



March 10, 2006

Attn: Board of Game
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 25526
Juneau, AK 99802-5526

Board of Game Comments: Spring 2006

Dear Ms. Tibbles:

Defenders of Wildlife appreciates the opportunity to comment on state regulatory proposals for Interior Alaska to be considered at Board of Game's March 10-20, 2006 meeting in Fairbanks. Established in 1947, Defenders is a non-profit organization dedicated to the protection of all native wild animals and plants in their natural communities. We focus on the accelerating rate of species extinction and associated loss of biological diversity, and habitat alteration and destruction. We also advocate new approaches to wildlife conservation that will help prevent species from becoming endangered. Our programs encourage protection of entire ecosystems and interconnected habitats while protecting predators that serve as indicator species for ecosystem health.

Defenders of Wildlife represents over 3,000 members and supporters in Alaska, and over 450,000 members and supporters nationwide. We have been participating in this regulatory comment process before the board for over 20 years.

Proposals #11, #15, #21, #22, #23 and #151: Oppose

Classifies brown and black bears as furbearers, allowing them to be trapped and their fur sold in interior Game Management Units (GMUs)

National Headquarters
1130 17th Street NW
Washington, DC 20036
Telephone 202-682-9400

Fax 202-682-1331
www.defenders.org

(1) Bears have not been classified as furbearers and subject to trapping since Alaska became a state. This status has recognized that historically serious problems arise with monitoring and controlling this method of taking large carnivores. Catching and holding large powerful and potentially dangerous animals in snares and leg hold traps presents a situation where wounding loss and injury can occur;

(2) Wounded bears that escape from traps are potential threats to public safety and property;

(3) Trapping bears raises serious ethical and humane issues. Injured bears can escape, thereby causing prolonged suffering, while a lack of time-check requirements means bears can struggle for long periods in a trap causing further injury and suffering;

(4) The sale of bear hides in some GMUs but not others invites enforcement problems because bears will be poached or taken in areas where sale is prohibited and presented for sealing in GMUs that allow this: such “bootlegging” of bears has occurred in the past when GMUs have inconsistent regulations and there is a commercial incentive for violation;

(5) A general sale of bear hides would be inconsistent with federal subsistence regulations which allows the sale of bear fur only when converted to handicrafts (P.24, Federal Subs. Mgt regs, 2005-2006);

(6) Commercialization of bear hides establishes a precedent which may lead to pressure for the sale of other lucrative parts like gall bladders. Such trade in parts fosters illegal activity and creates an opening for elements that engage in the worldwide trade in endangered species;

(7) These proposals appear to be aimed primarily at predator control but are not limited to existing predator control areas. Before predator control can be implemented in new areas, the Board must follow statutory procedures and establish predator and prey population objectives and harvest levels.

Proposal #23: Oppose

In addition to the sale of hides from black and Brown bears (see previous comment), this allows same day airborne hunting and the harvest of females and young bears in GMU 20E

(1) Due to the present, very liberal bear harvest regulations in GMU 20E (summer hunting seasons and one bear per year instead of one every four years), additional hunting pressure on the population risks over-harvest and jeopardizes sustained yield.

The slow reproductive rate of bears means that management mistakes may not be obvious until it is too late to correct them without damage to the population.

(2) Same-day airborne hunting of bears has historically not been permitted in the state because of past abuses and enforcement problems associated with highly mobile aircraft in remote areas. The practice also invites violation of 5AAC 92.080 (5), which prohibits harassment, herding, chasing and molesting wildlife with motorized vehicles.

(3) Even if it were enforceable, same day airborne hunting is not practical over much of the Unit due to its timbered and brushy terrain.

(4) Before any further liberalization of bear hunting regulations in this Unit are considered, translocation of bears should be evaluated, using the McGrath Adaptive Management Plan guidelines.

(5) To allow the shooting of grizzly bear cubs in their second year raises resource conservation problems, risking violation of sustained yield under Article VIII of the Alaska Constitution. Again, this recognizes the inherent difficulties associated with bear management. Survey difficulties and slow reproductive rate make management with precision impossible.

(6) Shooting cub grizzly bears raises ethical and humane hunting issues. Public acceptance of hunting will be diminished.

Proposals #10, #24: Oppose

Allows permit hunting preferences for other species to be awarded individuals on condition that they first kill bears in GMU 19D or 20E

(1) These proposals have the appearance of a bounty in that it rewards the shooting of bears with a preferential permit for hunting other desirable species. This sets a poor precedent and constitutes flawed public policy. Historically, Alaska's game regulations have adhered to a certain standard of propriety. This effort to stimulate predator control with a "game award" violates good standards and damages responsible game management.

