



SEWARD PENINSULA  
SUBSISTENCE REGIONAL  
ADVISORY COUNCIL

Meeting Materials

*March 6-7, 2017*

*Nome*





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*On the cover...*

On a blustery spring day a Muskoxen herd runs on tundra in the Bering Land Bridge National Preserve



NPS photo by Joel Berger

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**SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Mini-Convention Center  
Nome

March 6, 2017 10:00 a.m.

March 7, 2017 9 a.m.

**TELECONFERENCE:** call the toll free number: 1-866-820-9854, then when prompted enter the passcode: 4801802.

**PUBLIC COMMENTS:** Public comments are welcome for each agenda item and for regional concerns not included on the agenda. The Council appreciates hearing your concerns and knowledge. Please fill out a comment form to be recognized by the Council chair. Time limits may be set to provide opportunity for all to testify and keep the meeting on schedule.

**PLEASE NOTE:** These are estimated times and the agenda is subject to change. Contact staff for the current schedule. Evening sessions are at the call of the chair.

**AGENDA**

\*Asterisk identifies action item.

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

**9. Old Business (Chair)**

**10. New Business (Chair)**

- a. Call for Federal Wildlife Proposals..... 18
- b. Wildlife Closure Review WCR15-09\* ..... 22
- c. Review and Approve FY2016 Draft Annual Report\* ..... 32
- d. Special Action WSA 17-01\*

**11. Agency Reports**

(Time limit of 15 minutes unless approved in advance)

- Tribal Governments
- Native Organizations
- NPS
- BLM
- ADF&G
- OSM

**12. Future Meeting Dates\***

- Confirm Fall 2017 meeting date and location .....130
- Select Winter 2018 meeting date and location .....131

**14. Closing Comments**

**15. Adjourn (Chair)**

To teleconference into the meeting, call the toll free number: 1-866-820-9854, then when prompted enter the passcode: 4801802.

*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 Karen Deatherage, 907-786-3564 or karen\_deatherage@fws.gov or 800-877-8339 (TTY), by close of business on February 24, 2017.

**REGION 7**  
**Seward Peninsula Subsistence Regional Advisory Council**

<b>Seat</b>	<b>Year Appointed <i>Term Expires</i></b>	<b>Member Name and Community</b>
<b>1</b>	2014 <b>2018</b>	<b>Theodore Katcheak</b> Stebbins
<b>2</b>	2016 <b>2019</b>	<b>Brandon D. Ahmasuk</b> Nome
<b>3</b>	2010 <b>2019</b>	<b>Louis H. Green, Jr.</b> Nome <span style="float: right;"><b>Chair</b></span>
<b>4</b>	2010 <b>2019</b>	<b>Tom L. Gray</b> Nome <span style="float: right;"><b>Vice-Chair</b></span>
<b>5</b>	2016 <b>2017</b>	<b>Leland H. Oyoumick</b> Unalakleet
<b>6</b>	2014 <b>2017</b>	<b>VACANT</b>
<b>7</b>	2008 <b>2017</b>	<b>Fred D. Eningowuk</b> Shishmaref
<b>8</b>	1994 <b>2018</b>	<b>Elmer K. Seetot Jr.</b> Brevig Mission
<b>9</b>	2012 <b>2018</b>	<b>Charles F. Saccheus</b> Elim
<b>10</b>	2015 <b>2018</b>	<b>Ronald D. Kirk</b> Stebbins



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



Forest Service

## Federal Subsistence Board News Release

For Immediate Release:

*\*This provides corrected information to News  
Release dated December 9, 2016*

Contact: Caron McKee

(907) 786-3880 or (800) 478-1456  
caron\_mckee@fws.gov

### **Secretaries of the Interior and Agriculture appoint members to Federal Subsistence Regional Advisory Councils**

Secretary of the Interior Sally Jewell, with the concurrence of Secretary of Agriculture Tom Vilsack, has made appointments to the 10 Federal Subsistence Regional Advisory Councils. The Councils advise the Federal Subsistence Board on subsistence management regulations and policies and serve as a forum for public involvement in Federal subsistence management in Alaska. With these appointments (shown in bold), the current membership of the Councils is:

#### *SOUTHEAST ALASKA*

**Steve K. Reifenstuhel, Sitka**  
**Frank G. Wright Jr., Hoonah**  
**Patricia A. Phillips, Pelican**  
**Michael A. Douville, Craig**  
**Harvey Kitka, Sitka**  
Robert Schroeder, Juneau

Albert H. Howard, Angoon  
Donald C. Hernandez, Pt. Baker  
Kenneth L. Jackson, Kake  
Raymond D. Sensmeier, Yakutat  
John A. Yeager, Wrangell  
Michael D. Bangs, Petersburg  
Cathy A. Needham, Juneau

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#### *SOUTHCENTRAL ALASKA*

**Diane A. Selanoff, Valdez**  
**Eleanor Dementi, Cantwell**  
**R. Greg Encelewski, Ninilchik**  
**Daniel E. Stevens, Chitina**  
**Edward H. Holsten, Cooper Landing**  
Gloria Stickwan, Copper Center

James R. Showalter, Sterling  
Michael V. Opheim, Seldovia  
Andrew T. McLaughlin, Chenega Bay  
Judith C. Caminer, Anchorage  
Ingrid Peterson, Homer  
Thomas M. Carpenter, Cordova  
Ricky J. Gease, Kenai

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#### *KODIAK/ALEUTIANS*

**Antone A. Shelikoff, Akutan**  
**Patrick B. Holmes, Kodiak**  
**Richard Koso, Adak**  
**Samuel I. Rohrer, Kodiak**

Thomas L. Schwantes, Kodiak  
Coral Chernoff, Kodiak  
Rebecca Skinner, Kodiak  
Della Trumble, King Cove  
Speridon M. Simeonoff Sr., Akhiok  
Melissa M. Berns, Old Harbor



*BRISTOL BAY*

**Pete M. Abraham, Togiak**  
**Dennis Andrew, Sr., New Stuyahok**  
**Nanci A. Morris Lyon, King Salmon**  
Molly B. Chythlook, Dillingham  
William J. Maines, Dillingham

Senafont Shugak, Jr., Pedro Bay  
Dan O. Dunaway, Dillingham  
Lary J. Hill, Iliamna  
Victor A. Seybert, Pilot Point  
Richard J. Wilson, Naknek

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*YUKON-KUSKOKWIM DELTA*

**William F. Brown, Eek**  
**James A. Charles, Tuntutuliak**  
**John W. Andrew, Kwethluk**  
**Michael Peters, Marshall**  
Lester Wilde Sr., Hooper Bay  
Dale T. Smith, Jr., Mekoryuk

Anthony Ulak, Scammon Bay  
Annie C. Cleveland, Quinhagak  
Dorothy G. Johnson, Mountain Village  
Raymond J. Oney, Alakanuk  
Greg J. Roczicka, Bethel  
Robert E. Aloysius, Kalskag  
David A. Bill, Sr., Toksook Bay

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*WESTERN INTERIOR ALASKA*

**Shirley J. Clark, Grayling**  
**Donald V. Honea Jr., Ruby**  
**Pollock Simon Sr., Allakaket**  
Raymond L. Collins, McGrath  
Jack L. Reakoff, Wiseman

Darrel M. Vent, Sr., Huslia  
Timothy P. Gervais, Ruby  
Dennis R. Thomas, Sr., Crooked Creek  
Jenny K. Pelkola, Galena  
Fred W. Alexie, Kaltag

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*SEWARD PENINSULA*

Theodore Katcheak, Stebbins  
**Brandon D. Ahmasuk, Nome**  
**Louis H. Green Jr., Nome**  
**Thomas L. Gray, Nome**  
**Leland H. Oyoumick, Unalakleet**

Fred D. Eningowuk, Shishmaref  
Elmer K. Seetot Jr., Brevig Mission  
Charles F. Saccheus, Elim  
Ronald D. Kirk, Stebbins

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*NORTHWEST ARCTIC*

**Raymond Stoney, Kiana**  
**Beverly M. Moto, Deering**  
**Hannah P. Loon, Kotzebue**  
**Michael C. Kramer, Kotzebue**  
**Enoch Mitchell, Noatak**

Verne J. Cleveland Sr., Noorvik  
Louie A. Commack, Jr., Ambler  
Enoch A. Shiedt Sr., Kotzebue  
Percy C. Ballot Sr., Buckland  
Calvin D. Moto, Deering

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*EASTERN INTERIOR ALASKA*

**Susan L. Entsminger, Tok Cutoff**  
**Andrew P. Firmin, Fort Yukon**  
**Lester C. Erhart, Tanana**  
William L. Glanz, Central

Andrew W. Bassich, Eagle  
Will M. Koehler, Horsfeld  
Donald A. Woodruff, Eagle  
Virgil L. Umphenour, North Pole

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*NORTH SLOPE*

**Ester Hugo, Anaktuvuk Pass**  
**Robert V. Shears, Wainright**  
**Wanda T. Kippi, Atqasuk**  
**Steve Oomituk, Point Hope**

Sam Kunaknana, Nuiqsut  
James M. Nageak, Anaktuvuk Pass  
Gordon R. Brower, Barrow  
Lee Kayotuk, Kaktovik  
Rosemary Ahtaungaruak, Barrow

The Federal Subsistence Board is accepting applications for the 2017 appointment cycle until February 3, 2017. For more information, go to the Federal Subsistence Management Program website at <https://www.doi.gov/subsistence/statewide>.

Additional information on the Federal Subsistence Management Program may be found on the web at [www.doi.gov/subsistence](http://www.doi.gov/subsistence) or by visiting [www.facebook.com/subsistencealaska](http://www.facebook.com/subsistencealaska).

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).

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**SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Nome Mini-Convention Center

November 1-2, 2016

Meeting Minutes

Roll call, quorum established with five members of the current seven members present (Theodore Katcheak, Elmer Seetot, Jr., Louie Green, Ronald Kirk, Fred Eningowuk, Absent: Tom Gray (*excused*), Charles Saccheus (*excused*)).

**Welcome and Introductions**

*Agency present:*

Karen Deatherage, OSM, Anchorage  
Gene Peltola, Jr., OSM, Anchorage  
Amee Howard, OSM, Anchorage  
Donald Rivard, OSM, Anchorage  
Robbin LaVine, OSM, Anchorage  
George Pappas, OSM, Anchorage (*via telephone*)  
Joshua Reams, OSM, Anchorage (*via telephone*)  
Pippa Kenner, OSM, Anchorage (*via telephone*)  
Chris McKee, OSM, Anchorage (*via telephone*)  
Palma Ingles, OSM, Anchorage (*via telephone*)

Ken Adkisson, NPS, Nome  
Carol Ann Woody, NPS, Anchorage  
Clarence Summers, NPS, Anchorage  
Sara Apsens, NPS, Anchorage  
Rosalie Debenham, BIA, Juneau  
Dan Sharp, BLM, Anchorage (*via telephone*)  
Bruce Seppi, BLM, Anchorage  
Tom Sparks, BLM, Nome  
Brian Ubelaker, BLM  
Tom Whitford, USFS  
Beth Mikow, ADF&G, Fairbanks  
Bill Dunker, ADF&G, Nome  
Maria Wessel, ADF&G (*via telephone*)

*Tribal/Public Members*

Roy Ashenfelter, Kawerak, Inc., Nome  
Brandon Ahmasuk, Kawerak, Inc., Nome  
Jacob Martin, Nome Eskimo Community  
Andrew Miller, Nome  
Tyler Stup, KNOM Radio, Nome

## Agenda

The agenda was amended to include the following additions: Board of Game Proposal Update, WSA16-03, Council Member Honorariums and WSA16-07. Kirk made a motion to adopt agenda as amended. Seconded by Katcheak and passed unanimously.

## Minutes approval

Council pointed out the following name misspellings/omissions 1) add middle initial for Eningowuk on page 6, add Elmer Seetot Jr. as attendee on page 6, change Molters to Moto on page 6, change spelling to Saccheus on page 9. Seetot made a motion to approve minutes as amended. Seconded by Eningowuk and the motion carried unanimously.

## Council member reports:

*Seetot.* There was good harvest of resources on both land and sea. Our basin is still open with no ice. Our freezing dates have changed. High storm danger is present because of lack of ice and high water.

*Katcheak.* Stebbins is having the same experiences that Seetot described. Stebbins is separated from the mainland so we are limited to two months for subsistence hunting because of the thin ice on St. Michael Island. We might not see ice anymore in the future if this continues.

*Kirk.* The warm weather is making subsistence hard. Its difficult to get to moose because of climate change bringing high winds that prevent us from taking our skiffs out. We are losing our natural resources because of high waters coming over to the Bay and into the flats.

*Eningowuk.* Climate change is also affecting our subsistence way of life. This is old news for Shishmaref and we are adapting because that is our only choice. This is how we have survived for thousands of years as Inupiaqs. We noticed a lot of invasive insects. I have photos of insects that I cannot identify. We don't know if that will affect our wildlife that we harvest. Our community members are concerned about the bearded seal being listed as threatened based on the ice vs. the actual population. Another concern is the ban on all ivory. We subsist on walrus and we use the ivory for carving which supplements our income. It was a good summer for black berries but no salmonberries. There were lots of caribou.

*Green.* We are losing our moose and muskox herds. We also have issues with caribou. The Western Arctic Caribou herd (WACH) is reducing in numbers. Reindeer are almost non-existent. There is a lot of predation, plenty of bears and very few moose. If predation of bears and wolves is so prevalent, there should be a coordinated effort between the State and Federal governments to manage this issue. There has been a lot of discussion over this issue for a long time, including by the Norton Sound Fish and Game Advisory Committee.

Kirk also commented on walrus and mammoth ivory ban. He is a carver too and this is a way of life. We don't have jobs and there is a lack of employment throughout the villages. The way the Federal government is trying to ban walrus and mammoth ivory is taking food off of our table and clothing off of our children's backs. We are not headhunters. We use our walrus for food and the tusks for tools. If they

start banning ugruk in our area, then we won't be able to live off of them either. Green also expressed concern.

Woody from the NPS explained that the ban was specific to the sale of elephant ivory and would not affect walrus or mammoth ivory. There are efforts underway to help understand the differences between elephant and walrus/mammoth ivory.

Green further remarked on ice seals such as ring, ribbon and bearded. He has spent a lot of time in the Seattle area where there is no ice but plenty of seals. He has seen seals sleeping on the water, and believes both seals and polar bears will adapt. He is opposed to the ESA listings because they are a threat to the way of life in this region.

Katcheak stated that USFWS needs to notify people in Alaska that this ban is not walrus or mammoth ivory from Alaska but African elephant ivory.

### **Public & Tribal Comment on Non-Agenda Items**

*Roy Ashenfelter, Kawerak, Inc.* Ashenfelter expressed concern on the listing for bearded seals, and potential listings for other seals. He does not believe the process was followed correctly by the National Marine Fisheries Service (NMFS). He believes that public meetings and notices were not adequately provided, and that the listing was already on the books before users had a chance to comment. He stated that they are major hunters of seals and that they are an important subsistence resource. The North Slope Borough has sued on the issue. Kawerak hopes that the Federal government can work with NMFS to conduct a proper process for listing. Hunters feel they were informed after the fact.

Kirk asked if the listing affected bearded seals further south near the Yukon or the whole Western coast of Alaska.

### **OLD BUSINESS**

*Nonrural Determination Policy.* Howard provided a briefing on the Draft Nonrural Determination Policy. Both Green and Howard recognized the success of changes for rural determination by the Federal Subsistence Board. Katcheak moved to approve the draft policy. Eningowuk seconded and the motion carried unanimously.

*Predator Control.* Deatherage presented the boilerplate language on predator control options for the Council. A few Council members responded that they were unaware they could ask for predator control from the Federal land managers, or request intensive management from the Board of Game. Seetot stated that local hunters can help reduce predation by going after fur-bearing animals such as wolves. He said that wolf predation was high in his area, but that Brevig Mission and Shishmaref were good at harvesting wolves. He believes that arguing over wildlife will cause the wildlife not to be there for you. He is discouraged by people calling muskox a nuisance. He also thinks that wolves travel between 22D and 22E and are safer in 22E.

*Board of Game Proposal.* Deatherage presented the Board of Game Proposal #28 submitted by the Council to prohibit moose hunting by non-residents in 22D remainder and 22E. She stated that the deadline for commenting on the proposal was December 22<sup>nd</sup> at 5:00 p.m.

## NEW BUSINESS

### *Fisheries Proposals*

Don Rivard presented fisheries proposals for Council recommendations.

#### FP17-01

Proposal FP17-01 requests a new regulation be made to Subdistrict 5D to allow for harvest of salmon during Federally recognized fisheries closures once the mid-range of the Canadian Interim Management Escapement Goal (IMEG) and the Total Allowable Catch (TAC) goals for Chinook Salmon are projected to be achieved in the Yukon River at the Eagle sonar site. OSM's preliminary conclusion was to support FP17-01 with modification to change the proposed regulation from "to be achieved" to "achieved", and to specify that the Federal in-season manager is the person to declare with the IMEG and TAC are achieved.

Katcheak moved to support FP17-01 as written on the basis that if Canadian escapement is met, then the Council would like to give managers the flexibility to allow for subsistence opportunity. The communities of Stebbins and St Michael have customary and traditional use determinations in Yukon River Subdistrict 5D. Seconded by Kirk, and carried unanimously.

#### FP17-02

Proposal FP 17-02 requests a new regulation be made to Yukon River Subdistrict 5D to allow for harvest of early-run Chinook Salmon until arrival of the first pulse of Chinook Salmon. This would allow access to a small number of early-run Chinook Salmon while still protecting the main Chinook Salmon run.

Kirk moved to support FP17-02 because it would provide mores subsistence opportunities. Seconded by Katcheak.

Wessels from ADF&G testified that ADF&G has a prohibition on early salmon harvest. This prohibition may be relaxed if there is enough escapement of early Chinook Salmon. Formalizing this in regulation would reduce this opportunity.

Katcheak moved to rescind his motion, seconded by Eningowuk.

Katcheak moved to Take No Action on FP17-02. Seconded by Kirk and carried unanimously. The Council supports additional subsistence opportunities that would be permitted under this Proposal. However, after hearing comments from the ADF&G regarding limitation concerns by placing this in regulation, the Council decided to Take No Action.

#### FP17-03.

Proposal FP17-03 is a request to allow subsistence drift gillnet fishing for Chum Salmon in the lower portion of the Yukon River Subdistrict 4A annually between Jun. 10 and Aug. 2. OSM supports FP17-03 with modification to include the proposed changes in the upper section of the Yukon River Subdistrict 4A as well. Western Interior, Yukon Kuskowkim Delta and Eastern Interior Councils all supported the proposal as modified by OSM. Maria Wessel testified that this proposal would align Federal subsistence regulations with State regulations.

Katcheak moved to support FP17-03 as modified by OSM. Seconded by Eningowuk and carried unanimously. The Council noted that this proposal would simplify regulations by aligning Federal with State regulations, and supported FP17-03 as modified by OSM.

FP17-04

Proposal FP17-04 requests increased gillnet obstruction of Racetrack Slough of the Koyukuk River and sloughs of the Huslia River drainage between ice out and June 15<sup>th</sup>. This proposal is for fish other than salmon. OSM supports the proposal. Western Interior Council supported the proposal with a modification to go halfway.

Wessels from ADF&G testified that a modification would bring Federal and State regulations further out of alignment and present challenges for law enforcement and regulators.

Eningowuk moved to Take No Action on FP17-04. Seconded by Kirk and carried unanimously. The Council did not feel this was a resource used by qualified users in the Seward Peninsula region. The Council also heard differing opinions between the State and other Council positions, and determined it was best to take no action on this proposal.

*Fisheries Resource Monitoring Program Priority Information Needs.*

Rivard presented the call for Priority Information Needs (PIN), and gave an overview of the types of projects funded such as stocks, status and trends, and Traditional Ecological Knowledge (TEK) projects. He distributed comments on the FRMP program from the last meeting.

Katcheak expressed concerns about warmer temperatures and how they are going to affect Chinook Salmon. Seetot noted that algae were around the Kuspree River and all over Brevig Mission lands. Seetot talked about previous fertilization of Salmon Lake for red salmon and was concerned about the side effects from the lake to the rivers. He is also concerned about unpredictable storms, invasive species, and ice melt impacts.

Green wanted to see migration studies for salmon that migrate between Federal waters in the Bering Sea to State managed waters. He believes the only way to do that is to have a hatchery with marked fish. Rivard explained that the FRMP program does not fund hatchery projects.

Ashenfelter requested a report on the Unalakleet project. Deatherage responded that the report was on the back table. Ashenfelter stated that there will be a new aquaculture organization in the region with a team meeting November 27-28 in Nome. Membership is for all fishing villages. One objective is to go out to each village to find out about fishery needs. Funding could be acquired for joint studies. The aquaculture organization would cover salmon from Brevig Mission south so would not address any Shishmaref issues.

Woody presented needs from the Bering Land Bridge National Preserve. The NPS is interested in getting TEK on freshwater fish from Shishmaref, Deering and Wales, conducting use surveys and inventorying fish.

Green remarked that the North Pacific fisheries are based on salmon, and it takes salmon to keep freshwater systems going. It makes more sense to study migratory patterns of salmon. There are two major production areas of salmon – Bristol Bay and Norton Sound. The runs are sporadic in Norton Sound.

Eningowuk inquired if PIN's could be submitted from the Tribes. Rivard responded that the OSM is interested in hearing from other groups but recommended requests come through the Council. He stated that a Call for Proposals with PINs will be announced November 18<sup>th</sup> and that the proposal deadline would be sometime in March.

Deatherage read the PIN's discussed by the Council under consideration:

- Salmon migration patterns in Norton Sound (between the Bering Sea and terminal rivers and streams.)
- Unalakleet River Chinook Salmon River Escapement Assessment (continuation of current project 14-101)
- Freshwater fish species inventory/survey in the Bering Land Bridge National Preserve, utilizing local and traditional knowledge from the communities of Shishmaref, Deering and Wales.

Eningowuk mentioned that there was an FRMP project numbered 10-151 for Bering Strait Non-Salmon Local Ecological Knowledge that could be referenced for information.

Kirk moved to approve the above PINs. Seconded by Katcheak and carried unanimously.

#### *WSA16-03*

Lavine reviewed WSA16-01 requesting closure of caribou hunting in Unit 23 to non-qualified users and WSA16-03 from the State of Alaska through ADF&G asking to reinstate caribou hunting to non-qualified users in Unit 23. WSA16-01 was adopted by the Board at their April, 2016 meeting in Anchorage. OSM is neutral on WSA16-03.

Green inquired about results from the Fall hunt and the impact of removing non-local hunters. He also asked about the success rate for those hunters that were forced to hunt on state lands. Kenner responded that there are no early assessments of how many caribou were taken, though locals reported seeing more caribou. She noted that some non-qualified user trips were cancelled but some transporters and guides remained active.

Green also asked about migration patterns as it appeared that few aircraft resulted in more caribou sightings by locals. McKee responded that NPS was coming out with a report on aircraft impacts to caribou migration. Kenner also stated that the non-local hunt was still open and that managers were reluctant to talk about results while the season was still open. Green responded that he didn't feel comfortable making a decision until that information was available.

Eningowuk moved to support WSA16-03. Seconded by Seetot.

Ashenfelter testified that WSA16-01 expires June, 2017 and that any organization would have to resubmit a proposal to close the fall hunt. Howard responded that both a special action request as well as a proposal to close the hunt in Unit 23 to non-qualified users were anticipated.

The motion to support WSA16-03 failed unanimously.



*Draft Memorandum of Understanding between the Office of Subsistence Management and the State of Alaska.* Howard briefed the Council on the Draft MOU and asked that the pay particular attention to Sections 3 and 4 for feedback. She explained that the MOU was a product of meetings between both Federal and State program, beginning in 2012. The Councils had previously provided recommendations which are included in the current draft.

Eningowuk moved to support the MOU. Seconded by Kirk and carried unanimously.

#### *Tongass Submerged Lands Proposed Rule*

Howard read a summary on the proposed rule and recommended to Chairman Green to formally open a public meeting. Chairman Green opened the public meeting for comment. Hearing no public comment, the public meeting was closed by the Chair. There were no comments from the Council on this proposed rule.

#### *Council Member Honorarium*

Deatherage referred Council members to three documents regarding payment to Council members; namely, the Council Charter, the Council Membership Nominations brochure and the Council Member Handbook. She did point out that Council members are paid for the travel and per diem to help cover expenses. Deatherage thanked the Council for their work on behalf of the OSM and Federal Subsistence Management Program.

#### **November 2, 2016**

The meeting was called to order at 9:10 a.m.

Green called for tribal/public comment on non-agenda items.

#### **Council Charter**

Deatherage briefed the Council on the requirement to renew their charter under the Federal Advisory Committee Act. Council members asked about vacancies, and Deatherage responded that the Secretaries office was asked to move the alternate position to a full member position for consideration.

Seetot moved to approve the Council Charter. Seconded by Kirk and carried unanimously.

#### **Feedback on All Council Meeting in Anchorage**

Deatherage asked for feedback on the All Council meeting in Anchorage, and referenced the letter to the Board from the Joint Council meeting in the meeting book.

Green requested that anytime there is a shared resource, such as WACH, the Seward Peninsula Council should be included in joint meetings. He thought the All Councils meeting was a great opportunity to get together and share information from across the state. He would like to see it happen every five years or so.

Eningowuk referenced item #4 in the joint letter regarding youth. He is very supportive of youth as they are the communities' future.

#### **Tribal Reports**

Ashenfelter testified on WSA 16-07. He believes that this action will eliminate the opportunity for

someone to subsistence hunt in the later part of winter. If a person hasn't had a chance to feed their family with a moose hunt, then it reopens in October for bulls only which are in full rut. The opportunity in December is better for people from Brevig Mission, Nome and Teller. Snow and freeze-up conditions occur which increase the opportunity

## **Agency Reports**

### *National Park Service*

Adkisson updated the Council on the NPS Rule for Subsistence Collections. He stated that the rule has legalized what people have been doing for a long time but were previously prohibited under NPS regulations.

The NPS worked on interagency surveys of moose, sheep, muskoxen and bears in Units 23, 26A and 23 Southwest. Adkisson provided a handout that summarized the recent work of the NPS. In 2015 they conducted a brown bear survey on the Seward Peninsula. The NPS is looking forward to participating in interagency surveys of moose and muskox.

Kirk inquired about using a tribal or community permit for collections to help ease the burden of individual permits. Adkisson responded that the regulations leave latitude for individual park superintendents to allow for those types of requests. The regulations will, however, have some restrictions on who is eligible to do that. Kirk was also concerned that people would have to pay for a permit.

Seetot remarked on the good condition of caribou in his area and that within five miles of Brevig Mission there were bear issues. He also suspects wolves might be impacting moose populations. Green asked about the high point of the moose population. Adkisson responded that the high point came about in the 1980's, declined substantially, but are now expanding to the East and appears to be stabilizing. There are concerns, however, with populations in Unit 22E where animals don't seem to be recovering. He stated that the surveys do not include Unit 22A, but that they were looking at using less expensive methods than mark and capture, and hope to expand that survey to other areas. Eningowuk expressed concerns over impacts to the Bering Land Bridge area due to displacement of Unit 23 non-qualified users. Adkisson stated that the issue of displacement was a major concern but there were no good data yet. Anecdotal information shows increased pressure in 26A and on the gravel bars of the Noatak River.

### *Bureau of Land Management*

Sparks and Seppi updated the Council on BLM activities, highlighting the current land use planning process for the Bering Sea Western Interior. BLM is currently developing alternatives, which could include reindeer and special recreation permits, as well as ORV use particularly for Stebbins. BLM recently hired Brian Ubelaker who was born in Nome, and will be seeking a recreation planner for Nome in the future. Six muskox permits were issued for 22B, mostly to Nome residents but also some in White Mountain. Moose hunting permits were issued out of Unalakleet for 22A. Only 22 bulls were allowed for this hunt. BLM hired a ranger/pilot who will be based in Anchorage, but work in the Seward Peninsula region. BLM enlisted youth for a caribou collaring project in Onion Portage, and assisted ADF&G with moose surveys in 22A. There will be a WACH meeting on December 14-15<sup>th</sup> in Anchorage. The WACH Technical Committee meeting will be held December 13<sup>th</sup>. Tom Gray is on that

committee. In response to a question from Eningowuk, Sparks stated that BLM had 4 remaining land transfers in the Bering Straits region.

*Alaska Department of Fish and Game*

The new area biologist Bill Dunker stated that Terry Gorn moved to a different area. He reported the moose estimate for 22B west of the Darby Mountains as 720, representing a modest increase. Estimates for 22C are only 350 because the antlerless moose hunt brought numbers down. Composition surveys in 22C shows a 28/100 bull to cow ratio. This is an increase from 2012 20/100 due to reduced harvest quotas. Plans are underway to do 22D remainder, 22D and 22E fall composition surveys. Dunker stated that they hope to conduct a GeoSpatial Population Estimator (GSPE) survey this Spring in 22A. Muskox capture surveys were completed this fall in 22E, 22D southwest, the Pilgram River drainage and 22B west of Darby. Observations show good calf recruitment. ADF&G is currently accepting applications for the Tier II muskox hunt in the Seward Peninsula and is available to assist village hunters with the Tier II process.

Dunker presented highlights of the WACH October composition survey which showed a 41/100 bull to cow ratio, small bulls, 54/100 calf to cow ratio and lots of positive signs within the population. Population estimates in July at 201,000 put WACH herd in critical values for management. The harvestable surplus may be exceeded by the current harvest. Dunker welcomed any comments on the proposals currently before the Alaska Board of Game. ADF&G's position on Proposal #28 from the Council is neutral.

Katcheak expressed concerns about reindeer in his area. Deatherage asked Council members to look at the response in the Annual Report Reply regarding reindeer management. ADF&G does not have any jurisdiction over reindeer. BLM permits reindeer herds but does not monitor populations. Green suggested Katcheak contact BIA. BLM also suggested attending the Reindeer Council and Reindeer Herders Association meeting November 13-14 in Nome.

Seetot requested clarification regarding registration permit. Dunker responded that all caribou hunts in Unit 22 will require a permit.

Green inquired about bears in 22C. Dunker responded that the three year average harvest was 102 bears. Last year, 114 bears were taken from Unit 22 with 30 from 22C. The average for 22C is 17 per year.

**OSM Report**

Howard gave a brief overview of OSM staffing changes. She also informed the Council that Tim Towarek had retired from the Board, and interviews were underway for a new Chair. Anthony Christensen is currently Acting Chair. Howard thanked Council members, agency representatives and public members for their participation in the meeting.

**WSA16-07**

Howard presented WSA16-07 and options for Council action. Green noted that moose numbers appear to be declining in that area. Dunker presented survey information from 2014 which reflected 491 moose in 22D remainder, representing a 14% decline. Seetot mentioned that 22D remainder goes out to the spit and is not good habitat for moose. Dunker stated that the average antlerless moose harvest is one animal per year. Seppi verified that WSA16-07 only affects 22D remainder on Federal lands. Dunker stated that antlerless moose hunts, even at low rates, can have significant impacts on moose populations.

Eningowuk inquired about state regulations which Dunker responded was 1 bull for residents and only antlered moose December 1<sup>st</sup> – January. The antlerless moose is currently closed. Green stated that if the Council supported WSA16-07 it would align with the states regulations and conservation efforts.

Seetot asked if there was any additional moose population information since March, 2014. Dunker responded that they plan to do composition surveys next fall, and 22E and 22D surveys in the spring of 2018. ADF&G has received reports of declining moose populations and they are concerned.

Ashumuk asked about the current bull/cow ratio in 22 remainder. Dunker stated that the most recent composition survey was in 2011 and showed 35/100 ratio. The limited survey in 2013 showed the bull/cow ratios are declining in line with the overall population declines.

Kirk moved to support WSA 16-07. Seconded by Seetot and carried unanimously.

### **Annual Report**

Seetot discussed concern over Chinook Salmon with ice on the shoreline and climate change. Green sees the same situation on the Pilgram River. The Council would like to include Chinook Salmon and climate change concerns in their annual report, and inform the Board that they have a Priority Information Need for the FRMP to help better understand this issue. The Council also wanted to express their support for the Draft MOU between OSM and the State of Alaska and their hopes that the agencies can work together to address this important subsistence issue. Later, Green mentioned putting a request in to ADF&G to have fisheries personnel attend the Council meetings.

### **Meeting Cycle.**

The Council confirmed its March 6-7, 2017 meeting in Nome.

Green suggested a joint meeting with the NWRAC to jointly discuss the WACH herd and other similar issues. Kirk moved to meet jointly with the NWA Council October 24-25, 2017 in Kotzebue. Seconded by Eningowuk and carried unanimously. If the joint meeting is not approved, Katcheak moved to hold the meeting October 24-25, 2017 in Nome. Seconded by Seetot and carried unanimously.

### **Closing Comments:**

*Seetot* reiterated that caribou were in good shape and had returned to lands where they had been in the past. The climate was very dry, high water has been persistent in the area, and his area hasn't seen snow for a long time. Seetot stated it was a good meeting and thanked everyone.

*Katcheak* is disappointed that reindeer herders have not gotten any support because we are subsistence users. If we continue on as we are, I would be one of the last reindeer herders alive. When I'm gone there is no reason to keep reindeer herding. We are starting to tell everyone reindeer is a subsistence food but its' both subsistence and commercial. They were introduced to us and we got used to it. It's like a burden to the State of Alaska that we have a reindeer herd. We have no jobs available like Nome and Unalakleet. There is no reindeer plant in Alaska with exception of small reindeer plant in Stebbins.

*Kirk* continues to be concerned about the lack of a Council member honorarium. It was a good meeting, and he is looking forward to trying to meet with NWA Council concerning the caribou herd.

*Eningowuk* said this has been a very productive meeting the last couple of days. He would like to see climate change as an agenda item because it's affecting the way of life in the villages and we have to adapt, especially during springtime hunts. It's also affecting our berries and bringing in invasive species such as beaver and insects we have not seen before. These insects may have an effect on our subsistence foods. We had a successful spring hunt and got our *ugruks* but no walrus. We also got our share of caribou. We have a resident herd of caribou in our area now but we don't know if they are being counted as part of the WACH. *Eningowuk* thanked everyone for the opportunity to be here.

*Green* expressed concern about the lack of fisheries representatives at the meeting and would like to have this concern put in the Annual Report and to submit a letter from the Council to ADFG. *Green* also would like to see *Sitnasuak Corporation* which just moved to Nome more involved with the Council, and asked if the Nome Eskimo Commission, King Island, Solomon and others were invited. *Deatherage* confirmed that invitations were extended. *Green* concluded that this was a very good meeting and thanked everyone for their input.

*Seetot* moved to adjourn. Seconded by *Kirk* and carried unanimously.

The Council adjourned at 1:10 p.m.

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

November 2, 2016

/s/  
*Karen Deatherage*, DFO  
USFWS Office of Subsistence Management

/s/  
Seward Peninsula Subsistence Regional Advisory Council

These minutes will be formally considered by the Seward Peninsula Subsistence Regional Advisory Council at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.



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

## Federal Subsistence Board Informational Flyer



Forest Service

**Contact:** Theo Matuskowitz  
(907) 786-3867 or (800) 478-1456  
theo\_matuskowitz@fws.gov

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

Alaska residents and subsistence users 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 assist with effective management of subsistence activities and ensure consideration of traditional and local knowledge in subsistence management decisions. Subsistence users also provide valuable wildlife harvest information.

A call for proposals to change Federal subsistence fishing regulations is issued in January of even-numbered years and odd-numbered years for wildlife. The period during which proposals are accepted is no less than 30 calendar days. Proposals must be submitted in writing within this time frame.

You may propose changes to Federal subsistence season dates, harvest limits, methods and means of harvest, and customary and traditional use 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 management unit number and species. Quote the current regulation if known. If you are proposing a new regulation, please state, “new regulation.”
- Write the regulation the way you would like to see it written in the regulations.
- Explain why this regulation change should be made.
- You should provide any additional information that you believe will help the Federal Subsistence Board (Board) in evaluating the proposed change.

**You may submit your proposals by:**

1. By mail or hand delivery to:  
Federal Subsistence Board  
Office of Subsistence Management  
Attn: Theo Matuskowitz  
1011 E. Tudor Rd., MS-121  
Anchorage, AK 99503
2. At any Federal Subsistence Regional Advisory Council meeting (A schedule will be published in the Federal Register and be announced statewide, bi-annually, prior to the meeting cycles)
3. On the Web at <http://www.regulations.gov>

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: <http://www.gpoaccess.gov/fr/index.html>. All proposals and comments, including personal information, are posted on the Web at <http://www.regulations.gov>.

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

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

1. 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.
2. The proposals are compiled into a book for statewide distribution and posted online at the Program website. The proposals are also sent out 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 45 calendar days. Comments must be submitted within this time frame.
3. The lead analyst works with appropriate agencies and proponents to develop an analysis on the proposal.
4. The analysis is sent to the Councils, ADF&G and the ISC for comments and recommendations to the 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 of the comments and recommendations received by interested/affected parties. This packet of information is then presented to the Board for action.
5. 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.
6. The final rule is published in the Federal Register and a public regulations booklet is created and distributed statewide and on the Program's website.

**A step-by-step guide to submitting your proposal on [www.regulations.gov](http://www.regulations.gov):**

1. Connect to [www.regulations.gov](http://www.regulations.gov) – there is no password or username required.
2. In the white space provided in the large blue box, type in the document number listed in the news release or available on the program webpage, (for example: FWS-R7-SM2014-0062) and select the light blue “Search” button to the right.

3. Search results will populate and may have more than one result. Make sure the Proposed Rule you select is by the U.S. Fish and Wildlife Service (FWS) and **not** by the U.S. Forest Service (FS).
4. Select the proposed rule and in the upper right select the blue box that says, “Comment Now!”
5. Enter your comments in the “Comment” box.
6. Upload your files by selecting “Choose files” (this is optional).
7. Enter your first and last name in the spaces provided.
8. Select the appropriate checkbox stating whether or not you are providing the information directly or submitting on behalf of a third party.
9. Fill out the contact information in the drop down section as requested.
10. Select, “Continue.” You will be given an opportunity to review your submission.
11. If everything appears correct, click the box at the bottom that states, “I read and understand the statement above,” and select the box, “Submit Comment.” A receipt will be provided to you. Keep this as proof of submission.
12. If everything does not appear as you would like it to, select, “Edit” to make any necessary changes and then go through the previous step again to “Submit Comment.”

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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 [www.doi.gov/subsistence/index.cfm](http://www.doi.gov/subsistence/index.cfm) or by visiting [www.facebook.com/subsistencealaska](http://www.facebook.com/subsistencealaska).



## WILDLIFE CLOSURE REVIEW BRIEFING

As called for in the Closure Policy, the Office of Subsistence Management is reviewing existing wildlife closures to determine whether the original justifications for closure continue to apply. These reviews are being conducted in accordance with guidance found in the Federal Subsistence Board's Policy on Closures to Hunting, Trapping and Fishing on Federal Public Lands and Waters in Alaska, which was adopted in 2007. According to the policy, existing closures will be reviewed at least every three years, and are typically completed on a three-year rotational schedule. A summary of the current closure reviews which are applicable to your Regional Advisory Council (RAC) are provided.

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) establishes a priority for the taking of fish and wildlife on Federal public lands and waters for non-wasteful subsistence uses over the taking of fish and wildlife for other purposes (ANILCA Section 804). The Federal Subsistence Board is authorized to restrict or close the taking of fish and wildlife by subsistence and non-subsistence users on Federal public lands and waters (ANILCA Section 804 and 815(3)) when necessary for: 1) the conservation of healthy populations of fish and wildlife; or 2) to continue subsistence users of such populations. In addition, the Board may also close Federal public lands and waters to any taking of fish and wildlife for reasons of public safety, administration, or to assure the continued viability of such population (ANILCA Section 816(b)).

Distribution and abundance of fish and wildlife populations are known to fluctuate based upon a variety of factors such as weather patterns, management actions, habitat changes, predation, harvest activities, and disease. Subsistence use patterns are also known to change over time in response to many factors including resource abundance, human population changes, among others. It is for these reasons that the Board decided in 2007 to conduct reviews every 3 years or earlier if new information becomes available that would potentially allow the closure to be lifted.

A Wildlife Closure Review contains a brief history of why a closure was implemented, along with a summary of the current resource condition and the OSM recommendation as to whether the closure should be continued or lifted.

Councils are asked to consider the OSM recommendation and share their views on the issue. Input from the Councils is critical to the development of regulatory proposals needed to address adjustments to regulations. After the Council reviews the closure review, they have three options, which should be in the form of an **action item**. They can recommend to:

- maintain the status quo
- modify or eliminate the closure
- other recommendation

If the Council recommends to modify or rescind, they should submit a proposal (**a separate action item**) at this time. Councils may choose to work with OSM staff to develop a proposal; however, proposals addressing these issues can be submitted by other individuals or organizations as well.

Regardless of the Council recommendation, closures remain in effect until changed by the Federal Subsistence Board, and any regulatory proposals that may result from this review process will be considered through the normal regulatory cycle.

**FEDERAL WILDLIFE CLOSURE REVIEW**  
**WCR15-09a/b/c**

**WCR15-09a**

**Closure Location:** North Unit 22A—Moose

**Current Federal Regulation**

*Unit 22A—that portion north of and including the Tagoomenik and Shaktolik River drainages—1 bull. Federal public lands are closed to hunting except by residents of Unit 22A hunting under these regulations.* Aug. 1–Sep. 30

**Current State Regulation**

*Unit 22A—that portion north of and including the Tagoomenik and Shaktolik River drainages*

*Residents: One bull* Aug. 1 – Sep. 30

*Nonresidents: One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side* Sep. 1 – Sep. 14

**WCR15-09b**

**Closure Location:** Central Unit 22A—Moose

**Current Federal Regulation**

*Unit 22A—that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktolik River drainages—Federal public lands are closed to the taking of moose, except that residents of Unalakleet, hunting under these regulations, may take 1 bull by Federal registration permit, administered by the BLM Anchorage Field Office with the authority to close the season in consultation with ADF&G.* Aug. 15–Sep. 14

**Current State Regulation**

*Unit 22A—that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and*

*south of the Tagoomenik and Shaktoolik River drainages*

*Residents: One antlered bull by permit available in person at license vendors in Unalakleet beginning Aug. 3. Harvest quota to be announced. Season will be closed by emergency order when quota is reached.* *Sep. 1 – Sep. 14*

*Or*

*Residents: One antlered bull by permit (to be announced) available in person at license vendors in Unalakleet* *Dec. 1 – Dec. 31  
(may be announced)*

*Nonresidents* *No open season*

### WCR15-09c

**Closure Location:** Unit 22A remainder—Moose

#### **Current Federal Regulation**

*Unit 22A remainder—1 bull. However, during the period Jan.1–Feb. 15, only an antlered bull may be taken. Federal public lands are closed to the taking of moose except by residents of Unit 22A hunting under these regulations.* *Aug. 1–Sep. 30  
Jan. 1–Feb. 15*

#### **Current State Regulation**

*Unit 22A remainder*

*Residents: One bull* *Aug. 1–Sep. 30*

*Or*

*Residents: One antlered bull* *Jan. 1 – Jan. 31*

*Nonresidents: One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side* *Sep. 1 – Sep. 30*

**Regulatory Year Initiated:** 1995/1996

#### **Regulatory History**

The Seward Peninsula Subsistence Regional Advisory Council (Council) submitted Proposal P95-42, requesting that the 1995 fall moose season in Unit 22A be extended from Aug. 1 – Sep. 30 to Aug. 1 – Oct. 10. The Federal Subsistence Board (Board) adopted this proposal with modification to extend the

season, as proposed, and to close Federal public lands for the Oct. 1 – Oct. 10 portion of the season to all users except residents of Unit 22A (FSB 1995a).

