Alaska Department of Fish and Game Comments
DRAFT

Wildlife Proposal WP24-06

This proposal would close federal public lands of Chichagof and Yakobi islands near Pelican that drain into Lisianski Inlet, Lisianski Strait and Stag Bay south of a line connecting Soapstone and Column Points and north of a line connecting Point Theodore and Point Uray to deer hunting by non-federally qualified users (NFQU) from November 1–November 15 (Figure 1).

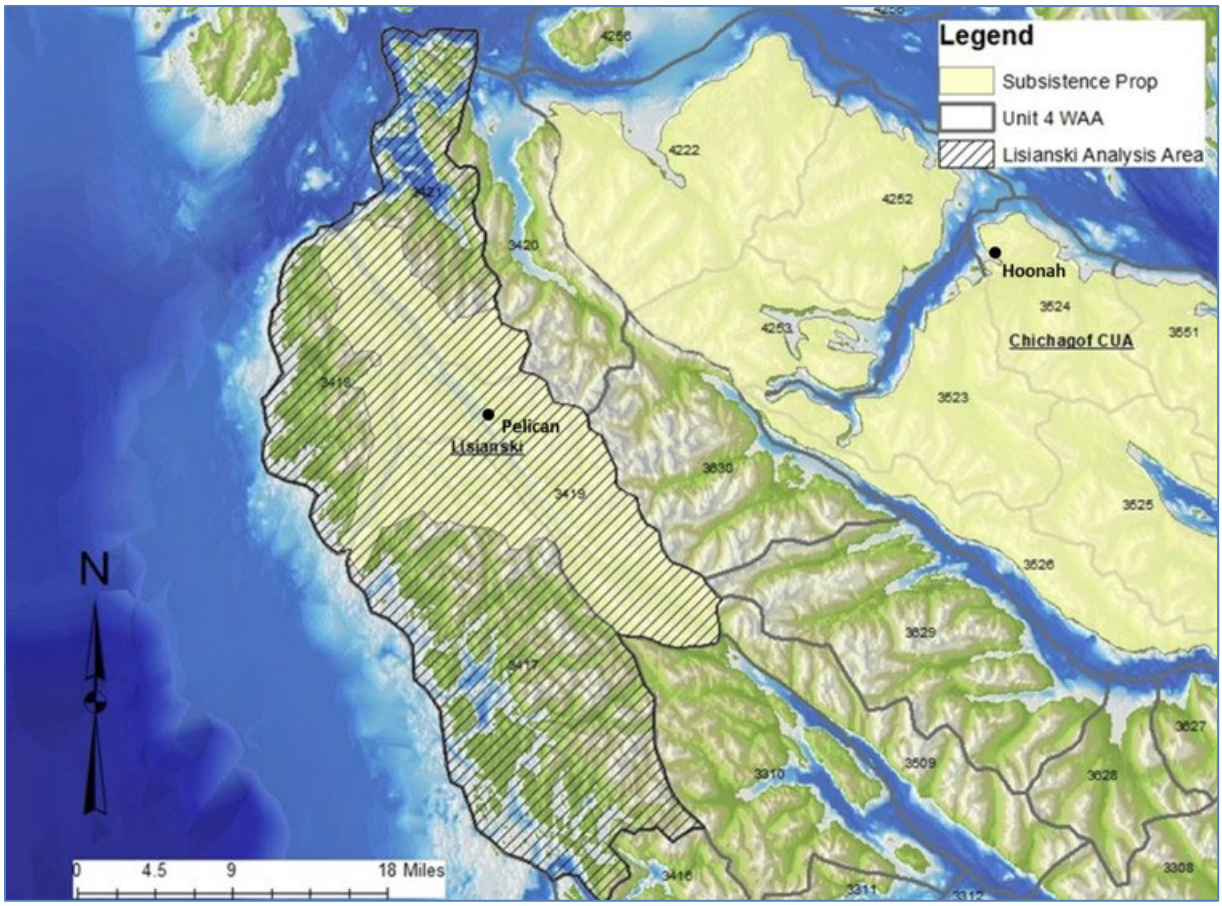

Figure 1. Map of the Lisianski proposal area and boundaries of the ADF&G Wildlife Analysis Areas for deer hunter data used to analyze effects of the proposal.

Position

The Alaska Department of Fish and Game (ADF&G) **OPPOSES** this proposal because there are no justifications under the Alaska National Interest Lands Conservation Act (ANILCA) for the Federal Subsistence Board (FSB) to approve this closure. If enacted, it would unnecessarily deprive NFQUs of sustainable deer hunting opportunity contrary to terms in 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 (FSB) may regulate subsistence use but is prohibited from limiting nonsubsistence use. A reduction in NFQU opportunity for hunting deer in GMU 4 is inconsistent with ANILCA under applicable case law

on federal preemption. As directed by Congress in Section 802 of ANILCA, subsistence use of wildlife shall be the priority consumptive use on federal 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 the following analysis of the only annually collected, objective, and quantifiable data available, none of those reasons apply. There is no conservation concern for the Chichagof/Yakobi Island deer population, and no restrictions on NFQU opportunity are needed to continue subsistence use of deer. Several indices indicate deer remain abundant in the area affected by the proposal, so there is no need to restrict harvest to conserve the population.

The stated purpose of the proposal is to "establish a meaningful preference for the continuation of subsistence use of deer", however, the proponents provide no "substantial evidence" in support of claims that the few NFQUs hunting in this area inhibit harvest by federally qualified users (FQU), and data provided by FQUs residing in Pelican clearly indicate that the decline in harvest by that community results from declining participation and effort by Pelican hunters. We note that FQUs in Pelican already enjoy several meaningful preferences including an extra month of hunting opportunity in January, a liberal designated hunter program where any FQU can hunt on behalf of another FQU, and living close to the resource, which allows FQUs to hunt whenever conditions are favorable. In contrast, to reach Pelican, NFQU hunters from Juneau need to plan days or weeks ahead and travel over 100 miles by personal boat or aircraft at a time of year when days are short and inclement weather is common. The very few non-resident hunters (non-Alaskan residents) in this area are limited by a more restrictive bag limit of two bucks. Further, we could find no reference in Title VIII of ANILCA to the term "meaningful preference." Nor could we find justification for limiting NFQU hunting based on safety concerns, economics of FQUs, or the potential of altering deer behavior due to poor NFQU marksmanship. We conclude there is no lawful justification for adopting this proposal and it should be rejected under Section 805(c)(1).

Other reasons listed in support of the proposal were high fuel costs, depressed economies, small boats, and inclement weather. These were combined as "safety and economic concerns." Public safety is addressed in §816 (b), but only in that it refers to the temporary closure of public lands to *subsistence uses* for reasons of public safety. We believe closing publics lands to NFQUs while leaving them open for FQUs for safety purposes related to normal seasonal changes in weather and daylight would be a misuse of §816 (b).

Background

This proposal has the same general goal and justification as WP22-10, which the Federal Subsistence Board overwhelmingly rejected at their January 2023 meeting. The current proposal states that FQUs from Pelican are experiencing difficulty meeting their subsistence needs for deer because of competition and user conflicts with NFQUs. The proposal asserts that high fuel costs, depressed economies, small boats, and inclement weather also limit the ability of Pelican residents to meet their subsistence needs and that NFQUs exacerbate those challenges by obstructing access, competing for deer, and potentially altering deer behavior with poor marksmanship. The proposal states that for these reasons FQU hunting success is reduced, and

the continuation of subsistence use of deer is hindered. To mitigate these concerns and establish a "meaningful preference" for the continuation of subsistence uses of deer, the proposal asks the Federal Subsistence Board (FSB) to close federal lands on Chichagof and Yakobi islands that drain into Lisianski Strait and Inlet and Stag Bay near Pelican (Figure 1) to NFQU deer hunters from November 1 – November 15.

Game Management Unit (GMU) 4 encompasses the ABC Islands (Admiralty, Baranof, and Chichagof) and the surrounding archipelago, and over 90% of land in GMU 4 is federally managed. All residents of Southeast Alaska (GMUs 1-5) excluding residents of Juneau and Ketchikan are eligible to harvest deer in GMU 4 under federal subsistence regulations. The current federal deer season for this area is August 1 – January 31 with a bag limit of six deer (bucks only August 1 – September 14). The current state season is August 1 to December 31 with a bag limit of six deer for Alaska residents (bucks only August 1 – September 14) and two bucks for non-residents. In 2019, the Alaska Board of Game (BOG) increased the state deer bag limit in GMU 4 from four to six deer because there is such an abundant population of deer within this GMU. In 2023, the BOG decreased the bag limit for non-resident deer hunters in GMU 4 from six deer to two bucks. This was done not because of conservation concerns, but to more accurately reflect actual use patterns of non-resident hunters, and to mitigate perceived competition between non-resident and resident hunters.

