

## Unit 23 Working Group Meeting May 4-5, 2016 – Kotzebue, Alaska Meeting Summary

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### **1.0 Introduction**

The Unit 23 Working Group met on May 4-5, 2016, in Kotzebue, Alaska, at the Northwest Arctic Borough (NWAB) Assembly Chambers. The meeting agenda is in Attachment 1 and the full meeting packet (including the PowerPoint presentations and handouts) are posted on the Unit 23 Working Group’s website.<sup>1</sup> Working Group members and others in attendance are listed in Attachments 2 and 3. Handouts distributed at the meeting are in Attachment 4.

The 20-member Unit 23 Working Group was formed in 2008 to discuss fall hunting conflicts between local hunters, non-local hunters (from outside the region), and big game commercial service providers (guides, transporters) in Game Management Unit 23 in northwest Alaska. The group works together by consensus to develop and recommend solutions to fall hunting conflicts. The group’s advisory recommendations are sent to regulatory boards, land and wildlife management agencies, guides, transporters, and others to evaluate and consider for implementation.

The Purpose of the Unit 23 Working Group is to “find solutions to hunting conflicts that will preserve the Inupiaq values of the region, including opportunities for local hunters to take caribou as needed, while also providing reasonable opportunities for visiting hunters to hunt caribou in the unit.” This statement and additional information about the Working Group can be found in its April 2008 Charter, posted on the group’s website.

The main objectives of the May 2015 meeting were to:

- Hear an update from the Alaska Department of Fish and Game (ADF&G) on Western Arctic herd population and harvest data

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<sup>1</sup> See Unit 23 Working Group’s project web site for the May 2016 meeting binder material and previous meeting summaries: <http://www.adfg.alaska.gov/index.cfm?adfg=plans.unit23>

- Hear about recent Federal Subsistence Board actions that changed regulations for caribou harvest (seasons and bag limits) in Unit 23
- Hear from community representatives about the 2015 hunting season & preparation for 2016 season
- Hear an update on State and federal agency education, management, planning, research, and enforcement efforts related to reducing hunting conflicts in Unit 23
- Public comment session
- Discuss additional topics raised by Working Group members

Section 2.0 lists the main outcomes from the meeting. Section 3.0 is a general summary of information presented and the group's discussion. Section 4.0 briefly addresses future meetings. Public comments and follow-up actions to respond to comments are summarized in Section 5.0.

All Unit 23 Working Group meetings are open to the public. The meeting was broadcast on public radio station KOTZ (including web broadcast at [www.kotz.org](http://www.kotz.org)). Public comments were welcomed in person and via teleconference on Thursday afternoon, May 5, 3:00-4:00 p.m. Members of the audience were also able to ask questions and make comments at other times during the meeting.

## 2.0 Meeting Outcomes

The primary outcomes from the Unit 23 Working Group meeting included:

- Working Group identified questions that need to be answered about the new regulation restricting caribou hunting on federal lands in Unit 23 to federally qualified subsistence hunters – and recommended the best ways to communicate that information prior to the hunting season. (see p. 5)
- National Park Service (NPS) development of an Environmental Assessment / public use plan for Noatak National Preserve, to address commercial and subsistence uses and look at methods to best allow for both as per legal mandates. Identified small group interested in working with the NPS on this, including Working Group members Lisa Fox, Enoch Mitchell, Ron Moto, Julie Owen and members of the public Lance Kramer (NANA) and Ernie Norton (KIC). (see p. 8)
- Working Group commitment to meet again (likely via teleconference, prior to December 2016 comment deadline) to discuss the two Noatak/Kivalina and Kotzebue Sound Advisory Committees' (AC) proposals to the Board of Game regarding the Noatak Controlled Use Area and spacing of hunting camps. (see p. 10)

## 3.0 Summary of Presentations & Working Group Discussion

This section is a summary of information presented to the Unit 23 Working Group – including technical information from agencies and traditional knowledge shared by Working Group members. It also summarizes Working Group comments and discussion under each topic.

### 3.1 Western Arctic Caribou Herd Population & Unit 23 Harvest Data

Lincoln Parrett, ADF&G Wildlife Biologist, presented the following information about the Western Arctic Herd (WAH) population (p. 17 of meeting binder):

- Seasonal distribution and movements – Satellite tracking of collared caribou show they are widely distributed within their range. The PowerPoint presentation (WG binder p. 18) shows

distribution and movements for 1988-2014 within their range. Showed animation of 2015 migration routes.

- Population size and herd condition – The most recent WAH count in July 2013 is 235,000 caribou. An aerial census attempted in July 2015 was not successful due to poor weather and low light conditions. ADF&G will conduct a new census in summer 2016 (expect results of count by December 2016). **ADF&G estimates that the herd is now at approximately 200,000 animals and that the rate of population decline has slowed dramatically from the past several years (based on modeling) – possibly approaching stability. Positive indicators about the population** include:
  - Adult female mortality rates much lower than previous five years
  - Calf production remained stable compared to long-term trend
  - Calf recruitment increased, especially in 2015-2016
  - Calves weighed at Onion Portage in fall 2015 were the heaviest since 2007
  - High overwinter survival rates of calves collared at Onion Portage
  - 2015-26 shaping up to have high adult survival
  - High mortality rate of 33% in 2011-12 has not been repeated; model uses the last three years of data to project into the future
- Bull:Cow Ratio: The bull:cow ratio for the WAH is now at 40:100. This is not a biological problem for the herd, but is at or slightly below the bull:cow ratio recommended in the Western Arctic Caribou Herd Working Group (WACHWG) advisory management plan for the herd.
- WAH Cooperative Management Plan: The 2011 WACHWG advisory management plan for the herd recommends caribou harvest management levels. (For a copy of the plan, see [http://www.fws.gov/uploadedFiles/Region\\_7/NWRS/Zone\\_2/Selawik/PDF/2011%20management%20plan.pdf](http://www.fws.gov/uploadedFiles/Region_7/NWRS/Zone_2/Selawik/PDF/2011%20management%20plan.pdf)) The WAH population is on the borderline between a “Conservative” and “Preservative” management level. The plan (Appendix 2) recommends the following actions for the Conservative management level – the first four have been addressed in recent harvest regulation changes for Unit 23:
  - No harvest of calves
  - No nonresident cow harvest
  - Restrict non-Alaska resident bull harvest
  - Encourage voluntary reductions in resident cow harvest
  - Limit subsistence harvest of bulls (only), if the ratio of bulls to cows falls below 40 bulls: 100 cows
- WAH and Teshekpuk Caribou Herd (TCH) Harvest –
  - Subsistence caribou harvest – The total number of WAH/TCH caribou harvested each year by subsistence hunters has remained quite stable since 1996 at about 12,000-14,000 (estimated using a model developed by Bob Sutherland [2005], based on ADFG Division of Subsistence data). Household subsistence harvest of caribou makes up 95% of the total annual harvest (about 60% bulls, 30% cows, 10% unknown sex). Unit 23 is the main harvest area for the WAH (71% of the subsistence harvest is in Unit 23).
  - Non-subsistence caribou harvest – Statewide harvest tickets for Alaska residents show that non-local harvest is about 5% of the annual take.
- Harvestable Surplus and Affect on Future Management – The total harvestable surplus (bulls & cows combined) for the herd is declining, as the population declines. If the harvestable surplus goes below 12,000 caribou, the State must consider intensive management actions (habitat improvement and/or predator control) and consider further reduction or closure of nonresident caribou hunting. If the harvestable surplus goes below 8,000 caribou, the State must close all non-subsistence hunting and administer hunts through a Tier II system.

The following information was shared during Working Group discussion:

- Next WAH census – Census is planned for late June / early July 2016. Best conditions are caribou grouped tightly, good light, low wind conditions. Snow cover is not needed. ADFG will have photos counted in time for report to the WACHWG at the December 2016 meeting.
- TCH Census – TCH survey in 2015 indicates that the herd has stabilized and may have even experienced some increase in numbers.
- Intensive Management preparation – The State has been drafting Intensive Management feasibility assessment to present to the Board of Game in January 2017, in the event that the 2016 WAH census shows a declining population and a harvestable surplus below 12,000 caribou.
- Communication with local hunters – Local hunters must be kept well informed. People are very concerned about caribou population decline and possible affect on subsistence harvest in the future. People need to know what the regulations are so they do not get into trouble with enforcement.

### **3.2 2015 Wildlife Harvest Data for Unit 23**

Brandon Saito, ADF&G Area Wildlife Biologist, presented 2015 wildlife harvest data and hunter use data for Unit 23 overall, based on state harvest ticket data. Brandon also distributed a handout about the Selawik Moose Population and Harvest (see Handouts in Attachment 4). Key points from the presentation (p. 33 of meeting binder):

- Nonlocal hunting data: There have been fewer nonlocal hunters in Unit 23 overall recent years (declining since a high of nearly 800 in 2006). In 2015, there were less than 400 nonlocal hunters, with about half Alaska residents (including people from the region who have moved) and half nonresidents; this is up from fewer than 300 nonlocal hunters in 2014. Caribou continue to be the species of greatest interest for visiting hunters. Mid-September is the peak time for nonlocal hunting.
- Areas hunted: The Guide Use Areas (GUA) most heavily used in 2015 by nonlocal hunting of all wildlife species were GUA 005 (Selawik, Lower Kobuk), GUA 006 (Squirrel, Agasisuak [“Aggie”], Eli), and GUA 002 (Noatak River).
- Hunter density: The average annual density of nonlocal hunters was highest in the Squirrel River area, at 2.92 hunters per 100 mi<sup>2</sup>. followed by 1.93 hunters per 100 mi<sup>2</sup> in the Selawik NWR and 0.95 hunter per 100 mi<sup>2</sup> in the Noatak River area.
- Use of commercial services: In 2015, about 60% of nonlocal hunters use a transporter service to go into Unit 23, approximately 10% used a guide, and about 30% used no commercial services.

Brandon Saito also presented information about the Selawik moose population (see handout in Attachment 4):

- Spring population censuses show a 7% annual decline from 2007-2010 and 12% annual decline from 2011-2016, to a current population estimate of 1,000 moose. This is a 46% decline in the total moose population from 2011 to 2016.
- The 2015 fall composition survey showed a bull:cow ratio of 43:100 and calf:cow ratio of 20:100. Calf production was about 14/100 in 2016, an increase from about 10-11/100 in 2007.
- Harvest data from the Selawik survey area is incomplete. However, ADFG estimates a harvest rate of approximately 70 moose per year (50 Unit 23 resident and 20 non-local Alaskan and nonresident) and finds this rate to be acceptable for the area.

