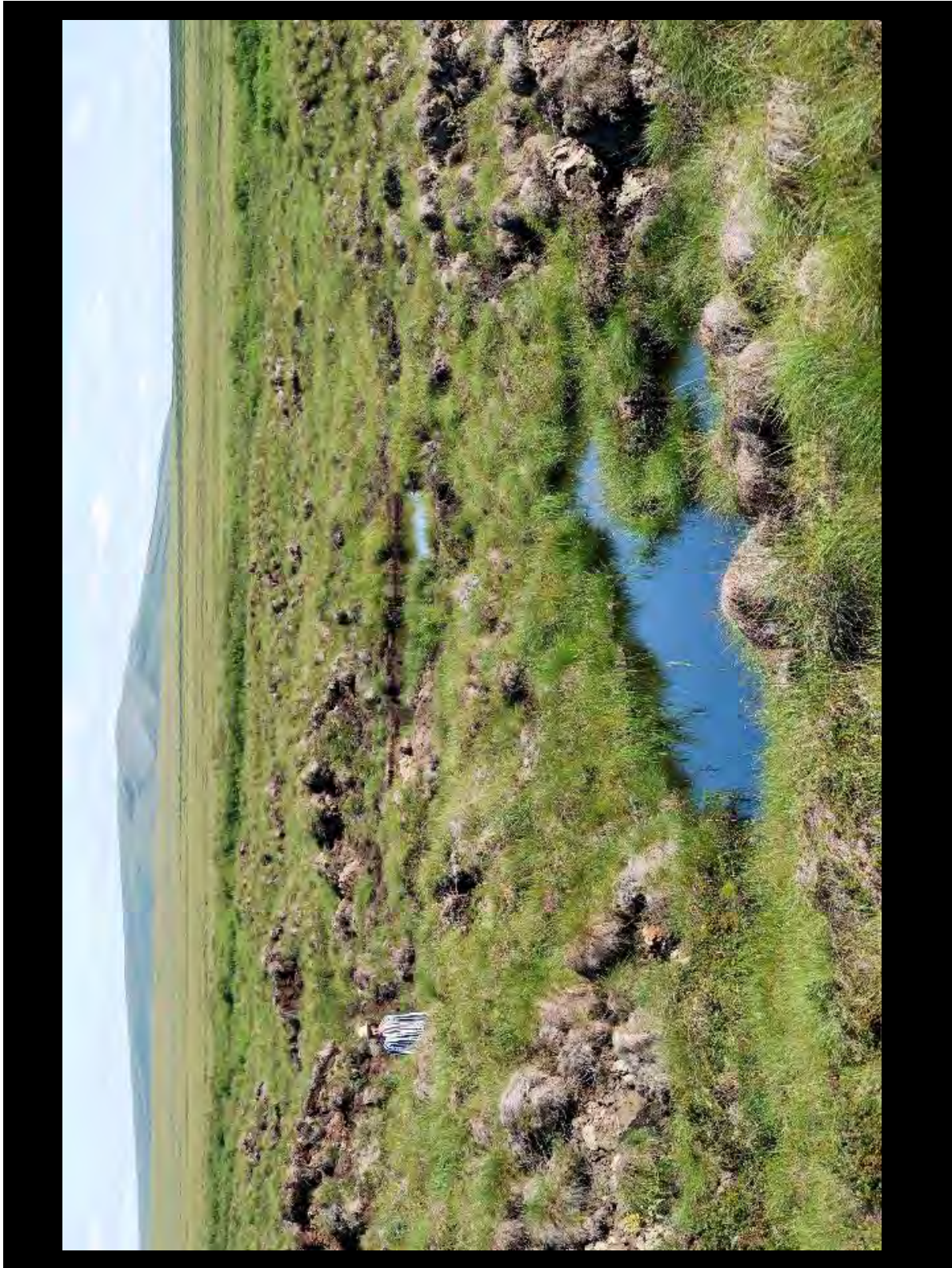
Jones, BM, KD Tape, I Nitze, JA Clark, J Disbrow, G Grosse, 2020. Increase in beaver dams controls surface water and thermokarst dynamics in an arctic tundra region, Baldwin Peninsula, NW Alaska. *Environmental Research Letters*.

