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## Comments on USFWS Proposal to Pre-empt State Brown Bear Regulations on the Kenai National Wildlife Refuge

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The Alaska Department of Fish and Game disagrees with the US Fish and Wildlife Service proposed closure of the fall 2014 and the spring 2015 brown bear hunting season on the Kenai National Wildlife Refuge. We do not believe the proposed closure is justified by either resource protection concerns or federal policy.

The existing State-approved wildlife regulations are based on the implementation of the sustained yield principle for the brown bear population, and the interests of area residents. Let me be clear, if a resource conservation issue existed the State would be closing the hunt. Just this year we have closed open seasons for sheep on the North Slope and wolves in Southeast Alaska based on conservation concerns. In these instances, both the state and federal seasons were closed.

In its 2010 brown bear population assessment the Service made a significant attempt to determine the density of brown bears across the Refuge as well as extrapolate a total Kenai Peninsula population. While we continue to have concerns about the design of this study and continue to assess it and recent adjustments made to it by the Service, we choose to use this as a starting point to evaluate sustainable harvest levels in both the short and long term. The results of that evaluation were used in our presentation to the Board in 2014 when we told them we would curtail the hunting season by Emergency Order if the harvest of adult females approached 17, or the total harvest approached 70.

The primary metric of sustainable harvest was and continues to be mortality of adult female bears. The Service had told us that they could live with a total human caused mortality cap of 12 adult females last year. We settled on a cap of 17 given comments from the Service to our Board that their estimate was likely conservative. The Board also adopted a regulation that allowed the taking of brown bears over

bait, with the hope that this would allow hunters an improved ability to identify the sex of a bear and selectively harvest a boar. This approach appears to have worked this past spring when a total of 52 bears were harvested in the spring hunt, with only five being adult females.

The Service has emphasized that the regulations that allow brown bears to be taken at bait stations are new and unique. While it is a new use under state regulations on the Kenai, we would point out that similar regulations have been approved elsewhere in the state by our counterpart, the Federal Subsistence Board. The two regulatory entities, state and federal, approved use of bait under open regulatory processes, yet the Service asserts it should not be allowed on refuge lands and has prohibited its use. We contend that this is a legitimate harvest method and that when used in conjunction with harvest limits does not jeopardize the population. We also have no evidence that it contributes to the creation of problem bears and, as we have seen this past spring, it has the potential to minimize the take of female bears because hunters have a better chance to determine the sex of the animal and the presence of cubs before shooting.

The state has announced it will close the fall hunt when the total harvest is projected to exceed 70 total bears or 17 adult females. To ensure for accurate and timely accounting all successful brown bear hunters are required to report their harvest to the Soldotna ADF&G office within five days of the kill. To account for other sources of human caused mortality, we will close the directed hunt when total harvest reaches 66-67 bears or 15 adult females. We will likely reach the total harvest cap first before reaching the cap on female harvest. At this point it is quite likely that the total harvest of adult females will be less than 12, the Service's preseason stated desire. Clearly the Department's objective is to not exceed our harvest quota of brown bear on the Kenai Peninsula.

What is missing in this discussion is consideration of the intent of the State in administering the brown bear hunt on the Kenai Peninsula. The Board of Game received multiple requests from the public to respond to an increasing brown bear population and associated negative human-bear interactions. The Board considered those requests and different options were developed, resulting in the Board's decision to increase the opportunity for brown bear hunting. The Department had concerns about the potential increase in harvests, but believed that through close monitoring using stringent reporting requirements, and the use, if necessary, of our emergency closure authority, negative impacts to the long-term sustainability of the bear population could be avoided while meeting the goal of stabilizing the overall population, and reducing the population in the more developed areas of the Kenai.

I'd like to point out that to date the number of bears killed in defense of life or property and nuisance bear calls on the Kenai Peninsula have been reduced significantly this year. Is this a result of the increased harvest? More than likely, yes, the increased harvest has had a positive impact, along with greater vigilance by local residents to keep human food and garbage away from bears.