The following information was shared during Working Group discussion:

- Noatak continues to be very concerned about non-local caribou hunting activity within their traditional hunting grounds and disturbance to migrating caribou and local hunters by aircraft over flights. Enoch Mitchell emphasized that is time for agency managers to do something about this.
- Joe Schuster asked for data on the number of predators taken. Brandon Saito said he can provide that data at a later time.

### **3.3 State Caribou Harvest Regulations - Update**

Brandon Saito, ADFG Area Biologist, reviewed the current State regulations for WAH harvest. Noted that in GMU 22 the Board instituted a harvest-reporting requirement – which was supported by the Northern Norton Sound AC – and an annual limit of 20 caribou per hunter.

Lem Butler, Assistant Director of Division of Wildlife Conservation in ADFG, said that there is a “placeholder proposal” for the January 2017 Board of Game meeting to implement a registration permit system for the WAH/TCH in GMU 21, 23,24, and 26 (p. 41 of meeting binder). This would provide better harvest information, important for herd management. ADFG is not proposing changes in seasons and bag limits – but if the 2016 WAH census shows a need for that, it could be considered through an Agenda Change Request. The goal is to conserve the population and provide long-term harvest stability.

### **3.4 Federal Subsistence Program Regulations – Update**

Jennifer Hardin, with the USFWS Office of Subsistence Management (OSM), reviewed the current federal regulations for WAH harvest (p. 43 of meeting binder).

The Federal Subsistence Board approved Temporary Special Action WSA 16-01, closing Federal public lands in Unit 23 to caribou hunting by non-Federally qualified (non-FQ) users effective July 1, 2016 and continuing through June 30, 2017 (p. 44 of meeting binder). Federally qualified subsistence hunters are residents of areas with a 2015 Customary and Traditional Use Determination for caribou hunting in Unit 23<sup>2</sup> – including residents of: Unit 21D west of the Koyukuk and Yukon Rivers; Galena; Unit 22; Unit 23; Unit 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area; and Unit 26A (see map in Attachment 4).

This action is a “final administrative action” and cannot be appealed or reconsidered. The action applies only July 1, 2016-June 30, 2017. After that, the FSB would need to take another temporary action to keep it in effect for 2017-2018. The next time period for permanent regulation change would be for July 2018-June 2020.

The federal agencies are committed to providing clear information about implementation of this Temporary Special Action – and asked the Working Group to identify important questions to answer and ways to communicate to local residents and other affected hunters. The following points were raised in discussion:

#### General comments:

- Need to review and report on the results of the Special Action in 2016. What is the effect of its implementation?

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<sup>2</sup> Customary and Traditional Use Determinations are made through a formal public process, outlined in Office of Subsistence Management regulations. Regional Advisory Councils have a role in that process.

- Suggest that there may be need for additional law enforcement resources in the field. Implementation of this change will be very confusing. State and federal lands abut and caribou move across boundaries.
- Expect more placement of transported hunters along the navigable rivers (on State lands). Potential for overcrowding and more conflicts. This may raise enforcement issues.

Questions / Topics to address in public information:

- Special Action is only for caribou. Locals need to be aware that there will still be non-Federally qualified users hunting on federal land for moose, bear, etc.
- Need updated land status maps – clearly showing federally managed lands, state managed lands, private lands, and allotments. Provide web link to current land status maps and ways to download for use in the field.
- Need answer on what happens along the rivers / navigable waters – can guided/transported hunters be placed there?
- Provide web link to State of Alaska, Navigability Project – <http://dnr.alaska.gov/mlw/nav/index.cfm>
- When a navigable river flows through federal lands:
  - Can non-federally qualified user hunt from state-land below mean high water (MHW)?
  - Can non-federally qualified user hunt from within the river?
- When river flows through private lands or state lands, can non-federally qualified user hunt from within the river?
- How can a hunter determine the location of mean high water in the field?
- If a caribou is shot while it and the hunter are standing on state land, but it then moves to federal land and must be retrieved there, is it legal to follow and retrieve it?
- Need clear definition of who is a federally qualified user
  - Customary & Traditional use findings for Unit 23
  - Resident zoned communities (applicable to hunting in Kobuk Valley, Cape Krusenstern)
  - What determines “rural residency”? (e.g., for students or workers who are living in an urban area, but consider their home to be in Unit 23)
- What can a non-federally qualified user do?
  - Can they be in the boat during the hunt?
  - Can they drive the boat during the hunt?
  - Can they help process / cut meat in the field?
  - Other?
- Clearly state that it is still OK to send your relatives meat.
- Public information should include information about ways to avoid conflicts – such as camp and hunt on the south side of the rivers.

Ways to communicate with both local and non-local hunters about the Special Action:

- All information must be translated into Inupiaq (written, verbal presentations, media)
- All information must be as straightforward as possible
- Fact Sheet – developed and used by all agencies
- Visit every community to explain directly to the people and answer their questions – make sure translators are available for these conversations
- Distribute to all contact lists that each agency routinely uses for communication – also send to all pilots that have taken the online pilot orientation (ADFG should have emails)
- Emails
- Facebook
- Press release / newspaper
- PSAs

- KOTZ Radio presentations with call-in

The following points / questions were addressed in Working Group discussion:

- Q – Did FSB consider economic impacts on commercial service providers and the region? A – The FSB is guided in their decision-making by the criteria in Title 8 of the Alaska National Interest Lands Conservation Act (ANILCA). Economic impacts to businesses or the region are not included in these criteria.
- Q – Does FSB consider the amount of meat that is contributed by non-local hunters to local families in the region? A – This was discussed at RAC meetings and in the OSM staff analysis, but there are not firm numbers on how much meat is donated. (Nikki Braem, ADF&G, noted that a question about this should be added into Division of Subsistence household surveys).
- Comment that subsistence users must be the priority for caribou harvest. Noted that it is not the number of caribou taken by non-local hunters that is the biggest concern. It is where that hunting occurs and the affect on caribou migration and on the success of local hunters.
- Comment that the FSB action did not provide enough notice to commercial service providers, who book with clients a year or more in the future. Expects that trips will not be cancelled, but that non-FQ hunters will be placed on state land to hunt caribou. This may increase conflicts in these areas.

### **3.5 Federal and State Agency Management and Enforcement**

**Bureau of Land Management** – Alan Bittner, Manager, BLM Anchorage Field Office, addressed the following points:

- **BLM Offices / Staff** – The Northwest Region (including Unit 23 area) is now managed by the BLM Anchorage Field Office. Contact: Alan Bittner, Field Manager, 907-267-1285.
- **Squirrel River Special Recreation Management Plan** – BLM is still working to complete the plan, which will address the allocation of Special Recreation Permits (required for guide and transport activities) in the Squirrel River Special Recreation Management Area. The plan will include a Section 810 analysis under ANILCA, related to effects on subsistence users. \
- **Guide/Transporter Permitting** – In 2015, BLM authorized six guides and five transporters in Unit 23. Of these, just one guide and two transporters operated in the Squirrel River area in 2015. The same number of guides and transporters will be authorized each year, until the Squirrel River plan is done.
- **Land status maps** – BLM is keeping updated land status maps for Unit 23, which include topographic information. The maps are available on BLM and ADF&G web sites and are also available on DVD for distribution to permittees. The maps are part of the curriculum for the pilot orientation and test.
- **Enforcement** – BLM will have an enforcement presence in Unit 23 in fall 2016.
- **July 2015 Meeting with Noatak and NPS** – BLM met with representatives of the community of Noatak and NPS managers in Noatak on July 21, 2015. Noatak shared their concerns about impacts of non-local hunters on caribou and local hunter success, and asked that the Squirrel, Eli and Aggie River areas be closed to non-subsistence hunting.

The following comments were made after BLM's presentation:

- Recommended that BLM work closely with Raymond Stoney of Kiana during the Squirrel River planning process, to identify caribou migration corridors in the area.
- In response to a question, Alan Bittner replied that they do not have exact data on the number or location of caribou harvested by subsistence hunters.

- BLM can only put stipulations on permits related to land use, not related to hunting activity.

**National Park Service** – Lisa Fox, Interim Superintendent for the NPS Western Arctic National Parklands, addressed the following topics:

- **Noatak National Preserve, Special Commercial Use Authorization Area** - The NPS issues Commercial Use Authorizations (CUA) for commercial *transporter* visitor services for the Noatak National Preserve. There were six transporters operating in the Preserve in 2015. The Preserve is looking into ways to get more accurate data about the number of hunters that are transported and where they go.
- **Reporting of User Conflicts** – The NPS will publicize a toll-free number that people can call if they are concerned about conflicts, disruption of caribou, overcrowding of hunters, etc.
- **Potential Commercial Services Plan for Noatak National Preserve** – Lisa Fox is urging that the NPS develop a plan and Environmental Assessment (EA) for commercial service providers (guides, transporters, amount and location of non-local hunter use) that evaluates the issues of concern in the Noatak National Preserve and proposed solutions through a public planning process. This would include a Section 810 analysis under Title 8 of ANILCA to evaluate impacts on subsistence.

**Next Steps** – The Park and the NPS Alaska Directorate are supportive of developing an Environmental Assessment (EA) / public use plan (name to be determined) for Noatak National Preserve. A full EA would allow the NPS to quantify commercial and subsistence uses and look at methods to best allow for both as per legal mandates. Small group to assist the NPS will include: Working Group members Enoch Mitchell, Ron Moto, Julie Owen, and Valerie Baxter, and Lance Kramer (NANA Corporation) and Ernie Norton (KIC).

- **Use of Aircraft for Research** – Hilary Robison, NPS, said that researchers must have a permit to work in the Noatak National Preserve. The NPS encourages researchers to use boats rather than planes. If that is not possible, there are stipulations they must follow to reduce impacts from aircraft.

**US Fish and Wildlife Service** – Selawik National Wildlife Refuge Manager Susan Georgette, USFWS, presented the following information:

- **Commercial Guide/Transporter Update** – The Selawik Wildlife Refuge issued special use permits in 2015 to one guide and five transporters. These businesses served 47 clients in 2015 (compared with the high of 154 hunters in 2000) and clients harvested 7 caribou, 18 moose, and one brown bear. Over time, the number of guided and transported hunters and the number of animals harvested has been declining in the Refuge.
- **Refuge Plan Separates Local and Nonlocal Hunters** – The Selawik Refuge Comprehensive Conservation Plan was completed in 2011. The plan identified an area of the Kobuk Delta where commercial use by transporters and guides is not permitted. In this area, Refuge lands are intertwined with private land and there is no previous pattern of commercial use. Local subsistence hunters heavily use the area, accessing it by boat. Most access sites, camp locations, and desirable hunting sites are private allotments. The plan includes a provision for the Refuge Manager to approve access for commercial use in this area on a case-by-case basis.
- **Enforcement** – A USFWS law enforcement officer patrolled the refuge in a floatplane for several days in mid-September 2015, checking on hunting camps of the permitted guide and transporters. He found no violations during his patrol. The USFWS will continue to coordinate with the Alaska Wildlife Troopers, other agencies, and NANA trespass officers on enforcement activities in 2016.



