

Petition Requesting Alaska Board of Game to Adopt Emergency Regulation Closing State Lands to Taking of Wolves – a “Denali Buffer”- Along the Eastern Boundary of Denali National Park (GMU 20)

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1. Legal context

This petition, filed pursuant to AS 44.62.220 and Joint Board Petition Policy (5 AAC 96.625(f)), requests the Alaska Board of Game to establish an Emergency Regulation closing state lands identified below in Game Management Unit (GMU) 20 along the eastern boundary of Denali National Park to the taking of wolves.

Under the Joint Board Petition Policy, (5 AAC 96.625(f)), an emergency is defined *inter alia* as “an unforeseen, unexpected event that...threatens a fish or game resource.” Thus, the legal threshold for emergency action proposed herein is that there exists a threat to a “game resource,” and that this threat was “unexpected” and “unforeseen” by the Board. As discussed below, both threshold conditions are clearly met in this case.

This petition does not assert that there exists a threat to the wolf populations across GMU 20, or even sub-units GMU 20C or GMU 20A, nor does it propose protecting such. The petition proposes simply that a small subset of the GMU 20 wolf population – the twenty to thirty individual animals that comprise what had been the most viewed 3 or 4 wolf packs in eastern Denali National Park – is at risk from take on adjacent state lands, and asks the State to grant protection to this small, unique subset of the GMU 20 wolf population due to its significant and disproportionate economic value to Alaska.

It is important to note that nowhere does Joint Board Policy 5 AAC 96.625(f) state that, to be eligible for emergency action, a threat to a game resource must be found to exist across an entire GMU, entire GMU sub-unit, or entire wildlife population.

Nor does the statute/policy identify a threshold level of decline or threat that must be found to exist. In fact, the language is silent as to the geographic, ecological, or economic scale across which a threat must extend, and the severity of decline or threat that must be found, in order to be eligible for emergency regulation by the Board. While traditionally the Board and Department have interpreted the emergency regulation statute/policy to apply only across broad geographic areas (e.g., across entire GMUs), or threats/declines to entire populations, the statute/policy itself clearly does not impose such limitations.

Thus, it is permissible and entirely appropriate to apply the statute/policy to a small sub-area and unique sub-population of a wildlife resource, such as the few wolf packs important for wildlife tourism in eastern Denali National Park. We note that Denali National Park contributes over \$500 million each year to the state economy, and one of the main reasons tourists come to Denali is to see wildlife, including wolves.

The petitioners respectfully request that the Board place this Emergency Petition on its March 2015 meeting agenda, solicit and consider public comment, and act affirmatively on the petition.

2. *Unforeseen and unexpected threat to game resource requiring emergency action*

The unexpected and precipitous decline in the Denali wolf resource (population and viewing success) clearly meets the threshold for emergency action by the Board.

The wolf population across the 6 million acre park and preserve has declined from 143 wolves in fall 2007 to just 50 in fall 2014 – a drop of almost 2/3 in just six years. The spring 2014 wolf count in the park of just 50 wolves was the lowest in the park's historical record, and remained at 50 in the fall count. It is highly unusual, indeed worrisome, that the 2014 Denali wolf population did not increase over the summer as it traditionally does.

Given the low count in fall 2014, it is expected that the wolf count for the park in spring 2015 survey will be even lower, likely again the lowest in the historical record. As well, it is expected that visitor viewing success of Denali wolves will remain extremely low in coming years, unless and until there is protection from trapping/hunting on state lands along the park boundary.

Just since the Board of Game removed the no-take Denali buffer in 2010, wolf-viewing success for the park's 400,000 annual visitors has dropped precipitously - from 44% in 2010, to 21% in 2011, 12% in 2012, to just 4% in 2013 (the most recent year for which these data have been reported). As far as we are aware, this precipitous decline in wildlife viewing success is unprecedented in the history of the U.S. National Park system.

