

## Alaska Department of Fish and Game Comments

### **Wildlife Proposal WP26-03 and WP26-05**

Proposal WP26-03 requests the closure of federal public land to Sitka black-tail deer (deer) hunting by non-federally qualified users (NFQU) in Game Management Unit (GMU) 2. A portion of proposal WP26-05 is similar and requests the harvest of deer be reduced from two bucks to one buck in GMU 2 for NFQUs.

### **Position**

The Alaska Department of Fish & Game (ADF&G) **OPPOSES** these proposals because there are no justifications under the Alaska National Interest Lands Conservation Act (ANILCA) for the Federal Subsistence Board (FSB) to approve either of these restrictions. If enacted, they would both 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 would have limited impacts on the GMU 2 deer population. Federally qualified users (FQU) have indicated that there have been impacts to their ability to carry out subsistence harvest of deer from GMU 2. However, measures of subsistence have never been federally defined and until that occurs it is not possible to measure the impacts to subsistence. What ADF&G has been able to measure is the number of hunters and harvest, which have fluctuated over time. Levels of harvest and the number of hunters in regulatory years (RY) 2017–RY2024 are similar to those in RY1997–RY2004, but lower than the high harvest from RY2005–RY2015 which resulted in a record number of hunters and harvest in RY2015. It is not a realistic expectation that deer populations be managed for the record harvest numbers observed in and around RY2015. 