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ENVIRONMENTAL ASSESSMENT

PROPOSAL
BY THE
US FISH AND WILDLIFE SERVICE

TO DEVELOP REPORTING AND SEALING REGULATIONS FOR HARVESTED WALRUS, POLAR BEAR,
AND SEA OTTER

PREPARED BY
US DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
REGION 7, ANCHORAGE, ALASKA

1985

FINDING OF NO SIGNIFICANT IMPACT

Proposed Amendment to 50 CFR Part 18-Reporting and Sealing Regulations for
Harvested Walrus, Polar Bear, and Sea Otters.

Based on a review and evaluation of the information contained in the attached Environmental Assessment, I have determined that the proposal to require reporting and sealing of harvested walrus, polar bear, and sea otter by amending 50 CFR Part 18 — Marine Mammals — is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Protection Act of 1969. Accordingly, the preparation of an Environmental Impact Statement on this proposal is not required.

Date

August 12, 1985

Robert E. Lissman

Regional Director, Region 7
U.S. Fish and Wildlife Service

Environmental Assessment

REPORTING AND SEALING REGULATIONS FOR HARVESTED WALRUS, POLAR BEAR, AND SEA OTTER

I. PROPOSAL

The Fish and Wildlife Service (FWS) proposes reporting and sealing regulations for the Native take of walrus (Odobenus rosmarus divergens), polar bear (Ursus maritimus), and sea otter (Enhydra lutris lutris) by amending 50 CFR Part 18.23. At present, this is the only legal harvest of marine mammals in Alaska for FWS species. The basic authority for this action is Section 109(i) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), as amended. The proposed regulations will require that Native harvested polar bear (skin and skull), walrus (tusks), and sea otter (skin) be presented to the Fish and Wildlife Service to affix a permanent numbered device (sealing) and for completion of a required form (reporting).

II. PURPOSE AND NEED FOR THIS ACTION

A. Purpose

The mission of the FWS as stated in its Service Management Plan is to "provide the Federal leadership to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of people." In keeping with this mission, the purpose of this proposal is to provide harvest and biological data on those marine mammals legally taken by Alaskan Natives to assist the FWS to properly manage these marine mammal species or stocks and to help in controlling the illegal take, trade, and transport of specified raw marine mammal parts.

B. Need

The Marine Mammal Protection Act (MMPA or Act), as amended, allowed the taking generally without restriction of polar bear, walrus, and sea otter by Alaska Natives who dwell along the coast of Alaska. The Department of Interior is limited in its regulatory authority to controlling wasteful and non-subsistence taking unless a marine mammal species or stock has become depleted. Current efforts to measure take of polar bears and walrus are deficient in providing comprehensive information on the harvest. It is thought polar bear harvest is about 100 animals per year. Total walrus take in the U.S. may be about 10,000. There is no information on sea otter take.

Extensive oil and gas development is planned within the ranges of these species. Baseline information for assessing impact this development may have on sea mammal populations is needed.

Mandatory sealing and reporting regulations will provide cumulative information on the take and health of the population(s) that will allow the FWS to make rational decisions regarding Native take, habitat degradation, and threats from development.

C. Background

The MMPA was enacted in 1972 for the purpose of ensuring the long-term survival of marine mammals. The Act placed a moratorium on the taking of marine mammals, but under Section 101(b) allowed the taking of marine mammals by Alaskan Natives (Indians, Aleuts, and Eskimos) for subsistence purposes or for purposes of creating and selling authentic Native articles of handicraft and clothing provided that such taking is done in a nonwasteful manner and the species is not depleted. The Act assigned management authority to FWS through the Secretary of the Interior for the protection and conservation in Alaska of the polar bear, walrus, and sea otter.

Congress amended the Act in 1981 with Section 109(i) that allowed FWS to prescribe regulations requiring the sealing and reporting of marine mammals. This provision enables the FWS to gather information on Native take of marine mammals to determine the effect such taking is having on the populations.

