

Alaska Department of Fish and Game Comments
DRAFT

Wildlife Proposal WP24-03

This proposal would close the federal public lands within the drainages of the Chilkat Range south of the south bank of the Endicott River (State RG015; Figure 1) to mountain goat harvest from August 1-31, except by federally qualified subsistence users (FQU).



Figure 1. The current extent of the RG015 mountain goat hunt area on the Chilkat Peninsula, Alaska.

Position

The Alaska Department of Fish and Game (ADF&G) **OPPOSES** excluding non-federally qualified users (NFQU) from hunting on federal public lands in the RG015 hunt area during August. ADF&G contends the proposed closure is not warranted under Title VIII of ANILCA. In *Alaska v. Federal Subsistence Bd.*, 544 F.3d 1089, 1100 (9th Cir. 2008), the Ninth Circuit ruled that, under ANILCA, the Federal Subsistence Board may regulate subsistence use but is prohibited from limiting nonsubsistence use. Closing federal lands within the RG015 hunt area to NFQU goat hunters during the month of August is inconsistent with ANILCA under applicable case law on federal preemption. As directed by Congress in Section 802 of ANILCA, subsistence uses of wildlife shall be the priority consumptive use on federal public lands “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.” Section 815 of ANILCA authorizes federal restrictions on nonsubsistence uses on the public lands only if “necessary for

the conservation of healthy populations of fish and wildlife” or if necessary to “continue subsistence uses.”

Based on ADF&G’s analysis of hunter participation, harvest, and hunt management over the last 20 years, none of those reasons apply. There is no conservation concern for mountain goats in the RG015 hunt area, the hunt has not been closed by emergency order in nearly 20 years, and the state season was recently expanded to offer an additional month of opportunity for resident hunters. Even if the opening date for the federal season is changed to August 1, the proposal would also close the entire RG015 hunt area when FQUs almost never use the northern two thirds of the hunt area. Even in the southern portion no restrictions on NFQUs are needed to continue subsistence uses of goats. Records of RG015 permits issued and mandatory hunt reports clearly demonstrate that the decline in goat hunting and harvest by FQUs in the RG015 hunt area results from declining interest and participation in that hunt.

The recent expansion of the state season created an additional 31 days of hunting opportunity for all Alaska residents including FQUs during a favorable time of year. Before contemplating changes to existing federal regulations, the Federal Subsistence Board (FSB) should monitor whether FQUs take advantage of that expanded opportunity.

This proposal is based on a false premise and would needlessly and pointlessly deprive all Alaska residents (both FQU and NFQU) of sustainable mountain goat hunting opportunity throughout the RG015 hunt area during August, effectively negating the recent extension of the state season. Based on wording in the proposal, the Southeast Alaska Subsistence Regional Advisory Council mistakenly believes that the current federal season in this area opens on August 1 and that the Alaska Board of Game (BOG) eliminated an exclusive opportunity for FQUs by establishing an August 1 opening date for all resident hunters. The current state and federal season dates for that hunt are:

Existing State Regulation

Resident and non-resident

Unit 1C, RG015 1 goat, harvest of nannies with kids prohibited Sept. 1 – Nov. 30

Resident only

Unit 1C, RG015 1 goat, harvest of nannies with kids prohibited Aug. 1 – Aug. 31

Existing Federal Regulation

Rural residents

Unit 1C – 1 goat by State registration permit only Oct. 1 – Nov. 30

The current federal season in this area opens on October 1. The previous state season opened on September 1, one month earlier than the federal season. Rather than diminishing opportunity for FQUs, the recent expansion of the state season created an additional month of opportunity for all resident hunters including FQUs.

Background

In 1975 the Alaska Board of Game reduced the bag limit for goats in Unit 1C, including the Chilkat Range from 2 goats to 1 goat due to overharvest concerns along the Juneau road-system

and high mountain lakes with floatplane access. Also, the Chilkat Range along with other parts of Unit 1C were closed due to a decline in goat populations following a severe winter in 1984-1985. When the hunt reopened it was managed under a point system. By 2004 the standard for Unit 1C was an allowable harvest of 6 points for every 100 goats observed on surveys with billies valued at 1 point and nannies valued at 2 points. This management strategy equates to a 4-5% harvest rate, which is sustainable for goats. Since 2011, 18 harvest points have been available in the Chilkat Range RG015 hunt area, and the hunt has not been closed by emergency order since 2005.

