



SEWARD PENINSULA  
SUBSISTENCE REGIONAL  
ADVISORY COUNCIL  
Meeting Materials

*March 5 - 6, 2019*  
*Nome*





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### *On the cover...*

Caribou running at the Bering Land Bridge National Preserve.



NPS photo

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**SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL**

The Aurora Inn, Room 206  
Nome

March 5-6, 2019  
9:00 a.m. daily

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

**10. Old Business (Chair)**

**11. New Business (Chair)**

a. Wildlife Closure Reviews\*

1) WCR18-10 (Unit 22B muskox) ..... 16  
2) WCR 18-28 (Unit 22D muskox) ..... 24  
3) WCR 18-29 (Unit 22D remainder muskox) ..... 39  
4) WCR 18-30 (Unit 22E muskox) ..... 54  
5) WCR 18-44 (Unit 22D Kuzitrin muskox) ..... 68

b. Call for Federal Wildlife Proposals\* ..... 83

c. Council Charter Review\* ..... 117

d. Approve FY2018 Annual Report\* ..... 92

e. Alaska Board of Game Call for Proposals (Arctic, Western, and the Interior Regions) for 2019/2020 Meeting Cycle\* ..... 95

**12. Agency Reports**

(Time limit of 15 minutes unless approved in advance)

Tribal Governments

Native Organizations

Special Actions

North Pacific Fisheries Management Council (Diana Stram via teleconference 3/5)

NPS

BLM

ADF&G

OSM

a. General Update

b. Fisheries Program Updates

**12. Future Meeting Dates\***

Confirm Fall 2019 meeting date and location ..... 114

Select Winter 2020 meeting date and location ..... 115

**13. Closing Comments**

**14. 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 25, 2019.

DRAFT

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

<b>Seat</b>	<b>Year Appointed Term Expires</b>	<b>Member Name and Community</b>
<b>1</b>	<b>2018</b>	<b>VACANT</b>
<b>2</b>	<b>2016 2019</b>	<b>Brandon D. Ahmasuk</b> Nome
<b>3</b>	<b>2010 2019</b>	<b>Louis H. Green, Jr.</b> <span style="float: right;"><b>Chair</b></span> Nome
<b>4</b>	<b>2003 2019</b>	<b>Tom L. Gray</b> Nome
<b>5</b>	<b>2017 2020</b>	<b>Deahl Katchatag</b> Unalakleet
<b>6</b>	<b>2016 2020</b>	<b>Leland H. Oyoumick</b> Unalakleet
<b>7</b>	<b>2020</b>	<b>VACANT</b>
<b>8</b>	<b>2018</b>	<b>VACANT</b>
<b>9</b>	<b>2018</b>	<b>VACANT</b>
<b>10</b>	<b>2018</b>	<b>VACANT</b>



**SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL**

October 23-24, 2018

Native Village of Unalakleet Community Center

Unalakleet, Alaska

**Meeting Minutes**

The meeting was called to order at 9:00 a.m.

**Roll call**

A quorum was established with the following Council members present in person or via teleconference: Louis Green, Jr., Brandon Ahmasuk, Elmer Seetot, Jr., Charles Saccheus, Tom Gray, Leland Oyoumick, Ronald Kirk (teleconference), and Deahl (Doug) Katchatag. Absent: Ted Katcheak, excused.

**Welcome and Introductions**

*Participating in Person*

Karen Deatherage, Office of Subsistence Management (OSM), Fairbanks

Carl Johnson, OSM, Anchorage

Jarred Stone, OSM Anchorage

Patricia Petravelli, Bureau of Indian Affairs (BIA), Anchorage

Nicole Braem, National Park Service (NPS), Nome

Bill Dunker, Alaska Department of Fish and Game (ADF&G), Nome (Phone)

Letty Hughes, NPS, Nome

Bruce Seppi, BLM, Anchorage

Justin Leon, ADF&G, Nome

Janet Bavilla, ADF&G, Nome

Jerry Ivanoff, Unalakleet

Daniel Gonzalez, ADF&G, Fairbanks

*Participating via Teleconference*

Ken Adkisson, NPS, Nome

Orville Lind, OSM, Anchorage

Robbin La Vine, OSM, Anchorage

Megan Klosterman, OSM, Anchorage

Jeanette Koelsch, NPS, Nome

Dan Sharp, BLM, Anchorage

Mark Burch, ADF&G

Jill Klein, ADF&G

Clarence Summers, NPS, Anchorage

**Review and Adopt Agenda**

Gray moved to adopt the agenda as amended: 1) move Bill Dunker and WSA18-03 presentation to 10/23 to accommodate speaker schedule, 2) remove sea bird mortality presentation, and 3) add

moose hunting season changes in Unit 22A per member Katchatag. Seetot seconded. Agenda was approved as amended.

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

Seetot moved to approve the minutes from the winter, 2018 meeting, seconded by Katchatag. There was a request to change Letty Hughes location to Nome not Kotzebue. Minutes as corrected approved.

### **Council Member Reports**

The following is a summary of individual Council member reports.

#### *Ahmasuk*

There has been an early break-up and hunters are getting animals further north. Seabirds were late, and murres were laying eggs into August. Salmon fishing was good except for Kings. Migratory bird hunting was pretty good, as well as bear hunting. Moose hunting is very competitive in the Nome area. It's October and it's still pretty warm in the area.

#### *Saccheus*

There has been a lot in the news about how commercial fishing is killing our fish. In Northern Norton Sound, we see many Arctic terns and eagles killing smolt. Along the beaches 15 miles west of Elim, the little salmon are just coming out and there are lots of herring gulls eating them. It's not only the high seas that kill our salmon. They have a lot of challenges when they go out to sea like North Korea testing bombs and the currents coming to Alaska. Prevailing winds from North Korea also might be making our salmon decline. Belugas also eat a lot of fish and a recent survey estimated over 9,000 belugas in Norton Sound/Yukon. There will be a meeting of the Alaska Beluga Whale Commission November 13-15 to discuss management and harvest limits. There needs to be enough salmon to feed the people and belugas. A big beluga bull will eat 27 fish per day; that's a lot of fish.

#### *Oyoumick*

The moose season was pretty good. There was a limit of 34 but it may not have been met. The river was very high, with tons of rain and no sandbars. Fishing was good except for Kings. The birds seemed all mixed up due to weather. There were cranes in October, while they usually leave in September. There are still snow geese and cranes up north. The weather is different and has an effect on food gathering and the way we are. There was not much ice for Oogruk or seal last spring so there were none. Sometimes they show up in the mouth of the river but there was too much traffic to get them.

#### *Seetot*

The ice froze January 4<sup>th</sup> and was free May 24<sup>th</sup>. Thirty years ago the first freeze up was in September. There are many changes for the weather and no action is being taken by the people that regulate and govern. The sea ice went out early and fishing was like it was ten years ago with Kings coming in first, then summer Chum, then reds and humpies and fall Chum. People down south must be missing the fish we are seeing up north. Caribou hunting was closer to Brevig Mission even with the late snow. There were dead and dying murres during the spring

marine mammal hunt and lots of birds were acting strange. With Korean missile tests, Japanese earthquakes, and low pressure systems, there are impacts. There are still snow geese and cranes and mergansers still around, so everything is whacked-out.

*Katchatag*

A cousin visited from Shaktoolik and saw a lot of dead seabirds washing up there. Sea mammals are being affected by radiation from Japan and Russia, as well as Arctic shipping. There are fish with plastic wrapped around their noses. Mining and drilling are contaminating rivers and oceans. The government knows these things but still allows oil drilling. There is a lot of talk about endangering walrus, but there needs to be talk about endangering human lives.

*Gray*

A lot of what people are saying is true. There was a lot of rain and the rivers were high with lots of sediment on the bottom. There were also a lot of green algae, perhaps from the warm water. Some of the fish were acting strange. Freeze-up was late again this year. Hunters got seals and walrus close to Nome – about 10 miles out – which is unusual. There were no whitefish and no eggs early on. Nome hunters travelled a long way to get caribou, which pretty much stayed north. There were decent Red runs in the Sinuk and Pilgrim rivers. The Alaska Beluga Whale Commission will be meeting November 13-15. Hunters will meet on the 13<sup>th</sup> with the Commission meeting on the 14-15<sup>th</sup>. Hunters are strongly encouraged to attend. Kotzebue's beluga are in rough shape and Anchorage doesn't have any to harvest. It's important to properly manage this resource to protect it.

*Kirk*

This year fishing was good, although the Kings were low. Climate change must be playing tricks because there were moose on the island this winter, which is very unusual. Berries were hard to find, especially salmonberries. The ice left too soon so there were no walrus hunts. Dead seabirds were washing up on the south end of Stewart Island. Snow geese are still flying around right now. It was a good summer.

*Green*

Moose season went quickly and was over with before it started. Fifty-six were taken in 7 days last year; 61 in 6 days this year. There is lots of competition for moose in the Nome area. Why isn't there a Tier II situation here? Salmon in Safety Sound was good but there was too much rain for drying so a lot went into the smoker. Waterfowl and geese are still around right now, as well as swans. The season is late. There was one frost a month ago in Nome. The migratory timing of birds is late. At U.S. Senator Dan Sullivan's hearing on salmon, there was a lot of talk about lack of research funding and information on changes in the Gulf of Alaska. There were scientists and panels but no answers.

**Public and Tribal Comments on Non-Agenda Items**

There were no public or Tribal comments on non-agenda items.

## **New Business**

### *Fisheries Proposals*

Jarred Stone, fisheries biologist with OSM, presented the fisheries proposals to the Council. For more detail on the discussion and questions, refer to the meeting transcripts.

#### **FP19-01**

Proposal FP19-01 requests an expansion of the area and fishing time for the Federal subsistence drift gillnet fishery in Subdistricts 4B and 4C of the Yukon/Northern Federal Subsistence Fishery Management Area. The proponent also requests repealing the maximum mesh depth restriction of 35 meshes deep for drift gill nets used in Subdistricts 4B and 4C in the fishery.

Gray moved to support FP19-01, seconded by Seetot. During discussion on the motion, Council members noted that subsistence use needs to be given a meaningful priority, and if there isn't a priority over commercial harvest, then the Council is not doing the communities a service. If there is a conservation issue, Commercial fishing should be curtailed – not subsistence. Council members also noted that Chinook Salmon are often intercepted on the high seas. One Council member stated that FP19-01 would allow users from 4B and 4C to harvest fish closer to home. The ability to fish locally is critical for most subsistence users.

The Council voted unanimously to support FP19-01.

#### **FP19-02**

Proposal FP19-02 requests the Federal Subsistence Board (Board) decrease the time the subsistence fishery is closed prior to the start of the State commercial fishing season in Yukon Districts 1, 2, 3, and 4A (excluding Koyukuk and Innoko rivers) from 24 hours to 6 hours.

Gray moved to support FP18-02, seconded by Ahmasuk. Frances Degnan introduced herself from Unalakleet and asked that fish managers make sure the waters are clean and that surveys of the systems are being done where fish are harvested. She also expressed concern over development in the streams as it limits adequate flow for fish survival. Degnan mentioned she had served on the Council in the past, and thanked them for their service and for doing a good job.

The Council opposed FP19-02, with one vote in support. The Council considers the opposition by three Yukon River area Councils to be paramount to this decision and that it was important to support the regions that would be directly impacted by this proposal. The Council supports current management tools and the ability of managers to prevent the sale of subsistence caught fish in the commercial market. The Council also felt having a different closure period under State and Federal regulations would create confusion.

## **Agency Reports**

### *Alaska Department of Fish and Game*

Justin Leon, Assistant Area Biologist for Norton Sound, presented subsistence Chinook Salmon harvest information, which was better than in previous years. One thousand Kings were harvested, 200 over the five-year average. Janet Bavilla, from the Village of Platinum, was part of the weir crew and noted they got a late start due to high water. This was the highest Chinook Salmon count in 8 years. There were also high numbers of Coho, Pink, and Chum Salmon. The Unalakleet Weir was recently funded by the Fisheries Resource Monitoring Plan for the next four years. Past King Salmon genetics for the Unalakleet and North rivers have yielded no conclusive results.

Bill Dunker, Area Biologist in Nome, presented the latest biological information for the region. An abundance/composition muskox survey is scheduled for spring, 2019. The 2017 harvest harvestable surplus had 94 percent of harvest tickets issued to region residents. Per Alex Hanson, there was no photo census completed for the Western Arctic Caribou Herd (WACH) in the summer of 2018. Calf recruitment and survival was good. Overall adult female mortality was high, however, presenting conflicting results on herd status. Completing a 2019 photo survey of the WACH is a priority. Brown bear harvest increased due to regulatory season and take changes, particularly in Unit 22C, with 38 bears compared to the average of 16 bears between 1998 and 2014. This was the highest harvest on record. Spring snow played a role due to very high snowfall and easier access. Harvests in other subunits remained consistent.

Dunker explained there is no population estimate for moose in Unit 22A north. Biologists rely on a portion of the Unalakleet area for estimates; roughly .35 moose per square mile, which is stable or increasing. In Central 22A, 840 moose were observed in spring 2017. A harvest quota of 34 bulls was set, with 27 taken. In 2018, 25 bulls were harvested. An extended season in 2018 netted 10 more moose. In the southern portion of Unit 22A, 411 moose were observed with 10% recruitment. This was higher than previous observations.

In Units 22E and 22D there were poor weather conditions for surveying. As a result, ADF&G is still relying on 2014 population estimates. A 2018 spring recruitment survey in Units 22D (American River) and 22E yielded low recruitment. There were 977 moose observed in 22D, compared to 1106 moose in 2014. Recruitment rate for 22D remainder was 12 percent. The minimum count in 22E was 556 moose, compared to 2014 count of 701. Unit 22E has a higher recruitment rate, however, at 17 percent. Gray inquired if there were possibly more animals than observed during the recruitment survey. Dunker said it was certainly a possibility as recruitment surveys are just samplings across the landscape. Based on observed animals, it is unlikely that the population rate of decline from 2014 has continued. A population estimate survey is scheduled for Units 22D and 22E in 2020.

### **Special Actions**

#### *Wildlife Special Action 18-03*

Megan Klosterman, OSM wildlife biologist, presented the analysis for WSA 18-03, which requests that the cow moose hunt in Unit 22D remainder be eliminated. Dunker stated that ADF&G supports WSA18-03 to allow for 1 antlered bull only as it would align State and Federal seasons.

Gray moved to support WSA18-03, seconded by Ahmasuk. Ahmasuk moved to amend WSA18-03 to close the moose hunt in Unit 22D remainder to non-Federally qualified users. Seppi remarked that while the percentage of Federal lands is a small percentage they are easily accessible. The moose population is in decline. Motion to amend WSA18-03 passed unanimously. Gray moved to extend WSA 18-03 to the regulatory year. Seconded by Ahmasuk and passed unanimously. The Council then voted unanimously to approve WSA18-03 as amended twice.

The Council is aware that the moose population in this area has been declining for many years, and although a population survey has not been conducted since 2014, there are no indications that the population is stabilized or increasing. The Council was informed by the Alaska Department of Fish and Game that a population survey for moose in Unit 22D and 22E is scheduled for 2020. The Council remains concerned about the continued low moose population in this area and the obvious impacts of hunting cows. The Council recognized that prohibiting an antlerless moose hunt in this region would also align State and Federal regulations. The Council's recommended closure in Unit 22D Remainder to all non-Federally Qualified Users may hopefully prevent additional harvest by non-local users as the land in question is easily accessible. The Council believes that any harvest from this population should be limited to subsistence users in the communities that need it most. The Council extended the closure for the remainder of the regulatory cycle to provide additional protections to the moose population until a permanent proposal can be submitted during the next Federal wildlife regulatory cycle. If WSA18-03 as modified is passed by the Federal Subsistence Board, the Council requests that a special effort be made to alert the users, particularly those in the communities of Teller and Brevig Mission.

*Moose in Unit 22A.*

Katchatag stated that the State moose season was extended to September 15<sup>th</sup>, but in August moose are still up in the hills due to heat and we can't get them. If ADF&G hadn't extended the season we wouldn't get our moose. Also, when the rivers are high the moose stay in the hills during the Federal season. Gray stated a special action could be done to extend the season but asked that the subject be tabled until the next day.

**Agency Reports continued ...**

*National Park Service/Bering Land Bridge National Preserve*

Letty Hughes introduced herself as the new biologist for the Bering Land Bridge National Preserve (BELA) in Nome. She will be looking at anadromous fish species in the Preserve such as salmon, whitefish and char. There is a need for a freshwater inventory and the genetics of salmon species because, per a subsistence survey in the Preserve, all five salmon species are being harvested by subsistence users. Nikki Braem, cultural anthropologist for BELA gave an update on projects, including a mapping project of Inupiaq place names along the northern coast of the Seward Peninsula. There are also hopes to conduct a subsistence harvest survey in the Preserve and efforts are ongoing to understand the changes to the region from warming temperatures, including growing beaver populations. Ahmasuk remarked that people are concerned about whitefish movement impacts, salmon spawning grounds, blocked slough access

and water quality. Some say beavers are good for the fish. Gray questioned how fingerlings can get over dams.

### **New Business continued ...**

#### *Fisheries Proposals*

##### FP19-03/04

Proposal FP19-03 requests the Federal Subsistence Board (Board) decrease the time the subsistence fishery is closed immediately before the State commercial fishing period in Yukon Districts 1, 2, and 3 from 18 hours to 6 hours, and immediately after from 12 hours to 6 hours.

Proposal FP19-04 requests the Board eliminate the closures to subsistence fishing immediately before, during and after commercial fishing periods in Yukon Districts 1, 2, and 3.

Gray moved to support FP18-04. Seconded by Ahmasuk. The Council opposed FP19-03/04 unanimously. Both proposals are very similar in intent and scope to FP19-02, making it difficult to support them for the same reasons. The Council believes there is still a conservation concern and a need to allow for enough fish passage. Further, all three Yukon River area Councils affected by these proposals are opposed to them.

##### FP19-05

Proposal FP19-05 requests that the requirement to clip fins of subsistence-caught Chinook Salmon be rescinded for Lower Yukon River Districts 1, 2 and 3. The OSM recommendation modified the proposal to allow for harvest without clipping tails during times that the commercial sale of Chinook Salmon is not allowed and to provide the updated language only one time in regulations in order to avoid redundancy.

Ahmasuk moved to support FP19-05 with the OSM modification, seconded by Saccheus. The Council voted unanimously to support FP19-05 as amended by OSM. The Council recognized that it was important to keep a clipping requirement in place when a commercial fishery is active to prevent subsistence caught fish from being sold into the commercial market. The Council supported alleviating subsistence users of the burden of clipping fins whenever possible.

##### FP19-06

Proposal FP19-06 requests that a new regulation be added for conservation protections to the first pulse of Yukon River Chinook Salmon in Federal public waters in Districts 1 through 5.

Gray moved to support FP19-06, seconded by Ahmasuk. The Council opposed FP19-06 unanimously. The Council recognizes that when the first salmon come in, subsistence users are out fishing. When the Chinook Salmon show up in the river, users are immediately setting nets for them. The proposal could contribute to illegal fishing by subsistence users, and puts restrictions on existing management tools. We do not need to make criminals out of our own people.

### FP19-07

Proposal FP19-07 requests the Federal Subsistence Board (Board) revise Federal subsistence management regulations section § \_\_\_\_.27(e)(3)(xii) by adding dip nets to the gear types allowed for the subsistence harvest of salmon on the Yukon River.

Gray moved to support FP19-07, seconded by Seetot. The Council voted unanimously to support FP19-07 as modified by OSM. The Council believes this proposal will allow more subsistence opportunity while retaining measures to conserve select salmon species during periods of low abundance.

### *Fisheries Resource Monitoring Program*

Stone passed out copies of the Priority Information Needs (PIN's) to the Council so they could review the material before the discussion tomorrow.

Meeting recessed at 5:01 p.m. until 9:00 a.m. October 24, 2018.

The Chair called the meeting to order at 9:16 a.m.

### **Public and Tribal Comments on Non-Agenda Items**

Jerry Ivanoff introduced himself and welcomed the Council to Unalakleet. He expressed his concern over Chinook Salmon populations and thanked staff for the information on CDQ bycatch. Ivanoff believes that the damage being done to Chinook is happening with commercial fishing, though he used to make a lot of money doing it. He is now more concerned about what happens to the subsistence people. Ivanoff would like to know if there is a plan for rehabilitating Chinook Salmon. He suggests that the CDQ's put funding into ADF&G for use by fishery biologists. He would also like to see changes in Federal Government management, with more government to government and village management of fish and game. Native people should manage the fisheries on the river like they have always done, and set the moose season opening and closings. Gray expressed frustration over getting the Federal managers to fund projects, like on the Fish River. Ivanoff attended a meeting of the Bering Sea Elders group, which was timed with the North Pacific Fisheries Management Council where he asked for CDQ funding to ADF&G. It breaks his heart that the Feds and State sanction wanton waste of King Salmon from bycatch. He believes the instream incubation program is better than fisheries because it protects the wild stocks. Ivanoff would like to see this in other areas. He also suggested that one musk ox permit should be given to every village.

### **New Business continued ...**

#### *Partners Program*

Jarred Stone presented the Fisheries Partners Program, which is designed to strengthen the relationship between the Federal government and subsistence users and develop capacity-building for rural organizations. The notice of funding opportunity was announced this fall with



information available on grants.gov. Stone proceeded to give background information on the program.

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

Jarred Stone gave a report on the FRMP, including a history of projects that have been funded for the Seward Peninsula Region, and presented issues that have been identified by the Council's working group as potential Priority Information Needs (PINs):

- Inventory and baseline data of fish assemblages in major rivers of northern Seward Peninsula, including Shishmaref, tied to subsistence use with the intent to submit for inclusion in the Anadromous Waters Catalog
- Baseline and abundance study of Chum Salmon populations in the Agiapuk River
- Coho Salmon abundance estimates and spawning distribution in the watersheds of the Bendeleben Mountains (notably the Boston, Wagon Wheel and Peregrine Rivers)

Upon hearing the report, Gray moved to identify these items as the Council's PINs, with a second by Kirk. The Council voted unanimously to submit these PINs for inclusion in the FRMP Notice of Funding Opportunity that will be published in November.

### **Fall Moose Season in Unit 22A**

The Council received testimony from the public about how the warmer weather is affecting the fall moose hunt. The Federal moose season is currently August 15 to September 14, with the State season starting on September 1 and ending the same date as the Federal season. This year, the State issued an emergency order to extend the moose season to September 30. Particularly, it is increasingly too warm for the moose to come down into traditional hunting areas during the fall season currently in regulation. One public member (Albert Saccheus) mentioned it would be nice if the season opened earlier to coincide with the Elim area hunting season (August 1) so that if they came upon a moose while they were upriver for salmon fishing they could harvest that moose. The Council then discussed potentially submitting a change, both in special action and regulatory proposal, to open the Federal season August 1 and close on September 30. The Council elected to take the matter up again at the winter 2019 meeting.

### **Agency Reports (continued)**

#### *National Park Service – BELA*

Ken Adkisson via phone expressed his appreciation for having Letty Hughes on as the new biologist for the Park.

#### *Bureau of Land Management*

Beth Million presented the Bering Sea Western Interior Resource Management Plan (RMP) and other issues important to the Council. The Environmental Impact Statement is being prepared and a 90-day comment period will likely commence in January 2019. Million invited any Tribes or ANSCA corporations to request consultation if they were interested. Million also covered the Squirrel River Special Recreation Management Area, which impacts the WACH. Plans are underway to deal with user conflicts in that area. Lastly, she explained that BLM is looking at

some of the land withdrawals on the Seward Peninsula and the possibility of opening them up for ANSCA or State selections.

Bruce Seppi announced that the WACH working group would be meeting in Anchorage, December 12-13, with the technical committee meeting on the 11<sup>th</sup>.

#### *Alaska Department of Fish and Game*

Daniel Gonzalez, Subsistence Resource Specialist in Fairbanks, presented survey results from subsistence harvests from Buckland, Koyuk and Noatak. Common themes from users included air traffic disturbances to hunting, the perceived benefit from Unit 23 closures to non-locals and the difficulty and expense of reaching the herd when it was far from the villages.

#### **Annual Report Items**

Carl Johnson provided an overview of the annual report process, which is set forth in Section 805 of ANILCA. The Council then discussed including the following items in its FY2018 annual report:

- Chinook Salmon and Chum Salmon bycatch in the Bering Sea. It needs to be a priority to manage this population so that subsistence needs of Chinook can be met.
- Moose hunting, with moose migrating into other areas, and hunting guides that operate outside of the unit may be hindering the migration of those moose. There needs to be a solution to find a way to allow moose to migrate unimpeded into areas where moose are not abundant and where moose are needed for subsistence.
- Bear population abundance – there needs to be bear surveys to show how many bears there actually are so that we can properly manage the resource.
- There needs to be a proper assessment of the wolf population and a management strategy to deal with predation on important game species. The Council will be considering proposals to submit to the Alaska Board of Game to pursue options.

#### **Office of Subsistence Management**

Carl Johnson provided an OSM report on staff and regulatory activities.

#### **Future Meeting Dates**

The Council confirmed its winter meeting dates of March 5-6, 2019 in Nome. The Council then selected October 22-23, 2019 for its fall meeting in Nome.

#### **Closing Comments**

Seetot stated that weather was becoming an increasing issue, and was concerned that Council members were not given funds for meals at this meeting. Oyoumick would like to see a no-fly zone for guides to see if that would help get the moose population up. He would also like to see more King Salmon. Kirk apologized for not being present the first day. Gray said it was a good meeting and wished everyone safe travels home. Ahmasuk also said it was a good meeting, he was glad some of the moose issues were addressed and appreciated the opportunity to come to Unalakleet. Green was glad to come to Unalakleet and appreciated everyone's participation.

#### **Adjourn**

Kirk moved to adjourn, seconded by Ahmasuk. The motion carried unanimously.

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

October 24, 2018

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

/s/  
*Louis Green Jr., Chair*  
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.

DRAFT

**FEDERAL WILDLIE CLOSURE REVIEW  
WCR18-10**

**Closure Location:** Unit 22B—Muskox

**Current Federal Regulation**

**Unit 22—Muskox**

*Unit 22B—1 bull by Federal permit or State permit.*

*Aug. 1 – Mar. 15*

*Federal public lands are closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations*

**Closure Dates:** Year-round

**Current State Regulation**

**Unit 22—Muskox**

*Residents: Unit 22B, east of the Darby Mtns., including drainages of Kwiniuk, Tubutulik, Koyuk and Inglutalik rivers—  
one bull by permit*

*TX105*

*Aug. 1 – Mar. 15*

*Residents: Unit 22B remainder—one bull by permit*

*TX105*

*Jan. 1 – Mar. 15*

**Regulatory Year Initiated:** 2001

**Regulatory History**

The Federal public lands closure for muskox in Unit 22B has been in place since 2001, when the Federal Subsistence Board (Board) adopted WP01-35. As a result of this proposal, which was submitted by the Seward Peninsula Muskox Cooperators' Group (the Cooperators), muskox harvest in Unit 22B was allowed by Federal regulation for the first time. The season was open Aug. 1 – Mar. 15 throughout the unit, harvest was limited to one bull by Federal or State permit, and Federal public lands were closed except to Federally qualified subsistence users. The harvest quota was set at 8 bulls.

The State season in Unit 22B was also implemented in 2001. At that time, the harvest of one bull was allowed by Tier II permit (TX105). In the portion of Unit 22B within the Fox River drainage upstream of the Fox River bridge and within one mile of the Council Road east of the Fox River bridge, the season was Nov. 1 – Mar. 15. In Unit 22B remainder, the season was Aug. 1 – Mar. 15.

In 2002, the Seward Peninsula Subsistence Regional Advisory Council (Council) submitted WP02-27, requesting that the Superintendent of the Western Arctic National Parklands be delegated the authority to set annual harvest quotas, in consultation with the Bureau of Land Management (BLM) and the Alaska Department of Fish and Game (ADF&G). They believed this would result in more efficient management of the Seward Peninsula muskox population. This proposal was adopted by the Board with modification to make minor adjustments to the regulatory language, as recommended by the Seward Peninsula and Northwest Arctic Subsistence Regional Advisory Councils.

In 2003, the Board considered WP03-41, submitted by Thomas Sparks of Nome. Originally submitted as a proposal to expand the customary and traditional use determination (C&T), the proponent amended the proposal to request that the Federal public lands closures in Units 22B and 22D be rescinded. The proponent argued that many Tier II users with a history of subsistence use of muskoxen were being excluded from Federal lands. The Seward Peninsula and the Northwest Arctic Subsistence Regional Advisory Councils recommended that the proposal be deferred until after it was considered by the Cooperators. ADF&G and the Interagency Staff Committee concurred with this recommendation and the Board deferred the proposal.

During the 2004 regulatory cycle, the proponent of WP03-41 withdrew the amended proposal and instead submitted WP04-71, requesting that the C&T in Units 22B and 22D be extended to all residents of Unit 22, except those from St. Lawrence Island. Previously, only residents of Unit 22B had C&T in Unit 22B and only residents of Unit 22D, excluding residents of St. Lawrence Island, had C&T in Unit 22D. The Board adopted the proposal with modification, as recommend by the Council, to 1) add residents of Unit 22C to the C&T determination in the portion of Unit 22B west of the Darby Mountains, and 2) add residents of Unit 22C and White Mountain to the C&T determination in the portion of Unit 22D in the Kougarak, Kuzitrin and Pilgrim River drainages.

In 2006, the Cooperators submitted WP06-41. This proposal requested that a designated hunter system be implemented for muskoxen throughout Unit 22. This request was supported by the Council, which noted that it was well aligned with traditional harvest and sharing practices. The Board adopted the proposal. The same year, the Federal public lands closure was reviewed through WCR06-10. The Office of Subsistence Management's analysis, which recommended retaining the closure, was presented to the Council, but the Council did not take action on the review.

In 2008, the Alaska Board of Game (BOG) made several regulatory changes affecting muskox in Unit 22B. Notably, the Unit 22B hunts become registration hunts, rather than Tier II hunts, with permit distribution limited to vendors in Nome and Unit 22B. Unit 22B hunt area boundaries were also adjusted. Within the portion of Unit 22B east of the Darby Mountains, including drainages of the Kwiniuk, Tubutulik, Koyuk and Inglutalik rivers, the season remained Aug. 1 – Mar. 15. In Unit 22B remainder, which now encompassed the entire western portion of the unit, the season was Jan. 1 – Mar. 15. The harvest limit remained one bull. Trophy destruction was required for all skulls removed from Unit 22.

The same year, the Cooperators submitted Temporary Special Action WSA08-08, requesting that the Federal muskox hunt in Unit 22B west of the Darby Mountains be limited to the communities of White

Mountain and Golovin. This request followed a meeting of the Cooperators focused on developing recommendations for State and Federal muskox regulations. Specifically, the Special Action was submitted in response to the proposed Aug. 1 – Mar. 15 State season in the western portion of Unit 22B. The BOG's decision to delay opening the season until January 1, along with limited permitting locations and trophy destruction requirements, were influential in the Board's decision to reject this request.

The Federal public lands closure was reviewed in 2010 through WCR10-10. At that time, the Council voted to maintain the status quo. They believed the harvestable surplus was not sufficient to support use by non-Federally qualified users, and that maintaining the Federal lands closure was good for the conservation status of the population and allowed for the continuation of subsistence uses.

