

## Alaska Department of Fish and Game Comments

### Wildlife Closure WCR26-05

This is the routine review of the current closure for the hunting of moose, except by federally qualified users (FQU), in Game Management Unit (GMU) 9C south of the Naknek River drainage in December.

### Position

The Alaska Department of Fish and Game (ADF&G) **SUPPORTS** the elimination of this closure. The current moose population in this area is stable with a density for which there is no conservation concern and therefore there is no justification under the Alaska National Interest Lands Conservation Act (ANILCA) to enact the closure.

ANILCA §1314(a) explicitly states: "Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands except as may be provided in Title VIII..." Title VIII provides only a narrow exception allowing the Secretary to restrict State-authorized harvest when necessary to meet the needs of federally qualified rural residents. Section 802(2) establishes the policy that "nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive use of all such resources on the public lands of Alaska **when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population...**" [emphasis added]. Section 804 reiterates this policy and establishes criteria to implement a priority when the above conditions are met. It does not authorize wholesale replacement of State management. Per §815(3) of ANILCA, "...restriction on nonsubsistence uses are only authorized when necessary for the conservation of healthy wildlife populations or to continue subsistence uses."

Executive Order 15153, Sec. 3(b)(xxii) directs the Department of the Interior to conduct meaningful consultation with State fish and wildlife agencies prior to enacting land management plans or regulations affecting hunting and fishing opportunities on public lands. This directive was reinforced by Secretarial Order 3447, which calls for removing unnecessary barriers to hunting and fishing, expanding access where compatible, improving coordination with State agencies, and ensuring transparent review of any proposed restrictions.

### Background

Currently, NFQUs are allowed to hunt the GMU 9C closed area during the fall hunt, but not the winter hunt. The winter hunt is closed to nonresident hunters under state regulations. There is no actual estimate of moose density in the closure, but during recent composition counts pooled from 3 local trend count areas, approximately 0.67 moose/mi<sup>2</sup> were observed. Bull:cow ratios from recent surveys were 60 bulls:100 cows which is well above State management objectives of 40:100 for low-density populations (GMUs 9A-9D), and calf mortality research (2017 – 2019) indicated that calf survival was adequate to support a stable to increasing moose population.

In 2022, ADF&G submitted a proposal to the BOG to increase moose season lengths in GMUs 9B & 9C for resident hunters, due to moose populations being above management objectives, which the BOG passed.

### **Impact on Subsistence Users**

Any potential impact would be low because almost all harvest under federal regulation occurs during the fall hunt on federal public land, which opens 10 days early (Aug. 20) for FQUs. Competition with NFQUs would be minimal in December.

### **Impact on Other Users**

If the closure is rescinded, a slight increase in harvest may occur during winters with good snow and ice conditions. The average annual increase would be low because most moose harvest occurs during the fall.

### **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 moose in GMU 9C.

**Amounts Reasonably Necessary for Subsistence:** Alaska state law requires the BOG to determine the amount of the harvestable portion of a game 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 animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS in GMUs 9A, 9B, 9C, and 9E combined is 100–140 moose per year.

### **Conservation Issues**

Staff at the Office of Subsistence Management relied primarily on composition counts from the Big Creek Corridor (BCC) count area, which has an area of only 68 mi<sup>2</sup>. Movements of collared cow moose indicate that nearby trend count areas should be pooled, as is traditionally done by ADF&G. Pooling with nearby Park Border and King Salmon River count areas from 2018 – 2020 results in counts of 192, 220 and 221, respectively, and a density of 0.8 moose/mi<sup>2</sup>. Pooled calf:cow ratios were 49, 34, and 22. These data indicate a stable population of moderate density.

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### **Enforcement Issues**

There are no foreseeable enforcement issues with the lifting of this closure. If anything, the elimination of the closure will alleviate enforcement issues.