Prior to 2003, the state RG015 hunt opened on October 1. In 2003 the opening date was changed to September 1. That change was never mirrored in federal regulation, so for the last 20 years the state hunt has opened a month earlier than the federal hunt. At their January 2023 meeting the BOG changed the opening date for resident RG015 hunters to August 1, aligning it with opening dates for other Unit 1C goat hunts, RG013 and RG014, and creating an additional month of opportunity for all resident RG015 hunters. The BOG made this change because they felt the area was underutilized and could support additional harvest. Furthermore, this decision was based on information provided by ADF&G biologists that indicated there is little harvest within this goat population compared to what is available.

Aerial surveys for goats on the Chilkat Peninsula have been intermittent (Table 1) because this area has not been a priority due to low harvest and large areas of hunter-inaccessible goat habitat that buffers the goat population from harvest impacts. The last aerial survey was conducted in 2011. Across the surveys from 2000 to 2011, the total number of adult goats observed steadily increased across the surveys; however, the standardized measure of goats/hr does not show a trend, probably due to variation in survey conditions, which are known to influence goat survey results. Except for the 2006 survey, these results indicate the goat population met Unit 1C management objectives and were greater than 30 goats/survey hr.

Table 1. Aerial survey results for the Chilkat Peninsula, 2000-2011.

Year	No. Adults	No. kids	Total goats	Kids:100 adults	Percent kids	Goats/hour
2000	143	30	173	21	17	36
2002	152	26	178	17	15	85
2006	203	33	236	16	14	16
2011	223	44	267	20	16	51

Analysis

The following analysis assumes the proposal will be amended to align the opening date of the federal season with the current state season.

All hunters who obtain registration permits like RG015 are required to provide their address. ADF&G does not confirm community of residence, but for this analysis we assume the address provided distinguishes FQU and NFQU hunters. Registration permit holders are also required to report a variety of information from which ADF&G can determine the number of FQU and

NFQU permit holders who hunted, where they hunted, and if they harvested a goat. Goat hunting is physically demanding and often weather-dependent, so it is common for people to obtain permits but not hunt.

In the last 20 years 97% of FQU goat hunters, primarily residents of Hoonah, Gustavus, and Sitka, reported hunting the southern part of the RG015 hunt area accessed from Excursion Inlet and the Homeshore logging road system on the north shore of Icy Straits (Figure 2). The proposal cites competition for access in that area as the primary concern addressed by the proposed regulatory change. About half of NFQU hunters also reported accessing the RG015 hunt from this area. Because the proposal specifically mentions this area and because nearly all FQUs hunt in this area, ADF&G's comments and graphs for this proposal summarize data for only the southern portion of the RG015 hunt area as depicted in Figure 2.

The slight decline in goat harvest by FQUs in the southern RG015 hunt area (Figure 3) coincides with a decline in participation by FQU hunters (Figure 4). Since 2014, a maximum of 5 FQUs have reported hunting in any year, and no residents of Hoonah or Gustavus reported hunting during 3 of the last 5 years (Figure 5). Eighteen harvest points are available in RG015, and the hunt has not been closed by emergency order since 2005, so there has been ample opportunity to harvest a goat. The newly expanded state season provides even greater opportunity for all Alaska residents.

The proposal contends that competition with NFQUs for space to anchor boats in the Homeshore anchorage has inhibited FQU access to hunting opportunity. All hunters access this area by boat. The Homeshore anchorage provides little shelter, so some hunters prefer being dropped off to anchoring in a risky location, but the department has no information on whether hunters anchored or were dropped off. However, considering the low total number of RG015 hunters using this area and that moose and goat seasons in this area have coincided for decades, any competition for space to anchor has likely also involved RM046 moose hunters. The extended state season should alleviate this concern.

The proposal also contends that people camping on the logging roads have blocked FQU access to goat hunting areas but provides no evidence that those campers were the NFQU goat hunters that the proposal seeks to exclude. The campers may have been other federally qualified goat hunters or RM046 moose hunters. The new August 1st opening date for the state RG015 hunt allows 6 weeks of goat hunting opportunity before moose season and will reduce the already limited potential for road access conflicts among hunters.

