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IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



DEC 14 2012

FWS/OSM12086.CA

Mr. Ted Spraker, Acting Chairman
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, Alaska 99811-5526

Attention: Board of Game Comments

Dear Chairman Spraker:

The Alaska Board of Game (Board) is scheduled to meet January 11-15, 2013, to deliberate proposals concerning changes to regulations governing hunting and trapping of wildlife for the Southeast Region. We have reviewed the 44 proposals the Board will be considering at this meeting.

The U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM), working with other Federal agencies, has developed preliminary recommendations on those proposals that have potential impacts on both Federal Subsistence users and wildlife resources. Our comments are enclosed.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with your Board and the Alaska Department of Fish and Game (ADF&G)

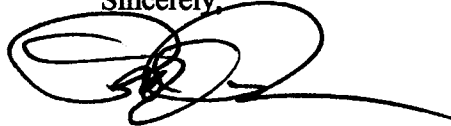
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Mr. Ted Spraker

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on these issues. Please contact Chuck Ardizzone, Wildlife Liaison, 907-786-3871, with any questions you may have concerning this material.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter J. Probasco", with a long horizontal flourish extending to the right.

Peter J. Probasco,
Assistant Regional Director

Enclosure

cc: Doug Vincent-Lang, ADF&G
Tim Towarak, Chair, Federal Subsistence Board
Pete Probasco, Assistant Regional Director, OSM
Kathy O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
Chuck Ardizzone, Wildlife Division Supervisor, OSM
Kristy Tibbles, Board Support Section
Jennifer Yuhas, ADF&G
Interagency Staff Committee
Administrative Record

RECOMMENDATIONS
ALASKA BOARD OF GAME PROPOSAL

Southeast Alaska Region

January 11-13, 2013

Sitka, Alaska

U.S. Fish and Wildlife Service Office of Subsistence Management (OSM)

PROPOSAL 2 – 5 AAC 85.030. Hunting seasons and bag limits for deer and 5AAC 92.530. Management Areas. Open a youth only deer hunt in Unit 5A.

Current Federal Regulation:

Unit 5A – Deer

One buck

Nov. 1 – Nov. 30

Is a similar issue being addressed by the Federal Subsistence Board? Currently, there are no wildlife proposals being addressed by the Federal Subsistence Board. The Board will be accepting proposals to change Federal subsistence hunting and trapping regulations from January to March 2013.

Impact to Federal subsistence users/wildlife: If adopted, the proposed regulation would allow youth hunters to harvest deer two weeks before the Federal season opens. However, impacts to Federally qualified users should be minimal, as it is not expected that a significant number of deer will be taken by youth hunters. Additionally, there should be no conservation concerns from this additional hunting opportunity as the hunt would be limited to bucks only.

Federal Position/Recommended Action: The OSM position is **neutral** on this proposal

Rationale for comment: Federally qualified youth hunters would be able to participate in this hunt and harvests should be low, limiting any impacts to Federally qualified subsistence users or the deer population. If the impacts from the youth hunt are greater than anticipated, the Federal Subsistence Board could take action to adjust the Federal deer season, moving the start date to mirror the start date of the youth hunt.

PROPOSAL 6 – 5 AAC 92.044. Permit for hunting black bear with the use of bait or scent lures. Shorten the black bear baiting season in Unit 1D from Apr. 15 – June 15 to June 1 – June 31.

Current Federal Regulation:

General Provisions

50 CFR part 100 §__.26 (b)(14)

Using bait for taking ungulates, bear, wolf, or wolverine; except you may use bait to take wolves and wolverine with a trapping license, and you may use bait to take black bears with a hunting license as authorized in Unit-specific regulations at paragraphs (n)(1) through (26) of this section. Baiting of black bears is subject to the following restrictions:

- (i) Before establishing a black bear bait station, you must register the site with ADF&G;*
- (ii) When using bait, you must clearly mark the site with a sign reading "black bear bait station" that also displays your hunting license number and ADF&G-assigned number;*
- (iii) You may use only biodegradable materials for bait; you may use only the head, bones, viscera, or skin of legally harvested fish and game for bait;*
- (iv) You may not use bait within 1/4 mile of a publicly maintained road or trail;*

- (v) You may not use bait within 1 mile of a house or other permanent dwelling, or within 1 mile of a developed campground or developed recreational facility;*
- (vi) When using bait, you must remove litter and equipment from the bait station site when done hunting;*
- (vii) You may not give or receive payment for the use of a bait station, including barter or exchange of goods; and*
- (viii) You may not have more than two bait stations with bait present at any one time;*

Unit 1– Black Bear – Special Provisions

50 CFR part 100 § __.26 (n)(1)(vii)(A)

You may hunt black bear with bait in Units 1A, 1B, and 1D between April 15 and June 15

Is a similar issue being addressed by the Federal Subsistence Board? Currently, there are no wildlife proposals being addressed by the Federal Subsistence Board. The Board will be accepting proposals to change Federal subsistence hunting and trapping regulations from January to March 2013.

