

FORTY MILE CARIBOU & STATE OF ALASKA SUBSISTENCE LAW

A presentation to the Fortymile Caribou Harvest Management Coalition

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February 2025



OUTLINE

1. Making a Customary and Traditional Use findings (C&T)
 - The 8 criteria
 - What does a positive finding mean?
2. Amounts Reasonably Necessary for Subsistence (ANS)
2. Steps the Board can take when we aren't meeting ANS
3. Fortymile Caribou ANS and the current hunt structure
4. Considerations for the Coalition

MAKING A C&T FINDING

1. Alaska subsistence statute: 16.05.258

board makes a positive or negative finding for a stock or animal population, not for the people or communities who use them
8 criteria presented by ADFG Subsistence staff

2. What does a positive C&T finding mean?

Prioritization of subsistence harvest over other forms of harvest

THE 8 CRITERIA

Criterion 1: Length and consistency of use

A long term consistent pattern of noncommercial taking, use, and reliance on the fish stock or game population that has been established over a reasonable period of time of not less than one generation, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns.

Criterion 2: Seasonality

A pattern of taking or use recurring in specific seasons of each year.

Criterion 3: Methods and means of harvest

A pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost.

Criterion 4: Geographic areas

The area in which the noncommercial, long term, and consistence pattern of taking, use, and reliance upon the fish stock and game population has been established.

THE 8 CRITERIA CONT.

Criterion 5: Means of handling, preparing, preserving, and storing

A means of handling, preparing, preserving, and storing fish or game that has been traditionally used by past generations, but not excluding recent technological advances where appropriate.

Criterion 6: Intergenerational transmission of knowledge, skills, values, and lore

A pattern of taking or use that includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation.

Criterion 7: Distribution and exchange

A pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving.

Criterion 8: Diversity of resources in an area; economic, cultural, social, and nutritional elements

A pattern that includes taking, use, and reliance for subsistence purposes upon a wide variety of fish and game resources that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life.

C&T FINDING FOR 40 MILE CARIBOU

Customary and Traditional Use Worksheet

Caribou: Subunits 12, 20D, and 20E
Fortymile Herd

Prepared by the Divisions of Wildlife Conservation and Subsistence
Alaska Department of Fish and Game

March 1996

Background. In 1987, the Board of Game found that there were customary and traditional subsistence uses of Fortymile caribou in Units 20D, 20E, and 12. In 1989, the board established 325 caribou as the number necessary to provide for rural subsistence uses along the Taylor Highway in Unit 20E. In 1992, the board readopted the finding of subsistence uses of Fortymile caribou in Units 20D, 20E, and 12, and established 350-400 as the amount necessary for subsistence use by Alaska resident subsistence users. A history of harvest management of the Fortymile herd is attached as Table 1 and a Fortymile caribou regulatory history as Table 2.

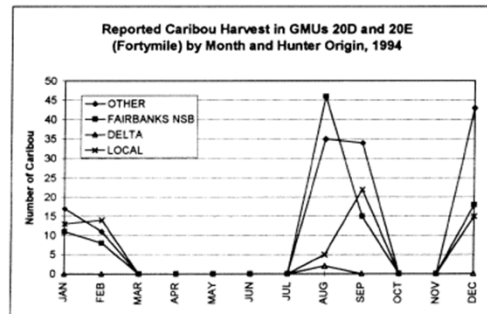
Criterion 1. A long term, consistent pattern of noncommercial taking, use, and reliance on the game population that has been established over a reasonable period of time of not less than one generation, excluding interruption by circumstances beyond the user's control, such as unavailability of the game caused by migratory patterns.

During the early historic era (circa 1880s-early 20th century), Fortymile caribou was a major source of food of Alaska Natives and non-Native residents of the Upper Tanana-Fortymile River valleys in Alaska and of the western Yukon Territory of Canada. The seasonal movements and settlements of the Upper Tanana Athabaskans were designed in part to harvest caribou as they migrated in large numbers from calving to winter ranges. Caribou fences in the area indicate the long historic use of caribou in this part of Alaska. Miners, trappers, and other residents of the area hunted caribou for personal consumption and for local trade during this early historic period.

Access to the herd by hunters has changed with the successive improvement of the area's transportation network. After 1898, thousands of miners used the "All-American" route to the Klondike gold strikes, following trails from the Copper Basin through the Fortymile River area. The Richardson Highway linking Fairbanks and Valdez by 1910 passed through Big Delta and provided a commerce link to the Upper Tanana area. The Alaska Highway, which was opened for civilian travel by 1946, created new settlement patterns in the region, as people moved to Dot Lake (formerly a winter trapping camp), Tok (a highway construction camp), and Northway (across the river from Nabesna Village). The area's road system was basically established by 1952 with the completion of the Taylor Highway.