The BOG implemented changes for the 2012 regulatory year that allowed ADF&G flexibility to administer muskox hunt using Tier I, Tier II, or a combination of the two permit types, depending on the relationship between the estimated harvestable surplus and the amount necessary for subsistence. Under the State regulatory system, Tier I permits are used when it is anticipated that a reasonable opportunity can be provided to all residents who desire to engage in that subsistence use. In contrast, Tier II permits are used where it is anticipated that a reasonable opportunity to engage in the subsistence use cannot be provided to all eligible residents. In these situations, permit applications are scored to determine who is eligible for the limited number of permits. As consequence of the BOG's decision, implementation of Tier II muskox hunts in Unit 22B began in 2012.

In 2014, BLM submitted WP14-39, requesting that permit requirements be updated, that the BLM Anchorage Field Office Manager be designated as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued. The Council was supportive of the proposal but also recommended that the muskox season be shortened. Because changes in season openings were not considered by the public, tribes, or ANCSA corporations, the interagency staff committee recommended that the Board not act on this aspect of the Council's recommendation. The Board agreed and adopted this proposal with modification to make minor changes in the regulatory language and to delegate authority to close the season and determine annual quotas, the number of permits to be issued, and the method of permit allocation via a delegation of authority letter only.

Unit 22B is comprised of approximately 42% Federal public lands, consisting of 39% BLM managed lands, 2% National Park Service (NPS) managed lands, and less than 1% U.S. Fish and Wildlife Service (USFWS). See Figure 1.

**Closure last reviewed:** 2010 – WCR10-10. This closure was formally reviewed in 2010. However, the Unit 22B Federal muskox hunt was also the subject of Proposal WP14-39, in 2014.

**Justification for Original Closure (ANILCA Section 815 (3) criteria):**

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

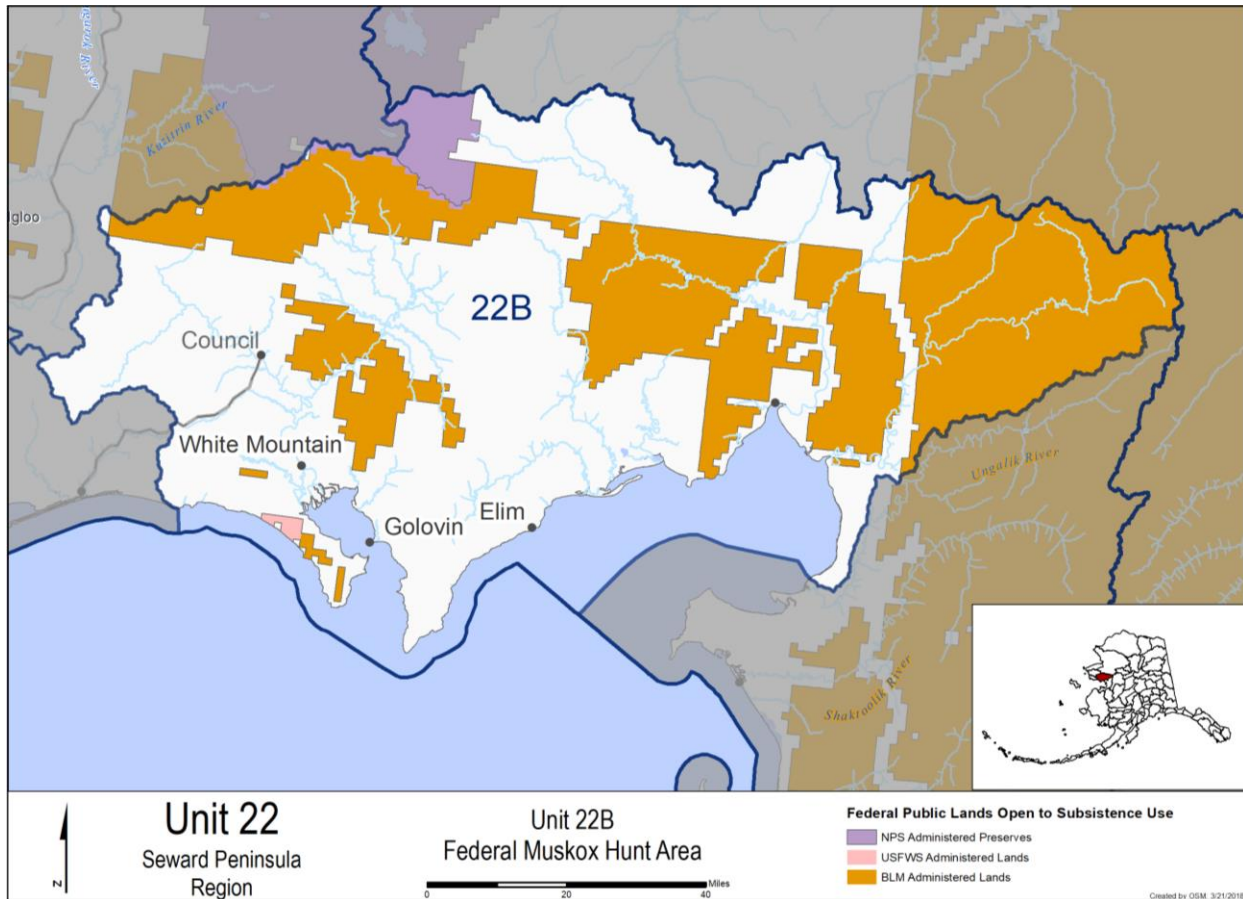
Proposal WP01-35, which initiated the closure, was the result of a multi-year, cooperative effort of the Cooperators to establish a muskox harvest system that would be biologically sound and provide for continued subsistence use of this population. The Cooperators, composed of staff from ADF&G, BLM, NPS, USFWS, Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups and organizations, have been involved in muskox management since the 1990s and have provided guidance for establishing harvest regulations under both State and Federal jurisdictions.

**Council Recommendation for Original Closure:**

The Seward Peninsula and Northwest Arctic Subsistence Regional Advisory Councils supported WP01-35 because it provided additional subsistence opportunity to Federally qualified subsistence users.

**State Recommendation for Original Closure:**

ADF&G supported the recommendation of the Councils for WP01-35. The regulatory changes, including the closure of Federal public lands in Unit 22B, were developed cooperatively at the August 2000 meeting of the Cooperators.



**Figure 1.** Unit 22B muskox hunt area.

## Biological Background

Muskoxen, which were once distributed throughout northern and western Alaska, were extirpated across their range by the late nineteenth century. A series of reintroductions and translocations in the twentieth century resulted in reestablishment of muskox populations in Units 18, 22, 23 and 26 (Gorn and Dunker 2015; Jones 2015; Hughes 2016). The first of these reintroductions occurred on Nunivak Island in 1935 and 1936, when 31 muskoxen were transported from Greenland. The Nunivak population was the source of the subsequent translocations of muskoxen to the southern Seward Peninsula in 1970 and 1981 (Gorn and Dunker 2015; Hughes 2016). While specific targets for population size and composition have not been established for the Unit 22 muskox population, management goals include allowing for continued growth and range expansion, and providing for sustained yield harvest.

The new muskox population on the Seward Peninsula demonstrated high annual growth rates for several decades. By 2010, the population had reached its peak of approximately 2,900 animals. Population growth was accompanied by range expansion to suitable habitat throughout the peninsula, resulting in well-established populations in Units 22A, 22B, 22C, 22D, 22E and southwest Unit 23, as well as continued colonization of peripheral areas (Gorn and Dunker 2015). Range-wide, the population experienced an apparent decline between 2010 and 2012, but has remained relatively stable since. The 2017 range-wide population estimate, which includes peripheral areas, including portions of Units 22A and 21D, was 2,353 muskoxen (Gorn and Dunker 2015; Dunker 2017a).

Composition surveys indicate a range-wide decrease in mature bulls ( $\geq 4$  years of age) and short yearlings (10 – 15 months of age) since 2002, with low recruitment rates of particular concern (Gorn and Dunker 2015). As a result, composition data has become more important in harvest management of this population, with increased consideration given to the number of mature bulls in a population, rather than relying solely on estimates of abundance. Following reduced harvest rates beginning in 2012, the proportion of mature bulls showed improvement when surveyed in 2015 and remained relatively stable into 2017 (18% bulls), while recruitment climbed from 8% to 15% between 2015 and 2017 (Dunker 2017b).

Unit 22B population dynamics have been broadly similar to the range-wide population. The Unit 22B population appears to have peaked in 2012 – 2015 at over 450 muskoxen. The lag between the Seward Peninsula population peak and the Unit 22B population peak is likely the result of eastward redistribution of muskoxen from neighboring units, rather than factors relating to productivity or harvest (Gorn and Dunker 2015). Like the Seward Peninsula population, the Unit 22B population declined following its peak, declining 10% annually between 2015 and 2017 (**Table 1**). Also similar to the Seward Peninsula population, the proportion of mature bulls in the Unit 22B population declined after 2002, recovering somewhat and stabilizing in 2015 – 2017 at 22 – 25% bulls (**Table 1**). Recruitment in the Unit 22B population has also declined since 2002, when it was 18% (**Table 1**). Though it appears to have stabilized 2015 – 2017, it remains among the lowest values on record at 7% (Dunker 2017b). Due to the important social role prime-aged bulls play in predator defense and other activities, it is believed that high harvest rates of mature bulls may have contributed to the decline in bull:cow ratios and recruitment (Schmidt and Gorn 2013).



**Table 1.** Population and composition estimates for the Unit 22B muskox population (Gorn and Dunker 2015; Dunker 2017a, 2017b).

Year	Population estimate <sup>a</sup>	Mature Bulls: 100 cows	Short Yearlings: 100 cows	% Mature bulls (95% CI)	% Short yearlings (95% CI)
1992	3	-	-	-	-
1994	11	-	-	-	-
1996	51	-	-	-	-
1998	27	-	-	-	-
2000	159	-	-	-	-
2002	189	58	48	22% (20 - 24%)	18% (17 - 19%)
2004	-	39	39	18% (13 - 23%)	18% (13 - 23%)
2005	326	-	-	-	-
2007	329	48	35	21% (20 - 22%)	15% (14 - 16%)
2009	-	38	26	17% (12 - 22%)	11% (6 - 16%)
2010	420	30	25	17% (13 - 21%)	14% (11 - 17%)
2012	460	28	19	16% (13 - 19%)	10% (8 - 12%)
2015	455	44	12	22% (18 - 26%)	6% (4 - 8%)
2017	368	44	13	25% (22 - 29%)	7% (5 - 9%)

<sup>a</sup>Population estimates were obtained using minimum counts 1992 – 2007, and distance sampling 2010 – present.

### Harvest History

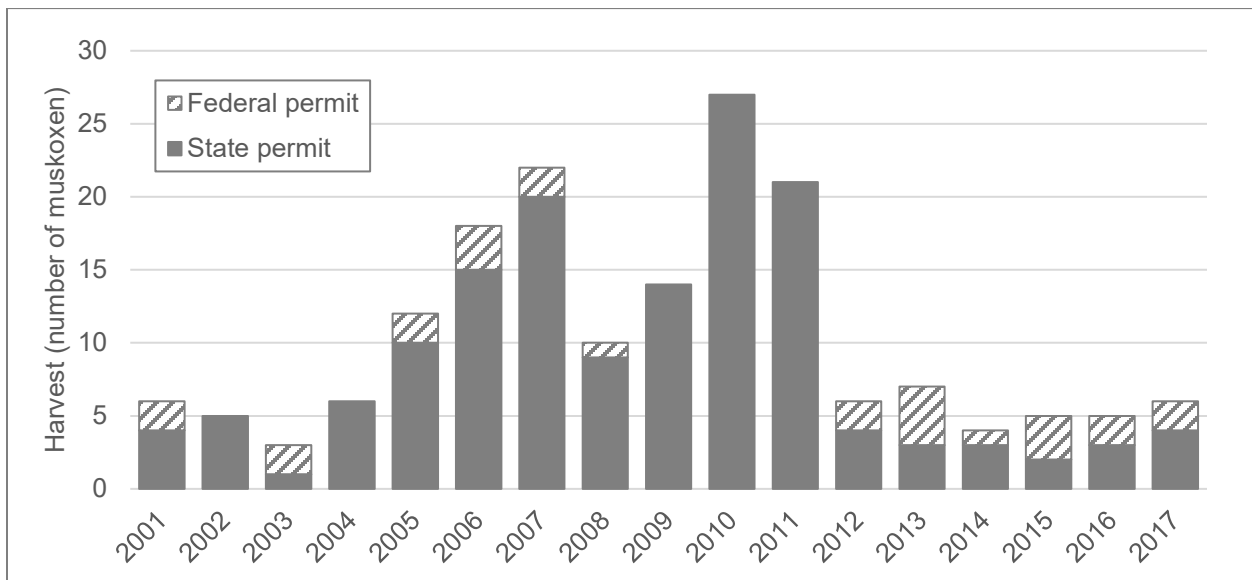
Prior to 2012, muskox harvest rates on the Seward Peninsula were calculated as a proportion of total population size. However, following declines in recruitment, bull:cow ratios, and overall population size, managers reassessed this strategy. Consequently, a new harvest management strategy was implemented in 2012. Since, Unit 22 muskox harvest rates have been based primarily on the number of mature bulls in the population. Specifically, harvest quotas are calculated as 10% of the estimated number of mature bulls within the hunt area, and range-wide harvest targets are set at 2% of the estimated population size (Gorn and Schmidt 2013; Gorn and Dunker 2015).

This shift in harvest management was accompanied by a significant reduction in harvest. Range-wide, harvest declined from 111 muskox in 2011 (5.6% of the total population) to 28 muskoxen in 2012 (1.4%

of the total population). Total harvest has remained below 2% of the total population, which has likely been influential in the subsequent increase in mature bulls (Gorn and Dunker 2015).

Within Unit 22B, harvest is currently administered by Tier II permit in State regulation and by registration permit in Federal regulation. Similar to range-wide harvest patterns, Unit 22B harvest rates dropped notably in 2012 under the revised harvest management strategy (**Figure 2**). In the six year period leading up to the change (2006 – 2011) harvest in Unit 22B averaged 18.7 muskoxen annually. In the most recent six year period (2012 – 2017) harvest has averaged 5.5 muskoxen annually (ADF&G 2018). Hunter success also differed among these two time periods, with 60% of hunters reporting successful harvest during the earlier time period and 45% reporting success since 2012.

Also notable since 2012 is the proportion of harvest taken by Federal registration permit (**Figure 2**). Since 2012, 42% of the Unit 22B muskox harvest has been taken by Federal permit, in contrast to 15% during the earliest years of the hunt, 2001 – 2007. The four-year period of 2008 – 2012 saw only 1% of successful hunters using Federal permits (ADF&G 2018). Low utilization of Federal permits during these years coincides with the period that the ADF&G did not administer the hunt with Tier II permits. Given that less than half of the land in Unit 22B is Federal, and considering the remoteness of those lands, it is likely that local hunters prefer to hunt under State regulation when possible but may be unable to do so in Tier II hunts, where permit availability is limited.



**Figure 2.** Reported muskox harvest in Unit 22B by State and Federal permit for regulatory years 2001 – 2017 (ADF&G 2018). Harvest of muskox in Unit 22 is limited to bulls.

**OSM Recommendation:**

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

## Justification

The muskox population in Unit 22B has declined since 2015. It has also experienced declines in the proportion of mature bulls, and the estimated rate of recruitment is among the lowest on record. Given these conservation concerns, the current management approach, which includes a more conservative harvest strategy, the use of Tier II permits, and the closure of Federal public lands except to Federally qualified subsistence users, appears to be appropriate for the Unit 22B muskox population.

The consequence of this approach is that fewer muskoxen are available for harvest. Relatively high Federal permit usage since 2012, when the new harvest guidelines were implemented and the Tier II hunt was reinstated, suggests that Federally qualified subsistence users are relying more heavily on Federal subsistence regulations to meet their subsistence needs. Retaining the Federal public lands closure will ensure that Federally qualified subsistence users continue to have the opportunity to meet their subsistence needs and, in combination with the State's current management approach, provides for continued maintenance and improvement of the Seward Peninsula muskox population status.

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**FEDERAL WILDLIFE CLOSURE REVIEW  
WCR18-28**

**Closure Location:** Unit 22D—Muskox

**Current Federal Regulation**

**Unit 22D—Muskox**

*Unit 22D—that portion west of the Tisuk River drainage and Canyon Creek—1 bull by Federal Permit or State Permit. Sept. 1 – Mar. 15*

*Federal public lands are closed to the harvest of musk ox except by residents of Nome and Teller hunting under these regulations.*

**Closure Dates:** Year-round

**Current State Regulation**

**Unit 22D—Muskox**

*Unit 22D—that portion west of the Tisuk River drainage, west of the west bank of the unnamed creek originating at the unit boundary opposite the headwaters of McAdam’s Creek and west of the west bank of Canyon Creek to its confluence with Tuksuk Channel—One bull by permit TX103 Jan 1 – Mar 15*

*All skulls require trophy destruction at time of take in the field subject to permit conditions; specimens required*

**Regulatory Year Initiated:** 1996

## **Regulatory History**

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

In 1995, Proposal WP95-44 was adopted by the Federal Subsistence Board (Board) to establish the first Federal muskoxen hunt on the Seward Peninsula and granted a Federal subsistence priority for rural Alaskan residents with a customary and traditional determination for muskoxen in Unit 22. The Board established a season of Sept. 1 – Jan. 31 for Units 22D, 22E, and 23 west of and including the Buckland River drainage (Unit 23SW), and limited the harvest to bulls with a quota of 3% of the population from the most recent census (FSB 1995a).

In August 1995, the Board rejected two Requests for Reconsideration (R95-04 and R95-05), but revised the harvest quota for Unit 22D reducing it from 12 to 2 muskoxen. The Board made this change in response to concerns for the maintenance of a healthy muskox population (FSB 1995b).

In 1996, Proposal WP96-51 was adopted by the Board to increase the harvest from two to eight muskoxen in Unit 22D. The proposal was submitted by the Seward Peninsula Subsistence Regional Advisory Council to increase the harvest quota to 12 muskoxen but was adopted with modification to increase the harvest quota to 8 muskoxen.

In 1997, the Board denied a Request for Reconsideration (R96-06) to keep the harvest quota set at eight muskox, but stratified Unit 22D into two permit areas comprising Bureau of Land Management (BLM) lands and Bering Land Bridge National Preserve (NPS lands), with half of permits designated in each area (FSB 1997:49). This decision was based on harvest information indicating all muskoxen harvest in Unit 22D was on BLM land. The split of permits was intended to encourage subsistence hunters to harvest from NPS lands in the eastern end of the unit.

In 1998, the Seward Peninsula Subsistence Regional Advisory Council submitted Proposal WP98-89 to extend the season (Sept. 1 – Jan. 31) three months to Aug. 1 – Mar. 31 for Units 22D, 22E, and Unit 23SW. However, as part of the consensus agenda, Proposal 89 was adopted with modification by the Board to extend the season to Aug. 1 – Mar. 15 in Units 22D and 22E and that portion of Unit 23. This modification was made due to biological concerns that hunting in late March could stress cows shortly before the calving season.

A shared Federal and State permit system for muskox on the Seward Peninsula was supported by the Seward Peninsula and Northwest Arctic Subsistence Regional Advisory Councils and adopted by the Board in 1998 (FSB 1998). In January 1998, the Seward Peninsula Muskox Cooperators met to discuss options for a combined Federal and State muskox harvest on the Seward Peninsula. The group reached consensus involving management on a subunit basis, allowing for continued growth of the population and increased harvest opportunities, with the intent that the Muskox Management Plan would be amended in the future to reflect these changes. Six affected villages considered allowing State harvest as a means to

increase harvest opportunities. Individual villages made decisions on the percent harvest rate and how the harvest should be divided between the State and Federal systems within their respective subunits. Village recommendations were summarized in a resolution written and adopted by the Seward Peninsula Subsistence Regional Advisory Council in 1998 and subsequently presented to the Alaska Board of Game (BOG), which approved a Tier II subsistence muskox hunt for the Seward Peninsula with the assumption that this would be part of a combined Federal/State harvest program. Also in 1998, the Board followed the recommendations of the Seward Peninsula and Northwest Arctic Councils and approved a special action (WSA97-14) establishing these regulations for the 1998/99 Federal subsistence muskox season (FSB 1998:24).

In 1999, Proposal WP99-46 put the temporary regulations in WSA97-14 into permanent regulation. Due to the long traveling distances needed to reach Federal lands and the poor travel/snow conditions during that time, the six affected villages supported the combination of the State and Federal harvest systems to create more harvest opportunities due to declining hunter success rates under the Federal subsistence harvest. The combined Federal and State harvest was adopted into permanent State regulation by the BOG in 1998. The consensus was to manage on a subunit basis within Unit 22 and Unit 23SW, to allow for continued growth of the muskoxen population in this region and to increase harvest opportunities. Sharing the harvest quota between Federal and State systems helped meet the subsistence needs of the local users that may not have been met under only the Federal or State system separately. The cooperative management dispersed hunting pressure over an entire area regardless of land ownership to create a more biologically sound management approach (OSM 2001).

In 2000, the Board adopted Proposal WP00-56 to remove the split of two Federal permit areas, one on NPS land and the other on BLM land, as designated in 1997 in Unit 22D. Six of the Federal permits were then transferred into the State Tier II system.

In 2001, Proposal WP01-35 was adopted and changed the harvest limits in Unit 22 and Unit 23SW from one bull to one muskox and quotas were put in place for each hunt area

Proposal WP02-37 was adopted by the Board at its May 2002 meeting and authorized the Superintendent of the Western Arctic National Parklands to announce harvest quotas and any needed closures in consultation with the Alaska Department of Fish and Game (ADF&G) and BLM.

In 2004, Proposal WP04-71 requested that the customary and traditional use determination for muskox for Units 22B and 22D be expanded to include all residents of Unit 22, excluding residents of St. Lawrence Island. The proposal was adopted with modification by the Board and divided the Unit 22D customary and traditional use area into Unit 22D within the Kougarok, Kuzitrin, and Pilgrim river drainages and Unit 22D remainder and added residents of Unit 22C and White Mountain to the customary and traditional use determination for Unit 22D in the Kougarok, Kuzitrin, and Pilgrim River drainages hunt area.

In 2006, Proposal WP06-41 established the use of a designated hunter permit for muskoxen in Unit 22 by Federally qualified subsistence users. Special provisions allowed a Federally qualified subsistence user to

designate another Federally qualified subsistence user to take muskoxen on their behalf, unless the recipient is a member of a community operating under a community harvest system.

In 2008, the BOG adopted Proposal 77 with modification. This changed the framework of the Seward Peninsula muskoxen hunts by adopting a combination of Tier I Subsistence registration hunts and drawing permit hunts. This ended the Tier II permit hunts that had been in place since 1998 (Gorn 2011, Hughes 2018, pers. comm.)

In 2009, State Emergency Order 05-11-09 closed the State subsistence hunting season for muskoxen by registration permit in Unit 22D remainder on October 13, 2009, because the joint State/Federal harvest quota of 16 muskoxen had been reached. Based on this closure, the Federal manager closed the Federal subsistence muskoxen hunt in Unit 22D remainder on October 17, 2009.

The Board approved Emergency Special Action WSA09-06 on December 30, 2009, reopening the winter muskoxen season within Unit 22D remainder (that portion within the Kougarok, Kuzitrin, and Pilgrim River drainages) from January 15 to March 15, 2009.

An expansion of the customary and traditional use determination for muskox in Unit 22D (WP10-73) was adopted with modification by the Board in May of 2010. This combined the portion of Unit 22D within the Kougarok, Kuzitrin, and Pilgrim river drainages customary and traditional use area with the Unit 22D remainder area. This also added residents of Unit 22B (White Mountain, Golovin, Elim, Council, and Koyuk) and Unit 22E (Wales and Shishmaref) to the customary and traditional use determination for all of Unit 22D.

In 2010, Proposal WP10-77 requested the Federal hunt areas for muskoxen within Unit 22D remainder be aligned with State regulations by establishing hunts in the Kougarok, Kuzitrin, and Pilgrim river drainages. The Board adopted Proposal WP10-77 with modification to establish the current Unit 22D Kuzitrin hunt area, which encompasses the Kougarok and Pilgrim river drainages (**Figure 1**).

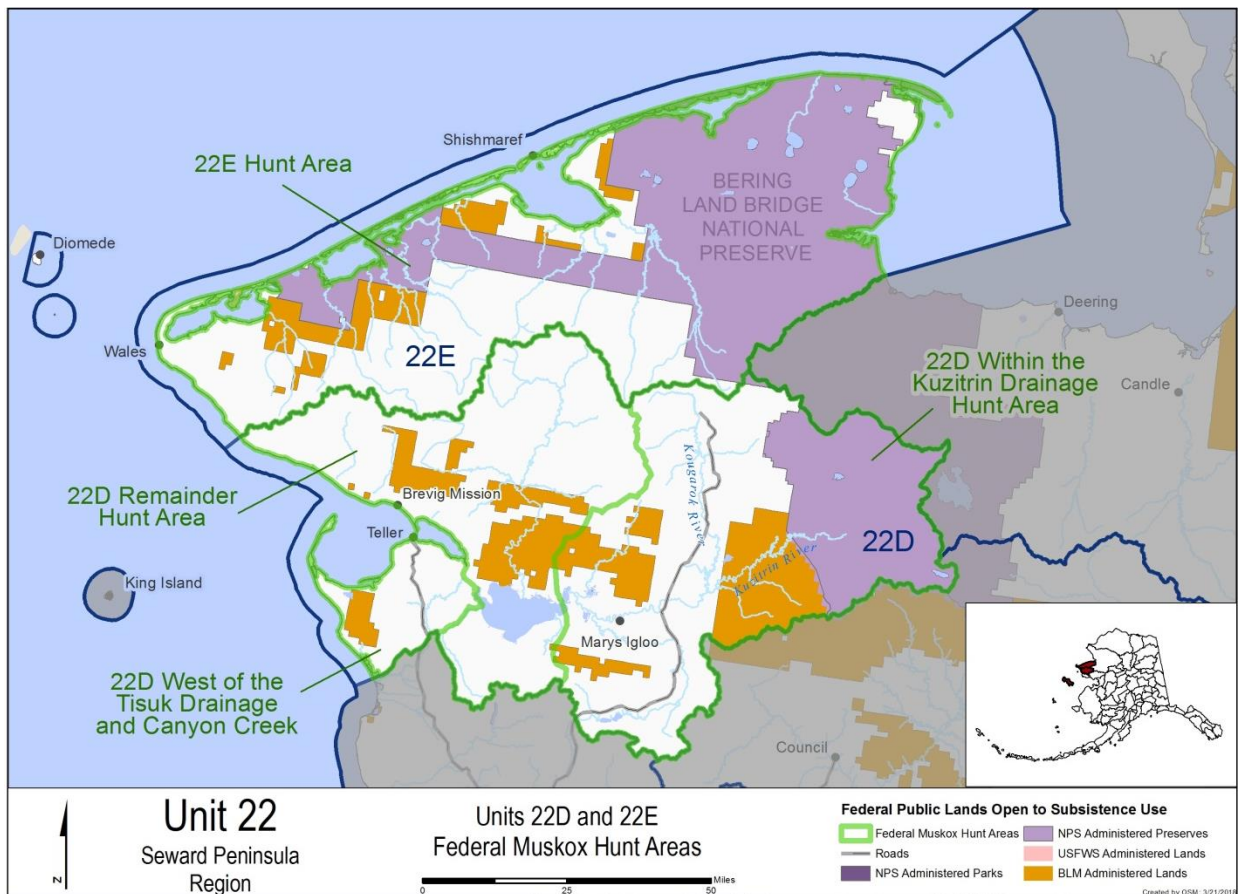
Proposal WP10-108 requested rescinding the closure of Federal public lands to the taking of muskoxen, except by Federally qualified subsistence users, in Unit 22D Southwest (that portion west of the Tisuk River drainage and Canyon Creek). The Board adopted this proposal, which ended the Federal lands closure in Unit 22D Southwest.

In 2011, the BOG adopted Proposal RC34 (A) making the muskox hunting regulation in Unit 22D part of a threshold-based hunt regime conditioned on the harvestable portion and the Amounts Necessary for Subsistence (ANS) available for the Seward Peninsula population, which includes all of Unit 22 and Unit 23SW (Dunker 2018, pers. comm.). The regulatory thresholds for this portion of the population define conditions for Tier II hunts (harvestable portion below the ANS), Tier I registration hunts (harvestable portion within the ANS range) and registration/drawing hunts (harvestable portion above ANS). This change was in response to significant population declines, low bull:cow ratios, and high harvest of mature bulls documented by the ADF&G. Based on the implementation of the new harvest guidelines intended to address the high harvest of mature bulls and the decline in bull:cow ratios and based on further population declines revealed in March 2012 population surveys, State Tier II hunts were required in Unit

22D for 2012-2013 regulatory year due to the reduction of the harvestable surplus being below the lower end of the ANS (Dunker 2018, pers. comm.).

In 2014, Proposal WP14-35 was adopted with modification by the Board and eliminated the cow hunt, provided the BLM Anchorage Field Manager with the authority to restrict the number of Federal permits to be issued, and closed Federal public lands to the harvest of muskox except by residents of Nome and Teller for Unit 22D Southwest. This restriction was suggested following an 804 user prioritization analysis.

Bureau of Land Management lands comprise approximately 11% of all lands in the 22D Southwest muskox hunt area. These are the only Federal public lands in this specified muskox hunt area.



**Figure 1.** Current muskox hunt areas in Units 22D and 22E.

**Closure last reviewed:** 2014– WP14-35

**Justification for Original Closure (ANILCA 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 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 Federal Subsistence Board's intent was to provide a subsistence priority for Alaskan residents with a Customary & Traditional use determination for muskox. The Board did not feel the State muskox seasons would provide adequate opportunity and priority for subsistence users who provided active participation in the cooperative muskox management plan. Therefore, the Board determined that a Federal season managed via a Federal registration permit and the closure of Federal public lands to non-Federally qualified users was necessary.

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

Proposal 44 (1995): Seward Peninsula Subsistence Regional Advisory Council recommendation – Support, to provide a subsistence priority for local users due to a lack of subsistence priority under State regulations; Northwest Arctic Subsistence Regional Advisory Council recommendation - No recommendation for Unit 22 since Unit 23 wasn't originally included in the proposal. Although these were the original recommendations from the Councils, both Councils agreed to support the modified proposal, voted on by the Board, which included that portion of Unit 23 including and west of the Buckland River drainage (FSB 1995a: 348).

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

Although ADF&G agreed with the intent of the cooperative muskox management planning effort, they believed it was advisable to postpone a decision on the proposal to close Federal public lands (Proposal 44) until the BOG had decided on State Regulations for a muskox hunt in Unit 22 and Unit 23SW. When the amendment that contained the closure language was proposed, the State had concerns in regards to permitting and wanted to be kept informed; however, no direct comments about the closure were made and the State's official recommendation was neutral.

