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Alaska Department of Fish and Game Comments
On Wildlife Special Action WSA25-01

Wildlife Special Action WSA25-01

This special action would close federal public lands to deer hunting by non-federally qualified users (NFQU) in Game Management Unit (GMU) 2 for Regulatory Year (RY) 2025/26.

Position

The Alaska Department of Fish & Game (ADF&G) **OPPOSES** this proposal because there are no justifications under the Alaska National Interest Lands Conservation Act (ANILCA) for the Federal Subsistence Board (FSB) to approve this closure. If enacted, it would unnecessarily deprive NFQUs of sustainable deer hunting opportunity contrary to terms in Title VIII of ANILCA. Currently, NFQUs are only allowed to harvest 2 bucks and any additional restrictions on this group will have limited impacts on the Prince of Wales (POW) deer population. Federally qualified users (FQU) have indicated that there have been impacts to their ability to carry out subsistence; however, measures of subsistence have never been federally defined and until that occurs it is not possible to measure subsistence impacts. What ADF&G has been able to measure is the number of hunters and harvest, which have fluctuated over the last three decades, with the current number of hunters and harvest similar to that of three decades ago, but lower than two decades ago when there was a record deer harvest on the island. It is not a realistic expectation that deer populations be managed for the record harvest numbers observed in and around 2015. The catch per unit effort (CPUE) measure that ADF&G uses calculated as the number of days hunted to harvest a deer is our best index to measure the size of the deer population. The CPUE of this decade is similar to values observed three decades ago, and there were no restrictions needed at that time to NFQUs for the population to recover to the point of the record harvest in 2015.

During the public hearing, ADF&G heard from members of the Southeast Alaska Subsistence Regional Advisory Council (SERAC) that WSA25-02 cannot be acted upon until all NFQU hunting opportunities are eliminated because of language found in ANILCA. ADF&G understood the comments to mean that the language under Section 804, ". . .the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes," should be interpreted this way. However, that is not a correct understanding of ANILCA. Section 804 is a general statement that gives a priority to subsistence uses under certain criteria. The rest of Section 804 explains how and when the subsistence priority is to be implemented: "Whenever it is necessary to restrict the

taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented . . .” as described. Further, Section 815 explains that nothing in Title VIII “shall be construed as - . . . authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands” except as expressly provided. Federally qualified users who hunt in GMU 2 already have multiple instances in which they have priority over NFQUs including three more deer in the bag limit, the opportunity to harvest a doe, an extended early season, an extended late season, and a portion of the GMU being closed to FQUs. If the FSB finds that FQUs need to be restricted, the FSB can do so – and has done so - under Title 8 of ANILCA without first prohibiting all opportunities for NFQUs. The FSB has taken similar action in other regions of the state to restrict FQU harvest without executing a complete closure to NFQUs.

Background

Restricting NFQUs would have minimal impact on improving the abundance of the GMU 2 deer population. NFQUs are currently restricted in GMU 2 to harvesting 2 bucks, as compared to FQUs from GMUs 1–5 who can harvest up to 5 deer of which one can be a doe. The proposal states, “Increasing competition with non-federally qualified users over a dwindling resource is also a growing concern.” However, there has not been an increase in competition, and in fact, NFQUs participation in deer hunting in GMU 2 has been steady between 43% and 50% with an overall decline in the number of NFQUs similar to FQUs (Fig. 1). The extended decline in participation is partially due to the unnecessary restriction put in place by the FSB in 2018 restricting NFQUs to a 2-buck bag limit on federal public lands in GMU 2, but as can be seen in the data (Fig. 2) NFQUs were already declining from the high use period that peaked in 2015. The special action request proposal also states that FQUs are, “…not meeting their subsistence needs for deer.” However, there are no definitions or quantifications of what subsistence needs are in the federal system. If these needs are not quantified, it is impossible to measure whether needs are or are not being met.

