Proposal 129 was submitted prior to the proposal deadline for the Spring 2010 meeting, but was inadvertently omitted from the proposal book.

PROPOSAL 129 – 5 AAC 85.020. Hunting seasons and bag limits for brown bear; and 92.XXX. Permit for hunting brown bear with the use of bait or scent lures. Allow the taking of brown bear over bait in Unit 21D as follows:

Allow the taking of brown bears over already existing black bear baits in Unit 21D (April 15 to June 30th), and if there is a fall black bear baiting season implemented by the Board of Game, then allow brown bears to be taken over black bear bait stations from August 1 to October 15 in Unit 21D.

ISSUE: Implementing a fall and spring brown bear baiting season in Unit 21D. If a fall (August 1 to October 15) black bear baiting season is allowed I would like to be able to harvest brown bears that appear at the bait station. I would also like to be allowed to hunt brown bears over the spring black bear bait stations (April 15th to June 30th).

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued difficulty hunting brown bears in Unit 21D. Traditional glassing methods do not work in the terrain in this area, with limited visibility due to thick forests.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It increases hunting opportunity in a terrain that is not conductive to glassing or taking brown bears in a typical fashion.

WHO IS LIKELY TO BENEFIT? Brown bear hunters who hunt in Unit 21D

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Nolan Aloysius

LOG NUMBER: HQ-10S-G-079

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Proposal 130 was submitted prior to the proposal deadline for the Spring 2010 meeting, but was inadvertently omitted from the proposal book.

PROPOSAL 130 – **5 AAC 85.015. Hunting seasons and bag limits for black bear; and 92.044. Permit for hunting black bear with the use of bait or scent lures.** Open a fall black bear hunt over bait in Unit 21D.

Open a black bear baiting season from August 1 – October 15 in Unit 21D in addition to the current black bear baiting season (April 15-June 30).

ISSUE: Implementing a fall black bear baiting season in Unit 21D. The current spring black bear baiting season (April 15 to June 30) can be impacted negatively due to break up, with wet conditions and overflows on lakes and sloughs making it difficult to get to bear baiting sites. This would also allow hunters a cooler season in which to care for the meat and better quality meat and fur since the bears have recovered after hibernation. Unit 21D is a heavily forested area, which makes it difficult to find black bears without the aid of bait stations.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued difficulty getting to bear baiting stations due to adverse weather conditions, the possibility of meat spoilage due to warm weather, ultimately lost hunting opportunity due to these factors.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? It has the potential of improving the quality of the meat and fur by allowing hunters to take animals later in the year, months after hibernation. It also increases hunting opportunity in the area.

WHO IS LIKELY TO BENEFIT? Black bear hunters who hunt in Unit 21D.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Nolan Aloysius

LOG NUMBER: HQ-10S-G-080
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The Board of Game accepted this proposal for the Spring 2010 meeting through an agenda change request.

PROPOSAL 131 5 AAC 92.110. Control of predation by wolves, and 92.115. Control of predation by bears. Make the following modifications to subsections as follows:

5 AAC 92.110(j) An activity involving a wolf population reduction or wolf population regulation program [POTENTIALLY INVOLVING] **on** federal lands will not apply to lands managed and administered by the National Park Service or United State Fish and Wildlife Service [UNLESS APPROVED BY] **without consulting** the applicable agency and, to the maximum extent possible, must be coordinated with all appropriate federal agencies.

5 AAC 92.115(h) An activity involving a bear population reduction or wolf population regulation program [POTENTIALLY INVOLVING] **on** federal lands will not apply to lands managed and administered by the National Park Service or United State Fish and Wildlife Service [UNLESS APPROVED BY] **without consulting** the applicable agency and, to the maximum extent possible, must be coordinated with all appropriate federal agencies.

ISSUE: It is always the desire of the Board of Game (board) and the Department of Fish and Game (department) to cooperate with federal land management agencies while carrying out the requirements of state statues and regulations, and mandates in Titles II-VII of ANILCA on federal lands. However, as currently written, this section of regulation is unclear about what is intended as to the nature of "approval" and under what circumstances this is intended to apply.

Confusion about the intent of this requirement has come to light in association with management plans the department has developed to increase caribou populations in the Upper Tanana/Yukon (Fortymile Herd) and on portions of the Alaska Peninsula, and most recently, on Unimak Island. To date, the department has assumed that this section of regulation does not apply as long as management activities are limited to state lands. However, because of the proximity of federal lands, the department is not sure if the "potentially involving" applies and whether the department is therefore required to obtain federal approval.