#### **Biological Background**

Muskoxen have many adaptations to allow for their survival in arctic habitats, but some of these adaptations also limit muskoxen in some areas. The large body size, and therefore rumen size, allows muskoxen to consume and process large quantities of low quality forage that may be found on the tundra (Jingfors 1982, Klein 1992, Ihl and Klein 2001). This large body size, in addition to their thick undercoat and long guard hairs, allow muskoxen to stay warm in arctic climates and conserve energy (Klein 1992). However, these adaptations make it difficult for muskoxen to regulate their body temperature following high exertion activities, such as running, and lead to groups remaining more localized rather than migrating long distances like other arctic species, such as caribou (Klein 1992).

Muskoxen are more limited by snow than caribou due to their greater foot loading, low chest height, and smaller hooves making it more difficult to travel through deep or wind-hardened snow (Klein 1992, Ihl and Klein 2001) and therefore, tend towards coastal areas potentially due to the higher winds which reduce the snow depth during winter (Dau 2005). However, muskoxen in Unit 22 tend towards higher windblown slopes during the winter on the Seward Peninsula to avoid the deep snow drifts (Ihl and Klein

2001, Adkisson pers. comm. 2009). Muskoxen tend to be more sedentary during periods of heavy snow cover; however, adult bulls generally tend to be less conservative than the general population and will enter previously unused winter habitats due to distant movements during the fall in search of harems (Smith 1989).

The general lack of winter movements is a conservative energy budget survival strategy by muskoxen (Jingfors 1982). Winter forage for muskoxen is of very poor quality (Thing et al. 1987). As a behavioral response to poor forage quality, muskoxen settle onto sites with readily available forage so that minimum energy expenditures are made during foraging bouts (Klein 1992). Additionally, muskoxen spend significantly more time resting in early and late winter than in the post-calving, mid-summer, and rut periods (Jingfors 1982).

Muskoxen in winter appear to be particularly susceptible to disturbance, with sufficient disturbance causing site abandonment (Jonkel et al. 1975). Muskoxen that abandon a preferred wintering site may need to travel considerable distances before reaching an alternative foraging site.

Muskoxen were extirpated in Alaska by the late 1800s, and perhaps hundreds of years earlier on the Seward Peninsula (Gorn and Dunker 2015). Muskoxen were reintroduced to Units 22C and 22D of the Seward Peninsula in 1970, and have since expanded their range to the north and east (Gorn and Dunker 2015). Currently, muskoxen occupy suitable habitat in Units 22A, 22B West, 22C, 22D, 22E, and 23-Southwest.

Muskox management on the Seward Peninsula has been guided by recommendations from the Seward Peninsula Muskox Cooperators Group. The group is composed of staff from ADF&G, NPS, BLM, U.S. Fish and Wildlife Service (USFWS), Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups or organizations. The Cooperators Group has not met since January of 2008, but information has been regularly provided to the Chair since that time (ADF&G 2016). The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of ADF&G Muskox Management Policies (ADF&G 1980):

- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox.
- Provide for a limited harvest in a manner consistent with existing State and Federal laws by following the goals/objectives endorsed by the Seward Peninsula Muskox Cooperators Group and the Seward Peninsula Cooperative Muskox Management Plan.
- Manage muskoxen along the Nome road systems of Unit 22B and 22C for viewing, education, and other nonconsumptive uses.
- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen.

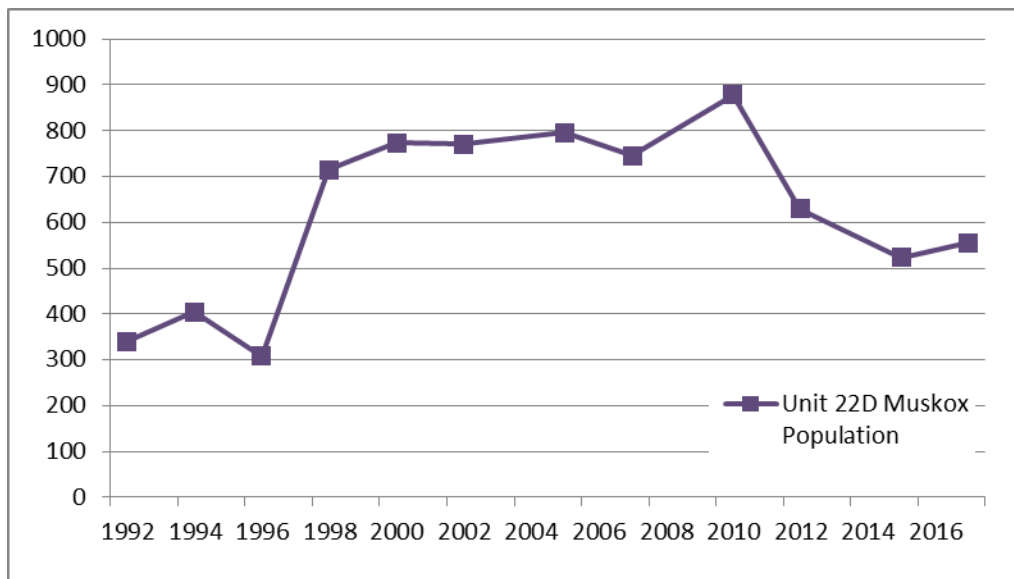
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend.
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs.

After reintroduction, the muskox population experienced periods of growth between 1970 and 2000 (14% annual rate of increase) and 2000 and 2010 (3.8% annual rate of increase) (Gorn 2011). However, between 2010 and 2012 the muskox population declined 12.5% annually throughout the Seward Peninsula (Gorn 2012). Aspects of the recent decline were likely related to the high mortality rates of adult cows and declines in the number of short yearlings (10-11 month-old muskoxen) (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample of the population (Gorn 2011). Composition surveys also indicated declines in mature bulls between 2002 and 2010, which prompted changes to the method of determining harvest rates (Gorn 2011). Recent research suggested that selective harvest of mature bulls on the Seward Peninsula could be a driver of reduced population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013). Following this change in methodology, the Seward Peninsula muskox population remained stable through 2017 (Dunker 2017).

In Unit 22D, the population followed a similar trend as the overall Seward Peninsula population. The population experienced growth from 1992 until approximately 2010, at which point the population declined and then remained stable until the most recent population survey in 2017 (Gorn and Dunker 2013, Dunker 2017; **Table 1, Figure 2**). The Unit 22D Southwest permit area similarly experienced a decline since 2010, but appeared to increase from 2015 through 2017 (Gorn and Dunker 2013, Dunker 2017; **Table 2**). Short yearling composition in Unit 22D showed an inverse trend to the population estimates (**Table 3, Figure 3**). The bull:cow ratios in Unit 22D followed the same trend as the population, with the number of mature bulls per 100 cows increasing through 2010 and then declining and stabilizing 2015-2017 (**Table 4, Figure 4**).

**Table 1.** Muskox population estimates in Unit 22D from 1992 to 2017.

Year	Unit	Muskox Population
1992	22D	340
1994	22D	405
1996	22D	308
1998	22D	714
2000	22D	774
2002	22D	771
2005	22D	796
2007	22D	746
2010	22D	878
2012	22D	629
2015	22D	523
2017	22D	556



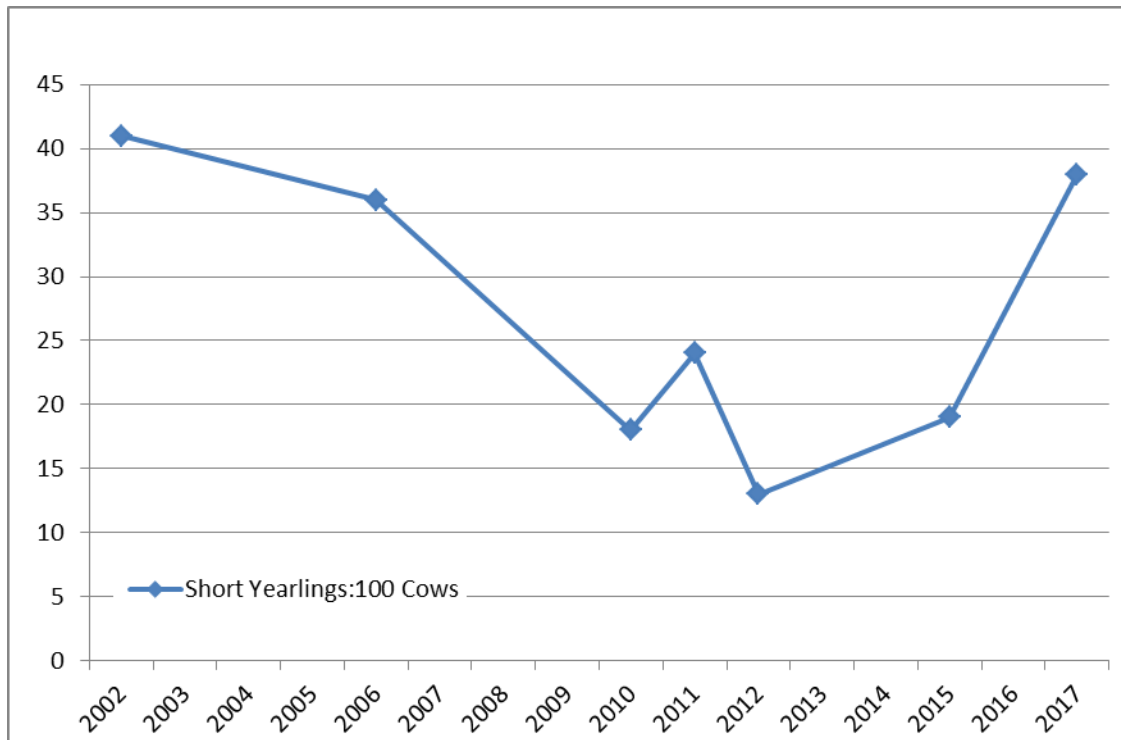
**Figure 2.** Population fluctuations in Unit 22D between 1992 and 2017.

**Table 2.** Unit 22D Southwest hunt area muskox population estimates from 2010 to 2017

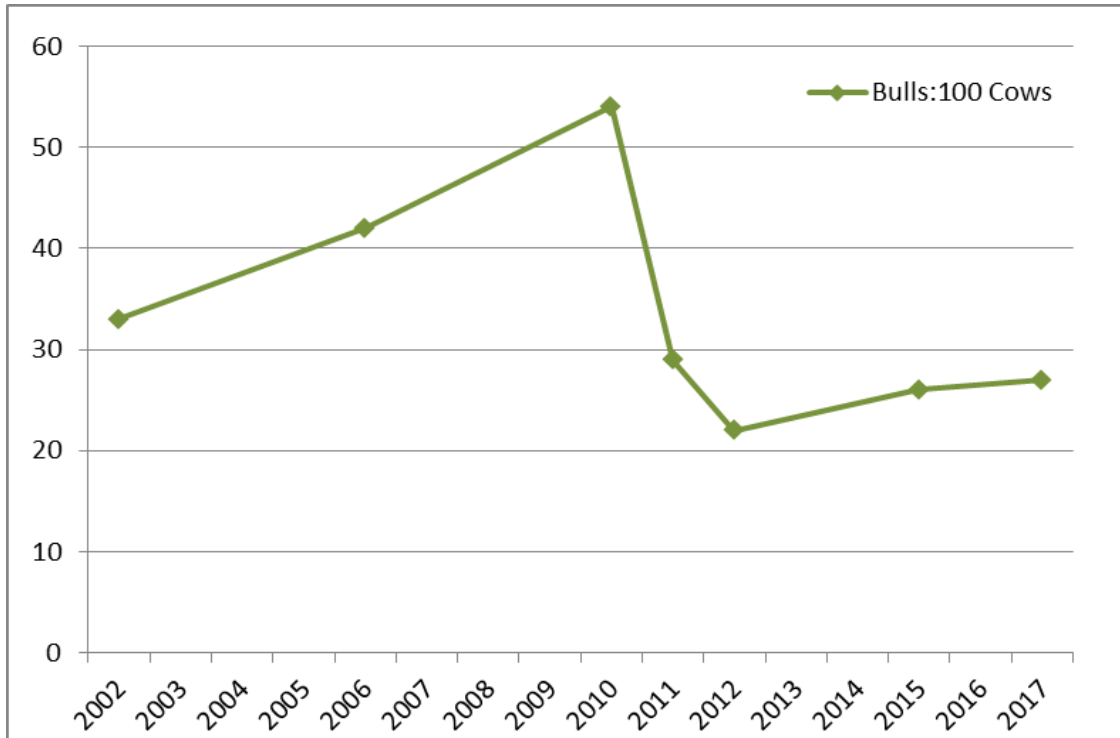
Year	Unit	Population
2010	22D SW	160
2012	22D SW	77
2015	22D SW	78
2017	22D SW	142

**Table 3.** Composition survey results in Unit 22D from 2002 to 2017.

Year	Unit	Mature Bulls:100 Cows	Short Yearlings:100 Cows
2002	22D	33	41
2006	22D	42	36
2010	22D	54	18
2011	22D	29	24
2012	22D	22	13
2015	22D	26	19
2017	22D	27	38



**Figure 3.** Short yearling composition survey estimates, in Unit 22D, between 2002 and 2017.



**Figure 4.** Bull composition survey estimates, in Unit 22D, between 2002 and 2017.

### Harvest History

Muskox harvest in Unit 22 is based on population survey estimates on the Seward Peninsula. The allowable harvest is currently calculated as approximately 10% of the estimated number of mature bulls in a hunt area, and the overall range-wide harvest is calculated to be approximately 2% of the Seward Peninsula muskox population (Gorn and Dunker 2015). This method for evaluating the harvestable portion on the Seward Peninsula was put in place, starting in 2012, due to a decline in muskox abundance and mature bull:cow ratios (Schmidt and Gorn 2013, Dunker 2018, pers. comm.). Prior to this change, from 1998 to 2011, the harvest strategy was solely based on a percentage of hunt area muskox populations, with the harvest rate reaching up to 8% of a population in some areas (OSM 2014).

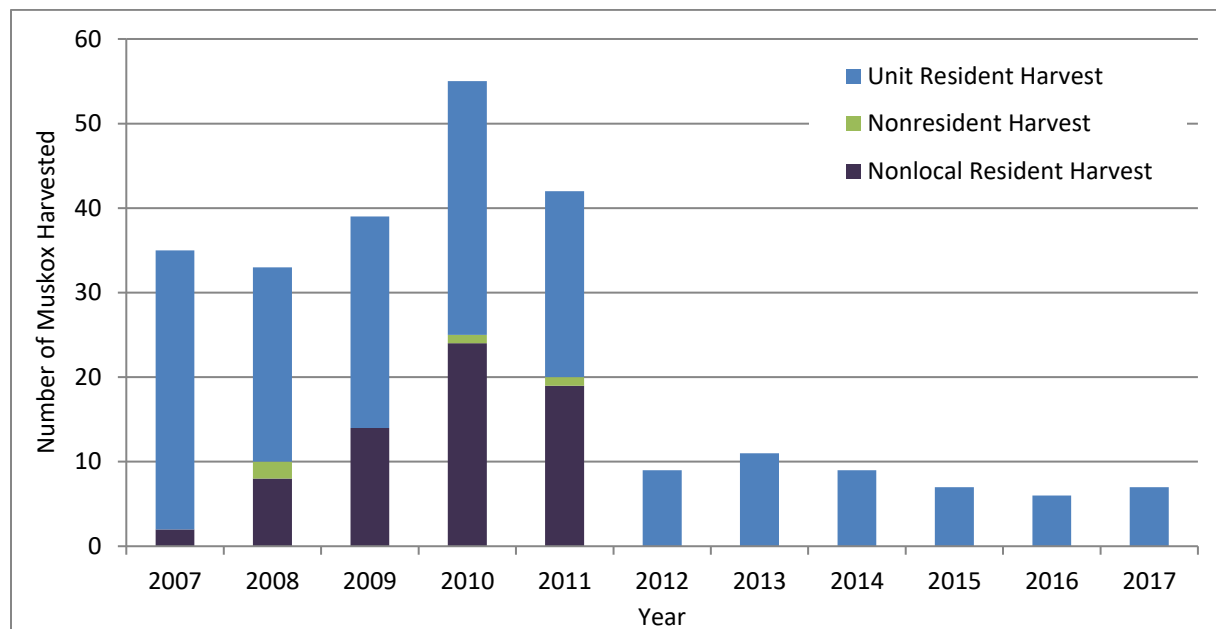
In Unit 22D, the average annual muskox harvest was 42 muskoxen from 2007 through 2011 (ADF&G 2018, Dunker 2018, pers. comm; **Table 4, Figure 5**). When the harvest management strategy was modified, in 2012, the harvest of muskox greatly decreased; nonresident harvest was no longer permitted and nonlocal resident harvest was greatly reduced (ADF&G 2018). Starting in 2012 through 2017, the State managed average annual harvest dropped to eight muskoxen in Unit 22D (ADF&G 2018), with Federally qualified subsistence users harvesting an average of one additional muskox by Federal registration permit annually (OSM 2018).

Unit 22D Southwest is currently managed under the Federal harvest permit FX2205 and State Tier II permit TX103 (**Table 5, Table 6**). In Unit 22D Southwest, the State harvest quota was reduced to one muskox in 2012, following the modification in harvest strategy (Dunker 2018, pers. comm.). Since 2012, the allowable harvest has remained low in this hunt area. In 2014, Federal public lands in Unit 22D

Southwest were closed to the taking of muskox except by residents of Nome and Teller and the hunt was limited to bull muskox only under both Federal and State regulations. Following this modification, average annual harvest in this subunit was reported as one muskox for the 2014-2017 timeframe (Adkisson 2018, pers. comm., OSM 2018).

**Table 4.** Harvest of muskox by user residency in Unit 22D from 2007 through 2017 (ADF&G 2018, Adkisson 2018, pers. comm., Dunker 2018, pers. comm.).

Year	GMU	Unit Resident Harvest	Nonlocal Resident Harvest	Nonresident Harvest	Unspecified	Total
2007	22D	33	2	0	0	35
2008	22D	23	8	2	0	33
2009	22D	25	14	0	4	43
2010	22D	30	24	1	3	58
2011	22D	22	19	1	1	43
2012	22D	9	0	0	0	9
2013	22D	11	0	0	0	11
2014	22D	9	0	0	0	9
2015	22D	7	0	0	0	7
2016	22D	6	0	0	0	6
2017	22D	7	0	0	0	7



**Figure 5.** Harvest of muskox in Unit 22D by user residency (ADF&G 2018, Adkisson 2018, pers. comm., Dunker 2018, pers. comm.).

**Table 5.** Muskox harvest in Unit 22D Southwest broken down by State and Federal reported harvest (ADF&G 2018, Dunker 2018, pers. comm., OSM 2018).

Year	GMU	Federal Harvest (FX2205)	State Harvest (TX103)	Total Harvest	Allowable Harvest Estimate
2012	22D Southwest	0	0	0	1
2013	22D Southwest	0	1	1	1
2014	22D Southwest	1	1	2	1
2015	22D Southwest	0	0	0	1
2016	22D Southwest	0	1	1	1
2017	22D Southwest	0	1	0	1
2018	22D Southwest	-	-	-	2

**Table 6.** Permits issued for muskox harvest in Unit 22D Southwest (ADF&G 2018, Dunker 2018, pers. comm., OSM 2018).

Hunt Area	Year	Federal Permits Issued	State Permits Issued	Federal Hunt Permit	State Hunt Permit
22D West of Tisuk River	2012	0	1	FX2205	TX103
22D West of Tisuk River	2013	0	1	FX2205	TX103
22D West of Tisuk River	2014	1	1	FX2205	TX103
22D West of Tisuk River	2015	1	1	FX2205	TX103
22D West of Tisuk River	2016	1	1	FX2205	TX103
22D West of Tisuk River	2017	1	1	FX2205	TX103

**OSM Recommendation:**

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

**Justification**

In addition to direct mortality due to harvest, muskox survival could be susceptible to herd disturbances during winter months if caloric expenditures are too high. Harvest on the Seward Peninsula was reevaluated and reduced in 2012 due to a declining muskox population. Recently, some localized populations have experienced a slight increase in population size or have remained stable, but these populations still remain at much lower numbers than in the past. The current closure, in conjunction with decreased harvest quotas, have slowed or stalled the decline in muskox populations in this portion of the Seward Peninsula. This closure should remain in place to ensure that these muskox populations have the opportunity to reach healthy levels and to ensure that Federally qualified subsistence users continue to have the opportunity to harvest this subsistence resource into the future.



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**FEDERAL WILDLIFE CLOSURE REVIEW  
WCR18-29**

**Closure Location:** Unit 22D—Muskox

**Current Federal Regulation**

**Unit 22D—Muskox**

*Unit 22D remainder—1 bull by Federal permit or State permit. Aug. 1 – Mar. 15*

*Federal public lands are closed to the taking of muskox except by residents of Elim, White Mountain, Nome, Teller, and Brevig Mission hunting under these regulations*

**Closure Dates:** Year-round

**Current State Regulation**

**Unit 22D—Muskox**

*Unit 22D remainder—One bull by TX102 permit Aug 1 – Mar 15*

*All skulls require trophy destruction at time of take in the field subject to permit conditions; specimens required*

**Regulatory Year Initiated:** 1996

**Regulatory History**

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

In 1995, Proposal WP95-44 was adopted by the Federal Subsistence Board (Board) to establish the first Federal muskoxen hunt on the Seward Peninsula and granted a Federal subsistence priority for rural Alaskan residents with a customary and traditional determination for muskoxen in Unit 22. The Board

established a season of Sept. 1 – Jan. 31 for Units 22D, 22E, and 23 west of and including the Buckland River drainage, and limited the harvest to bulls with a quota of 3% of the population from the most recent census (FSB 1995a).

In August 1995, the Board rejected two Requests for Reconsideration (R95-04 and R95-05), but revised the harvest quota for Unit 22D reducing it from 12 to 2 muskoxen. The Board made this change in response to concerns for the maintenance of a healthy muskox population (FSB 1995b).

In 1996, Proposal WP96-51 was adopted by the Board to increase the harvest from two to eight muskoxen in Unit 22D. The proposal was submitted by the Seward Peninsula Subsistence Regional Advisory Council to increase the harvest quota to 12 muskoxen but was adopted with modification to increase the harvest quota to 8 muskoxen.

In 1997, the Board denied a Request for Reconsideration (R96-06) to keep the harvest quota set at eight muskox, but stratified Unit 22D into two permit areas comprising Bureau of Land Management (BLM) lands and Bering Land Bridge National Preserve (NPS lands), with half of permits designated in each area (FSB 1997:49). This decision was based on harvest information indicating all muskoxen harvest in Unit 22D was on BLM land. The split of permits was intended to encourage subsistence hunters to harvest from NPS lands in the eastern end of the unit.

In 1998, the Seward Peninsula Subsistence Regional Advisory Council submitted Proposal WP98-89 to extend the season (Sept. 1 – Jan. 31) three months to Aug. 1 – Mar. 31 for Units 22D, 22E, and Unit 23 SW. However, as part of the consensus agenda, Proposal 89 was adopted with modification by the Board to extend the season to Aug. 1 – Mar. 15 in Units 22D and 22E and that portion of Unit 23. This modification was made due to biological concerns that hunting in late March could stress cows shortly before the calving season.

A shared Federal and State permit system for muskox on the Seward Peninsula was supported by the Seward Peninsula and Northwest Arctic Subsistence Regional Advisory Councils and adopted by the Board in 1998 (FSB 1998). In January 1998, the Seward Peninsula Muskox Cooperators met to discuss options for a combined Federal and State muskox harvest on the Seward Peninsula. The group reached consensus involving management on a subunit basis, allowing for continued growth of the population and increased harvest opportunities, with the intent that the Muskox Management Plan would be amended in the future to reflect these changes. Six affected villages considered allowing State harvest as a means to increase harvest opportunities. Individual villages made decisions on the percent harvest rate and how the harvest should be divided between the State and Federal systems within their respective subunits. Village recommendations were summarized in a resolution written and adopted by the Seward Peninsula Subsistence Regional Advisory Council in 1998 and subsequently presented to the Alaska Board of Game (BOG), which approved a Tier II subsistence muskox hunt for the Seward Peninsula with the assumption that this would be part of a combined Federal/State harvest program. Also in 1998, the Board followed the recommendations of the Seward Peninsula and Northwest Arctic Councils and approved a special action (WSA97-14) establishing these regulations for the 1998/99 Federal subsistence muskox season (FSB 1998:24).

In 1999, Proposal WP99-46 put the temporary regulations approved in WSA97-14 into permanent regulation. Due to the long traveling distances needed to reach Federal lands and the poor travel/snow conditions during that time, the six affected villages supported the combination of the State and Federal harvest systems to create more harvest opportunities due to declining hunter success rates under the Federal subsistence harvest. The combined Federal and State harvest was adopted into permanent State regulation by the BOG in 1998. The consensus was to manage on a subunit basis within Unit 22 and Unit 23SW to allow for continued growth of the muskoxen population in this region and to increase harvest opportunities. Sharing the harvest quota between Federal and State systems helped meet the subsistence needs of the local users that may not have been met under only the Federal or State system separately. The cooperative management dispersed hunting pressure over an entire area regardless of land ownership to create a more biologically sound management approach (OSM 2001).

In 2000, the Board adopted Proposal WP00-56 to remove the split of two Federal permit areas, one on NPS land and the other on BLM land, as designated in 1997 in Unit 22D. Six of the Federal permits were then transferred into the State Tier II system.

In 2001, Proposal WP01-35 was adopted and changed the harvest limits in Unit 22 and Unit 23SW from one bull to one muskox; additionally quotas were put in place for each hunt area.

Proposal WP02-37 was adopted by the Board at its May 2002 meeting and authorized the Superintendent of the Western Arctic National Parklands to announce harvest quotas and any needed closures in consultation with Alaska Department of Fish and Game (ADF&G) and BLM.

In 2004, Proposal WP04-71 requested that the customary and traditional use determination for muskox for Units 22B and 22D be expanded to include all residents of Unit 22, excluding residents of St. Lawrence Island. The proposal was adopted with modification by the Board and divided the Unit 22D customary and traditional use area into Unit 22D within the Kougarok, Kuzitrin, and Pilgrim river drainages and Unit 22D remainder and added residents of Unit 22C and White Mountain to the customary and traditional use determination for Unit 22D in the Kougarok, Kuzitrin, and Pilgrim River drainages hunt area.

In 2006, Proposal WP06-41 established the use of a designated hunter permit for muskoxen in Unit 22 by Federally qualified subsistence users. Special provisions allowed a Federally qualified subsistence user to designate another Federally qualified subsistence user to take muskoxen on their behalf, unless the recipient is a member of a community operating under a community harvest system.

In 2008, the BOG adopted Proposal 77 with modification. This changed the framework of the Seward Peninsula muskoxen hunts by adopting a combination of Tier I Subsistence registration hunts and drawing permit hunts. This ended the Tier II permit hunts that had been in place since 1998 (Gorn 2011, Hughes 2018, pers. comm.)

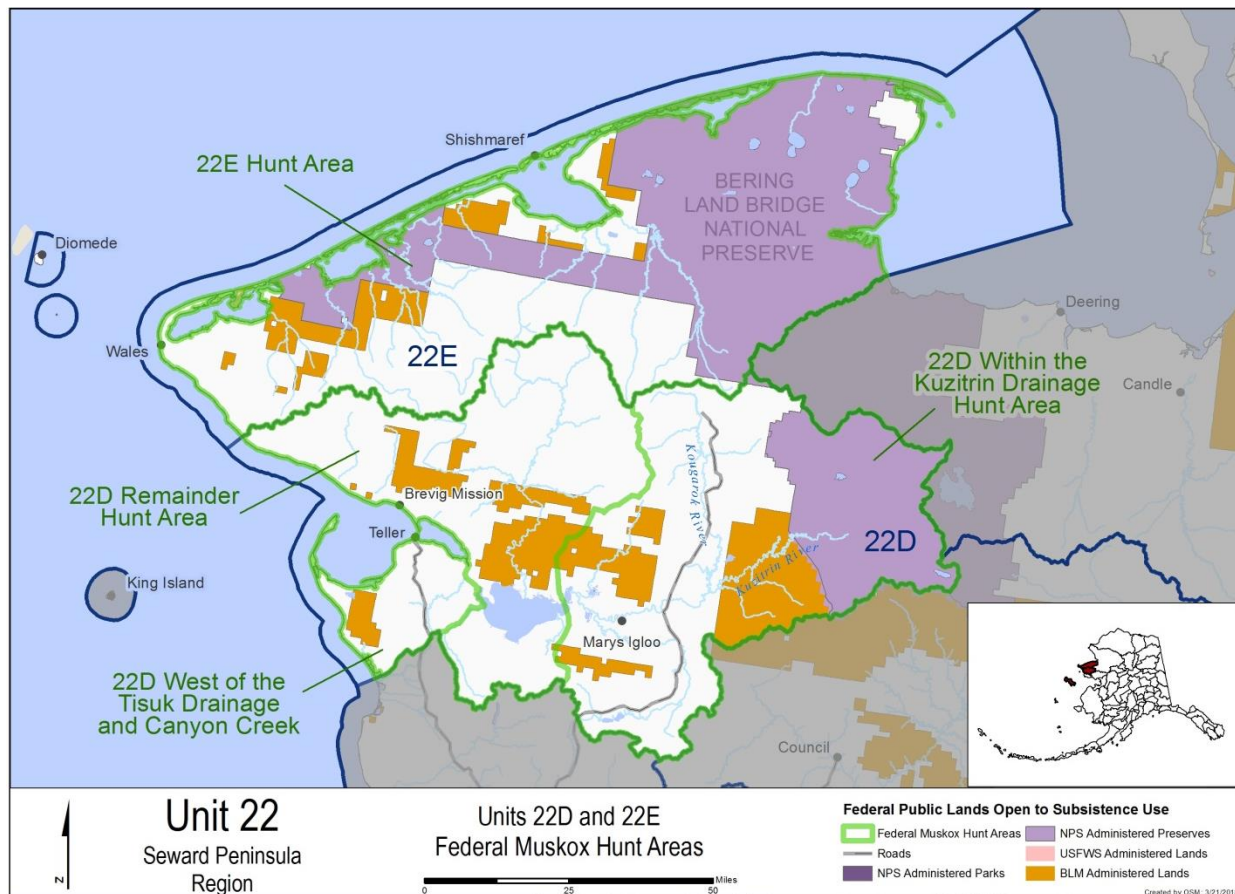
In 2009, State Emergency Order 05-11-09 closed the State subsistence hunting season for muskoxen by registration permit in Unit 22D remainder on October 13, 2009, because the joint State/Federal harvest

quota of 16 muskoxen had been reached. Based on this closure, the Federal manager closed the Federal subsistence muskoxen hunt in Unit 22D remainder on October 17, 2009.

The Board approved Emergency Special Action WSA09-06 on December 30, 2009, reopening the winter muskoxen season within Unit 22D remainder (that portion within the Kougarok, Kuzitrin, and Pilgrim River drainages) from January 15 to March 15, 2009.

An expansion of the customary and traditional use determination for muskox in Unit 22D (WP10-73) was adopted with modification by the Board in May of 2010. This combined the portion of Unit 22D within the Kougarok, Kuzitrin, and Pilgrim river drainages customary and traditional use area with the Unit 22D remainder area. This also added residents of Unit 22B (White Mountain, Golovin, Elim, Council, and Koyuk) and Unit 22E (Wales and Shishmaref) to the customary and traditional use determination for all of Unit 22D.

