

## Alaska Department of Fish and Game Comments

### Wildlife Proposal WP26-31

This proposal would close federal public land in Game Management Unit (GMU) 13 to moose hunting by non-federally qualified users (NFQU).

### Position

The Alaska Department of Fish & Game (ADF&G) **OPPOSES** this proposal. At this time, ADF&G can find no reason to enact this closure under the Alaska National Interest Lands Conservation Act (ANILCA). There is no evidence to substantiate the proponents claim that there are conservation concerns for the moose population in GMU 13, the closure is needed to ensure the continuation of subsistence uses or there are public safety issues that would be alleviated by enacting this 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.

It should be recognized that this closure has been enacted in the past for the hunting of moose in GMU 13 without showing any success regarding increased harvest rates by federally qualified users (FQU). Closures to non-federally qualified users (NFQU) on federal public land over this timeframe came after FQUs had the second highest success rates of hunting under the federal regulations since 2006. From there, subsequent success rates under the closures have not been able to meet the high success rate before the closure.

### Background

The moose population in GMU 13 is not at a level where a restriction is necessary for either conservation or the continuation of subsistence uses. ADF&G is not contemplating any restrictions currently under state regulations. While some of GMU 13 subunits' moose populations are experiencing slight declines, overall, the population in GMU 13 is doing well. The current levels of bull harvest do not pose a biological concern for the viability of healthy moose populations in Unit 13, given the bull-to-cow ratios observed during moose surveys annually.

It should be recognized that there was already a closure just a few years ago for the hunting of moose in GMU 13 during regulatory years (RY) 2020 and 2021 without showing any success regarding increased harvest rates by FQUs. Closures to NFQUs on federal public land over this timeframe came after federally qualified users (FQU) had the second highest success rate of hunting under the federal harvest permit (FM1301) since 2006 at 14.3%. From there, the success rates under the closure for RY20–21 were 10.2% and 11.9% respectively, which was right at or below the long-term average (Figure 1).

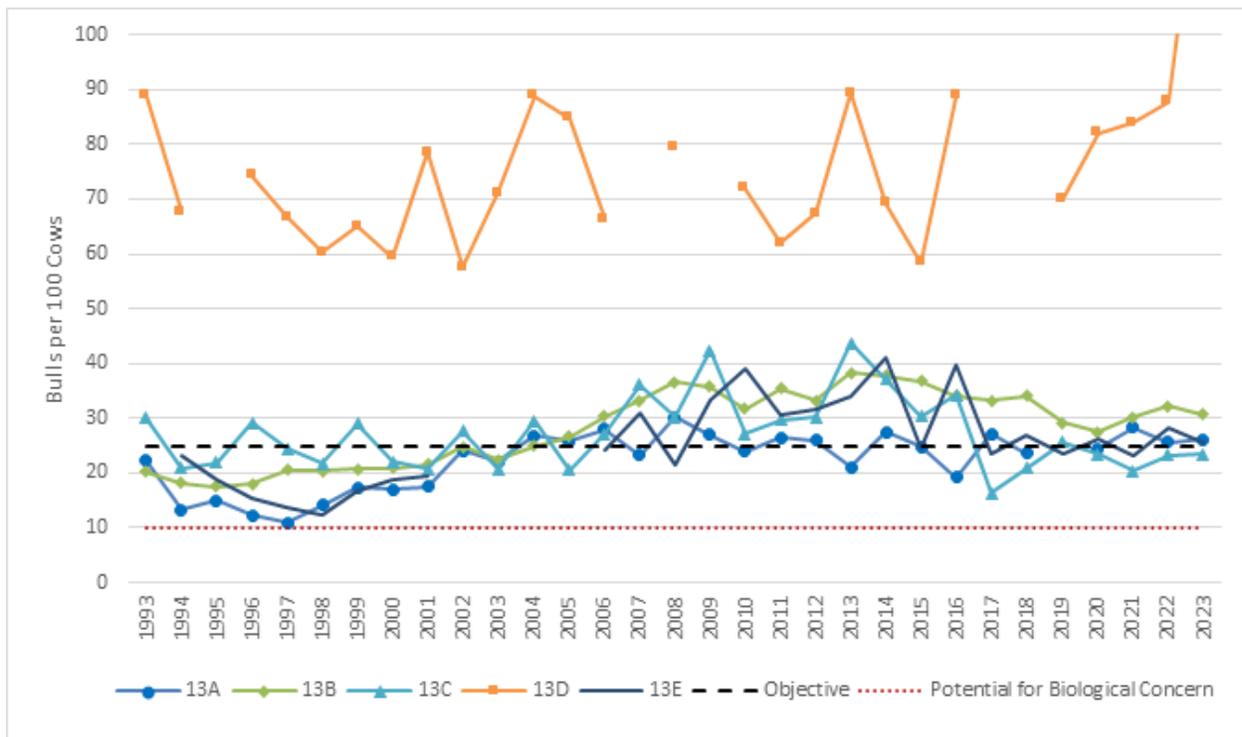


Figure 1.-Moose bull:cow ratios in GMU13, RY93-23.

Federally qualified users currently have almost a 20-day advantage before the state season opens and participate in subsistence and general season hunts for moose offered by the state, which allow these hunters to access wildlife resources on all public lands in Unit 13. They may choose to hunt state and/or private lands in addition to federal public land by participating in the general harvest hunt or the Community Subsistence Harvest opportunity (CM300).

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

If adopted, FQUs would have exclusive opportunity to hunt for moose on federal public land in GMU 13.

### **Impact on Other Users**

If adopted, NFQU will be precluded from hunting moose on federal public lands in GMU 13 during the state moose hunting season (August 20-September 20), though that will not prevent NFQUs from accessing/crossing federal public lands, during open moose seasons, for other reasons/activities.

### **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 moose in GMU 13.

**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 Amount Reasonably Necessary for Subsistence (ANS). The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

An 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 for moose in Unit 13 is 300–600 animals. We have consistently exceeded the upper range of this amount every year since 2006, and this past season the upper end of the ANS was nearly reached with a harvest of 553 moose. This decline in total harvest was expected as the number of moose hunters hunting under state and/or federal regulations decreased with the closure of caribou hunting in Unit 13.

### **Conservation Issues**

There are currently no conservation concerns for moose in GMU 13.

### **Enforcement Issues**

If adopted, it would be the responsibility of federal agencies to enforce the restriction.