These comments analyze indices of deer abundance, deer hunter participation and effort, and deer harvest in GMU 4. Deer abundance trends are derived from annual deer pellet group transects, aerial alpine surveys, and spring mortality surveys. Hunter effort and harvest data are derived from the annual deer hunter survey (1997 – 2010), and mandatory deer harvest ticket reports (2011 – present). Collectively, these data gathered by ADF&G are the only annually collected, objective, and quantitative information on deer abundance, hunter participation and effort, and harvest available for Southeast Alaska.

Analysis

GMU 4-Wide Deer Population Status

Because monitoring deer abundance in forested habitat is challenging, deer cannot be directly counted like species in more open habitat ADF&G uses several types of survey data to monitor trends in the population. Since the 1980's ADF&G has used spring pellet group counts to monitor broad (≥30%) changes in deer abundance. ADF&G discontinued pellet surveys in Southeast Alaska after 2019, but historical survey results show that GMU 4 consistently had the highest pellet group counts in Southeast Alaska (Figure 2). Pellet group counts <1.0 groups/plot generally correspond to low density populations, 1.0 – 1.99 groups/plot to moderately dense populations and >2.0 groups/plot correspond to high density populations. Pellet group counts in GMU 4 are usually well above the high-density threshold and are often double the counts in other GMUs. This broad index of deer abundance suggests that the GMU 4 population remains at high levels with no indicators of depleted populations or conservation concerns. Pellet group surveys have not been conducted in the proposal area since the mid-1990s. The most recent surveys closest to the proposal area were in Port Althorp in 2001 (1.81 groups/plot).

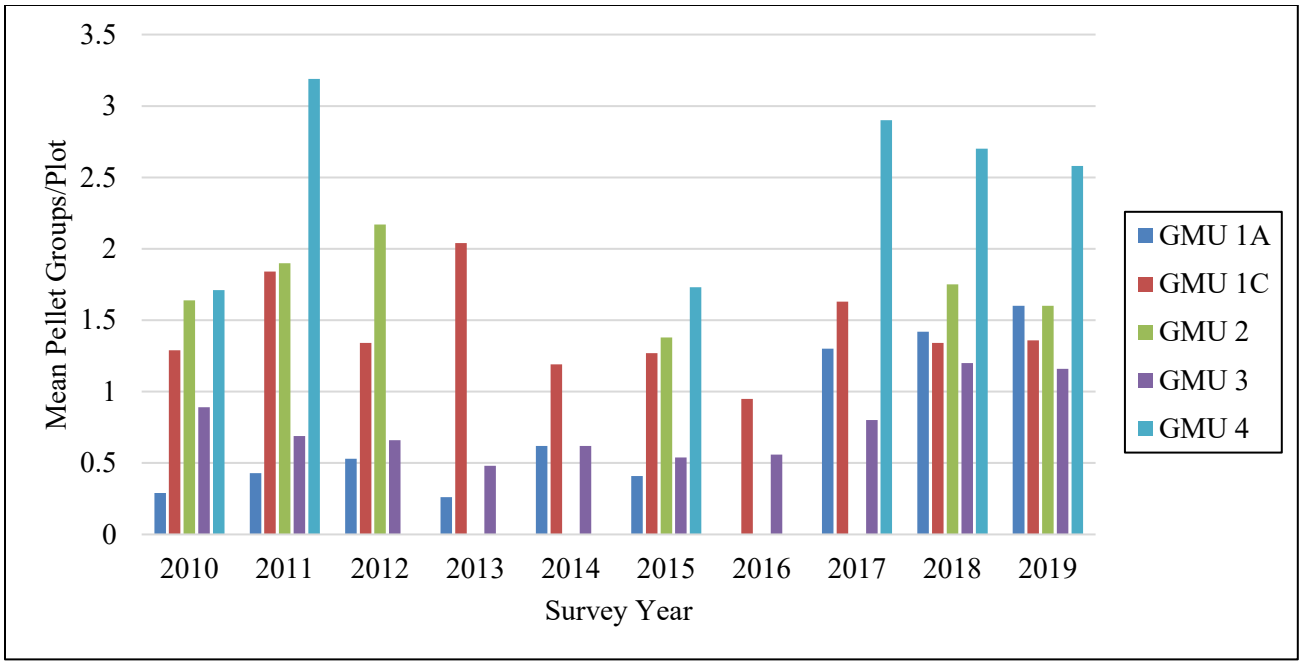

Figure 2. Mean number of deer pellet groups/plot for Southeast Alaska by GMU, 2010 – 2019.

In 2013, ADF&G began evaluating mid-summer aerial counts of deer in alpine habitats as an index of deer abundance. Surveys were conducted for two locations in GMU 4, Southern Admiralty Island (2015 – 2017) and Northeast Chichagof Island (2017-2018). The findings of those surveys were summarized as deer counted per hour of survey time (Figure 3).

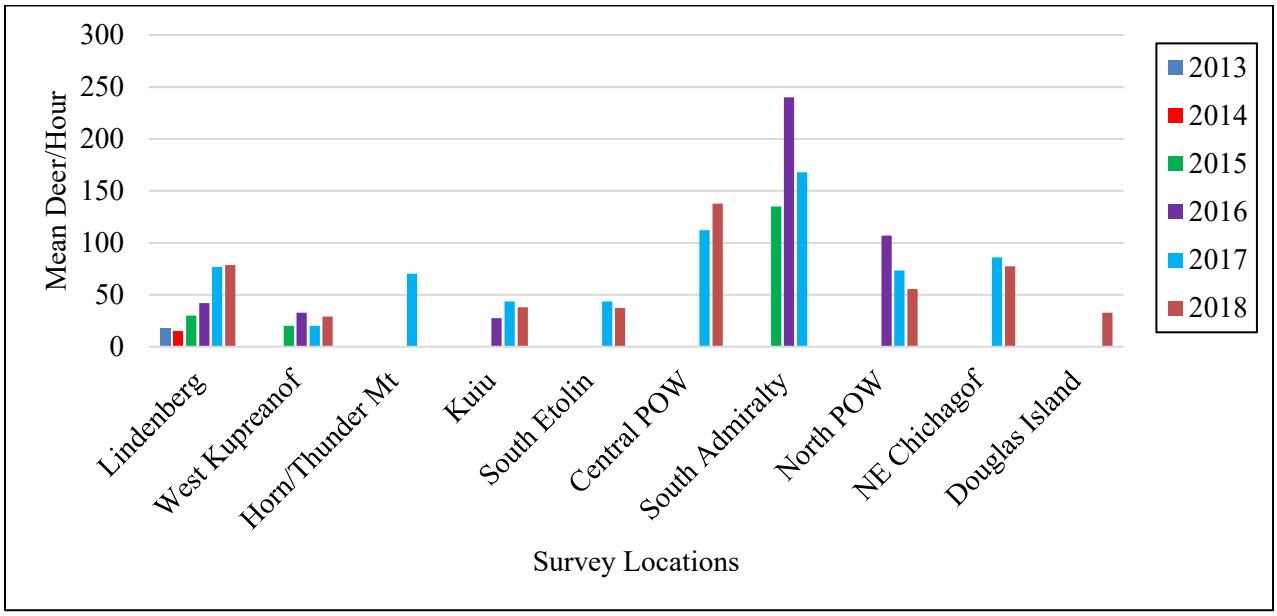

Figure 3. Mean number of deer counted per hour during mid-summer aerial alpine deer surveys in Southeast Alaska, 2013 – 2018.

In August 2023 ADF&G conducted a minimum count aerial survey of alpine habitat in the Pelican/Lisianski area on two successive evenings. The survey area included alpine habitat south of Lisianski Inlet and east of Lisianski Strait and Stag Bay to Whitestripe mountain as well as

alpine habitat north of Lisianski Inlet to Idaho Inlet (Figure 4). A relatively large proportion of the alpine area surveyed was marginal deer habitat composed of extremely steep and rocky terrain. In addition, survey conditions were good but not ideal with sun glare and deep shadows inhibiting observation at times. Despite the challenges, 81 deer/hour of survey time were spotted, indicating that deer were abundant in the survey area, particularly so in high quality habitat.