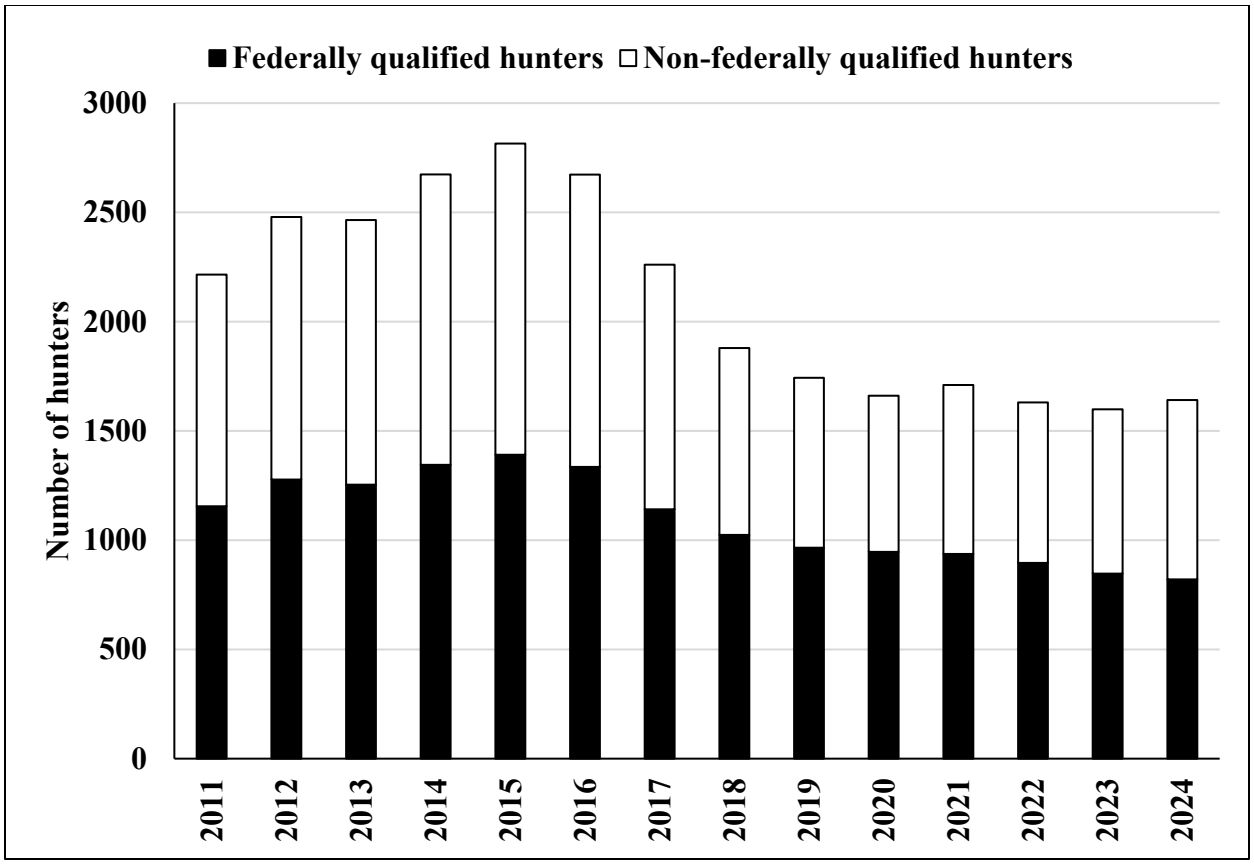

Figure 1. The number of federally qualified users (black bar) and non-federally qualified users (white bar) hunting for deer in Game Management GMU 2 during regulatory years 2011–2024.

