
KENNETH R. WHITTEN - STATE/FEDERAL RELATIONSHIPS REGARDING DALL SHEEP RESEARCH AND MANAGEMENT IN ALASKA

Kenneth R. Whitten, Alaska Dept. Fish and Game, 1300 College Road, Fairbanks, AK 99701

Abstract: State and Federal biologists in Alaska generally have cooperated well on Dall sheep management and research and have freely exchanged data on populations, distribution, productivity, and harvest. Federal agencies frequently have requested the Alaska Department of Fish and Game (ADF&G) to participate in sheep surveys, and in some cases have provided contract funds for ADF&G to conduct surveys on federal lands. Federal agencies also regularly seek advice from ADF&G on design of sheep research or inventory projects and routinely ask local ADF&G managers to edit and review federal sheep reports and manuscripts. Several times ADF&G personnel have received permission to gather baseline data on sheep in Denali National Park for comparison with data from state-managed areas outside the Park. Denali has also provided funds for ADF&G biologists to participate in joint surveys of sheep on National Preserve lands (managed by Park Service, but open to sport hunting) and adjacent state managed lands. Gates of the Arctic National Park and Preserve has contracted ADF&G to survey sheep and test new survey techniques. The Bureau of Land Management and Yukon Flats National Wildlife Refuge regularly cooperate with ADF&G on sheep counts in the White Mtns. north of Fairbanks. ADF&G and the Kenai National Wildlife Refuge have cooperated on sheep and goat surveys and development of new counting techniques. ADF&G and Park Service have long cooperated on sheep research and monitoring in the Baird and De Long Mountains of the far western Brooks Range. Disagreements among state and federal biologists have been rare and, for the most part, quickly resolved. In the mid-1970s, Arctic National Wildlife Refuge (ANWR) staff estimated far fewer sheep in the refuge than state biologists thought were present. ANWR provided funds for ADF&G to do more thorough surveys, and estimates were revised substantially upward. In the early 1980s, ANWR feared a sudden increase in sheep hunting due to loss of traditional hunting opportunity in newly created national parks elsewhere in Alaska. ANWR successfully lobbied the State Board of Game into establishing a lottery permit for the refuge, over the objections of ADF&G. Within 2 hunting seasons, however, all parties agreed the fears of increased hunting were unfounded, and the lottery hunt was rescinded. A long period of cooperation in sheep research and inventory in ANWR ultimately ensued, and in the early 1990s ANWR provided funds for ADF&G to survey hunters from throughout the Brooks Range regarding their attitudes toward sheep management.

The State of Alaska and the Federal Government both recognize subsistence as the priority use of fish and game in Alaska but currently are at odds as to how to institutionalize and enforce this priority. The Federal government bases subsistence priority on a history of customary and traditional use by rural residents. A similar rural-based priority in State law was struck down by the State Supreme Court, making it impossible for the State to comply with federal subsistence guidelines. Ultimately, this has led to a complicated "dual management" system in which local and non-local residents are often bound by conflicting regulations on season, bag limit, and/or methods and means of hunting. The State vehemently disagrees with some actions taken by Federal subsistence boards. The most controversial Federal decisions have been based on local opinions and sometimes on social science reports that cannot be supported by hard data. Some decisions, in our opinion at least, have also violated federal legal guidelines for subsistence management. Flawed Federal Board decisions regarding sheep have not resulted from disagreements among state and federal biologists over biological information. So far the flawed decisions have only affected allocation of harvest—who gets to hunt sheep—and have not caused any biological harm to sheep populations. Nevertheless, dual management is

leading to increasing divisiveness among Alaska's hunters and is a serious impediment to effective wildlife management in Alaska.

