

Decision Record - Memorandum

Prepared by
U.S. Department of the Interior
Bureau of Land Management

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**Chapter 1. Joe Schuster, dba
— Sportsman's Air Service
DOI-BLM-AK-F030-2013-0025**

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1.1. Compliance

The Kobuk/Seward Peninsula RMP — M-1: Goal Approved RMP page 31: “On BLM-managed lands, improve access to appropriate recreation opportunities, ensure a quality outdoor experience and enjoyment of natural and cultural resources, and provide for and receive fair value in recreation.”

1.2. Selected Action

It is my decision to approve the permitting of Sportsman’s Air Service request for conducting commercial hunting operations for up to eight (8) hunters on BLM lands in Guide Use Area 23–04 in the Rabbit Creek and Pick River drainages, and Guide Use Area 24–01 in the Wheeler Creek, Dulbi River, Kateel River, and South Fork of the Huslia River drainages. for caribou, moose, and wolf hunting. The approved dates of operation are September 1 through December 31, 2013 — 2017. Post Use Reports and supporting documents are due in accordance with the Permit Stipulations.

1.3. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the NEPA Handbook Appendix 4, 516 DM 11.9 (H) 1, which states, “Issuance of Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.”

1.4. Public Involvement:

No public comment was received on this application.

1.5. Rationale:

1. Authorizing the permit is specifically provided for in the Utility Corridor Resource Management Plan and the Kobuk/Seward Peninsula Resource Management Plan.
2. The action is categorically excluded and does not trigger any of the extraordinary circumstances found in CFR 46.215.
3. There will be no restriction to subsistence use (See attached ANILCA 810 documentation).
4. There will be no adverse impacts to cultural resources (See attached Assessment of Archaeological and Historic Resources Sec. 106 documentation).
5. There will be no impact on Essential Fish Habitat (see attached EFH determination).

1.6. Appeal or Protest Opportunities:

If you choose to protest this decision you must do so within 15 days of the receipt of permit determination. The protest must be filed with and received by the BLM's CYFO Field Manager within the allotted time. The protest must present any evidence that would show the decision is in error and should be vacated or modified. Within 15 days of receipt of a timely protest the Field Manager will review any evidence provided by you and forward a recommended final decision to the Fairbanks District Manager. The decision of the District Manager will be the final BLM decision, and may be appealed to the Interior Board of Land Appeals.

1.7. Authorizing Official:

/s/ Tim Hammond for
Nichelle W. Jacobson
Manager, Central Yukon Field Office

Date 7/11/13

1.8. Contact Person

For additional information concerning this Finding, contact.

Kelly Egger, Natural Resource Specialist
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Appendix A. Essential Fish Habitat Assessment

NEPA Document No.: DOI-BLM-AK-F030-2013-0025-CX

Prepared by: David A. Esse

Date: 7/2/13

Essential Fish Habitat (EFH) Finding: The Dulbi and Kateel Rivers contain Chinook salmon and the Kateel River and Wheeler Creek have spawning populations of chum salmon (ADF&G 2013), which are in the proposed project area. However, while anadromous species are present in the project area, due to the nature of the permitted activities it is not anticipated that the proposed action will have an adverse effect on EFH. Therefore, the proposed action is assigned the EFH determination: *No effect*. EFH consultation with NMFS is not required.

References:

Alaska Department of Fish and Game. 2013. Fish distribution database. Internet website at: <http://www.sf.adfg.state.ak.us>.

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Appendix B. Wilderness Characteristics Assessment

NEPA Document No.: DOI-BLM-AK-F030-2013-0025-CX

Case File/Serial No.: FF095074

Applicant(s): Joe Schuster, dba-Sportsman's Air Service

Location: BLM lands in Guide Use Area 23-04 in the Rabbit Creek and Pick River drainages and Guide Use Area 24-01 in the Wheeler Creek, Dulbi River, Kateel River, and South Fork of the Huslia River drainages.

Prepared by: Lisa Shon Jodwalis

Date: June 21, 2013

Proposed Action

This is a request to renew his 2930 permit which was previously reviewed under NEPA document EA-AK-025-08-0042. The applicant proposes to continue commercial big game hunting operations during the fall season on the above described BLM lands. Up to eight (8) clients will pursue primarily caribou. In addition, moose, by tag drawing each year, and wolf will be hunted. The applicant holds a Concession in the Selawik Wildlife Refuge and this is where the base camp is located.

Evaluation

The basis for this evaluation is BLM Manual 6310-Conducting Wilderness Characteristics Inventory on BLM Lands, and BLM Manual 6320 - Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, which direct offices to conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified lands with wilderness characteristics in land use plans and when analyzing projects under the National Environmental Policy Act (NEPA).

