

WCR26–16 Executive Summary	
General Description	Wildlife Closure Review WCR26-16 is a standard review of a Federal subsistence wildlife closure to the harvest of moose by non-federally qualified users hunting on Federal public lands in Unit 22E.
Current Regulation	<p style="text-align: center;">Unit 22D—Moose</p> <p><i>Unit 22D, that portion within the Kougarok, Kuzitrin, and Pilgrim River drainages—1 bull by State registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Sep. 1-14</i></p> <p><i>Federal public lands are closed to the taking of moose except by residents of Units 22C and 22D hunting under these regulations</i></p> <p><i>Unit 22D, that portion west of the Tisuk River drainage and Canyon Creek— 1 bull by State registration permit. Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Sep. 1-14</i></p> <p style="text-align: center;">OR</p> <p><i>1 bull by Federal registration permit (FM2204). Quotas and any needed closures will be announced by the Anchorage Field Office Manager of the BLM, in consultation with NPS and ADF&G. Dec. 1-31</i></p> <p><i>Federal public lands are closed to the taking of moose except by residents of Units 22C and 22D hunting under these regulations.</i></p> <p><i>Unit 22D, remainder - 1 bull by State registration permit. Aug. 10-Sep. 14.</i></p> <p style="text-align: center;">OR</p> <p><i>1 antlered bull by State registration permit. Season may be announced, Dec. 1-Jan. 31.</i></p> <p><i>Federal public lands are closed to the harvest of moose except by Federally qualified subsistence users</i></p>
OSM Conclusion	Retain the status quo
Seward Peninsula Subsistence Regional Advisory Council Recommendation	Retain the status quo

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Interagency Staff Committee Comments	See full comment at the end of this analysis.
ADF&G Comments	Retain the status quo
Written Public Comments	None

Wildlife Closure Review WCR26-16

ISSUE: Wildlife Closure Review WCR26-16 is a standard review of a Federal subsistence wildlife closure to the harvest of moose by non-federally qualified users hunting on Federal public lands in Unit 22E. (Please see **Map 1** in WP26-61). It is the Federal Subsistence Board's (Board) policy that Federal public lands should be reopened when a closure is no longer necessary, and that closures will be reviewed at least once every four years. The purpose of this review is to determine if this closure is still warranted.

Closure Location and Species: Unit 22E– Moose

Closure Dates: Year-round.

Current Federal Regulations

Please see Regulations section in WP26-61.

Current State Regulations

Please see Regulations section in WP26-61.

Regulatory Year Initiated: 2002

Closure last reviewed: 2022 – WCR22-16

Justification for Original Closure

Section 815(3) of ANILCA states:

Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law...

Federal public lands were closed by the Board through the adoption of WP02-34. This was due to conservation concerns for the declining moose population and to provide federally qualified subsistence users an opportunity to harvest the limited number of moose on Federal public lands in Units 22B, west of the Darby Mountains; 22D, that portion within the Kougarok, Kuzitrin, and Pilgrim river drainages (22D Kuzitrin); 22D, that portion west of the Tisuk River drainage and Canyon Creek (22D SW); and 22E. The Board adopted Proposal WP02-34 with the Office of Subsistence Management (OSM) modification, which shortened the moose seasons in 22B West, 22D Kuzitrin, 22D SW, and 22E and changed the harvest limit to bulls only in Units 22B West, 22D SW, and 22E.

The Board adopted these changes to protect the cows in the area, as calf survivability was believed to be depressing the population. This proposal also restricted the harvest in all units to federally qualified subsistence users. The Board felt closing Federal public lands to all but federally qualified subsistence users would improve subsistence harvest opportunities in an area where the State had recommended restricting moose harvest.

Council Recommendation for Original Closure

The Seward Peninsula Regional Advisory Council (Council) unanimously supported Proposal WP02-34, as modified by OSM. The Council believed this proposal would provide sufficient opportunity for federally qualified subsistence users while taking the most conservative approach to conserving the moose population. The Council also supported Proposal WP02-35 as modified by OSM. They felt restricting harvest to the most dependent users of the resource was a conservative measure that would still provide a subsistence priority.

State Recommendation for Original Closure

The State supported Proposal WP02-34, as modified by OSM, to shorten the moose season, set a harvest quota, require a registration permit, and restrict harvest to federally qualified subsistence users.