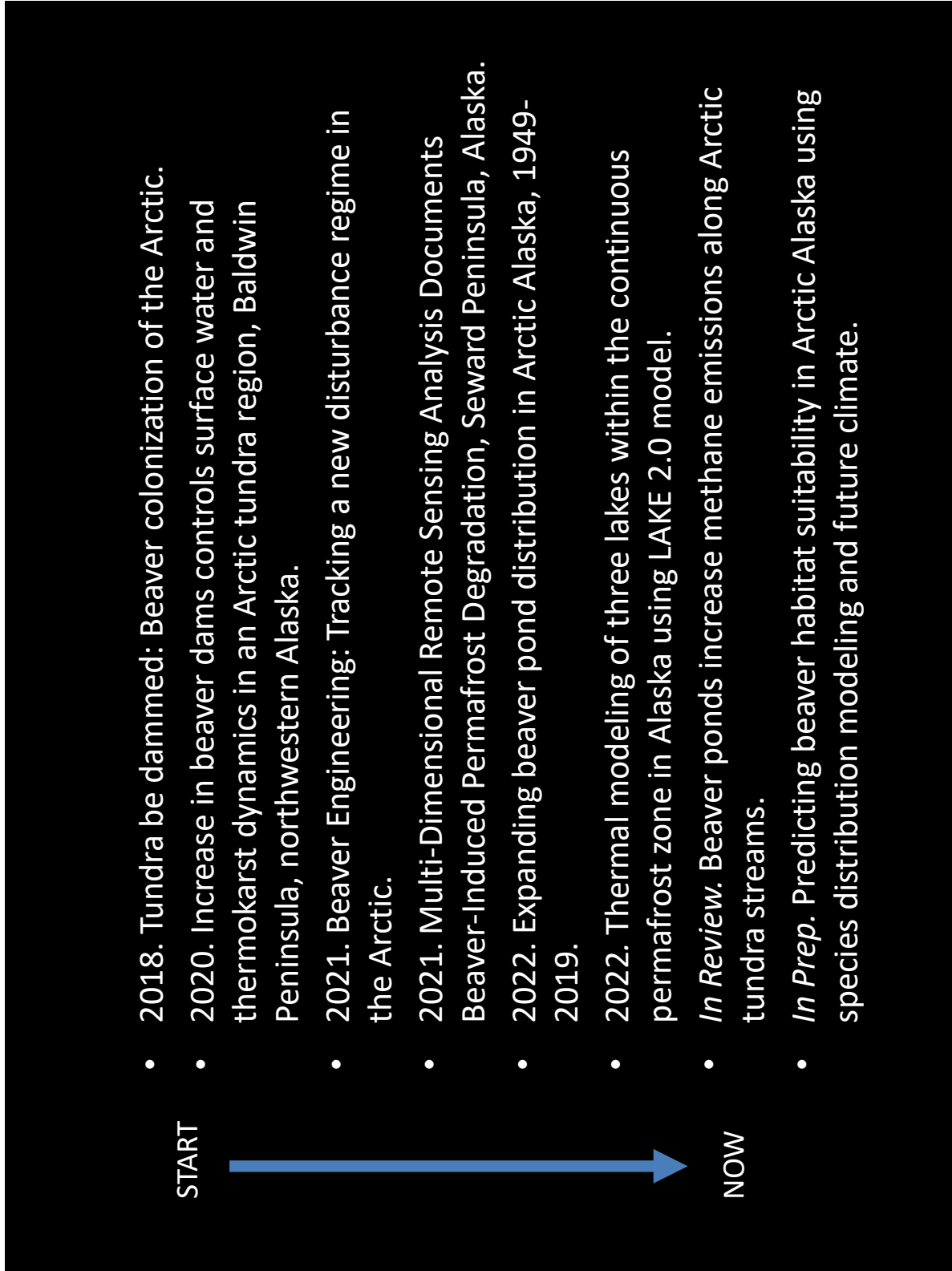


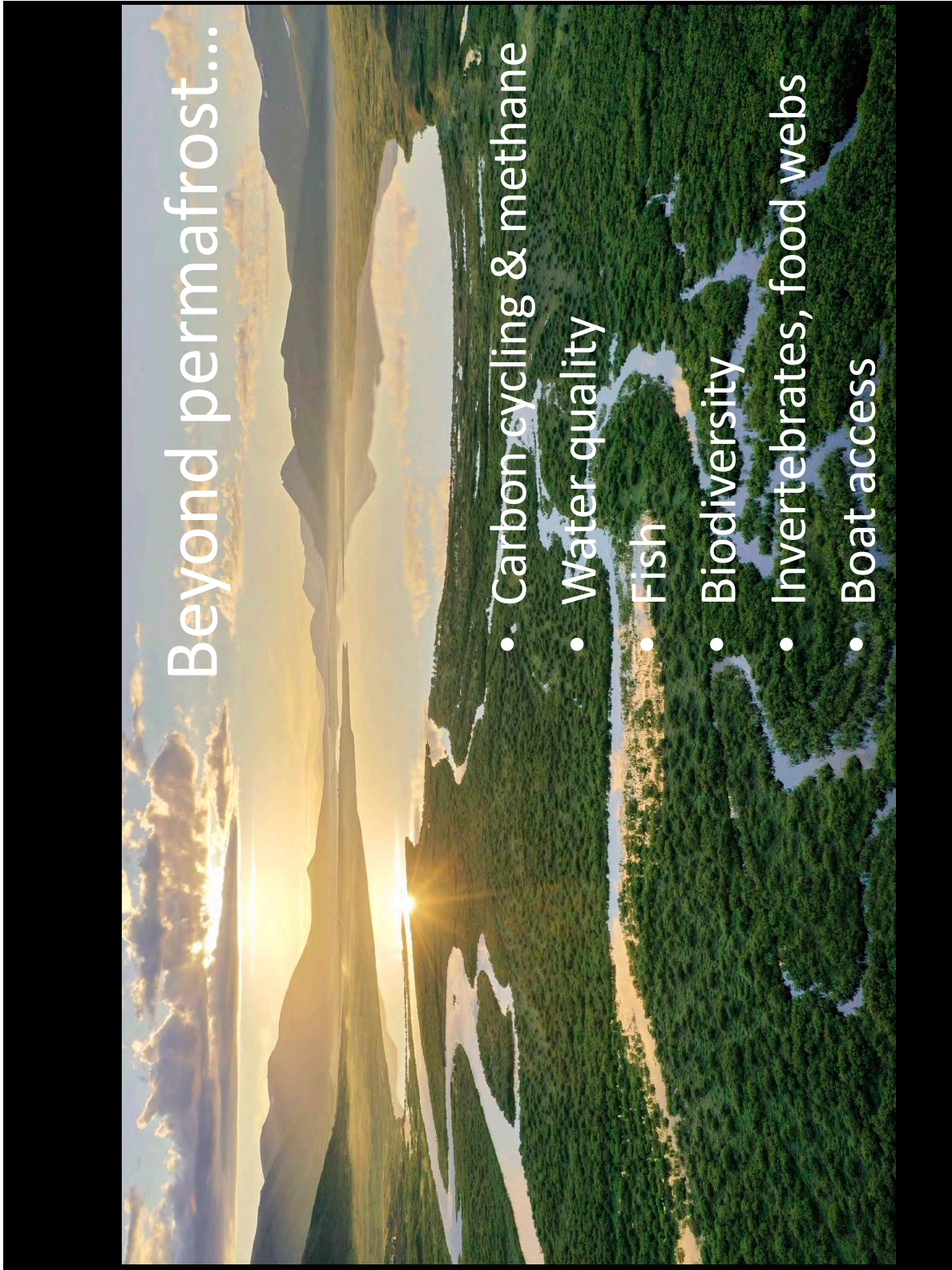
Jason Clark













## Beaver colonization of the Arctic: Possible Causes

- Warming air temps increase shrubs and river discharge in winter, creating more tundra beaver habitat, shorter winters
- Recovery from over-trapping in Alaska during 19<sup>th</sup> and early 20<sup>th</sup> centuries