We recognize that natural factors may be involved in the wolf population and viewing decline, but it is clear that trapping/hunting take of important breeding individuals on state lands east of the park is also a contributing factor. And while wildlife managers can't do much about natural causes, they can and should help to restore this game resource by minimizing additional losses from trapping/hunting.

As example of the potential effect of wolf take along the park boundary, the April 2012 snaring of the last breeding female wolf from the Grant Creek pack – formerly the most often viewed wolf pack in Denali National Park – on state lands just outside the park boundary (within the former buffer that was eliminated by the Board in 2010), resulted in the pack not having pups that year, not denning, and ultimately the pack's dispersal. Visitor viewing success for wolves in the park that summer dropped from 21% the previous year to just 12%.

The snaring of this one female wolf on state lands resulted in tens of thousands of national park visitors, Alaskans and non-Alaskans, being deprived of the opportunity to view wolves in Denali that year, leading to a significant loss in the tourism amenity of the park. Further, this trapping take and impact on Denali National Park resources received national media attention, resulting in significant damage to the reputation to the State of Alaska's commitment to sustainable wildlife management, and to Alaska's reputation as a wildlife tourism destination.

Subsequent studies by Denali National Park wildlife biologists confirmed previously published studies – that the loss of significant breeding individuals from a wolf family group can, and often does, cause the family group to disband.

In addition, most of the members of the former Nenana River pack were taken outside the park in 2013, and the pack is no longer listed in the Denali wolf pack database.

It is inarguable that the take of wolves on state lands adjacent to Denali National Park and Preserve has caused significant, deleterious impacts to park wolves - an Alaska *game resource* - and this impact was *unforeseen* and *unexpected* by the Board of Game in 2010 when it eliminated the buffer and imposed the 6-year moratorium on future proposals, and in 2012 when it declined the two previous emergency petitions.

Importantly, additional take of park wolves on state lands along the park boundary in spring 2015 could cause similar, or even more significant, deleterious impacts to this valuable wildlife and economic resource. There is clearly need for emergency action by the Board of Game.

3. Necessity of Petition for Emergency Regulation

The emergency petition process is necessary in this case for a number of reasons. First, at its 2010 meeting, the Board imposed a 6-year moratorium on further consideration of any Denali buffer proposals through its normal proposal process. Some of our petitioners formally requested in 2012 that the Board eliminate this moratorium, but the request was unanimously denied by the Board at its January 2013 meeting.

In May and June 2012, some of the current petitioners asked the ADF&G Commissioner on two separate occasions to issue an Emergency Order (under AS 16.050.060) closing state lands east of the park to take of wolves. The Commissioner denied both requests, stating at the time that the only option to enact such a closure would be to petition the Board of Game directly.

Accordingly, we then petitioned the Board of Game twice, in September and October 2012, both of which were denied without comment. Subsequently, many of the concerns raised in the 2012 Emergency Petitions regarding the impact of trapping/hunting of park wolves on state lands along the boundary have, unfortunately, been realized.

On December 1, 2014, some of the current petitioners asked the newly appointed ADF&G Commissioner to issue an Emergency Order to close this area, and the request was denied on Dec. 11, 2014. In his denial, the Interim Commissioner deferred again to the Board of Game.

Thus, an emergency petition is necessary in this instance as the significance and negative consequences to Alaska wildlife resources caused by the take of individual animals in the former closed areas were clearly *unforeseen* and *unexpected* by the Board when it eliminated the closure in 2010, imposed the moratorium, and denied the 2012 petitions.

If the threat to Denali wolf family group integrity and visitor viewing is not immediately remedied by Board action requested herein, there likely will be additional take of significant individuals this spring, resulting in further long-lasting impacts and lost value of the resource, to the detriment of the park and the Alaska tourism economy.

