

Alaska Department of Fish and Game Comments

Wildlife Closure WCR26-18

This is a review of the current federal subsistence hunting closure to sheep hunt on federal public lands within the Baird Mountains Area to non-federally qualified users (NFQU).

Position

The Alaska Department of Fish & Game (ADF&G) **SUPPORTS** rescinding the closure. There is no open state season for sheep within Game Management Unit (GMU) 23 and what harvest does occur, the Superintendent of Western Arctic National Parklands (WEAR) has the delegated authority on federal public lands to provide opportunities to FQUs until such a time as the population reaches a size ADF&G would consider establishing a season for Dall sheep within GMU 23.

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."

Background

Sheep within GMU 23 are at the northwestern margin of their habitat and populations can be strongly affected by stochastic environmental events. In 2012 and 2013, harsh winter weather likely led to poor recruitment and high adult mortality. Population estimates for the Baird Mountains declined by roughly 50% between 2011 and 2014 (587 sheep to 309 sheep) and prompted the closure of all sheep seasons by emergency order in August of 2014. The Federal Subsistence Board (FSB) took similar measures through a Temporary Special Action which closed the sheep season on federal public lands in GMU 23. In March of 2015, the Alaska Board of Game (BOG) adopted a proposal submitted by ADF&G to close all state sheep seasons in GMU 23 beginning RY2015. The FSB adopted a 2016 proposal, with modifications, that gave delegated authority to the Superintendent of the WEAR to open and close a may-be-announced season and determine annual harvest quotas and limitations. These state and federal regulations have remained in place since that time.

Surveys of sheep within the Baird Mountains are conducted in partnership with the National Park Service and were completed in 2014 through 2019. Due to poor weather and logistical constraints, a survey was not completed in 2020 or 2021. The last abundance estimate within the Baird

Mountains was 174 sheep (95% CI: 141-230). Estimates between 2014 and 2019 indicate that sheep abundance remains low throughout the GMU.

Impact on Federally Qualified Users

If the closure is rescinded it will not impact federally qualified users (FQU), since the Superintendent of WEAR would still hold delegated authority to open or close federal public lands to NFQUs.

Impact on Other Users

If the closure is rescinded it will not impact NFQUs since the hunt is currently closed under state regulations.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for sheep in GMU 23 Baird Mountains.

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 board 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 for sheep within the Baird Mountains of GMU 23 is 18-47 animals. The season and bag limit for sheep is:

<u>Unit/Area</u>	<u>Bag Limit</u>	<u>Open Season (Permit/Hunt #)</u>	
		<u>Resident^a</u>	<u>Nonresident</u>
23		<i>No open season</i>	<i>No open season</i>

^a Subsistence and General Hunts.

Conservation Issues

Due to concern over low abundance, there has been no open season for sheep on state managed lands since 2015. Removal of the closure to NFQUs would not currently result in a conservation concern since there is no opportunity for legal harvest under state management within GMU 23.

Enforcement Issues

No enforcement issues would be expected since currently there are no opportunities for legal harvest under state management within GMU 23.