Impact to Federal subsistence users/wildlife: Currently, Federally qualified subsistence users are required to register their bait station site with ADF&G, and thus potentially would be required to limit the use of the bait station from June 1 to June 31. This could affect the ability of subsistence users to harvest a bear. There are no conservation concerns for black bears as a result of this proposal.

Federal Position/Recommended Action: Although OSM supports protecting brown bears that may be attracted to black bear baiting sites, the OSM recommendation is to **oppose** this proposal.

Rationale for comment: Federal and State bear seasons and bear baiting regulations are currently aligned, which allows for more efficient management and enforcement of bear baiting regulations. Currently there are no biological reasons to shorten the black bear baiting season. If this proposal is adopted, the Federal black bear baiting season would remain April 15 – June 15, unless changed by the Federal Subsistence Board. This would lead to regulatory complexity for subsistence users and law enforcement and may lead to a Federal registration permit for black bear baiting.

PROPOSAL12 – 5 AAC 85.030. Definitions. Modify the definition of a legal moose antler for Units 1B and 3.

Current Federal Regulation:

50 CFR part 100 § __.25(a) *Definitions. The following definitions apply to all regulations contained in this part:*

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

Spike-fork moose means a bull moose with only one or two tines on either antler; male calves are not spike-fork bull.

Tine or antler point refers to any point on an antler, the length of which is greater than its width and is at least one inch.

Is a similar issue being addressed by the Federal Subsistence Board? Currently, there are no wildlife proposals being addressed by the Federal Subsistence Board. The Board will be accepting proposals to change Federal subsistence hunting and trapping regulations from January to March 2013.

Impact to Federal subsistence users/wildlife: If adopted, this proposal would result in inconsistency between State and Federal regulations, resulting in added regulatory complexity subsistence users.

Federal Position/Recommended Action: The OSM recommendation is to **oppose** this proposal.

Rationale for comment: If the proposal is adopted, the definitions for points and brow tines will be out of alignment between State and Federal regulations, resulting in added regulatory complexity for subsistence users. If this proposal is adopted, the Federal Subsistence Board would need to take parallel action to address Federal brow tine definitions for this regulatory change to be effective.

PROPOSAL 14 – 5 AAC 85.030. Hunting seasons and bag limits for deer. Decrease season length and bag limit for deer in Unit 3, Lindenberg Peninsula.

Current Federal Regulation:

Unit 3 – Deer

Unit 3 Mitkof, Woewodski, and Butterworth Islands—1 antlered deer. Oct. 15 – Oct. 31

*Unit 3 remainder—2 antlered deer
Aug. 1 – Nov. 30
Dec. 1 – Dec. 31
season to be
announced*

Is a similar issue being addressed by the Federal Subsistence Board? Currently, there are no wildlife proposals being addressed by the Federal Subsistence Board. The Board will be accepting proposals to change Federal subsistence hunting and trapping regulations from January to March 2013.

Impact to Federal subsistence users/wildlife: The proposed regulation would shorten the season from 4 months to 16 days for the portion of Kupreanof Island on the Lindenberg Peninsula east of Portage Bay. The regulation as proposed would not affect Federally qualified subsistence users, as they would still be able to harvest deer under the Federal season.

Federal Position/Recommended Action: The OSM position is **neutral** on this proposal.

Rationale for comment: Deer populations on Kupreanof and Kuiu Islands appear to be low. If this proposal is adopted, the Federal Subsistence Board could take action to effectively address harvest

concerns. The Federal program is very interested in determinations of the Board of Game regarding the degree of deer declines in this area and the range of possible management solutions.

PROPOSAL 15 – 5 AAC 84.270. Furbearer trapping and 5AAC 92.540. Controlled Use area. Prohibit the use of motorized vehicles by marten trappers on the Tonka Road System in Unit 3, Lindenberg Peninsula.

Current Federal Regulation:

Unit 3 (Except Kuiu Island)—Marten (trapping)

No limit

Dec. 1 – Feb. 15

Is a similar issue being addressed by the Federal Subsistence Board? Currently, there are no wildlife proposals being addressed by the Federal Subsistence Board. The Board will be accepting proposals to change Federal subsistence hunting and trapping regulations from January to March 2013.

Impact to Federal subsistence users/wildlife: Currently there are no specific Federal regulations addressing methods and means for taking martin in Unit 3. The proposed regulation would not affect Federally qualified subsistence users.

Federal Position/Recommended Action: The OSM is **neutral** on this proposal.

Rationale for comment: The proposed regulatory change would not affect Federally qualified subsistence users as there is currently no such motorized restriction on Federal lands in the affected area. If this proposal is adopted, the Federal Subsistence Board could take action to effectively address harvest concerns. The Federal program is very interested in determinations of the Board of Game regarding the degree of marten declines in this area and the range of possible management solutions.

PROPOSAL 16 – 5 AAC 85.040. Hunting seasons and bag limits for goat. Modify the bag limit for goat in Units 1 and 4 as follows: If a nanny mountain goat is taken, the hunter is prohibited from hunting any goats in Unit 1 and unit 4 for five regulatory years.