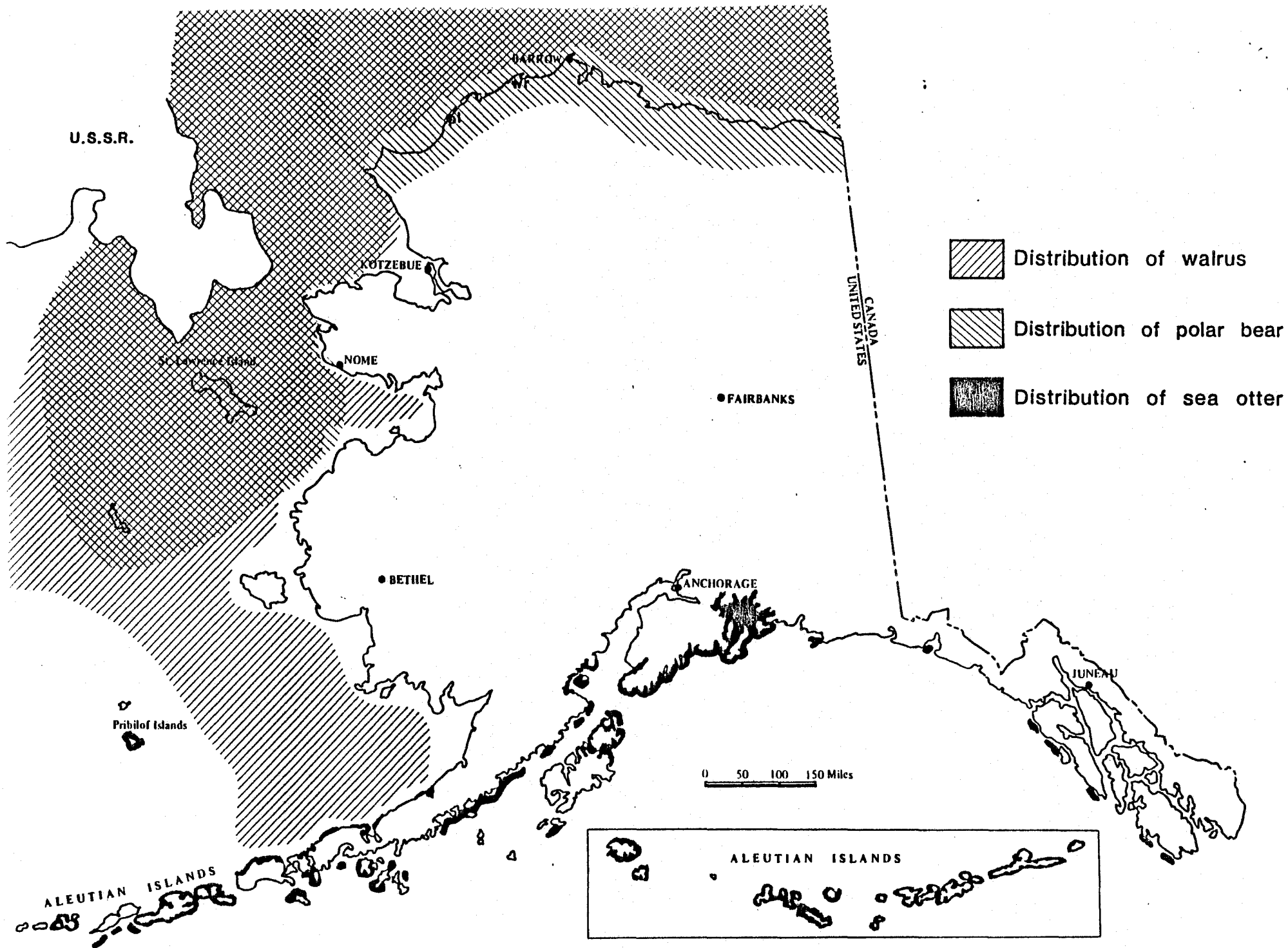
The history of management and exploitation of each of the three populations has varied and must be explored here.

Walrus

A half century of exploitation reduced walrus populations to about 100,000 animals by the 1950's [Lowery, n.d.]. Following the decline of walrus, prey species, such as clams, probably increased and improved the quality of the walrus habitat. The unusually high abundance of prey may have permitted the walrus population to increase to the current high population level.

A decline in the walrus population is expected if the habitat's carrying capacity is exceeded. The decline will be of concern to the FWS if the population falls below the optimum sustainable population level of 140,000 to 300,000 walrus. An objective of the FWS is to maintain the walrus population within this range, and to maintain the annual Native harvest of walrus at between 2% and 5% of the total population.

Coastal dwelling Alaskan Natives can at present harvest walrus without regard to season, number taken, ages, or sex of animal. In 1984, the known retrieved Native walrus harvest was 3,981 animals. Only five villages are being monitored on a voluntary reporting basis, therefore, data are incomplete. Assuming 80% of the spring harvest occurs in the five villages monitored, 80% of the annual harvest occurs in the spring [Burns and Nelson, 1979], and 50% of killed walrus are retrieved [Lowery, n.d.], then an estimated 10,000 animals were taken in 1984 by Alaskan Natives.



