

STAFF ANALYSIS
TEMPORARY SPECIAL ACTION
WSA20-03

ISSUES

Temporary Special Action Request WSA20-03, submitted by Kirk Wilson of Glennallen, requests that the Federal Subsistence Board (Board) close Federal public lands in Unit 13 to the hunting of moose and caribou by non-Federally qualified users for the 2020/2021 season.

DISCUSSION

The proponent requested this Temporary Special Action to evaluate whether subsistence harvests and success rates of Federally qualified subsistence users will improve if Federal public lands are closed to moose and caribou hunting by non-Federally qualified users. The proponent states that this closure is necessary due to extreme hunting competition from high numbers of non-Federally qualified users, which precludes a rural subsistence priority and results in low harvest success by Federally qualified subsistence users. Because of this, the proponent states action is necessary to ensure the continuation of Federal subsistence uses of moose and caribou in Unit 13. The proponent also states that a closure is needed for reasons of public safety because there are too many non-Federally qualified users “to provide reasonable harvest success by Federally qualified subsistence users to safely continue Federal subsistence moose and caribou hunting and to ensure passing on customary and traditional harvest and use practices.” He also notes that rural residents have not been able to meet their subsistence needs for years.

The proponent further states that this request could serve as an experiment to evaluate the potential of a Federal lands closure as a long-term solution to increasing harvest success rates and providing for the subsistence uses of Federally qualified subsistence users. The proponent also lists other concerns related to the high hunter numbers in Unit 13 including: litter, habitat degradation from off-road vehicle traffic, trespass on private lands, disruption of animal movements, over-crowded hunting conditions, and concentration of local and non-local hunters on the limited amount of Federal lands, which are easily accessible and provide greater opportunities for encountering moose and caribou due to their location.

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

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

Existing Federal Regulation

Unit 13— Caribou

Units 13A and 13B—2 caribou by Federal registration permit only. Aug. 1 – Sept. 30
The sex of animals that may be taken will be announced by the Oct. 21 – Mar. 31
Glennallen Field Office Manager of the Bureau of Land Management
in consultation with the Alaska Department of Fish and Game area
biologist and Chairs of the Eastern Interior Regional Advisory Council
and the Southcentral Regional Advisory Council

Unit 13, remainder – 2 bulls by Federal registration permit only Aug. 1 – Sept. 30
Oct. 21 – Mar. 31

Unit 13—Moose

Unit 13E—1 antlered bull moose by Federal registration permit only; Aug. 1–Sept. 20
only 1 permit will be issued per household.

Unit 13, remainder —1 antlered bull moose by Federal registration Aug. 1–Sept. 20
permit only.

Proposed Federal Regulation

Unit 13— Caribou

Unit 13A and 13B – 2 caribou by Federal registration permit only. Aug. 1 – Sept. 30
The sex of animals that may be taken will be announced by the Oct. 21 – Mar. 31
Glennallen Field Office Manager of the Bureau of Land Management
in consultation with the Alaska Department of Fish and Game area
biologist and Chairs of the Eastern Interior Regional Advisory Council
and the Southcentral Regional Advisory Council.

Federal public lands are closed to caribou hunting except by
Federally qualified subsistence users for the 2020/21 regulatory year.

Unit 13 remainder – 2 bulls by Federal registration permit only Aug. 1 – Sept. 30
Oct. 21 – Mar. 31

Federal public lands are closed to caribou hunting except by
Federally qualified subsistence users for the 2020/21 regulatory year.

Unit 13—Moose

Unit 13E—1 antlered bull moose by Federal registration permit only; only 1 permit per household. Aug. 1–Sept. 20

Federal public lands are closed to moose hunting except by Federally qualified subsistence users for the 2020/21 regulatory year.

Unit 13, remainder —1 antlered bull moose by Federal registration permit only. Aug. 1–Sept. 20

Federal public lands are closed to moose hunting except by Federally qualified subsistence users for the 2020/21 regulatory year.

Existing State Regulation

Unit 13- Caribou

Residents – One caribou by permit YC495 Aug. 1 - Aug. 5

Residents – One caribou by permit per household, available only by application. See Subsistence Permit Hunt Supplement for details RC561 Aug. 10 – Aug. 31 Oct. 21 – Mar. 31

Or

Residents – One caribou by permit per household, available only by application. See Subsistence Permit Hunt Supplement for details RC562 Sept. 1 – Sept. 20 Oct. 21 – Mar. 31

Or

Residents – One caribou by permit per household, available only by application. See the Subsistence Permit Hunt Supplement for details CC001 Aug. 10 – Sept. 20 Oct. 21 – Mar. 31

Or

Residents – One caribou by permit DC485 Aug. 20 – Sept. 20 Oct. 21 – Mar. 31

Nonresidents No open season

Unit 13-Moose

Residents: One antlered bull by permit, available only by application. See the Subsistence Permit Hunt Supplement for details. CM300 Aug. 20–Sept. 20

OR

Residents: One bull, with spike-fork antlers or 50-inch antlers or antlers with 4 or more brow tines on at least one side; HT Sept. 1–Sept. 20

OR

Residents: One antlerless moose by permit. However, no person may take a calf or cow accompanied by a calf. DM325 Oct. 1–Oct. 31
Mar. 1–Mar. 31

OR

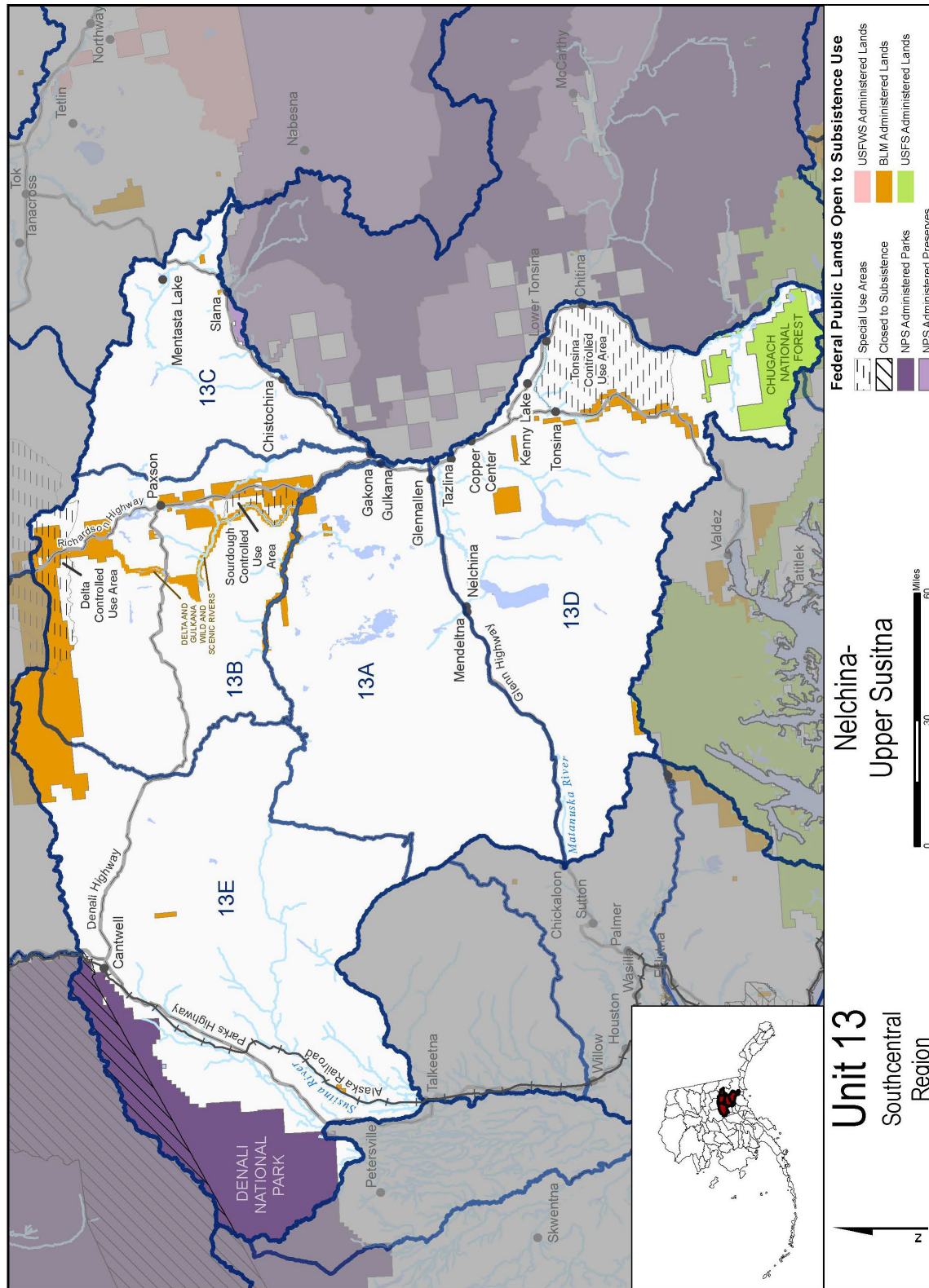
Residents: One bull by permit. DM324 Sept. 1–Sept. 20

Nonresidents: One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side. DM335- Sept. 1–Sept. 20
DM339

Extent of Federal Public Lands

Unit 13 is comprised of approximately 12% Federal public lands and consists of 6% National Park Service (NPS) managed lands, 4% Bureau of Land Management (BLM) managed lands, and 2% U.S. Forest Service (USFS) managed lands (**Map 1**).

Federal public lands within Denali National Park as it existed prior to the Alaska National Interest Lands Conservation Act (ANILCA) (December 1980) are closed to all hunting and trapping. Federal public lands within the ANILCA additions to Denali National Park are closed to hunting and trapping by non-Federally qualified users. BLM manages additional lands within Unit 13 that are selected for conveyance by the State of Alaska, Native Corporations, or Alaska Tribes and are not currently available for Federal subsistence because of the land selection status. If these land selections are relinquished, they would become lands available for Federal subsistence.



Map 1. Unit 13

Customary and Traditional Use Determinations

Caribou

Residents of Units 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79-110), 13, 20D (excluding residents of Fort Greely), and Chickaloon have a customary and traditional use determination for caribou in Unit 13B.

Residents of Units 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79-110), 13, Chickaloon, Dot Lake, and Healy Lake have a customary and traditional use determination to harvest caribou in Unit 13C.

Residents of Units 11, 12 (along the Nabesna Road), 13, and Chickaloon have a customary and traditional use determination to harvest caribou in Unit 13A and 13D.

Residents of Units 11, 12 (along the Nabesna Road), 13, Chickaloon, McKinley Village, and the area along the Parks Highway between mileposts 216-239 (excluding the residents of Denali National Park Headquarters) have a customary and traditional use determination to harvest caribou in Unit 13E.

Moose

Residents of Unit 13, Chickaloon and Slana have a customary and traditional use determination for moose in Units 13A and 13D.

Residents of Units 13 and 20D (excluding residents of Fort Greely) and Chickaloon, and Slana have a customary and traditional use determination for moose in Unit 13B.

Residents of Units 12 and 13, Chickaloon, Healy Lake, Dot Lake, and Slana have a customary and traditional use determination for moose in Unit 13C.

Residents of Unit 13, Chickaloon, McKinley Village, Slana, and the area along the Parks Highway between mileposts 216 and 239 (excluding residents of Denali National Park headquarters) have a customary and traditional use determination for moose in Unit 13E.

Under the guidelines of ANILCA, National Park Service regulations identify qualified local rural subsistence users in National Parks and Monuments by: 1) identifying resident zone communities which include a significant concentration of people who have customarily and traditionally used subsistence resources on park lands; and 2) identifying and issuing subsistence use (13.440) permits to individuals residing outside of the resident zone communities who have a personal or family history of subsistence use. In order to engage in subsistence in the Denali National Park ANILCA additions, the National Park Service requires that subsistence users either live within the park's resident zone (36 CFR 13.430, 36 CFR 13.902) or have a subsistence permit (36 CFR 13.440) issued by the park superintendent.

Regulatory History

Caribou

The Nelchina caribou herd (NCH) is an important resource for many rural and non-rural users. Its proximity to the Glenn and Richardson highways enhances accessibility of the NCH to Anchorage and Fairbanks residents (Tobey 2003). A State Tier II system for NCH harvest was established in 1990 for Unit 13. A State Tier I permit was added for the 1996/97 and 1997/98 seasons to allow any Alaskan resident to harvest cows or young bulls to reduce the herd to the management objective. In 1998, the Tier I hunt was closed, as the herd was brought within management objectives due to increased harvest and lower calf recruitment.

In 1998, the Board adopted Proposal P98-036 to extend the winter caribou season from Jan. 5–Mar. 31 to Oct. 21–Mar. 31 (OSM 1998a). This gave Federally qualified subsistence users the same opportunity to harvest an animal as those hunting under State regulations.

In 2001, the Board adopted Proposal WP01-07, which changed the harvest limit from two caribou to two bulls by Federal registration permit only for all of Unit 13 (OSM 2001).