Current Federal Regulation:

Unit 1 – Goat

Unit 1A—Revillagigedo Island only

No Federal open season

Units 1A and 1B—that portion on the Cleveland Peninsula south of the divide between Yes Bay and Santa Anna Inlet.

No Federal open season

Units 1A and 1B remainder—2 goats; a State registration permit will be required for the taking of the first goat and a Federal registration permit

Aug. 1 – Dec. 31

(FG0103) for the taking of the second goat; the taking of kids or nannies accompanied by kids is prohibited.

Unit 1B—that portion north of LeConte Bay—1 goat by State registration permit only; the taking of kids or nannies accompanied by kids is prohibited. Aug. 1 – Dec. 31

Unit 1C—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River, and all drainages of the Chilkat Range south of the Endicott River—1 goat by State registration permit only. Oct. 1 – Nov. 30

Unit 1C—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier. No Federal open season

Unit 1C remainder—1 goat by State registration permit only. Aug. 1 – Nov. 30

Unit 1D—that portion lying north of the Katzehin River and northeast of the Haines highway—1 goat by State registration permit only. Sept. 15 – Nov. 30

Unit 1D—that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad. No Federal open season

Unit 1D remainder—1 goat by State registration permit only. Aug. 1 – Dec. 31

Unit 4 – Goat

One goat by State registered permit only. Aug. 1 – Dec. 31

Is a similar issue being addressed by the Federal Subsistence Board? Currently, there are no wildlife proposals being addressed by the Federal Subsistence Board. The Board will be accepting proposals to change Federal subsistence hunting and trapping regulations from January to March 2013.

Impact to Federal subsistence users/wildlife: This proposal would not affect Federally qualified users.

Federal Position/Recommended Action: The OSM recommendation is **neutral** on this proposal.

Rationale for comment: The current harvest quota system limits the number of nannies that can be taken each year. In 2012, compliance by hunters, most of which were Federally qualified users, was high. The success in 2012, along with current prohibition (Federal and State) from harvesting nannies accompanied by kids, suggests that the proposed regulation may not be needed at this time. If this proposal is adopted, the Federal Subsistence Board could take action to effectively address harvest concerns, since most goats are harvested by Federally qualified users.

PROPOSAL 31 – 5 AAC 85.040. Hunting seasons and bag limits for goat. Limit the harvest of nannies and prohibit the taking of nannies with kids in Unit 4 as follows: Limit a hunter's ability to harvest a female mountain goat (nanny) in consecutive seasons after harvesting one. One goat by

registration permit only, however, if a nanny is taken the hunter is prohibited from taking a goat in Unit 4 for five regulatory years; the taking of nannies with kids is prohibited.

Current Federal Regulation:

Unit 4—Goat

One goat by State registration permit only.

Aug. 1 – Dec. 31

Is a similar issue being addressed by the Federal Subsistence Board? Currently, there are no wildlife proposals being addressed by the Federal Subsistence Board. The Board will be accepting proposals to change Federal subsistence hunting and trapping regulations from January to March 2013.

Impact to Federal subsistence users/wildlife: This proposal would not affect Federally qualified users.

Federal Position/Recommended Action: The OSM recommendation is **neutral** on the proposal.

Rationale for comment:

See comments on proposal 16.

PROPOSAL 34 – 5 AAC 85.020. Hunting seasons and bag limits for brown bear. Restrict the bag limit for brown bear in Unit 4. Hunters and guides would lose hunting opportunity and privileges for harvesting female brown bears with skulls < 20 inches.

Current Federal Regulation:

Unit 4 – Brown Bear

Unit 4, Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58°N. Lat, 136°21 W. Long), to Rodgers Point (57°35 N. Lat, 135°33 W. Long) including Yakobi and other adjacent islands; Baranoff Island south and west of a line which follows the crest of the island from Nismeni Point (57°34 N. Lat., 135°25 W. Long.), to the entrance of Gut Bay (56°44 N. Lat, 134°38 W. Long) including the drainages into Gut bay and including Kruzof and other adjacent islands—one bear every four regulatory years by State registration permit only.

*Sept. 15 – Dec. 31
May 15 – May 31*

Unit 4 remainder—one bear every four regulatory years by State registration permit only.

*Sept. 15 – Dec. 31
Mar. 15 – May 20*

Is a similar issue being addressed by the Federal Subsistence Board? Currently, there are no wildlife proposals being addressed by the Federal Subsistence Board. The Board will be accepting proposals to change Federal subsistence hunting and trapping regulations from January to March 2013.

Impact to Federal subsistence users/wildlife: The proposed regulations would not affect Federally qualified subsistence users

Federal Position/Recommended Action: The OSM recommendation is to **oppose** this proposal.

Rationale for comment: It is impractical to expect a hunter to be able to accurately estimate the size of a bear skull in the field. There are easier ways to reduce the harvest as suggested by the Unit 4 Brown Bear Management Strategy, adopted in in 2000. If this proposal is adopted, Federal Subsistence Board could consider action to address Federal brown bear regulations.