Due to the magnitude of current harvests by both Alaskan Natives and Soviets (Soviet harvest goal is 5,000 plus unretrieved animals), the detection of declining production rates [Fay and Stoker, 1982], low confidence in population estimates [Estes and Gilbert, 1978], and the high percentage of unretrieved killed animals, it is quite possible the annual sustainable yield is now being exceeded.

Polar bears

Polar bears north and west of Alaska may normally form somewhat discrete subgroups with only a limited amount of interchange. A line extending offshore from the Alaska coast between Wainwright and Point Lay (shown as wr and pl on the previous page) has been chosen to best separate the west and north subgroups (ADF&G 1977). Almost all research has been concentrated on the northern subgroup, but it appears that most (75%) of the harvest is from the western subpopulation.

Polar bears are well distributed throughout their range. Total population estimates have varied from a high of 9500 animals [Lentfer, 1977], to 3000 to 5000 bears [Armstrup, 1981]. All researchers believe that the population is stable and probably has not declined in recent years. Armstrup [1981] believes that bear densities off the northern Alaska coast may not have varied greatly over the past several years.

Lentfer [n.d.] states that the harvest since 1925 has varied from a low of 29 to a high of 405 animals. Harvests through the 1940's were primarily by Natives hunting with dog teams for subsistence and the sale of hides. Estimated annual harvests based on fur export records for 1925-53 averaged 117 bears.

Guided hunting with use of aircraft started in the late 1940's and continued until stopped by the State of Alaska in 1972. The estimated annual harvest for 1954-60 was 160 animals. With statehood in 1959, Alaska received game management authority, and beginning in 1961 made it mandatory that hunters present polar bear skins for sealing and examination. This provided a more precise measure of the harvest and other information about the bears taken. The average annual kill for 1960-72 was 260, of which about 13% (average of 34 per year) were taken by Alaska Natives. The harvest from 1972-1982 averaged 132 bears annually. During the sport hunting era 70-80% of the harvest was comprised of male bears.

The State of Alaska stopped use of aircraft for hunting polar bears in July 1972. An alternate program of managed hunting from the ground was not implemented because the MMPA transferred management authority from the State to the Federal government in late 1972.

Under the MMPA, generally only Alaskan Natives are allowed to take polar bears, and they may do so at present without restriction on number, age, sex, or time of year. The only restriction is that taking cannot be in a wasteful manner.

Prior State regulations provided a preference for subsistence hunters, but cubs and females were protected.

Most Native hunters did not become familiar with details of the MMPA for some time after it was implemented, and many still followed previous State regulations on bag limits and protection of females with young. Harvest by Natives increased as they learned these restrictions no longer existed [Lentfer, n.d.]. Cessation of hunting with the use of aircraft may also have caused more bears to be available in the vicinity of villages and thereby contributed to the occasional high kill by Natives. Heavy ice in some years brought more bears to the coast and contributed to high kills in 1975 (146) and 1976 (167). Preliminary data indicates the sex and age composition of animals utilizing the coast during the fall favors adult females, subadults and cubs. Old age males generally seem to inhabit offshore areas at this time.

After transfer of authority following MMPA enactment, the State continued sealing hides and skulls on a voluntary basis whenever possible. The number of bears sealed plus estimates by State biologists of bears killed and not sealed gave estimates of total annual kills. The average annual kill for 1973-79 was 86.

The FWS continued a voluntary polar bear sealing program from 1980 to the present. The highest known kill was 283 bears taken in 1984 when ice conditions brought bears to the coast. The lowest known kill was 88 bears taken in 1983.

Very few Natives hunt specifically for polar bears and most animals are taken close to the village during the course of seal hunting or other activities [Lentfer, n.d.]. Snowmachines are normally used for transportation to hunt polar bears. Village hunting opportunities and success are based on availability of bears which is dependent on weather and ice conditions. Hunting occurs during fall, winter, and spring.

A FWS management goal is to maintain the Alaska polar bear population at a minimum of 5700 animals.

Sea otters

The historic range of the northern sea otter in Alaska included most of the nearshore waters of the Gulf of Alaska, along the Alaska Peninsula, and throughout the Aleutians and Pribilof Islands [Calkins and Schneider, no date]. Only small groups, totalling about 2,000 animals, remained in 1911 when otters were protected from exploitation. Sea otters had been completely eliminated from most of their range by fur hunters. Under protection, the small groups scattered between the Rat Island, Prince William Sound, and Kodiak Island expanded and have reached or exceeded their carrying capacity [Calkins and Schneider, n.d.]. In Southeast Alaska, transplanted populations that became established from 1964-1972 are continuing to expand.