For years, the confusion over these regulations, coupled with the "checkerboard" pattern of landownership in much of rural Alaska, has complicated the State's efforts to apply intensive management techniques on behalf of Alaska's subsistence users.

In addition to lack of clarity in wording, it is apparent to both the board and the department that current language in 5 AAC 92.110 and 5 AAC 92.115 appears to run contrary to language in several federal acts (including the Wilderness Act of 1964 and ANILCA) and to the Master Memorandums of Understanding signed by the National Park Service and the U.S. Fish and Wildlife Service in 1982. It is also apparent that requiring "approval" from federal agencies might be construed as a federal action and therefore might trigger a NEPA process for any federal agencies involved.

Although two previous federal appeals court rulings (DC and 9th Circuit) have found that the control of wolves on federal land is not a "major federal action significantly affecting the quality of human environment." and therefore NEPA does not apply, third parties may continue to try to litigate the issue as long as a "federal action" is involved. The State of Alaska meticulously

addresses each program under a Predation Control Areas Implementation Plan that is thoroughly vetted by biologists, and the public in the Board of Game process.

WHAT WILL HAPPEN IF NOTHING IS DONE? Confusion about the intent of this regulation will continue and state management authorities on federal lands may be diminished. Additionally, federal agencies may be provoked into unnecessary NEPA processes when cooperating with the state.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? This does not apply to this proposal.

WHO IS LIKELY TO BENEFIT? Individuals interested in maintaining abundant and healthy populations of game in need of wolf or bear management where U.S. Fish and Wildlife Service or National Park Service lands are involved. The Department of Fish and Game and the people of the state will benefit by not having management authority diminished on federal lands, and federal agencies will benefit by not being forced into NEPA processes and by being less vulnerable to lawsuits by third parties.

WHO IS LIKELY TO SUFFER? People who do not like the state conducting wildlife management actions on federal lands and who would try to use NEPA or state regulations in an obstructionist way to halt programs designed to increase hunting opportunity on federal lands.

OTHER SOLUTIONS CONSIDERED? Leave the regulations as is, but this would leave questions about when and how this section of regulation is expected to apply to department management activities on and around federal lands, and state management authority would continue to be diminished on National Wildlife Refuges and Park Service lands.

PROPOSED BY: The Alaska Department of Fish and Game

LOG NUMBER: ACR-10S-G-001

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The Board of Game accepted this proposal to the agenda for the Spring 2010 meeting through an agenda change request.

PROPOSAL 132 - 5 AAC 92.125. Predation Control Areas Implementation Plans.
Establish a predator control area for Unit 10, Unimak Island.

5 AAC 92.125 is amended by adding a subsection to read:
Unit 10 Predation Control Area. Notwithstanding any other provisions in this title, and based on the following information contained in this section, the commissioner or the commissioner's designee may conduct a wolf population reduction or wolf population regulation on Unimak Island in Unit 10:

(1) The Unimak Wolf Management Area is established to reverse the population decline and facilitate population growth of the Unimak caribou herd (UCH) on Unimak Island in Unit 10; the UCH has been identified as an important resource for subsistence and other uses; the Unimak Wolf Management Area includes all of Unimak Island, encompassing approximately 1,571 square miles (4,069 square kilometers); the wolf reduction area is approximately 900 square miles (2330 square kilometers) and includes 57 percent of the lands within the management area;

(2) the discussion of wildlife populations and human use information is as follows:

(A) the UCH population information is as follows:

(i) the UCH has occupied Unimak Island through most of recorded history and was estimated at 5,000 caribou in 1975; the UCH population size was estimated to include 1,200 caribou in 2002 before entering a population decline; the most recent estimate of herd size was 300 caribou based on surveys conducted in October 2009;

(ii) Factors contributing to the initial decline in UCH population size are not known, however low caribou calf survival has been identified as the primary cause of the decline since 2005;

(iii) calf:cow ratios in October averaged 5.5 calves:100 cows during the period of 2005 to 2009 (range 3 to 7);

(iv) bull:cow ratios declined from 45 to 5 bulls:100 cows during the period of 2005 to 2009; a total of 13 bulls were counted during the October 2009 survey; this decreased bull:cow ratio is attributed to the lack of calf recruitment and cannot be explained by caribou harvests;

