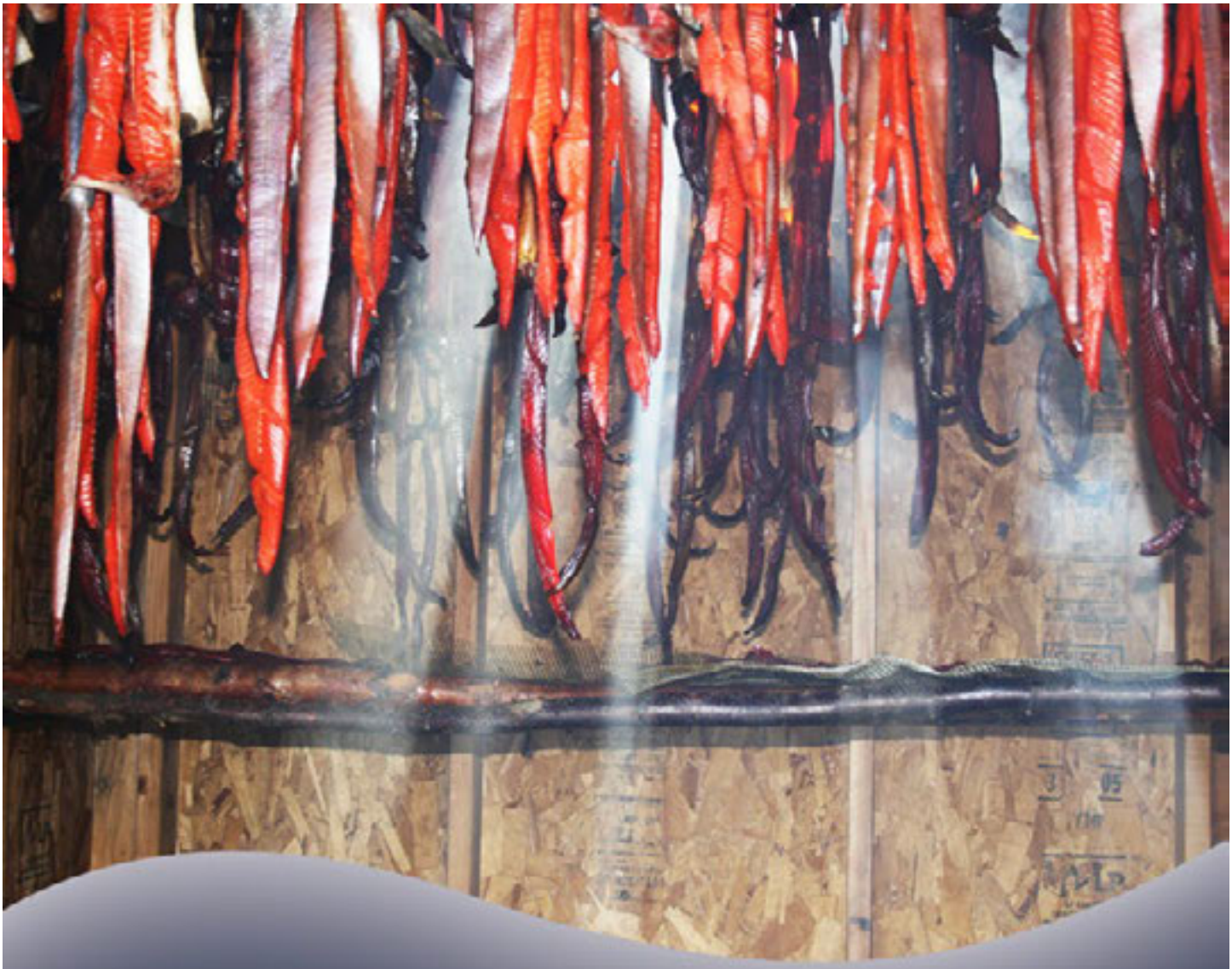

Federal Subsistence Board Public Meeting

Meeting Materials Volume II Book C

January 31 - February 3, 2023

William A. Egan Civic & Convention Center
Anchorage, Alaska

Volume II

Non-Consensus Agenda Fisheries Proposals, Closure Reviews, and other documents

What's Inside…

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FEDERAL SUBSISTENCE BOARD
PUBLIC MEETING AGENDA
January 31 – February 3, 2023

January 31, 2023: 1:30 p.m. to 5:00 p.m. (or until recessed)
February 1 - 3, 2023: 9:00 a.m. to 5:00 p.m. (or until recessed)
Egan Center, 555 West 5th Avenue
Anchorage, Alaska

To participate by teleconference, dial toll free **(888) 455-7761**, (passcode **2266069**)

On January 31, prior to the start of the Public Meeting, the Federal Subsistence Board will meet at 9:00 a.m. to conduct Tribal Government-to-Government and ANCSA Corporation consultations regarding proposals to change Federal subsistence management regulations for the harvest of fish and shellfish on Federal Public lands and waters in Alaska. **The Public Meeting will begin at 1:30 p.m**.

Updates on the Board's progress through the agenda will be posted on the Federal Subsistence Management Program website at https://www.doi.gov/subsistence/board/ and on Facebook at www.facebook.com/subsistencealaska.
Updates may also be received by calling (800) 478-1456 or (907) 786-3888.

Public Meeting

* Asterisk denotes Action Item

1. **Call to Order and Welcome**

2. **Review and Adopt Agenda***

3. **Federal Subsistence Board Information Sharing Session**

4. **Regional Advisory Council Chairs Discuss Topics of Concern with the Board**

5. **Public Comment Period on Non-Agenda Items**
   (This opportunity is available at the beginning of each day)

6. **Fisheries Delegation Letters & Special Action Authorities**

7. **2021–2023 Subparts C&D Proposals and Closure Reviews** *(Fish and Shellfish Regulations)*

   a. Tribal Government-to-Government and ANCSA Corporation Consultation Summary

   b. Announcement of Consensus Agenda *(see detailed agenda that follows)*

   c. Public Comment Period on Consensus Agenda Items *(This opportunity is available at the beginning of each subsequent day prior to the final action)*

d. Board deliberation and action on Non-Consensus Agenda items*
(see detailed agenda that follows)

e. Adoption of Consensus Agenda*

8. Old Business

a. Hunter Ethics Education and Outreach Initiative update*

b. Secretarial regulations proposing the inclusion of identified submerged lands in the Tongass National Forest *

c. Deferred Proposal WP22-40*

d. Deferred Unit 4 Deer Proposals (WP22-07, WP22-08, WP22-10)*

9. RFR22-01, Request for Reconsideration of Fisheries Proposal FP21-10, Threshold Analysis* *(Supplemental)*

10. NDP25-01, Nonrural Determination Proposal Ketchikan, Threshold Assessment*

11. North Pacific Fishery Management Council

12. Schedule of Upcoming Board Meetings*

a. 2023 Summer Work Session and Executive Session *(Council Annual Report Replies & Council Appointment Recommendations)*

b. 2024 January Work Session *(FRMP)*

c. 2024 April Public Meeting *(Wildlife Regulations)*

13. Adjourn

Audio Access Information:
Toll-Free: 1-888-455-7761
Pass Code: 2266069

FEDERAL SUBSISTENCE BOARD

CONSENSUS AGENDA

The following proposals and closure reviews have been included on the consensus agenda. These are proposals and closure reviews for which there is agreement among Federal Subsistence Regional Advisory Councils, the Federal Interagency Staff Committee, and the Alaska Department of Fish and Game concerning Board action. Anyone may request that the Board remove a proposal or closure review from the consensus agenda and place it on the regular agenda. The Board retains final authority for removal of proposals and closure reviews from the consensus agenda. The Board will take final action on the consensus agenda after deliberation and decisions on all other proposals and closure reviews.

FEDERAL SUBSISTENCE BOARD

NON-CONSENSUS AGENDA

Procedure for considering proposals:

Analysis (*Lead Author*)

Summary of public comments (*OSM Staff*)

Open floor to public testimony

Regional Advisory Council recommendation(s) (*Chair or designee*)

Tribal/Alaska Native Corporation comments (*Native Liaison*)

Alaska Department of Fish and Game comments (*State Liaison*)

Interagency Staff Committee comments (*ISC Chair*)

Federal Subsistence Board discussion with Council Chairs and State Liaison

Federal Subsistence Board action

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WP22-07 Executive Summary	
General Description	Wildlife Proposal WP22-07 requests that the Federal public lands of Admiralty Island draining into Chatham Strait between Point Marsden and Point Gardner in Unit 4 be closed to deer hunting Sept. 15 – Nov. 30, except by Federally qualified subsistence users. *Submitted by the Southeast Alaska Subsistence Regional Advisory Council.*
Proposed Regulation	**Unit 4 - Deer** *Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.* — *Aug. 1 – Jan. 31* ***Federal public lands of Admiralty Island draining into Chatham Strait between Point Marsden and Point Gardner are closed to deer hunting Sept. 15 – Nov. 30, except by Federally qualified subsistence users hunting under these regulations.***
OSM Conclusion	**Oppose**
Southeast Alaska Subsistence Regional Advisory Council Recommendation	**<u>Fall 2022</u>:** **Support** WP22-07 **with modification** to remove wildlife analysis areas 4043, 4044, and 4054 from the proposal area and to reduce the harvest limit for non-Federally qualified users to two bucks within the remaining area (WAAs 4042, 4055, and 4041). OSM's interpretation of the Council's intent is: **Unit 4 - Deer** *Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.* — *Aug. 1 - Jan. 31* ***Non-Federally qualified users are limited to 2 male deer on Admiralty Island, that portion draining into Chatham Strait south of the Thayer Creek drainage but excluding the Hasselborg Lake and Hasselborg Creek drainages from Sept. 15 – Nov. 30.*** **<u>Fall 2021</u>:** **Support** WP22-07 **with modification** to remove wildlife analyses areas 4044 and4043 from the proposed closure area. OSM's

WP22-07 Executive Summary	
	interpretation of the Council's intent is: **Unit 4 - Deer** *Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.* *Aug. 1 - Jan. 31* ***Drainages of Admiralty Island flowing into Chatham Strait between Fishery Point and Point Gardner, except drainages flowing into Thayer Lake, Hasselborg Lake, and Hasselborg Creek are closed to deer hunting Sept. 15 – Nov. 30, except by Federally qualified users.***
Interagency Staff Committee Comments	The ISC acknowledges the extensive discussion by the Council members about the closure policy application to this situation. This was one of four proposals for Unit 4, which overall has a healthy population of deer, but is experiencing subareas where subsistence users are not able to harvest enough deer for their needs. The Council submitted this proposal because of concerns brought to them by the affected Federally-qualified subsistence users in Angoon about not meeting subsistence needs for deer. The proposal review process allowed them to review the available data and hear testimony from all affected users of the resources. During the meeting, they acknowledged that the data in the State reporting system used to measure effort does not reflect success in subsistence hunting because subsistence hunting of deer is opportunistic and users generally only report when they are successful. They crafted a modification in area and season that limits the impacts to the non-federally qualified users and addresses the needs of subsistence users. Following deferral of this proposal, the ISC recognizes the additional effort that the Southeast Council put into addressing concerns from Federally-qualified subsistence users and attempting to find a meaningful priority when they took up this proposal for a second time. The Board may want to consider if restrictions to harvest limits and/or closures to non-Federally qualified users are necessary for the conservation of healthy populations of deer or to allow for the continuation of subsistence uses of deer per §815(3) of ANILCA. Deer populations in the area covered by this proposal are the highest in the state and harvest success by Federally qualified

WP22-07 Executive Summary	
	subsistence users has been stable over the last decade, indicating that they are able to harvest sufficient deer to provide for their uses of the resource.
ADF&G Comments	**Oppose** Proposal WP22-07
Written Public Comments	**57 oppose, 1 neutral**
Notes	This is an updated executive summary from the Proposal WP22-07 analysis, which was included in the Federal Subsistence Board April 2022 meeting book. The following analysis has been updated and revised based on the Board's deferral of this proposal at their April 2022 meeting. Both the Southeast Council's fall 2021 and 2022 recommendations as well as ADF&G's updated comments on the revised analysis are included in this document. ADF&G's comments on the proposal pre-deferral and all of the written public comments can be found in the April 2022 version of the analysis on the Office of Subsistence Management website at: https://www.doi.gov/subsistence/wildlife.

STAFF ANALYSIS
WP22-07

ISSUES

Wildlife Proposal WP22-07, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that Federal public lands of Admiralty Island draining into Chatham Strait between Point Marsden and Point Gardner in Unit 4 be closed to deer hunting Sept. 15 – Nov. 30, except by Federally qualified subsistence users.

DISCUSSION

The proponent states that it recently became more challenging for subsistence hunters in Angoon to harvest sufficient deer to meet their subsistence needs due to increased hunting pressure from non-Federally qualified users. They state that regulatory change is needed to protect the deer population from further depletion and increase opportunity for Federally qualified subsistence users.

Existing Federal Regulation

Unit 4 - Deer

Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.	*Aug. 1 – Jan. 31*

Proposed Federal Regulation

Unit 4 - Deer

Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.	*Aug. 1 – Jan. 31*
Federal public lands of Admiralty Island draining into Chatham Strait between Point Marsden and Point Gardner are closed to deer hunting Sept. 15 – Nov. 30, except by Federally qualified subsistence users hunting under these regulations.	

Existing State Regulation

Unit 4 - Deer

Chichagof Island east of Port Frederick and north of Tenakee Inlet

Residents and Nonresidents - 3 deer total	*Bucks*	*HT*	*Aug. 1 - Sept.14*
	Any deer	*HT*	*Sept. 15 - Dec. 31*
Remainder			
Residents and Non-residents - 6 deer total	*Bucks*	*HT*	*Aug. 1 - Sept.14*
	Any deer	*HT*	*Sept. 15 – Dec. 31*

Extent of Federal Public Lands

Unit 4 is comprised of approximately 96% Federal Public Lands, of which of 99% are U.S. Forest Service (USFS) managed lands and less than 1% National Park Service or U.S. Fish and Wildlife Service managed lands (**Figure 1**). It consists primarily of Admiralty, Baranof, and Chichagof Islands, along with some smaller adjacent islands.

Most of the area addressed in this proposal is within the Admiralty Island National Monument and the Kootznoowoo Wilderness. The most notable non-Federal land holdings are the area immediately surrounding the village of Angoon, and a strip of land surrounding most of Mitchell, Kanalku, and Favorite Bays, where the Kootznoowoo Corporation manages lands within 660 feet of tidewater (Alaska National Interest Lands Conservation Act, Section 506(a)(3)(c)).

Customary and Traditional Use Determination

Rural residents of Units 1, 2, 3, 4 and 5 have a customary and traditional use determination for deer in Unit 4.

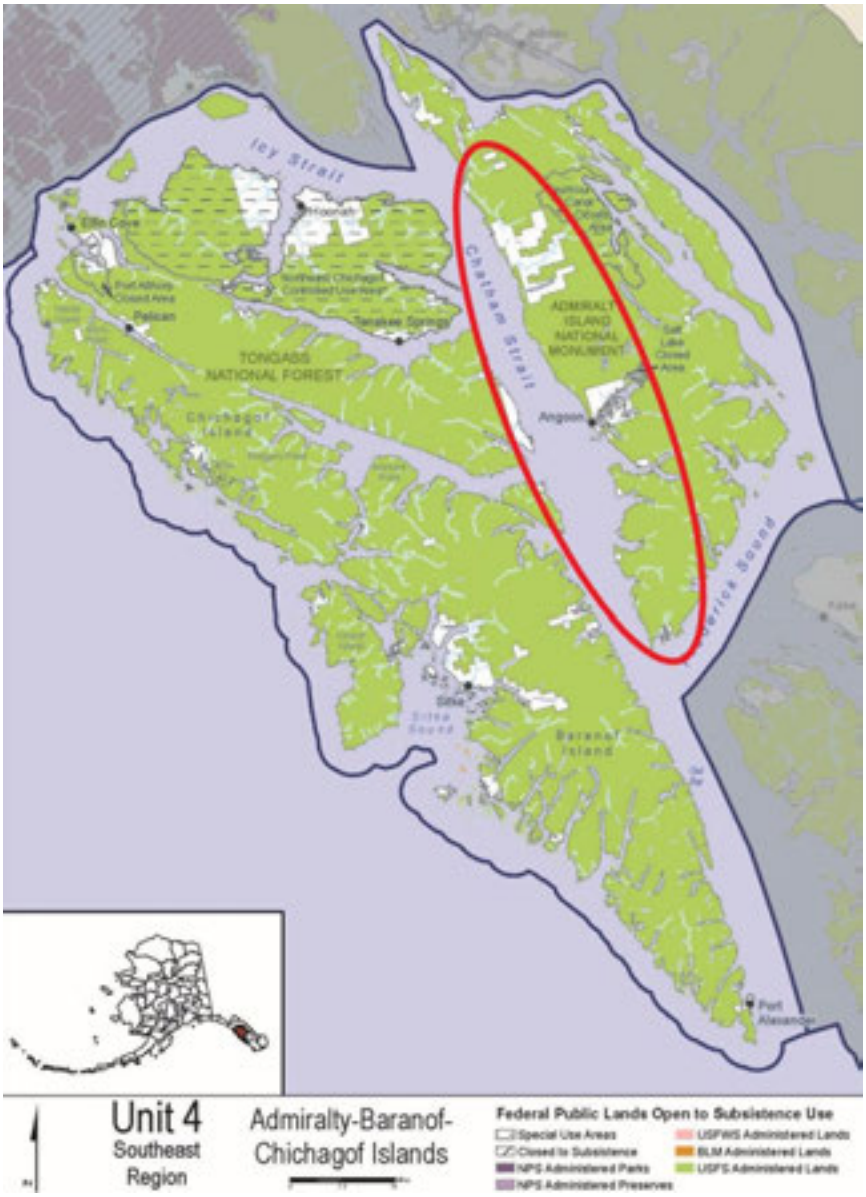

Figure 1. Unit 4 map with proposal analysis area encircled in red.

Regulatory History

Except for the 1992/93 and 1993/94 regulatory years, the Federal harvest season for deer in Unit 4 has been from August 1 to January 31, with a harvest limit of six deer. Harvest of antlerless deer has been permitted from September 15 to January 31. In 1992, in response to several deep snow winters, the northern Baranof Island area harvest limit was reduced to four deer, the season was shortened to December 31, and the area closed to non-Federally qualified users. In 1993, the northeast Chichagof Island area was closed to non-Federally qualified users after November 1.

Since 1992, the State season has been from August 1 through December 31 with the antlerless deer season from September 15 through December 31. For Chichagof Island east of Port Frederick and north of Tenakee Inlet including all drainages into Tenakee Inlet, the harvest limit has been three deer while the harvest limit for the remainder of Unit 4 has been four deer. From the late 1980s through 1991, the State general season in the northeast Chichagof area had a harvest limit of three deer. However, the State subsistence season allowed six deer and the season was extended from August 1 until January 31. In 2019, the Board of Game adopted Proposal 18, increasing the State bag limit from 4 to 6 deer in Unit 4 remainder, which excludes Chichagof Island east of Port Frederick and north of Tenakee Inlet.

There were three regulatory proposals during the 2010 Federal subsistence wildlife cycle addressing Unit 4 deer regulations following the steep population drop that occurred during the prior harsh winters. These proposals analyzed a variety of timing and harvest restrictions to protect the deer population and subsistence priority. None of the proposals were adopted. Instead, Federal and State managers closed the doe harvest season in the Northeast Chichagof Controlled Use Area (NECCUA) for the 2010 regulatory year and portions of the 2011 and 2012 regulatory years to help the deer population recover from deep-snow winters of 2006 through 2009.

Proposal WP12-06 sought to rescind the January Federal deer season in Unit 4 but was rejected by the Federal Subsistence Board because it would not address a conservation concern and the January season is important for Federally qualified subsistence users. There have been no Federal regulatory changes since 2012.

Current Events

Three other proposals concerning deer in Unit 4 were submitted for the 2022 wildlife regulatory cycle. Proposal WP22-08, submitted by the Southeast Council, requests that the Northeast Chichagof Controlled Use Area (NECCUA) annual deer harvest limit for non-Federally qualified users be reduced to two male deer.

Proposal WP22-09, also submitted by the Southeast Council, requested that Federal public lands draining into Lisianski Inlet, Lisianski Strait, and Stag Bay south of the latitude of Mite Cove (58° 4' N) and north of the latitude of Lost Cove (57° 52' N) be closed to deer hunting Oct. 15 – Dec. 31, except by Federally qualified subsistence users.

Proposal WP22-10, submitted by Patricia Phillips of Pelican, requests that the deer harvest limit for non-Federally qualified users in Lisianski Inlet and Lisianski Strait be reduced to 4 deer.

At its April 2020 meeting, the Board rejected WP22-09 as part of the consensus agenda. The Board deferred Proposals WP22-07, -08, and -10 to its winter 2023 regulatory meeting, requesting user groups to work together to come up with better solutions.

State Proposals 10 and 11 request reducing the harvest limit to four deer in Unit 4, remainder and will be considered by the BOG at their January 2023 meeting (ADF&G 2022c). The proponents for both proposals list the possible closure of Federal lands to deer hunting by non-Federally qualified users as a

factor in submitting their proposals. Both proponents suggest that a harvest limit reduction will help reduce user conflicts in Unit 4 and avoid a closure of Federal public lands to non-Federally qualified users.

The Hoonah Indian Association received money through the USFS Southeast Alaska Sustainability Strategy program to collect community and biological information about deer on the north end of Chichagof Island from 2022-2027. The project will occur in communities of Hoonah, Pelican, Gustavus, and Angoon.

Open Meeting Summary

In its deferral of the Unit 4 deer proposals, the Board asked user groups to work together to come up with better solutions. In response to this request, the Office of Subsistence Management (OSM) organized an open meeting in August 2022 to gather more information on these proposals and to facilitate discussion amongst user groups. The press release announcing the meeting included several questions for participants to consider to help focus and guide the discussion. Participants were asked to discuss their recent deer hunting experiences in Unit 4, their plans for future harvest, and how the proposals could affect them. Additionally, participants were asked if they had specific recommendations on these proposals or if they had any other suggestions for the Board that would help resolve these issues. The meeting was formatted to consider each of the three proposals separately; however, participants were welcome to provide comments on any proposal throughout the meeting.

OSM, USFS, and ADF&G staff as well as members of the public participated in the meeting. Eleven members of the public provided comments, and all commenters either opposed the proposals or did not give an explicit position. A common theme mentioned by nine of the public participants was that they never experienced any difficulties harvesting deer in Unit 4, including several participants with 30-50 years of experience hunting deer in Unit 4. Several participants emphasized that there are plenty of deer for everyone in Unit 4 and that the data as well as local observations indicate a healthy, abundant deer population. One participant further stated that the available data does not support a closure for either conservation or continuation of subsistence, and that non-Federally qualified users are not the problem.

Several participants explained that snow drives deer down to the beaches, so the lack of snow during the past several winters may have caused a perceived decline in the deer population since deer were not concentrated on the beaches, but were spread-out across the interior of the islands, requiring more effort to harvest them. Participant harvest varied widely from one to six deer per year.

Participants also commented on potential impacts of these proposals, including decreased hunting opportunity for non-Federally qualified users. Two participants stressed that if these areas are closed, then non-Federally qualified users will have to hunt the beaches, which would likely result in more user conflicts since the beaches are a popular hunting area for subsistence users. Other participants stated that an unintended consequence of these proposed closures is that they would prevent family members who have moved to non-rural areas from returning to their traditional areas to hunt with relatives. The president of Territorial Sportsmen expressed concern over the precedent adoption of these closures would set for potential closures in other areas since Unit 4 has the highest deer population in the state.

ADF&G maintained its opposition to these proposals, stating that these closures do not meet requirements set forth in ANILCA. ADF&G also provided updates on 2022 biological surveys and 2021 harvest reports, which are detailed elsewhere in this analysis (see Biological Background and Harvest History sections).

Some discussion occurred about the proposal process and how the Board considers differing recommendations from OSM, ADF&G, and the Council. The USFS Board member stated that he appreciated this meeting to gather more information and was listening to everyone's comments to inform his decision on these proposals.

In regards to Proposal WP22-07, a resident of Juneau with family ties in Angoon, stated that his family has traditionally hunted between Point Marsden and Point Gardner for over 40 years. He personally has witnessed only a few non-locals hunting on the west side of Admiralty Island, usually people from Tenakee Springs and once in a while people from Sitka or Kake. Earlier in August, he had hunted in the alpine south of Angoon and saw around 28 deer in a small area.

In regards to Proposal WP22-10, two Pelican residents stated that accessing Pelican was a logistical nightmare due to high costs, finding a boat or plane to get there, and the risk of getting weathered in. Therefore, one stated he didn't think many non-Federally qualified hunters would ever hunt around Pelican, although the hunting was fantastic.

A 50-year resident of Pelican opined that low salmon returns in recent years resulted in higher bear predation of deer, causing deer to stay in the alpine areas and avoid the beaches. This led to perceived declines in the deer population and the submittal of Proposal WP22-10. However, she believes the deer population has since rebounded, while the bear population has declined. She further stated that high speed outboards can disturb the deer, causing them to be skittish and stay inside the timber. She also outlined the different deer hunting areas: along the beach, in the forest, and in the alpine. Hunting along the beaches is the least strenuous method of harvesting deer, and residents prefer hunting closer to town if deer are available. Deer is a vital food source for Pelican residents, especially because freighting meat into the community is so expensive. She also mentioned that participation by Pelican residents in this meeting was low because it was peak fishing season.

Alternative solutions provided by participants included submitting proposals to the BOG, developing a cultural training program, and taking a step back to look at the larger picture. Specifically, one participant mentioned that he had submitted a proposal to the BOG to lower the harvest limit for Unit 4 deer under State regulations from six deer back down to four deer. Another participant suggested closing Unit 4 to non-resident deer hunters; dividing Unit 4 into three subunits: Admiralty, Baranof, and Chichagof, since the landscapes are different; and increasing the locking-tag fee to $500 per tag. However, ADF&G clarified that increasing tag fees is a legislative function, requiring a statute change. Another person mentioned that an aging population could be contributing to decreased hunting efforts by Federally qualified subsistence users because the younger generation is not interested in hunting. To that end, he suggested the Board, in cooperation with knowledgeable hunters, develop a cultural training program to help inject deer hunting back into the subsistence lifestyle. A representative of the Juneau Douglas Fish

and Game Advisory Committee emphasized their willingness to work with federally qualified subsistence users and the Southeast Council to come up with alternative solutions through the state process.

Biological Background

Sitka black-tailed deer spend the winter and early spring at low elevation where less snow accumulates, and forests provide increased foraging opportunities. Fawning occurs in late May and early June as vegetation greens-up, providing abundant forage to meet the energetic needs of lactating does. Migratory deer follow the greening vegetation up to alpine for the summer. Resident deer remain at lower elevations. The breeding season, or rut, generally occurs in October through November and peaks in late November (ADF&G 2009). Wolves and black bears are not present in Unit 4, so the primary predator, besides humans, are brown bears. Brown bears are estimated to kill an amount of deer equal to 15%-20% of the annual total deer harvested by hunters (Mooney 2009). Unit 4 deer population levels fluctuate, primarily because of winter snow depths (Olson 1979).

ADF&G monitors deer abundance in Unit 4 using three methods: deer pellet counts (discontinued in 2019), aerial alpine surveys, and harvest. For all three of these metrics, Unit 4 supports the highest numbers in the region. During the fall 2021 Southeast Council meeting, the ADF&G regional supervisor stated, "deer pellet densities in Unit 4, no matter where you do them, are always the highest in the region." For the aerial alpine surveys, "Unit 4 has by far the highest deer counts," measured as deer seen per hour. Additionally, "Unit 4 supports the highest deer harvest in the state" (SEARAC 2021b).

Habitat

Old-growth forests are considered primary deer winter range, in part because the complex canopy cover allows sufficient sunlight through for forage plants to grow but intercepts snow, making it easier for deer to move and forage during winters when deep snow hinders access to other habitats. Some areas of Unit 4 have been impacted by large scale changes in habitat, while the habitat is largely intact in other areas. Areas with substantial timber harvest, such as northeastern Chichagof and northwestern Baranof Islands, are expected to have lower long-term carrying capacity compared to pre-harvest conditions. Most of the area covered under this proposal is located in productive old-growth forests within Admiralty Island National Monument and Kootznoowoo Wilderness.

Population Information

McCoy (2017) outlines the limitations of estimating deer populations, while Bethune (2020) discusses the most recent deer population status in Unit 4. Overall, the deer population in Unit 4 has recovered from the mortality incurred during the severe winters of 2006-2008 and is probably reaching winter carrying capacity in some areas. Most recently, the heavy snowfall during the winter of 2021-22 led to concerns about possible heavy mortality. However, mortality surveys in the spring of 2022 found that there was not higher than normal winter mortality, and that the body condition of live deer was similar to that in previous years (Bethune 2022).

While no pellet surveys have been recently conducted in the proposal area, surveys in other portions of

Unit 4 have shown increases from prior years (McCoy 2019). Pellet counts conducted in 2019 in Pybus Bay, on the eastern side of Admiralty Island, increased by 106% from the previous survey in 1998, and surveys in other nearby Unit 4 areas (Pavlof Harbor and Kelp Bay) also indicated increasing populations.

ADF&G also conducts aerial surveys during summer in alpine habitat. Between 2014 and 2016, five aerial surveys were conducted on Admiralty Island with increasing results (**Figure *2***, Lowell and Valkenburg 2017). The metrics specific to Admiralty Island were highest of all survey areas in Unit 4 (**Figure 3**).