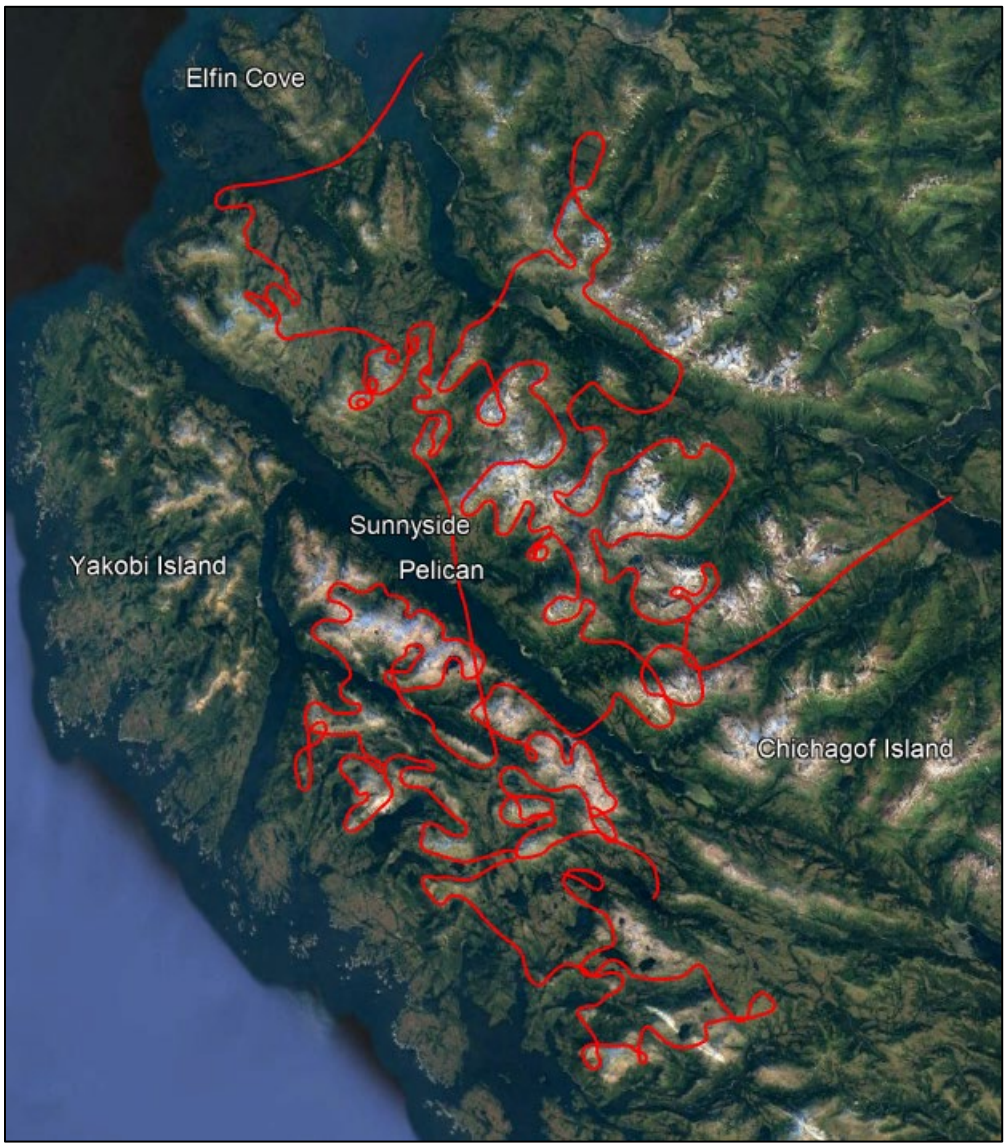

Figure 4. August 21-22, 2023 aerial alpine deer survey route.

ADF&G biologists in GMU 4 began conducting late winter beach mortality transects in the early 1990s. These surveys are an indicator of mortality resulting from severe winter conditions, which is the most limiting factor for Sitka black-tailed deer populations in GMU 4. In addition to the total count of carcasses per mile, the proportion of buck, doe and fawn mortalities also indicates winter severity. Usually fawns die first, followed by adult males and then adult females. The winter of 2006/2007 was the most severe on record, and in some parts of GMU 4 managers estimated up to 75% of deer died. Note the high number of carcasses found during spring 2007 surveys (Figure 5). In the years since then, few carcasses were found indicating high over-winter

survival and no significant population declines related to winter severity. Due to early and deep snow accumulations during December 2021, and in response to federal proposals to limit hunting by NFQU, in spring 2022 ADF&G made a concerted effort to conduct mortality surveys throughout GMU 4. Two surveys were conducted near the proposal area (Port Althorp and Stag Bay). Biologists counted zero mortalities on these surveys, lower than the overall GMU 4 count. Survey results for 2023 were among the lowest on record with 0.08 mortalities/mile. ADF&G biologists observed high numbers of deer including a high percentage of short yearlings during spring 2023 body condition surveys, which corroborated high overwinter survival.

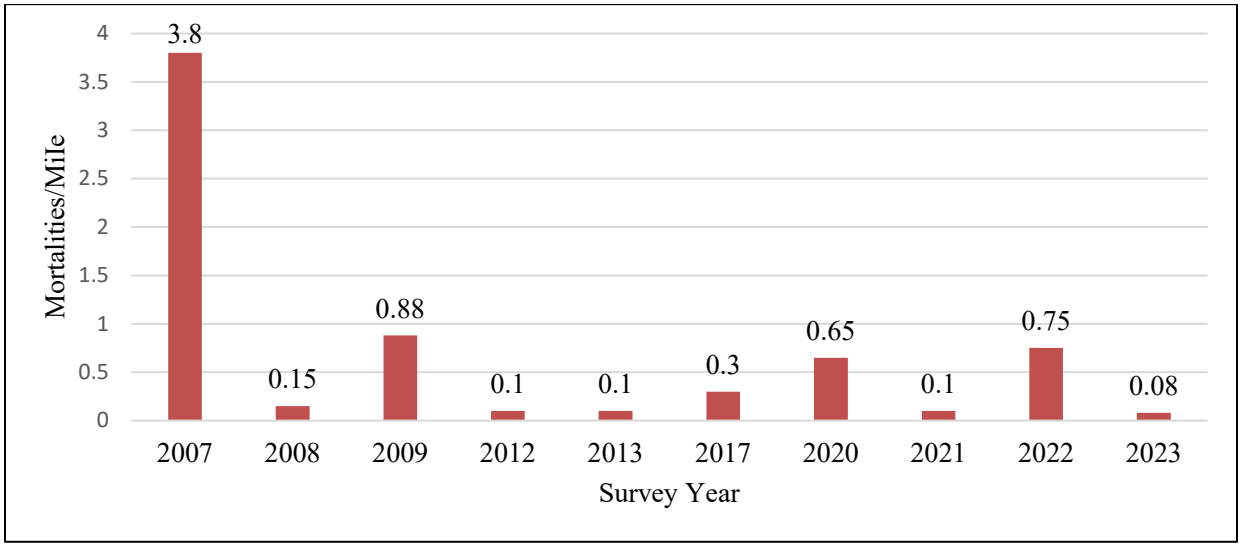

Figure 5. Mean number of winter-killed deer per mile of beach surveyed in GMU 4, 2007-2023.

Taken together, these indices of deer abundance (pellet surveys, alpine counts, mortality transects) indicate that the GMU 4 deer population is high and stable. None of these indices suggests a decline in deer abundance or a conservation concern for the GMU 4 population. Based on observations of browsing levels, ADF&G biologists think deer populations in some areas of GMU 4 may be at or near carrying capacity and plan to recommend hunters include does in their Unit 4 bag limit for RY23.

Trends in GMU 4 Hunter Effort and Harvest

ADF&G biologists also use harvest as an indicator of trends in the deer population. Harvest data allow ADF&G to monitor harvest by specific communities and by geographic units known as Wildlife Analysis Areas (WAAs). ADF&G estimates hunter effort and harvest using information provided by hunters including hunters from Pelican. To hunt deer in Southeast Alaska all hunters must obtain harvest tickets. Prior to 2011, ADF&G mailed survey forms to one third of the hunters in each community who obtained harvest tickets. Since 2011, harvest tickets have come with a mandatory reporting requirement. People who obtain harvest tickets are required to report whether they (or a proxy or federal designated hunter) hunted or not. Those who did hunt are required to report where they hunted, days of hunting effort, and information about the deer they harvested.

From 1997 – 2022 the estimated average annual harvest in GMU 4 has been 5,605 deer taken by 3,253 hunters (Figure 6). GMU 4 supports the highest deer harvest in the state with harvest

remaining stable between 5,000 – 7,000 deer annually. The exception being the severe winter of 2006/2007 when high harvest was followed by a significant over-winter mortality of deer throughout GMU 4. This resulted in a precipitous decline in harvest from 7,734 deer in RY06 to 1,933 deer in RY07. Based on harvest and other indicators of deer abundance, managers believe the GMU 4 deer population had fully recovered by the 2013 season.

More recently, hunter participation and harvest data reported to ADF&G for RY22 (fall 2022) indicated substantial declines in both the number of hunters and deer harvested in GMU 4. When fewer people hunt, fewer deer are harvested, but the decline in the number of people who obtained harvest tickets and reported hunting in GMU 4 was unexpected, particularly when deer remain abundant.