Working Group members made the following comments:

- Working Group members expressed appreciation for the Selawik Refuge management plan – and favored the separation of the local and nonlocal hunting areas provided in that plan.
- Appreciation for USFWS hiring local residents and using traditional ecological knowledge in their planning and management.

**State of Alaska, Department of Natural Resources (DNR)** – Valerie Baxter, DNR, reviewed State permit requirements. A land use permit is only needed if a camp is going to be in place for more than 14 days. Valerie distributed a handout about the State’s Navigability Project (<http://dnr.alaska.gov/mlw/nav/index.cfm>). The mission of the project is to “protect the public rights associated with navigable and public waters, and to ensure that the state’s title to lands beneath navigable waters is protected”. The website includes maps showing the status of navigable waters determinations in Alaska.0

### **3.6 Northwest Arctic Borough & North Slope Borough Caribou Workshop**

Noah Naylor, NWAB Planning Director, described the March 2015 caribou workshop sponsored by the Boroughs (summary provided in meeting packet, p. 47). Main ideas for action raised at the workshop included: support the existing WACH Working Group, advocate for subsistence hunters’ interest (e.g., related to not disturbing lead caribou, working to reduce conflicts caused by aircraft transporters), develop a local observing system, improve the use of traditional knowledge, improve scientific collaboration, involve youth and schools, and improve communication (e.g., through social media, public radio). There is interest in having a second workshop.

### **3.7 Education & Public Outreach in Unit 23**

Kari Rasmussen, ADF&G Education Associate based in Nome, gave an update on education and outreach efforts related to reducing hunting conflicts in Unit 23:

- Caribou Trails – The next issue of Caribou Trails will be distributed to all box holders in the region in summer 2016.
- Onion Portage – School groups continue to go to Onion Portage each fall to participate in caribou collaring.
- Pilot education – In 2010, a State regulation took affect (proposed by Unit 23 Working Group and approved by Board of Game) that requires a one-time online orientation session for aircraft pilots transporting big game or meat in Unit 23. As of May 2016, 365 pilots have taken the test.
- Land Status – Updated, geo-referenced land status information is provided annually by BLM. Using a free App, people can access maps and find their exact location (and land status of that location) on their electronic devices while in the field.
- Community visits – ADF&G and Trooper Justin McGinnis make it a priority to travel to communities to make sure that subsistence hunters are informed about any regulation changes and to talk. Trooper McGinnis works closely with Maniilaq, NANA Security, and the NWAB to communicate with local hunters, and as a part of the search and rescue network.
- Main themes for outreach – Who is a federally qualified subsistence user? Land status – Know the status of land where you are hunting. Public regulator process – How you can be involved.

### **3.8 Big Game Commercial Services Board – Transporter Subcommittee**

Working Group member Joe Schuster is serving on a Transporter Subcommittee established by the BGCSB. The Unit 23 Working Group has in the past urged that the BGCSB provide more

regulation for transporters, which would provide a means to address user conflicts. Joe explained that the subcommittee is trying to clarify the distinctions between transporters and air taxis – which has become more of an issue with increases in transporter fees payable to the State of Alaska (not required of air taxis). Joe asked whether a change in the definitions would affect public access and/or would provide any stronger tool for managing non-local hunting access. Valerie Baxter, DNR, noted that the State had developed a Guide Concession Program, and had discussed next tackling transporter uses. However, the Legislature did not fund implementation of the guide program and work has stopped on this initiative. The federal agencies commented that they regulate the different types of commercial service providers (guides, transporters) through concessions or other authorizations; a change in the definitions would not be necessary for them to continue to regulate these businesses.

### **3.9 Working Group Discussion – Proposals to Board of Game**

Noatak concerns regarding caribou harvest – Enoch Mitchell and the community of Noatak is very concerned about the number of nonlocal hunters who are camping and hunting in the migration corridors. The Noatak/Kivalina AC and Kotzebue Sound AC submitted two proposals to the Alaska Board of Game for their consideration in January 2017:

- Extend the boundaries of the Noatak Controlled Use Area to Cutler River. This CUA would be closed from August 15 to September 30 to the use of aircraft in any manner for big game hunting (except between publicly owned airports).
- Big game hunting camps are required to be spaced at least three miles apart on the CUA and along the Aggie, Eli and Squirrel Rivers.

The following comments were made in Working Group discussion:

- Regarding the extension to the Controlled Use Area:
  - If the CUA is extended farther upstream, would there be some mileage on the lower river that could be taken out of the CUA (e.g., closer to Kotzebue)?
  - Extending the CUA upriver will help reduce user conflicts. The caribou have been migrating farther east, up river – reducing aircraft access in this area will allow caribou to cross the Noatak River without hindrance.
  - In response to questions, Trooper McGinnis noted that he does observe a lot of caribou in the corridor between Sapun Creek and Cutler River.
  - The CUA is a tool to provide temporal and geographic separation between local and non-local hunters. Separating the different types of users is a way to reduce conflicts (e.g., as done through the Selawik Refuge plan).
  - Enoch noted that caribou have been crossing above Sapun River – where they cross, we will go to hunt.
  - The NPS understands the importance of this corridor and will take it up in a public use plan for the Noatak National Preserve.
  - Not opposed to the proposal, but a lot to consider and respond to in this meeting.
- Regarding the spacing of big game hunting camps:
  - Concern that caribou are avoiding the Squirrel, Aggie, and Eli river corridors for migration due to hunting camps; concerned this might become permanent change in caribou routes.
  - Spacing of camps will be addressed in the BLM Squirrel River plan.
  - In response to questions, Trooper McGinnis noted that he observes camps regularly in the Squirrel, Eli and Aggie drainages, but not crowded together and typically no more than 1-2 tents, with 2-4 hunters per camp.

The Working Group did not reach consensus at this meeting to support these two proposals, and need additional time for consideration and discussion. Enoch Mitchell expressed urgency; the Board of Game will consider proposals for Unit 23 in January 2017, then not again until 2020. The Working Group requested that it meet by teleconference before the comment deadline of December 22, 2016. Taking this additional time was acceptable to Enoch. Working Group member Ron Moto emphasized importance of going to Noatak to hear directly from them.

#### **4.0 Future of Unit 23 Working Group**

The Unit 23 Working Group would like to continue to meet in the future, if funding is available. They suggested meeting via teleconference prior to the December 2016 deadline for comments on proposals to the Board of Game. This will give them the opportunity to consider commenting on the Noatak/Kivalina AC proposals to the Board, and other proposals affecting the Western Arctic Caribou Herd and user conflicts.

#### **5.0 Public / Other Agency Comments**

Comments were welcomed from people attending the meeting in Kotzebue, as well as through a toll-free telephone line. There was a set public comment period on Wednesday, May 4, 3-4 p.m. In addition, comments and questions were accepted at other times during the meeting. The following comments were offered.

- Q – Are the caribou harvest numbers given for guide and transporter activities in the Squirrel River from the businesses' reports to BLM? A – Yes. In 2014, 13 caribou were harvested in Squirrel River area. Public Comment – Planes that go to Squirrel River don't necessary come through Kotzebue. Planes should be required to land in Kotzebue, so agencies can see the animals taken and verify the reports.  
  
In response, BLM noted that they do not regulate aircraft used by private hunters. ADF&G responded that private hunter harvests are reported to the State through the caribou harvest tag reporting system.
- Concern about muskox on the bluff destroying graves at the community cemetery. Observed that caribou in the Deering area were skinny this winter. Concerned that people filming in the area are using search and rescue cabin without approval and have brought drugs and alcohol into the region.
- Has hunted and eaten caribou from Northwest Alaska since 1967. Concerned that it is inappropriate for Special Action WSA 16-01 to limit caribou hunting on federal lands to subsistence hunters at this time. The closure will raise problems with enforcement and will cause economic impacts on businesses and the region. This closure should be reversed.
- Would like to see no fly zones along the caribou migration trail. First caribou should be able to migrate through without aircraft disturbance. There are aircraft in Unit 23 that don't come through Kotzebue; Buckland is used as a base of operations. Concern that in 2015 there was a moose carcass found with wasted meat. Law enforcement needed.
- Concerned that tourism is declining in Kotzebue and there is no longer summer jobs or income for young people. Also, suggest that Kotzebue IRA, Maniilaq, KIC set up a yard where youth work on repairing Hondas and snow machines.
- Spoke initially at length in Inupiaq. Impacts are to the region and people trying to put food on the table. Working Group has been meeting for eight years but the problems continue. Same discussions every year. There is inequity on the Board of Game – no rural representation, but their actions affect food on the table for people's families. Cost of living is very high. We will continue to have conflicts. The Working Group needs to go out to communities and hear their stories. Any recommendations to the Board of Game should be developed in consultation

with the people in the region impacted by the regulations. Caribou migration routes are critical – some people in Noatak have not been successful. Now, people are getting more involved with the Federal regulatory system. Thanks to people from the region who are involved. To agencies, ask that they consult with community organizations in the region to get their input, not just with ACs.

- Need to have a plan for what to do if the herd continues to decline to low numbers. (In response, Steve Machida, ADFG, explained that the Western Arctic Caribou Herd Working Group adopted a plan in 2011. The plan is available from ADF&G in Kotzebue, 907-442-1710.)
- Each meeting should start with Working Group members talking about what happened the prior fall in terms of user conflicts. The Working Group needs to put together a plan to reduce conflicts. Not effective enough.
- Concerned about aircraft disturbing and deflecting caribou. Was told by an elder long ago that one day you will be dominated by outside and everything will be fast. Very concerned. No aerial count of caribou population; concerned about the low numbers. The Working Group process involves talking, but is it getting us anywhere? Need solutions that are basic and simple; let's not confuse people who are trying to feed their families. Hannah expressed appreciation for Working Group members' time, and to transporters being present at the meeting. She invited them to come to the RAC meeting. Thanked Troopers for protecting resources.

## Unit 23 Working Group

May 4-5, 2016

Northwest Arctic Borough Assembly Chambers  
163 Lagoon Street, Kotzebue, Alaska

Wednesday, May 4 9:00 a.m. – 5:00 p.m.

Thursday, May 5 9:00 a.m. – 12:00 p.m.

