

Alaska Chapter of Wilderness Watch
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Geoff Haskett
Regional Director
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, Alaska 99503

Re: Comments on the Draft Environmental Assessment on Management Alternatives for the Unimak Island Caribou Herd

Dear Mr. Haskett:

The following comments on the Unimak Island Caribou Herd Environmental Assessment are submitted on behalf of Wilderness Watch and its Alaska Chapter. Wilderness Watch is a national conservation organization that advocates for proper stewardship of our National Wilderness Preservation System.

Our review of the Environmental Assessment (EA) finds it to be woefully deficient in meeting even the minimal requirements of the National Environmental Policy Act (NEPA). It is flawed in its lack of sufficient scientific information and analyses, and it is based on faulty interpretations of legal mandates and policies. All alternatives except the No Action alternative would violate the Wilderness Act, the purposes of the Alaska Maritime National Wildlife Refuge and other legislative mandates. We are concerned about how this document was developed, including the use a contractor for preparation of the EA instead of relying on the Service's own experts who have specific experience with the wildlife and wilderness values of Unimak Island. This approach has biased the entire process in order to support a hasty decision that would allow for implementation of a wolf control action by May of 2011, rather than to provide a full and complete analysis of all pertinent information, as required under NEPA. For these reasons, as described in more detail below, we strongly recommend selection of the No Action Alternative. Due to the deficiency of this EA, and the significant impacts and precedence of this proposal to kill wolves in the Unimak Wilderness, a full Environmental Impact Statement must be prepared before any action other than the No Action alternative is considered.

Flawed Premise

The EA is seriously flawed from the start. Page 1 (Purpose and Need for the Action) states: "*The Service has determined that the ADF&G's proposed action to conduct predator control on the Refuge is necessary.*" This statement destroys the document's credibility as an objective decision making document for the issue under consideration. It is the NEPA process that must be used to determine if an action is necessary, and what alternative might best meet the need. We disagree with this prejudicial determination and believe that the proposed action is not

necessary, and would result in violation of the Wilderness Act, as well as the purposes for which the Refuge was established.

Wilderness

In 1980 Congress designated 910,000 acres of Unimak Island as Wilderness. The Wilderness Act of 1964 defines wilderness as: “*an area where the earth and its community of life are untrammelled by man.*” The definition goes on to specify that wilderness is: “*protected and managed so as to preserve its natural conditions... and appears to have been affected primarily by the forces of nature.*” Wilderness Act § 2(c). The Wilderness Act requires the FWS to preserve the wilderness character of the Unimak Wilderness, and to manage it for whatever other purposes for which it was established “*as also to preserve its wilderness character.*” Wilderness Act § 4(b). These legal requirements must be adhered to in any decision resulting from the Unimak EA.

The EA does not provide a complete and thorough analysis of how this proposed wolf control intervention would affect wilderness character. Instead the EA expresses extremely convoluted rationalizations that are contrary to the Wilderness Act itself. For example, statements in the Environmental Consequences section incorrectly claim that the control of wolves and the transplanting of bull caribou are necessary to maintain wilderness character. It is precisely interventions such as this proposed wolf control program that the Wilderness Act was intended to prevent — intensive management of wilderness areas. Also, the document fails to show that predator control is necessary or that the current caribou population status is somehow out of its natural fluctuations. In reality, wide population swings are a natural consequence for caribou inhabiting constricted areas such as peninsulas and islands, and the EA cites to historical data that shows that dramatic population swings have occurred on Unimak Island. The proposed action represents an inappropriate disruption to an otherwise naturally functioning system.

The use of a helicopter for the proposed project would also violate the Wilderness Act. The EA has failed to show that killing the wolves is *necessary to meet minimum requirements to protect the Wilderness*, and it has failed to show that the use of a helicopter—a prohibited aircraft—would be *necessary*. The United States Court of Appeals for the Ninth Circuit has made it clear that even if an action can be justified, the Service must consider all the other variables at play and *explain why addressing those other variables will not meet the minimum requirement test.* see (Wilderness Watch v. U.S.F.W.S.. 2010). This is true both for killing wolves and for using aircraft in Wilderness.

