

March 15, 2013

To: Alaska Board of Game

Subj: Additional comments on Proposals 178-A and 179-A; IM Operational Plans in Region-1

--- Submitted at the Kenai board meeting ---

Dear Board of Game members;

As a preliminary matter, we note a significant¹ change on p.3 of the March 6 version of the *Unit-1A Operational Plan*, in comparison the same sentence on p.4 of the February 15 version that was originally posted on-line.

February 15 text: "Moreover, if deer are proximal to winter K, releasing them from top-down forcing (predation) **could be disastrous in the long term**, i.e., they could cause long term damage to their habitat and the habitat carrying capacity."

March 6 text: "Moreover, if deer are proximal to winter K, releasing them from top-down forcing (predation) **may not be beneficial in the long term**, i.e., they could cause long term damage to their habitat and the habitat carrying capacity."

We believe this substitutes spin for the original candor, and that Board should ignore the changes in the March 6, post-public-comments amended version as being unreliable. Of course, long term damage to deer browse cannot "be beneficial" to deer; the matter is instead one of harm. This is pure spin. Moreover, the vegetation information presented later in the paragraph as well as in Attachment-1 (2002 letter from ADF&G habitat biologist Moira Ingles on Gravina Island deer habitat) to the December 28 GSACC et al. comments clearly show that in fact there "could be," as the February 15 text says, "disastrous long-term consequences."

We urge the Board to rely only on the February 15 Unit-1A Operational Plan, because changes in the March 6 version appear to have been made simply to remove a legitimate cautionary statements and to deflect public comments which were based on that statement.

The Matter of Deer Population & Harvest Objectives, in Relation to the Ops Plans

I have just this week reviewed audio tapes from the Board of Game's November 2000 meeting, concerning the setting of deer population and harvest objectives for Region-1's Game Management Units. We submit these additional comments on the Unit-1A and Unit-3 deer intensive management (IM) operational plans because the tapes reveal important new information that we believe is crucial for the Board's deliberations on those plans.

¹ Other changes on page 3 of the March 6 document also are of concern. Among them, mention of the thermal cover factor is deleted, as is a passage that included several citations to scientific papers.

The deer population and harvest objectives as set in 2000, as they relate to the magnitudes of the current estimated deer populations and amount of harvest in the two units, are key factors in ADF&G's motivation for proposing wolf eradication (80-100%) on several large islands. We have commented and testified throughout² this process that the pair of objectives for each of the units *need to be reconsidered by the board and be adjusted downward before* the Board deliberates on adopting these plans.

We believe the record — including the tapes of the Board's November 2000 meeting and evidence we submitted to you in December, January and this month — clearly shows that the intensive management provisions of AS 16.05.255 (e) through (g) *have not been legitimately triggered*.

The fact that the IM provision has not been legitimately triggered stems in large part from the Board's understandings, concerns and expectations at the time it adopted the objectives in 2000 (as further explained below) and the basis for the levels the Department recommended for the objectives at that time (as explained in our prior comments and testimony).

We believe there is a high cause for the Board to reevaluate the Region-1 deer objectives (particularly those for Units 1A and 3) through a formal process that is completed before intensive management for deer that involves predator reductions is given further consideration. That is – the plans should not be approved at this meeting. As noted by the Chairman at the January meeting, if there is cause the objectives can be adjusted:

“You know, one thing about these objectives, both harvest and population when these were set in 2000 – most of them were set in '92, you know, years ago – and most of them are achievable. But there's been a few that have been set a little bit high, it seems like, and we've actually gone back and adjusted a few of them. So, it's not out of the realm of this board to go back and make adjustments. And we take that pretty seriously.”³

We believe that basing IM decisionmaking on population and harvest objectives that have high confidence of being reasonable, is vital. There is no basis for any confidence in the present objectives, for reasons we have given on previous dates and because of our following findings.

Important Passages from the November 2000 BoG Meeting Tapes:

The tapes we reviewed were ones concerning setting deer objectives in Region-1. All the following is from discussions regarding that topic. We have provided to Board staff both digitized copies of the relevant portions of the tapes and a verbatim transcript. The time codes below refer to the times on the digitized audio files.

Matt Robus (ADF&G): “[**I**]**f harvest objectives are set excessively high**, we think a case could be made later on that the difference between the paper harvest objective and the real harvest level – which may be pretty well satisfying the current demand – would constitute depletion. *And it would put you and us into all of the complications and obligations that come along with intensive management.*” (Tape 1B ending at 09:40).