(v) pregnancy rates of cows that were 24 months of age or older decreased from 85% in 2008 (n=113) to 68% in 2009 (n=40); the decreased pregnancy rate is attributed to the inability of some reproductive females to find mates for breeding, because of the low bull:cow ratio;

(vi) adult female caribou in the UCH have excellent body condition based on a study conducted in 2009; nutrition and range conditions are not limiting reproduction or caribou survival;

(vii) harvestable surplus is estimated to be 0 caribou based on chronic poor calf recruitment and low bull:cow ratio;

(viii) state and federal caribou hunts were closed in 2009 due to the continued population decline and low calf recruitment; the closure remains in place as of 2010;

(B) the predator population and human use information is as follows

(i) wolves are a major predator of caribou on Unimak Island;

(ii) research into the causes of caribou calf mortality indicates that wolf predation is a major cause of caribou calf deaths during the first 2 weeks of life and continue to be a major predator throughout the year; wolf predation was the primary cause of calf deaths in the adjacent Southern Alaska Peninsula (SAP) caribou herd in Unit 9D; the removal of 20 adult wolves from the caribou calving grounds in Unit 9D during two years of a wolf predation management program increased caribou calf survival from 1 percent to 71 percent;

(iii) wolf density on the Alaska Peninsula is estimated at 7 wolves per 1,000 square kilometers; wolf densities in the Unimak Wolf Management Area were thought to be similar to study areas on the Alaska Peninsula based on observations made by biologists during caribou surveys; anecdotal evidence obtained from pilots, hunters, and local residents indicates that wolves are abundant throughout the area;

(iv) no wolf surveys have been conducted in the Unimak Wolf Management Area; wolves are frequently observed within the UCH calving ground; the Unimak Wolf Management Area was thought to include 20 to 30 wolves and in 3 to 5 packs based on habitat type and prey base;

(v) an average of 2 wolves (range of 0 to 4 wolves) have been harvested annually in the Unimak Wolf Management Area;

(vi) brown bears are considered to be an important predator of caribou on the Alaska Peninsula and on Unimak Island; while brown bears have been known to kill adult caribou opportunistically, brown bears are regarded as an effective predator of calves during the first 10 days of life;

(vii) research into the causes of caribou calf mortality indicates that brown bear predation was a less important cause of caribou calf mortality than wolf predation in the Northern Alaska Peninsula (NAP) caribou herd in Units 9C & 9E and the SAP caribou herd in Unit 9D, which are adjacent herds with similar ecosystems;

(viii) brown bears are considered abundant on Unimak Island; the brown bear density is 100 bears per 1,000 square kilometers in the Unimak Wolf Management Area;

(ix) brown bear harvests in the Unimak Wolf Management Area have averaged 10 bears annually from 2000 to 2008;

(3) predator and prey population objectives and the basis for those objectives are as follows:

(A) management population objectives for the UCH is to maintain a population of 1,000 caribou with a bull:cow ratio of at least 35 bulls:100 cows; the amount necessary for subsistence is 100 - 150 caribou annually and includes caribou harvested from the SAP caribou herd in Unit 9D; the caribou harvest objective required to meet the amount necessary for subsistence has not been met for 18 years;

(i) management objectives were established based on historical information regarding population numbers, habitat limitations, human use, and sustainable harvests;

(ii) the estimated UCH population in October 2009 was 300 caribou, including 13 bulls;

(iii) hunting seasons for the UCH were closed in March 2009;

(B) wolf population objectives for Unimak Island are to maintain a population capable of sustaining a harvest of at least 2 wolves per year; these objectives are currently being met and will continue to be met under this plan;

(C) brown bear population objectives for Unit 10 are to maintain a high population density and sex and age structure that can sustain a harvest composed of at least 60% males; the brown bear population objective for Unit 10 is currently being met;

(4) justification, objectives, and thresholds for the predator management implementation plan are as follows:

(A) justification for the Unimak Wolf Management Area is based on the herd's intrinsic value as a critical component of the Unimak Island ecosystem, the determination that the UCH is a population that is customarily and traditionally taken for subsistence uses; and the value of the herd for other consumptive uses; while this population has not been identified as important for high levels of human use, it is, nevertheless important locally and as the only naturally-occurring insular caribou herd in the state; the Board established objectives for population size and composition in Unit 10 consistent with multiple use and principles of sound conservation and management of habitat and all wildlife species in the area;

(B) the objectives of the program are to halt the decline of the UCH and to achieve a sex and age structure that will sustain the population; the goal of this program is to reduce the number of wolves in a specified wolf reduction area that demonstrates a history of repeated use by caribou; the wolf reduction area includes all lands on Unimak Island that are west of the 164 degree West line of longitude; the wolf reduction area includes 900 square miles and includes approximately 57% of the lands within the Unimak Wolf Management Area.