In 2002, the Board rejected Proposal WP02-17, which requested closure of Federal public lands in Units 13A and 13B to moose and caribou hunting by non-Federally qualified users. The Board rejected this proposal consistent with the recommendations of the Southcentral Alaska Subsistence Regional Advisory Council (Southcentral Council), the Interagency Staff Committee, and the Alaska Department of Fish and Game (ADF&G). All opposed this closure because closing Federal public lands in Units 13A and 13B to non-Federally qualified users would not result in a conservation benefit due to the limited amount of Federal public land in Unit 13, because additional opportunities existed for Federal subsistence users to hunt on Federal public lands after the State closed its season, and because of the more liberal Federal harvest limit and longer season (OSM 2002).

In 2003, the Board adopted Proposal WP03-14, which changed the harvest limit for Units 13A and 13B back to two caribou, although only bulls could be harvested from Aug. 10 – Sept. 30. For the Oct. 21 – Mar. 31 winter season, the BLM's Glennallen Field Office Manager was delegated authority to determine the sex of animals taken in consultation with the ADF&G area biologist and the Chairs of the Eastern Interior Alaska Subsistence Regional Advisory Council (Eastern Interior Council) and Southcentral Council. For the remainder of Unit 13, the harvest limit remained two bulls for the Aug. 10 – Sept. 30 and Oct. 21 – Mar. 31 seasons (OSM 2003).

In 2005, the Board adopted Proposal WP05-08 for Units 13A and 13B to allow the sex of caribou harvested to be determined for both the fall and winter seasons by the BLM Glennallen Field Office Manager in consultation with the ADF&G area biologist and Chairs of the Eastern Interior and Southcentral Councils (OSM 2005).

Emergency Order 02-01-07 closed the remainder of the 2006/07 State season for the NCH on February 4, 2007 due to high State hunter success in the State Tier II hunt. Likewise, Emergency Order 02-08-07

closed the 2007/08 Tier II hunt on September 20, 2007. The hunt was scheduled to re-open on October 21, 2007, but concerns about unreported harvest in the State and Federal hunts resulted in closure for the remainder of the season.

For the 2009/10 season, the State Tier II hunt was eliminated. Two hunts were added: a Tier I hunt and a Community Harvest hunt for residents of Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Copper Center. The harvest limit for each was one caribou (sex to be announced annually) with season dates of Aug. 10 – Sept. 20 and Oct. 21 – Mar. 31 and a harvest quota of 300 caribou. A Federally qualified subsistence user could opt into the State community harvest system or use a State registration permit to harvest one caribou and then get a Federal permit to harvest an additional caribou since the Federal harvest limit was two caribou. However, State regulations stipulate that Tier I and CSH permit holders may not hunt moose or caribou under State or Federal regulations outside of Unit 13 and the Copper Basin Community Hunt area, respectively (ADF&G 2019a).

In July 2010, the Alaska Superior Court found that elimination of the Tier II hunt was arbitrary and unreasonable (ADF&G 2010a). In response, the Alaska Board of Game (BOG) held an emergency teleconference in July 2010 and opened a Tier II hunt from Oct. 21 – Mar. 31, maintained the existing Tier I season, and awarded up to 500 additional Tier I permits (ADF&G 2010a). Subsequently, Emergency Order 04-1-10 closed the remainder of the winter NCH Tier II season due to harvest reports indicating that approximately 1,404 bulls and 547 cows were harvested, and unreported harvest was expected to raise the total harvest above the harvest objective (ADF&G 2010b, OSM 2012).

In 2012, the Board adopted Proposal WP12-25, which added an additional nine days to the beginning of the fall caribou season in all of Unit 13 to provide more opportunity to Federally qualified subsistence users. The season was extended from Aug. 10 – Sept. 30 to Aug. 1 – Sept. 30 (OSM 2012).

In 2016, the Board approved Emergency Wildlife Special Action WSA16-05 to delegate authority to the BLM Glennallen Field Office Manager to open a ten-day caribou season between Oct. 1 and Oct. 20. WSA16-05 was approved in order to increase harvest of the NCH, which was above State management objectives, and to provide additional hunting opportunity for Federally qualified subsistence users as fall harvest was low due to caribou being inaccessible during the regular hunting season because of delayed migration (OSM 2016a).

Also in 2016, Federal public lands in the Paxson Closed Area were determined to be open (i.e. no longer State selected) to the taking of big game, which includes caribou, by Federally qualified subsistence users hunting under Federal subsistence regulations. The Board rejected Wildlife Proposal WP16-16, which requested that Federal public lands within the Paxson Closed Area in Unit 13 be closed to Federally qualified subsistence users (OSM 2016b).

Additionally in 2016, the Board adopted Proposal WP16-17, which rescinded the restriction prohibiting Federally qualified subsistence users from hunting caribou within the Trans-Alaska Oil Pipeline right-of-way in Unit 13 (OSM 2016c).

In 2018, Proposal WP18-19 was submitted by the Ahtna Inter-Tribal Resource Commission (AITRC) requesting that AITRC be allowed to distribute Federal registration permits to Ahtna tribal members for the Federal caribou season in Units 13A, 13B, and 13 remainder. In addition, the proponent requested that the Ahtna Advisory Committee be added to the list of agencies and organizations consulted by the BLM Glennallen Field Office Manager, when announcing the sex of caribou taken in Unit 13A and 13B each year. The Board voted to defer WP18-19 pending development of a framework for a Community Harvest System (OSM 2018a).

In 2018, ADF&G issued four Emergency Orders for the NCH in Unit 13. In response to high overwinter mortality, emigration to the Fortymile caribou herd (FCH), and lower than anticipated productivity, the NCH was reduced to approximately 35,700 caribou, which is near the lower end of the population objective. Emergency Order 04-02-18 changed the harvest limit from one caribou to one bull and the reporting requirement to three days. Emergency Order 04-04-18 closed the Tier 1 NCH hunt, RC561, on August 18, 2018 as reported harvest was approaching the harvest quota. Emergency Order 04-05-18 closed drawing hunt DC485 on August 26, 2018 to remain within the quota of 250 bulls set for that hunt. Emergency Order 04-07-18 closed the winter hunting seasons for all of these hunts.

In July 2019, the Board rejected Temporary Wildlife Special Action WSA19-03, which requested closure of Federal public lands in Unit 13 to caribou and moose hunting by non-Federally qualified users for the 2019/20 season. The Board determined the requested closure was not warranted for conservation, continuation of subsistence uses, or safety reasons. The Board concluded that the closure was not necessary for the conservation of healthy caribou or moose populations in Unit 13, as these populations are routinely monitored and annual biological data is used to inform management plans and to establish sustainable harvest guidelines. The closure was also not shown to be necessary to continue subsistence uses of those populations. Federally qualified subsistence users annual harvest rates have remained fairly consistent in comparison to the annual harvest rates by non-Federally qualified users. Nevertheless, local harvesters do experience an influx of non-local hunters and many feel displaced by this activity and alter their subsistence activities as a result. In addition, the closure would not alleviate public safety concerns as non-Federally qualified users would still be able to cross Federal public lands to access State and private lands.

In September 2019, ADF&G issued Emergency Order 04-09-19 to extend the closing date for all State caribou hunts in Unit 13 by ten days from September 20 to September 30. The reason was to reduce the size of the NCH population, which had grown to more than 53,000 animals, well above the upper end of the population objective for the herd.

In April 2020, the Board adopted deferred Proposal WP18-19 with modification. The modification was to name eight individual communities within the Ahtna traditional use territory authorized to harvest caribou and moose in Unit 13 as part of a community harvest system, subject to a framework established by the Board under unit specific regulations.

Moose

In 1995, the opening season date for moose in Unit 13 was changed from Aug. 25 to Aug. 1 to provide additional opportunity for Federally qualified subsistence users without interference from State Tier II permit hunters (OSM 1995). Federal regulations have not changed since.

In 2004, the Board considered Proposal WP04-27, which requested that the harvest season for moose be shortened by 14 days, reporting of the permit number and exact harvest location be required, and the harvest reporting period be shortened from five days to three days (OSM 2004c). The Board rejected this proposal because it would have reduced the harvest opportunity by two weeks, and the permit requirements would have done little to curtail illegal harvest.

The State general harvest regulations for moose in Unit 13 were changed in 2000 when the designation of a legal bull went from three or more brow tines or 50-inch antler spread to a four or more brow tines or 50-inch antler spread. The same year, non-resident general moose hunting was eliminated from Unit 13 in the State regulations due to low moose population numbers. In addition, the ADF&G also managed a State Tier II hunt (TM300) for one bull moose by permit Aug. 15 – Aug. 31 between 1995 and 2008.

In 2008, the State Tier II hunt was changed by the BOG to add a community harvest (CM300) and the season was modified to Aug. 10-Sept. 20 with an upper harvest limit of 10 any-bull moose for Unit 13 and an unlimited number of spike/fork, 50 inch, and four or more brow tine moose. For residents, drawing permit hunts (DM330-334) for one bull moose with a season of Sept. 1-Sept. 20 were added as a new harvest option in select areas where moose numbers had increased. For non-residents, drawing permit hunts (DM 335-339) were established to harvest one bull with 50-inch antlers or antlers with four or more brow tines on at least one side from Sept. 1-Sept. 20. These three hunts were in addition to the State general resident hunt with a harvest limit of one bull moose with spike-fork or 50-inch antlers or antlers with four or more brow tines on at least one side and a season from Sept.1-Sept. 20.

In March 2009, the BOG revised the amount reasonably necessary for subsistence (ANS) findings for moose and caribou in Unit 13, eliminated the Tier II hunts for both populations, and created the Community Subsistence Hunts (CSH) (Robbins 2017). The CSH included an allocation of 100 bulls that did not meet the antler restrictions. The BOG also created antlerless moose drawing hunts for residents and antlered bull moose hunts for nonresidents.

In 2011, the BOG adopted a new regulation for the CSH in 2011/12 to allow any community or group of Alaska residents numbering 25 or more to apply for the hunt between Aug.10 and Sept. 20. Following this change, the number of participants in the CSH hunts increased substantially from 378 to 3,400, most of whom came from outside the immediate area. The BOG decreased the number of bulls that do not meet the antler restrictions from 100 to 70.

In 2013, the BOG increased the number of bulls not required to meet the antler restrictions from 70 back to 100 in response to increased participation in the hunt. A winter registration hunt from Dec. 1-Dec. 31, which was effective in 2014, was also added to provide additional opportunity for bulls that do not meet

the antler restrictions. The hunt was closed after one day due to very high levels of participation and was not resumed.

In 2015, the BOG required participants in the CSH to commit to participation for two consecutive years and to provide an annual group report with the stipulation that if a report is not submitted, the entire group would be ineligible for a permit hunt the next regulatory year. The BOG also created an any bull moose drawing for residents, which was effective in 2016, and shortened the CSH season by 10 days from Aug. 10-Sept. 20 to Aug. 20-Sept. 20.

The Paxson Closed Area in Unit 13B was established by the State in 1958 to provide a viewing area adjacent to the junction of the Richardson and Denali Highways. During 1991/92 and 1992/93 regulatory years, Federal public lands within the Paxson Closed Area were closed to the hunting of big game under the Special Provisions section for Unit 13 in the Federal Subsistence Management Regulations for Federal public lands in Alaska. However, the hunting for small game was still allowed in the Paxson Closed Area.

In June 2014, the Glennallen Field Office of BLM became aware of unencumbered Federal public lands within the Paxson Closed Area, and they were subsequently removed from State selection. As a result, Federal public lands in the Paxson Closed Area were determined to be opened (i.e. no longer State selected) to the taking of big game, which includes moose and caribou, by Federally qualified subsistence users under Federal subsistence regulations. In 2016, the Board rejected Wildlife Proposal WP16-16 which requested that the Federal public lands within the Paxson Closed Area in Unit 13 be closed to Federally qualified subsistence users (OSM 2016b).

To address concerns that the communal pattern of use was not providing reasonable opportunity in Unit 13, the BOG adopted amended Proposal 20 (RC25) at a special meeting in Glennallen in March 2017 to retain the CSH moose hunt for resident hunters for the fall (Aug. 20 – Sept. 20) and winter (Dec. 1 - Dec. 31; subsistence hunt only) hunts with the following restrictions: One bull by community harvest permit only; however, no more than 100 bulls that do not meet antler restrictions may be taken by Tier II permits during the Aug. 20 – Sept. 20 season, up to 350 Tier II permits could be issued, one Tier II permit per household.

In 2018, the Unit 13B harvest limit in the Copper Basin Community Subsistence hunt (CM300) was changed by the BOG from one bull moose to one bull moose with spike-fork antlers, 50 inch antlers, or antlers with four or more brow tines on one side because the quota of 30 bulls without antler restrictions had been reached in Unit 13B.

In 2018, Proposal WP18-18 was submitted by AITRC and requested that the moose season on Federal public lands in Unit 13E and Unit 13 remainder be changed from Aug. 1-Sept. 20 to Aug. 1-Mar. 31. In addition, AITRC requested authorization to distribute Federal registration permits (FM1301) to Federally qualified tribal members only and that the BLM and Denali National Park and Preserve distribute (FM1301) permits to other Federally qualified subsistence users. Proposal WP18-18 was withdrawn by the proponent (OSM 2018b).

