



Via Facsimile: 907-465-6094

February 16, 2007

DEFENDERS OF WILDLIFE'S COMMENTS TO THE
ALASKA BOARD OF GAME SPRING 2007 PROPOSALS,
MARCH 2-12, ANCHORAGE, ALASKA

ATTN: Board of Game Comments
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

To whom it may concern:

Defenders of Wildlife ("Defenders") appreciates the opportunity to comment on the Regulatory Proposals to be considered at the Spring 2007 meeting to be held March 2-12 in Anchorage, Alaska. *Established in 1947, Defenders is a non-profit membership based organization dedicated to the protection of all native wild animals and plants in their natural communities.* Defenders focuses on the accelerating rate of species extinction and associated loss of biological diversity and habitat alteration and destruction. Defenders also advocates new approaches to wildlife conservation that will help species from becoming endangered including work on Alaska wolves, brown bears, Cook Inlet beluga whales, sea otters and polar bears. Our Alaska field program seeks to increase recognition of the importance of, and need for the protection of, entire ecosystems and interconnected habitats while protecting predators that serve as indicator species for ecosystem health. Defenders represents more than 5,000 members and volunteers in Alaska, and more than 500,000 members and supporters nationwide.

Our comments are as follows:

Trapping
Proposal 13: Unlawful methods of taking furbearers; exceptions
Support, with amendment

Publicly maintained access trails and parking areas frequented by pets should be free of leg hold traps and heavy snares. Standard distance closures of a strip within 1/4 mile of these areas is more appropriate to effectively reduce user conflict and injury or death to pets (see GMU 1C, areas closed to trapping).

National Headquarters
1130 Seventeenth Street, NW
Washington, DC 20036-4604
Telephone: 202-682-9400
Fax: 202-682-1331
www.defenders.org

Black Bears

Proposals 17, 19, 24 and 26: Permit for hunting black bear with the use of bait or scent lures

Oppose

Extension of black bear baiting season two additional weeks to June 30 or to July 15 (proposal 19) is likely to result in the waste of a resource because poor quality rubbed hides will not be retained or utilized and there is no requirement to salvage the meat after May 31.

Proposal 22: Hunting seasons and bag limits for black bear and taking bear cubs and female bears with cubs prohibited

Oppose

Allowing the shooting of bear cubs in their first year violates longstanding precedent of protecting cubs and mothers accompanied by cubs. Respect for reasonable and ethical hunting practices must be maintained if widespread public support for hunting is to continue. The sensitivity of bear populations to over harvest requires conservative regulations to be continued.

Wolverine Creek (Black Bear and Brown Bear)

Proposal 23: Hunting seasons and bag limits for black bear and brown bears Support

In recognition of the importance of growing tourism based on bear viewing in the area, we urge an expanded closure to bear hunting in the Wolverine Creek. According to the Alaska Department of Fish and Game (ADF&G), some 500-1,000 people visited here in 1996; in 2006, the count reached 11,000. A later hunting season in specified areas will afford additional protection for habituated bears. In this case, providing for a diversity of uses for publicly owned wildlife is appropriate and will not burden hunters unfairly.

Bear Baiting

Proposals 25, 26, 27, 28 and 29: Hunting seasons and bag limits for black bear; Permit for hunting black bear with the use of bait and scent lures

Oppose

Bear baiting is a controversial method of hunting that we do not consider fair-chase hunting as it constitutes an unfair advantage over the animal. It also conditions bears to human food which can develop into a public safety hazard. Poorly maintained bait station areas create nuisance-areas that bears return to long after hunting activities cease. For these and other reasons, bear baiting regulations have historically been conservative and quite restrictive. Absent a compelling reason, we see no justification in any relaxation of bear baiting regulations.

Brown Bears

Proposal 30: Hunting seasons and bag limits for brown bears

Support

Excessive human caused mortality of brown bears on the Kenai Peninsula requires the more conservative system of drawing permits to be established. This will better assure limited

harvest numbers from specific locales within the Unit. Management objectives through June of 2004 specified a maximum average annual mortality of 20 human-caused bear kills. This suggests the need for more conservative bear management. With a drawing permit hunt, more precise harvest information is possible.

Proposals 31, 32: Hunting seasons and bag limits for brown bears

Oppose

In unit 7, drawing permit hunts based on targeted permissible mortality should control brown bear hunting. Defense of life and property kills need to be considered when establishing the number of drawing permits that are made available.

Proposal 34: Special provisions for Unit 8 brown bear permits

Oppose

Regulations that restrict the take of female bears in areas of concern are reasonable conservation measures, especially when hunting guides can assist their clients in better discriminating between males and females. The slow reproduction rate for brown bears, as well as the acknowledged difficulty in measuring population status demands that conservative bear management practices be continued.