The past decade has seen rapid increase and the total population now approaches 150,000 to 200,000 animals [Johnson, 1982]. With population expansion have come conflicts, primarily with fisheries [Johnson, 1982]. Conflicts range from sea otters becoming entangled in fishing nets to consumption of commercial shellfish stocks. Areas where conflicts have occurred are Atka, Cordova, Kodiak, Prince William Sound, and the Copper River Delta.

The State of Alaska maintained a continued closed season on sea otters except on an experimental basis. The Alaska Department of Fish and Game strictly controlled distribution and possession of sea otter skins. All skins were sealed and accounted for individually. From 1961-1972, the only way a person could possess a sea otter skin was to purchase one sold legally by the State of Alaska.

The MMPA allowed Native take for subsistence purposes and for creating and selling authentic articles of handicraft and clothing if done in a non-wasteful manner. Generally, there is no season, limit, or restriction on sex or age of animal taken. Little information exists on sea otter take since 1972.

A FWS management goal is to maintain the sea otter population in excess of 100,000 animals.

III. ALTERNATIVES INCLUDING THE PREFERRED ALTERNATIVE

A. Develop and implement mandatory sealing regulations for polar bear, walrus, and sea otter -- The Preferred Alternative

Coastal dwelling Natives who harvest polar bear, walrus, or sea otter for subsistence purposes or to create authentic handicraft items will be required to have certain parts from each species sealed. Sealing is defined as presenting the skin and skull of a polar bear, tusks and/or skull with tusks from a walrus, and skin from a sea otter for affixing a permanent numbered device and completion of a report on a specified FWS form. Sealing will be done by FWS personnel or their representative. The parts will be sealed within 30 days of harvest or upon request of a FWS representative.

Polar bear skulls and skins from each individual animal must be kept together. When presented for inspection and sealing the skin and skull must be in an unfrozen state. The hunter shall be prepared to present the FWS representative with the date of the harvest, location, sex, and observations on the physical condition of the animal or conditions of the taking.

In all cases, sealed parts must be the result of legal taking by a coastal Native of 1/4 or greater degree Alaska Indian, Aleut, or Eskimo blood. Seals must be maintained on the raw or tanned items until the item is cut-up for handicraft purposes.

Individuals who take the marine mammals will be responsible for presentation of parts for sealing. The FWS will make sealing service available and convenient to residents of rural villages. No person may falsify information required for sealing. No person may possess, transport, or export unsealed marine mammal parts. Seals may not be altered or transferred.

Harvest information from walrus and polar bears is currently being collected on a voluntary basis. An estimated 70% of harvested polar bears are voluntarily being sealed. The small population size and low recruitment rates emphasize the necessity of collecting accurate harvest information on all bears taken. Sea otter harvest mortality, and mortality from other causes is unknown. There is a current misconception that any sea otter harvest is illegal. Sealing regulations may publicize the legality of harvesting sea otters and result in an increased take.

Based upon experience with voluntary sealing, disruption to the Native community caused by mandatory sealing is expected to be minimal. Knowledge gained from this action will be important in managing the populations. Sealing will assist in control of illegal traffic in specified marine mammal parts and products. Implementation of this alternative will institute congressionally mandated sealing regulations.

B. Develop and implement mandatory sealing regulations for polar bear and sea otter, but not for walrus.

Sealing regulations for polar bears and sea otters will be the same as for Alternative A. With Alternative B, walrus tusks will not be sealed.

There has been mandatory or voluntary sealing of polar bears since 1961, so the new regulations would have little impact on polar bear hunting. Hunting for sea otters is only a recent development for three reasons: the sea otter population has long been low, the State of Alaska maintained a closed season on sea otters from 1961 through 1972, and few people knew of the availability of otters under the MMPA. Because these regulations will be imposed almost from the beginning of sea otter hunting, they will cause minimal impact to the Native community.

Natives have hunted walrus for several hundreds of years, and the only time sealing was required was under State of Alaska management. Natives are not interested in having walrus tusks sealed. If walrus are not sealed, the minimal disturbance to the Native community caused by sealing will not occur. Almost as much disruption to the Native community will occur if voluntary harvest collections are continued. If walrus are not sealed, the FWS will not have the arduous task of tracking an estimated 8,000 walrus tusks annually.

The disadvantages of this alternative will be loss of information about the walrus harvest, lack of information on health of the herd, and difficulty in tracking the portion of tusks involved in illegal ivory trade. In addition, the FWS will not be able to meet its Congressional mandate to develop sealing regulations for the three Alaskan species under its management.