The location for the proposed action is an area only partially inventoried for wilderness characteristics (Area Unique Identifiers CYFO-Hogatza River-003 and CYFO-Nulato Hills-001). However, the BLM has determined that, if a project or activity does not negatively affect wilderness characteristics, the permitting process may proceed as usual, regardless of whether an inventory of wilderness characteristics has been completed (Chris Barns, 2012). BLM Manual 6310 includes hunting, hiking, and backpacking as examples of primitive and unconfined recreation suitable for lands characterized as wilderness.

FINDING:

The proposed activities in this area do not significantly impair the size or naturalness of this area, or the opportunities for solitude and recreation of a primitive and unconfined nature. The stipulations attached to this permit will further minimize the effects of human activities. The proposed action will not impair existing wilderness characteristics.

Type of Assessment/Sources:

Chris Barns, BLM Representative, Arthur Carhart National Wilderness Training Center, 9 September 2012. "Wilderness Characteristics Guidance for the BLM. Training Module IIID, LWCs and Proposed Projects"

USGS topographic maps, GIS data, Google Earth images

Appendix C. Compliance with ANILCA Section 810

NEPA Document No.: FF095074

Applicant(s): Joe Schuster, dba — Sportsman's Air Service

Case File/Serial No.: DOI-BLM-AK-F030-2013-0025

Proposed Action: The proposed action is camping on BLM-managed lands to support guiding of hunting clients in the Kateel, South Fork of the Huslia, Wheeler, upper Selawik and Pick River drainages. A maximum of 8 clients per season will be allowed. Clients will be flown in to the upper portion of the drainages, using fixed-wing aircraft, and then will float down the river in rafts or boats while hunting or boat upriver from local villages and hunt from there. Clients will be extracted from the field using fixed-wing aircraft or boat to the nearest village. The hunting activities will focus on moose, with caribou, bears and wolves, secondarily. ATV utilization is not permitted. The applicant is limited to a total of 3 Guide Use Areas per year as per State regulations. The applicant must have a letter of non-objection to utilize Native and State-selected lands prior to permitting.

Location: BLM lands in Guide Use Area 23-04 in the Rabbit Creek and Pick River drainages and Guide Use Area 24-01 in the Wheeler Creek, Dulbi River, Kateel River, and South Fork of the Huslia River drainages.

Township/Range:

Evaluation by: Jennifer McMillan and David Esse

Date: 7/1/13

Type of Assessment/Sources:

Effect of the proposal on subsistence uses and needs

Fisheries:

The proposed action would not significantly reduce harvestable fisheries resources that are available for subsistence use. Guided activity will focus on big game hunting. Any fishing activity will be secondary and minor. The proposed action would not alter the distribution, migration or location of harvestable fisheries resources. The proposed action will not create any legal or physical barriers that would limit access by subsistence users of the fisheries resource.

Wildlife:

Pick River; Upper Selawik River – GMU 23, GUA 23-04

Adult moose density is very low in this portion of the state. Moose densities were found to be 0.21 moose/mile² in 2003 and 0.18 moose/ mile² in 2006 on the upper reaches of the Kobuk River and its tributaries within GMU 23 (Lawler and Dau 2006). In addition, calf recruitment, 12:100 and 15:100 calves to adults in 2003 and 2006 respectively, was low (Westing 2010).

Moose densities are generally higher downstream (in the Kobuk Valley National Park and Kobuk delta) than in the upper reaches where the applicant has applied (Dau 2004, July 2006).

Since 2005, non-residents have had to draw a permit to hunt moose in the Unit. The hunt runs from Sept. 1-20 and is limited to large bulls (> 50 inch rack or antlers with 4 or more brow tines on at least one side). In the 2012-2013 season, 10 drawing permits for non-resident hunters will be available in Guide Outfitter Area 23-04 (which includes the Pick River). Subsistence users may hunt from September 1-20 (bulls with >50 inch rack or antlers with 4 or more brow tines on one side) and July 1-December 31 (bulls with >50 inch rack or antlers with 4 or more brow tines on one side, [antlerless moose without a calf only from Nov 1-Dec 31]). . The longer Federal subsistence hunting season, availability to take moose other than large bulls, and the permitting system reduces the potential of conflicts between the proposed guiding activity and subsistence resources use and access in the area. However, there is no mechanism to insure that the state-issued permits are well-distributed throughout the entire guide use area. Permittees may find it more difficult to use FWS Refuge, NPS or Native lands due to limited guiding operations, which could create more pressure to utilize BLM-managed lands. Individual drainages, such as the Pick River are not large enough to handle a high harvest of moose considering the extremely low moose densities (Lawler and Dau 2006).