² We submitted two comments on March 1 (one each for the Unit-1A and Unit 3 IM proposals) and two comments in December on the Feasibility Assessments, in addition to testifying at the January Board of Game meeting on those assessments.

³ Chairman Spraker, during Q&A following my January 12 testimony for Greenpeace.

Matt Robus (ADF&G): "We don't think these numbers that you find need to be permanent. We kind of envision them being reexamined in subsequent board cycles. We think that the aim should be to establish reasonable **harvest objectives with an expected lifetime of 1 to 2 board cycles.**" (Tape 1B ending at 10:14).

Matt Robus (ADF&G): "**In our view, the goal of intensive management should be** to provide for known or documented needs for moose, caribou and deer for human consumptive use, **not to construct a theoretical goal beyond what can reasonably be expected.** The intensive management statute allows you, the board, to establish the goals you feel proper. And if demand patterns change, *objectives can be adjusted when you feel it necessary.* (Tape 1B ending at 11:06).

Lori Quakenbush (BoG Chair): "OK, I'd like to just summarize what I think I'm hearing here, and you can add or correct me. **I think the synopsis of this is that there are consequences to being too optimistic, in both population objectives and harvest objectives.**" (Tape 2A, at 01:10)

Mike Fleagl (BoG member): You're talking about taking the average population and increasing that by 5%. **What kind of management tools do you have to do that in Southeast? I mean, I don't see fire as an option. I don't see predator control, really. But, what are your options?** (Tape 21A at 08:30).

Bruce Denniford (ADF&G), responding: "That's a really good question. The fact, as you well understand, is that Sitka black-tailed deer depend upon old-growth forest for their maintenance and particularly for winter habitats. And maintaining that habitat has been kind of the direction that many of our research questions have led us to. It's one of the single most important things that we can do. **I almost hesitate to mention that 25, 30 years ago there was some efforts to reduce wolf numbers in parts of the region that met with failure.** Now, I can't address to what to degree those efforts were carried out, whether it was a large budget, I believe it was pretty much a very small try. But not very many animals were taken, not very many wolves were taken. Any type of habitat management; there's nothing we can do for this climax species of deer to change the habitat that would enhance their benefit." (Tape 21A at 08:58).

Greg Streveler (BoG member): "**So from the standpoint of intensive management, it's kind of a non-question in your mind, in the predator equation?**" (Tape 21A at 13:15).

Matt Kirchhoff (ADF&G), responding: "**I don't know of any technique that could be used to reduce predators, aside from liberalizing seasons and bag limits. No active management that I am aware of that could be applied.**" (Tape 21A at 13:40).

Matt Kirchhoff (ADF&G), referring to the recommended deer objectives: "**There are some assumptions that we use in getting these numbers **that are pretty squishy.****" (Tape 21A at 23:14).

Mike Fleagl (BoG member): "I'm not sure where I'm going with this, but this is the first time we're sitting down to one of these objectives in the south, and I don't know much about deer personally. But I know the intensive management law is intended to try to make more big game animals available to hunters. **And I'm not sure that I'm really comfortable – number one – with just a set number. Because we've got a range of harvest from the past that go ALL OVER the place. We're down to 6,500 and we're up to 13,400, and we're just setting a number. And it may be too high; it may be too low, depending on the environmental factors or whatever.** So I guess, what accounted for those real high harvests? And are they achievable?" (Tape 21B at 36:15). [Note that this concerns objectives for Unit-4, the first unit the Board considered.

The process deliberation process was then streamlined for the other units, the discussion during Unit-4 having ranged widely to include factors of a more regional nature.]

Matt Kirchhoff (ADF&G), responding: “... **I think putting a range on it would be a reasonable thing to do.** We could easily do that; look at the high and the low for any five year period and say we want to manage inside those limits – that would certainly be easy enough to do.” (Tape 21B at 37:40).

Jack Whitman (ADF&G): “***I’m becoming more and more and more uncomfortable as this discussion continues, about your expectations when we come either to a number or a range of numbers.*** 1979 – I should have perhaps put this up earlier – we had an estimated total deer harvest in Unit-4 of 1,000 animals. In 1987 that number was 16,000. The deer populations in Unit-4 are extremely variable, based on weather. You guys are powerful, but I don't think you can affect the way the weather affects the deer populations. **I don't want to give you the false impression that if we put a number on there – that's a target that we may not be able to meet very often, because of vagaries of weather.**” (Tape 21A at 49:07).