Proposal 35: Hunting seasons and bag limits for brown bears

Support

To assure that bears are not over harvested, counting a wounded bear as a taken bear is essential. Kodiak has seen an increasing trend in non-sport mortality through unreported defense of life and property kills, making additional measures like this appropriate to maintain a world class wildlife resource. Such a requirement already exists in regulation for Units 1-4 in southeast Alaska. We believe that this provision will have the added benefit of causing hunters to take more care with shot placement.

Proposals 36, 37: Hunting seasons and bag limits for brown bears

Oppose

Liberalization of bear hunting in GMU 9B is unwarranted. Historically, overall bear management on the Alaska Peninsula has been difficult due to the weather and its remoteness. Critical enforcement activities are often lacking. As a result, non-hunting and illegal bear kills in Unit 9 have been estimated to be as high as 50-100 bears per year. From 1999 to 2002, the overall harvest increased dramatically, amounting to 6% of the population. Bear target harvests have traditionally been aimed at 4% of a population. For these reasons, conservative alternate year seasons, with a bag limit of one bear every four years should be continued.

ADF&G management reports through 2004 specifically recommend against targeting brown bears in any portion of Unit 9 for reduction in order to benefit moose populations.

Proposal 38, 39, 40: Hunting seasons and bag limits for brown bears

Support

Proposal 38: A change to a drawing permit hunt is justified when harvest objectives are exceeded in successive hunt years (2003 and 2005). This follows a regulatory precedent in order to better control the level of harvest in a given bear population.

Proposal 39: Wildlife user conflicts in the Katmai Preserve portion of 9C merit a delay in opening the bear hunting season until October 15. This is an essential first step to alleviate known problems between fishermen, viewers and hunters. Wounded bears in high use areas are often an unacceptable public safety hazard. This is a minimum regulatory action short of closing a larger area to hunting altogether.

Proposal 40: Increasing public visitation for bear viewers requires some hunting closures to fairly allocate public wildlife resources. Funnel, Moraine and Battle Creeks have been prime bear viewing areas for years, yet with increasing bear harvests, fewer bears are available for viewing. The bear kill has risen to an unacceptable level of 34 in the 2003-2004 season, up from an average of 7-8 in former years. Large adult bears important for viewing are also being removed from the population. McNeil River bears are also at risk from hunting in these areas as they pass through on their way to the falls.

**Proposal 41: Hunting seasons and bag limits for brown bears
Support, with amendment**

If harvests in Katmai National Preserve have risen steadily since the late 1990's, and reached a point where they are jeopardizing the high concentrations of bears mandated for the Preserve under federal law, it is time for more conservative bear management. In addition, the age distribution may be skewed and more habituated bears associated with McNeil River may be lost.

Given the huge importance of the brown bear resource to Park visitors, viewers, and other resource users, we recommend season curtailment as a minimum conservation measure until a joint state-National Park Service (NPS) team of professional biologists and managers can assess the seriousness of the problem and recommend a joint course of action.

**Proposals 43, 44, 46, 47, 48: Areas closed to hunting
Support**

With an estimated 40,000 brown bears in Alaska and huge land areas open to hunting, it is completely unjustified and unreasonable to open an area of state land in close proximity to Katmai National Park and McNeil river State Game Sanctuary that has been closed for decades (Kamishak Special Use Area, including Douglas River). There is more than ample hunting opportunity elsewhere. Such action would diminish hunting in the eyes of the non hunting public and cause long term damage to the sport.

We urge the Board to consider the following:

- (1) Biological information from the State has shown that some McNeil River bears will likely be removed by hunters if these lands are reopened. This is unacceptable.
- (2) A land trade between the state and the Katmai NP is something that the NPS is willing to consider and negotiate bear population numbers if the State approaches

them in good faith in the future. This should not be used as a lever to justify opening these lands when it is poor public policy to do so.

- (3) Long standing hunting closures should not be reopened, absent compelling changed circumstances.
- (4) Hunting bears that have been conditioned to tolerate human presence is not fair-chase hunting.
- (5) Bear population numbers at McNeil River Falls have declined dramatically in recent years (2004 had the lowest in 20 years). Many believe that this can be directly attributed to the higher harvest in Katmai National Preserve. In 2001, 19 bears were shot; in 2003, 34 bears were shot. If Kamishak special use land areas are reopened to hunting, this will further contribute to the decline in viewing opportunity and run counter to the state's McNeil River management Plan.