Over the last 20 years ADF&G's records indicate that an average of 9 people hunted the southern portion of the RG015 hunt area annually. The total number of hunters using the area has remained fairly stable but in recent years the proportion of FQUs has declined while the proportion of NFQUs has grown (Figure 4). Reasons for declining interest and participation among FQU hunters are unknown. However, under the expanded 4-month long state season all goat hunters will have an additional month of opportunity including 6 weeks before the RM046 moose season. The longer season makes it unlikely that more than a couple RG015 hunters will be in the Homeshore area at the same time, virtually eliminating any potential for competition among FQU hunters or between FQU and NFQU hunters.

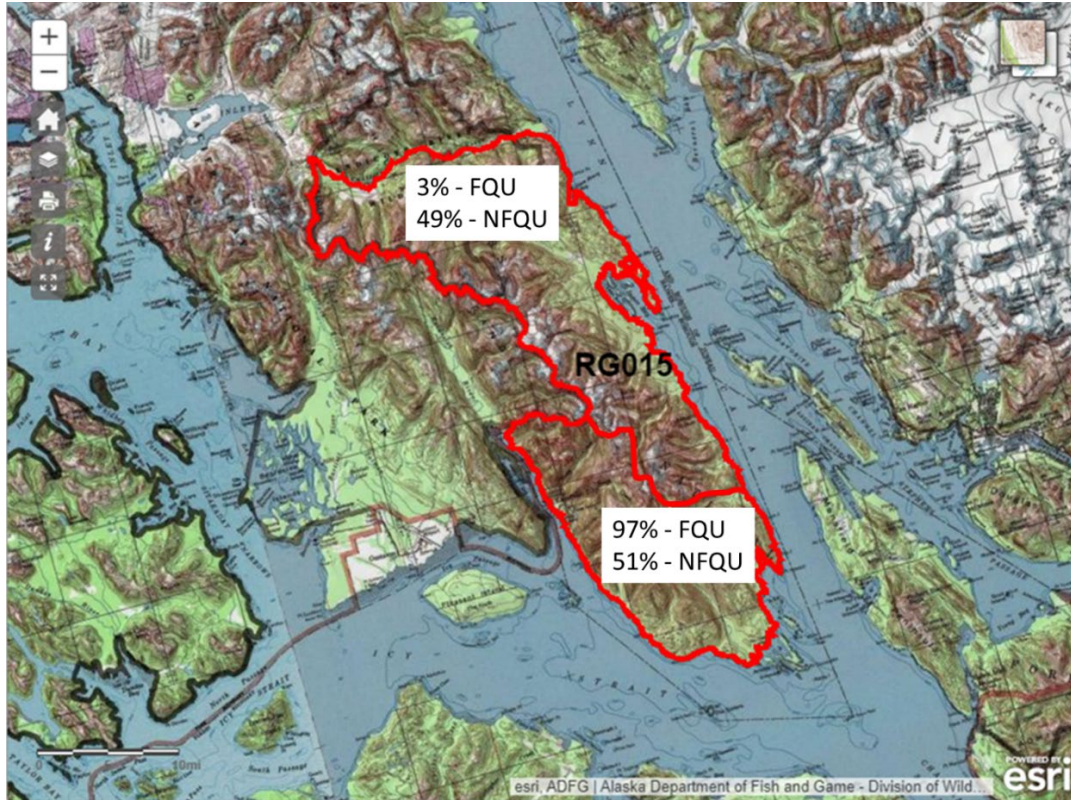


Figure 2. The proportion of use by FQUs and NFQUs in the northern portion of the RG015 hunt area generally accessed from Lynn Canal and the southern portion generally accessed from Icy Straits, 2003-2022.