Criterion 2. A pattern of taking or use recurring in specific seasons of each year.

During the early historic period, caribou were commonly harvested during the herd's spring and fall migrations, in May through June and August through October. August was a primary harvest period for Upper Tanana Athabaskans, who constructed caribou fences in the Lake Mansfield-Kechumstuk area and took large numbers of caribou to provide food for winter.



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In more recent decades, hunting has occurred during fall and winter periods. In recent years, harvest seasons have been set during August-September and December through February to correspond to those seasons. Reported harvests in 1994 by month and hunter origin are shown in Fig. 1. While fall is the period when most harvests occur, the winter opening has been an important time for some people who hunt Fortymile caribou, particularly hunters who were not successful during the fall season. Also, the winter hunt is used by hunters who may not have refrigeration.

Until 1973, the hunting season was long (generally August 10 to March 31) and bag limits liberal (3 or 4 caribou/hunter). Following the herd's decline during the 1960s and early 1970s, more restrictive regulations were enacted reducing the bag limit to one caribou (in 1973-74) and shortening the season to avoid the road crossing period (in 1977-78).

Criterion 3. A pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost.

The Upper Tanana Athabaskans historically used caribou fences, snares, spears, and bow and arrow to harvest Fortymile caribou. Snares were set along fences near the edge of timber, or two fences converged to form a corral, where the trapped caribou were killed with spears or arrows (McKenna 1959). Harvest areas were accessed either by foot trail or birchbark canoe and later by boat. After the 1880s, with the increased hunting by miners and trappers, hunting of caribou shifted to firearms, and caribou fences with snares fell into disuse.

As stated above, access to the herd has shifted over time. Prior to the 1930s, hunters accessed the herd primarily over river and trail systems. Some hunting with highway vehicles occurred north of Fairbanks along the poorly-maintained Steese Highway. The road was upgraded in the late 1920s and between the 1930s and 1940s provided the main access to the herd for hunters who used the road system. Hunters on eastern side of the herd's range still used the river and trail systems. Use of highway vehicles to access the herd increased considerably with the completion of the Taylor Highway in 1952, which made the Fortymile herd much more accessible to local residents, hunters from Alaska's population centers, and hunters from Dawson and Whitehorse in Yukon.

During the 1970s and 1980s, Fortymile caribou were taken by rifle and were primarily accessed by highway vehicles (40-50% of all hunters) during August and September along the Taylor Highway; some were taken off the Steese Highway, by all-terrain vehicles (ATVs) along trails associated with the Taylor and Steese Highways (10-30%), airplanes in western 20E, northeastern 20D, and eastern 20B (20%), and snowmachines along traplines and trails in the winter season.

Since 1990, the means used to access the herd during the fall season has seen an increased use of four-wheelers and a declining use of airplanes. Since 1990, 40% of all reporting

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hunters have reported using four-wheelers and 6% using airplanes. Hunters using four-wheelers have taken almost 50% the average annual harvest since 1990, compared to about 20-30% between 1981 and 1989. The use of ATVs has increased each year beginning about 1983. Between 1983 and 1989, most of the hunters using this means were local residents. The influx of nonlocal residents using ATVs started in 1990.

ESTABLISHING AN AMOUNT NECESSARY FOR SUBSISTENCE (ANS)

- **WHAT ANS IS**

- One way to “measure” reasonable opportunity
- It is boards’ responsibility to provide reasonable opportunity and allocate among subsistence and nonsubsistence uses (and in Tier II, among users)
- Usually, a range of numbers based on harvest history