In 2010, Proposal WP10-77 requested the Federal hunt areas for muskoxen within Unit 22D remainder be aligned with State regulations by establishing hunts in the Kougarok, Kuzitrin, and Pilgrim river drainages. The Board adopted WP10-77 with modification to establish the current Unit 22D Kuzitrin hunt area, which encompasses the Kougarok and Pilgrim river drainages (**Figure 1**).



**Figure 1.** Current muskox hunt areas in Units 22D and 22E.

In 2011, the BOG adopted Proposal RC34 (A) making the muskox hunting regulation in Unit 22D part of a threshold-based hunt regime conditioned on the harvestable portion and the Amounts Necessary for Subsistence (ANS) available for the Seward Peninsula population, which includes all of Unit 22 and Unit 23SW (Dunker 2018, pers. comm.). The regulatory thresholds for this portion of the population define conditions for Tier II hunts (harvestable portion below the ANS), Tier I registration hunts (harvestable portion within the ANS range) and registration/drawing hunts (harvestable portion above ANS). This change was in response to significant population declines, low bull:cow ratios, and high harvest of mature bulls documented by the Alaska Department of Fish and Game (ADF&G). Based on the implementation of the new harvest guidelines intended to address the high harvest of mature bulls and the decline in bull:cow ratios and based on further population declines revealed in March 2012 population surveys, State Tier II hunts were required in Unit 22D for 2012-2013 regulatory year due to the reduction of the harvestable surplus being below the lower end of the ANS (Dunker 2018, pers. comm.).

In 2014, Proposal WP14-38 was adopted with modification by the Board and eliminated the cow hunt, provided the BLM Anchorage Field Manager with the authority to restrict the number of Federal registration permits to be issued, and further closed Federal public lands in Unit 22D remainder to the harvest of muskox except by residents of Elim, White Mountain, Nome, Teller, and Brevig Mission. This further restriction was suggested following an 804 user prioritization analysis.

Bureau of Land Management lands comprise approximately 15% of all lands in the 22D Remainder muskox hunt area. These are the only Federal public lands in this specified muskox hunt area.

**Closure last reviewed:** 2014– WP14-38

**Justification for Original Closure (ANILCA 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 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 Federal Subsistence Board’s intent was to provide a subsistence priority for Alaskan residents with a Customary & Traditional use determination for muskox. The Board did not feel that the State muskox seasons would provide adequate opportunity and priority for subsistence users who provided active participation in the cooperative muskox management plan, and therefore determined that a Federal season managed via a Federal registration permit and the closure of Federal public lands to non-Federally qualified users was necessary.

**Council Recommendation for Original Closure:**

Proposal 44 (1995): Seward Peninsula Subsistence Regional Advisory Council recommendation – Support, to provide a subsistence priority for local users due to a lack of subsistence priority under State regulations; Northwest Arctic Subsistence Regional Advisory Council recommendation - No

recommendation for Unit 22 since Unit 23 wasn't originally included in the proposal. Although these were the original recommendations from the Councils, both Councils agreed to support the modified proposal, voted on by the Board, which included that portion of Unit 23 including and west of the Buckland River drainage (FSB 1995a: 348).

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

Although ADF&G agreed with the intent of the cooperative muskox management planning effort, they believed it was advisable to postpone a decision on the proposal to close Federal public lands (Proposal 44) until the BOG had decided on State Regulations for a muskox hunt in Unit 22 and Unit 23SW. When the amendment that contained the closure language was proposed, the State had concerns in regards to permitting and wanted to be kept informed; however, no direct comments about the closure were made and the State's official recommendation was neutral.

### **Biological Background**

Muskoxen have many adaptations to allow for survival in arctic habitats, but some of these adaptations also limit muskoxen in some areas. The large body size, and therefore rumen size, allows muskoxen to consume and process large quantities of low quality forage that may be found on the tundra (Jingfors 1982, Klein 1992, Ihl and Klein 2001). This large body size, in addition to their thick undercoat and long guard hairs, allow muskoxen to stay warm in arctic climates and conserve energy (Klein 1992). However, these adaptations make it difficult for muskoxen to regulate their body temperature following high exertion activities, such as running, and lead to groups remaining more localized rather than migrating long distances like other arctic species, such as caribou (Klein 1992).

Muskoxen are more limited by snow than caribou due to their greater foot loading, low chest height, and smaller hooves making it more difficult to travel through deep or wind-hardened snow (Ihl and Klein 2001, Klein 1992) and therefore, tend towards coastal areas potentially due to the higher winds which reduce the snow depth during winter (Dau 2005). However, muskoxen in Unit 22 tend towards higher windblown slopes during the winter on the Seward Peninsula to avoid the deep snow drifts (Ihl and Klein 2001, Adkisson pers comm. 2009). Muskoxen tend to be more sedentary during periods of heavy snow cover; however, adult bulls generally tend to be less conservative than the general population and will enter previously unused winter habitats due to distant movements during the fall in search of harems (Smith 1989).

The general lack of winter movements is a conservative energy budget survival strategy by muskoxen (Jingfors 1982). Winter forage for muskoxen is of very poor quality (Thing et al. 1987). As a behavioral response to poor forage quality, muskoxen settle onto sites with readily available forage so that minimum energy expenditures are made during foraging bouts (Klein 1992). Additionally, muskoxen spend significantly more time resting in early and late winter than in the post-calving, mid-summer, and rut periods (Jingfors 1982).

Muskoxen in winter appear to be particularly susceptible to disturbance, with sufficient disturbance causing site abandonment (Jonkel et al. 1975). Muskoxen that abandon a preferred wintering site may need to travel considerable distances before reaching an alternative foraging site.



Muskoxen were extirpated in Alaska by the late 1800s, and perhaps hundreds of years earlier on the Seward Peninsula (Gorn and Dunker 2015). Muskoxen were reintroduced to Units 22C and 22D of the Seward Peninsula in 1970, and have since expanded their range to the north and east (Gorn and Dunker 2015). Currently, muskoxen occupy suitable habitat in Units 22A, 22B West, 22C, 22D, 22E, and 23-Southwest.

Muskox management on the Seward Peninsula has been guided by recommendations from the Seward Peninsula Muskox Cooperators Group. The group is composed of staff from ADF&G, NPS, BLM, U.S. Fish and Wildlife Service (USFWS), Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups or organizations. The Cooperators Group has not met since January of 2008, but information has been regularly provided to the Chair since that time (ADF&G 2016). The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of ADF&G Muskox Management Policies (ADF&G 1980):

- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox.
- Provide for a limited harvest in a manner consistent with existing State and Federal laws by following the goals/objectives endorsed by the Seward Peninsula Muskox Cooperators Group and the Seward Peninsula Cooperative Muskox Management Plan.
- Manage muskoxen along the Nome road systems of Unit 22B and 22C for viewing, education, and other nonconsumptive uses.
- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen.
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend.
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs.

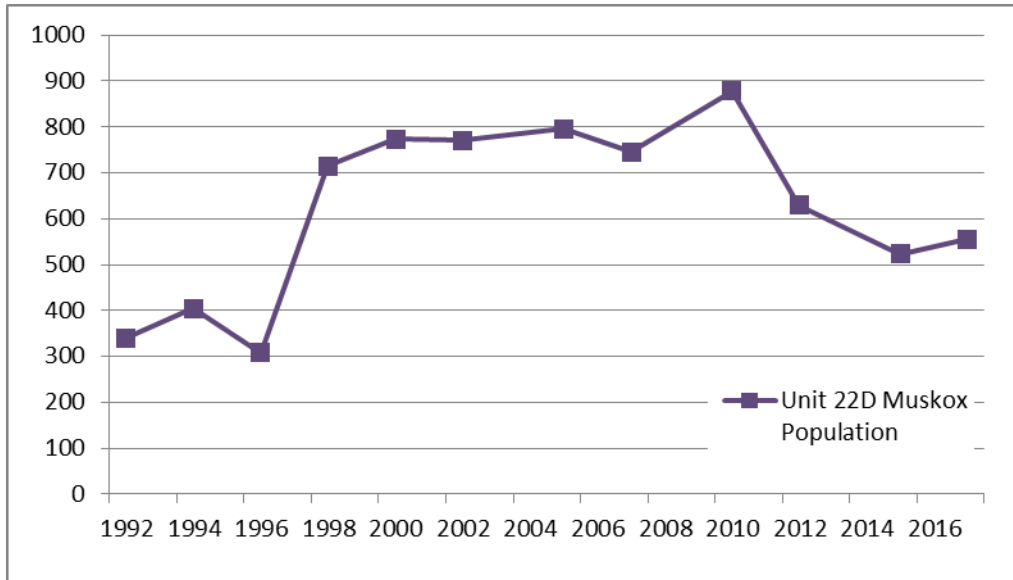
After reintroduction, the muskox population experienced periods of growth between 1970 and 2000 (14% annual rate of increase) and 2000 and 2010 (3.8% annual rate of increase) (Gorn 2011). However, between 2010 and 2012 the muskox population declined 12.5% annually throughout the Seward Peninsula (Gorn 2012). Aspects of the recent decline were likely related to the high mortality rates of adult cows and declines in the number of short yearlings (10-11 month-old muskoxen) (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample of the population (Gorn 2011). Composition surveys also indicated declines in mature bulls between 2002 and 2010, which prompted changes to the method of determining harvest rates (Gorn 2011). Recent research suggested that selective harvest of mature bulls on the Seward Peninsula could be

a driver of reduced population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013). Following this change in methodology, the Seward Peninsula muskox population remained stable through 2017 (Dunker 2017).

In Unit 22D, the population followed a similar trend as the overall Seward Peninsula population. The population experienced growth from 1992 until approximately 2010, at which point the population declined and then remained stable until the most recent population survey in 2017 (Dunker 2017a, Gorn and Dunker 2013, 2015; **Table 1, Figure 2**). The Unit 22D remainder permit area has similarly experienced a decline since 2010, but has appeared to stabilize from 2015-2017 (Gorn and Dunker 2013, 2015, Dunker 2017a; **Table 2**). Short yearling composition in Unit 22D showed an inverse trend to the population estimates (Dunker 2017b; **Table 3, Figure 3**). The bull:cow ratios in Unit 22D followed the same trend as the population, with the number of mature bulls per 100 cows increasing through 2010 and then declining and stabilizing 2015-2017 (Dunker 2017b; **Table 3, Figure 4**).

**Table 1.** Muskox population estimates in Unit 22D from 1992 to 2017.

Year	Unit	Muskox Population
1992	22D	340
1994	22D	405
1996	22D	308
1998	22D	714
2000	22D	774
2002	22D	771
2005	22D	796
2007	22D	746
2010	22D	878
2012	22D	629
2015	22D	523
2017	22D	556



**Figure 2.** Population fluctuations in Unit 22D between 1992 and 2017.

**Table 2.** Unit 22D remainder population estimates from 2010 to 2017.

Year	Unit	Population
2010	22D Remainder	532
2012	22D Remainder	344
2015	22D Remainder	258
2017	22D Remainder	278

**Table 3.** Composition survey results in Unit 22D from 2002 to 2017.

Year	Unit	Mature Bulls:100 Cows	Short Yearlings:100 Cows
2002	22D	33	41
2006	22D	42	36
2010	22D	54	18
2011	22D	29	24
2012	22D	22	13
2015	22D	26	19
2017	22D	27	38

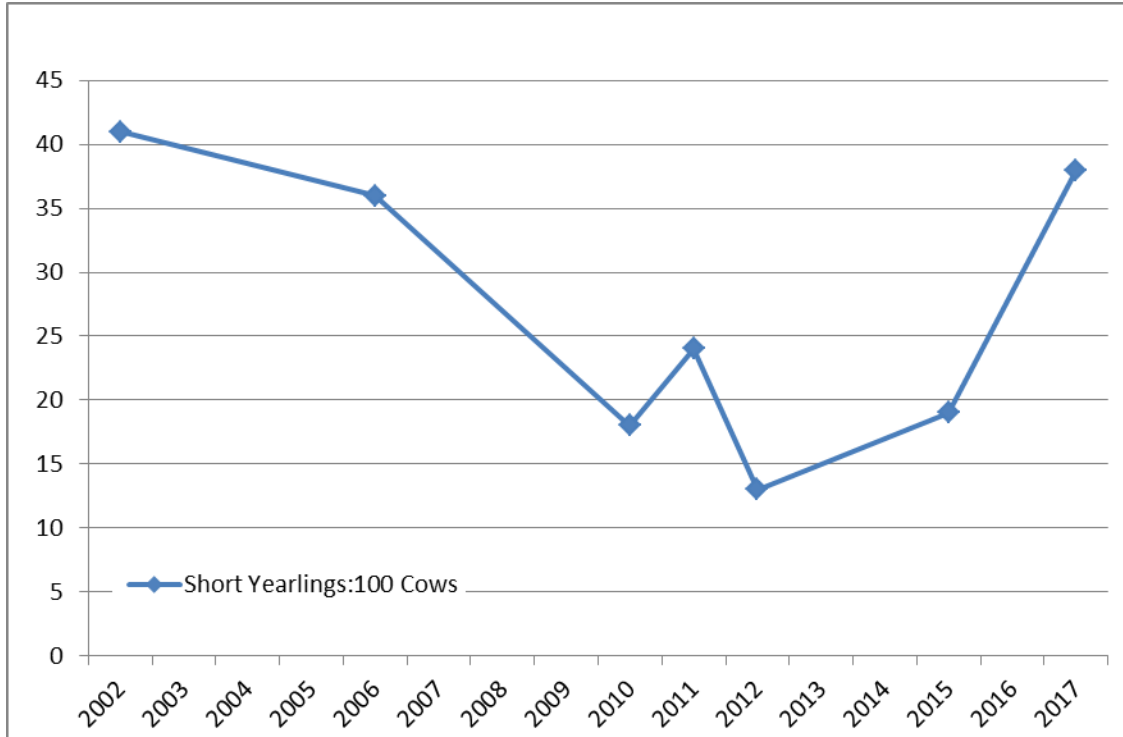


Figure 3. Short yearling composition survey estimates, in Unit 22D, between 2002 and 2017.

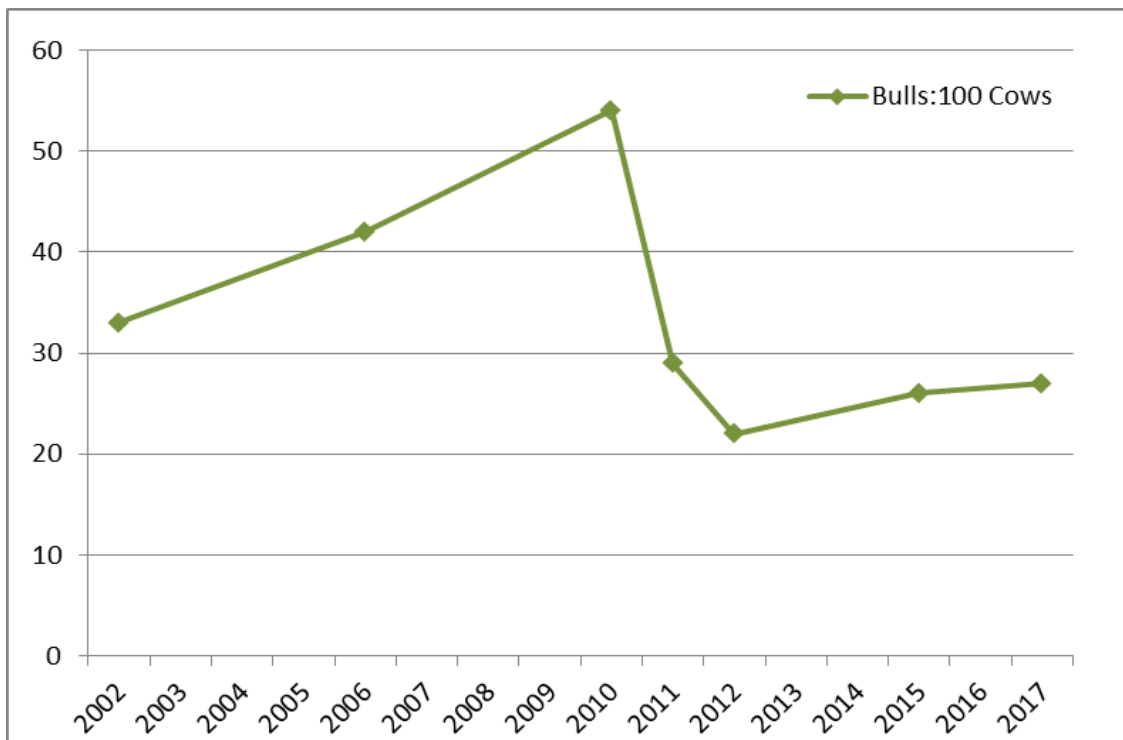


Figure 4. Bull composition survey estimates, in Unit 22D, between 2002 and 2017.

## Harvest History

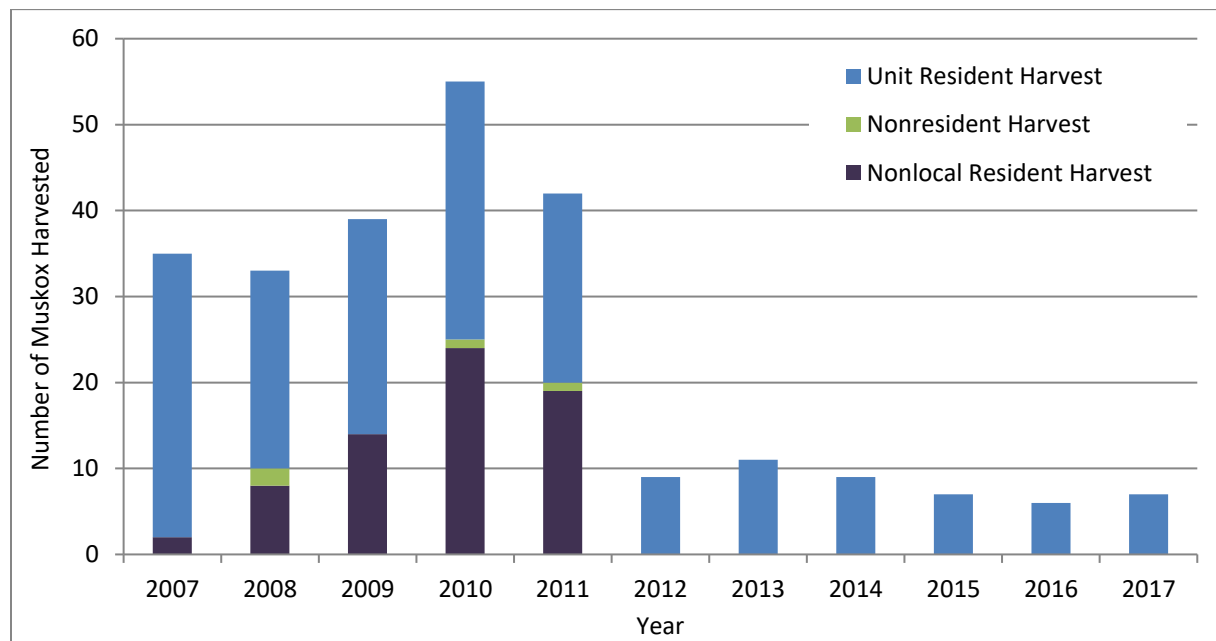
Muskox harvest in Unit 22 is based on population survey estimates on the Seward Peninsula. The allowable harvest is currently calculated as approximately 10% of the estimated number of mature bulls in a hunt area, and the overall range-wide harvest is calculated to be approximately 2% of the Seward Peninsula muskox population (Gorn and Dunker 2015). This method for evaluating the harvestable portion on the Seward Peninsula was put in place, starting in 2012, due to a decline in muskox abundance and mature bull:cow ratios (Schmidt and Gorn 2013, Dunker 2018, pers. comm.). Prior to this change, from 1998 to 2011, the harvest strategy was solely based on a percentage of hunt area muskox populations, with the harvest rate reaching up to 8% of a population in some areas (OSM 2014).

In Unit 22D, the average annual muskox harvest was 42 muskoxen from 2007 through 2011 (ADF&G 2018, Dunker 2018, pers. comm.; **Table 4, Figure 5**). When the harvest management strategy was modified, in 2012, the harvest of muskox greatly decreased; nonresident harvest was no longer permitted and nonlocal resident harvest was greatly reduced (ADF&G 2018). Starting in 2012 through 2017, the State managed average annual harvest dropped to eight muskoxen in Unit 22D (ADF&G 2018); with Federally qualified subsistence users harvesting an average of one additional muskox by Federal registration permit annually (OSM 2018).

Unit 22D remainder is currently managed under the Federal harvest permit FX2208 and State Tier II permit TX102 (**Table 5, Table 6**). In Unit 22D remainder the State harvest quota was reduced to seven muskoxen in 2012, following the modification in harvest strategy (Dunker 2018, pers.com.). Since 2012, the allowable harvest has remained low in this hunt area. In 2014, Federal public lands in Unit 22D remainder were closed to the taking of muskox except by residents of Elim, White Mountain, Nome, Teller, and Brevig Mission and the hunt was limited to bull muskox only under both Federal and State regulations. Following this modification, average annual harvest in this subunit was reported as two muskoxen for the 2014-2017 timeframe (Adkisson 2018, pers. comm., OSM 2018).

**Table 4.** Harvest of muskox by user residency in Unit 22D from 2007 through 2017 (ADF&G 2018, Adkisson 2018, pers. comm., Dunker 2018, pers. comm.).

Year	GMU	Unit Resident Harvest	Nonlocal Resident Harvest	Nonresident Harvest	Unspecified	Total
2007	22D	33	2	0	0	35
2008	22D	23	8	2	0	33
2009	22D	25	14	0	4	43
2010	22D	30	24	1	3	58
2011	22D	22	19	1	1	43
2012	22D	9	0	0	0	9
2013	22D	11	0	0	0	11
2014	22D	9	0	0	0	9
2015	22D	7	0	0	0	7
2016	22D	6	0	0	0	6
2017	22D	7	0	0	0	7



**Figure 5.** Harvest of muskox in Unit 22D by user residency (ADF&G 2018, Adkisson 2018, pers.comm., Dunker 2018, pers. comm.).

**Table 5.** Muskox harvest in Unit 22D remainder broken down by State and Federal reported harvest (ADF&G 2018, Adkisson 2018, pers. comm., Dunker 2018, pers. comm., OSM 2018)

Year	GMU	Federal Harvest (FX2208)	State Harvest (TX102)	Total Harvest	Allowable Harvest Estimate
2012	22D Remainder	0	5	5	7
2013	22D Remainder	1	2	3	7
2014	22D Remainder	0	4	4	7
2015	22D Remainder	1	2	3	7
2016	22D Remainder	0	1	1	5
2017	22D Remainder	0	0	0	5
2018	22D Remainder	-	-	-	4

**Table 6.** Permits issued for muskox harvest in Unit 22D remainder (ADF&G 2018, Adkisson 2018, pers. comm., Dunker 2018, pers. comm., OSM 2018).

Hunt Area	Year	Federal Permits Issued	State Permits Issued	Federal Hunt Permit	State Hunt Permit
22D Remainder	2012	0	7	FX2208	TX102
22D Remainder	2013	2	7	FX2208	TX102
22D Remainder	2014	2	7	FX2208	TX102
22D Remainder	2015	2	7	FX2208	TX102
22D Remainder	2016	2	5	FX2208	TX102
22D Remainder	2017	2	5	FX2208	TX102

**OSM Recommendation:**

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

**Justification**

In addition to direct mortality due to harvest, muskox survival could be susceptible to herd disturbances during winter months if caloric expenditures are too high. Harvest on the Seward Peninsula was reevaluated and reduced in 2012 due to a declining muskox population. Recently, some localized populations have experienced a slight increase in population size or have remained stable, but these populations still remain at much lower numbers than in the past. The current closure, in conjunction with decreased harvest quotas, have slowed or stalled the decline in muskox populations in this portion of the Seward Peninsula. This closure should remain in place to ensure that these muskox populations have the opportunity to reach healthy levels and to ensure that Federally qualified subsistence users continue to have the opportunity to harvest this subsistence resource into the future.

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**FEDERAL WILDLIFE CLOSURE REVIEW**  
**WCR18-30**

**Closure Location:** Unit 22E—Muskox

**Current Federal Regulation**

**Unit 22E—Muskox**

*Unit 22E—1 bull by Federal permit or State permit.*

*Aug. 1 – Mar. 15*

*Federal public lands are closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations.*

**Closure Dates:** Year-round

**Current State Regulation**

**Unit 22E—Muskox**

*Unit 22E—one bull by permit*

*TX104*

*Aug 1 – Mar 15*

*All skulls require trophy destruction at time of take in the field subject to permit conditions; specimens required*

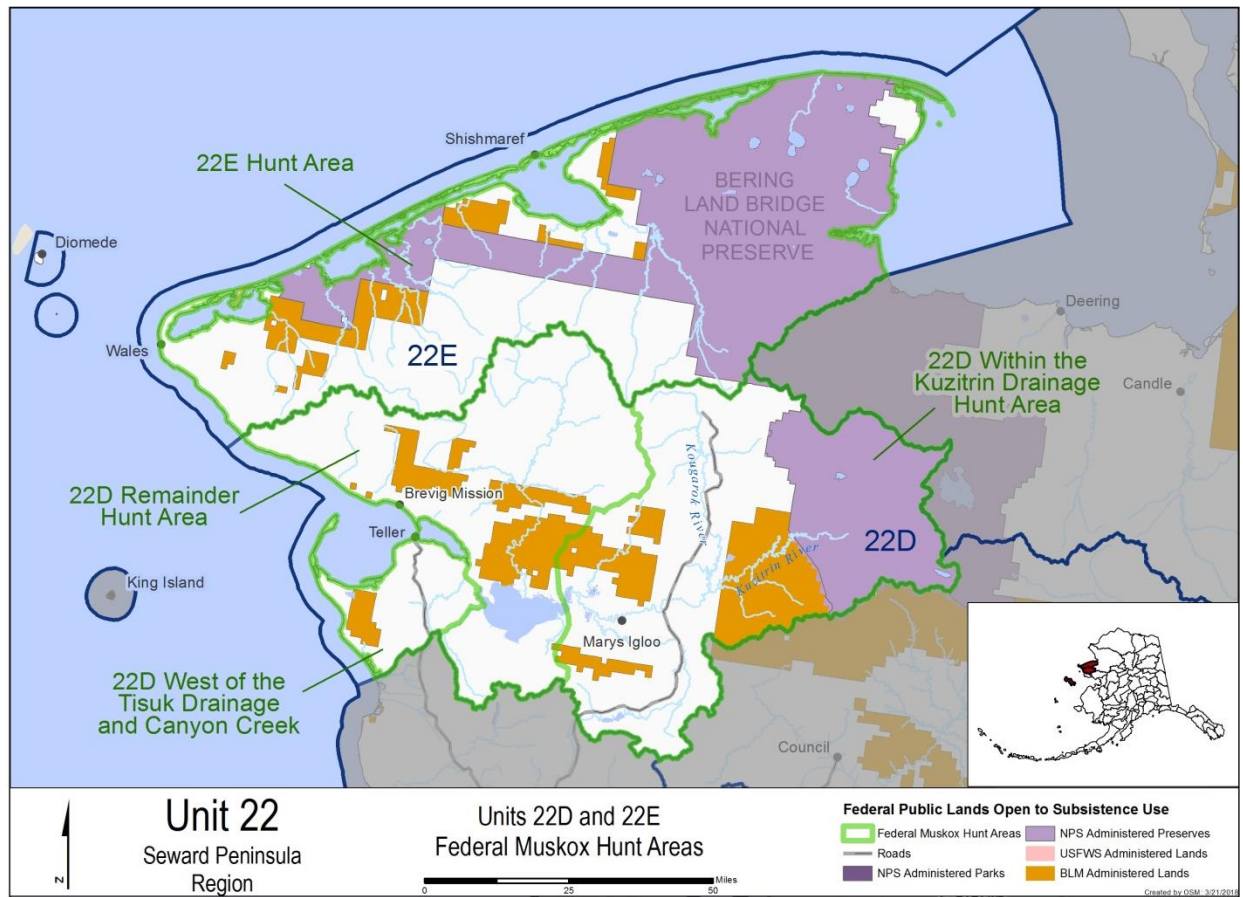
**Regulatory Year Initiated:** 1996

**Regulatory History**

A cooperative muskox management effort for the Seward Peninsula was begun in 1993 with the creation of the Seward Peninsula Muskox Cooperators Group. Muskox management efforts were guided by recommendations from this group and the Seward Peninsula Cooperative Muskox Management Plan (1994) established the guiding management goals for muskoxen in this region. The Seward Peninsula Muskox Cooperators Group began the process of initiating harvest seasons for muskox on the Seward Peninsula and providing input for regulatory proposals throughout the years.

In 1995, Proposal WP95-44 was adopted by the Federal Subsistence Board (Board) to establish the first Federal muskoxen hunt on the Seward Peninsula and granted a Federal subsistence priority for rural Alaskan residents with a customary and traditional determination for muskoxen in Unit 22. The Board

established a season of Sept. 1 – Jan. 31 for Units 22D, 22E, and 23 west of and including the Buckland River drainage (Unit 23SW), and limited the harvest to bulls with a quota of 3% of the population from the most recent census (FSB 1995; **Figure 1**).



**Figure 1.** Current muskox hunt areas in Units 22D and 22E.

In 1998, the Seward Peninsula Subsistence Regional Advisory Council submitted Proposal WP98-89 to extend the season (Sept. 1 – Jan. 31) three months to Aug. 1 – Mar. 31 for Units 22D, 22E, and Unit 23SW. However, as part of the consensus agenda, Proposal 89 was adopted with modification by the Board to extend the season to Aug. 1 – Mar. 15 in Units 22D and 22E and that portion of Unit 23. This modification was made due to biological concerns that hunting in late March could stress cows shortly before the calving season.

A shared Federal and State permit system for muskox on the Seward Peninsula was supported by the Seward Peninsula and Northwest Arctic Subsistence Regional Advisory Councils and adopted by the Board in 1998 (FSB 1998). In January 1998, the Seward Peninsula Muskox Cooperators met to discuss options for a combined Federal and State muskox harvest on the Seward Peninsula. The group reached consensus involving management on a subunit basis, allowing for continued growth of the population and increased harvest opportunities, with the thought that the Muskox Management Plan would be amended in the future to reflect these changes. Six affected villages considered allowing State harvest as a means

to increase harvest opportunities. Individual villages made decisions on the percent harvest rate and how the harvest should be divided between the State and Federal systems within their respective subunits. Village recommendations were summarized in a resolution written and passed by the Seward Peninsula Subsistence Regional Advisory Council in 1998 and subsequently presented to the Alaska Board of Game (BOG), which approved a Tier II subsistence muskox hunt for the Seward Peninsula with the assumption that this would be part of a combined Federal/State harvest program. Also in 1998, the Federal Subsistence Board followed the recommendations of the Seward Peninsula and Northwest Arctic Councils and approved a special action (WSA97-14) establishing these regulations for the 1998/99 Federal subsistence muskox season (FSB 1998:24).