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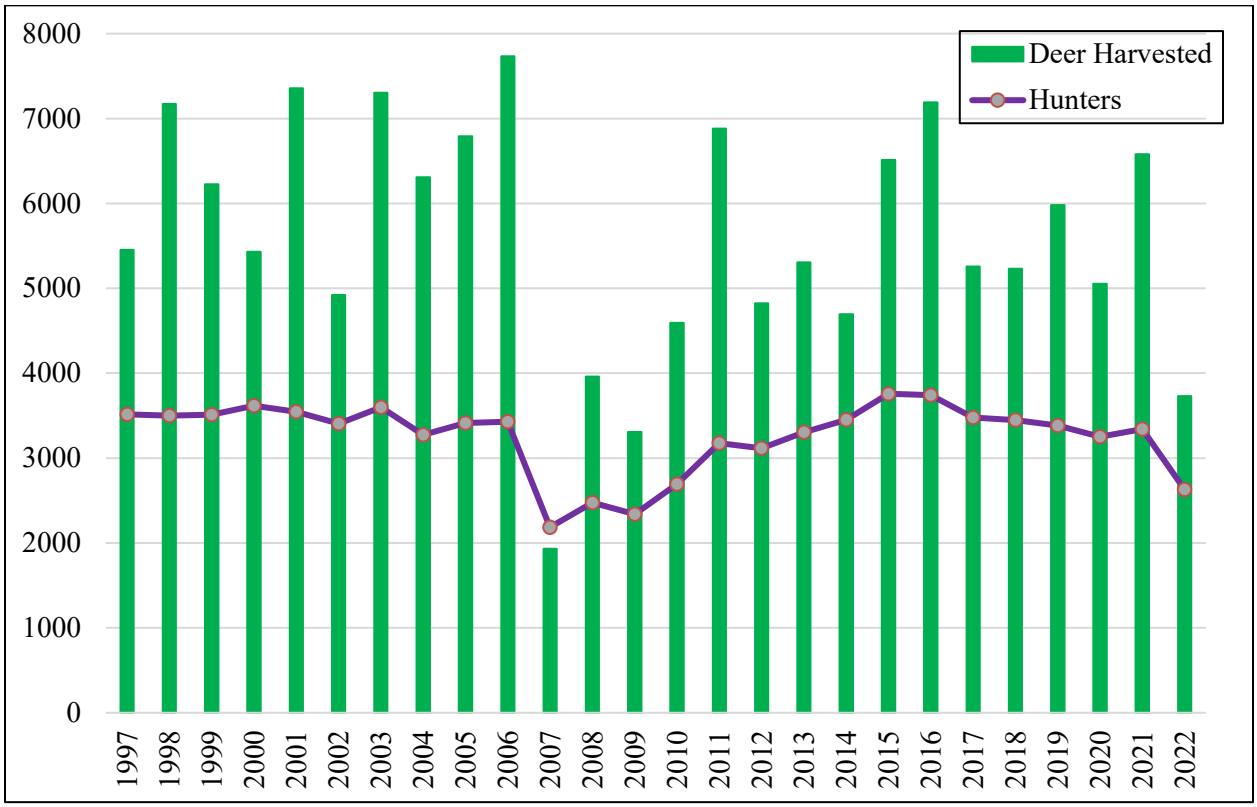

Figure 6. Number of people hunting deer and estimated deer harvest for GMU 4, RY97 – RY22.

Trends in Hunting Effort and Harvest for Pelican Residents

The proposal asserts that Pelican residents are experiencing difficulty meeting their subsistence needs for several reasons, including competition and user conflict with NFQUs. Although the proposal targets the Lisianski area specifically, any deer taken by Pelican residents would be considered part of their subsistence take, so we analyzed total GMU 4 harvest by Pelican residents and harvest within the proposal (analysis) area indicated in Figure 1.

As noted above, the winter of 2006-07 was the most severe on record with high deer mortality in GMU 4. The years following that winter saw sharp declines in hunter effort and deer harvest followed by gradual recovery with full recovery by RY13. The period following the winter of

2006-07 also appears to have coincided with long-term changes in participation, effort, and harvest by Pelican deer hunters. We use two 10-year comparison periods before and after the record winter of 2006-07 to illustrate those changes. The first period is from RY97 to RY06, and the second period is from RY13 to RY22.

Reports by Pelican hunters indicate a declining trend in harvest for Pelican residents (Figure 7). From RY97 to RY06 Pelican residents harvested an average of 91 deer annually in GMU 4. Harvest declined to 20 deer in RY07 as a result of the severe winter of 2006/2007. Since 2013, when ADF&G considered the deer population fully recovered, harvest has averaged 57 deer annually, a 37% decline from the earlier period.

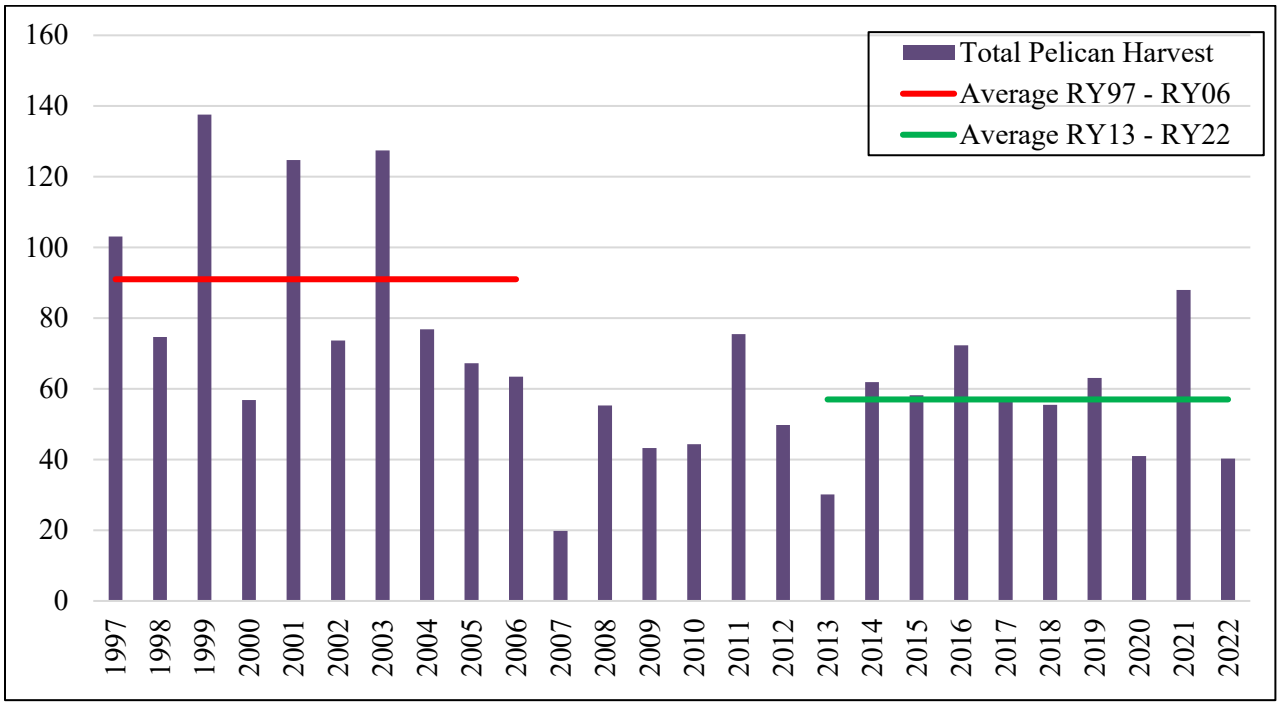

Figure 7. Total number deer harvested in GMU 4 by Pelican residents, RY97 – RY22.

To evaluate potential reasons for the decline in deer harvest we examined trends in the number of Pelican hunters and days of hunting effort by those hunters. Since 1997, the number of Pelican hunters has declined (Figure 8). From RY97 to RY06 an average of 34 (range 20 – 49) hunters participated each season. Since RY13 an average of only 22 (range 13 – 27) Pelican residents have hunted deer annually, a 35% decline from the comparison period.

The number of Pelican residents who obtained harvest tickets corroborates the decline in Pelican residents who reported hunting deer. To hunt deer or have someone hunt deer for you under the State proxy or the federal designated hunter programs, individuals are required to obtain harvest tickets. In Pelican there has been a declining trend in the number of residents who have obtained deer harvest tickets (Figure 9). From RY97 to RY06, an average of 50 Pelican residents obtained deer harvest tickets with a high of 61 in RY98. Since RY13, that number has dropped to an average of 35 individuals with as few as 19 in RY13, a 30% decline. The declining number of Pelican hunters is not surprising given that US Census data indicate the population of Pelican has declined by 40% since the year 2000.