**Public radio station KOTZ will broadcast the meeting.**  
Tune to 89.9 FM or AM 720, or listen via the web at [www.kotz.org](http://www.kotz.org)

### AGENDA

#### Meeting Topics

- Update on Western Arctic herd population, movement, and harvest data
- Update / Discussion on Alaska Board of Game and Federal Subsistence Board regulation proposals and actions
- Discuss 2015 hunting season & preparation for 2016 season
- Federal and state agency planning, permitting, management, and enforcement topics related to reducing hunting conflicts in Unit 23
- Education & outreach efforts
- Public comment session – By phone or at Assembly Chambers  
Wednesday, May 4, 3:00-4:00 p.m. Dial 1-888-223-4671
- Discussion of additional topics and recommendations raised by Working Group members

#### Wednesday, May 4

8:30 a.m. Coffee/Refreshments

9:00 a.m. **Welcome, Introductions –  
Review Agenda / Revise if necessary**

- List of Unit 23 Working Group members
- Summary of recommendations made by the Working Group at past meetings (*reached by group consensus*)

9:15 a.m. **Western Arctic Caribou Herd Population & Unit 23 Harvest Data**

Lincoln Parrett and Brandon Saito  
Alaska Department of Fish & Game (ADF&G)

Wednesday, May 4, continued

**10:15 a.m. Break**

**10:30 a.m. Unit 23 Caribou Harvest – Update on State & Federal Regulations, Recent Proposals and Changes**

- Alaska Board of Game – State Regulations  
Brandon Saito, ADF&G
- Federal Subsistence Board – Federal Regulations  
Jennifer Hardin, US Fish and Wildlife Service  
Office of Subsistence Management
- Working Group discussion

**12:00 p.m. Lunch**

**1:15 p.m. Federal Agency Management** – Agency presentations and Working Group comments/discussion. Includes report on NPS & BLM meeting with community of Noatak in July 2015.

- Bureau of Land Management – Squirrel River Management  
Alan Bittner, Bureau of Land Management
- Noatak National Preserve  
Lisa Fox, National Park Service
- Selawik National Wildlife Refuge  
Susan Georgette, US Fish and Wildlife Service

**2:45 p.m. Break**

**3:00 p.m. Working Group Discussion / Public Comment Opportunity**

- Discussion of 2015 hunting season and preparation for 2016
- PUBLIC COMMENTS: By phone, dial 1-888-223-4671 To participate in Kotzebue, please come to the NWAB Assembly Chambers. *(Time per comment may be limited, to ensure opportunity for those who want to speak.)*

**4:00 p.m. Break**

**4:15 p.m. State of Alaska – Permitting of guides/transporters**  
Valerie Baxter, Department of Natural Resources

**4:30 p.m. Big Game Commercial Services Board – Transporter Subcommittee**  
Joe Schuster, Guide, Unit 23 Working Group member

**5:00 p.m. Adjourn for the day**

## **Thursday, May 5**

8:30 a.m. *Coffee/Refreshments*

9:00 a.m. **Welcome**

9:10 a.m. **Education & Public Outreach in Unit 23**

Kari Rasmussen, ADF&G

9:45 a.m. **Northwest Arctic Borough / North Slope Borough Caribou Workshop** – Report on workshop held March 11, 2016 in Fairbanks  
Noah Naylor, NWAB Planning Director

10:15 a.m. **Break**

10:30 a.m. **The Future of the Working Group**

- With declining state budgets, funding for the Working Group in the future is uncertain. What can be done to continue information sharing and communication on these topics?
- Working Group recommendations

11:00 a.m. **Working Group Discussion & Action**

- Additional discussion on topics raised by Working Group members
- Working Group Recommendations / Actions
- Assignments / Wrap up

12:00 p.m. **Adjourn**

Additional information about the Unit 23 Working Group can be found at the project web site:  
<http://www.adfg.alaska.gov/index.cfm?adfg=plans.unit23>

**Unit 23 Working Group Membership  
& Attendance  
May 4-5, 2016 Meeting**

<b>Name</b>	<b>Affiliations</b>
Valerie Baxter	Alaska Department of Natural Resources
Alan Bittner	Bureau of Land Management
Phil Driver	Alaska Professional Hunting Association Western Arctic Caribou Herd Working Group
Lisa Fox	National Park Service
Susan Georgette	U.S. Fish and Wildlife Service
Cyrus Harris	Maniilaq Association Western Arctic Caribou Herd Working Group Kotzebue Sound Advisory Committee
Stosh Hoffman (unable to attend)	Board of Game
Victor Karmun (unable to attend)	Northwest Arctic Regional Advisory Council Kotzebue Sound Advisory Committee
Melvin Lee (did not attend)	Upper Kobuk Advisory Committee
Jennifer Hardin	USFWS Office of Subsistence Management
Enoch Mitchell	Noatak/Kivalina Advisory Committee
Ron Moto, Sr.	North Seward Peninsula Advisory Committee
Julie Owen	Transporter representative
Brandon Saito	Alaska Department of Fish and Game
Pete Schaeffer (unable to attend)	Kotzebue Sound Advisory Committee
Joe Schuster	Alaska Professional Hunting Association
Noah Naylor	Northwest Arctic Borough
Ted Spraker (unable to attend)	Alaska Board of Game
Raymond Stoney	Northwest Arctic Regional Advisory Council Lower Kobuk Advisory Committee
Alex Whiting	Kotzebue IRA Kotzebue Sound Advisory Committee



Public & Agency Attendance List / Presenters  
 Unit 23 Working Group Meeting  
 May 4-5, 2016 – Kotzebue, Alaska

<b>Name</b>	<b>Affiliation</b>
Hannah Atkinson	National Park Service (NPS), Western Arctic Parklands
Nikki Braem	Alaska Department of Fish and Game (ADFG), Division of Subsistence
Lem Butler	ADFG, Wildlife Conservation Division
Bill Carter	US Fish and Wildlife Service (USFWS), Selawik National Wildlife Refuge
Carmen Daggett	ADFG, Wildlife Conservation Division
Marci Johnson	NPS, Western Arctic Parklands
Lance Kramer	NANA Corporation
Hannah Loon	Northwest Arctic Resource Advisory Council (RAC)
Steve Machida	ADFG, Wildlife Conservation Division
Justin McGinnis	Alaska Wildlife Troopers
Ernie Norton	Kikiktagruk Inupiat Corporation (KIC)
Lincoln Parrett	ADFG, Wildlife Conservation Division
Kari Rasmussen	ADFG, Wildlife Conservation Division
Hilary Robison	NPS, Western Arctic Parklands
Justin Rodgers	Alaska Wildlife Troopers
Walter Sampson	NWAB Assembly, Kotzebue
Enoch Shiedt	public
Brittany Sweeney	USFWS, Selawik National Wildlife Refuge

Public comments presented by:

Wally Carter (phone)  
 Nathan Hadley, Jr. (phone)  
 Jake Jacobson (phone)  
 Lance Kramer, Kotzebue  
 Hannah Loon, Selawik  
 Marlene Moto, Deering (phone)  
 Walter Sampson, Kotzebue  
 Willie Towksjhea  
 Brenda Karmun, Deering (phone)

**Unit 23 Working Group Meeting  
May 4-5, 2016 – Kotzebue, Alaska  
Handouts distributed at meeting**

**Contents**

- Selawik Moose Population and Harvest – Alaska Department of Fish and Game memorandum, April 20, 2016
- National Park Service, Western Arctic National Parklands – Unit 23 Working Group Meeting, May 2016, NPS Resource Protection Update & Coordination Summary
- State of Alaska Navigability Project – <http://dnr.alaska.gov/mlw/nav/>
- U.S. Fish and Wildlife Service, Selawik National Wildlife Refuge – Special Use Permit Activity Report 2001-2015 (including Guides and Transporters)
- U.S. Fish and Wildlife Service, Selawik National Wildlife Refuge – Ma 2-2, Area Not Authorized for Commercial Transporters and Guides
- Big Game Commercial Services Board, Statutes and Regulations Applicable to Air Taxis vs. Transporters
- Communications Committee Report for the Unit 23 User Conflict Meeting, May 4-5, 2016
- Alaska Board of Game Regulation Proposal Forms – two proposals submitted by Noatak and Kivalina AC and Kotzebue Sound AC



**MEMORANDUM**

TO: Tony Gorn, Management Coordinator, ADF&G/DWC/Reg. 5

FROM: Brandon Saito, Area Biologist, ADF&G/DWC/Reg. 5

DATE: 20 April 2016

**Subject:** Selawik Moose Population and Harvest

**Population Background**

The Selawik survey area spring 2011 population estimate was 1739 total moose (90CI $\pm$ 18%) and 11 calves:100 adults. During April 2016 we counted 453 adults and 57 calves for a total of 520 moose during intensive survey unit searches. The GSPE population estimate was 940 total moose (90CI  $\pm$ 12%) and the calf: adult ratio was 14:100 (Table 1). The two population surveys represent a 46% decline between 2011 and 2016, and a 12% annual rate of decline during the same time period.

From 2007-2011 the Selawik population declined 7% annually (Fig. 1). From 2011-2016 the population decreased 12% annually. Fall trend count composition surveys between 2010 and 2015 found Bull: 100cow ratios between 54-43B: 100C and calf: 100cow ratio between 18-20Ca: 100C (Table 1). This stable sex composition is indicative of a proportional decline.

Table 1 Spring Population Survey Results

Year	Area	Abundance Estimate	Ca: 100 Adults	% Short yearlings	Annual rate of change between surveys
2007	Selawik	2319 90% CI (+/-16%)	10c: 100A	9%	
2011	Selawik	1739 90% CI (+/-18%)	11c: 100A	10%	-7%
2016	Selawik	940 90% CI (+/-12%)	14c: 100A	12%	-12%

A trend count composition survey was completed during the fall of 2015 and staff classified 532 moose in the Selawik/Tagagawik drainages. Data resulted in 43 bulls: 100 cows and 14 calves: 100 adults (Table 2).

Table 2 Fall Composition Survey Results

Year	Area	N=	% of population estimate sampled	B: 100C	Ca: 100C
2008	Selawik	464	20% (Spring 2007)	54B:100C	18Ca:100C
2010	Selawik	474	20% (Spring 2007)	47B: 100C	19Ca:100C
2015	Selawik	532	57% (Spring 2016)	43B: 100C	20Ca:100C

**Harvest Information**

Since 2011 reported harvest from the Selawik survey area has averaged 26 moose/ year (Table 3). Less than 1% of the reported harvest is cow harvest. Subsistence household surveys estimate average annual local harvest to be 48 moose and of average of 8% being cows (Table 4). The large discrepancy between reported harvest and household surveys is difficult to understand. Since the creation of RM880 (2004) more effort has been focused on collecting Unit 23 moose harvest reports, and since 2010 we collected 91% of harvest reports. Since 2010 an average of 31 Selawik residents annually used a RM880 permit.