The Alaska Department of Fish and Game (ADF&G) subsequently submitted a Request for Reconsideration, R95-11, asserting that the Oct. 1 – Oct. 10 Federal public lands closure was not substantiated and that it violated established principles of wildlife management. The Board reversed their decision on P95-42, concurring that the season extension was not consistent with the maintenance of a healthy moose population. The Board recognized that residents of Unit 22A traditionally harvested moose in October, but were concerned that the October season extension overlapped the rut and could have led to an unsustainable harvest. As a result of the Board's decision, the fall moose season was open Aug. 1 – Sep. 30. The Board also took action to close Federal public lands in Unit 22A to the harvest of moose to all users except residents of Unit 22A during the Dec. 1 – Jan. 31 season (FSB 1995b).

Proposal 50 was submitted by the Council in 1996 to ensure continuation of the Aug. 1 – Sep. 30 season in Unit 22A, as well as to request closure of Federal public lands to the harvest of moose except by Federally qualified subsistence users during this season. The Board rejected this proposal (FSB 1996) but retained the Aug. 1 – Sep. 30 season.

Proposal P98-86, submitted by the Council, requested the harvest limit be changed from one antlered bull to one moose for the Aug. 1–Sep. 30 and Dec. 1–Jan. 31 seasons. The Board adopted this proposal with modification to change the harvest limit to one bull, which provided additional harvest opportunity, particularly during the winter season when many bulls are antlerless, while protecting cows (OSM 1998).

In 2003, the Alaska Board of Game (BOG) made a number of regulatory changes for moose in Unit 22. In Unit 22A, three distinct hunt areas were established, and seasons and harvest limits were adjusted to account for localized patterns of harvest. Prior to these changes, the State resident season was Aug. 1 – Sep. 30 and Dec. 1 – Jan. 31 and the harvest limit was one bull throughout Unit 22A. The BOG's action 1) closed the winter season in North Unit 22A (north of and including the Tagoomenik and Shaktoolik River drainages), 2) shortened the fall season to Aug. 15 – Sep. 25 and closed the winter season in Central Unit 22A (Unalakleet River drainage area), 3) shortened the winter season to Dec 1 – Dec. 31, and changed the harvest limit for the winter season to one antlered bull in Unit 22A remainder (Persons 2004). These changes were scheduled to become effective in regulatory year 2004/05. However, data showing steep declines in the Unit 22A moose population prompted ADF&G to issue Emergency Order 05-05-03 in November 2003, which implemented the new regulations immediately. Due to the timing of the Emergency Order, only the winter seasons were affected. The same changes to the winter seasons were made in Federal regulation through Special Action WSA03-14, approved by the Board in December 2003 (Persons 2004).

In 2004, the Council submitted Proposal WP04-70, requesting, in part, retention of the temporary changes made through Special Action WSA03-14. Specifically, the proposal requested 1) changing the harvest limit from one bull to one antlered moose throughout Unit 22A, 2) eliminating the winter seasons in North and Central Unit 22A, 3) shortening the fall season from Aug. 1 – Sep. 30 to Aug. 15 – Sept. 30 in Central Unit 22A, and 4) closing Federal public lands throughout Unit 22A to the harvest of moose

except by resident of Unit 22A (OSM 2004). The Board adopted Proposal WP04-70 with modification to set the harvest limit at one bull for the fall seasons and one antlered bull for the winter season in Unit 22 Remainder, and further reduce the Central Unit 22A season, to Aug. 15 – Sep. 25 (OSM 2016). These changes resulted in alignment of State and Federal moose regulations in Unit 22A.

Portions of Unit 22A were affected by temporary regulatory changes in 2005 that were subsequently adopted into Federal regulation by Board action in 2006. In Central Unit 22A, moose harvest was temporarily closed in 2005 when the Board approved Special Action WSA05-03 due to low population and recruitment estimates (OSM 2016). The State moose season was also closed in Central Unit 22A in 2005 by Emergency Order 05-04-05. In 2006, the Board adopted Proposal WP06-39, which closed Federal public lands to the harvest of moose in Central Unit 22A. In Unit 22A remainder, harvest seasons were shifted from Dec. 1–Dec. 31 to Jan. 1–Jan. 31 in 2005 with the Board’s approval of Special Action WSA05-12/13 and in 2006 with the adoption of Proposal WP06-38 (OSM 2016). The modified season in Unit 22A mirrored State regulation changes associated with the adoption of State Proposal 6 and Emergency Order 05-08-05 in 2005.

The Central Unit 22A closure to all users was modified in 2008 when the Board adopted Proposal WP08-36/37 with modification to allow residents of Unalakleet to harvest one bull moose during an Aug. 15–Sep. 14 season, by Federal registration permit. As part of the analysis for this proposal, a Section 804 analysis was conducted in Central Unit 22A, which determined that residents of Unalakleet were the most dependent on moose in the area (OSM 2016). The BOG also lifted the State closure by establishing a Sep. 1–Sep. 14 moose season in Central Unit 22A based on action on State Proposal 19 in 2007.

Proposal WP10-80 requested that the winter moose season in Unit 22A remainder be shifted from Jan. 1–Jan. 31 to Jan. 15–Feb. 15. The Board adopted the proposal with modification to extend the season to February 15, but keep the January 1 starting date. The proposed modification provided additional harvest opportunity to Federally qualified subsistence users because few antlered bulls would be available during the two-week extension (OSM 2016).

Inclement weather affected the winter moose harvest in Unit 22A remainder, which resulted in multiple special action requests to extend the seasons. Special Action WSA07-08, submitted by the Stebbins Community Association, requested that a Feb. 1–Mar. 1 season be added in Unit 22A remainder to provide additional opportunity to harvest moose. The Board approved the special action, but modified the season to Feb. 27–Mar. 5. Special Action WSA08-17 extended the winter bull moose season on Federal public lands within Unit 22A remainder an additional two weeks (Feb. 7–Feb. 20) in 2009. The season extension was approved by the Board to provide additional opportunity for Federally qualified subsistence users to harvest moose after a period of inclement weather and high gas prices prevented users from hunting moose (OSM 2016). The 2011/2012 winter was unusually cold and prevented many Federally qualified subsistence users from harvesting moose during the Jan. 1–Feb. 15 season in Unit 22A remainder. In February 2012, Special Action WSA11-09 was approved by the Board (OSM 2016) and Emergency Order 05-06-12 was issued by the State to provide a 14-day extension to the winter moose season in Unit 22A remainder to provide additional harvest opportunity.

In regulatory years 2011 and 2012, the State's harvest quotas were not met during the Sep. 1–Sep. 14 seasons in Central Unit 22A. Subsequently, in 2013, ADF&G submitted State Proposal 14 to establish a Dec. 1 – Dec. 31 *may be announced* season in this hunt area. The BOG adopted Proposal 14 at their Jan. 10 – 13, 2014 meeting, establishing a winter *may be announce* season in 2014. Harvest during this season is limited to one antlered bull and is open to residents only.

In 2013, 2014, and 2015, State harvest quotas remained unmet for the registration hunt in Central Unit 22A. As a result, the season was extended from Sep. 1 – Sep. 14 to Sep. 1 Sep. 20 each year by Emergency Order (05-05-13, 05-11-14, 05-08-15, respectively). In 2015, the quota was met during the extended season and, as a result, the season was closed by Emergency Order on September 17, 2015 (05-09-15)

**Closure last reviewed: 2012 – WCR12-09a/b/c**

### **Justification for Original Closure (Section 815(3) Criteria)**

Section §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 the 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 believed there was a conservation concern due to the observed decline in the moose population, along with poor calf recruitment, in Unit 22A. With concurrence from ADF&G, the Board chose to limit the harvest to residents of Unit 22A (FSB 1995a).

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

The Seward Peninsula Subsistence Regional Advisory Council supported Proposal 42 (1995), extending the season dates from Aug. 1–Sep. 30 to Aug. 1–Oct. 10. The Board made the modification to close the October portion of the season to all users, except residents of Unit 22A, as suggested by the State. The Council did not have the opportunity to make a recommendation on this modification; however, the Council Chair was supportive of the amendment as nonlocal use of the area during October was low (FSB 1995a).

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

The Alaska Department of Fish and Game opposed Proposal 42 because the proposal did not indicate users were not being accommodated by current regulations, and the 10-day season extension could result in increased harvest that could adversely impact the low-density moose population. ADF&G stated that if the Board were to approve the proposal, they should restrict harvest within the 10-day season extension to residents of Unit 22A (FSB 1995a).

## Biological Background

Historically, moose immigrated into the Seward Peninsula in the late 1930s, and by the late 1960s became a resident species due to suitable habitat in Unit 22. Moose populations increased during the 1970s and peaked during the 1980s (Gorn 2012). There were several severe winters during the 1990s, which may have contributed to population declines at that time (Nelson 1995). Populations within Unit 22 have not recovered to peak levels of the 1980s, with brown bear predation on moose calves suspected as a contributing factor (Gorn 2012).

In Unit 22, moose census surveys are limited to select drainages. As a result, population estimates exist for Central Unit 22A but not for North Unit 22A or Unit 22A remainder. The most recent estimate for Central Unit 22A was 569 moose in 2012, which is approaching the management goal for Unit 22A (600 – 800 moose). In the absence of population estimates for in North Unit 22A and Unit 22A remainder, status assessment of moose populations in these areas rely on other metrics. Following are additional details for each management area.

### North Unit 22A

Currently, there are no population estimates for North Unit 22A, but short yearling (9-10 month old calves) recruitment surveys were conducted in the Shaktoolik and Ungalik River drainages in 2000 and 2003. Short yearling surveys estimate the proportion of moose in age classes based on minimum population counts. In 2000 and 2003, the percentages of short yearlings observed during the surveys were 11% and 15% in the Shaktoolik River drainage and 3% and 0% in the Ungalik River drainage, respectively (Gorn 2010). However, only 1 adult moose was observed in the Ungalik River drainage in 2003 (Gorn 2010).

### Central Unit 22A

Spring surveys were conducted between 1989 and 2012 to estimate the size of the moose population in Central Unit 22A (**Table 1**). Beginning in 2003, population estimates were established for the entire Unalakleet River drainage using the geospatial survey technique (Kellie and DeLong 2006). The 1989 survey utilized the Gasaway method (Gasaway et al. 1986) and covered a more limited portion of the Unalakleet River drainage. The moose population appears to have declined between 1989 and 2003, but has since increased (**Table 1**). However, while the population has increased, the density of moose in Central Unit 22A has remained low compared to other areas of Alaska (Gorn 2012, pers. comm.). Census and composition surveys were scheduled to be conducted in Central Unit 22A in spring and fall of 2015, respectively. However, both of these surveys were canceled due to inadequate survey conditions.

Managers have assessed recruitment via spring short yearling surveys in Central Unit 22A. Along the main stem of the Unalakleet River, both the total number of moose and the percentage of short yearlings observed has been variable (**Table 2**). Throughout the central portion of Unit 22A, recruitment appeared to be similar between 2006 and 2007 despite differences in sightability (due to survey conditions) during the surveys (Gorn 2008). Age class estimates generated by the geospatial population estimation technique were also used to estimate the proportion of short yearlings. During years that population

estimation surveys were conducted, recruitment was at or above 15%, except in 2005 when short yearlings represented an estimated 8% of the population (**Table 1**).

**Table 1.** Population and age class estimates for moose in the Central Unit 22A area during spring, 1989–2012 (Gorn 2012). Population estimates were calculated using the geospatial population estimation technique (Kellie and DeLong 2006), except for 1989 when the Gasaway method (Gasaway et al. 1986) was utilized.

Year	Survey area (mi <sup>2</sup> )	Population estimate (no.)	Density estimate (mi. <sup>2</sup> )	Calves:100 Cows	Calves (%)
1989	1,124	325	0.29	19	16
2003	2,000	75	0.04	15	13
2005	2,400	123	0.05	9	8
2008	2,400	339	0.14	21	18
2012	2,400	569	0.23	24	19

**Table 2.** Minimum counts of adult and short yearling moose observed during spring population composition surveys in areas of Central Unit 22A, 2000–2006 (Gorn 2010). Short yearlings are defined as moose at 9 to 10 months of age.

Area	Year	Adults (no.)	Short yearlings (no.)	Short yearlings (%)
Unalakleet River (main stem)	2000	77	7	8
	2003	16	3	16
	2006	37	13	26
	2007	70	12	15
Central Unit 22A	2006	137	27	16
	2007	82	12	13

Unit 22A remainder

Currently, there is no population estimate for moose in Unit 22A remainder. An aerial moose composition survey was conducted in the Golsovia River drainage (the northern boundary of Unit 22A remainder) in the fall of 2003, and estimated the population composition at 50 bulls:100 cows and 67 calves:100 cows. However, the composition estimate was based on 26 moose (18 adults, 8 calves) observed during the survey.

Short yearling recruitment surveys were conducted in portions of Unit 22A remainder. In 2000 and 2003, 27% and 21% of moose observed in the Golsovia River drainage and 33% and 35% of moose observed in the main stem of the Pikmiktalik River were short yearlings, respectively (Gorn 2010). Few moose (21 to 35 moose) were observed during any of the surveys in Unit 22A remainder (Gorn 2010).



## Harvest History

Local hunters, defined here as residents of Unit 22A, are responsible for most of the moose harvest in Unit 22A (**Table 3**). For 2005 – 2014, 78% of the moose harvest was taken by local residents. Non-local residents of Alaska harvested 8% and non-residents harvested 14% during this time period (ADF&G 2016a). Underreporting is common in this area (Gorn 2015, pers. comm.), so harvest is likely higher than harvest reports reflect. For example, in 2009, no moose harvest in Unit 22A was reported by residents of Shaktoolik. However, community harvest data obtained from ADF&G’s Community Subsistence Information System indicates that residents of Shaktoolik harvested 8 moose that year (ADF&G 2016b). Annual community harvest data is only sporadically available for any given community, but typically exceeds reported harvest for the years it is available.

**Table 3.** Reported moose harvest in Unit 22A under Federal and State regulation, 2005 – 2014 (ADF&G 2016a).

Community/User Group	Year									
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Shaktoolik	0	0	1	1	0	0	1	2	0	1
St. Michael	2	3	5	5	6	6	3	4	2	2
Stebbins	5	0	4	1	1	1	2	0	0	0
Unalakleet	0	2	1	13	15	14	16	15	18	21
Non-local residents	3	3	4	1	0	1	1	2	0	2
Non-residents	2	4	3	2	0	1	1	3	8	7
Total reported harvest	12	12	18	23	22	23	24	26	28	33

### North Unit 22A

Reported harvest in North Unit 22A has been low, averaging less than 3 moose annually for 2005 – 2014. Local harvest, primarily by residents of Shaktoolik and Unalakleet, accounts for approximately 35% of the total reported moose harvest in North Unit 22A for this time period. Non-local residents harvested approximately 31% and non-residents harvested approximately 35% of the total harvest in this hunt area. North Unit 22A harvest comprises 11% of the Unit 22A moose harvest for the 2005 – 2014 time period (ADF&G 2016a).

### Central Unit 22A

Reported harvest in Central Unit 22A has averaged 11 moose per year for 2005 – 2014 (ADF&G 2016a). Local harvest, which included only residents of Unalakleet, made up over 90% of the total reported moose harvest in North Unit 22A for this time period. The non-local resident and non-resident user groups each contributed less than 5% to total harvest in this hunt area. Central Unit 22A harvest comprises approximately 48% of the Unit 22A reported moose harvest for the 2005 – 2014 time period. However, given the requirement for a registration permit in both Federal and State regulation, harvest

reporting compliance is believed to be better in Central Unit 22A compared to the other two Unit 22A hunt areas (Gorn 2015, pers. comm). As a result, the proportion of total Unit 22A moose harvest that occurs in Central Unit 22A is likely lower than harvest data suggests (ADF&G 2016a).

#### Unit 22A remainder

Reported harvest in Unit 22A remainder averaged 8 moose per year for 2005 – 2014. Local harvest, primarily by residents of St. Michael and Stebbins, made up 66% of the total reported moose harvest in Unit 22A remainder for this time period. Non-local residents harvested 6% and non-residents harvest 28% of the total harvest in this hunt area. Unit 22A remainder harvest comprises 34% of the Unit 22A moose harvest for the 2005 – 2014 time period (ADF&G 2016a).

#### **OSM Preliminary Recommendation:**

- maintain status quo**
- initiate proposal to modify or eliminate the closure**
- other recommendation**

#### **Justification**

Although the population status in Central Unit 22A has improved since 1995, when the closures were instituted, the moose density is still low. Furthermore, population metrics are not current in Unit 22A. The most recent population estimate for Central Unit 22A occurred in 2012, and there is no population estimate for North Unit 22A or Unit 22A remainder. Composition surveys have provided some information about the population status in the latter two hunt areas in the past, but have not been conducted since 2003.

Reported harvest has been low, but is increasing. This increase in apparent harvest is largely attributable to residents of Unalakleet, who have hunted by registration permit since 2008 and are likely compliant with reporting requirements. However, non-local harvest has also increased in recent years and, overall, harvest is believed to be higher than harvest reports suggest.

Given the low moose density, lack of current population parameters, and increasing harvest, retaining the closures is a conservative approach and will ensure the continuation of subsistence uses under Section 804 of ANILCA and does not violate the prohibition of ANILCA Section 815(3). The necessity of the closure to Federal public lands in the affected area will be reassessed in three years, per the Federal Subsistence Board Closure Policy, or sooner if additional survey data suggest the closure should be lifted.

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**Seward Peninsula Subsistence  
Regional Advisory Council**

Louis Green Jr. Chair  
P.O. Box 1890 Nome, Alaska 99762



RAC SP17008.KD

**Anthony Christianson, Chair  
Federal Subsistence Board  
c/o Office of Subsistence Management  
1011 East Tudor Road MS 121  
Anchorage, Alaska 99503**

Dear Chairman Christianson:

The Seward Peninsula Subsistence Regional Advisory Council (Council) submits this FY2016 annual report to the Federal Subsistence Board (Board) under the provisions of Section 805(a)(3)(D) of the Alaska National Interest Lands Conservation Act (ANILCA). At its public meeting in Nome on November 1-2, 2016, the Council identified concerns and recommendations for this report. [The report was finalized and approved by the Council at its March 5-6, 2017 meeting in Nome.] The Council wishes to share information and raise a number of concerns dealing with implementation of Title VIII of ANILCA and the continuation of subsistence uses in the Seward Peninsula Region.

The fact that there are large areas of the Region that are not Federal public lands within the Board's jurisdiction highlights the necessity for close cooperation between the Board, the Council, Federal land managers, the Alaska Department of Fish and Game (ADF&G) and other landowners for implementation of management practices that protect the use of these subsistence resources. The Council looks forward to the Board's continued engagement, consideration, guidance and support on the topics listed below.

### **1. Chinook Salmon and Climate Change**

Several members of the Council expressed concern over the impacts of climate change on Chinook Salmon, an important subsistence resource for the region. In recent years, subsistence users are experiencing poor Chinook Salmon returns as well as ice on the shorelines, including on the Pilgrim River.

Recommendation:

The Council has submitted a Priority Information Need (PIN) under the Fisheries Resource

Chairman Christianson

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Monitoring Program to monitor Chinook Salmon and other species impacted by climate change. In particular, the Council would like to see studies on salmon migrations patterns in Norton Sound, as well as fish species surveys in the Bering Land Bridge National Preserve using traditional and ecological knowledge from the communities of Shishmaref, Deering and Wales. We appreciate your consideration of proposals that will meet the requirements of these PINs.

## **2. Memorandum of Understanding (MOU) Between the Federal Subsistence Board and State of Alaska**

The Council would like the Board to know it strongly supports the MOU between the Board and the State of Alaska. Subsistence users rely heavily on State lands for food as there are few Federal lands in the Seward Peninsula Region. Increased cooperation between Federal and State agencies will improve subsistence resource management in the region, and benefit rural users who rely on fish and wildlife resources for nutritional and cultural purposes.

*Recommendation:* It is the Council's hope that the Board and ADF&G will execute the MOU and work together on critical subsistence issues for rural users.

## **3. Alaska Department of Fish and Game Fisheries Staff at Council Meetings**

The Council was disappointed there were no State fisheries staff in attendance at the November meeting in Nome, particularly given there were several Federal fisheries proposals on the table for Council consideration. As stated above, subsistence users hunt and fish largely on State lands in the region and it is essential to get feedback on local fish populations and status at our meetings. The Council believes this is particularly important because fish travel across both State and Federal waters throughout Seward Peninsula Region.

*Recommendation:* The Council is asking the Board to inform the State of the importance of ADF&G fisheries staff presence at its meetings, particularly during Federal subsistence fishery proposal cycles.

Thank you for the opportunity for this Council to assist the Federal Subsistence Management Program in meeting its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Seward Peninsula Region. Should you have any questions about this report, please contact me through Karen Deatherage, Subsistence Council Coordinator at karen\_deatherage@fws.gov with the Office of Subsistence Management or (907) 786-3564.

Sincerely,

Louis H. Green, Jr.  
Chair

Chairman Christianson

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cc: Federal Subsistence Board  
Seward Peninsula Subsistence Regional Advisory Council  
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management  
Thomas Doolittle, Deputy Assistant Regional Director  
Office of Subsistence Management  
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management  
Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management  
Interagency Staff Committee  
Administrative Record

DRAFT



FISH and WILDLIFE SERVICE  
BUREAU of LAND MANAGEMENT  
NATIONAL PARK SERVICE  
BUREAU of INDIAN AFFAIRS

## Federal Subsistence Board

1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503



FOREST SERVICE

OSM 17003.PK

JAN 24 2017

Lem Butler  
Assistant Director  
Division of Wildlife Conservation  
Alaska Department of Fish and Game  
PO Box 115526  
Juneau, Alaska 99801

Dear Mr. Butler:

This letter responds to your Temporary Special Action Request WSA16-03 requesting the Federal Subsistence Board (Board) open Federal public lands in Unit 23 to the harvest of caribou by non-Federally qualified subsistence users.

The Board has rejected this request. The Board determined that new information provided by the Alaska Department of Fish and Game was not sufficient to rescind the closure to non-Federally qualified subsistence users and open Federal public lands. Additionally, the Board considered public testimony on your request, the recommendations of all four affected Regional Advisory Councils, as well as information provided through Tribal consultation and the Alaska Native Claims Settlement Act (ANSCA) corporation consultation. While the Board did not approve your request to open Federal public lands in Unit 23 to the harvest of caribou by non-Federally qualified subsistence users, it directed Office of Subsistence Management (OSM) staff to initiate interagency discussions about resolving ongoing user conflicts in the area. If you have any questions, please contact Jennifer Hardin, OSM Anthropology Division Chief at (907) 786-3677, or Chris McKee, OSM Wildlife Division Chief at (907) 786-3572.

Sincerely,

Anthony Christianson  
Chair

Mr. Lem Butler

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Enclosures

cc: Federal Subsistence Board

Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management  
Stewart Cogswell, Acting Deputy Assistant Regional Director  
Office of Subsistence Management  
Jennifer Hardin, Anthropology Division Chief, Office of Subsistence Management  
Chris McKee, Wildlife Division Chief, Office of Subsistence Management  
Zachary Stevenson, Subsistence Council Coordinator, Office of Subsistence Management  
Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management  
Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management  
Raymond Stoney, Chair, Northwest Arctic Subsistence Regional Advisory Council  
Rosemary Ahtuanguaruak, Acting Chair, North Slope Subsistence Regional Advisory Council  
Louis H. Green, Jr., Chair, Seward Peninsula Subsistence Regional Advisory Council  
Jack Reakoff, Chair, Western Interior Subsistence Regional Advisory Council  
Bruce Dale, Director of Wildlife Conservation, Alaska Department of Fish and Game  
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record



**STAFF ANALYSIS  
TEMPORARY SPECIAL ACTION  
WSA16-03**

**ISSUES**

Temporary Wildlife Special Action Request WSA16-03 submitted by the State of Alaska through the Alaska Department of Fish and Game (ADF&G), requests that Federal public lands in Unit 23 be reopened to caribou hunting by non-Federally qualified subsistence users for the 2016/17 regulatory year.

**DISCUSSION**

The proponent requests the Federal Subsistence Board (Board) to open Federal public lands in Unit 23 to the harvest of caribou by all users for the remainder of the July 1, 2016 to June 30, 2017 regulatory year. These lands were closed to the harvest of caribou except by Federally qualified subsistence users for the 2016/2017 regulatory year by Temporary Wildlife Special Action (WSA) 16-01. The proponent states that repealing WSA16-01 is appropriate due to new information concerning the population status of the Western Arctic Caribou Herd (WACH), to provide for subsistence uses by non-Federally qualified subsistence users and former Federally qualified subsistence users, and to remedy the social and economic hardships imposed by the decision on non-Federally qualified subsistence users before the caribou season in Unit 23 opens on July 1, 2016 for residents of Alaska and August 1, 2016 for nonresidents of Alaska. The Board's decision to approve WSA16-01 lacked evidence to support the need for closure to address a conservation concern and was not consistent with harvest management strategies found in the WACH Management Plan, endorsed by the Board during its 2013 meeting. Closing a large portion of Unit 23 will consolidate nonlocal hunters in smaller areas and increase crowding on State lands. The Board did not consider the impact of a closure on people who have already made plans to hunt caribou in Unit 23 in 2016 and have made personal and financial commitments. The proponent stated that the Federal land closure will be detrimental to subsistence use due to increased user conflicts, particularly on the Noatak River, and increased competition for caribou in areas that Federally qualified subsistence hunters can access.

The proponent states that new information indicates improvements in caribou calf production, recruitment, survival, and weight. Adult females exhibited very good body conditions and high pregnancy rates in 2015 and 2016. The newly derived WACH population estimate for fall 2015 is 206,000 caribou, falling within the lower end of the WACH Management Plan's "conservative" harvest management strategy. The proponent states that this new information is sufficient to rescind WSA16-01 and reopen Federal public lands in Unit 23 to the harvest of caribou by all users.

The term Federally qualified subsistence user (FQSU) is used to distinguish rural residents residing in communities with customary and traditional use (C&T) determinations for caribou in Unit 23. This contrasts with non-Federally qualified subsistence users (non-FQSUs) that may be Alaska residents that do not reside in a community with a C&T determination for caribou in Unit 23, or non-residents of Alaska. Other authors that are cited in this analysis frequently use the terms "local" and "nonlocal" without defining the parameters of the terms. Presumably "local" hunters are those that reside within the range of the

Western Arctic Caribou Herd (WACH) and “nonlocal” hunters are those that do not. When definitions were provided they were included in the analysis. Otherwise, the term used is in quotations.

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

*. . . After adequate notice and public hearing, the Board may temporarily close or open public lands for the taking of fish and wildlife for subsistence uses, or modify the requirements for subsistence take, or close public lands for the taking of fish and wildlife for nonsubsistence uses, or restrict take for nonsubsistence uses.*

In addition, ANILCA Title VIII Section 815.3 authorizes restricting nonsubsistence taking of fish and wildlife on Federal public lands only if necessary for the conservation of healthy fish and wildlife populations, to continue subsistence use, or pursuant to other laws.

### Existing Federal Regulations

#### Unit 23—Caribou

*Unit 23, north of and including the Singoalik River drainage* 5 caribou per day as follows:

*Calves may not be taken*

*Bulls may be harvested*

*July 1–Oct. 14  
Feb. 1–June 30.*

*Cows may be harvested, however, cows accompanied by calves may not be taken  
July 15–Oct. 14.*

*July 15–Apr. 30*

*Federal public lands in Unit 23 are closed to caribou hunting except by Federally qualified subsistence users for the 2016/2017 regulatory year.*

*Unit 23 remainder*

*5 caribou per day as follows:*

*Calves may not be taken*

*Bulls may be harvested*

*July 1–Oct. 31  
Feb. 1–June 30*

*Cows may be harvested, however, cows accompanied by calves may not be taken  
July 31–Oct. 14.*

*July 31–March 31*

*Federal public lands in Unit 23 are closed to caribou hunting except by Federally qualified subsistence users for the 2016/2017 regulatory year.*

## Proposed Federal Regulations

### Unit 23—Caribou

*Unit 23, north of and including the Singoalik River drainage*

*5 caribou per day as follows:*

*Calves may not be taken*

*Bulls may be harvested*

*July 1–Oct. 14  
Feb. 1–June 30.*

*Cows may be harvested, however, cows accompanied by calves may not be taken  
July 15–Oct. 14.*

*July 15–Apr. 30*

~~*Federal public lands in Unit 23 to caribou hunting except by Federally qualified subsistence users for the 2016/2017 regulatory year.*~~

*Unit 23 remainder*

*5 caribou per day as follows:*

*Calves may not be taken*

*Bulls may be harvested*

*July 1–Oct. 31  
Feb. 1–June 30*

*Cows may be harvested, however, cows accompanied by calves may not be taken  
July 31–Oct. 14.*

*July 31–March 31*

~~*Federal public lands in Unit 23 to caribou hunting except by Federally qualified subsistence users for the 2016/2017 regulatory year.*~~

## Existing State Regulations

### Unit 23—Caribou

<i>Unit 23, north of and including the Singoalik River drainage</i>	<i>Residents—5 caribou per day; however, calves may not be taken.</i>	
	<i>Bulls</i>	<i>July 1–Oct. 14 Feb. 1–June 30</i>
	<i>Cows</i>	<i>Jul. 15–Apr. 30</i>
	<i>Nonresidents—1 bull; however, calves may not be taken</i>	<i>Aug. 1–Sept. 30</i>
 <i>Unit 23 remainder</i>	 <i>Residents—5 caribou per day; however, calves may not be taken.</i>	
	<i>Bulls</i>	<i>July 1–Oct. 14 Feb. 1–June 30</i>
	<i>Cows</i>	<i>Sept. 1–Mar. 31</i>
	<i>Nonresidents—1 bull; however, calves may not be taken</i>	<i>Aug. 1–Sept. 30</i>

### Extent of Federal public lands

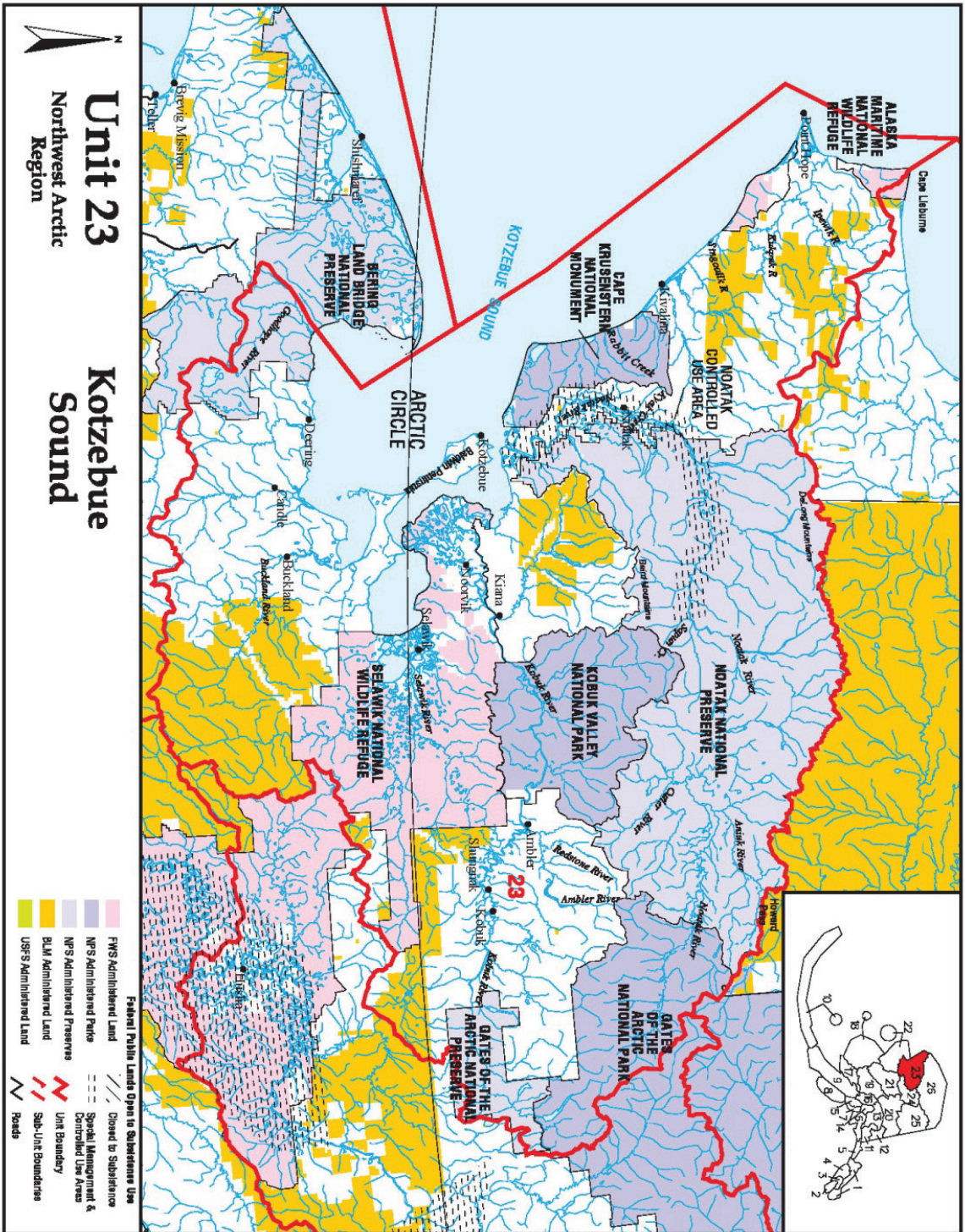
Federal public lands comprise approximately 69% of Unit 23 and consist of 42% National Park Service (NPS) managed lands, 18% Bureau of Land Management (BLM) managed lands, and 10% U.S. Fish and Wildlife Service (USFWS) managed lands (see **Map 1**).

### Customary and Traditional Use Determination

Residents of Unit 21D west of the Koyukuk and Yukon Rivers, Galena, and Units 22, 23, and 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area, and Unit 26A have a customary and traditional use determination for caribou in Unit 23 (see **Table 1**).

### Regulatory History

In March of 1988, the Traditional Council of Noatak submitted a proposal to the Alaska Board of Game to establish the Noatak Controlled Use Area. The Board of Game modified the request to include approximately one third of the land area requested by the Traditional Council and unanimously approved



Map 1. The extent and location of Unit 23—Kotzebue Sound.

**Table 1.** Communities in the customary and traditional use determination for caribou in Unit 23.

CUSTOMARY AND TRADITIONAL USE DETERMINATION–UNIT 23 CARIBOU	
Unit of Residence	Community
Unit 21D west of the Koyukon and Yukon Rivers and Galena	Galena, Kaltag, Koyukuk, and Nulato.
Unit 22	Brevig Mission, Council, Elim, Gambell, Golovin, Koyuk, Little Diomed Island, Nome, Saint Michael, Savoonga, Shaktoolik, Shishmaref, Stebbins, Teller, Unalakleet, Wales, and White Mountain.
Unit 23	Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Point Hope, Selawik, and Shungnak.
Unit 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area.	Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Hughes, Huslia, Wiseman.
Unit 26A	Atkasuk, Barrow, Nuiqsut, Point Lay, and Wainwright.

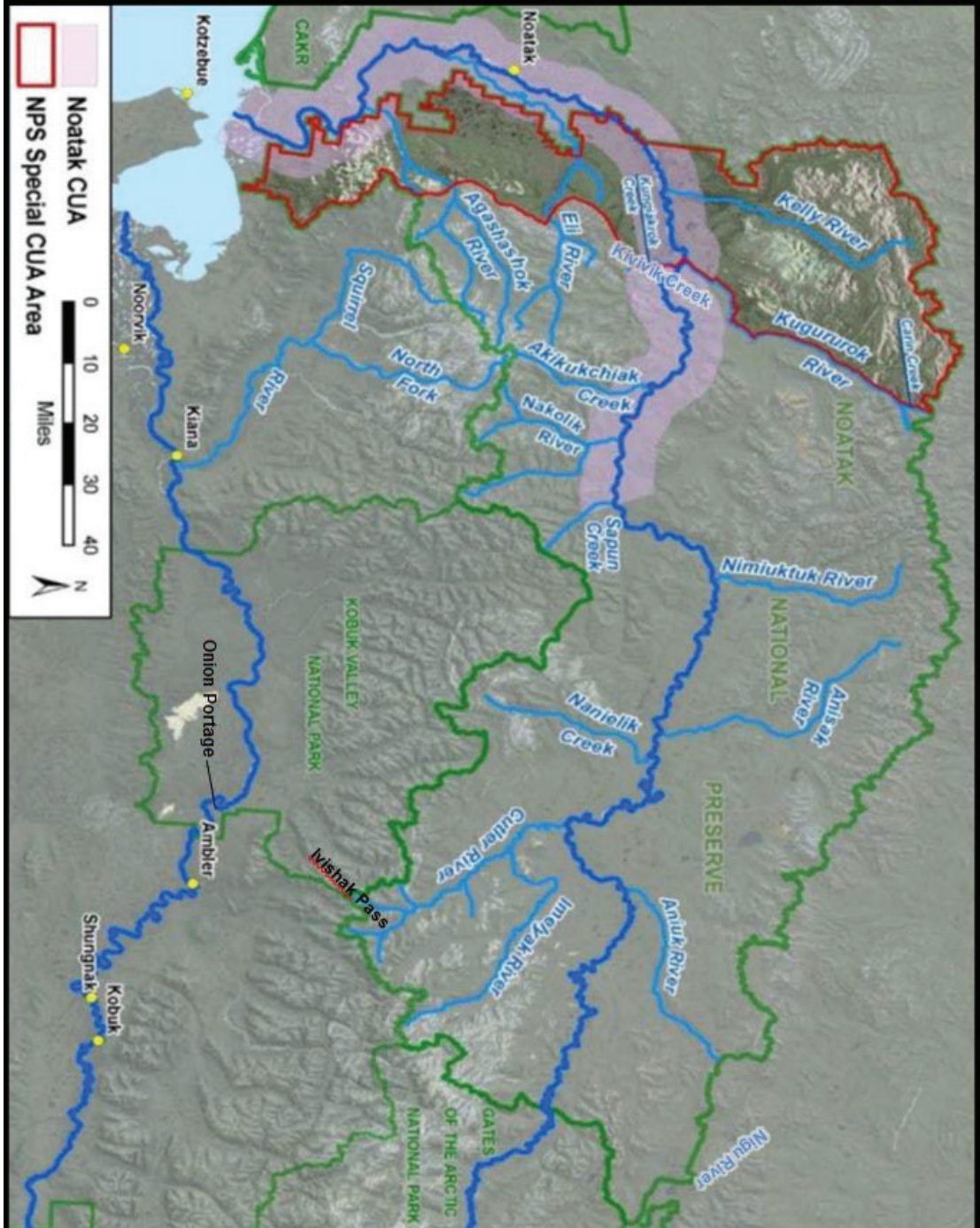
the Noatak Controlled Use Area in 1988 (Fall 1990:87), which was expanded in 1994 (**Map 2**). The Noatak Controlled Use Area consists of a 10-mile wide corridor along the Noatak River from its mouth to Sapun Creek. This area is closed from Aug. 15–Sept. 30 to the use of aircraft in any manner for hunting big game including transportation of big game hunters, their hunting gear, and/or parts of big game. Approximately 80 miles of the Noatak Controlled Use Area are within Noatak National Preserve (Betchkal 2015, Halas 2015). Big game present in Unit 23 are caribou, moose, Dall sheep, muskoxen, black and brown bears, and wolves. These regulations apply on State, private, and Federal public lands.

In 1995, the Federal Subsistence Board adopted Proposal P95-51 to increase the caribou harvest limit from 5 caribou per day to 15 caribou per day so that subsistence hunters could maximize their hunting efforts when caribou were available (FWS 1995a).

In 1997 the WACH Working Group was established and is “a formal cooperative multi-stakeholder body of user groups to review and provide advice on caribou management policy for the herd. The initial [management plan] was written in 2003, and revised in 2011” (Halas 2015:37). There is a 20-seat members board made up of subsistence hunters, conservationists, an aircraft transporter representative, hunting guide’s representatives, and a member of the Reindeer Herders Association. The working group meets annually. A Technical Committee of biologists and managers advise working group members (Halas 2015, WACH Working Group 2011).

In 2001 and 2002 the Alaska Board of Game considered a proposal to establish a controlled use area along a 25-mile corridor of the Kobuk River upstream of Kobuk, Ambler, and Shungnak from the Mauneluk River to the Selby River. The Board of Game did not adopt this proposal (Braem et al. 2015). To address ongoing user conflict concerns in Unit 23, ADF&G facilitated the establishment of the Unit 23 Working Group in 2008 (Braem et al. 2015).

The Unit 23 Working Group was established in 2008 to address fall hunting related issues and to develop solutions to cooperatively solve conflict (ADF&G 2016d). It is made up of 20 members that include representatives of regional and tribal governments and organizations, land and wildlife management agencies, the Big Game Commercial Services Boards, the Alaska Professional Hunters Association



Map 2. The boundaries of the State of Alaska Noatak Controlled Use Area and the National Park Service Special Commercial Use Area in Unit 23 (Halas 2015).

(including representatives from hunting guide and transport industries), Fish and Game Advisory Committees, the Northwest Arctic Subsistence Regional Advisory Council, the Board of Game, and the Federal Subsistence Board (ADF&G 2016d).

In 2011, the Selawik National Wildlife Refuge revised its comprehensive conservation plan (CCP) to include restrictions on commercial uses in the western portion of the refuge (**Map 3**, FWS 2011). The commercial use restrictions for transporters and guides were implemented in the 2011 CCP as a means of proactively addressing user conflicts in the Selawik National Wildlife Refuge. The northwest portion of the refuge receives high subsistence use from nearby communities and is a mix of Federal public lands, Alaska Native Corporation lands, and numerous allotments. For these reasons, the refuge proposed in its CCP that certain refuge lands in this portion of the refuge not be authorized for commercial guiding and transporting. The CCP explains: “During fall hunting season, the situation in this patchwork area requires managers to take a proactive stance when permitting commercial uses to reduce conflicts among hunters and trespass on private lands. . . . Use by commercial guides and transporters for big game hunting is not authorized by permit stipulation on refuge lands in close proximity to private lands in the northwest portion of the refuge where refuge lands are intermingled in private lands.” Most, if not all, of the commercial guiding and transporting on the refuge took place in the eastern half of the refuge where a high quality hunting experience for non-FQSUs was more readily available. For this reason, commercial guides and transporters were not displaced by this action (Georgette 2016, pers. comm.).

In 2012, NPS established a Special Commercial Use Area that acts as a “delayed entry zone” in the western portion of the Noatak National Preserve (**Map 2**, Fix and Ackerman 2015, Halas 2015). Within the delayed entry zone, commercial transporters can transport caribou hunters only after September 15. The purpose of this zone is to allow a sufficient number of caribou to cross the Noatak River, establish migration routes, and allow “local”<sup>1</sup> hunters the first opportunity to harvest caribou in that area (FWS 2014). Halas (2015:23) stated that “the Superintendent may consult with commercial operators, other agencies, and local villages to offer earlier or delayed caribou hunting access in the area for “nonlocal” hunters, depending on the WAH [Western Arctic Herd] migration in a given year.” To date, the superintendent has not used his/her authority to alter the dates or areas of closures to reflect changes in caribou herd migration and to meet the needs of “local” hunters.

