

From: [Thomas Atkinson](#)
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Subject: Refuge Questions related to HB272, highlighted
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From: Meehan, Joe (DFG) <joe.meehan@alaska.gov>
Sent: Friday, March 16, 2018 11:48 AM
To: Lisa Delaney <Lisa.Delaney@akleg.gov>
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Subject: Refuge Questions related to HB272

Hi Lisa - I am in receipt of your March 13, 2018 list of questions addressing various aspects of Alaska state game and wildlife refuges. I have provided brief answers to your questions as best I could but a more thorough response would require additional consultations with Department of Fish and Game, Department of Natural Resources, and perhaps Department of Law staff. The information provided below is general in nature and we would be happy to research more in-depth information if so desired. I have included your questions in my responses.

1. Are any state game or wildlife refuges closed to hunting, trapping, or fishing?

All hunting, trapping and fishing regulations for harvest, methods and means falls under the authority of the Board of Game (BOG) and the Board of Fisheries (BOF). The only exception within our Special Areas (i.e. refuges, sanctuaries, critical habitat areas (CHA)) is that the legislature closed the McNeil River State Game Sanctuary to all hunting and trapping at the time the sanctuary was created.

State refuge designations along with the refuge management plans and regulations, and the department's refuge management program do not manage hunting, trapping and fishing other than to recognize harvest as an allowed activity, subject to BOG/BOF adopted regulations. However, refuge management may affect all refuge users by placing limitations on certain activities such as areas and types of access, boat storage requirements, establishment of long-term camps or cabins, etc.

There are refuges and CHAs with restrictions on hunting, trapping or fishing through BOG or BOF adopted regulations; however, these restrictions are not necessarily due to the refuge or CHA designations. In other words, if the area was not designated as a refuge or CHA, the closure (or restriction) would likely be in place anyway. As an example, the BOG has closed the areas around the cities of Anchorage and Juneau to trapping which includes closing the Anchorage Coastal Wildlife Refuge and the Mendenhall Wetlands State Game Refuge. The BOG also closed those areas and refuges to big game hunting yet allows for some waterfowl hunting. These closures/restrictions are related to the urban nature of these areas and potential user conflicts, rather than the areas designation as a refuge. The Stan Price State Game Sanctuary and nearby area is closed to hunting of brown bears (by BOG regulation) to help support the bear viewing program in the sanctuary and adjoining Pack Creek wildlife viewing area. The BOG has also closed the McNeil River State Game Refuge (note refuge, NOT sanctuary) to hunting of bears in support of the bear viewing program in the adjoining sanctuary (the sanctuary is closed by statute). Another example is that the Homer Airport Critical Habitat Area is technically open to hunting but it is entirely within the City of Homer and the City prohibits the discharge of

firearms within their city limits.

To summarize, closures (or restrictions) of hunting, trapping and fishing within refuges and CHAs do occur, but these closures are based on authorities and reasons generally independent of the designation of the area as a refuge or CHA.

2. Have hunting seasons and/or bag limits ever been reduced in state game or wildlife refuges when they would not otherwise have been reduced? If so, can you give examples?

To answer this in detail would take additional research. The BOG and BOF operate on a sustained yield principle which means they set harvest objectives based on what the population can sustain. Population and harvest goals are not specific to refuge or CHA boundaries. The Boards have however, taken some actions to reduce user conflicts in certain cases. For example, the BOG delayed opening (until September 15) bear hunting within 1 mile of Wolverine Creek in the Redoubt Bay CHA. This was done to avoid conflicts between summer and early fall bear viewers and fall bear hunters.

Another example is the BOF adopted regulations that allowed only small outboard motors (3HP or less) on vessels operating on Rabbit Slough in the Palmer Hay Flats State Game Refuge on weekends during the salmon sport fishery in July. This was done because of the very small creek attracting lots of anglers (shore and boat based) and conflicts with large boats (including air boats). This is a small and narrow stream and could not safely accommodate larger vessels and larger motors so this restriction reduces user conflicts. Note that this BOF regulation was recently rescinded as we have a refuge related regulation that enacts a similar restriction on this stream. Again, both these examples would probably have been adopted regardless of the area's designation as a refuge or CHA.

3. How has access been affected historically by state game or wildlife refuge status? Has access been denied or improved? For what reasons?

Access is a very important component of our refuge management program and receives the greatest portion of our refuge management budget. We actively manage refuges to promote and encourage access by installing directional signs; building and maintaining access roads, parking lots, trails, bridges, restrooms, shelters and other amenities to make the refuges attractive to all users (be it hunters, anglers, hikers, wildlife viewers, general recreationists, etc.). We also promote access through publications, websites and other outlets, and work with other agencies to assure public access to refuges and CHAs.