In July 2019, the Board rejected Temporary Wildlife Special Action WSA19-03, which requested closure of Federal public lands in Unit 13 to caribou and moose hunting by non-Federally qualified users for the 2019/20 season. The Board determined the requested closure was not warranted for conservation, continuation of subsistence uses, or safety reasons. The Board concluded that the closure was not necessary for the conservation of healthy caribou or moose populations in Unit 13, as these populations are routinely monitored and annual biological data is used to inform management plans and to establish sustainable harvest guidelines. The closure was also not shown to be necessary to continue subsistence uses of those populations. Federally qualified subsistence users annual harvest rates have remained fairly consistent in comparison to the annual harvest rates by non-Federally qualified users. Nevertheless, local harvesters do experience an influx of non-local hunters and many feel displaced by this activity and alter their subsistence activities as a result. In addition, the closure would not alleviate public safety concerns as non-Federally qualified users would still be able to cross Federal public lands to access State and private lands.

In April 2020, the Board adopted deferred Proposal WP18-19 with modification. The modification was to name eight individual communities within the Ahtna traditional use territory authorized to harvest caribou and moose in Unit 13 as part of a community harvest system, subject to a framework established by the Board under unit specific regulations.

Controlled Use Areas

The Delta Controlled Use Area is located in Northern Unit 13B and is closed to motorized vehicles or pack animals for big game hunting, including the transportation of big game hunters, their gear, and/or parts of big game, from August 5-25 under State and Federal regulations.

The Sourdough Controlled Use Area (Sourdough CUA) is located in southern Unit 13B between the Gulkana River and Richardson Highway. Under Federal regulations, motorized vehicles may not be used for subsistence hunting in the Sourdough CUA, except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Middle Fork trails, or other trails designated by the Board. Under State regulations, the Sourdough CUA is closed to motorized vehicles for hunting, including transportation of hunters, their hunting gear, and/or parts of game, including the pipeline access road, but does not prohibit motorized access or transportation of game on the Richardson Highway, Gulkana River, Sourdough Creek Campground or boat launch, Sourdough and Haggard Creeks, Middle Fork and Haggard Creek trails, or other trails designated by the department. While Federal regulations do not explicitly state the Gulkana River as an exception like under State regulations, the boundary of the Sourdough CUA is the eastern bank of the Gulkana River, and Federal users can access the Gulkana River by a motorized vehicle from the Richardson Highway via the Middle Fork trail.

The Tangle Lakes Archaeological District is located off the Denali Highway in Unit 13B and restricts off-road vehicles to designated trails between MP16 and MP37 under Federal and State regulations.

The Clearwater Creek Controlled Use Area is located in northwestern Unit 13B and is closed to the use of any motorized vehicle for hunting, including the transportation of hunters, their hunting gear, or parts of

game, except for brown/grizzly bears, wolves and small game from March 15-June 30 under State regulations.

The Paxson Closed Area is located near Paxson, AK at the intersection of the Denali and Richardson Highways in Unit 13B and is closed to taking any big game under State regulations.

The Tonsina Controlled Use Area is located in southeastern Unit 13D and is closed to using motorized vehicles or pack animals for hunting, including the transportation of hunters, hunting gear, and/or parts of game, from July 26-Sept. 30 under State and Federal regulations.

Current Events

Two other temporary special action requests concerning caribou and moose in Unit 13 have been submitted for the 2020/21 regulatory year. WSA20-01, submitted by William Amberg of Copper Center, requests a continuous caribou season in Unit 13 from Aug. 1–Mar. 31 and that the caribou harvest limit in Unit 13 remainder be changed to two caribou for the 2020/21 and 2021/22 seasons. WSA20-02, submitted by AITRC, requests the development of an AITRC community harvest system for moose and caribou in Units 11, 12, and 13. However, due to actions taken by the Board on deferred proposal WP18-19, the analysis for WSA20-02 will only examine moose and caribou in Unit 12.

Resident Hunters of Alaska (RHAK) submitted written comments in opposition of WSA20-03, stating that there is no need to restrict Alaskan residents who are not Federally qualified subsistence users because the Nelchina herd is currently above population objectives, additional harvest is needed, and ample opportunity exists for all hunters. RHAK also states that non-resident hunters should always be restricted first, and recommends using the Alaska Board of Game process to first limit non-resident hunters if the needs of residents are not being met.

ADF&G submitted written comments for WSA20-03 (**Appendix 1**), stating that no conservation concern exists for either moose or caribou in Unit 13, and that hunting pressure has not been evidenced to displace moose or caribou from traditional migration corridors. ADF&G further comments that approving WSA20-03 is not likely to impact hunt success for Federally qualified subsistence users or address perceived public safety concerns on Federal public lands during caribou seasons, particularly along the Richardson Highway. ADF&G also provided biological and harvest information on moose and caribou in Unit 13, which can be found in **Appendix 1**.

Andy Lockhart, an Alaska resident, submitted written comments in opposition of WSA20-03 and questioned the legality of such as closure. He stated that public lands are for all members of the public, not just some, and that plenty of caribou hunting opportunity already exists in Unit 13, including the Tier I and community hunt.

A public hearing for WSA20-03 was held via teleconference on May 21, 2020. Thirteen people testified; seven in support and five in opposition of WSA20-03. Opposition to the request included a lack of need because no conservation concerns exist. The Fairbanks Fish and Game Advisory Committee stated that no data demonstrates the need for a closure for reasons of conservation or continuation of subsistence uses. A member of the public stated he hunts in Unit 13 with his family, and they would have to travel

much further to caribou hunt if WSA20-03 is approved. Another testifier stated that Federal lands are public and should be open to everyone. ADF&G and RHAK echoed their written comments.

Several supporters of the request referenced sections of Title VIII of ANILCA, calling for a rural subsistence priority and the least adverse impact on subsistence uses. One testifier pointed out that ADF&G has extended the State caribou season in recent years, precluding a rural subsistence priority from a longer fall season. Another testifier voiced support for others who feel there is undue pressure on and lots of competition for limited resources, comparing caribou in Unit 13 to Chinook Salmon in Unit 18. Other testifiers mentioned that the Federal lands in Unit 13 are only a small portion of the unit, and State hunters have plenty of other areas in which to hunt, while other Federal lands in the area are difficult for Federally qualified subsistence users to access. One testifier asked for a committee to be set-up between the Board and local users to discuss and develop a long-term solution to these issues. Other testifiers stated the Board has closed lands in other areas of the State, and people in Unit 13 should not be treated unequally just because they are on the road system. Another testifier stated that enforcement was a major reason that the Board rejected WSA19-03 because of the checkerboard land status; however, enforcement is an agency issue and not a reason for the Board to reject or approve a request under ANILCA. Kirk Wilson, the proponent for this request, stated that the influx of caribou hunters during moose season takes away moose hunting opportunity for Federally qualified subsistence users. He stated the area is too crowded to safely hunt with people aiming guns at one another and shooting over one another's heads. Several other testifiers echoed these safety and overcrowding concerns. A Copper Center resident relayed a personal experience of walking near the Richardson Highway during caribou hunting season with hunters lined up all around. When a caribou appeared, people aimed their guns at it even though people were in between the guns and the caribou. She expressed deep concern that someone would get hurt and no longer hunts in the area because of the terrible overcrowding. Another testifier stated that the overcrowding has changed customary and traditional caribou and moose harvests. Several testifiers pointed out that the request is only for one year.

A Tribal and ANCSA corporation consultation was held for WSA20-03 via teleconference on May 26, 2020. However, no Tribes or corporations participated.

Biological Background

Caribou

The NCH calving grounds and summer range lie within Unit 13. The rut also generally occurs within Unit 13 from late September through mid-October. About 60-95% of the NCH overwinters in Unit 20E, although Nelchina caribou also overwinter in Unit 12 and across northern portions of Units 11 and 13 (Schwanke and Robbins 2013). Winter competition with the FCH in Unit 20E may be impacting the NCH and range conditions. While the location and timing of the NCH calving grounds remains static, use of other seasonal ranges varies with resource availability and snow cover (Schwanke and Robbins 2013).

State management goals and objectives for the NCH are based on the principle of sustained yield and are as follows (Robbins 2014):

- Maintain a fall population of 35,000–40,000 caribou, with a minimum of 40 bulls:100 cows and 40 calves:100 cows.
- Provide for the annual harvest of 3,000–6,000 caribou.

The State manages the NCH for maximum sustained yield, principally by annual adjustments in harvest quotas. The population of the NCH has fluctuated over time, influenced primarily by harvest (Schwanke and Robbins 2013). Between 2003 and 2019, the NCH population ranged from 31,114–53,500 caribou and averaged 40,888 caribou. However, the herd exceeded State population objectives from 2010–2017 and in 2019 (**Table 1**). Reduced predation resulting from intensive wolf management programs intended to benefit moose in Unit 13 and the FCH in Units 12 and 20 may have contributed to NCH population increases (Schwanke and Robbins 2013, ADF&G 2017a, 2019).

However, in October 2018, the NCH was estimated to be only 33,229, which is below the lower State population objective (Hatcher 2020a, pers. comm.). A combination of a liberal hunt, severe winter conditions in the eastern part of their range that resulted in high over-winter mortality, emigration of some animals to the FCH, and lower than anticipated productivity reduced the NCH from approximately 41,400 the previous year (Rinaldi pers. comm. 2019). In the summer of 2019, the NCH minimum population estimate increased to 53,500 caribou (ADF&G 2019b). In October 2019, the population estimate was 46,528 caribou (BLM 2020).

Bull:cow and calf:cow ratios have similarly fluctuated over time. Between 2001 and 2018, the fall bull:cow ratio ranged from 24–64 bulls:100 cows and averaged 40.2 bulls:100 cows. Over the same time period, the fall calf:cow ratio ranged from 19–55 calves:100 cows and averaged 39.1 calves:100 cows (**Table 1**).

From 2008–2012, below average fall calf weights and low parturition rates for 3-year-old cows suggested nutritional stress, raising concern for the health of NCH population (Schwanke and Robbins 2013). Schwanke and Robbins (2013) cautioned that without a timely reduction in the NCH population, range quality and long-term herd stability may be compromised.

The Mentasta Caribou Herd primarily ranges within Units 11, 12, southern 20E, and Yukon-territory, Canada (Hatcher 2020b). However, Mentasta caribou may occasionally travel into Unit 13, given its proximity to Units 11 and 12. The Mentasta caribou herd only numbered 479 caribou in 2019 and has experienced low recruitment for decades. About 20 Mentasta caribou have active radio-collars, facilitating surveying and monitoring by agency staff. Caribou hunting in Unit 11 is currently closed to protect the Mentasta herd, which cannot sustain any harvest (OSM 2020).

Table 1. Population size and composition of the Nelchina caribou herd (Tobey and Kelleyhouse 2007; ADF&G 2008, 2010a, 2018, 2019; Schwanke 2011; Schwanke and Robbins 2013; Robbins 2015, 2016a, 2016b, 2017, pers. comm.; Rinaldi 2019, pers. comm.; Hatcher 2020a, pers. comm.).

Year	Total bulls:100 cows ^a	Calves:100 cows ^a	Population size ^b
2003	31	35	31,114
2004	31	45	38,961
2005	36	41	36,993
2006	24 ^c	48 ^c	-
2007	34	35	33,744
2008	39	40	-
2009	42	29	33,146
2010	64	55	44,954
2011	58	45	40,915
2012	57	31	46,496
2013	30	19	40,121
2014	42	45	-
2015	36	45	48,700
2016	57	48	46,673
2017	35	35	41,411
2018	40	20	35,703
			33,229 ^a
2019			53,500
			46,528 ^a
Average	40.2	39.1	40,888

^a Fall composition survey and population estimate

^b Summer photocensus

^c Modeled estimate

Moose

In the early 1900s, moose densities in Unit 13 were low but increased gradually until peaking in the mid-1960s. The population then declined due to a combination of factors including overhunting, severe winters, and predation, primarily by brown bears and wolves (Ballard et al. 1987, Schwanke 2012, Robbins 2014). The population reached a low in 1975 and then started to increase by 1978, reaching a second peak in 1987. Between 1988 and 1994, the moose population declined due to a combination of factors, including hunting pressure, deep snow and increasing wolf predation (Robbins 2014, 2018). From 1987 to 2001, the moose population declined by an estimated 47% (Tobey and Schwanke 2008, 2010). Moose populations in Unit 13 have grown since 2001 due to a combination of mild winters, predator control, and more conservative hunting regulations (Schwanke 2012, Robbins 2014).

State management objectives for moose in Unit 13 are shown in **Table 2**.

Table 2. State management objectives for moose in Unit 13 (Robbins 2018).