The EA does not describe and analyze how the various alternatives would affect a principle value of Wilderness, which is the knowledge that can be gained through observing natural processes that are unfettered by human manipulation. It also fails to address how each alternative affects the concept of humility on the part of Wilderness stewards, to allow natural processes to function even when the results are not perceived as beneficial to human interests.

Finally, the EA needs to assess effects of all action alternatives on the other less tangible, but real components of wilderness character as described in the Service’s Wilderness Policy. It needs to

describe how aerial wolf killing and the gassing of pups stands up to all of the aspects of wilderness character described in FWS's Wilderness Stewardship Policy 610 FW 1.13 (D):

Maintaining wilderness character requires an attitude of humility and restraint. In wilderness, we do not adjust nature to suit people, but adjust human use and influences so as not to alter natural processes. We strengthen wilderness character with every decision to forego actions that have physical impact or would detract from the idea of wilderness as a place set apart, a place where human uses, convenience, and expediency do not dominate.

The document only addresses some of the physical impacts of the various alternatives, but ignores these essential concepts and qualities of wilderness character which are at the heart of the National Wilderness Preservation System.

Minimum Requirements Analysis (MRA)

The document's (MRA) (Appendix D) is seriously flawed and cannot be used to support any of the action alternatives. On the page 73 summary the Service used Step 1 of the Minimum Requirements Decision Guide (MRDG) process to conclude ". . . *that action is indeed necessary to meet the Refuge's ANILCA purpose to conserve fish and wildlife populations and habitats in their natural diversity.*" However, such conclusions are not the purpose of the MRDG process. According to the Wilderness Act, the Minimum Requirement analysis is required to determine if a proposed action is "*necessary to meet minimum requirement for the administration of the area for the purpose of this Act . . .*" (emphasis added). That singular purpose is preservation of wilderness character.

On page 76, Requirements of Other Legislation, the EA cites the Refuge's ANILCA mandate to conserve wildlife populations "*in their natural diversity.*" However, as Dr. David Klein and others have pointed out, and as the EA and MRDG acknowledges, the natural pattern of caribou fluctuation on Unimak has included long periods of low numbers. This pattern is an inherent aspect of the natural diversity of the area and its native species and would be disrupted by any of the action alternatives.

References to "*the possible loss of the UCH*" on page 77 and elsewhere imply a permanent extirpation for which there is no biological support. Should the island's caribou become extirpated, there is no reason to believe it would not be repopulated by animals from the mainland in the future. Wilderness and associated processes require long-term thinking.

The assertion on page 78 that killing wolves is necessary to preserve the "natural" quality of wilderness character is profoundly incorrect, and not supported by the FWS's non-degradation principle. According to the FWS's *Wilderness Stewardship Policy* (610 FW 1 (1.5 Q)), the prevailing conditions at the time of establishment refer to the area's wilderness character and values. If the statement in the EA were true, the population numbers of every species would have to be maintained at the level that occurred during the year of designation. If, in fact, the Service believes in the EA's misinterpretation of the non-degradation principle, why isn't the agency

attempting to increase or decrease population numbers to designation year levels throughout the entire refuge system wilderness?

Regarding the “scientific” and “educational” public purposes described on page 79, it is true that killing wolves would provide information on predation. However, the action is certainly not necessary to support either public purpose. Further, the MRDG incorrectly focuses on scientific and educational purposes. According to the FWS Wilderness Stewardship Policy, Section 2.27: *“The scientific value of wilderness derives from the relatively undisturbed condition of the biophysical environment and its ecological and evolutionary processes. Because such undisturbed natural areas are increasingly rare, wilderness areas provide unique opportunities for scientific investigation.”* The real scientific and educational values of Wilderness derive from its use as a natural laboratory, as a control area where we can learn how nature functions when left alone. Thus, the real scientific and educational opportunities presented by the Unimak herd is to gain information about the complexities of an insular caribou herd and island ecosystem. Any action alternative would detract from these scientific and educational public purposes.