In 1999, Proposal WP99-46 put the temporary regulations in WSA97-14 into permanent regulation. Due to the long traveling distances needed to reach Federal lands and the poor travel/snow conditions during that time, the six affected villages supported the combination of the State and Federal harvest systems to create more harvest opportunities due to declining hunter success rates under the Federal subsistence harvest. The combined Federal and State harvest was adopted into permanent State regulation by the BOG in 1998. The consensus was to manage on a subunit basis within Unit 22 and Unit 23SW, to allow for continued growth of the muskoxen population in this region and to increase harvest opportunities. Sharing the harvest quota between Federal and State systems helped meet the subsistence needs of the local users that may not have been met under only the Federal or State system separately. The cooperative management dispersed hunting pressure over an entire area regardless of land ownership to create a more biologically sound management approach (OSM 2001).

In 2001, Proposal WP01-35 was adopted and changed the harvest limits in Unit 22 and Unit 23SW from one bull to one muskox, additionally quotas were put in place for each hunt area.

Proposal WP02-37 was adopted by the Board at its May 2002 meeting and authorized the Superintendent of the Western Arctic National Parklands to announce harvest quotas and any needed closures in consultation with Alaska Department of Fish and Game (ADF&G) and the Bureau of Land Management (BLM).

In 2005, the BOG established a Tier I subsistence registration hunt, previously a Tier II hunt, in Unit 22E as proposed by the Seward Peninsula Muskox Cooperators Group. This was expected to help users reach the harvest quota in an area where the harvestable surplus was greater than the number of permit applicants.

In 2006, Proposal WP06-41 established the use of a designated hunter permit for muskoxen in Unit 22 by Federally qualified subsistence users. Special provisions allowed a Federally qualified subsistence user to designate another Federally qualified subsistence user to take muskoxen on their behalf, unless the recipient is a member of a community operating under a community harvest system.

In 2008, the BOG adopted Proposal 77 with modification. This changed the framework of the Seward Peninsula muskoxen hunts by adopting a combination of Tier I Subsistence registration hunts and drawing permit hunts. This ended the Tier II permit hunts, throughout the Seward Peninsula, that had been in place since 1998 (Gorn 2011, Hughes 2018, pers. comm.)

In 2010, Proposal WP10-74 requested rescinding the closure of Federal public lands to the harvest of muskoxen in Unit 22E, except by Federally qualified subsistence users, and was adopted by the Board. This same year, the Board adopted WP10-75 which requested the harvest of cow muskoxen be allowed for the entire Aug. 1–Mar. 15 season in Unit 22E, rather than restricting it to Jan. 1–Mar. 15.

Tier II permit hunts were reinstated by the BOG in 2011(Proposal A, RC34). The BOG adopted regulations to allow more flexibility in management of Tier I and Tier II subsistence hunts. This increased regulatory flexibility lead to the adoption of Tier II permit hunts in Units 22B, 22C, 22D, 22E, and 23 Southwest, although from 2012 to 2014 Tier I permits were administered for Unit 22E (Gorn and Dunker 2015).

In 2014, Proposal WP14-36 was adopted with modification by the Board. This eliminated the cow hunt, provided the Superintendent of the Bering Land Bridge National Preserve with the authority to restrict the number of Federal registration permits to be issued, and closed Federal public lands in Unit 22E to the harvest of muskox except by Federally qualified subsistence users hunting under these regulations. This restriction was suggested following an 804 user prioritization analysis.

In 2018, using the flexibility that was adopted into regulations in 2011, the BOG began administering the Unit 22E muskox harvest as a Tier II hunt (TX104). This modification resulted from population surveys suggesting that the harvest strategy that was in place resulted in a harvestable portion that would continue to be below the lower end of the ADF&G's goals for the amount necessary for subsistence (Dunker 2018, pers. comm.)

Federal public lands comprise approximately 62% of Unit 22E and consist of 55% National Park Service (NPS) managed lands, 7% Bureau of Land Management (BLM) managed lands, and 0.12% U.S. Fish and Wildlife Service (USFWS) managed lands.

**Closure last reviewed:** 2014 – WP14-36

**Justification for Original Closure (ANILCA 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 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 Federal Subsistence Board's intent was to provide a subsistence priority for Alaskan residents with a Customary & Traditional use determination for muskox. The Board did not feel that the State muskox seasons would provide adequate opportunity and priority for subsistence users who provided active participation in the cooperative muskox management plan, and therefore determined that a Federal season managed via a Federal registration permit and the closure of Federal public lands to non-Federally qualified users was necessary.

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

Proposal 44 (1995): Seward Peninsula Subsistence Regional Advisory Council recommendation – Support, to provide a subsistence priority for local users due to a lack of subsistence priority under State regulations; Northwest Arctic Subsistence Regional Advisory Council recommendation - No recommendation for Unit 22 since Unit 23 wasn't originally included in the proposal. Although these were the original recommendations from the Councils, both Councils agreed to support the modified proposal, voted on by the Board, which included that portion of Unit 23 including and west of the Buckland River drainage (FSB 1995: 348).

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

Although ADF&G agreed with the intent of the cooperative muskox management planning effort, they believed it was advisable to postpone a decision on the proposal to close Federal public lands (Proposal 44) until the BOG had decided on State Regulations for a muskox hunt in Unit 22 and Unit 23SW. When the amendment that contained the closure language was proposed, the State had concerns in regards to permitting and wanted to be kept informed; however, no direct comments about the closure were made and the State's official recommendation was neutral.

### **Biological Background**

Muskoxen have many adaptations to allow for their survival in arctic habitats, but some of these adaptations also limit muskoxen in some areas. The large body size, and therefore rumen size, allows muskoxen to consume and process large quantities of low quality forage that may be found on the tundra (Jingfors 1982, Klein 1992, Ihl and Klein 2001). This large body size, in addition to their thick undercoat and long guard hairs, allow muskoxen to stay warm in arctic climates and conserve energy (Klein 1992). However, these adaptations make it difficult for muskoxen to regulate their body temperature following high exertion activities, such as running, and lead to groups remaining more localized rather than migrating long distances like other arctic species, such as caribou (Klein 1992).

Muskoxen are more limited by snow than caribou due to their greater foot loading, low chest height, and smaller hooves making it more difficult to travel through deep or wind-hardened snow (Klein 1992, Ihl and Klein 2001) and therefore, tend towards coastal areas potentially due to the higher winds which reduce the snow depth during winter (Dau 2005). By the same token, muskoxen in Unit 22 tend towards higher windblown slopes during the winter on the Seward Peninsula to avoid the deep snow drifts (Ihl and Klein 2001, Adkisson pers comm. 2009). Muskoxen tend to be more sedentary during periods of heavy snow cover; however, adult bulls generally tend to be less conservative than the general population and will enter previously unused winter habitats due to distant movements during the fall in search of harems (Smith 1989).

The general lack of winter movements is a conservative energy budget survival strategy by muskoxen (Jingfors 1982). Winter forage for muskoxen is of very poor quality (Thing et al. 1987). As a behavioral response to poor forage quality, muskoxen settle onto sites with readily available forage so that minimum energy expenditures are made during foraging bouts (Klein 1992). Additionally, muskoxen spend

significantly more time resting in early and late winter than in the post-calving, mid-summer, and rut periods (Jingfors 1982).

Muskoxen in winter appear to be particularly susceptible to disturbance, with sufficient disturbance causing site abandonment (Jonkel et al. 1975). Muskoxen that abandon a preferred wintering site may need to travel considerable distances before reaching alternative foraging sites.

Muskoxen were extirpated in Alaska by the late 1800s, and perhaps hundreds of years earlier on the Seward Peninsula (Gorn and Dunker 2015). Muskoxen were reintroduced to Units 22C and 22D of the Seward Peninsula in 1970, and have since expanded their range to the north and east (Gorn and Dunker 2015). Currently, muskoxen occupy suitable habitat in Units 22A, 22B West, 22C, 22D, 22E, and 23-Southwest.

Muskox management on the Seward Peninsula has been guided by recommendations from the Seward Peninsula Muskox Cooperators Group. The group is composed of staff from ADF&G, NPS, BLM, USFWS, Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups or organizations. The Cooperators Group has not met since January of 2008, but information has been regularly provided to the Chair since that time (ADF&G 2016). The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of ADF&G Muskox Management Policies (ADF&G 1980):

- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox.
- Provide for a limited harvest in a manner consistent with existing State and Federal laws by following the goals/objectives endorsed by the Seward Peninsula Muskox Cooperators Group and the Seward Peninsula Cooperative Muskox Management Plan.
- Manage muskoxen along the Nome road systems of Unit 22B and 22C for viewing, education, and other nonconsumptive uses.
- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen.
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend.
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs.

After reintroduction, the muskox population experienced periods of growth between 1970 and 2000 (14% annual rate of increase) and 2000 and 2010 (3.8% annual rate of increase) (Gorn 2011). However,

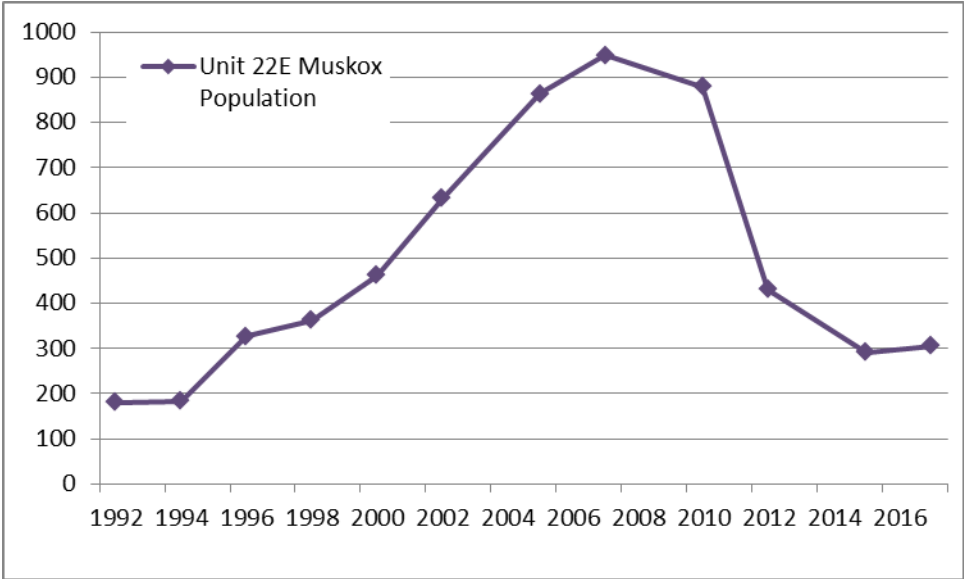
between 2010 and 2012 the muskox population declined 12.5% annually throughout the Seward Peninsula (Gorn 2012). Aspects of the recent decline were likely related to the high mortality rates of adult cows and declines in the number of short yearlings (10-11 month-old muskoxen) (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample of the population (Gorn 2011). Composition surveys also indicated declines in mature bulls between 2002 and 2010, which prompted changes to the method of determining harvest rates (Gorn 2011). Recent research suggested that selective harvest of mature bulls on the Seward Peninsula could be a driver of reduced population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013). Following this change in methodology, the Seward Peninsula muskox population remained stable through 2017 (Dunker 2017a).

In Unit 22E, the population followed a similar trend as the overall Seward Peninsula population. The population experienced growth from 1992 until approximately 2007, at which point the population declined and then remained stable from 2015 until the most recent population survey in 2017 (Gorn and Dunker 2013, Dunker 2017a; **Table 1, Figure 2**). Short yearling composition in Unit 22E fluctuated substantially since 2002, with 2017 reaching a high point of 62 short yearlings: 100 cows (Gorn and Dunker 2013, Dunker 2017b; **Table 2, Figure 3**). The bull:cow ratios in Unit 22E declined since 2002, with the lowest count taking place in 2017 at 29 mature bulls:100 cows (Gorn and Dunker 2013, Dunker 2017b; **Table 2, Figure 4**).

**Table 1.** Muskox population estimates, in Unit 22E, from 1992 to 2017.

Year	Unit	Muskox Population
1992	22E	180
1994	22E	184
1996	22E	327
1998	22E	362
2000	22E	461
2002	22E	632
2005	22E	863
2007	22E	949
2010	22E	879
2012	22E	431
2015	22E	291
2017	22E	306

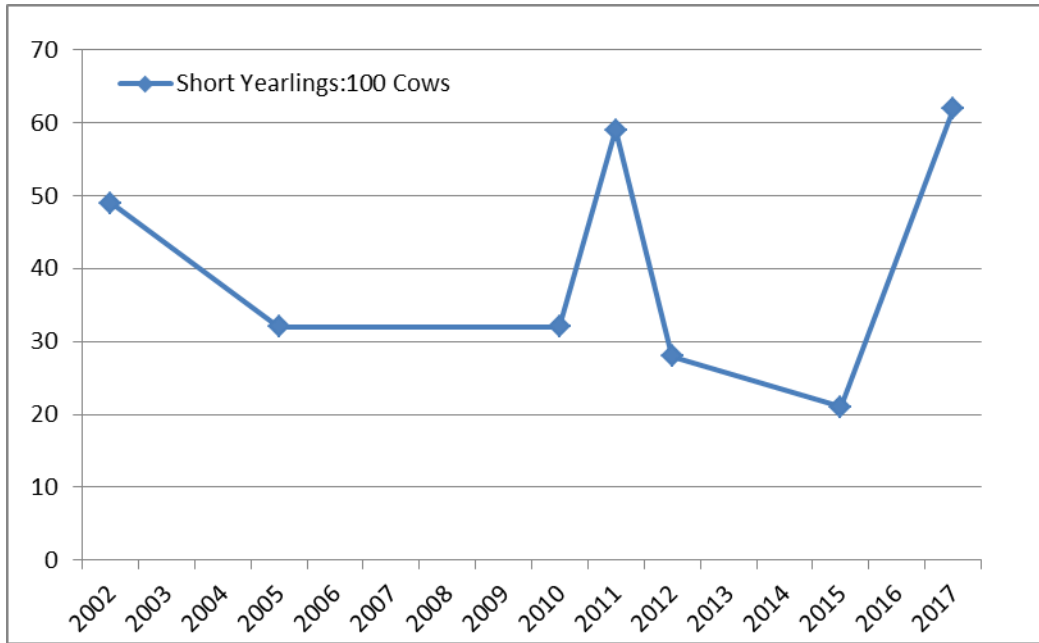




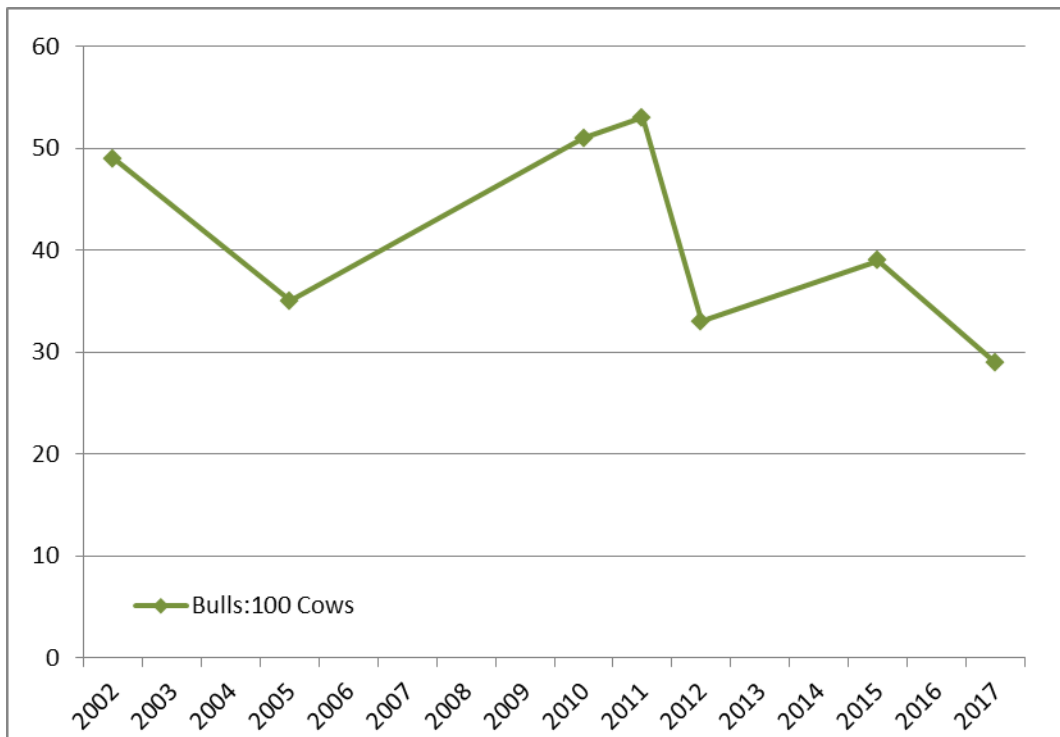
**Figure 2.** Population fluctuations in Unit 22E from 1992 to 2017.

**Table 2.** Composition survey results in Unit 22E from 2002 to 2017.

Year	Unit	Mature Bulls:100 Cows	Short Yearlings:100 Cows
2002	22E	49	49
2005	22E	35	32
2010	22E	51	32
2011	22E	53	59
2012	22E	33	28
2015	22E	39	21
2017	22E	29	62



**Figure 3.** Short yearling composition survey estimates, in Unit 22E, from 2002 to 2017.



**Figure 4.** Bull composition survey estimates, in Unit 22E, from 2002 to 2017.

## Harvest History

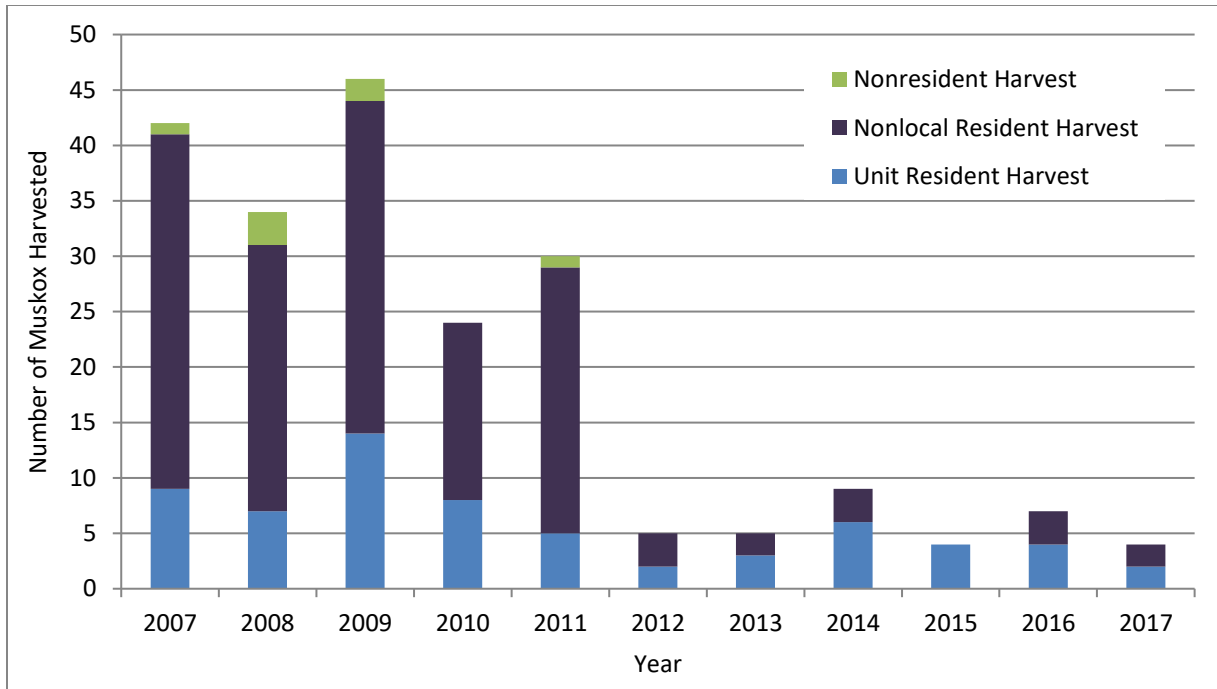
Muskox harvest in Unit 22 is based on population survey estimates on the Seward Peninsula. The allowable harvest is currently calculated as approximately 10% of the estimated number of mature bulls in a hunt area, and the overall range-wide harvest is calculated to be approximately 2% of the Seward Peninsula muskox population (Gorn and Dunker 2015). This method for evaluating the harvestable portion on the Seward Peninsula was put in place, starting in 2012, due to a decline in muskox abundance and mature bull:cow ratios (Schmidt and Gorn 2013, Dunker 2018, pers. comm.). Prior to this change, from 1998 to 2011, the harvest strategy was solely based on a percentage of hunt area muskox populations, with the harvest rate reaching up to 8% of a population in some areas (OSM 2014).

In Unit 22E, the average annual muskox harvest was 36 muskoxen from 2007 through 2011 (ADF&G 2018). When the harvest management strategy was modified in 2012, the harvest of muskox greatly decreased; nonresident harvest was no longer permitted and nonlocal resident harvest was greatly reduced (ADF&G 2018; **Table 3, Figure 5**). Starting in 2012 through 2017, the State managed average annual harvest dropped to five muskoxen in Unit 22E (ADF&G 2018), with Federally qualified subsistence users harvesting an average of two additional muskoxen by Federal registration permit annually (OSM 2018).

Unit 22E is currently managed under the Federal harvest permit FX2210 and State Tier II permit TX104. In Unit 22E the State harvest quota was reduced to 10 muskoxen in 2012, following the modification in harvest strategy (Dunker 2018, pers.comm.; **Table 4, Table 5**). Since 2012, the harvest quota has remained low in this hunt area and is currently down to four muskoxen. In 2014, Federal public lands in Unit 22E were closed to the taking of muskox except by Federally qualified subsistence users and the hunt was limited to bull muskox only. Following this modification, average annual harvest in this subunit was reported as six muskoxen for the 2014-2017 timeframe (Adkisson 2018, pers. comm., OSM 2018).

**Table 3.** Harvest of muskox by user residency in Unit 22E from 2007 through 2017 (ADF&G 2018, Adkisson 2018, pers. comm.)

Year	Unit	Unit Resident Harvest	Nonlocal Resident Harvest	Nonresident Harvest	Unspecified	Total
2007	22E	9	32	1	0	42
2008	22E	7	24	3	2	36
2009	22E	14	30	2	0	46
2010	22E	8	16	0	0	24
2011	22E	5	24	1	2	32
2012	22E	2	3	0	0	5
2013	22E	3	2	0	0	5
2014	22E	6	3	0	0	9
2015	22E	4	0	0	0	4
2016	22E	4	3	0	0	7
2017	22E	2	2	0	0	4



**Figure 5.** Harvest of muskox in Unit 22E by user residency (ADF&G 2018, Adkisson 2018, pers. comm.)

**Table 4.** Muskox harvest in Unit 22E broken down by State and Federal reported harvest (ADF&G 2018, Adkisson 2018, pers. comm., Dunker 2018, pers. comm.).

Year	GMU	Federal Harvest (FX2210)	State Harvest (RX104)	Total Harvest	Allowable Harvest Estimate
2012	22E	0	5	5	10
2013	22E	2	3	5	10
2014	22E	3	6	9	10
2015	22E	2	2	4	6
2016	22E	2	5	7	6
2017	22E	0	4	4	4
2018	22E	-	-	-	4

**Table 5.** Permits issued for muskox harvest in Unit 22E (Adkisson 2018, pers. comm., Dunker 2018, pers. comm.).

Hunt Area	Year	Federal Permits Issued	State Permits Issued	Federal Hunt Permit	State Hunt Permit
22E	2012	0	10	FX2210	RX104
22E	2013	2	10	FX2210	RX104
22E	2014	5	10	FX2210	RX104
22E	2015	2	6	FX2210	RX104
22E	2016	2	6	FX2210	RX104
22E	2017	0	4	FX2210	RX104

**OSM Recommendation:**

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

**Justification**

In addition to direct mortality due to harvest, muskox survival could be susceptible to herd disturbances during winter months if caloric expenditures are too high. Harvest on the Seward Peninsula was reevaluated and reduced in 2012 due to a declining muskox population. Recently, some localized populations have experienced a slight increase in population size or have remained stable, but these populations still remain at much lower numbers than in the past. The current closure, in conjunction with decreased harvest quotas, have slowed or stalled the decline in muskox populations in this portion of the Seward Peninsula. This closure should remain in place to ensure that these muskox populations have the opportunity to reach healthy levels and to ensure that Federally qualified subsistence users continue to have the opportunity to harvest this subsistence resource into the future.

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**FEDERAL WILDLIFE CLOSURE REVIEW**  
**WCR18-44**

**Closure Location:** Unit 22D—Muskox

**Current Federal Regulation**

**Unit 22D—Muskox**

*Unit 22D—That portion within the Kuzitrin River drainages—1 bull by Aug. 1 - Mar. 15  
Federal permit or State permit.*

*Federal public lands are closed to the taking of muskox except for  
residents of Council, Golovin, White Mountain, Nome, Teller, and  
Brevig Mission hunting under these regulations.*

**Closure Dates:** Year-round

**Current State Regulation**

**Unit 22D—Muskox**

*Unit 22D—Kuzitrin River drainage TX102 Jan 1 - Mar 15  
(Includes Kougarok and Pilgrim  
rivers) —One bull by permit*

*All skulls require trophy destruction at  
time of take in the field subject to  
permit conditions; specimens required*

**Regulatory Year Initiated:** 1996

**Regulatory History**

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



In 1995, Proposal WP95-44 was adopted by the Federal Subsistence Board (Board) to establish the first Federal muskoxen hunt on the Seward Peninsula and granted a Federal subsistence priority for Alaskan rural residents with a customary and traditional determination for muskoxen in Unit 22. The Board established a season of Sept. 1 – Jan. 31 for Units 22D, 22E, and 23 west of and including the Buckland River drainage (Unit 23SW), and limited the harvest to bulls with a quota of 3% of the population from the most recent census (FSB 1995a).

In August 1995, the Board rejected two Requests for Reconsideration (R95-04 and R95-05), but revised the harvest quota for Unit 22D reducing it from 12 to 2 muskoxen. The Board made this change in response to concerns for the maintenance of a healthy muskox population (FSB 1995b).

In 1996, Proposal WP96-51 was adopted by the Board to increase the harvest from two to eight muskoxen in Unit 22D. The proposal was submitted by the Seward Peninsula Subsistence Regional Advisory Council to increase the harvest limit to 12 muskoxen but was adopted with modification to increase the harvest to 8 muskoxen.

In 1997, the Board denied a Request for Reconsideration (R96-06) to keep the harvest quota set at eight muskox, but stratified Unit 22D into two permit areas comprising Bureau of Land Management (BLM) lands and Bering Land Bridge National Preserve (NPS lands), with half of permits designated in each area (FSB 1997:49). This decision was based on harvest information indicating all muskoxen harvest in Unit 22D was on BLM land. The split of permits was intended to encourage subsistence hunters to harvest from NPS lands in the eastern end of the unit.

In 1998, the Seward Peninsula Subsistence Regional Advisory Council submitted Proposal WP98-89 to extend the season (Sept. 1 – Jan. 31) three months to Aug. 1 – Mar. 31 for Units 22D, 22E, and Unit 23SW. However, as part of the consensus agenda, Proposal 89 was adopted with modification by the Board to extend the season to Aug. 1 – Mar. 15 in Units 22D and 22E and that portion of Unit 23. This modification was made due to biological concerns that hunting in late March could stress cows shortly before the calving season.

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

followed the recommendations of the Seward Peninsula and Northwest Arctic Councils and approved a special action (WSA97-14) establishing these regulations for the 1998/99 Federal subsistence muskox season (FSB 1998:24).

In 1999, Proposal WP99-46 put the temporary regulations in WSA97-14 into permanent regulation. Due to the long traveling distances needed to reach Federal lands and the poor travel/snow conditions during that time, the six affected villages supported the combination of the State and Federal harvest systems to create more harvest opportunities due to declining hunter success rates under the Federal subsistence harvest. The combined Federal and State harvest was adopted into permanent State regulation by the BOG in 1998. The consensus was to manage on a subunit basis within Unit 22 and Unit 23SW, to allow for continued growth of the muskoxen population in this region and to increase harvest opportunities. Sharing the harvest quota between Federal and State systems helped meet the subsistence needs of the local users that may not have been met under only the Federal or State system separately. The cooperative management dispersed hunting pressure over an entire area regardless of land ownership to create a more biologically sound management approach (OSM 2001).

In 2000, the Board approved Proposal WP00-56 to remove the split of two Federal permit areas, one on NPS land and the other on BLM land, as designated in 1997 in Unit 22D. Six of the Federal permits were then transferred into the State Tier II system.

In 2001, Proposal WP01-35 was adopted and changed the harvest limits in Unit 22 and Unit 23SW from one bull to one muskox; additionally quotas were put in place for each hunt area.

Proposal WP02-37 was adopted by the Board at its May 2002 meeting and authorized the Superintendent of the Western Arctic National Parklands to announce harvest quotas and any needed closures in consultation with Alaska Department of Fish and Game (ADF&G) and BLM.

In 2004, Proposal WP04-71 requested that the customary and traditional use determination for muskox for Units 22B and 22D be expanded to include all residents of Unit 22, excluding residents of St. Lawrence Island. The proposal was adopted with modification by the Board and divided the Unit 22D customary and traditional use area into Unit 22D within the Kougarok, Kuzitrin, and Pilgrim river drainages and Unit 22D remainder and added residents of Unit 22C and White Mountain to the customary and traditional use determination for Unit 22D in the Kougarok, Kuzitrin, and Pilgrim River drainages hunt area.

In 2006, Proposal WP06-41 established the use of a designated hunter permit for muskoxen in Unit 22 by Federally qualified subsistence users. Special provisions allowed a Federally qualified subsistence user to designate another Federally qualified subsistence user to take muskoxen on their behalf, unless the recipient is a member of a community operating under a community harvest system.

In 2008, the BOG adopted Proposal 77 with modification. This changed the framework of the Seward Peninsula muskoxen hunts by adopting a combination of Tier I Subsistence registration hunts and drawing permit hunts. This ended the Tier II permit hunts that had been in place since 1998 (Gorn 2011, Hughes 2018, pers. comm.)

In 2009, State Emergency Order 05-11-09 closed the State subsistence hunting season for muskoxen by registration permit in Unit 22D remainder on October 13, 2009, because the joint State/Federal harvest quota of 16 muskoxen had been reached. Based on this closure, the Federal manager closed the Federal subsistence muskoxen hunt in Unit 22D remainder on October 17, 2009.

The Board approved Emergency Special Action WSA09-06 on December 30, 2009, reopening the winter muskoxen season within Unit 22D remainder (that portion within the Kougarok, Kuzitrin, and Pilgrim River drainages) from January 15 to March 15, 2009.

An expansion of the customary and traditional use determination for muskox in Unit 22D (WP10-73) was adopted with modification by the Board in May of 2010. This combined the portion of Unit 22D within the Kougarok, Kuzitrin, and Pilgrim river drainages customary and traditional use area with the Unit 22D remainder area. This also added residents of Unit 22B (White Mountain, Golovin, Elim, Council, and Koyuk) and Unit 22E (Wales and Shishmaref) to the customary and traditional use determination for all of Unit 22D.

