

STATE OF ALASKA

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS

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Division of Conservation Planning and Policy
Attention: Jeffrey Brooks
U.S. Fish and Wildlife Service
1011 East Tudor Road (MS-231)
Anchorage, AK

Dear Mr. Brooks and the Selawik Planning Team:

The Citizens' Advisory Commission on Federal Areas (CACFA) has reviewed the Selawik National Wildlife Refuge (Refuge) Draft Revised Comprehensive Conservation Plan and Environmental Assessment (Plan). We appreciate the opportunity to provide comments. We also appreciate the extension of the public comment period. Additionally, we want to thank Helen Clough and Lee Anne Ayers for their attendance and presentation at our meeting in Juneau on Saturday, February 25, 2011. The discussion that followed was very helpful to our members in understanding the issues on the Selawik Refuge.

The Plan is a comprehensive document and the obvious end product of a great deal of research, time and effort. The issues and alternatives are well presented in the summary document but is no substitute for the Plan as a whole and we have organized our comments in order of issue as presented on the Comment Worksheet.

Commercial Use of Refuge Lands

The Commission is very familiar with the conflicts that exist between local subsistence users and hunters from outside the area. These conflicts exist not just on the Selawik Refuge, but throughout the region. These are significant, complex and longstanding conflicts. As a major land manager in the region, the Federal Fish and Wildlife Service (Service) is faced with the difficult task of balancing competing needs and uses of the Selawik Refuge. Despite the divergence of subsistence and non-local hunting groups and the pressures that the Service will face in addressing these conflicts, we do not believe that closure of refuge lands is supported by any evidence of resource inequity or lack of opportunities for local hunters. We are

particularly concerned that restricting hunters' access via commercial air taxi or transporters sets an unfortunate precedent.

The Plan establishes, through the Compatibility Determination in Appendix D, that subsistence activities, recreational hunting and fishing, commercial hunting guide services, commercial transporter services are compatible with the purposes of the Selawik National Wildlife Refuge as defined by ANILCA, Section 302(7)(b).

To date, the Refuge Manager has used stipulations within the "Special Use Permits" to limit access to Refuge lands for commercial guiding services. In fact, access to Refuge lands essentially west of the village Selawik has been restricted to commercial hunting guides from 2000 to 2009 and 'not recommended' for air taxis and commercial transporters.

We recognize that the Refuge does not currently limit the number of transporter and air taxi service providers that can receive a permit to operate on the Refuge; and there are no client or harvest limits as with commercial guides. Stipulations within the 'Conditions' section of the Special Use Permit for air taxi's and transporters read:

"The use of refuge lands adjacent to the lower Selawik River as defined by T14N R3W Sections 7-36, T14N R2W Sections 7-36, T13N R3W Sections 1-18, T13N R2W Sections 1-18 of the Kateel River Meridian, **is not recommended**. This condition is intended to minimize user conflicts between subsistence and sport hunters."

It is a widely known that use of the Refuge is primarily by local resident from villages within the Refuge boundary and nearby. Visitation from non-local residence is largely dependent on commercially available transportation due to the remote nature of the Refuge. Plainly, use of the Refuge by most non-local residents would not be possible without the availability of commercial transportation and guide services.

For the Plan, Chapter 3 – The Affected Environment, section 3.4.2 Public Use:

"In 2006–2007, a **statewide survey exploring travel patterns, subsistence, and recreation activities of Alaska residents found that an estimated 1,340 people... visited the Selawik refuge** during the study year (Fix 2009). All of the respondents visiting the Selawik refuge resided in the northern region of the State. About 75 percent lived in Kotzebue or Selawik, with the remainder living in Noorvik, Kiana, Buckland, Nome, or Barrow. No respondents in other parts of Alaska reported visiting Selawik refuge during the study year. **The most common activities engaged in by the respondents visiting the refuge were motor boating, snow machining, food gathering, and camping; 90 percent or more of respondents participated in each of these activities. These findings underscore the predominance of subsistence-oriented activities by local residents as the primary public use of the refuge.**"

“Most non-local recreational visitors accessing the refuge, both for guided and independent trips, utilize commercial air taxi operators or transporters... annual reports, along with informal observations and reports from local residents indicate that overall visitation for recreation is low, largely owing to the refuge’s remoteness and difficulty of access. Hunting for moose and caribou is the primary purpose of most recreational visits. Fishing is a secondary activity on the refuge.”