Proposal #27: Oppose

Establishes a bear control component for GMU 19D East wolf control Implementation Plan

(1) There is no biological information provided to justify lethal control of bears in this area. Populations are considered to be low or moderate, with no estimates of bear population density cited. Translocation of black bears from this area has proved to be

an effective measure to reduce predation on moose and can be continued for grizzly bears as a preferable control measure if needed. However, without a specific plan and adequate data to justify it, the proposal as offered is defective and incomplete. It violates both AS 16.05.255(e)-(g) and 5 AAC 92.115. Although the Board attempted to repeal significant portions of 5 AAC 92.115 on January 29, it did so in violation of AS 44.62.200-.210. Thus, this program must be consistent with the requirements of the earlier version of 5 AAC 92.115.

Proposal #38: Oppose

Establishes a season length extension through June 30 for grizzly bears in GMUs 21 and 24

(1) Creating season-length extensions in brown bear hunting regulations is inadvisable because unaligned season lengths for differing GMUs creates serious enforcement problems. For example, adjacent GMU 23 has a bear season that ends May 31. In years past, problems arise because bears are taken in a unit with an earlier season and represented to be taken in the unit with a later season.

(2) Bear regulation changes have an unknown effect on harvest patterns and make ADFG data comparison difficult. If regulations stay consistent year after year, there is less likely to be an unanticipated adverse impact on the GMU population levels.

(3) The stated aim of proposal #38 is for predator control. However, predator control programs must be established by the board under procedures and guidelines found in 5AAC 92.110, 115, 125 and 039. Before a proposal like this can be adopted, it must meet the requirements of these regulations.

Proposals #115, 117, 119, 122, 126, 129, 131: Oppose

Implements new predator control implementation plans for GMUs 14B, 16A, 19B, 25D and specific caribou herds: The Delta herd in Northern 20D; the McComb herd and the 40-mile herd

(1) Statewide ballot measure votes in 1996 and 2000 placed reasonable limitations on predator control programs involving aircraft. A majority of Alaskans felt that these control efforts should only be undertaken as a last resort after a finding of a biological emergency, and then only when conducted with state personnel. Each current proposal fails to present evidence of a biological emergency as defined in Proposition 3, 1996. Wolves are only contributors to moose mortality in these GMUs: they have not been determined to be the primary cause of that mortality. In no case is the prey population being depleted “to the point that if not corrected, it will cause an irreversible decline in the prey population such that it is not likely to recover without implementing wolf control.”

(2) Addressing specific caribou herds, the McComb herd in the eastern interior has always been a remnant herd of less than a 1000 animals, with predation variable but never extreme. Other factors have always limited this herd, such as winter mortality and geographical isolation. Wolf control is unwarranted. The Fortymile herd has steadily increased over recent years, from 23,000 animals in 1995 to 40,000 in 2005. Further wolf control is unjustified, especially following the sterilization and translocation project that was considered effective. Further control would compromise the results and findings of this expensive state project, designed by a diverse panel of stakeholders and experts. Changing the program now to a lethal one would result in inconsistencies and confused results of a type similar to those that produced serious criticism of state program approaches by the National Research Council in 1993. Lethal control in the Fortymile using private citizens will also jeopardize the Yukon Charley National Preserve wolves, six of which have already been taken outside the preserve by private permittees this season, including two with research collars. This compromises long standing field research conducted by the National Park Service. Finally, we consider caribou population objectives of 50,000 to 100,000 established under 5AAC 92.108 to be unrealistically high.

(3) The population objectives and harvest objectives for these units, established in 5 AAC 92.108, also fail to adequately consider the criteria of AS 16.05.255(e)-(g) and thus cannot support the proposed predator control plans.

(4) These proposals would violate AS 16.05.255(e)-(g) and 5 AAC 92.110 if adopted. Although the Board attempted to repeal significant portions of 5 AAC 92.110 on January 29, it did so in violation of AS 44.62.200-.210. Thus, this program must be consistent with the requirements of the earlier version of 5 AAC 92.110.

(5) These proposals for new predator control plans are inconsistent with AS 16.05.783. Subsection (a) requires that the board authorize same-day airborne predator control only where it is part of a game management plan that meets certain listed criteria. The Board has not adopted a game management plan for these five units or for the new predator control programs in the proposals discussed above.

(6) There is no “depletion” or “reduction of productivity” in the identified big game prey populations for these proposals as required by AS 16.05.255(e)(2).

Proposals #116, #127, #128: Oppose

Allows the use of snow machines to pursue wolves and bears in GMU 20E and wolves in GMUs 21, 24 and 25C

- (1) Snow machine hunting invites driving, herding and harassing other wildlife in violation of 5AAC 92. 080(5);
- (2) Chasing animals with mechanized vehicles is counter to fair chase hunting practices and contributes to the perception that the state of Alaska sanctions inappropriate methods and means to take game;
- (3) The past history of abuse involving shooting from snow machines in the pursuit of wolves and other furbearers makes enforcement a major concern;
- (4) Bears are especially vulnerable after emerging from dens; pursuit at this time with snow machines is unprecedented and unethical;
- (5) No evidence is offered in this proposal to justify further reduction of wolf populations in GMUs 21, 24, and 25(C). Adequate numbers of wolves are taken in these units now, especially considering the probable significant unreported take.
- (6) Before more wolves and bears are taken in these Units, the existing liberal non-resident seasons and bag limits in parts of these Units should be curtailed (5 Caribou: cows July 1- May 15: no closed season on bulls.

