STATE OF ALASKA

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CITIZENS' ADVISORY COMMISSION
ON FEDERAL AREAS

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June 4, 2010

Secretary Ken Salazar
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

RE: Biological Emergency - Unimak Caribou Herd

Dear Secretary Salazar:

The Citizens' Advisory Commission on Federal Areas requests your immediate assistance in resolving a critical management situation within the Alaska Maritime National Wildlife Refuge. We are asking that you exercise your authority as Secretary of the Interior and direct the U.S. Fish and Wildlife Service to reconsider its decision to not allow the State of Alaska to immediately implement a selective wolf reduction program on Unimak Island. The Unimak Island caribou herd has been in serious decline for several years and is at a dangerously low level. Our discussions with Alaska Department of Fish and Game biologists and a review of the biological data indicate that a biological emergency exists. Unless prompt action is taken to protect this year's calves from wolf predation, this herd will soon be reduced to a level where it will no longer be viable. If this is allowed to happen the herd will continue to be unavailable for subsistence use by local rural residents.

Management actions of this type may be permitted under the provisions of the National Wildlife Refuge System Administration Act of 1966 and the National Wildlife Refuge System Improvement Act of 1997. For example, this April the Service adopted a management plan for arctic foxes in the Yukon Delta National Wildlife Refuge. Arctic foxes are to be shot or trapped to increase nesting success of Pacific black brant. Also, less than two weeks ago the Service released a final environmental assessment (EA) and finding of no significant impact (FONSI) for managing mountain lion on the Kofa National Wildlife Refuge. In that case management actions will involve the removal of mountain lions through either translocation or lethal means to reduce predation on desert bighorn sheep.

As the Service noted in its May 24, 2010 press release, compliance with the National Environmental Policy Act (NEPA) is required before these types of management actions may be allowed on national wildlife refuge lands. For this reason and to avoid further unnecessary delays, we encourage the Service to utilize the April 2010 Environmental Review *Unimak*

Caribou Herd Management Options prepared by the Alaska Department of Fish and Game (ADF&G). While minor details typically found in Service NEPA documents may be absent, the environmental analysis is accurate and sufficient to support the proposed management action. Commission staff has reviewed this document and found it to be more than adequate to fulfill the necessary NEPA requirements, even if this were not an emergency situation.

Because of the seriousness of the situation, the Commission strongly encourages you to exercise your authority as Secretary of the Interior and declare the current situation an emergency and permit the selective removal of wolves to protect the viability of the Unimak Caribou Herd.

Department of the Interior (DOI) NEPA regulations at 43 CFR §46.150 Emergency Responses authorize the Responsible Official (RO) to take urgently needed actions before preparing a NEPA analysis and documentation. Specifically §46.150(a) states:

> *The Responsible Official may take those actions necessary to control the immediate impacts of the emergency that are urgently needed to mitigate harm to life, property, or important natural, cultural, or historic resources. When taking such actions, the Responsible Official shall take into account the probable environmental consequences of these actions and mitigate foreseeable adverse environmental effects to the extent practical.*

In adopting these regulations in October 2008, the DOI provided the following explanation for how this section would be applied:

> *This section clarifies that ROs, in response to the immediate effects of emergencies, can take immediate actions necessary to mitigate harm to life, property, or important resources without complying with the procedural requirements of NEPA, the CEQ regulations, or this rule. Furthermore, ROs can take urgent actions to respond to the immediate effects of an emergency when there is not sufficient time to comply with the procedural requirements of NEPA, the CEQ regulations, or this rule by consulting with the Department (and CEQ in cases where the response action is expected to have significant environmental impacts) about alternative arrangements.*

The Alaska Maritime National Wildlife Refuge was created by the Alaska National Interest Lands Conservation Act (ANILCA) for the following purposes:

> *"to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to marine mammals, marine birds and other migratory birds, the marine resources upon which they rely, bears, caribou and other mammals." (Section 303(1)(B)(i))* and
>
> *"(ii) to provide, in a manner consistent with the purposes set forth in subparagraph (i) and (ii), the opportunity for continued subsistence use by local residents."*

Because conservation of caribou is specifically listed as one of the purposes of the refuge a reasonable argument can be made that under the regulations citied above, they would be considered an "important natural resource" on the refuge. This argument is further supported by the mandate to provide for subsistence use by local residents. The question then arises as to

whether or not the selected harvest of wolves to prevent predation of caribou calves and the possible extirpation of the Unimak Caribou herd would be inconsistent with the requirement "to conserve wildlife populations and habitats in their natural diversity."

The Service addressed this question in the arctic fox management plan for the Yukon Delta NWR:

> "Per the Alaska National Interest Lands Conservation Act (Title III, ANILCA), foxes are considered part of western Alaska's natural diversity. Although their populations are poorly understood, recent research may shed light on the abundance and distribution of arctic foxes on the Yukon-Kuskokwim Delta, particularly in relation to brant colonies (Flint et al. 2008)." (pg. 3, emphasis added)

The plan then continues:

> "The primary objective of arctic fox control is to allow the recovery of specific brant colonies and not to remove arctic foxes at the landscape scale. (pg. 4)

The ADF&G proposed action with respect to wolf predation on caribou calves on Unimak Island is analogous to the arctic fox management plan. ADF&G is proposing to selectively remove wolves from Unimak Island and not to remove them at the "landscape scale." The effect of the management actions is the same even though the predator and prey species are different.

In conclusion, the Commission urges your prompt action to resolve this situation by either directing the Service to utilize the ADF&G Environmental Review and make a finding of no significant impact or declaring a biological emergency on Unimak Island and making a categorical exclusion under NEPA. Either would allow the State of Alaska to exercise its management authority and proceed with the selected removal of wolves to reduce predation on this caribou herd.

We appreciate your consideration of our request. If we can clarify anything or provide additional information, please contact us.

Sincerely,

Stan Senphart

for Rick Schikora
Chairman

cc: Governor Sean Parnell
Attorney General – Dan Sullivan
Rowan Gould – Director - USFWS
Geoff Haskett – Regional Director – USFWS
Comm. Denby Lloyd – ADF&G
Pat Pourchot - DOI