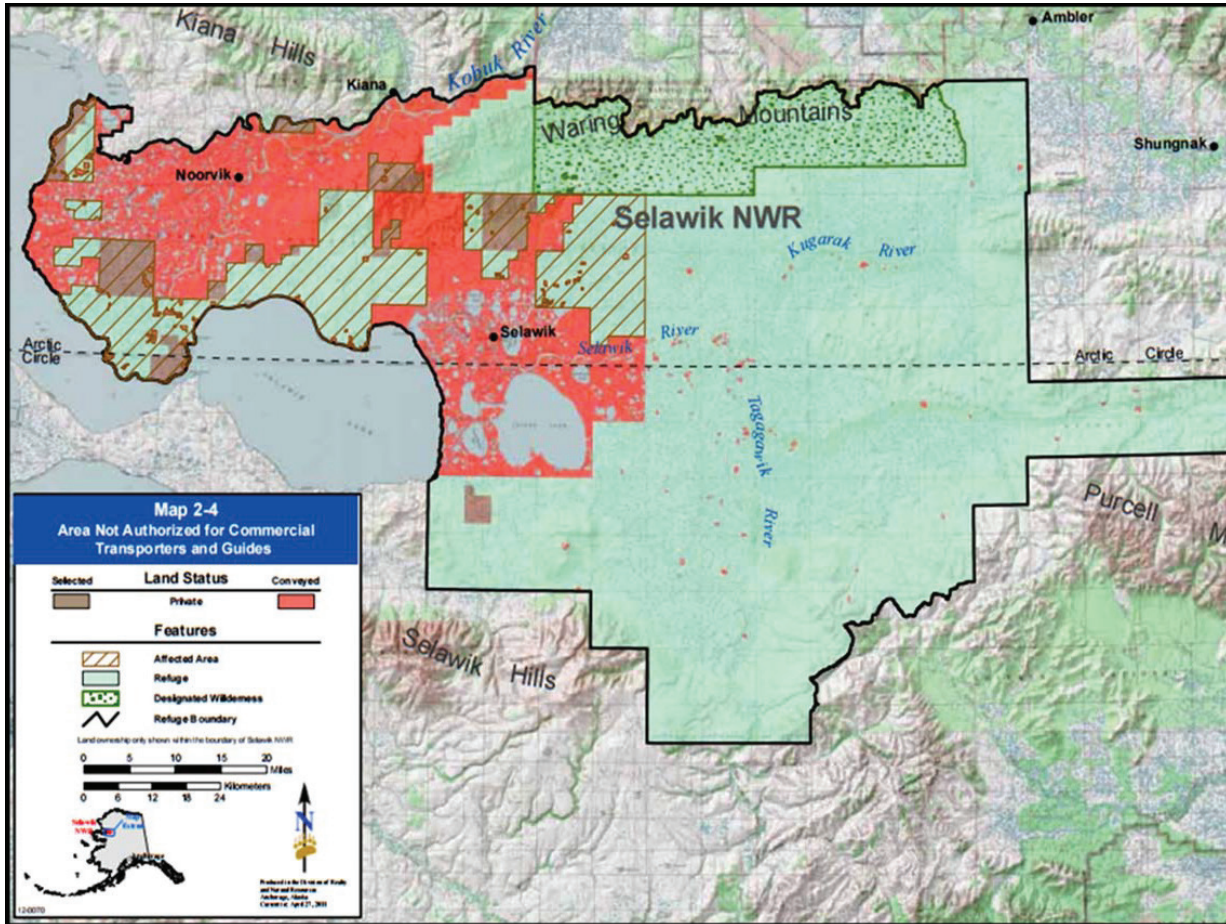
The BLM is in the process of completing the Squirrel River Special Recreation Management Plan, which will address the allocation of Special Recreation Permits (required for guide and transport activities), and will include an analysis under Section 810 of ANILCA (Unit 23 Working Group 2016).

In March 2015, the Alaska Board of Game, in response to declines in the population of the WACH and Teshekpuk Caribou Herds (TCH), adopted Record Copy 76. This included a series of modifications to Proposal 202 that sought to prohibit the harvest of calves in Unit 23 among other changes to State regulations in various wildlife management units. The ADF&G biologist Jim Dau provided the Board of Game with a presentation on the state of the WACH and indicated that action was necessary to curb the ongoing declines (ADF&G 2015a). Among his major points were a continued population decline, a reaching or exceeding of the harvestable surplus, and continued declines in bull:cow ratios. Dau (ADF&G

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<sup>1</sup> Halas (2015) does not define this term. Presumably these hunters reside within the natural range of the WACH.





**Map 3.** The Selawik National Wildlife Refuge showing in brown cross hatch the areas not authorized for transporters and guides (FWS 2011).

2015a) also indicated the herd trajectory was toward the Preservative Management mode and that the population numbers at the time of the meeting could already warrant it. He additionally suggested that the herd could approach the “critical” harvest management level within a few years.

Dau explained the importance of Record Change 76 and the impact on area communities (ADF&G 2015a): “It [proposal 202] wouldn’t have saved many caribou; it wouldn’t have affected many people. The only teeth in this whole thing are in RC 76 and all these teeth come from these advisory committees and different groups . . . . All these villages, all these ACs [Advisory Committees] are willing to restrict themselves. As important as caribou are, they’re willing to take the hit.” Dau did not speculate as to the degree of effect that the proposed regulatory changes would have on the WACH. He did acknowledge the hard work of many groups and people in developing a series of changes that he agrees were necessary given the recent and projected decline.

In the portion of Unit 23 north of and including the Singoalik River drainage, the harvest season for bulls was shortened by Record Copy 76 from year round to Jul. 1–Oct. 14 and Feb. 1–Jun. 30, and the harvest season for cows was shortened from Jul. 1–May 15 to Jul. 15–Apr. 30. In Unit 23 remainder, the harvest season for bulls was shortened from year round to Jul. 1–Oct. 14 and Feb. 1–Jun. 30, and the harvest season

for cows was shortened from Jul. 1–May 15 to Sept. 1–Mar. 31. The harvest limit remained five caribou per day. For nonresidents of Alaska hunting in Unit 23, the harvest limit was reduced from 5 caribou per year to 1 bull per year and the harvest season was shortened from Oct. 1–Apr. 30 to Aug. 1–Sept. 30. These new State regulations were effective July 1, 2015 (ADF&G 2016a).

At its winter 2015 meeting, the North Slope Subsistence Regional Advisory Council (Council) submitted WSA15-03/04/05/06 requesting, among other things, establishment of a new hunt area for caribou in the northwest corner of Unit 23 north of and including the Singoalik River drainage. The requests were in response to the recently enacted Board of Game Record Copy 76 (originally proposed as proposal 202) and meant to enact Federal subsistence caribou conservation measures on Federal public lands across the range of the WACH that would take effect at the same time as the new State regulations. In the new hunt area, the harvest limit would be reduced from 15 caribou per day to 5 caribou per day, the harvest season for bulls would be reduced from year round to Jul. 1–Oct. 14 and Feb. 1–Jun. 30, the harvest season for cows would be reduced from Jul. 1–May 15 to Jul. 15–Apr. 30, and the take of calves would be prohibited (FWS 2016a).

The Board approved WSA15-03/04/05/06 with modification. In all of Unit 23, it reduced the Federal subsistence harvest limit to 5 caribou per day, reduced the harvest season for bulls to Jul. 1–Oct. 14 and Feb. 1–Jun. 30, reduced the harvest season for cows to Jul. 1–Mar. 31, prohibited the harvest of calves, and prohibited the harvest of cows with calves. The additional restrictions were deemed necessary to support recovery of the caribou population and because the Alaska Board of Game had recently adopted caribou hunting restrictions starting in the 2015/2016 regulatory year (described above). The Board felt that general alignment of State and Federal regulations would provide for consistency and reduce the regulatory complexity for FQSUs (FWS 2016a). The temporary modifications to existing regulations were effective July 1, 2015 until June 30, 2016.

Also at its Winter 2015 meeting, the North Slope Council submitted Proposals WP16-61/62/63/64, which closely mirrored the above wildlife special action, so that these caribou conservation measures would be enacted into regulation during the regular regulatory cycle, become effective July 1, 2016, and provide ongoing conservation measures for the WACH and TCH on Federal public lands. The Council cited ongoing concerns for the declining herd and support from communities in the region to reduce subsistence harvest in an effort to help the herd's recovery (NSRAC 2015).

At its winter 2015 meeting, the Northwest Arctic Council submitted Wildlife Proposal WP16-49 concerning Unit 23 requesting that the Board shorten the bull harvest season to Jul. 1–Oct 9 and Feb. 1–June 30, shorten the cow harvest season to Jul. 1–May 31, prohibit the harvest of cows with calves Jul. 1–Oct. 10, and reduce the harvest limit to 5 caribou per day. At its winter 2016 meeting, the Northwest Arctic Council recommended the Board adopt the proposal with modification to extend the bull harvest season end date to Oct. 31, move forward the opening date of the cow harvest season to Jul. 31, prohibit the harvest of cows with calves Jul. 31–Oct. 10, and prohibit the take of calves. The North Slope Council recommended the Board adopt the proposal with the Office of Subsistence Management (OSM) modification that would establish a new hunt area in the northwest portion of Unit 23 and change the harvest limit and seasons in Unit 23 to be consistent with State regulations to avoid confusion. The Western Interior and Seward

Peninsula Subsistence Regional Advisory Councils took no action, although residents in their regions have C&T determinations for caribou in Unit 23.

In April 2016, the Board took no action on WP16-49/52/61/62/63/64 because of action it took on WP16-37, which proposed regulatory changes in units throughout the WACH's range. The Board adopted WP16-37 with modification and, among other changes in other wildlife management units, established a new hunt area in the northwest portion of Unit 23, and adopted almost all of the Northwest Arctic Council's recommendations with minor modifications. The Council had recommended prohibiting the harvest of cows with calves Jul. 31–Oct. 10. The Board prohibited the harvest of cows with calves in the new hunt area in Unit 23 from Jul. 15 to Oct. 14 and in the remainder area of Unit 23 from Jul. 31 to Oct. 14. The new regulations were effective July 1, 2016.

At its fall 2015 meeting, the Northwest Arctic Council submitted WSA16-01 requesting that the Board close Federal public lands in Unit 23 to the harvest of caribou except by FQSUs. While many communities reported a successful caribou harvest for the year, concerns regarding the size of the herd, user conflicts, and declining opportunities to harvest were expressed. Several Council members provided testimony attesting to hardships experienced as a result of these issues, often reiterating that subsistence was about more than putting food on the table; it included deeply rooted cultural components that have been informed by intergenerational experiences tied to local landscapes. The Council approved the submission of WSA16-01 because of the uncertainty of how newly approved regulations would impact the herd, along with that State's inability to produce accurate population estimates for the year due to poor light conditions encountered during aerial surveys, and the degradation of meaningful subsistence activities due to user conflicts. Council members acknowledged that the special action would represent a one year trial, the action's effects would be subsequently evaluated, and that the special action was a tool provided to them by Title VIII ANILCA to protect subsistence uses (NWARAC 2015).

March 2016, the Northwest Arctic Council met, in Anchorage. During its meeting, members reported both positive and negative observations of fall caribou harvest and migration (NWARAC 2016). Caribou were reported to have migrated in proximity to both Noorvik and Kotzebue, enabling harvest by residents of those communities. In contrast, members reported that Kobuk did not harvest enough caribou and that there were no caribou observed in the Upper Kobuk River drainage during the winter. Several members indicated that the animals appeared healthy, but the members were concerned about the impacts of a very mild winter on the health of caribou. Some mentioned that the fall herd movements appeared to be occurring later each year. One member indicated that in his area harvest had increased relative to recent years, but the difficulty and expense of harvest remained high, user conflicts remained unresolved, and herd population numbers were unavailable and questionable.

The Northwest Arctic and North Slope Councils held a joint meeting on March 11, 2016, in Anchorage to make a recommendation on WSA16-01 and to hear agency and public comments on the special action request (NWARAC and NSRAC 2016). Both Councils recommended the Board approve WSA16-01 because caribou population estimates were flawed and recent data was lacking, harvest estimates for non-FQSUs were skewed, that FQSUs have better knowledge of local conditions than agency staff, and the Council submitted WSA16-01 to the Board for valid reasons. The State reported opposition while the

NANA Regional Corporation made a statement of support. Both Councils voted to support WSA16-01. The Seward Peninsula Subsistence Regional Advisory Council opposed the action, citing the effectiveness of the WACH Management Plan, that the special action would shift pressure to State land, and that the effect of new regulations had not yet been evaluated. The Western Interior Subsistence Regional Advisory Council abstained from voting on the matter, deferring to the Council where Unit 23 is located (the Northwest Arctic Council).

At its public meeting in April 2016, the Board approved WSA16-01, closing Federal public lands in Unit 23 to non-FQSUs for the Jul. 1, 2016 to Jun. 30, 2017 regulatory year.

The Board determined that there was sufficient evidence indicating that the closure was necessary to allow for the continuation of subsistence uses and for conservation of a healthy caribou population as mandated under ANILCA Section 815. Evidence included public testimony expressed to the Board by residents of the area, the position of two affected Councils (Northwest Arctic and North Slope), and the current status of the herd. The Board concluded that a closure to all but FQSUs was consistent with providing a subsistence priority for use of the resource and assurance that a rural preference was being provided, and recognized the cultural and social aspects of subsistence activities, which may be hampered by direct interaction between local and non-local users. The temporary change to existing regulations was effective July 1, 2016.

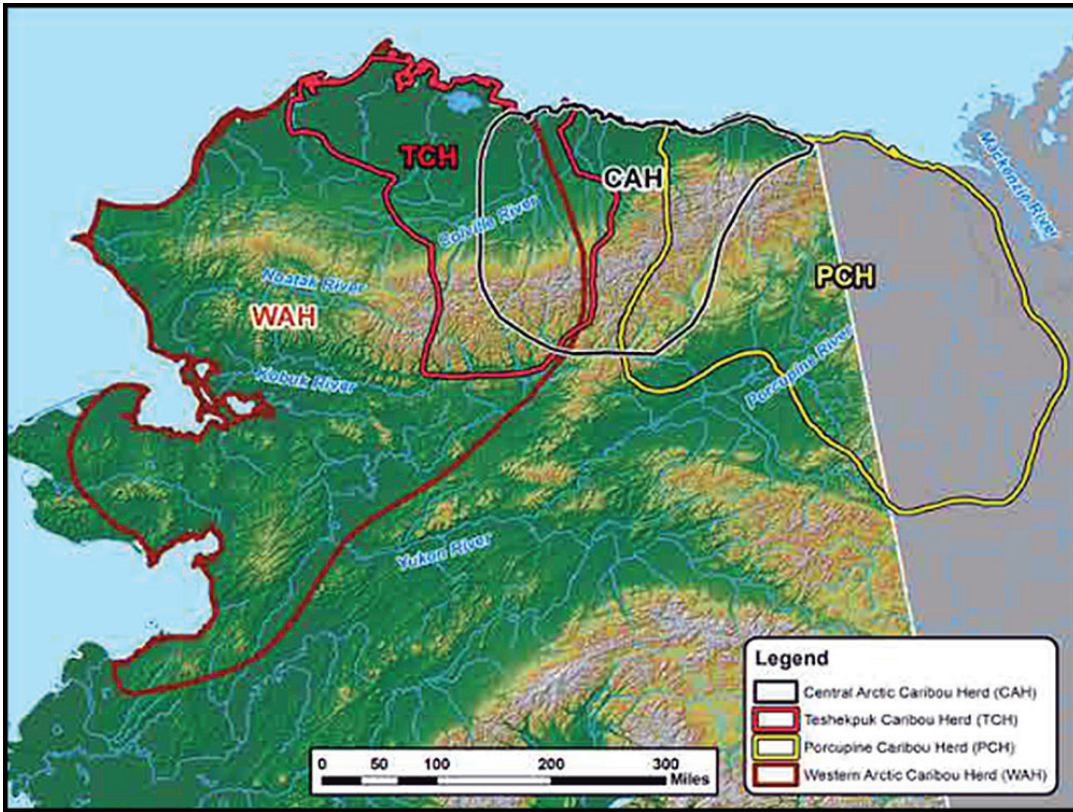
### **Biological Background**

Caribou abundance naturally fluctuates over decades (Gunn 2001, WACH Working Group 2011). Gunn (2001) reports the mean doubling rate for Alaskan caribou as  $10 \pm 2.3$  years. Although the underlying mechanisms causing these fluctuations are uncertain, Gunn (2001) suggests climatic oscillations as the primary factor, exacerbated by predation and density-dependent reduction in forage availability, resulting in poorer body condition.

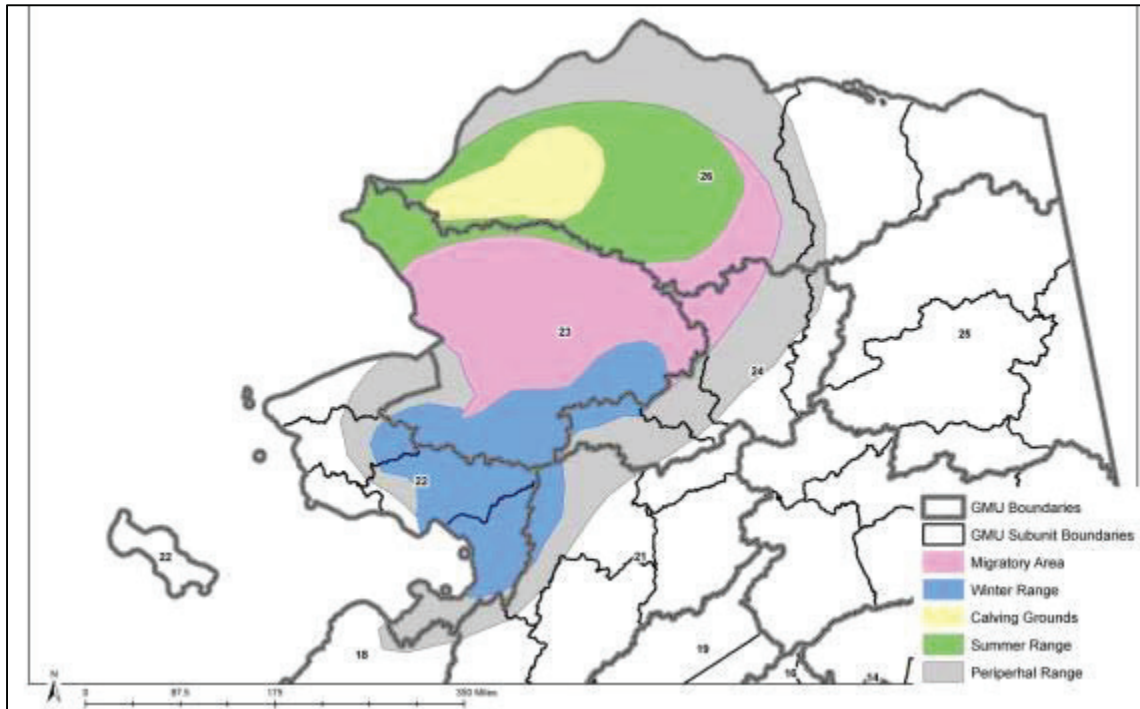
Caribou calving generally occurs from late May to mid-June (Dau 2013). Weaning generally occurs in late October and early November before the breeding season (Taillon et al. 2011). Calves stay with their mothers through their first winter, which improves calves' access to food and body condition (Holand et al. 2012). Calves orphaned after weaning (October) have greater chances of survival than calves orphaned before weaning (Holand et al. 2012, Joly 2000, Russell et al. 1991, Rughetti and Fest-Bianchet 2014).

The TCH, WACH, and Central Arctic Caribou Herd have ranges that overlap in Unit 26A (**Map 4**), and there can be considerable mixing of herds during the fall and winter. During the early 2000s, the total number of caribou among the various herds wintering on the North Slope peaked at over 700,000 animals (this includes the Porcupine Caribou Herd in northeast Alaska and Northwest Territories, Canada), which may be the highest number since the 1970s. During the 1970s, there was little overlap between these four herds, but the degree of mixing seems to be increasing (Dau 2011, Lenart 2011, Parrett 2011).

The WACH has historically been the largest caribou herd in Alaska and has a home range of approximately 157,000 square miles in northwestern Alaska. In the spring, most mature cows move north to calving grounds in the Utukok Hills, while bulls and immature cows lag behind and move toward summer range in the Wulik Peaks and Lisburne Hills (**Map 5**, Dau 2011, WACH Working Group 2011).



Map 4. Herd overlap and ranges of the WACH, TCH, CACH, and PCH (Parrett et al. 2014).



Map 5. Range of the WACH.

Dau (2013) determined the calving dates for the WACH to be June 9–13. This is based upon long-term movement and distribution data obtained from radio-collared caribou (these are the dates cows ceased movements). After the calving period, cows and calves move west toward the Lisburne Hills where they mix with bulls and non-maternal cows. During the summer the herd moves rapidly to the Brooks Range.

In the fall, the herd moves south toward wintering grounds in the northern portion of the Nulato Hills. The caribou rut occurs during fall migration (Dau 2011, WACH Working Group 2011). Dau (2013) determined the WACH rut dates to be October 22–26. This is based on back-calculations from calving dates using a 230-day gestation period. Since about 2000, the timing of fall migration has been less predictable, often occurring later than in previous decades (Dau 2015a). In recent years (2012–2014), the path of fall migration has shifted east (Dau 2015a).

The WACH Working Group developed a WACH Cooperative Management Plan in 2003 and revised it in 2011 (WACH Working Group 2011). It identifies seven plan elements: cooperation, population management, habitat, regulations, reindeer, knowledge, and education as well as associated goals, strategies, and management actions. As part of the population management element, the WACH Working Group developed a guide to herd management determined by population size, population trend, and harvest rate. Population sizes guiding management level determinations were based on recent (since 1970) historical data for the WACH (WACH Working Group 2011). The guide was revised in December 2015 (WACH Working Group 2015, **Table 2**). The State of Alaska manages the WACH to protect the population and its habitat, provide for subsistence and other hunting opportunities on a sustained yield basis, and provide for viewing and other uses of caribou (Dau 2011). State management objectives for the WACH are the same as the goals specified in the WACH Management Plan (Dau 2011, WACH Working Group 2011) and include:

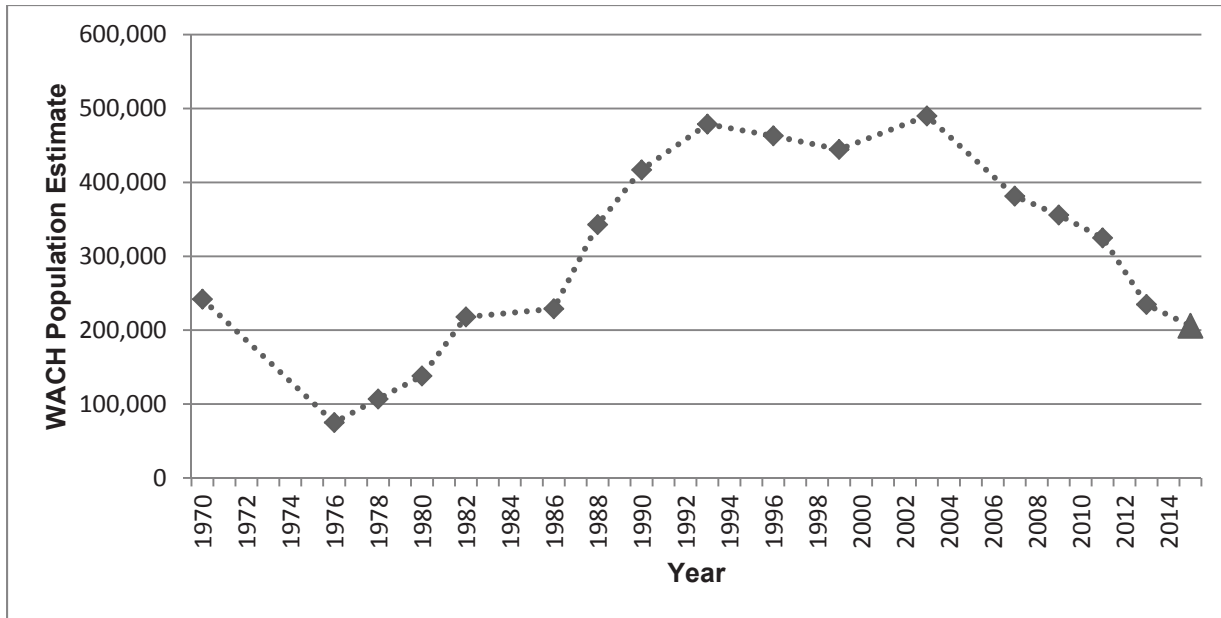
- Encourage cooperative management of the WACH among State, Federal, local entities, and all users of the herd.
- Manage for healthy populations using management strategies adapted to fluctuating population levels and trends.
- Assess and protect important habitats.
- Promote consistent and effective State and Federal regulations for the conservation of the WACH.
- Seek to minimize conflict between reindeer herders and the WACH.
- Integrate scientific information, traditional ecological knowledge of Alaska Native users, and knowledge of all users into management of the herd.
- Increase understanding and appreciation of the WACH through the use of scientific information, traditional ecological knowledge of the Alaska Native users, and knowledge of all other users.

**Table 2.** Western Arctic Caribou Herd management levels using herd size, population trend, and harvest rate adopted by the WACH Working Group in 2011 (WACH Working Group 2011, 2015).

Management and Harvest Level	Population Trend <sup>a</sup>			Harvest Recommendations May Include:
	Declining Low: 6%	Stable Med: 7%	Increasing High: 8%	
Liberal	Pop: 265,000+	Pop: 230,000+	Pop: 200,000+	<ul style="list-style-type: none"> <li>• Reduce harvest of bulls by nonresidents to maintain at least 40 bulls: 100 cows</li> <li>• No restriction of bull harvest by resident hunters unless bull:cow ratios fall below 40 bulls:100 cows</li> </ul>
	Harvest: 18,550-24,850	Harvest: 16,100-21,700	Harvest: 16,000-21,600	
Conservative	Pop: 200,000-265,000	Pop: 170,000-230,000	Pop: 150,000-200,000	<ul style="list-style-type: none"> <li>• No harvest of calves</li> <li>• No cow harvest by nonresidents</li> <li>• Restriction of bull harvest by nonresidents</li> <li>• Limit the subsistence harvest of bulls only when necessary to maintain a minimum 40:100 bull:cow ratio</li> </ul>
	Harvest: 12,000-18,550	Harvest: 11,900-16,100	Harvest: 12,000-16,000	
Preservative	Pop: 130,000-200,000	Pop: 115,000-170,000	Pop: 100,000-150,000	<ul style="list-style-type: none"> <li>• No harvest of calves</li> <li>• Limit harvest of cows by resident hunters through permit hunts and/or village quotas</li> <li>• Limit the subsistence harvest of bulls to maintain at least 40 bulls:100 cows</li> <li>• Harvest restricted to residents only, according to state and federal law. Closure of some federal public lands to nonqualified users may be necessary</li> </ul>
	Harvest: 8,000-12,000	Harvest: 8,000-12,000	Harvest: 8,000-12,000	
Critical Keep Bull:Cow ratio ≥ 40 Bulls:100 Cows	Pop: < 130,000	Pop: < 115,000	Pop: < 100,000	<ul style="list-style-type: none"> <li>• No harvest of calves</li> <li>• Highly restrict the harvest of cows through permit hunts and/or village quotas</li> <li>• Limit the subsistence harvest of bulls to maintain at least 40 bulls:100 cows</li> <li>• Harvest restricted to residents only, according to state and federal law. Closure of some federal public lands to nonqualified users may be necessary</li> </ul>
	Harvest: 6,000-8,000	Harvest: 6,000-8,000	Harvest: 6,000-8,000	

<sup>a</sup> There are indications in a draft summary of the Working Group's December 2015 meeting that the Working Group's Technical Committee proposed changes to the table (Selawik National Wildlife Refuge 2016).

The WACH population declined rapidly in the early 1970s and bottomed out at about 75,000 animals in 1976. Aerial photo censuses have been used since 1986 to estimate population size. The WACH population increased throughout the 1980s and 1990s, peaking at 490,000 animals in 2003 (**Figure 1**). Since 2003, the herd has declined at an average annual rate of 7.1% from approximately 490,000 caribou in 2003 to 234,757 caribou in 2013 and a 15% annual decline between 2011 and 2013 (Caribou Trails 2014; Dau 2011, 2014).



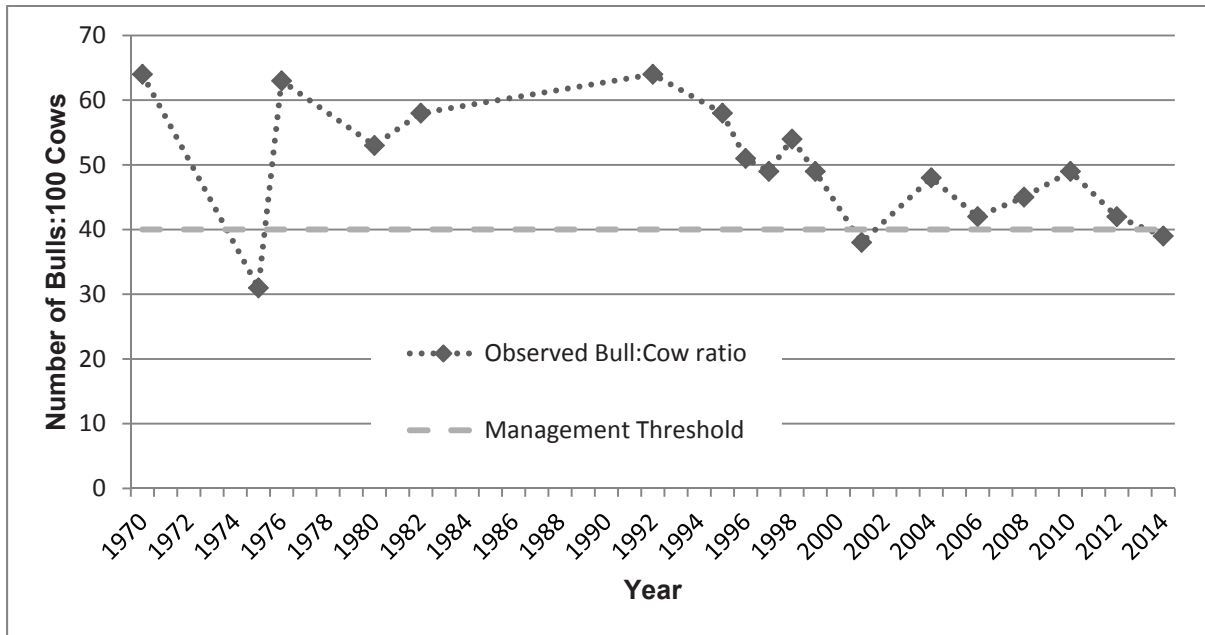
**Figure 1.** The WACH population estimates from 1970 to 2015. Population estimates from 1986 to 2015 are based on aerial photographs of groups of caribou that contained radio-collared animals (Dau 2011, 2013, 2014; Parrett 2016b).

Between 1982 and 2011, the WACH population was within the liberal management level prescribed by the WACH Working Group (**Table 2**). In 2013, the herd population estimate fell below the population threshold for liberal management of a decreasing population (265,000), slipping into the conservative management level. In July 2015, ADF&G attempted an aerial photo census of the herd. However, the photos taken could not be used due to poor light conditions that obscured unknown portions of the herd (Dau 2015b). ADF&G was able to conduct a successful photocensus of the WACH on July 1, 2016. This census resulted in a minimum count of 194,863 caribou with a point estimate of 200,928 (Standard Error = 4,295), suggesting the WACH is still within the conservative management level, although close to the threshold for preservative management (**Figure 1, Table 2**). Results of this census indicate an average annual decline of 5% per year since 2013, representing a much lower rate than the 15% annual decline between 2011 and 2013. It was also noted that the cohorts of 2015 and 2016 are large and make up a large proportion of the herd currently. Over-winter survival rates of these cohorts should assist managers with determining the potential growth rate of the WACH in coming years (Parrett 2016b). The ADF&G recommends another photocensus survey be conducted in 2017 to verify that the population has not fallen below the conservative/preservative management threshold, as outlined in the WACH Working Group Cooperative Management Plan (**Table 2**).

In its special action request, received in June 2016, the State provided a WACH preliminary population estimate of 206,000 caribou from a population model based on newly acquired population metrics, including calf survival and recruitment data (Dau 2016a, 2016b; Parrett 2015c; Parrett 2016a, pers. comm.). While the model suggests a decreased rate of decline, a downward or leveling trend is still implied. This deterministic spreadsheet model was adapted from a model used for the Mulchatna Caribou Herd and does not incorporate error for each of the population metrics (Parrett 2016a, pers. comm.). This preliminary estimate represents a decline of 12.3% since the last population estimate in 2013.



Between 1970 and 2014, the bull:cow ratio exceeded the management threshold of 40 bulls:100 cows in all years except 1975, 2001, and 2014 (**Figure 2**). Reduced sampling intensity in 2001 likely biased the 2001 bull:cow ratio low (Dau 2013). However, the low bull:cow ratio (39 bulls:100 cows) observed in 2014 is expected to continue declining (Parrett 2015b). Since 1992, annual bull:cow ratios have trended downward (Dau 2015a). The average annual number of bulls:100 cows was greater during the period of population growth (54:100 between 1976 and 2001) than during the recent period of decline (45:100

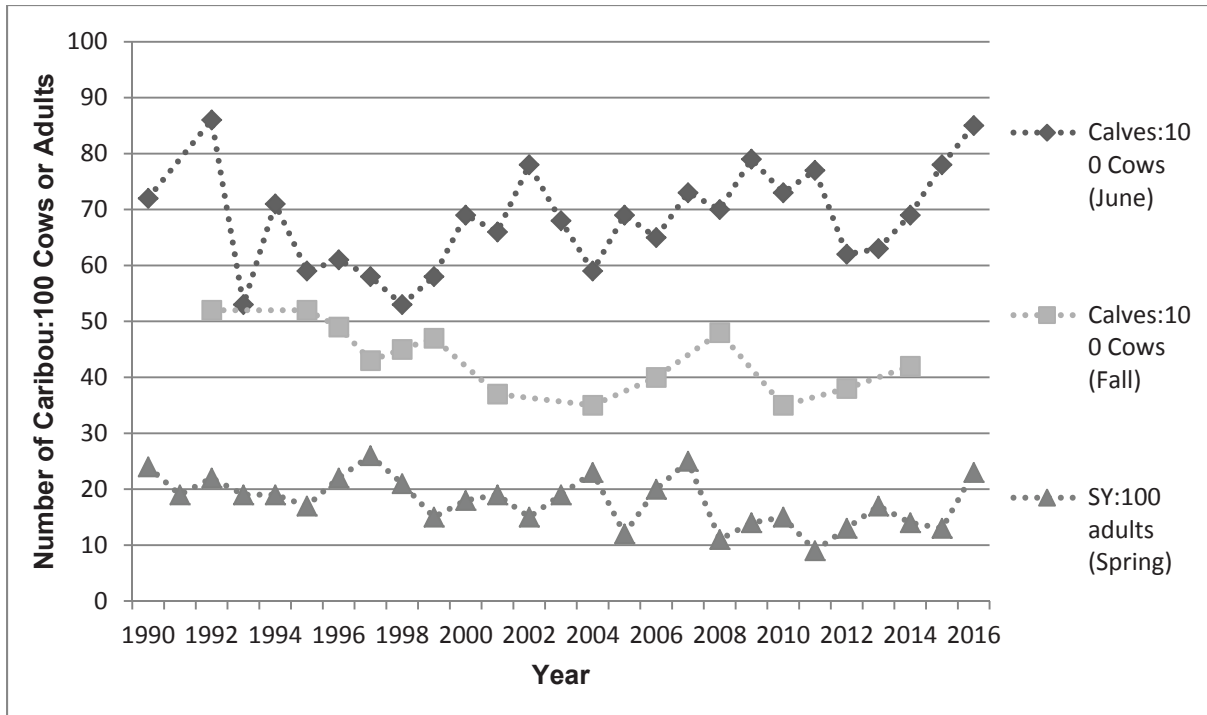


**Figure 2.** Western Arctic Caribou Herd bull:cow ratios 1970–2015 (Dau 2015a).

between 2004 and 2014). Additionally, Dau (2015a) states that while reported trends in bull:cow ratios were accurate, actual values should be interpreted with caution due to sexual segregation during sampling and the inability to sample the entire population, which likely account for more annual variability than actual changes in composition.

Although factors contributing to the decline are not known with certainty, increased adult cow mortality, and decreased calf recruitment and survival played a role (Dau 2011). Since the mid-1980s, adult mortality has slowly increased while recruitment has slowly decreased (Dau 2013, **Figure 3**). In a population model developed specifically for the WACH, Prichard (2009) found adult survival to have the largest impact on population size.

Calf production has likely had little influence on the population trajectory (Dau 2013, 2015a). Between 1990 and 2003, the June calf:cow ratio averaged 66 calves:100 cows/year. Between 2004 and 2015, the June calf:cow ratio averaged 70 calves:100 cows/year (**Figure 3**). In the State’s special action request, it cited new information that included results of fieldwork conducted in June 2016 when 85 calves:100 cows were observed, which approximates the highest parturition level ever recorded for the herd (86 calves:100 cows in 1992) (Dau 2016a).



**Figure 3.** Calf:cow and short yearling (SY):adult ratios for the Western Arctic Caribou Herd (Dau 2013, 2015a, 2016a). Short yearlings are 10–11 month old caribou.

Decreased calf survival through summer and fall and recruitment into the herd are likely contributing to the current population decline (Dau 2013, 2015a). The ratio of short yearlings (SY, 10–11 months old caribou) to adults provides a measure of overwintering calf survival and recruitment. Between 1990 and 2003, SY:adult ratios averaged 20 SY:100 adults/year. Since the decline began in 2003, SY:adult ratios have averaged 16 SY:100 adults/year (2004–2015, **Figure 3**). However, 23 SY:100 adults were observed during spring 2016 surveys, the highest ratio recorded since 2007 (Dau 2016b). In its special action request, the State stated that overwinter calf survival for the 2015 cohort was currently 82%. While 2016 measures suggest improvements in recruitment, the overall trend since the early 1980s has been downward (Dau 2015a).

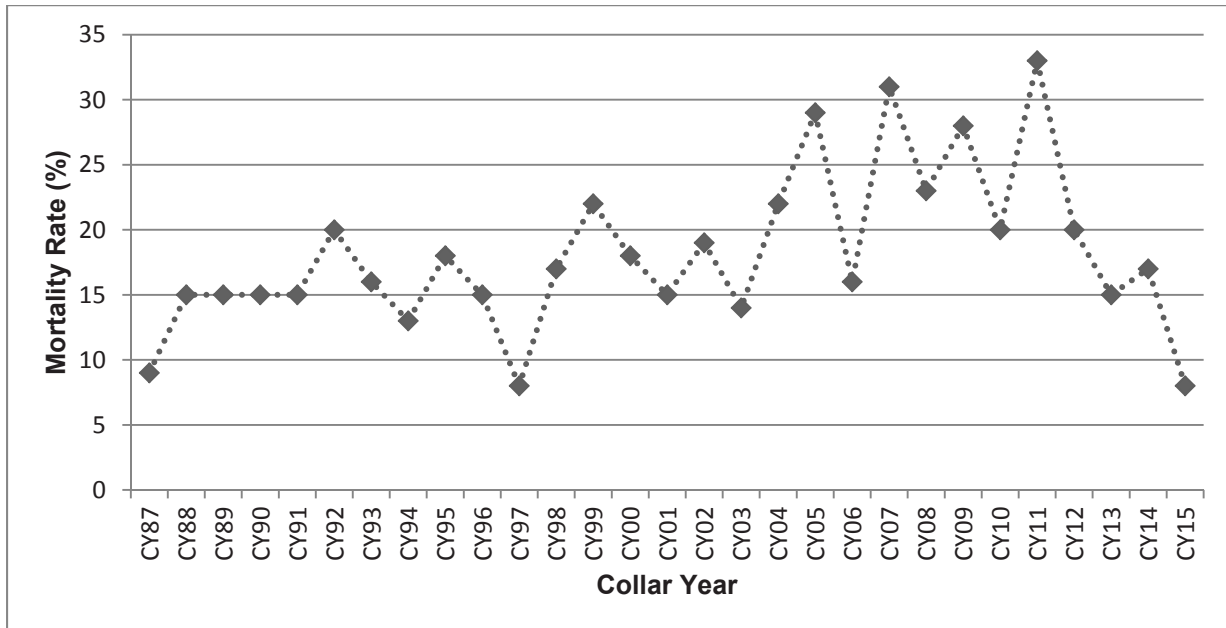
Similarly, fall calf:cow ratios indicate calf survival over summer. Between 1976 and 2014, the fall calf:cow ratio ranged from 35 to 59 calves:100 cows/year, averaging 46 calves:100 cows/year (**Table 3, Figure 3**). Fall calf:cow ratios declined from an average of 46 calves:100 cows/year between 1990 and 2003 to an average of 40 calves:100 cows/year between 2004 and 2015 (Dau 2015a, **Figure 3**). Since 2008, ADF&G has recorded calf weights at Onion Portage as an index of herd nutritional status. In the State’s special action request, it noted new information that in September 2015, calf weights averaged 100 lbs., the highest average ever recorded (Parrett 2015c).

Increased cow mortality is likely affecting the trajectory of the herd (Dau 2011, 2013). The annual mortality rate of radio-collared adult cows increased from an average of 15% between 1987 and 2003, to 23% from 2004 to 2014 (Dau 2011, 2013, 2014, 2015a, **Figure 4**). Estimated mortality includes all causes of death including hunting (Dau 2011). Dau (2015a) states that cow mortality estimates are conservative

**Table 3.** Western Arctic Caribou Herd fall composition, 1976–2014 (Dau 2011, 2013, 2014, 2015b).

Regulatory Year	Total bulls: 100 cows <sup>a</sup>	Calves: 100 cows	Calves: 100 adults	Bulls	Cows	Calves	Total
1976/1977	63	52	32	273	431	222	926
1980/1981	53	53	34	715	1,354	711	2,780
1982/1983	58	59	37	1,896	3,285	1,923	7,104
1992/1993	64	52	32	1,600	2,498	1,299	5,397
1995/1996	58	52	33	1,176	2,029	1,057	4,262
1996/1997	51	49	33	2,621	5,119	2,525	10,265
1997/1998	49	43	29	2,588	5,229	2,255	10,072
1998/1999	54	45	29	2,298	4,231	1,909	8,438
1999/2000	49	47	31	2,059	4,191	1,960	8,210
2001/2002	38	37	27	1,117	2,943	1,095	5,155
2004/2005	48	35	24	2,916	6,087	2,154	11,157
2006/2007	42	40	28	1,900	4,501	1,811	8,212
2008/2009	45	48	33	2,981	6,618	3,156	12,755
2010/2011	49	35	23	2,419	4,973	1,735	9,127
2012/2013	42	38	27	2,119	5,082	1,919	9,120
2014/2015	39	42	30	2,384	6,082	2,553	11,019

<sup>a</sup> 40 bulls:100 cows is the minimum level recommended in the WACH Cooperative Management Plan (WACH Working Group 2011)



**Figure 4.** Mortality rate of radio-collared caribou in the WACH (Dau 2013, 2015a, 2016b). Collar year = Oct. 1–Sept. 30, except 2015 collar year = Oct. 2015–Apr. 2016.

due to exclusion of unhealthy (i.e., diseased) and yearling cows. Dau (2013) attributed the high mortality rate for 2011 (33%, **Figure 4**) to a winter with deep snows, which weakened caribou and enabled wolves to prey on them more easily. Prior to 2004, estimated adult cow mortality only exceeded 20% twice, but has exceeded 20% in 7 out of 9 regulatory years between 2004 and 2012 (**Figure 4**). The State's special action request included new information that the annual mortality rate was 8% as of April 2016 (Dau 2016b). This may fluctuate substantially throughout the year based on changing local conditions and harvest levels. Dau (2015a) indicates that mortality rates may also change in subsequent management reports as the fate of collared animals is determined, and that these inconsistencies are most pronounced for the previous 1–3 years.