Unit	Population Objective	Harvest Objective	Fall bull: 100 cow ratio	Fall yearling bull: 100 cow ratio	Fall calf:100 cow ratio
13	17,000-21,400	1,050-2,180	25	10	-
13A	3,500-4,200	210-420	25	10	25
13B	5,300-6,300	310-620	25	10	30
13C	2,000-3,000	155-350	25	10	30
13D	1,200-1,900	75-190	25	10	30
13E	5,000-6,000	300-600	25	10	30

ADF&G conducts fall aerial surveys in trend count areas throughout Unit 13 to document sex and age composition and moose population trends (**Figure 1**). These survey data are extrapolated to estimate unit-wide abundance and composition metrics. Between 2002 and 2015, population estimates increased from 14,251 to 21,090, and then decreased to 17,746 in 2017 (**Table 3**). The 2019 unit-wide population estimate is 18,997 moose. The Unit 13 moose population has been within State management objectives since 2008 (**Table 3**). Abundance within individual subunits have met or exceeded population objectives since 2010, with the exception of Unit 13B. Unit 13B's moose population dropped below objectives in 2013 where it has remained (ADF&G 2020).

Between 2004 and 2018, unit-wide fall bull:cow ratios have been above State management objectives, ranging from 27-35 bulls:100 cows and averaging 30 bulls:100 cows. However, ratios have periodically dropped below objectives in subunits 13A, 13C and 13E. Unit 13D has had consistently higher bull:cow ratios than the other subunits, averaging 75 bulls:100 cows from 2013-2019. The lowest bull:cow ratios have been observed in the most accessible portions of each subunit (ADF&G 2020). Also between 2004 and 2018, fall yearling bull:100 cows ratios have generally been below State management objectives, ranging from 5-12 yearling bulls:100 cows and averaging 8 yearling bulls:100 cows (**Table 3**).

Fall calf:cow ratios of < 20 calves:100 cows, 20-30 calves:100 cows, and > 30-40 calves:100 cows may indicate declining, stable, and growing moose populations, respectively (Stout 2010). Between 2001 and 2019, unit-wide calf:cow ratios were below 30 calves:100 cows, the management objectives for four of the subunits. During this time period, ratios ranged from 13-27 calves:100 cows, averaging 20 calves:100 cows (**Table 3**). These ratios indicate the Unit 13 moose population is stable or slightly declining, although population estimates demonstrate a gradually increasing trend since 2002.

Twinning rates provide an index for nutritional status. ADF&G has periodically conducted spring surveys since 2008 in Unit 13 to estimate twinning rates. Overall, twinning rates in Unit 13B have fluctuated, while rates in Unit 13A have remained relatively low and rates in Unit 13E have been medium-high. ADF&G recommends conducting browse surveys in Units 13A and 13B to further investigate nutritional availability for moose in those subunits (ADF&G 2020).

ADF&G initiated intensive management for moose in Unit 13 with wolf predation control in 2000. Subunits 13A, 13B, 13C and 13E are included in the intensive management area, while Unit 13D serves as a control area (ADF&G 2020). ADF&G reports that moose populations in the treated subunits have increased or stabilized, whereas abundance in Unit 13D, the control area, has slightly declined. In 2019, predation control was only activated in Unit 13B because moose abundance was above objectives in the other subunits (ADF&G 2020).

Moose typically congregate in subalpine habitats during fall rutting and move down to lower elevations as the snow increases (Tobey and Schwanke 2010). Winter distribution depends mainly on snow depth and to a lesser extent wolf distribution (Tobey and Schwanke 2010). Severe winters with deep snow increase winter mortality by causing nutritional stress through restriction of movements. Severe winters prevent access to adequate and/or quality food (Coady 1974, Testa 2004, Bubenik 2007, Innes 2010), and increase the risk of predation, primarily by wolves (Bishop and Rausch 1974, Peterson et al. 1984). Snow depths greater than 35 inches represent a critical depth for adults with calves (Coady 1974), older adults (≥ 8 yrs. old), and adult males, which are more susceptible to nutritional stress and death (Coady 1982). Hunting mortality combined with increased predation during severe winters can severely reduce moose populations (Walters et al. 1981).

Prime breeding bulls and cows are particularly vulnerable during the rut, which occurs primarily during the month of September (Miquelle 1991). During early winter aggregations of bulls and cows, excessive harvests can also occur from hunters using snowmobiles and all-terrain vehicles (Timmerman and Buss 2007). Many subsistence users will avoid taking bull moose during the rut because of the poor quality of the meat.

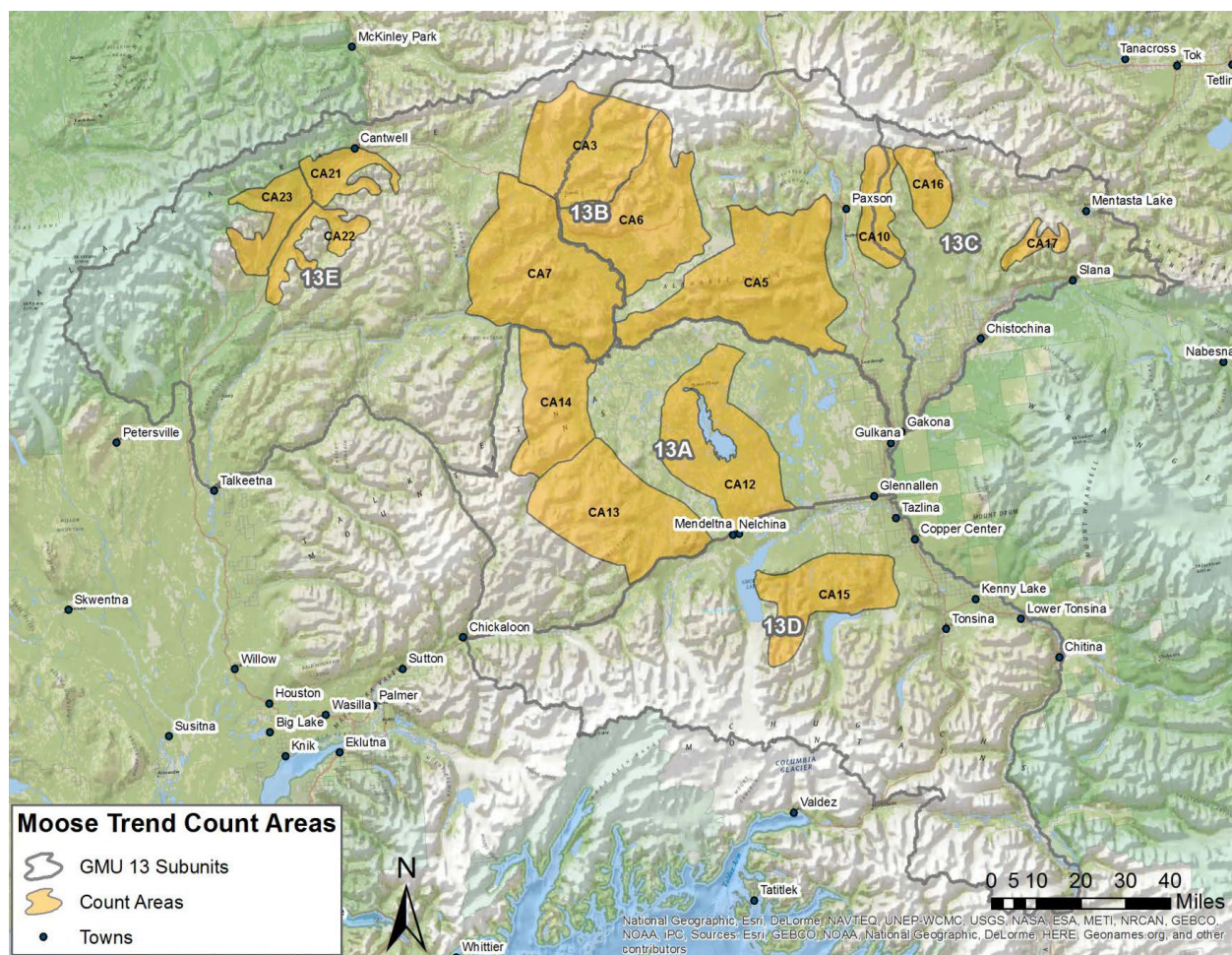


Table 3. Unit 13 moose composition and population estimates from fall aerial surveys in trend count areas (CAs) (Hatcher 2019, pers. comm.; ADF&G 2020).

Year	Bulls:100 cows	Yearling bulls: 100 cows	Calves: 100 cows	% Calves	Adults observed	Total moose observed	Population Estimate	Average Density in Unit 13 moose/mi² (# CAs flown)
2001	22	3	15	11%	4,132	4,647	14,988	0.81 (12)
2002	27	6	23	16%	2,098	2,485	14,251	0.77 (7)
2003	24	8	18	12%	3,902	4,457	17,307	0.94 (9)
2004	28	5	22	15%	3,355	3,932	15,409	0.83 (9)
2005	27	7	18	13%	3,500	4,009	15,380	0.83 (8)
2006	30	8	24	15%	3,499	4,138	15,636	0.85 (9)
2007	30	11	22	14%	3,707	4,334	16,968	0.92 (7)
2008	35	12	19	13%	3,918	4,481	17,040	0.92 (8)
2009	33	10	24	15%	4,550	5,355	18,812	1.02 (11)
2010	31	10	22	15%	4,996	5,847	19,720	1.07 (11)
2011	32	9	23	15%	4,787	5,614	20,350	1.10 (8)
2012	32	7	16	11%	5,764	6,468	20,575	1.11 (9)
2013	34	6	27	17%	5,694	6,837	20,634	1.12 (12)
2014	35	11	16	11%	1,975	2,213	20,492	1.11 (5)
2015	32	7	25	16%	4,665	5,558	21,090	1.14 (8)
2016	32	8	19	13%	3,361	3,848	20,585	1.11 (5) ^a
2017	29	6	20	13%	3,457	3,983	17,746	0.96 (6)
2018	29	5	13	9%	3,596	3,968	18,633	1.01 (4)
2019	28	4	16			4,143	18,997	
^a Two count areas flown comp flights flown in 13B, 13C, and 13E								

Cultural Knowledge and Traditional Practices

Most of Unit 13 was the traditional territory of the Ahtna Athabascans with the northwestern portion of the unit historically being Dena'ina land (ADF&G 2017). Moose, caribou, and Dall sheep were the primary large game mammals important for subsistence within the region (ADF&G 2017). Rufus Sereberinikoff noted that Ahtna families along the Tazlina River had fresh moose meat when he visited the Copper River Basin in May of 1848 (de Laguna 1981). Moose were traditionally hunted in late summer through late winter, and caribou were hunted in the spring and fall (ADF&G 2017; de Laguna 1981; Simeone 2006). Winter moose hunting took place on foot with the use of snowshoes and the aid of bow and arrow (ADF&G 2017; Haynes & Simeone 2007; Reckord 1983; Simeone 2006). De Laguna (1981) reported that within Ahtna territory, "caribou and moose were caught either in drag-pole snares or in snares set 200-300 feet apart in long brush fences." Caribou were also hunted with the use of spears from skin boats, and later, guns were used for moose hunting (de Laguna 1981; Reckord 1983). The traditional practices of drying and freezing meat, as well as the proper and respectful treatment of harvested resources such as moose and caribou, are described in several ethnographic accounts of the Ahtna and people of the upper Tanana (de Laguna & McClellan 1981; Haynes & Simeone 2007; Reckord 1983; Simeone 2006).

ADF&G's Division of Subsistence conducts household subsistence harvest surveys periodically throughout Alaska. Though this survey data is only available for some communities in some years, it is an additional source for documenting patterns of use in rural Alaska. The most recent surveys conducted for the study years of 2009 through 2013 in communities along the upper Copper River drainage note that large land mammal harvest is high and comprised between 21% and 88% of the total community harvests by weight. While bear, sheep, goat and bison were also taken, the majority of the large land mammal harvest was moose and caribou for all communities surveyed (Holen, et al. 2012; Kukkonen & Zimpleman 2012; La Vine, et al. 2013; La Vine & Zimpleman 2014). Surveys reported the per capita large land mammal harvest from communities in the Copper River Basin ranged from approximately 11 lb per person in Mendeltna to 121 lb per person in Mentasta Pass (La Vine et al. 2013).

The per capita moose harvest from Copper River Basin communities ranged from no harvest in Mendeltna to approximately 113 lbs./person in Tolsona, a community that shares extensively with households in neighboring communities like Mendeltna and Nelchina (Holen et al. 2015). The per capita caribou harvest from Copper River Basin communities ranged from no harvest in Tolsona and Chistochina to approximately 45 lbs./person in Paxson (Holen et al. 2015; Kukkonen et al. 2012). Even in those communities that reported no harvest for their study year, both moose and caribou were widely used, shared, and received. For example, while Mendeltna reported no moose harvest for the study year, 100% of the households reported using moose (Holen et al. 2015). Tolsona reported no caribou harvest for the study year; however, 25% of the households reported using caribou (Holen et al. 2015).