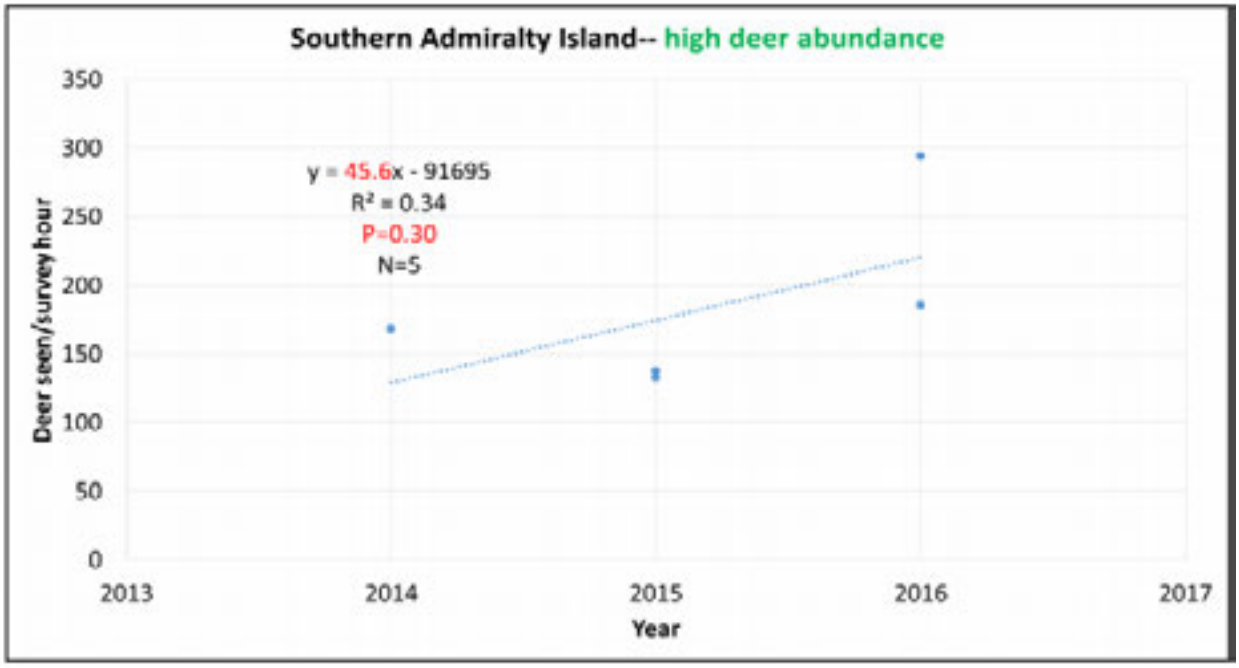

Figure 2. Number of deer observed during five aerial surveys on Admiralty Island. (Lowell and Valkenburg 2017).

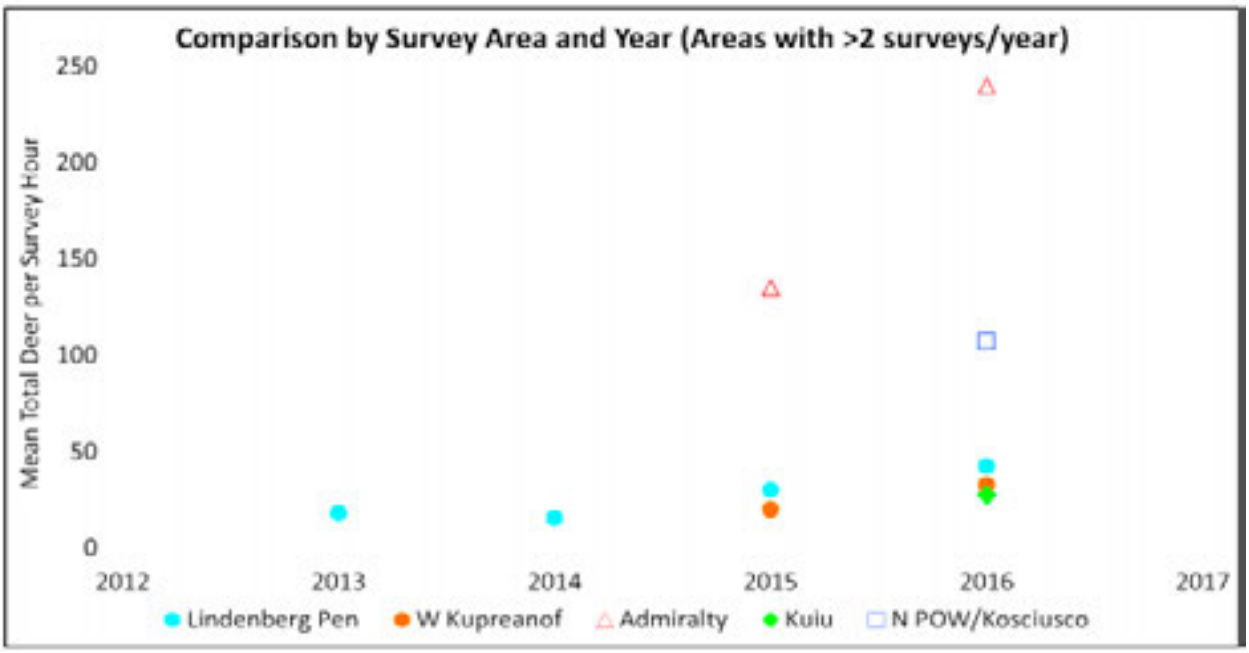

Figure 3. Average number of deer observed per hour during aerial alpine surveys in Southeast Alaska. (Lowell and Valkenburg 2017).

Cultural Practices and Traditional Knowledge

Angoon is a primarily Tlingit community of long standing located on the southwestern shore of Admiralty Island at the entrance to Kootznahoo Inlet about 55 miles east from Juneau, accessible only by floatplane or boat. An Alaska State ferry is scheduled to visit Angoon up to twice a week October through December and March through April, however, the ferry is occasionally canceled for various reasons. The ferry is not scheduled to visit Angoon from January through February (Juneau Empire 2022).

Most Angoon residents were born in the community or are from other Southeast Alaska towns (George and Kookesh 1982, Sill and Koster 2017). Angoon's population has been declining since the mid-1990s (**Table 1**). Loss of commercial fishing permits, boats, and associated income likely contributed to the decline with people moving from the community in search of cash income. For example, in 1986 there were 162 commercial fishing permits issued to Angoon residents for all commercial fisheries, and in 2012 there were 17 permits issued. Other cash income opportunities such as in logging or tourism are not well-developed in Angoon. Commercial fishing has been the mainstay of the cash economy of Angoon Tlingit since the late 1800s (Sill and Koster 2017, ADLWD 2022).

Participation in the commercial seine fishery allowed Angoon fishermen the capability of traveling long distances safely and of harvesting various foods including while they were traveling to deliver their commercial catches to canneries. The cannery owned by Angoon burned down in 1961, and the fire was partly responsible for Angoon residents selling their seine boats because boat owners no longer had their own company to fish for, to extend credit, or a place to store and repair boats (George and Bosworth

1988). An Angoon resident described these changes,

> In 1988 we had ferry service you could rely on. The price of food was reasonable. Every home in Angoon had a commercial permit so we were able to support ourselves with financial opportunity through fishing. We had food security because we could go out and rely on the resources our elders decided were here when we stopped in and decided this is where we're going to be (SEASRAC 2021b:335–336).

An increase in the hand troll fleet and the use of skiffs paralleled the decline of large seiners in the community and in the commercial fishing industry in Southeast Alaska. Loss of seiners and declines in fishing as an economic activity required a shift in subsistence harvest technologies to smaller boats making day trips. Small vessels for commercial fishing, mainly hand trolling, along with other work skiffs, are used extensively in the fall for hunting trips to destinations that are reached along the marine passages in all directions from Angoon (George and Bosworth 1988; SEASRAC 2021a, 2021b).

Angoon deer hunters have a long history of hunting Admiralty, Baranof, and Chichagof Islands, traveling farther in pursuit of deer than any other resource (Goldschmidt and Haas 2000). Angoon residents were taking many deer along west Chatham Strait and northwest Admiralty Island in close correspondence with years when canneries were operating in these areas, likely because Angoon commercial fishermen delivered their catches to canneries in these areas, were familiar with these areas, and took opportunities to hunt deer in these areas, either opportunistically whenever deer were observed or purposefully during the deer hunting season. Currently, Angoon hunters prefer to hunt on western Admiralty Island closer to their community.

Residents of Angoon participated in documenting their harvest and use of deer in the 1980s, 1990s, and 2010s (George and Kookesh 1982, George and Bosworth 1988, Sill and Koster 2017). For example, their estimated harvest based on household surveys was 454 deer in 1984, 474 deer in 1987, 282 deer in 1996, and 218 deer in 2012 (**Table 2**). The population of Angoon may be a factor in overall deer harvest during this period.

In Angoon, hunting strategies align with the yearly cycle of deer (George and Kookesh 1982). Fawns are born in late spring in trees edging muskeg or beach. In summer, deer move into the alpine areas until the fall when they enter the mature forests. During winter, deer live in the forest below the snow line until heavy snows drive them down to the beaches where the forest fringe of old growth timber keeps the ground relatively snow free. Thus, Angoon residents describe using three hunting strategies depending on the season, deer habits, and weather: Alpine Hunt, Muskeg and Forest Hunt, and Beach Hunt. Beach hunting, however, is the dominant strategy and continues throughout the season. This hunting strategy may be more efficient than the others in terms of effort. Boats are used extensively in the fall for hunting trips to destinations that are reached along the marine passages in all directions from Angoon. The most common boat used is a 16 or 17 foot outboard motor skiff. A small skiff can negotiate intertidal areas while looking for deer. Also, skiffs may be pulled onto shore or anchored in shallow embayments while a hunting party walks along the beach or inland. In addition to trips focused on deer hunting, hunters opportunistically hunt the beaches whenever travelling by boat along the coastline (George and Kookesh

1982; SEASRAC 2021a, 2021b). Where and when Angoon residents seek deer is influenced by the presence of deer, less competition from other hunters, proximity to Angoon, knowledge of the area, and beaches suitable for boat landing. Weather plays an important role in where and when they hunt because they are hunting primarily in skiffs instead of larger, safer seine boats once owned by most Angoon families. Snow is the most important factor, bringing deer to the beach, along with calm seas and visibility (George and Kookesh 1982).

Not everyone can afford the gas to search for deer in a wide area of shoreline. Hunters who can afford it seek deer further from the community leaving the local area for hunters who can't afford as much gas and have smaller boats and motors (Sill and Koster 2017; SEASRAC 2021a, 2021b).

It has been shown that recreational hunting for game is a strategy among some groups of hunters and is characterized by the ethics of "sport" and "gaming" (Wolfe and Ellanna 1983). This contrasts with the characteristics of subsistence hunting, which is premised on efficiency of effort (using the least amount of resources such as gas and time to be successful), taking only what is needed (below the harvest limit), respect for animals (for example, not shooting at them without careful consideration of success), and sharing. Sharing promotes future hunter success (Langdon and Worl 1981, Langdon 2021). Information collected during periodic house to house harvest surveys reveals a heavy reliance on sharing to distribute meat among Angoon residents, by half of households each survey year (ADF&G 2022a). "Tlingits in particular regard subsistence as an intricate and profound set of relationships with particular geographic settings where their social groups have dwelled historically. For them subsistence is *haa Kusteeyí*, 'our way of living,' 'real being,' and 'enriching existence,' and not 'the minimum (food, etc.) necessary to support life'" (Thornton 2008:117). For example, a local Angoon perspective is, "We've learned this from our father and our grandfathers, that we hunt these areas because there's always somewhere to hide from the weather in a small boat, and [these areas] have become important to us" (SEASRAC 2021b:386).

Another local Angoon perspective is that many non-local hunters are participating in recreation more than subsistence hunting. For example, one said "We don't do it for fun" (SEASRAC 2021a:20), and "You see a big boat towing several other boats and they're just out having a good time" (SEASRAC 2021a:20). A local perspective is that the mountain climbing necessary for Alpine hunting should be left to the more "sport-oriented," non-local hunters, revealing a local perspective that mountain climbing to reach Alpine areas is less efficient than hunting in lower elevations or along shorelines, and therefore, Alpine hunting is pursued primarily by non-local hunters seeking recreation as well as deer (SEASRAC 2021a, 2021b).

A local perspective is that Angoon residents have difficulty finding deer within Angoon's core subsistence area, mainly shoreline, around the community and that this is because of the presence of non-local hunters harvesting deer when they could be, instead, hunting further from the village. One said, "[Non-local hunters] go into a bay and eliminate all the deer in that bay. [Localized depletion of deer], you don't see in the data" (20221b:422). Additionally, there is concern that non-local hunters, including hunters primarily seeking bear, fire at deer making them shy from the shoreline and harder to locate, for example "You used to be able to drive up to a deer, get out of the boat within reasonable range and take the deer. Now, you have to stop 400 or 500 yards away" (SESRAC 2021a:59), and "This is something my dad taught me, his dad taught him, and my mother's father taught me: you shoot at a deer [and miss],

you're never going to see that deer again… That's the nature of deer" (SEASRAC 2021b:397). Regarding competition with other hunters, one person said, "We don't ask for anything but an opportunity to hunt in peace off the resources that our fathers and grandfathers decided was here when they settled here. We didn't settle in Juneau, we didn't settle anywhere else, we settled here" (SEASRAC 2021b:411).

Table 1. The population of Angoon from 1960 to 2020 based on the US Census (Source: ADLWD 2022).

Year:	1960	1970	1980	1990	2000	2010	2020
Population:	395	400	465	638	572	459	357

Table 2. The estimated harvest and use of deer by residents of Angoon based on household surveys. (Source: ADF&G 2022a)

Study year	Number of households interviewed	Percentage of households using deer	Estimated harvest	Lower harvest estimate	Upper harvest estimate	Per person harvest in pounds edible weight
1984	38	90%	454	283	625	58
1987	46	100%	474	330	618	73
1996	51	74%	370	282	458	51
2012	51	84%	218	147	289	51

Harvest History

The harvest data reported below is based on both mail-out surveys (pre-2011) and returned harvest reports (2011 and later) (ADF&G 2021, Bethune 2020, ADF&G 2022d). The overall average reporting rate is about 60-70%, but may be much lower in some small rural communities. The response rate may be even lower among hunters who don't report unsuccessful hunts. To account for hunters who did not report, data are proportionally expanded by community size. Additionally, if the response rate is low within a community, ADF&G staff call hunters to ask about their hunting efforts and harvests in an effort to achieve a 60% reporting rate. As confidence intervals are not available for these data, harvest numbers should be considered estimates and used with caution. Trends observed, especially at larger scales, are more likely to be indicative of general population changes, however (SEARC 2021b).

Harvest data from 2000 through 2021 (ADF&G 2022d) were used to evaluate the deer harvest patterns and trends within the portion of western Admiralty Island addressed by the proposal (the "proposal area.") Harvest and effort were grouped by Wildlife Analysis Area (WAA), which roughly correspond to major watersheds or other distinct geographic areas. Since effort was calculated by WAA, individual hunters using multiple WAAs in a regulatory year may be counted multiple times and over-represented in

calculations. The WAAs used to represent the proposal area for the purposes of this analysis are displayed in **Figure 4.**

About two-thirds of deer harvest and effort by Angoon residents occur in WAAs within the proposal area (**Table 3**). The Angoon area (4042) and Hood Bay/Chaik (4055) WAAs account for almost half of the total deer harvested by Angoon residents. Outside the proposal area, Pybus Bay (3939) is the most heavily used location. Conversely, Central Admiraly Lakes (4043) and Shee-Atika drainages (4044) account for the least (2%) of the total deer harvested by Angoon residents. The location of about 20% of the total reported harvest from Angoon residents could not be determined, and is unknown.

The amount of hunter effort in the proposal area, as measured by numbers of hunters and hunter-days, stayed relatively stable between 2010 and 2021 (**Figure 5**, **Figure 6**). Most of the effort is from non-Federally qualified users, mostly from Juneau, and represented 68% of the hunters and 72% of the hunter-days. The remaining 32% of hunters and 28% of the hunter-days are from Federally qualified subsistence users, the majority residing in Angoon.

Within the proposal area, Juneau residents comprised 61% of the hunter-days between 2000 and 2021, and Angoon residents comprised 21% (ADF&G 2022d). Nonresident effort is low, representing only 4% of the hunter days. Angoon is the only community within the proposal area, and about 65% of the deer hunting effort and harvest by Angoon residents occurs within the proposal area. Most of Angoon's remaining hunting effort and harvest takes place elsewhere on Admiralty Island or on the east coast of Chichagof and Baranof Islands, across Chatham Strait from Angoon.

Two measures were used to assess the success rate of hunters over this time period: days hunted per deer harvested, and deer harvested per hunter. Between 2000 and 2021, the number of days it took to harvest a deer was variable (**Figure 7**). Federally qualified subsistence users generally required fewer days to harvest a deer compared to non-Federally qualified users, however. In 2021, despite reports of favorable hunting conditions throughout Unit 4, there was a sharp increase in the number of days hunted per deer harvested for both Federally qualified and non-Federally qualified users.

The number of deer harvested per Federally qualified subsistence user declined between 2006 and 2009 but has remained relatively stable since then (**Figure 8**). Since 2009, the number of deer harvested per hunter has been roughly similar between Federally qualified and non-Federally qualified users. A caveat to keep in mind is that until 2019, the deer harvest limit under State regulations was four deer. In 2019, the State harvest limit increased to six deer.

The total number of deer harvested in the proposal area by both Federally qualified and non-Federally qualified users has varied over the years, likely due to variability in deer abundance (**Figure 9**). Most years, non-Federally qualified users harvested more deer from the proposal area due to the larger number hunters. Some of the variability in the harvest by Federally qualified subsistence users may be due to shifts in hunting locations. In recent years, the overall number of deer harvested by Angoon residents has remained relatively high, but a larger proportion has been taken from outside the proposal area, or from unknown locations (**Figure 10**). Between 2012 and 2019, much of the harvest shifted out of the proposal area, but in 2020 and 2021 the majority of harvest was again within the proposal area.

The Southeast Alaska Subsistence Regional Advisory Council (SEASRAC) recommended adopting WP22-07 with modification to remove WAAs 4043 and 4044 from the proposal area (SEASRAC 2021b). These areas were identified as the ones used most by Juneau hunters and least by Angoon residents within the proposal area, and were removed to reduce the impact of the closure on non-Federally qualified users. Under the proposed modification, the amount of harvest and effort by non-Federally qualified hunters within the proposal area is decreased by about two -thirds (**Table 4**). The Central Admiralty Lakes (4043) WAA accounted for 44% of the hunter days and 25% of the harvest by non-Federally qualified users within the proposal area, and the Shee-Atika drainages (4044) accounted for 37% of the hunter days and 51% of the harvest by non-Federally qualified users within the proposal area (ADF&G 2021).

While complete data from recent hunting seasons is not available, deer harvest in Unit 4 during the 2021 regulatory year was higher than normal. An estimated total of 6,600 deer were harvested throughout Unit 4, about 1,000 more than the 10-year average. The heavy snows in November and December likely played a role, as deer were pushed to the beaches and made more available to hunters (Bethune 2022).

The State deer hunting season in the proposal area runs from August through December. Subsistence users hunting under Federal regulations are permitted to harvest deer during the month of January, as well. Most harvest occurs later in the season, as snow forces deer to lower elevations where they are easier to harvest. Nearly half (45%) of the harvest in Unit 4 occurs during the month of November; and 67% occurs from September through November (**Table 5**). Data are available on a monthly basis, so the proportion of deer taken before and after September 15 (the proposed start date of the seasonal closure) could not be calculated.

Figure 4. Wildlife Analysis Areas within the WP22-07 analysis area.

Table 3. Distribution of Unit 4 deer hunting effort and harvest by Angoon residents by Wildlife Analysis Area (WAA), 2000-2019 (ADF&G 2021).

Wildlife Analysis Area Within proposal area	Hunter days	Total harvest	Percent Days	Percent harvest
4041 WHITEWATER BAY, WILSON COVE	25.4	59.2	1%	3%
4042 ANGOON AREA	933.5	562.8	24%	27%
4043 CENTRAL ADMIRALTY LAKES	28.9	18.1	1%	1%
4044 SHEE-ATIKA DRAINAGES	66.3	22.8	2%	1%
4054 FISHERY, THAYER CREEKS	504.6	341.3	13%	16%
4055 HOOD BAY, CHAIK BAY DRAINAGES	962	369	25%	18%
Total within proposal area	2520.7	1373.2	65%	66%
Outside of proposal area				
3308 KOOK LAKE, SITKOH BAY, FALSE IS.	190.1	108.4	5%	5%
3315 CATHERINE ISLAND, LAKE EVA, HANUS BAY	157.9	72.8	4%	3%
3417 WEST COAST CHICHAGOF	22.6	18.1	1%	1%
3525 FRESHWATER BAY DRAINAGES	8.3	8.3	0%	0%
3526 NORTH SHORE TENAKEE INLET	31.9	0	1%	0%
3551 WHITESTONE HARBOR, FALSE BAY DRAINAGES	88.6	7.4	2%	0%
3731 KELP BAY-TAKATZ BAY	15.6	9.4	0%	0%
3733 WHALE BAY DRAINAGES, WILDERNESS COAST	5.4	5.4	0%	0%
3835 NORTHERN MANSFIELD PENIN.	6.2	6.2	0%	0%
3837 WHEELER, GREENS CREEKS DRAINAGES	24.7	24.7	1%	1%
3939 PYBUS BAY DRAINAGES	598.7	360.6	15%	17%
3940 PT. GARDNER, ELIZA HARBOR	53.8	33.6	1%	2%
4145 TIEDEMAN IS.-MOLE HARBOR AREA	69.7	30.6	2%	1%
4149 EAST SIDE GLASS PENIN.	4.1	0	0%	0%
4150 GRAND IS., OLIVER INLET, STINK CREEK	20.7	8.3	1%	0%
4222 PT. ADOLPHUS, MUD BAY AREA	52.6	26.3	1%	1%
Total outside proposal area	1350.9	720.1	35%	34%
Total (known harvest area)	3871.6	2093.3		
Unknown harvest area	875.9	516.2		

Table 4. Average annual effort (number of hunters, hunter days) and success (deer per hunter, days per deer, total harvest) of Federally qualified (FQU) and non-Federally qualified (NFQU) hunters in both the original and Southeast Council's modified closure area as proposed in WP22-07, 2011-2019. (ADF&G 2021)

		Proposal area	
2011-2019 average		Original	Modified
Number of hunters	FQU	43.4	37.9
	NFQU	101.6	33.1
Hunter Days	FQU	110.9	88.3
	NFQU	397.3	119.5
Deer per hunter	FQU	1.16	1.45
	NFQU	1.38	1.35
Days per deer	FQU	1.57	1.53
	NFQU	3.53	2.06
Total harvest	FQU	58.9	53.1
	NFQU	112.4	45.1

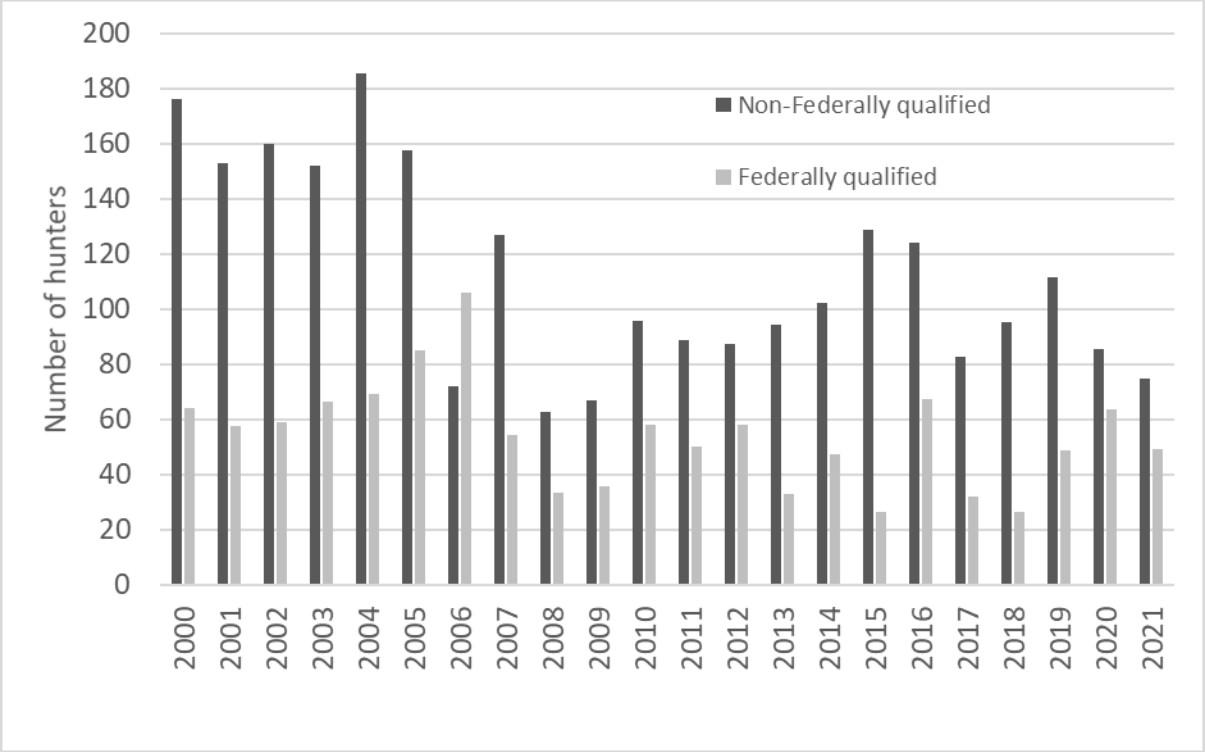

Figure 5. Number of Federally qualified and non-Federally qualified users using the proposal area, 2000-2021. (Source: ADF&G 2022d)

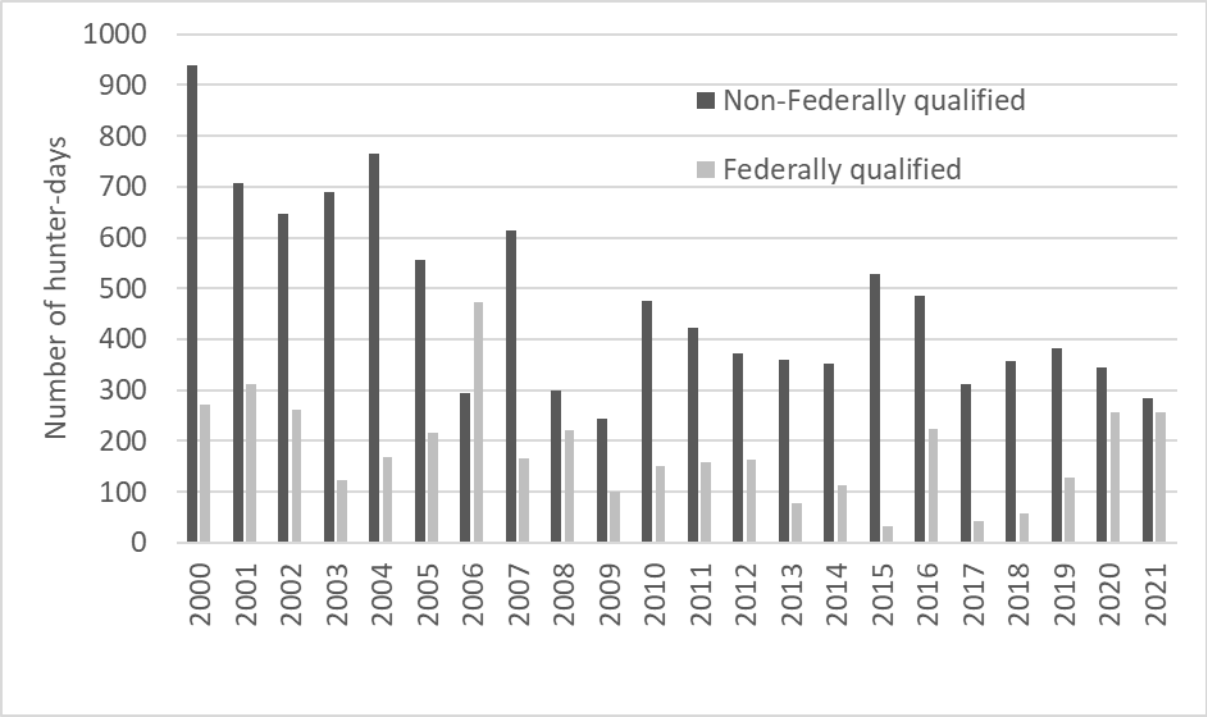

Figure 6. Number of hunter-days by Federally qualified and non-Federally qualified users within the proposal area, 2000-2021. (Source: ADF&G 2022d)

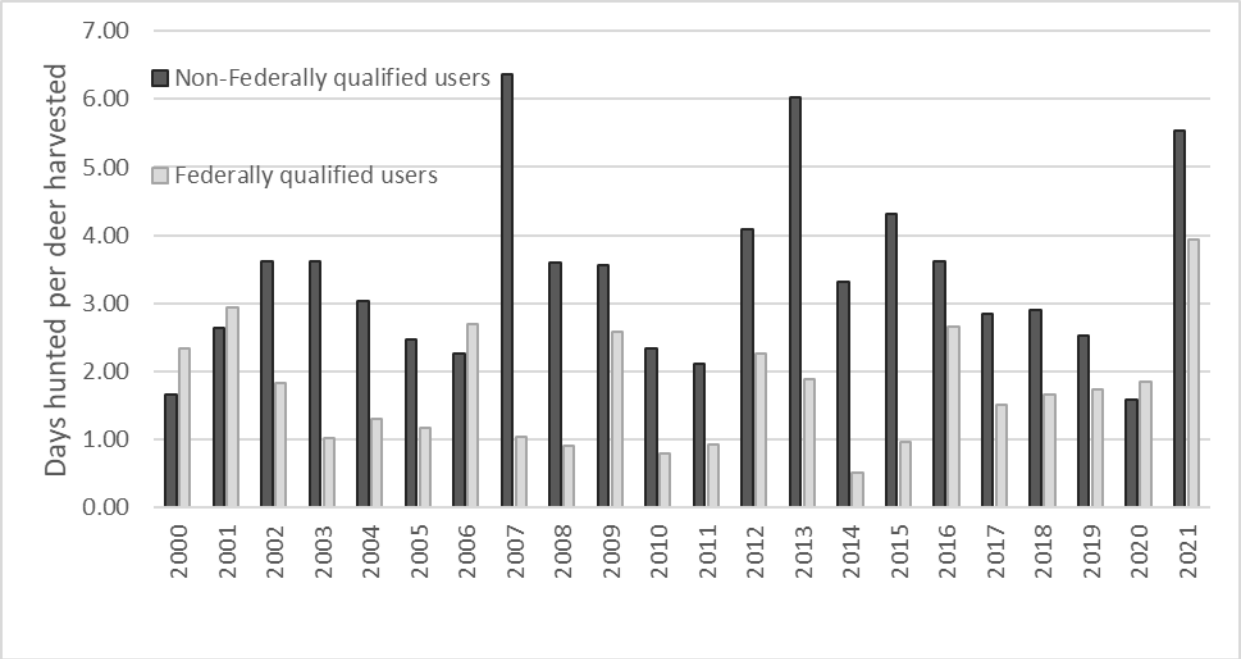

Figure 7. Number of days hunted per deer harvested by Federally qualified and non-Federally qualified users in the proposal area, 2000-2021. (Source: ADF&G 2022d)