Far more caribou died from natural causes than from hunting between 1992 and 2012. Cow mortality remained constant throughout the year. However, natural and harvest mortality for bulls spiked during the fall. Predation, particularly by wolves, accounted for the majority of the natural mortality (Dau 2013). However as the WACH has declined and estimated harvest has remained relatively stable, the percentage of mortality due to hunting has increased relative to natural mortality. For example, during the period October 1, 2013 to September 30, 2014, estimated hunting mortality was approximately 42% and estimated natural mortality about 56% (Dau 2014). In previous years (1983–2013), the estimated hunting mortality exceeded 30% only once, in 1997–1998 (Dau 2013). Additionally, Prichard (2009) and Dau (2015a) suggest that harvest levels and rates of cows can greatly impact population trajectory. If bull:cow ratios continue to decline, harvest of cows may increase, exacerbating the current population decline.

Dau (2015a) cites fall and winter icing events as the primary factor initiating the population decline in 2003. Increased predation, hunting pressure, deteriorating range condition (including habitat loss and fragmentation), climate change, and disease may also be contributing factors (Dau 2015a, 2014). Joly et al. (2007) documented a decline in lichen cover in portions of the wintering areas of the WACH. Dau (2011, 2014) reported that degradation in range condition is not thought to be a primary factor in the decline of the herd because animals have generally maintained good body condition since the decline began. The body condition of adult females in 2015 were characterized as “fat” (mean=3.9/5) with no caribou being rated as skinny or very skinny (Parrett 2015c). However, the body condition of the WACH in the spring may be a better indicator of the effects of range condition versus the fall when the body condition of the herd is routinely assessed and when caribou are in prime condition (Joly 2015, pers. comm.).

### Habitat

Caribou feed on a wide variety of plants including lichens, fungi, sedges, grasses, forbs, and twigs of woody plants. Arctic caribou depend primarily on lichens during the fall and winter, but during summer they feed on leaves, grasses and sedges (Miller 2003).

### **Harvest History**

#### Harvest from the Western Arctic Caribou Herd

Western Arctic Herd caribou harvests by Federally qualified subsistence users (FQSU) have been estimated from community harvest surveys because Alaska residents living and hunting caribou north of the Yukon

River were not required to obtain harvest tickets or report their harvests. However, harvest surveys have not been conducted every year (**Appendix 1**). Consequently, staff at the Division of Wildlife Conservation at ADF&G developed a model that used household harvest surveys, community size, and proximity to the herd to estimate annual harvests of caribou by residents of communities situated within the range of the WACH, defined as local hunters in the following discussion (**Table 4**, Sutherland 2005). In 2014 the model had not been updated with additional community harvest data since its development in 2005, and in 2015 a new model was implemented (see Dau 2015a). Dau (2015a) indicates that the model reflects harvest trends reasonably accurately, but not annual harvest levels or harvest levels by unit. Consequently, community harvest levels and harvest by wildlife management units were not reported in Dau (2015a).

**Table 4.** Communities situated within the range of the WACH and considered local hunters in ADF&G management reports (Dau 2013).

<b>Local Hunters of Western Arctic Caribou Herd</b>	
<b>Unit of Residence</b>	<b>Community</b>
Unit 21D west of the Koyukon and Yukon Rivers and Galena	Galena, Kaltag, Koyukuk, and Nulato.
Unit 22	Brevig Mission, Elim, Golovin, Koyuk, Nome, Saint Michael, Shaktoolik, Shishmaref, Stebbins, Teller, Unalakleet, Wales, and White Mountain.
Unit 23	Ambler, Buckland, Deering, Kiana, Kivalina, Kobuk, Kotzebue, Noatak, Noorvik, Point Hope, Selawik, and Shungnak.
Unit 26A	Atkasuk, Barrow, Nuiqsut, Point Lay, and Wainwright.

Unlike local harvest, harvest by nonlocal hunters, who are other residents of Alaska and nonresidents, are based on harvest reports. Residents of Alaska living south of the Yukon River and all nonresidents are required to report their Unit 23 caribou harvests. Nonlocal residents of Alaska living north of the Yukon River are not required to report their Unit 23 caribou harvests but also have been unlikely to harvest from the WACH.

From 1999 to 2013, the average annual estimated harvest from the WACH was 11,984 caribou, ranging from 10,666 to 13,537 caribou/year (Dau 2015a, **Figure 5**). Harvest data do not reflect wounding loss, which may be hundreds of caribou (Dau 2015a). Available data suggests that harvest levels have been relatively stable between 1990 and 2013.

Additionally, Dau (2013, 2015a) estimates that local hunters have taken roughly 95% of the total harvest from the WACH since the late 1990s while all other hunters (nonlocal residents and nonresidents of Alaska) account for the remainder (**Figure 5**). Based on harvest reports to ADF&G, in 2012 and 2013 regulatory

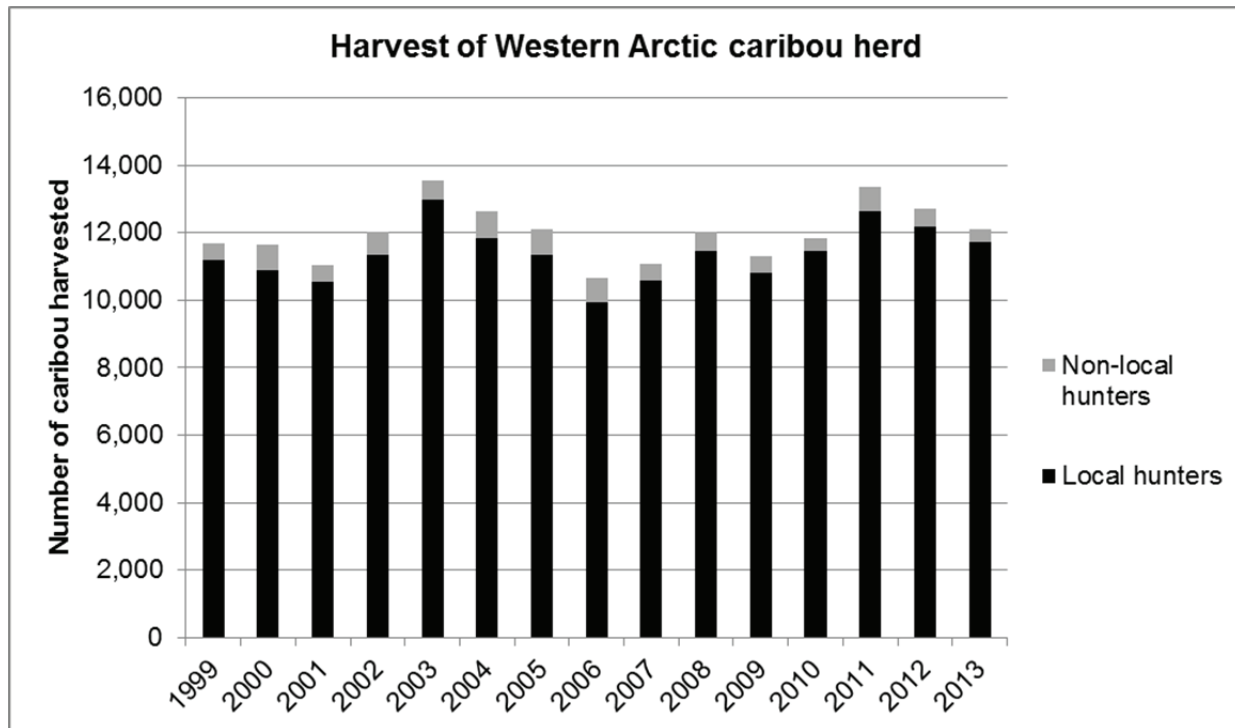


Figure 5. Western Arctic Caribou Herd harvest by residency, 1999–2013 regulatory years (Dau 2015a).

years the reported harvests from the WACH by nonlocal hunters were 520 caribou and 397 caribou, respectively. Dau (2013) described that “85–90% of all [WACH] caribou taken by nonlocal hunters are harvested August 25–October 7. This temporal concentration of nonlocal hunters in Unit 23 combined with intense subsistence hunting during the same period is why conflicts among users have occurred in the unit for many years” (Dau 2013:228).

Dau (2015a) reported that most local hunters living within the range of the WACH access harvest sites using snowmachines during late October–early May and boats or 4-wheelers during the rest of the year, with few using aircraft. In contrast, 76% of nonlocal hunters accessed hunting areas by airplane in each of the 2012 and 2013 regulatory years.

Recent WACH harvest levels are within or below the conservative harvest level (12,900–18,550 caribou) specified in the WACH Management Plan for a herd size of 200,000–265,000 caribou in population decline (see **Table 2**). However, the State manages the WACH on a sustained yield basis. The harvestable surplus of caribou is calculated at 2% of the cows and 15% of the bulls (Parrett 2015b). In recent years, as the herd population has declined, the State-determined total harvestable surplus has also declined (Dau 2015a, Parrett 2015a). In the 2015 regulatory year, the combined TCH and WACH harvestable surplus declined from an estimated 13,250 caribou in 2014 to an estimated 12,400 caribou in 2015. The harvest of caribou from the TCH and WACH combined in 2013 and 2014 was 15,063 caribou and 14,455, respectively (Dau 2015a). While there is substantial uncertainty in the harvestable surplus estimates, the overall trend is decreasing as the population declines (Parrett 2015a). If population projections and harvest estimates are accurate, overharvesting is likely already occurring (Dau 2015a, Parrett 2015b).

The WACH Management Plan recommends harvest strategies at different management and harvest levels. The harvest recommendations under conservative management may include: no harvest of calves, no cow and restricted bull harvest by nonresidents of Alaska, voluntary reduction of cow harvest by residents, and potentially limiting the subsistence bull harvest to maintain a 40:100 bull:cow ratio (WACH Working Group 2011). The recently adopted State regulations for caribou in Unit 23 that went into effect July 1, 2015 addressed the management plan's recommendations for conservative management by prohibiting the take of calves, restricting bull and cow seasons for residents and nonresidents of Alaska, and reducing the nonresident harvest limit from two caribou per year to one bull per year. New Federal regulations that went into effect July 1, 2016 mirror newly adopted State regulations. Should the WACH population decline to the extent that it falls within the preservative management level, one additional recommendation offered in the WACH Management Plan is "2) Harvest restricted to residents only, according to state and federal law. Closure of some federal lands to nonqualified users may be necessary" (WACH Working Group 2011:46-47).

#### Caribou Harvests in Unit 23 by Non-Federally Qualified Subsistence Users

Dau (2013) reported that the majority of the WACH harvest was taken from Unit 23 (66–88%, 1999–2011 regulatory years). Of the WACH harvest, residents within the range of the WACH account for 95% of the harvest on average, while all nonlocal hunters only account for 5% of the Unit 23 caribou harvest on average (**Figure 5**). In recent years (2012–2014), numbers of nonlocal hunters are slightly lower, partially because transporters have had to travel further to find caribou and thus, could not book as many clients (Dau 2015a). Examination of Appendix 1 shows that caribou harvest by community does not necessarily parallel WACH population trends (i.e. Ambler only harvested 325 caribou when the WACH population peaked in 2003, but harvested 685 caribou in 2012 when the WACH was declining). Of note is Noatak's harvest of 66 caribou in 2010, which declined substantially from a harvest of 442 caribou in 2007.

Since 1998 when data was consistently collected, the number of non-FQSU hunting caribou in Unit 23 has ranged between 248 and 663 hunters (**Table 5** and **Figure 6**). Between the 2004 and 2013 regulatory years, an annual average of 446 non-FQSUs reported hunting for caribou in Unit 23. In 2014, 408 non-FQSUs reported hunting for caribou in Unit 23. The number of hunters was somewhat steady between 1998 and 2004, peaked in 2006, and has since declined (ADF&G 2016c, FWS 2015c).

Commercially licensed guides and commercially licensed transporters assist many non-FQSUs by guiding them in the hunt or transporting them to areas to hunt for big game in Unit 23. The Selawik National Wildlife Refuge and the Noatak National Preserve are areas where Federal in-season managers have limited the participation of commercial guides and transporters (see Regulation History section, above). In Unit 23, an estimated 60% of nonlocal hunters (residing outside the range of WACH) used a transporter, 10% used a guide and about 30% used no commercial service (Unit 23 Working Group 2016). Fix and Ackerman (215:2) in a study from 2010 to 2013 found that "nonlocal" transporter clients entering the Noatak National Preserve consisted primarily of nonresidents of Alaska and residents of central and southern Alaska communities, such as Fairbanks, Anchorage, and those on the Kenai Peninsula (Fix and Ackerman 215:2). This is consistent with ADF&G caribou harvest hunting and harvest reports (ADF&G 2016c and FWS 2016c).

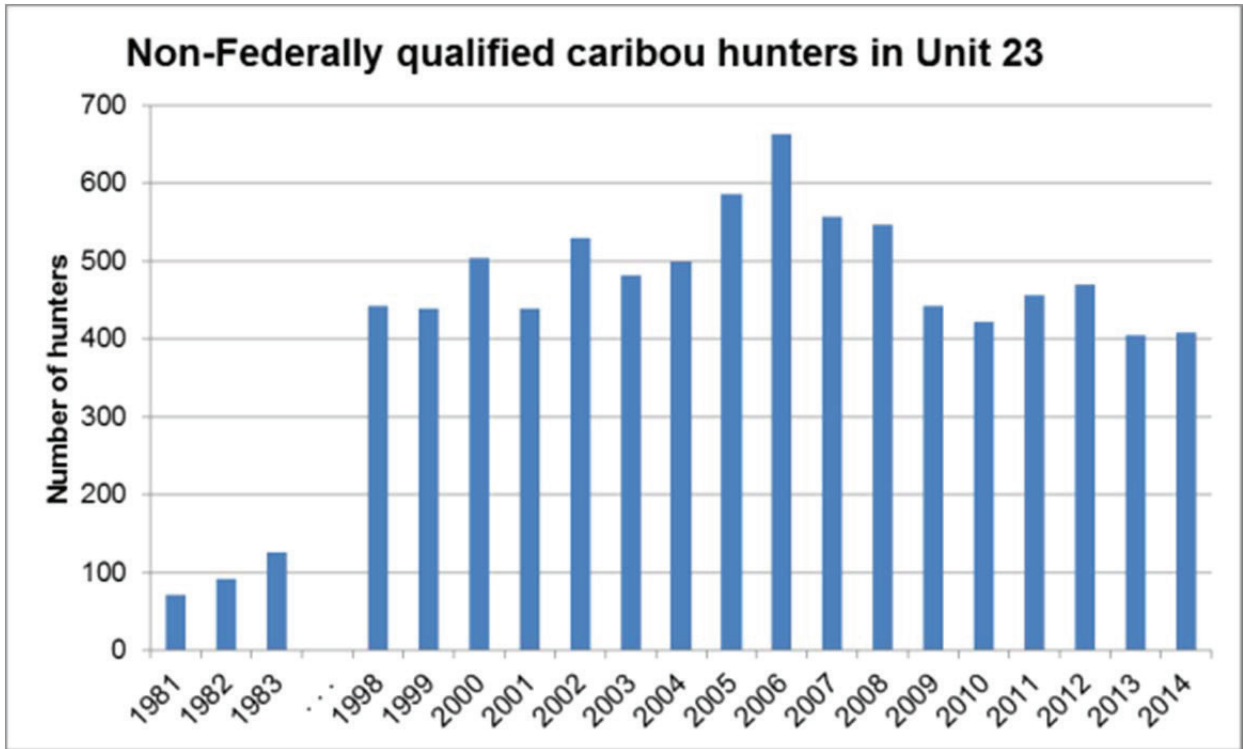
**Table 5.** The number of non-Federally qualified subsistence users that reported hunting for caribou in Unit 23, 1981-83 and 1998-2014, based on the ADF&G harvest reporting system. No data is available between 1983 and 1998.

Unit 23				
Harvest of caribou by non-Federally qualified subsistence users				
Regulatory year	Nonresidents of Alaska	Non Federally qualified residents of Alaska	Total	
	Number of caribou harvested	Number of caribou harvested	Number of people that hunted	Number of caribou harvested
1981	14	57	72	71
1982	7	157	92	164
1983	26	173	126	199
...				
1998	226	321	443	547
1999	194	201	438	395
2000	271	354	503	625
2001	213	186	438	399
2002	225	292	530	517
2003	237	291	482	528
2004	305	304	498	609
2005	380	283	585	663
2006	401	232	662	633
2007	220	240	557	460
2008	215	320	546	535
2009	124	266	443	390
2010	117	131	421	248
2011	275	394	456	669
2012	286	327	469	613
2013	252	234	404	486
2014	240	140	408	380
2004-2013 average	258	273	446	531

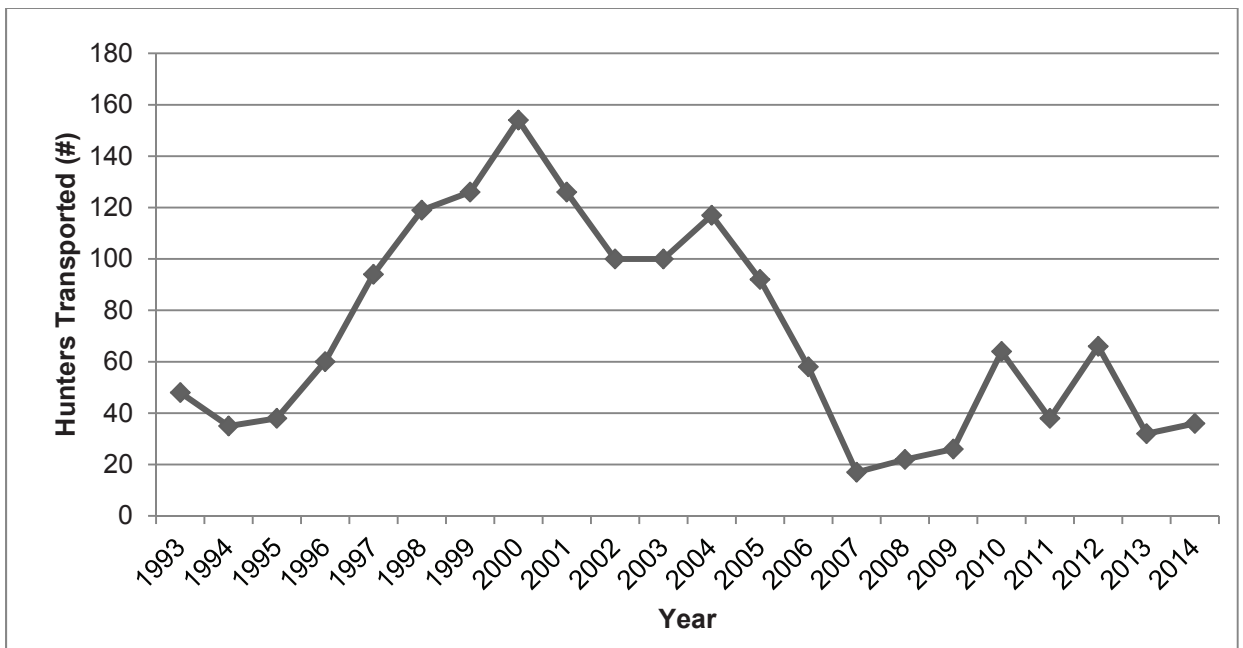
Source: ADF&G 2016c and FWS 2016c.

The number of commercial guides and transporters varies within different areas of Unit 23. The number of transported hunters within Selawik National Wildlife Refuge has decreased since 2000 (**Figure 7**, FWS 2016b). Between 1993 and 2014, caribou comprised, on average, 62% of big game harvested annually by transported hunters on Selawik National Wildlife Refuge lands. However, since 2000, the number of caribou harvested by this user group has decreased substantially (**Figure 8**, FWS 2016b). According to the refuge manager (Georgette 2016, pers. comm.), the harvest decline for caribou is “mainly the result of caribou no longer being reliably available on the refuge in September due to delayed migration.”

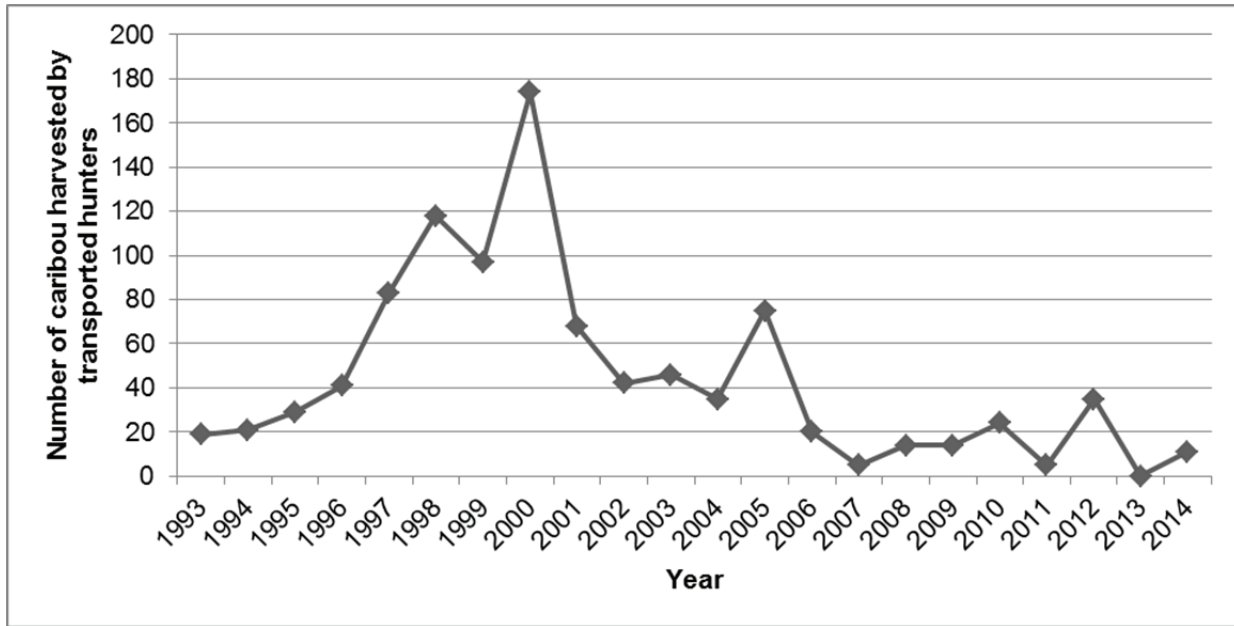




**Figure 6.** The number of non-Federally qualified subsistence users that reported hunting caribou in Unit 23 based on the ADF&G harvest reporting system. No data is available between 1983 and 1998 (ADF&G 2016c and FWS 2016c).



**Figure 7.** Number of hunters transported by aircraft transporters or using commercial guide services on Selawik National Wildlife Refuge (FWS 2016b).



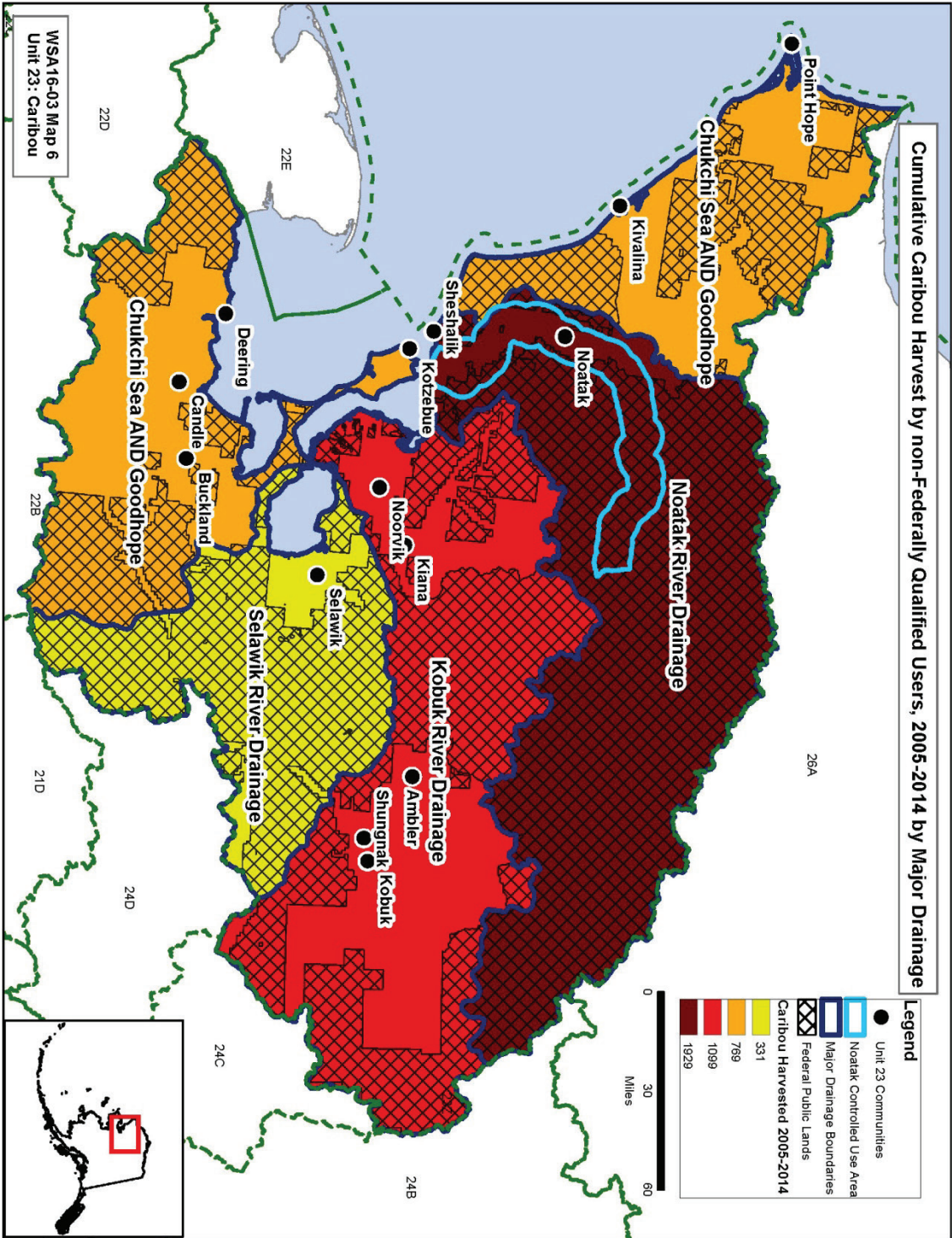
**Figure 8.** Number of caribou harvested by hunters transported by aircraft transporters or using commercial guide services on the Selawik National Wildlife Refuge (FWS 2016b).

Conversely, the number of transported hunters in the Noatak National Preserve increased from about 300 in 2010 to over 400 in 2014 (Fix and Ackerman 2015). In 2015, approximately 350 hunters (300 “nonlocal” and 50 “local” hunters) were transported into Noatak National Preserve (NPS 2016). In a survey of 372 transported hunters in the Noatak National Preserve between 2010 and 2013, 62% of groups harvested caribou with the average harvest being 1.8 caribou per group member (Fix and Ackerman 2015).

Local hunters have identified aircraft noise as an issue affecting hunting success (Betchkal 2015). During the fall 2014 hunting season, average aircraft noise events within Noatak National Preserve ranged from 3.7 events per day at Kugururok River to 7.8 events per day at Sapun Creek. It is unknown whether the difference in aircraft noise events was due to management areas (i.e., the National Park Service Special Commercial Use Area delayed entry zone or the ADF&G Noatak Controlled Use Area (see **Map 2**), or the recent easterly trend of primary caribou migration routes (Betchkal 2015). However, the recent aircraft noise levels appear comparable to aircraft noise levels documented in the Noatak National Preserve in 1987 by Georgette and Loon (1988) and 1995–1996 by Fix and Ackerman (2015). Nonetheless, comparisons should be interpreted with caution due to different methodologies (i.e., human observations v. continuous acoustic recordings and the establishment of the Noatak National Preserve’s Special Commercial Use Area and delayed entry zone in 2012 (Fix and Ackerman 2015). The ADF&G GMU 23 aircraft use education course, which is mandatory for all pilots transporting big game in Unit 23, suggests that pilots maintain a minimum altitude of 2000 feet in the vicinity of camps (Betchkal 2015).

#### Intensity of Use of Unit 23 by Non-Federally Qualified Subsistence Users

Intensity of caribou harvest and hunting activity across Unit 23 by non-FQSUs can be spatially represented given data available in harvest reports. The following map (**Map 6**) depicts the intensity of caribou harvest



Map 6. Caribou harvest by non-Federally qualified subsistence users by Major Drainage Unit, 2005-2014 cumulative.

in Unit 23 by non-FQSUs 2005–2014 cumulative, by major river drainages. The data were derived from the ADF&G harvest reporting system and may be best interpreted alongside of local knowledge held by land managers and others to increase precision in spatial interpretation of hunting and harvest intensity over time.

The data was sorted to remove FQSUs.<sup>2</sup> This resulted in 6,297 caribou harvest records of which 4,415 (70%) reported an actual harvest of a caribou. Among these records, 2,195 animals were harvested by nonresidents of Alaska and 2,220 animals were harvested by Alaska residents. The records were further parsed to include only those records for which the hunting area was identified at the major drainage scale, representing 4,128 records used to create this map. The remaining 287 harvest records (7%) occurred in unidentified locations of Unit 23.

**Map 6** provides a broad spatial view of caribou harvest by non-FQSUs in Unit 23 over a 10-year period. Intensity categories were established based on natural breaks in the harvest data. The major drainage with the greatest intensity of harvest at this level of analysis was the Noatak River drainage (1,929 caribou harvested) followed by the Kobuk River drainage (including the Squirrel River drainage) (1,099 caribou), the Chukchi Sea and Good Hope drainages (769 caribou), and the Selawik River Drainage (331 caribou). By percentage of 2005–2014 cumulative harvest, the Noatak River drainage exhibited the highest harvest in Unit 23 (47%), followed by the Kobuk River drainage (27%), Chukchi Sea and Goodhope (19%) and the Selawik River drainage (8%).

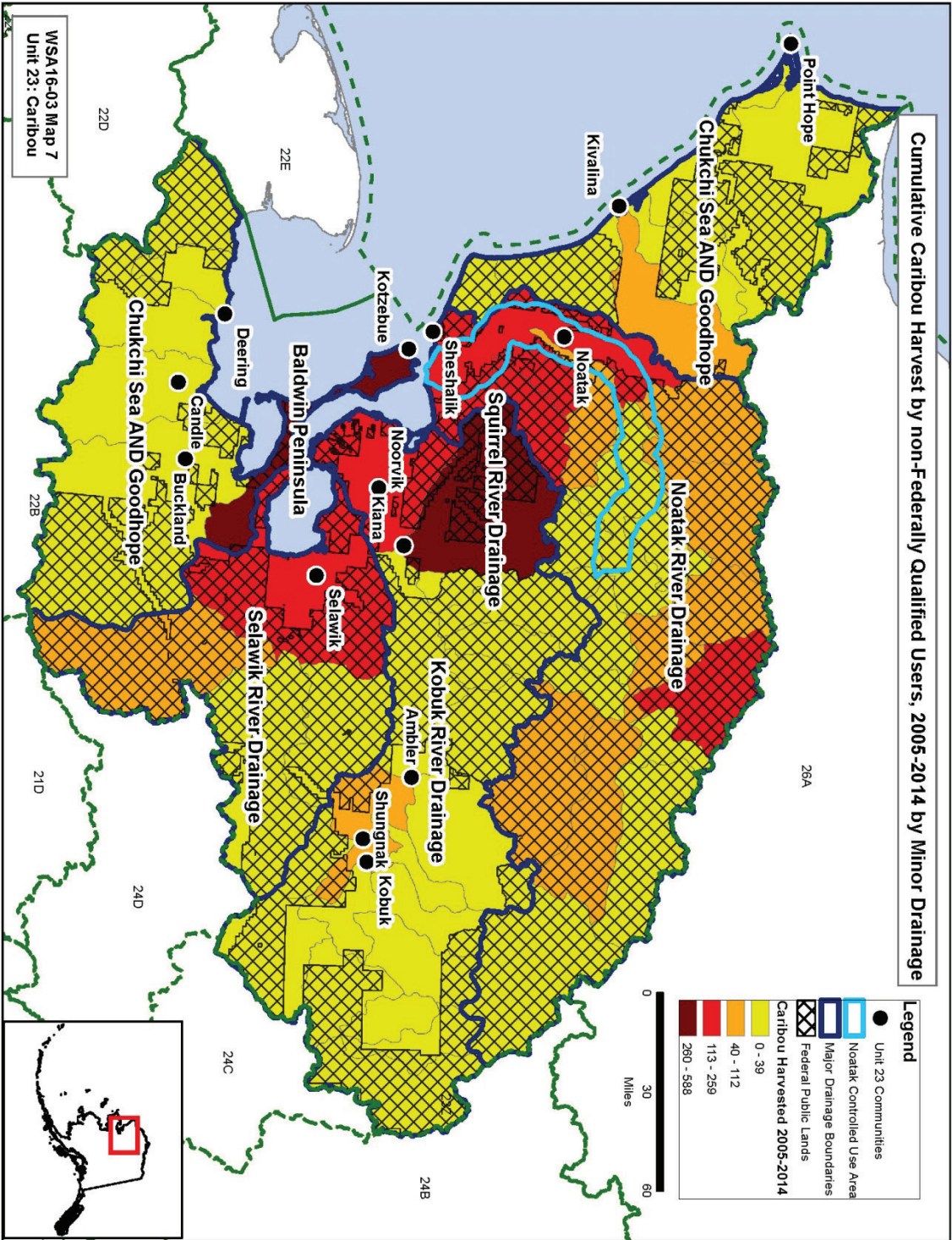
While **Map 6** depicts 10-year cumulative harvest broadly, **Map 7** depicts the harvest by minor drainage. Instead of spreading out the harvest across the larger area, this map identifies harvest intensity at smaller scales. Still, this scale may not provide the Board with the geographic precision necessary for more finely tuned management decisions on small tracks of land<sup>3</sup>; local land managers could help refine the data by doing outreach in local communities and collecting information concerning user conflicts for a more targeted closure. Of the 4,415 harvest records, 3,185 (72%) were identified to the minor drainage level. The 1,230 harvest records (28%) not identified to the minor drainage level were not included in the map. Intensity was categorized in this map by similar ranges of cumulative caribou harvest distinguished by natural breaks in the dataset.

**Map 6** and **Map 7** are also overlaid with boundaries of Federal public lands. The Noatak River drainage is characterized predominantly by Federal public lands and this is also the drainage that exhibits the highest intensity of harvest at the major drainage level during the 10-year period (**Map 6**). At smaller spatial scales (minor drainages) however, the Squirrel River drainage and the Baldwin Peninsula represent the greatest harvest intensity (between 260 and 588 caribou, **Map 6**). Both of these areas are comprised of Federal public lands and State lands.

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<sup>2</sup> Seventy-five caribou harvest records were removed because residency was listed as “unknown” and were therefore not included in the map as they may have included Federally qualified subsistence users.

<sup>3</sup> Some data representing harvest and hunting activity to the Uniform Coding Unit (UCU) spatial scale is available through harvest reports but was not utilized due to confidentiality concerns and limitations associated with precision.



Map 7. Caribou harvest by non-Federally qualified subsistence users by Minor Drainage Unit, 2005-2014 cumulative.

Several other minor drainages received moderately intensive harvest (between 113 and 259 caribou) during the 10-year period as depicted on **Map 7**. Three of the four minor drainages with moderate harvest intensity occur within the larger Noatak River drainage and include the Anisak River area, the Agashashok River area, and the Noatak River from Chukchi Sea to Kelly River area. A fourth moderate intensity harvest area is represented in the Kobuk River delta within the Kobuk River drainage.

**Map 8** represents non-FQSU hunting activity 2005–2014 cumulative by minor river drainage. The purpose of this map is to show intensity of hunting activities by minor drainage and the data include all records for which caribou were sought and not harvested as well as records from successful hunters. A total of 3,554 records are included in the map excluding 1,418 records for which hunting activity was not reported to the minor drainage level.

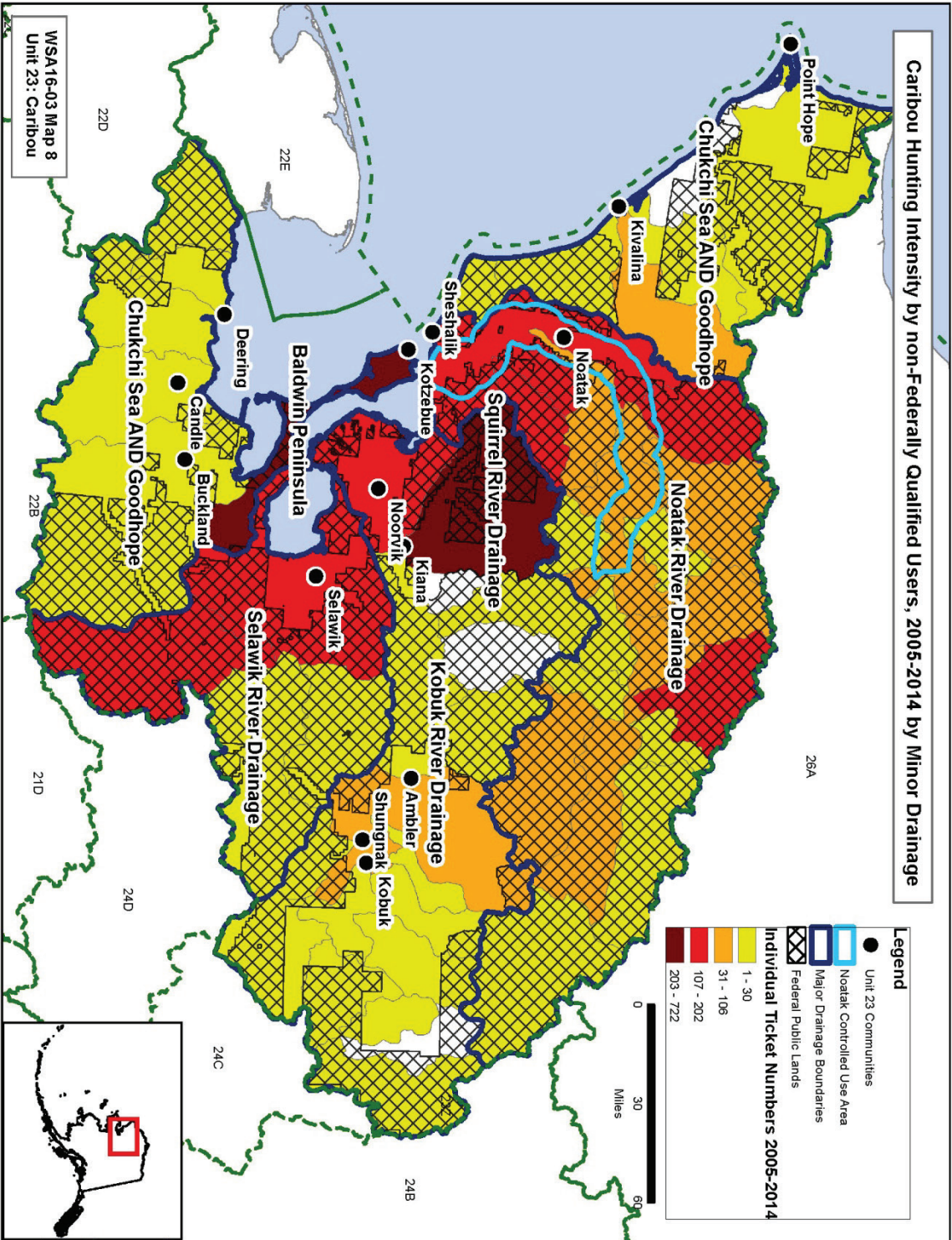
The hunting activity intensity represented in **Map 8** is similar to the caribou harvest intensity by minor drainage represented on **Map 7** with several exceptions. The minor drainages exhibiting the highest hunting activity were the Squirrel River and Baldwin Peninsula, the same drainages with the highest cumulative harvest. Moderate hunting activity was similar to harvest intensity in that it includes the Anisak River, Agashashok River, Kobuk River delta, and the Noatak River (Chukchi Sea to Kelly River), but also includes the Tagagawik River and Noatak River (Kelly River to Nimiuktuk River) drainages.<sup>4</sup>

For hunters living north of the Yukon River and hunting in Unit 23, caribou harvest tickets and reporting are not required and thus the ability to map harvest and hunt intensity by FQSUs based on the ADF&G harvest reporting system is not possible. In 2016, Satterthwaite-Phillips et al. (2016) published a report documenting subsistence harvest areas in the region. This study documented local harvest areas among 160 hunters residing in the communities of Buckland, Deering, Kivalina, Kotzebue, Noatak, Noorvik, and Selawik (referred to as local harvesters, below). The residents of these communities are FQSUs. The resultant maps were then reviewed by a local advisory group and updated accordingly to their recommendations. **Figure 9** is borrowed from this report and depicts the documented search and harvest areas for caribou by these local harvesters by season.