C. Do not implement sealing regulations. The No Action Alternative.

The FWS will continue collecting voluntary harvest information for polar bears and walrus. This information is incomplete and of limited value. No new information will be collected to measure sea otter harvest.

Knowledge of the number of animals taken, sex, age, and condition of the take are factors essential for managing a wildlife population. Without mandatory sealing regulations, these factors will be poorly known, or in the case of sea otter, totally unknown. The FWS will be unable to meet the Congressional mandate to implement reporting and sealing regulations. It will be more difficult to track illegal raw ivory trade.

IV. DESCRIPTION OF AFFECTED ENVIRONMENT

Management of the three species of marine mammals under consideration is the responsibility of the Fish and Wildlife Service. Authority was given by the Marine Mammal Protection Act of 1972 (MMPA).

The three are distributed in marine environments of Alaska and adjoining seas (Figure 1). The physical characteristics of this area which have greatest influence on the distribution and population size of these mammals are the extensive continental shelf, the oceanic current systems, and the extensive ice pack and its north-south movement. Physical and biological characteristics of the environment are described in detail in 19 oil and gas lease environmental impact statements (EIS) and the EIS on Consideration of Waiver of Moratorium and Return of Management of Certain Marine Mammals to the State of Alaska (1978).

The area is characterized by numerous islands in S.E. Alaska, Prince William Sound, Alaska Peninsula, and the Aleutian Islands, which are subject to frequent intense storms. A perspective on size of the area is gained by recognizing that only one small portion, western Prince William Sound, possesses more shoreline than the entire state of California. North of the Alaska Peninsula a long shoreline extends from Bristol Bay to the Canadian border in the Arctic.

The area is bounded by two oceans, the Pacific on the south and the Arctic on the north, and by three seas, the Bering and Chukchi on the west and Beaufort on the north. The Alaska Peninsula and adjacent islands and the Aleutian Islands extend over 1,000 miles from east to west.

Ice covers the Beaufort Sea most of the winter, with ice-free shore areas present only a few months of summer, depending upon winds. Ice covers the Chukchi Sea most of the year, except for southern areas in August and September. Ice usually forms in October in the Bering Sea and spreads southward, usually attaining its maximum extent in February.

Small Native villages are scattered the length of the Alaskan coastline. Reliance upon a subsistence lifestyle is a distinctive characteristic of the village residents. Jobs are few. Principal wage producing pursuits are fishing and trapping, arts and crafts production, and operation of local small businesses.

Walrus ivory is a significant resource used in crafting articles for sale. Handcrafting of polar bear skins is common, time consuming, and intensive. Handcrafted items include ruffs, boots, pants, and ornamental fur pieces including hats and mittens. Some hides undoubtedly enter the market illegally but the magnitude of this trade is unknown. Sea otter remains have been found in middens, but the purpose of modern use by Natives is obscure.

V. ENVIRONMENTAL CONSEQUENCES

The proposed action is intended to prevent adverse impacts to the polar bear, walrus and sea otter by allowing FWS to gather biological information to manage the three species.

Sealing regulations will affect the cultural environment in that Natives will be required to report harvested animals. Required sealing is not new to Alaska as illustrated:

- Polar bears were sealed at all times under State management (1961-1972). With passage of the MMPA (1972), the State continued a voluntary sealing program. The Fish and Wildlife Service has continued the voluntary sealing program since 1980.
- Walrus ivory was sealed during State management (1960-1972, 1976-1979), but sealing regulations were dropped when management was returned to the Federal government in 1979. The FWS has managed a voluntary reporting program since 1980.
- Sea otter hunting by Alaska Natives using aboriginal means was allowed from the signing of the Fur Seal Treaty in 1911 until the State of Alaska assumed management authority for sea otters in 1960. After 1960, State laws prohibited all hunting by all individuals regardless of race. The MMPA of 1972 opened hunting without restriction to Natives along coastal Alaska. No measurement of this harvest has been attempted.

The proposed action will not have a direct effect on the physical environment. The goal of the proposed action is to provide harvest data to determine population health, and, in combination with census data, determine if a population is becoming depleted. Long term beneficial effects can be expected by preserving adequate populations of the three species for Native use and for non-consumptive use by the general public.

VI. CONSULTATION AND COORDINATION WITH OTHERS

The Alaska Department of Fish and Game and the National Marine Fisheries Service, Juneau office, and the FWS Law Enforcement Branch, have reviewed the proposal. The Eskimo Walrus Commission was also briefed.

VII. LITERATURE CITED

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