We believe the biological information the Service has provided to justify this closure is incomplete and in some cases inaccurate. For instance, the Service asserts that brown bear population densities on the

Kenai Peninsula should be comparable to those on the Katmai coast, Kodiak archipelago, and portions of southeast Alaska. While all of these bear populations have access to salmon as a food source, the bears on the Kenai lack the access to rich intertidal areas and sedge flats that typify true coastal bear populations. Expecting brown bear densities on the Kenai Peninsula to match those of true coastal populations elsewhere and managing accordingly is not reasonable, particularly when coupled with the increased level of human influence on the Kenai.

Unfortunately, Service news releases and background information regarding the current abundance of brown bears on the Kenai Peninsula inaccurately indicate a finite, static bear population. In other words, it's like we had a bank account of 600 bears in 2010 and there have been no new ones coming into the account and every bear killed is a net loss to the account. It is important to recognize that while there has been harvest of bears there has also been recruitment to the population through birth. In fact, in many Alaska brown bear populations, increased harvest of adult males results in increased cub survival and potentially increased sub-adult survival. We are working with service biologists to develop more accurate models to predict population trends under various harvest scenarios and expect to have that work completed by the time the Board of Game meets to consider harvest regulations this spring. In the meantime, we do not agree with the Service's decision to take management action based on an inaccurate method of predicting population affects.

In summary, the State of Alaska believes state harvest regulations are sufficiently conservative to ensure the long-term sustainability of the brown bear population on the Kenai Peninsula, and disagrees with the Service's decision to restrict hunting opportunity.

This federal closure appears more based on management philosophy and ethics than resource conservation and does not fall within the mandates of cooperative management that Congress envisioned when it redesignated the Kenai Refuge under the 1980 Alaska National Interest Lands Conservation Act, and other federal legislation such as the Refuge Improvement Act and the State and Federal Cooperation Policy.

In this and other wildlife related closures, the Service has repeatedly stated that such actions are resource protection measures necessary to ensure consistency with Refuge purposes, including the purpose of maintaining "natural diversity." We have repeatedly asked the Service to provide clear and quantifiable metrics used to assess "natural diversity." To date, none have been provided. Absent the metrics to determine "natural diversity" decision-making criteria by the Service becomes broader, making it much easier for the refuge manager to justify closures or prohibit public uses.

With this closure of brown bear hunting on KNWR, again, no definition of "natural diversity" is offered by the refuge, no age or sex composition metric is suggested. Instead, an assertion is made that the action by the State fails to comply with the Service's desires for maintenance of "natural diversity." I don't believe that it was ever the intent of Congress to allow the federal government to hold such power over fish and wildlife that have long been recognized as state resources, even if they happen to occur on

federally administered lands. Where does it stop? With brown bears? Wolves? Moose? Hare? Grouse? Berry picking?

The Service also does not explain its rationale regarding the anticipated effects from closing the state hunt while inexplicably proceeding with the federal subsistence hunt that allows harvest on these same bears. We are left to wonder how a resource conservation action can be justified if harvest opportunity under federal regulations is left open. We also disagree with the Service's reasoning that the closure is necessary for maintaining wilderness character for the Kenai wilderness as the Service makes no linkage between bears, hunting and the condition of the national wilderness preservation system.

To conclude, our Department will continue to cooperate with the Service regarding the administration of hunts on the Kenai Peninsula and the sustained yield management of brown bears. We will also continue to work with the Service to evaluate all available biological data and present our findings to the Board as it considers proposals during their March 2015 meeting in Anchorage. We remain committed to managing for a sustainable population of brown bears and will work towards that end, but will also recognize the desires of the public to reduce negative interactions with bears, coupled with their interest for opportunities to hunt. We request the Service reject the proposed closure of brown bear hunting on the Refuge not only in the fall of 2014, but in the spring of 2015. The information available does not support either closure.

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