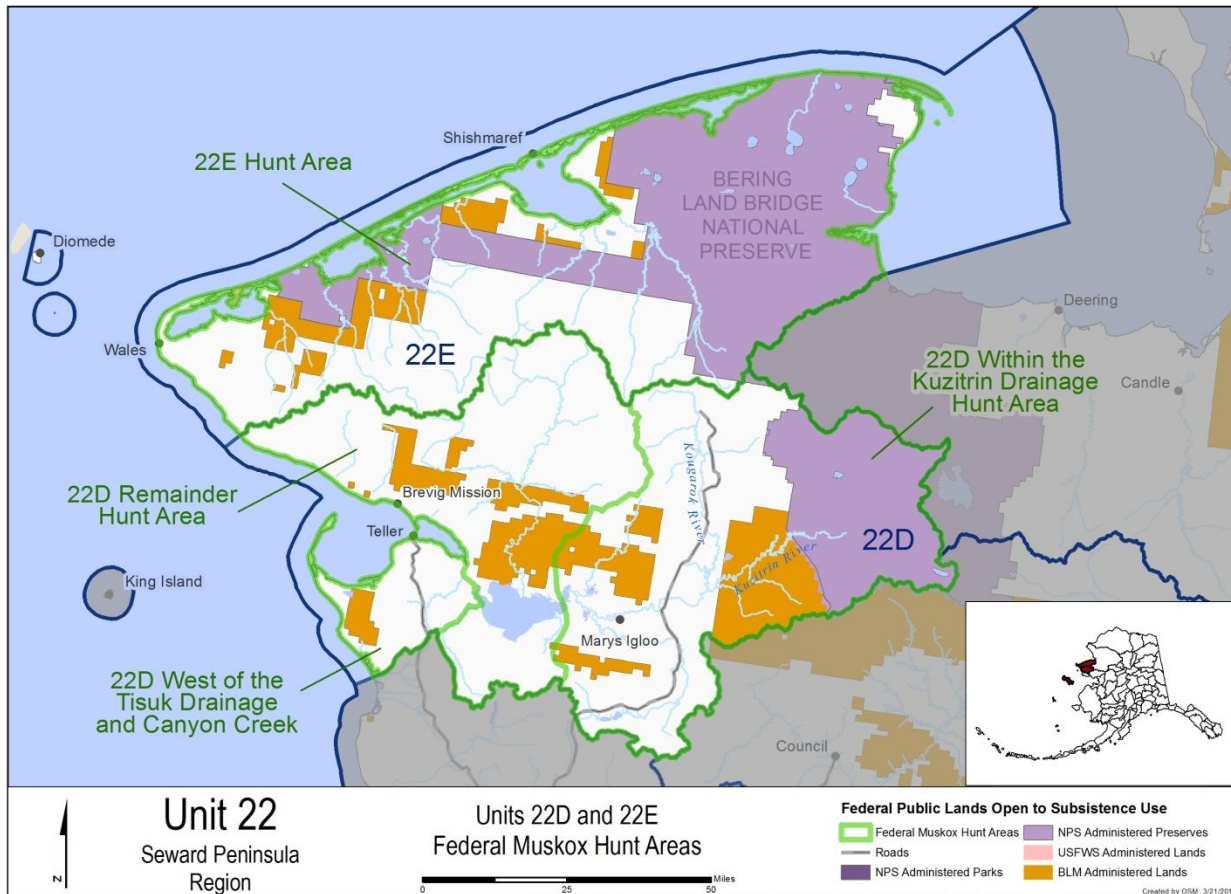
In 2010, Proposal WP10-77 requested the Federal hunt areas for muskoxen within Unit 22D remainder be aligned with State regulations by establishing hunts in the Kougarok, Kuzitrin, and Pilgrim river drainages. The Board adopted Proposal WP10-77 with modification to establish the current Unit 22D Kuzitrin hunt area, which encompasses the Kougarok and Pilgrim river drainages (**Figure 1**).

In 2011, the BOG adopted Proposal RC34 (A) making the muskox hunting regulation in Unit 22D part of a threshold-based hunt regime conditioned on the harvestable portion and the Amounts Necessary for Subsistence (ANS) available for the Seward Peninsula population, which includes all of Unit 22 and Unit 23SW (Dunker 2018, pers. comm.). The regulatory thresholds for this portion of the population define conditions for Tier II hunts (harvestable portion below the ANS), Tier I registration hunts (harvestable portion within the ANS range) and registration/drawing hunts (harvestable portion above ANS). This change was in response to significant population declines, low bull:cow ratios, and high harvest of mature bulls documented by the Alaska Department of Fish and Game (ADF&G). Based on the implementation of the new harvest guidelines intended to address the high harvest of mature bulls and the decline in bull:cow ratios and based on further population declines revealed in March 2012 population surveys, State Tier II hunts were required in Unit 22D for 2012-2013 regulatory year due to the reduction of the harvestable surplus being below the lower end of the ANS (Dunker 2018, pers. comm.).

In 2014, Proposal WP14-33 was adopted with modification by the Board. This eliminated the cow hunt, provided the Superintendent of the Bering Land Bridge National Preserve with the authority to restrict the number of Federal registration permits to be issued, and further closed Federal public lands in Unit 22 D, that portion within the Kuzitrin River drainages, to the harvest of muskox except by residents of Council, Golovin, White Mountain, Nome, Teller, and Brevig Mission. This further restriction was suggested following an 804 user prioritization analysis.

Bureau of Land Management lands comprise approximately 18% of all lands and NPS lands comprise approximately 28% of all lands in the Unit 22D Kuzitrin drainage muskox hunt area. These are the only

Federal public lands in this specified muskox hunt area and together make up approximately 46% of all lands in the hunt area.



**Figure 1.** Current muskox hunt areas in Units 22D and 22E.

**Closure last reviewed:** 2014 – WP14-33

**Justification for Original Closure (ANILCA 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 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 Federal Subsistence Board’s intent was to provide a subsistence priority for Alaskan residents with a Customary & Traditional use determination for muskox. The Board did not feel the State muskox seasons would provide adequate opportunity and priority for subsistence users who provided active participation in the cooperative muskox management plan. Therefore, the Board determined that a Federal season

managed via a Federal registration permit and the closure of Federal public lands to non-Federally qualified users was necessary.

**Council Recommendation for Original Closure:**

Proposal 44 (1995): Seward Peninsula Subsistence Regional Advisory Council recommendation – Support, to provide a subsistence priority for local users due to a lack of subsistence priority under State regulations; Northwest Arctic Subsistence Regional Advisory Council recommendation - No recommendation for Unit 22, since Unit 23 wasn't originally included in the proposal. Although these were the original recommendations from the Councils, both Councils agreed to support the modified proposal, voted on by the Board, which included that portion of Unit 23 including and west of the Buckland River drainage (FSB 1995a: 348).

**State Recommendation for Original Closure:**

Although ADF&G agreed with the intent of the cooperative muskox management planning effort, they believed it was advisable to postpone a decision on the proposal to close Federal public lands (Proposal 44) until the BOG had decided on State Regulations for a muskox hunt in Unit 22 and Unit 23SW. When the amendment that contained the closure language was proposed, the State had concerns in regards to permitting and wanted to be kept informed; however, no direct comments about the closure were made and the State's official recommendation was neutral.

**Biological Background**

Muskoxen have many adaptations to allow for their survival in arctic habitats, but some of these adaptations also limit muskoxen in some areas. The large body size, and therefore rumen size, allows muskoxen to consume and process large quantities of low quality forage that may be found on the tundra (Jingfors 1982, Klein 1992, Ihl and Klein 2001). This large body size, in addition to their thick undercoat and long guard hairs, allow muskoxen to stay warm in arctic climates and conserve energy (Klein 1992). However, these adaptations make it difficult for muskoxen to regulate their body temperature following high exertion activities, such as running, and lead to groups remaining more localized rather than migrating long distances like other arctic species, such as caribou (Klein 1992).

Muskoxen are more limited by snow than caribou due to their greater foot loading, low chest height, and smaller hooves making it more difficult to travel through deep or wind-hardened snow (Klein 1992, Ihl and Klein 2001) and therefore, tend towards coastal areas potentially due to the higher winds which reduce the snow depth during winter (Dau 2005). However, muskoxen in Unit 22 tend towards higher windblown slopes during the winter on the Seward Peninsula to avoid the deep snow drifts (Ihl and Klein 2001, Adkisson, pers. comm. 2009). Muskoxen tend to be more sedentary during periods of heavy snow cover; however, adult bulls generally tend to be less conservative than the general population and will enter previously unused winter habitats due to distant movements during the fall in search of harems (Smith 1989).

The general lack of winter movements is a conservative energy budget survival strategy by muskoxen (Jingfors 1982). Winter forage for muskoxen is of very poor quality (Thing et al. 1987). As a behavioral

response to poor forage quality, muskoxen settle onto sites with readily available forage so that minimum energy expenditures are made during foraging bouts (Klein 1992). Additionally, muskoxen spend significantly more time resting in early and late winter than in the post-calving, mid-summer, and rut periods (Jingfors 1982).

Muskoxen in winter appear to be particularly susceptible to disturbance, with sufficient disturbance causing site abandonment (Jonkel et al. 1975). Muskoxen that abandon a preferred wintering site may need to travel considerable distances before reaching alternative foraging sites.

Muskoxen were extirpated in Alaska by the late 1800s, and perhaps hundreds of years earlier on the Seward Peninsula (Gorn and Dunker 2015). Muskoxen were reintroduced to Units 22C and 22D of the Seward Peninsula in 1970, and have since expanded their range to the north and east (Gorn and Dunker 2015). Currently, muskoxen occupy suitable habitat in Units 22A, 22B West, 22C, 22D, 22E, and 23-Southwest.

Muskox management on the Seward Peninsula has been guided by recommendations from the Seward Peninsula Muskox Cooperators Group. The group is composed of staff from ADF&G, NPS, BLM, U.S. Fish and Wildlife Service (USFWS), Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups or organizations. The Cooperators Group has not met since January of 2008, but information has been regularly provided to the Chair since that time (ADF&G 2016). The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of ADF&G Muskox Management Policies (ADF&G 1980):

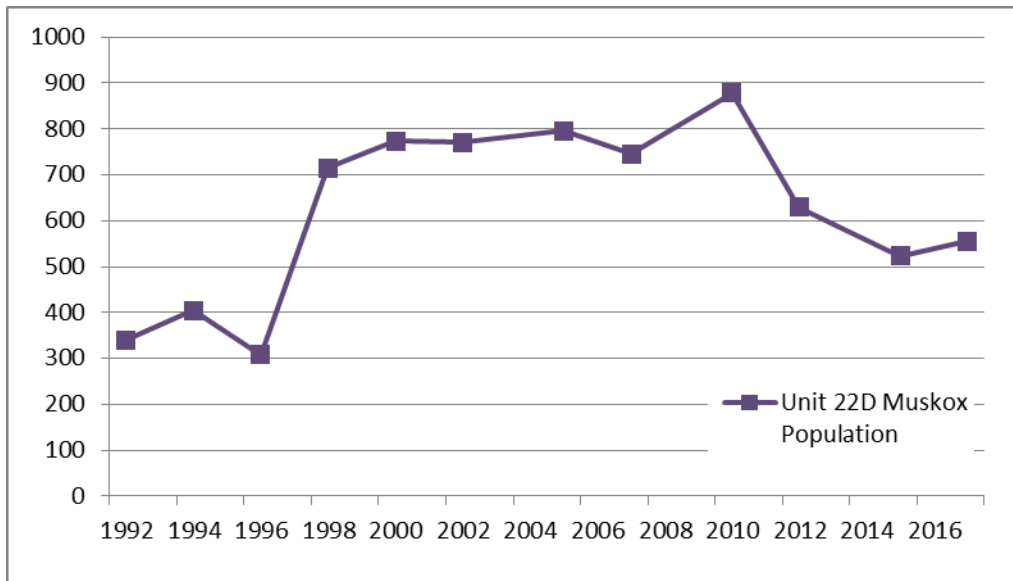
- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox.
- Provide for a limited harvest in a manner consistent with existing State and Federal laws by following the goals/objectives endorsed by the Seward Peninsula Muskox Cooperators Group and the Seward Peninsula Cooperative Muskox Management Plan.
- Manage muskoxen along the Nome road systems of Unit 22B and 22C for viewing, education, and other nonconsumptive uses.
- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen.
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend.
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs.

After reintroduction, the muskox population experienced periods of growth between 1970 and 2000 (14% annual rate of increase) and 2000 and 2010 (3.8% annual rate of increase) (Gorn 2011). However, between 2010 and 2012 the muskox population declined 12.5% annually throughout the Seward Peninsula (Gorn 2012). Aspects of the recent decline were likely related to the high mortality rates of adult cows and declines in the number of short yearlings (10-11 month-old muskoxen) (Gorn 2012); however, some caution should be used when interpreting these mortality rates as they are based on a small sample of the population (Gorn 2011). Composition surveys also indicated declines in mature bulls between 2002 and 2010, which prompted changes to the method of determining harvest rates (Gorn 2011). Recent research suggested that selective harvest of mature bulls on the Seward Peninsula could be a driver of reduced population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013). Following this change in methodology, the Seward Peninsula muskox population remained stable through 2017 (Dunker 2017).

In Unit 22D, the population followed a similar trend as the overall Seward Peninsula population. The population experienced growth from 1992 until approximately 2010, at which point the population declined and then remained stable until the most recent population survey in 2017 (Gorn and Dunker 2013, Dunker 2017; **Table 1, Figure 2**). The Unit 22D Kuzitrin drainage permit area similarly experienced a population decline since 2010, but this population has also continued to decline through 2017 (Gorn and Dunker 2013, Dunker 2017; **Table 2**). Short yearling composition in Unit 22D showed an inverse trend to the population estimates (**Table 3, Figure 3**). Bull:cow ratios in Unit 22D followed the same trend as the population, with the number of mature bulls per 100 cows increasing through 2010 and then declining and stabilizing 2015-2017 (**Table 3, Figure 4**).

**Table 1.** Muskox population estimates in Unit 22D from 1992 to 2017.

Year	Unit	Muskox Population
1992	22D	340
1994	22D	405
1996	22D	308
1998	22D	714
2000	22D	774
2002	22D	771
2005	22D	796
2007	22D	746
2010	22D	878
2012	22D	629
2015	22D	523
2017	22D	556



**Figure 2.** Population fluctuations in Unit 22D from 1992 to 2017.

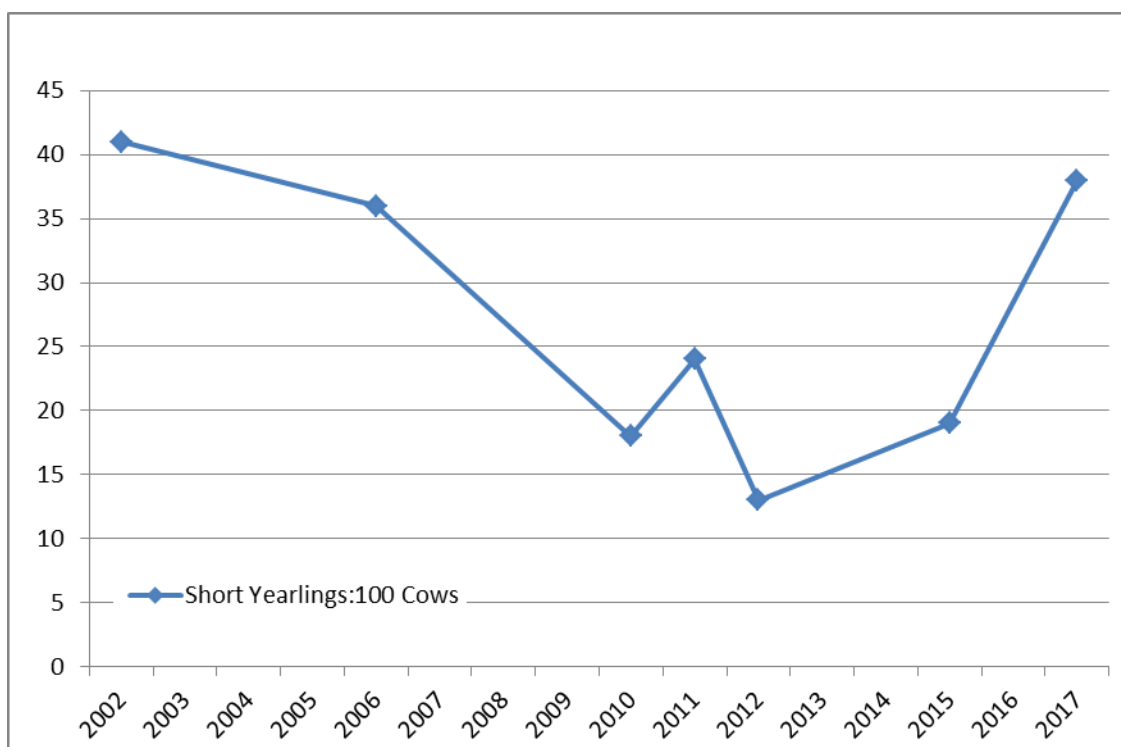
**Table 2.** Unit 22D Kuzitrin River drainage hunt area muskox population estimates from 2010 to 2017.

Year	Unit	Population
2010	22D Kuzitrin Drainage	285
2012	22D Kuzitrin Drainage	208
2015	22D Kuzitrin Drainage	187
2017	22D Kuzitrin Drainage	136

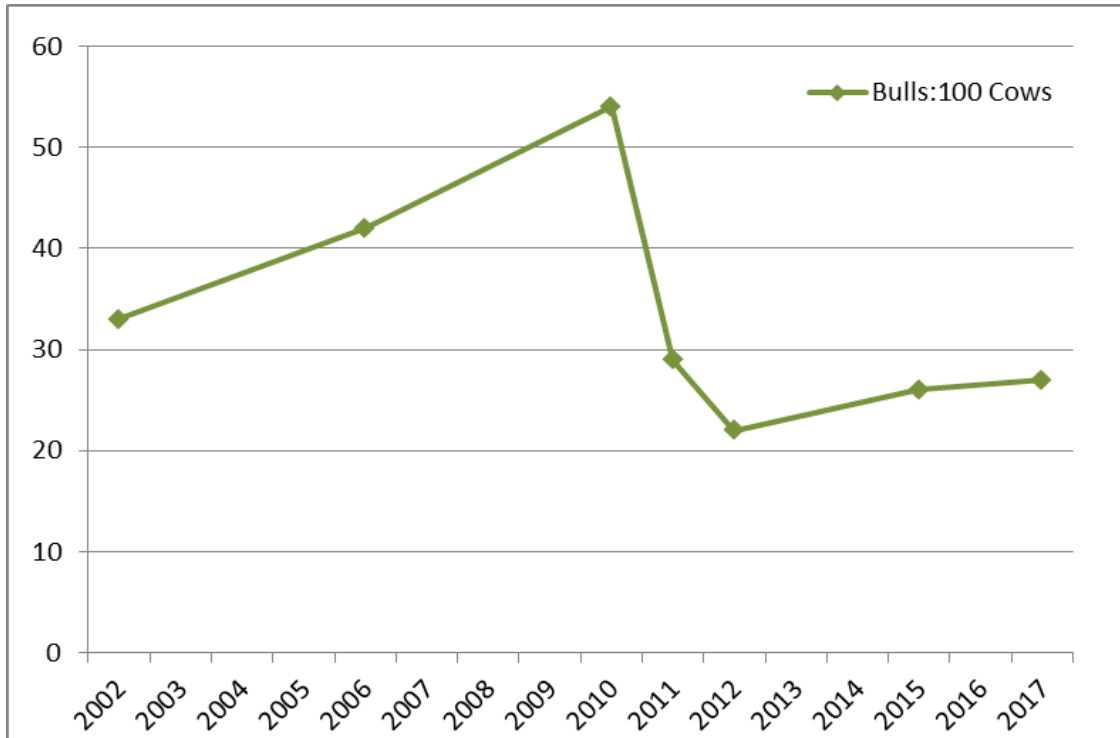


**Table 3.** Composition survey results in Unit 22D from 2002 to 2017.

Year	Unit	Mature Bulls:100 Cows	Short Yearlings:100 Cows
2002	22D	33	41
2006	22D	42	36
2010	22D	54	18
2011	22D	29	24
2012	22D	22	13
2015	22D	26	19
2017	22D	27	38



**Figure 3.** Short yearling composition survey estimates, in Unit 22D, from 2002 to 2017.



**Figure 4.** Bull composition survey estimates, in Unit 22D, from 2002 to 2017.

### Harvest History

Muskox harvest in Unit 22 is based on population survey estimates on the Seward Peninsula. The allowable harvest is currently calculated as approximately 10% of the estimated number of mature bulls in a hunt area, and the overall range-wide harvest is calculated to be approximately 2% of the Seward Peninsula muskox population (Gorn and Dunker 2015). This method for evaluating the harvestable portion on the Seward Peninsula was put in place, starting in 2012, due to a decline in muskox abundance and mature bull:cow ratios (Schmidt and Gorn 2013, Dunker 2018, pers. comm.). Prior to this change, from 1998 to 2011, the harvest strategy was solely based on a percentage of hunt area muskox populations, with the harvest rate reaching up to 8% of a population in some areas (OSM 2014).

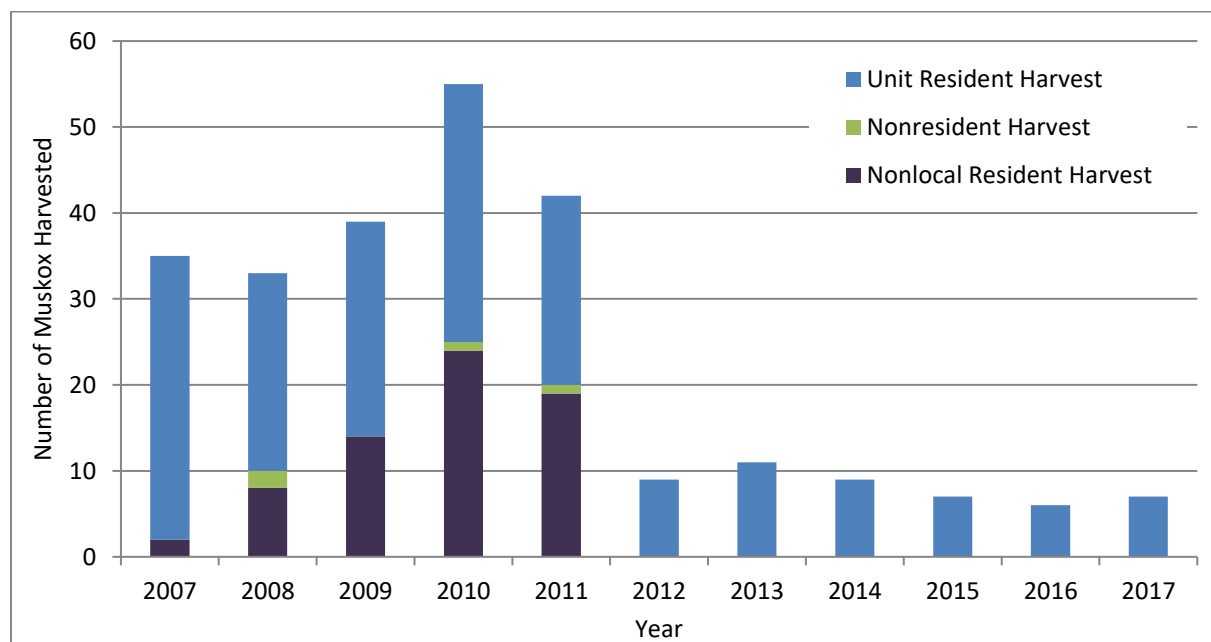
In Unit 22D, the average annual muskox harvest was 42 muskoxen from 2007 through 2011 (ADF&G 2018, Dunker 2018, pers. comm; **Table 4, Figure 5**). When the harvest management strategy was modified, in 2012, the harvest of muskox greatly decreased; nonresident harvest was no longer permitted and nonlocal resident harvest was greatly reduced (ADF&G 2018). Starting in 2012 through 2017, the State managed average annual harvest dropped to eight muskoxen in Unit 22D (ADF&G 2018), with Federally qualified subsistence users harvesting an average of one additional muskox by Federal registration permit annually (OSM 2018).

The Unit 22D Kuzitrin drainage area is currently managed under the Federal harvest permit FX2206 and State Tier II permit TX102 (**Table 5, Table 6**). In the Unit 22D Kuzitrin drainage area the State harvest quota was reduced to four muskoxen in 2012, following the modification in harvest strategy (Dunker 2018, pers.comm.). Since 2012, the allowable harvest has remained low in this hunt area. In 2014,

Federal public lands in the Unit 22D Kuzitrin drainage hunt area were closed to the taking of muskox except by residents of Council, Golovin, White Mountain, Nome, Teller, and Brevig Mission and the hunt was limited to bull muskox only under both Federal and State regulations. Following this modification, average annual harvest in this subunit was reported as four muskoxen for the 2014-2017 timeframe (Adkisson 2018, pers. comm., OSM 2018).

**Table 4.** Harvest of muskox by user residency in Unit 22D from 2007 through 2017 (ADF&G 2018, Adkisson 2018, pers. comm., Dunker 2018, pers. comm.).

Year	GMU	Unit Resident Harvest	Nonlocal Resident Harvest	Nonresident Harvest	Unspecified	Total
2007	22D	33	2	0	0	35
2008	22D	23	8	2	0	33
2009	22D	25	14	0	4	43
2010	22D	30	24	1	3	58
2011	22D	22	19	1	1	43
2012	22D	9	0	0	0	9
2013	22D	11	0	0	0	11
2014	22D	9	0	0	0	9
2015	22D	7	0	0	0	7
2016	22D	6	0	0	0	6
2017	22D	7	0	0	0	7



**Figure 5.** Harvest of muskox in Unit 22D by user residency (ADF&G 2018, Adkisson 2018, pers.comm., Dunker 2018, pers. comm.).

**Table 5.** Muskox harvest in Unit 22D Kuzitrin drainage broken down by State federal reported harvest (ADF&G 2018, Adkisson 2018, pers. comm., Dunker 2018, pers. comm., OSM 2018).

Year	GMU	Federal Harvest (FX2206)	State Harvest (TX102)	Total Harvest	Allowable Harvest Estimate
2012	22D Kuzitrin Drainage	0	2	2	4
2013	22D Kuzitrin Drainage	3	4	7	4
2014	22D Kuzitrin Drainage	1	2	3	3
2015	22D Kuzitrin Drainage	0	4	4	4
2016	22D Kuzitrin Drainage	0	4	4	3
2017	22D Kuzitrin Drainage	0	6	6	3
2018	22D Kuzitrin Drainage	-	-	-	2

**Table 6.** Permits issued for muskox harvest in Unit 22D Kuzitrin drainage (ADF&G 2018, Adkisson 2018, pers. comm. Dunker 2018, pers. comm., OSM 2018).

Hunt Area	Year	Federal Permits Issued	State Permits Issued	Federal Hunt Permit	State Hunt Permit
22D Kuzitrin Drainage	2012	5	4	FX2206	TX102
22D Kuzitrin Drainage	2013	4	4	FX2206	TX102
22D Kuzitrin Drainage	2014	2	4	FX2206	TX102
22D Kuzitrin Drainage	2015	2	4	FX2206	TX102
22D Kuzitrin Drainage	2016	2	3	FX2206	TX102
22D Kuzitrin Drainage	2017	2	3	FX2206	TX102

**OSM Recommendation:**

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

**Justification**

In addition to direct mortality due to harvest, muskox survival could be susceptible to herd disturbances during winter months if caloric expenditures are too high. Harvest on the Seward Peninsula was reevaluated and reduced in 2012 due to a declining muskox population. Recently, some localized populations have experienced a slight increase in population size or have remained stable, but these populations still remain at much lower numbers than in the past. The current closure, in conjunction with decreased harvest quotas, have slowed or stalled the decline in muskox populations in this portion of the Seward Peninsula. This closure should remain in place to ensure that these muskox populations have the opportunity to reach healthy levels and to ensure that Federally qualified subsistence users continue to have the opportunity to harvest this subsistence resource into the future.

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## Federal Subsistence Board News Release



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

Forest Service

**For Immediate Release:**  
January 31, 2019

**Contact:** Caron McKee  
(907) 786-3880 or (800) 478-1456  
caron\_mckee@fws.gov

### Call for Proposals to Change Federal Subsistence Hunting and Trapping Regulations

The Federal Subsistence Board (Board) is accepting proposals through March 27, 2019 to change Federal regulations for the subsistence harvest of wildlife on Federal public lands for the July 1, 2020–June 30, 2022 regulatory years. The Board will consider proposals to change Federal subsistence hunting and trapping seasons, harvest limits, methods of harvest, and customary and traditional use determinations.

#### Submit proposals:

- **By mail or hand delivery**  
Federal Subsistence Board  
Office of Subsistence Management – Attn: Theo Matuskowitz  
1011 East Tudor Road, MS-121  
Anchorage, AK 99503-6199
- **Online at <https://www.regulations.gov>**  
Search for docket number FWS-R7-SM-2018-0015.
- **At any Federal Subsistence Regional Advisory Council meeting**  
A current list of meeting dates and locations can be found at <https://www.doi.gov/subsistence/regions>, or by contacting the Office of Subsistence Management at the phone number or email address below. Due to the recent lapse in funding for the Federal government budget, some of the meeting dates published in the proposed rule (84 FR 623; January 31, 2019) have been changed. Revised meeting dates and locations will be announced in subsequent news releases as they become available.

The proposed rule, *Subsistence Management Regulations for Public Lands in Alaska—2020–21 and 2021–22, Subsistence Taking of Wildlife Regulations*, published in the Federal Register on January 31, 2019 (84 FR 623).

You may call the Office of Subsistence Management at 800-478-1456 or email [subsistence@fws.gov](mailto:subsistence@fws.gov) with questions.

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](https://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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1011 East Tudor Road MS-121 • Anchorage, Alaska 99503-6199 • [subsistence@fws.gov](mailto:subsistence@fws.gov) • (800) 478-1456 / (907) 786-3888  
This document has been cleared for public release #20601312019.



U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting for 2 hours that will prohibit entry within 100-yards of swim participants. Normally such actions are categorically excluded from further review under paragraph L63(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under ADDRESSES. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <https://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <https://www.regulations.gov/privacyNotice>.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <https://www.regulations.gov>

and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or when a final rule is published.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 165 as follows:

#### PART 165—SAFETY ZONE; TANAPAG HARBOR, SAIPAN, CNMI

- 1. The authority citation for part 165 continues to read as follows:

**Authority:** 46 U.S.C. 70034 (previously codified in 33 U.S.C 1231); 46 U.S.C. 70051 (previously codified in 50 U.S.C. 191); 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

- 2. Add § 165.T14–0020 to read as follows:

#### 165. T14–0020 Safety Zone; Tanapag Harbor, Saipan, CNMI.

(a) *Location.* The following area, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), all navigable waters within a 100-yard radius of race participants in Tanapag Harbor, Saipan. Race participants, chase boats and organizers of the event will be exempt from the safety zone.

(b) *Effective Dates.* This rule is effective from 6:30 a.m. to 8:30 a.m. on March 31, 2019.

(c) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other COTP representative permitted by law, may enforce this temporary safety zone.

(d) *Waiver.* The COTP may waive any of the requirements of this rule for any person, vessel, or class of vessel upon finding that application of the safety zone is unnecessary or impractical for the purpose of maritime security.