During each study year, communities within the Copper River Basin harvested or hunted for moose and caribou in Units 11, 12, and 13 (Holen et al. 2015; Kukkonen et al. 2012; La Vine et al. 2013; La Vine & Zimpleman 2014). Maps produced during the subsistence surveys describe harvest and search efforts over the course of a calendar year and do not distinguish the season of attempted harvests. Harvest and

search areas specific to Unit 13 described a pattern by each community for hunting along local road corridors and locations close to home. Some communities described mostly road hunts, while others included harvest and search areas that extended throughout the basin. Caribou and moose harvest and search areas included locations along the Middle Fork Chulitna River, Tyone River, Copper River, Nenana River, Klutina and Mentasta Lakes, Nabesna Road, and the Denali, Park, Glenn, and Richardson Highways (Holen et al. 2015; Kukkonen et al. 2012; La Vine et al. 2013; La Vine & Zimpleman 2014). Eastern Interior communities with customary and traditional use of moose and caribou in Unit 13 mostly hunted close to home in units other than 13 (Holen et al. 2012).

User Conflict

User conflict between local and non-local hunters has long been an issue in Unit 13. Recent subsistence research, technical papers, and public testimony at special action hearings, Council meetings, and Board sessions have provided some record of public sentiment on hunting pressure and competition in the area. Recent (2009-2013) household surveys documented local comments and concerns about subsistence resources and issues. Almost every community noted some concern over non-local hunters and harvest. Many opined that the majority of meat harvested in Unit 13 was not eaten within the region. Others added that non-local hunters were out-competing locals and driving game away. Many communities surveyed for the 2009-2013 calendar years identified better equipped urban hunters, traffic pressure on the roads, and the significant increase in use of off-highway motorized vehicles as both interfering with access and driving game further from road corridors. A Paxson resident provided further explanation:

ATV use is out of control in the Denali Highway area. There is just too much motorized access. Local subsistence hunters cannot compete with those people that come into this area with lots of equipment like motorhomes and 4-wheelers or 6-wheelers (Holen et al. 2012: 258).

Almost all communities surveyed for the 2011- 2013 calendar years expressed concern over the state run Copper Basin Moose Community Subsistence Harvest Permit Program and felt that the “community hunt” should be available to local residents only (Holen et al. 2012; Holen et al. 2015; Kukkonen et al. 2012; La Vine et al. 2013; La Vine 2014). Some communities described the early hunting opportunity as challenging for Federally qualified subsistence users because of a changing climate and would like to see the hunting season delayed to October due to extended warmer weather.

Public testimony given on proposal WP16-16 during a Southcentral Council meeting in 2016 requested closing recently opened Federal lands within the Paxson Closed Area in Unit 13 to hunting big game by Federally qualified subsistence users,. A local resident and Federally qualified subsistence user argued in favor of the closure for reasons of biological concern, primarily caused by the significant numbers of hunters drawn to the area. He clarified:

Biological is not how many animals you kill. That’s not the only thing. What about disrupting a migration pattern because the caribou come through there. Not every year, but many years they come through there. That area, the highway is up here, the caribou come out of the west and they're moving to the east. They’ve got to cross.

Many years they can’t cross Paxson Lake because in October it's starting to ice over. The ice is either on the lake and not safe or it's very cold and they would rather cross on the north end of the

lake. So if you're standing there with a rifle or there's 50 people lined up on that two-mile section of road with rifles, are there caribou coming through? Three years ago, 2013 or 2012, we saw most of those caribou turn back and go back over the top of Paxson Mountain because there was a line of hunters down there waiting for them to come across the road.

This is not just a viewing area. This is a migration pattern for caribou and I think the Nelchina Caribou is the most important item we're looking at here (SCRAC 2015: 149).

Others see the popularity of non-local hunting in Unit 13 as a safety issue. Another member of the public provided the following testimony, again in support of WP16-16:

I wanted to specifically talk to the safety issues. I think the best example was just to describe what the 21st of October looked like the first day of Federal subsistence without State hunting. Along the highway along the closed area there was probably 30 to 40 cars parked in the roadway. There was probably 50 people with guns standing in the road. There was dead caribou in the drainage ditch, part of the fixed part of the highway. There was shell casings in the highway and people were just basically shooting across the road (SCSRAC 2015: 154).

Later, during the same meeting, additional public testimony on safety issues unit-wide was provided:

About the three things, safety. You know, if we're going to say safety is an issue, we might as well close down the unit period. This is not the only place there's an impact and an unsafe area. I mean they're trying to close a little area. They're trying to say there's an impact. There's an impact in Unit 13 everywhere (SCRAC 2015: 170).

Public testimony on safety concerns for hunting in Unit 13 was provided at the public hearing for WSA19-03, which requested the same caribou and moose hunting closures as this special action request. Testifiers stated that the State issued almost twice the normal number of caribou permits in 2018 in an effort to reduce the NCH population, resulting in intense hunting pressure, unsafe hunting conditions, and increased difficulty for Federally qualified subsistence users to harvest both caribou and moose. Local users testified that non-local hunters have more financial resources, more equipment and are less dependent on moose and caribou than local residents and that competition with other users makes it difficult for local users to provide for their families. Some further explained that competition due to intense hunting pressure includes direct interference with the hunt, deflection of caribou and moose away from locally preferred road corridors, and safety concerns. Some local hunters stated they no longer hunt in Unit 13 because of safety concerns.

Testifiers in opposition to WSA19-03 also noted safety concerns, but did not think closure of Federal public lands to non-Federally qualified users was the right solution. Other possible solutions included restricting shooting within a quarter-mile of the highway; controlling harvests through quotas, season restrictions, and limiting the number of permits issued; increased law enforcement; public education; separate Federal and State seasons; and transportation restrictions. Additionally, even if Federal lands were closed, non-Federally qualified users could still cross Federal public lands to access State lands. This could result in the additional safety concern of Federal and non-Federal users shooting toward each other.

Others felt that ADF&G needed to find different tools other than increasing harvests when caribou and moose are abundant as this results in increased hunter numbers, disruption to animal migration and movements, decreased harvest success, and increased trash and habitat degradation. Finally, although BLM lands only represent 5% of Unit 13, they provide valuable access to caribou and moose hunting along the Gulkana River, Tangle Lakes area, and Richardson Highway corridor.

During the Board's deliberation on Special Action Request WSA19-03, five people testified in support of the request and none in opposition. One person testified that traditional Ahtna lands are overrun with non-local hunters, creating immense hunting competition. Another stated that there is a lack of law enforcement, and no penalty for trespassing on Ahtna lands. In response to the ISC's recommendation stating that enforcing the closure would be problematic, another person testified that most hunters are law-abiding citizens who would comply with the closure of their own accord, that the Board is responsible for ensuring public safety on Federal public lands, and that the closure will make a huge difference to local, rural residents because fewer non-local hunters would be harvesting moose and caribou on Federal public lands. All testifiers focused their comments on the BLM lands on the Richardson Highway around Paxson. One testifier described this area as combat hunting with hunters lined up side by side along the road, preventing any caribou from getting through (FSB 2019).

Harvest History

Caribou

The NCH is a popular herd to hunt and experiences heavy harvest pressure due to its road accessibility and proximity to Fairbanks and Anchorage. Population limits can be controlled solely by human harvest, and harvest quotas are adjusted annually in order to achieve State management objectives (Schwanke and Robbins 2013). In recent years, caribou have been largely unavailable on Federal public lands with their presence peaking during October when the season is closed (BLM 2020).

Over 95% of the NCH harvest occurs in Unit 13. Between 2001 and 2018, harvest from the NCH under State regulations ranged from 793–5,785 caribou/year and averaged 2,334 caribou/year (Robbins 2017, pers. comm.). Over the same time period, caribou harvest under Federal regulations in Unit 13 ranged from 237–610 caribou/year and averaged 411 caribou/year (OSM 2019, **Table 4**). During this time period, total NCH harvest from Unit 13 averaged 2,744 caribou/year. Federal harvest (FC1302) accounts for 17% of the total Unit 13 caribou harvest on average.

The harvest quota and associated harvest has increased in recent years (2010–2017) in response to the increasing NCH population (**Table 4**). In 2016, the initial harvest quota of 4,000 caribou was lifted after population estimates from the summer photocensus showed that the NCH was still growing. No adjusted quota was announced in 2016 (Robbins 2017, pers. comm.). In 2017, the quota was adjusted to 6,000 caribou—3,000 bulls and 3,000 cows—to encourage more harvest and to prevent overgrazing.

On August 3, 2018 the State issued Emergency Order 04-02-18, which reduced the quota to 1,400 bull caribou, noting that additional Federal harvest could be taken sustainably while allowing for modest growth and subsistence opportunity (ADF&G 2018). In 2018, caribou were largely unavailable during the early Federal subsistence hunt (FC1302) (Hankins 2019). In 2019, 2,775 Federal permits were

issued, which is comparable to the previous five year average of 3,063 permits per year (**Table 5**). As of May 20, 2020, 2,074 permits had been returned, and 101 caribou (80 bulls and 21 cows) had been reported harvested by Federal permit (BLM 2020, OSM 2020). While the 2019 Federal harvest is lower than in recent years, this is likely because caribou migrated through Federal lands during October when the season is closed. There are also 700 outstanding harvest reports for 2019.

Between 2001 and 2018, the number of Federal hunters and harvest success rates for the FC1302 hunt have shown substantial annual variation, but only slightly increasing and decreasing trends, respectively (**Table 5**). Between 2001 and 2009, Federal hunter numbers and success rates averaged 1,322 hunters and 30.8%, respectively. Between 2010 and 2018, Federal hunter numbers and success rates averaged 1,469 hunters and 27.8%, respectively. Success rates for caribou harvest depend largely on caribou availability rather than abundance, and availability likely explains some of the substantial annual variation. Of note, Federally qualified subsistence users may also harvest under State regulations, and those harvests are not reflected in the data above or in **Table 5**. The data described above and in **Table 5** only considers harvests under Federal regulations (FC1302).

Table 4. Nelchina caribou herd State harvest quota, State harvest, and Federal harvest (FC1302) in Unit 13 (Schwanke and Robbins 2013; Tobey and Schwanke 2009; Tobey and Kelleyhouse 2007; OSM 2019; Robbins 2015, 2017, pers. comm.; WinfoNet 2019; BLM 2020).

Regulatory Year	Harvest Quota	State Harvest	Federal Harvest (FC1302)	Total Unit 13 Harvest
2001		1,479	498	1,977
2002		1,315	337	1,652
2003		995	322	1,317
2004		1,226	335	1,561
2005		2,772	610	3,382
2006		3,043	570	3,613
2007		1,314	385	1,699
2008		1,315	273	1,588
2009		753	349	1,102
2010	2,300	1,899	451	2,350
2011	2,400	2,032	395	2,427
2012	5,500	3,718	537	4,255
2013	2,500	2,303	279	2,582
2014	3,000	2,712	237	2,949
2015	5,000	3,402	595	3,997
2016	N/A ^a	5,785	491	6,276
2017	6,000 ^b	4,529	358	4,887
2018	1,400 ^c	1,411	370	1,781
2019	3,450		101 ^d	

^a Initial harvest quota of 4,000 was lifted and no adjusted quota was announced

Regulatory Year	Harvest Quota	State Harvest	Federal Harvest (FC1302)	Total Unit 13 Harvest
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^b 3,000 bulls and 3,000 cows

^c Harvest quota for the State season was reduced to 1,400 on August 3, 2018 by Emergency Order 04-02-18

^d Reported harvest as of May 2020

Table 5. The number of permits issued, permits used, caribou harvested, and harvest success rates for the FC1302 Federal caribou hunt (OSM 2020).

Regulatory Year	Permits Issued	Hunted	Harvest	Success Rate (%)
2001	2,565	1,469	498	33.9
2002	2,507	1,379	337	24.4
2003	2,574	1,240	322	26.0
2004	2,555	1,337	335	25.1
2005	2,557	1,499	610	40.7
2006	2,631	1,317	570	43.3
2007	2,399	1,092	385	35.3
2008	2,532	1,229	273	22.2
2009	2,576	1,339	349	26.1
2010	2,852	1,535	451	29.4
2011	2,980	1,425	395	27.7
2012	2,953	1,518	537	35.4
2013	2,781	1,303	279	21.4
2014	2,943	1,395	237	17.0
2015	3,061	1,560	595	38.1
2016	3,151	1,530	491	32.1
2017	3,071	1,526	358	23.5
2018	3,082	1,433	370	25.8
2019 ¹	2,775	863	101	11.7
Average ²	2,765	1,396	411	29

¹ 700 harvest reports still outstanding

² Does not include 2019

Moose

Historically, Unit 13 has been an important area for moose hunting in Alaska due to its proximity to major human population centers within the state and road accessibility. Throughout the 1960s and early 1970s, annual harvests averaged more than 1,200 bulls and 200 cows (Tobey 2004). During this time, harvests occurred in both fall and winter seasons. By the late 1970s, harvests declined to approximately 775 bulls annually, while cow harvests and the winter season were eliminated, and bull:cow ratios were low. In response to declining numbers, ADF&G changed harvest limits from any bull to one bull with an

antler spread of at least 36 inches or 3 brow tines on at least one antler in 1980. This harvest regime helps to promote growth of the moose population.