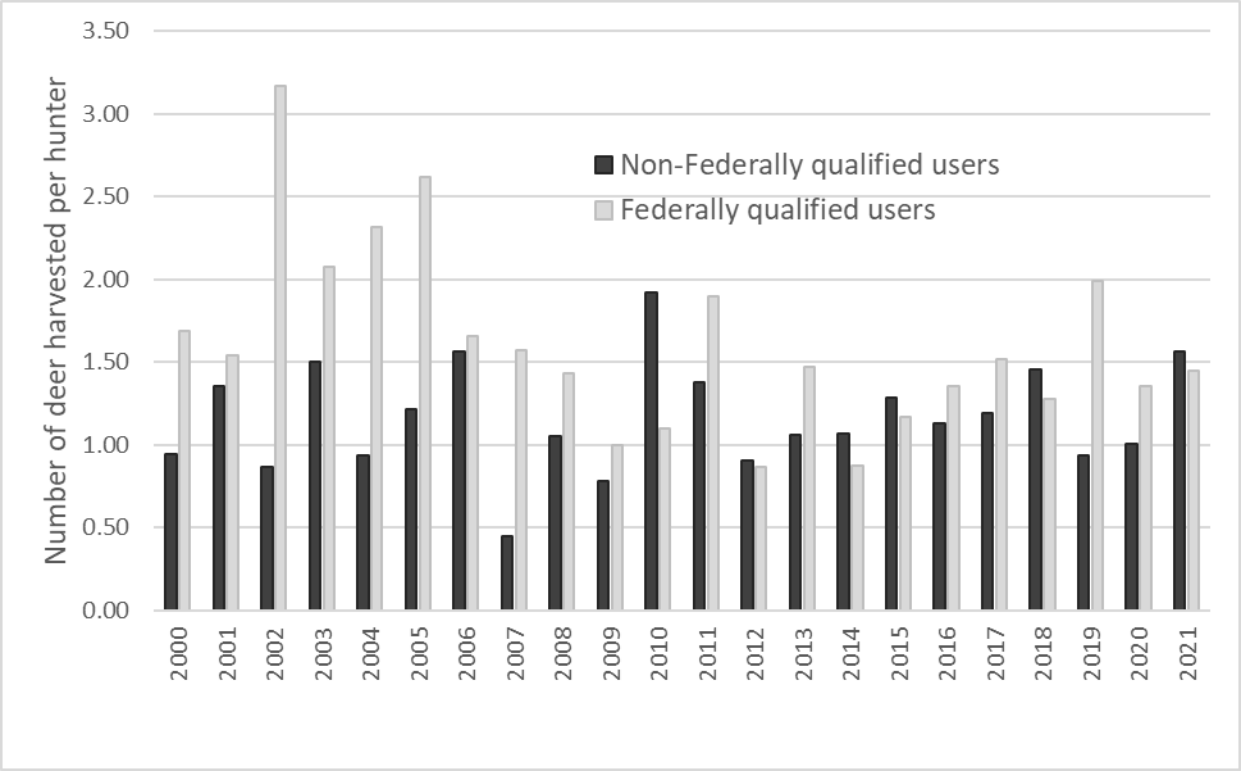

Figure 8. Number of deer harvested per hunter by Federally qualified and non-Federally qualified users in the proposal area, 2000-2021. (Source: ADF&G 2022d)

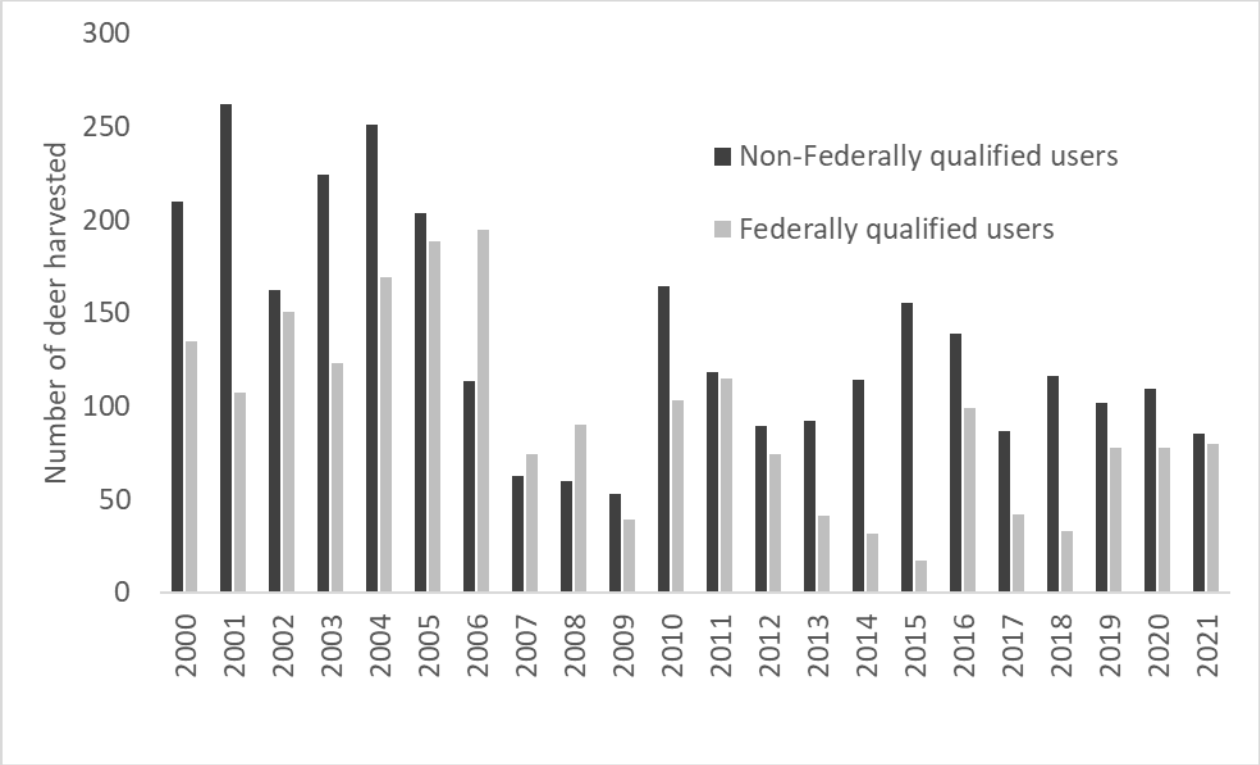

Figure 9. Number of deer reported harvested by Federally qualified and non-Federally qualified users in the proposal area, 2000-2021. (Source: ADF&G 2022d)

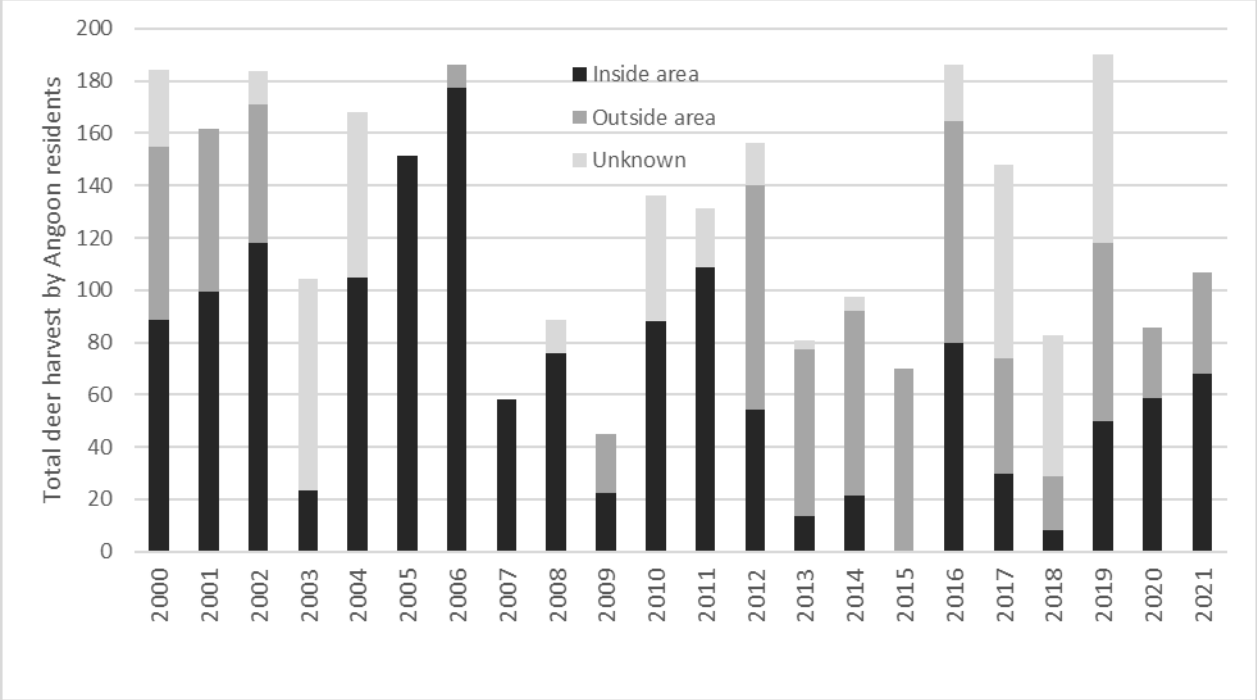

Figure 10. Total number of deer harvested by Angoon residents, by harvest location, 2000-2021. (Source: ADF&G 2022d)

Table 5. Percentage of Unit 4 deer harvest by month and user type, 2000-2019. (Source: ADF&G 2021)

Hunter type	August	September	October	November	December	January
Federally qualified	6%	8%	16%	40%	23%	8%
Non-Federally qualified	5%	6%	13%	53%	22%	0%
Overall	6%	7%	15%	45%	22%	5%

Other Alternatives Considered

Harvest limit reduction: A reduction of the harvest limit for non-Federally qualified users in the proposed closure area would reduce harvest and may reduce competition between non-Federally qualified and Federally qualified subsistence users. However, relatively few hunters harvest the full bag limit, and with high deer abundance, a harvest limit reduction would likely have a negligible effect on the success rate of Federally qualified subsistence users and may represent an unnecessary restriction on non-Federally qualified users, which is contrary to Title VIII of ANILCA. This alternative was brought up by a Council member during their fall 2021 meeting and while the Council member from Angoon said that he would consider such a modification, this alternative was not discussed further (SEARC 2021b).

Reduce extent of closure area: Another alternative is to reduce the extent of the closure area to the WAAs most hunted by Angoon residents (**Table 3**). This could help reduce competition and conflicts between user groups in Angoon's most heavily-used deer hunting areas, while displacing fewer non-Federally qualified users, especially since their hunting efforts and harvest primarily occur in the WAAs least used by Angoon residents (4044 and 4043). This alternative is reflected in the modification recommended by the Southeast Council during their fall 2021 meeting.

However, even with a reduced area, the proposal may not meet the ANILCA §815(3) criteria for a closure to non-subsistence uses. Deer populations in the area are healthy, and the closure may have little effect on the continuation of subsistence uses since relatively few non-Federally qualified users hunt in the WAAs most frequented by Angoon residents (**Table 4**), and any closures may increase hunting pressure along beaches, resulting in more user conflicts. Thus, this alternative could represent an unnecessary restriction on non-subsistence uses.

Working Group: One alternative considered was to establish a Unit 4 deer working group. This suggestion was mentioned many times by Southeast Council members and public testifiers during the fall 2021 Southeast Council meeting. Developing a "Unit 4 deer management strategy," which was also suggested multiple times during the fall 2021 Southeast Council meeting, could be one goal of the working group. Several Council members recognized that subsistence uses of deer in Unit 4 was an issue that they wanted to elevate to the Board's attention, but commented that these specific regulatory proposals (WP22-07, -08, and -10) did not seem to be the best solution.

This alternative would allow consideration of this issue more holistically and on a longer time-scale than the regulatory proposals. It would also enable all alternatives to be considered and could help bring user groups together for discussion, which the Board requested in its deferral. While this alternative is outside the scope of this proposal, it could be considered further by the Southeast Council. If the Council would

like to establish a working group, it could do so at its meeting by selecting Council members to serve on the working group. Federal and State agency staff could also be part of the working group, while members of the public and other organizations could participate in working group meetings if they are announced through press releases.

Effects of the Proposal

This proposal would restrict non-Federally qualified users hunting deer on portions of Admiralty Island during the months of peak effort and harvest. Currently, non-Federally qualified users represent roughly 60-70% of the hunting effort and harvest in the proposal area, which is comprised almost entirely of Federal public lands. The proposed September 15 - November 30 closure for non-Federally qualified users would likely eliminate over half of the hunter effort and harvest of deer in the proposal area. This could lead to increased effort in the proposal area during the month of December, after the closed period has ended, as well as increased hunting pressure along beaches, which are State-managed lands, especially during November. This could increase user conflicts as beaches are a popular hunting area for Federally qualified subsistence users.

Southeast Council members expressed concern over the displacement of non-Federally qualified users to other areas if this proposal was adopted, which one member called "squeezing the balloon". They were especially concerned about this displacement if all three proposals (WP22-07, -08, and -10) were adopted, stating hunting pressure will just shift and become concentrated in other areas, creating similar problems there instead (SEARAC 2021b). This may be the largest cumulative impact if the Board adopted all three Unit 4 deer proposals. Another concern brought up at the Southeast Council meeting over all three proposals was enforcement. A public testifier stated that he has never seen any Federal officers out during hunting season, and wondered about the effectiveness of these restrictions/closures if no one was enforcing them (SEARC 2021b). Determining whether or not non-Federally qualified users and deer are below the unmarked mean high tide line on state-owned lands is another enforcement concern.

The intent of the proposal is to increase opportunity for Federally qualified subsistence users by limiting competition from non-Federally qualified users. However, there is little evidence that the proposed closure would provide much benefit for Federally qualified subsistence users. Deer populations within the proposal area appear to be healthy and close to carrying capacity and, therefore, the elimination of a substantial portion of the harvest is unlikely to result in a significant increase in the deer population. In addition, if a deer population increase did occur, it could result in exceedance of carrying capacity, especially on winter range during years with severe winters, which could negatively affect future Federal subsistence harvest opportunity. Local perceived declines in the Unit 4 deer population may have been due to mild winters, which resulted in deer being spread-out through the forests rather than concentrated and easily observable on beaches.

While the proponent states that subsistence users have had trouble meeting their deer needs due to increased competition from non-Federally qualified users, the effort levels, success rates, and total harvest for all hunters in the proposal area have been stable over the past decade based on ADF&G harvest report. This harvest data does not indicate any recent increase in the amount of hunting effort or harvest by non-

Federally qualified users, at least over the time period for which data are available. It also shows that within the proposal area, the number of days required to harvest a deer and the number of deer harvested per Federally qualified subsistence user have been fairly consistent for over a decade.

Based on ADF&G harvest data indicating no significant change in the deer harvest and hunting effort by Federally qualified subsistence users in the proposal area, competition from non-Federally qualified users does not appear to have reduced subsistence uses of deer in the proposal area. However, the perception that Federally qualified subsistence users are experiencing more competition may stem from increases in encountering other hunters, or other user conflicts that are not captured in the data. The proposed closure could reduce the number of such conflicts.

Furthermore, local knowledge attests that only one or two boats in an area can negatively affect the success of subsistence hunts because access in some inlets is very small. Therefore, even though ADF&G harvest reports indicate no increase in non-Federally qualified subsistence users hunting in these areas, just a couple can seriously impact subsistence hunts (SEARC 2021b). As one Council member put it, "There's plenty of water but there's not enough elbow room at the bar." High gas prices also impact the ability of local subsistence and non-local hunters from being able to access deer hunting areas. To both these points, the Council member from Angoon provided an example of someone he knew who boated to a preferred deer hunting location with "all his hopes on 10 gallons of gas" only to find three other boats already there. Local knowledge also explains how if hunters shoot at a deer and miss, then that deer is much more wary and likely never to be seen again. This is another way non-local hunters may negatively impact subsistence hunts.

The proposal may also have the unintended consequence of preventing non-Federally qualified users with local ties to the area from participating in subsistence activities. Many people from Angoon and other rural areas move to Juneau to seek employment but return to these communities to participate in subsistence harvesting with family and friends. Under the proposed regulation, these users would be prevented from hunting deer in the area during the closed season. However, the Southeast Council member from Angoon explained that, "A lot of the young men and women that have moved away will come out when it's first opened so they can climb the mountain. So that explains the September 15th date. They can come and hunt from August to September 15 as they please" (SEARAC 2021b).

OSM CONCLUSION

Oppose Proposal WP22-07

Justification

§815(3) of ANILCA provides that the Board may restrict non-subsistence uses on Federal public lands only if *necessary* for "the conservation of healthy populations of fish and wildlife" or "to continue subsistence uses of such populations." The closure of Federal public lands within the proposal area does not meet this criteria. The closure is not necessary for the conservation of healthy deer populations. The Unit 4 deer population is healthy, abundant, and the highest in the state.

The closure is also not necessary for the continuation of subsistence uses based on the available evidence and might adversely affect the ability of Federally qualified subsistence users to meet their subsistence needs by increasing hunting pressure and user conflicts along beaches. Based on reported harvest data, hunting effort and harvest success rates of Federally qualified subsistence users have generally been stable and favorable over the last 10 years, while hunting effort by non-Federally qualified users has exhibited a declining trend over the last 20+ years, indicating crowding and competition from non-Federally qualified users has not increased. While the presence of only one other boat or a few hunters can negatively affect the success of a subsistence hunter, the reported harvest data shows non-Federally qualified and Federally qualified subsistence users are mostly hunting in different areas within the proposal area. Therefore, closure of these areas could represent an unnecessary restriction on non-Federally qualified users as it is not expected to substantially benefit or to be necessary for the continuation of subsistence uses.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southeast Alaska Subsistence Regional Advisory Council

Fall 2022

Support WP22-07 **with modification** to remove wildlife analysis areas 4043, 4044, and 4054 from the proposal area and to reduce the harvest limit for non-Federally qualified users to two bucks within the remaining area (WAAs 4042, 4055, and 4041).

OSM's interpretation of the Council's intent is:

> **Unit 4 - Deer**
>
> *Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Aug. 1 - Jan. 31 Jan. 31.*
>
> ***Non-Federally qualified users are limited to 2 male deer on Admiralty Island, that portion draining into Chatham Strait south of the Thayer Creek drainage but excluding the Hasselborg Lake and Hasselborg Creek drainages from Sept. 15 – Nov. 30.***

The Council further limited the area addressed in this proposal from its Fall 2021 recommendation (**Figure 11**) and also recommended a bag limit reduction rather than a full closure, which will have a lesser impact on non-Federally qualified users. The Council supports Angoon in its efforts to protect their way of life but recognizes that there is a higher threshold to achieve when justifying a closure versus reducing harvest limits. Angoon residents rely on deer more than many other Southeast communities due to reduced ferry schedules and high gas prices, resulting in a greater need to supplement available food.

The further modified proposal would have little effect on non-Federally qualified users because few take more than two deer. The buck restriction will create a meaningful priority for Federally qualified users during the rut when deer are fat. The Council considered this recommendation to be a reasonable compromise, which the Board asked for in its deferral. The Council looks forward to monitoring this issue, and hearing information and data from a current Unit 4 Deer Strategy project by the Hoonah Indian Association, in hopes of resolving some of the various issues associated with this matter in the future.

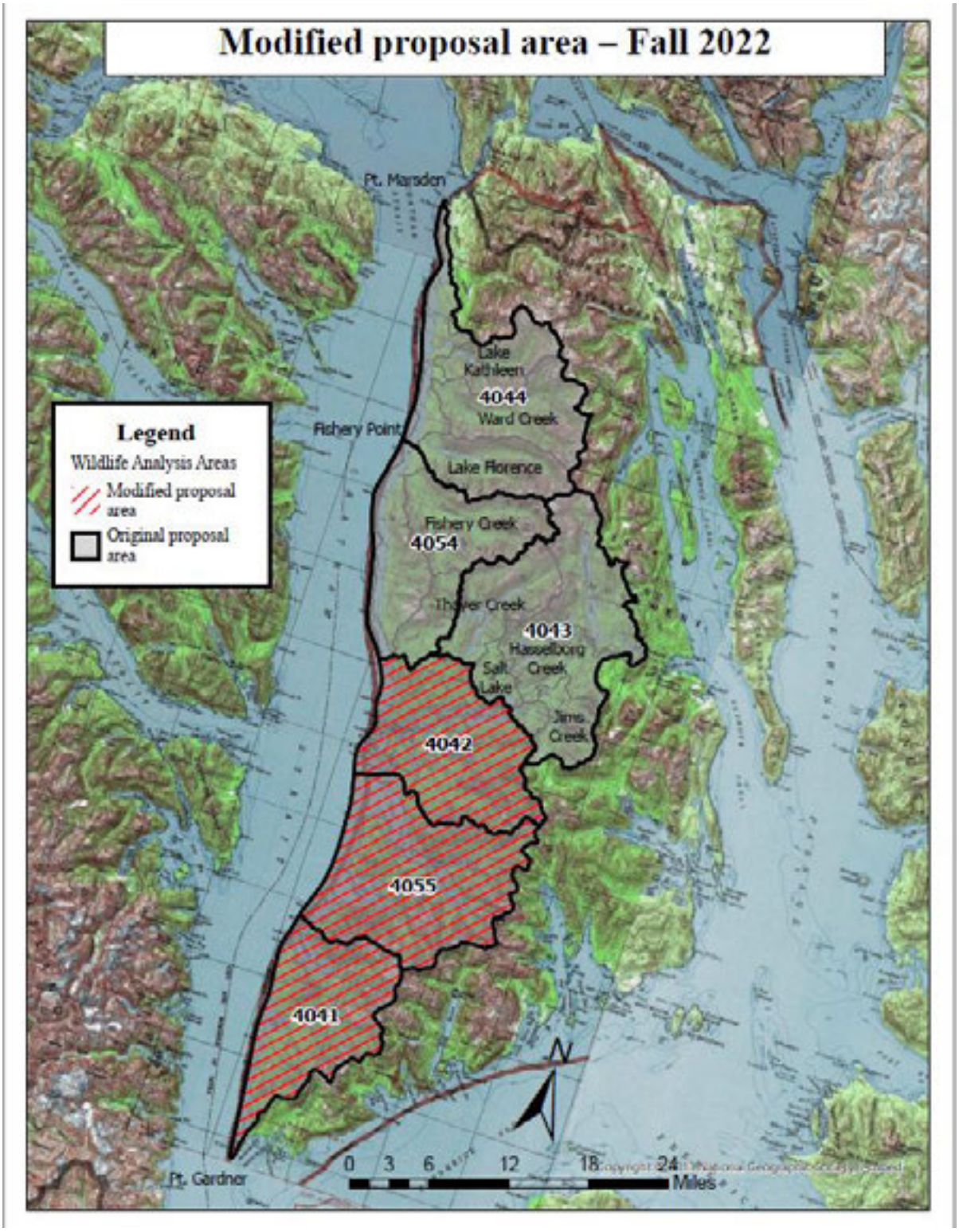


Figure 11. The original (black outline) and modified (cross-hatched) proposal areas from the fall 2022 Council recommendation.

Fall 2021

Support WP22-07 **with modification** to remove wildlife analyses areas 4044 and 4043 from the proposed closure area.

OSM's interpretation of the Council's intent is:

> **Unit 4 - Deer**
>
> *Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. Aug. 1 - Jan. 31 31.*
>
> ***Drainages of Admiralty Island flowing into Chatham Strait between Fishery Point and Point Gardner, except drainages flowing into Thayer Lake, Hasselborg Lake, and Hasselborg Creek are closed to deer hunting Sept. 15 – Nov. 30, except by Federally qualified users.***

Harvest data have shown a decline in deer harvest by subsistence users, and the local Council member testified that Angoon residents are having a hard time getting deer. The decrease in competition from other non-Federally qualified users will be beneficial to subsistence users. The proposed closure is not necessary for conservation purposes, but it will be necessary to ensure continued subsistence uses by residents of Angoon whose harvest levels have fallen in recent years. The Council found that the proposal is consistent with established fish and wildlife management principles in that it uses a change in hunting seasons for some users as a tool.

The Council removed sections from the originally proposed closure area that had the highest rates of use by non-Federally qualified users. The intent of the modification was to reduce the impact of the closure on those users. The Council acknowledged that wildlife analysis areas could not be used in Federal regulation and requested that OSM develop modified regulatory language to reflect the Council's intent. The original and modified closure areas are shown in **Figure 122**.

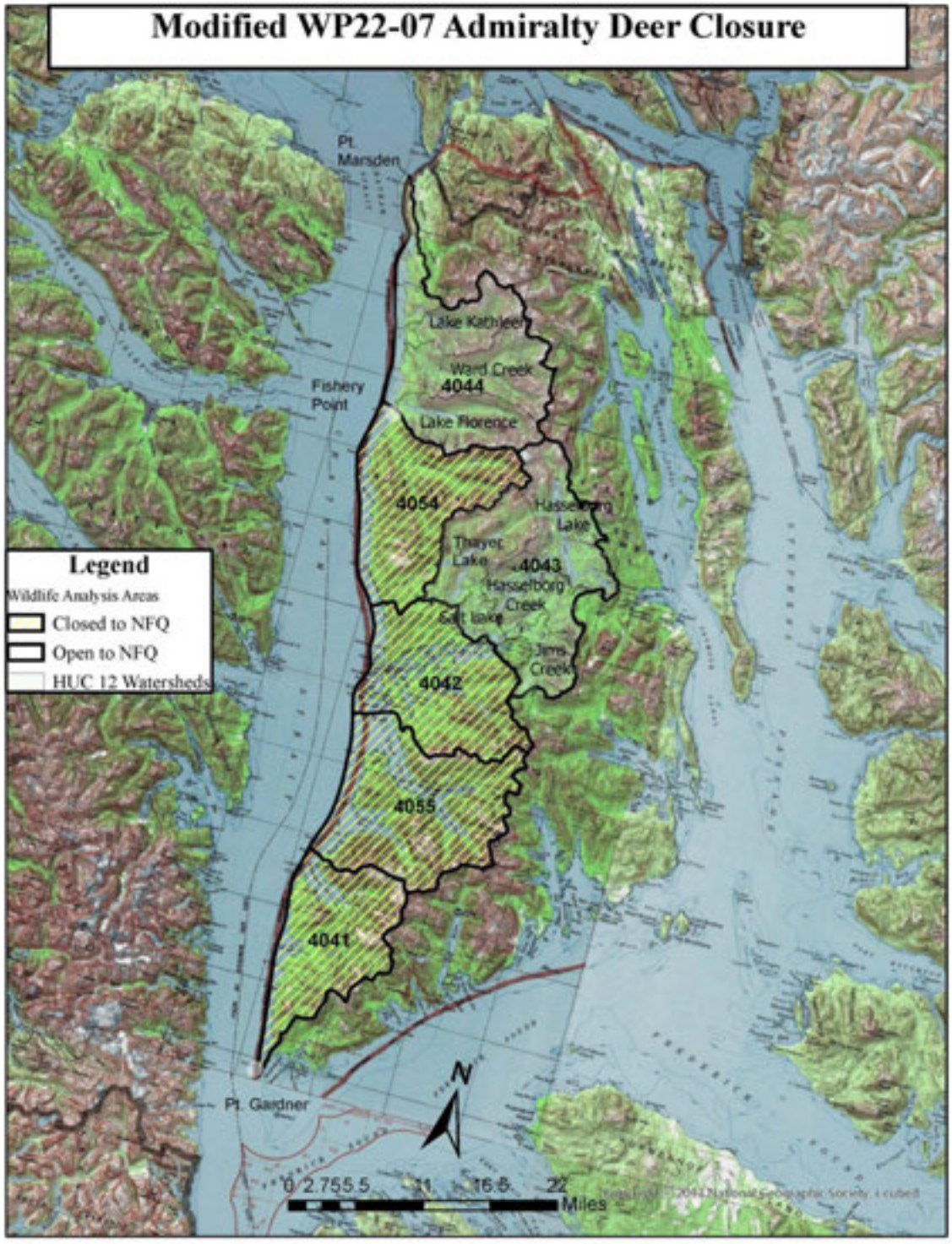


Figure 122. The original (black outline) and modified (cross-hatched) proposal areas from the fall 2021 Council recommendation.

INTERAGENCY STAFF COMMITTEE COMMENTS

The ISC acknowledges the extensive discussion by the Council members about the closure policy application to this situation. This was one of four proposals for Unit 4, which overall has a healthy population of deer, but is experiencing subareas where subsistence users are not able to harvest enough deer for their needs. The Council submitted this proposal because of concerns brought to them by the affected Federally-qualified subsistence users in Angoon about not meeting subsistence needs for deer. The proposal review process allowed them to review the available data and hear testimony from all affected users of the resources. During the meeting, they acknowledged that the data in the State reporting system used to measure effort does not reflect success in subsistence hunting because subsistence hunting of deer is opportunistic and users generally only report when they are successful. They crafted a modification in area and season that limits the impacts to the non-federally qualified users and addresses the needs of subsistence users.

Following deferral of this proposal, the ISC recognizes the additional effort that the Southeast Council put into addressing concerns from Federally-qualified subsistence users and attempting to find a meaningful priority when they took up this proposal for a second time.

