

Proposed Rule Amending Regulations for National Wildlife Refuges in Alaska

Questions and Answers

What are the proposed regulatory changes?

National wildlife refuges in Alaska are mandated under the Alaska National Interest Lands Conservation Act (ANILCA) to conserve species and habitats in their natural diversity. All National Wildlife Refuges are mandated to 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 (Service) is proposing changes to the regulations governing national wildlife refuges in Alaska (under 50 CFR 36) to ensure management of those refuges are consistent with the agency's mandates and to increase consistency with other federal laws, regulations and policies.

In addition, the Service aims to more effectively engage the public by updating the Public Participation and Closure Procedures to broaden notification and outreach methods, ensure consultation with the Tribes and State of Alaska, provide for increased transparency in decision-making, and allow for additional opportunities for the public to provide input.

The proposed rule:

- Codifies existing federal mandates for conserving the natural and biological diversity, biological integrity and environmental health on refuges in Alaska in relation to predator harvest.
 - Predator control is defined as the intention to reduce the populations of predators for the benefit of prey species.
 - Predator control is not allowed on refuges in Alaska unless it is determined to be necessary to meet refuge purposes, federal laws or policy, and is consistent with the Service's mandate to manage for natural and biological diversity, biological integrity and environmental health.
 - The need for predator control must be based on sound science in response to a significant conservation concern. Demands for more wildlife for human harvest cannot be the sole or primary basis for predator control on refuges in Alaska.
- Prohibits the following particularly effective methods and means for non-subsistence take of predators on refuges in Alaska due to the potential impacts to predator populations and the environment that are inconsistent with the Service's mandates to conserve the natural and biological diversity, biological integrity and environmental health on refuges in Alaska:
 - 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 regulations*);
 - take of brown bears over bait;
 - take of bears using traps or snares;
 - take of wolves or coyotes from May 1 – August 9; and
 - take of bears from an aircraft or on the same day as air travel has occurred (*same day airborne take of wolves or wolverines is already prohibited under current refuge regulations*).

- Updates the Public Participation and Closure Procedures to make them more consistent with other federal regulations and more effectively engage the public.

These proposed changes would not apply to the take of fish or wildlife under federal subsistence regulations or to defense of life and property as defined in State of Alaska regulations (see 5 AAC 92.410).

Hunting and trapping is considered a priority use of national wildlife refuges in Alaska and most State of Alaska hunting and trapping regulations, including harvest limits, would still apply.

Why is the Service proposing these changes?

The Service is 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 regulations, and Service policies. The proposed regulatory changes the agency is considering would clarify allowable practices for the non-subsistence take of wildlife on refuges in Alaska, as well as update existing Alaska refuge regulations for closures and restrictions.

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 Service 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). ANILCA 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...” The first purpose for all refuges in Alaska under ANILCA is to “conserve fish and wildlife populations and habitats in their natural diversity.”

In managing for natural diversity, the Service conserves, protects and manages all fish and wildlife populations within a particular wildlife refuge system unit in the natural ‘mix,’ not to emphasize management activities favoring one species to the detriment of another. The Service assures that habitat diversity is maintained through natural means on refuges in Alaska, avoiding artificial developments and habitat manipulation programs, whenever possible.

The Service fully recognizes and considers that rural residents utilize and are often dependent on refuge resources for subsistence purposes, and manages for this use consistent with the conservation of species and habitats in their natural diversity. The terms biological integrity, diversity and environmental health are defined in the biological integrity policy, which directs the Service to maintain the variety of life and its processes; biotic and abiotic compositions, structure and functioning; and to manage populations for natural densities and levels of variation throughout the Refuge System.

The overarching goal of the Service’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. The agency considers hunting to be one of many priority uses of the National Wildlife Refuge System (when and where compatible with refuge purposes) that is a healthy, traditional outdoor pastime, deeply rooted in the American heritage.

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.

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

The Service recognizes the importance of fish and wildlife and other natural resources in the lives of all Alaskans and in the lives and cultures of Alaska Native peoples. The agency its responsibility seriously 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.

The Service recognizes there may be some impacts to local communities that result from these changes. The agency has worked to address concerns that were raised during tribal consultations and early public scoping in rural communities, and are open to discussing others that arise through the public comment process.

What authority does the Service have to establish hunting and trapping regulations? Isn't it the state's job to manage wildlife in Alaska?

The Service recognizes the state has obligations to manage wildlife in Alaska according to the directives in the state constitution. The agency similarly must ensure that activities on refuges are consistent with federal laws and Service policy and has final authority for managing plants, fish and wildlife on refuges in Alaska. The Service prefers to defer to the state on regulation of hunting and trapping on refuges in Alaska, unless, by doing so, the agency would be out of compliance with federal laws and Service policy.

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

The Service has been consulting with Alaska tribes and Alaska Native Claims Settlement Act (ANCSA) corporations, as well as having discussions with the state and federal Subsistence Regional Advisory Councils on the proposed changes.

The Service also prepared an Environmental Assessment (EA) in accordance with the requirements of the National Environmental Policy Act for these proposed regulatory changes, which will be made available for comment at the same time. The draft EA evaluates the proposed rule and considers the potential environmental effects on Alaska refuge resources, including wildlife and their habitats; federally authorized subsistence uses including hunting, trapping and fishing; public use; and wilderness character.

The Service developed the proposed rule and associated draft EA to ensure that take of wildlife under state regulations on refuges in Alaska is consistent with the agency's legal mandates and policies for administration of those refuges. The purpose of the proposed rule's prohibition on certain particularly efficient methods and means of non-subsistence take of predators is to ensure

that take of wildlife on refuges in Alaska is managed consistently with Service mandates to conserve fish and wildlife populations and habitats in their natural diversity and to maintain biological diversity, biological integrity, and environmental health for the benefit of present and future generations of Americans on refuges in Alaska.

Public input is very important to the Service. In order to allow additional time for the public to provide input, during the public comment period, the Service plans to hold meetings and hearings around the state in locations near Alaska refuges and other locations as appropriate.

The proposed rule and draft EA will publish in the *Federal Register* on January 8, 2016. Written comments and information concerning this proposal can be submitted by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. [FWS-R7-NWRS-2014-0005]; or
- U. S. mail or hand-delivery: Public Comments Processing, Attn: [FWS-R7-NWRS-2014-0005]; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041-3803.

Comments must be received within 60 days, on or before March 8, 2016. The Service will post all comments on <http://www.regulations.gov>. This generally means the agency will post any personal information provided through the process. The Service is not able to accept emails or faxes.

Comments and input will inform the revision and finalization of the proposed rule. The goal is to have a final rule published by summer of 2016.

Local engagement is very important and the Service is committed to providing meaningful opportunities for consultation with the tribal governments and ANCSA corporations in Alaska. The agency greatly values local knowledge in its work and is committed to strengthening tribal relations by working closely with the tribes on conservation issues in Alaska.

The Service would like to hear from you, whether at a community meeting or via written comment. The agency welcomes 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 more information, please visit http://www.fws.gov/alaska/nwr/ak_nwr_pr.htm.