Greg Streveler (BoG member): “... but it seems to me – if I understand ***the intensive management act right – it was framed for conditions that are totally different than Southeast Alaska.*** And usually what you want a range of harvest objectives for is because you want to know when you are getting into the red line and you want to take action. Well for the short-range future, which Kevin has advised us before is what we're dealing with here – **we haven't identified any range of actions to change the population size. So I don't think it matters.** Consequently, looking at harvest information the argument is somewhat different, in that we do have some real numbers there. **We can affect the harvest or season bag limit – we can do that.** There are times we want to reduce it because we want to give the deer a break. There are also times when predation nails them like it has around Petersburg, and we cut back. So we do have some management discretion on the harvest.” (Tape 21A at 42:18).

Lori Quakenbush (BoG Chair): “And the other thing is, even with that trigger, if we were asked to decrease seasons or bag limits because of a low harvest, intensive management law says if it's impractical or if there's nothing you can do that will then increase that – if it's weather or whatever – we don't have to implement an intensive management regime. Or if it's not feasible. So it really – this isn't really – **this range or this number isn't necessarily something that's going to get us into trouble there.** We can – deer are definitely different.⁴ (Tape 21B at 00:38).

Chip Dennerlein (BoG member): “**I would round-off these numbers and put some notation and just leave the numbers so we can revisit them.**” (Tape 21B at 01:30).

Lori Quakenbush (BoG Chair): “You're going to have to repeat your amendment. **Make them round, really, really round.**” (Tape 21B at 02:57).

Mike Fleagl (BoG member): “Well, I don't know. I still have a concern with just having one number, and we've got a range of harvest going from 1,000 to 13,000. But I don't see plugging in 1,000 to 13,000 either. So, I don't know. **I suppose for a trial; get this thing into the regulation and try it** and see what these guys come up with for what harvests are running at and what populations might be estimated at – **and maybe see where it goes from**

⁴ This is a reference to setting objectives up north for moose and caribou, where better data is available and there is less volatility in the populations. This theme, about Southeast deer being different and not fitting the paradigm of the intensive management law, recurred during the meeting.

there. I guess I'll support it, you know, if everybody is comfortable with it, but just kind of with those reservations. **We'll just have to see where it goes.**" (Tape 21B at 03:53).

Chip Dennerlein (BoG member): "But I think trying this, since we don't have the confidence of range, and getting it on the books and seeing what they can do. You know, we've got a good thing going and I don't think we're hurting anything; **and that's why I was willing to try this test.**" (Tape 21B at 06:00).

Greg Streveler (BoG member): "I'd say just pass this. **Because look at what would happen now if we reached the point where we tried to - where something was triggered.** Let's just pick a number, and say we get below it so we have to consider the population depleted. **Well, we go through that exercise, on deciding what we do. And as I run that exercise through my mind, we're going to decide we can't do anything.**" [Prolonged laughter from others.] ... **So I would say, to meet the requirements of what we're doing, which is at this moment not highly meaningful, just go ahead and round them off, put them in ...**" (Tape 21B at 06:18).

Greg Streveler (BoG member): "Ms. Chair, **after hearing Mr. Denniford's exposition and looking at number 5, which says and I quote 'little can be done to increase deer densities in Southeast Alaska,'** and he gives some reasoning for that. And we've heard that before. I suggest that we - I make the amendment that we change the population and harvest numbers to 15,000 and 700 respectively and call for the question." (Tape 21B at 13:08).

Mike Fleagl (BoG member), addressing the main motion: "I know this Board really doesn't like to slam-dunk proposals without having some track record on the record. **So, I'll just say that I'd like to reference the discussion that we had on the Unit-4 deer objectives, for the reasons for coming up with these numbers**" [for Unit-1A]. (Tape 21B at 14:12).

Chip Dennerlein (BoG member): "OK, let me just say that I think the record should show that we're being internally consistent with the approach we're TRYING to take, with beginning the first step of setting these targets for Southeast Alaska, given the realities of weather and the other conditions. ... And the record should show that we recognize that wolves and predators have some effect, but that both the fact that the limited population of wolves is a concern under other land managers and other US law, **AS WELL AS the previous and fairly recent efforts in the early '80s on predator control proved to be NOT effective in terms of cost and return on investment and other factors.**" (Tape 21B at 19:44, verbal emph. in caps).