Table 3. Reported Moose Harvest

Year	Moose Harvested	Unit 23 Resident	Alaska Resident	Non Resident
2011	26	5	10	11
2012	38	9	17	12
2013	27	8	14	5
2014	11	2	5	4
2015	29	6	17	6
Average	26.2	6	12.6	7.6
		23%	48%	29%

Note: All reported harvest is bull harvest except for 1 reported cow harvest in 2013

Table 4. Subsistence Household Harvest Survey Results (Selawik)

Year	Moose Harvested	Bull	Cow	Unknown
1999	57	37	3	17
2006	46	37	7	1
2011	40	38	2	0
Average	50	37	4	6

**Hunt Management**

Harvest data from the Selawik survey area is incomplete. For the purpose of evaluating recent harvest data and harvest rates we'll assume an approximate annual harvest of 70 moose per year (50 Unit 23 resident and 20 non-local Alaskan and Nonresident) from the survey area which yields a realized harvest rate of 7 % (Table 5).

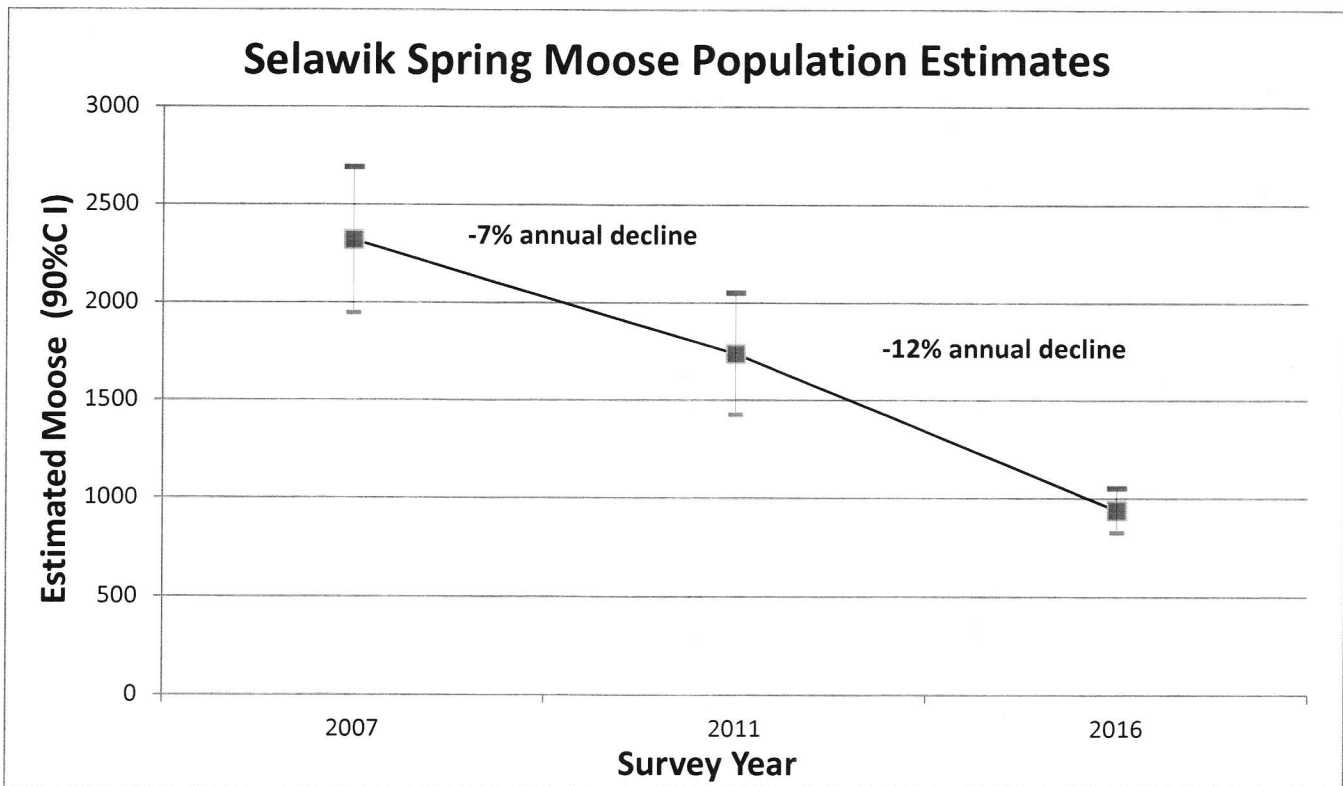
Table 5 Unit 23 Hunt Management and Harvest Rates

2016 Population Estimate	ADF&G Harvest Information	Harvest Scenarios	Harvest Rate
940 moose		40 moose	4%
940 moose	50 moose		5%
940 moose		60 moose	6%
940 moose		70 moose	7%
940 moose		80 moose	9%
940 moose		90 moose	10%

**Recommendations**

At this time harvest rates are estimated to be acceptable. The 7% harvest rate could be a high estimate, since the majority of harvest is based on pre-2011 household harvest when the moose population was much larger. That being said; harvest of caribou in Unit 23 has shown remarkable consistency through varying availability. Unit 23 moose density has always been low, and yet has retained a healthy bull: cow ratio and calf recruitment. The difference in reported harvests and household surveys has been a long term problem that needs to be addressed.

Figure 1. Selawik Spring Moose Population Survey Results



# Western Arctic National Parklands

Bering Land Bridge National Preserve  
Cape Krusenstern National Monument  
Kobuk Valley National Park  
Noatak National Preserve



## Unit 23 Working Group Meeting – May 2016

### NPS Resource Protection Update & Coordination Summary

Each fall hunting season for the last several years, Western Arctic National Parklands has brought up additional US Park Rangers to assist with checking hunters and hunting camps on NPS lands within the Parklands. US Park Rangers conduct field checks to insure local and non-local hunters have proper hunting licenses and permits. Rangers also inspect hunting camps on NPS lands to insure hunters are taking the proper care of meat, not wasting meat, not leaving trash, and are in compliance with camping and food storage regulations. NPS law enforcement officers utilized jet boats, fixed-wing aircraft, canoes, foot patrols, and helicopters in order to conduct field checks.

In addition, the NPS Resource Protection Division worked closely with Purcell Security during the 2015 hunting season to assist NANA trespass officers with trespass issues on private lands adjacent to Western Arctic National Parklands.

Taking a proactive approach, NPS law enforcement officers handed out to all hunters they contacted in 2015 the information bulletin produced by the Alaska Department of Fish and Game titled "Hunting Legal Hunting Smart in Unit 23, Northwest Alaska" which does an excellent job of explaining important issues such as; land ownership, not wasting meat, proper care of meat, and respecting local traditional knowledge.

For the last several years, Western Arctic National Parklands has been bringing up a helicopter (R-44) to assist with our hunter compliance checks and field inspections of hunting camps. Each fall we bring up the helicopter for roughly a 10 day period in September. The helicopter is an excellent platform for our law enforcement checks. We're very careful how we use the helicopter, going into only established airstrips & hunting camps (we do not contact hunters in the middle of their ongoing hunts). We also use the helicopter to make patrols within Kobuk Valley National Park and Cape Krusenstern National Monument to investigate reports of illegal activities. Each year we offer the helicopter to our local Alaska State Troopers and to the Northwest Arctic Borough if they should need it for search and rescue missions in the NANA Region. Over the years, US Park Rangers have assisted Alaska State Troopers with several successful search and rescue operations throughout the NANA Region using the NPS contracted helicopter.

Throughout the entire year, US Park Rangers contact approximately 200 users within Western Arctic National Parklands. The user groups we contact represent boaters, hikers, snowmachiners, trappers, wood cutters, berry pickers, anglers, and hunters. The majority of field contacts are positive and gives our Rangers the opportunity to further clarify Federal and State regulations to local and non-local users. In 2015, we had six transporters operating within Noatak National Preserve who brought in approximately 300 non-local hunters and 50 local hunters. In over 95% of our fall field checks, the hunters are in compliance with all Federal and State hunting regulations. Enforcement patrols within the Parklands are accomplished by using jet boats, canoes, snowmachines, fixed-wing aircraft, helicopters, ATV's, and hiking.

Enforcement coordination between National Park Service, Bureau of Land Management, US Fish and Wildlife Service, Alaska State Troopers, and NANA Village Trespass Officers remains good. Each year we have at least one pre-season hunting enforcement meeting in order to coordinate our patrol efforts, review

safety procedures, radio frequencies, aircraft & personnel resources, insure the maximum law enforcement coverage possible throughout Unit 23, and hopefully minimize duplicate field checks of hunting groups.

## Navigability Project

**The State of Alaska Public Access Assertion and Defense (PAAD) Unit needs your assistance to help preserve public access on Alaska roads and trails!**

[Request For Trail Use Information](#)

The mission of the Division of Mining, Land & Water's Navigability Project is to protect the public rights associated with navigable and public waters, and to ensure that the state's title to lands beneath navigable waters is protected. The Alaska State Constitution provides for free access and common use of public and navigable waters by any citizen of the United States or resident of the State of Alaska. State ownership of the beds of navigable waters is an inherent attribute of state sovereignty protected by the United States Constitution.

The Division's Navigability Project will enable the State of Alaska to assert ownership of lands beneath navigable waters. This is important for two reasons: first, the public will be ensured access to these state lands; and second, if these lands are already owned by the State of Alaska, they shouldn't be counted against Alaska's statehood land entitlement or conveyed by the Federal Government to non-state ownership.

### Contact Information

James H. Walker  
 Natural Resource Manager II, Acting  
 Department of Natural Resources  
 Division of Mining, Land & Water  
 Phone: (907) 269-4755  
 Fax: (907) 269-5043  
 E-mail: James H. Walker

### Navigability

- [Navigability Project Home](#)
- [Navigable Waters Web Map](#)
- [State's Policy on Navigability](#)
- [Navigability Assistance Agreement Reports](#)
- [PAAD / Department of Law Reports & Letters](#)
- [Recordable Disclaimers of Interest Fact Sheet \(PDF\)](#)
- [State's Recordable Disclaimers of Interest for Navigable Waters](#)
- [BLM's website for Recordable Disclaimers of Interest for Navigable Waters](#)
- [BLM's Spatial Data Management System \(SDMS\) website for access to land records.](#)
- [Request For Trail Use Information](#)

### Mission Statement

The mission of the Division of Mining, Land & Water's Navigability Project is to protect the public rights associated with navigable and public waters, and to ensure that the state's title to lands beneath navigable waters is protected.