4. Emergency Regulation Requested

This petition respectfully requests that the Board of Game immediately adopt the following Emergency Regulation:

Take of wolves is prohibited on state lands (GMU 20), in the area bounded on the west by the east boundary of Denali National Park; extending east to one mile east of, and parallel to, the Anchorage-Fairbanks Intertie Electrical Power

Line; on the south by Carlo Creek; and on the north by a line from the southeast corner of Township 11S, Range 9W (Latitude 63 degrees, 55 minutes North), due east to the George Parks Highway, then south along the Parks Highway to a line running due east from the Highway through the town of Healy, to one mile east of the Intertie Line; inclusive of all State lands west of the George Parks Highway commonly referred to as the “Wolf Townships,” and/or “Stampede Trail” (see attached 2012 map).

The proposed boundaries for the closed area coincide approximately with the Denali National Park wolf population area, delineated by telemetry locations (see attached DNP 2014 map). It is clear from park telemetry data that the home range of several park packs extends into the limited area of state land adjacent to the park boundary that is proposed for closure. [Note: this 2014 DNP wolf home range map was derived from the historically low wolf population of 2013/2014].

The proposed closed area is larger than the former closed area that was eliminated in 2010, but smaller than the 2010 proposal from the Anchorage Fish & Game Advisory Committee to expand it. The proposed area would provide significant, but not complete, protection to park wolves, and would provide a reasonable chance for the restoration of the wolf viewing opportunities within Denali National Park – a valuable Alaska game resource.

5. Beneficiaries of the Requested Regulation:

- Park visitors who want to see wolves in the wild (400,000+ annual visitors).
- Tour operators and the Alaska tourism industry.
- Trappers statewide, as the public is less likely to develop anti-trapping opinions from seeing injured wolves and learning of wolf take adjacent to park boundaries.
- State of Alaska’s reputation for wildlife management
- Public safety for people and pets using the Stampede Trail area
- People who value the concept of conservation areas for wildlife.

6. Those Disadvantaged by the Requested Regulation

- The few sport trappers and hunters who have operated in the area in recent years would need to relocate their trap lines and hunts out of the closed area, away from the park boundary, but would retain access to all other areas nearby open to trapping.

7. Benefit/Cost of Requested Emergency Regulation

The significant advantages deriving from this proposed rule to Alaska citizens, Alaska’s tourism economy, the State of Alaska, and others greatly outweigh the inconvenience of the few hunters and trappers having to relocate their operations.

8. Conclusion

Article VIII of the Alaska Constitution – *Natural Resources* – stipulates that natural resources will be managed as a “public trust,” providing “for maximum use consistent with the public interest,” and for the “utilization, development, and conservation...for the maximum benefit of (the) people.”

Clearly there is significant value to *thousands of Alaskans* provided by the viewing of Denali National Park wolves. The value and public interest to thousands of Alaskans provided by seeing Denali wolves, as well as the value to the many Alaskan businesses reliant on this wildlife viewing tourism, should greatly outweigh the value and public interest of just a few individuals being allowed to continue trapping and hunting Denali wolves along the park boundary. It would be irrational, and we suggest unconstitutional, to continue placing the interests of a few Alaskans over the interests of thousands of Alaskans.

Emergency regulation by the Board is clearly appropriate in this case, as there is a clear *threat* to an important Alaska *game resource*, that was *unforeseen* and *unexpected*. This emergency petition presents significant new information showing the severity of impact of the take of park wolves on state lands: two park packs (Grant Creek and Nenana River) were severely affected by take in 2012 and 2013 on state lands along the boundary; visitor viewing success of park wolves dropped from an estimated 45% in 2010 to just 4% in 2013; the drop in viewing success of Denali wolves has, and will continue to, cost the local and state economy; the fall 2014 park wolf count did not increase above the historic low spring count; and the Alaska Constitution requires that wildlife resources be managed for the greater public interest, not narrow interests.

Thus, petitioners respectfully ask the Board to deliberate this issue thoughtfully, place the petition on the March 2015 Board meeting agenda, solicit public comment, and approve the requested emergency regulation.