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 deer population. The CPUE from RY2017–RY2024 is similar to values observed from RY1997–RY2004, and there were no NFQUs restrictions needed at that time to recover and grow to the point of the record harvest in RY2015.

ADF&G heard from members of the Southeast Alaska Subsistence Regional Advisory Council (SERAC) during their March 2025 meeting 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 an additional 3 deer for their 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 NFQUs. 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**

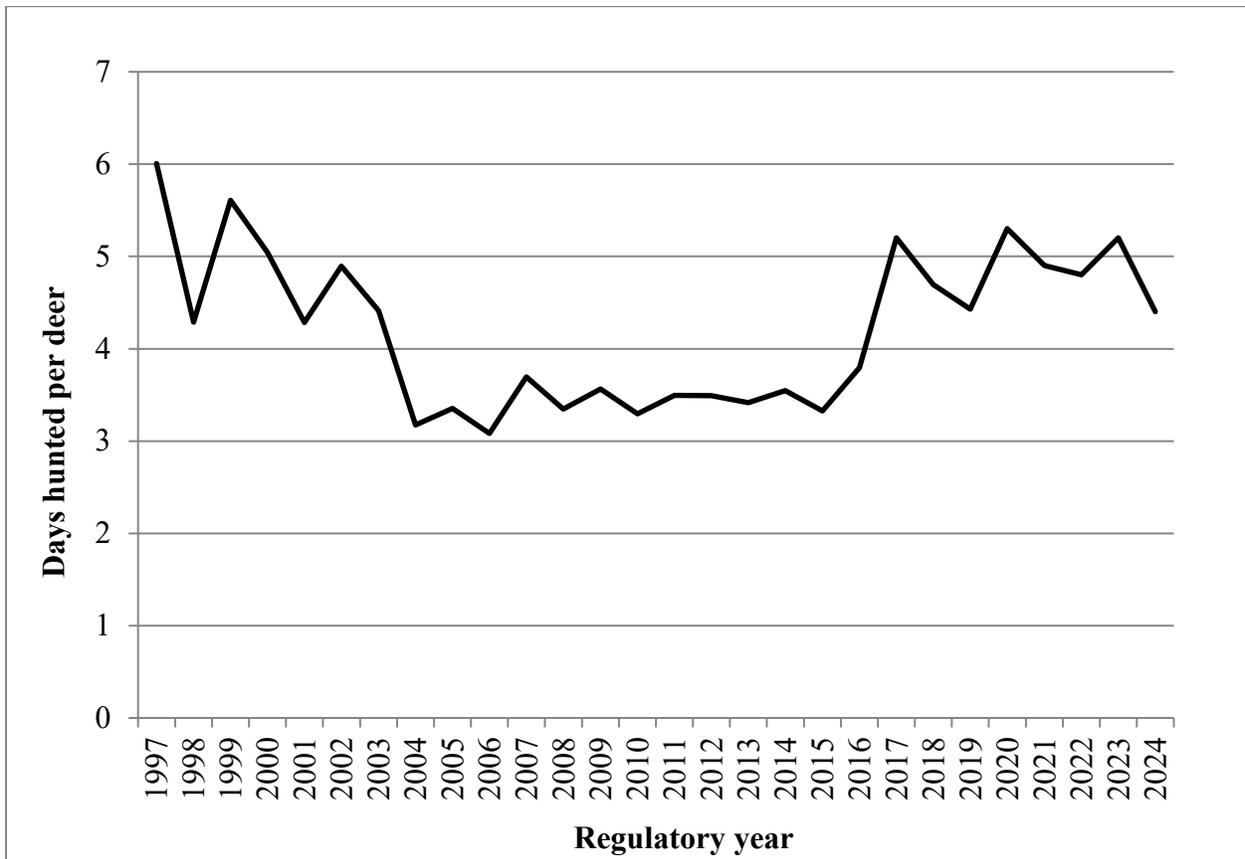
NFQUs are currently restricted to a lower bag limit and a shorter season than FQUs. The bag limit restriction put in place in RY2018 reduced NFQU hunting participation for deer in GMU 2. NFQUs are currently restricted by both a smaller bag limit and are restricted from hunting federal public lands in most of GMU 2 from August 1-15. Additional opportunities are also provided to FQUs with an extended season including July 24–July 31 and the 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. There are more opportunities afforded GMU 2 federally qualified deer hunters than any other hunt in Alaska.