Our refuge management attempts to accommodate historic modes and areas of access provided it is consistent with the statutory purpose of the area which is generally to protect fish and wildlife habitats and populations. Most refuge and CHA lands are open throughout the winter to small vehicles (i.e. snow machines and ATVs) provided there is adequate snow and frozen ground. Refuges and CHAs are also open to foot traffic, most boat and aircraft traffic, and other modes of access. Many of the refuge areas have long established ATV trails and we generally allow for their continued use. In other areas we allow larger vehicle use on beaches where habitat impacts are negligible. Through the development of a refuge or CHA management plan and through our Special Area Permitting program, we manage activities in a refuge or CHA that may have potential harmful effects. The intent of our management is to

maintain the habitats that the area was established to protect and to maintain and promote historic public uses provided the uses are consistent with the legislative purpose of the area.

One recent management concern is the Cottonwood Creek trail in the Palmer Hay Flats State Game Refuge which traverses wetlands along its entire length. This 7 mile long ATV trail existed prior to refuge creation in 1975 and continued use was allowed in the fall by waterfowl hunters. Since that time, the number of ATV users on the trail has increased significantly and the trail appears to have become wetter, wider and more incised. Tidal guts (channels) have encroached from Knik Arm and started intercepting the trail and draining the adjoining wetlands. Clearly the wetlands are being changed to the detriment of wildlife and refuge users. We recently closed all but the first mile of the trail to ATVs and we currently have funding to hire a consulting firm to assess the tidal erosion with the hope of both restoring the wetlands and reopening the remainder of the trail to ATVs.

4. **Does refuge designation increase or decrease the ability of an area to support wildlife? Does it help increase or maintain populations? Are there examples?**

A refuge designation will assure that management of the lands is primarily for the benefit of wildlife and public uses of that wildlife. The loss and degradation of habitat can be a significant factor affecting the long-term health of wildlife populations by reducing the productivity of the land, as can many other factors such as disease, predation, natural fluctuations in habitat quality, and other natural and anthropogenic influences. Also note that many of our refuge and CHA management plans contain policies that allow for habitat enhancements which, if conducted, would likely increase the areas ability to support wildlife. We have conducted these enhancements on only a few refuges.

5. **Would it be correct to call B-1 and B-2 Habitat Lands "average habitat" or "marginal habitat"?**

These designations are presumably taken from the older Department of Natural Resources (DNR) Tanana Basin Area Plan for state lands in the Tangle Lakes area and DNR would be the best agency to provide comments on the plan's definitions. This plan is somewhat dated (adopted in 1985, revised in 1991), but the habitat classifications were adopted with Department of Fish and Game input and we agree that the Tangle Lakes area continues to provide valuable wildlife habitat. Below are the habitat classifications for the Tangle Lakes area and we concur with these classifications:

“Unit 5C2: Fish and Wildlife. Fish and wildlife habitat is designated a primary use in this unit. Values include prime-rated habitat for moose, caribou, grizzly bears, and sheep (B-1 habitat; see Appendix A, *Glossary*).

“Category: B-1, High Value Areas: High value habitat and/or high human use areas. Conservative management is recommended.

“Rating: Prime Habitat: Prime habitats are those capable of supporting maximum densities of one or more species groups on a long term basis and are necessary for perpetuation of those populations.”

6. Are there examples of average or marginal habitats still being critical to wildlife under certain conditions?

Additional consultation would be required to adequately answer this question. As a general principal, lower quality wildlife habitat may be considered important to a species if higher quality habitat is limited or unavailable at a critical time of year or during a critical life cycle (e.g. wintering areas or calving grounds).

7. Have state game or wildlife refuges ever been re-designated as critical habitat areas or sanctuaries?

No, but limited areas have been legislatively “undesigned.” The City of Homer harbor and surrounding area was recently removed from the Kachemak Bay CHA and the old village of Minto was removed from the Minto Flats State Game Refuge. Changes in refuge or CHA status can only be done by the Legislature.

8. Is there any history of state game or wildlife refuges being changed (without being re-designated as critical habitat areas or sanctuaries) to become more restrictive or protective than in their original legislation?

Only the Legislature can change the original legislation creating a refuge or CHA. In the case of the Minto Flats refuge mentioned above (question #7), the lands around the old village of Minto were removed from refuge designation so it could be conveyed to the Native Village of Minto and utilized by them unfettered by refuge restrictions. Similar reasoning lead to the removal of the Homer Harbor from the Kachemak Bay CHA, although there was no change in land ownership. The Minto Flats refuge legislation was also changed (by the Legislature) after creation to clarify that oil and gas exploration and development were permitted within the refuge under certain conditions.

Our management plans implement the statutes creating these areas and as we revise these plans, certain policies could become more or less restrictive depending on circumstances. However, these policies can never contradict the statutes creating the refuge or CHA. Since we have revised only a few management plans, I can’t summarize the trend; however, plan revisions were undertaken to help clarify the intent of the plan’s policies and to address unforeseen circumstances. While some plan policies may have become more restrictive when revised, the intent was to better implement the policies and statutes as uses change, user conflicts become more apparent, or more information becomes available. I should emphasize that all management plans and refuge regulations go through a thorough collaborative public process so all users have a significant say in the development of the plans.

9. Does BOG still have the regulatory authority for state game and wildlife refuges?

Yes, as I explained in answer 1 above.

If you need additional information, please do not hesitate to contact me. Thank you.

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