

Questions and Answers

on

Proposed Regulation Changes on Sport Hunting and Trapping,
Public Use, and Closures and Restrictions on Alaska National Wildlife Refuges

Q1: What is a Proposed Rule?

A1: A proposed rule is draft regulation that is published for public review and comment. All regulations enacted by the federal government are first published as a proposed rule.

Q2: What are some of the regulatory changes we are considering?

A2: We are considering regulatory changes that would prohibit activities involving predator reduction with the intent or potential to alter or manipulate natural ecosystems or ecological processes (e.g. predator-prey dynamics) to increase harvest of wildlife on National Wildlife Refuges (refuges) in Alaska; and clarify prohibited practices, methods, and means related to sport hunting and trapping that are inconsistent with Federal laws and U.S Fish and Wildlife Service (FWS) policies.

Substantive additions to existing federal regulations governing sport hunting and trapping on Alaska refuges would include prohibitions on: 1) take of bear cubs or sows with cubs (exception allowed for resident hunters to take black bear cubs or sows with cubs under customary and traditional use activities at a den site October 15 – April 30 in specific game management units in accordance with State law); 2) take of brown bears over bait; 3) take of bears using traps or snares; 4) take of wolves and coyotes during the denning season; and 5) taking wildlife from an aircraft or on the same day as air travel has occurred.

Additionally, these regulatory changes would clarify the allowable practices related to the collection of natural resources on refuges in Alaska (allowing recreational users to collect natural resources such as fruits, berries, mushrooms, firewood, and other plant materials for personal, noncommercial uses) and update the procedures for closing an area or restricting an activity on refuges in Alaska to make those provisions more consistent with other Federal regulations.

Q3: Why is the U.S. Fish and Wildlife Service considering these regulatory changes?

A3: We are considering amending our regulations to ensure that we are managing refuges in Alaska in line with our mandates to conserve fish, wildlife and habitats in their natural diversity, and to ensure that biological integrity and biological diversity are maintained on refuges in Alaska. Activities involving predator reduction that manipulate biological integrity and natural diversity, conflict with laws and policies that the FWS is required to implement. The proposed regulatory changes would bring clarity and consistency to administration of sport hunting and trapping on refuges in Alaska, as well as to address several other outstanding issues.

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

The FWS is required by law to manage National Wildlife Refuges “to ensure that . . . biological integrity, biological diversity, and environmental health are maintained” (National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997). The Alaska National Interest Lands Conservation Act (ANILCA) sec. 101(a) states that the primary purpose of the Act is “to preserve for the benefit, use, education, and inspiration of present and future generations certain lands and waters in the State of Alaska that contain nationally significant natural, scenic, historic, archeological, geological, scientific, wilderness, cultural, recreational, and wildlife values...” Further, sections 302, 1-9 and 303, 1-7 of ANILCA establish or redefine all refuges in Alaska with the primary purpose to “conserve fish and wildlife populations and habitats in their natural diversity.” These proposed regulatory changes are aimed at ensuring that natural ecological processes and functions are maintained and wildlife populations and habitats are conserved and managed to function in their natural diversity on Alaska refuges. The latter may be interpreted as not only the natural diversity of species but also the natural variations and fluctuations in both predator and prey populations over time.

The overarching goal of the FWS’s wildlife-dependent recreation policy is to enhance opportunities and access to quality visitor experiences on refuges and to manage the refuge to conserve fish, wildlife, plants, and their habitats (605 FW 1.6). We recognize hunting as an important wildlife management tool and one of many priority uses of the Refuge System (when and where compatible with refuge purposes) that is a healthy, traditional outdoor pastime, deeply rooted in the American heritage (605 FW 2).

Q4: What authority does the FWS have to establish hunting and trapping regulations? Will these proposed regulatory changes create a conflict with the State's authority to manage wildlife in Alaska?

A4: We realize and respect that the State has obligations to manage wildlife in Alaska according to the directives in the state constitution. The FWS similarly must ensure that activities on refuges are consistent with Federal laws and USFWS policy and has final authority for managing plants, fish, and wildlife on National Wildlife Refuges in Alaska in order to do so. Applicable laws include the ANILCA, the National Wildlife Refuge Administration Act, as amended, and the Wilderness Act.

We prefer to defer to the State unless, in doing so, we become out of compliance with Federal laws and USFWS policy. In the absence of State action to exercise their authority to exclude refuges from Intensive Management designation and associated actions, as well as sport hunting and trapping regulations that are inconsistent with our legal mandates, we believe these regulatory changes are necessary to resolve conflicting activities.

Q5. Will the proposed regulatory changes apply to Federal subsistence hunting and trapping on National Wildlife Refuges?

A5: No. These proposed regulatory changes would not change Federal subsistence regulations (36 CFR 242 and 50 CFR § 100) or restrict taking of fish or wildlife for subsistence uses under Federal subsistence regulations. Under ANILCA, all Refuges in Alaska (except the Kenai refuge) also have a purpose to provide the opportunity for continued subsistence use by local rural residents, as long as this use is not in conflict with the conservation of fish and wildlife populations and habitats in their natural diversity or in conflict with fulfilling the international treaty obligations of the United States with respect to fish and wildlife and their habitats. We continue to recognize subsistence uses of fish and wildlife and other renewable resources as priority consumptive uses on Refuges in Alaska.

Q6: What is the proposed timeline and next steps?

A6: The process begins by first gathering background information and consulting with the State and Alaska Native Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations on the changes that we are proposing. We anticipate publication of a proposed rule in the Federal Register around the middle of January of 2015. We will have a 60 day comment period that will end sometime in April of 2015. We will be holding a series of public meetings and hearings around the State and will take public comments during that time. We then will begin analyzing the comments in the summer of 2015, revising the rule as needed, and subsequently plan to publish a final rule toward the end of 2015 or first part of 2016.

Q7: Will you complete an analysis under the National Environmental Policy Act (NEPA) on the proposed regulatory changes?

A7: We will be preparing a draft Environmental Assessment (EA) for the proposed regulatory changes and will be soliciting public comments on the draft EA concurrently with comments on the proposed regulatory changes sometime early next year.

Q8: How can I participate?

A8: We would like to hear from you and will begin the Government to Government Consultation process in late September. In person meetings and teleconferences will be held with Tribes and Native Corporations beginning in October 2014 to provide opportunity for open dialogue about some of the changes being considered as a part of this process. There will be additional opportunities to consult after a draft rule has been published early next year, and there will also be a 60 day public comment period once a proposed rule and draft EA are published early next year (February – April 2015). Input gathered during Government to Government Consultation will help to inform our efforts before a proposed draft rule is published early in 2015 and again, before a final rule is published sometime in late 2015.