Proposal #120: Oppose

Extends wolf hunting season to May 31 in GMUs 12, 20 and 25

- (1) Historically, and in most units, wolf-hunting seasons have ended on April 30. Allowing a longer season is inappropriate because it would permit hunting during the peak of the denning and pupping season when wolves are defenseless and most vulnerable. As there is unknown mortality to the wolf population at this sensitive time, taking wolves during this period jeopardizes sustained yield and increases risks of overharvest.
- (2) To allow the taking of adult wolves during denning and rearing raises serious ethical issues. It is inhumane to kill adult wolves away from their dens, leaving their pups to starve to death.

Supplementary Proposals #157, 162 - 166: Oppose

Making permanent the emergency regulations adopted by the Board of Game on January 25, 2006: 5AAC 92.125 Authorizes wolf control regulations in Units 12, 13, 16B, 19A, 19D and 20E and a brown bear control program in 20E

We object to the permanent adoption of each of the predator control implementation plans above.

(1) Predator control programs implemented in these five plans are unjustified and fail to meet the standards and conditions of the citizen initiative that passed by a majority of 58.5% in 1996 (Proposition 3). We believe this position is still supported by a majority of Alaskans and should not be supplanted by the lenient and unsupportable terms of the intensive management law. Predator control must have broad public support to be successful. This means reestablishing the standard that the commissioner of fish and game must find that a biological emergency exists, with wolves being the cause for the decline in prey, and with no other feasible alternative available to restore the prey. Wolf removal must then be limited in scope and conducted only by Department personnel only, as required by the second citizen-passed initiative in 2000 (Proposition 6). The subsequent repeal of these initiated laws by the Alaska legislature violated the clear will of the people.

(2) We continue to believe that under the present intensive management regime, prey population objectives are being based on historic population highs that are no longer relevant today (not sustainable in perpetuity). They are unrealistic as a benchmark, may never be attained, and therefore present a flawed standard for predator control program implementation. Both the population objectives and harvest objectives in 5 AAC 92.108 also fail to adequately consider the criteria of AS 16.05.255(e)-(g) and thus cannot support the proposed predator control plans.

(3) Of serious concern is the lack of underlying current comprehensive data and scientific unit wide survey information necessary to fully and accurately determine the population status of wolves and grizzly bears in the five program plan areas. Without more precise data, control efforts could reduce wolves below sustainable floor level in some key areas. As a valuable animal classified both as a big game animal and a furbearer, the state constitutional provision of sustained yield must be assured. The consequences for grizzly bears in Unit 20E may be even worse. This lack of sound and comprehensive information was a key deficiency identified by the National Research Council's panel in 1997.

(4) On January 6, 2005, more than 100 wildlife professionals wrote to governor Murkowski, advocating a more rigorous analysis of moose and caribou population goals and harvest objectives for each area. They identified the five new wolf control programs as deficient by having (a) no planning team; (b) no study plan; and (c) no allowance for weak or missing data. They saw the new programs as a step backward from earlier programs that incorporated most of the NRC's major recommendations for using biological standards and guidelines to monitor effectiveness of the programs. As a result, they felt the plans would provide "unexplainable or unclear results at best, wasted effort and failed response on the part of ungulate populations at worst. In short, the scientists letter saw Alaska's intensive management statute as a

major barrier to the NRC recommendations and sound game management. The scientists urged following a plan like the McGrath Adaptive Management Plan, which embraced different strategies according to the special characteristics of the plan area (Unit 19D East). The five wolf control implementation plans proposed for permanent adoption now falls far short of these goals.

(5) The five plans are inconsistent with statutory and regulatory requirements. All predator control plans must be consistent with AS 16.05.255 as well as the Board's own regulations found at 5 AAC 92.110. Although the Board attempted to repeal significant portions of 5 AAC 92.110 and .115 on January 29, it did so in violation of AS 44.62.200-.210. Thus, this program must be consistent with the requirements of the earlier version of 5 AAC 92.110 and .115.

(6) These five plans are inconsistent with AS 16.05.783. Subsection (a) requires that the board authorize same-day airborne predator control only where it is part of a game management plan that meets certain listed criteria. The Board has not adopted a game management plan for these five units or for the new predator control programs in the proposals discussed above.

(7) There is no "depletion" or "reduction of productivity" in the identified big game prey populations for these proposals as required by AS 16.05.255(e)(2).

Sincerely,

A handwritten signature in dark ink, appearing to read "Caroline Kennedy", with a stylized, flowing script.

Caroline Kennedy
Director of Field Conservation
Defenders of Wildlife