Therefore, the proposed action has the potential to induce long-term loss or reduction of subsistence, as well as non-resident sport hunting, opportunities for moose harvest in Pick River. Harvest pressure on this resource by a successful guiding operation may have negative population consequences, though they may conform to the allowable harvest under current State hunting regulations. The cumulative effects of issuing this permit may lead to reductions in the availability of moose for subsistence use because of diminished abundance locally and altered distribution patterns. Therefore the Mitigation Measure to distribute the number of moose harvested in these drainages was added. This measure should reduce the impact on moose to a non-significant level.

The Western Arctic Herd numbers, as of 2009, approximately 348,000 caribou (Dau 2005a) and is a critical subsistence resource in northwest Alaska. The bag limit for non-residents was reduced from 5 to 2 in the 2006-2007 regulatory year and is set at 2 caribou for the 2012-13 season. . Caribou can be hunted year-round by residents and non-residents alike, however cow harvest is restricted during calving (May 16-June 30). The proposed action should have no significant impact on the size of the herd. Residents of Unit 23 have complained that increased hunting activity in the fall has altered migratory patterns of the herd and could affect the ability of residents to harvest caribou. The Pick and Selawik Rivers are south of the nearest villages and thus increased activity should not affect migratory patterns prior the caribou reaching these villages.

A 1987 grizzly bear survey was conducted to the northwest the proposed activity (Ballard et al. 1991), and remains one of the few quantitative studies of bear density in the region. That study found that there was about 1 adult grizzly bear (> 2 years old) per 25.7 mi². The area is managed for grizzly bear trophy hunting, and hunting regulations have been liberalized in recent years (Dau 2005b). The bear population is thought to be healthy and stable. Subsistence hunters in this region do utilize brown bear for meat, fat, and hides (Loon and Georgette 1989). The proposed action should have no significant impact on the grizzly bear population. There has been no systematic effort to quantify black bear numbers but the population is thought to be high and regulations are very liberal. The proposed action should have no significant impact on the black bear population.

The last systematic effort to quantify wolf densities in the Unit were in 1992 (Ballard et al. 1997). This research took place in the region to the west of the proposed action. Not much is known

about wolf populations in the analysis area but populations are generally thought to be healthy (Ayres 2000) and hunting regulations are extremely liberal. The proposed action should have no significant impact on the size of the number of wolves in the region.

The proposed action would occur in an area that is fairly close to local villages and within an important subsistence use area (Schroeder *et al.* 1987). Ambler, Kobuk, and Shungnak are all <25 miles away from Pick River. The most intensive subsistence activity is believed to be concentrated on lands conveyed or selected by the Native Village corporations. Subsistence activities are a key factor in the selection of lands by Native individuals and corporations, and Native Allotments are typically claimed based on a family's use of a site for subsistence activities. Much of the Pick River is Native selected lands, but the lower reaches are Native Patented. Residents of all three villages do use the Pick River area for harvesting subsistence resources. The applicant would be required to get a letter of non-objection from the land owner in order to utilize lands within the Pick River drainage.

The proposed action should not alter the distribution, migration or location of harvestable wildlife resources. Temporary camps and hunting activity may displace animals in the immediate vicinity, but such impacts would occur only during the short time that camps are in use. The proposed action may redistribute moose away from the river corridors, which are traditionally used for subsistence hunting. Residents of the area believe that excessive hunting activity and associated aircraft noise may alter the migration patterns of caribou, potentially deflecting caribou movements away from villages and/or their traditional hunting grounds. No research has been conducted that supports or denies this assertion. The Pick and Selawik River are south of the Kobuk River, so this type of disturbance should not affect migration patterns for these villages.

The proposed action would not create any legal or physical barriers that would limit subsistence harvest. The proposed action area is open for both sport and subsistence harvest of caribou, moose, caribou, grizzly bears and wolf, as regulated by the State of Alaska and the Federal Subsistence Board. If any restrictions are placed on harvest of wildlife resources for the management of game populations, subsistence is given preference over sport harvest.

Kateel River– GMU 21D, GUA 21-03

Moose densities are relatively high in GMU 21D, though there are signs of decline recently (Stout 2004a). Moose densities decline as distance from the main stem of the Koyukuk River increases, but are low in regions, such as the the upper Kateel River; 0.21 moose/mi² (ADFG Report 2010). BLM-managed lands along the Kateel River are difficult to access so hunting pressure is much reduced as compared to the Koyukuk Controlled Use Area which hosts hunting pressure from local villages such Galena, Koyukuk, and Huslia (Stout 2004a).