1957



Ed Sable

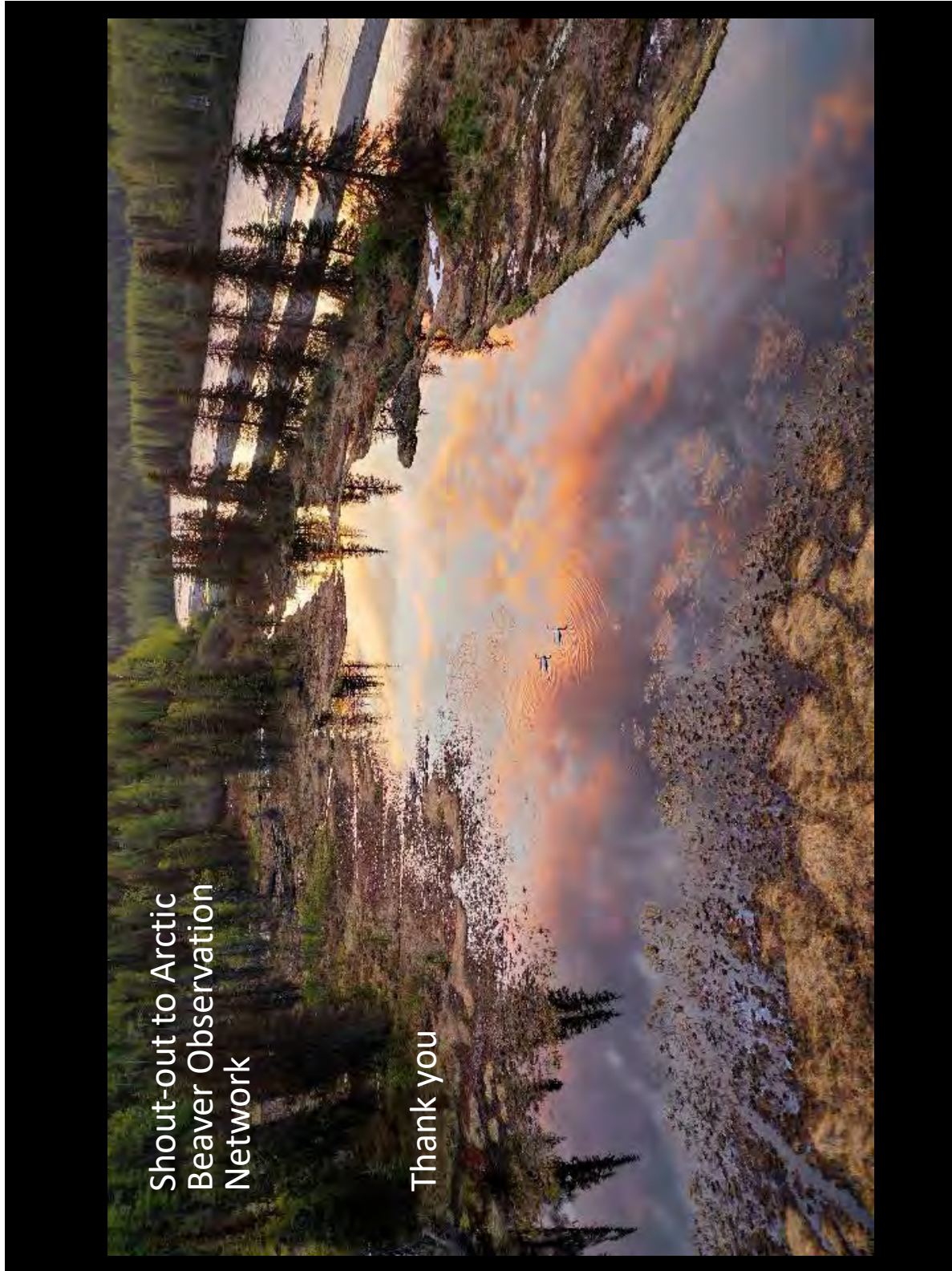
2007



Ken Tape

# Indigenous Knowledge

- Caroline Brown and Helen Cold (Alaska Dept of Fish & Game, Subsistence Division)
- Working in communities of Shungnak, Kotzebue, and Noatak
- Knowledge co-production examining many of the same issues already mentioned



# 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>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>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>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>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