The Board may want to consider if restrictions to harvest limits and/or closures to non-Federally qualified users are necessary for the conservation of healthy populations of deer or to allow for the continuation of subsistence uses of deer per §815(3) of ANILCA. Deer populations in the area covered by this proposal are the highest in the state and harvest success by Federally qualified subsistence users has been stable over the last decade, indicating that they are able to harvest sufficient deer to provide for their uses of the resource.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal 22-07

This proposal would close federal public lands on Admiralty Island draining into Chatham Strait between Point Marsden and Point Gardner to deer hunting by non-federally qualified users (NFQU) from September 15 – November 30 (Figure 1). Federally qualified users (FQU) would be able to continue to hunt in this area through January 31.

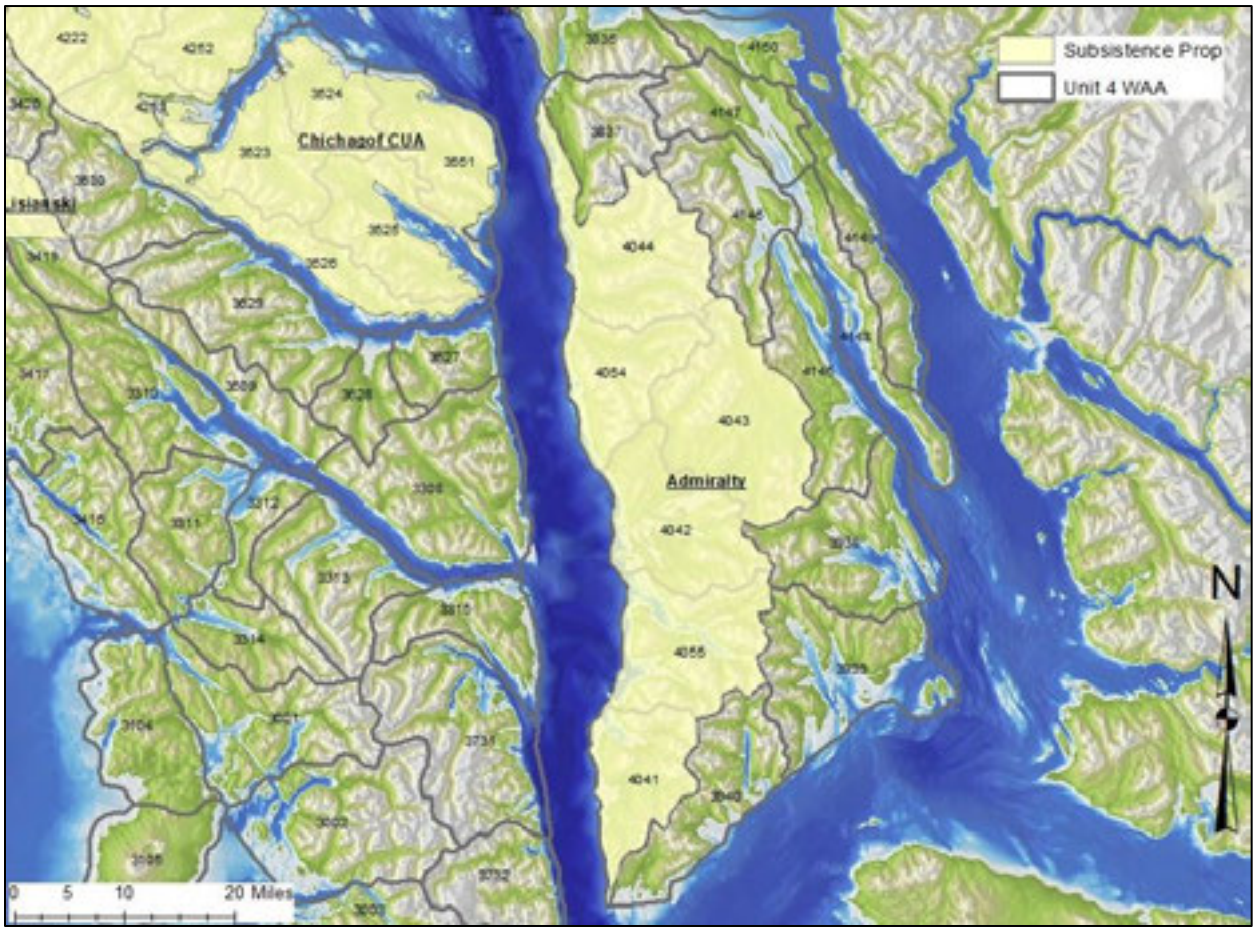


Figure 1. Map of the western Admiralty Island proposal and boundaries of the ADF&G Wildlife Analysis Areas for deer hunter data used to analyze effects of the proposal.

Background

The proposal by the Southeast Alaska Subsistence Regional Advisory Council (SERAC) states that over the past years it has become more challenging for FQUs from Angoon to meet their subsistence needs for deer due to increasing competition from NFQUs. To reduce competition and conserve the deer population, the proposal asked the Federal Subsistence Board to close federal lands on most of western Admiralty Island to NFQU deer hunters from September 15 – November 30.

GMU 4 encompasses the ABC Islands (Admiralty, Baranof, and Chichagof) and the surrounding archipelago. 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 to January 31 with a bag limit of 6 deer (bucks only August1 – September 14). The current State season is August 1 to December 31 with a bag limit of 6deer (bucks only August 1 – September 14). In 2019, the Alaska Board of Game (BOG) increased the deer bag limit in GMU 4 from 4 to 6 deer because there is such a healthy population of deer within this GMU.

In 1992, the Alaska Board of Game established an annual amount reasonably necessary for subsistence (ANS) for deer in GMU 4 of 5,200-6,000 deer. ANS differs from the undefined term "subsistence need" used in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). Under Alaska law ANS is the harvestable portion of a game population that is sufficient to provide a reasonable opportunity for subsistence uses. "Reasonable opportunity" is that which allows a normally diligent hunter a reasonable expectation of success. The BOG establishes an ANS for a game population through review of long-term population and harvest information. A portion of the state-designated Juneau Nonsubsistence Area extends into GMU 4 on northern and eastern Admiralty Island.

These comments analyze indices of deer abundance, deer hunter effort, and 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 are derived from the annual deer hunter survey (1997-2010), and mandatory deer harvest ticket reports (2011 - present). Collectively, these data gathered by the Alaska Department of Fish and Game (ADF&G) are the only annually collected, objective, and quantitative information on deer abundance, hunter effort, and harvest available for Southeast Alaska

GMU 4-Wide Population and Harvest

Monitoring deer abundance in forested habitat is challenging as deer cannot be directly counted through ground or aerial surveys, so we currently look at several types of survey data. Since the 1980s ADF&G has used spring pellet group counts to monitor broad (≥30%) changes in deer abundance. Spring pellet group surveys are conducted in numerous US Forest Service Value Comparison Units across Southeast Alaska after snow melts and before spring green-up.

GMU 4 consistently has the highest pellet group counts in Southeast Alaska (Figure 2). Pellet group counts <1.0 group/plot generally correspond to low density populations, 1.0 - 1.99 group/plot to moderately dense populations and > 2.0 group/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. Although the specific area affected by this proposal is rarely sampled, this broad index of deer abundance suggests the GMU 4 population remains at high levels with no indication of depleted populations or conservation concerns.

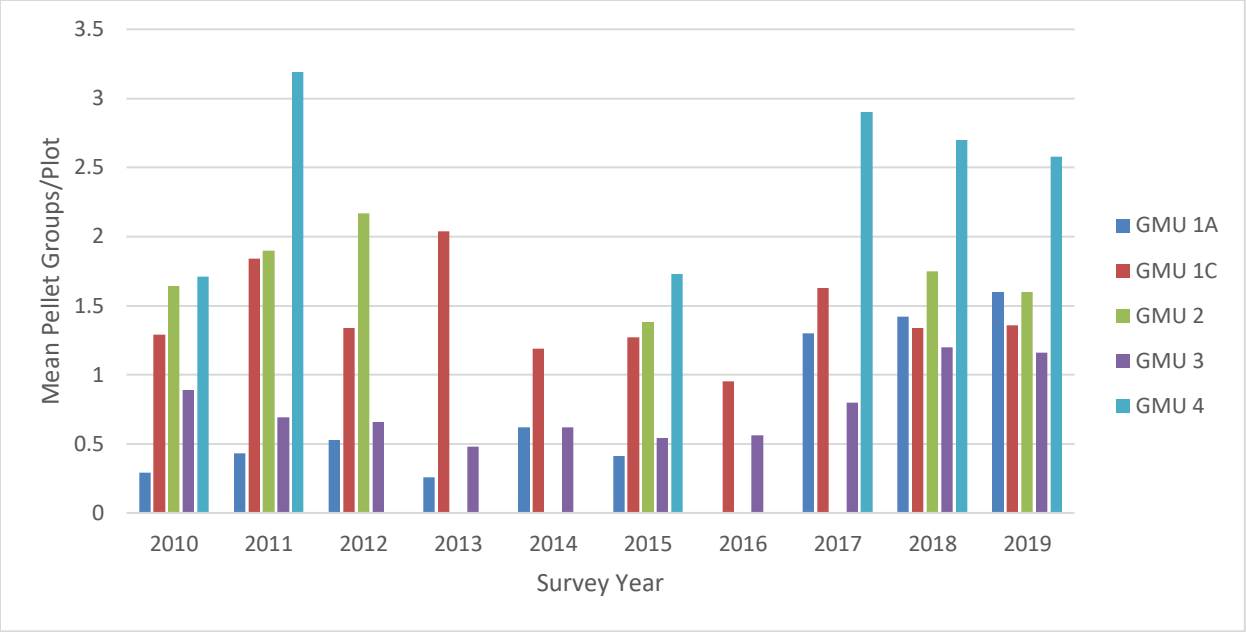


Figure 2. Mean number of deer pellet groups/plot for Southeast Alaska by GMU, 2010-2019.

In 2013, ADF&G began evaluating mid-summer aerial counts of deer in alpine habitat as an index of deer abundance. Surveys were conducted for 2 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). Southern Admiralty had the highest deer/hour of any survey area in Southeast Alaska. Estimates from Northeast Chichagof were similar to Prince of Wales Island (POW) and higher than all other survey areas except Southern Admiralty and POW.

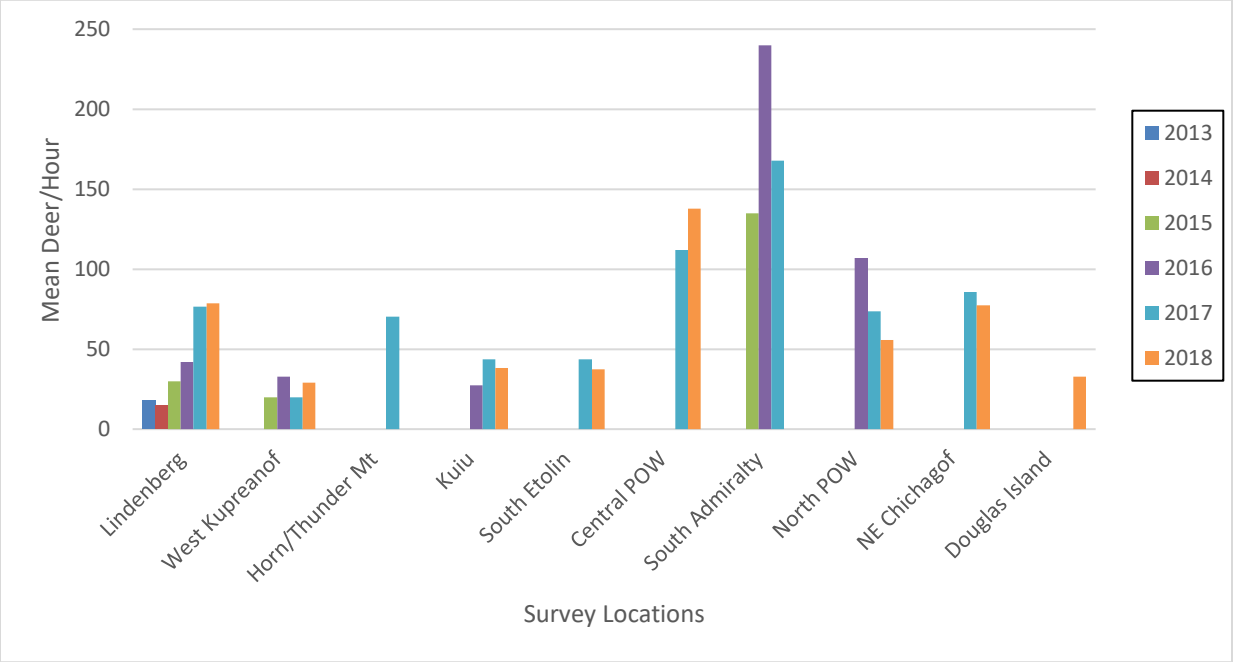


Figure 3. Mean number of deer counted per hour during mid-summer aerial alpine deer surveys in Southeast Alaska, 2013-2018.

Management biologists in GMU 4 began conducting beach mortality transects in the early 1990s. Although these mortality surveys are a relatively insensitive indicator of population trend, they are an indicator of mortality resulting from severe winters 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 adult male, adult female 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 very high number of carcasses found during spring 2007 surveys (Figure 4). In the years since then, few carcasses were found indicating high overwinter survival and no winter related population declines.

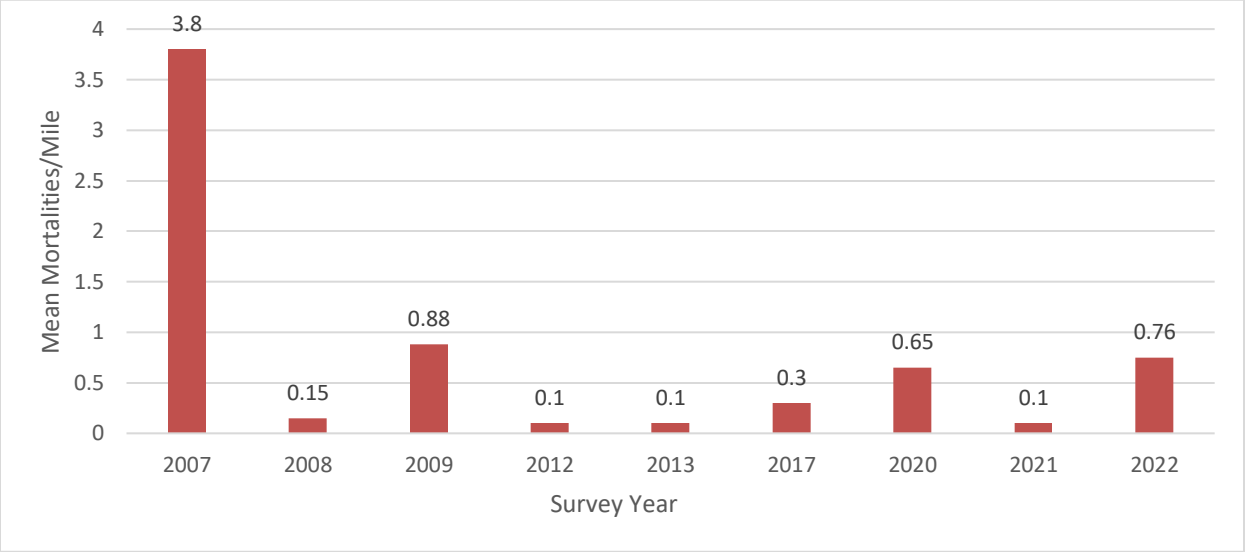


Figure 4. Mean number of winter-killed deer per mile of beach surveyed during spring in GMU 4.

Taken together, these indices of deer abundance (pellet group surveys, alpine counts, mortality transects) indicate 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 deer population.

Hunter Effort and Harvest

GMU 4 managers also use harvest as an indicator of trend in the deer population. ADF&G estimates hunter effort and harvest using information provided by hunters. 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 deer they harvested.

From 1997-2021 the estimated average annual harvest in GMU 4 has been 5,680 deer taken by 3,275 hunters (Figure 5). Currently, GMU 4 supports the highest deer harvest in the state with harvest remaining stable with between 5,000-7,000 deer harvested annually. The exception being the severe winter of 2006/2007 when high harvest was followed by significant overwinter mortality of deer throughout GMU 4. This resulted in a precipitous decline in harvest from 7,734

deer in 2006 to 1,933 deer in 2007. Based on harvest and other indicators of deer abundance, managers believe the deer population had fully recovered by the 2013 season.

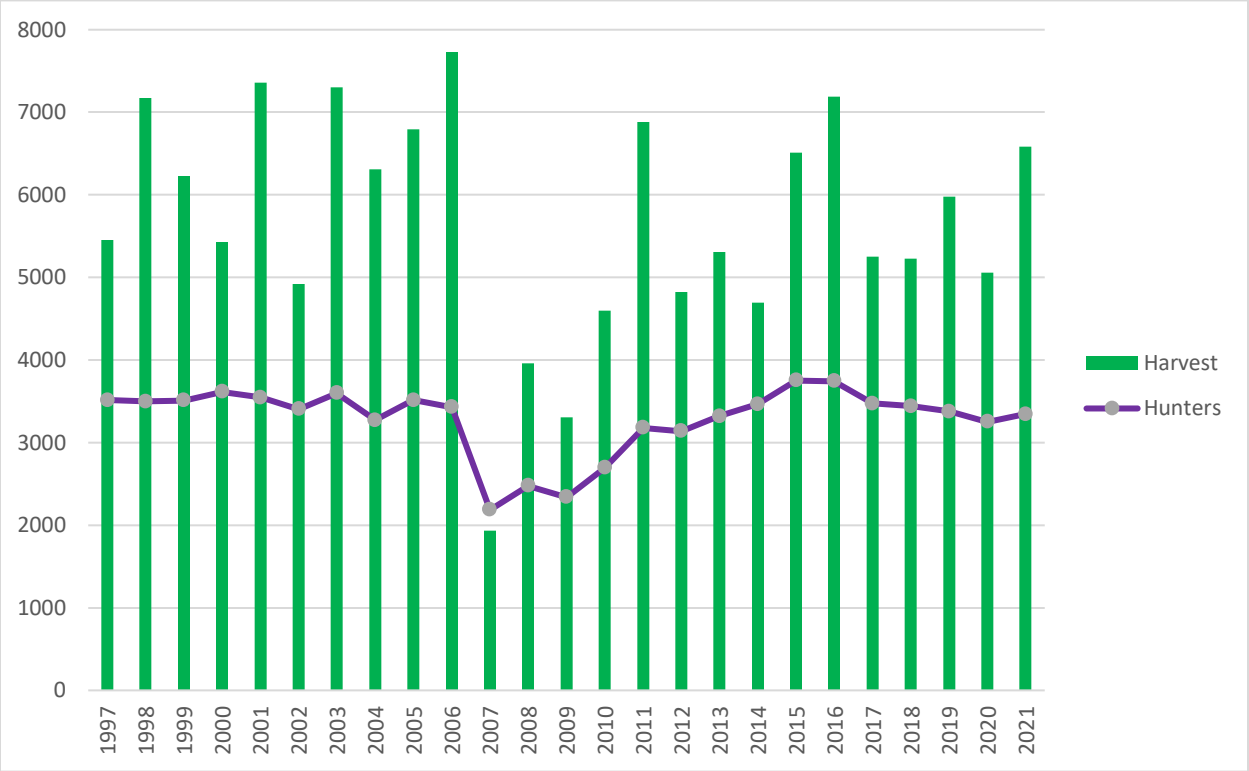


Figure 5. Numbers of people hunting deer and estimated deer harvest for GMU 4, RY97-RY21.

Data Summaries for the Impacted Area

The following analyses present data summarized for FQUs and NFQUs in the 6 ADF&G Wildlife Analysis Areas (WAAs 4041-4044, 4054 and 4055) that intersect with the area this proposal covers (Figure 1). WAA boundaries generally correspond with watersheds and are the finest scale at which data can be meaningfully summarized. For this proposal, WAA boundaries directly correspond to the proposal area.

Long-term records indicate a declining trend in harvest for both FQUs and NFQUs (Figure 6). From 1997 to 2006, FQUs harvested on average 157 deer annually. Harvest declined with the severe winter of 2006/2007. Since 2013, when ADF&G considered the deer population recovered, FQUs have harvested an average of 58 deer annually. This represents an approximate 65% decline. There is a similar pattern for NFQUs, who averaged 200 deer annually from RY97 to RY06. Since RY13, that average has declined to 115 deer annually.

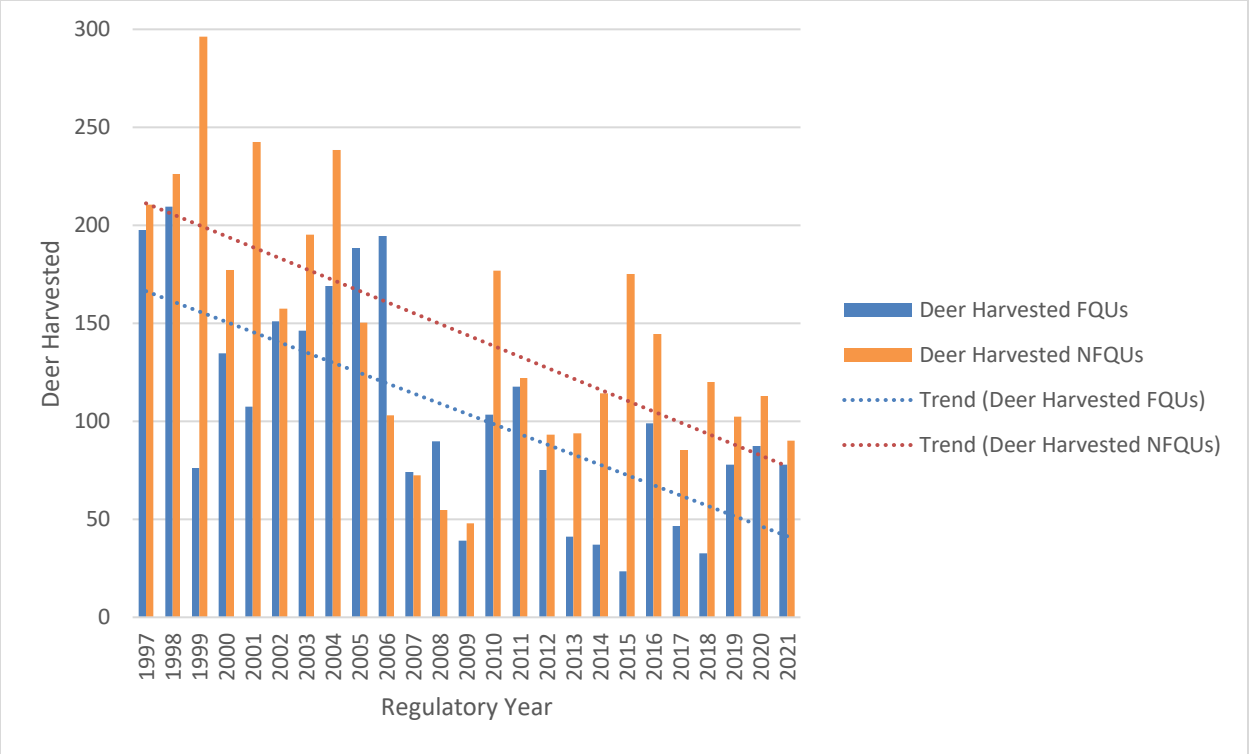


Figure 6. Trends of estimated deer harvest by FQU and NFQUs, western Admiralty Island, RY97-RY21.

To evaluate potential reasons for the decline in deer harvest we examined trends in the numbers of FQU and NFQU hunters and days of hunting effort by those hunters. Since 1997, the number of FQUs and NFQUs have both declined (Figure 7). From 1997-2006 the number of FQUs averaged 72 hunters and NFQUs averaged 143 hunters. The severe winter of 2006/2007 resulted in a decline in the deer population and hunting activity for several years. By 2013 ADF&G considered the deer population recovered. From RY13-RY21 the numbers of FQUs averaged only 37 hunters, a decline of 50 percent. For that same period the number of NFQUs averaged 98 hunters, a decline of 30 percent.

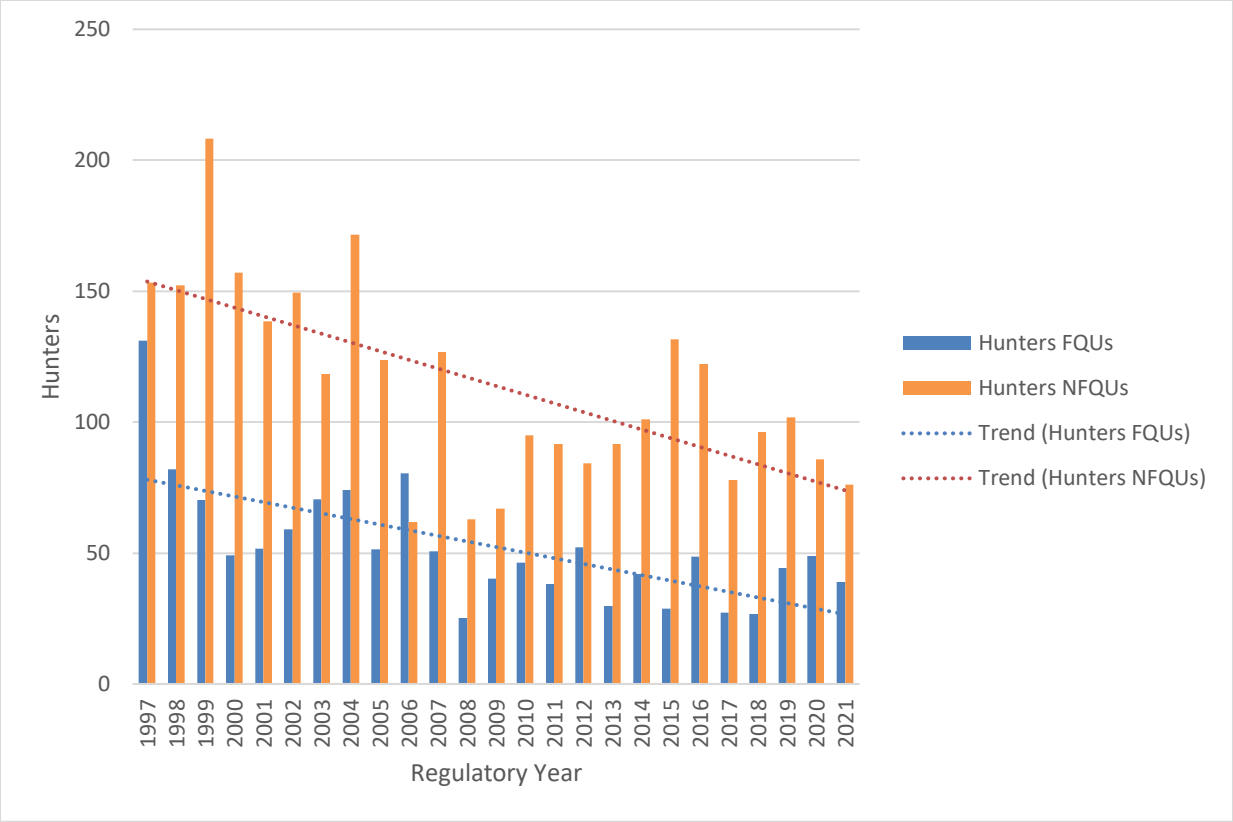


Figure 7. Trends in number of FQUs and NFQUs, western Admiralty Island, RY97-RY21.

In Angoon specifically, there has been a declining trend in the number of residents who have obtained deer harvest tickets (Figure 8). In RY21, only 58 Angoon residents obtained deer harvest tickets, half the number of RY97.

Trends in days hunted are similar to trends for number of FQUs and NFQUs (Figure 8). Days of hunting effort by FQUs and NFQUs both declined, but the decline for FQUs has been greater. FQUs spent as many as 631 days afield in RY97 and as few as 33 days in RY15. Decreasing numbers of hunters and days hunted indicate reduced effort for both NFQU and FQUs for this area of GMU 4

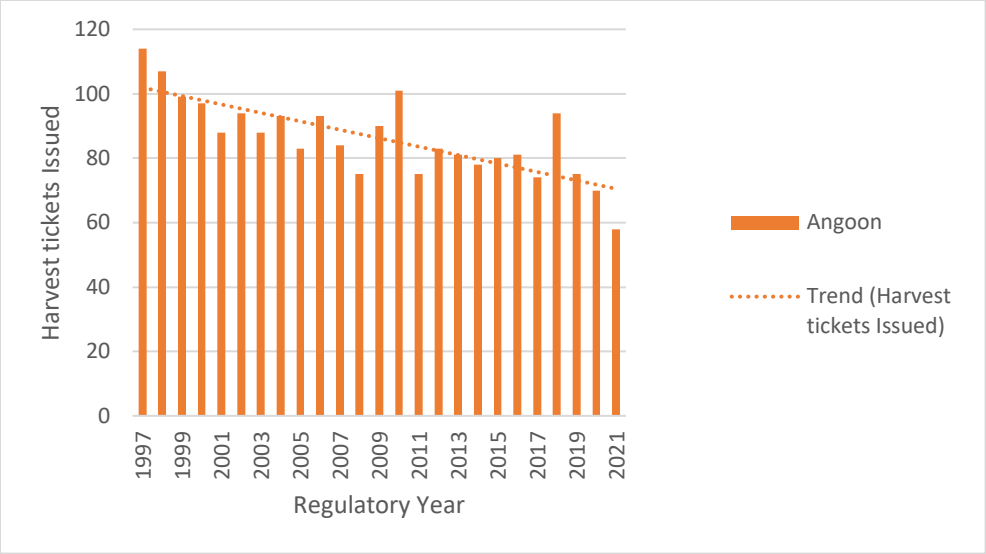


Figure 8. Deer Harvest Tickets Issued in Angoon RY97-RY21.

Trends in Hunter Efficiency

Hunter efficiency, or the days of hunting effort required to harvest 1 deer, is another indicator of the availability of deer to GMU 4 hunters. FQUs are consistently more efficient than NFQUs in time it takes to harvest a deer (Figure 9). Since 1997 FQUs hunting in the proposal area have required an average of only 2.0 days of hunting effort to harvest 1 deer, whereas NFQUs have required 3.5 days of effort.