Effort to harvest a deer in GMU 2 increased from RY2016–RY2023 but is similar to the past. There was a slight decline (easier to get a deer) in RY2024. The average number of days it took to harvest a deer from RY2017–RY2023 was similar to RY1997–RY2004 at around 5 days hunted per deer harvested (Fig. 1). No closure to NFQUs was implemented at that time, and harvest increased from RY2005 to the record high in RY2015. CPUE increased from RY2016 to present, but harvest is down due to fewer hunters. The reported number of hunters has declined from 2818 in RY2015 to 1641 in RY2024, resulting in a substantial decrease in deer harvest (Figs. 2 and 3). The number of NFQUs hunting in GMU 2 decreased from 1755 in RY2015 to 678 in RY2024 (Fig. 2).

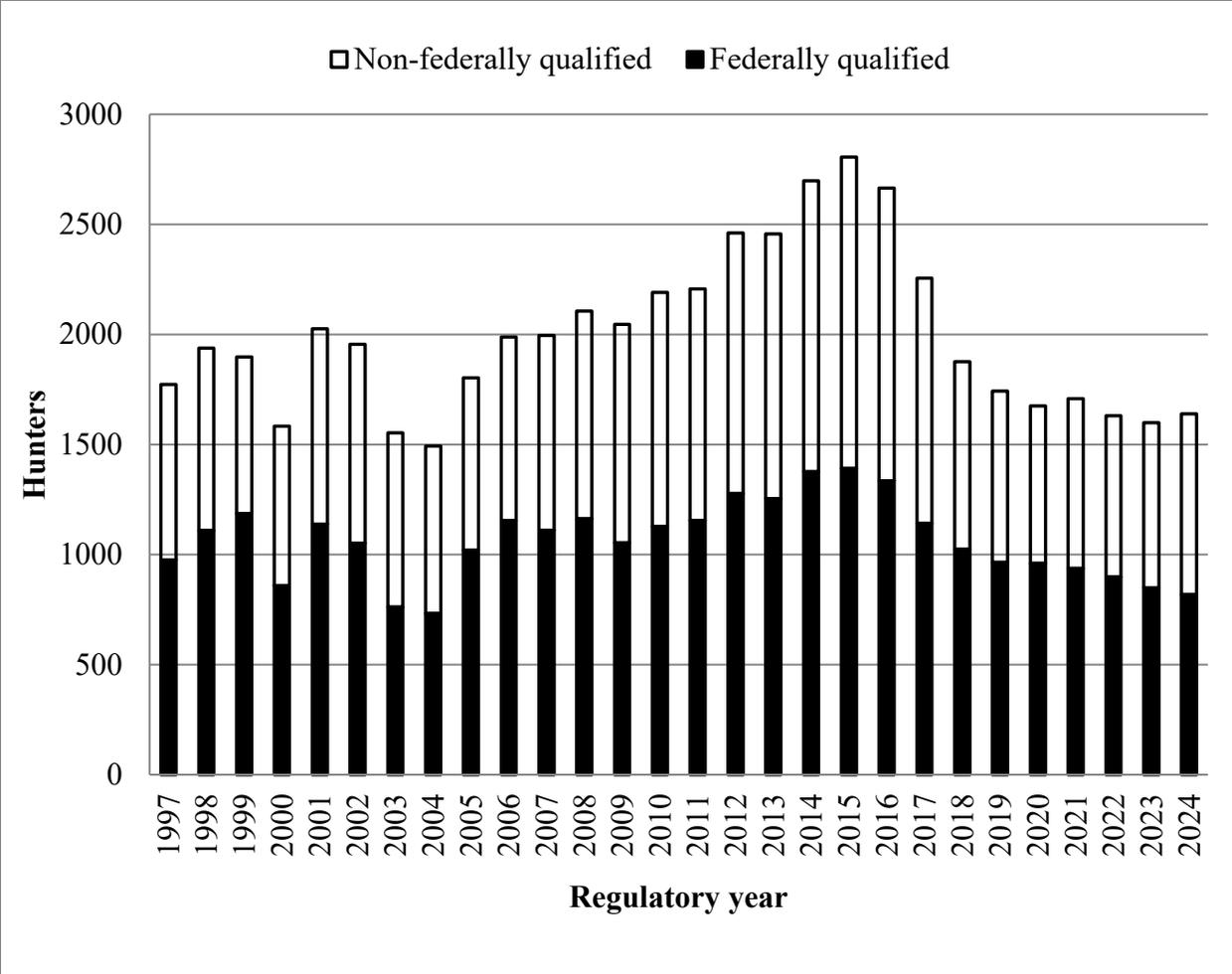
Nonresident hunters make up a small proportion of hunters from RY2015 to RY2024 (9.9%, Fig. 4), and nonresident harvest is a small proportion of overall harvest (4.3%, Fig. 5). Nonresident deer hunters in Unit 2 that harvest 2 or more deer averaged 0.8% from RY1997 to RY2024 and averaged 0.9% since the 2018 bag limit restrictions to NFQUs were implemented (Fig. 6), totaling about 16 hunters per year since RY2018. Considering the small proportion of nonresident hunters that harvest two or more deer, restricting nonresidents to 1 buck would prevent roughly 18 bucks from being harvested annually. This is not a meaningful reduction in harvest of Unit 2 deer and would unnecessarily limit harvest opportunity for those few nonresident hunters that seek to harvest two or more deer in Unit 2.

