

FEDERAL SUBSISTENCE BOARD 805(c) REPORT

April 2-5, 2024

Anchorage, AK

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

NORTHWEST ARCTIC AREA WILDLIFE PROPOSALS

Regional Proposals

Wildlife Proposal WP24-30/31 – Closure of Federal public lands in Unit 23 to caribou hunting by non-federally qualified users.

DESCRIPTION: Wildlife Proposal WP24-30/31 requested closing Federal public lands in Units 23 to caribou hunting by non-federally qualified users from August 1 to October 31

COUNCIL RECOMMENDATIONS:

Western Interior Alaska Subsistence Regional Advisory Council— **Defer to Home Region**

Seward Peninsula Subsistence Regional Advisory Council—**Defer to Home Region**

Northwest Arctic Subsistence Regional Advisory Council—**Support**

North Slope Subsistence Regional Advisory Council—**Support**

BOARD ACTION: **Support as modified by OSM** to include a population threshold that would remove the closure once the Western Arctic Caribou Herd population exceeds 200,000 caribou.

JUSTIFICATION: The ongoing precipitous decline of the Western Arctic Caribou Herd warrants strong measures to aid in the recovery and conservation of this population. Current harvest rates could prolong or worsen the current decline and hamper recovery efforts. While exact causes of the decline are uncertain, reducing human harvest is the most controllable factor. Since December 2021 the Western Arctic Caribou Herd Working Group determined the herd should be managed at the preservative declining level and under this framework it is

recommended to restrict harvest to residents only and closure of some Federal public lands to non-federally qualified users may be necessary as a tool in the aid to the recovery.

Section 804 of ANILCA requires the Federal land managers provide for subsistence opportunity and that subsistence uses of fish and wildlife have priority over other consumptive uses. With the continued decline of the Western Arctic Caribou Herd and the current proposals (WP24-28/29) to reduce Western Arctic Caribou Herd harvest limits for federally qualified subsistence users, it is appropriate to also limit non-subsistence hunting of caribou in Unit 23.

Non-federally qualified user harvest may be restricted in times of shortage to ensure the continuation of subsistence uses as described in Section .815(3) of ANILCA. For communities in this region that are not meeting their subsistence needs every caribou counts. The closure supports the recommendation of the Northwest Arctic and North Slope Subsistence Regional Advisory Councils while adding the population threshold would ensure that the closure does not result in unnecessary restrictions to non-federally qualified users and will not remain in effect longer than necessary when caribou populations recover. The population threshold will be a useful tool for managing this herd and represents a compromise between the biological realities and suggested management for the herd. The recommended Western Arctic Caribou Herd population threshold of 200,000 or more would remove the closure, which aligns with the Western Arctic Caribou Herd Working Group's management plan recommendations. The Western Arctic Caribou Herd Working group recommends to manage the herd at a conservative management and harvest level if the population is equal to or larger than 200,000 animals with a stable or increasing population trend.

Statewide Proposals

Wildlife Proposal WP24-01 – Sale of Brown Bear Hides

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

COUNCIL RECOMMENDATIONS:

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

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

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

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

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

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

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

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

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

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

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