Since 2000, non-residents have had to draw a permit to hunt moose in the Unit. The non-resident hunt runs from Sept. 5-25 and is limited to large bulls (> 50 inch rack). Subsistence users may hunt from August 22 – 31 and September 5-25 and harvest 1 bull. The longer Federal subsistence hunting season, and the permitting system reduces the potential of conflicts between the proposed guiding activity and subsistence resources use and access in the area. The proposed action should not significantly affect the moose population in the region nor affect subsistence harvests.

For Unit 21D, hunting regulations for the Western Arctic Caribou Herd are extremely liberal with bags limits of 5 caribou per day for residents and 5 caribou total for residents. Caribou can be hunted year-round by residents and non-residents alike, however cow harvest is restricted during calving (May 16-June 30). The proposed action should have no significant impact on the size of

the herd. The Kateel River is in the southern end of the herd's winter range and thus increased activity should not affect migratory patterns.

Grizzly bear densities are thought to be low to moderate within the drainages of the lower Koyukuk River, including the Kateel River (Stout 2003a). Densities are thought to be higher in more rugged areas such as BLM-managed lands along the Kateel (Stout 2003a). The proposed activity should not significantly reduce the grizzly bear population in the region nor negatively affect subsistence hunting of this species. There has been no systematic effort to quantify black bear numbers but the population is thought to be high and regulations are very liberal. The proposed action should have no significant impact on the black bear population.

Wolf densities are relatively high (12 wolves/1000 km²) and are thought to be increasing (Stout 2003b). Wolf hunting regulations are extremely liberal. The proposed action should not significantly affect the wolf population in this region nor negatively affect subsistence access to this species.

The proposed action would occur in an area that is remote in respect to local villages and an important subsistence use area. Huslia and Koyukuk, the nearest villages, are approximately 60 miles away. However, most subsistence hunters utilize the river systems to access resource and thus the distances are actually much further. The proposed action occurs far enough upstream that it would be extremely unlikely that subsistence hunters would utilize the area. The most intensive subsistence activity is believed to be concentrated on lands conveyed or selected by the Native Village corporations. Subsistence activities are a key factor in the selection of lands by Native individuals and corporations, and Native Allotments are typically claimed based on a family's use of a site for subsistence activities.

Distribution of and access to subsistence resources should not be significantly impacted by the proposed action, although there may be minor changes in distribution during the short duration of the hunting season away from rivers.

South Fork of Huslia River and Wheeler Creek – GMU 24D, GUA 24-01

Moose densities can be very high in GMU 24, reaching 4.0 moose/mi² in some locations (Stout 2004b). Moose densities decline as distance from the main stem of the Koyukuk River increases, but are still low in some regions, like the upper Huslia River; 0.45 moose/mi² (Stout 2004a). BLM-managed lands along the Kateel River are difficult to access so hunting pressure is much reduced as compared to the Koyukuk Controlled Use Area which are used for hunting by residents of Galena, Koyukuk, and Huslia (Stout 2004a). In 2001, however, moose densities in the Wheeler Creek area were estimated to be very low at 0.25 moose/mi² (Stout 2004b).

Since 2000, non-residents have had to draw a permit to hunt moose in the Unit. The hunt runs from Sept. 5-25 and is limited to large bulls (> 50 inch rack). Subsistence users may also hunt from Sept. 5-25 and harvest 1 moose (any size bull). The permitting system reduces the potential of conflicts between the proposed guiding activity and subsistence resources use and access in the area. The proposed action should not significantly affect the moose population in the region nor affect subsistence harvests.

Details about Western Arctic Herd caribou are outlined in the above sections. For Unit 24D, hunting regulations are extremely liberal with bags limits of 5 caribou. The proposed action should have no significant impact on the size of the herd. The South Fork of the Huslia River and

Wheeler are in the southern and southeastern end, respectively, of the herd's winter range and thus increased activity should not affect its migratory patterns.

Grizzly bear densities are thought to be low to moderate within the drainages of the lower Koyukuk River, including the South Fork of the Huslia River and Wheeler Creek (Stout 2003a). Densities are thought to be higher in more rugged areas such as the BLM-managed lands along the South Fork of the Huslia River and Wheeler Creek (Stout 2003a, Stout 2004b). The proposed activity should not significantly reduce the grizzly bear population in the region nor negatively affect subsistence hunting of this species. There has been no systematic effort to quantify black bear numbers but the population is thought to be high (Stout 2004b) and regulations are very liberal. The proposed action should have no significant impact on the black bear population.