Department of Natural Resources  
 550 W. 7th Ave, Suite 1260, Anchorage, AK 99501-3557  
 Phone: 907-269-8400 || Fax: 907-269-8901 || TTY: 907-269-8411

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## State Policy on Navigability

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### Navigability

[Navigable Waters Web Map](#)  
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### Mission Statement

The mission of the Division of Mining, Land & Water's Navigability Project is to protect the public rights associated with navigable and public waters, and to ensure th

### Table of Contents:

- I. Identifying and Protecting State Title to the Beds of Navigability
  - Riparian Rights and Statute of Limitations
  - Navigability Criteria
  - Navigability Criteria Disputes
  - Identification of Navigable Waters
  - Navigable Waters within Pre-Statehood Federal Withdrawals
  - Navigable Waters within ANILCA Conservation System Units
- II. Legal and Policy Guidelines Governing Management of Submerged Lands and Public Waters
  - Public Trust Doctrine
  - Public Waters
  - Boundaries of Navigable Waters
  - Conclusion

### Policies and Procedures on Ownership and Management of Navigable and Public Waters

June 18, 1996 State ownership of the beds of navigable waters is an inherent attribute of state sovereignty protected by the United States Constitution. *Utah v. United States*, 482 U.S. 193 (1987). Under the doctrine, all states enter the Union on an equal footing with respect to sovereign rights and powers, title to the beds of navigable waters in Alaska vested in the newly formed State of Alaska in 1959. In addition, under the Alaska Constitution and the public trust doctrine, all waters in the state are held and managed by the state in trust for the use of the people, regardless of navigability and

The purpose of this paper is to describe the State of Alaska's policies and procedures for identifying and protecting the state's title to the beds of navigable waters. In addition, this paper outlines the legal and policy considerations which guide the ownership and management of submerged lands and public waters.

## **I. IDENTIFYING AND PROTECTING STATE TITLE TO THE BEDS OF NAVIGABLE WATERS**

Identification and management of the beds of navigable waters is an important policy of the State of Alaska. In 1980, the state established a comprehensive navigability program to respond to federal land conveyances and land management activities under



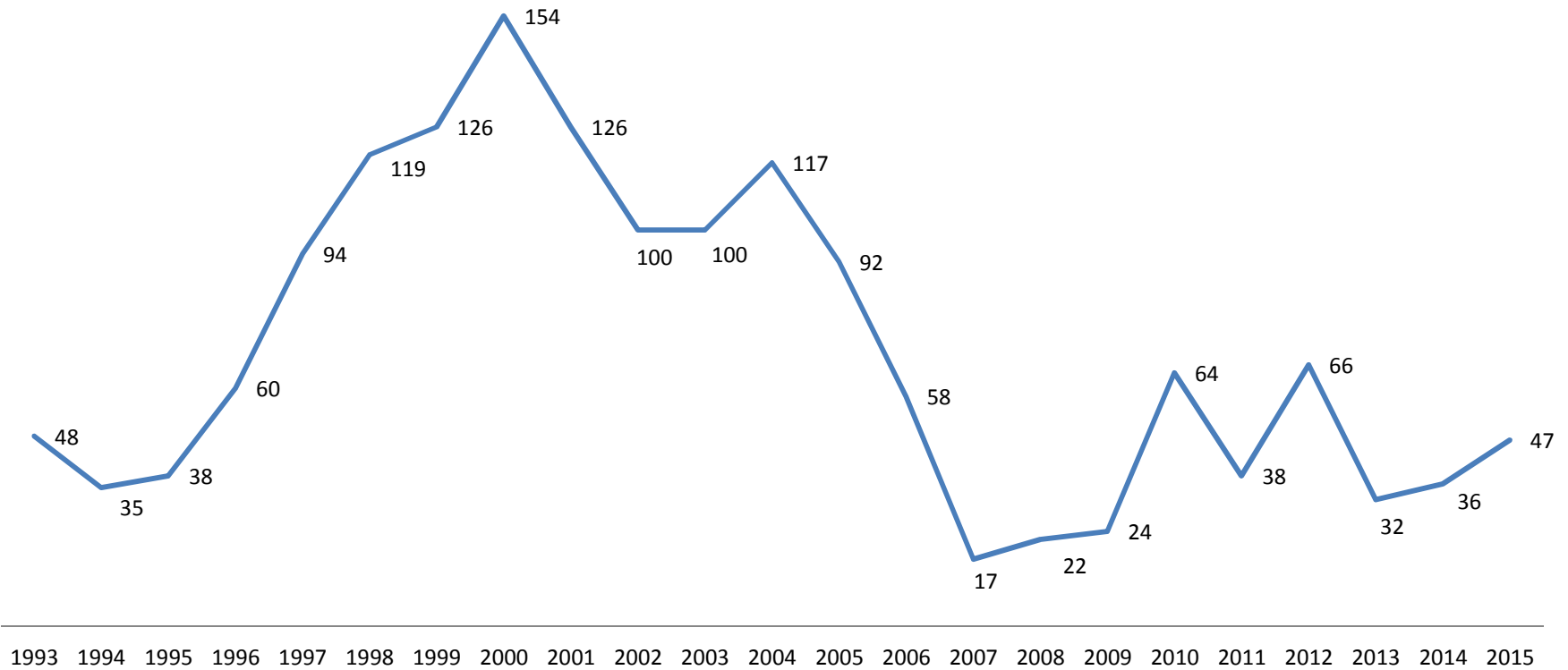
# U.S. Fish and Wildlife Service Selawik National Wildlife Refuge

## Special Use Permit Activity Report 1993-2015 (including Guide and Transporters)

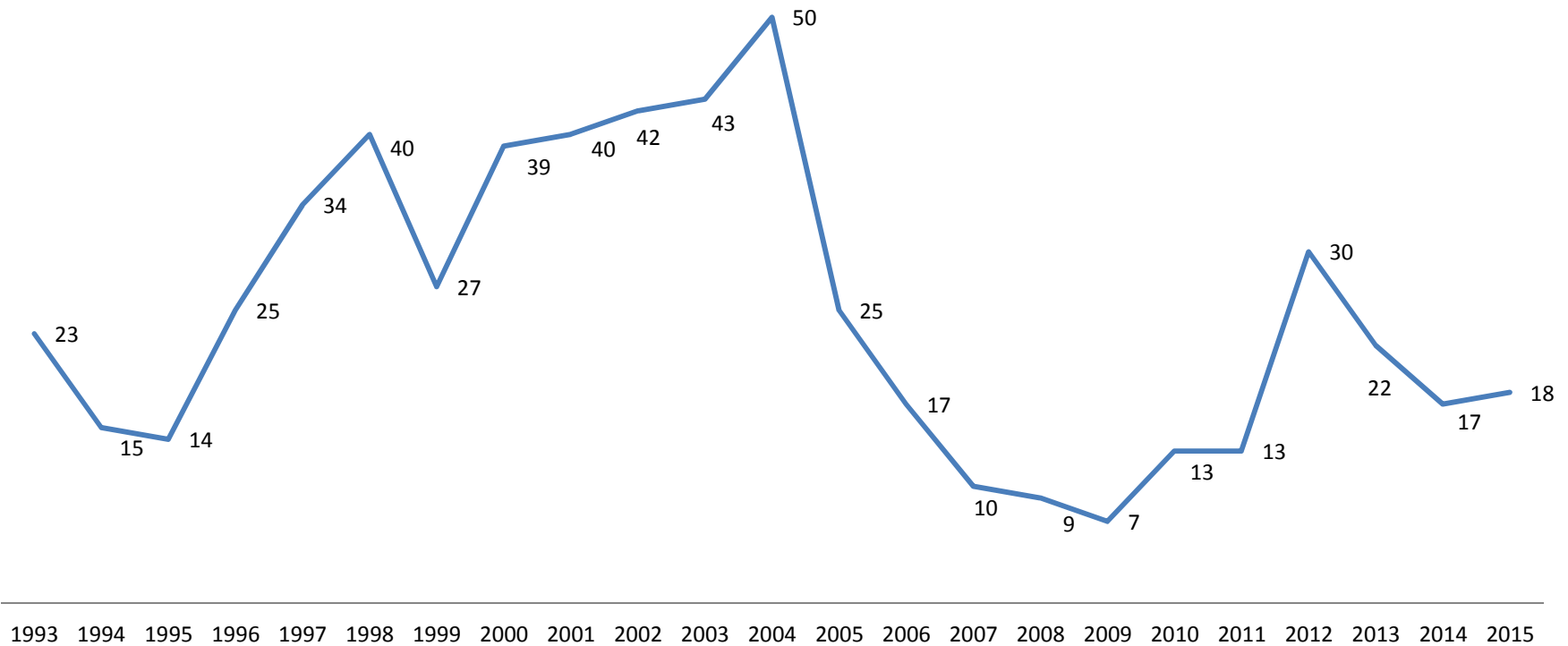
	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
<b>Number of hunters transported or guided</b>	48	35	38	60	94	119	126	154	126	100	100	117	92	58	17	22	24	64	38	66	32	36	47
<b>Number of transporters (inc 1 guide)</b>	3	3	3	3	4	4	4	7	6	5	4	4	5	6	6	3	3	5	3	3	5	5	6
<b>Moose harvest</b>	23	15	14	25	34	40	27	39	40	42	43	50	25	17	10	9	7	13	13	30	22	17	18
<b>Caribou harvest</b>	19	21	29	41	83	118	97	174	68	42	46	35	75	20	5	14	14	29	5	35	0	11	7
<b>Brown bear harvest</b>	0	0	0	0	0	1	0	0	0	1	1	0	3	0	1	1	0	0	0	4	0	3	1
<b>Other harvest*</b>	0	0	1	3	1	1	2	6	4	0	2	1	0	0	3	3	0	9	4	2	2	2	0