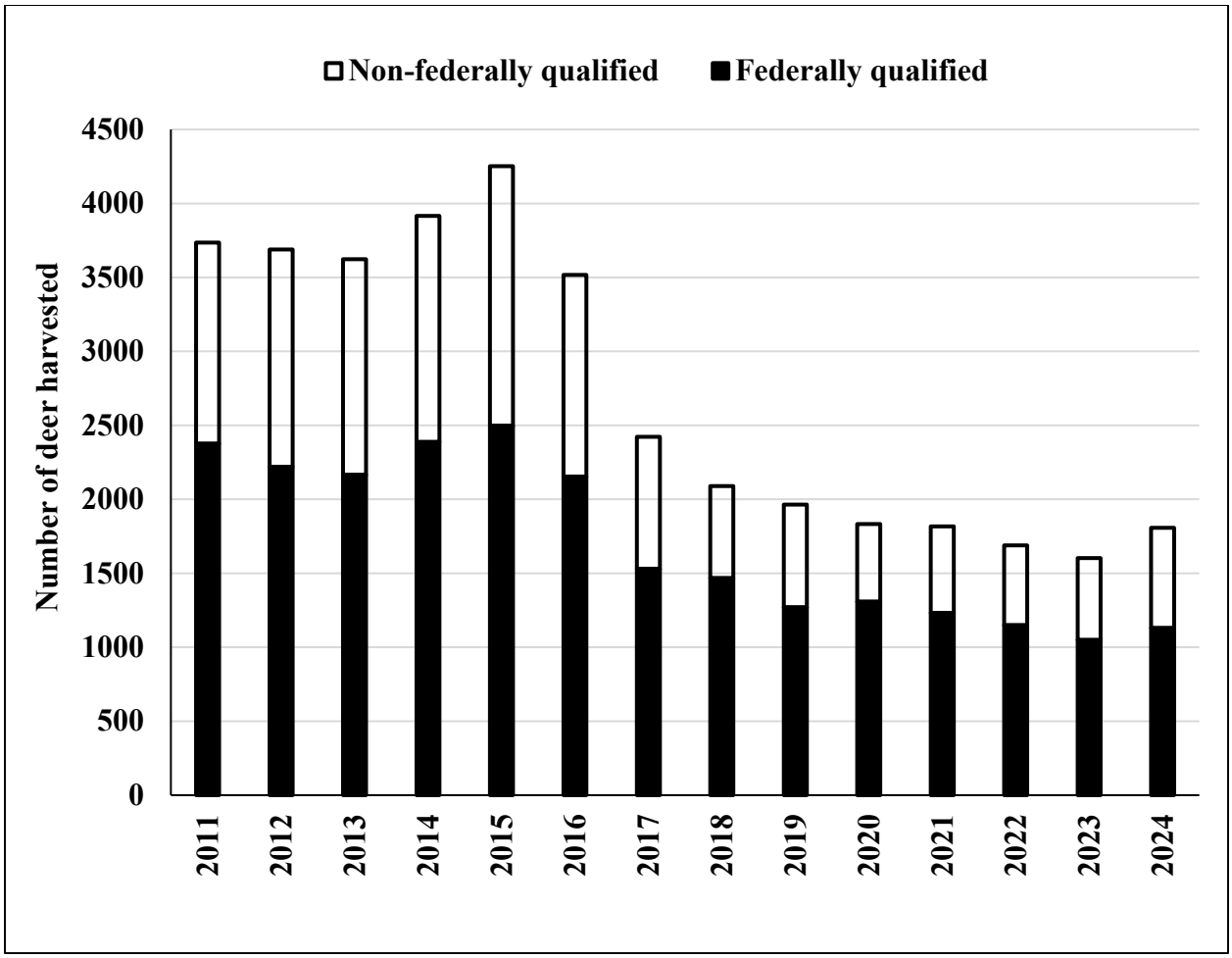

Figure 2. Game Management Unit 2 deer harvest by federally qualified (black bar) and non-federally qualified (white bar) users hunting during regulatory years 2010–2024.

This request focuses on the GMU 2 deer population. Specifically, the proposal mentions decreased harvest after 2015. Harvest decreased from 2015 to 2023, with a slight increase in 2024; however, 2015 was a record harvest. Expecting that record high harvest should be maintained is unrealistic, unsustainable, and does not justify a closure to NFQUs. The average number of days it took to harvest a deer from 2017–2023 was the same as 1997–2003 at 4.9 days per deer (Fig. 3). No closure to NFQUs was implemented at that time, and harvest increased from 2005 to the record high in 2015. Many factors including habitat, predation, disease, harvest, and others influence the GMU 2 deer population and natural fluctuations in the population should be expected. Habitat carrying capacity for deer in GMU 2 has diminished as hundreds of thousands of acres of aged clear cuts that are in, or approaching, the stem exclusion growth stage provides less forage, and support fewer deer. Interacting with the impacts of hard winters, these degraded habitats are believed to have a much greater impact on the POW deer population than harvest. In addition to a potential decline in the deer population as observed in more days required to harvest a deer, the reported number of hunters hunting has also declined with as many as 600 fewer NFQUs and approximately 550 fewer FQUs since 2015, resulting in a substantial decrease in deer harvest (Figs. 1 and 2).