The assertion on page 79 that an action alternative is necessary to support the “historical use” purpose relies on an incorrect interpretation of the Wilderness Act. “Historical use” is not a synonym for recent or recent past public use. According to the Arthur Carhart National Wilderness Training Center’s MRDG process, the Service relies on historical use which: *“is represented by the historic and pre-historic sites, artifacts, structures, or cultural landscapes that may be within the areas and by the human activities that once occurred there.”* This is clearly a more distant past than the EA refers to. While subsistence hunting has past associations, a central component was the hunter’s adaptation to cyclic numbers and occasional unavailability of one or more game species. This broader view is the proper measure against which a decision should be made regarding the effect on historical use.

Moreover, the MRDG’s interpretation of the “historical use” reference in the Wilderness Act is at odds with numerous court opinions on the matter. As the U.S. Court of Appeals for the Eleventh Circuit wrote, “Given the consistent evocation of ‘untrammeled’ and ‘natural’ areas, the previous pairing of ‘historical’ with ‘ecological’ and ‘geological’ features... the only reasonable reading of ‘historical use’ in the Wilderness Act refers to natural, rather than man-made, features.”

The MRDG is most remiss in its evaluation of the effects of action alternatives on wilderness character. Clearly, its authors failed to consider the meaning of *untrammeled* in the Wilderness Act in the evaluation. For example, on page 83, the effects of Alternative B on the *“untrammeled”* quality of wilderness character focuses on potential disruptions and impacts of helicopters. While these are certainly undesirable impacts of the alternative, these impacts are not what untrammeled refers to. The Carhart Center’s MRDG instructions define untrammeled as: *“... essentially unhindered and free from modern human control or manipulation. This quality is degraded by modern human activities or actions that control or manipulate the components or processes of ecological systems inside the wilderness.”* Because predator control involves intensive control and manipulation of the ecological system, predator control would clearly degrade this essential quality of wilderness character.

Refuge Purposes

The Alaska National Interest Lands Conservation Act (ANILCA) which designated the Unimak Wilderness also established purposes for new wildlife refuges that included first and foremost the purpose: “...to conserve fish and wildlife populations and habitats in their natural diversity” and the Act subordinated the purpose to provide the opportunity for continued subsistence uses by local residents: “in a manner consistent with” the purpose to conserve wildlife in their natural diversity. The EA fails to appropriately interpret the requirement to conserve natural diversity and fails to acknowledge its primacy over the subsistence purpose. The term “natural diversity” used in ANILCA is more than a list of species found within a given Refuge. Natural diversity also involves maintenance of the ecological processes which support species and habitat variety (U.S. Senate Report No. 96-413). A fundamental flaw of this proposal is that it misconstrues the Refuge purposes to mean that natural diversity should be disrupted (i.e., proposed wolf control) in order to comply with the purpose to provide opportunity for subsistence. In several sections of the EA, the action alternatives are justified by the claim that wolf control must be conducted in order to fulfill the refuge purpose to conserve natural diversity. This sort of reasoning runs counter to the actual intention where population fluctuations and other ecological processes are allowed to function unhindered, under the natural diversity purpose.

The conservation of wildlife populations in their natural diversity by allowing for natural processes to occur is a primary, and superior, purpose of this Refuge and the Unimak Wilderness.

Further, caribou harvest information provided in the EA indicates that subsistence hunters from the nearby village of False Pass have primarily hunted caribou on the mainland where access by boat is much easier. Harvest records show that few if any caribou have been taken on Unimak Island for subsistence during the past 10 years. Any decision to authorize wolf control in the Unimak Wilderness that is based on the need to provide opportunity for subsistence use is not justified by the facts.