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 are in, or approaching, the stem exclusion growth stage, which provides less forage and supports fewer deer. A long history of logging has impacted deer abundance in GMU 2. Prince of Wales Island (POW) received the most substantial logging activity in the region since 1954, which resulted in a 94% reduction in contiguous high-volume forest and reduced contiguous forest by 77.5% in the northern POW biogeographical region as of 2004. This logging activity reduced deer habitat in north central POW by 46% and in south POW by 18%; percentages that have continued to increase since 2004 (Albert and Schoen 2013). 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

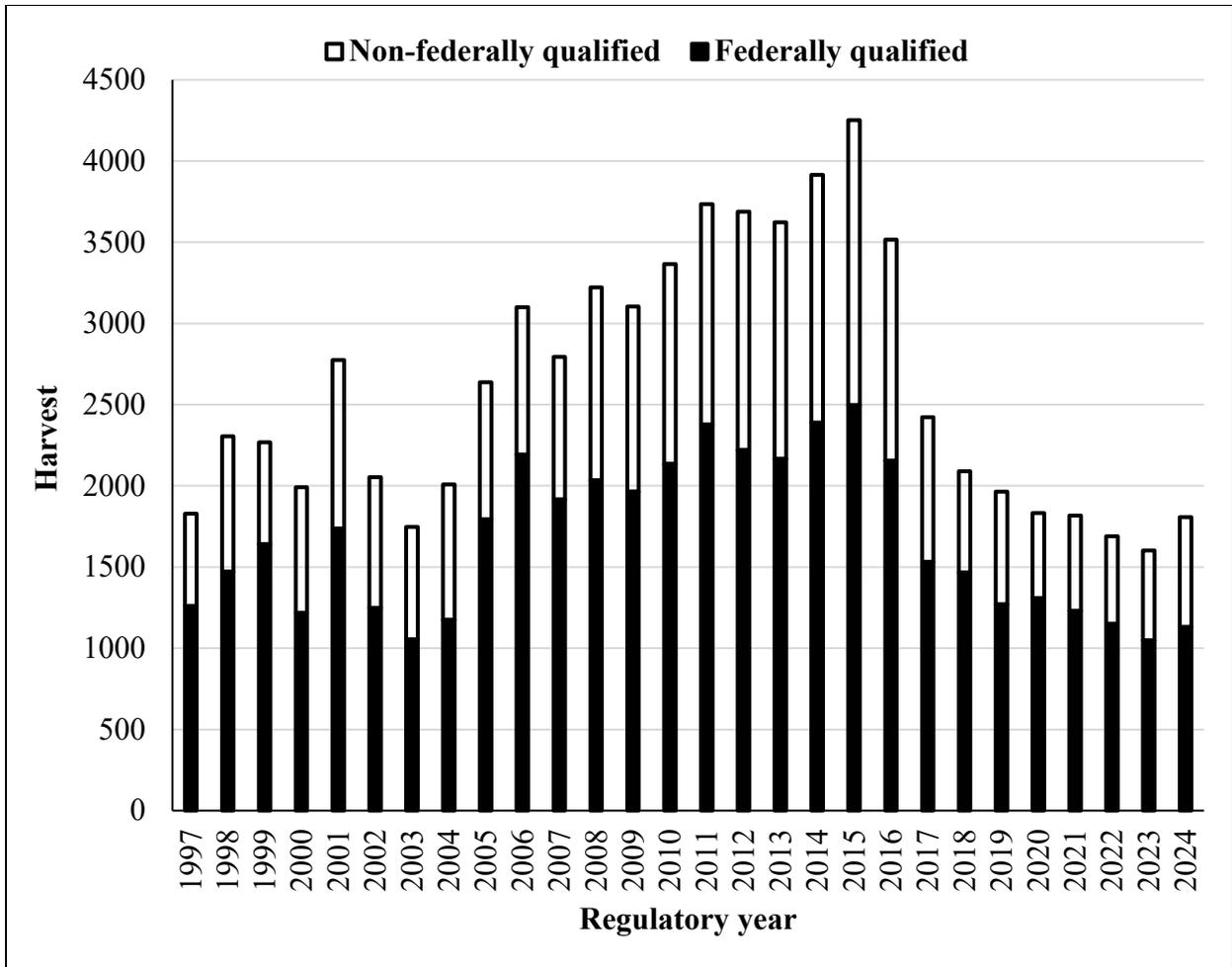
drivable roads. As of 2018, approximately 360,000 acres of old-growth has been harvested on POW, 169,000 acres are currently in the stem-exclusion stage, and another 115,000 acres are close to this stage. Stands in the stem exclusion stage are less productive for deer for 150 or more years. This habitat supports fewer deer until old growth conditions and forage return. Deer densities in logged stands more than 30 years old support 7 deer/km<sup>2</sup> compared to unmanaged old growth stands which support 12 deer/km<sup>2</sup> (Brinkman et al. 2011). 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.