(e) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 46 U.S.C. 70036 (previously codified in 33 U.S.C. 1232) and 46 U.S.C. 70052 (previously codified in 50 U.S.C. 192).

Dated: January 23, 2019.

**Christopher M. Chase,**

*Captain, U.S. Coast Guard, Captain of the Port, Guam.*

[FR Doc. 2019–00563 Filed 1–30–19; 8:45 am]

**BILLING CODE 9110–04–P**

#### DEPARTMENT OF AGRICULTURE

##### Forest Service

#### 36 CFR Part 242

#### DEPARTMENT OF THE INTERIOR

##### Fish and Wildlife Service

#### 50 CFR Part 100

[Docket No. FWS–R7–SM–2018–0015; FXFR13350700640–190–FF07J00000; FBMS#4500129154]

RIN 1018–BD11

#### Subsistence Management Regulations for Public Lands in Alaska—2020–21 and 2021–22 Subsistence Taking of Wildlife Regulations

**AGENCIES:** Forest Service, Agriculture; Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would establish regulations for hunting and trapping seasons, harvest limits, and methods and means related to taking of wildlife for subsistence uses during the 2020–21 and 2021–22 regulatory years. The Federal Subsistence Board is on a schedule of completing the process of revising subsistence taking of wildlife regulations in even-numbered years and subsistence taking of fish and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle. When final, the resulting rulemaking will replace the existing subsistence wildlife taking regulations. This rule would also amend the general regulations on subsistence taking of fish and wildlife.

#### DATES:

*Public meetings:* The Federal Subsistence Regional Advisory Councils will hold public meetings to receive comments and make proposals to change this proposed rule on several dates between February 5 and March 12, 2019, and then will hold another round of public meetings to discuss and receive comments on the proposals, and make recommendations on the proposals to the Federal Subsistence Board, on several dates between September 19 and November 5, 2019. The Board will discuss and evaluate proposed regulatory changes during a public meeting in Anchorage, AK, in April 2020. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.



*Public comments:* Comments and proposals to change this proposed rule must be received or postmarked by March 27, 2019.

**ADDRESSES:**

*Public meetings:* The Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils' public meetings will be held at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

*Public comments:* You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and search for FWS–R7–SM–2018–0015, which is the docket number for this rulemaking.
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503–6199, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings. See **SUPPLEMENTARY INFORMATION** for additional information on locations of the public meetings.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Review Process section below for more information).

**FOR FURTHER INFORMATION CONTACT:** Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas C.J. Doolittle, Office of Subsistence Management; (907) 786–3888 or [subsistence@fws.gov](mailto:subsistence@fws.gov). For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader,

USDA–Forest Service, Alaska Region; (907) 743–9461 or [twhitford@fs.fed.us](mailto:twhitford@fs.fed.us).

**SUPPLEMENTARY INFORMATION:**

**Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a rural preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations were published in the **Federal Register** on May 29, 1992 (57 FR 22940). The Program has subsequently amended these regulations a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR part 242.1–28 and 50 CFR part 100.1–28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;

- The Alaska Regional Director, National Park Service;
- The Alaska State Director, Bureau of Land Management;
- The Alaska Regional Director, Bureau of Indian Affairs;
- The Alaska Regional Forester, USDA–Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Council). The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region. Members are appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.

**Public Review Process—Comments, Proposals, and Public Meetings**

The Councils have a substantial role in reviewing this proposed rule and making recommendations for the final rule. The Federal Subsistence Board, through the Councils, will hold public meetings on this proposed rule at the following locations in Alaska, on the following dates:

Region 1—Southeast Regional Council .....	Wrangell .....	February 12, 2019.
Region 2—Southcentral Regional Council .....	Anchorage .....	February 26, 2019.
Region 3—Kodiak/Aleutians Regional Council .....	Kodiak .....	February 21, 2019.
Region 4—Bristol Bay Regional Council .....	Naknek .....	February 12, 2019.
Region 5—Yukon–Kuskokwim Delta Regional Council .....	Bethel .....	March 12, 2019.
Region 6—Western Interior Regional Council .....	Anchorage .....	February 20, 2019.
Region 7—Seward Peninsula Regional Council .....	Nome .....	March 5, 2019.
Region 8—Northwest Arctic Regional Council .....	Kotzebue .....	February 27, 2019.
Region 9—Eastern Interior Regional Council .....	Fairbanks .....	March 5, 2019.
Region 10—North Slope Regional Council .....	Utqiagvik .....	February 13, 2019.

During April 2019, the written proposals to change the subpart D, take of wildlife regulations, and subpart C, customary and traditional use determinations, will be compiled and distributed for public review. During a

subsequent public comment period, written public comments will be accepted on the distributed proposals. The Board, through the Councils, will hold a second series of public meetings in September through November 2019,

to receive comments on specific proposals and to develop recommendations to the Board at the following locations in Alaska, on the following dates:

Region 1—Southeast Regional Council .....	Petersburg .....	October 8, 2019.
Region 2—Southcentral Regional Council .....	Seward .....	October 2, 2019.

Region 3—Kodiak/Aleutians Regional Council .....	Kodiak .....	September 19, 2019.
Region 4—Bristol Bay Regional Council .....	Dillingham .....	November 5, 2019.
Region 5—Yukon—Kuskokwim Delta Regional Council .....	Bethel .....	October 12, 2019.
Region 6—Western Interior Regional Council .....	Aniak .....	October 8, 2019.
Region 7—Seward Peninsula Regional Council .....	Nome .....	October 22, 2019.
Region 8—Northwest Arctic Regional Council .....	Kotzebue .....	October 28, 2019.
Region 9—Eastern Interior Regional Council .....	Fairbanks .....	October 15, 2019.
Region 10—North Slope Regional Council .....	Utqiagvik .....	October 22, 2019.

Prior to both series of meetings, notices will be published of specific dates, times, and meeting locations in local and statewide newspapers, along with announcements on radio, television and social media sites. Locations and dates may change based on weather or local circumstances. The amount of work on each Council's agenda determines the length of each Council meeting, but typically the meetings are scheduled to last 2 days. Occasionally a Council will lack information necessary during a scheduled meeting to make a recommendation to the Board or to provide comments on other matters affecting subsistence in the region. If this situation occurs, the Council may announce on the record a later teleconference to address the specific issue when the requested information or data is available. These teleconferences are open to the public, along with opportunities for public comment; the date and time will be announced during the scheduled meeting and that same information will be announced through news releases and local radio, television, and social media ads.

The Board will discuss and evaluate proposed changes to the subsistence management regulations during a public meeting scheduled to be held in Anchorage, Alaska, in April 2020. The Council Chairs, or their designated representatives, will present their respective Councils' recommendations at the Board meeting. Additional oral testimony may be provided on specific proposals before the Board at that time. At that public meeting, the Board will deliberate and take final action on proposals received that request changes to this proposed rule.

Proposals to the Board to modify the general fish and wildlife regulations, wildlife harvest regulations, and customary and traditional use determinations must include the following information:

- a. Name, address, and telephone number of the requestor;
- b. Each section and/or paragraph designation in this proposed rule for which changes are suggested, if applicable;
- c. A description of the regulatory change(s) desired;

d. A statement explaining why each change is necessary;

e. Proposed wording changes; and

f. Any additional information that you believe will help the Board in evaluating the proposed change.

The Board immediately rejects proposals that fail to include the above information, or proposals that are beyond the scope of authorities in § \_\_\_\_ .24, subpart C (the regulations governing customary and traditional use determinations), and §§ \_\_\_\_ .25 and \_\_\_\_ .26, subpart D (the general and specific regulations governing the subsistence take of wildlife). If a proposal needs clarification, prior to being distributed for public review, the proponent may be contacted, and the proposal could be revised based on their input. Once distributed for public review, no additional changes may be made as part of the original submission. During the April 2020 meeting, the Board may defer review and action on some proposals to allow time for cooperative planning efforts, or to acquire additional needed information. The Board may elect to defer taking action on any given proposal if the workload of staff, Councils, or the Board becomes excessive. These deferrals may be based on recommendations by the affected Council(s) or staff members, or on the basis of the Board's intention to do least harm to the subsistence user and the resource involved. A proponent of a proposal may withdraw the proposal provided it has not been considered, and a recommendation has not been made, by a Council. After that, the Board must approve withdrawal of a proposal. The Board may consider and act on alternatives that address the intent of a proposal while differing in approach.

You may submit written comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. If you submit a comment via <http://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

We will post all hardcopy comments on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>, or by appointment, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays, at: USFWS, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, AK 99503.

*Reasonable Accommodations*

The Federal Subsistence Board is committed to providing access to these meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to the Office of Subsistence Management, 907–786–3888, [subsistence@fws.gov](mailto:subsistence@fws.gov), or 800–877–8339 (TTY), at least 7 business days prior to the meeting you would like to attend.

*Tribal Consultation and Comment*

As expressed in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and federally Recognized Indian Tribes (Tribes) as listed in 79 FR 4748 (January 29, 2014). Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175."

The Alaska National Interest Lands Conservation Act does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members are affected by subsistence fishing, hunting, and trapping regulations, the Secretaries, through the Board, will provide federally recognized Tribes and Alaska Native corporations

an opportunity to consult on this proposed rule.

The Board will engage in outreach efforts for this proposed rule, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board provides a variety of opportunities for consultation: Proposing changes to the existing rule; commenting on proposed changes to the existing rule; engaging in dialogue at Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process. The Board commits to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations for consultation in regard to subsistence rulemaking.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and address their concerns as much as practicable.

#### Developing the 2020–21 and 2021–22 Wildlife Seasons and Harvest Limit Regulations

Subpart C and D regulations are subject to periodic review and revision. The Federal Subsistence Board currently completes the process of revising subsistence take of wildlife regulations in even-numbered years and fish and shellfish regulations in odd-numbered years; public proposal and review processes take place during the preceding year. The Board also addresses customary and traditional use determinations during the applicable cycle.

The current subsistence program regulations form the starting point for consideration during each new rulemaking cycle. The regulations at § \_\_\_\_\_.24 pertain to customary and traditional use determinations; the regulations at § \_\_\_\_\_.25 pertain to general provisions governing the subsistence take of wildlife, fish, and shellfish; and the regulations at § \_\_\_\_\_.26 pertain to specific provisions governing the subsistence take of wildlife.

The text of the proposed amendments to 36 CFR parts 242.24, 242.25, and 242.26 and 50 CFR parts 100.24, 100.25, and 100.26 is the final rule for the 2018–2020 regulatory period for wildlife (83 FR 50758; October 9, 2018).

These regulations will remain in effect until subsequent Board action changes elements as a result of the public review process outlined above in this document.

#### Compliance With Statutory and Regulatory Authorities

##### *National Environmental Policy Act*

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

##### *Section 810 of ANILCA*

An ANILCA § 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final § 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of this rulemaking process was conducted in accordance with § 810. That evaluation also supported the Secretaries' determination that these rules will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA § 810(a).

##### *Paperwork Reduction Act (PRA)*

This proposed rule does not contain any new collections of information that require Office of Management and Budget (OMB) approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018–0075, which expires June 30, 2019. An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

##### *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 proposed rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 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. E.O. 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*

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this proposed rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated value of \$3.00 per pound, this amount would equate to about \$6 million in food value statewide. Based upon the amounts and

values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

#### *Small Business Regulatory Enforcement Fairness Act*

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this proposed rule is not a major rule. It will not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and will 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.

#### *Executive Order 12630*

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority for rural Alaskan residents on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these proposed regulations have no potential takings of private property implications as defined by Executive Order 12630.

#### *Unfunded Mandates Reform Act*

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

#### *Executive Order 12988*

The Secretaries have determined that these regulations meet the applicable standards provided in §§ 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

#### *Executive Order 13132*

In accordance with Executive Order 13132, the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

#### *Executive Order 13175*

Title VIII of ANILCA does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and

shellfish. However, as described above under *Tribal Consultation and Comment*, the Secretaries, through the Board, will provide federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule.

#### *Executive Order 13211*

Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

#### **Drafting Information**

Theo Matuskowitz drafted this proposed rule under the guidance of Thomas C.J. Doolittle, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Clarence Summers, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Carol Damberg, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, USDA–Forest Service.

#### **List of Subjects**

##### *36 CFR Part 242*

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

##### *50 CFR Part 100*

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

#### **Proposed Regulation Promulgation**

For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend 36 CFR part 242 and 50 CFR part 100 for the 2020–21 and 2021–22 regulatory years.

- The text of the proposed amendments to 36 CFR 242.24, 242.25, and 242.26 and 50 CFR 100.24, 100.25, and 100.26 is the final rule for the 2018–2020 regulatory periods for wildlife (83 FR 50759; October 9, 2018).

Dated: December 21, 2018.

**Thomas C.J. Doolittle,**

*Acting Assistant Regional Director, U.S. Fish and Wildlife Service.*

Dated: December 21, 2018.

**Thomas Whitford,**

*Subsistence Program Leader, USDA—Forest Service.*

[FR Doc. 2019–00424 Filed 1–30–19; 8:45 am]

**BILLING CODE 3411–15–4333–15–P**

## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Part 17**

#### **RIN 2900–AQ47**

#### **Urgent Care**

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Veterans Affairs (VA) is proposing to amend its regulations that govern VA health care. This rule would grant eligible veterans access to urgent care from qualifying non-VA entities or providers without prior approval from VA. This rulemaking would implement the mandates of the VA MISSION Act of 2018 and increase veterans' access to health care in the community.

**DATES:** Comments must be received on or before March 4, 2019.

**ADDRESSES:** Written comments may be submitted through <http://www.Regulations.gov>; by mail or hand-delivery to: Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue, North West, Room 1063B, Washington, DC 20420; or by fax to (202) 273–9026. (This is not a toll-free telephone number.) Comments should indicate that they are submitted in response to “RIN 2900–AQ47 Urgent Care.” Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free telephone number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at <http://www.Regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Joseph Duran, Director of Policy and Planning, 3773 Cherry Creek North Drive, Denver, CO 80209. [Joseph.Duran2@va.gov](mailto:Joseph.Duran2@va.gov). (303) 370–1637. (This is not a toll-free number.)



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:** Regulatory Affairs Division Chief  
(907) 786-3888 or (800) 478-1456  
subsistence@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.

1011 East Tudor Road MS-121 • Anchorage, Alaska 99503-6199 • subsistence@fws.gov • (800) 478-1456 / (907) 786-3888  
This document has been cleared for public release #0605132015.

**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).



Seward Peninsula Subsistence  
Regional Advisory Council

Louis Green Jr. Chair  
c/o Office of Subsistence Management  
1011 E. Tudor Rd. MS121, Anchorage, AK 99503-6199



RAC YKD 19003.CJ

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

Dear Chairman Christianson:

The Seward Peninsula Subsistence Regional Advisory Council (Council) submits this FY2018 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 Unalakleet on October 23-24, 2018, the Council identified concerns and recommendations for this report. *[The report was finalized and approved by the Council at its March 5-6, 2019 meeting in Nome.]* The Council wishes to share information and raise a couple 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 subsistence resources. The Council looks forward to the Board's continued engagement, consideration, guidance and support on the topics listed below.

1. **Chinook and Chum Salmon Bycatch on the Bering Sea**

The Council continues to be concerned about bycatch of Chinook and Chum Salmon in the Bering Sea, and the associated impacts on subsistence resources in the Seward Peninsula. Chinook Salmon stocks have been depressed for years, yet little seems to be done to alleviate the burden of these shortages on subsistence users. Chum Salmon populations are also suffering, likely due to bycatch. In contrast, Pink Salmon are overbearing and may also be impacting Chinook and Chum populations. It needs to be a priority to manage Pink Salmon stocks so that subsistence needs for Chinook and Chum Salmon can be met.



Chairman Christianson

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*Recommendation:* The Alaska Department of Fish and Game (ADF&G), and where applicable Federal agencies need to manage salmon populations on the high seas so that subsistence is a priority and local needs for Chinook and Chum Salmon can be met. The Council requests that these concerns be forwarded to the appropriate authority.

## 2. Moose Management in Unit 22

The Council has engaged in lengthy discussions and taken different actions in the past on moose issues in Unit 22. The Council is especially concerned about low moose densities in Units 22D remainder and 22E, as well as the potential impacts of guided moose hunting on moose migration into Unit 22A.

In Units 22D remainder and state cow moose hunt has been temporarily eliminated via special action. While the moose population does not appear to be decreasing, it has not improved in response to these changes. The ADF&G and Bureau of Land Management (BLM) have largely managed moose in this region via subunit.

In 2016 Tony Gorn, former area biologist from ADF&G, reported that moose were likely migrating between subunits 22D remainder and 22E, making it difficult to ascertain what was happening with the individual subunit populations. Management, however, has not responded with appropriate hunting regulations. For example, in Unit 22E, State hunting regulations are still quite liberal with non-residents taking 14-16 moose annually.

In addition, guided moose hunting could be impacting migration of moose from Units 21E and 18 into Unit 22A. Management needs to find a way to allow moose to migrate unimpeded into areas where they are not abundant and where they are needed for subsistence.

*Recommendation:* The Council would like ADF&G and BLM to study migration dynamics between Units 22E and 22D remainder, and to consider managing moose in these units as one population. The potential for migration has been observed and articulated, yet managers have failed to consider the impact of harvest by non-residents despite low moose densities. The Council intends to submit a Federal subsistence regulatory proposal to eliminate the cow moose hunt in Unit 22D remainder and limit hunting to Federally qualified subsistence users. The Council will again propose to the Board of Game that non-resident hunting in Unit 22E be eliminated until moose densities have increased.

The Council is also requesting that ADF&G and the BLM consider the impacts on moose of guided moose hunting in Unit 22A.

## 3. Predator Population Management

The Council is concerned about the lack of bear population abundance data and possible impacts from increased bear harvests throughout the region.

Chairman Christianson

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It is difficult to manage bear populations in Unit 22 without conducting population surveys. The Council is also very concerned about the status of wolf populations in Unit 22, as there are many reports from villages of wolves coming into the area. There needs to be a proper assessment of wolf populations and a management strategy to deal with predation on important wildlife species.

*Recommendation:*

The Council would like to see bear population surveys conducted so that the resource can be properly managed. The Council recognizes that wolf control is outside the jurisdiction of the Board, and is largely conducted on State lands. As a result, the Council will discuss the possibility of a State of Alaska intensive management proposal.

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 with the Office of Subsistence Management at (907) 786-3564 or karen\_deatherage@fws.gov.

Sincerely,

Louis H. Green, Jr.  
Chair

cc: Federal Subsistence Board  
Seward Peninsula Subsistence Regional Advisory Council  
Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management  
Dr. Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management  
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

**CALL FOR PROPOSALS**  
**Alaska Board of Game**  
**Arctic, Western, and the Interior Regions**  
**2019/2020 Meeting Cycle**

The Alaska Board of Game calls for proposed changes in the regulations pertaining to hunting, trapping, and the use of game for the following regions:

- 1) Arctic and Western Region (GMUs 18, 22, 23, AND 26A);
- 2) Interior and Northeast Arctic Region (GMUs 12, 19, 20, 21, 24, 25, 26B, AND 26C)

**PROPOSAL DEADLINE: WEDNESDAY, May 1, 2019**

The Alaska Board of Game is accepting proposed changes to hunting and trapping regulations for the Interior, Arctic, & Western Regions (Game Management Units 12, 18, 19, 20, 21, 22, 23, 24, 25, and 26) including the following topics:

Hunting seasons and bag limits, including subsistence and general hunts for all species; trapping seasons and bag limits; big game prey populations and objectives for intensive management; predation control areas implementation plans; restricted areas including controlled use areas, management areas, closed areas, and closures in state game refuges.

Proposed changes to 5 AAC Chapter 92, Statewide Provisions specific to the GMUs in these regions will be accepted. This includes regulations under the categories of: general provisions, permits, permit conditions and provisions, methods and means, possession and transportation, and the use of game.

**The following topics will be considered for all Game Management Units:**

Brown Bear Tag Fee Exemptions

Reauthorization of Antlerless Moose Hunts *(State statute requires all antlerless moose hunts be reauthorized annually.)*

**Proposals may be submitted by mail, fax, or online:**

**Online:** [www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposal](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposal)

**Email:** [dfg.bog.comments@alaska.gov](mailto:dfg.bog.comments@alaska.gov) (attachments only)

**Mail:** ADF&G, Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

**Fax:** (907) 465-6094

**Proposals must be received by Wednesday, May 1, 2019 at the Boards Support Section office in Juneau. (A postmark is NOT sufficient for timely receipt).**

You are encouraged to submit proposals at the earliest possible date on Board of Game proposal forms available from the Boards Support Section regional offices and on the website at: [www.boardofgame.adfg.alaska.gov](http://www.boardofgame.adfg.alaska.gov). All proposals must contain an individual's name and an organizational name if appropriate, contact telephone number, and address. Regional proposals must specify the applicable region or game management unit.

Providing clarity on the proposal form helps the board, advisory committees, and the public more fully understand the proposed regulatory changes. Proposals that are incomplete or unclear may be omitted from the proposal book. You are encouraged to contact the Boards Support Section staff if you have questions or need assistance with completing the proposal form. All proposals are reviewed and formatted prior to publication. Proposals published in the proposal book will be referenced with the appropriate Alaska Administrative Code citation and include a brief description of the action requested. Proposals with emotionally charged language will be rejected or redacted as they detract from the substance of the proposals, may draw opposition not germane to the element(s) of the proposal, and may elicit nonresponsive charges from the public/board members. Proposals not meeting this call or submitted late will not be published.

Following publication, proposal books will be available to the advisory committees, agencies, and the public for review and comment. Proposals will be available online at [www.boardofgame.adfg.alaska.gov](http://www.boardofgame.adfg.alaska.gov).

Proposals received per the above "Call for Proposals" deadline will be considered by the Board of Game at the Arctic and Western Region Meeting scheduled for January 2020, and the Interior and Northeast Region Meeting for March 2020. For more information, please contact the ADF&G Boards Support Section at (907) 465-4110 or email [kristy.tibbles@alaska.gov](mailto:kristy.tibbles@alaska.gov).



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 - 6199



FOREST SERVICE

NOV 09 2018

OSM 180153.PM

Bureau of Land Management  
c/o Bruce Seppi  
Anchorage Field Office  
4700 BLM Road  
Anchorage, Alaska 99507

Dear Mr. Seppi:

This letter responds to your Temporary Special Action Request WSA18-03, requesting that the cow moose season in Unit 22D remainder be closed Dec. 1 – 31, 2018. This would result in a harvest limit of one antlered bull, rather than the current harvest limit of one moose.

The Federal Subsistence Board (Board) has approved this request with modification to extend the closure for the remainder of the wildlife regulatory cycle (through June 30, 2020). The moose population in Unit 22D remainder is currently below State management goals and has been declining at a rate of 14% annually since 2011. In addition, the current estimated annual harvest is likely above sustainable levels. Due to this declining population, the State has removed antlerless hunts from their regulations in Unit 22 and eliminated non-resident harvest opportunity in the area.

Limiting the harvest to antlered bulls will help prevent accidental harvest or harassment of cows since most bulls will have dropped their antlers by December, making sexes hard to distinguish in the field. Although eliminating the antlerless moose season may limit short-term subsistence opportunity for Federally qualified subsistence users, it will help to ensure the long-term viability of this moose population.

Modifying the harvest limit through the remainder of the wildlife regulatory cycle will ensure that antlerless moose in Unit 22D remainder are protected until a proposal can be submitted to modify Federal subsistence regulations.

Mr. Seppi

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The enclosed copies of the staff analysis and Interagency Staff Committee comment provide further information and justification for this action. If you have any question, please contact Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management, at (907) 786-3572.

Sincerely,



Anthony Christianson  
Chair

**Enclosures**

**cc: Federal Subsistence Board**

Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management  
Jennifer Hardin, PhD, Subsistence Policy Coordinator, Office of Subsistence Management  
Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management  
Pippa Kenner, Acting Anthropology Division Supervisor, Office of Subsistence Management  
Louis H. Green, Jr., Chair, Seward Peninsula Subsistence Regional Advisory Council  
Bonnie Million, Manager, Anchorage Field Office, Bureau of Land Management  
Jill Klein, Federal Subsistence Liaison Team Leader  
Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record



## Federal Subsistence Board News Release



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

Forest Service

**For Immediate Release:**  
November 9, 2018

**Contact:** Jennifer Hardin  
(907) 786-3677 or (800) 478-1456  
jennifer\_hardin@fws.gov

### **Federal Subsistence Board eliminates December cow moose season in Unit 22D remainder**

The Federal Subsistence Board (Board) has approved Temporary Special Action WSA18-03 with modification to change the harvest limit from one moose to one antlered bull in Unit 22D remainder for the remainder of the current wildlife regulatory cycle (through June 30, 2020).

The moose population in Unit 22D remainder is currently below State management goals and has been declining at a rate of 14% annually since 2011. In addition, the current estimated annual harvest is likely above sustainable levels. Due to this declining population, the State has removed antlerless hunts from their regulations in Unit 22 and eliminated non-resident harvest opportunity in the area. Although eliminating the Federal antlerless moose season may limit short-term subsistence opportunity for Federally qualified subsistence users, it will help to ensure the long term viability of this moose population. The Board determined that there was insufficient evidence to support closure of this moose hunt on Federal public lands to non-Federally qualified users as recommended by the Seward Peninsula Subsistence Regional Advisory Council.

Modifying the harvest limit through the remainder of the wildlife regulatory cycle will ensure that antlerless moose in Unit 22D remainder are protected until a proposal can be submitted to modify Federal subsistence regulations. The Bureau of Land Management has committed to submitting a proposal during the next wildlife regulatory cycle, which is expected to open in January 2019, to close the antlerless moose season in Federal subsistence regulations.

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](https://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).

-###-

**STAFF ANALYSIS  
TEMPORARY SPECIAL ACTION  
WSA18-03**

**ISSUES**

Temporary Special Action Request WSA18-03, submitted by the Bureau of Land Management (BLM), requests the closure of the Dec. 1–Dec. 31 antlerless moose season in Unit 22D remainder.

**DISCUSSION**

The proponent is concerned with the harvest of cow moose in Unit 22D remainder due to a declining population trend since 2011. The proponent states that moose population surveys conducted by the Alaska Department of Fish and Game (ADF&G) showed an annual decline of 14% between 2011 and 2014, which resulted in the Alaska Board of Game (BOG) closing antlerless moose hunts in the area in 2015. The proponent claims that continued harvest of cow moose in Unit 22D remainder will lead to further declines in the population before Federal proposals can be submitted to close the antlerless hunt.

The applicable Federal regulations are found in 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.”*

**Existing Federal Regulation**

**Unit 22D—Moose**

*Unit 22D, remainder – 1 moose; however, no person may take a calf or a Dec. 1 – Dec. 31 cow accompanied by a calf*

**Proposed Federal Regulation**

**Unit 22D—Moose**

*Unit 22D, remainder – 1 ~~antlered bull moose; however, no person may~~ Dec. 1 – Dec. 31 take a calf or a cow accompanied by a calf*



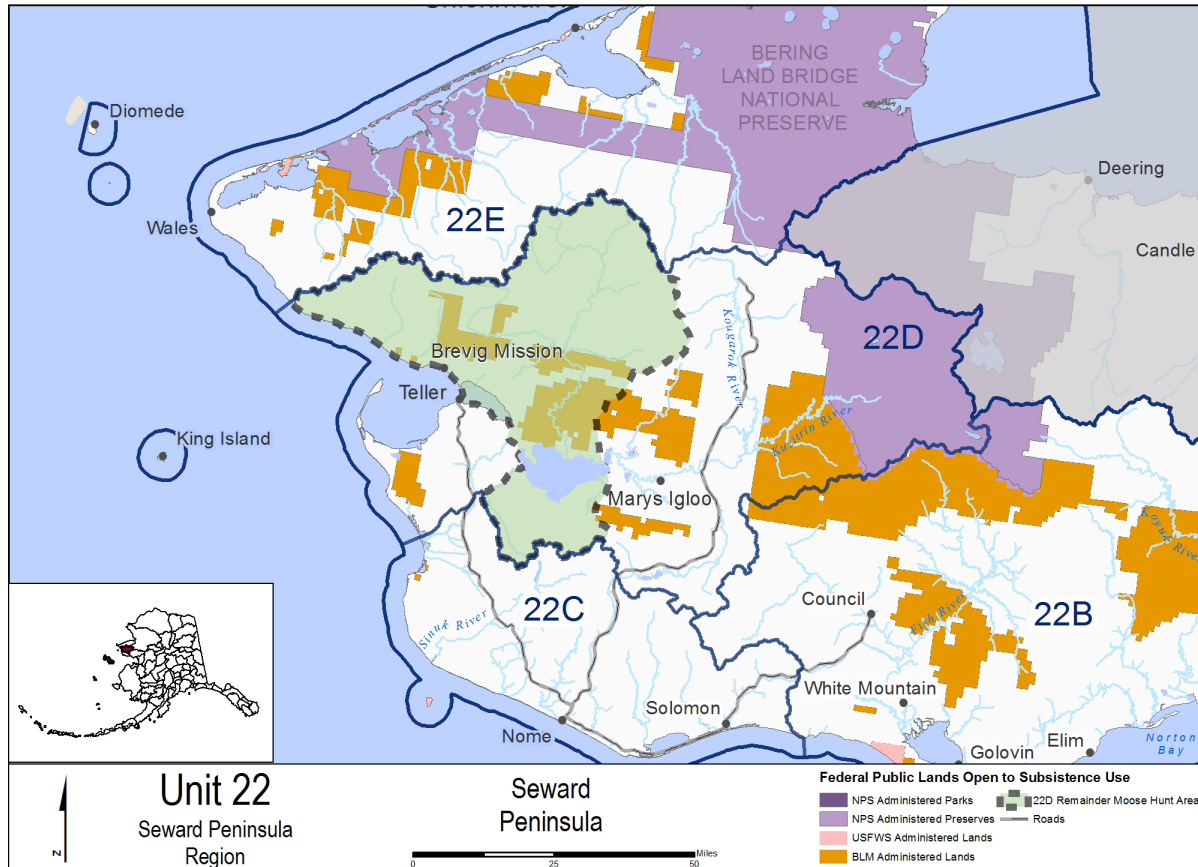
**Existing State Regulation**

**Unit 22D—Moose**

<i>22D remainder</i>	<i>Residents: One bull</i>	<i>Aug. 10 – Sept. 14</i>
	<i>OR</i>	
	<i>One bull</i>	<i>Oct. 1 – Nov. 30</i>
	<i>OR</i>	
	<i>One antlered bull</i>	<i>Dec. 1 – Jan. 31</i>
	<i>Nonresidents</i>	<i>no open season</i>

## Extent of Federal Public Lands

Federal public lands comprise approximately 23% of Unit 22D and consist of 12% BLM managed lands, and 11% National Park Service (NPS) managed lands (**Figure 1**).



**Figure 1.** Unit 22D remainder moose hunt area.

## Customary and Traditional Use Determinations

Residents of Unit 22 have a customary and traditional use determination for moose in Unit 22.