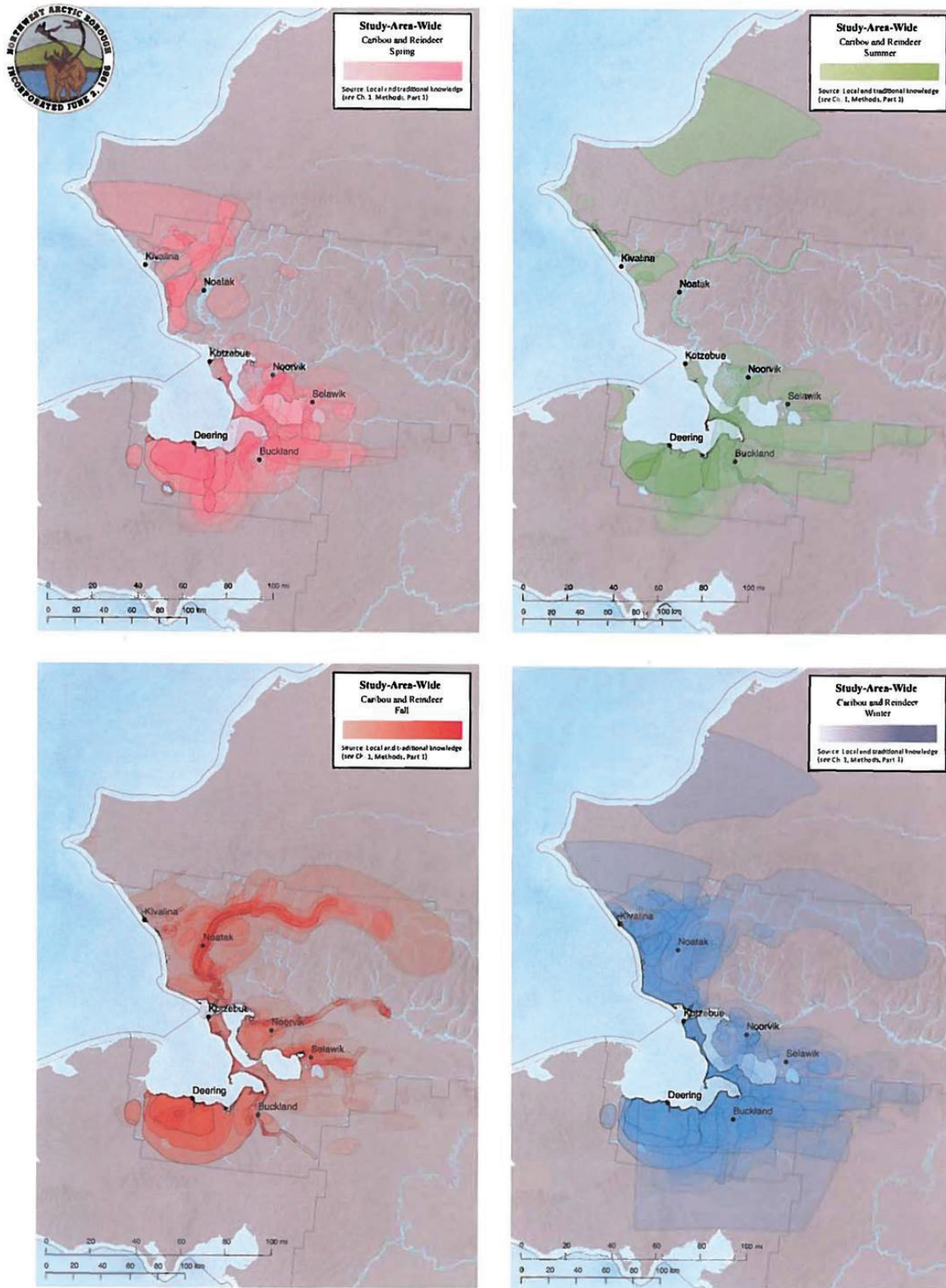
**Figure 9** can be reviewed alongside of **Maps 6, 7, and 8** to compare the spatial extent and intensity of local harvesters (residents of Buckland, Deering, Kivalina, Kotzebue, Noatak, Noorvik, and Selawik) and non-FQSUs in Unit 23. The extent and intensity of local harvester activity roughly aligns in all seasons with that of the greatest intensity of non-FQSU activity and harvest of caribou from 2005 to 2014 cumulative, especially in the vicinity of Noorvik, Selawik, Kotzebue and Noatak. Importantly, Satterthwaite-Phillips et al. (2016) did not conduct interviews with residents of Kiana, Ambler, Shungnak or Kobuk and thus the associated maps do not provide hunt and harvest area insights for those communities. For this reason, **Figure 9** may not show harvest area mapping in the vicinity of those communities even though harvest may be occurring in those areas. For example, Kiana is located at the mouth of the Squirrel River, a drainage that

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<sup>4</sup> According to the Selawik National Wildlife Refuge Manager (Georgette 2016, pers. comm), the majority of hunting activity represented along the Anisak, Tagagawik, and Kelly Rivers was likely by NFQSUs lacking familial ties to the region while those represented along the Baldwin Peninsula and Kobuk Delta were likely composed largely of Non-FQSUs that were former residents of the area or family members of local residents.



Map 8. Caribou hunting intensity by non-Federally qualified subsistence users by Minor Drainage Unit, 2005-2014 cumulative



**Figure 9.** Caribou harvest areas by season as reported by 160 hunters residing in the communities of Buckland, Deering, Kivalina, Kotzebue, Noatak, Noorvik, and Selawik (Satterthwaite-Phillips et al. 2016).



has limited harvest mapping polygons in **Figure 9**, possibly because residents of the nearest community to this drainage, Kiana, were not interviewed.

A one-year spatial snapshot of caribou search and harvest areas for residents of Ambler, Shungnak, and Kobuk is available for 2012 (Braem et al. 2015; included here in **Appendix 2**). It is important to note that this one-year harvest data is not necessarily representative of long-term harvest patterns or the spatial extent of use areas since these tend to fluctuate annually based on local environmental conditions and caribou movements. Still, the data may be helpful in understanding recent areas used by local hunters. While comprehensive subsistence harvest surveys were conducted in Kiana in 2006 (Magdanz et al. 2011), no spatial data was reported. For these reasons, data gaps continue to exist for caribou harvest patterns of Kiana residents; Kiana being the sole community within the Squirrel River watershed.

User conflicts may also arise in areas where “use” does not necessarily overlap. For example, some local hunters (“local” resident subsistence hunters) have reported concerns that sport hunters (“nonlocal” hunters dropped off by transporters) affect caribou migration patterns by deflecting herds with aircraft, hunting camps, and hunting activities (Fix and Ackerman 2015, Halas 2015). Three areas of particular concern were noted at the Northwest Arctic Council meeting in October 2015: the Squirrel River drainage, the Noatak River drainage, and the vicinity of the Baldwin Peninsula (NWARAC 2015). For 2015, the average annual density of “nonlocal” harvesters was highest in the Squirrel River area (2.92 hunters per 100 mi<sup>2</sup>), the Selawik National Wildlife Refuge (1.93 hunters per 100 mi<sup>2</sup>), and the Noatak River area (0.95 hunters per 100 mi<sup>2</sup>; Unit 23 Working Group 2016).

## **Cultural Knowledge and Traditional Practices**

### Customary and Traditional Uses

Caribou have been a primary resource for the Inupiat of the Northwest Arctic Region for thousands of years. Caribou bones dating from 8,000 to 10,000 years ago have been excavated from sites on the Kobuk River (ADF&G 1992). Foote (1959, 1961) wrote about caribou hunting in the Noatak region forty years ago, noting that life would not be possible in Noatak without this source of meat. Caribou are a major source of both food and clothing and continues today to be the most important land animal in this region (Burch 1984, 1994, 1995, ADF&G 1992). Uhl and Uhl (1979) indicated that caribou continues to be the main source of red meat for Noatak residents as well as other communities in the region. Betcher (2016) also documents the critical contemporary importance of caribou to people residing throughout the Northwest Arctic.

Traditionally, caribou were harvested any month of the year they were available in the Northwest Arctic Region. The objective of the summer hunt was to obtain the hides of adult caribou with their new summer coats. They provided the best clothing material available to the Inupiat. The fall hunt was to acquire large quantities of meat to freeze for winter (Burch 1994). The timing and routing of migration determined caribou hunting. Hunting seasons change from year to year according to the availability of caribou (ADF&G 1991). The numbers of animals and the duration of their stays varies from one year to the next (Burch 1985) and harvest varies from community to community depending on the availability of caribou. Generally, communities in the southern portion of Unit 23 (Buckland, Deering) take caribou in the winter

and spring, while the other communities in Unit 23 take caribou in the fall, winter, and spring. Kivalina and Point Hope also take caribou in the summer in July (ADF&G 1992) and Selawik residents regularly hunt in the fall (Georgette 2016, pers. comm.).

Currently, caribou hunting by FQSUs in the Northwest Arctic Region is most intensive from September through November. Caribou can be harvested in large numbers, when available, and can be transported back to villages by boat before freeze-up. Hunters search for caribou and attempt to intercept them at known river crossings. Ideally, caribou harvesting occurs when the weather is cool enough to prevent spoilage of meat. If not, meat is frozen for later use. Prior to freeze-up, bulls are preferred because they are fatter than cows (Braem et al. 2015, Georgette and Loon 1993).

Small groups of caribou that have over-wintered may be taken by hunters in areas that are accessible by snowmachine. “Hunters harvest cows during the winter because they are fatter than bulls . . . . Caribou harvested during the winter can be aged completely without removing the skin or viscera . . . . Then in the spring, the caribou is thawed. Community members cut it into strips to make dried meat, or they package and freeze it” (Braem et al. 2015:141). In spring, caribou start their northward migration. The caribou that are harvested are “lean and good for making dried meat (*paniqtuq*) during the warm, sunny days of late spring” (Georgette and Loon 1993:80).

Historically, during fall and spring caribou migrations, people built “drive fences” out of cairns, bundles of shrubs, or upright logs. These fences were sometimes several miles long and two to three miles wide. Ideally, the closed end of the fence crossed a river, and caribou were harvested while crossing the river and retrieved later; or the fence would end in a corral where caribou were snared and killed with spears (Burch 2012). Burch (2012:40) notes, “The landscape of Northwest Arctic, especially in hills and mountains, is littered with the remains of drive fences that were in every stage of construction when they were abandoned.”

Beginning in the late 1800s in the Northwest Arctic, the WACH population declined rapidly. At its low point, its range had shrunk to less than half its former size. Famine ensued, primarily due to the absence of caribou. In the early 1900s, reindeer were introduced to fill the need for food and hides. The WACH began to rebound in the 1940s. Currently, among large terrestrial mammals, caribou are among the most abundant; however, the population in any specific area is subject to wide fluctuations from year to year as caribou migration routes change (Burch 2012).

Today, the human population in Unit 23 is comprised primarily of 11 regional Inupiaq groups (Burch 1998). Kotzebue is the regional hub of transportation and commerce and is the home to the majority of non-Natives in the region. The population of Unit 23 was approximately 7,500 in 2010, according to the U.S. Census (ADOLWD 2016). Caribou dominate the subsistence harvest. In household harvest surveys conducted between 1964 and 2012, caribou were often the most harvested species, more than any other wild resource, in lbs. of edible weight. Based on these surveys, in a typical study year, the harvest of caribou was between 100 and 200 lbs. per person in northwest Alaska communities (**Appendix 1**, ADF&G 2016b).

### User Conflicts in Unit 23

User conflicts between “local” and “nonlocal” hunters have been well documented in Unit 23, specifically in the Noatak National Preserve, the Squirrel River area, and along the upper Kobuk River (Georgette and Loon 1988, Jacobson 2009, Harrington and Fix 2009 *in* Fix and Ackerman 2015, Halas 2015, NWARAC 2015, Braem et al. 2015). Local hunters have expressed concerns over aircraft and “nonlocal” hunters disrupting caribou migration by “scaring” caribou away from river crossings, landing and camping along migration routes, and shooting lead caribou (Halas 2015, Fix and Ackerman 2015, NWARAC 2015).

In March of 1988 the Traditional Council of Noatak submitted a proposal to the Board of Game to create the Noatak Controlled Use Area in an effort to restrict aircraft along a portion of the Noatak River from August 15 to September 20 (Fall 1990:86). The area was to include five miles on either side of the Noatak River, beginning on the south at the mouth of the Eli River, and extending northerly along the Noatak River to the mouth of the Nimiuktuk River, including the north side of Kivivik Creek (see **Map 2**, ADF&G 1988:47). Included within their proposal was the following justification (Fall 1990:86, ADF&G 1988:47):

In the Noatak valley, aircraft supported hunters are directly competing with, and displacing subsistence hunters from traditional hunting sites along the Noatak River. The village most affected is Noatak, although families from Kotzebue are also affected. These families are having a great deal of difficulty obtaining their fall meat supply due to heavy aircraft traffic, rude aircraft operators, and displacement from traditional camping and hunting sites.

Aircraft operators have the opportunity to use many other areas than the main Noatak valley, in the vicinity of traditional hunting areas. Good management practices indicate that the two groups of users should be separated.

Experienced hunters from the village of Noatak point out that heavy aircraft traffic in the Noatak valley causes disruption of the fall caribou migration. The caribou are particularly sensitive near river crossings, which is stressful for the animals. Experience and good judgment is required to avoid disruption of the caribou migration. The village hunters’ experience with aircraft supported hunters has been poor. The aircraft supported hunter; lack of experience and commercial interests has led to abuse of the resource. Noatak hunters point out that the normal migration routes of caribou through the Noatak valley in the fall have changed over the last several years of heavy aircraft use. Village hunters have noticed increased levels of waste of caribou and moose by aircraft supported hunters.

In response to the proposal, the Division of Subsistence conducted a study in which they interviewed hunters from 21 caribou hunting households in Noatak, 22 private pilots from Kotzebue, 10 Kotzebue-based air taxi services, two hunting guides, and the Federal Aviation Administration in Kotzebue (Fall 1990:86). This study found that fall caribou hunting in the proposed area was a traditional and meaningful activity for Noatak, that the major source of air traffic in 1987 was from commercial air taxi operators, and that respondents tended to agree that air traffic significantly increased in the 1980s (Fall 1990, Georgette and Loon 1988).

When the Board of Game deliberated on the proposal, members indicated that they were not convinced that aircraft were disrupting subsistence caribou hunting but acknowledged an increase in outfitter operations along the Noatak River (Fall 1990:87). Fall (1990:87) suggests that because the Board of Game failed to support two similar proposals from Noatak previously, and because the current proposal had the support of both the Kotzebue Fish and Game Advisory Council and the Arctic Fish and Game Regional Council, there was pressure on the Board of Game to be responsive to the issue. The Board of Game amended the proposal to include approximately one third of the proposed land area representing locations where most subsistence hunting took place and where caribou were most vulnerable to aircraft; they then accepted the proposal unanimously (Fall 1990:87). In 1994 another amended proposal was passed by the Board of Game which roughly doubled the size of the Controlled Use Area.

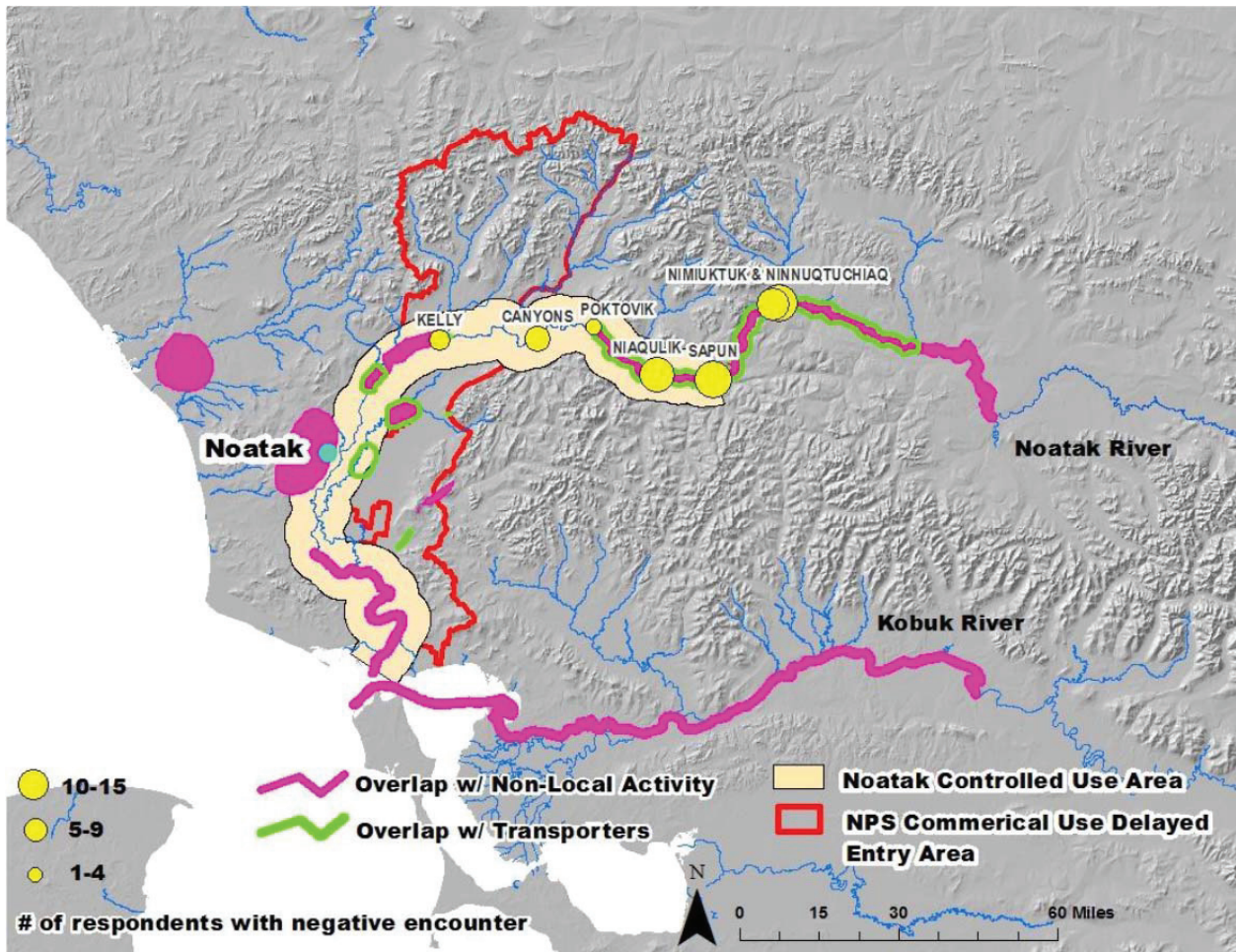
The Board of Game actions in 1988 and 1994 did not fully alleviate user conflicts along the Noatak River as local users continued to report similar observations in subsequent decades. As recently as 2014 Noatak residents have been voicing their concerns on this issue. In a survey of 19 Noatak hunters, 78% and 92% of respondents perceived “nonlocals” and planes to impact caribou migration, respectively. Similarly, 63% and 81% of respondents reported that “nonlocal” hunters and planes reduced hunting success, respectively (Halas 2015). Noatak respondents did differentiate between commercial transporter operators and “nonlocal” hunters, attributing a decrease in harvest success primarily to aircraft transporters (Halas 2015). Negative encounters between “local” and “nonlocal” hunters identified by respondents primarily focused on river crossings of migrating caribou (see **Map 9**, Halas 2015).

A survey of 384 hunters identified as transporter clients in Noatak National Preserve hunting between 2010 and 2013 indicated perceptions of conflict among this group differed from those expressed by “local” hunters (Fix and Ackerman 2015). Less than half of the transporter clients interviewed reported receiving information about issues of concern to “local” hunters. They did indicate that wilderness characteristics were important to them and that the quality of their experience was sensitive to encounters with others. Among encounter types in which the frequency exceeded hunter expectations were propeller planes (30% of respondents), other nonlocal hunters (27%), and hunting camps visible while hunting (25%, Fix and Ackerman 2015). About half of respondents reported observations of low flying aircraft near caribou; among only those that encountered caribou. Sixty percent of respondents who reported encountering caribou also reported observing low flying aircraft near the animals.

Concerns regarding the apparent lack of recent caribou population data, ongoing user conflicts and potential herd deflection by aircraft were discussed at length during the Northwest Arctic Council meeting in October 2015. While some Council members reported caribou harvest success for the year, many also reported ongoing concerns for herd deflection near the Squirrel and Agashashok Rivers in Unit 23, as well as concern for residents of Anaktuvuk Pass in Unit 24 who have been reporting an absence of animals from both the WACH and the TCH.

Halas (2015; **Map 9**), in her case study of Noatak caribou hunters and their interactions with transported hunters, examined the links between caribou behavior and migration, user group interactions, and changes to subsistence caribou hunting. In describing observations by Noatak hunters in 2012 and 2014 she explained that,

Observations of caribou behavior (“spooked” caribou, deflected caribou groups from river crossings) due to aircraft are likely witnessed as a dramatic event not easily forgotten by a waiting Noatak hunter. Whether the aircraft intentionally or unintentionally may be “influencing” caribou movement, observing “scared” caribou can be a powerful experience for hunters (Halas 2015:81).



**Map 9.** Areas of overlap use between 19 Noatak interview respondents and “nonlocal users.” Green lines and polygons delineate overlap areas with observed transporters. Notes: Pink lines and polygons are nonlocal users observed in the area that overlapped with local hunters. Yellow circles represent the number of respondents who had a negative encounter with “nonlocals” in specified locations. Respondents could identify more than one location (Halas 2015).

“Local” hunters’ observations of airplanes affecting individual or group caribou behavior have been documented, and cumulative observations of this over time could naturally lead an observer to conclusions about herd deflection (Halas 2015). Several studies have also documented negative caribou responses and avoidance behavior toward aircraft, motorized equipment, and development (e.g., Valkenburg and Davis 1983, Wolfe et al. 2000, Vistnes and Nelleman 2007, Calef et al. 1976, Maier et al. 1998). Valkenburg and

Davis (1983) specifically studied the reaction of the WACH to aircraft and compared this with their observations of the Delta Caribou Herd (DCH). They found that aircraft overflights cause WACH caribou to flee more often and to continue running more than DCH animals. Calef et al. (1976) observed panic reactions and strong escape responses in a high percentage caribou, particularly when aircraft flew at altitudes of less than 60 meters. These authors also found that caribou response to small fixed-wing and helicopter overflights was strongest during early calving (late May to early June), post-calving (early June to late June), and winter (Calef et al. 1976).

Valkenburg and Davis (1983) speculated that the higher intensity of WACH response to aircraft was due to insufficient exposure to non-detrimental aircraft activity (those not resulting in immediate hunting activities), the perception of aircraft as a threat, and the association of snowmachine noise with pursuit and a lack of differentiation with the noise of aircraft (Valkenburg and Davis 1983). They observed that WACH caribou ran from 82% of aircraft passes (compared to 35% of passes for DCH animals), and that escaping WACH caribou were more likely to continue running after the aircraft had passed as compared to DCH animals. These authors hypothesized that a greater number of benign or nonthreatening overflights may be necessary to habituate WACH animals and that same-day hunting upon landing had exacerbated the situation (Valkenburg and Davis 1983). In comparison, DCH caribou occurred in areas where much of the aircraft and ground vehicle activity was nonthreatening (Valkenburg and Davis 1983).

Avoidance behavior of caribou to human activity and development has also been documented to have other behavioral and physiological impacts. Some studies have shown that energy costs associated with repeated disturbance (including overflights) may decrease caribou reproduction rates (Luick et al. 1996, Bradshaw et al. 1998, Maier et al. 1998) and calf survival rates (Huntington and Veitch 1992). Studies have also reported reduction in the use of areas within 5 km from infrastructure and human activity (including aircraft) by 50–95% for weeks, months, or years (Vistnes and Nelleman 2007, Flydal et al. 2002).

Dau (2015a) reports that since the early 1980s, perceptions surrounding guides and transporters placing large numbers of nonlocal hunters (living outside of the range of the WACH) in fall caribou migration corridors and deflecting the herds from traditional hunting areas has been an issue of concern for local hunters (living within the range of the WACH) (see Braem 2015 et al. 2015, Dau 2015a:34, Unit 23 Working Group 2016). In addition, the timing of hunting has caused conflicts between user groups because 85–95% of all caribou taken by nonlocal hunters are harvested between August 25 and October 7, the same period as intense subsistence hunting (Dau 2015a:31). While hunt timing often aligns among these user groups, methods of access do not. Most local hunters harvest with snowmachines, boats, and 4-wheelers and few use aircraft. In contrast, 76% of nonlocal hunters accessed hunt areas by plane in regulatory years 2012 and 2013 (Dau 2015a:31). This mode of access can provide nonlocal users with a greater range of access and speed in reaching ideal hunting locations, and also place them in front of a migrating herd.

In recognition of these use conflicts in the area of the lower Noatak River, the Alaska Board of Game expanded the extent and duration of the Noatak Controlled Use Area in 1994 and has since created a mandatory Unit 23 pilot orientation, developed and distributed outreach materials, and established conflict planning processes (see **Map 2**, Dau 2015a). Recently, the Noatak/Kivalina and Kotzebue Sound Fish and Game Advisory Committees submitted two proposals to the Alaska Board of Game to consider at its

meeting in January 2017 (Unit 23 Working Group 2016). These proposals would extend the boundaries of the Noatak Controlled Use Area to the Cutler River, close the Controlled Use Area from August 15 to September 30 to the use of aircraft in any manner for big game hunting (except between publicly owned airports), and require that big game hunting camps be spaced at least three miles apart in the Controlled Use Area and along the Agashashok (Aggie), Eli, and Squirrel Rivers (Unit 23 Working Group 2016).

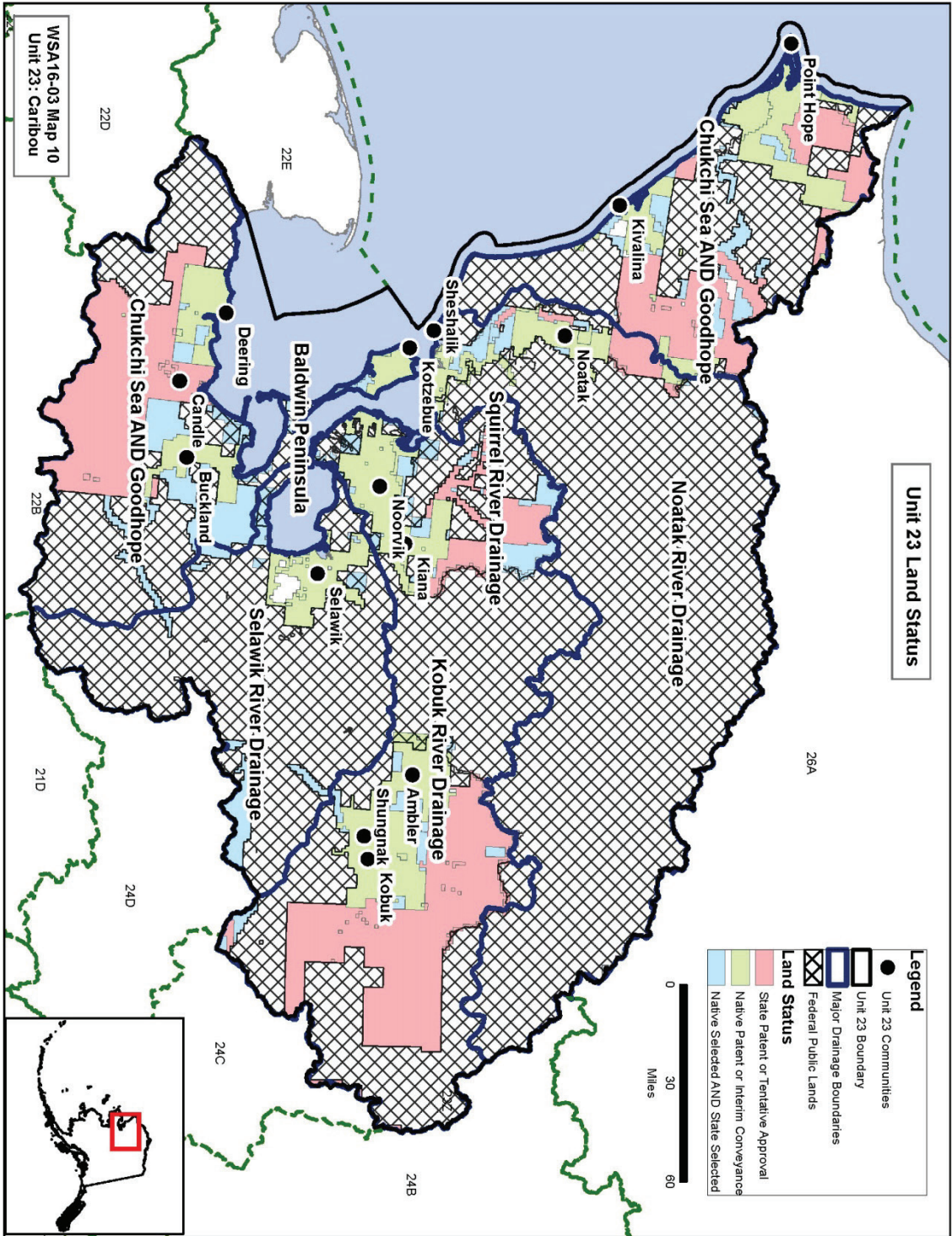
In 2012, the National Park Service began prohibiting transporters from dropping caribou hunters in the Kelly, Kugutuk and lower Agashashok river drainages before September 15 of each year (see **Map 2**). This Special Commercial Use Area may have limited effect on the numbers and distribution of “nonlocal” caribou hunters that are transporter clients due to the fact that fewer caribou have been migrating through the affected area since 2011 and transporters generally dropped their clients east of the closed area (Dau 2015a). In addition, the rule applies only to transporters with caribou hunting clients and not to those transporting hunters of other species, fishers, and recreational users. Furthermore, the rule does not apply to personal aircraft that are commonly used for transportation by non-FQSUs to and from the region. Information is not readily available on difference in the degree of impact to caribou by aircraft transporting caribou hunters compared to those flying for other purposes.

Another area of intense user conflict was identified in the eastern portion of Unit 23 along a 25-mile Kobuk River corridor located upstream of Kobuk, Ambler, and Shungnak, from the Mauneluk River to the Selby River (Braem et al. 2015). Much of this area is managed by the State and is among the most accessible areas in the entire drainage for “nonlocal” hunters (see **Map 10**; Braem et al. 2015). In 2001 and 2002, proposals were submitted to the Board of Game to create a controlled use corridor in this area but they were not adopted (Braem et al. 2015). This area may be of particular importance in considering potential shifts in land use due to the closure of Federal public lands to non-FQSUs of caribou in 2016.

Regarding caribou deflection and diversion, the State has suggested that incomplete camp location information has prevented a quantitative assessment of caribou deflection or displacement associated with commercial operators and their hunting clients in the unit (Dau 2015a). The State contends that commercial operations in other areas have not led to herd deflection and displacement (Dau 2015a:14-20): “Despite virtually complete saturation of access points in the Anisak drainage by transporters each year during 2009–2015, caribou from the WAH migrated through this area during each successive year, and in no year did caribou divert away from the Anisak drainage despite persistent hunting and transporter activities.”

Regardless of the causes, the fall migration of WACH failed to follow historic spatial and temporal trends in 2012, 2013, and 2014 (Dau 2015a). In these years, relatively few WACH caribou migrated through the western portion of Unit 23 and instead heavily utilized a narrow east-west corridor through Ivishak Pass to the Purcell Mountains and Nulato Hills (Dau 2015a). This created difficulty for hunters from Noatak, Kivalina, and Kotzebue. As a unit, local WACH harvest has been relatively stable since the 1990s, but residents of some communities have had to “greatly increase their expenditure of money and effort to maintain these harvest levels” (Dau 2015a:14-30). This is due in part to having to travel farther, more frequently, and for longer durations to find caribou (Halas 2015). In addition, many have had to switch from taking bulls to cows because of temporal shifts in access. According to Dau (2015a), some communities such as Unalakleet and Noatak have “not met their subsistence needs in many recent years” (Dau

Map 10. Land status within Unit 23 as per data obtained from the Bureau of Land Management on July 27, 2016.





2015a:14-30). This was also expressed by the Northwest Arctic Council members during their meetings in October 2015 and March 2016 (NWARAC 2015, NWARAC and NSRAC 2016).

Northwest Arctic Council members reported ongoing concerns about extensive user conflicts in Unit 23 (NWARAC 2015). Council members have testified that these conflicts were confounding their ability to successfully harvest caribou for subsistence purposes in some areas, and also that these conflicts were causing degradation to their subsistence lifestyle through landscape modifications (e.g., discarded or abandoned structures and trash; landing strips; ATV trails), herd diversion and positioning (e.g., pushing or scaring with low-flying aircraft for hunting, sightseeing, photography and other purposes; creating camp structures ahead of migratory paths), and hunting of lead caribou that are establishing the migratory route of the herd (including the killing of and diversion of these animals). Aircraft activity was of particular concern and includes operations by transporters, guides, “nonlocal” hunters utilizing personal aircraft, and recreational users. Specifically, aircraft in the vicinity of the Squirrel River was cited as particularly problematic (see **Map 8**; NWARAC 2015).

Concerning “nonlocal” hunting and herd diversion near the Squirrel River, one Northwest Arctic Council member described the situation as follows (NWARAC 2015:217):

We're getting more and more sport hunters. There's 80 percent of sport hunters—pretty much close to 80 percent of all sport hunters goes into Noatak and Squirrel Rivers. That Squirrel River is like a corridor connected to Aggie [Agashashok River] and there's Kiana and the caribou come right through there. Come through the flats, then through the Noatak River. That's when we get in close to the village. We don't have to buy two, three drums of gas, which is worth 10 gallons, 15 gallons gas. That really helps us.

That's what we've been doing for decades, years, centuries. This problem is not natural. Natural probably we can do nothing about, like the weather, climate change, but this problem is manmade. It's on our land. We're hurting. Our subsistence is in jeopardy. Well, I want to depend on these caribou very much. Very much. Too high a density of non-local hunters. That's the problem. That's not natural problem. That's manmade that can be fixed and that's what we're trying to fix. It seems to go right through from ear to ear. What I say here is going to go right out the door again? No. We want something done. We ask that down from the Aggie River and the Eli River to protect our subsistence, to protect our traditional culture.

Another Council member indicated that the Squirrel River area is an area with high user conflict and requested that the Bureau of Land Management (BLM) take additional action to address the issue. According to Bruce Seppi, a wildlife biologist for the BLM, eight guides and outfitters and four transporters received permits to operate on BLM lands in Unit 23 in 2015, primarily in the Squirrel River area, the area between Kotzebue and Kivalina, and south of Kivalina. In 2014, guides and outfitters brought in 22 clients and none harvested caribou (NWARAC 2015:207). Transporters brought in five clients who harvested 13 caribou (NWARAC 2015:207). In 2015, a total of six guides and outfitters were permitted, and a total of five transporters were permitted in the area. Only five post-use reports were received and harvest totals included a single caribou (Seppi 2016, pers. comm.).

While these aircraft may contribute to the perceived modifications in herd movement, private planes of “nonlocal” resident hunters are also thought to exacerbate the problem. According to Chairman Shiedt of the Northwest Arctic Council (NWARAC 2015:210):

I think the majority of the problem now is happening these smaller planes, private-owned planes, are coming to Buckland and Noatak and Kiana and we're all blaming the transporters and outfitters. I'm not favoring them, but the other year too when I was at Kelly they were there from Interior. There were four planes when I was there. So maybe that's the problem we're having here.

Concerns were expressed by residents of Ambler, Shungnak, and Kobuk as well as members of the Northwest Arctic Council that many “nonlocal” hunters did not act in accordance with local hunting traditions such as shooting caribou for trophies or sport instead of food and wasting meat by letting it spoil in the field (Braem et al. 2015, NWARAC 2015). Halas’ survey respondents in Noatak expressed similar concerns (Halas 2015). Additional conflicts between user groups include competition for or overcrowding of campsites, litter, human waste left behind by hunter groups, lack of law enforcement, degradation of the landscape from four-wheelers, and displacement from traditional hunting sites (Braem et al. 2015, Fix and Ackerman 2015, NWARAC 2015).

Concerns by residents of communities within Unit 23 were also recorded in the recently released documentary “Counting on Caribou: Inupiaq Way of Life in Northwest Alaska” (Betcher 2016). Respondents from several communities expressed concern regarding food security as it pertains to caribou herd diversion and changes in migration routes. Several of these indicated that both small and large scale changes to migration routes are linked to “nonlocal” hunting activities, particularly low-flying aircraft. According to Lucy Nordlum of Kotzebue (Betcher 2016):

We have many influences that play into us not getting certain subsistence foods. Hunters from outside to get their trophy caribou or whatever, that has impacted our area of hunting a lot. I would say in the past ten years we don’t have the big migrations that we used to have. They are chased further back into the backcountry. That makes it hard for those of us that don’t have airplanes or can’t afford the gas. The costs are a lot for fuel now and that influences a lot of people getting out there and doing their hunting. A lot of the people go up to Onion Portage from Kotzebue to get their caribou. That’s 500 miles or so away. It is hard with the caribou because that is about the only staple I really have besides fish.

Many of these concerns were substantiated by a mailed survey of “nonlocal” hunters that were transporter clients on the Noatak National Preserve (Fix and Ackerman 2015). Of the 1,127 individuals in this study’s sample, 372 returned surveys resulting in an overall response rate of 34% (Fix and Ackerman 2015). Eighteen percent of hunters reported shooting at the first caribou they saw and less than half of the transporter clients reported receiving information regarding “traditional local subsistence use,” “subsistence areas to avoid,” and “local traditional hunting.” Nonresidents of Alaska also reported that hunting for trophies was more important than hunting for meat while residents of Alaska reported hunting for meat was more important than hunting for trophies. Additionally, 58% of nonlocal caribou hunter

transporter clients reported they were not sure if they salvaged all edible meat. Similar to local hunters, nonlocal hunters reported encounters with other nonlocal hunters and airplanes as the two biggest factors detracting from their trip (Fix and Ackerman 2015).

Some agency actions that have been implemented to mitigate user conflict in Unit 23 include the formation of the Game Management Unit (GMU) 23 Working Group in 2008 (Braem et al. 2015), the delayed entry zone in Noatak National Preserve, the State's Noatak Controlled Use Area along the Noatak River, closure of some areas to commercial use by transporters and guides within Selawik National Wildlife Refuge, and the development of a Squirrel River Management Plan, which will address permitted guide and transporter activities such as camp size, placement, and travel (NWARAC 2015). While the public comment period for the Squirrel River Management Plan ended in December of 2010, a formal plan has still not been established as of July 2016.

The Squirrel River Management Plan Scoping Report issued in September of 2011 includes public commentary specifically in reference to "the impacts of transporters, transported hunters, and commercially-guided hunters on subsistence and general hunting." Meetings held in urban areas (Anchorage and Fairbanks) elicited mixed responses to this question while meetings held in rural areas elicited primarily negative views of "nonlocal" hunter influence on caribou. Commentary between subsistence users and commercial operators were largely conflicting, whereby the former group tended to prefer greater regulatory restrictions on the latter group (BLM 2011).

In discussions about ongoing concerns related to user conflict and possible caribou herd deflection near the Squirrel and Agashashok Rivers in Unit 23, members of the Northwest Arctic Council recommended during their fall 2015 meeting that the BLM take prompt action to address user conflict in the Squirrel River area, as well as a number of specific agency actions aimed at addressing conflict linked to commercial transporter operations (NWARAC 2015).

Knowledgeable hunter interviews in Noatak conducted by Halas (2015) also resulted in suggestions for boundaries and limits to "nonlocal" activity including allowing 1,000 caribou to pass before shooting, closing the Agashashok River corridor, and appropriately spacing "nonlocal" camps. Many of these suggestions cannot be enacted through the Board given the limits of its authority but may be considered by the State and the WACH Working Group.

In addition, the Northwest Arctic Council submitted WSA16-01 to the Board requesting that caribou hunting in Unit 23 be closed to all except FQSUs, noting that such a closure could be a first step in protecting the herd at Squirrel River, Noatak River, Cape Krusenstern National Monument,<sup>5</sup> and other Federal public lands in the area. The Council indicated that they would revisit the success of the closure after one year and, if new population numbers continue to indicate declines a request for closures on State lands would be a potential next step.

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<sup>5</sup> However, National Parks and National Monuments are already closed to non-Federally qualified subsistence users.

## **Current Events**

The Office of Subsistence Management held public meetings in Barrow, Kotzebue, and Nome in July 2016 and accepted comments to the Board concerning WSA16-03.

### Public Meeting in Kotzebue

On July 19, 2016, 49 people testified at the Kotzebue meeting in person or on teleconference, including local residents, nonlocal residents of Alaska, nonresidents of Alaska, guides, transporters, ADF&G, representatives of the Alaska Outdoor Council, and representatives of the organization Resident Hunters of Alaska.

Local residents provided the majority of public comments. Most opposed WSA16-03. These testifiers described the importance of and heavy reliance on caribou by local residents, and described that their cost of living is very high (up to \$22.00 per pound for store-bought meat in Noatak) compared to “non-local” Alaskans. The high cost of living is an added hardship as residents note change in caribou migration patterns. Local comments related to these issues included the following testimony:

- Some “local” residents spoke of the cultural significance of caribou for the people of the northwest arctic. They said traditional ecological knowledge teaches the importance of sharing and how conflict over a resource is disrespectful, often leading to decline. Caribou, they said, is the lifeblood of local villages, more nutritious than store-bought meat, and children’s health depends on it. Someone noted that caribou in northwest Alaska is like whale on the North Slope. Villages strive to keep their traditions alive. The closure protects a way of life and is crucial to local hunters.
- Many local residents testified that they must travel farther and incur more cost before reaching the herd. Participants noted that Noatak hunters now must travel up to 100 miles to harvest caribou that were once available locally. Residents of Shungnak and Point Hope testified that they also must travel farther to reach caribou that once were harvested locally.
- The no-landing zones in the lower Noatak drainage moves transporters to the upper Noatak drainage which is mostly Federal public lands. The closure is necessary to help local residents harvest caribou on traditional hunting grounds upriver. If current conflicts continue, hunting may be shut down for a long time.
- Many “local” residents testified that the timing and migration patterns of the caribou herd had changed. Buckland hunters noted that the herd arrives late and worry caribou will not be available to them or will arrive in rut. A testifier from Deering noted caribou are arriving later. Some local hunters from the most congested areas must purchase more food and gas to access hunting areas in the Upper Kobuk drainage.
- Several individuals testified that the issue is not about population levels but local conflict with non-FQSUs and transporters. They said that non-FQSUs often access hunting areas by aircraft, place hunting camps in front of herd migration, and harvest lead caribou thereby diverting the herd from its natural migration path. These hunters concentrate their efforts where caribou are present in larger numbers, often in the vicinity of villages that are purposefully situated along migration routes.

Residents said the noise made by low flying aircraft stress caribou and affect their behavior and overall health.

- Non-FQSUs practicing wanton waste are also a problem and are observed in winter as well as fall seasons. Some testified that while transporters do distribute caribou meat, some is aging or “rutty” and most goes to Kotzebue and not smaller villages like Kiana and Noorvik. Local residents opposing WSA16-03 also say the WACH population estimate is insufficient to accurately determine how quickly or how much the herd is shrinking. One Kotzebue resident pointed out that recent research of 31 collared caribou from Onion Portage by ADF&G is inadequate to judge overall calf survival rates from a herd of 200,000. Another resident said that recent observations of ADF&G staff of healthy caribou means only that caribou have more browse available to them and does not describe a long term population trend.
- Many local residents shared concerns about State management of WACH, and noted that the State considers economic effects of the closure to transporters, guides, and non-FQSUs and not the impacts of these activities on local hunters. They said the State fails to recognize the higher dependence of local hunters on wild resources and caribou specifically. Local residents share the burden of conservation and comply with lower harvest limits and shorter seasons.
- Participants stated that people with ties to the region living in urban Alaska can hunt for caribou on NANA Corporation, State, and village corporation lands. Concentrating non-FQSUs hunting caribou in Unit 23 on State lands allows better enforcement of State regulations.
- The WACH Management Plan is important and the herd may be at or approaching the 200,000 animal threshold for Preservative Management Level described in the plan. The State should err on the side of caution and implement Preservative Management Level recommendations.
- Some residents stressed that the closure is for one year only and should remain in place.
- An Alaska resident who is a non-FQSUs who cannot hunt caribou in Unit 23 under Federal subsistence regulations opposes the special action request because human settlement in the region is the result of caribou, and any short-term recovery of WACH does not resolve the recurrent problem of the caribou herd being diverted by transporters. This Alaskan resident said that the Board has responsibility to protect subsistence users and recognize rural Alaskans have priority for harvesting fish and wildlife on Federal public lands.

A number of participants who testified at the public meeting either in person or by phone were in support of WSA16-03. Reasons given in support of the special action include:

- The existing closure is an over reach and the Federal government should not be involved.
- Nonlocal Alaskan resident hunters said they support the special action request because they are responsible hunters, respect local residents and their traditions, and provide substantial amounts of meat to villages. Cultural values and experiences of non-FQSUs are equally important to local values and experiences. The burden of conservation of the WACH should be shared by all State residents.

- Nonresidents of Alaska testified in support of WSA16-03 and said the user conflict is the result management decisions, nonlocal hunters are responsible for harvesting 600 caribou, a small percentage of the overall harvest, and nonlocal hunters routinely share caribou meat with local communities.
- Guides and transporters said they are being negatively impacted economically. Federal public lands should be open to all Americans. They said that if the Board does not approve the special action request, it is acting prematurely, targeting a group that accounts for only 5% of WACH harvest, contributing to misunderstandings between users, and impacting human relations in the region. Not supporting the special action concentrates non-FQSUs in Unit 26A that is critical habitat for caribou. Many guides as well as outside hunters stressed respect for the local people and pointed out that nonlocal hunters donate up to two thirds of their caribou meat to village residents.
- A representative of the Alaska Outdoor Council stated that they support the special action request because it supports subsistence uses by all Alaskans. Additionally, when biological staff indicate that there is not a conservation concern, the closure does not meet the criteria of Title VIII of ANILCA.
- Resident Hunters of Alaska said the State nonresident season should close before non-FQSUs who are residents of Alaska are prohibited from harvesting caribou in Unit 23. If the Board does not support the special action request, it is overlooking the recommendation of biologists. The Board should review its protocols for closures.