\*Other includes black bear and wolf

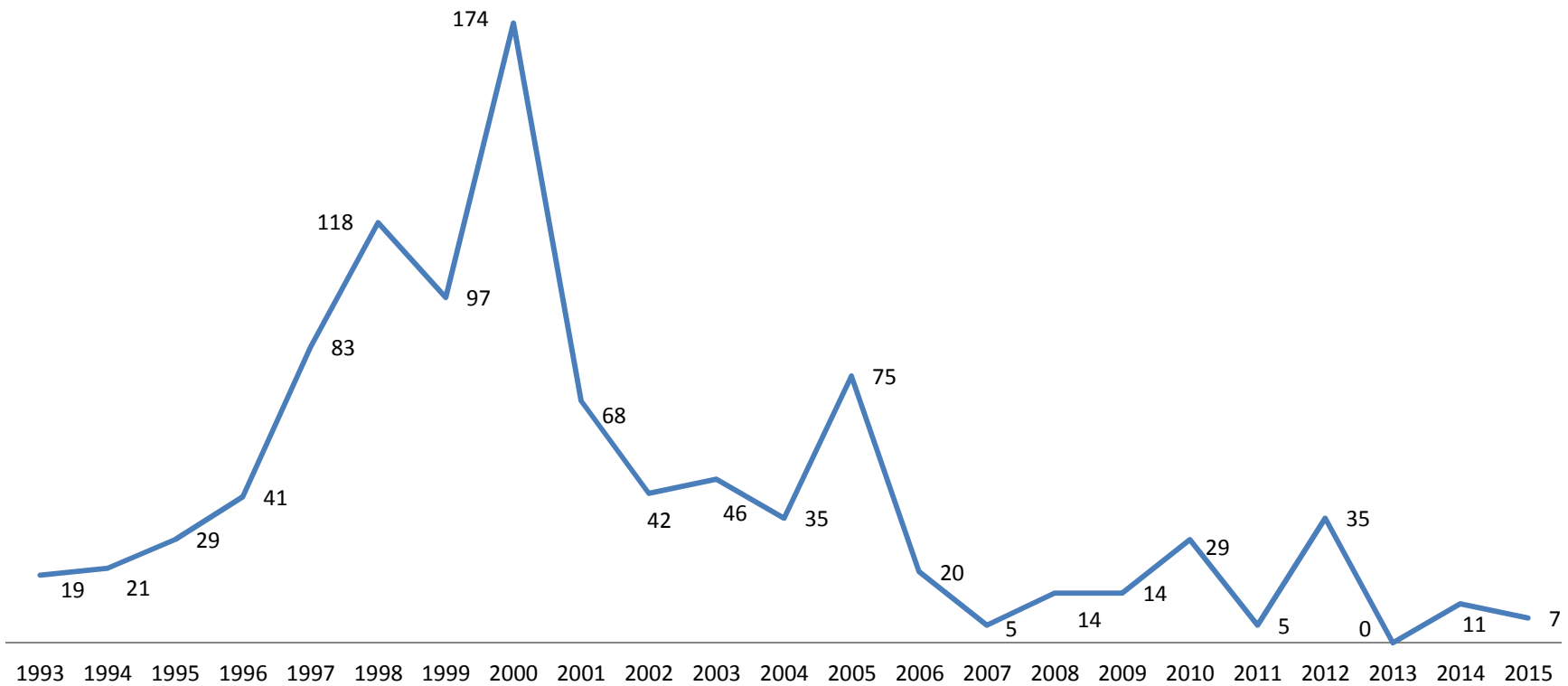
## Number of Hunters Transported/Guided Selawik National Wildlife Refuge 1993-2015

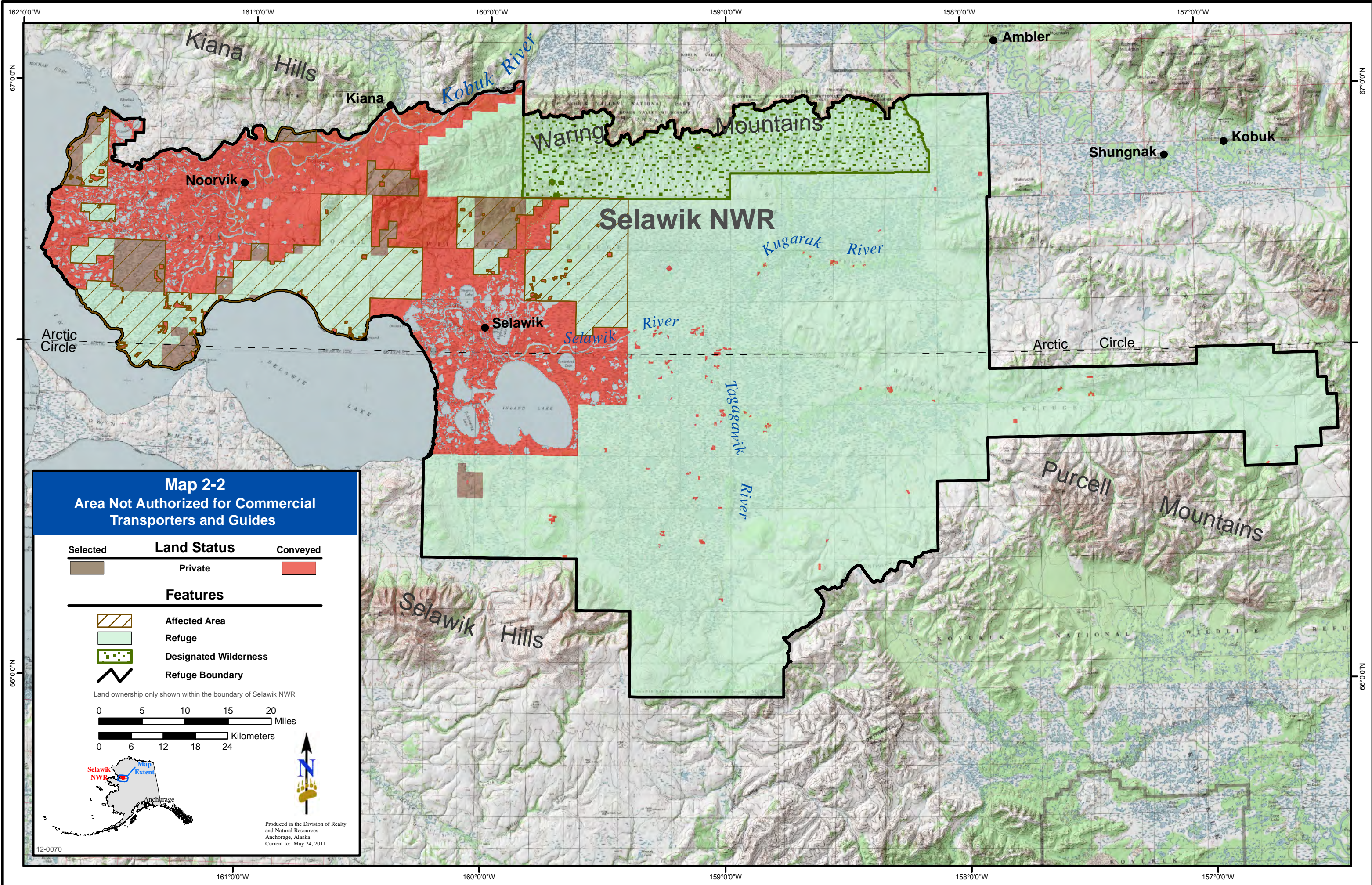


# Number of Moose Harvested by Transported/Guided Hunters Selawik National Wildlife Refuge 1993-2015



# Number of Caribou Harvested by Transported/Guided Hunters Selawik National Wildlife Refuge 1993-2015





**Map 2-2**  
**Area Not Authorized for Commercial Transporters and Guides**

Selected	Land Status	Conveyed
	Private	

**Features**

- Affected Area
- Refuge
- Designated Wilderness
- Refuge Boundary

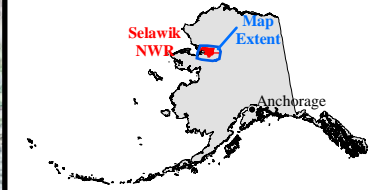
Land ownership only shown within the boundary of Selawik NWR

0 5 10 15 20 Miles

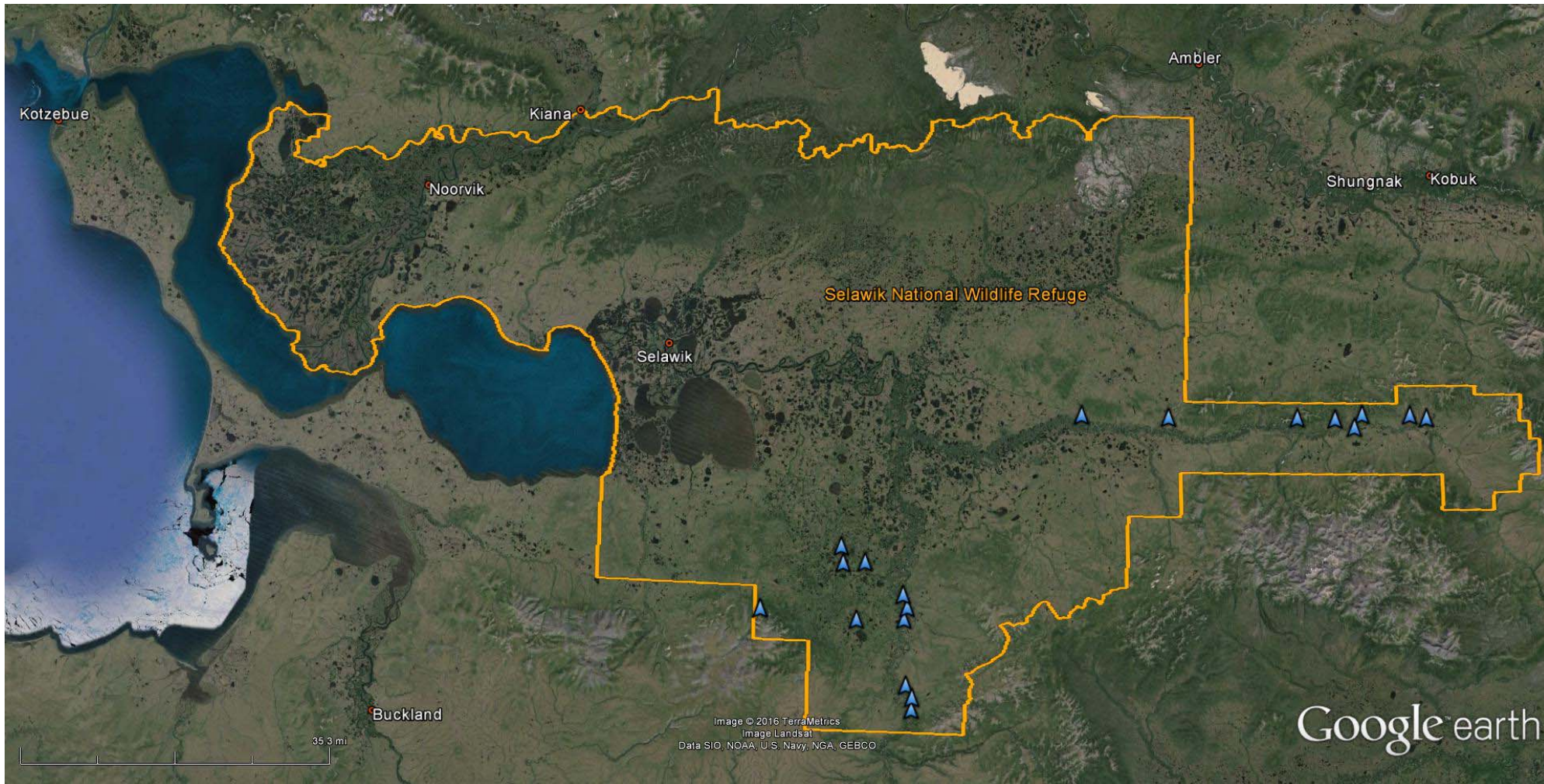
0 6 12 18 24 Kilometers

Produced in the Division of Realty and Natural Resources  
 Anchorage, Alaska  
 Current to: May 24, 2011

12-0070



# Access Points for Transported/Guided Hunters in 2015 Selawik National Wildlife Refuge



Blue triangles = Dropoff and pickup points for transported/guided hunters, Selawik National Wildlife Refuge, 2015, based on special use permit data.