Subsequently, harvests increased, peaking in 1998 when 1,259 moose were reported harvested (Tobey 2004). However, since 1990, State harvest regulations have been revised several times in response to low bull:cow ratios, severe winter mortality, and increased predation. Since 2001, moose harvest and population levels have continued to increase throughout Unit 13, although calf:cow ratios have remained below State management objectives (**Table 3**) (Robbins 2014).

Currently, moose harvest in Unit 13 occurs under State and Federal seasons. Federal seasons open one month earlier than State seasons (Aug. 1 vs. Sept. 1), although both seasons close Sept. 20. However, most moose are harvested in mid-September during the State's general hunt (Robbins 2018, Del Frate 2017). Additionally, harvest success rates for State hunts exceed those for Federal hunts, despite the longer Federal season, although the amount of accessible Federal public land in Unit 13 is low.

Between 2006 and 2018, an average of 4,712 people hunted under State regulations each year, reporting an annual average harvest of 807 moose for a 17% success rate. Over the same time period, an average of 618 people hunted under Federal regulations each year, reporting an annual average harvest of 70 moose for an 11% success rate (**Table 6**). The number of State and Federal hunters increased slightly during this time period; State success rates stayed about the same, while Federal success rates slightly increased. During the same time period, an annual average of 931 moose were harvested in total, including 50-55 moose per year that are estimates of annual illegal and/or unreported harvests (ADF&G 2020a, 2020b, OSM 2020). This is close to the lower end of the State's harvest objective of 1,050 moose. A majority of the annual moose harvest on Federal public lands (75% in 2016) occurs in Unit 13B (Robbins 2015 pers. comm.).

Thus, Federally qualified subsistence users comprise about 12% of total moose hunters and account for about 8% of reported harvests in Unit 13 on average. It is likely, however, that Federally qualified subsistence users hunt under both Federal and State regulations, which would increase the percentage of Unit 13 moose hunters who are Federally qualified. Similarly, it is likely that some Federally qualified subsistence users report successful harvests by Federal permit, while others report harvests under State regulations depending on where and when they harvest. Double reporting may also occur.

Ahtna Athabascans, which are the indigenous people of the Copper River Basin, have expressed concerns that increased competition and abuse of the Community Harvest System has decreased their ability to harvest moose according to customary and traditional practices (Fall 2017). Beginning in 2011, any community or group of Alaskan hunters numbering 25 or more could apply for the community permit hunt (CM300) (ADF&G 2017b). Between 2009 and 2016, the number of groups and participants in the CM300 hunt increased from 1 to 73 groups and 378 to 3,400 participants (**Table 7**) (ADF&G 2017c). Although the number of groups, households, and participants increased, the CM300 total moose harvest has not increased at the same rate (**Table 6**) (Del Frate 2017). A majority of the hunters currently participating in the CM300 hunt are non-local residents.

Table 6. State and Federal moose hunters, harvest and success rates in Unit 13 from 2006-2018 (ADF&G 2020a, 2020b; OSM 2020).

Year	Total Federal Hunters ¹	Federal Harvest (FM1301)	Federal Hunt Success Rate (%)	Total State Hunters ¹	State reported harvest	State Hunt Success Rate (%)	Total Harvest ²
2006	506	47	9	4175	694	17	791
2007	439	53	12	3921	650	17	753
2008	560	57	10	4306	740	17	847
2009	630	61	10	4398	867	20	978
2010	669	77	12	4398	869	20	996
2011	680	80	12	4220	872	21	1002
2012	646	59	9	4934	661	13	775
2013	535	50	9	5239	673	13	778
2014	656	86	13	4827	856	17	997
2015	700	85	12	5032	972	19	1112
2016	686	99	15	5861	987	17	1141
2017	686	90	13	5283	912	17	1057
2018	634	61	10	4659	733	16	849
Average	617.5	69.6	11.2	4711.8	806.6	17.2	931.2

¹ Includes hunters who attempted to hunt; excludes people who obtained permits but did not hunt

² Includes 50-55 additional moose each year from unreported and illegal harvests

Table 7. Characteristics of the Community Subsistence Hunt for moose and total harvest in Units 11, 13 and a portion of Unit 12 from 2009-2016 (ADF&G 2017b, 2020b; Del Frate 2017; Robbins 2018).

Regulatory Year	Number of Groups	Number of Communities	Number of Households	Number of Individuals	CM300 Harvest	Total Harvest (Unit 13)
2009/2010	1	19	246	378	98	997
2010/2011 ^a	-	-	-	-	-	1,094
2011/2012	9	31	416	814	86	1,066
2012/2013	19	29	460	969	98	821
2013/2014	45	41	955	2,066	156	776 ^b
2014/2015	43	41	893	1,771	150	982 ^b
2015/2016	43	43	1,039	1,984	170	1,095 ^b
2016/2017	73	48	1,527	3,400	199	1,106 ^b
2017/2018					188	
2018/2019					154	

^a A community hunt was not offered in 2010/2011

^b Total does not include road/train mortality data

Other Alternatives Considered

One alternative considered was to extend this temporary special action request to the 2021/22 regulatory year, and analyze closing Federal public lands in Unit 13 to moose and caribou hunting by non-Federally

qualified users for the entire 2020-2022 regulatory cycle (July 1, 2020-June 30, 2022). A wildlife regulatory proposal for this closure cannot be submitted until the winter or spring of 2021 and could not become Federal regulation until July 1, 2022. A similar temporary special action request (WSA19-03) was submitted last year, and it received substantial public testimony and attention. Another request would likely be submitted next year. Extending this request to the 2021/22 regulatory year would reduce the administrative burden of conducting additional public hearings, tribal consultations, Board teleconferences, and analyses. The Board may want to consider this alternative in its deliberation of WSA20-03.

Another alternative considered was to close Federal public lands in Unit 13 to caribou hunting by non-Federally qualified users only from Sept. 21-30. The State caribou season usually ends on September 20, whereas the Federal caribou season ends September 30. However, in recent years, ADF&G has extended the State caribou season until September 30, precluding a Federal subsistence priority. Closing Federal public lands during this time period would help preserve a Federal subsistence priority even if the State extends its season. However, this alternative would not address the immense competition and safety concerns occurring earlier in the season for both moose and caribou hunts.

Effects of the Proposal

If this request is approved, Federal public lands in Unit 13 will be closed to moose and caribou hunting except by Federally qualified subsistence users for the 2020/21 regulatory year. Per ANILCA Title VIII, 50 CFR §100.19(a), and the Board's closure policy (**Appendix 2**), Federal public lands may be closed to non-Federally qualified users for the conservation of healthy wildlife populations, to continue subsistence uses of wildlife, or for public safety reasons. The primary reason for this request, as stated by the proponent, was to evaluate whether a hunting closure to non-Federally qualified users would increase harvests and success rates by Federally qualified subsistence users on a temporary, experimental basis. However, the proponent also cites continuation of subsistence uses, and public safety as reasons for submitting the request. Experimental closures are not legally permissible under authorities granted to the Federal Subsistence Board by ANILCA Title VIII. Therefore, only the effects of WSA20-03 on the continuation of subsistence uses and public safety will be evaluated.

Federal public lands comprise 12.4% of Unit 13, although 6% of these lands are part of Denali National Park, which is already closed to non-Federally qualified users. Two percent of these lands are Chugach National Forest lands, which are relatively remote, do not contain caribou, and do not experience any user conflict issues (FSB 2019). Additionally, 0.08% of these lands are part of Wrangell-St. Elias National Preserve (WRST) and are accessible off of the Tok-Cutoff Highway, but have not been mentioned as an area of user conflict.

The remaining 4.5% are BLM lands, although 1.2% of these lands are located in the northern portion of Unit 13E and are relatively difficult to access. The rest of the BLM lands are located along road and river corridors, making them extremely accessible. However, the 0.6% of BLM lands along the Richardson Highway in Unit 13D have not been identified as an area of user conflict and safety concerns. Caribou do not generally migrate through this area, and the Tonsina CUA, which prohibits motorized access, may mitigate safety concerns.

The remaining 2.7% of Federal lands in Units 13A and 13B (~627 mi²) are the focus of immense hunting competition, overcrowding, and safety concerns. The Federal lands along the Gulkana and Delta Rivers, but principally along the Richardson Highway are the primary areas of concern. Public testimony on WSA19-03 identified these BLM lands as the primary area of user-conflict and desired closure to non-Federally qualified users (FSB 2019, OSM 2019b). In their deliberation of WSA19-03, some Board members also considered these BLM lands for a possible targeted closure, stating concern over closing the entire unit when only a few areas may be necessary. Therefore, this section will focus on these accessible BLM lands in Units 13A and 13B (FSB 2019).

The effectiveness of a closure for the continuation of subsistence uses of caribou is uncertain. While Federal harvest success rates have slightly declined in recent years despite abundant caribou populations, caribou harvest is primarily related to availability rather than abundance. In recent years, caribou have been unavailable on accessible BLM lands, migrating through in October when the season is closed (BLM 2020). This suggests that approving WSA20-01, which requests opening a caribou season in October may improve Federally qualified subsistence users' access to and harvest of caribou in Unit 13 more than a closure to non-Federally qualified users, although concern also exists over harvesting bulls during rut when they are unpalatable. However, as most caribou harvest occurs under State regulations and caribou in Unit 13 experience very heavy hunting pressure on these accessible BLM lands, closing Federal public lands may reduce competition and limit disruptions to caribou migration, which could increase harvest success by Federally qualified subsistence users. While Federal caribou seasons close 10 days later than State seasons, ADF&G has extended State seasons by 10 days in recent years because the NCH is above management objectives, which has diminished the Federal subsistence priority provided by longer seasons.

Closure for continuation of subsistence uses of moose may be warranted. Moose harvest success rates are lower for users hunting under Federal regulations than under State regulations. While Federal moose seasons open one month earlier than State seasons, both seasons close on September 20. As most moose are harvested in mid-September due to cooler weather and increased bull susceptibility to harvest, the longer Federal season may not provide much subsistence priority. If WSA20-03 is approved, Federally qualified subsistence users may experience less competition from non-Federally qualified users along some road corridors, resulting in increased opportunity and possibly increased success in harvesting moose during the 2020/21 hunting season.

Closure for safety concerns may be warranted. Some local users have stated they no longer hunt in Unit 13 because of safety concerns. Safety concerns resulting from intense hunting pressure, overcrowding of hunters, disruption of hunts, and unsafe shooting practices have been repeatedly cited by all user groups. In consideration of WSA19-03, the ISC recommendation stated, "It is not clear that a Federal closure would enhance the safety of the hunting public or simply reshuffle the implicit dangers associated with many people hunting along the road system." Non-Federally qualified users would still be able to travel through and camp on Federal public lands. As most of the safety concerns occur along the Richardson Highway and the BLM lands under contention are also along this highway, closure of these lands may spread hunters out by forcing non-Federally qualified users to travel further from the road to hunt, alleviating some of the overcrowding concerns. This has the potential to further disrupt hunts of Federally qualified subsistence users if non-Federally qualified users increase ORV use across the accessible BLM lands, while traveling between the road and State managed lands. However, motorized

vehicles may only be used along certain trails within the Sourdough CUA, which includes some of the BLM lands under contention. This closure could also further concentrate non-local hunters along road-accessible State managed lands, worsening safety concerns in those areas. Closure along the Gulkana River may cause user confusion and law enforcement concerns as moose and caribou could still be harvested on areas below the mean high water mark, which are managed under State regulations.

While these concerns may be better addressed through other means such as increased law enforcement, or restrictions along roadsides, these options have not been implemented and are outside of the Board's authority. While the boundary complexities in Unit 13 may make a closure to non-Federally qualified users exceptionally difficult to enforce, determining hunter eligibility and harvest locations for violations is a primary responsibility of any law enforcement officer. Additionally, Federal users already must distinguish between Federal and non-Federal lands if hunting with a Federal permit, and most hunters would likely abide by the closure of their own accord (FSB 2019).

OSM CONCLUSION

Support Temporary Special Action WSA20-03 **with modification** to close Federal public lands to moose and caribou hunting by non-Federally qualified users in Units 13A and 13B only for the 2020/22 regulatory cycle.

Justification

The proponent's primary rationale for submitting this request was for experimental reasons to evaluate if harvest success rates of Federally qualified subsistence users would improve. As experimental closures are not legally permissible, approval of WSA20-03 for the proponent's principle rationale is not justified. However, the proponent also identified continuation of subsistence uses and public safety as reasons for submitting this request, and approval of WSA20-03 with modification for these reasons is justified.

The BLM managed lands along the Richardson Highway near Paxson are the Federal public lands that have been repeatedly identified by members of the public as the primary area of user conflicts, overcrowding, and safety concerns in Unit 13. According the Board's closure policy (**Appendix 2**), the Board may consider the "extent of affected lands and waters necessary to accomplish the objective of the closure." Approving this request for only the Federal public lands in Units 13A and 13B may provide for the continuation of subsistence uses and safer hunting conditions for Federally qualified subsistence users by alleviating some of the hunt congestion and reducing competition from non-Federally qualified users.