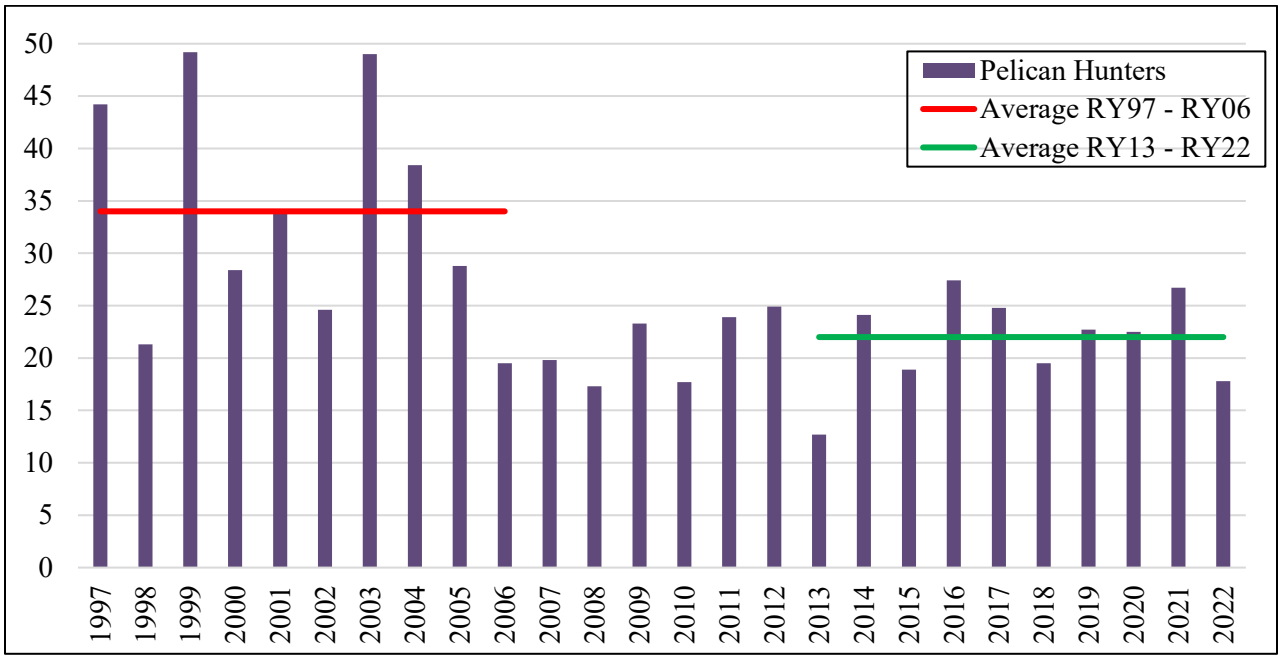

Figure 8. Number of Pelican residents who reported hunting deer in GMU 4, RY97 – RY21.

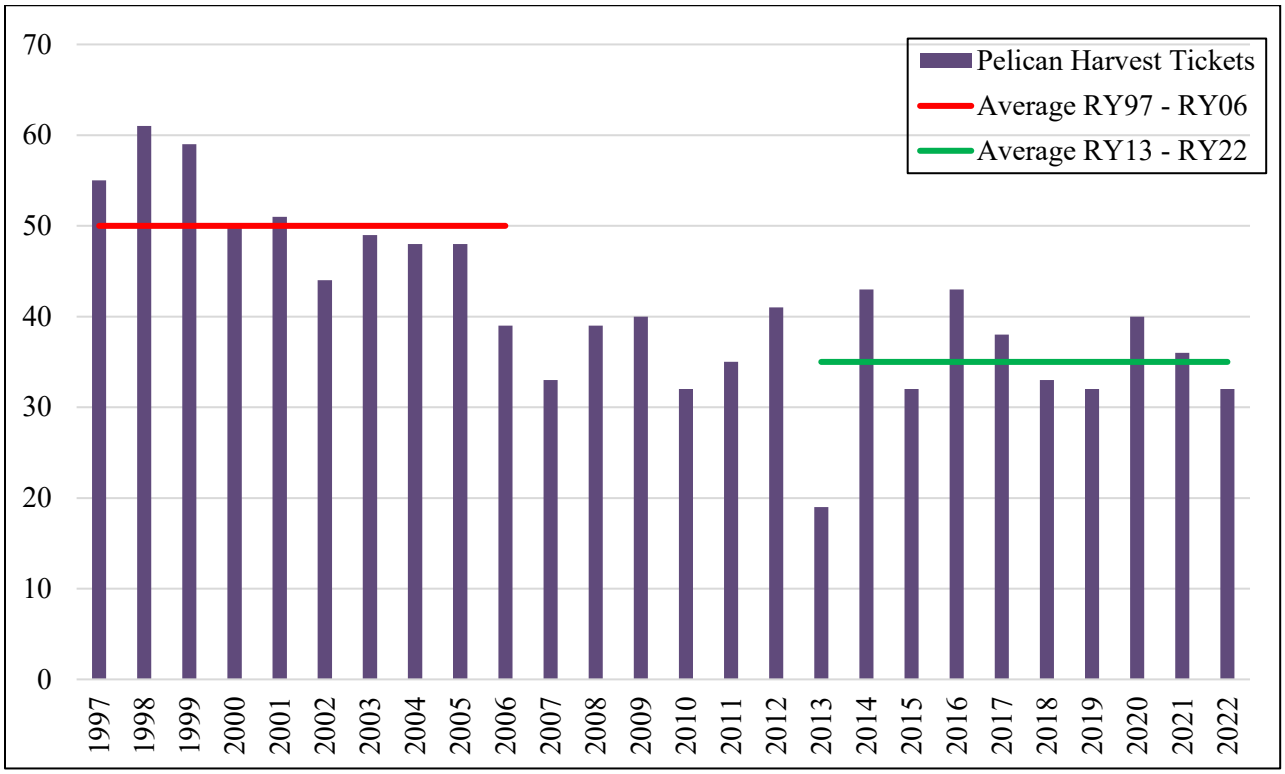

Figure 9. Total number of Pelican residents who obtained deer harvest tickets, RY97 – RY22.

The decline in the number of Pelican residents hunting deer doesn't fully explain the decline in deer harvest, so we also examined hunting effort. From RY97 to RY06 Pelican residents reported hunting an average of 150 days annually or 4.4 days per hunter. Since RY13, Pelican hunters

report spending only 71 days afield each year or 3.2 days per hunter (Figure 10). This is a 53% decline in the number of days of hunting effort by Pelican residents. Continued high abundance of deer along with hunter participation and effort data reported to ADF&G by Pelican residents clearly indicate that the decline in the Pelican's deer harvest is a function of fewer hunters expending less effort.

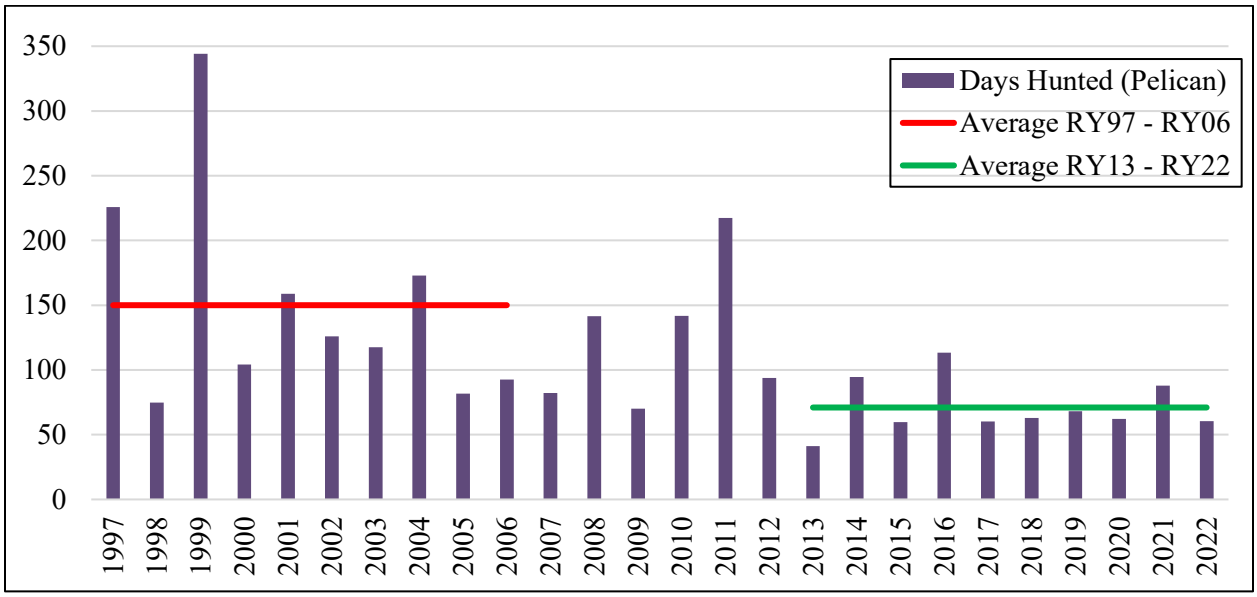

Figure 10. Days hunted by Pelican residents in GMU 4, RY97 – RY21.

Trends in Pelican Hunter Efficiency

Hunter efficiency, or the days of hunting effort required to harvest one deer is another indicator of the ability of hunters to meet their subsistence needs. Long-term trends indicate that Pelican residents have been very effective at harvesting deer. That has not changed. Between RY97 and RY06, Pelican residents required 1.6 days of hunting effort for every deer harvested. Since RY13, Pelican residents have reported needing only 1.3 days of effort for every deer. By their own reports Pelican hunter efficiency has actually improved over the last decade, and Pelican residents in general are experiencing extremely efficient deer hunting. If competition was resulting in reduced hunting success, we would expect to see an increase in the days of effort required for Pelican hunters to harvest a deer and a corresponding increase in the number of non-Pelican hunters but reports from Pelican hunters show the opposite to be true.