ADF&G expressed support for its WSA16-03 because the WACH Working Group brings all parties to the table to negotiate caribou management plans for the region. Representatives stated that the WACH Management Plan was endorsed by the Board, and if the Board does not approve the special action request, it is acting independently of the WACH Working Group and jumping ahead of the process outlined in the WACH Management Plan. An ADF&G representative noted that a photo census from early July 2016 is complete, and a revised WACH population estimate is expected in October 2016. Additionally, newly reported research demonstrates that in 2015, calf survival increased by 10%, adult body weight condition is “high,” and the cow pregnancy rate is 85%, the second highest on record, indicating the population seems to be stabilizing. The Board and the Alaska Board of Game have different mandates but they should not deviate from the WACH Management Plan which was agreed on by both.

### Public Meeting in Nome

On July 20, 2016, 16 local residents, other residents of Alaska, nonresidents of Alaska; transporters, the group Resident Hunters of Alaska; ADF&G; and Kawarak, Inc., Stebbins Tribe, and Saint Michael Tribe testified in Nome. Local residents were mixed on whether they supported or opposed WSA16-03. The majority of the testimony was in support of WSA16-03. Supportive testimony included:

- The Board’s original decision to support WSA16-01 was premature, contrary to the WACH Management Plan which is a bridge between Federal and State management, and will allocate caribou to one user group at the expense of another which is inappropriate. This fall, non-FQSUs will concentrate their hunting efforts at caribou river crossings, for example, and existing user conflicts will not be mitigated.

- Two transporters testified in support of WSA16-03 because the Board based its decision to close on outdated information; the 400–500 caribou harvested annually in Unit 23 by non-FQSUs will have little effect on the caribou population; and transporters provide many pounds of caribou meat to local residents.
- Nonresidents of Alaska supported WSA16-03 because the Board based its decision to close on anecdotal information rather than scientific data. They said the Board is supposed to follow biological guidelines and the closure to non-FQSUs was not necessary for conservation of the caribou population in Unit 23.
- The group Resident Hunters of Alaska supports WSA16-03 because the WACH population is above the threshold for the Preservative Management Level as described in the WACH Management Plan. In addition they said that all Alaska residents should have a subsistence priority including people with close ties to the region that live elsewhere in Alaska, and nonresidents of Alaska should be excluded first.
- ADF&G submitted and supports WSA16-03 because the recent closure will not affect the caribou population in Unit 23; individual caribou appear healthy; user conflict will likely escalate because hunters' distribution will be restricted to State lands only; the WACH Working Group co-management planning process that the Board endorsed in 2001 is undermined; the Western Arctic Herd population is declining due to its natural cycle, it is likely the herd is reaching a low point, and harvest is not driving the decline; and the effects of new State and Federal regulations will be evaluated before further restrictions are likely to be proposed by ADF&G.

Local residents opposing WSA16-03 gave testimony in opposition to guided hunting. One suggested that instead of a full closure, the caribou harvest limit in Unit 23 should be reduced from five caribou per day to two caribou per day for non-FQSUs who are residents of Alaska. Local hunters observed the Seward Peninsula's Kougarak Road turned the WACH from its natural migration in the late 1990s, and hunting pressure is similarly interfering with the natural migration of the herd in Unit 23. Stebbins and Saint Michael tribes also oppose the special action request.

#### Public Meeting in Barrow

On July 25, 2016, 9 people testified in Barrow including local residents, nonresidents of Alaska, and ADF&G. Local residents in attendance were generally opposed to WSA16-03 with testimony as follows:

- ADF&G is acting too quickly on biological information recently collected. The WACH and TCH have declined 50%, negatively impacting local subsistence users.
- Concerns for the impact of sport hunting on local subsistence hunters have increased over the last 10 years.
- The combined amounts reasonably necessary for subsistence (ANS) for these two herds is misleading because if the ANS for each herd is separated out, there isn't enough caribou in either herd to support harvest by non-FQSUs.

- Hunts for nonresidents of Alaska are not supportable. Many communities in Unit 23 are highly dependent on caribou for subsistence, and if people don't harvest caribou many people go hungry. Also, the opportunity for meaningful cultural and traditional experiences through quality subsistence activities is very important in passing knowledge from one generation to the next, and supporting and teaching traditional sharing. The State should consider local ordinances and zoning restrictions, described in the North Slope Borough Comprehensive Management Plan, and designate "areas of influence" that local users rely on for obtaining subsistence resources for themselves, family, and community, and manage these areas for subsistence uses primarily.
- Local testifiers that oppose the special action also said that when the herd does not migrate through areas villagers can reach, there is great hardship, and any action that helps local subsistence communities until the herd rebounds is important.
- Caribou are perhaps the most important subsistence food upon which the local communities depend, both nutritionally and culturally. Many communities are experiencing nutritional hardship.
- Those who testified said that local subsistence users take regulations seriously and are concerned about conservation of the herds. They take a grassroots approach to changing regulations to help conserve caribou by reducing subsistence harvest and balancing the need to provide for communities. Local residents want to see if there are benefits for FQSU's from the closure before reconsidering it.
- Residents from Anaktuvuk Pass discussed the importance of teaching young people how to live a traditional life. They said local hunting practices let the lead animals pass by, allowing the remainder of the herd to follow and be available for harvest. People in the Northwest arctic are relatives, and when caribou come through, they work as a community to harvest and share. At Anaktuvuk Pass, people have not had access to caribou for five or six years. There are no spring or fall migrations, and many families go hungry. They said other communities send food but it is still not enough. One resident said, "We have had to rely on food from other villages for our elders. I don't approve of opening the area to non-Federally qualified hunters. This is a short notice request and action. Listen to the local people who have been suffering for so many years. Consider the hardship our people are faced with, and consider the local people that are affected by WP16-03."
- Other opposing testifiers worry that residents of Noatak will not get enough caribou if migration patterns keep changing combined with the decline in population. The 700–900 animals taken by nonresident hunters, mostly adult bulls, which have harems of up to 75 cows, can have a population-level effect. New recent biological numbers do not create a trend, which requires multiple years of data. Participants expressed that the State is overly influenced by economic needs of the big game lobby, and it is irresponsible to make management decisions driven by economics. They said food security is the primary concern.
- Some residents said Anaktuvuk Pass, Shungnak, Selawik, and Ambler have difficulty finding caribou and travel much further to get caribou than in the past. This is a great hardship with the cost of gas at \$10.00 per gallon and freight at \$2.00 per pound. They said there is no economic hardship for sport hunters to fly in, but local residents depend on caribou all year round. The migration through Anaktuvuk Pass used to be four days long and the community hunted and shared caribou, and traded food with coastal families. They asked the Board to consider the hardship of the people.



- Local residents said the North Slope Borough is able to help out their communities more than some of the communities in Unit 23. There are few jobs in many communities in Unit 23 and the primary resources are subsistence resources. In many communities 80–90% of their food is subsistence resources. Conflicts between subsistence users and sport hunters occur in those areas important to subsistence uses. They said that they worked hard to conserve the herd and that other caribou herds can support non-Federally qualified hunters.

A few local residents that testified in support of the special action request. They said that if the Board does not approve the request, it will be out of line with the WACH Management Plan. The WACH Working Group represents diverse groups working hard to guide management and has been instrumental in the adoption of recent State regulations. They said State lands are important to subsistence hunters, and the closure may increase crowding and conflict on these lands. Additionally, only 5% of the harvest is by nonlocal hunters and opposing the special action request will not affect the herd population. They spoke of recent evidence suggesting that the WACH population is declining at a slower rate or stabilizing. Calves are in good condition with more surviving. They heard that this summer ADF&G got a good and accurate count. This information supports leaving caribou hunting in Unit 23 open to all users in order to reduce conflicts between sport hunters, nonlocal subsistence hunters, and local subsistence hunters in the Squirrel and the Noatak drainages.

Nonresidents of Alaska testified in support of WSA16-03 because the impact to the caribou population by non-FQSUs is negligible. They said that nonresidents of Alaska suffer negative economic impacts and that if there is a real problem with the herd, restrictions should first target resident hunting, which comprises most of the harvest.

ADF&G supported WSA16-03 and testified that State biologists' estimate the population of WACH is currently around 205,000, which places the herd in the Conservative Management Level, as described in the WACH Management Plan. A new population estimate will likely be available in October. ADF&G does not consider the WACH a conservation or biological concern. ADF&G contended that if this request is not approved by the Board, the Board's decision will be inconsistent with the WACH Management Plan. ADF&G said that this will be detrimental to subsistence users and in conflict with the Board's closure policy. They also said that recent biological information from surveys in 2015 and 2016, though not available at the April 2016 Board meeting, indicate calf survival and recruitment are improving as well as adult female survival compared to previous years. They cautioned that if the Board does not approve the request, instead of reducing the diversion of the herd and conflict between users, as the Board's actions intended, it will actually create more conflict as all non-Federally qualified hunters will be concentrated on State lands (approximately 20% of Unit 23). ADF&G stressed that rejecting Special Action Request WP16-03 fails to consider the economic consequences for the region, outfitters, guides, transporters and others.

#### Consultation with Tribes

Consultation between tribes and the Board was held on Thursday August 4, 2016 for WSA16-03 at the USFWS Regional Office in Anchorage in person and by teleconference. Designees of Board members

representing the Bureau of Indian Affairs and National Park Service attended. The Inupiat Community of the Arctic Slope, Maniilaq Corporation, the Native Village of Noatak, the Native Village of Kotzebue, and the Native Village of Kiana attended. Tribal comments were largely in opposition to WSA16-03. Several reasons given for the opposition include:

- The WACH Cooperative Management Plan suggests the Preservative Management Mode when the herd reaches 200,000 animals. Given a lack of definitive population data, preference should be given for a more conservative approach.
- The closure provides an opportunity for the WACH to migrate without interruption, potentially allowing them to migrate closer to unit 23 communities and in turn increasing the opportunity for subsistence harvest by FQSUs.
- Caribou is more than a traditional resource; it is also a spiritual resource. The Board listened to the people and their needs when implementing the closure on Federal public lands.
- Caribou has been very difficult to harvest in last several years. Hunters must travel farther and spend more, with fuel costing approximately \$9.99 a gallon. Alternative commercial goods are too expensive to substitute; reindeer costs around \$19 per pound.
- For several years hunters have had to pool resources to afford hunting trips. In some cases we are purchasing fuel and sending hunters out but they are returning unsuccessful. They are reporting lots of tents and aircraft where caribou should be migrating through.

A tribal representative indicated concern that hunters that are no longer FQSUs would not be permitted to hunt caribou in Unit 23 on Federal public lands.

#### Comments from ANCSA Corporations

An opportunity for ANCSA corporations to give comments to the Board was also held on Thursday August 4, 2016 for WSA16-03 at the USFWS Regional Office in Anchorage in person and by teleconference. Designees of the Bureau of Indian Affairs and National Park Service Board members attended. Representatives of Kukulget Inc. (in Savoonga) and Sivuqaq Inc. (in Gamble) attended. These representatives indicated that while their communities may have customary and traditional use determinations for caribou in Unit 23, their shareholders do not regularly travel to Unit 23 to harvest the resource because of the expense of doing so. They declined to comment further on WSA16-03.

#### Federal Subsistence Regional Advisory Council Actions

##### *Western Interior Alaska Subsistence Regional Advisory Council*

The Council opposed WSA16-03. The WACH has lost several cohorts of calf recruitment, and the Council emphasized concerns about the effect this might be having on the herd's bull:cow ratio. The Council was especially concerned about removing large bulls from the herd and the effect on reproduction. The Council said caribou breed in a short period of time, younger bulls cannot always keep up with the breeding stress, and young bulls have higher winter mortality than older bulls. The Council cited the Mulchatna caribou

herd as an example, where reducing bull:cow ratios undermined the reproductive capacity of the herd. New bull:cow ratio information for the WACH was not available. The Council was concerned about the declining WACH and preserving the herd for future years, that that caribou have been observed migrating around the Kobuk and Ambler areas and staying more in the mountains possibly because of predation and over-harvesting (WIASRAC: 256–370).

*Seward Peninsula Subsistence Regional Advisory Council*

The Council opposed WSA16-03. Council members expressed concern over the lack of data regarding the impact of the nonlocal hunt prohibition, as well as the success rate for nonlocal hunters displaced onto State lands. The Council heard from communities that, due to fewer airplanes, there were more caribou sightings by locals. Overall, the Council did not feel comfortable with reopening the hunt until additional information on the impacts of WSA16-01 was provided.

*Northwest Arctic Subsistence Regional Advisory Council*

The Council opposed WSA16-03. Council members said that WSA16-03 would undermine the special action submitted by the Northwest Arctic Council (WSA16-01). The Council had received reports from communities and letters from tribes in the region that the current closure has helped communities get the caribou they need. Council members heard from Noatak, Kivalina, and Kotzebue residents; they were comforted this fall and felt at peace that they were finally able to fill their freezers with caribou for the year.

The Council had been working to find a workable solution to satisfy the needs of people and wanted to see how the current closure was working. Local people rely heavily on caribou and are concerned about the declines. Council members said that “we are a caribou people” in both culture and diet and want the herd to prosper and stay in balance for the future. The Council and communities in Unit 23 took action to conserve the herd and agreed to reduce their own caribou harvest. It was a tough situation, and the Council worked hard to make a wise decision for the people. The Council felt the situation warranted taking further action to reduce harvest by nonresidents of the area. The intensity of fly-in hunting in these areas had diverted the caribou migration. These areas are also traditional hunting grounds for local communities that rely on caribou for food. The cost of gas is very high for travel to hunt caribou, store bought food is limited and too expensive to replace caribou, and communities pool resources to be able to harvest enough caribou to feed their families. Nonresident hunters have the opportunity to fly somewhere else to hunt.

The Council said that there needs to be more information on the health of the caribou population, and the recent updated count presented by ADF&G is not sufficient to lift the closure or ease any conservation measures for the WACH.

*North Slope Subsistence Regional Advisory Council*

The Council opposed WSA16-03. The Council responded to new data presented by the proponent and said the Board should err on the side of caution and retain the closure. Another year of data would be needed to identify a trend that the annual decline of the WACH population is becoming less each year. Additionally, the new point estimate for the WACH population was only about 900 caribou over the threshold for “preservative” management identified in the WACH Management Plan (see **Table 2**). The Council said

there is no guarantee or monitoring program to assess if harvest would be within the harvestable surplus if the season was opened. Residents of Alaska hunting the WACH for food should have priority over people hunting for racks. Food security concerns exist in the area. The State has not responded to the needs of local communities; it has been reluctant to use its own process, such as implementing Tier I or II hunts, as the herd declines. The State uses Amounts Necessary for Subsistence (ANS) to manage harvest, and ANS for the TCH and WACH were combined, appearing to support continuation of sport hunting. The Council said hunting in much of the WACH's range should be in Tier I or Tier II. The Federal program is intended to manage harvest for sustained yield and not for ANS. Additionally, the Council said villagers hunt in traditional areas. Others should hunt outside village areas, and all Federal public lands should be closed to nonlocals until there is a willingness to recognize village areas of influence and to provide for a reasonable traditional hunting experience for all communities in Unit 23. The Council has heard reports from Unit 23 residents that more caribou were observed and harvested this fall than in the recent past, and caribou migrated nearby Anaktuvuk Pass for the first time in six or seven years.

The Council said transporting caribou hunters by air has been a growing issue in North Slope as well as Northwest Arctic communities. Enforcement of regulations is minimal to none and some sport hunters are likely hunting in areas where they should not. Sport hunters look for the biggest bulls most of the time; when a dominant bull is killed, calf recruitment from up to 50 cows can be lost. Transporters are pushing sport hunters in front of migrating herds and not follow traditional hunting practices. When large bulls leading the herd are killed, cows and younger bulls become lost. Villagers have knowledge of where their best harvesting opportunities will be. Once guides and transporters figure out where these areas are, they are inundated with nonlocal hunters. Migration routes might have been altered because of nonlocal hunters inundating and interrupting caribou migration (NSSRAC 2016:84–109).

#### State of Alaska Board of Game Proposals

Currently pending are two proposals submitted to the Alaska Board of Game by the Noatak/Kivalina and Kotzebue Sound Fish and Game Advisory Committees. The proposals to be considered in January of 2017 seek an extension to the boundaries of the Noatak Controlled Use Area to the Cutler River, and a spacing requirement of at least three miles for big game hunting camps located in the Noatak Controlled Use Area, along the Agashashok, Eli, and Squirrel Rivers (Unit 23 Working Group 2016).

#### **Effects of the Proposal**

If the Board approves WSA16-03, Federal public lands in Unit 23 will reopen to caribou hunting by non-FQSUs. In its request to the Board in June 2016, the State said that new information indicated improvements in caribou calf production, recruitment, survival, and weight; adult females exhibited very good body conditions and high pregnancy rates in 2015 and 2016; and the newly derived WACH population estimate for fall 2015 was 206,000 caribou, falling within the WACH Management Plan's "conservative" harvest management strategy.

In addressing this new information, first, calf production has likely had little influence on the WACH population decline (Dau 2013, 2015a), and improvement demonstrated in recent research (**Figure 3**, Dau

2016a) is not as relevant as calf survival and recruitment. Second, decreased calf survival through summer and fall and recruitment into the herd are likely contributing to the population decline (Dau 2013, 2015a). Recent research demonstrates that 2015 and 2016 cohorts make up a large proportion of the herd (**Table 3** and **Figure 3**, Dau 2016b). Because of their young age, they remain somewhat vulnerable to difficult winter conditions. Evaluating the over-winter survival rates of the large cohort of 2016 will help to put the demographic potential of this cohort into context (Parrett 2015c, 2016b). Third, increased cow mortality is likely affecting the trajectory of the herd (Dau 2011, 2013), and new data demonstrate decreasing annual cow mortality rates in three of the past four years (**Figure 4**, Dau 2016a). Fourth, the results of a July 1, 2016 photocensus survey resulted in a minimum count of 194,863 caribou with a point estimate of 200,928 (Standard Error=4,295, Parrett 2016b). Results of this census indicate an average annual decline of 5% per year between 2013 and 2015, representing a lower rate than the 15% annual decline between 2011 and 2013 (**Figure 1**). While there is substantial uncertainty in the harvestable surplus estimates, the overall trend is decreasing as the population declines (Parrett 2015a). If population projections and harvest estimates are accurate, overharvesting is likely already occurring (Dau 2015a, Parrett 2015b).

Before going further, it is important to know that Board actions are guided by the objectives of Title VIII of ANILCA that mandate that if a conservation concern or increasing competition among authorized users and uses requires a reduction in harvest, subsistence uses will be prioritized over other consumptive uses on Federal public lands. Federal regulations give the Board the authority to restrict harvest only to subsistence uses on Federal public lands. This is the first step in the Federal subsistence prioritization process. In the event that nonsubsistence uses have been eliminated on Federal public lands or waters but it remains necessary to restrict the taking of fish or wildlife on public lands by rural residents with a C&T determination in order to protect the continued viability of the fish stock or wildlife population or to continue subsistence uses, the Board must take the next step and establish a priority among subsistence users.

In WSA16-01, the Board was asked to take the first step in the ANILCA Title VIII-mandated prioritization process, described above, in order to protect the continued viability of the WACH and to protect the continuation of subsistence uses. Evidence the Board cited included public testimony expressed to the Board by residents of the area, the position of two affected Councils (Northwest Arctic and North Slope), and the status of the herd. The Board concluded that a closure to all but FQSUs was consistent with providing a subsistence priority for use of the resource and assurance that a rural preference was being provided, and recognized the cultural and social aspects of subsistence activities, which may be hampered by direct interaction between local and nonlocal users.

If, in the future, the Board is asked to further reduce subsistence harvest seasons or limits, it may oppose further limitations on subsistence uses until Federal public lands are closed to the taking of caribou by non-FQSUs.

If the Board approves WSA16-03, will user conflict be reduced in the Noatak National Preserve, the Squirrel River area, or along the upper Kobuk River, areas demonstrated to be the focus of user conflict since the 1980s (Georgette and Loon 1988, Jacobson 2009, Harrington and Fix 2009 *in* Fix and Ackerman 2015, Halas 2015, NWARAC 2015, Braem et al. 2015)? It can be assumed that the closure has reduced the

number of non-FQSUs hunting caribou in Unit 23; however, the degree to which this has occurred, or how many more hunters will be present if the closure is rescinded, is not known at this time.

Will user conflict mitigation efforts instituted by the NPS, FWS, and ADF&G effectively reduce user conflict? It is likely that NPS and ADF&G efforts in the lower Noatak drainage may be exacerbating user conflict in the middle and upper Noatak River by pushing non-FQSUs into the path of the main caribou migration in recent years (**Map 2**, Dau 2015a). In light of this, the NPS and FWS may decide to pursue further limitations in order to protect the continuation of subsistence uses.

Some non-FQSUs, guides, and transporters may have already decided to pursue caribou later in the season when hunters can enter the Noatak Controlled Use Area and Noatak National Preserve Special Commercial Use Area (**Map 2**) using aircraft; however, State lands are limited in these areas (**Map 10**). It is likely that the closure moved some hunters to State lands in the Buckland area and upper Kobuk River area, and rescinding the closure may reduce hunting pressure and airplane use in these areas.

If the Board rejects WSA16-03, Federal public lands in Unit 23 will remain closed until June 30, 2017 to the harvest of caribou by non-FQSUs. In the future, the Board may find it necessary to adopt the closure into Federal regulations, further reduce subsistence seasons or harvest limits, and conduct an ANILCA Section 804 subsistence user prioritization to reduce the pool of eligible subsistence users in order to reduce the subsistence harvest. The Board may be compelled to take these actions if the WACH's declining population trajectory and declining harvestable surplus continue (Dau 2015a).

Caribou hunting by non-FQSUs and the presence of aircraft in Unit 23 has likely been reduced since the closure began on July 1, 2016, and will continue at some lower level than in previous years (**Figure 6**), but the degree of change is unknown at this time. It is likely that local hunters will observe fewer aircraft, ORVs, hunting camps, and hunters except near State lands when caribou are present. Local hunters' observations of airplanes and hunters affecting individual or group caribou behavior have been documented (Halas 2015), and several studies have also documented negative caribou responses and avoidance behavior toward aircraft, motorized equipment, and development (Valkenburg and Davis 1983, Wolfe et al. 2000, Vistnes and Nelleman 2007, Calef et al. 1976, Maier et al. 1998), but there have been no studies that document whole herd avoidance. The degree to which caribou have been deflected or the WACH migration path altered due to aircraft and hunter disturbances and how much this may be alleviated by the closure is not clear. However, in recent years the migration path has clearly moved eastward to areas with less documented hunting pressure by non-FQSUs and accompanying aircraft use (**Map 8**, Dau 2015a).

Visitors to the area will continue to use aircraft to access Federal public lands for sightseeing, photography, and other purposes and to hunt moose. It is unknown to what extent other aircraft activities affect caribou; however, an increased ratio of aircraft activity that does not result in mortality may help to habituate the herd to engine noise as was suggested by Valkenburg and Davis (1985).

## **OSM CONCLUSION**

**Neutral** on Temporary Special Action Request WSA16-03.

Caribou is vital resource for the people of the Northwest Arctic Region and has long been a part of the cultural identity of this area (Burch 1984, 1998, 2012; Foote 1959; Georgette and Loon 1988, 1993; Loon 2007; Magdanz 2011; NWARAC 2015, 2016; NWARAC and NSRAC 2016). While caribou populations naturally fluctuate over decades (Gunn 2001, WACH Working Group 2011), the WACH population has been declining since 2003 (**Figure 1**, Parrett 2016b). Additionally, the continuation of subsistence uses has been jeopardized by effects of longterm nonlocal caribou hunting activity. The State of Alaska submitted to the Board WSA16-03 to open Federal public lands in Unit 23 to non-FQSUs. This action would rescind the closure that resulted from approval of WSA16-01.

This analysis has demonstrated many valid arguments for both supporting and rejecting WSA16-03. However, data gaps also exist that hinder a complete understanding of the complex biological and anthropological components surrounding this issue. Ultimately, the Board's decision will be guided by the objectives of Title VIII of ANILCA to provide a subsistence priority on Federal public lands while protecting the continued viability of fish and wildlife populations and the continuation of subsistence use of these resources. ANILCA Title VIII Section 815.3 as well as the Board's 2007 closure policy authorize restricting nonsubsistence taking of fish and wildlife on Federal public lands if necessary for the conservation of healthy fish and wildlife populations, to continue subsistence uses, or pursuant to other applicable law.

**Table 6** and **Table 7** summarize the textual and numerical data offered in support of approval or rejection of WSA16-03 that address the conservation of healthy populations of fish and wildlife. **Table 8** and **Table 9** summarize the textual and numerical data offered in support of approval or rejection of WSA16-03 that address the continuation of subsistence uses. All of the textual and numerical data summarized in the four tables are addressed at length within the body of the analysis and represent summations of data and public testimony.

When considering the data and public testimony presented in this analysis, the Board may also wish to address the need for data that can assess the qualitative or quantitative effects of the current closure, determine the effects caused by other recent regulatory changes, and determine longer-term impacts of the closure for both FQSUs and caribou.

There are three main actions the Board may wish to consider in response to WSA 16-03:

- **Reject** WSA16-03 resulting in the continued closure of Federal public lands in Unit 23 to the harvest of caribou by non-Federally qualified users for the 2016 regulatory year.
- **Approve** WSA16-03 resulting in the opening of Federal public lands in Unit 23 to the harvest of caribou by non-Federally qualified users for the remainder of the 2016 regulatory year.
- **Approve** WSA16-03 **with modification** to maintain the Unit 23 closure to the harvest of caribou by non-Federally qualified users on some Federal public lands while reopening areas to all user groups. The Board may wish to consider options such as those developed in the following section or alternative options not presented in this analysis.

Data and arguments addressing the conservation of healthy populations of fish and wildlife in relation to WSA16-03 have been compiled for Board consideration. These data are summarized in **Table 6** and **Table 7**.



**Table 6.** Points to consider, affecting the conservation of healthy populations of caribou on Federal public lands in Unit 23, that support opening Federal public lands to the harvest of caribou by all users.

<b>APPROVE WSA16-03</b>
<b>POINTS TO CONSIDER—CONSERVATION OF HEALTHY POPULATIONS</b>
<p>The amount of harvest by non-Federally qualified users (non-FQSU) does not have a meaningful biological impact on the herd.</p> <p><i>(see Regulatory History, Harvest History, Biological Background)</i></p>
<p>The WACH Cooperative Management Plan should be followed because it includes many stakeholder groups and already agreed upon management modes. Management recommendations have been followed for the appropriate herd population estimate. Bull:cow ratios naturally fluctuate and actual values should be interpreted with caution.</p> <p><i>(see Discussion, Biological Background, Current Events)</i></p>
<p>When conservation concerns warrant, nonresidents of Alaska should be restricted from harvest before non-FQSU residents of Alaska. This provides for non-FQSUs that are residents of Alaska to participate in the harvest.</p> <p><i>(see Current Events)</i></p>
<p>Recent observations of improved cow body condition, high calf weights, improved calf recruitment and production, and reduced cow mortality indicate improved herd performance and population models indicate a decreased rate of population decline.</p> <p><i>(see Discussion, Biological Background)</i></p>
<p>Recent observations of improved calf survival are encouraging. The spring 2016 calf (SY):adult ratio was the highest recorded since 2007 and the second highest since 1997. Data from Onion Portage is for calf weight and cow body condition. No mortality data is collected.</p> <p><i>(see Discussion, Biological Background)</i></p>
<p>Recent observations of productivity in 2016 are encouraging. The estimated initial production was 85 calves: 100 cows—among the highest parturition levels recorded for this herd.</p> <p><i>(See Discussion, Biological Background)</i></p>
<p>Observations of calf weights and cow body condition in 2015 are encouraging. The average body condition of adult females was characterized as fat. Average weight of all calves in 2015 was 100 lbs.—the highest average recorded at Onion Portage.</p> <p><i>(see Discussion, Biological Background)</i></p>

**Table 6.** Points to consider, affecting the conservation of healthy populations of caribou on Federal public lands in Unit 23, that support opening Federal public lands to the harvest of caribou by all users.

<b>APPROVE WSA16-03</b>
<b>POINTS TO CONSIDER—CONSERVATION OF HEALTHY POPULATIONS</b>
<p>A deterministic model that uses vital herd characteristics suggests a population estimate of approximately 206,000 animals; this places the herd within the Conservative Management level.</p> <p><i>(see Biological Background, Current Events)</i></p>
<p>An aerial photocensus in 2016 suggests a population estimate of 200,928 (SE 4,295); this places the herd within the Conservative Management level.</p> <p><i>(see Biological Background, Current Events)</i></p>
<p>There is little empirical evidence to suggest that changes to herd migration routes have been caused by hunting activities associated with non-FQSUs.</p> <p><i>(see Biological Background, Current Events)</i></p>
<p>The vast majority of harvest in Unit 23 is by Federally qualified users (FQSUs) and thus restrictions on these users results in greater biological impact.</p> <p><i>(see Regulatory History, Harvest History - Harvest from WACH &amp; Harvest from Unit 23)</i></p>
<p>Harvest restrictions implemented by the Board of Game in 2015 have not been given sufficient time to yield intended results. Restrictions on harvest, sex of harvested animals, and timing of harvest were implemented in response to the declining herd and should be given a change to work before additional restrictions are put in place.</p> <p><i>(see Harvest History - Harvest from WACH &amp; Harvest from Unit 23, Current Events)</i></p>
<p>Closures on Federal public lands will only serve to concentrate non-FQSUs on State lands. This may still affect herd migration patterns.</p> <p><i>(see Discussion, Regulatory History, Current Events)</i></p>

**Table 7.** Points to consider, affecting the conservation of healthy populations of caribou on Federal public lands in Unit 23, that reject opening Federal public lands to the harvest of caribou by all users.

<b>REJECT WSA16-03</b>
<b>POINTS TO CONSIDER—CONSERVATION OF HEALTHY POPULATIONS</b>
<p>Additional restrictions on non-FQSU are warranted given the continuing decline in the WACH.</p> <p><i>(see Regulatory History, Biological Background, Harvest History, Cultural Knowledge and Traditional Practices)</i></p>
<p>Available biological data is insufficient to clearly define the appropriate WACH Cooperative Management Plan action. The 2016 population point estimate of 200,928 (SE 4,295) suggests a straddling of the 200,000 threshold between Conservative and Preservative Management levels. Additionally, cow:bull ratios are lower than the recommended 40:100 ratio identified in WACH Management Plan.</p> <p><i>(see Biological Background, Cultural Knowledge and Traditional Practices, Current Events)</i></p>
<p>Unlike the Alaska Board of Game, the Federal Subsistence Board does not have the legal authority to restrict only nonresidents of Alaska. Closure to non-FQSUs is authorized to ensure the Federal subsistence priority on Federal public land.</p> <p><i>(see Current Events)</i></p>
<p>Newly acquired herd performance characteristics are insufficient to characterize the current rate of decline. While a slowed rate of decline in 2016 has been reported, the decline continues. The new, lower rate of decline is not indicative of a long-term trend and thus should not be relied upon exclusively.</p> <p><i>(see Biological Background, Current Events)</i></p>
<p>Too few calves are observed to provide meaningful insight. Calf observations at Onion Portage fail to recognize calf mortality along migration route, prior to reaching this location.</p> <p><i>(see Current Events)</i></p>
<p>Single year productivity does not represent long-term trends for the herd population.</p> <p><i>(see Current Events)</i></p>
<p>Improved body condition may indicate improved quality of forage and access to it, but does not necessarily suggest long-term population trends.</p> <p><i>(see Current Events)</i></p>
<p>The deterministic model is not considered as accurate as a photocensus in estimating population and it does not consider error in each of the vital herd statistics of which it is comprised. Coupled with the 2016 herd population estimate of 200,928 (SE 4,295), the herd may be below the 200,000 animal threshold between Conservative and Preservative management levels.</p> <p><i>(see Biological Background, Current Events)</i></p>

**Table 7.** Points to consider, affecting the conservation of healthy populations of caribou on Federal public lands in Unit 23, that reject opening Federal public lands to the harvest of caribou by all users.

<b>REJECT WSA16-03</b>
<b>POINTS TO CONSIDER—CONSERVATION OF HEALTHY POPULATIONS</b>
<p>The standard error associated with the 2016 aerial photocensus spans the 200,000 animal threshold for the Conservative / Preservative Management levels. As such, it is possible the herd may be below 200,000, which would place it in the Preservative level set forth in the Management Plan.</p> <p>(see Biological Background, Current Events)</p>
<p>Aircraft activity, concentration of hunting camps, and hunter positioning may be diverting caribou from critical corridors that in turn diverts them away from local communities. Concerns about herd deflection warrant additional investigation but, if occurring, such deflections could have long term detrimental impacts on subsistence opportunity for people that have economic, social and cultural dependence on caribou. Existing literature reports behaviorally and physiologically negative impacts on caribou by aircraft activity.</p> <p>(see <i>Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events</i>)</p>
<p>FQSUs are already subject to substantial harvest restrictions, with reductions of authorized harvest by two-thirds recently in Federal regulations. The percentage of harvest by these users exemplifies the importance of caribou as a subsistence resource.</p> <p>(see <i>Regulatory History, Harvest History - Harvest from Unit 23, Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23</i>)</p>
<p>Harvest restrictions do not go far enough in addressing the need for subsistence opportunity in the face of long-term WACH population decline. Prompt application of all available tools may be necessary to avoid a more precipitous decline that would restrict all subsistence harvest.</p> <p>(see <i>Regulatory History, Current Events</i>)</p>
<p>Concentration of users on State lands may allow the herd to migrate relatively unimpeded along their major migration routes through Federal public lands.</p> <p>(see <i>Current Events</i>)</p>

Data and arguments addressing the continuation of subsistence uses in relation to WSA16-03 have been compiled for Board consideration. These data are summarized in **Table 8** and **Table 9**.

**Table 8.** Points to consider, affecting the continuation of subsistence uses of caribou on Federal public lands in Unit 23, that support opening Federal public lands to the harvest of caribou by all users.

<b>APPROVE WSA16-03</b>
<b>POINTS TO CONSIDER—CONTINUATION OF SUBSISTENCE USES</b>
<p>The harvest levels of FQSUs has remained relatively constant in recent years. This suggests that they are meeting their subsistence needs and successfully harvesting caribou.</p> <p><i>(see Harvest History - Harvest from WACH &amp; Harvest from Unit 23)</i></p>
<p>There is a significant economic hardship on non-FQSUs as a result of the closure. Hunting plans and time commitments must be modified or cancelled in response. This in turn affects transporters and guides that also provide logistical support for these hunters.</p> <p><i>(see Discussion, Current Events)</i></p>
<p>Regardless of the duration of the closure, there are no mechanisms in place to evaluate the effectiveness of the closure in meeting its intended objectives. This closure does not provide temporary relief to FQSUs because it will concentrate non-FQSUs on State managed lands, increase tensions between users groups, and negatively affect former FQSUs that have since moved from the area but wish to continue hunting in Unit 23.</p> <p><i>(see Discussion, Current Events)</i></p>
<p>A large quantity of meat harvested by non-FQSUs in Unit 23 is distributed within local communities. Non-FQSUs are helping local people meet their caribou subsistence needs.</p> <p><i>(see Current Events)</i></p>
<p>Non-FQSUs contribute to the economy of the region. They spend money in transportation, supplies and logistics supporting transporters, guides and others.</p> <p><i>(see Current Events)</i></p>
<p>Non-FQSUs take relatively few animals from the region as compared to FQSUs, leaving the vast majority of the harvest for local subsistence uses.</p> <p><i>(see Harvest History - Harvest from WACH &amp; Harvest from Unit 23)</i></p>
<p>Closures on Federal public lands will prevent non-FQSUs who previously lived in the area from accessing caribou in Unit 23.</p> <p><i>(see Discussion, Current Events)</i></p>
<p>Trash, camp equipment, and ATV use is restricted to prevent habitat degradation. The extent of habitat degradation caused by FQSUs and non-FQSUs is unknown.</p> <p><i>(see Cultural Knowledge and Traditional Practices, Current Events)</i></p>

**Table 8.** Points to consider, affecting the continuation of subsistence uses of caribou on Federal public lands in Unit 23, that support opening Federal public lands to the harvest of caribou by all users.

<b>APPROVE WSA16-03</b> <b>POINTS TO CONSIDER—CONTINUATION OF SUBSISTENCE USES</b>
User conflicts have been addressed through working groups, outreach campaigns, land management policies, and training requirements. State and Federal agencies are continuing to develop methods that reduce user conflicts in Unit 23. <i>(see Cultural Knowledge and Traditional Practices -User Conflicts in Unit 23, Current Events)</i>
Transporters and guides work closely with local communities to address concerns regarding aircraft activity and its perceived effects on caribou harvest and migration. <i>(see Regulatory History, Current Events)</i>
Aircraft activity will not cease under a closure. Other user groups will still be flying in the area including those hunting other species and accessing lands for recreational purposes, among other uses. <i>(see Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events)</i>
The wildlife resources of Alaska are important to all of its residents, not just those in proximity to a given resource. Many non-FQSUs depend on and value access to caribou. There is also an aspect of cultural identity held by non-FQSUs who have hunted caribou in Unit 23 for years and/or through generations. <i>(see Discussion, Harvest History - Harvest from WACH &amp; Harvest from Unit 23, Current Events)</i>
Federal public lands are owned by all residents of the nation and equal access should be granted. No user group should be given preference. <i>(see Current Events)</i>

**Table 9.** Points to consider, affecting the continuation of subsistence uses of caribou on Federal public lands in Unit 23, that reject opening Federal public lands to the harvest of caribou by all users.

<b>REJECT WSA16-03</b>
<b>POINTS TO CONSIDER—CONTINUATION OF SUBSISTENCE USES</b>
<p>FQSUs have to make more frequent hunting trips of longer duration and greater distance to achieve harvest levels similar to past harvest levels. Harvest success is variable among communities. Some communities report that user conflicts have negatively affected subsistence opportunity.</p> <p><i>(see Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events)</i></p>
<p>ANILCA Title VIII provides a subsistence priority use on Federal public lands. There is a significant economic hardship experienced by FQSUs who must expend greater time, energy, and money to harvest caribou. Purchase of commercial food products is very expensive in rural Alaska. The temporary closure implemented by WSA16-01 is only for one regulatory year.</p> <p><i>(see Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events)</i></p>
<p>In combination with the State’s regulatory changes, the effects of these restrictions can be evaluated following the relatively short duration of closure and alongside of new population data from a successful photo-census. In addition, this may alleviate some user conflict. The temporary closure implemented by WSA16-01 is effective for one regulatory year. Rescinding the closure prior to its full implementation would remove opportunities for determining the effects of a closure.</p> <p><i>(see Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events)</i></p>
<p>Donated meat is primarily distributed in Kotzebue and not in other Unit 23 communities. It sometimes arrives spoiled or is taken during the rut. Subsistence includes more than caloric intake. It is way of life. The receipt of meat does not provide for a meaningful subsistence experience or address the social and cultural aspects of the subsistence way of life.</p> <p><i>(see Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events)</i></p>
<p>ANILCA Title VIII provides protection for the subsistence way of life and subsistence economies in rural Alaska. Furthermore, FQSUs report that non-FQSUs do not contribute substantially to the mixed cash-subsistence economy of the region as relatively few hunters purchase fuel and supplies from local communities.</p> <p><i>(see Current Events)</i></p>
<p>The percentage of caribou taken by FQSUs suggests the significance of caribou as a locally available subsistence resource. This importance and the resultant impacts on human health that lack of access to caribou would cause are alarming in light of a declining herd. Additionally, the high intensity of activity related to harvest by non-FQSUs causes disruption of subsistence.</p> <p><i>(see Harvest History -Intensity of Use of Unit 23, Harvest History - Harvest from WACH &amp; Harvest from Unit 23, Current Events)</i></p>

**Table 9.** Points to consider, affecting the continuation of subsistence uses of caribou on Federal public lands in Unit 23, that reject opening Federal public lands to the harvest of caribou by all users.

<b>REJECT WSA16-03</b>
<b>POINTS TO CONSIDER—CONTINUATION OF SUBSISTENCE USES</b>
<p>Non-FQSUs who previously lived in the area may still hunt on State land and, possibly, Native corporation land.</p> <p>(see <i>Current Events</i>)</p>
<p>Public testimony and recent research (Halas 2015, Fix and Ackerman 2015) suggest that trash, camp equipment, and ATV use by non-FQSUs are contributing to habitat degradation and changes to caribou migration patterns.</p> <p>(see <i>Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events</i>)</p>
<p>User conflicts between FQSUs and non-FQSUs have been ongoing for several decades without significant relief. Agency actions to date have not resolved user conflict. Ongoing conflicts appear to threaten subsistence opportunity for FQSUs. Harvest areas also continue to overlap, increasing user conflict.</p> <p>(see <i>Harvest History - Intensity of Use of Unit 23, Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events</i>)</p>
<p>Local residents have reported that transporters and guides frequently fly at low altitudes around caribou herds and land in front of the migrating animals, causing herd diversion and deflection in critical corridors.</p> <p>(see <i>Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events</i>)</p>
<p>The effects of various aircraft activities are unknown at this time. Other users may not be flying to the same areas, the same habitat types, or at the same altitudes. The existing one regulatory year closure may yield information that speaks to this issue.</p> <p>(see <i>Harvest History - Intensity of Use of Unit 23, Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events</i>)</p>
<p>Changes in access to caribou may not be uniform in the region. In some areas where caribou harvest is low and other resources are not widely available, people may be going hungry. Non-FQSUs may be better financially situated to expend resources to hunt the animals in other areas. The Federal program under ANILCA Title VIII provides priority for subsistence use by residents residing in rural Alaska communities and possessing customary and traditional use findings for the resource.</p> <p>(see <i>Cultural Knowledge and Traditional Practices - User Conflicts in Unit 23, Current Events</i>)</p>



**Table 9.** Points to consider, affecting the continuation of subsistence uses of caribou on Federal public lands in Unit 23, that reject opening Federal public lands to the harvest of caribou by all users.

<b>REJECT WSA16-03</b>
<b>POINTS TO CONSIDER—CONTINUATION OF SUBSISTENCE USES</b>
Title VIII of ANILCA provides for a subsistence priority on Federal public lands in Alaska for FQSUs. It also grants authority to the Board to restrict the taking of fish and wildlife for nonsubsistence uses when certain criteria are met. This includes in situations where closures are necessary for the conservation of healthy populations of fish and wildlife and/or when necessary for the continuation of subsistence uses.  (see <i>Current Events</i> )

### **Additional Options for Board Consideration: Targeted Closures in Unit 23**

As described previously, the Board’s closure of Federal public lands to non-FQSUs was based on concerns pertaining to the continued decline of the WACH and to ensure the continuation of subsistence uses, especially in light of ongoing user conflicts and possible herd migration deflection by nonlocal hunters and their associated activities. Even with aerial survey data, population estimates associated with the WACH contain some uncertainty about the most appropriate management actions to follow from the WACH Management Plan. The population estimates derived from the 2016 aerial survey (200,928 animals), ADF&G’s population models, and improved herd characteristics indicate that the population decline may be slowing. However, the herd remains close to the management plan’s threshold for preservative management (see **Table 2**).