## **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**

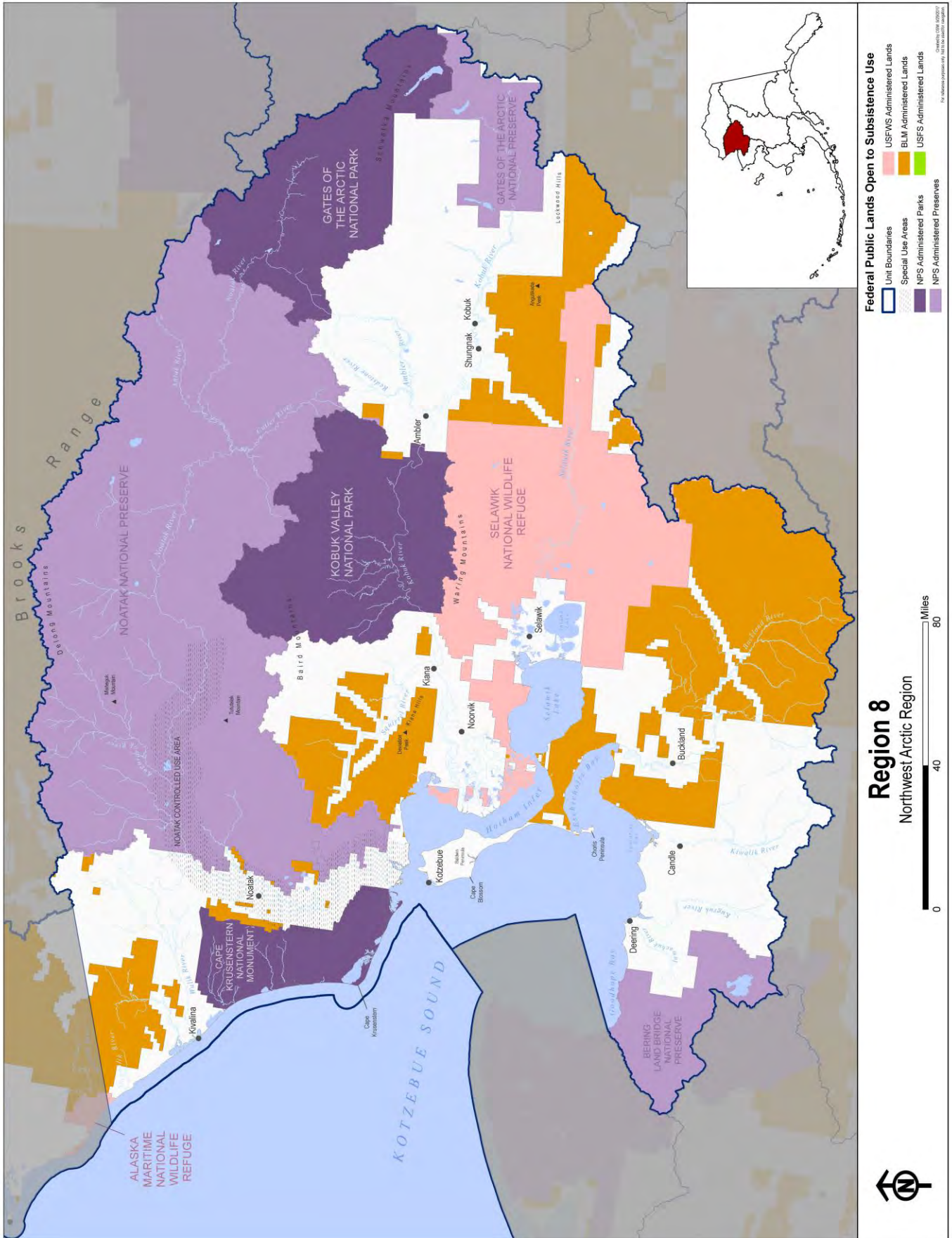
1. The subject matter of Council correspondence shall be limited to matters over which the Council has authority under §805(a)(3), §808, §810 of Title VIII, Subpart B §\_\_\_\_.11(c) of regulation, and as described in the Council charters.
2. Councils may, and are encouraged to, correspond directly with 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.



Region 8 – Northwest Arctic Region Map



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

**Northwest Arctic Subsistence Regional Advisory Council**

**Charter**

1. **Committee's Official Designation.** The Council's official designation is the Northwest Arctic 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 each of the Cape Krusenstern National Monument and the Kobuk Valley National Park Subsistence Resource Commissions and one member to the Gates of the Arctic National Park Subsistence Resource Commission 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 \$150,000, including all direct and indirect expenses and 1.0 staff years.
  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 field original/                    
Secretary of the Interior

  Dec. 10, 2021    
Date Signed

  Dec. 13, 2021    
Date Filed

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