

## Alaska Department of Fish and Game Comments

### **Wildlife Closure WCR26-45**

This is a review of the current federal hunting closure for the harvest of caribou by non-federally qualified users (NFQU) on federal public land along the Noatak River, from the western boundary of Noatak National Preserve upstream to the confluence with the Cutler River, within the northern and southern boundaries of the Eli and Agashashok river drainages, respectively, and within the Squirrel River drainage.

### **Position**

The Alaska Department of Fish & Game (ADF&G) **SUPPORTS** the rescinding of the closure. Harvest by NFQUs is miniscule when compared to the overall harvest on the Western Arctic Heard (WAH) by FQUs and does not represent a biological concern. If migration of the WAH is the impetus behind this closure caused by NFQU hunting practices and airplane activity, then, as ADF&G has stated in previous comments on this issue, there are more appropriate mechanisms through the state's public regulatory process available to address those issues. Although we know that caribou may be temporarily affected by hunters, deflections of herd migration have not been detected to date by ADF&G, the Alaska Wildlife Troopers, or can be found in the literature (e.g., Fullman et.al., 2017).

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**

The closure area is defined as follows: the 10-mile-wide corridor (5 miles either side) along the Noatak River from the western boundary of Noatak National Preserve upstream to the confluence

with the Cutler River; within the northern and southern boundaries of the Eli and Agashashok River drainages, respectively; and all federal lands within the Squirrel River drainage.

User conflict between Game Management Unit (GMU) 23 hunters and NFQUs have been a topic of discussion since at least the 1980s. In 1988 a Controlled Use Area (CUA) was created in GMU 23 through the Alaska Board of Game (BOG); subsequent modifications to the CUA aimed at reducing conflict have occurred over the years. The current closure represents the most recent attempt at reducing user conflict in GMU 23. WP18-46 was adopted with modification by the Federal Subsistence Board (FSB) at their 2018 meeting: this permanent closure was preceded by a one-year temporary closure under wildlife special action (WSA) 17-03 in 2017. In 2016, WSA16-01 effectively closed all federal public lands to NFQUs for the purpose of caribou hunting for that year.

### **Impact on Federally Qualified Users**

If the closure is rescinded, ADF&G anticipates minimal impacts to FQUs as it is not anticipated in resulting in a large influx of NFQUs would come into the area to hunt caribou.

### **Impact on Other Users**

If the closure is rescinded, this would provide NFQUs with additional areas in which to caribou hunt in GMU 23.

### **Opportunity Provided by State**

**State customary and traditional use findings:** The Alaska Board of Game has made a positive customary and traditional use finding for the Western Arctic and Teshekpuk caribou herds combined in GMU 23.

**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 combined Western Arctic and Teshekpuk Herd ANS for caribou in GMUs 21, 22, 23, 24, and 26 is 8,000-12,000 animals.

Current state regulations for residents are 15 caribou total, only one of which may be a cow by permit RC907 with no closed season.

Current state regulations for non-residents is one bull by permit DC923 with a season of August 1 – September 30.

**Conservation Issues**

If the closure is rescinded, there will be no significant effect on total harvest and therefore will not have any conservation issues associated with it.

**Enforcement Issues**

If the closure is rescinded, there would be less enforcement issues in the area.