

## WCR26–13/14/15 Executive Summary

<p><b>General Description</b></p>	<p>Wildlife closure review WCR26-13/14/15 is a standard review of Federal subsistence wildlife closures to moose hunting in Unit 22D.</p> <p>WCR26-13 reviews the closure in Unit 22D Kuzitrin to moose hunting, except by residents of Units 22C and 22D.</p> <p>WCR26-14 reviews the closure in Unit 22D SW to moose hunting, except by residents of Units 22C and 22D.</p> <p>WCR26-15 reviews the closure in Unit 22D remainder to moose hunting, except by federally qualified subsistence users.</p>
<p><b>Current Regulation</b></p>	<p style="text-align: center;"><b>Unit 22D—Moose</b></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&amp;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&amp;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&amp;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>

<b>WCR26–13/14/15 Executive Summary</b>	
<b>OSM Conclusion</b>	<b>Retain the status quo</b>
<b>Seward Peninsula Subsistence Regional Advisory Council Recommendation</b>	<b>Retain the status quo</b>
<b>Interagency Staff Committee Comments</b>	<b>See full comment at the end of this analysis.</b>
<b>ADF&amp;G Comments</b>	<b>Rescind the closures</b>
<b>Written Public Comments</b>	<b>None</b>

## **Wildlife Closure Review WCR26-13/14/15**

**ISSUE:** Wildlife closure review WCR26-13/14/15 is a standard review of Federal subsistence wildlife closures to moose hunting in Unit 22D. WCR26-13 reviews the closure in Unit 22D Kuzitrin to moose hunting, except by residents of Units 22C and 22D. WCR26-14 reviews the closure in Unit 22D SW to moose hunting, except by residents of Units 22C and 22D. WCR26-15 reviews the closure in Unit 22D remainder to moose hunting, except by federally qualified subsistence users (Please see **Map 1** in WP26-60). It is the Federal Subsistence Board's (Board) policy that Federal public lands should be reopened when closures are no longer necessary, and that closures will be reviewed at least once every four years. The purpose of this review is to determine if these closures are still warranted.

**Closure Location and Species:** Unit 22D– Moose

**WCR26-13:** Unit 22D, within the Kougarok, Kuzitrin, and Pilgrim River drainages (22D Kuzitrin)

**WCR26-14:** Unit 22D, west of the Tisuk River drainage and Canyon Creek (22D SW)

**WCR26-15:** Unit 22D, remainder (22D remainder)

**Closure Dates:** Year-round for all closures.

### **Current Federal Regulations**

Please see Regulations section of WP26-60.

### **Current State Regulations**

Please see Regulations section of WP26-60.

### **Regulatory Year Initiated:**

**WCR26-13/14:** 2002

**WCR26-15:** 2002; 2007–2019, closure rescinded; 2020, closure reestablished.

### **Closure last reviewed:**

**WCR26-13:** 2022 – WCR22-13

**WCR26-14:** 2022 – WCR22-14

**WCR26-15:** 2024 – WCR24-15

### **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...*

Section 816(b) of ANILCA states:

*Except as specifically provided otherwise by this section, nothing in this title is intended to enlarge or diminish the authority of the Secretary to designate areas where, and established periods when, no taking of fish and wildlife shall be permitted on the public lands for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population.*

Federal public lands were closed by the Federal Subsistence Board (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 Kuzitrin; 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.

Proposal WP02-35, a §804 analysis adopted by the Board, restricted harvest even further to residents living within some of these units. This proposal restricted participation in the Unit 22B West winter hunt to residents of Unit 22B West. The fall Unit 22D Kuzitrin hunt was restricted to residents of Unit 22D. Both the fall and winter hunts in Unit 22D SW were restricted to residents of Unit 22D. The Board felt restricting moose harvest on Federal public lands to a subset of federally qualified subsistence users would improve subsistence opportunities for those who depend upon moose the most.

By 2007 the moose population had recovered enough for the closure to be rescinded in Unit 22D remainder via adoption of Proposal WP07-38. However, in 2020 the moose population had once again declined and estimated annual harvest exceeded sustainable levels. The Board adopted Proposal WP20-40 to close the Federal public lands in Unit 22D remainder again to the harvest of moose except by federally qualified subsistence users to provide additional protection to ensure the long-term viability of this moose population.

### **Council Recommendation for Original Closure**

**WCR26-13/14/15:** 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.

**WCR26-15:** The Council voted unanimously to support WP20-40 in 2020, re-establishing the Federal lands closure to non-federally qualified users in Unit 22D remainder. The Council had submitted this proposal to protect the moose population in Unit 22D remainder by eliminating non-local harvest while still allowing harvest by federally qualified subsistence users in the region. The Council noted that all other subunits in Unit 22D were closed to non-federally qualified users at the time.