“...all of the public lands in the refuge are open to both recreational and subsistence hunting. The bulk of recreational hunting on the refuge occurs in the Tagagawik River and upper Selawik River during the first three weeks of September...In 1993, permitting regulations were restructured on all Alaska refuges. Since that time, Selawik refuge has allowed one big game guide to operate. This guiding permit, valid for five years and renewable for another five years, is issued through a competitive process. The refuge has attached several conditions to the permit, including limits on clients and harvests. The current guide is allowed up to 26 guided or outfitted clients who can collectively harvest no more than 12 moose, 22 caribou, and 4 brown bears. In addition, the big game guide is currently restricted to using only temporary camps on the refuge. The big game guide, under his or her prospectus application, is required to report the number of clients, animals taken, and hunting locations.”

“In 2009, the permitted big game guide reported taking eight clients who harvested four moose and two caribou. In previous years, client numbers for the permitted guide have ranged from one to seven...In 2009, 24 hunters were transported within the refuge compared to 154 in 2000...In 2005, non-resident moose hunting in GMU 23 was restricted to a drawing permit hunt with 24 permits available for the area encompassing the Selawik River drainage, Kobuk River delta, and the north side of the Selawik Hills. In 2009, this hunt received 39 applications for the 24 permits.”

“With fewer recreational hunters, moose and caribou harvests by these users have declined, as shown in Figure 3-28 and Figure 3-29. During a recent five-year period (2005–2009), recreational hunters harvested an average of 14 moose annually. During the preceding five-year period (2000–2004), recreational hunters harvested an average of 43 moose annually. Since 2006, caribou harvests have similarly declined (Figure 3-29).”

The Selawik Refuge is wholly within State of Alaska Game Management Unit 23. The Alaska Board of Fish and Game and the Federal Subsistence Board are the regulatory bodies establishing seasons, bag limits, and methods of harvest on State and Private land and Federal land respectively. Regulations are summarized for the three major species allowed under Special-Use Permit to commercially guided hunters, caribou, moose and black bear.

Federal subsistence harvest limits and season, which apply to federally qualified subsistence users, are:

- **Caribou** - 15 caribou per day, cow caribou may not be taken May 16-June 30. The season is open year round;
- **Moose** - 1 moose, with some antlerless, cow and cow with calf restrictions depending on area. The season is generally August 1 to March 31 with one drainage opening on July 1.
- **1 brown bear** may be taken by State registration permit. The season is open August 1 to May 31.

State of Alaska harvest limits and season, which apply to all state residents and non-residents, are:

- **Caribou** - 5 per day for residents, 2 per day for nonresidents (no closed season for bulls, cows closed May 15-July 1);
- **Moose** - residents 1 bull 50" or larger Sept 1-20 or by registration hunt: one bull any size July 1- October 31, Nonresidents 1 bull 50" or larger Drawing Permit (24 permits issued) Sept 1-20;
- **Bear** - Resident One bear every year Aug 1 - May 31, Nonresidents One bear by Drawing permit (7 permits issued) April 15 – May 31.

Federal subsistence bag limits and seasons allow qualified users year round access to caribou with per day bag limit significantly larger than those allowed to non-local and non-resident users. These numbers are compelling and from this perspective alone the impact of non-local, non-resident harvests would have negligible impacts subsistence harvests. Lastly, the plan presents no data to indicate that the presence of sport hunting and fishing or commercially guided hunting prevents local subsistence users from meeting their needs.

Data within Chapter 3 – Affected Environment, pages 3-84 and 85 indicates that the number of non-local hunters has decreased dramatically over the last several years even with the Special Use Permit stipulations in place. For example, the number of transported hunters has decreased approximately 85% from a high of 154 in 2000 to only 24 in 2009. The number of caribou harvested by transported hunters decreased some 92% from 174 in 2000 to just 14 in 2009. And finally moose harvest dropped from 50 in 2004 to 7 in 2009, a decrease of 86%. As the plan states:

“The decline in transported hunters has led to fewer conflicts and filed complaints...”

These decreases in the number of transported hunters and harvested moose and caribou clearly indicate that there is no resource based need to limit access via air taxi or air transporter to any portion of the Refuge.