Compared to deer hunter effort required to harvest a deer elsewhere in the state this is an extremely efficient hunt. In comparison, hunters on Prince of Wales Island (GMU 2) average 3.9 days of hunting per deer harvested, Kodiak (GMU 8) averages 3.6 days/deer, GMU 1A (Ketchikan) averages 5.4 days/deer, GMU 3 (Petersburg/Wrangell) averages 6.3 days/deer, and in GMU 1C (Juneau) hunters average 8.1 days/deer (ADF&G 2013-2019). The effort required to harvest one deer in GMU 4 is lower than anywhere in Alaska.

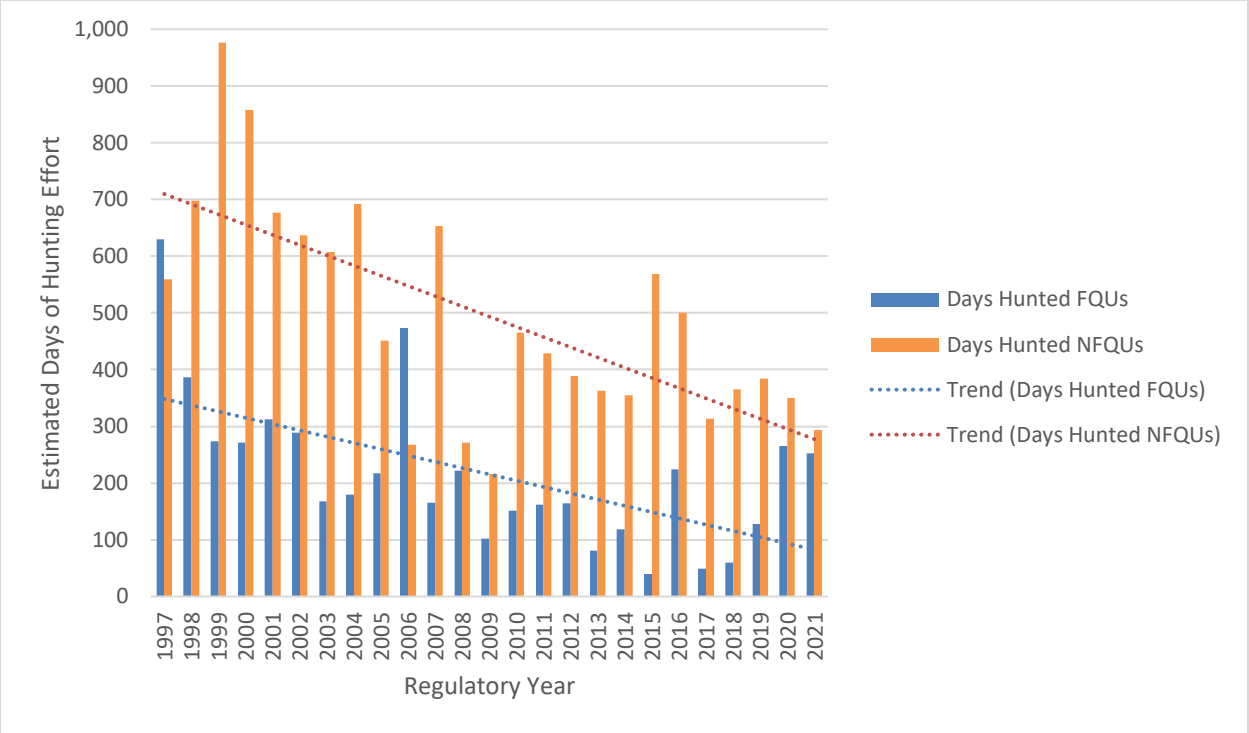


Figure 9. Trends in estimated days of hunting effort by FQUs and NFQUs, western Admiralty Island, RY97-RY21.

Trends in Hunter Efficiency

Hunter efficiency, or the days of hunting effort required to harvest 1 deer, is another indicator of the availability of deer to GMU 4 hunters. FQUs are consistently more efficient than NFQUs in time it takes to harvest a deer (Figure 10). Since 1997 FQUs hunting in the proposal area have required an average of only 2.1 days of hunting effort to harvest 1 deer, whereas NFQUs have required 3.4 days of effort.

Compared to deer hunter effort required to harvest a deer elsewhere in the state this is an extremely efficient hunt. In comparison, hunters on Prince of Wales Island (GMU 2) average 4.1 days of hunting per deer harvested, Kodiak (GMU 8) averages 3.6 days/deer, GMU 1A (Ketchikan) averages 4.8 days/deer, GMU 3 (Petersburg/Wrangell) averages 6.0 days/deer, GMU 6D (Prince William Sound) averages 2.9 days/deer and in GMU 1C (Juneau) hunters average 7.9 days/deer. The effort required to harvest one deer in GMU 4 (2.3 days/deer) is lower than anywhere in Alaska (ADF&G RY2013-RY2021).

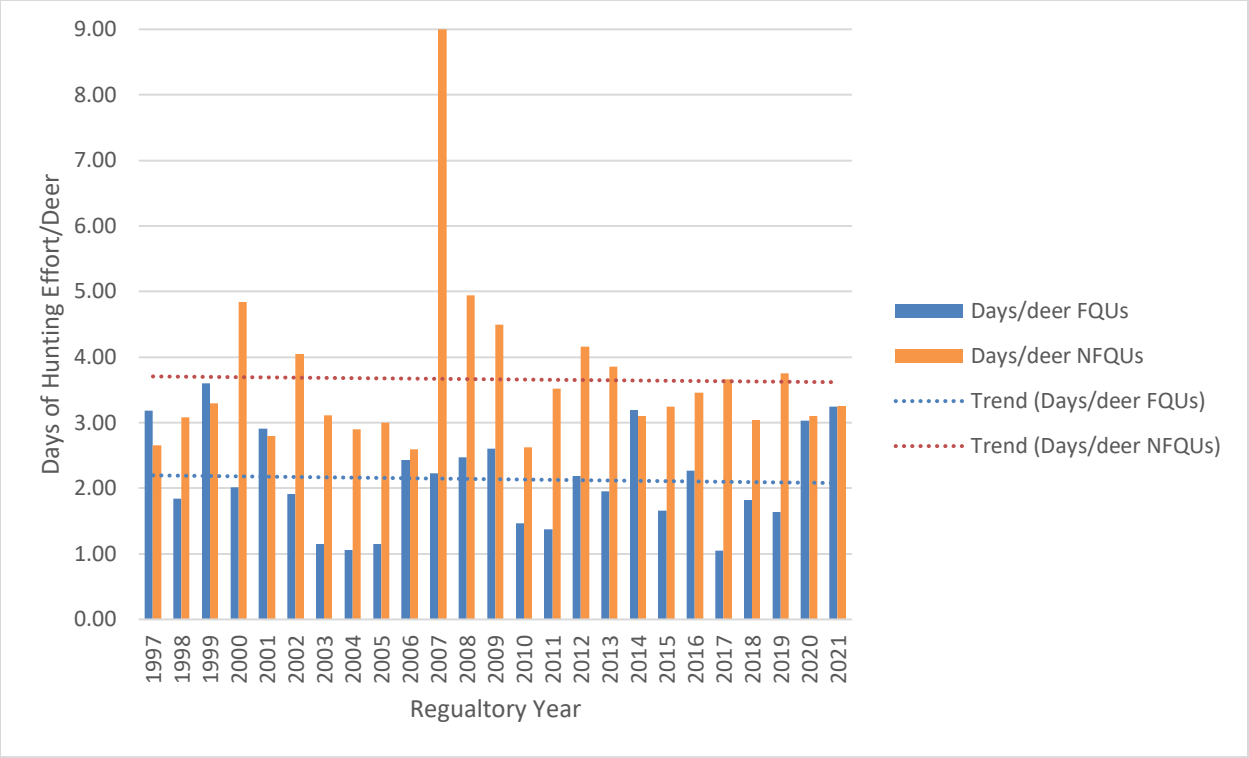


Figure 10. Trends in estimated days of hunting effort required by FQUs and NFQUs to harvest one deer, western Admiralty Island, RY97-RY21.

The number of deer harvested per hunter is another gauge of deer abundance and hunting success. Over the long term this metric has declined for both groups of hunters with the decline for FQUs greater than for NFQUs. However, since RY13 when ADF&G considered the deer population recovered from the severe winter of 2006/2007, the number of deer harvested per NFQU has remained steady and averaged about 1.3 deer/hunter. In contrast, the number of deer harvested per FQUs has trended upwards suggesting that FQUs are experiencing increasing success (Figure 11).

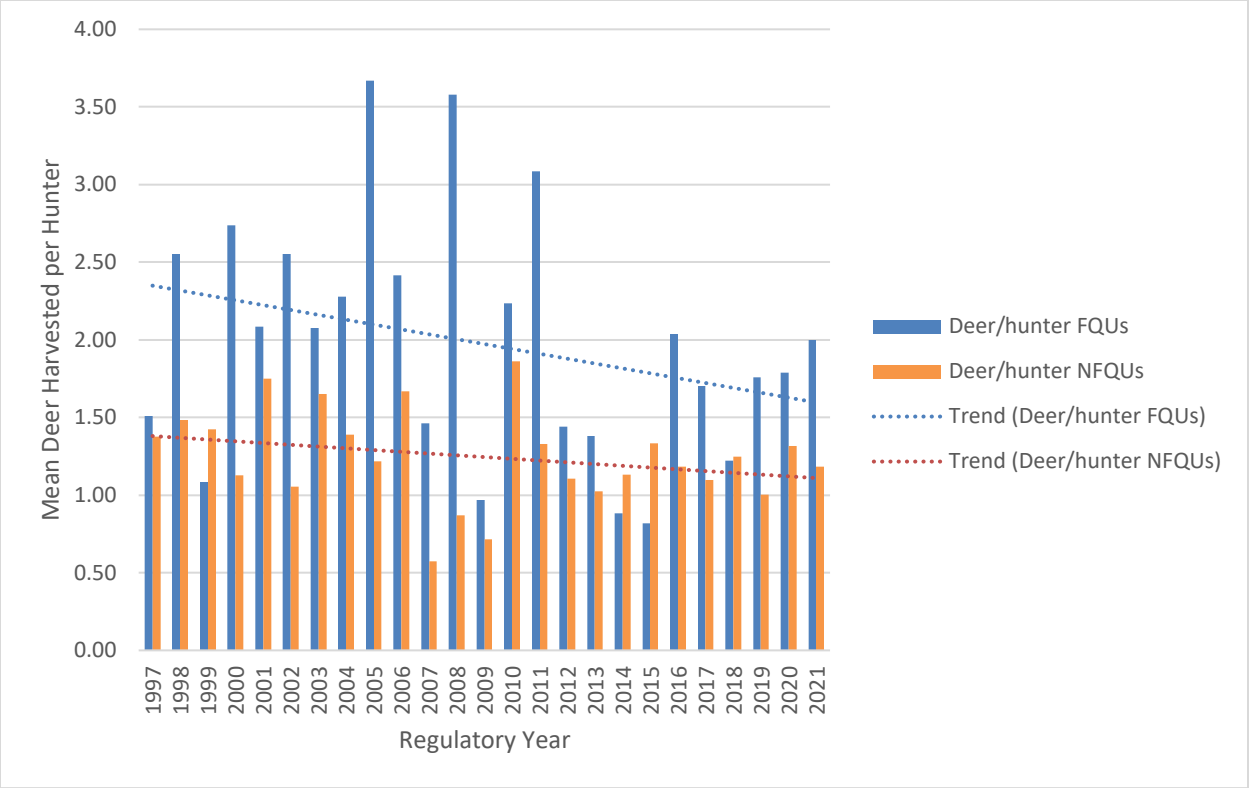


Figure 11. Trends in mean numbers of deer harvested per FQU and NFQU hunters, western Admiralty Island, RY97-RY21.

Hunt Chronology

Mid-October through November 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. Hunters report hunting effort and harvest by month, so data can only be summarized by month. The period, September – November, encompasses 63% of hunters, 67% of days hunted, and 62% of the harvest for FQUs hunting in Unit 4. Figures for NFQUs are higher at 69%, 75% and 72% respectively (Table 1).

Table 1. Unit 4 Deer Hunting Chronology of Harvest and Effort for FQUs and NFQUs as both numbers and percentage of total.

FQUs RY13-RY21						
	Hunters	%	Days Hunted	%	Deer Harvested	%
August	2,129	8	3,678	6	1,840	6
September	2,485	10	4,402	8	2,481	8
October	4,259	17	8,470	15	4,596	14
November	9,310	36	24,488	44	12,740	40
December	5,470	21	11,674	21	7,725	24
January	1,901	8	3,439	6	2,561	8
Total	25,554		56,151		31,943	
NFQUs RY13-RY21						
August	1,778	9	3,661	6	1,214	6
September	1,648	8	4,256	6	1,458	7
October	3,314	16	8,905	14	2,442	13
November	9,357	45	34,940	55	10,125	52
December	4,571	22	12,053	19	4,314	22
Total	20,668		63,815		19,553	

Analysis

The analyses presented here are based on several different metrics that came from the only annually collected, objective, and quantitative information available on deer abundance, hunter effort and harvest in the area affected by this proposal. Deer abundance data is monitored by ADF&G through the reporting of effort and harvest data from hunters, including those from Angoon,

The proposal asserts that the deer population on western Admiralty Island is "depleted" and that in recent years FQUs have had increasing difficulty meeting their subsistence needs for deer because of increasing competition with NFQUs. Because the term "subsistence need" is not defined and ANILCA does not require the federal program to quantify historical levels of harvest for subsistence uses, there is no way to objectively verify when those needs are being met. Our analysis focuses on measures of deer abundance and trend in GMU 4 and on trends in effort and harvest by FQUs and NFQUs in the proposal area. Conditions that would support the assertion that NFQUs are hindering deer harvest by FQUs would include increasing numbers of hunters, days of hunting effort, and harvest by NFQUs that coincide with declining harvest by FQUs while the number of FQU hunters and effort by those hunters remained stable or increased.

ADF&G monitors abundance and trend of deer at the scale of the GMU or subunit, so we can only note that the available data indicate GMU 4 deer populations are currently at high and stable

levels. Winter severity, particularly deep and lingering snowpack is the biggest limiting factor for Sitka black-tailed deer in GMU 4. The last winter with above average snowfall occurred in 2011/2012. Since then, winters have been average to mild with little overwinter mortality as corroborated by ADF&G's spring mortality surveys. Pellet group and aerial alpine deer counts also support the conclusion that deer remain abundant throughout GMU 4.

The proposal also asserts that FQUs on western Admiralty Island are having an increasingly difficult time meeting their subsistence needs. The term "subsistence need" as used in Title VIII of ANILCA has no quantitative benchmark analogous to ANS in state regulations. Consequently, there is no way of verifying whether the existing federal regulations are adequately providing for subsistence harvest or not. Because the proposal notes that increasing competition from NFQUs is making subsistence harvest more difficult and because no similar proposal has been submitted before, we can presume that in the past FQUs were able to provide for subsistence uses. Therefore, to evaluate the need for this restriction of NFQU opportunity we investigated harvest and measures of hunter effort for trends of increasing effort and harvest by NFQUs.

We found that the numbers of FQUs and NFQUs hunting deer in this area has declined, but that decline in participation was much greater among FQUs. This decline in hunter participation appears related to the severe winter of 2006/2007. The average number of FQUs hunting deer in this area before RY07 was approximately 50% greater than the average from RY13 to present. We have also seen an historic decline in the number of Angoon residents who acquire deer harvest tickets. Numbers of NFQUs hunting deer in this area also declined, but by only 30%. Days of hunting effort showed a similar trend. The number of days hunted by FQUs has declined from the 1997-2006 average of 320 days per year to an average of only 135 days per year since 2013, a decrease of approximately 60%. The decline in hunting effort by NFQUs for the same periods is approximately 40%. This finding directly contradicts the assertion in the proposal that increasing competition from NFQUs is hindering harvest by FQUs. In fact, total deer hunting effort and the potential for competition between FQUs and NFQUs in this area has substantially declined.

To evaluate whether FQUs are having an increasingly difficult time harvesting deer we looked for trends in the number of days of hunting effort required to harvest 1 deer and number of deer harvested per hunter. Since RY97 days of hunting effort to harvest 1 deer has been stable for both FQUs and NFQUs. Although FQUs are now harvesting fewer deer per hunter than they did prior to RY2007, since RY2013, deer harvested per FQU has been trending upward suggesting FQUs, including Angoon hunters, are enjoying increasing success.

If harvesting deer was becoming more difficult for FQUs, we would expect to see an increase in the number of days of hunting effort required to harvest a deer and a decline in the number of deer harvested per FQU hunter. However, these measures of hunter success based on hunt reports provided by FQUs, including residents of Angoon, indicate that deer hunting conditions on western Admiralty Island remain very good and that in recent years FQUs have enjoyed greater hunting success.

Summary

The proposal asserts that the deer population on western Admiralty Island is depleted and that in recent years FQUs have had difficulty meeting their subsistence needs because of increasing competition from NFQUs. Our analysis of the deer population, hunter effort and harvest trends found no support for either contention. Instead, the available indicators support that deer remain abundant throughout GMU 4. On western Admiralty Island it is unlikely that hunter harvest has reduced deer abundance because total hunting effort is relatively light, and over the last 2 decades hunter effort and harvest have declined.

We could find no support for the contention that competition from NFQUs has increased or that NFQUs are hindering harvest by FQUs. In fact, over the past 2 decades, rather than increasing, the number of NFQUs and days of hunting effort by NFQUs has declined. Further, days of hunting effort by FQUs required to harvest a deer remains very low and the number of deer harvested per FQU has been increasing.

The analysis conducted by ADF&G indicates a decline in the number of deer harvested by FQUs on western Admiralty Island. However, that decline is attributable to a decline in the number of FQUs and days of effort by those hunters. Over the last 20 years the number of FQUs and days of hunting effort by those hunters has declined by half. Deer remain abundant and competition from NFQUs is stable or declining, so we conclude that the decline in federal subsistence harvest of deer results from a decline in participation and effort by FQUs, not depleted deer populations or increasing competition from NFQUs.

Impact on Subsistence Users

The closure of this area may reduce some competition on federal public lands between FQUs and NFQUs between September 15 and November 30. However, NFQUs would still be able to hunt adjacent state-owned tidelands below mean high tide, state public uplands, and private property. .

Impact on Other Users

Opportunity for NFQUs to harvest deer on federal public lands on western Admiralty Island would be severely reduced. Seventy-two percent of the NFQU harvest from this area occurs during the period targeted for closure by this proposal.

State Customary and Traditional Use Findings

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

Amounts Reasonably Necessary for Subsistence

Alaska state law requires the Board of Game 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. The ANS for deer in GMU 4 is 5,200–6,000 deer.

Contrary to its name, ANS does not indicate subsistence "need". Instead, ANS provides the board with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. The ANS for deer in GMU 4 was established in 1992. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently falls below ANS. However, harvest may decline for many reasons, and in this case it appears to result from declining participation and effort by FQUs in the Angoon area.

Opportunity Provided by the State

The State hunting season and bag limit for deer in GMU 4 including western Admiralty Island is:

GMU 4 Remainder	Bag Limit 6 deer (bucks only to Sep 14th)	Resident Open Season Aug 1 – Dec 31 (Harvest ticket)	Nonresident Open Season Aug 1 – Dec 31 (Harvest ticket)

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. 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 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.

Enforcement Issues

Passage of this proposal will create increasingly complex regulations for NFQUs. Enforcement will be challenging because NFQU's will remain eligible to hunt deer on state-owned tidelands, lands below the line of mean high tide, and on other state and private property. The tideline is not marked, so NFQUs and enforcement officers will have difficulty determining when deer are above or below that line of mean high tide.

Position

ADF&G **OPPOSES** this proposal as originally submitted as well as the various changes suggested by the SERAC throughout the extended process. There is no evidence that hunting by NFQUs has negatively affected FQUs ability to harvest deer. Further, no conservation concern exists for the Admiralty Island deer population nor is the continuation of subsistence harvest of deer from that population in jeopardy. Consequently, there is no "substantial evidence" as required by Title VIII of ANILCA to justify adopting this proposal. In fact, adopting this proposal would deprive NFQUs of sustainable deer hunting opportunity contrary to terms in Title VIII of ANILCA. This proposal would also affect Alaskans, including former residents of Angoon, who have moved to NFQ communities by unnecessarily restricting their ability to practice their traditional and cultural way of life.

Approximately 90% of land in GMU 4 is federally managed, and current federal regulations provide greater opportunity to federally qualified deer hunters compared to NFQUs. FQUs are eligible to hunt an entire month longer than NFQUs with a season extending through the month of January as well as a liberal designated hunter program.

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. A bag limit reduction for NFQUs for 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 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 the only annually collected, objective, and quantitative data available, none of those reasons apply. There is no conservation concern for the Admiralty Island deer population, and no restrictions on NFQU bag limit are needed to continue subsistence uses of deer. Data largely provided by FQUs residing in Angoon clearly indicate that the decline in harvest by that user group resulted from substantially lower participation and effort by FQU deer hunters.

Data Tables

Table 2. Summary Table Federally Qualified Deer Hunters, WAAs 4041, 4042, 4043, 4044, 4054, and 4055.

Regulatory Year	No. of Hunters	Hunt Days	Total Harvest	Deer/ Hunter	Days/ Deer
1997	131	630	198	1.51	3.19
1998	82	386	210	2.55	1.84
1999	70	274	76	1.08	3.60
2000	49	272	135	2.74	2.02
2001	52	312	108	2.08	2.91
2002	59	289	151	2.55	1.91
2003	70	168	146	2.08	1.15
2004	74	179	169	2.28	1.06
2005	51	217	189	3.67	1.15
2006	81	474	195	2.42	2.43
2007	51	166	74	1.46	2.23
2008	25	222	90	3.58	2.47
2009	40	101	39	0.97	2.60
2010	46	151	103	2.23	1.46
2011	38	162	118	3.08	1.38
2012	52	164	75	1.44	2.19
2013	30	80	41	1.38	1.96
2014	42	118	37	0.88	3.19
2015	29	39	24	0.82	1.66
2016	49	225	99	2.04	2.27
2017	27	49	47	1.70	1.05
2018	27	60	33	1.22	1.82
2019	44	128	78	1.76	1.64
2020	49	266	88	1.79	3.03
2021	39	253	78	2.00	3.24

Table 3. Summary Table NFQ Deer Hunters, WAAs 4041, 4042, 4043, 4044, 4054 and 4055.

Regulatory Year	No. of Hunters	Hunt Days	Total Harvest	Deer/ Hunter	Days/ Deer
1997	153	559	211	1.38	2.65
1998	152	698	226	1.49	3.09
1999	208	977	296	1.42	3.30
2000	157	858	177	1.13	4.85
2001	139	677	243	1.75	2.79
2002	150	637	158	1.05	4.05
2003	118	608	195	1.65	3.11
2004	172	692	239	1.39	2.90
2005	124	451	150	1.22	3.00
2006	62	268	103	1.67	2.60
2007	127	653	73	0.57	9.00
2008	63	271	55	0.87	4.94
2009	67	216	48	0.71	4.50
2010	95	465	177	1.86	2.63
2011	92	429	122	1.33	3.52
2012	84	388	93	1.11	4.16
2013	92	363	94	1.03	3.86
2014	101	355	114	1.13	3.10
2015	132	569	175	1.33	3.25
2016	122	500	145	1.18	3.46
2017	78	313	86	1.10	3.66
2018	96	365	120	1.25	3.04
2019	102	384	102	1.00	3.76
2020	86	350	113	1.32	3.10
2021	76	293	90	1.18	3.26

WP22–08 Executive Summary	
General Description	Wildlife Proposal WP22-08 requests that the Northeast Chichagof Controlled Use Area (NECCUA) annual deer harvest limit for non-Federally qualified users be reduced to two male deer. *Submitted by: Southeast Alaska Subsistence Regional Advisory Council*
Proposed Regulation	**Unit 4 - Deer** *Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.* *Aug. 1 - Jan. 31* ***Non-Federally qualified users are limited to 2 male deer in the Northeast Chichagof Controlled Use Area***
OSM Conclusion	**Oppose**
Southeast Alaska Subsistence Regional Advisory Council Recommendation	**Fall 2022** **Take no action**, maintaining the fall 2021 recommendation. **Fall 2021** **Support**
Interagency Staff Committee Comments	The ISC acknowledges the discussion by the Council members that this proposal is not a complete closure but a reduction of non-Federally qualified use of resources in this area. This was one of four proposals for Unit 4, which overall has a healthy population of deer, but is experiencing subareas where subsistence users are not able to harvest enough deer for their needs. The Council submitted this proposal because of concerns brought to them by the affected Federally qualified subsistence users in Hoonah about not meeting subsistence needs for deer. The proposal review process allowed them to review the available data and hear testimony from all affected users of the resources. During the meeting, they acknowledged that the data in the State reporting system used to measure effort does not reflect success in subsistence hunting because subsistence hunting of deer is opportunistic and users generally only report when they are successful. They supported this proposal as a way that provided the least inconvenience to non-Federally qualified users while also reducing competition for the local subsistence users. Following deferral of this proposal, the ISC recognizes the additional

WP22–08 Executive Summary	
	effort that the Southeast Council put into addressing concerns from Federally-qualified subsistence users and attempting to find a meaningful priority when they took up this proposal for a second time. The Board may want to consider if restrictions to harvest limits and/or closures to non-Federally qualified users are necessary for the conservation of healthy populations of deer or to allow for the continuation of subsistence uses of deer per §815(3) of ANILCA. Deer populations in the area covered by this proposal are the highest in the state and harvest success by Federally qualified subsistence users has been stable over the last decade, indicating that they are able to harvest sufficient deer to provide for their uses of the resource.
ADF&G Comments	**Oppose**
Written Public Comments	**44 Oppose, 2 Neutral**
Notes	This is an updated executive summary from the Proposal WP22-08 analysis, which was included in the Federal Subsistence Board April 2022 meeting book. The following analysis has been updated and revised based on the Board's deferral of this proposal at their April 2022 meeting. Both the Southeast Council's fall 2021 and 2022 recommendations as well as ADF&G's updated comments on the revised analysis are included in this document. ADF&G's comments on the proposal pre-deferral and all of the written public comments can be found in the April 2022 version of the analysis on the Office of Subsistence Management website at: https://www.doi.gov/subsistence/wildlife.

STAFF ANALYSIS
WP22-08

ISSUES

Wildlife Proposal WP22-08, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that the Northeast Chichagof Controlled Use Area (NECCUA) annual deer harvest limit for non-Federally qualified users be reduced to two male deer.

DISCUSSION

The proponent states that it recently became more challenging for subsistence hunters in Hoonah to harvest sufficient deer to meet their subsistence needs due to increased hunting pressure from non-Federally qualified users. They state that regulatory change is needed to protect the deer population from further depletion and increase opportunity for Federally qualified subsistence users.

Existing Federal Regulation

Unit 4 - Deer

Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.	*Aug. 1 - Jan. 31*

Proposed Federal Regulation

Unit 4 - Deer

Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.	*Aug. 1 - Jan. 31*
Non-Federally qualified users are limited to 2 male deer in the Northeast Chichagof Controlled Use Area	

Existing State Regulation

Unit 4 - Deer

Chichagof Island east of Port Frederick and north of Tenakee Inlet

Residents and Nonresidents - 3 deer total	*Bucks*	*HT*	*Aug. 1 - Sept.14*
	Any deer	*HT*	*Sept. 15 - Dec. 31*

Unit 4 - Deer

Remainder

Residents and Non-residents - 6 deer total	*Bucks*	*HT*	*Aug. 1 - Sept.14*
	Any deer	*HT*	*Sept. 15 – Dec. 31*

Extent of Federal Public Lands

Unit 4 is comprised of approximately 96% Federal Public Lands and consists of 95% U.S. Forest Service (USFS) managed lands and less than 1% National Park Service or U.S. Fish and Wildlife Service managed lands (**Map 1**).

Customary and Traditional Use Determination

Rural residents of Units 1, 2, 3, 4 and 5 have a customary and traditional use determination for deer in Unit 4.

Regulatory History

See WP22-07 analysis.

Current Events

See WP22-07 analysis.

Biological Background

See WP22-07 analysis

Habitat

See WP22-07 analysis.

Population Information

McCoy (2017) outlines the limitations of estimating deer populations, while Bethune (2020) discusses the most recent deer population status in Unit 4. Overall, the deer population in Unit 4 has recovered from the mortality incurred during the severe winters of 2006-2008 and is probably reaching winter carrying capacity in some areas. There have not been any significant mortality events recorded since 2008 and recent winters have been mild with no significant snowfall. Most recently, the heavy snowfall during the winter of 2021-22 led to concerns about possible heavy mortality. However, mortality surveys in the spring of 2022 found that there was not higher than normal winter mortality, and that the body condition of live deer was similar to that in previous years (Bethune 2022).

McCoy (2019) explained that Unit 4 deer pellet-group counts in 2019 were higher than previous counts

in all three survey areas. Pavlov Harbor, within the proposal analysis area (**Map 1**), was surveyed in 2019. Results indicate a 39% increase in pellet-groups from the last survey conducted in 2010 (McCoy 2010).

Annual harvest is one indication of deer population status. The estimated average annual deer harvest in Unit 4 is 5,579 deer (**Figure 1**). Deer harvest was below average in 2007-2010, probably due to high deer mortality from several consecutive harsh winters. Unit 4 annual deer harvest has increased to pre-2007 levels, suggesting that the Unit 4 deer population has recovered from those harsh winters.