Extent of Federal Public Lands

Unit 22E is comprised of approximately 56% Federal public lands and consists of 50% National Park Service (NPS) and 6% Bureau of Land Management (BLM) managed lands.

Customary and Traditional Use Determination

Residents of Unit 22 have a customary and traditional use determination for moose in Unit 22.

Regulatory History

Please see Regulatory History section in WP26-61.

Biological Background

Please see Biological Background section in WP26-61.

Cultural Knowledge and Traditional Practices

Please see Cultural Knowledge and Traditional Practices section in WP26-61.

Harvest History

Please see Harvest History section in WP26-61.

Alternative(s) Considered

One alternative considered was to require a Federal registration permit for the Unit 22E moose hunt to obtain more accurate harvest data. This alternative is outside the scope of a closure review, although the Council may consider submitting a proposal to effect this change during the next call for wildlife proposals in early 2025. A similar proposal could be submitted to the BOG to request a State registration permit be required to hunt moose in Unit 22E under State regulations.

Effects and Discussion

If this closure is rescinded, all users could hunt moose on Federal public lands in Unit 22E. This could increase total moose harvest within the subunit, especially from nonresident harvest, which has substantially increased since 2012, although ADF&G may adjust the number of permits available each year. Unit 22E is one of four subunits on the Seward Peninsula that requires only a harvest ticket (with no harvest quota) and no registration permit (managed by harvest quotas that are met or exceeded each year), which also limits harvest reporting. If the closure is rescinded, increased hunting pressure from State residents may cause user conflicts and increase harvest to unsustainable levels. Harvest estimates from 2017 and 2021 indicate harvest exceeded sustainable rates. Declining bull:cow ratios indicate few surplus bulls are available for harvest.

OSM CONCLUSION

- Retain the Status Quo**
- Rescind the Closure**
- Modify the Closure to**
- Defer Decision on the Closure or Take No Action**

Justification

The Unit 22E moose population has been above the minimum State management objective since 2011. However, in the same timeframe there has been a decline in the moose population in Unit 22D and the combined Unit 22D and 22E population estimate has trended downward since 2006. This combined 22D and 22E population estimate is well below the combined subunit population objective. More investigation into the cause of this is needed before decisions affecting harvest can be made. Additionally, the bull:cow ratio has consistently declined since 2014, and the most recent survey in 2022 yielded ratios just meeting State objectives. This decline in bulls indicates there are fewer available for harvest. If the closure is rescinded, hunting pressure from non-federally qualified users may cause user conflicts, increase harvest to unsustainable levels, and reduce subsistence opportunity for federally qualified subsistence users. Retaining the status quo balances providing subsistence opportunity with conserving the moose population, which cannot withstand any increases in harvest.

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

Seward Peninsula Subsistence Regional Advisory Council

The Council voted to **retain the status quo** on WCR26-16.

Retaining the closure will provide as much opportunity for federally qualified subsistence users as possible due to conservation concerns for moose in Unit 22E. Therefore, limiting harvest to federally qualified subsistence users is necessary.

INTERAGENCY STAFF COMMITTEE COMMENT

The Federal Subsistence Board (Board) will need to consider a few key sections of ANILCA before taking action on proposals requesting closures and closure reviews. Specifically, those sections of Title VIII pertaining to Council Deference and the limitations to closures or restrictions of subsistence and nonsubsistence uses on federal public lands.

ANILCA Section 815(3) clarifies that “nothing in this title shall be construed as...authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in 816, to continue subsistence uses of such populations, or pursuant to other applicable law.”

ANILCA Section 816(b) allows for closure or restriction of Federal public lands to subsistence uses of fish and wildlife for “for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population.”

ANILCA Section 805(c) the Board must consider the recommendations of the Councils “concerning the taking of fish and wildlife” on public lands in their regions and may choose not to follow such a recommendation only if it is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.

These three sections speak to the heart of Board authority and require a careful balance between the federal priority, the continuation of subsistence uses, the necessary conservation of subsistence fish and wildlife, and unnecessary restrictions. In the case of WCR26-13/14/15, there are clear conservation concerns with the moose population below management objectives. The ISC suggests that the Council’s recommendation to retain the closures in Unit 22D may meet the criteria for deference.

ALASKA DEPARTEMENT OF FISH AND GAME COMMENT

No comment submitted.