Questions remain as to whether restricting non-FQSU annual caribou harvest in Unit 23 will result in measurable advantages for the herd. Discussions about the current closure of caribou hunting in Unit 23 to all but FQSUs should also take into consideration ongoing conflict between user groups in the area and how this may affect the continuation of subsistence uses of caribou in the region, most notably through herd diversion and deflection by nonlocal hunter activities along migration routes, the concentration of nonlocal hunter camps along these routes, and nonlocal hunter positioning in front of migrating caribou.

As is evidenced by **Map 7**, **Map 8**, and **Figure 9**, and through extensive public testimony, the intensity of harvest activity for both FQSUs and non-FQSUs in Unit 23 occurs in the same general area. This area primarily consists of a coastal corridor in the westernmost section of Unit 23, extending along the mainstem of the Noatak River and south to the vicinity of Buckland. Communities located within this area of hunting intensity include Noatak, Sheshalik, Kiana, Noorvik, and Selawik. Other communities in the management unit may be affected by changes to herd migration but are not within this corridor.

The Squirrel River drainage has received considerable attention related to this issue. This drainage was discussed by members of the Northwest Arctic Council as being particularly problematic because of the intensity of use by “nonlocal” hunters and herd diversion at key locations in the upper part of the drainage, including the area between the Squirrel River and the Agashashok River. Members also mentioned

concerns regarding the intensity of hunting along the Baldwin Peninsula. The most intense hunting activities and harvest by “nonlocals” between 2005 and 2014 are within the Squirrel River drainage and the Baldwin Peninsula as is evidenced on **Map 7** and **Map 8**.

Opponents to the closure, including the proponent of WSA 16-03, have cited the large proportion of Unit 23 that includes Federal public lands (69%), the probable concentration of hunters on State land in the unit, and the relatively small percentage of the harvest that is taken annually by non-Federally qualified hunters as reasons for their opposition. Some non-Federally qualified hunters have also testified that the closure may negatively affect the herd by concentrating nonlocal hunters along other migration corridors or critical habitat areas. They have also testified that the closure presents substantial economic hardships for non-FQSUs that are forced to cancel or modify their hunting plans for the 2016 regulatory year. Additionally, some have testified that the closure will intensify user conflicts moving forward.

**Map 10** depicts the spatial extent of Federal public lands, State lands, Native Patent or Interim Conveyance Lands, and selected lands within Unit 23. Non-FQSUs are currently allowed to hunt caribou on State patent, tentative approval, and State selected lands which compose approximately 8,888 mi<sup>2</sup> within the unit.

Native patent/interim/selected conveyance lands (composing approximately 5,095 mi<sup>2</sup>) and Native allotments (approximately 263 mi<sup>2</sup>) include more variation on management and access authorities. These lands are primarily considered private lands and require landowner permission for hunting access. Importantly, some private land owners will allow hunting upon payment of a trespass fee and some corporations owning land will allow hunting by their shareholders and other designees. In short, without additional permissions, non-FQSUs may currently hunt on State patent or tentative approval land only.

In order to address subsistence user concerns about conservation and the continuation of subsistence uses in Unit 23 while also potentially mitigating the effects of the closure on non-FQSUs, the Board may wish to consider alternatives to the closure of all of Unit 23. Such alternatives could maintain the closure of Federal public lands in proximity to the high harvest intensity corridor mentioned previously and depicted on **Map 7**, **Map 8**, and **Figure 9**. This approach could potentially open a portion of Federal public lands in Unit 23 to non-Federally qualified hunters while reducing harvest intensity, herd diversion, and conflicts within the high harvest corridor. Local land managers, in collaboration with FQSUs, may be able to provide the Board with additional insight and precision for targeted closures if these are to be considered.

The Office of Subsistence Management has developed three examples that reflect corridors of high harvest activity (**Map 7**, **Map 8**, and **Figure 9**) and public testimony regarding areas of high user conflict. The examples provided below are offered to stimulate discussions about alternative options and represent a limited number of possible partial closure options that may be available. Local and traditional knowledge held by local residents and land managers may provide the additional insight necessary for targeted closures within Unit 23. For example, the Selawik National Wildlife Refuge Manager (Georgette 2016, pers. comm) raised questions about examples two and three because 1) they include areas largely utilized by former FQSUs and those with familial ties to the region and 2) closures in the southern portion of the Unit during the fall hunting season fail to reflect that most caribou are absent from the area at this time of year. It may also be worth noting that any partial re-opening of Unit 23 to non-FQSUs would eliminate the possibility of

evaluating the full impact of the closure on the conservation of the herd and the continuation of subsistence uses.

These examples are depicted in **Maps 11, 12, and 13**, and include:

- Closure within the entire Noatak River drainage in Unit 23 to include Federal public lands in Noatak National Preserve. Additional closures in Selawik National Wildlife Refuge west of a line through 160°W Longitude, Bureau of Land Management lands in the Squirrel River drainage, along the Buckland Peninsula and those in proximity to the communities of Buckland and Candle (**Map 11**).<sup>6</sup>
- Closure of all Federal public lands in Unit 23 to the west of a line through 160°W Longitude within Unit 23. This line runs through the community of Selawik (**Map 12**).
- Closure of all Federal public lands in Unit 23 to the east of a line through 163°W Longitude and west of a line through 160°W Longitude within Unit 23 (**Map 13**).

Each of the above examples includes closures on varying extents of Federal public land in Unit 23 (**Table 10**). A full closure encompasses the greatest percentage of Unit 23 (approximately 68%, followed by Example 1 (34%), Example 2 (28%), and Example 3 (21%).

**Table 10.** Percentage of land affected by different options.

Option	% Unit 23	% Federal public lands	Option Closure Area (mi <sup>2</sup> )	Total Unit 23 Area (mi <sup>2</sup> )	Total Federal public lands (mi <sup>2</sup> )
Full closure	68	100	32,298	43,402	29,412
1	34	46	14,862		
2	28	37	11,980		
3	21	29	9,307		

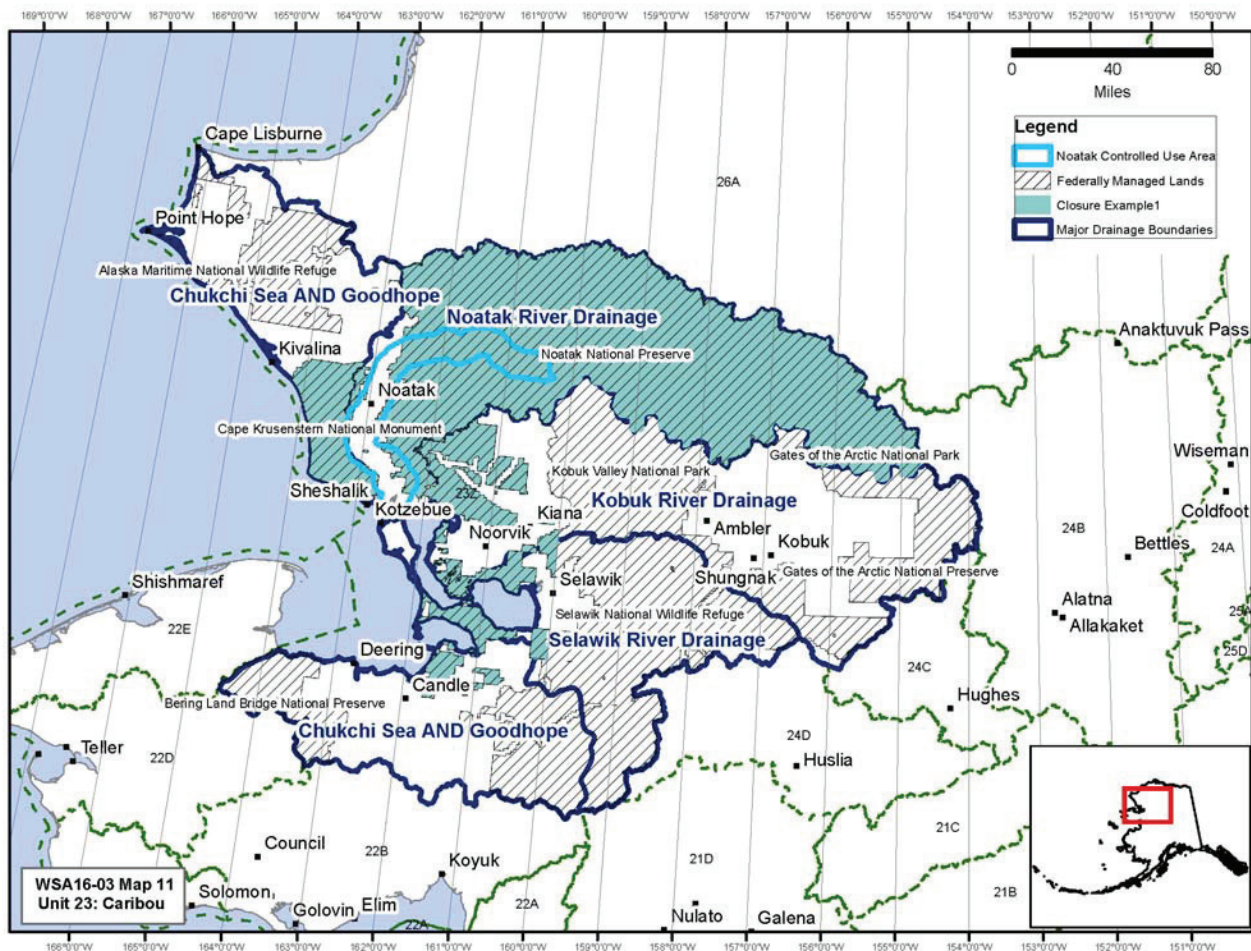
Considering range maps produced for the WACH Cooperative Management Plan (2011; **Figures 10 and 11**), Examples 1–3 would provide non-Federally qualified hunters with substantial access to the herd in the eastern portion of their migration route. Access to the herd is most restrictive in Example 1 because this option maintains the closure of the entire Noatak River drainage, which may preserve movements of caribou both eastward and westward (toward Anaktuvuk Pass) within the drainage by limiting hunter disturbance. Additionally, the middle and upper Noatak River corridor was originally included in the traditional council of Noatak’s proposal to the Board of Game in March 1988 to create a Controlled Use Area to address user conflicts. The Board of Game amended to the proposal to include an area one third the size of the request, representing those areas where most subsistence hunting took place and where caribou were most vulnerable to “spooking” by aircraft (Fall 1990:1987). This example may therefore address

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<sup>6</sup> National Parks and National Monuments are already closed to non-Federally qualified subsistence users. Therefore, Gates of the Arctic National Park, Kobuk Valley National Park and Cape Krusenstern National Monument are depicted in these examples but do not represent new closures to non-Federally qualified subsistence users on Federal public lands.

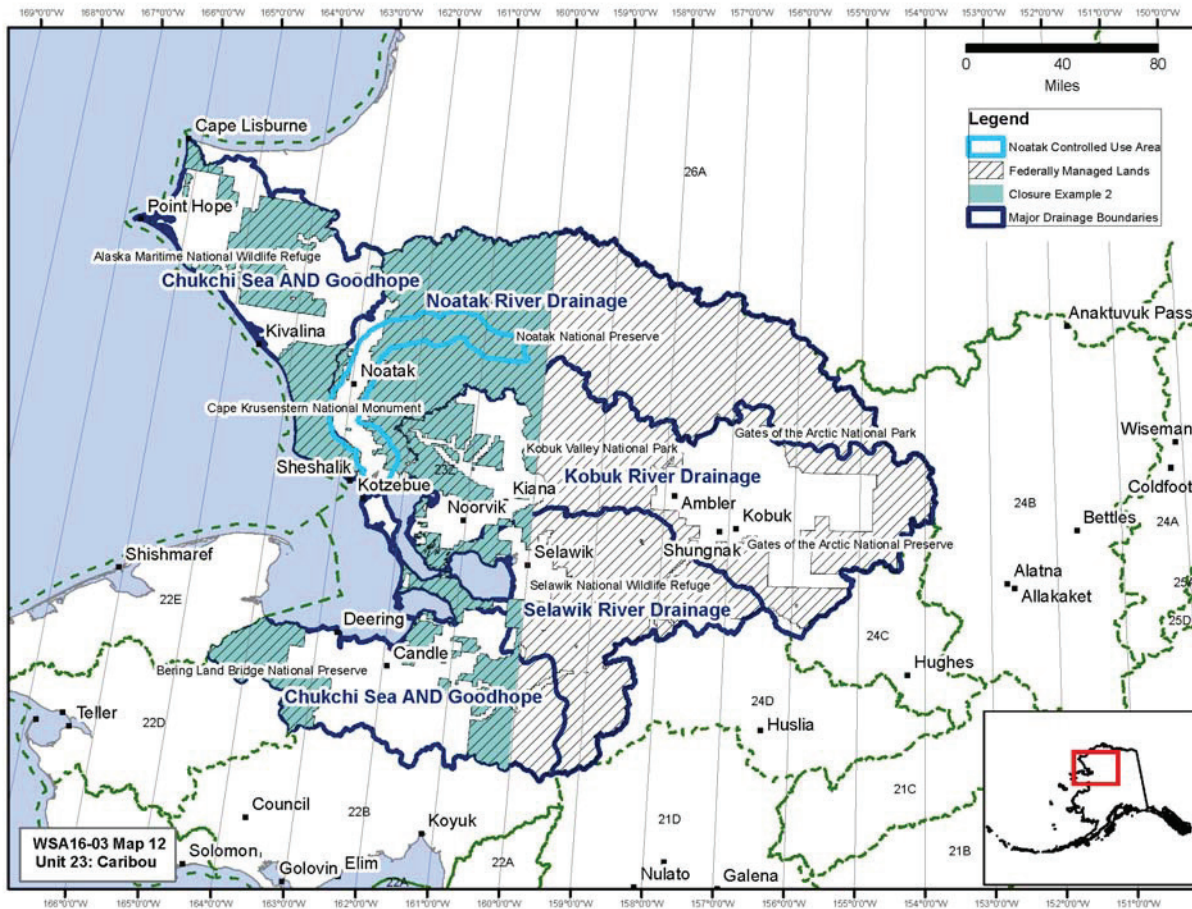
ongoing concerns not fully resolved by the Board of Game in 1988 or by the NPS Special Commercial Use Area created in 2012.

In each of the three examples discussed above, non-FQSUs would maintain access to Federal public lands within the largest fall and spring migration corridors located in the eastern portion of Unit 23 (see **Figure 9** [Part a] and **Figure 9** [Part b]) and hunting disturbances would be limited within the corridor identified as having received the greatest hunting pressure between 2005 and 2014, potentially resulting in improved herd migration to those areas. Southward herd movements in the fall (see **Figure 11** [Part a]) would possibly experience less disturbance by non-FQSUs in western corridors, potentially resulting in increased movements into those areas. Similarly, northward herd movements in the spring (**Figure 11** [Part b]) would receive less non-Federally qualified hunter disturbance in smaller western corridors.



**Map 11.** Federal public lands that would be closed to non-Federally qualified subsistence users under Example 1.<sup>7</sup>

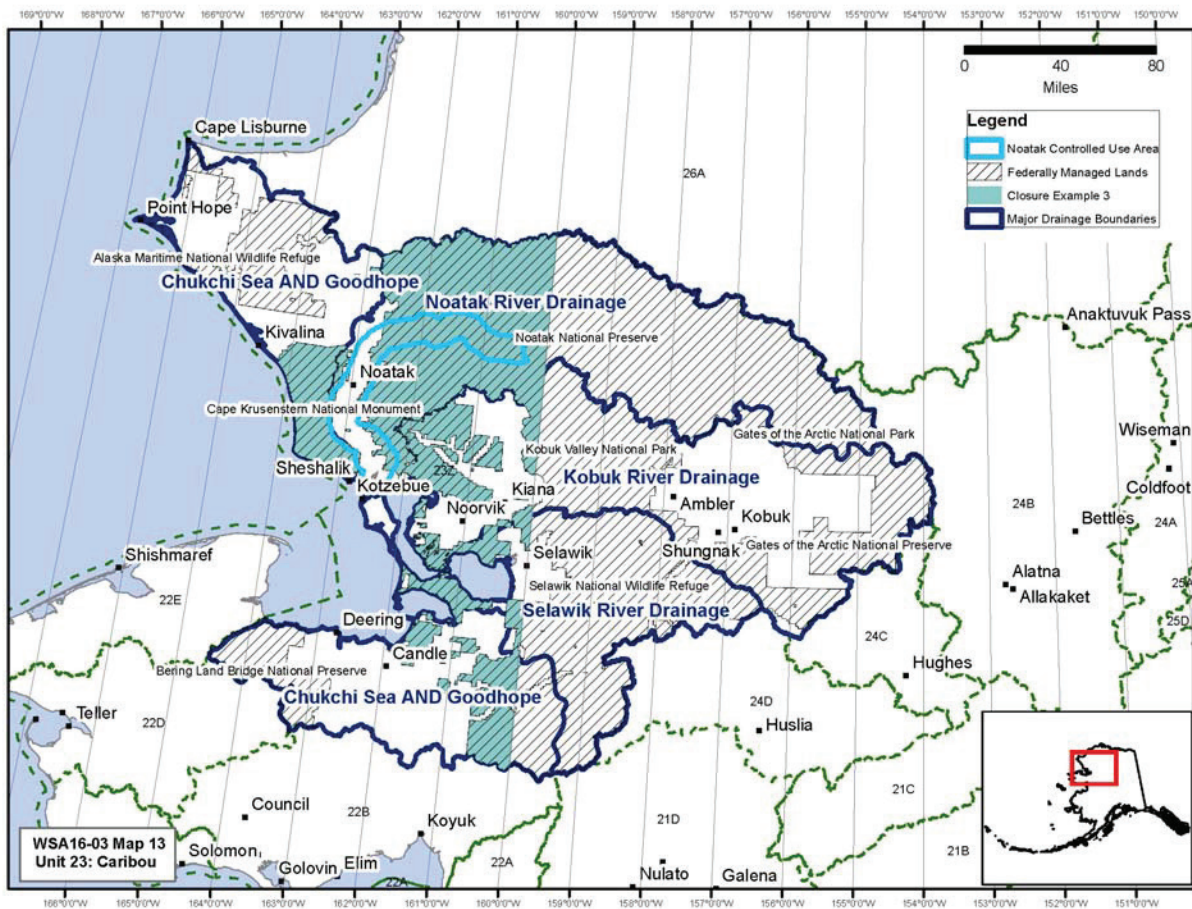
<sup>7</sup> National Parks and National Monuments are already closed to non-Federally qualified subsistence users. Therefore, Gates of the Arctic National Park, Kobuk Valley National Park and Cape Krusenstern National Monument are de-



**Map 12.** Federal public lands that would be closed to non-Federally qualified subsistence users under Example 2.<sup>8</sup>

picted in these examples but do not represent new closures to non-Federally qualified subsistence users on Federal public lands.

<sup>8</sup> National Parks and National Monuments are already closed to non-Federally qualified subsistence users. Therefore, Gates of the Arctic National Park, Kobuk Valley National Park and Cape Krusenstern National Monument are depicted in these examples but do not represent new closures to non-Federally qualified subsistence users on Federal public lands.



**Map 13.** Federal public lands that would be closed to non-Federally qualified subsistence users under Example 3.<sup>9</sup>

<sup>9</sup> National Parks and National Monuments are already closed to non-Federally qualified subsistence users. Therefore, Gates of the Arctic National Park, Kobuk Valley National Park and Cape Krusenstern National Monument are depicted in these examples but do not represent new closures to non-Federally qualified subsistence users on Federal public lands.

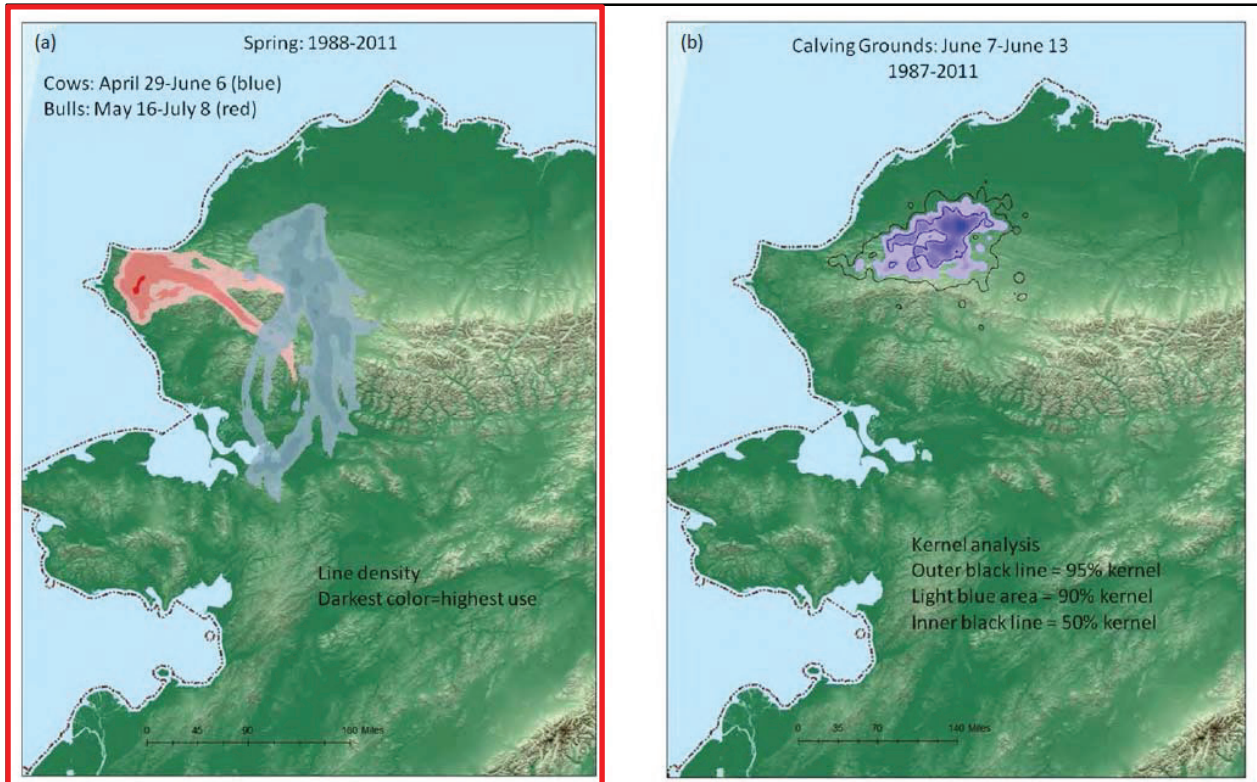
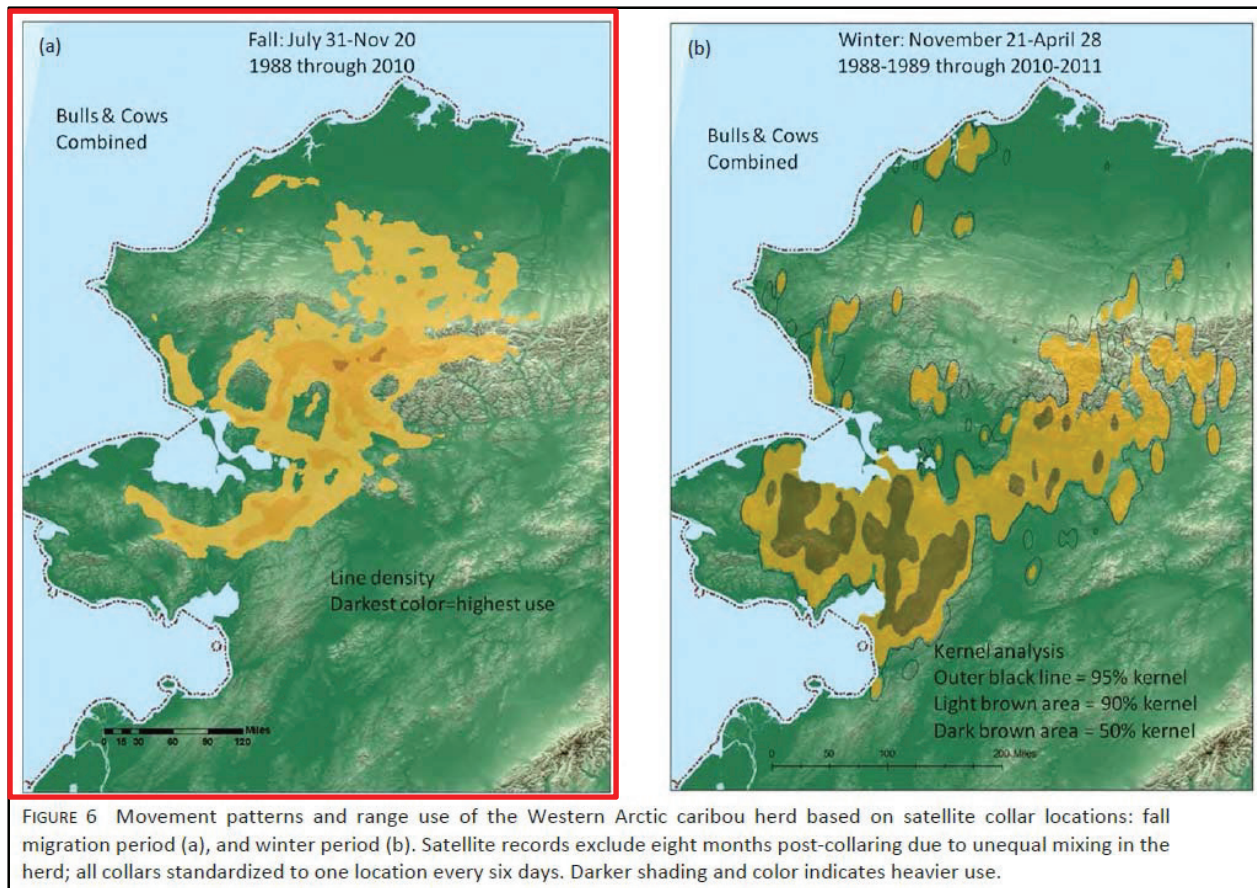


FIGURE 4 Movement patterns and range use of the Western Arctic caribou herd based on satellite collar locations: spring migration of cows and bulls (a), and calving grounds (b). Satellite records exclude eight months post-collaring due to unequal mixing in the herd; all collars standardized to one location every six days. Darker shading and color indicates heavier use.

**Figure 10.** Area used by WACH in spring 1988–2011 and calving grounds 1987–2011 (borrowed from Western Arctic Herd Cooperative Management Plan, 2011).



**Figure 11.** Area used by WACH in fall 1988 through 2010 and winter 1988 through 2010 (borrowed from Western Arctic Herd Cooperative Management Plan, 2011).

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APPENDIX 1

**Appendix Table 1-1.** The harvest and use of caribou by communities in Unit 23, based on household surveys, by study year.

CARIBOU HARVEST							
HOUSEHOLD HARVEST SURVEYS							
Community	Study year	Percentage of households using caribou	Caribou harvest				
			Estimated Harvest	Lower Estimate	Higher Estimate	Per Person	95% confidence interval
			(caribou)	(caribou)	(caribou)	(lb)	(+/- %)
Ambler	2012	91	685	646	845	330	23
	2009	78	456	380	531	260	17
	2003	95	325	301	361	176	11
Buckland	2009	67	535	448	622	168	16
Deering	2007	87	182	121	243	162	34
	1994	78	142	119	174	131	22
Kiana	2009	77	414	358	471	149	14
	2006	94	306	264	347	109	13
	1999	97	488	393	582	174	19
Kivalina	2010	79	86	52	120	32	40
	2007	93	268	190	347	85	29
	1992	97	351	316	386	138	9
	1983		564			284	
	1982		346			179	
	1965		1,010			830	
	1964		256			209	
Kobuk	2012	93	119	133	139	98	17
	2009	86	210	178	245	194	17
	2004	89	134	134	134	148	0
Kotzebue	2012	82	1,804	1,803	1,804	80	22
	1991	93	3,782	2,520	5,044	141	33
	1986	88	1,917			97	
Noatak	2010	56	66	45	87	16	32
	2007	97	442	373	510	114	15
	2002	91	410	374	446	120	9
	1999	96	683	621	755	224	11
	1994	91	615	550	680	221	10
Noorvik	2012	95	851	609	1,094	198	29
	2008	94	767	692	842	174	10
	2002	95	988	794	1,182	182	20
Selawik	2011	97	683	433	934	109	37
	2006		934	833	1,035	165	10
	1999	97	1,289	1,188	1,390	249	8
Shungnak	2012	93	396	351	509	196	29
	2008	95	406	341	471	218	16
	2002	98	403	381	436	220	8
	1998	100	561	541	596	312	6

Source: ADF&G 2016b. Blank cell=data not available.



APPENDIX 2

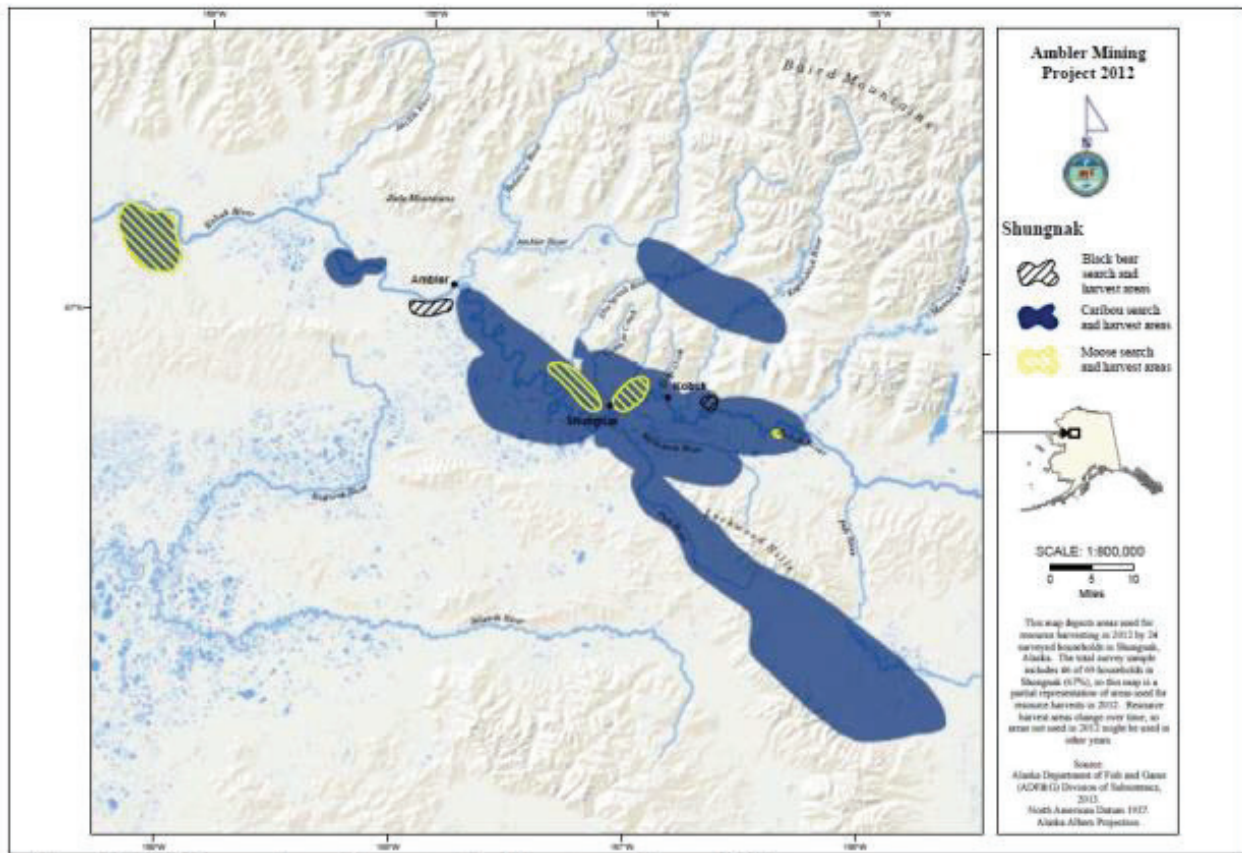


Figure 3-12.—Black bear, caribou, and moose search and harvest areas, Shungnak, 2012.

**Appendix Map 2-1.** Map depicting caribou, black bear, and moose search and harvest areas by residents of Shungnak in 2012 (Magdanz et al. 2011).

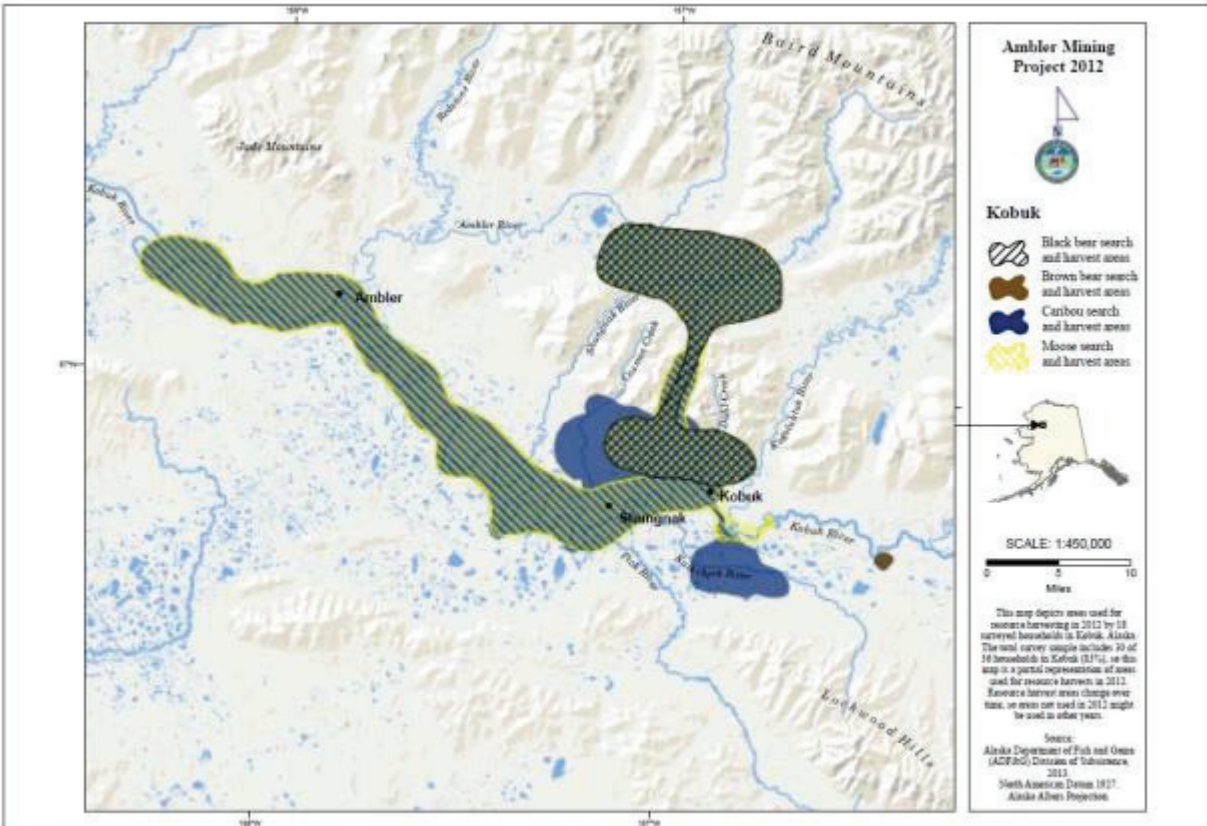


Figure 4-12.—Black bear, brown bear, caribou, and moose search and harvest areas, Kobuk, 2012.

**Appendix Map 2-2.** Map depicting caribou, black bear, brown bear, and moose search and harvest areas by residents of Kobuk in 2012 (Magdanz et al. 2011).

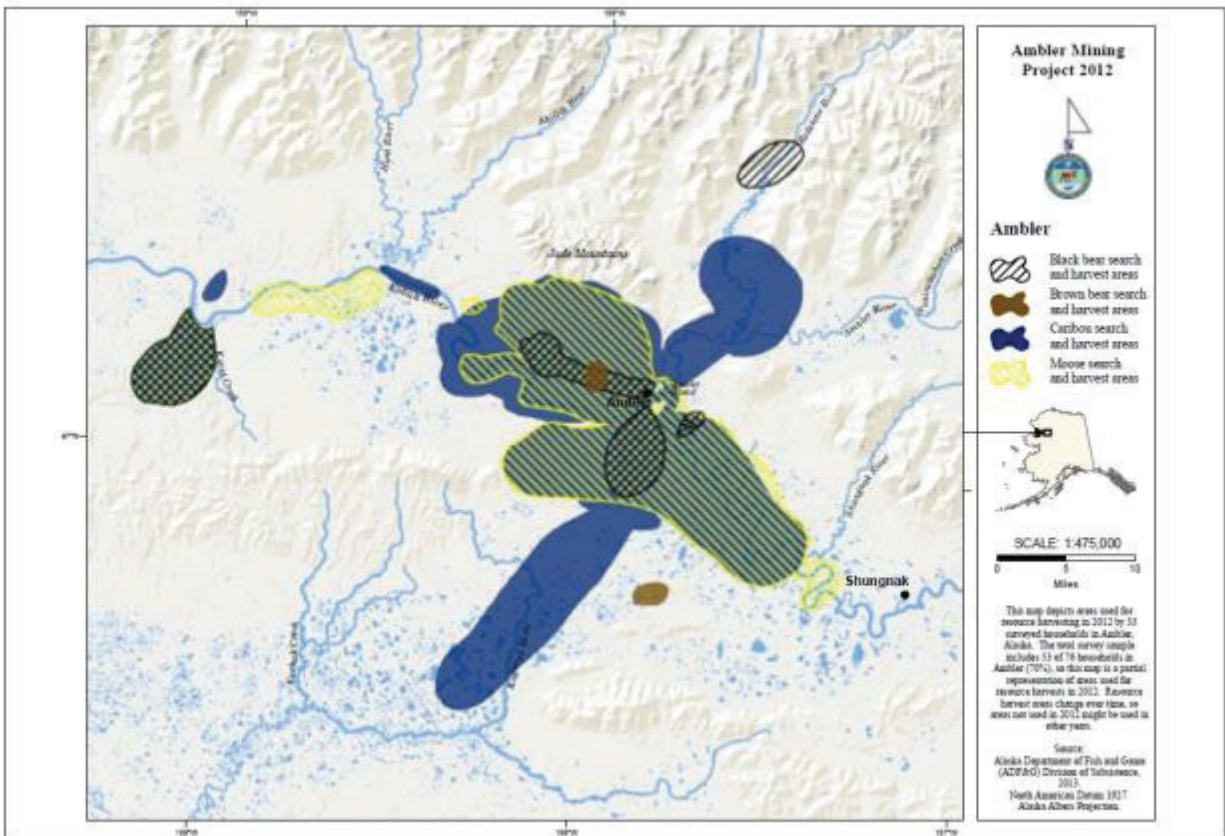


Figure 2-12.—Large land mammal search and harvest areas, Ambler, 2012.

**Appendix Map 2-3.** Map depicting caribou search and harvest areas by residents of Ambler in 2012 (Magdanz et al. 2011).

**TEMPORARY SPECIAL ACTION  
WSA16-03**

**INTERAGENCY STAFF COMMITTEE COMMENTS**

Temporary Special Action Request WSA16-03 requests lifting the closure to caribou harvest in Unit 23 by nonsubsistence users. Regulations at 36 CFR 242.19(b)(1) and 50 CFR 100.19(b)(1) state that the Board *may reopen public lands to nonsubsistence uses if new information or changed conditions indicate that the closure is no longer warranted.*

In the request, the State stated that new information indicated improvements in caribou calf production, recruitment, survival, and weight; adult females exhibited very good body conditions and high pregnancy rates in 2015 and 2016; and the newly derived WACH population estimate for fall 2105 was 206,000 caribou, falling within the WACH Management Plan's "conservative" harvest management strategy. Subsequent to submitting the special action request, the State also finalized photo census data collected in July 2016, which included a point estimate of 200,928 caribou (Standard Error = 4,295) in the WACH.

The Board should focus its decision on whether the request provides sufficient information to indicate the closure is no longer warranted. While the State provided some encouraging population data, the point estimate and associated error shows that there is still some uncertainty on whether the WACH is at the conservative or preservative level based. Further, the Board's decision to initially close Federal public lands (WSA16-01) was based on impacts to subsistence users, but WSA16-03 does not provide new information or show that conditions related to that aspect of the Board's decision have changed.

Since the population trajectory of the WACH herd suggests it may still be in decline, the ISC would like to encourage efforts to involve as many participants as possible in the discussion of potential future actions. The WACH Management Plan lists the closure of *some* Federal public lands to nonqualified users as a possible recommendation for the preservative management level (emphasis added); thus, closure of specific Federal lands may be an option to minimize impacts to subsistence users. In anticipation of additional special action requests coming from the Unit 23 region, the Board could direct staff to initiate discussions about user conflicts on specific Federal public lands with affected Councils, subsistence resource commissions, the WACH Working Group, Unit 23 Working Group, the State of Alaska, Tribes and ANCSA Corporations, and other users.



National Park Service  
U.S. Department of the Interior

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## National Park Service News Release

Release Date: January 12, 2017

Contact: John Quinley, (907) 644-3512

### NPS Finalizes Subsistence & Wildlife Collection Regulations

The National Park Service today published final regulations in the [Federal Register](#) which allow federal subsistence users in Alaska to collect and use non-edible animal parts and plants for the making and selling of handicrafts.

Regulations had not allowed people to collect plants for sale or trade, or to collect and use animal parts such as antlers that had been naturally shed or that came from naturally occurring deaths. The new regulations make those practices legal for NPS qualified subsistence users under most circumstances. The proposal for the regulation came in response to requests by several Subsistence Resource Commissions, groups formed under the Alaska National Interest Lands Conservation Act (ANILCA), to help guide subsistence management in national parks.

The rule will allow NPS-qualified local rural residents to collect and use non-edible animal parts and plant materials for the creation and subsequent disposition (use, barter, or sale) of handicrafts in accordance with ANILCA.

The regulations published today also include two restrictions not specifically related to subsistence collections. The rule limits the types of bait that may be used for taking bears under Federal Subsistence Regulations to native fish or wildlife remains that exist from natural mortality or remains not required to be salvaged from a lawful harvest. This would eliminate items such as dog food, grease, bread, marshmallows, etc. which are currently allowed and commonly used.

Based on public comment, the proposed rule was modified to allow the superintendent of Wrangell-St. Elias National Park and Preserve to issue a permit to allow use of human-produced foods upon a determination that such use is compatible with park purposes and values and the applicant does not have reasonable access to natural materials that could be used as bait. The exception for Wrangell-St. Elias was based on documented history of bear baiting

The second provision clarifies that collecting of live wildlife is not an authorized hunting or trapping practice and therefore not generally allowed. This clarification was necessary based on requests from the public to collect falcon chicks in national preserves (where sport hunting and trapping are legal).

[www.nps.gov/alaska](http://www.nps.gov/alaska)



unless authorized by the Coast Guard Captain of the Port Maryland-National Capital Region. Public vessels and vessels already at berth at the time the security zone is implemented do not have to depart the security zone. All vessels underway within the security zone at the time it is implemented are to depart the zone at the time the security zone is implemented. To seek permission to transit the zone, the Captain of the Port Maryland-National Capital Region can be contacted at telephone number (410) 576-2693 or on Marine Band Radio, VHF-FM channel 16 (156.8 MHz). Coast Guard vessels enforcing this zone can be contacted on Marine Band Radio, VHF-FM channel 16 (156.8 MHz). The Coast Guard may be assisted by other Federal, state or local law enforcement agencies in enforcing this regulation. If the Captain of the Port or his designated on-scene patrol personnel determines the security zone need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to suspend enforcement and grant general permission to enter the security zone.