Wolf densities are relatively high and are thought to be increasing (Stout 2004b). Wolf hunting regulations are extremely liberal. The proposed action should not significantly affect the wolf population in this region nor negatively affect subsistence access to this species.

The proposed action on the South Fork of the Huslia River would occur in an area that is remote in respect to local villages and important subsistence use areas. Huslia and Koyukuk, the nearest villages, are approximately 60 miles away. However, most subsistence hunters utilize the river systems to access resource and thus the distances are actually much further. The proposed action on the Huslia River occurs far enough upstream that it would be extremely unlikely that subsistence hunters would utilize the area.

The proposed action on Wheeler Creek would occur in an area that was relatively close to Huslia, approximately 25-40 miles away and within an important subsistence use area for that village (Marcotte 1986). The most intensive subsistence activity is believed to be concentrated on lands conveyed or selected by the Native Village corporations. Subsistence activities are a key factor in the selection of lands by Native individuals and corporations, and Native Allotments are typically claimed based on a family's use of a site for subsistence activities. The Wheeler Creek drainage is nearly entirely Native selected lands. Residents of Huslia do use the Wheeler Creek area for harvesting subsistence resources (Marcotte 1986). The applicant would be required to get a letter of non-objection from the land owner in order to utilize lands within the Wheeler Creek drainage.

Distribution of and access to subsistence resources should not be significantly impacted by the proposed action, although there may be minor changes in distribution during the short duration of the hunting season away from rivers.

Access:

The upper Kateel and South Fork of the Huslia River are small, shallow and have a limited number of access points and camping locations. The Pick River and Wheeler Creek are accessible by boat and are used for subsistence hunting by local rural residents. There is 1 other guide operating in the South Fork drainage, 2 others in the Kateel, 1 in the Dakli River (Wheeler Creek is a major tributary of this river), and none in the Pick River. An additional guide could further restrict access points to these drainages. Large guiding operations along small rivers may monopolize (be it real or perceived) access points and camping locations which may restrict reasonable access of lands for subsistence hunters, unguided hunters, and other guides during sport hunting seasons. Federal Subsistence hunting seasons, in most cases, are longer than sport hunting seasons which should reduce the level of conflict.

Other resources:

The proposed action would not appreciably impact any other harvestable resources such as wood, water, berries or vegetation. Hunting and guiding activities on the Kateel and South Fork of the Huslia River would occur at locations far from local villages as traditional gathering areas tend to be on Native owned and selected lands near villages. Both the Pick River and Wheeler Creek are predominately Native-selected lands. Gathering of other resources, such as fish and berries, will be incidental to the proposed action and should not significantly reduce these other resources. Use of Native-selected lands requires a letter of non-objection for the Native corporation which has selected those lands – prior to permitting the proposed activity on those lands.

Expected reduction, if any, in the availability of resources due to alteration in resource distribution, migration, or location:

Distribution of and access to subsistence resources should not be significantly impacted by the proposed action, although there may be minor changes in distribution during the short duration of the hunting season away from rivers.

Expected limitation, if any, in the access of subsistence users resulting from the proposal:

Large guiding operations along small rivers may monopolize (be it real or perceived) access points and camping locations which may restrict reasonable access of lands for subsistence hunters, unguided hunters, and other guides during sport hunting seasons. Federal Subsistence hunting seasons, in most cases, are longer than sport hunting seasons which should reduce the level of conflict.

Availability of other lands, if any, for the purpose sought to be achieved:

The proposed action would utilize BLM-administered lands that are within the applicant's guiding areas within Unit 21, 23, and 24. Guiding activities on the Kateel and South Fork of the Huslia River would occur exclusively on unencumbered BLM lands. Lands within the Pick and upper Selawik Rivers and Wheeler Creek drainages are a mix of Native-selected and BLM lands. Native lands would require a letter of non-objection to be utilized. The applicant has requested use of a site on BLM administered land that is suitable and efficient for the proposed use

Other alternatives, if any, which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes:

The no action alternative would require BLM to reject the permit application; however, the permit applicant has requested opportunity to conduct a legitimate use of the public lands. We were able to develop alternatives that were reasonable, physically and technically possible, economically feasible, and capable of reducing or eliminating the proposed action from lands needed for subsistence purposes. Therefore, no other alternatives were evaluated.

Findings:

The proposed action, with stipulated mitigation measures, should not significantly restrict subsistence uses. No reasonably foreseeable or significant decrease in the abundance of

harvestable resources or in the distribution of harvestable resources, and reasonably foreseeable limitations on harvester access have not been forecasted to emerge as a function of the Proposed Action that is analyzed in this document. There would be no significant restrictions to subsistence uses, access, or populations if the No Action Alternative was chosen.

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