Closing any part of the Refuge, whether through stipulations on the Special Use Permit or selecting an alternative that calls for the permanent closure of portions of the Refuge to commercial guiding services or transporter services, is plainly in conflict with the general intent of Congress under Section 101(b) of ANILCA which states in part:

“It is the intent of Congress in this Act to...protect the resources related to subsistence needs;...and to preserve resource wilderness resource values and

related recreational opportunities including but not limited to hiking, canoeing, fishing, and sport hunting, within large arctic and subarctic wildlands...” (Emphasis added).

The National Wildlife Refuge System Improvement Act of 1997, while fully recognizing the provisions for subsistence found in ANILCA Titles III and VIII, also contains the following finding in Section 2:

(2) The System was created to conserve fish, wildlife, and plants and their habitats and this conservation mission has been facilitated by providing Americans opportunities to participate in **compatible wildlife-dependent recreation, including fishing and hunting, on System lands and to better appreciate the value of and need for fish and wildlife conservation.**”

Within the region, the Noatak National Preserve has restricted the number of air taxis and transporters allowed to operate on the preserve, as well as the number of hunters they may bring into the preserve. This also was done in response to conflict between local and non-local hunters. The State has established a controlled use area along the Noatak River that prohibits aircraft use for hunting or the transport of hunters from August 15 through September 30. The length of the aircraft closure was extended by the State Board of Game last year to further reduce conflict between local and non-local hunters. The Bureau of Land Management is considering limitations on the number of transporters as that agency develops the management plan for the Squirrel River Special Recreation Management Area. Implementation of similar restrictions or limitations on the Selawik Refuge will further decrease opportunities for non-local hunters to use the resources within this region.

The Commission unanimously recommends that there be no further access restrictions implemented within this Plan. This action will essentially ‘lock in’ a management decision for as long as the Plan is in effect instead of allowing the Refuge manager the latitude and flexibility to respond to changing conditions and circumstances. Should a resource based need arise for restricting non-subsistence harvests in order to meet the priority for subsistence use under ANILCA Section 804, then the regulatory processes of the Federal Subsistence Board and the Alaska Board of Game are more appropriate methods.

Other Issues

Connections and networking are a vital part of many successful relationships. The Refuge’s alternatives that advocate for creating and solidifying partnerships with local user groups like search and rescue organizations, village elders, tribal and city councils, regional native corporations and State agencies to work together on projects by collaboration and collectively pooling resources is an excellent idea. Sharing space, meeting, office, sleeping and maintenance facilities, in the small communities with local users is a prudent and sensible alternative.

Any movement toward improving the safety of our public lands will improve the experience found on those public lands. Marking trails, designating areas for motorized use, and

maintaining shelter cabins will improve the safety of local users and preserve uses of the land that pre-date establishment of the Refuge.

Use of public lands for events that support community, that helps to establish a positive relationship between user groups and the Refuge and builds ties to the existing resources is a core value success for all involved

Snowmachine use is inherent in rural Alaska. As a unique mode of transportation available to almost all rural Alaskans, the snow machine race has evolved to commemorate or memorialize major event and people across Alaska. The Willie Goodwin/Archie Ferguson historic snowmachine race is locally very important and pre-dates the establishment of the Refuge. It has been determined to be compatible with the purposes of the Refuge. The Service should continue to support local events like this and other future events that strengthen community by authorizing use of Refuge lands. A six-mile section of the 200-mile Willie Goodwin/Archie Ferguson historic snowmachine race is on Refuge lands.

Similarly, dog sledding is a compatible use on the Refuge. The annual Kobuk 440 dog sled race, and occasionally the Kobuk 220 is a regionally qualifying race for larger races such as the Iditarod and the Yukon Quest. Dog sledding has both social and cultural significance to Alaskans and mushers throughout the nation.

The Commission is sensitive to local concerns and the conflicts that exist on the Selawik Refuge and within the region. We encourage the Service to continue working with other agencies and interests as part of the GMU 23 Working Group. The Commission believes that implementing restrictions that will affect the ability of the majority of non-local hunters to use refuge resources should not be adopted except in extraordinary circumstances. We do not believe that those circumstances exist.

We again appreciate the opportunity to comment on this project. Please maintain our contact information for future notifications, and contact our office if there are questions about our comments.

Sincerely,



Stan Leaphart
Executive Director