(C) The commissioner may initiate the reduction of wolf numbers in the Unimak Wolf Management Area according to the following thresholds:

(i) the caribou population is below management objectives established by the Board;

(ii) nutrition is not considered to be the primary factor limiting caribou population growth;

(iii) calf recruitment is an important factor limiting population growth and calf survival during the first four weeks of life is less than 50%;

(D) the commissioner may continue to reduce wolf numbers in the Unimak Wolf Management area until the following thresholds can be met without the benefit of wolf reduction:

(i) the bull:cow ratio can be sustained within management objectives and the fall calf:cow ratio can be sustained above 25 calves:100 cows; or

(ii) the population can grow at a sustained rate of 5% annually; or

(iii) harvest objectives can be met;

(E) the commissioner will suspend the wolf reduction program if the following conditions are observed pending further review by the Board to determine if the program can be modified to achieve the objectives of this program before reinstating the program; hunting and trapping by the public specified in other sections of this title may continue and are not subject to this clause;

(i) caribou nutritional indices such as pregnancy rates, calf and adult body mass, or other condition indices exhibit a declining trend from current values and the bull:cow ratio is greater than 20 bulls:100 cows; or

(ii) fall caribou calf:cow ratios remain below 20 calves:100 cows following three consecutive years of wolf removal from the Unimak Wolf Management Area; or

(iii) the bull:cow ratio remains below the caribou population objectives and does not increase following three consecutive years of wolf removal from the Unimak Wolf Management Area;

(F) the predation management objective for the Unimak Wolf Management Area is to reduce wolf numbers in the wolf reduction area on Unimak Island in Unit 10, but maintain a population on the island capable of sustaining a harvest of at least 2 wolves per year; wolves will not be removed from 43% of the lands within the UCH Wolf Management Area that are outside the boundaries of the wolf reduction area; because wolves will not be removed from all lands within the UCH Wolf Management Area, logistic limitations prohibit public access to the majority of lands within the management area, and wolf harvest by the public is low, only a portion of the wolf population on Unimak Island will be affected by the management activities authorized by this plan;

(G) human intervention to reduce wolf predation is necessary to stop the caribou population decline and likely extirpation and to promote population recovery;

(H) the reduction of wolf numbers in the prescribed wolf reduction area is expected to increase caribou calf survival and recruitment and increase the caribou bull:cow ratio to management objectives;

(I) reduction of predation on caribou by brown bears would not be feasible because the density of brown bears is high on Unimak Island, most of the bears present are probably not significant predators on caribou, it is difficult to identify predatory brown bears, limitations imposed by logistics, and competing management priorities;

(5) the authorized methods and means used to take wolves are as follows:

(A) hunting and trapping of wolves by the public in Unimak Wolf Management Area during the term of the management program may occur as provided in the hunting and trapping regulations set out elsewhere in this title;

(B) the commissioner may issue public aerial shooting permits, public land and shoot permits, allow agents of the State to conduct aerial shooting, or allow Department employees to conduct aerial shooting as a method of wolf removal under AS 16.05.783, including the use of any type of aircraft;

(C) the commissioner may authorize the use of Department employees or state owned, privately-owned, or charter equipment, including helicopters, as a method of wolf removal under AS 16.05.783;

(D) the commissioner may authorize the Department employees to euthanize wolf pups located in a den in accordance with the Department's Wolf Pup Protocol and using the Guidelines for Euthanasia of Nondomestic Animals approved by the American Association of Zoo Veterinarians if the wolf pups are orphaned during the wolf removal activities;

(6) the anticipated time frame and schedule for update and reevaluation are as follows:

(A) for up to 10 years beginning April 1, 2010, the commissioner may reduce the wolf populations in the Unimak Wolf Management Area;

(B) annually the Department shall, to the extent practicable, provide to the Board a report of program activities conducted during the preceding 12 months, including implementation activities, the status of caribou and wolf populations, and recommendations for changes, if necessary to achieve the objectives of the plan;

(7) other specifications that the Board considers necessary:

(A) the commissioner shall suspend wolf reduction activities

(i) when prey population management objectives are obtained;

(ii) predation management objectives are met; or

(iii) upon expiration of the period during which the commissioner is authorized to reduce wolf numbers in the Unimak Wolf Management Area;

(B) the commissioner shall annually close wolf hunting and trapping seasons as appropriate to ensure that the wolf population objectives for Unimak Island continue to be met.