Proposals 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69: Hunting seasons and bag limits for brown bears; Permit for selling skins, skulls, and trophies; Unlawful methods of taking big game

Oppose

These proposals generally liberalize brown bear hunting without sufficient justification (allowing one per regulatory year, residents taking residents hunting without a guide, no closed season, allow taking over black bear bait station, allow two bears a year, taking of "any" bear (cubs), sale of tanned hides, hunting in Chugach State park, extended seasons, baiting in Units 14-16).

The above proposals represent a disturbing trend to continue to attempt to erode conservative brown bear management in Alaska. We believe that most of these proposals are unsupported by adequate biological data and fail to recognize the sensitivity of bear populations to being over harvested.

We urge the Board to continue to adopt an extremely careful and conservative bear management scenario in recognition of the following:

- (1) Obtaining reliable bear population data is always difficult.
- (2) Bears have a slow reproductive rate compared to other animals.
- (3) A mistake in management that results in over harvest can result in long-term damage to a population which may be difficult to assess in the short-term.
- (4) Changing season length and bag limit regulations can make data collection difficult to compare on a year to year basis.
- (5) Harvest regulations that are not uniform from unit to unit can cause serious enforceability problems when the place of taking is misrepresented.

To be more specific, we remain skeptical that bear reduction is an effective and efficient way of enhancing prey populations. It is well known that there is a wide variation in an individual bear's predation rates. Removing bears that do not target prey animals is a waste of a valuable resource.

Commercialization of bear hides will likely 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.

Allowing the shooting of cub bears raises ethical and humane hunting issues. Public acceptance of hunting will be diminished.

Allowing brown bears to be hunted over bait is poor public policy because it conditions bears to human food that may later become problem bears.

Allowing brown bear hunting in Chugach State Park will create unacceptable conflicts between user groups.

Bear Predation Control: Unit 16

Proposals 70 (Control of predation by bears) and 71 (Predator control areas implementation plans)

Oppose

These proposals are based on intensive management population and harvest objectives that we believe do not justify the extraordinary method of predator control, for these reasons:

- (1) Predation control must be carried out under narrow critical circumstances only after it is shown that it is grounded in sound science, is cost-effective and has broad public acceptance. There is no evidence presented that shows that bear predation control has met these criteria.
- (2) No further predation control should be implemented in an area until the effectiveness of an existing wolf control program is measured at the conclusion of the program.
- (3) The proposed plan is defective by failing to have as its basis study plans and planning team guidelines recommended by the National Resource Council report of 1997.
- (4) Bear predation control plans risk over-harvesting bears without accomplishing desired goals. Bears can prey on moose calves but not all bears are implicated and indiscriminate removal can target the wrong animals. It should be species specific, according to a problem identified in the specific area. For example, according to biologist Harry Reynolds' testimony on March 11, 2006, in McGrath, the primary factors were wolves and black bears; in Units 20E and 13 it was wolves and brown bears; in Unit 20A, it was primarily wolves, with both black and brown bears playing minor roles

In 2004, Management survey and Inventory reports, ADF&G cited that there was a record bear harvest as of that year and that management objectives had been met. In these cases, extreme caution is advised to avoid causing a serious decline in a bear population.

Caribou

Proposal 80: Unlawful methods of taking big game; exception

Support

Same-day airborne hunting of caribou in Units 9b and 17B should be examined carefully in light of current information. In open country, caribou are vulnerable to harassment and

abusive hunting practices, with little enforcement presence. Fair chase is an issue when allowing this hunting method.

With current information indicating a marked decline in the population of the Mulchatna caribou herd to 45,000, a more conservative harvest, including removal of same-day airborne, is recommended by ADF&G.

Elk

Proposal 90: Hunting seasons and bag limits for elk and unlawful methods of taking big game; exceptions

Deferral recommended

We urge the Department and the USFWS to review the biology and legal basis regarding colonization of non native elk on Kodiak Island. This is a valued game resource that is desired for subsistence and sport hunting elsewhere in the state. No evidence is presented to conclusively document conflicts between brown bear and elk on nearby Afognak Island, so it is questionable if there would be conflict on Kodiak. We recommend some accommodation on this issue for the benefit of resource users.

Wolf

Proposal 169: Hunting seasons and bag limits for wolf

Oppose

Private land and shoot hunting is not currently authorized under applicable law (AS 16.05.783), when not part of a predation control implementation plan in a designated predator control area. Unit 9B has not been established by the board as such an area.

Proposal 171: Hunting seasons and bag limits for wolf

Oppose

Extended wolf hunting season into wolf denning and pupping time is unacceptable ethically and will result in the waste of a resource when young are orphaned and abandoned. For many decades, protection has been afforded wolves at this time.