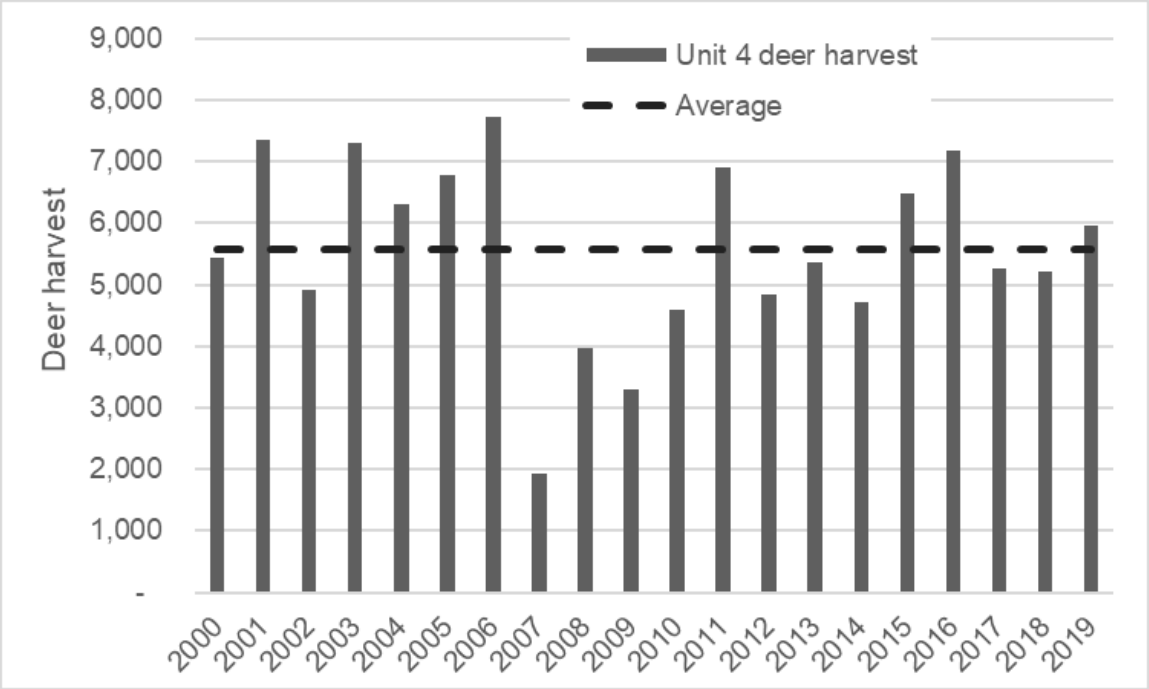


Figure 1. Unit 4 estimated annual deer harvest, 2000-2019 (ADF&G 2021).

Cultural Practices and Traditional Knowledge

Community Background

Four communities are located within the area that is the focus of the proposal, the Northeast Chichagof Controlled Use Area (NECCUA): Hoonah, Game Creek, Tenakee Springs, and Whitestone Camp. Hoonah is a primarily Tlingit community of long standing situated at the entrance to Port Frederick and about 40 miles west of Juneau. Nearby the community of Hoonah are Game Creek, founded as a religious community, and Whitestone Logging Camp, founded by loggers and their families. Game Creek and Whitestone are within three miles of and are road connected to Hoonah. Tenakee Springs is situated on Tenakee Inlet about 20 miles southeast of Hoonah. It has a year-round population and also serves part-time residents who arrive in summer from other places. Tenakee Springs can be accessed

by float plane or boat. The State ferry system provides passenger transportation only, and local transportation is primarily by bicycle or ATV (ADCCED 2022).

Also heavily reliant on the NECCUA for deer hunting, Gustavus is situated near the entrance to Glacier Bay, across Icy Strait from Hoonah, nearby but outside of the NECCUA. Gustavus can be reached by plane or boat. Gustavus is considered the gateway to Glacier Bay National Park. The population of Gustavus increases substantially in the summer months with the arrival of part-time residents (ADCCED 2022).

An Alaska State ferry is scheduled to visit Hoonah and Gustavus up to twice a week from October through December and from March through April; however the ferry is occasionally canceled for various reasons. The Ferry will not visit Hoonah or Gustavus from January through February (Juneau Empire 2022). Hoonah residents sometimes find themselves unable to secure a place on the Alaska State ferry because of the high number of people and vehicles bound for Hoonah intending to hunt for deer (SEASRAC 2009).

The population of these coastal communities fluctuates in response to opportunities for local employment through fishing, logging, and tourist industries (Sill and Koster 2017). The combined population of these communities has more than doubled since 1960 to an estimated 5,613 people in 2020 (**Table 1**; ADCCED 2022). The population of Hoonah has remained relatively stable over the past three decades. In the 1980s, large scale logging brought high numbers of new residents to the Hoonah area, an estimated additional population of 400 loggers and their families in camps and some have stayed, such as at Whitestone Camp. The majority of people living in Hoonah today are from Hoonah or other Southeast Alaska towns (Schroeder and Kookesh 1990, Sill and Koster 2017).

Table 1. The population of communities primarily using the NECCUA to harvest deer based on the US Census (CDP=Census Designated Place) (Source: ADCCED 2022).

Community	1960	1970	1980	1990	2000	2010	2020
Game Creek CDP	0	0	0	61	35	18	23
Gustavus city	107	64	98	258	429	442	655
Hoonah city	686	748	680	795	860	760	931
Whitestone Camp CDP	0	0	0	164	116	17	2
Total	2,203	3,762	4,218	5,227	5,704	5,506	5,613

Deer Harvest Estimates

Four communities have worked with researchers to document their harvest and uses of deer in the NECCUA. It has been shown that these four communities take the majority of their deer harvest in the NECCUA, are highly reliant on deer meat, and most households in each community use deer (ADF&G 2022, **Table 2**).

Table 2. The estimated harvest and use of deer by residents of Game Creek, Gustavus, Hoonah, and Whitestone based on household surveys (Source: ADF&G 2022)

Community	Study year	Number of households interviewed	Percentage of households using deer	Estimated deer harvest	Lower harvest estimate	Upper harvest estimate	Per person harvest in pounds edible weight
Game Creek	1996	12	100%	32	26	48	40
Gustavus	1987	35	70%	122	91	153	64
Hoonah	1985	71	86%	584	425	743	52
	1987	62	94%	786	572	999	90
	1996	61	74%	829	565	1,093	74
	2012	122	77%	470	366	573	51
	2016	65	94%	560	384	736	33
Whitestone	1996	24	83%	101	67	134	57

Deer Harvest Strategies

The construction of logging roads changed how Hoonah residents accessed some subsistence resources as well as how non-local people hunted and used the land. The most recent period of large-scale, high-volume, old-growth forest harvesting in the NECCUA began in 1980 occurring on both U.S. Forest Service lands and Native corporation lands. Hundreds of miles of logging roads to facilitate timber harvest were built within Hoonah's core subsistence use area. The NECCUA encompasses this road system. Active logging has greatly decreased in recent years, but the effects of past timber harvest and road building continue to be felt by Hoonah residents today (Schroeder and Kookesh 1990, Sill and Koster 2017).

Before roads were constructed, Hoonah residents accessed hunting areas almost exclusively by foot or by skiff or boat, and hunting by non-locals was limited. After 1980, for a while the newly constructed roads became the main means of access to hunt deer. The Hoonah road system quickly gained the reputation of being a relatively inexpensive, productive, and easy place to hunt. Cars, trucks, three-wheelers, and other recreational vehicles reach the Hoonah road system via the Alaska State ferry. Before long, competition from non-local hunters became an important factor using these roads. The extensive road system also allows hunters to access some beaches by road vehicle, making a skiff unnecessary (Schroeder and Kookesh 1990; SEASRAC 2010, 2021a, 2021b).

Contemporary hunters employ a variety of access methods such as personal boats, including commercial fishing vessels, and road vehicles. The Alaska State ferry is often used by hunters from larger communities. Alpine hunts often require overnight camping and considerable hiking. Hunting below the timberline involves tracking, as well as luring deer to clearings (including the edges of clear-cuts) with various locally or commercially manufactured calls. Beach hunting commonly is done in early morning or at dusk, or during a minus tide when deer feed on beach vegetation. Hunting on beaches involves "beach combing" by boat or hiking under cover of the fringe forest. Deer harvesting

also occurs while people are engaged in other activities, such as fishing (Doerr and Sigman 1986, Sill and Koster 2012).

A local perspective is that past timber over-harvest is limiting good deer habitat so when it snows, deer are left with no place to go, precipitating deer die-off. While clear-cut areas at first provide browse for deer, making Hoonah popular with non-local hunters, dense new growth is difficult for deer to pass through and doesn't supply as much browse for deer. This is negatively affecting deer populations in some areas. A buffer between old growth and the next cutting is needed to provide winter protection for wildlife (SEASRAC 2010, 2021a).

Weather affects deer populations and hunting strategies. Deer move to the beaches and forest fringe next to beaches seeking food when heavy snowfall is covering forested and higher elevation deer habitat. Hoonah residents in 2012 observed less consistency in the weather, "Whereas 20 years ago winters used to reliably have snowfall, now there are years of high snowfall followed by years where it mainly rains. There is more rain during winters with less consistent snowfall" (Sill and Koster 2017:198). This was also noted in 2021, "We'll get a dump of snow and a bunch of rain for six weeks and deer disappear until the snow comes back. In the future we're going to have more of this" (SEASRAC 2021a:339).

The rising cost of fuel for vehicles that take hunters to deer hunting areas has affected local Hoonah hunting strategies. In 2012, Sill and Koster (2017) observed, "As the cost of fuel has risen since the mid-1990s, hunters and fishers may elect to search closer to town in order to conserve fuel" (Sill and Koster 2017:193). Sill and Koster (2017:198) report that a resident told them, "With current economic conditions and high fuel prices, it is very important to be efficient when going out to harvest. It is too expensive to not bring back a harvest" (Sill and Koster 2017:198). Some Hoonah residents cannot afford to hunt someplace else, for example, "They can't afford to go anywhere because it's just too expensive. . . . You're spending everything that you have to try to get anywhere, and it just doesn't make sense" (SEASRAC 2021a:389). Poor opportunities in the cash economy has led some Hoonah residents to reiterate the necessity of the harvest of wild resources to offset the high cost of living in Hoonah (Sill and Koster 2017; SEASRAC 2010, 2021b).

Localized Depletion of Deer and Displacement of Local Hunters

Reports of localized depletion of deer have been common. As early as 1986, Schroeder and Kookesh (1990) observed Hoonah hunters having difficulty harvesting deer in some parts of Hoonah's core harvest area. Hoonah residents who were successfully harvesting deer had abandoned areas near roads as competition from other hunters increased (Schroeder and Kookesh 1990). Similar concerns were documented in 2009, 2010, 2012, and 2021 (Sills and Koster 2017; SEASRAC 2009, 2010, 2021a, 2021b). For example, observations made by Sills and Koster (2017) in 2012 include, "The issue of how many deer are taken by non-local hunters was a concern due to the effect it has on local hunters, as was simply the number of deer hunters out hunting, making local areas and roads too crowded to hunt" (Sills and Koster 2017:196), and more recently at Southeast Alaska Council meetings in 2021, "Last season was particularly hard, competition-wise. There were days I'd go out and I'd have to hop over

three bays" before seeing any sign of deer, suggesting the deer population in these bays had been hunted out (SEASRAC 2021b:456).

In 2009, after several years of heavy snowfall covering deer browse in the area and negatively impacting the deer population, some Hoonah residents reported self-regulating themselves by not hunting for deer on Chichagof Island and instead relying on other food sources. Some local hunters with the resources to hunt further from Hoonah were seeking deer as far away as on Lemishure and Pleasant Islands instead, requiring hunters to cross Icy Strait (SEASRAC 2009).

Traditional Rules

A local Hoonah perspective is that non-local hunters do not always know what "subsistence" is about, for example, "They just take part of the deer and not the whole deer. Whenever we strip a deer, we always . . . use as much as possible" (SEASRAC 2021a:201), and many non-local hunters are not entirely focused on deer hunting and instead are more focused on recreating (SEASRAC 2021a).

The role of sharing to distribute subsistence-caught food within the community, and its contribution to people's survival over centuries, was described by Hoonah residents (SEASRAC 2009, 2010, 2021a; Sill and Koster 2017).

Conflict between Hunter Success Rates Reported by ADF&G versus Local Observations

A Hoonah perspective is that the deer harvest reporting system is used primarily by successful hunters who don't always include information about the number of trips they took, especially in 2007 and 2008 when the deer population took a steep decline. Harvest statistics of success rates are not the same as people's observations. "In many cases hunter success rate, especially average hunter success rate, is lower than indicated in the analysis, and I think that tends to be attributed to just the competition factor" (SEASRAC 2021b: 456).

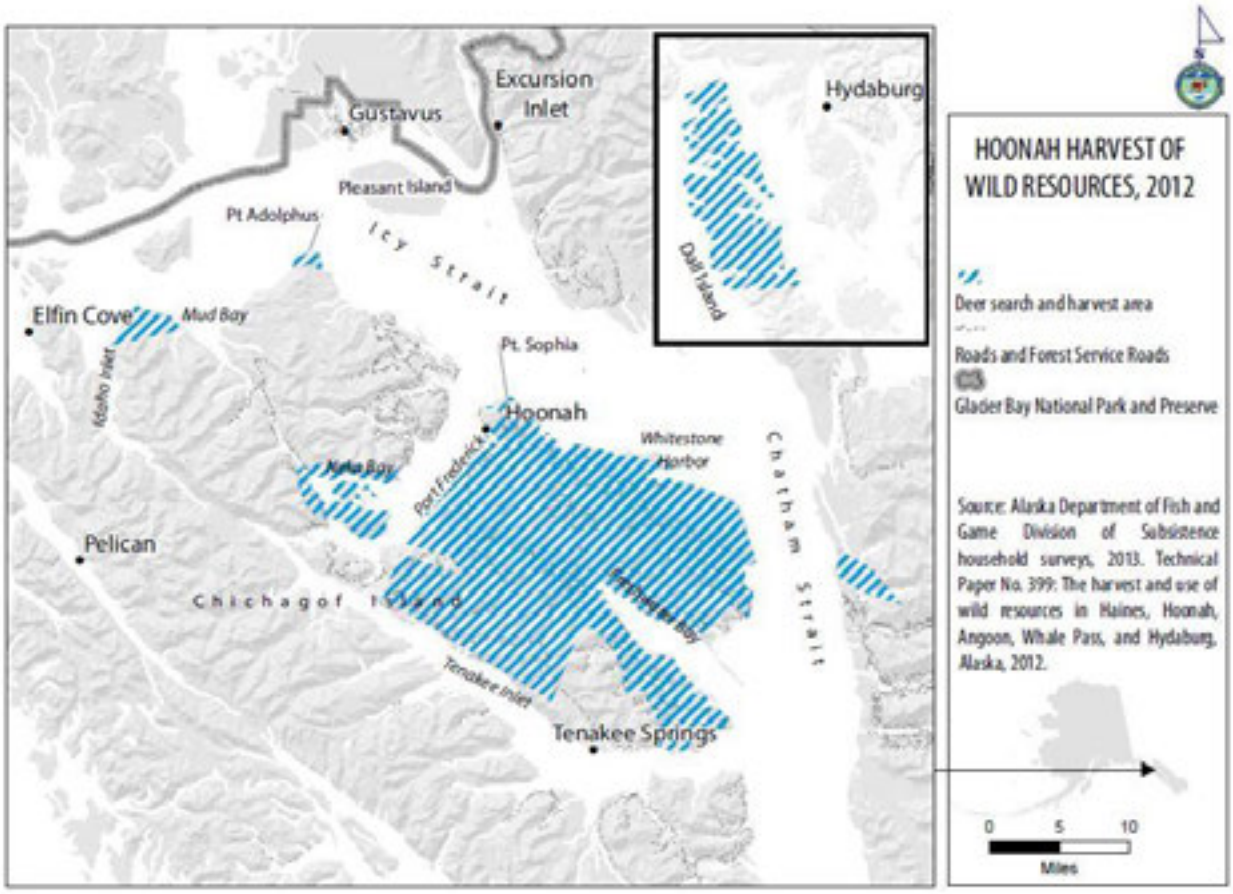


Figure 2. Reported deer hunting locations used by residents of Hoonah in 2012. From Sill and Koster 2017.

Harvest History

Through 2010, deer harvest data provided by the Alaska Department of Fish and Game (ADF&G) are based on a sample of hunters. In general, 35% of hunters from each community are surveyed each year and, while response rates vary by community, the overall response rate across communities is approximately 60%. Harvest numbers are extrapolated using expansion factors calculated as the total number of harvest tickets issued to a community divided by the total number of survey responses for that community. As confidence intervals are not available for these data, exact numbers should be considered estimates and used with caution. Trends, however, especially at larger scales, should be indicative of general population change. Since 2011, harvest data have been gathered through mandatory reporting. ADF&G expands the harvest estimate based on the number of reports returned to account for unreturned harvest reports. Additionally, if the response rate is low within a community, ADF&G staff call hunters to ask about their hunting efforts and harvests in an effort to achieve a 60% reporting rate (Bethune 2020).

Deer harvest in Unit 4 in 2007/08 (1,858 ± 236) was down significantly from 2006/07 (7,746 ± 594) and was the lowest harvest in Unit 4 in over a decade due to significant mortality from preceding severe winters (McCoy et al. 2007). Prior to 2007/08, Unit 4 deer harvest was mostly stable, fluctuating around 7,000 deer. Harvest data indicates that the annual Unit 4 deer harvests increased beginning around 2008-2009 and was 5,969 in 2019 (**Figure 1**).

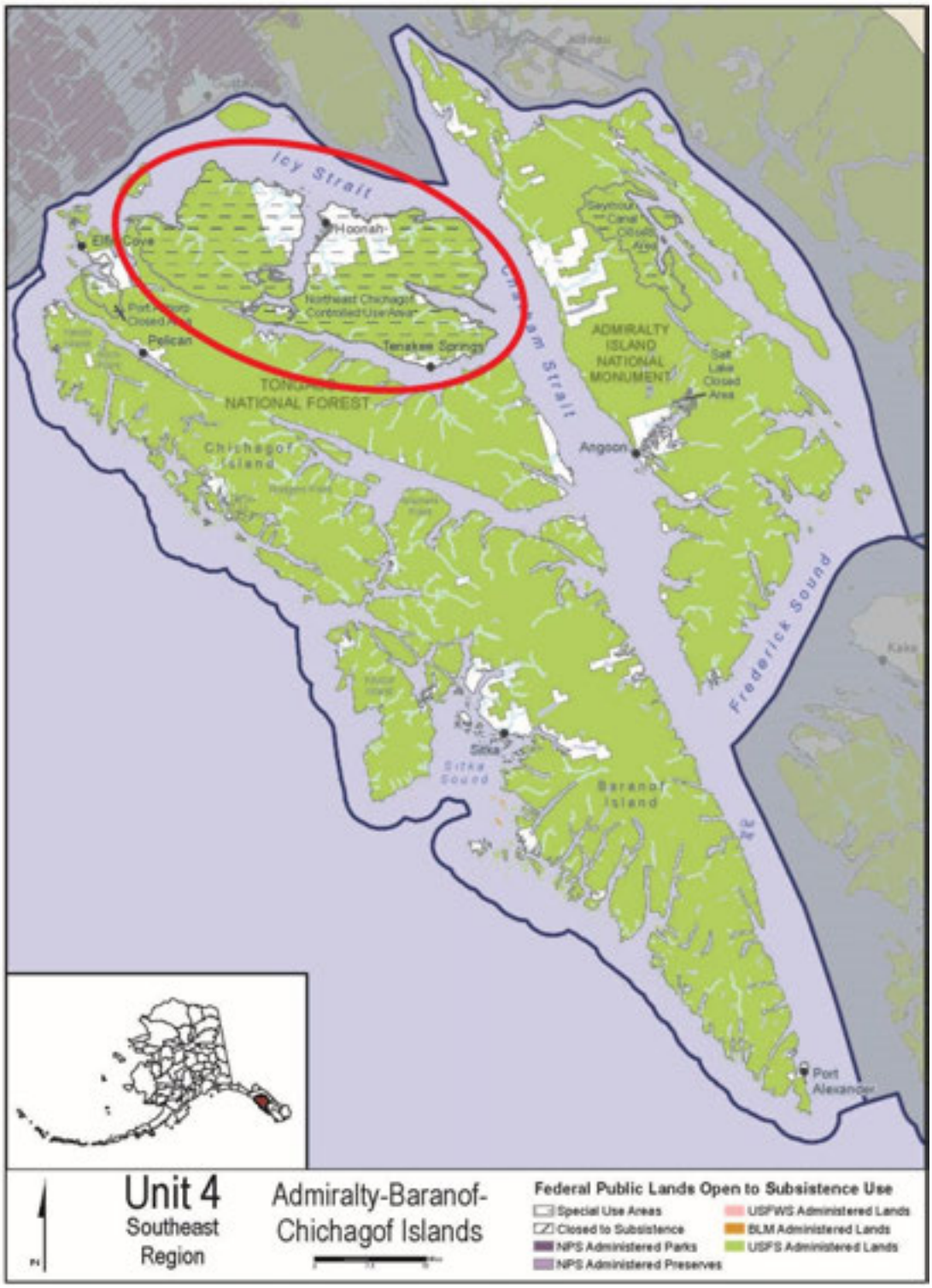
The proposal analysis area for WP22-08 relative to Unit 4 in shown in **Map 1**. The harvest data presented is specific to wildlife analysis areas (WAA) encompassing the area of northeast Chichagof Island north of Tenakee and Idaho Inlets, collectively called NECCUA (**Map 2**).

The vast majority of deer hunting effort and harvest of deer by Hoonah residents occurs within the eight WAAs comprising the NECCUA. Almost half of hunting and harvest by Hoonah residents in Unit 4 is from the Hoonah area and East Side Port Frederick, the WAAs closest to Hoonah. Only 3% of the harvest and effort by Hoonah residents occurs in areas of Unit 4 outside of the NECCUA (**Table 3**, ADF&G 2022b).

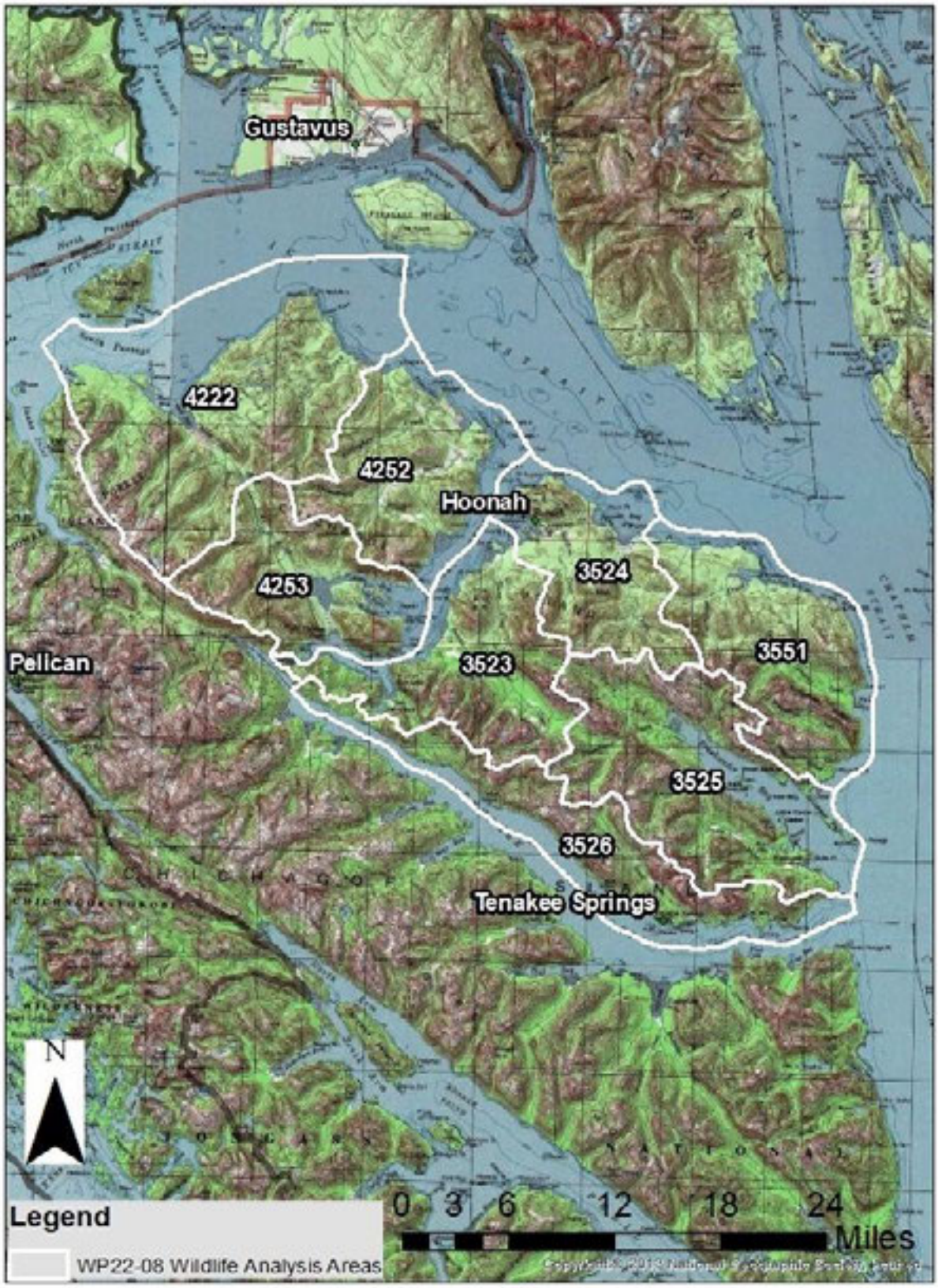
Harvest and effort by Federally qualified subsistence users and non-Federally qualified users in the relevant WAAs is presented in **Figures 3** and **4** below. Federally qualified harvest is higher in most years compared to other users (**Figure 3**) while effort, expressed in hunter days, is generally lower (**Figure 4**). Non-Federally qualified users have a lower success rate which results in higher hunting effort compared to Federally qualified subsistence users. Between 2007 and 2021, Federal subsistence harvest increased to a high in 2016 before dropping slightly (**Figure 3**). Over the same period, effort in days hunted appears to be decreasing from a high in 2015, with Federally qualified subsistence user hunt days dropping the most. Eighty-two percent of non-Federally qualified users harvest 2 deer or less annually from Unit 4 (**Figure 5**). Female deer harvest by non-Federally qualified users has averaged 17% since 2000, with a peak of 33% in 2017 (**Figure 6**).

The chronology of deer hunting effort in all of Unit 4 is probably similar to effort in the proposal analysis area, varying by user group. November is the most popular hunting month for both groups, particularly for non-Federally qualified users (**Figure 7**).

Hoonah residents experience high success rates, which is measured as reporting harvesting at least one deer. Since 2009, success rates have generally been above 70%, reaching up to 90% in some years (**Figure 8**).



Map 1. Unit 4 management map with proposal analysis area (NECCUA) encircled in red.



Map 2. Wildlife analysis areas (NECCUA) used for harvest and effort data analysis.

Table 3. Distribution of deer hunting harvest and effort by Hoonah residents in Unit 4, 2000-2021. (ADF&G 2022b)

Wildlife Analysis Area

Within NECCUA	Total harvest	Days hunted	Percent harvest	Percent days hunted
3523 EAST SIDE PORT FREDERICK, GAME CREEK	1448.8	3951.6	21%	22%
3524 HOONAH AREA	1261.5	4096	18%	23%
3525 FRESHWATER BAY DRAINAGES	986.4	2576.6	14%	14%
3526 NORTH SHORE TENAKEE INLET	13.1	45.1	0%	0%
3551 WHITESTONE HARBOR, FALSE BAY DRAINAGES	1098.1	2933.8	16%	16%
4222 PT. ADOLPHUS, MUD BAY AREA	236.6	337.6	3%	2%
4252 HUMPBACK, GALLAGHER CREEKS	1045.5	2314.6	15%	13%
4253 NEKA BAY DRAINAGES	755.4	1121	11%	6%
Total within NECCUA	6845.4	17376.3	97%	97%

Outside NECCUA	Total harvest	Days hunted	Percent harvest	Percent days hunted
3001 NAKWASINA, NEVA STRAIT AREA	2.3	4.5	0%	0%
3002 SITKA ROAD SYSTEM	10.3	12	0%	0%
3104 NORTHERN KRUZOF IS.	18	13.4	0%	0%
3207 CRAWFISH INLETS, NECKAR BAY	3.1	3.1	0%	0%
3308 KOOK LAKE, SITKOH BAY, FALSE IS.	22.5	252	0%	1%
3314 FISH BAY DRAINAGES	0	16.8	0%	0%
3417 WEST COAST CHICHAGOF	11.7	8.7	0%	0%
3418 YAKOBI IS.	4.6	6.9	0%	0%
3420 IDAHO INLET DRAINAGES	32.1	75.1	0%	0%
3421 PORT ALTHORP, LOWER LISIANSKI, INIAN IS.	7.5	16.9	0%	0%
3627 CORNER BAY, TRAP BAY	2.9	5.2	0%	0%
3629 SOUTHERN SHORE TENAKEE INLET	5.8	2.9	0%	0%
3732 WARM SPRINGS COAST	3.1	3.1	0%	0%
3836 HAWK INLET, YOUNG BAY DRAINAGES	3.1	3.1	0%	0%
3939 PYBUS BAY DRAINAGES	8.1	18.9	0%	0%
4041 WHITEWATER BAY, WILSON COVE	3.2	6.4	0%	0%
4043 CENTRAL ADMIRALTY LAKES	6.4	6.4	0%	0%
4044 SHEE-ATIKA DRAINAGES	14.6	14.6	0%	0%
4055 HOOD BAY, CHAIK BAY DRAINAGES	3.2	6.4	0%	0%
4150 GRAND IS., OLIVER INLET, STINK CREEK	0	9.9	0%	0%
4256 LEMESURIER, PLEASANT ISLANDS	18.2	16.4	0%	0%
Total outside NECCUA	180.7	502.7	3%	3%
Total Unit 4	7026.1	17879		

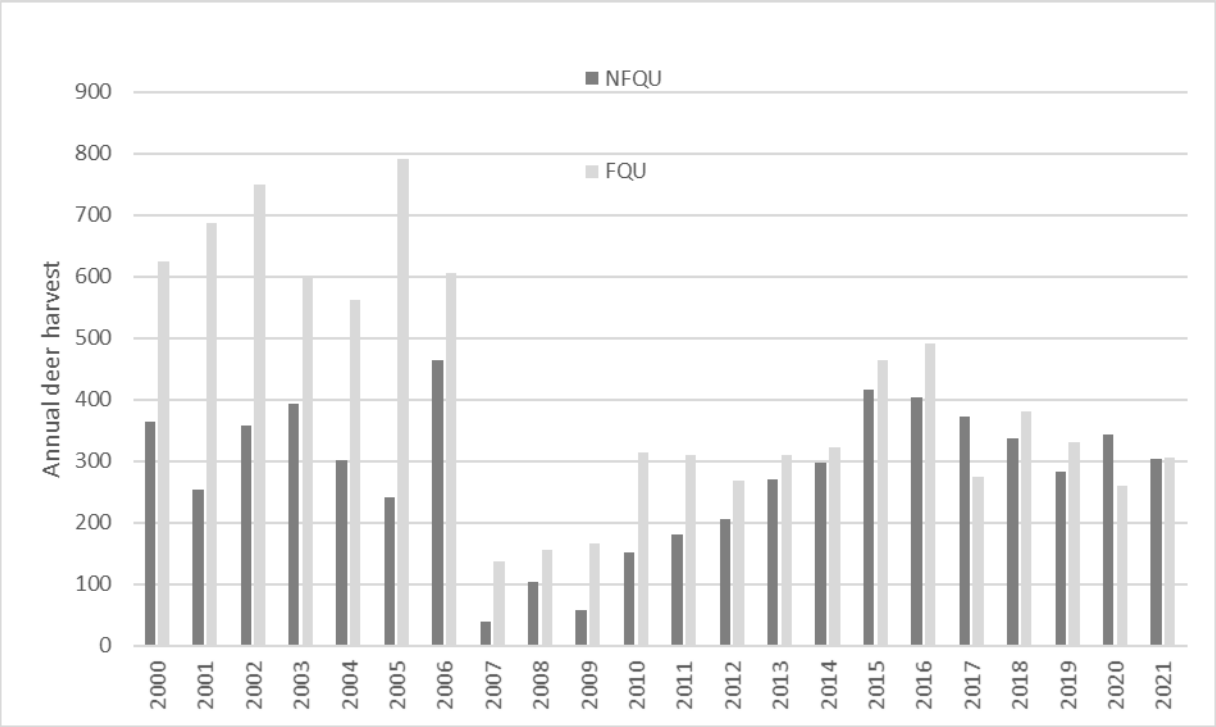


Figure 3. Annual deer harvest by Federally qualified (FQU) and non-Federally qualified (NFQU) users in the proposal analysis area, 2000-2021 (ADF&G 2022b).