This notice of enforcement is issued under authority of 33 CFR 165.508 and 5 U.S.C. 552(a). In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notification of this enforcement period via the Local Notice to Mariners and marine information broadcasts.

Dated: January 4, 2017.

**Michael W. Batchelder**,  
Commander, U.S. Coast Guard, Acting  
Captain of the Port Maryland-National  
Capital Region.

[FR Doc. 2017-00251 Filed 1-11-17; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 13

[NPS-AKRO-22487; PPAKAKROZ5,  
PPMPRL1Y.L00000]

RIN 1024-AE28

#### Alaska; Subsistence Collections

**AGENCY:** National Park Service, Interior.  
**ACTION:** Final rule.

**SUMMARY:** The National Park Service amends its regulations for National Park System units in Alaska to allow qualified subsistence users to collect nonedible fish and wildlife parts and plants for creating handicrafts for barter and customary trade. The rule also

clarifies that capturing, collecting or possessing living wildlife is generally prohibited and adopts restrictions on using human-produced foods to bait bears for subsistence uses.

**DATES:** This rule is effective February 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** Andee Sears, Regional Law Enforcement Specialist, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501. Phone (907) 644-3410. Email: [AKR\\_Regulations@nps.gov](mailto:AKR_Regulations@nps.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

##### *Proposed Rule and Public Comment Period*

On January 13, 2016, the National Park Service (NPS) published the proposed rule in the **Federal Register** (81 FR 1592). The rule was open for public comment for 90 days, until April 12, 2016, to coincide with scheduled meetings of the NPS Subsistence Resource Commissions and Federal Subsistence Regional Advisory Councils. The NPS invited comments through the mail, hand delivery, and through the Federal eRulemaking Portal at <http://www.regulations.gov>. The NPS received 27 comments on the proposed rule during the public comment period. A summary of comments and NPS responses is provided below in the section entitled "Summary of and Responses to Public Comments". After considering the public comments and additional review, the NPS made some changes in the final rule from what was proposed. These changes are summarized below in the section entitled "Changes from the Proposed Rule".

##### *Subsistence Uses Authorized by ANILCA*

In 1980, Congress enacted the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 410hh-410hh-5; 3101-3233) to preserve various nationally significant areas in Alaska. One of the purposes of ANILCA is "to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so." 16 U.S.C. 3101(c). The subsistence take of fish and wildlife on (federal) public lands is governed by Title VIII of ANILCA (16 U.S.C. 3111-3126).

Title II of ANILCA established new National Park System units, added to existing units, and specified in which units that subsistence uses shall be allowed. 16 U.S.C. 410hh-2. Subsistence uses by local rural residents in Alaska are authorized in all national preserves and in the Alagnak Wild River

(managed as a national preserve), Aniakchak National Monument, Cape Krusenstern National Monument, Gates of the Arctic National Park, Kobuk Valley National Park, Lake Clark National Park, Wrangell-Saint Elias National Park, 16 U.S.C. 410hh-(1)-(4), (6)-(10); and the additions to Denali National Park, 16 U.S.C. 410hh-1(3)(a).

ANILCA defines "subsistence uses" as:

[T]he customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade. 16 U.S.C. 3113

This definition reflects that the creation of hand-made crafts from nonedible natural materials has long been a part of the cultural, social, and economic practices of those living a subsistence way of life in Alaska. These individuals requested that the NPS allow this customary and traditional practice.

##### *Consistency With NPS Regulations*

NPS regulations for subsistence uses in park units in Alaska are found in 36 CFR part 13, subpart F—Subsistence. The regulations authorize local rural residents to take fish and to hunt and trap wildlife in specific park units for subsistence uses in compliance with state and federal law. 36 CFR 13.470 and 13.480. The Federal Subsistence Board (FSB) regulations governing the subsistence take of fish and wildlife on federal lands in Alaska are found at 50 CFR part 100. These part 100 regulations are limited to fish, wildlife and non-migratory birds. NPS regulations regarding the non-commercial subsistence use of timber and plant materials are located at 36 CFR 13.485. The non-commercial cutting of standing timber for firewood and house logs is authorized under 36 CFR 13.485(a) while the non-commercial gathering of plant materials such as fruits, berries, and mushrooms for subsistence uses without a permit is authorized by 36 CFR 13.485(b).

The NPS regulation at 36 CFR 13.420 defining the term "barter" is derived from the statutory definition of "subsistence uses" in section 803 of ANILCA (16 U.S.C. 3113). Barter means the exchange of fish or wildlife or their parts for other fish or game or their parts; or for other food or for nonedible items other than money if the exchange is of a limited and noncommercial

nature. The term "customary trade" is limited by definition to the exchange of furs for cash, and other activities designated for a particular NPS unit by special regulation. These definitions recognize the traditional cultural, social, and economic practices of non-cash exchange of subsistence resources among those living a "genuine subsistence lifestyle", and that trapping was an "integral and longstanding part of the subsistence lifestyle in many regions in Alaska." See 1981 U.S. Fish and Wildlife Service interim regulations interpreting similar definitions of "barter" and "customary trade" (46 FR 31824, June 17, 1981).

Since the June 1981 rulemaking, two NPS units in Alaska where such customary trade was known to have occurred, Gates of the Arctic National Preserve and Kobuk Valley National Park, have promulgated special regulations that expand the definition of "customary trade" in those units to include the sale of handicrafts made from plant material taken by local rural residents of the park area. These special regulations do not require any written authorization from the superintendent. 36 CFR 13.1006 and 13.1504, respectively.

Except for these specific and limited authorizations for barter and customary trade of handicrafts in Gates of the Arctic National Preserve and Kobuk Valley National Park in Alaska, National Park System-wide regulations at 36 CFR 5.3 generally prohibit engaging in any business without authorization. This means that other forms of sale, barter, and trade that are customary and traditional uses of wild, renewable resources by rural Alaska residents are not allowed under current NPS regulations. In addition, National Park System-wide regulations at 36 CFR 2.1(a)(1) prohibit the collection of wildlife, plants, or parts thereof. There is a limited authorization for the hand-collection of fruits, berries, nuts, or unoccupied seashells for personal use or consumption, and a separate limited authorization for members of federally-recognized tribes to collect plants for traditional purposes under an agreement with the NPS, but the sale or commercial use of the products collected under these authorities is prohibited. 36 CFR 2.1(c) and (d).

#### *Environmental Impact Analysis*

The NPS prepared an Environmental Assessment (EA) to analyze the impacts of various alternatives that would address the collection of plant materials and nonedible animal parts to make handicrafts for barter and customary trade. On April 14, 2014, the Regional

Director for the Alaska Region signed a Finding of No Significant Impact (FONSI) that selected a modified version of the preferred alternative (Alternative D) in the EA as the selected action. In the FONSI, the Regional Director determined that written authorization from the NPS would be required to collect both animal parts and plant materials for making handicrafts for barter and customary trade. On December 2, 2016, the NPS amended the FONSI to exempt plant materials from this requirement. The provisions in this rule about the capture, collection, or possession of live wildlife and restrictions on the types of bait that may be used to take bears for subsistence purposes were categorically excluded from further environmental analysis.

#### **Final Rule**

##### *Summary of Final Rule*

This rule implements the selected action identified in the amended FONSI and applies to all NPS units in Alaska where subsistence uses by local rural residents are authorized by ANILCA. The rule allows NPS-qualified local rural residents to collect and use the following items to make and sell handicrafts:

- Plant Materials; and
- nonedible animal parts (*e.g.*, antlers, horns, bones, teeth, claws, hooves, skins, hides, fur, hair, feathers, or quills) that are naturally shed or discarded, lawfully taken, or that remain on the landscape due to the natural mortality of an animal.

While ANILCA does not expressly address making and selling of handicrafts out of plant materials, the NPS concludes it falls within this definition, and that it is not otherwise prohibited. Making and selling handicrafts out of plant materials is clearly use of a wild renewable resource for barter or customary trade. The omission of plant materials from the statute's specific provision on handicraft articles does not indicate any intent to prohibit their use. That definition provides that fish and wildlife-based handicraft articles for subsistence purposes are only made from "nonedible byproducts" to avoid the take of fish and wildlife solely for the purpose of making handicrafts out of them. Plant materials fall within the definition's more general provision of wild, renewable resources and the making and selling of plant-based handicrafts is a customary and traditional use of wild, renewable resources for barter or customary trade.

Feathers may only be collected if such collection is not prohibited by the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, or other applicable law. Collection and use of bird feathers remains subject to any applicable federal and state laws.

Eligibility to collect plants or nonedible animal parts follows the same criteria for other subsistence uses in national parks, monuments and preserves. Collection of nonedible wildlife parts is limited to NPS-qualified subsistence users who are residents of communities or areas with a federally recognized customary and traditional use determination (as listed in 50 CFR part 100) for each species in the game management unit within the affected area. Thus, if an NPS qualified subsistence user can lawfully harvest the wildlife species in a particular area for subsistence uses, then they are allowed to collect nonliving, nonedible parts of that same species they encounter in the area. Eligible persons must have written authorization from the superintendent to collect nonedible animal parts. The sale of raw unworked materials or parts remains prohibited because of concern about overuse and commercialization of the resource. The rule also allows NPS-qualified subsistence users to collect nonedible animal parts and plants on behalf of another NPS-qualified subsistence user or for cultural or educational programs that are qualified under FSB regulations at 50 CFR 100.25(g). The rule provides superintendents with authority to set conditions, limits, and other restrictions on collection activities to protect resources and values.

The rule allows the collection of nonedible animal parts and plants and their inclusion in handicrafts to be sold or exchanged through barter or customary trade. The regulatory definition of "barter" is amended to include exchange of handicrafts for fish or game or their parts; or for other food or nonedible items other than money if the exchange is of a limited and noncommercial nature. The regulatory definition of "customary trade" is amended to include exchange of handicrafts for cash to support personal or family needs, so long as these exchanges do not constitute a significant commercial enterprise.

The rule adds a definition of "handicraft" that is taken from the current federal subsistence regulations at 50 CFR 100.25(a). This definition clarifies that a handicraft must result from the alteration or manipulation of the shape and appearance of natural materials to create something of greater

monetary or aesthetic value than the unaltered natural material alone.

#### *Capture or Collection of Live Wildlife*

In the proposed rule, the NPS stated that collecting or possessing living wildlife (including eggs and offspring) is prohibited in NPS units located in Alaska unless specifically authorized by federal statute or pursuant to (1) an NPS research specimen collection permit issued under 36 CFR 2.5; (2) federal subsistence regulations; or (3) special regulations for Glacier Bay National Park and Preserve. This proposal originated from public inquiries about the collection of live falcon chicks in national preserves that would be trained and then used for sport hunting.

The take of wildlife is generally prohibited on National Park System units. Although in Alaska hunting and trapping are allowed in national preserves in accordance with applicable federal and non-conflicting state laws and regulations, the NPS does not consider the capture or collection of live falcons to be hunting or trapping. The NPS concludes that the harvest of migratory birds (including their eggs) pursuant to the Migratory Bird Treaty Act and implementing regulations in 50 CFR part 92 is an appropriate “subsistence use” as defined in section 803 of ANILCA, 16 U.S.C. 3113. Similarly, the NPS concludes that the harvest of marine mammals in accordance with the Marine Mammal Protection Act and implementing regulations in 50 CFR part 18 by NPS-qualified subsistence users is also an appropriate “subsistence use” as defined by section 803 of ANILCA. Thus, in this final rule, the NPS clarifies the prior definition of “subsistence uses” to explicitly include harvest of migratory birds under the MBTA and the harvest of marine mammals under the MMPA by qualified individuals. Except for these subsistence uses, the final rule continues the previous prohibitions on collecting, capturing, or possessing living wildlife unless expressly authorized by federal statute or pursuant to a NPS research specimen collection permit. This rule does not affect the use of trained raptors for hunting activities where authorized by applicable federal and state law. It also does not affect the collection of gull eggs in Glacier Bay by the Huna Tlingit pursuant to Public Law 113–142, sec. 2, 128 Stat. 1749 (2014).

#### *Use of Bait for Taking Bears Under Federal Subsistence Regulations*

The NPS is adopting restrictions on the types of bait that may be used to take bears for subsistence uses under

federal subsistence regulations in units of the National Park System in Alaska. Under this rule, bait is limited to (1) parts of legally taken native fish or wildlife that are not required to be salvaged; or (2) remains of native fish or wildlife that died of natural causes. The rule prohibits human-produced items such as dog food, grease, bread, and marshmallows, which are currently allowed and used to bait bears.

Baiting alters the natural behavior of bears by predictably attracting them to a specific location for harvest. The use of human-produced food as bait can result in human food-conditioned bears that are more likely to be killed by agency personnel or the public in defense of life or property. Human food-conditioned bears are also more likely to cause human injury. Bait stations tend to be located in accessible areas due to the infrastructure (typically a 55 gallon drum) used for baiting, the quantity of bait used to engage in this activity, and the frequency it must be replenished. Because of the accessibility of these areas, they are typically used by multiple user groups, which contributes to the public safety concerns associated with baiting.<sup>1</sup>

The NPS recognizes that hunting black bears over bait has been authorized by the State since the 1980s. Taking brown or black bears over bait, however, is not a common activity in most NPS units in Alaska. The only NPS unit where taking bears over bait has traditionally occurred is Wrangell-St. Elias National Park and Preserve.<sup>2</sup> The final rule has been modified to give the superintendent of Wrangell-St. Elias National Park and Preserve the discretion to allow the use of human-produced food as bait pursuant to an annual permit. Permits would only be issued upon a written finding that such use is compatible with park purposes and values and that the permit applicant does not have reasonable access to natural materials that can be used as bait under this rule. Permits will identify specific baiting locations and will not be issued for areas where user conflicts are likely (*i.e.*, areas that receive higher visitation particularly by the nonhunting public). This provision is similar to practices at Kenai National Wildlife Refuge, where the FWS issues permits for bear baiting but only for

<sup>1</sup> More information about the impacts of bear baiting can be found in the September 2014 Environmental Assessment entitled “Wildlife Harvest On National Park Preserves In Alaska” (Wildlife EA) that can be found at <https://park.planning.nps.gov/projectHome.cfm?projectId=49062> and then clicking “Document List.”

<sup>2</sup> See Wildlife EA, pp. 11, 15.

certain areas. Permits will also help the NPS document the level of use and minimize user conflicts.

#### **Summary of and Responses to Public Comments**

A summary of public comments received on the proposed rule and NPS responses is provided below followed by a table that sets out changes we have made to the rule based on the analysis of the comments and other considerations.

##### General/Process

*1. Comment:* Some commenters asked the NPS to rescind or re-propose the rule without two of the proposed changes (the limit on types of bait that can be used to bait bears for subsistence uses and the prohibition on collecting live wildlife). The commenters stated that they were not properly notified of these changes because they are not related to subsistence collections, which was the title of the proposed rule, and were not included in the 2014 EA.

*NPS Response:* The NPS concludes the public was given sufficient notice for providing comments on all of the provisions in the proposed rule. In addition to publishing the proposed rule in the **Federal Register**, the NPS issued a press release and met with various interest groups and stakeholders during an extended 90-day comment period. Although the title of the proposed rule did not mention these other proposals, the summary on the first page of the proposed rule referred to these elements.

*2. Comment:* Some comments were received that said the proposed rule is inconsistent with ANILCA, which—according to the commenters—made Alaska NPS units “open unless closed.” Another commenter said the NPS does not have authority to permanently close areas to subsistence uses.

*NPS Response:* The commenters did not specify which section of ANILCA makes NPS units in Alaska open unless closed. NPS units are generally open to public uses unless they have been restricted or prohibited by law or regulation. The primary function of this rule is to authorize subsistence collection. This rule limits the type of bait that can be used for baiting bears, but it does not close any areas to taking fish or wildlife.

*3. Comment:* Some commenters stated that the proposed restrictions on bait and capturing live wildlife should have been considered by the FSB and the State of Alaska Board of Game prior to being proposed as an NPS regulation.

*NPS Response:* While the provisions on bait and collecting live wildlife



could have been addressed by the FSB or the State, the NPS is implementing its responsibilities under ANILCA and the NPS Organic Act (54 U.S.C. 100101) using the well-established process for notice and comment rulemaking.

4. *Comment:* Some commenters stated there was insufficient consultation with Tribes, the State of Alaska, and the affected public. One commenter suggested the NPS should consult on the proposed rule in addition to the Environmental Assessment (EA) on subsistence collections. Another commenter suggested the NPS should consult with the State on the proposed baiting restriction since individuals are required to register bait stations with the State.

*NPS Response:* This rule was published for an extended comment period (90 days as opposed to 30 days) in order to coincide with scheduled meetings of the NPS Subsistence Resource Commissions and Federal Subsistence Regional Advisory Councils. NPS staff attended these meetings and gave presentations on the proposed rule. Following these presentations, several SRCs and RACs submitted formal written comments on the proposed rule. The NPS met with the State both during the comment period and after the comment period closed when the NPS was analyzing public comments and considering changes to the final rule. Specific issues addressed in those meetings included the proposed restrictions on bait for hunting bears and capturing falcon chicks, among other topics. The content of those discussions, along with written comments submitted by the State and others, helped inform this final rule. Consultation with Tribes, Native corporations, and others is addressed in the compliance section of this rule.

#### Customary Trade

5. *Comment:* One commenter suggested retaining the reference to park-specific special regulations in the definition of customary trade. The existing definition states that the NPS can designate other activities as “customary trade” by promulgating a special regulation for a particular park unit.

*NPS Response:* The proposed change does not result in a substantive change to the regulations. Removing the reference to park-specific regulations in the definition of customary trade does not affect the ability of parks to establish such regulations in the future if found to be necessary.

6. *Comment:* Several commenters responded to the NPS’s request for feedback on how the agency could

better explain the phrase “significant commercial enterprise” in the definition of “customary trade”. Some commenters suggested the phrase was vague, while others stated that further defining this term was unnecessary. Some commenters suggested that “significant commercial enterprise” should not be based on the value of the handicrafts, which reflects the skill and time involved in their creation, but instead should be based upon the venue and quantity of sales (e.g., mass production and selling to a larger distributor for resale) or the use of paid employees in their production.

*NPS Response:* The NPS agrees that the value of the handicraft does not necessarily determine whether the sale of that handicraft is a “significant commercial enterprise.” While quantity of sales is related to the level of commercial activity, the NPS concludes that the venue where the item is sold is not relevant. The NPS also concludes that prohibiting the use of paid employees helps to ensure that handicraft production under these regulations is not a “significant commercial enterprise.” This is also consistent with an existing NPS regulation in Alaska (36 CFR 13.42(c)) that prohibits the use of employees in trapping activities in national preserves. The final rule has been modified to prohibit the use of paid employees—except by qualified educational or cultural programs—to collect plant materials and animal parts.

7. *Comment:* The NPS requested comment on how the term “substantially greater monetary and aesthetic value” could be further explained to provide more clarity to the public about what qualifies as a handicraft. Some commenters said this term was vague while others said no further clarification or definition was necessary. Other commenters suggested the NPS adopt the definition found in federal subsistence regulations.

*NPS Response:* The NPS finds it is in the best interest of the public to be consistent with federal subsistence regulations to the extent possible. The NPS has modified the definition of “handicraft” in the rule to refer to the definition used in federal subsistence regulations (50 CFR 100.25(a)). As a result, any modifications made by the FSB to this definition in the future will be automatically adopted in NPS regulation. If the FSB clarifies the term “substantially greater monetary and aesthetic value” in the definition of “handicraft”, that change will be adopted in NPS regulation without additional rulemaking by the NPS. The NPS definition of handicraft differs in

two ways from the FSB definition. First, the NPS definition includes plants. Plants are not included in the definition in 50 CFR part 100 because the FSB does not have authority to regulate subsistence use of plants. Second, the NPS definition of handicraft specifically excludes trophy or European mounts of horns or antlers. Both state and federal subsistence regulations specifically prohibit the sale of trophies or mounts of horns or antlers. See 5 AAC 92.200, 50 CFR 100.25(j)(10).

#### Subsistence Collections

8. *Comment:* One commenter stated that subsistence collections should be limited to Alaska Natives.

*NPS Response:* ANILCA provides for subsistence uses by rural residents of Alaska regardless of ethnicity. Limiting subsistence collections to Alaska Natives is inconsistent with ANILCA.

9. *Comment:* Several commenters objected to the requirement that subsistence users obtain written authorization for collecting animal parts and plants for the creation and sale of handicrafts.

*NPS Response:* The preferred alternative in the EA would require individuals to obtain a permit in order to collect plants or animal parts for the making and sale of handicrafts. In the FONSI, however, the NPS decided to require written authorization for all items except for plant materials gathered in Kobuk Valley National Park and Gates of the Arctic National Park and Preserve where existing special regulations allow this activity without written authorization. Because collecting plants for subsistence uses is already authorized by NPS regulations, the NPS has decided to let the superintendent determine whether to require written authorization for collecting plants for making handicrafts for customary trade. Because the final rule does not require written authorization for this activity, the special regulations for Kobuk Valley and Gates of the Arctic are no longer necessary and are removed.

10. *Comment:* Some commenters recommended the NPS issue written permission for the collection of plants and animal parts on a community-wide basis as opposed to issuing individual permits to each qualified subsistence user.

*NPS Response:* The written authorizations could take many forms, and they need not always be permits issued to individual subsistence users. Alternatives include written authorizations to resident zone communities or to entire resident zones, or annual authorizations documented in park compendia. Park superintendents

will work with SRCs and, as appropriate, RACs, tribes and ANCSA corporations to determine the most appropriate type of written authorization for individual NPS units.

*11. Comment:* Some commenters said that requiring a permit or written authorization for subsistence uses was a closure. Other commenters stated that a permit requirement is burdensome and not justified in the absence of biological concerns.

*NPS Response:* Requiring a permit or otherwise putting conditions on an activity is not a closure. The NPS concludes that the incremental burden placed upon subsistence users to be required to obtain written authorization to collect animal parts is an appropriate and prudent mechanism for regulating the commercial use of these resources.

*12. Comment:* Some commenters stated that collected materials are sometimes exchanged before they reach an artist and are made into handicrafts, adding that it is too restrictive to say that materials must be modified before they can be exchanged. The commenters suggested that exchange of unworked material should be allowed to supply materials for elders to produce handicrafts and for qualified cultural and educational programs.

*NPS Response:* In the EA on subsistence collections, the NPS recognized that the person collecting the materials would not always be the person who uses them to make handicrafts. The final rule has been modified to clarify that permits may be issued to allow an NPS-qualified subsistence user to gather plants or animal parts for making handicrafts on behalf of another NPS-qualified subsistence user or for qualified cultural and educational programs.

#### Baiting Bears

*13. Comment:* Some commenters stated that the proposed limits on the types of bait that may be used to take bears under federal subsistence regulations would essentially eliminate the opportunity for hunters to harvest bears over bait in the spring. This is because hunters may not have access to the types of baits that would be allowed in the spring, such as parts and remains of fish and wildlife.

*NPS Response:* As discussed above, the NPS has made an allowance for other types of bait in certain circumstances in Wrangell-St. Elias National Park and Preserve. This is the only NPS unit where bear baiting traditionally occurred. The final rule allows for NPS-qualified subsistence users who do not have reasonable access to natural bait to apply for a permit to

use other types of bait. The NPS will issue this permit for specific locations in the park unit upon a finding that using other types of bait is compatible with park purposes and values (e.g. will not result in user conflicts, particularly in areas that receive higher visitation by the nonhunting public).

*14. Comment:* Some commenters stated that using natural bait will attract more brown bears than black bears and that hunters could end up baiting brown bears even if that was not their intent.

*NPS Response:* The NPS expects that natural bait will attract both brown and black bears, just as human-produced foods attract both species as well as other wildlife. The use of natural bait will help avoid conditioning brown and black bears to human-produced foods which can lead to more frequent interactions between humans and bears.

*15. Comment:* Some commenters stated that natural bait, such as a gut pile or furbearer carcasses, would be more difficult to clean up at the end of the baiting season than human-produced foods that are commonly used to bait bears, such as dog food or popcorn.

*NPS Response:* Federal subsistence regulations require that bait station sites be cleaned up when hunting is completed, including removing any litter, containers, chains, and other equipment used to set bait. The natural materials allowed by the rule—such as parts and remains of fish and wildlife—are not litter or equipment and thus would not be covered by this requirement.

*16. Comment:* Some commenters stated that inconsistent regulations about the types of bait that can be used will increase the possibility for confusion.

*NPS Response:* NPS acknowledges that this rule results in differences between the materials that can be used to harvest bears over bait under NPS-specific subsistence regulations and generally applicable federal subsistence regulations. In order to avoid the potential for confusion, the NPS will engage in outreach to local user groups, post information online, and make information available at park headquarters to inform local hunters of the rules that apply on NPS lands.

*17. Comment:* Some commenters stated that there is no biological data or other evidence demonstrating that baiting bears has the same effects as feeding wildlife, such as habituating bears to human foods or causing nuisance bear behavior.

*NPS Response:* Like feeding wildlife, baiting typically uses human or pet food to alter the natural behavior of bears to

predictably attract them to a specific location for harvest. Food-conditioned bears are more likely to be killed by agency personnel or the public in defense of life or property. Food-conditioned bears are also believed more likely to cause human injury.<sup>3</sup>

#### Capture or Collection of Live Wildlife

*18. Comment:* Two commenters addressed subsistence harvest of migratory birds and their eggs, noting that the collection of eggs is allowed under the Migratory Bird Treaty Act (MBTA) and that the harvest of migratory birds and their eggs is a customary and traditional practice.

*NPS Response:* ANILCA authorized the harvest of fish and wildlife for subsistence uses in specific NPS units under Title VIII of ANILCA and pursuant to federal regulations applicable to NPS units. National preserves in Alaska are open to the harvest of fish and of wildlife for sport hunting and trapping under State of Alaska regulations. The FSB generally regulates subsistence harvest of fish and wildlife. It does not regulate the harvest of migratory birds for subsistence uses in Alaska which is provided for by law under the MBTA and implementing regulations at 50 CFR part 92. The NPS concludes that ANILCA's broad definition of subsistence uses authorizes NPS-qualified rural residents to harvest migratory birds, including eggs, in NPS units where subsistence is authorized in accordance with the MBTA and the migratory bird subsistence regulations at 50 CFR part 92. Collecting live wildlife, such as falcon chicks to raise and train for hunting, remains prohibited in NPS areas in accordance with national or Alaska-specific NPS regulations. 36 CFR 2.2(a)(2) or 13.35.

In considering this comment, the NPS notes that a similar issue exists with respect to harvest of marine mammals by Alaska Natives under the Marine Mammal Protection Act (MMPA). The NPS concludes that ANILCA's definition of subsistence uses includes the harvest of marine mammals by Alaskan Natives who are NPS-qualified rural residents in park areas where the take of marine mammals is authorized in accordance with the Alaska Native exemption in the Marine Mammal Protection Act and the marine mammal regulations at 50 CFR 18.23 and 18.26. The NPS has modified the definition of subsistence uses to reflect that NPS-qualified subsistence users who are eligible to harvest under the MBTA and the MMPA can do so in NPS areas open to subsistence uses.

<sup>3</sup> See Wildlife EA.

**Changes From the Proposed Rule**

After taking the public comments into consideration and after additional

review, the NPS made the following substantive changes from the proposed rule:

§ 13.420 .....	Modified the definition of “animal parts” to clarify that this also includes parts of fish.
§ 13.420 .....	Modified the definition of “handicraft” to adopt the definition under federal subsistence regulations in 50 CFR part 100.
§ 13.420 .....	Modified the definition of “subsistence uses” to include the harvest of migratory birds under the MBTA and marine mammals under the MMPA.
§ 13.482 .....	Included a provision to allow an NPS-qualified subsistence user to designate another NPS-qualified subsistence user to collect, on their behalf, animal parts from nonliving wildlife for making handicrafts in accordance with a permit from the superintendent. Removed the reference to nonconflicting State regulations regarding use of bear claws because federal subsistence regulations address this activity. Added a prohibition on the use of paid employees.
§ 13.485(b) .....	Removed the requirement for a written authorization to collect plants to make handicrafts for customary trade or barter. Added a prohibition on the use of paid employees.
§ 13.485(d) .....	Included a provision to allow an NPS-qualified subsistence user to designate another NPS-qualified subsistence user to collect, on their behalf, plants for making handicrafts in accordance with a permit from the superintendent.
§ 13.1902(d) .....	Included a provision to allow the superintendent of Wrangell-St. Elias National Park and Preserve to issue a permit to use human-produced food as bait upon a finding that such use is compatible with the park purposes and values and that the permit applicant has no reasonable access to natural bait.

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

**Regulatory Planning and Review (Executive Order 12866)**

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

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. We have developed this rule in a manner consistent with these requirements.

**Regulatory Flexibility Act**

This 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 reports entitled “Regulatory Flexibility Threshold Analysis: Special Regulations for National Park Areas in Alaska” and “Preliminary Cost/Benefit Analysis: Special Regulations for National Park

Service Areas in Alaska” which can be viewed online at <http://park.planning.nps.gov/akro> by clicking the link “Subsistence Uses of Horns, Antlers, Bones and Plants” and then clicking “Document List.”

**Small Business Regulatory Enforcement Fairness Act (SBREFA)**

This rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. This rule:  
a. Does not have an annual effect on the economy of \$100 million or more.  
b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions  
c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

**Unfunded Mandates Reform Act**

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. 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 rule does not effect a taking of private property or otherwise have taking 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, this rule does not have sufficient federalism implications to warrant the preparation

of a Federalism summary impact statement. The proposed rule is limited in effect to federal lands managed by the NPS in Alaska and would not have a substantial direct effect on state and local government in Alaska. A Federalism summary impact statement is not required.

**Civil Justice Reform (Executive Order 12988)**

This rule complies with the requirements of Executive Order 12988. Specifically, this 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 Tribes (E.O. 13175 and Department Policy) and ANCSA Corporations**

The Department of the Interior strives to strengthen its government-to-government relationship with federally recognized Tribes through a commitment to consultation with Tribes and recognition of self-governance and Tribal sovereignty. We have evaluated this rule under the criteria in Executive Order 13175 and under the Department’s tribal consultation policy and Alaska Native Claims Settlement Act (ANCSA) Corporations consultation policy. Tribes were notified of the proposal regarding the subsistence collections provisions early in the process of developing the regulation. Because the provision on taking live wildlife is not a new prohibition, it will not have a substantial direct effect on federally recognized Tribes or ANCSA Corporation lands, water areas, or

resources. The NPS concludes that the types of bait local rural residents can use for hunting bears will not have a substantial direct effect on federally recognized Tribes or ANCSA Corporation lands, water areas, or resources. This is based on previous consultation with Tribes on proposed restrictions related to taking wildlife, the limited nature of the restriction (hunting bears, including over bait, remains authorized), and the infrequent basis that local rural residents take bears over bait on NPS lands (records show three bears taken over bait by local rural residents between 1992–2010). Most of this limited activity has occurred in Wrangell-St. Elias National Park and Preserve. Tribes associated with Wrangell-St. Elias National Park and Preserve where invited to consult on the proposed bait restriction; no Tribes requested consultation.

**Paperwork Reduction Act (44 U.S.C. 3501 et seq.)**

This final rule does not contain any new collections of information that require approval by Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. Information collection requirements associated with the requirement for the Superintendent's written authorization to collect nonedible animal parts and for the designated gatherer permit are covered under OMB Control Number 1024–0026 (expires 12/31/2016 and in accordance with 5 CFR 1320.10, the agency may continue to conduct or sponsor this collection of information while the submission is pending at OMB). We estimate the annual burden associated with this information collection to be 2.5 hours per year. Information collection requirements associated with FSB customary and traditional use determinations have been approved under OMB Control Number 1018–0075 (expires 06/30/2019). We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**National Environmental Policy Act**

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because we reached the FONSI. The EA and amended FONSI are available online at <http://parkplanning.nps.gov/akro> by clicking the link “Subsistence Uses of Horns, Antlers, Bones and Plants” and then clicking “Document List.” The

other parts of this rule (collection/capture of live wildlife, bear baiting under federal subsistence regulations) are excluded from the requirement to prepare a detailed statement because they fall within the categorical exclusion covering modifications to existing regulations for NPS-administered areas that do not (a) increase public use to the extent of compromising the nature and character of the area or cause physical damage to it; (b) introduce non-compatible uses that might compromise the nature and characteristics of the area or cause physical damage to it; (c) conflict with adjacent ownerships or land uses; or (d) cause a nuisance to adjacent owners or occupants. (For further information see Section 3.3 of Director's Order #12 Handbook). We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

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

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

**Drafting Information**

The primary authors of this regulation are Mary McBurney and Andee Sears of the Alaska Regional Office, National Park Service; Barbara Cellarius of Wrangell-St. Elias National Park and Preserve, National Park Service; and Jay Calhoun and Russel J. Wilson of the Division of Regulations, Washington Support Office, National Park Service.

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

Alaska, National parks, Reporting and recordkeeping requirements.

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

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

■ 1. The authority citation for part 13 continues to read as follows:

**Authority:** 16 U.S.C. 3124; 54 U.S.C. 100101, 100751, 320102; Sec. 13.1204 also issued under Sec. 1035, Public Law 104–333, 110 Stat. 4240.

■ 2. Amend § 13.42 by adding paragraph (j) to read as follows:

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

\* \* \* \* \*

(j) Collecting, capturing, or possessing living wildlife is prohibited unless expressly authorized by federal statute

or pursuant to § 2.5 of this chapter. A falconry permit or other permit issued by the State of Alaska does not provide the required authorization. These collecting activities are not hunting or trapping activities and therefore are not allowed in national preserves under paragraph (a) of this section. This regulation does not prohibit the use of trained raptors for hunting activities where authorized by applicable federal and state law.

- 3. Amend § 13.420 by:
  - a. Adding introductory text and the definitions of “Animal parts” and “Handicraft” in alphabetical order; and
  - b. Revising the definition of “Subsistence uses.”

The additions and revision read as follows:

**§ 13.420 Definitions.**

The following definitions apply to this part:

*Animal parts.* As used in this part, this term means nonedible antlers, horns, bones, teeth, claws, hooves, skins, hides, fur, hair, feathers, or quills that:

- (1) Are obtained from lawfully hunted or trapped fish or wildlife;
- (2) Have been shed or discarded as a result of natural life-cycle events; or
- (3) Remain on the landscape as a result of the natural mortality of fish or wildlife.

*Handicraft.* As used in the part, this term has the same meaning as used in federal subsistence regulations (50 CFR part 100) except that:

- (1) The term also includes products made from plant materials; and
- (2) The term does not include a trophy or European mount of horns or antlers.

\* \* \* \* \*

*Subsistence uses.* As used in this part, this term means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicrafts out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter or sharing for personal or family consumption; and for customary trade pursuant to Title VIII of ANILCA. Harvest of migratory birds pursuant to the Migratory Bird Treaty Act (and implementing regulations at 50 CFR part 92) and marine mammals pursuant to the Marine Mammal Protection Act (and implementing regulations at 50 CFR 18.23 and 18.26) by qualified individuals is a subsistence use in

accordance with this subpart. For the purposes of this subpart, the terms—

- (1) “Family” means all persons related by blood, marriage, or adoption, or any person living within the household on a permanent basis; and
- (2) “Barter” means the exchange of handicrafts or fish or wildlife or their parts taken for subsistence uses—

- (i) For other fish or game or their parts; or
- (ii) For other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature; and

(3) “Customary trade” means the exchange of handicrafts or furs for cash to support personal or family needs; and does not include trade which constitutes a significant commercial enterprise.

■ 4. Amend § 13.480 by:

- a. Designating the undesignated paragraph as paragraph (a).
- b. Adding paragraph (b).

The addition reads as follows:

§ 13.480 Subsistence hunting and trapping.

\* \* \* \* \*

(b)(1) The following types of bait may be used to take bears for subsistence uses:

- (i) Parts of legally taken native fish or wildlife that are not required to be salvaged; or
- (ii) Remains of native fish or wildlife that died of natural causes.

(2) The use of any other type of bait to take bears for subsistence uses is prohibited except under the terms and conditions of a permit issued under paragraph (d) of § 13.1902.

■ 5. Add § 13.482 to read as follows:

§ 13.482 Subsistence collection and use of animal parts.

(a) Local rural residents may collect animal parts (excluding parts of threatened or endangered species) for subsistence uses in park areas where subsistence uses are authorized, provided that:

- (1) The resident’s primary permanent residence is in an area or community with a federally recognized customary and traditional use determination for the species in the game management unit where the collecting occurs (50 CFR part 100); and
- (2) The resident has written authorization from the superintendent issued under § 1.6 of this chapter that identifies specific areas where this activity is allowed.

(3)(i) If you are a NPS-qualified subsistence user (recipient), you may designate another NPS-qualified subsistence user to collect animal parts

on your behalf in accordance with this section for the following purposes:

- (A) Making handicrafts for personal use, customary trade, or barter; or
- (B) Making handicrafts for qualified educational or cultural programs.

(ii) The designated collector must obtain a permit from the superintendent. The designated collector may not charge the recipient for his/her services or for the collected items.

(4) The use of paid employees to collect animal parts is prohibited. This prohibition does not apply to qualified educational or cultural programs that collect animal parts to create handicrafts, provided that the resulting handicrafts are not exchanged through barter or customary trade.

(b) The superintendent may establish conditions, limits, and other restrictions on collection activities. Areas open to collections will be identified on a map posted on the park Web site and available at the park visitor center or park headquarters. Violating a condition, limit, or restriction is prohibited.

■ 6. Amend § 13.485 by:

- a. Revising paragraph (b);
- b. Redesignating paragraph (c) as paragraph (f); and
- c. Adding paragraphs (c), (d), and (e).

The revision and additions read as follows:

§ 13.485 Subsistence use of timber and plant material.

\* \* \* \* \*

(b) The gathering by local rural residents of fruits, berries, mushrooms, and other plant materials for subsistence uses, and the gathering of dead or downed timber for firewood for noncommercial subsistence uses, shall be allowed without a permit in park areas where subsistence uses are allowed.

(c) The gathering by local rural residents of plant materials to make handicrafts for customary trade or barter is authorized in park areas where subsistence uses are allowed in accordance with terms and conditions established by the superintendent and posted on the park Web site. The use of paid employees to collect plant materials is prohibited. This prohibition does not apply to qualified educational or cultural programs that collect plant materials to create handicrafts, provided that the resulting handicrafts are not exchanged through barter or customary trade.

(d)(1) If you are a NPS-qualified subsistence (recipient), you may designate another NPS-qualified subsistence user to collect plants on

your behalf in accordance with this section for the following purposes:

- (i) Making handicrafts for personal use, customary trade, or barter; or
- (ii) Making handicrafts for qualified educational or cultural programs.

(2) The designated collector must obtain a permit from the superintendent. The designated collector may not charge the recipient for his/her services or for the collected items.

(e) The superintendent may establish conditions, limits, and other restrictions on gathering activities. Violating a condition, limit, or restriction is prohibited.

\* \* \* \* \*

■ 7. Amend § 13.1902 by adding paragraph (d) to read as follows:

§ 13.1902 Subsistence.

\* \* \* \* \*

(d) *Use of bait for taking bears.* (1) The superintendent may issue individual, annual permits allowing the use of human-produced food items as bait for taking bears upon a finding that:

- (i) Such use is compatible with the purposes and values for which the area was established (e.g. does not create a user conflict); and
- (ii) The permit applicant does not have reasonable access to natural bait that may be used under § 13.480(b)(1).

(2) Permits will identify specific locations within the park area where the bait station may be established and will not include areas where the use of such materials could create a user conflict.

Dated: December 29, 2016.

Michael Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2016–32045 Filed 1–11–17; 8:45 am]

BILLING CODE 4312–52–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 19

[FRL–9958–06–OECA]

Civil Monetary Penalty Inflation Adjustment Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is promulgating this final rule to adjust the level of statutory civil monetary penalty amounts under the statutes EPA administers. This action is mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as

# Fall 2017 Regional Advisory Council Meeting Calendar

*August - November 2017*

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 20	Aug. 21 <i>Window Opens</i>	Aug. 22	Aug. 23	Aug. 24 <b>NS — Wainwright</b>	Aug. 25	Aug. 26
Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1	Sept. 2
Sept. 3	Sept. 4 <b>LABOR DAY HOLIDAY</b>	Sept. 5	Sept. 6	Sept. 7	Sept. 8	Sept. 9
Sept. 10	Sept. 11	Sept. 12	Sept. 13	Sept. 14	Sept. 15	Sept. 16
Sept. 17	Sept. 18	Sept. 19 <b>K/A - Cold Bay</b>	Sept. 20	Sept. 21	Sept. 22	Sept. 23
Sept. 24	Sept. 25	Sept. 26	Sept. 27	Sept. 28	Sept. 29	Sept. 30
Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5	Oct. 6	Oct. 7
Oct. 8	Oct. 9 <b>COLUMBUS DAY HOLIDAY</b>	Oct. 10 <b>WI - Galena</b>	Oct. 11 <b>YKD — Bethel</b>	Oct. 12	Oct. 13	Oct. 14
Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19 <b>AFN - Anchorage</b>	Oct. 20	Oct. 21
Oct. 22	Oct. 23	Oct. 24 <b>SP — Nome</b>	Oct. 25 <b>NW - Shungnak</b>	Oct. 26	Oct. 27	Oct. 28
Oct. 29	Oct. 30	Oct. 31 <b>SE - Juneau</b>	Nov. 1 <b>BB — Dillingham</b>	Nov. 2	Nov. 3	Nov. 4
Nov. 5	Nov. 6 <b>SC — Seldovia/Soldotna</b>	Nov. 7	Nov. 8 <b>EI — Tanana</b>	Nov. 9	Nov. 10 <i>Window Closes</i> <b>VETERANS DAY HOLIDAY</b>	Nov. 11

# Winter 2018 Regional Advisory Council Meeting Calendar

*February-March 2018*

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 4</i>	<i>Feb. 5</i> <i>Window Opens</i>	<i>Feb. 6</i>	<i>Feb. 7</i>	<i>Feb. 8</i>	<i>Feb. 9</i>	<i>Feb. 10</i>
<i>Feb. 11</i>	<i>Feb. 12</i>	<i>Feb. 13</i>	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>	<i>Feb. 17</i>
<i>Feb. 18</i>	<i>Feb. 19</i> <b>PRESIDENT'S DAY HOLIDAY</b>	<i>Feb. 20</i>	<i>Feb. 21</i>	<i>Feb. 22</i>	<i>Feb. 23</i>	<i>Feb. 24</i>
<i>Feb. 25</i>	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i>
<i>Mar. 4</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>Window Closes</i>	<i>Mar. 17</i>

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

**Seward Peninsula Subsistence Regional Advisory Council**

**Charter**

1. **Committee's Official Designation.** The Council's official designation is the Seward Peninsula Subsistence Regional Advisory (Council).
2. **Authority.** The Council is renewed by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115 (1988)), 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.** The Council has authority to perform the following duties:
  - a. Recommend the initiation of, review, and evaluate 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 decisionmaking 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.



- (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
    - e. Make recommendations on determinations of customary and traditional use of subsistence resources.
    - f. Make recommendations on determinations of rural status.
    - g. 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 \$140,000, 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 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
  - Approve or call all of the advisory committee's and subcommittees' meetings,
  - Prepare and approve all meeting agendas,
  - Attend all committee and subcommittee meetings,
  - Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
  - 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 it is renewed in accordance with the 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.

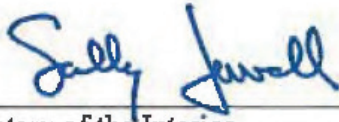
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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 specific party matter in which the member has a direct financial interest in a lease, license, permit, contract, claim, agreement, or related litigation with the Department
- 14. Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information and 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. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, shall be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



Secretary of the Interior

NOV 20 2015

Date Signed

DEC 03 2015

Date Filed



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