Proposal 172: Predation control areas implementation plans

Oppose

Expanding the wolf control plan to GMU 13E west of the Alaska Railroad would remove an important buffer area for Denali National Park wolves. Unacceptable numbers of Denali wolves are already being taken in other areas on the periphery of the park. This would add to the ongoing controversy.

Proposals 170, 174, 175 (Predation control areas implementation plans) and 173 (Unit 16 Wolf and black bear predation control)

Oppose

New predator control plans for Units 9, 16A, 15, and 17B and 17C are not justified. The predator-prey status in these units does not qualify as a biological emergency. We believe that a majority of Alaskans still support the basic terms of the citizen initiative that passed in

1996 providing that no wolf control program involving airborne shooting of wolves can be done without the core finding of a biological emergency based on adequate data. We believe this will again be validated when it comes to another statewide vote in 2008.

In addition, we believe that these proposals fail to meet the critical tests of sound science, cost effectiveness and public acceptability. They are entirely based on intensive management mandates that seek to achieve unrealistic prey population goals. They present an unsupportable standard for program establishment.

These proposals are also defective because they are not designed with a study plan and planning team guideline as recommended by the National Research Council in 1997. Most agree that the former McGrath Adaptive Management Plan served as a model for these planning principles. Without a well designed program that measures the full effect of its implementation, serious damage can be done to both predator and prey species in the long run. On January 6, 2005, more than 100 wildlife professionals wrote to former governor Murkowski, advocating a more rigorous analysis of predator and prey population goals and harvest objectives for each of the 5 proposed control programs which they termed deficient. There is even less information presented for these proposals.

For many of the Units in these proposals, reliable comprehensive data is lacking. Little data of any kind exists for wolf populations in Units 9 and 17, according to published federal aid Survey and Inventory reports. For example, information for Unit 17, (northern Bristol Bay) is from trapper questionnaires and air taxi observations. These should be considered only crude estimates. In 2003, ADF&G stated that "few data were available to interpret the status of the wolf population from this area." Unit 15 Kenai Peninsula wolf monitoring and census reports are incomplete, as of 2003. Any control program in Unit 15 would also need to be approved by the USFWS if it included land areas within the Kenai National Wildlife Refuge.

Further adjustments in hunting seasons, bag limits and habitat manipulation are alternatives to be explored before predator control is considered for these areas.

Statewide Regulations

Proposal 177: Hunting seasons and bag limits for small game

Oppose

There is little precedent for open ended seasons with no bag limits on any furbearers. Uniformity of data collection from year to year justifies the status quo, absent any compelling reason to make such changes. If this is primarily a predator control measure, the board should go through a full analysis of whether or not to establish a predation control program for coyotes in these units.

Proposal 188: Controlled use areas

Oppose

ATV restrictions that apply to parts of Unit 13 are appropriate in recognition of the need to guard against habitat damage, wildlife harassment, disturbance and other conflicts.

Proposal 191: Unlawful methods of taking big game, exceptions, and authorization for methods and means disability exemptions
Support

This proposal will allow for more equitable opportunity among subsistence users and still recognize the need for the physically disabled to have some advantage of better access. ATV use in unit 13 deserves careful control and regulation in view of past abuses.

Proposal 197: Permit for possessing live game; unlawful methods of taking game; exceptions; transport, harboring, or release of Muridae rodents prohibited; and definitions
Support with amendment

We support this ADF&G proposal to increase regulatory control of rats and other deleterious exotic wildlife because of their negative impacts to native wildlife such as seabirds and certain marine wildlife. While we acknowledge the need to use certain poisons for such control and approve the proper use of such pesticides, the U.S. Environmental Protection Agency is currently changing the use restrictions for 9 rodenticides because of their potential impacts to non-target species and humans. Therefore we ask that the proposed wording of the regulation read as follows: "the use of poisons for taking deleterious exotic wildlife is authorized without board approval when using Alaska Department of Conservation registered pesticides ~~in their approved manner~~ *according to current EPA use restrictions.*"

Proposal 207: Hunting season and bag limits for brown bear; unlawful methods of taking big game; exceptions
Oppose

This proposal is essentially a predator control proposal without any formalization of a predator control plan for the area. Before predator control can be implemented in new areas, the Board and department must follow statutory procedures, including the establishment of predator and prey population objectives and harvest levels. Under law, this will need to be done first.

In this case, adequate data to support a control program will be difficult to obtain. According to ADF&G, there is currently no practical way to census brown bears in a forested environment, such as in most of Unit 14.

We thank the Board of Game for its careful review and consideration of our comments.

Sincerely,

Tom Banks
Alaska Associate