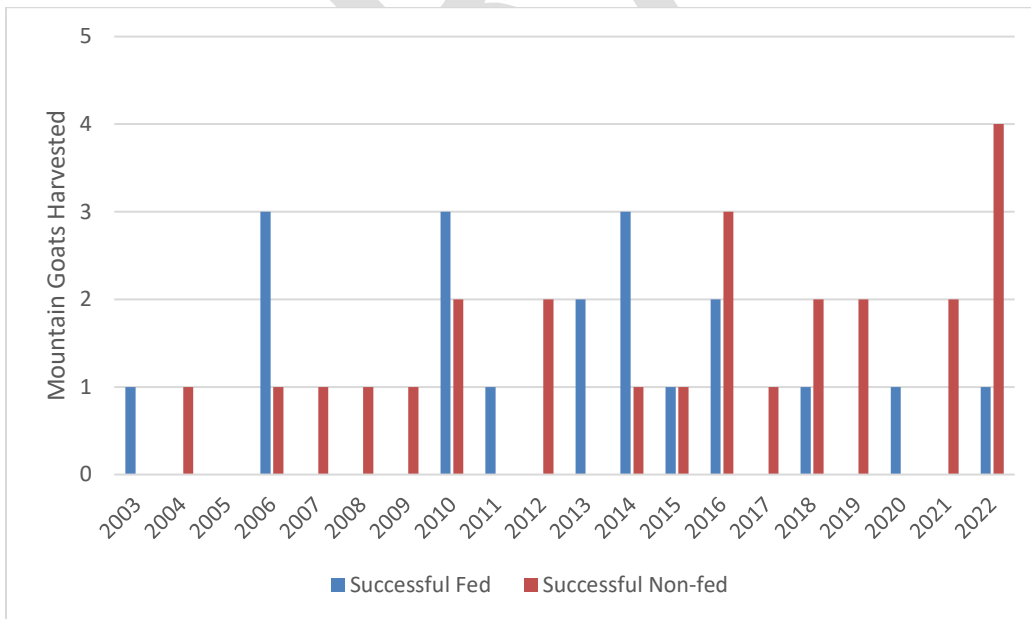


Figure 3. The number of successful federally qualified and non-federally qualified Alaska resident mountain goat hunters who accessed the southern Chilkat Range hunt, RG015, from Icy Straits, RG015, 2003-2022.

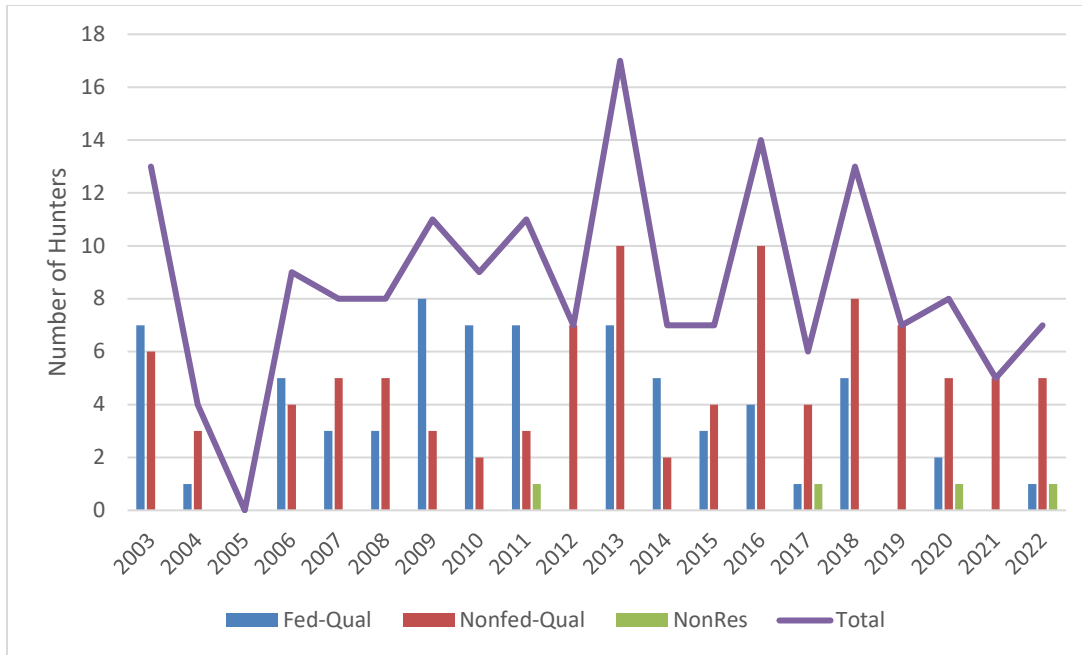


Figure 4. Participation by hunters from federally qualified and non-federally qualified Alaska communities and nonresident hunters in the Chilkat Range mountain goat hunt, RG015, 2003-2022.