## Regulatory History

In 1998, the Federal Subsistence Board (Board) adopted WP98-087, which placed regulatory restrictions on moose harvest in a portion of Unit 22D just east of Unit 22D remainder, due to a declining local moose population and heavy hunting pressure. As a result of a continuing regional trend in declining moose populations, the Board also restricted the harvest in adjacent Unit 22B in 2000. In 2001, the Board reviewed and adopted with modification two Special Action Requests (WSA01-09 and WSA01-11) to close Federal public lands to the harvest of moose by non-Federally qualified users in Unit 22B west of the Darby Mountains, Unit 22D within the Kuzitrin River drainage and west of the Tisuk River drainage and Canyon Creek, and Unit 22E, and modify the seasons and harvest limits for the 2001 fall and winter

seasons. As a follow-up to these actions, the BOG addressed concerns about declining moose populations in parts of Unit 22 by shortening seasons in portions of Units 22B and 22D, adding registration permit requirements in Unit 22D, dividing Unit 22D into additional hunt areas, and modifying harvest limits and closing nonresident hunts in portions of Units 22B, 22D, and 22E, which went into effect in regulatory year 2002/03. The BOG decided to restrict the season in Unit 22D remainder, despite a relatively healthier moose population. The fall season was closed from Sept. 15–Sept. 30 to match other portions of Unit 22D to prevent focusing hunting efforts on the American and Agiapuk River drainages when all the other areas would have been closed.

In May 2002, the Board adopted Proposal WP02-34 with modification to add State registration permit requirements to the portion of Unit 22B west of the Darby Mountains, the portion of Unit 22D that lies within the Kuzitrin River drainage, and the portion of Unit 22D west of the Tisuk River drainage and to modify harvest limits to bull only hunts in Units 22B, 22D (Kuzitrin River drainage and west of the Tisuk River drainage), and Unit 22E, and shorten seasons in these areas. It also closed Federal public lands in Unit 22D remainder and Unit 22E to the taking of moose except by Federally qualified subsistence users. The Board’s justification stated that the closure “would improve rural subsistence harvest opportunities in an area recently deemed necessary by the State to restrict the moose harvest” (OSM 2002: 15).

The ADF&G issued an Emergency Order in 2005, changing the State fall moose hunt in Unit 22D to Sept. 1–Sept. 14. In 2005, the Board approved Special Action Request WSA05-01, which reduced the hunting season for all of Unit 22D from Aug. 20–Sept. 30 to Sept. 1–Sept. 14, in response to conservation concerns from harvests exceeding the joint State/Federal harvest quota for the Kuzitrin River drainage in 2003 and 2004 (OSM 2005). Overharvesting occurred in 2003 and 2004 despite State and Federal efforts to reduce the harvest by closing the seasons early.

Upon consideration of Federal Wildlife Closure Review WCR06-15 in 2006, the Seward Peninsula Subsistence Regional Advisory Council (Council) recommended submitting a proposal to eliminate the closure put in place in 2002 to all non-Federally qualified users. In 2007, the Board adopted Proposal WP07-38, submitted by the Council, which requested eliminating the closure to non-Federally qualified users in Unit 22D remainder, and aligning Federal hunting season dates with State season dates. The Council justified the request by stating that “land closures are no longer necessary to protect the moose population because numbers have increased unit wide and have remained stable for at least ten years; recruitment rates are up; and bull:cow ratios are consistently high despite a five-month Federal season” (OSM 2007: 468).

In 2015, the BOG modified State regulations, transitioning to an all bull moose hunt within Unit 22D remainder. For regulatory years 2015/16 and 2016/17, ADF&G established a three moose harvest quota for nonresident hunters in Unit 22D remainder to prevent excessive harvest. This harvest quota was enacted due to a decline in moose populations since 2011. The ADF&G issued emergency orders in regulatory years 2015/16 and 2016/17 to close this season early due to the quota being met (ADF&G 2016a).

At its March 2016 meeting, the Council submitted Proposal 28 to the BOG requesting elimination of the nonresident moose season in Units 22E and 22D remainder until the relationship between the changing moose population distribution and growth and decline between the subunits was better understood.

During discussion of the proposal, ADF&G Area Biologist Tony Gorn was asked for an overview of the moose population in the area. Mr. Gorn brought his concern about the decreasing population numbers in Unit 22D to the attention of the Council, mentioning that moose in Unit 22D were last counted in 2014, and that declines in the population were observed in both of the major survey areas. Additionally, Mr. Gorn noted that some Unit 22D moose may have migrated to Unit 22E. Even with the possible migration taken into consideration, a significant decline in Unit 22D moose was observed during the 2014 survey (SPRAC 2016). This proposal was adopted in Unit 22D remainder by the BOG prior to the 2017/18 regulatory year.

Special Action Request WSA16-07, submitted by BLM and requesting that the December cow season be closed, was presented to the Council on November 2, 2016. The Council supported WSA16-07, stating that hunters had expressed concern about the moose populations in the area. In particular, the Council Chair discussed the need to refrain from harvesting cow moose during population declines and asked the current ADF&G Area Biologist Bill Dunker to explain the current levels of antlerless moose harvest and the potential impacts to the population. Mr. Dunker noted that the average annual harvest of cow moose in Unit 22D over the last ten years totaled one moose per year, but that an antlerless harvest as low as 3% could have a substantial negative impact to the population. The Council Chair emphasized that this Special Action would only close the Federal cow moose hunting season for one month. The Board approved WSA16-07 on November 30, 2016.

In 2017, the same request was submitted as Special Action Request WSA17-06. The proponent, BLM, submitted this request because they believed that continued harvest of cow moose in Unit 22D remainder would lead to further declines in the moose population. The Board approved WSA17-06 with modification to change the harvest limit from one bull to one antlered bull for the harvest season of Dec. 1–Dec. 31, 2017. This modification was approved to prevent the accidental harvest of cows, since most larger bulls would have dropped their antlers by December. An antlered moose hunt was also preferred to reduce mid-winter harassment of non-antlered moose by hunters trying to distinguish the sex of the animal. It was stated that the adoption of this modification would help to assure the long term viability of the moose population in Unit 22D remainder.

### **Current Events Involving the Species**

Tribal and Alaska Native Claims Settlement Act consultations were held on October 2, 2018 in Anchorage via teleconference. Outreach was conducted prior to these teleconferences to inform Tribal and corporation representatives of the upcoming opportunity to provide consultation on this matter. No Tribal or corporation representatives participated in these teleconferences, and therefore no comments were received.

A public hearing to solicit comments on WSA18-03 took place on October 4, 2018 in Nome. Two people participated in person, while seven people participated via teleconference. No comments were received by local or nonlocal users.

On October 5, 2018, ADF&G submitted a letter in support of WSA18-03. The ADF&G supported this Special Action in 2016 (WSA16-07) and in 2017 (WSA17-06) to ensure continued sustainability of the moose population in Unit 22D remainder. The ADF&G stated that this change in Federal regulations would help to ensure the continued sustainability of the moose population in Unit 22D remainder and would also align State and Federal seasons and harvest limits, which would reduce user confusion.

### **Biological Background**

Moose have been present in Unit 22 for a relatively short time, with very few being observed prior to 1930. The moose population on the Seward Peninsula grew and reached its peak in the mid-1980s (Nelson 1995, Gorn and Dunker 2014). This rise in the population was followed by multiple severe winters, which greatly reduced the population and overall moose density due to limited winter browse resources (Nelson 1995). Brown bear predation on calves is now considered the main limiting factor on the Unit 22 moose population; although no formal study has yet been conducted regarding this concept (Gorn and Dunker 2014).

State management goals for moose in Unit 22 include maintaining a unit-wide combined population of 5,100–6,800 moose, and more specifically, maintaining a population of 2,000–2,500 moose in Unit 22D while maintaining a minimum bull:cow ratio of 30:100. The population goal in Unit 22D would provide for an increased and stabilized population following recent declines (Gorn and Dunker 2014).

During a moose population survey conducted in 2014, the population estimate for moose in all of Unit 22D was 1,106 observable moose, which represents a 13% annual rate of decline from 2011 (1,681 observable moose). Specifically in the Agiapuk River drainage, the population estimate was 491 (0.39 moose/mi<sup>2</sup>) observable moose (**Figure 2**). This is a 14% annual rate of decline since the 2011 survey (Gorn 2012, Dunker 2016, pers. comm.). Another population survey was planned for March of 2018 in Units 22D and 22E, but due to inclement weather the survey did not take place (Seppi 2018, pers. comm.).

Fall composition surveys indicate a decline in the moose population within Unit 22D remainder. Composition surveys in the Agiapuk River Drainage were conducted in 2011 for the first time since 2003, and found 35 bulls:100 cows, which is within State management goals (Gorn 2012). In 2013, efforts to complete composition surveys were hampered by poor weather conditions. The limited data obtained from these attempts indicated that the bull:cow ratio had likely declined since the 2011 surveys (Dunker 2016, pers. comm.). This was confirmed during the most recent composition survey in this area, which was completed in fall of 2016. Results showed a bull:cow ratio of 23 bulls:100 cows, which is below the State management goal (Dunker 2017, pers. comm.).

Weight measurements were collected on short-yearling (10-month old) moose in Unit 22D from April 2007-2009. Annual average weights ranged from 372-393 pounds. Snowfall was greater than normal levels in both 2008 and 2009, but did not have a significant impact on average short-yearling weights. Consistently-low calf weights may be influenced by competition for browse in high-density areas and research indicates that short-yearling weights less than 385 pounds are considered an indication that moose are resource limited (Gorn and Dunker 2014). A spring recruitment survey was completed by ADF&G in April of 2018, for Unit 22D remainder. This survey provided a 12% estimate of recruitment, which

suggests that recruitment is poor and the population is likely still in need of rebuilding efforts at this time (ADF&G 2018a).

Habitat

There is limited habitat data for Unit 22D. Although winter browse was seen as a limiting factor when moose density/numbers were at their highest, during the mid-1980s, current moose populations have been managed based on what winter browse can easily support throughout Unit 22D. Browse is no longer viewed as a limiting factor to moose in this Unit, and brown bear predation on calves is now seen as the most significant factor influencing moose numbers (Gorn and Dunker 2014).

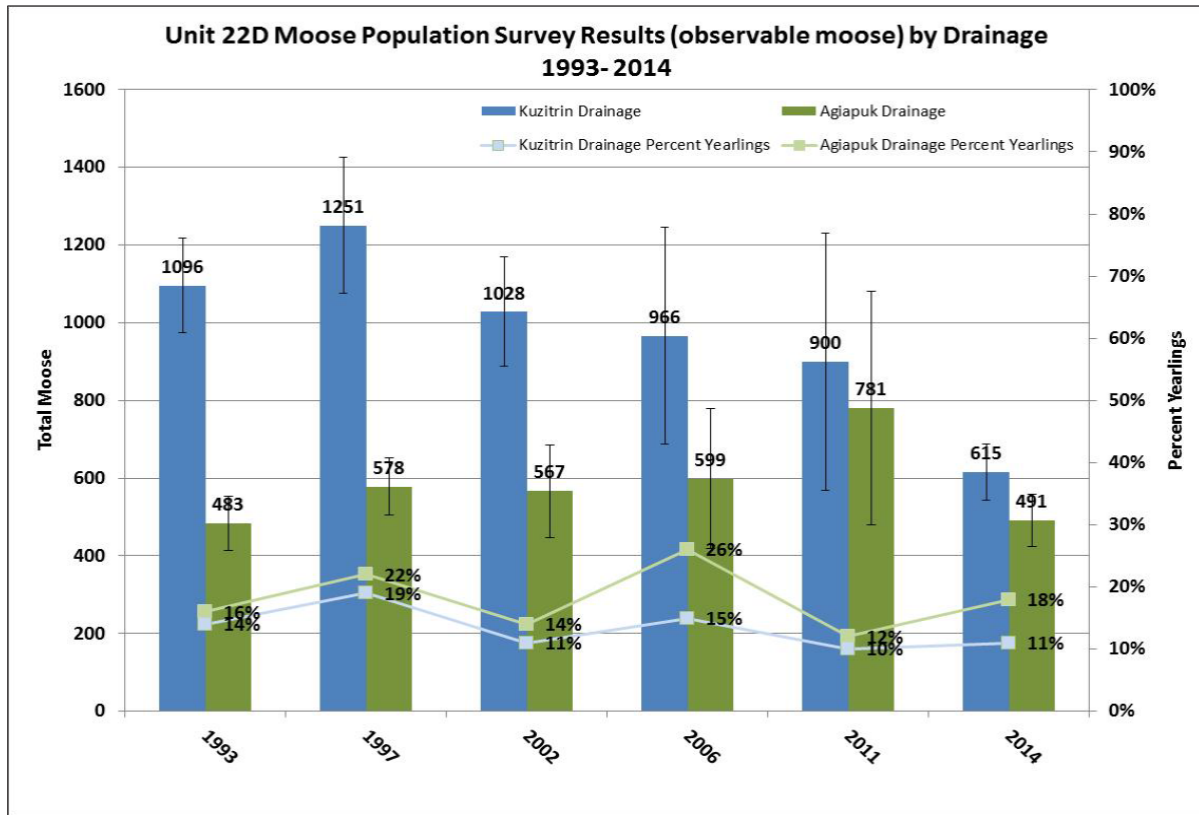


Figure 2. Unit 22D moose population survey results (Dunker 2016, pers. comm.).

**Harvest History**

Harvest remains well below levels seen in the 1980s, in part, due to more stringent hunting regulations in Unit 22D. According to the ADF&G harvest report website, 178 (133 male, 45 female) moose were harvested throughout Unit 22D in 1986, with 39.9% hunter success throughout the Subunit (ADF&G 2018b). Conversely, 69 moose were harvested in Unit 22D in 2017, with 31% hunter success throughout the Subunit (ADF&G 2018b). Average annual harvest from 2005 to 2017 was 66 moose (Table 1). A majority of moose taken over these years have been bulls. Residents of Unit 22 accounted for 73% of the total harvest between 2005 and 2017 (Table 1). In Unit 22D remainder, the average annual reported moose harvest by State residents between 2007 and 2017 was 17 moose (Dunker 2018, pers. comm.).

Household community harvest surveys conducted by ADF&G during 2012 in Brevig Mission and Teller showed under-reporting in Unit 22D remainder. It is estimated that average annual harvest (resident and nonresident) for Unit 22D remainder is 35–45 moose (Dunker 2016, pers. comm.). This estimate is greater than the estimated sustainable harvest level of 23–35 moose annually for the area (Dunker 2016, pers. comm.).

**Table 1.** Reported moose harvest in Unit 22D for 2005-2017. Local resident harvest refers to harvest by residents of Unit 22 (ADF&G 2016b, ADF&G 2017a, ADF&G 2018b).

Year	Species	Local Resident Harvest	Nonlocal Resident Harvest	Total Resident Harvest	Unknown Residency Harvest	Nonresident Harvest	Total Harvest	Male	Female	Unknown Gender
2017	Moose	57	12	69	0	0	69	68	0	1
2016	Moose	52	8	60	0	3	63	63	0	0
2015	Moose	54	12	66	1	5	72	69	0	3
2014	Moose	43	11	54	2	8	64	61	2	1
2013	Moose	45	10	55	1	3	59	58	1	0
2012	Moose	50	12	62	1	6	69	66	2	1
2011	Moose	50	19	69	1	9	79	76	2	1
2010	Moose	39	12	51	3	4	58	55	2	1
2009	Moose	54	15	69	0	7	76	74	1	1
2008	Moose	42	10	52	1	7	60	57	1	2
2007	Moose	52	14	66	1	5	72	70	2	0
2006	Moose	47	11	58	0	8	66	65	1	0
2005	Moose	47	4	51	0	6	57	56	0	1
<b>Average:</b>		<b>49</b>	<b>12</b>	<b>60</b>	<b>1</b>	<b>5</b>	<b>66</b>	<b>64</b>	<b>1</b>	<b>1</b>
<b>Total:</b>		<b>632</b>	<b>150</b>	<b>782</b>	<b>11</b>	<b>71</b>	<b>864</b>	<b>838</b>	<b>14</b>	<b>12</b>

## Cultural Knowledge and Traditional Practices

The Iñupiaq people of the Seward Peninsula have a deeply rooted practice of subsistence hunting, fishing, and gathering of wild resources (Ray 1984). Traditionally, food and most of raw materials used in the making of clothing, boats, and tents were obtained from marine mammals and caribou. Historically, during the winter months, people often lived in villages along the coast where they harvested seals, belugas, other marine mammals, fish and small land mammals. During warmer months they established family fish camps near rivers and lakes to harvest fish and plant resources. *Qawiaraq* people traditionally were the main caribou hunters in the Seward Peninsula and their territory overlaps with the remainder area of Unit 22D. Unlike other tribal groups, the primary village of Qawiaraq was not on the coast (Ray 1984, MacLean 2012). The Qawiaraq dialect is spoken in Brevig Mission and Teller today. Many residents of Teller were originally from Diomedea, Wales, Mary's Igloo and King Island and moved there for better access to schools and health care (Kawerak Inc. 2016). The present location of Teller was established in 1900 when the Bluestone Placer Mine was established 15 miles to the south. Teller had a population of 5,000 during the boom time of the mine and was a major regional trading center (ADCCED 2016).

Large land mammals were not abundant in the Seward Peninsula during the 1800s. Moose did not start migrating into the Seward Peninsula area until the 1940s. Caribou numbers declined in the 1800s (Dau 2000). Reindeer were brought to the Seward Peninsula from Siberia in 1892 under a Federal program, initiated by Rev. Sheldon Jackson, to provide more meat for the Iñupiat people in the area (Stern et al. 1980). He had observed that local people were not able to get enough meat in their diet, due to declining caribou herds. As moose moved into the region, people hunted moose for subsistence.

The ADF&G Division of Subsistence works with communities to conduct household harvest surveys. The communities of Golovin, Stebbins, Diomed, and Shishmaref each participated in a household harvest survey covering a one-year study period between 2012 and 2014 (Braem et al. 2014, ADF&G 2017b). Estimated community harvests during one-year study periods ranged from a low of 2 moose at Diomed in 2013 to a high of 20 moose at Stebbins in 2013; all animals harvested from these communities during the study years were reportedly male. According to these surveys, most communities harvested more caribou than moose, but moose were still an important part of the subsistence diet for many households (Braem et al. 2014).

### **Other Alternatives Considered**

One alternative that was considered was to support this Special Action Request with modification to extend the closure for the remainder of the regulatory cycle and to additionally close Federal public lands in this hunt area to the harvest of moose except by Federally qualified subsistence users. This alternative was considered due to the low moose population and the significant negative effect that taking even a limited number of cow moose can have on the trajectory of the population. This alternative could provide additional protection for the moose population in Unit 22D remainder by eliminating the antlerless hunt, therefore protecting cow moose in the Unit, and reducing antlered moose harvest on Federal public lands which could benefit the currently low bull:cow ratios and overall moose population. However, this alternative may not lead to a decrease in antlered moose harvest throughout the hunt area if non-Federally qualified users shift their harvest efforts for antlered moose to State lands due to the closure. Due to a lack of current moose population survey data in the Unit, it is uncertain to what extent the moose population in the area continues to decline. If the moose population has begun to stabilize in Unit 22D remainder due to the closure of both State and Federal antlerless moose hunts over the last few years, then the closure of Federal public lands to the harvest of moose except by Federally qualified subsistence users may be unwarranted at this time. Due to these concerns, this alternative was not further considered.

### **Effects of the Proposal**

If this Special Action is approved, it would limit subsistence opportunity for Federally qualified subsistence users in Unit 22D remainder. Due to low moose densities in the area and a declining population that is below State management goals, approval of this Special Action would eliminate cow harvest, which could provide benefits to the moose population in the Unit. Additionally, limiting the harassment of antlerless moose in this hunt area could have a positive impact on the moose population by ensuring that cow moose are not stressed by hunters during the winter months when they are most vulnerable. Typically, from a biological standpoint, antlerless hunts are used to reduce a population that is growing; although from a



cultural perspective, antlerless hunts are often used to provide additional opportunity for a subsistence harvest of important resources.

## **OSM CONCLUSION**

**Support** Special Action Request WSA18-03 **with modification** to extend the closure for the remainder of the wildlife regulatory cycle (July 1, 2018–June 30, 2020).

### **Justification**

The moose population in Unit 22D remainder is currently below State management goals and has been declining at a rate of 14% annually since 2011. In addition, the current estimated annual harvest is above sustainable levels. Antlerless hunts are typically used to reduce increasing populations that are above sustainable levels. Due to this declining population, the State has removed antlerless hunts from their regulations in Unit 22 and eliminated non-resident harvest opportunity in the area.

Limiting the harvest to antlered bulls only will help prevent accidental harvest or harassment of cows, since most bulls will have dropped their antlers by December, making sexes hard to distinguish in the field. Although eliminating the antlerless moose season may limit short-term subsistence opportunity for Federally qualified subsistence users, it will help to ensure the long term viability of this moose population.

Extending this closure through the remainder of the wildlife regulatory cycle (July 1, 2018–June 30, 2020) will ensure that antlerless moose in Unit 22D remainder are protected until a proposal can be submitted to modify Federal subsistence regulations.

## **REGIONAL ADVISORY COUNCIL RECOMMENDATION**

The Seward Peninsula Subsistence Regional Advisory Council public meeting took place on October 23-24, 2018 in Unalakleet. The analysis for WSA18-03 was presented at this meeting and the Council voted to support the alternative considered in this analysis to support the Special Action Request with modification to extend the antlerless moose closure for the remainder of the regulatory cycle (July 1, 2018-June 30, 2020) and to additionally close Federal public lands in Unit 22D remainder to the harvest of moose except by Federally qualified subsistence users. The Council stated that they supported this modification to WSA18-03 due to conservation concern for the moose population in Unit 22D remainder. The Council supported this modification to reduce harvest pressure on the population and to provide the moose population the opportunity to rebound in the hunt area, while also providing the opportunity for local people to capitalize on this particular hunt to obtain necessary resources for their families.

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**INTERAGENCY STAFF COMMITTEE COMMENTS  
WILDLIFE SPECIAL ACTION REQUEST WSA18-03**

The Interagency Staff Committee (ISC) supports the adoption of WSA18-03, as modified by the Office of Subsistence Management (OSM) in their preliminary conclusion, to close the Dec. 1–Dec. 31 antlerless moose season in Unit 22D remainder and extend the closure for the remainder of the wildlife regulatory cycle (July 1, 2018–June 30, 2020). This is partially consistent with the recommendation of the Seward Peninsula Subsistence Regional Advisory Council (Council). The ISC supports the modification to extend the duration of this special action until the next regulatory cycle to avoid the necessity of subsequent, repetitive special action requests. The BLM has indicated that they will submit a formal proposal to remove the antlerless moose hunt from federal regulations at that time.

The ISC does not support the Council’s recommended modification to also close moose hunting on Federal public lands in Unit 22D remainder to non-federally qualified hunters; an alternative that was explored in OSM’s analysis but not considered further due to a number of concerns. There is not enough information in the analysis to justify a closure to non-federally qualified hunters based on the continuation of subsistence uses or for the conservation of healthy populations of moose in the area. Due to the region’s remoteness and the broken pattern of BLM managed lands in the sub-unit, compliance with and enforcement of such a closure would be difficult.

Moose conservation efforts in this area can only succeed if done in concert and coordination with State conservation efforts. The State closed their antlerless moose hunt years ago due to indications at the time of a population decline and less than ideal population demographics. Eliminating the harvest of cow moose is an important first step in any conservation effort. Current information on the moose population numbers and trends are not available to evaluate if the population has more recently stabilized or if additional conservation measures are necessary for the conservation of moose in Unit 22D remainder. In addition to needing current population data, accurate information on where harvesting occurs in the sub-unit, and by whom, would help to evaluate the effects of a closure on local and non-local hunters. Additionally, due to the predominance of State managed lands in the sub-unit, a closure of the limited BLM managed lands is unlikely to provide more moose for Federally qualified subsistence users and may instead shift non-local harvest to State managed lands.

**To submit a Special Action request, please provide the following information:**

Bureau of Land Management, Anchorage Field Office  
4700 BLM Road, Anchorage, AK 99507 (907) 267-1282

**Describe the action you are requesting. Reference the current regulations you wish to change.**

The closure of an antlerless moose hunt on Federal lands in Unit 22D remainder to take effect December 1, 2018 through the end of the regulatory year.

**Have there been unusual or significant changes in resource abundance or unusual conditions affecting harvest opportunities that could not reasonably have been anticipated and that potentially could have significant adverse effects on the health of fish and wildlife populations or subsistence users?**

BLM is concerned about allowing the harvest of cow moose in unit 22D remainder in relation to the overall population trend since 2011. Moose population surveys completed by ADF&G in March 2014 show estimated moose numbers have declined by 14% annually between 2011 and 2014. ADF&G closed the antlerless harvest beginning in 2015 over concerns of the decline in the population related to the negative impacts of a cow harvest. An antlerless moose harvest is currently open from December 1 to December 31 on federal lands in unit 22D remainder.

**Is the requested action need for reasons of public safety or administration?**

No.

**What are the extenuating circumstances that necessitate a regulatory change before the next regulatory review?**

The continued harvest of cow moose from unit 22D remainder would likely cause further declines in the population. A proposal to close the harvest of cow moose will be submitted to and considered by the Federal Subsistence Board in their next meeting.

# Fall 2019 Regional Advisory Council Meeting Calendar

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

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Aug. 18</i>	<i>Aug. 19</i>	<i>Aug. 20</i>	<i>Aug. 21</i>	<i>Aug. 22</i>	<i>Aug. 23</i>	<i>Aug. 24</i>
<i>Aug. 25</i>	<i>Aug. 26</i>	<i>Aug. 27</i>	<i>Aug. 28</i>	<i>Aug. 29</i>	<i>Aug. 30</i>	<i>Aug. 31</i>
<i>Sept. 1</i>	<b>Sept. 2 LABOR DAY HOLIDAY</b>	<i>Sept. 3</i>	<i>Sept. 4</i>	<i>Sept. 5</i>	<i>Sept. 6</i>	<i>Sept. 7</i>
<i>Sept. 8</i>	<i>Sept. 9</i>	<i>Sept. 10</i>	<i>Sept. 11</i>	<i>Sept. 12</i>	<i>Sept. 13</i>	<i>Sept. 14</i>
<i>Sept. 15</i>	<i>Sept. 16</i>	<i>Sept. 17</i>	<i>Sept. 18</i>	<b>K/A — Cold Bay</b>		<i>Sept. 21</i>
<i>Sept. 22</i>	<i>Sept. 23</i>	<i>Sept. 24</i>	<i>Sept. 25</i>	<i>Sept. 26</i>	<i>Sept. 27</i>	<i>Sept. 28</i>
<i>Sept. 29</i>	<i>Sept. 30</i>	<i>Oct. 1</i>	<b>SC — Seward</b>		<i>Oct. 4</i>	<i>Oct. 5</i>
<i>Oct. 6</i>	<i>Oct. 7</i>	<i>Oct. 8</i>	<i>Oct. 9</i>	<i>Oct. 10</i>	<i>Oct. 11</i>	<i>Oct. 12</i>
		<b>WI — Aniak</b>				
		<b>SE — Petersburg</b>				
<i>Oct. 13</i>	<b>Oct. 14 COLUMBUS DAY HOLIDAY</b>	<i>Oct. 15</i>	<i>Oct. 16</i>	<i>Oct. 17</i>	<i>Oct. 18</i>	<i>Oct. 19</i>
		<b>EI — Fairbanks</b>		<b>AFN — Fairbanks</b>		
<i>Oct. 20</i>	<i>Oct. 21</i>	<i>Oct. 22</i>	<i>Oct. 23</i>	<i>Oct. 24</i>	<i>Oct. 25</i>	<i>Oct. 26</i>
		<b>NS — Utqiagvik</b>				
		<b>SP — Nome</b>				
<i>Oct. 27</i>	<i>Oct. 28</i>	<i>Oct. 29</i>	<i>Oct. 30</i>	<i>Oct. 31</i>	<i>Nov. 1</i>	<i>Nov. 2</i>
	<b>NW — Noatak</b>					
<i>Nov. 3</i>	<i>Nov. 4</i>	<i>Nov. 5</i>	<i>Nov. 6</i>	<i>Nov. 7</i>	<i>Nov. 8</i>	<i>Nov. 9</i>
		<b>YKD — Bethel</b>				
		<b>BB — Dillingham</b>				

# Winter 2020 Regional Advisory Council Meeting Calendar

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

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 2</i>	<i>Feb. 3</i> <i>Window Opens</i>	<i>Feb. 4</i>	<i>Feb. 5</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> <b>PRESIDENT'S DAY HOLIDAY</b>	<i>Feb. 18</i>	<i>Feb. 19</i>	<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>Feb. 29</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>Window Closes</i>	<i>Mar. 14</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 (Council).
- 2. Authority.** The Council is renewed by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3115 (1988)), and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is regulated by the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.
- 3. Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
- 4. Description of Duties.** Council duties and responsibilities, where applicable, are as follows:
  - a. Recommend the initiation 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 decision-making process affecting the taking of fish and wildlife on the public lands within the Region for subsistence uses.
  - d. Prepare an annual report to the Secretary containing the following:
    - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region.
    - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.
    - (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.

- (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.
- h. Provide recommendations for implementation of Secretary's Order 3347: Conservation Stewardship and Outdoor Recreation, and Secretary's Order 3356: Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories. Recommendations shall include, but are not limited to:
  - (1) Assessing and quantifying implementation of the Secretary's Orders, and recommendations to enhance and expand their implementation as identified;
  - (2) Policies and programs that:
    - (a) increase outdoor recreation opportunities for all Americans, with a focus on engaging youth, veterans, minorities, and other communities that traditionally have low participation in outdoor recreation;
    - (b) expand access for hunting and fishing on Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service lands in a manner that respects the rights and privacy of the owners of non-public lands;
    - (c) increase energy, transmission, infrastructure, or other relevant projects while avoiding or minimizing potential negative impacts on wildlife; and
    - (d) create greater collaboration with states, tribes, and/or territories.
- i. Provide recommendations for implementation of the regulatory reform initiatives and policies specified in section 2 of Executive Order 13777: Reducing Regulation and Controlling Regulatory Costs; Executive Order 12866: Regulatory Planning and Review, as amended; and section 6 of Executive Order 13563: Improving Regulation and Regulatory Review. Recommendations shall include, but are not limited to:

- (1) eliminate jobs, or inhibit job creation;
- (2) are outdated, unnecessary, or ineffective;
- (3) impose costs that exceed benefits;
- (4) create a serious inconsistency or otherwise interfere with regulatory reform initiative and policies;
- (5) rely, in part or in whole, on data or methods that are not publicly available or insufficiently transparent to meet the standard for reproducibility; or
- (6) derive from or implement Executive Orders or other Presidential and Secretarial directives that have been subsequently rescinded or substantially modified.

At the conclusion of each meeting or shortly thereafter, provide a detailed recommendation meeting report, including meeting minutes, to the Designated Federal Officer (DFO).

5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$155,000, including all direct and indirect expenses and 1.0 staff 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:
  - (a) Approve or call all of the advisory committee's and subcommittees' meetings;
  - (b) Prepare and approve all meeting agendas;
  - (c) Attend all committee and subcommittee meetings;
  - (d) Adjourn any meeting when the DFO determines adjournment to be in the public interest; and

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

9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will be inactive 2 years from the date the Charter is filed, unless, prior to that date, 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 Council or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.
14. **Subcommittees.** Subject to the DFOs 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. 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

DEC 01 2017

Date Signed

DEC 04 2017

Date Filed





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