Essential Information is Missing

The EA lacks sufficient scientific information upon which to justify any decision other than the No Action alternative. For example it acknowledges that “*Habitat and vegetation conditions are not monitored on Unimak Island.*” (page 6) and “*There are no published studies of the vegetation on Unimak Island.*” (page 24). There is also no information provided regarding seasonal foraging patterns of caribou on the island. Information on diseases and parasites is lacking: “*No information is available on disease or parasites in the UCH.*” (page 7) The EA also admits that information regarding predation of caribou calves by brown bears is also missing: “*We have no information on the relative importance of caribou in brown bear diets on Unimak Island,*” (page 31). “*Data are also not available regarding patterns of weather events (e.g., icing) that may have contributed to population declines of caribou on Unimak Island.*” (page 7). From these examples and many others found in the assessment, it is obvious that the National

Research Council's review and guidelines for predator management in Alaska (Orions et al. 1997) have been ignored.

The EA recognizes the importance of forage resources for caribou of the region ("...*food supply and nutrition were significant limiting factors for caribou in southwestern Alaska.*" (Valkenburg et al 2003) The depletion of lichens was a significant factor in a recent decline in the adjacent Southern Alaska Peninsula caribou herd (Post and Klein 1999). This relationship has been generally understood for many decades, and the EA acknowledges this also. Yet, in the absence of data on vegetation, habitat conditions, caribou foraging patterns and caribou nutrition on Unimak, the EA proclaims that predator control is necessary. Such reasoning lacks scientific credibility and reflects poorly on the professionalism of the FWS. It runs counter to NEPA's requirements for informed decision making, and it has no place in decisions affecting our public lands. *See* 40 C.F.R. § 1502.22 (requiring that the agency clearly state where there is incomplete or lacking information and either seek to obtain that information or explain why it cannot).

Caribou on Islands

A significant body of scientific literature exists regarding the ecology of caribou living on islands and other locations where their movements are physically constricted, such as the Alaska Peninsula (Klein 1968, 1999) Seasonal movements, migration and dispersal to new ranges or infrequently used areas are all part of caribou life history and survival (Skoog 1968). Heavy reliance on slow growing fragile lichens, especially during winter is also a primary survival strategy of caribou. In the case of Unimak Island, due to its maritime weather conditions which sometimes reduce forage availability because of ice deposits, caribou are faced with a unique set of circumstances which have profound effects on populations. Depletion of lichens commonly occur, caribou sometimes move back to the mainland in response to low forage resources, or icing events, and populations widely fluctuate over time. There are occasions when caribou are absent, and later when conditions improve, they may return. Records of caribou population trends available for Unimak Island clearly point this out. This is a natural process that has been occurring for perhaps thousands of years at Unimak and the southern Alaska Peninsula.

Wolves and other predators of caribou are also part of the ecology of this region and often play a crucial role in the ebb and flow of the ecosystem. Their populations are in turn influenced by prey abundance, and availability, diseases such as rabies, competition with other predators and with themselves.

It is within this unique ecological context that the proposed action to control wolves must be evaluated. While the EA acknowledges several of the conditions discussed above, the decision to pursue wolf control ignores the ecological reality that the current low level of caribou on Unimak Island is part of a normal pattern. Preservation of this naturally functioning ecosystem is the purpose behind its designation as a National Wildlife Refuge and as a unit of the National Wilderness Preservation System.

While the EA acknowledges that caribou numbers fluctuate greatly on Unimak Island, it inexplicably takes the position that the current decline in caribou may be "non-cyclic" but does not provide evidence to support this claim. It also does an inadequate job of explaining why

caribou populations change frequently in this region of Alaska. This of course sets the stage for promoting the proposed action. Such manipulation of information is all too common in this EA and violates NEPA's mandates of upholding scientific integrity. *See* 40 C.F.R. § 1502.24 (requiring the agency to ensure the professional and scientific integrity of the document).