## Big Game Commercial Services Board

## Statutes and Regulations Applicable to Air Taxis vs. Transporters

	Air Taxis	Transporters
Permitted to advertise hunting and transporting services	<b>No</b> (but many do) AS 08.54.720(a)(9)-(11),(13) Unlawful acts. AS 08.54.790(12)(B)(ii) Definitions.	<b>Yes</b>
Permitted to charge hunters more than usual rate	<b>No</b> (but many do) AS 08.54.790(12)(B)(i) Definitions.	<b>Yes</b>
Required to fill out transporter activity report	<b>No</b>	<b>Yes</b> AS 08.54.650(c) Transporter license. AS 08.54.660(c) Renewal of guide and transporter licenses. AS 08.54.710(a)(2) Discipline of guides and transporters. 12 AAC 75.395 Distribution and use of transporter activity reports. 12 AAC 75.400 Transporter activity report.
Required to report violations	<b>No</b> (but some may)	<b>Yes</b> AS 08.54.720(a)(1) and AS 08.54.720(a)(8)(B)(ii) Unlawful acts
Required to have BGCSB contract	<b>No</b> Must comply with FAA operating regulations at 14 CFR 135. Not required to pay land use fee or per-client fee to state.	<b>Yes</b> (pays state nothing) AS 08.54.680(c) Financial responsibility and other requirements for guides and transporters. 12 AAC 75.450 Transporter contract requirements.
Required to reveal location and where hunter was taken	<b>No</b>	<b>Yes</b> (but not until after drop-off) AS 08.54.750(f) Use area registration. 12 AAC 75.400 Transporter activity report.
Regulated by BGCSB	<b>No</b>	<b>Yes</b> Statutes and regulations, in general: AS 08.54.591 – 08.54.790 Big Game Guides and Related Occupations

Submitted by Dept. of Law



		<p>12 AAC 75.100 – 12 AAC 75.990 Big Game Commercial Services Board.</p> <p>Specific statutes and regulations:</p> <p><b>Statutes:</b>  AS 08.54.600 Duties of the board.  AS 08.54.605 Eligibility for licenses.  AS 08.54.650 Transporter license  AS 08.54.660 Renewal of guide and transporter licenses.  AS 08.54.680 Financial responsibility and other requirements for guides and transporters.  AS 08.54.710 Discipline of guides and transporters.  AS 08.54.720 Unlawful acts.  AS 08.54.740 Responsibility of guide or transporter for violations.  AS 08.54.750(f) Use area registration.  AS 08.54.770(a)(4) and (d) License and examination fees.</p> <p><b>Regulations:</b>  12 AAC 75.145 Application for a transporter license.  12 AAC 75.395 - .460 Transportation services,  12 AAC 75.900(e) License renewal.</p>
<b>Required to follow ethics</b>	<b>No</b> (may drop hunter off on top of others or on private land)	<b>Yes</b> (Must try to keep camps apart) 12 AAC 75.440 Professional ethics standards for providers of transportation services.
<b>Permitted to over-book and use private land</b>	<b>Yes</b>	<b>No</b> 12 AAC 75.440(c)(12) (no overbooking)

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Communication Committee Report for the Western Arctic Caribou Herd Unit 23 User  
Conflict meeting  
May 4-5, 2016  
Kotzebue, Alaska

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Outreach and Education

- ADFG: Published annual newsletter *Caribou Trails 2015*
- ADFG: Started production of Caribou Gender ID Quiz (which Kari will continue working on into 2016, for the ADF&G website)
- ADFG: Visited villages with Jim Dau for outreach concerning changes in caribou hunting regulations for 2015
- ADFG: Organized students and teachers from Noorvik to participate in caribou collaring at Onion Portage, along with BLM, NPS, and FWS.
- ADFG: Visited 5-7<sup>th</sup> graders in Nome with education activities about caribou habitat at Anvil City Science Center annual science camp
- ADFG: Educated Kindergarteners at Nome Elementary about caribou physical and behavior traits
- ADFG: 20 different people took the Unit 23 Pilot Orientation quiz from January 1, 2015 – December 31, 2015 (one person took it twice so entries totaled 21 in the quiz database).
- ADFG: Trooper McGinnis Update
- FWS: Created fact sheet for GMU 23, summarizing both the new federal and state caribou hunting regulations
- FWS: Assisted with the content review of *Caribou Trails*
- FWS: Updated and managed content of the WAH Working Group website
- FWS: Utilized Refuge Facebook page to communicate regulation and conservation concerns (included in this year's Refuge report)
- FWS: Educated Selawik students about caribou herd status at Selawik science-culture camp
- FWS: Educated 3<sup>rd</sup> graders in Kotzebue about caribou range and migration
- NPS: Nome Archaeology Camp: NPS ran last July near Nome with Kawerak, Bering Straits Native Corporation, and the Carrie M. McClain Museum. A focal activity was mapping of a prehistoric caribou drive line and discussion of traditional caribou hunting techniques.
- NPS: The Alaska Archaeology Month poster in 2015 focused on prehistoric caribou hunting in northern Alaska and made the point that this is an exceptionally long tradition. It went to 1000 schools, libraries and museums in Alaska and around the world. Web pages and public talks were associated.
- NPS: Talks to Local Schools: Nordale Elementary (3<sup>rd</sup> Grade), Tanana MS (8<sup>th</sup> grade), Ryan MS (8<sup>th</sup> grade)
- NPS: staff and students from Effie Kokrine Early College Charter School and Anaktuvik Pass will prepare the caribou skeleton so that it can be used to analyze remains from a 7,000 year-old archaeological site at Lake Matcharak in Gates of the Arctic.

Lastly, I would like to invite you all to contribute to *Caribou Trails*. There is a wealth of information and photographs out there. If you have photos of your family that you are proud of, photos of historical significance, or have any written information you would like to include, I invite you to share those with me. This publication is successful because of those who take the time to give an interview, share stories, send in photographs, provide research, or give suggestions for improvement.

So please feel open to contact me at any time and share the experiences you have had with the Western Arctic Caribou Herd Working Group.

Thank you ...

Contact Information:

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**ALASKA BOARD OF GAME  
REGULATION PROPOSAL FORM  
2016-2017 Meeting Cycle  
PO BOX 115526, JUNEAU, ALASKA 99811-5526**

<b>BOARD OF GAME REGULATIONS</b>		
Game Management Unit (GMU) <u>  23  </u>		
<input checked="" type="checkbox"/> Hunting	<input checked="" type="checkbox"/> Subsistence	
<input checked="" type="checkbox"/> Resident	<input type="checkbox"/> Nonresident	
<b>Which meeting would you like to submit your proposal to?</b>		
<input type="checkbox"/> Interior and Northeast Region (GMUs 12, 19, 20, 21, 24, 25, 26B, and 26C)	<input checked="" type="checkbox"/> Arctic/Western Region (GMUs 18, 22, 23, and 26A )	
<b>Please answer all questions to the best of your ability. All answers will be printed in the proposal book along with the proposer's name (address and phone numbers will not be published). Use separate forms for each proposal. Address only one issue per proposal. State the issue clearly and concisely. The board will reject multiple or confusing items.</b>		
<b>1. Alaska Administrative Code Number 5</b>		
AAC: 92.540 (9) (i)		Regulation Book Page No: 1074
<b>2. What is the issue you would like the board to address and why?</b>		
There are increased conflicts between local and non-local hunters at the head boundaries of the Controlled Use Area, that are reducing caribou hunter success in the fall time.		
<b>3. What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say? (Please provide draft regulatory language, if possible.)</b>		
(i) The area consists of that portion of Unit 23 in a corridor extending five miles on either side of, and including, the Noatak River, including the river, beginning at the mouth of the Noatak River and extending upstream to the mouth of the <b><u>Cutler River</u></b> [SAPUN CREEK].		
(ii) The area is closed from August 15 through September 30 to the use of aircraft in any manner for big game hunting, including the transportation of big game hunters, their hunting gear, or parts of big game; however, this provision does not apply to the transportation of big game hunters, their hunting gear, or parts of big game to and between publicly owned airports.		

**Submitted By:** Noatak and Kivalina AC & Kotzebue Sound AC  
**Individual or Group**

P.O. Box 85	Noatak, AK	99761
<b>Address</b>	<b>City, State</b>	<b>ZIP Code</b>
907-485-5299		Fishandgamerep@nautaaq.org
<b>Home Phone</b>	<b>Work Phone</b>	<b>Email</b>

**ALASKA BOARD OF GAME  
REGULATION PROPOSAL FORM  
2016-2017 Meeting Cycle  
PO BOX 115526, JUNEAU, ALASKA 99811-5526**

**BOARD OF GAME REGULATIONS**

**Game Management Unit (GMU) 23**

Hunting       Subsistence

Resident       Nonresident

**Which meeting would you like to submit your proposal to?**

**Interior and Northeast Region** (GMUs 12, 19, 20, 21, 24, 25, 26B, and 26C)       **Arctic/Western Region** (GMUs 18, 22, 23, and 26A )

**Please answer all questions to the best of your ability. All answers will be printed in the proposal book along with the proposer's name (address and phone numbers will not be published). Use separate forms for each proposal. Address only one issue per proposal. State the issue clearly and concisely. The board will reject multiple or confusing items.**

**1. Alaska Administrative Code Number 5**

**AAC: 92.540 (9) (i)**

**Regulation Book Page No: 1074**

**2. What is the issue you would like the board to address and why?**

The disruption of big game hunting in the fall time on the Squirrel, Agasisauk and Eli Rivers due to the increased density of hunters creating a barrier to the migration.

**3. What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say? (Please provide draft regulatory language, if possible.)**

Big game hunting camps are required to be spaced at least 3 miles apart on the Controlled Use Area and along the Agasisuak, Eli and Squirrel Rivers . This would allow the caribou to migrate with less disruption.

**Submitted By:** Noatak & Kivalina AC and Kotzebue Sound AC

**Individual or Group**

P.O. Box 85

Noatak, AK

99761

**Address**

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