Compared to deer hunter effort required to harvest a deer in other GMUs, Pelican residents are extremely efficient. For comparison, hunters on Prince of Wales Island (GMU 2) average 4.1 days of hunting effort per deer harvested. Cordova (GMU 6D) averages 2.9 days/deer. Kodiak (GMU 8) averages 3.7 days/deer, GMU 1A (Ketchikan area) averages 4.6 days/deer, GMU 3 (Petersburg/Wrangell) averages 5.9 days/deer, and in GMU 1C (Juneau area) hunters average 7.9 days/deer (ADF&G 2013 – 2022). The average effort across GMU 4 required to harvest one deer is 2.4 days. The effort required by Pelican residents to harvest one deer in GMU 4 is lower than anywhere Alaska (Figure 11).

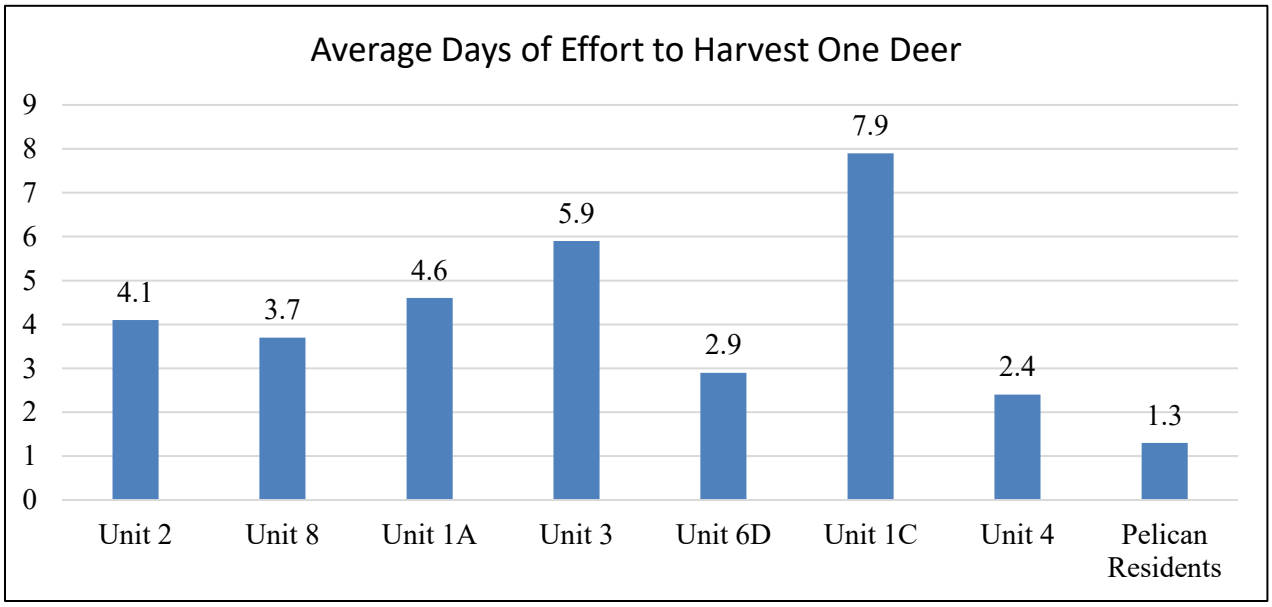

Figure 11. Average hunting days required to harvest one deer in Southeast Alaska, RY13-RY22.

While deer harvest by Pelican residents has declined, abundance indices indicate that the deer population is at high levels and hunter efficiency is high and as good or better than it has been historically. This indicates that declining harvest by Pelican deer hunters is a

Pelican Hunter Harvest in the Analysis Area (WAAs 3417, 3418, 3419, and 3421)

We examined hunter effort and harvest for the proposal area to quantify potential effects of competition and the importance of the proposal area for meeting the subsistence needs of Pelican residents. Because we believe it is unlikely that Pelican residents differentiate between NFQUs and FQUs from other communities (i.e., residents of Sitka, Hoonah, Gustavus, etc.) we separately summarized data for non-Pelican FQUs. Those hunters would not be affected by the current proposal.

WAAs are the smallest geographic unit available for data analysis. The proposal area intersects four WAAs but does not correspond to WAA boundaries. Therefore, our analysis area depicted in Figure 1 is larger than the proposal area and includes WAAs 3417, 3418, 3419, and 3421.

Our analysis shows that the analysis area is highly important to residents of Pelican for meeting their subsistence deer needs. However, both the number and proportion of Pelican residents who hunt deer in the analysis area and elsewhere in GMU 4 have declined. Between RY97 and RY06 an average of 32 Pelican hunters reported hunting in the analysis area each year, and from RY13 to RY22 an average of only 17 Pelican hunters reported hunting in this area, a nearly 50% decline. From RY97 to RY06, 94% of Pelican residents who hunted deer in GMU 4 hunted in the analysis area. From RY13 to RY22 that proportion declined to 77%.

Over the last 25 years, about 75% of Pelican's total GMU 4 deer harvest has come from the analysis area, but harvest patterns reported by Pelican residents have also changed. From RY97 to RY06 the analysis area accounted for 82% of Pelican's total GMU 4 harvest. Since RY13, that

proportion has declined to only 60% of Pelican's GMU 4 deer harvest. Fewer Pelican residents report hunting deer in the analysis area, a lower proportion of Pelican deer hunters report hunting in the analysis area, and the proportion of Pelican hunter's total deer harvest from the analysis area has declined by 22%.

Any NFQU or FQU hunting deer in the Pelican area who does not live in that community is likely perceived as competing with Pelican hunters. The number of NFQUs hunting in the analysis area has remained fairly stable between the RY97 – RY06 and RY13 – RY22 comparison periods with annual averages of 54 and 58 hunters, respectively (Figure 12). The average number of non-Pelican FQUs hunting within the analysis area declined by 40% between the comparison periods (from 72 to 43) (Figure 13). Between the two comparison periods the average number of non-Pelican deer hunters hunting in the analysis area has declined from 126 to 101 and the number of Pelican residents from 34 to 22 for an overall average decline of 37 hunters or 23% in the analysis area.

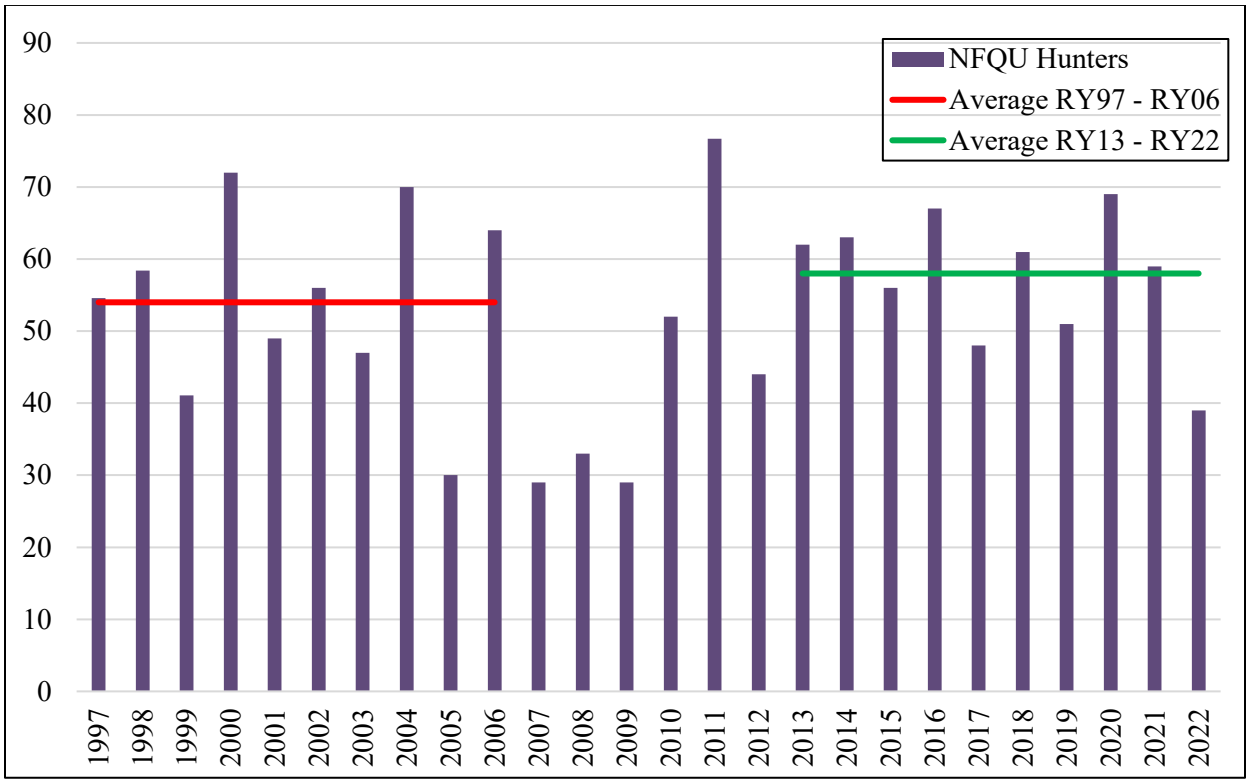

Figure 12. Number of NFQUs who reported hunting deer within the analysis area, RY97 – RY22.

