

Alaska Department of Fish and Game Comments

Wildlife Closure WCR26-02

This is a review of the current federal closure for moose hunting by non-federally qualified users (NFQU) in Game Management Unit (GMU) 5A west and east of the Dangerous River, except Nunatak Bench, from October 8-21 for users who live outside GMU 5A.

Position

The Alaska Department of Fish & Game (ADF&G) **SUPPORTS** the OSM modification to rescind the closure in GMU 5A East. The harvest objective has rarely been met in this area and ADF&G has a management strategy in place to prevent any conservation concerns from occurring. This area is where both state and federal regulators have been changed to provide more opportunity to harvest moose as the number of moose harvested is often well below the quota.

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."

Background

In 1996 the Federal Subsistence Board (FSB) lengthened the federal moose hunting season in GMU 5A by allowing it to open one week earlier than the state season. Although the concurrent seasons had been managed under the state's registration permit system, the new "early hunt" was administered under a separate federal registration permit issued by the U.S. Forest Service (USFS) and the National Park Service (NPS) and prohibited hunting on federal public lands except by residents of GMU 5A from October 8–21. Around the same time, a section of Sealaska Corporation lands near Yakutat (locally known as "the nine townships") were managed under state authority. State management of these lands allowed moose hunting opportunities for hunters residing outside GMU 5A during the state season, which opened on October 15. This arrangement also dispersed moose hunting effort on the west side of the Dangerous River during the federal season.

Just prior to the 2004 hunting season, ADF&G worked with the USFS to craft a joint state and federal permit that now serves as the only permit needed to hunt the Yakutat Forelands. Development of this joint permit made it possible for ADF&G to track all hunting effort and obtain necessary data for management of moose in this area.

In 2012, a land trade between Sealaska Corporation and the USFS resulted in the nine townships reverting to federal management, expanding moose hunting opportunity for federally qualified users (FQU) near Yakutat. That change also accelerated the rate of moose harvest with a few efficient federally designated hunters harvesting most of the available quota of 30 bull moose for themselves and their beneficiaries within 3-4 days of the season opening. To avoid exceeding the quota, state and federal staff closely monitored the harvest. However, from 2014-2016 some FQU hunters failed to report their harvest from west of the Dangerous River in a timely fashion resulting in harvests from that area that exceeded the desired quota. Concurrently, moose harvest in GMU 5A east of the Dangerous River was often well below the harvest quota.

To encourage more hunting effort east of the Dangerous River, in 2018 managers coordinated proposals to change state and federal GMU 5A moose hunting regulations to allow greater opportunity for hunting in GMU 5A east of the Dangerous River. Beginning in RY2019 all lands in GMU 5A east of the Dangerous River opened to all moose hunters on October 1, expanding opportunity for FQUs residing outside of GMU 5A and NFQUs in that area by 8 days.

Impact on Federally Qualified Users

If the portion of the closure covering GMU 5A East is rescinded, we do not anticipate an impact to FQUs.

Impact on Other Users

If the portion of the closure covering GMU 5A East is rescinded it would provide moose hunting opportunity for other users.

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 moose in Unit 5.

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 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 use 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 5 is 50 animals. The season and bag limit for moose in Unit 5A is:

<u>Unit/Area</u>	<u>Bag Limit</u>	<u>Open Season (RM061)</u>	
		<u>Resident^a</u>	<u>Nonresident</u>
<i>5A</i>	<i>One bull</i>	<i>Oct. 15–Nov. 15</i>	<i>Oct. 15–Nov. 15</i>
		<i>(Registration)</i>	<i>(Registration)</i>

^a Subsistence and General Hunts.

Conservation Issues

If the portion of the closure covering GMU 5A East is rescinded, there will be no conservation concerns as ADF&G's current regulatory strategy in place will prevent that from occurring. One of ADF&G's management objectives for moose in GMU 5A is to maintain a ratio of 25 bulls:100 cows. GMU 5A moose harvest is limited by a quota to 60 bulls, 30 west of the Dangerous River and 30 east of the Dangerous River. Moose hunting areas west of the Dangerous River are connected to the community of Yakutat by road. With greater access the quota is usually harvested in 3-5 days. ADF&G and federal biologists carefully monitor harvest so the hunt can be closed when the quota is reached. ADF&G's 1990 Moose Management Plan calls for a GMU 5A population of 850 moose with an annual harvest of 70 bulls. ADF&G can only conduct minimum counts for this population, not population estimates, but believe it is likely the GMU 5A population objective is being met.

Enforcement Issues

If the portion of the closure covering GMU 5A East is rescinded, it should alleviate enforcement issues for federal enforcement having to discern who is a FQU or NFQU.