The Board's closure policy also states that the Board may consider "other Federal and State regulatory options that would . . . provide a meaningful preference for subsistence, but would be less restrictive than closures." Any State actions such as restricting the number of moose and caribou permits issued to reduce hunter numbers or restricting hunting within a certain distance of roads and highly trafficked trails to decrease congestion and safety concerns are beyond the Board's authority. Longer Federal seasons currently provide rural subsistence priority, but these are not sufficient for alleviating public safety concerns and providing for the continuation of subsistence uses due to State season extensions (e.g.

extension of caribou season by 10 days in 2019) and open State and Federal seasons occurring during prime harvest conditions when most of the user conflicts occur (e.g. mid-September for moose).

Extending this request to apply to the entire 2020/22 regulatory cycle is recommended. User conflicts, public safety concerns, and diminished subsistence opportunity caused by disruption of hunts from overcrowding are long-standing issues for the Federal public lands near Paxson. WSA19-03 addressed this issue last year and a proposal to put this closure in regulation would not become effective until July 1, 2022. The public safety and subsistence use concerns will not likely change between the 2020/21 and 2021/22 regulatory years. Additionally, extending this request to the 2021/22 regulatory year would substantially reduce the administrative burdens associated with special action requests.

The modified regulation would read:

Unit 13— Caribou

Unit 13A and 13B – 2 caribou by Federal registration permit only. Aug. 1 – Sept. 30
The sex of animals that may be taken will be announced by the Oct. 21 – Mar. 31
Glennallen Field Office Manager of the Bureau of Land Management
in consultation with the Alaska Department of Fish and Game area
biologist and Chairs of the Eastern Interior Regional Advisory Council
and the Southcentral Regional Advisory Council.

Federal public lands are closed to caribou hunting except by
Federally qualified subsistence users for the 2020/22 regulatory
cycle.

Unit 13 remainder – 2 bulls by Federal registration permit only Aug. 1 – Sept. 30
Oct. 21 – Mar. 31

Unit 13—Moose

Unit 13E—1 antlered bull moose by Federal registration Aug. 1–Sept. 20
permit only; only 1 permit per household.

Unit 13, remainder —1 antlered bull moose by Federal Aug. 1–Sept. 20
registration permit only.

Federal public lands in Units 13A and 13B are closed to
moose hunting on BLM managed lands except by Federally
qualified subsistence users for the 2020/22 regulatory cycle.

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INTERAGENCY STAFF COMMITTEE RECOMMENDATION

Approve Temporary Special Action Request WSA20-03 **as modified by OSM** to close Federal public lands in Unit 13A and 13B to the hunting of moose and caribou by non-Federally qualified users for the 2020/2022 regulatory cycle.

Justification

The Interagency Staff Committee concurs with the OSM staff analysis that the request is not valid for experimental purposes but is justifiable to improve safety and reduce user conflicts, while continuing, and potentially increasing, the opportunity for subsistence uses of moose and caribou in Units 13A and 13B. The scope of the closure as modified by OSM is reduced from a full unit closure and therefore potentially easier to implement. As described in the analysis, spatial and temporal concentration of hunters along the highway on Federal lands has the potential to lead to serious safety issues and has already led some subsistence users to avoid the area, thus reducing opportunity. Of the options within the regulatory authority of the Board, this special action may increase safety and allow for the continuation of subsistence uses of the resource and provide for a meaningful subsistence priority. Modifying the request to extend the closure for the entire 2020/2022 regulatory cycle will help to reduce the administrative burden associated with repeated requests. The Board may want to consider adding some criteria that should be measured to determine if the closure is successful. Examples might include harvest success of federally qualified users, congestion at parking areas and along roads, etc. Issues related to unsafe shooting practices and other user conflicts might be alleviated by this closure, when coupled with law enforcement efforts.

However, it is unclear how effective such a closure may be in the area. Such a closure would not prevent non-Federally qualified users from accessing BLM lands in order to travel from the road to State managed lands in order to attempt to harvest moose and caribou. Additionally, boundaries between State and Federal lands in Unit 13 are ill-defined, which makes navigating such a closure potentially difficult.

Appendix 1



THE STATE
of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Fish and Game

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MEMORANDUM

TO:	Anthony Christianson, Chair Federal Subsistence Board	DATE:	May 20, 2020
FROM:	Ben Mulligan <i>BJM</i> Deputy Commissioner	PHONE:	267-2190
		SUBJECT:	Wildlife Special Actions 01, 02, & 03

The Alaska Department of Fish and Game (ADF&G) has reviewed Wildlife Special Actions WSA20-01, WSA20-02, WSA20-03. Temporary Special Action Request WSA20-01, submitted by William Amburg, requests a continuous caribou season in Unit 13 from Aug. 1-Mar. 31, and that the caribou harvest limit in Unit 13 remainder be changed to two caribou for the 2020/21 and 2021/22 seasons. Temporary Special Action Request WSA20-02, submitted by the Ahtna Intertribal Resource Commission, requests the development of a community harvest system for moose and caribou in Units 11, 12, and 13. Given the Board's recent action on Wildlife Proposal WP18-19, only the Unit 12 requests will be considered in the analysis for this special action. Temporary Special Action Request WSA20-03, submitted by Kirk Wilson, requests that the Board close Federal public lands in Unit 13 to the harvest of moose and caribou except for Federally qualified subsistence users for the 2020/21 season.

The State of Alaska, Department of Fish and Game (ADF&G) appreciates the opportunity to provide comments on these Special Action requests.

Background

Caribou

ADF&G maintains the Nelchina caribou herd with the objective of 35,000–40,000 animals remaining in the herd after the fall hunting season. The strategy behind this objective is to maintain the herd below carrying capacity to prevent overgrazing of summer or winter range and allow for a relatively stable level of harvest annually. Caribou herds typically display cyclical patterns of growing population abundance, when significant numbers of caribou may be harvested, but if population growth is not curbed then populations will go into an inevitable decline after the herd exceeds the carrying capacity of its range. These precipitous declines are often followed by extended periods of little or no harvest to allow a herd to recover to a level where sustainable harvest may be allowed. Nelchina caribou herd management is an approach

that has been in place since the mid-1990s with the intent of reducing the extent to which the herd abundance fluctuates, thus allowing harvest annually and avoiding prolonged periods of little or no harvest.

The mild winters and productive summers of 2014, 2015, and 2016 resulted in high productivity within the Nelchina herd and population abundance increased steadily. A significant increase in harvest was necessary to stop population growth and reduce caribou abundance to within population objectives before herd grazing resulted in negative effects on nutritional availability on the herd's range.

Fall abundance estimates are used to predict abundance for the following summer, and the appropriate number of draw permits are issued in February for the following hunting season. The department increased the number of draw permits for RY16, which was the only regulatory option to increase caribou harvest for the Nelchina caribou herd at that time. Public outreach efforts were utilized to encourage harvest; overall harvest (state and federal combined) increased from 4,169 caribou in RY15 to 6,296 caribou in RY16. This was a period of overabundance, and this level of harvest should not be expected annually for Nelchina caribou hunters. Despite this high level of harvest, herd abundance remained well above population objectives after both the fall and winter hunts and remained at its previous level in 2017 (the herd was not reduced). The maximum number of draw permits were issued for RY17 and 4,890 caribou were harvested. Following the fall hunt, Nelchina caribou abundance remained above population objectives by more than 1,400 animals. Given this information, the maximum number of draw permits were issued for RY18.

Over the winter of 2017/2018, adult mortality was higher than predicted and calf recruitment was lower than average. Additionally, in the spring of 2018 the Nelchina herd displayed lower parturition rates than it had in previous years. These factors, including the 2018 calf crop being lower than in recent years, resulted in an abundance estimate for the summer of 2018 that was above the lower end of the population objectives. The reduction in abundance in 2018 was a natural fluctuation that, while not predictable in terms of precise timing, was expected if herd abundance remained above objectives. Had harvest been reduced in RY15, RY16, or RY17, the natural reduction in Nelchina caribou abundance in 2018 may have been much more drastic than observed. The herd has returned to a more manageable size just below or within population objectives, and permit numbers and harvest levels will return to more typical levels. Regardless, the number of draw permits issued in a given year does not affect actual harvest, as draw hunts are regulated with quotas in years such as 2018, when draw permits were issued in February according to the fall abundance estimate, and an accumulation of natural events resulted in a lower than predicted abundance estimate in the following summer.

With the reduction of the herd in 2018, an overall quota of 5% of the herd (1,800 animals) was set to utilize harvestable surplus while still allowing for herd growth. Predicting a federal harvest of 400 animals and a CC001 harvest of 150 bulls, quotas were set for the remaining hunts as: 500 bulls for RC561, 500 bulls for RC562, and 250 bulls for DC485 (Table 1).

The Unit 13 federal caribou season FC1302 opened on August 1, 2018 with no competition from state hunters. CC001 (838 permits) opened on August 10th and remained open until September 20th. Only 376 CC001 hunters have reported hunting in RY18. RC561 opened on August 10th as well, but the quota was achieved, and the hunt was closed by emergency order on August 18th. Less than 1,800 RC561 hunters hunted Unit 13 over this time period. DC485 opened on August 20th; the quota was met, and the hunt was closed by emergency order on August 26th; 1,223 DC485 hunters hunted in Unit 13 over this time period. Only federal hunters and CC001 hunters

were in the field from August 27th until September 1st when RC562 opened. The quota for RC562 was reached at the close of the regularly scheduled season on September 20th; 2,080 RC562 hunters hunted Unit 13 over this time period. Only federal hunters remained in the field from September 21st until the fall season closed on September 30th. CC001 was the only state hunt to reopen for the winter season on October 21st when the federal season also reopened. State hunts, however, were limited to bulls only while the federal hunts remained either sex. Both hunts remained open until March 31st. Caribou migrated across federal lands in Unit 13 in late October and early November in 2018. Only 63 caribou were harvested by CC001 hunters during the winter season. A total of 260 caribou were harvested by non-subsistence users in RY18. One-thousand-five-hundred eighty-five caribou were harvested by subsistence users, and 19% of the total harvest of Nelchina caribou was taken on FC1302 permits. The Amount Necessary for Subsistence (ANS) for caribou in Unit 13 is 600–1,000

Table 1. Unit 13 caribou hunt structure, RY18.

Hunt	Bag Limit	Permits	Quota	Predicted Harvest	Days Open	Hunted	Actual Harvest
RC561	Bull Only	4,586	500	500	9	1,795	530
RC562	Bull Only	4,181	500	500	20	2,080	528
CC001	Bull Only	838	400	150	204	376*	167
DC485	Bull Only	5,000	250	250	7	1,223	260
FC1302	Bull or Cow	3,082	-	400	223	TBD*	360
		17,687		1,800		>5,474	1,845

*Total number of hunters for RY18 has not been finalized; reports as of 5/21/19

For RY19, Nelchina caribou grouped-up in large photographable aggregations and the herd had very high productivity. The federal caribou season opened August 1st and closed on September 30th. The new youth caribou hunt (YC495; 200 permits) opened on August 1st – closing on August 5th. No state hunters were in the field from August 6th through the 9th. On August 10th CC001 opened (810 permits), as well as RC561 (2,790 permits). RC561 closed on August 31st and RC562 opened on September 1st (2,884 permits). DC485 opened on August 29th (399 permits). This hunt structure resulted in significantly less caribou hunters in Unit 13 at any given time, compared to the previous seven seasons. Due to slow harvest rates for both state and federal hunters, additional opportunity for state permits was created for September 21st through September 30th. This allowed federal hunters holding state permits to continue to hunt on state lands in addition to federal lands during this period. Caribou migrated across the Richardson Highway and largely out of Unit 13 during the season closure of October 1st through October 20th. Harvestable surplus for RY19 was not harvested during the fall season, and all regularly scheduled caribou seasons reopened on October 21st and closed on March 31st.

Moose

Following the standard moose hunt structure for Unit 13, the federal season for RY19 opened on August 1st and closed on September 20th. No other moose hunters were in the field from August 1st until CM300 opened on August 20th. There were 2,140 CM300 permits for RY19, but in RY18 only 662 CM300 hunters actually hunted out of 2,331 permits issued. On September 1st, the state general moose season opened, as did DM324 (5 permits) and DM335–DM339 (115 permits combined). All moose hunts closed on September 20th.

Management Strategies

The Amount Necessary for Subsistence (ANS) for caribou in Unit 13 is 600–1,000 and the ANS for moose in Unit 13 is 300–600. Harvestable surplus and harvest for both caribou and moose in Unit 13 were well above the ANS in RY18 with 1,845 caribou and at least 790 moose harvested. Total moose harvest for RY18 in Unit 13 has not been finalized, as harvest data continues to be coded for GM000. Federal permit holders harvesting caribou in Unit 13 where caribou are available on federal subsistence hunt areas annually harvest 7%–19% of the total Nelchina caribou harvest (most recent five-year average = 11%). Federal permit holders harvesting moose on federal lands in Unit 13 account for 8%–10% of the total moose harvest in Unit 13 (most recent five-year average = 9%).