*Public input is important part of board deliberations

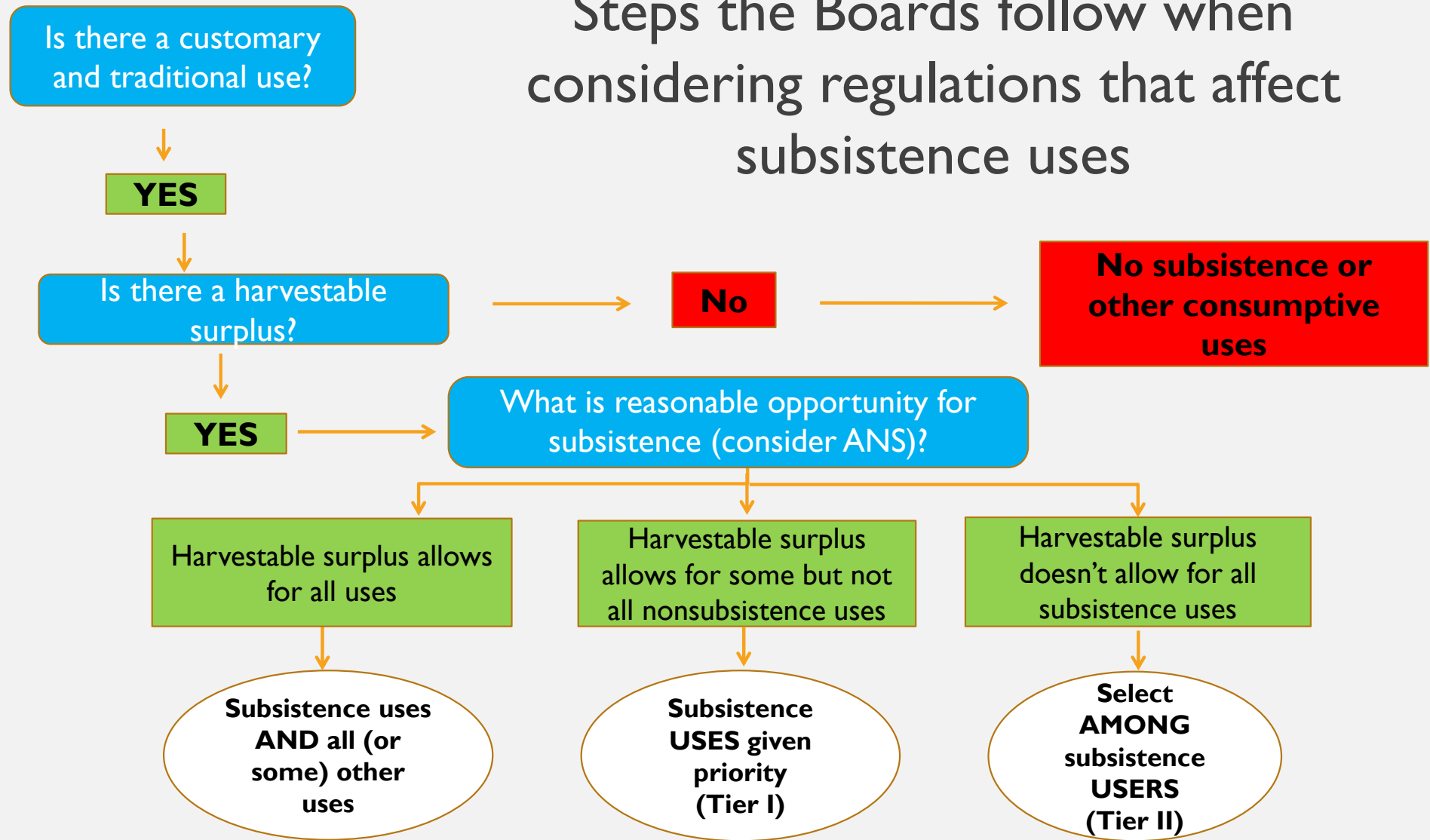
- **WHAT ANS IS NOT**

- Not a harvest cap, not a quota
- Not an in-season management tool
- ANS not made for specific communities

*Department provides data and options but is neutral on outcome



Steps the Boards follow when considering regulations that affect subsistence uses



WHAT IS REASONABLE OPPORTUNITY?

- In state law, “reasonable opportunity’ means an opportunity, as determined by the **appropriate board**, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of **success** of taking of fish or game” (AS 16.05.258(f)).
 - Regulations must provide a participant with a reasonable expectation of success
 - However, reasonable opportunity is not a guarantee of success
 - Reasonable opportunity is evaluated by the appropriate board on a case-by-case basis
 - Current regulations are presumed to provide a reasonable opportunity for success. When there are concerns, boards will need to hear information about why regulations are not providing a reasonable opportunity



FORTYMILE CARIBOU ANS AND CURRENT HUNT STRUCTURE

ANS for the Fortymile Caribou herd is **350,400** animals total, outside the Fairbanks NSA.

- AVAILABLE HUNTS:

- - **YC831** Aug 1-Aug 21. 1 caribou in Zones 1&3
- - **RC860** Aug 1-Sept 30 (fall). 1 bull in Zones 1,2,3, & 4
- - **RC867** Oct 27-Mar 31 (winter). 1 caribou in Zones 1,2,3, & 4
- - **AC999** may be announced 1 caribou

Does **not** count towards RO

Does count towards RO

Does count towards RO

Does **not** count towards RO



CONSIDERATIONS FOR THE COALITION

- 1) Is the harvestable surplus of 40mile caribou enough to meet ANS?
- 2) Are there concerns around reasonable opportunity to harvest 40mile caribou? If so, what are they?
- 3) Does harvest need to be reduced? If so, what changes are preferable to the group? (reduced season, bag limit, or move into Tier hunts?)
- 4) Are there other creative ideas the group has to a) sustain the herd and b) continue to provide opportunity?

QUESTIONS