Most state fish and game agencies concentrate their efforts on maintaining and supporting consumptive uses of wild game. Our money comes primarily, and in some cases, solely, from fees levied on hunters and taxes on firearms and ammunition. Although we serve a broader public, our traditional constituents have always been hunters. Federal agencies have mandates that differ in several ways from their state counterparts. Some federal agencies (Bureau of Land Management and Forest Service) allow multiple uses, including hunting, but often emphasize competing uses that adversely affect wildlife habitat and populations or result in actions that otherwise restrict or eliminate hunting. Some Federal agencies concentrate on habitat protection or maintaining wildlife population viability (Fish and Wildlife Service), with hunting usually allowed, but not emphasized or promoted. Nationwide, most National Park Service lands are managed for scenic, historic, or aesthetic values and generally are closed to all hunting. Alaska is an exception, however, in that few Park Service lands are totally closed to hunting. Differing mandates among state and federal agencies inevitably lead to differing attitudes among respective personnel and decidedly different corporate cultures. Biologists generally share broad conservation values, but differ on some important and often deeply held attitudes. Although we're talking about state/federal relationships in this workshop, I would wager that the same sorts of problems we're discussing now also occur internally among state agencies in most, if not all, states—fish and game versus forestry, oil and gas, parks and recreation, etc.

I'm going to mostly discuss positive interactions among state and federal biologists in Alaska that come about because of those broader conservation values we all share, but also because most of us are similarly trained and have mutual needs for gathering and sharing information. State and federal biologists in Alaska generally have cooperated well and have freely exchanged data on Dall sheep

populations, distribution, productivity, and harvest. In the early years of Alaska statehood (1960s), many state biologists were former employees of the federal services in Alaska. ADF&G biologists surveyed and managed game with little federal presence or interference on all but a few areas (Mt. McKinley National Park and Glacier Bay and Katmai National Monuments). In the late 1960s and early 1970s ADF&G biologists flew aerial surveys of sheep in McKinley Park to compare composition of those un hunted sheep with some of the heavily hunted populations under state jurisdiction. ADF&G also did foot survey composition counts in the Park during the 1970s. ADF&G worked closely with USFWS and USFS to monitor sheep and goats on the Kenai Peninsula.

Battles over Native land claims and the right-of-way for the Trans Alaska Pipeline prompted movements to designate vast additions to federal conservation lands in Alaska. Federal agency personnel began to proliferate in Alaska during the mid-1970s, but most agencies initially had high personnel turnover rates and, thus, lacked experienced field biologists. This led to sometimes woefully inadequate descriptions of resources in areas nominated as potential additions to parks and refuges. The State challenged many of these wildlife estimates and, as a result, received large sums of federal money for wildlife survey and inventory work on federal lands. Disagreements, for the most part, were quickly resolved. A case in point is the Arctic National Wildlife Refuge (ANWR), where refuge staff estimated far fewer sheep than state biologists knew were present. ANWR provided funds for ADF&G to do more thorough surveys, and estimates were revised substantially upward.

Congress was slow in agreeing on which areas, and how much land, to include in expanded federal conservation areas. In 1979 President Carter broke the stalemate by declaring vast areas of Alaska as new national monuments. The Carter monuments

had an immediate effect on sheep management by closing large portions of the Wrangell Mountains and the Brooks Range to sport hunting. Anticipating crowding and increased competition among hunters on those lands still subject to state management, the State responded by changing from a 3/4 to a 7/8-curl bag limit for Dall rams. In 1980 Congress passed the Alaska National Interest Lands Conservation Act (ANILCA), which voided the Carter monuments, but established most of those same lands as new national parks and wildlife refuges or as additions to existing federal units. Some of the lands closed to sport hunting in 1979 became Park Service preserves, which again allowed hunting, but a large portion of the Wrangells and central Brooks Range remained off-limits to sport hunters as new national parks. For a time, the situation between state and federal biologists remained much as it had been during the 1970s, with the State receiving federal money to work on federal land. Gradually, however, the new federal units recruited more stable staffs and developed expertise for fieldwork under Alaskan conditions. Federal biologists initiated wildlife research projects to meet their own needs, but still tried to keep state biologists on as cooperators. This put ADF&G in the position of eventually having to turn down some federal contract funds because accepting the money and participating in the federal projects would have directed time and effort away from vital State programs. State and federal biologists continued to cooperate, however, on many projects for which their information needs overlapped. ADF&G cooperated in Dall sheep research and monitoring projects in the Noatak National Preserve in the western Brooks Range and continued to work with ANWR staff in the eastern Brooks Range. There were occasional disagreements. ANWR managers feared the new 7/8-curl rule would not be sufficient to prevent overcrowding and excessive harvest on refuge lands and requested the Alaska Board of Game to require lottery permits for sheep hunting in ANWR. ADF&G opposed the lottery, but federal officials threatened to establish federal permits if the State Board refused their request. The Board acquiesced, and for 2 years a lottery hunt was in place but permits were never fully subscribed.