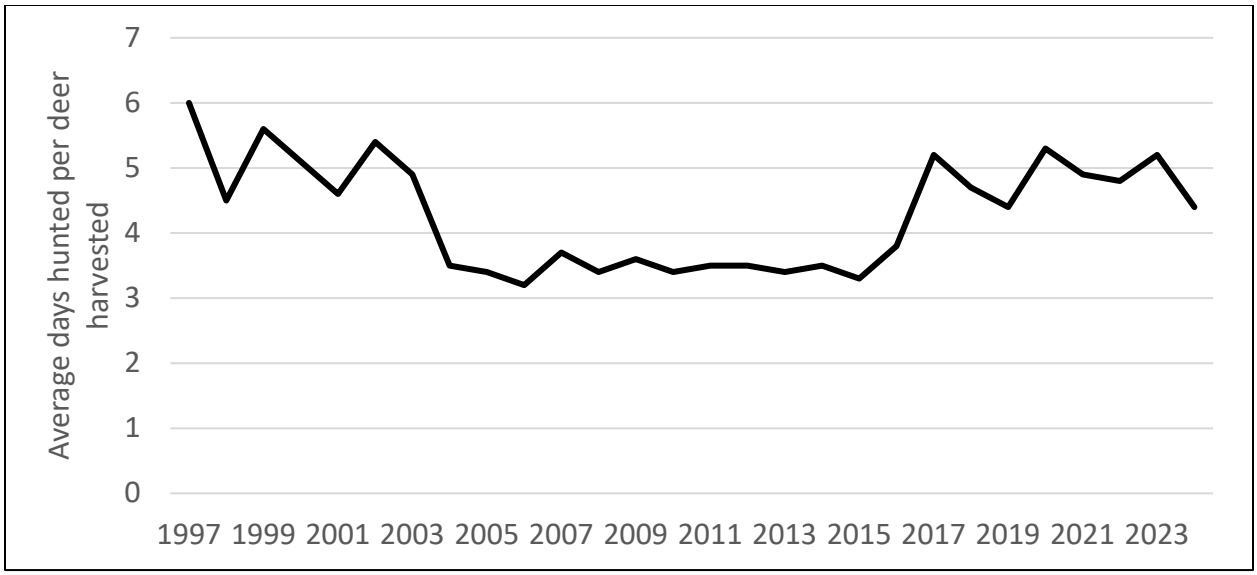

Figure 3. The average number of days it took a hunter to harvest a deer in Game Management Unit 2 from regulatory year 1997–2024.

Conversations with hunters from GMU 2 suggest that harvest opportunity for and access to deer has become more difficult due to a perceived smaller population size, and access issues related to logging and forest stand succession. Deer populations are difficult to measure directly via aerial surveys or other methods, so ADF&G uses "catch per unit effort" (CPUE) of deer hunters, measured as the average number of days hunted to harvest a deer, as an index of abundance for the population of deer in GMU 2. However, CPUE is not a direct measure of the deer population size, and multiple other factors may be influencing CPUE. CPUE data indicate that hunters have, on average, been spending an increased amount of time hunting to harvest a deer (Fig. 3, Table 1). The average CPUE for deer in GMU 2 from RY 2005 to RY 2016, when harvest was above the intensive management harvest objective of 2,700 deer, was about 3.4 days hunted per deer harvested – conversely, during more recent years when harvest was below this objective, the average CPUE was 4.8 days hunted per deer harvested (Table 1) indicating a potential decline in the deer population. However, it is unrealistic to expect sustained record levels of harvest that far exceed the harvest objective experienced prior to 2017. In addition, during the most recent period there were fewer hunters, and fewer deer harvested per hunter (Table 1), which also may be an indicator that the deer population or hunter access to the deer population has declined in recent years.

The historic and ongoing commercial logging legacy on GMU 2 lands has altered deer habitat and hunter access. Prince of Wales Island received the most substantial logging activity in the region since 1954, which resulted in a 94% reduction of contiguous high-volume forest. Contiguous forest has been reduced by 77.5% in the northern POW biogeographical region since 1954. This logging activity reduced deer habitat in north central POW by 46% and in south POW by 18%. Logging associated road building in GMU 2 has created the highest density of roads in Southeast Alaska, with approximately 2,500 miles (4,000 km) of drivable roads. The harvest of old-growth forest is expected to impact deer populations in multiple ways. Clearcut logging can result in abundant ground-level forage for deer and other species in the years immediately following the clearcut. Studies show deer tend to select habitats with higher understory growth,

providing forage that maintains or improves body condition. However, the initial flush of vegetation is succeeded by a "stem exclusion" phase that is largely unproductive for many species including deer and can last for 150 years or longer. As of 2018, approximately 360,000 acres of old-growth has been harvested on POW, 169,000 acres are currently in stem-exclusion stage, and another 115,000 acres are close to this stage. Additionally, old-growth forests are important deer wintering habitat. Deer seek refuge from deep snow by occupying uneven-aged old-growth forests, which intercept falling snow in the canopy and retain important ground-level forage. Furthermore, snow depth has been shown to be a primary factor influencing deer population size in Southeast Alaska, where years with deep snow that persists into spring limit forage availability and result in high winter mortality. Studies have demonstrated that deer densities in managed lands logged >30 years ago support 7 deer/km^2 compared to unmanaged land with 12 deer/km^2. Removing important deer wintering habitat has a negative long-term impact on local deer populations and may have contributed to the reduced measures of the deer population observed in recent years.

