

## Finding of Emergency

The Alaska Board of Game (board) finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of public peace, health, safety or general welfare. The facts constituting the emergency include the following:

The Unimak Island Caribou Herd, the nation's only naturally-occurring island caribou herd, has declined from 1,200 in 2002 to about 400 today. Bull:cow ratios in the herd have declined from about 54:100 to less than 5:100 (the lowest on record for Alaskan caribou) today. The rate of decline, extremely low calf production and extremely low percentage of bull caribou in the Unimak caribou herd constitute a biological emergency. Bull numbers are now so low that it is unlikely that enough remaining cows will be bred to provide calves sufficient to maintain the caribou population. Both the Alaska Department of Fish and Game and United States Fish and Wildlife Service agree that predation by wolves is significantly contributing to this ongoing decline. Subsistence users on and near Unimak Island have few alternate sources of red meat due to declines of local caribou herds. Unimak Island caribou calve on land managed by the USFWS.

In a letter dated May 24, 2010, the Acting Director of the United States Fish and Wildlife Service notified the Alaska Department of Fish and Game that, while the Service understood the Department's concerns about the emergent nature of the herd's decline, the Service had determined that compliance with the National Environmental Policy Act ("NEPA") was necessary before a formal, state-conducted predator control program could begin on Refuge lands, such that initiation of a state program under 5 AAC 92.125 and related regulations prior to completion of the federal process would necessarily result in federal enforcement actions against state personnel. An environmental assessment under NEPA could take up to a year to complete. A more complex environmental impact statement under NEPA could take up to three years to complete.

The Unimak Island Herd continues to decline rapidly. Further delay in applying management actions will, at least, extend the time needed for the herd to recover sufficiently to provide opportunities for subsistence and other uses, and could result in extirpation of the herd. This will contribute to the ongoing loss of nutritional, cultural and economic resources the Unimak Island Caribou Herd represents to local subsistence users, and others, and to the near or total loss of one of the most important components of the Unimak Island ecosystem. On the other hand, reduction of wolf predation on the neighboring Southern Alaska Peninsula caribou herd over the past two winters has quickly reversed the decline of that population and that herd is now increasing, to the future benefit of all users and the stability of that ecosystem.

Caribou calving on Unimak Island generally occurs during early June. Wolf predation on these calves is immediate and, judging by the last two years' results, almost no calves are likely to survive more than a few days on Unimak Island this year unless immediate action to reduce predation is taken.

The Board's general policy has been that, prior to initiating formal predator control plans and programs under 5 AAC 92.125, every reasonable effort will be made to achieve management goals through adjusting ordinary hunting and trapping season, bag limit, and means and methods regulations. In most areas of the state, these adjustments have failed to produce the necessary predator management results. However, in one area, Unit 20A, such adjustments have been largely successful in maintaining predator populations within management objectives. The Board has been made aware that several different public entities, including local users, are interested in hunting or trapping wolves on Unimak Island this spring, if the seasons can be extended. If such an effort can be undertaken, it may result in saving some caribou calves and at least slowing down the decline of the Unimak Island Herd, so that there may be time for the USFWS to complete its NEPA process without unnecessarily risking the herd's extinction and all of the losses attendant on that event.

The attached emergency regulations are merely month-long extensions of the lengthy hunting and trapping seasons that have long been in existence for wolves in Unit 10. They are, in

essence and in all important respects, very similar to the existing regulations that have been subjected to repeated Board meetings and past public comment and testimony. Thus, there is likely to be little that additional public comment could add to the debate at this point.

The Board recognizes that some wolves are likely to be denning during this time period, and the public debate that surrounds the practice of killing wolves at or near dens. In the Board's judgment, the risks to the Unimak Island Caribou Herd nevertheless require that, at least temporarily, hunting and trapping of wolves be authorized during this time period, including hunting or trapping at or near dens.

There is insufficient time to follow the normal regulatory process for permanent regulations in the time between issuance of the USFWS letter denying the State access for predator control this season and the time period most critical to caribou calf protection. For all the reasons given above, the Board finds it necessary to adopt emergency regulations to immediately extend the wolf hunting and trapping seasons in Unit 10, Unimak Island until June 30, 2010. Any reasonable effort that may lead to saving even a few caribou calves this spring is necessary for the immediate preservation of public peace, health, safety, and general welfare.

#### ORDER CERTIFYING ADOPTION

I certify that the Board of Game, under the authority of AS 16.05.255 and AS 16.05.258, adopted at its Jan. 25, 2006, meeting the attached \_\_\_ pages of regulation changes as emergency regulations to take effect immediately upon filing by the lieutenant governor as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: \_\_\_\_\_  
Juneau, Alaska

Denby Lloyd, Commissioner Alaska Department of Fish and Game