With no opposition from federal officials, the State Board then rescinded the lottery hunt. Amicable relations between ANWR and ADF&G staff continue to this day, with free interchange of information and cooperation in fieldwork. In the early 1990s, ANWR even funded a state study to survey sheep hunters' attitudes about hunting conditions and management options. The survey covered the entire northern and eastern Brooks Range – not just ANWR lands.

ADF&G regularly cooperates with BLM and the Yukon Flats National Wildlife Refuge to inventory sheep in the White Mountains north of Fairbanks. We have recently worked with the Kenai National Wildlife Refuge to inventory sheep and goats and refine counting techniques. Gates of the Arctic National Park and Preserve has contacted us to survey sheep, refine survey techniques, capture sheep, and give advice on management of subsistence sheep hunting. Denali National Park and Preserve (the ANILCA expanded version of the old Mt. McKinley National Park) still shares sheep productivity and survival data with us and recently contracted us to help count sheep in the seldom inventoried southern and western portions of the Park/Preserve. Yukon/Charley Rivers National Preserve has invited us to review research proposals and assist in sheep capture and inventory. For many years we have coordinated with Noatak National Preserve and Kobuk Valley National Monument to count sheep in the Baird and DeLong Mountains of the western Brooks Range. We have recently agreed to be cooperators with Park Service and BRD/USGS on a new research/monitoring project on sheep in the Baird and DeLong mountains.

Nevertheless, all is not well with state/federal relationships regarding sheep and other wildlife management in Alaska. Subsistence hunting became a major issue during debates over land status and management in Alaska in the 1970s. Ultimately both the state and federal governments recognized subsistence as the priority use of fish and game, but we are currently at odds as to how to institutionalize and enforce this priority. The federal government (as codified in ANILCA)

bases subsistence priority on a history of customary and traditional use by rural residents. A similar rural-based priority in state law was struck down by the state supreme court in 1989, making it impossible for the state to comply with the federal subsistence guidelines in ANILCA. The result is that the federal government now manages subsistence on Federal lands, and may extend its jurisdiction to state lands as necessary to protect federal subsistence. Alaska has a complicated "dual management" system in which local and non-local residents are often bound by conflicting regulations on seasons, bag limits, and/or methods and means of hunting. Dual management is the subject of a separate presentation in this workshop, and I'll deal with it only briefly here, in the context of the generally agreeable relationships among state and federal biologists I described earlier. The state vehemently disagrees with some actions taken by Federal Subsistence Boards. The most controversial Federal Board decisions have been based on local opinions and sometimes on social science reports that cannot be supported by hard data. Some decisions, in our opinion at least, have also violated federal legal guidelines for subsistence management. Alaska has argued against establishing subsistence-hunting-only areas for sheep and caribou in parts of the Brooks Range. Our biological arguments against the need for such areas have been largely echoed in federal biological staff recommendations. Thus flawed Federal Board decisions regarding sheep have not resulted from disagreements among state and federal biologists over biological information. So far the flawed decisions have affected allocation of harvest – who gets to hunt sheep – and have not caused any biological harm to sheep populations. Nevertheless, dual management is leading to increasing divisiveness among Alaska's hunters and is a serious impediment to effective wildlife management in Alaska.

QUESTIONS, ANSWERS AND COMMENTS - KENNETH R. WHITTEN PRESENTATION

HARLEY METZ, COLORADO: What do you think the ultimate solution will be? I understand there are numerous suits and countersuits going on. Do you have a personal feel as to the outcome?

KEN WHITTEN: There are two possible outcomes. I think the federal law will continue with dual management until the state caves in and agrees to a rural priority. I think it boils down to that. I don't see a quick solution in the absence of that.

There are movements afoot to amend the state constitution to agree with the federal constitution. If you took a popular vote of Alaskans, I feel it would almost surely go that way, but I doubt it will ever get out of the legislature. It will never appear on the ballots.