ISSUE: The Unimak Caribou Herd (UCH) in Game Management Unit (Unit)10 has declined from a peak population of 1,200 caribou in 2002. During the fall of 2009, the population size was estimated to be 300 caribou. Initially the cause of the population decline was not investigated, but later studies identified poor calf survival as the primary cause of the continued decline and explain the deterioration of key population parameters. Human harvest was not a factor in the decline, and nutrition was not a significant factor based on observed pregnancy rates and body condition indices.

The primary factor limiting population growth and harvest opportunity is the poor calf recruitment that occurred over the past 5 years (7, 6, 6, and 3 calves: 100 cows in the fall of 2005, 2007, 2008, and 2009 respectively). Calf recruitment has been insufficient to offset adult mortality, resulting in a decreased population size and a decrease in the bull:cow ratio. The pregnancy rate of adult female caribou was 17% lower in 2009 than 2008, presumably because some reproductive females were unable to find mates during the breeding season. By October 2009, the bull:cow ratio had fallen to 5 bulls:100 cow, the lowest ever recorded for a caribou herd in Alaska.

The low bull:cow ratio, low pregnancy, and low calf survival require immediate mitigation to ensure conservation and sustainability of the UCH. In very similar circumstances, focused wolf reduction resulted in an immediate increase in the bull:cow ratio, calf survival and recruitment, and population size of the adjacent Southern Alaska Peninsula (SAP) caribou herd. Department staff believes that a similar wolf reduction program on Unimak will also be successful.

The Department of Fish and Game (department) recommends the following management objectives for the Unimak caribou herd:

1. Maintain a population size of 1,000 animals.
2. Maintain a minimum fall bull:cow ratio of at least 35 bulls:100 cows.

The Board of Game (Board) has set the amount necessary for subsistence (ANS) harvest at 100-150 caribou from the UCH and SAP caribou herds combined. The ANS objective for caribou

harvest has not been met during the last 18 years. Hunting opportunity will be reinstated when the population can sustain a limited harvest based on fall sex and age composition surveys.

Unlike the SAP where predator management programs have been conducted entirely on state-owned lands, land ownership on Unimak is federal wilderness land, except for small areas of private land around villages. As such, the Department is working cooperatively with the U.S. Fish and Wildlife Service to obtain support to conduct management activities on these lands. The Department considers this an emergency management condition and it is unclear whether the normal federal permitting process can accommodate this need. As a result, the Department may ask for clarification of intent on the regulation 5 AAC 92.110(j) and 5 AAC 92.115(h) to understand what was intended when immediate management actions are requires to preserve a wildlife population on federal lands.

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WHAT WILL HAPPEN IF NOTHING IS DONE? If the population continues to decline, population recovery will be prolonged, caribou may cease to occupy Unimak Island for many years, and future opportunity for caribou hunters in Unit 10 will be compromised for an indefinite period of time. At the current population size and structure, the sustainability of the herd is more at risk to unusual weather or other catastrophic events.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes

WHO IS LIKELY TO BENEFIT? Local resident, non-local resident, federally-qualified rural resident, and nonresident hunters will benefit as the herd recovers. People who enjoy seeing and hunting wolves, wolverines, and caribou on Unimak Island will also benefit. The diversity of fauna and ecosystem function on Unimak Island will be preserved

WHO IS LIKELY TO SUFFER? People who do not believe that wolves should be killed for any reason and people who do not believe that wolves should be killed to protect caribou herds or caribou hunting.

OTHER SOLUTIONS CONSIDERED? The Department of Fish and Game could take no action to stabilize the UCH, but caribou may disappear from the island and caribou harvest opportunity on Unimak will certainly be compromised for many years.

PROPOSED BY: The Alaska Department of Fish and Game

LOG NUMBER: ACR-10S-G-002

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