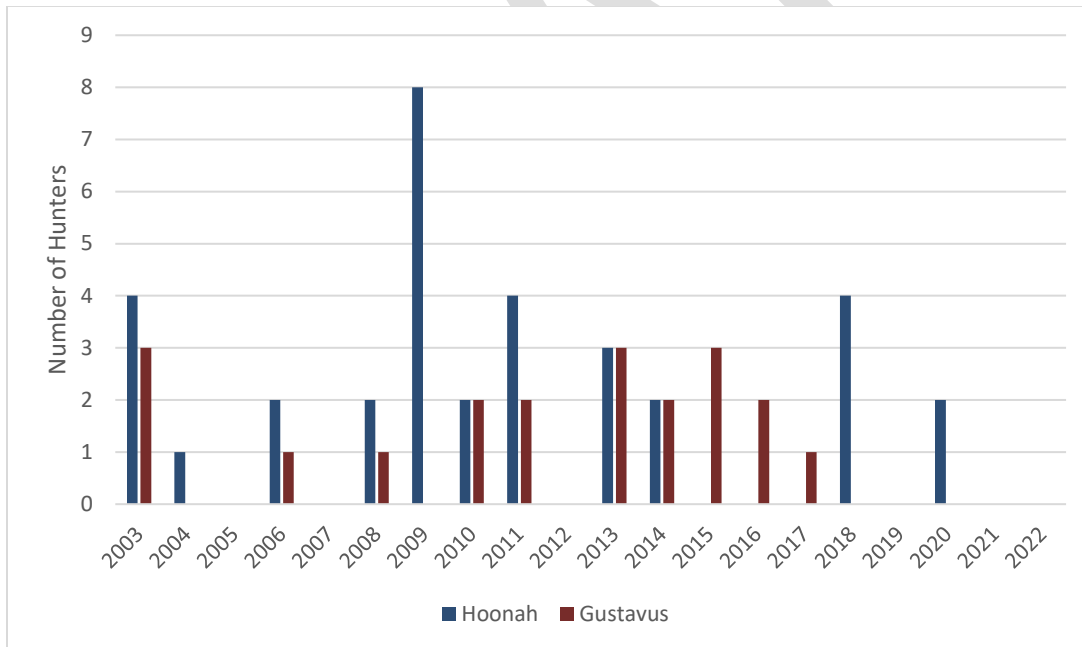


Figure 5. The number of Hoonah and Gustavus residents who reported accessing the Chilkat Range mountain goat hunt, RG015, from Icy Straits by Excursion Inlet or the Homeshore road system, 2003-2022.

Impact on Subsistence Users

Virtually all mountain goat habitat within the RG015 hunt area is on federal public land. If adopted, this proposal would deprive FQUs of mountain goat hunting opportunity during the month of August that is currently available to them under state regulation.

Impact on Other Users

Adopting this proposal would unnecessarily deprive NFQUs of sustainable hunting opportunity throughout the entire RG015 hunt area during the month of August despite use by FQUs being limited to the southern portion accessed from Icy Strait.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game has made positive customary and traditional use findings for mountain goats in Unit 1C outside the Juneau nonsubsistence area.

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 mountain goats in Unit 1C is 25- 30 animals outside the Juneau nonsubsistence area. The season and bag limit for Unit 1C is:

<u>Unit/Area</u>	<u>Bag Limit</u>	<u>Open Season (RG015)</u>	
		<u>Resident^a</u>	<u>Nonresident</u>
<i>1C</i>	<i>1</i>	<i>Aug. 1 – Nov. 30 (Registration)</i>	<i>Sept. 1 – Nov. 30 (Registration)</i>

^a Subsistence and General Hunts.

Conservation Issues

Currently, there are no conservation issues with this population. Harvest has been much lower than the 18 goat harvest points allowed for this area. ADF&G supported expanding the state season length for this hunt because department biologists believe the hunt area was underutilized, and more sustainable opportunity could be provided.

Enforcement Issues

No enforcement issues are expected.