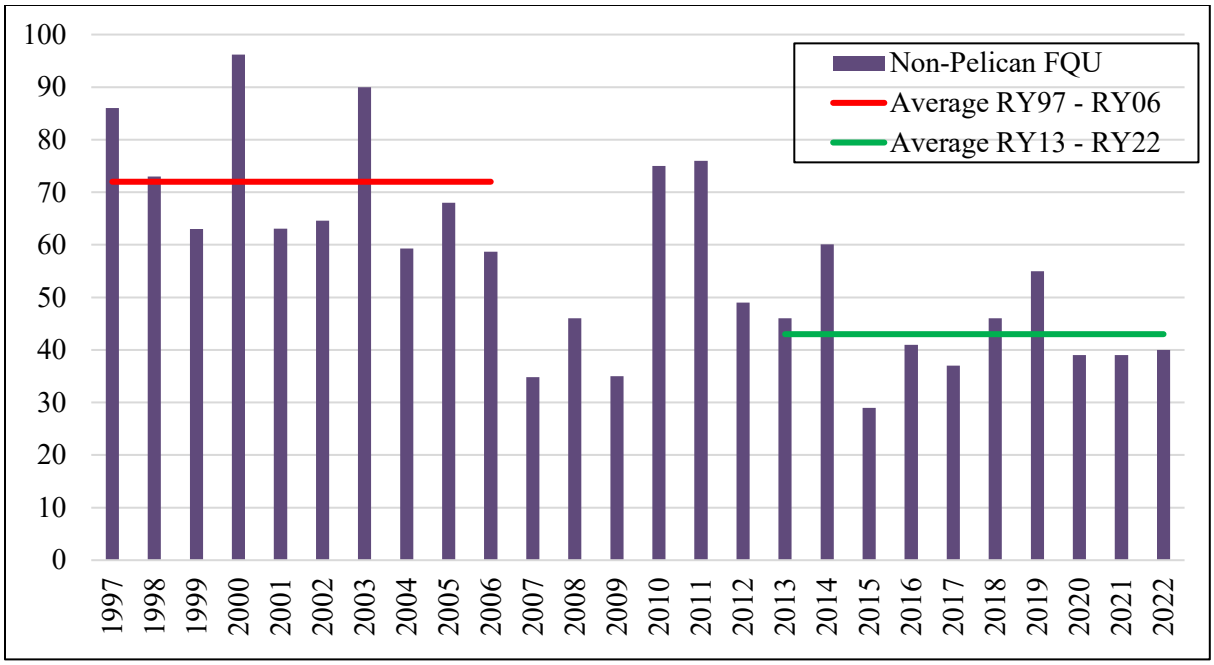

Figure 13. Number of non-Pelican FQUs who reported hunting deer within the analysis area, RY97 – RY22

Days of hunting effort by hunters living outside of Pelican has also declined. Although there has been a slight upward trend in the number of NFQUs hunting in the analysis area (~7%), the number of hunter days by this user group has declined from an average of 304 days of hunting effort (5.6 days/hunter) during RY97-RY06 to an average of 267 days of hunting (4.6 days/hunter) during RY13 – RY22 (Figure 14). Between the comparison periods, total days of hunting effort by FQUs residing outside Pelican also declined from an average of 240 days hunted (3.3 days/hunter) to 175 days hunted (4.1 days/hunter) (Figure 15). Between the comparison periods the days of hunting effort in the analysis area by all hunters residing outside of Pelican declined by 19%.

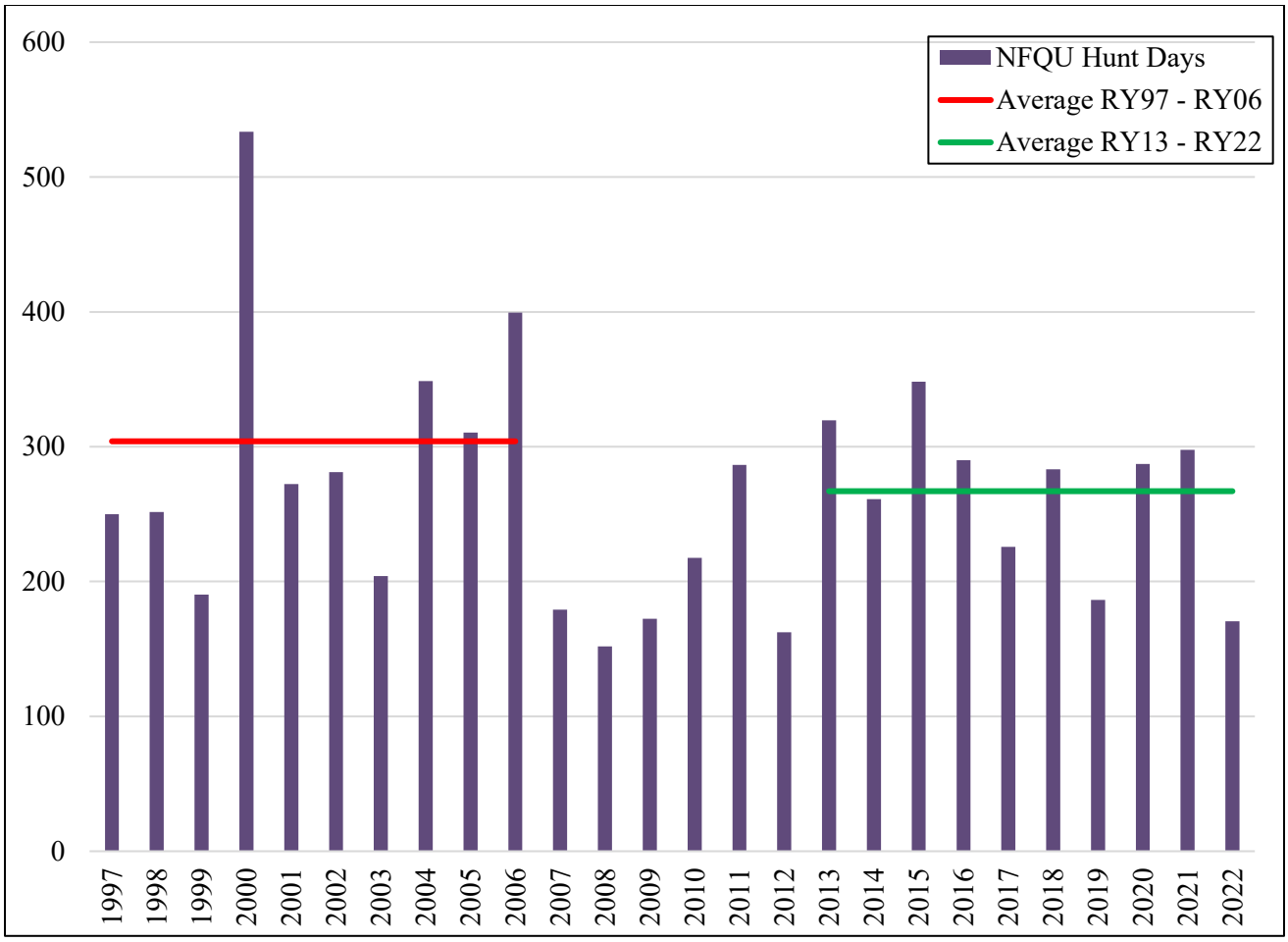

Figure 14. Number of NFQU hunt days within the analysis area, RY97 – RY22.