Federal hunt data does not support the interpretation that the number of state hunters in the field negatively impacts either moose or caribou hunt success on federal permits in Unit 13. In RY10–RY13 the average number of annual state moose hunters in Unit 13 was 4,602 (Table 2). This average increased to 5,190 state moose hunters for RY14–RY17. Federal permit success during those time periods actually increased from a four-year average of 5% to a four-year average of 7%; federal hunt success increased from a four-year average of 10% to 13%; federal catch per unit effort (CPUE 100dy) also increased from a four-year average of 1.53 moose per 100 days of effort to a four-year average of 2.15 moose per 100 days of effort. In RY18 the number of state moose hunters in Unit 13 dropped to 4,553, but federal moose permit success also dropped to 4%, federal hunt success dropped to 10%, and federal CPUE dropped to 1.7 moose per 100 days.

Table 2. Unit 13 Federal Moose Harvest and State Moose Hunter Numbers

RY	FM1301 Harvest	FM1301 Permits	FM1301 Hunted	Permit Success	Hunt Success	State Hunters	Total Unit 13 Harvest	% Harvest on FM1301 Permits	FM1301 CPUE (100dy)
2010	77	1,172	669	7%	12%	4,239	777	10%	1.4
2011	80	1,327	680	6%	12%	4,156	826	10%	1.8
2012	59	1,292	645	5%	9%	4,896	625	9%	1.4
2013	50	1,205	535	4%	9%	5,116	624	8%	1.5
2014	86	1,313	656	7%	13%	4,649	845	10%	2.1
2015	85	1,330	699	6%	12%	5,039	966	9%	2
2016	99	1,385	685	7%	14%	5,866	983	10%	2.3
2017	90	1,399	686	6%	13%	5,208	905	10%	2.2
2018	61	1,357	631	4%	10%	4,553*	790*	8%	1.7

*Total number of GM000 hunters and harvest for RY18 in Unit 13 has not been finalized; reports as of 5/21/2019

Similarly, for RY10–RY13 the four-year average for number of state caribou hunters in Unit 13 was 4,849 (Table 3). This four-year average increased to 7,214 state caribou hunters for RY14–RY17. Permit success during those time periods remained stable with four-year averages of 14% for both time periods; hunt success remained stable with four-year averages of 28% for both time periods; catch per unit effort (CPUE 100dy) decreased slightly from a four-year average of 4.80 caribou per 100 days of effort to a four-year average of 4.62 caribou per 100 days of effort. In RY18 the total number of state caribou hunters dropped to roughly 5,474 hunters; while federal reporting is not complete at this time to provide hunt success or CPUE for RY18, the overall permit success actually dropped to 11% with the decrease of state hunters in the field. Federal hunt success for caribou is likely impacted more by the timing of caribou migration across federal lands than by the number of state hunters in the field.

Table 3. Unit 13 Federal Caribou Harvest and State Caribou Hunter Numbers

FC1302												
RY	Bull Harvest	% of Harvest	Cow Harvest	% of Harvest	Total Harvest	Permits	Permit Success	Permits Hunted	Hunt Success	CPUE	State Permits	State Hunters
2010	316	70%	130	29%	452	2,852	16%	1,536	29%	5.1	4,755	3,279
2011	281	71%	113	29%	395	2,980	13%	1,425	28%	4.8	4,598	3,260
2012	326	61%	203	38%	537	2,953	18%	1,518	35%	6	8,449	6,198
2013	210	75%	68	24%	279	2,781	10%	1,305	21%	3.3	12,567	6,654
2014	177	75%	59	25%	237	2,943	8%	1,395	17%	2.6	7,164	4,718
2015	444	75%	147	25%	595	3,064	19%	1,562	38%	6.9	8,895	5,735
2016	299	61%	192	39%	491	3,158	16%	1,532	32%	5.4	14,475	9,649
2017	207	58%	145	41%	354	3,071	12%	1,517	23%	3.6	14,446	8,754
2018	220	63%	129	37%	352	3,082	11%	-	-	-	14,605	5,474
2019	-	-	-	-	-	-	-	-	-	-	7,083	-

Federally qualified subsistence hunters wishing to harvest moose and caribou in Unit 13 can and do participate in subsistence and general season hunts for moose or caribou offered by the State of Alaska, which allow these hunters to access wildlife resources on all public lands in Unit 13. Federally qualified subsistence caribou hunters in Unit 13 may choose to hunt state lands in addition to federal lands by participating in Tier I registration hunts (RC561 or RC562) or the Community Subsistence Harvest opportunity (CC001). Federally qualified subsistence moose hunters in Unit 13 may choose to hunt state lands in addition to federal lands by participating in the general season moose hunt (GM000) or the Community Subsistence Harvest opportunity (CM300).

While no hunting-related accidents have been reported in Unit 13 to substantiate a public safety concern related to excessive hunting pressure on Unit 13 federal lands at large, questionable hunting practices do create a public safety concern when caribou are migrating across the Richardson Highway in late fall or early winter. This public safety concern is most often a result of traffic jams caused by hunters walking on and/or parking on the pavement of the Richardson Highway in narrow and dangerous sections of the road in an attempt to harvest caribou that have just been witnessed crossing the road. This situation occurs every year when caribou cross during open hunting seasons, even during times when state hunts are closed and only federal hunters have the opportunity to harvest animals during the migration across the highway. This public safety concern is a realistic argument presented in WSA19-03, but this concern would not be addressed by eliminating state hunters from hunting on federal lands. If this public safety concern is to be addressed, the most effective way to do so would be to consider a corridor along the Richardson Highway in which all hunting is prohibited within a given distance from the centerline of the highway.

Position

Harvestable surplus and harvest levels for both moose and caribou in Units 12 & 13 are well above ANS. The Nelchina caribou herd in RY19 returned to an overabundance that necessitated increased harvest. Surveys will be conducted in June and July 2020 to ascertain current productivity and abundance for the Nelchina caribou herd. There is no conservation concern at this time. WSA20-01 seeks to open the caribou season during the rut, a time when many consider the meat of bull caribou to be unpalatable. ADF&G is Opposed on that aspect of the proposal. Most caribou herds in Alaska are

managed with a break during the rut to allow time for uninterrupted breeding and to discourage the potential take of unpalatable meat. The proposal also seeks to change the bag limit from 2 caribou, sex to be announced by the federal manager to just two caribou. ADF&G sees no justification for diminishing the manager's discretion in this way, but annual bag limits and in-season changes should be set in consultation with state wildlife managers.

WSA20-02 seeks to establish a community harvest system for moose and caribou similar to the action taken by the Federal Subsistence Board under WP18-19. ADF&G does not take a position on administration procedures for federal hunts.

WSA20-03 seeks to close federal public lands to moose and caribou hunting except for federally qualified users. There is no evidence that hunting pressure has displaced moose or caribou from traditional migration corridors. The data indicate that restricting federal lands to federally qualified hunters is not likely to impact hunt success for federally qualified hunters. The action proposed in WSA20-03 action will not address the perceived public safety concern on federal lands during the caribou hunting season particularly along the Richardson Hwy.

Cc: Eddie Grasser, Director, Division of Wildlife Conservation
Lisa Olson, Operations Manager, Subsistence Section
Cheryl Brooking, Assistant Attorney General, Department of Law
George Pappas, State Liaison, Office of Subsistence Management

Appendix 2

POLICY ON CLOSURES TO HUNTING, TRAPPING AND FISHING ON FEDERAL PUBLIC LANDS AND WATER IN ALASKA

FEDERAL SUBSISTENCE BOARD

Adopted August 29, 2007

PURPOSE

This policy clarifies the internal management of the Federal Subsistence Board (Board) and provides transparency to the public regarding the process for addressing federal closures (closures) to hunting, trapping, and fishing on Federal public lands and waters in Alaska. It also provides a process for periodic review of regulatory closures. This policy recognizes the unique status of the Regional Advisory Councils and does not diminish their role in any way. This policy is intended only to clarify existing practices under the current statute and regulations: it does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its agencies, officers, or employees, or any other person.

INTRODUCTION

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

BOARD AUTHORITIES

- ANILCA Sections 804, 814.815(3), and 816.
- 50 CFR Part 100 and 36 CFR Part 242, Section .10(d)(4).

POLICY

The decision to close Federal public lands or waters to Federally qualified or non-qualified subsistence users is an important decision that will be made as set forth in Title VIII of ANILCA. The Board will not restrict the taking of fish and wildlife by users on Federal public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife resources, or to continue subsistence uses of those

populations, or for public safety or administrative reasons, or ‘pursuant to other applicable law.’ Any individual or organization may propose a closure. Proposed closures of Federal public lands and waters will be analyzed to determine whether such restrictions are necessary to assure conservation of healthy populations of fish and wildlife resources or to provide a meaningful preference for qualified subsistence users. The analysis will identify the availability and effectiveness of other management options that could avoid or minimize the degree of restriction to subsistence and non-subsistence users.

Like other Board decisions, closure actions are subject to change during the yearly regulatory cycle. In addition, closures will be periodically re-evaluated to determine whether the circumstances necessitating the original closure still exist and warrant continuation of the restriction. When a closure is no longer needed, actions to remove it will be initiated as soon as practicable. The Office of Subsistence Management will maintain a list of all closures.

Decision Making

The Board will:

- Proceed on a case – by – case basis to address each particular situation regarding closures. In those cases for which conservation of healthy populations of fish and wildlife resources allows, the Board will authorize non-wasteful subsistence taking.
- Follow the statutory standard of "customary and traditional uses." Need is not the standard. Established use of one species may not be diminished solely because another species is available. These established uses have both physical and cultural components, and each is protected against all unnecessary regulatory interference.
- Base its actions on substantial evidence contained within the administrative record, and on the best available information; complete certainty is not required.
- Consider the recommendations of the Regional Advisory Councils, with due deference (ANILCA § 805 (c)).
- Consider comments and recommendations from the State of Alaska and the public (ANILCA § 816(b)).

Conditions for Establishing or Retaining Closures

The Board will adopt closures to hunting, trapping or fishing by non-Federally qualified users or Federally qualified subsistence users when one or more of the following conditions are met:

- Closures are necessary for the conservation of healthy populations of fish and wildlife:

- a) When a fish or wildlife population is not sufficient to provide for both Federally qualified subsistence users and other users, use by non-Federally qualified users may be reduced or prohibited, or
 - b) When a fish or wildlife population is insufficient to sustain all subsistence uses, the available resources shall be apportioned among subsistence users according to their:
 - 1) Customary and direct dependence upon the populations as the mainstay of livelihood.
 - 2) Local residency, and
 - 3) Availability of alternative resources, or
 - c) When a fish or wildlife population is insufficient to sustain any use, all uses must be prohibited.
- Closures are necessary to ensure the continuation of subsistence uses by Federally qualified subsistence users.
 - Closures are necessary for public safety.
 - Closures are necessary for administrative reasons.
 - Closures are necessary "pursuant to other applicable law."

Considerations in Deciding on Closures

When acting upon proposals recommending closure of Federal public lands and waters to hunting, trapping, or fishing. The Board may take the following into consideration to the extent feasible:

- The biological history (data set) of the fish stock or wildlife population.
- The extent of affected lands and waters necessary to accomplish the objective of the closure.
- The current status and trend of the fish stock or wildlife population in question.
- The current and historical subsistence and non-subsistence harvest, including descriptions of harvest amounts effort levels, user groups, and success levels.
- Pertinent traditional ecological knowledge.
- Information provided by the affected Regional Advisory Councils and Alaska

Department of Fish and Game.


- Relevant State and Federal management plans and their level of success as well as any relationship to other Federal or State laws or programs.
- Other Federal and State regulatory options that would conserve healthy populations and provide a meaningful preference for subsistence, but would be less restrictive than closures.
- The potential adverse and beneficial impacts of any proposed closure on affected fish and wildlife populations and uses of lands and waters both inside and outside the closed area.
- Other issues that influence the effectiveness and impact of any closure.

Reviews of Closures


A closure should be removed as soon as practicable when conditions that originally justified the closure have changed to such an extent that the closure is no longer necessary. A Regional Council, a State or Federal agency, or a member of the public may submit, during the normal proposal period, a proposal requesting the opening or closing of an area. A closure may also be implemented, adjusted, or lifted based on a Special Action request according to the criteria in 50 CFR 100.19 and 36 CFR 242.19.

To ensure that closures do not remain in place longer than necessary, all future closures will be reviewed by the Federal Subsistence Board no more than three years from the establishment of the closure and at least every three years thereafter. Existing closures in place at the time this policy is implemented will be reviewed on a three-year rotational schedule, with at least one-third of the closures reviewed each year.


Closure reviews will consist of a written summary of the history and original justification for the closure and a current evaluation of the relevant considerations listed above. Except in some situations which may require immediate action through the Special Action process, closure review analyses will be presented to the affected Regional Council(s) during the normal regulatory proposal process in the form of proposals to retain, modify or rescind individual closures.



Chair, Federal Subsistence Board


Board Member, Bureau of Indian Affairs


Board Member, U.S. Fish and Wildlife Service


Board Member, U.S. Forest Service


Board Member, National Park Service


Board Member, Bureau of Land Management