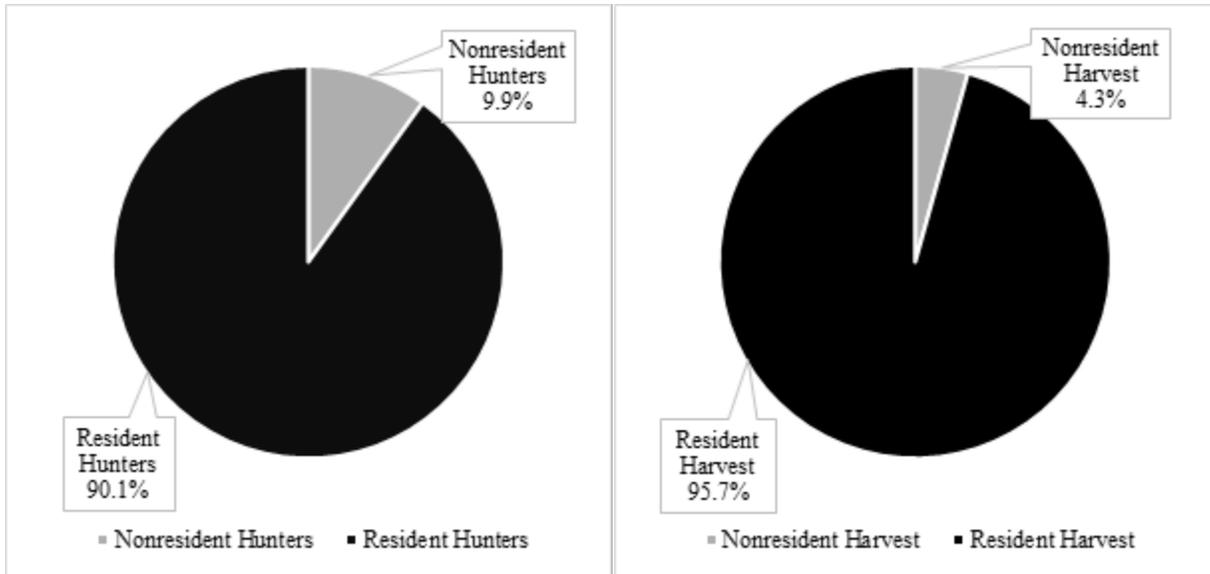
**Figure 1.** The average number of days it took a hunter to harvest a deer in Game Management Unit 2 from regulatory year 1997–2024.