### **State Recommendation for Original Closure**

**WCR26-13/14/15:** The State supported a modification of WP02-34 to revise the moose season to Aug. 20 – Sep. 14, set the harvest limit to 1 antlered bull by State registration permit and restrict the harvest to only federally qualified subsistence users. It also supported the conclusions of the Section 804 analysis to give a priority to rural residents of Unit 22D and 22C to hunt moose in the Kougarok, Kuzitrin, and Pilgrim River drainages and in Unit 22D SW.

**WCR26-15:** The State opposed Proposal WP20-40 as they believed action adopted by the Board of Game (BOG) (Proposals 33 and 35) would be sufficient to protect the moose population in Unit 22D remainder. They felt less drastic steps (like changing the harvest limit from one moose to one bull) would be appropriate to protect the moose population and did not think a total closure was necessary. Harvest records indicated that federally qualified subsistence users harvested most moose from this hunt area and the State didn't believe the closure was necessary to provide for subsistence uses.

### **Extent of Federal Public Lands**

Unit 22D is comprised of approximately 23% Federal public lands and consists of 12% Bureau of Land Management (BLM) lands and 11% National Park Service (NPS) managed lands.

Unit 22D Kuzitrin is comprised of approximately 47% Federal public lands and consists of 28% NPS and 19% BLM managed lands. Unit 22D SW is comprised of approximately 11% Federal public lands, all of which are BLM managed lands. Unit 22D remainder is comprised of approximately 8% Federal public lands, all of which are 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 WP26-60.

### **Biological Background**

Please see Biological Background section in WP26-60.

### **Cultural Knowledge and Traditional Practices**

Please see Cultural Knowledge and Traditional Practices section in WP26-60.

### **Harvest History**

Please see Harvest History section of WP26-60.

### **Effects and Discussion**

If these closures are rescinded, all users would be able to harvest moose on Federal public lands within Unit 22D in all seasons. However, nonresident seasons are currently closed under State regulations. All resident moose seasons in Unit 22D under State regulations are managed by registration permit and a quota system, so there would be no increase in harvest. However, conservation concerns exist for the Unit 22D moose population, and State and Federal seasons have closed early because quotas were being approached. In 2024, the Unit 22D Kuzitrin/22D SW hunt was only open three days before the quota was reached. Lifting the closure would also decrease opportunity for federally qualified subsistence users who would have to compete with non-federally qualified users for moose harvest on Federal public lands in Unit 22D. However, since permit distribution of the RM840 permit was limited to Unit 22 in 2020, very few nonlocal residents hunt moose in Unit 22D.

If the closures in Units 22D Kuzitrin and 22D SW are opened to all federally qualified subsistence users (i.e. the §804 restriction is removed), the effects would be similar to rescinding the closure.

If these closures are retained, Federal public lands in Unit 22D remainder would remain closed to moose hunting by non-federally qualified users and Federal public lands in Units 22D Kuzitrin and 22D SW, would remain closed to moose hunting by anyone who does not live in Unit 22C or 22D. There would be little added protection for the Unit 22D moose population as most harvest already occurs by federally qualified subsistence users. Methods adopted by the State for permit distribution and the quota system currently in place protects the moose population from overharvest. However, the closure provides for continuation of subsistence uses and a subsistence priority for federally qualified subsistence users to harvest a moose without competition from non-federally qualified users.

**OSM CONCLUSION**

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

**Justification**

Conservation concerns exist for the Unit 22D moose population, which is below management objectives for both population and bull:cow ratios. Demand for moose in the area far exceeds supply as hunts typically close early as quotas are quickly met. Maintaining these closures is recommended to continue subsistence uses and to conserve a healthy moose population in Unit 22D. Retaining the closure will ensure only federally qualified subsistence users are able to harvest moose on Federal public lands in Unit 22D, reducing competition with nonlocal residents and maintaining a Federal subsistence priority for this limited resource.

## SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

### Seward Peninsula Subsistence Regional Advisory Council

The Council voted to **retain status quo** on WCR26-13/14/15.

**Comment for WCR26-13 and WCR26-14:** There is a conservation concern for moose in Unit 22D and little is known about movements between Units 22D and 22E. As a result, Federal public lands should be limited to federally qualified subsistence users to prioritize their harvest opportunity.

**Comment for WCR26-15:** There is a conservation concern for moose in Unit 22D and little is known about movements between Units 22D and 22E. As a result, Federal public lands should be limited to federally qualified subsistence users to prioritize their harvest opportunity. The Council also stated that Unit 22D remainder is heavily used by Nome residents on the road system. Most of the harvest quota is taken by these hunters, leaving little opportunity for residents of Brevig Mission to harvest moose.

