

Alaska Refuges

Possible Statewide Regulatory Changes



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Kodiak brown bear sow with cub.

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 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 administration of Alaska refuges (under 50 CFR 36) to ensure that we are managing Alaska refuges in accordance with our mandates; to increase consistency with other Federal laws, regulations, and policies; and to more effectively engage the public.

Over the last decade, the State of Alaska 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 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.

We recognize the importance of the fish, wildlife and other natural resources in the lives and cultures of Alaska Native peoples and in the lives of all rural Alaskans. These proposed regulatory changes would not change Federal subsistence regulations (36 CFR 242 and 50 CFR § 100) or restrict taking of fish or wildlife under Federal subsistence regulations. The Alaska National Interest Lands Conservation Act (ANILCA) provides a priority to rural Alaskans for the nonwasteful taking of fish and wildlife for subsistence uses on refuges in Alaska. Under ANILCA all refuges in Alaska (except the Kenai Refuge) also have a purpose to provide the opportunity for continued

subsistence use by rural residents, as long as this use is not in conflict with refuge purposes to conserve fish and wildlife populations and habitats in their natural diversity or fulfill international treaty obligations of the United States.

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; 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. The following table summarizes portions of the current regulations and potential updates we are considering.

Public Participation and Closure Procedures

Current	Potential Updates
Authority	
Refuge Manager may close an area or restrict an activity on an emergency, temporary, or permanent basis.	No updates being considered
Criteria (50 CFR 36.42(b))	
Criteria includes: public health and safety, resource protection, protection of cultural or scientific values, subsistence uses, endangered or threatened species conservation, and other management considerations necessary to ensure that the activity or area is being managed in a manner compatible with refuge purposes.	Add conserving the natural diversity, biological integrity, and environmental health of the refuge to the current list of criteria.
Emergency closures or restrictions (50 CFR 36.42(c))	
Emergency closure may not exceed 30 days. Closure effective upon notice as prescribed in 50 CFR 36.42 (f) (see below for details). Closures related to the taking of fish and wildlife shall be accompanied by notice with a subsequent hearing.	Increase the period from 30 to 60 days, with extensions beyond 60 days being subject to nonemergency closure procedures (i.e. temporary or permanent). Closure effective upon notice as prescribed in 50 CFR 36.42 (f) (see below for details).
Temporary closures or restrictions (50 CFR 36.42(d))	
May extend only for as long as necessary to achieve the purpose of the closure or restriction, not to exceed or be extended beyond 12 months. Closure effective upon notice as prescribed in 50 CFR 36.42 (f) (see below for details). Closures related to the taking of fish and wildlife effective upon notice and hearing in the vicinity of the area(s) affected by such closures or restriction, and other locations as appropriate	May extend only for as long as necessary to achieve the purpose of the closure or restriction, May not exceed or be extended beyond 5 years; In most cases, extensions beyond 5 years would be subject to revised permanent closure requirements, including publication in the Federal Register and Code of Federal Regulations at 50 CFR 36. Closure subject to notice procedures as prescribed in 50 CFR 36.42 (f) (see below for details). Closures related to the taking of fish and wildlife would require consultation with the State and affected Tribes and Native Corporations, as well as the opportunity for public comment or a public meeting in the affected area.
Permanent closures or restrictions (50 CFR 36.42(e))	
No time limit. Closure effective after notice and public hearings in the affected vicinity and other locations as appropriate, and after publication in the Federal Register.	No time limit. Closures related to the taking of fish and wildlife would require consultation with the State and affected Tribes and Native Corporations, as well as the opportunity for public comment or a public meeting in the affected area. Closures would continue to be published in the Federal Register. Permanent closures that will result in a significant alteration in the public use pattern; adversely affect the natural, aesthetic, scenic, or cultural values; or require a long-term modification in the resource management objectives of the area would be published in the Code of Federal Regulations under 50 CFR 36.
Notice (50 CFR 36.42(f))	
Notice is to be provided through newspapers, signs, and radio.	Add the use of the Internet or other available methods, in addition to continuing to use the more traditional methods of newspapers, signs, and radio.

For more information, please visit:
http://www.fws.gov/alaska/nwr/ak_nwr_pr.htm