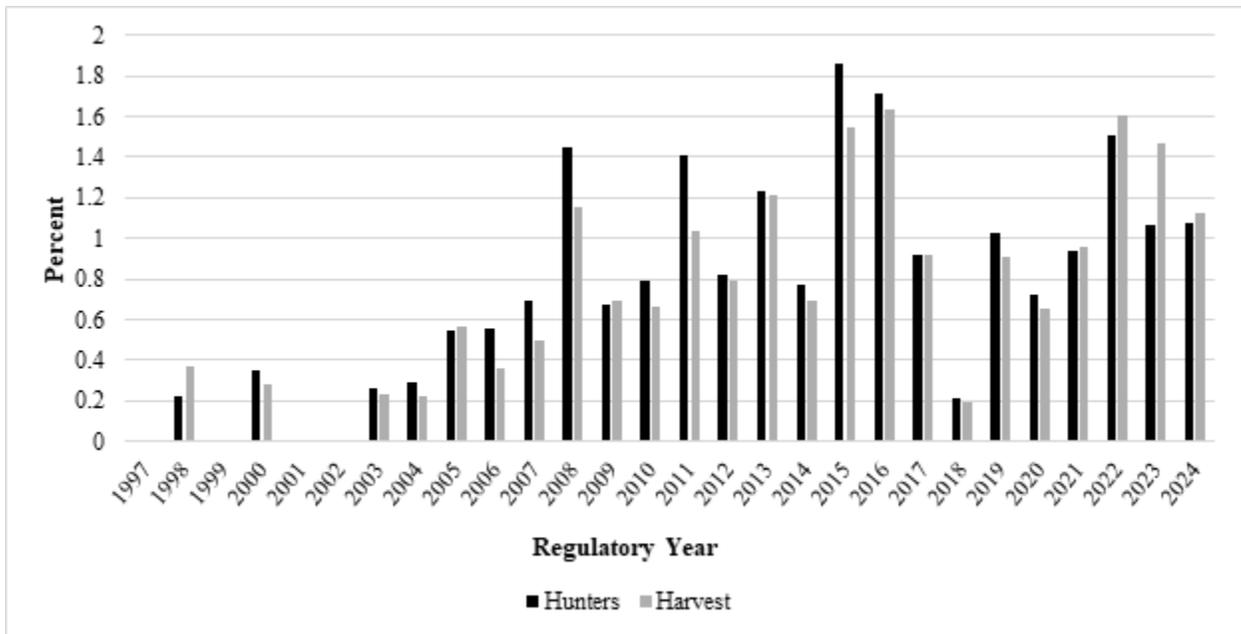
**Figure 2.** The number of federally qualified users (black bar) and non-federally qualified users (white bar) hunting for deer in Game Management GMU 2 during regulatory years 1997–2024.



**Figure 3.** Game Management Unit 2 deer harvest by federally qualified (black bar) and non-federally qualified (white bar) users hunting during regulatory years 1997–2024.



**Figures 4 & 5.** The average percentage of resident and nonresident deer hunters (Fig. 4) and deer harvest (Fig. 5) in Unit 2, Southeast Alaska, from regulatory years 1997 to 2024.



**Figure 6.** Percent of all Unit 2 deer hunters who are nonresidents that harvested two or more deer (black), and percent of deer harvest represented by these hunters (gray) in Game Management Unit 2, Southeast Alaska, from regulatory years 1997 to 2024.

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

If adopted, neither of these proposals will result in a noticeable increase in harvest for FQUs. What they will do is impact long standing hunting heritage in the area. 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 GMU 2 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 GMU 2 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 or have further restrictions placed upon them while 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 lose business and those that rely on deer hunters will likely have to close, which will hurt the local economy.

### **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.

<u>Unit/Area</u>	<u>Bag Limit</u>	<u>Open Season (GD000)</u>	
		<u>Resident<sup>a</sup></u>	<u>Nonresident</u>
02Z	4 bucks	1 Aug.–31 Dec. (Harvest ticket)	1 Aug.–31 Dec. (Harvest ticket)

<sup>a</sup> Subsistence and General Hunts.

### **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. CPUE has increased, 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 adopted, either of these restrictions would only serve to increase the complexity in the way in which FQUs and NFQUs hunt in GMU 2 which would only increase the need for consistent communication and federal law enforcement presence.

### **References**

Albert, D. M., and J. W. Schoen. 2013. Use of historical logging patterns to identify disproportionately logged ecosystems within temperate rainforests of southeastern Alaska. *Conservation Biology* 27(4):774–784.

Brinkman, T. J., D. K. Person, F. S. Chapin III, W. Smith, and K. J. Hundertmark. 2011. Estimating abundance of Sitka black-tailed deer using DNA from fecal pellets. *Journal of Wildlife Management* 75(1):232–242.