To address the habitat issues there is a collaborative effort amongst state and federal agencies, landowners, non-government organizations and individuals to improve deer habitat in GMU 2 and across Southeast Alaska. The Southeast Alaska Habitat Enhancement and Restoration for Deer Stewardship (HERDS) group was formed out of the 2022 Deer Summit on POW to better understand issues surrounding habitat conditions and the deer population. Its goal is to support collaborative, landscape-level conservation and restoration of Sitka black-tailed deer habitat by informing wildlife and land management decisions and coordinating efforts to benefit local deer populations, hunters, and communities. One issue identified from the Summit was how the increasing amount of second growth entering stem-exclusion is limiting deer populations and hunter access. Recognizing this limiting factor, the then Mule Deer Foundation and now Blacktail Deer Foundation secured funding from the U.S. Forest Service to work on these areas to enhance deer habitat. That work has begun on POW and in other areas within Southeast Alaska.

Table 1. Deer harvest for Game Management Unit 2 in Southeast Alaska for regulatory years 2000–2024. Information displayed includes the number of hunters, the total number of days hunted across all hunters, the number of bucks and does harvested, the percent of harvest attributed to does, total deer harvest, the average number of days hunters spent to harvest each individual deer, and the number of deer harvested per hunter. Averages for 2000 – 2004, 2005–2016, and for 2017 – 2024, are also displayed to show changes in harvest through time.

Regulatory Year	Hunters	Days Hunted	Bucks	Does	% Does	Total Harvest	Days per Deer	Deer/Hunter
2000	1506	10108	1950	55	2.74	2005	5.04	1.33
2001	1926	12050	2686	126	4.48	2812	4.29	1.46
2002	1828	10336	2055	57	2.70	2112	4.89	1.16
2003	1399	8050	1753	71	3.89	1824	4.41	1.30
2004	1392	6695	2036	73	3.46	2109	3.17	1.52
2005	1815	9066	2601	103	3.81	2704	3.35	1.49
2006	2016	9855	3099	98	3.07	3197	3.08	1.59
2007	2000	10528	2760	88	3.09	2848	3.70	1.42
2008	2113	11064	3185	121	3.66	3306	3.35	1.56
2009	2096	11602	3144	110	3.38	3254	3.57	1.55

2010	2244	11791	3486	92	2.57	3578	3.30	1.59
2011	2222	13091	3640	106	2.82	3746	3.49	1.69
2012	2482	12909	3600	96	2.59	3696	3.49	1.49
2013	2489	12561	3600	77	2.10	3678	3.42	1.48
2014	2725	13949	3812	119	3.02	3931	3.55	1.44
2015	2813	14111	4147	96	2.26	4243	3.33	1.51
2016	2688	13408	3451	84	2.37	3534	3.79	1.31
2017	2261	12651	2354	79	3.25	2433	5.20	1.08
2018	1874	9756	2019	60	2.88	2079	4.69	1.11
2019	1737	8653	1908	45	2.30	1953	4.43	1.12
2020	1686	9783	1807	43	2.32	1850	5.30	1.10
2021	1714	8911	1790	34	1.86	1824	4.90	1.06
2022	1633	8187	1654	38	2.25	1692	4.80	1.00
2023	1599	8270	1571	32	2.00	1603	5.20	1.00
2024	1641	7929	1789	20	1.10	1810	4.38	1.10
Avg: 2000 - 2004	1610.20	9447.80	2096.00	76.40	3.52	2172.40	4.35	1.35
Avg: 2005 - 2016	2308.61	11994.48	3377.10	99.08	2.85	3707.38	3.45	1.51
Avg: 2017 - 2024	1768.11	9267.54	1861.49	43.85	2.30	1905.46	4.86	1.08

Logging can impact hunter access in multiple ways. The development of logging roads to access timber harvest units increases hunter access and opportunity. However, once clearcuts are 10–15 years old, hunters tend to avoid clearcuts as it becomes difficult to travel through the cut and to see deer. Moreover, as logging roads become more overgrown with time, access is further limited. Clearcut forest succession may be making it harder for GMU 2 hunters to find deer and could negatively affect how biologists monitor deer populations.