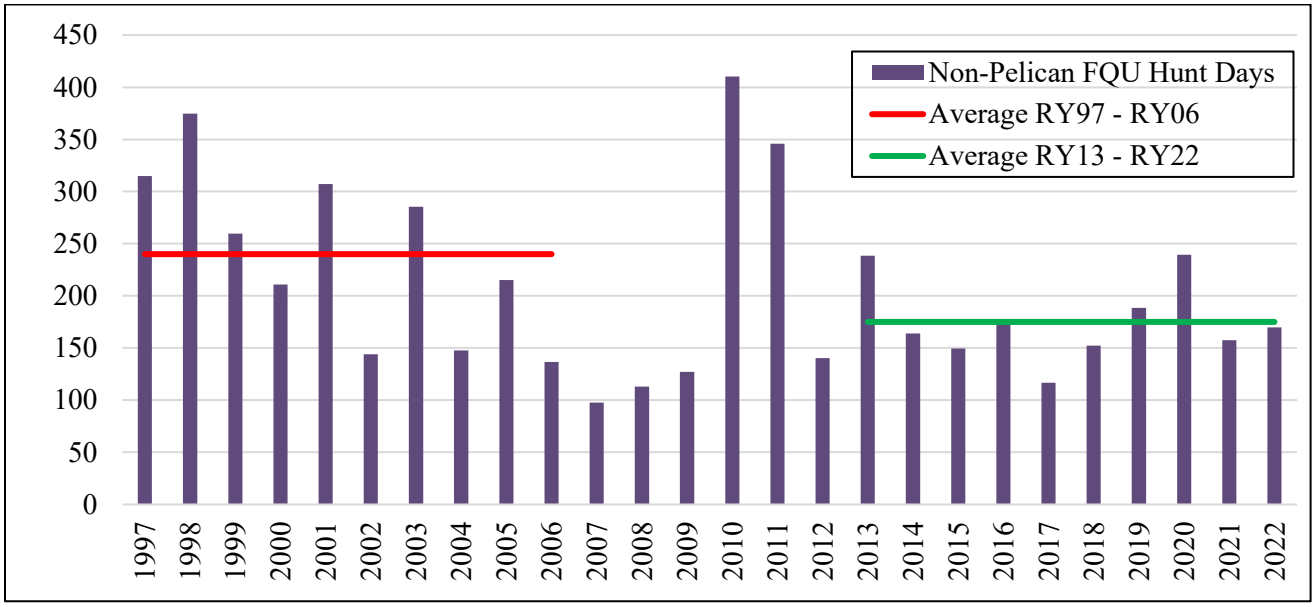

Figure 15. Number of non-Pelican FQU hunt days in the analysis area, RY97 – RY22.

Next, we looked at hunter efficiency (the days of hunting effort required to harvest one deer) for Pelican deer hunters within the analysis area to see if we could quantify any declines in efficiency that could be related to competition from NFQU hunters. From RY97 to RY06, Pelican hunters hunted for an average of 133 days to harvest an average of 75 deer, or 1.8 days/deer. Since RY13 Pelican hunters reported hunting for an average of 40 days per year to harvest an average of 34 deer, or 1.2 days/deer. By their own reports, Pelican hunter efficiency has actually improved over the last decade. If competition was resulting in reduced hunting success, we would expect to see declining hunting efficiency and a corresponding increase in the number of non-Pelican hunters. Instead, Pelican residents report extremely efficient hunting while the number of non-Pelican-based hunters has been stable and days of hunting effort by that group is declining.

Hunt Chronology

Mid-October through early December is the most popular time for all hunters to pursue deer in GMU 4. Deer activity coinciding with the rut as well as winter snows that push deer to beaches make for more successful hunting than earlier in the season. For all hunters in GMU 4 from RY13 to RY22, November accounted for 40% of the hunters, 50% of the hunt days, and 44% of the harvest. Hunters report hunting effort and harvest by month, so data can only be summarized by month (Table 1).

Table 1. GMU 4 deer hunting chronology of harvest and effort for all hunters as both numbers and percentage of total, RY13 – RY22.

	Hunters	%	Days Hunted	%	Deer Harvested	%
August	3,907	8	7,339	6	3,054	6
September	4,133	9	8,658	7	3,939	8
October	7,573	16	17,375	14	7,038	14
November	18,667	40	59,428	50	22,865	44
December	10,041	22	23,727	20	12,039	23
January	1,901	4	3,439	3	2,561	5
Total	**46,222**		**119,966**		**51,496**	

We analyzed hunt chronology for only Pelican residents to determine the importance of the November 1 – 15 period for meeting their subsistence needs. Indeed, November is an important month for hunting by Pelican residents, with numbers very similar to GMU 4 as a whole. November accounts for 44% of the hunters, 49% of the hunter days, and 47% of the harvest for Pelican residents. Because our harvest statistics are only compiled by month, we are unable to break out the Nov. 1 – 15 period, though a logical assumption would be that it accounts for roughly one-half of the November activity (Table 2).

Table 2. GMU 4 deer hunting chronology of harvest and effort for Pelican residents as both numbers and percentage of total, RY13 – RY22.

	Hunters	%	Days Hunted	%	Deer Harvested	%
August	8	2	22	3	7	1
September	30	8	66	9	32	5
October	59	17	133	19	78	14
November	154	44	347	49	265	47
December	96	27	137	19	176	31
January	7	2	7	1	11	2
Total	**354**		**712**		**569**	

Background Summary

We presented ADF&G's deer abundance survey data and deer hunting effort and harvest data provided to ADF&G by GMU 4 hunters including Pelican residents. To gage changes in measures of hunter effort and harvest we compared the decade prior to the severe winter of 2006-07 with the decade since 2013 when the deer population was considered recovered. Those comparisons support the following conclusions.

1. Deer remain abundant in the proposal area. Deer pellet group transects, aerial alpine surveys, and late winter mortality surveys all indicate that in GMU 4 deer occur at among the highest densities in the state. Consequently, there is no need to restrict take by NFQUs to either conserve the deer population or to ensure continued subsistence use of the deer population.
2. Although the number of NFQUs hunting deer in the analysis area has increased slightly (~7%), that increase is small and offset by a decline in use of this area by hunters from other federally qualified communities. Total hunting pressure in the area is light. In the last decade FQUs are expending considerably less effort, so total hunting pressure in the proposal area is declining. It is also likely that some of the NFQUs hunting in the proposal area are former Pelican residents who moved to Juneau for employment or other opportunities but return to hunt with and on behalf of relatives and friends in Pelican.
3. The average number of Pelican residents participating in deer hunting each year and the days of hunting effort by those hunters have declined. Between the two comparison periods the average number of Pelican residents who obtained deer harvest tickets declined by 30%, reported hunting declined by 35%, and **the days of hunting effort reported by Pelican residents declined by 53%**. That dramatic decline in hunting effort is the reason deer harvest by Pelican residents has declined, not competition from NFQU hunters.
4. The days of hunting effort Pelican hunters require to harvest one deer remains very low at 1.2 days of hunting per deer harvested. The proposal emphasizes that subsistence hunters need to be efficient, and this is among the most efficient hunting anywhere in Alaska.

Impact on Subsistence Users

The proposed Nov. 1 - 15 closure would reduce the already very low level of competition

between Pelican residents and NFQUs in the closure area. However, NFQUs would still be able to hunt adjacent state-owned tidelands and nonfederal uplands. The proposed closure will not reduce competition between Pelican residents and FQUs from other Southeast communities. If any NFQUs excluded from hunting during the proposed closure have ties to Pelican 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 Pelican residents.

Impact on Other Users

Opportunity for NFQU to harvest deer on federal public lands within the proposed closure area would be reduced. Since RY13 an average of 58 NFQUs have harvested 97 deer annually in the analysis area. Applying the percentage of GMU 4 hunters who hunt during November, we estimate that on average the proposed closure would prevent 12 NFQU hunters from harvesting 21 deer annually within the analysis area during Nov. 1 – Nov. 15. Some NFQU hunters are likely former residents of Pelican who moved to federally designated non-rural areas for economic, health, or education reasons but return to Pelican to hunt and partake in their traditional subsistence practices.

Opportunity Provided by State

The season and bag limits for deer in GMU 4 *Remainder* including the Lisianski are:

	Bag Limit	**Open Season**
Residents	Six deer (bucks only to September 14)	August 1 – December 31
Non-Residents	Two bucks	August 1 – December 31

State customary and traditional use findings: The Alaska Board of Game has made a positive customary and traditional use finding for deer in GMU 4.

Amounts Reasonably Necessary for Subsistence (ANS): 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 board 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 deer in GMU 4 is 5,200 – 6,000 deer. The ANS was established in 1992.

Conservation Issues

There are no conservation issues for the deer population in GMU 4. Following a decade of mild winters, the available population indices suggest the GMU 4 deer population remains high and stable. In fact, managers in GMU 4 will be encouraging hunters to include does as part of their RY23 bag limit as deer populations may be at or near carrying capacity in some watersheds. Deer harvest remains within the historical range and state ANS is met in most years. Population

indices and measures of hunter effort and success indicate that GMU 4 has the highest population of deer and highest hunting success of anywhere in the state.

Based on the information provided to ADF&G by GMU 4 deer hunters, population indices, anecdotal reports by local hunters and field observations by management biologists we conclude that there is no conservation concern for the GMU 4 deer population. The proponent also conceded that there is no conservation concern for GMU 4 deer at the January 2023 Federal Subsistence Board meeting.

Enforcement Issues

Passage of this proposal will create increasingly complex regulations for NFQUs. Enforcement will be challenging because NFQUs will remain eligible to hunt deer on state-owned tidelands, lands below the line of mean high tide and on nonfederal uplands. The tideline is not marked, so NFQUs and enforcement officers will have difficulty determining when deer are harvested above or below that line of mean high tide. Further, brown bear season will still be open in the proposal area making it difficult for enforcement to tell which species hunters are targeting. Since Pelican residents may not be able to differentiate between NFQUs and non-local FQUs, reports to law enforcement of NFQUs hunting in the proposal area may be in error.