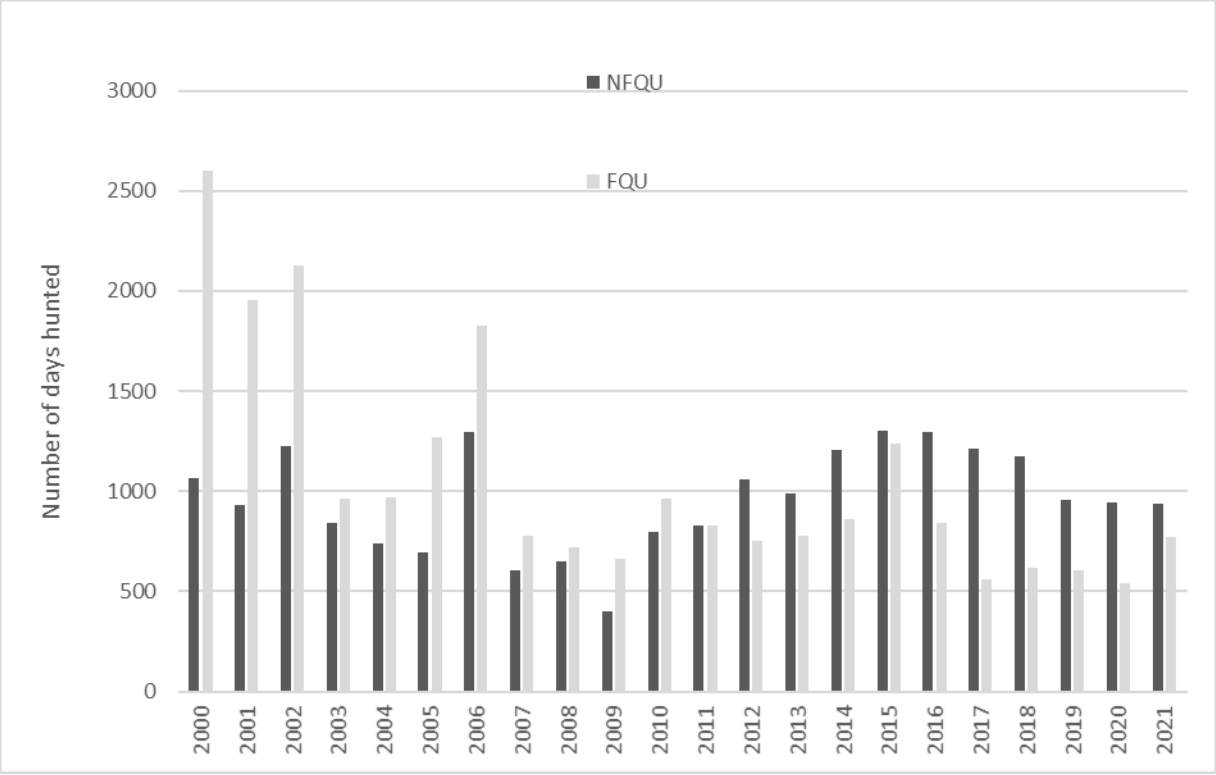


Figure 4. Annual effort, in hunter days, by Federally qualified (FQU) and non-Federally qualified (NFQU) users in the proposal analysis area, 2000-2021 (ADF&G 2022b).

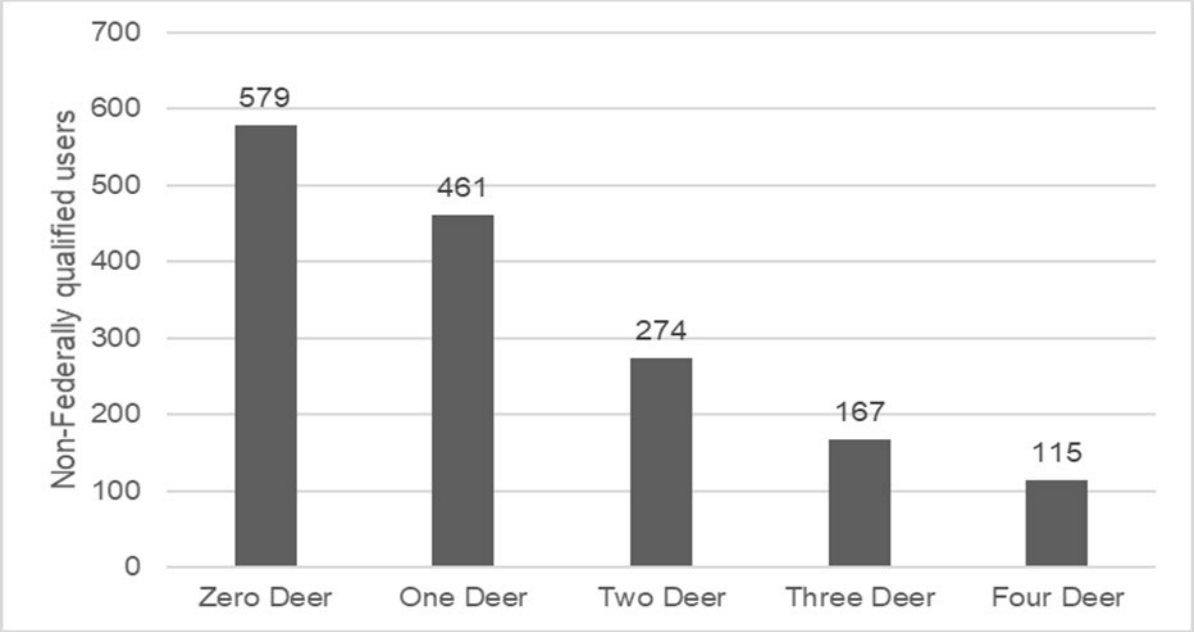


Figure 5. Average number of non-Federally qualified users harvesting 0-4 deer annually in Unit 4, 2000-2019 (ADF&G 2021).

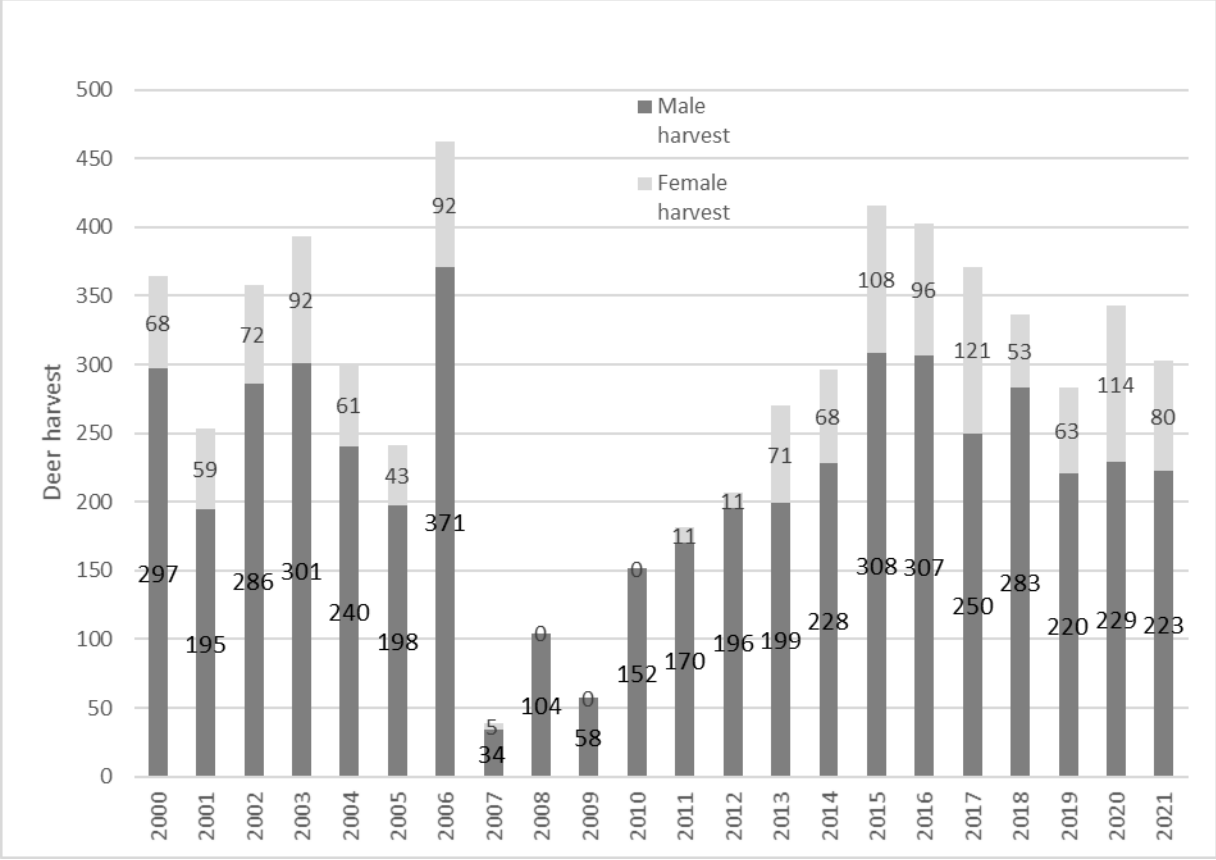


Figure 6. Number of male and female deer harvested by non-federally qualified users in NECCUA, 2000-2021. Female deer harvest was restricted 2007-2021. (ADF&G 2022b).

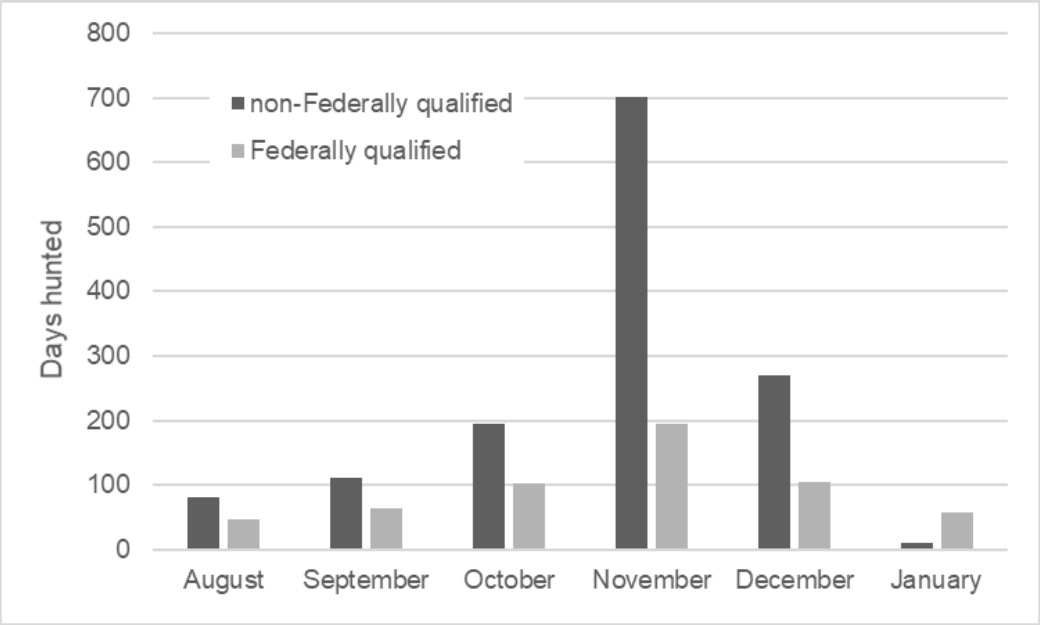


Figure 7. Average number of days hunted annually by Federally qualified subsistence users and non-Federally qualified users in Unit 4, 2000-2019 (ADF&G 2021).

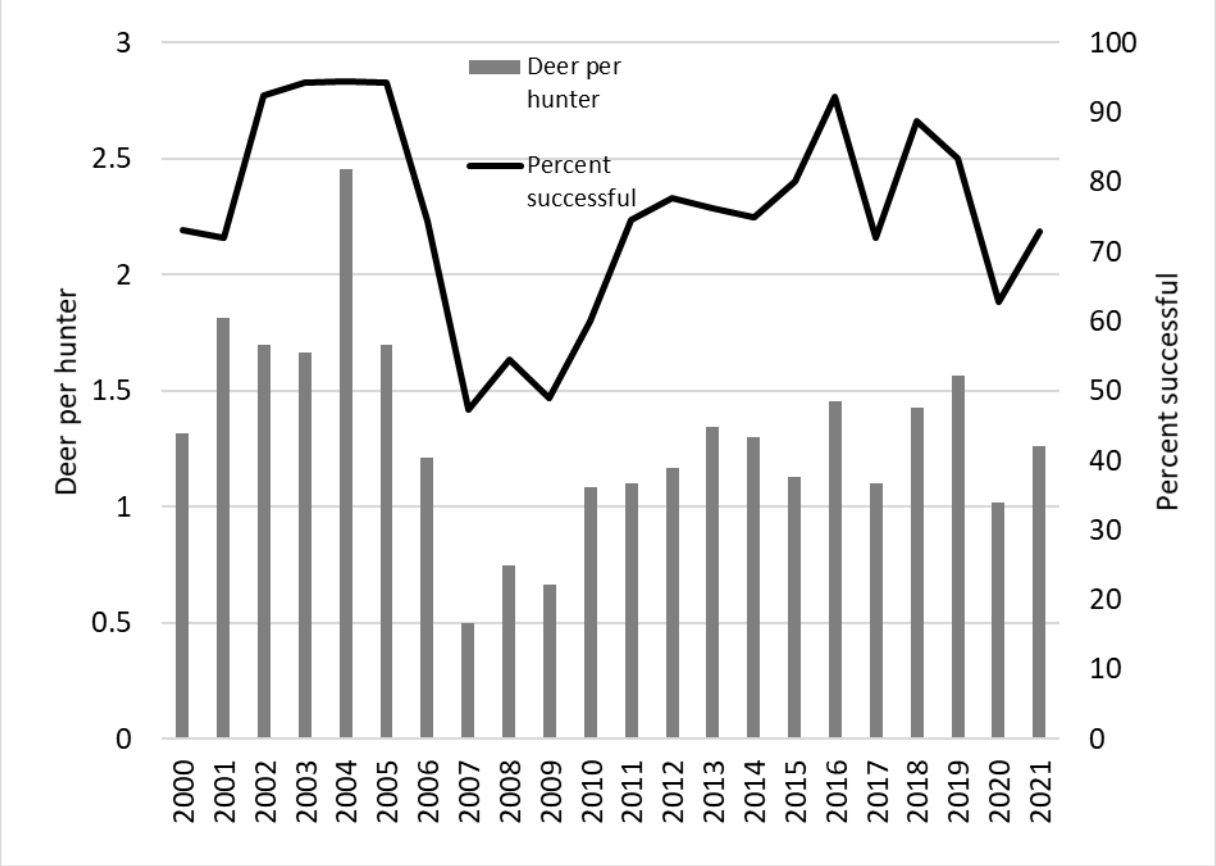


Figure 8. Hunter success rate and deer harvested per hunter for Hoonah residents hunting in the proposal area, 2000-2021 (ADF&G 2022b).

Other Alternatives Considered

Working Group: One alternative considered was to establish a Unit 4 deer working group. This suggestion was mentioned many times by Southeast Council members and public testifiers during the fall 2021 Southeast Council meeting. Developing a "Unit 4 deer management strategy," which was also suggested multiple times during the fall 2021 Southeast Council meeting, could be one goal of the working group. Several Council members recognized that subsistence uses of deer in Unit 4 was an issue that they wanted to elevate to the Board's attention, but commented that these specific regulatory proposals (WP22-07, -08, and -10) did not seem to be the best solution.

This alternative would allow consideration of this issue more holistically and on a longer time-scale than the regulatory proposals. It would also enable all alternatives to be considered and could help bring user groups together for discussion, which the Board requested in its deferral. While this alternative is outside the scope of this proposal, it could be considered further by the Southeast Council. If the Council would like to establish a working group, it could do so at its meeting by selecting Council members to serve on the working group. Federal and State agency staff could also be part of the working group, while members of the public and other organizations could participate in working group meetings if they are announced through press releases.

Effects of the Proposal

This proposal would restrict non-Federally qualified users on Federal public lands within the NECCUA by limiting harvest to two male deer. Restricting non-Federally qualified users could decrease total deer harvest and may slightly reduce competition with Federally qualified subsistence users in the area since most non-Federally qualified users target bucks, already. Lower harvests by and reduced competition with non-Federally qualified users may result in more deer harvested by Federally qualified subsistence users. Non-Federally qualified users may concentrate more efforts on the State managed lands within the NECCUA, including lands immediately surrounding Hoonah. However, considering that very few non-Federally qualified users harvest more than two deer in Unit 4, and most of the deer harvested within the analysis area are males, this restriction would probably have little impact on the hunting effort, location, or harvest of non-Federally qualified users within the analysis area.

Southeast Council members expressed concern over the displacement of non-Federally qualified users to other areas if this proposal was adopted, which one member called "squeezing the balloon". If Proposal WP22-07 was adopted, Council members expressed concern that some of those displaced hunters may shift their efforts to the NECCUA (SEARAC 2021b). They were especially concerned about this displacement if all three proposals (WP22-07, -08, and -10) were adopted, stating hunting pressure will just shift and become concentrated in other areas, creating similar problems there instead (SEARAC 2021b). This may be the largest cumulative impact if the Board adopted all three Unit 4 deer proposals. Another concern brought up at the Southeast Council meeting over all three proposals was enforcement. A public testifier stated that he has never seen any Federal officers out during hunting season, and wondered about the effectiveness of these restrictions/closures if no one was

enforcing them (SEARC 2021b). Determining whether or not non-Federally qualified users and deer are below the unmarked mean high tide line on state-owned lands is another enforcement concern.

During the fall 2021 Southeast Council meeting, Council members also discussed the impact of proxy hunting on the effectiveness of harvest limit reductions. A Council member stated, "So anybody going into this area who wanted to shoot a bunch of deer just has to go through the relatively minor step of getting a proxy permit for one or two people and they could harvest quite a few deer. So that limit the effectiveness of harvest limit [reductions] on cutting down deer hunting." (SEARAC 2021b).

The user conflicts in the NECCUA are affected by the road system, which one Council member summarized as, "there is a documented concern about, and it's held up by local traditional knowledge that there is competition on the Hoonah road system from non-Federally qualified users." A Council member from Hoonah stated that the extensive road network allows people "to get to coastlines that you don't have to take a skiff to." He continued, "Whitestone Harbor, that experienced really, really high pressure from skiffs and from, what I presume is . . . non-Federally qualified users . . . the hunters from Hoonah who would drive out to Whitestone Harbor and basically not be able to hunt there because of . . . having three boats parked up at Whitestone Harbor hunting the entire thing, like every weekend, during the week too" (SEARAC 2021b). Additionally, a member of the public testified that, "There are a lot of cabin owners in Freshwater Bay who don't really compete with the road system hunters from Hoonah, who this would adversely effect. . . .I think this is unnecessary for those folks."

Local knowledge attests that only one or two boats in an area can negatively affect the success of subsistence hunts because access in some inlets is very small. Therefore, even though ADF&G harvest reports indicate no increase in non-Federally qualified subsistence users hunting in these areas, just a couple can seriously impact subsistence hunts (SEARC 2021b). As one Council member put it, "There's plenty of water but there's not enough elbow room at the bar."

Comments received during the Fall 2021 Southeast Council meetings were mixed on whether the concerns over subsistence uses of deer in Unit 4 were an issue of conservation concern stemming from localized depletion of deer, which ADF&G unit-wide data was too coarse to detect or an issue of continuation of subsistence uses stemming from competition and crowding from non-local hunters who may displace local, subsistence hunters from preferred and traditional hunting areas. A Council member from Hoonah stated, "Last season was particularly hard, competition-wise" due to the early snowfall, which "put a lot of pressure on the deer." Later he mentioned, ". . . what I've heard from others, is that the deer number are just a little bit down right now . . . [but] I don't think I could say there's a conservation concern."

However, feedback received during the open meeting in August 2022 indicated people did not experience any difficult harvesting deer in Unit 4, which is corroborated by ADF&G survey data indicating Unit 4 has the highest deer population in Alaska. Additionally, during the open meeting, people commented that any perceived deer population decline likely resulted from mild winters, which precluded deer from being concentrated and easily observable on beaches.

The best solution, regulatory or otherwise, depends on the cause. If declining deer populations is the

cause, then limiting non-Federally qualified users to bucks-only could help limit harvest and promote deer population recovery. However, if competition and crowding is the cause, then the bucks-only restriction may exacerbate the problem and increase user conflicts as non-Federally qualified users who may have harvested a doe and left, now have to wait until then encounter a buck, thereby extending their hunting time. Additionally, the deer population may be at winter carrying capacity in some areas of Unit 4, suggesting harvest of does may benefit the deer population and that limiting non-Federally qualified users to bucks-only could have detrimental effects on the deer population and represent an unnecessary restriction.

OSM CONCLUSION

Oppose Proposal WP22-08.

Justification

§815(3) of ANILCA provides that the Board may restrict non-subsistence uses on Federal public lands only if *necessary* "for the conservation of healthy populations of fish and wildlife" or "to continue subsistence uses of such populations." The harvest limit restriction on non-Federally qualified users within the proposal area does not meet this criteria. The restriction is not necessary for the conservation of healthy deer populations. The Unit 4 deer population is healthy, abundant, and the highest in the state. Additionally, restricting non-Federally qualified users to two male deer annually within the proposal area could negatively impact the deer population, which may be approaching carrying capacity.

The restriction is also not necessary for the continuation of subsistence uses based on the available evidence. Hoonah deer hunters experience high success rates, and the deer harvested per hunter has rebounded to pre-2007 levels. Further, only 18% of non-Federally qualified users harvest more than 2 deer in Unit 4 on average, and 83% of their average harvest within the proposal area has been bucks; therefore, the proposed restriction is not likely to significantly affect effort by non-Federally qualified users or the hunting experience of Federally qualified subsistence users. Rather, user conflicts may slightly increase if non-Federally qualified users must pass on does and therefore, spend longer hours in the field until they encounter one to two bucks.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southeast Alaska Subsistence Regional Advisory Council

Fall 2022

Take no action on WP22-08, maintaining the fall 2021 recommendation. After receiving an updated analysis and considering the new data, the Council took no further action on WP22-08 so that its Fall 2021 recommendation to the Federal Subsistence Board remains unchanged. The Council chose to focus on meeting subsistence needs and recognized that localized impact to heavily hunted areas might constitute a conservation concern in the future.

The Council noted that there is a higher level of criteria required to close an area to harvest that are not appropriate in this case of reducing harvest limits, which still provide hunting opportunity for non-Federally qualified users. The buck restriction on non-Federally qualified users will offer a meaningful preference to Federally qualified subsistence users by reducing competition, and also have a dual purpose of protecting/supporting the deer population. The Council noted that previous testimony indicated that non-Federally qualified users primarily target bucks anyway.

Fall 2021

Support WP22-08. The restriction is necessary for the continuation of subsistence uses based on public and written testimony from residents and is supported by local and traditional knowledge. This proposal benefits Federally qualified subsistence users because it 1) reduces the harvest limit and restricts the harvest to bucks only for non-Federally qualified users, which reserves does for Federally qualified subsistence users, 2) provides additional harvest opportunities, and 3) may help limit hunting competition around Hoonah during the hunting season. Limiting non-Federally qualified users to two bucks would not be an inconvenience as these users rarely take more than 2 deer.

INTERAGENCY STAFF COMMITTEE COMMENTS

The ISC acknowledges the discussion by the Council members that this proposal is not a complete closure but a reduction of non-Federally qualified use of resources in this area. This was one of four proposals for Unit 4, which overall has a healthy population of deer, but is experiencing subareas where subsistence users are not able to harvest enough deer for their needs. The Council submitted this proposal because of concerns brought to them by the affected Federally qualified subsistence users in Hoonah about not meeting subsistence needs for deer. The proposal review process allowed them to review the available data and hear testimony from all affected users of the resources. During the meeting, they acknowledged that the data in the State reporting system used to measure effort does not reflect success in subsistence hunting because subsistence hunting of deer is opportunistic and users generally only report when they are successful. They supported this proposal as a way that provided the least inconvenience to non-Federally qualified users while also reducing competition for the local subsistence users.

Following deferral of this proposal, the ISC recognizes the additional effort that the Southeast Council put into addressing concerns from Federally-qualified subsistence users and attempting to find a meaningful priority when they took up this proposal for a second time.

The Board may want to consider if restrictions to harvest limits and/or closures to non-Federally qualified users are necessary for the conservation of healthy populations of deer or to allow for the continuation of subsistence uses of deer per §815(3) of ANILCA. Deer populations in the area covered by this proposal are the highest in the state and harvest success by Federally qualified subsistence users has been stable over the last decade, indicating that they are able to harvest sufficient deer to provide for their uses of the resource.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal 22-08

This proposal would reduce the bag limit for non-federally qualified users (NFQU) to 2 bucks within the Northeast Chichagof Controlled Use Area (NECCUA, Figure 1).

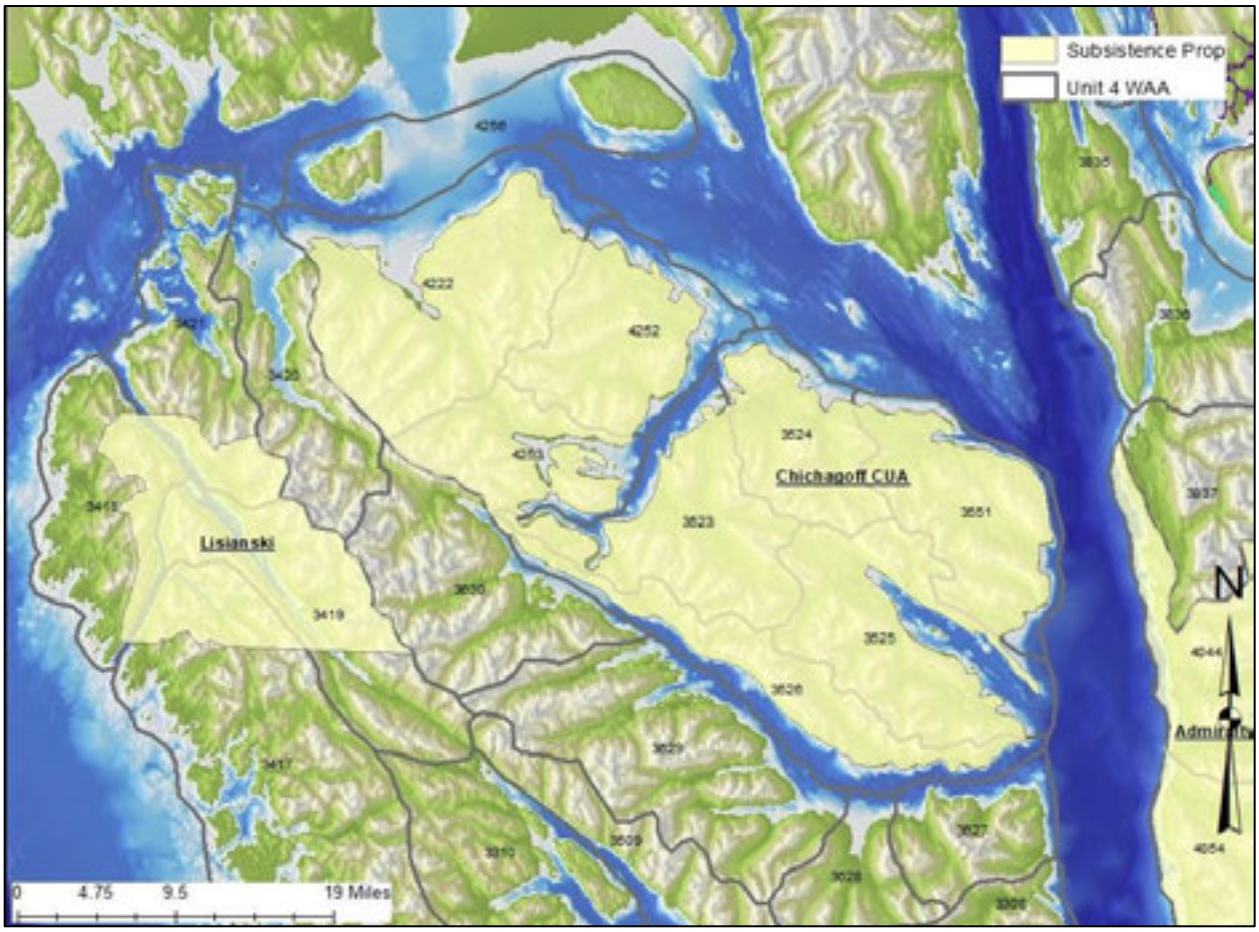


Figure 1. Map of the NECCUA proposal and boundaries of the ADF&G WAAs for deer hunter data used to analyze effects of the proposal.