### 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

### **Wildlife Closure WCR26-13, 14, and 15**

This is a review of the closures of federal public land in Game Management Unit (GMU) 22D to moose hunting, except by residents of GMU 22C and GMU 22D.

### **Position**

The Alaska Department of Fish & Game (ADF&G) **SUPPORTS** the elimination of these closures. Elimination of these closures on federal public land in the area is unlikely to result in any substantial changes to the harvest opportunity for federally qualified users (FQU). Modification of the closures to include a larger subset of residents identified as FQUs may increase opportunity for all FQUs. Retention of the closures is not likely to cause an increase in moose harvest by non-federally qualified users (NFQU) due to the restrictions on access to state registration permits.

### **Background**

Moose populations throughout the Seward Peninsula increased during the 1970s and peaked in abundance during the mid-1980s. Density-independent factors, specifically severe winters, are believed to have caused the population to decline dramatically in the early 1990s.

In cooperation with the Bureau of Land Management and the National Park Service, ADF&G completed an abundance survey throughout subunits of GMU 22D and 22E in spring of 2020. The GMU 22D estimate of abundance was 1,254 observable moose (90% CI: 1056-1451). The proportion of short yearlings within the population was estimated at 11%.

In 2002, the Alaska Board of Game (BOG) adopted a registration permit requirement for moose hunting in GMU 22D to prevent overharvest. Since that time ADF&G has administered both fall registration permit hunts under RM840 with harvest quotas. Emergency order closures were issued as needed once the harvest quota was reached. Winter hunts in the area may be announced if the harvestable surplus is not taken during the fall season and are administered as registration permit RM849. The quota for the fall RM840 permit hunt averaged 25 bulls a year from RY2016 to RY2020. The winter RM849 registration permit hunt was last administered in 2013.

The availability of registration permits for fall moose hunts in GMU 22D is limited. In 2020, the BOG directed ADF&G to limit the availability of registration permits for the fall RM840 hunt. Permits for this hunt are only available in person at license vendors within the hunt area from July 25 to August 25. The restriction has only been in place since RY2020: additional time will be needed to evaluate the effects of this restriction on hunter participation.

On average 89% of the hunters that participated in the fall RM840 moose hunt in GMU 22D within the Kougarok, Kuzitrin, and Pilgrim River drainages from RY2016 to RY2020 were FQUs. During that same period FQUs harvested an average of 87% of the moose taken annually from this area during the fall RM840 hunt.

**Impact on Federally Qualified Users**

If the closure is rescinded, it is highly unlikely that FQUs will be impacted by the addition of any NFQUs that may take advantage of hunting under RM840 and RM849. As has been stated above an overwhelming majority of hunters utilizing state hunting opportunities are FQUs.

**Impact on Other Users**

Restrictions on the availability of state registration permits make it highly unlikely that NFQUs will be impacted by the lifting of these closures.

**Opportunity Provided by State**

**State customary and traditional use findings:** The Alaska Board of Game has made positive customary and traditional use findings for moose in GMU 22.

**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 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 GMU 22 is 250-300 animals. The season and bag limit for GMU 22D is:

<u>GMU/Area</u>	<u>Bag Limit</u>	<u>Open Season (Permit/Hunt #)</u>
<i>GMU 22D, Kuzitrin River drainage (includes Kougarok and Pilgrim rivers), and Southwest area located west of Tisuk River drainage, west of the west bank of Canyon Creek beginning at McAdam's Creek</i>	<i>One bull by permit available in person in Brevig Mission, Golovin, Nome, Teller, and White Mountain from July 25-Aug. 25. Harvest quota to be announced. Season will be closed by emergency order when quota is reached.</i>	<i>RM840 Sept. 1-14</i>
	<i>OR One antlered bull by permit available online at <a href="http://hunt.alaska.gov">http://hunt.alaska.gov</a> or in person in Brevig Mission, Golovin, Nome, Teller, and White Mountain (a season may be announced Jan. 1-Jan. 31).</i>	<i>RM849 May be announced</i>

<u>GMU/Area</u>	<u>Bag Limit</u>	<u>Open Season (Permit/Hunt #)</u>
<i>continuing to Tuksuk Channel</i>	<i>Nonresidents</i>	<i>No open season</i>

<sup>a</sup> Subsistence and General Hunts.

**Special instructions:** ADF&G administers registration permit RM840 with harvest quotas. These seasons are subject to emergency order closures once the quota is met. Successful hunters are required to report their harvest within 1 day of the kill. Registration permit RM840 is only available in person at license vendors within the hunt area from July 25 to August 25.

### **Conservation Issues**

There are no conservation concerns with the elimination of these closures due to the structure of the state registration permits available to NFQUs.

### **Enforcement Issues**

The elimination of these closures would result in less enforcement issues for the area.