

Questions and Answers on Regulatory Changes Being Considered by the U.S. Fish & Wildlife Service for National Wildlife Refuges in Alaska

1. What are the regulatory changes being considered?

National Wildlife Refuges (refuges) in Alaska are mandated to conserve species and habitats in their natural diversity and ensure that the biological integrity, diversity, and environmental health of the National Wildlife Refuge System (Refuge System) are maintained for the continuing benefit of present and future generations of Americans. The U.S. Fish and Wildlife Service (USFWS) is considering amending regulations governing Alaska refuges (under 50 CFR 36) to ensure that we are managing those refuges in accordance with our mandates; to increase consistency with other Federal laws, regulations, and policies; and to more effectively engage the public.

The changes we are considering would:

- Clarify existing Federal mandates for conserving the natural diversity, biological integrity, and environmental health on refuges in Alaska in relation to predator harvest. Predator reduction activities with the intent or potential to alter or manipulate the natural diversity of species populations or habitats (e.g., artificially increasing or decreasing wildlife populations to provide for more harvest opportunity) would be prohibited on refuges in Alaska.
- Prohibit the following methods and means for predator harvest on refuges in Alaska (would not apply to the taking of fish or wildlife under Federal subsistence regulations):
 - 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*);
 - take of brown bears over bait;
 - take of bears using traps or snares;
 - take of wolves and coyotes during the spring and summer denning season;
 - engagement in trapping activities as the employee of another person; and
 - take of bears from an aircraft or on the same day as air travel has occurred. *Note: take of wolves or wolverines from an aircraft or on the same day as air travel has occurred is already prohibited under current refuge regulations.*
- Update the Public Participation and Closure Procedures to make them more consistent with other Federal regulations and more effectively engage the public

Important notes:

- These proposed changes would not apply to the take of fish or wildlife under Federal subsistence regulations.
- Hunting and trapping of predators would still be allowed on refuges and most State of Alaska hunting and trapping regulations, including harvest limits, would still apply.

2. Why is the U.S. Fish & Wildlife Service considering making these changes?

We are considering these regulatory changes to ensure that the taking of fish and wildlife on National Wildlife Refuges in Alaska is managed consistent with federal laws and USFWS policies. Over the last decade, the State of Alaska (State) has allowed particular practices for the harvest of predators that are inconsistent with our Federal mandates for the administration of refuges in Alaska. Predator reduction activities with the intent or potential to alter or manipulate natural diversity, biological integrity, or environmental health (e.g., artificially increasing or decreasing wildlife populations to provide for more harvest opportunity) on refuges in Alaska conflict with laws and policies that the USFWS is required to follow. The proposed regulatory changes we are considering would clarify allowable practices for the take of wildlife on refuges in Alaska, as well as update existing Alaska refuge regulations for closures and restrictions.

The mission of the 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. As such, refuges are required to work to conserve species and habitats for the long-term, benefiting not only the present, but also future generations of Americans and in Alaska, this includes the continuation of the subsistence way of life.

The USFWS is required by law to manage 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 USFWS’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 consider hunting to be 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).

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

We recognize the importance of fish and wildlife and other natural resources in the lives of rural Alaskans and in the lives and cultures of Alaska Native peoples. We take seriously our responsibility to provide the opportunity for continued subsistence use by rural Alaskans on refuges under ANILCA. These proposed regulatory changes will not change Federal subsistence regulations (36 CFR 242 and 50 CFR 100) or restrict taking of fish or wildlife under Federal subsistence regulations.

We recognize there may be some impacts to local communities that result from these changes. We have worked to address several concerns that were raised during Tribal consultations, and are open to discussing others that arise through the public comment process.

4. What authority does the U.S. Fish & Wildlife Service have to establish hunting and trapping regulations? Isn't it the State's job to manage wildlife in Alaska?

We recognize that the State has obligations to manage wildlife in Alaska according to the directives in the State constitution. The USFWS 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 refuges in Alaska.

We prefer to defer to the State on regulation of hunting and trapping on refuges in Alaska; unless, in doing so, we are 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 general hunting and trapping regulations that are inconsistent with our legal mandates, we believe these regulatory changes are necessary to resolve conflicting activities.

5. What is the process and timeline for making these regulatory changes? Can I participate?

We have been consulting with Alaska Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations, as well as having discussions with the State and the Federal Subsistence Regional Advisory Councils on the changes we are considering. We anticipate publishing a proposed rule (draft regulations) in the Federal Register around March of 2015, at which time a 60 day public comment period will begin. We will prepare an Environmental Assessment (EA) in accordance with the requirements of the National Environmental Policy Act (NEPA) for these proposed regulatory changes, which will be made available for comment at the same time. During the public comment period, we plan to hold meetings and hearings around the state. Comments and input we receive will be used to update the proposed rule as needed. Our goal is to have a final rule published sometime in the beginning of 2016.

Local engagement is very important to us and we are committed to providing meaningful opportunities for consultation with the Tribal Governments and ANCSA Corporations in Alaska. We greatly value local knowledge in our work and are committed to strengthening our Tribal-Federal government relations by working closely with the Tribes on conservation issues in Alaska.

We would like to hear from you, whether at a community meeting or via written comment. We welcome public comment during the comment period, and will continue to offer Tribal Consultation to Federally recognized Tribes and ANCSA Corporations through the end of the comment period.

For the most current information, visit http://www.fws.gov/alaska/nwr/ak_nwr_pr.htm.