In 2018, the FSB restricted NFQUs based on a perceived conservation concern for the GMU 2 deer population despite maintaining the increased bag limit and season length for FQUs that used to be 4 bucks. Deer harvest and the number of hunters started to decline in 2016 from record harvest the previous 6 years, which prompted the unwarranted concern from local hunters. This led to proposal WP18-01 submitted by the Southeast Regional Advisory Council (RAC). There was neither a conservation concern, nor a threat to the continuation of subsistence use of the resource when this proposal was submitted. The passage of this proposal did lead to a reduction in participation in deer hunting by NFQUs; however, the decrease in NFQU participation began in 2016, before the limiting regulations were implemented by the FSB. Deer harvest by NFQUs from 2010–2016 averaged 39% of harvest compared to 2017–2024 which averaged 33% (Fig. 2). The reduction in bag limit for NFQUs has lowered their proportion of harvest. In addition, NFQUs are restricted to 2 bucks which has less impact on the POW deer population than the FQUs bag limit of 5 deer of which 1 can be a doe. If the goal is to increase the population of deer, removing the doe harvest should be the first step, and elimination of all NFQU hunting opportunity is not required under ANILCA before this step occurs. Female deer are responsible

for recruitment and avoiding harvest of females should contribute to an increase in the population. Of even greater concern is what is heard on the poaching of does, which if true, could have a negative impact on sustainability and growth of the deer population.

NFQUs are currently restricted to a lower bag limit with a shorter season than FQUs. The bag limit restriction put in place in 2018 reduced NFQU hunting participation for deer in GMU 2 as mentioned above, but before the restriction, in 2006, the bag limit was increased from 4 deer to 5 deer. NFQUs are currently restricted by both a smaller bag limit and are restricted from hunting federal public lands on most of GMU 2 between 1 August and 15 August. Additional opportunities are also provided to FQUs with an extended season in the last week of July and the entire month of January when NFQUs cannot hunt. Overall, FQUs have more opportunity compared to NFQUs with a greater bag limit, ability to hunt does, and the longest deer season in Alaska from July 24–January 31.

Impact on Federally Qualified Users

If adopted, this change will eliminate NFQUs from hunting in GMU 2 during the 2025 season. This may result in an increase in harvest for FQUs. However, hunting is steeped in tradition, and NFQUs, family and friends, who visit from outside GMU 2 will not be able to participate in the tradition as they have been able to in the past and those traditions will be broken. If any NFQUs excluded from hunting during the proposed closure have ties to POW and normally share meat with family and friends who reside there, the proposed closure could have the unintended consequence of reducing the amount of deer meat available to POW residents. Hunting by NFQUs is not closed on all lands and may concentrate hunting pressure on non-federal lands. Non-federal lands surround many communities in GMU 2. Local GMU 2 hunters typically hunt close to home and could increase competition for deer near communities, thereby increasing conflicts.

Impact on Other Users

If adopted NFQUs will be prohibited from hunting on federal lands in GMU 2. This includes both resident and non-resident hunters. Local hunting guides, transporters, lodges, and other local businesses will see a reduction in business, which will hurt the local economy. Given that any potential action taken by the FSB will occur two weeks before the start of the season there may be hunters that will be unaware of the closure.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made a positive customary and traditional use finding for deer in GMU 2.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a wildlife population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of wildlife harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional use consistently fall below ANS. This may be for many reasons: hunting regulations, changes in wildlife abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for deer in Unit 2 is 1,500–1,600 deer. The season and bag limit for deer is August 1–December 31 with a bag limit of 4 bucks.

Conservation Issues

There are no conservation issues currently and the passage of this closure will have little measurable impact on the deer population in GMU 2. There are indications that the population has decreased, however, indices of abundance have trended up and down through time while state management remained consistent. During the last period of seemingly lower deer abundance in the late 90s to early 2000s, the Southeast Regional Advisory Council held GMU 2 deer subcommittee meetings to discuss management options to increase deer abundance and harvest. Ultimately, the subcommittee did not suggest any major changes to deer management yet harvest in GMU 2 increased from 2005 to a record in 2015.

Enforcement Issues

If this special action is passed there could be enforcement issues based on the timing between the closure going into effect and the start of the hunting season for deer in GMU 2.