Caribou Harvest

We are concerned that the EA does not provide any detailed analysis of how the managing agencies determined that human harvest programs they authorized over the past 20 years were determined to be sustainable for this island caribou population. Instead an assumed harvest threshold of no more than 3% was provided with no indication how it might apply on Unimak Island. Also of concern is the lack of adequate monitoring of caribou population parameters and harvest reporting that is evident from the incomplete data presented in the EA. Professional wildlife managers should take into account the unique and often fragile status of this island caribou population and prescribe conservative harvest programs. Clearly this was not the case. Had there been adequate monitoring, action might have been taken to at least reduce exacerbating the now highly skewed bull: cow ratio. The authorization of commercial guiding operations for caribou on the island resulted in a harvest focused on trophy bulls when the population was beginning to decline. While harvest and monitoring of caribou on Unimak has been poorly managed, that should not be used as an excuse for controlling wolves as the EA proposes to do. One act of neglect and error does not justify making an even greater error such as the proposed action would be.

Claim that Unimak Caribou are Discreet

It is highly suspicious that while the record is clear that caribou have emigrated to and from Unimak Island on several occasions in the past (Skoog 1968, Valkenburg 2003), the EA makes several references as to how the Unimak herd is genetically distinct. No detailed evidence is provided in the EA about this supposed genetic uniqueness. Yet the case is made in the Minimum Requirements Analysis that the proposed wolf control is justified in the Unimak Wilderness to save this "*distinct population of caribou as a unique component of this Refuge.*" Alternatives that propose to translocate bulls from the Alaska Peninsula to Unimak Island seem to contradict the need to preserve this allegedly distinct population. Such contradictions suggest that the EA has been not so carefully concocted to support the Alaska Department of Fish and Game (ADFG) proposal, and FWS's conclusion that wolf control must be implemented. It also represents a reckless attempt to justify a preconceived outcome, and violates NEPA requirements for full and open analysis of the best information available.

Issue of Precedence

Although the EA claims it is "*not an analysis of Service mandates and policies or a decision document regarding use of predator control as a management tool on a national wildlife refuge elsewhere in the region,*" (Executive Summary) it is entirely unrealistic to assume that a decision to conduct any of the action alternatives that are proposed for the Unimak Wilderness will not set a precedent for other Federal conservation lands in Alaska, including Wilderness

areas. Until this time, the State's "intensive management" programs have not been authorized in Federal conservation areas. We see this as an issue of paramount importance to all Federal lands in Alaska and any decision such as this must be considered at a higher level than the Alaska Regional Director of the Fish and Wildlife Service. In the event that the No Action Alternative is not selected under the current process, we believe the consequences to be far reaching and would easily constitute a major Federal action with significant impacts, requiring that a full Environmental Impact Statement be developed according to NEPA and the Council on Environmental Quality's implementing regulations.

Conclusions

Our review of the draft Environmental Assessment on Management Alternatives for the Unimak Island Caribou Herd finds this document to be completely inadequate, lacks sufficient information, is replete with faulty or erroneous analyses, and misinterprets critical legal mandates and policies. Authorization of any of the action alternatives based on the deficient EA would violate the Wilderness Act and directly conflict with the purposes for which the Alaska Maritime National Wildlife Refuge was established. Implementation of this ill-advised action would set a far reaching precedent for similar inappropriate actions in other Federal conservation lands in Alaska. We strongly urge that the No Action Alternative is selected. However, if there is any further consideration of any of the other action alternatives, given the deficiencies in the EA and the significant impact of the action-alternatives on designated Wilderness, a full Environmental Impact Statement must be completed.

Thank you for the opportunity to comment

Sincerely,

Fran Mauer
Alaska Chapter Representative
Wilderness Watch

References

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