Our Findings Concerning the Present Deer Objectives, Based on the Tapes:

1. The Board and the Department intended the deer population and harvest objectives to be reconsidered every "one to two board cycles" and to be adjusted as necessary. Nonetheless, the Board has not reviewed the objectives since when they were put into regulations in 2000. The objectives should have been reviewed by 2004, and at least twice since then. It is not only a question of how reliable the adopted numbers were then, but also of the amount of habitat loss that has occurred (or been realized through the "succession debt" of second growth forest canopy closure becoming reality) since then, as well as recent record snowfalls that are likely related to changes caused by global warming.
2. The objectives should "not [] construct a theoretical goal beyond what can reasonably be expected" because "there are consequences to being too optimistic, in both population objectives and harvest objectives."
3. The 2000 board members were greatly troubled by the task of setting deer objectives for Region-1, finding that the considerations differed greatly from setting objectives for moose and caribou in other parts of the state. In summary:

- They believed that the IM law is a poor fit for Region-1 deer.
- They grappled with how to construct objectives that would avoid values that would not unreasonably trigger predator control, given that recommendations were based on “squishy” assumptions and data that was wildly varying year to year.
- They ultimately concluded they were unable to determine reliable objective numbers, but that even if the IM statute’s provisions were triggered “we’re going to decide we can’t do anything” because past predator control efforts in the region had failed and ADF&G staff didn’t know of any active management “technique that could be used to reduce predators, aside from liberalizing seasons and bag limits.” There are no known suitable active management techniques.
- With the expectation of reconsideration in future board cycles and an understanding that there could be no consequences (i.e. triggering of predator control) even if the adopted objective numbers were mistaken, in order to comply with the statutory requirement to set objectives in regulation the Board did so. However, because under these circumstances the “requirements of what we’re doing [] is at this moment not highly meaningful” (because, again, even if IM were to be triggered the Board believed it necessarily would be “going to decide we can’t do anything.”
- The Board saw the objectives it set as a “trial” or “test” that would soon be reviewed, with the numbers likely being adjusted, in the next Board cycle or the one after that.

Acting together with our observations of the Board’s deliberations is the fact that the recommended values for the objectives that were provided by ADF&G in 2000 were based on the 1997 deer model and on harvest years which turned out to be peak harvests. As we have pointed out in prior comments and testimony to the Board, the deer model was revised in 2008. In comparison to the revised modeling, the old model greatly overestimated carrying capacity — by nearly 40% in both Unit-1A and the Operating Plan’s Gravina Island treatment area there, and by 20% in Unit-3 and 12% in the treatment area in that unit’s Operational Plan.

We conclude that the fears and apprehensions of the 2000 board have come home to roost.

The Region-1 deer population and harvest objectives have outlived their intended “lifetime of 1 to 2 board cycles.” The 2000 Board’s deliberative process for setting the objectives was truncated, in the belief that, as one member put it, “I don’t think it matters” because even if the IM statute were to be triggered, no predator control would be approved because it is infeasible.

Consequently, for all the above reasons, the basis for the Proposal 178A and 179A Operational Plans is not valid, and there is not a legitimate basis for the Board to approve them.

We therefore reiterate the request and recommendations from our two March 1 comments on the Unit-1A and Unit-3 plans (combined into one here):

We recommend and request that the Board of Game amend Proposals 178A and 179A by striking all their contents, and by substituting and approving the following:

To implement deer intensive management in Units 1A and 3 specifically and Region-1 in general, the Department of Fish & Game is directed to:

- (1) establish a baseline of deer browse conditions on Gravina, Revillagigedo, eastern Kupreanof, Mitkof and Woewodski Islands and the Cleveland Peninsula, and report the results to the Board;
- (2) develop a baseline of deer nutritional conditions in the above areas, and report the results to the Board; and
- (3) supply comments directly to the responsible federal or state agency, rather than through any other agency of state government, regarding proposed actions that may impair or benefit Region-1 deer or their habitat; and ensure that the views of the Department's field-level and research personnel are fully reflected and unhindered in such comments; and
- (4) prepare recommendations for new deer population and harvest objectives for deer in Units 1A and 3, for consideration at the next Board of Game meeting.

Please consider that a replacement for our prior requests and recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Larry Edwards".

Larry Edwards
Forest Campaigner
ledwards@greenpeace.org