Background

The proposal by the Southeast Alaska Subsistence Regional Advisory Council (SERAC) states that over the past years it has become more challenging for federally qualified users (FQU) from Hoonah to meet their subsistence needs for deer due to increasing competition from NFQUs. To reduce competition and conserve the deer population, the proposal asked the Federal Subsistence Board to reduce the bag limit for deer for NFQUs within the NECCUA to two male deer.

Game Management Unit 4 (GMU 4) encompasses the ABC Islands (Admiralty, Baranof and Chichagof) and the surrounding archipelago. 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. Currently within the NECCUA, the federal deer season is

August 1 to January 31 with a bag limit of 6 deer (bucks only August 1 – September 14). Under the State season, NFQUs have a bag limit of 3 deer east of Port Frederick and 6 deer west of Port Frederick (bucks only August 1 – September 14). This proposal does not affect the current FQU bag limit for deer within the NECCUA. In 2019, the Alaska Board of Game (BOG) increased the deer bag limit in GMU 4 from 4 to 6 deer (except the NECCUA east of Port Frederick which remained 3 deer) because of high population indices in the GMU.

Under State regulations the NECCUA east of Port Frederick and north of Tenakee Inlet is treated separately from the remainder of GMU 4 with a more conservative bag limit. This area has been extensively logged and features a network of logging roads that facilitate access for hunting. It is also more prone to heavy snow than other areas of Unit 4 and much of the deer winter range has been altered by clearcut logging.

In 1992, the BOG established a positive customary and traditional use finding for deer in GMU 4 and established an annual amount reasonably necessary for subsistence (ANS) of 5,200-6,000 deer. ANS differs from the undefined term "subsistence need" used in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). Under Alaska law ANS is the harvestable portion of a game population that is sufficient to provide a reasonable opportunity for subsistence uses. "Reasonable opportunity" is that which allows a normally diligent hunter a reasonable expectation of success. The BOG establishes an ANS for a game population through review of long-term population and harvest information. A portion of the state-designated Juneau Nonsubsistence Area extends into GMU 4 on northern and eastern Admiralty Island.

Indices of deer abundance, deer hunter effort and harvest in GMU 4 and within the NECCUA are all important aspects to consider when reviewing this proposal. Deer abundance and trend 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 the Alaska Department of Fish and Game (ADF&G) are the only annually collected, objective, and quantitative information on deer abundance, hunter effort and harvest available for Southeast Alaska.

GMU 4-Wide Population and Harvest

Monitoring deer abundance in forested habitat is challenging as deer cannot be directly counted through ground or aerial surveys. We present several types of survey data. Since the 1980s ADF&G has used spring pellet group counts to monitor broad (≥30%) changes in deer abundance. Spring pellet group surveys are conducted in numerous US Forest Service Value Comparison Units across Southeast Alaska after snow melts and before spring green-up.

GMU 4 consistently has 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. Although the area affected by this proposal is rarely sampled, this broad index of deer abundance suggests the GMU 4 population remains at high levels with no indication of depleted populations or conservation concerns.

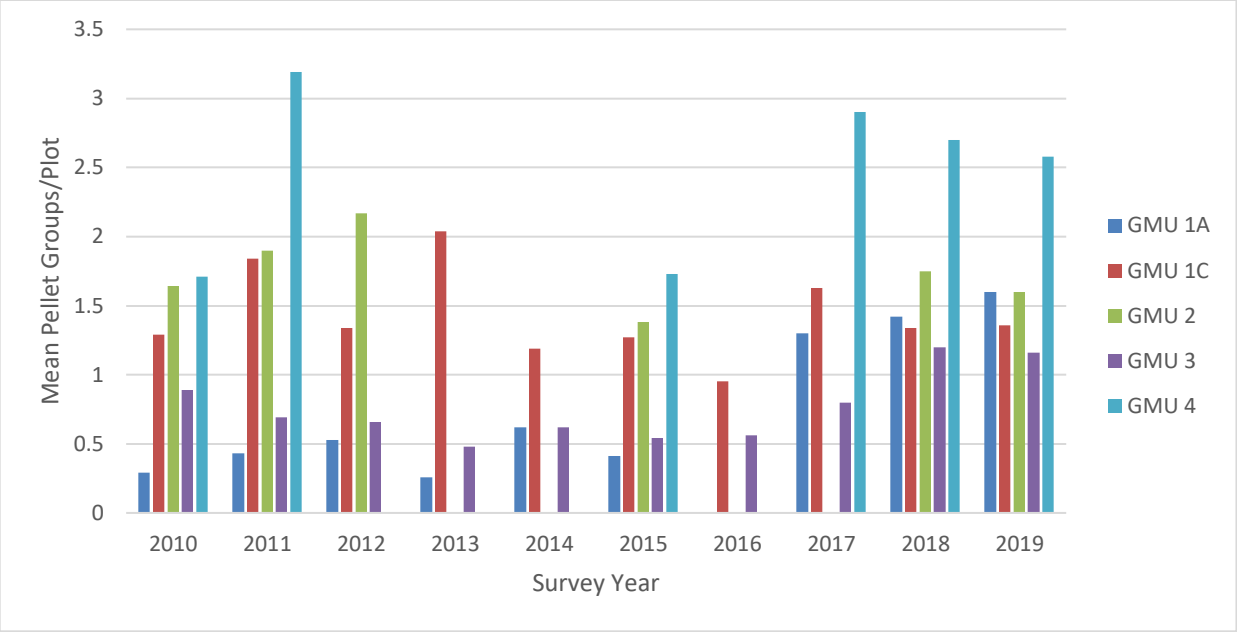


Figure 2. Mean number of deer pellet groups/plot for Southeast Alaska by GMU, 2010-2019**.**

In 2013 ADF&G began evaluating mid-summer aerial counts of deer in alpine habitat as an index of deer abundance. Surveys were conducted for 2 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). Southern Admiralty had the highest deer/hour of any survey area in Southeast Alaska. Estimates from Northeast Chichagof were similar to Prince of Wales Island (POW) and higher than all other survey areas except Southern Admiralty and POW.

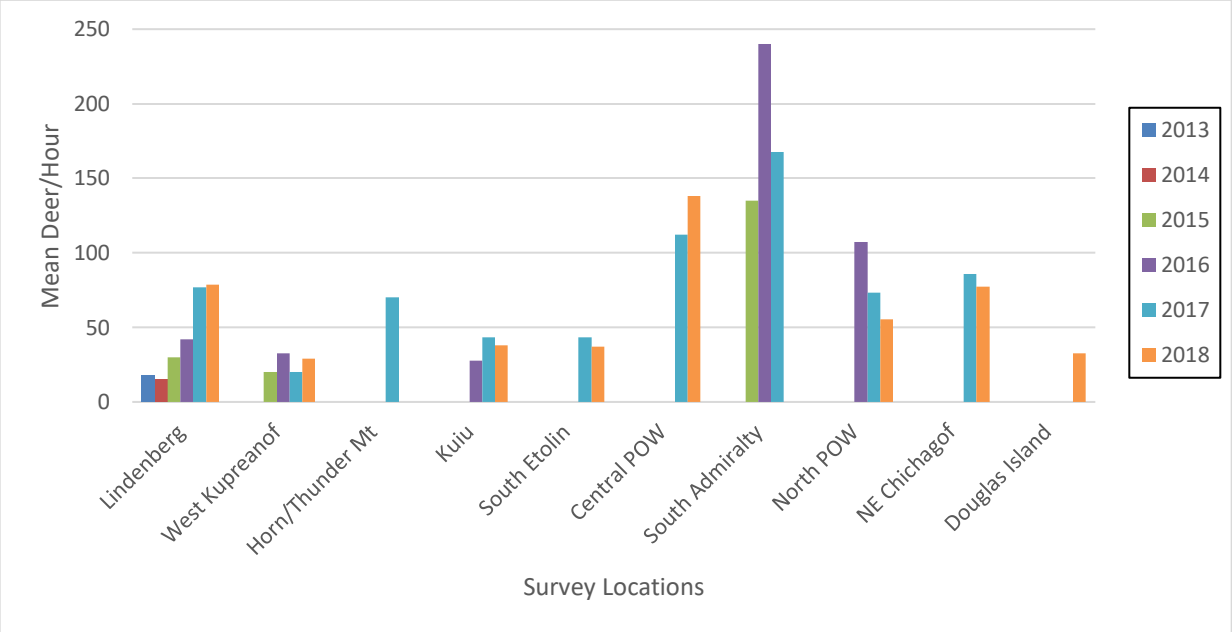


Figure 3. Mean number of deer counted per hour during mid-summer aerial alpine deer surveys in Southeast Alaska, 2013-2018.

Management biologists in GMU 4 began conducting beach mortality transects in the early 1990s. Although these mortality surveys are a relatively insensitive indicator of population trend, they are an indicator of mortality resulting from severe winters, 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 adult male, adult female 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 very high number of carcasses found during spring 2007 surveys (Figure 4). In the years since then, few carcasses were found indicating high overwinter survival and no winter related population declines.

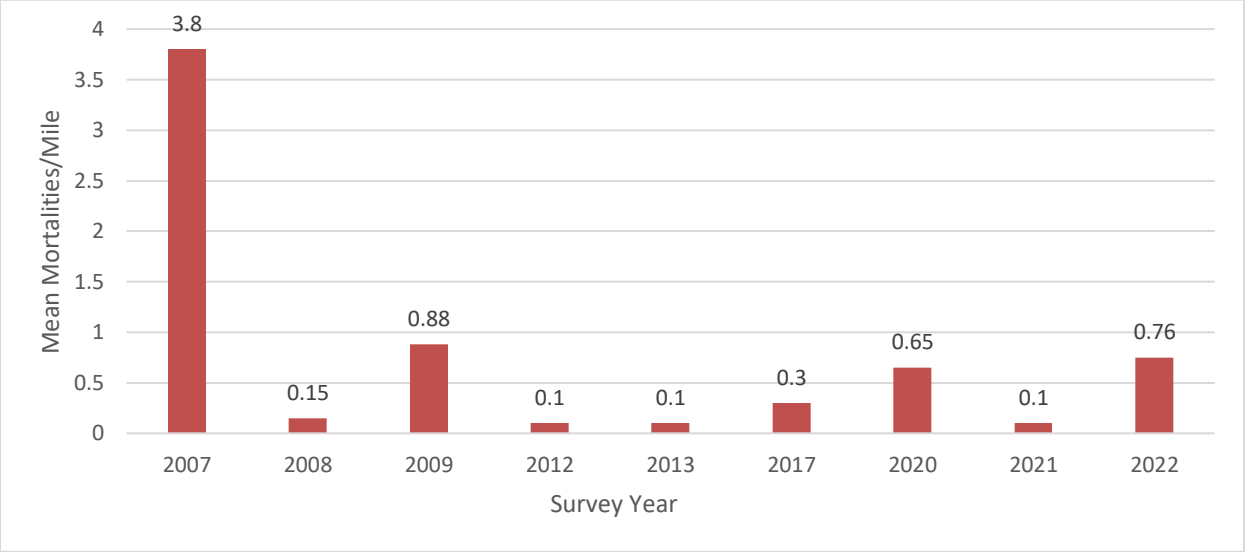


Figure 4. Mean number of winter-killed deer per mile of beach surveyed during spring in GMU 4.

Taken together, these indices of deer abundance (pellet group surveys, alpine counts, mortality transects) indicate 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 deer population.

Hunter Effort and Harvest

GMU 4 managers also use harvest as an indicator of trend in the deer population. ADF&G estimates hunter effort and harvest using information provided by hunters. 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 deer they harvested.

Since 1997 the estimated average annual harvest in GMU 4 has been 5,680 deer taken by 3,275 hunters (Figure 5). Currently, GMU 4 supports the highest deer harvest in the state with harvest remaining stable with between 5,000-7,000 deer harvested annually. The exception being the severe winter of 2006/2007 when high harvest was followed by significant

overwinter mortality of deer in GMU 4. This resulted in a precipitous decline in harvest from 7,734 deer in 2006 to 1,933 deer in 2007. Based on harvest and other indicators of deer abundance, managers believe the deer population had fully recovered by the 2013 season.

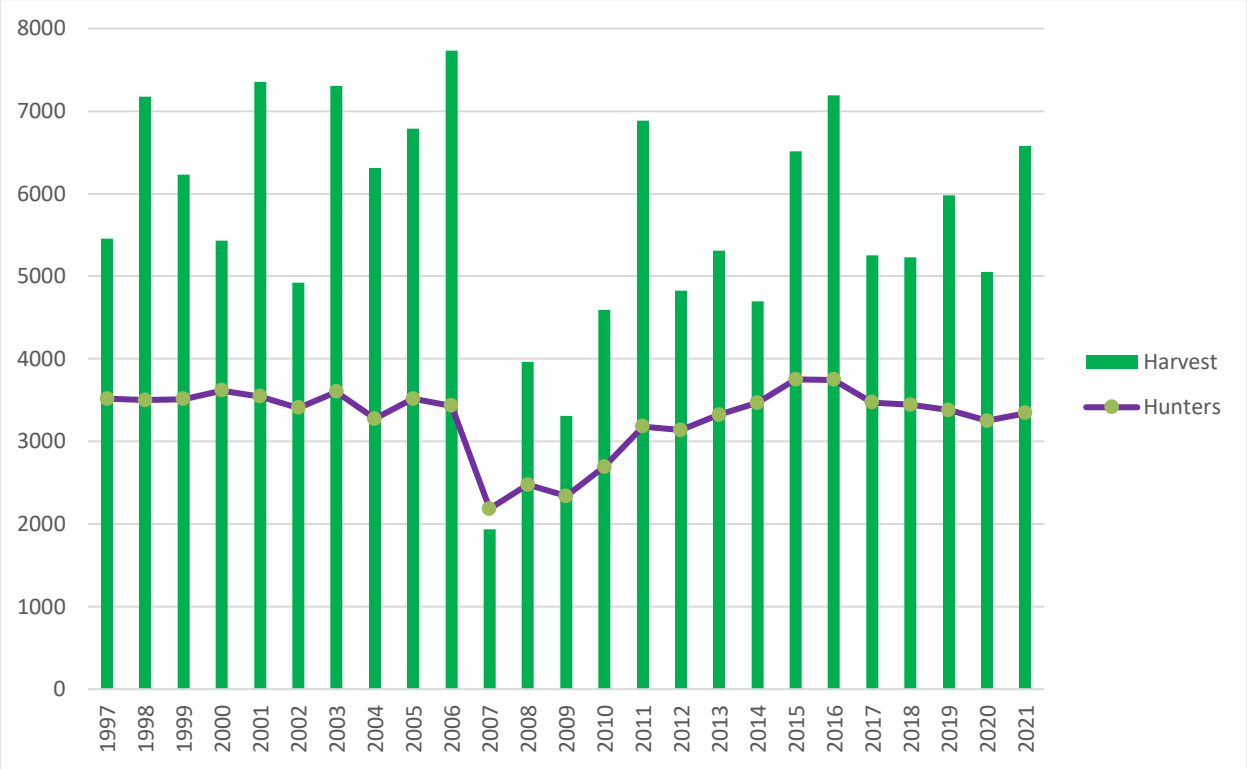


Figure 5. Numbers of people hunting deer and estimated deer harvest for GMU 4, RY97-RY21.

Data Summaries for Impacted Area

The following analyses present data summarized for FQUs and NFQUs in the 8 ADF&G Wildlife Analysis Areas (WAAs 3523-3526, 3551, 4222, 4252 and 4253) that intersect with the area this proposal covers (Figure 1). WAA boundaries generally correspond with watersheds and are the finest scale at which data can be meaningfully summarized. For this proposal, WAA boundaries directly correspond to the proposal area.

Long-term records indicate a declining trend in harvest for FQUs and a stable trend for NFQUs (Figure 6). From 1997 to 2006, FQUs harvested an average of 747 deer annually. Harvest by FQUs declined following the severe winter of 2006/2007. Since 2013, when ADF&G considered the deer population recovered, average annual harvest by FQUs grew to an average of 392 deer annually but remains about 50% lower than prior to RY07. Harvest by NFQUs also declined following the winter of 2006/2007 but has returned to approximately 90% of pre-2007 levels (Figure 6).

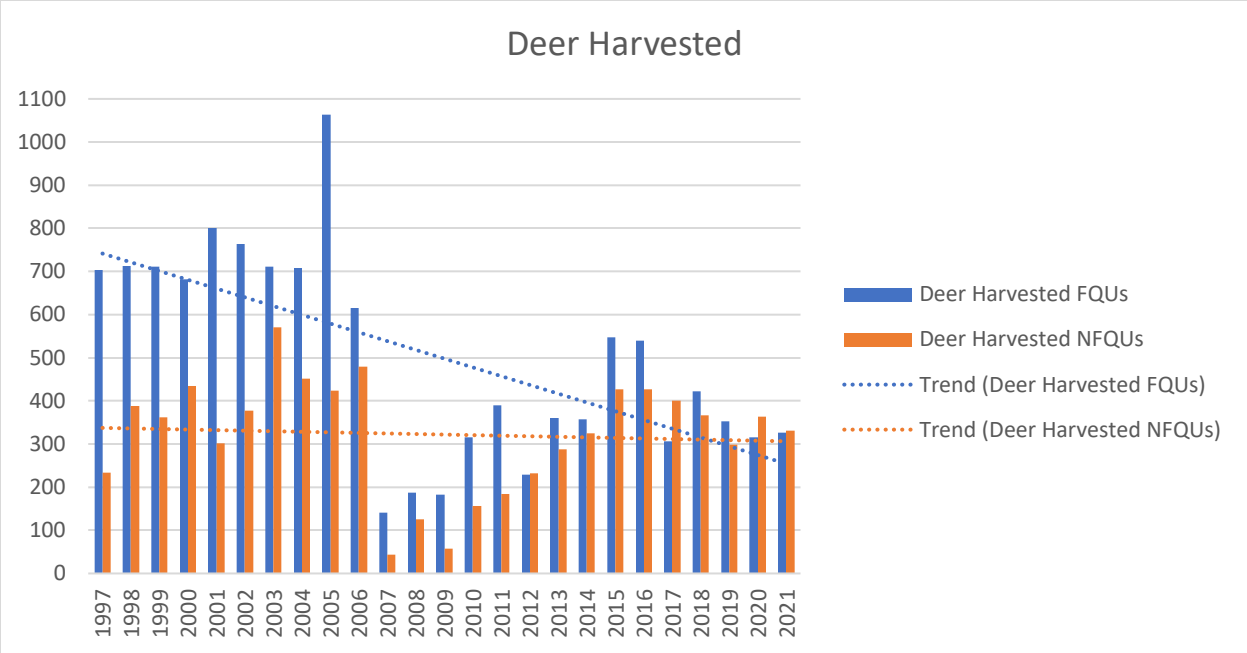


Figure 6. Trends of estimated deer harvest by FQUs and NFQUs, NECCUA, RY97-RY21.

To evaluate potential reasons for the decline in deer harvest by FQUs we examined trends in the numbers of FQU and NFQU hunters and days of hunting effort by those hunters. The number of FQUs hunting in the NECCUA has declined approximately 50% since the late 1990s. Prior to the winter of 2006/2007 an average of 333 FQUs took to the field. The number of FQUs participating in this hunt never fully recovered and since 2013 has only averaged 240 hunters. The number of NFQUs hunting in the NECCUA also declined after the winter of 2006/2007 but returned to pre-2006 levels by 2012 (Figure 7).

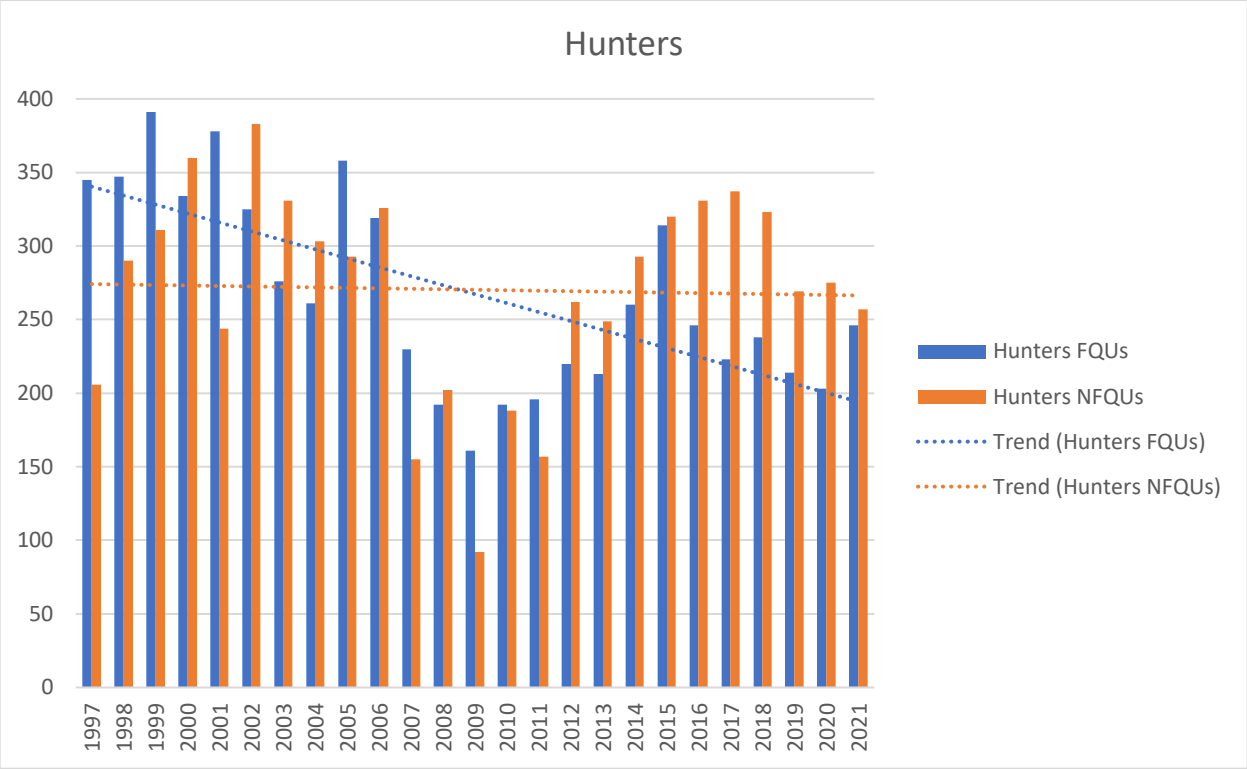


Figure 7. Trends in number of FQUs and NFQUs, NECCUA, RY97-RY21.

In Hoonah specifically, there has been a declining trend in the number of residents who have obtained deer harvest tickets (Figure 8). In the late 1990's and early 2000's it was common for 400 or more Hoonah residents to obtain deer harvest tickets. Now that number is closer to 300, and in RY21 only 265 Hoonah residents obtained deer harvest tickets.

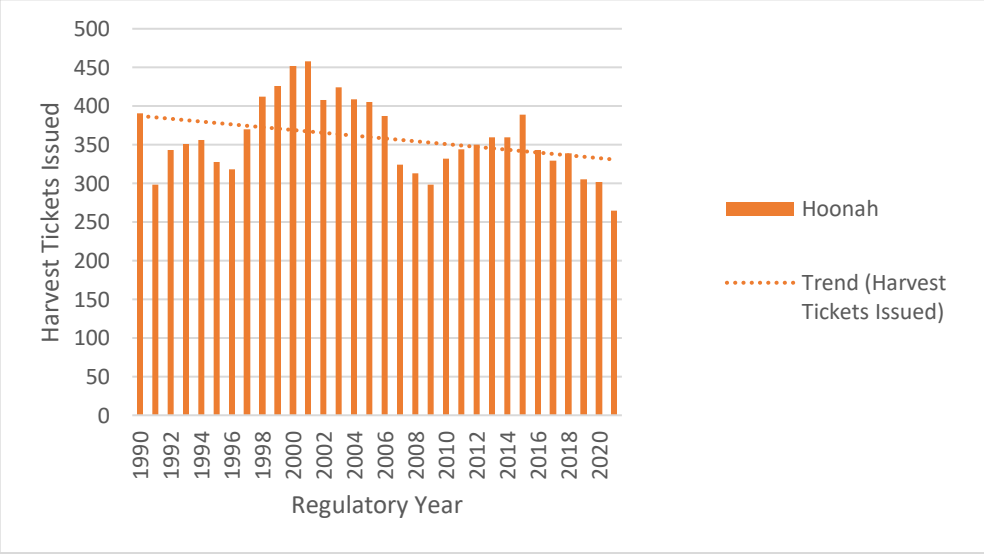


Figure 8. Deer harvest tickets issued to Hoonah residents RY97-RY21.

Trends in days hunted approximate the trends for number of hunters for both user groups. Since 1997 the number of days of hunting effort by FQUs has declined by over 50% while

days of hunting effort by NFQUs has remained stable (Figure 9). Similar to the number of hunters, days of hunting effort by FQUs never recovered from the steep decline following the winter of 2006/2007. The number of hunters along with the number of days hunted both indicate decreased deer hunting effort for this area of GMU 4 by FQU hunters.

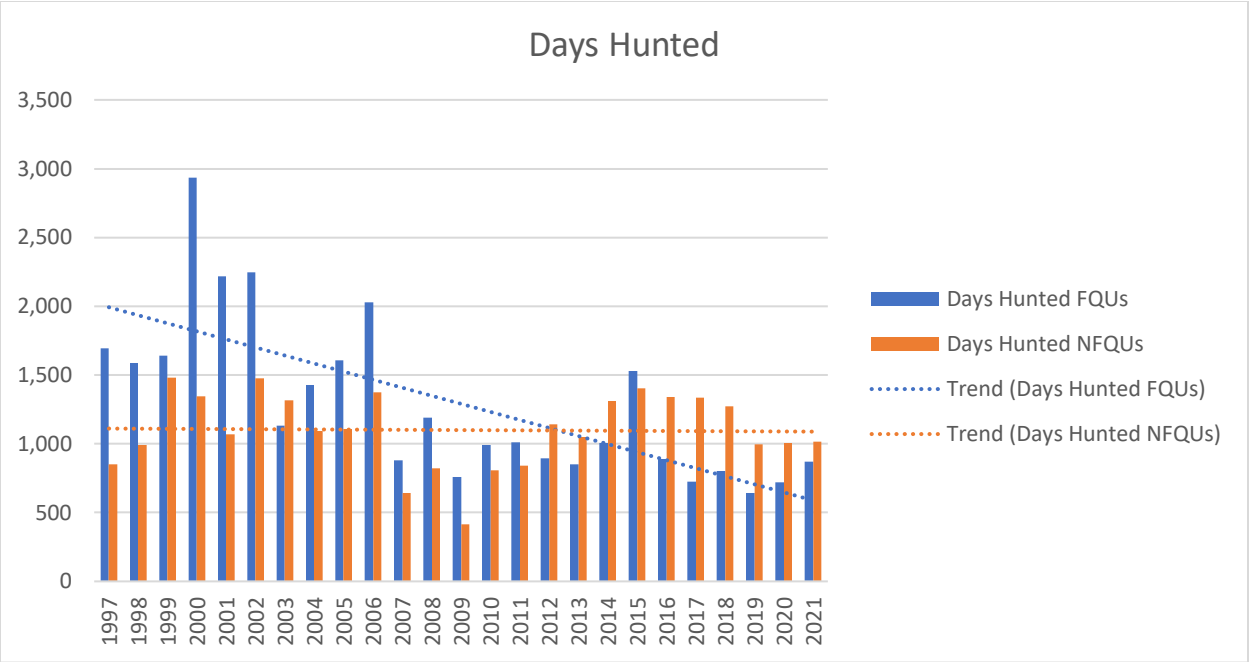


Figure 9. Trends in estimated days of hunting effort by FQUs and NFQUs, NECCUA, RY97-RY21.

Trends in Hunter Efficiency

Hunter efficiency, or the days of hunting effort required to harvest 1 deer, is another indicator of deer availability to GMU 4 hunters. FQUs in the NECCUA are consistently more efficient than NFQUs (Figure 10). Since 2013, NFQUs required an average of 3.3 days to harvest 1 deer, but FQUs required only 2.3 days to harvest one deer. This metric is trending slightly down for FQUs (becoming more efficient) and has been below 2.0 days/deer for 3 of the past 6 seasons.

Compared to deer hunting effort required to harvest a deer elsewhere in the state, this is an extremely efficient hunt. Hunters in GMU 4 require approximately 2.3 days/deer. In comparison, hunters on Prince of Wales Island (GMU 2) average 4.1 days of hunting per deer harvested, Kodiak (GMU 8) averages 3.6 days/deer, GMU 1A (Ketchikan) averages 4.8 days/deer, GMU 3 (Petersburg/Wrangell) averages 6.0 days/deer, GMU 6 (Prince William Sound) averages 2.9 days/deer, and in GMU 1C (Juneau) hunters average 7.9 days/deer (ADF&G RY2013-RY2021). Hunters in GMU 4 experience the most efficient deer hunting of anywhere in Alaska. FQU hunters in the NECCUA mirror Unit 4 when it comes to days/deer.

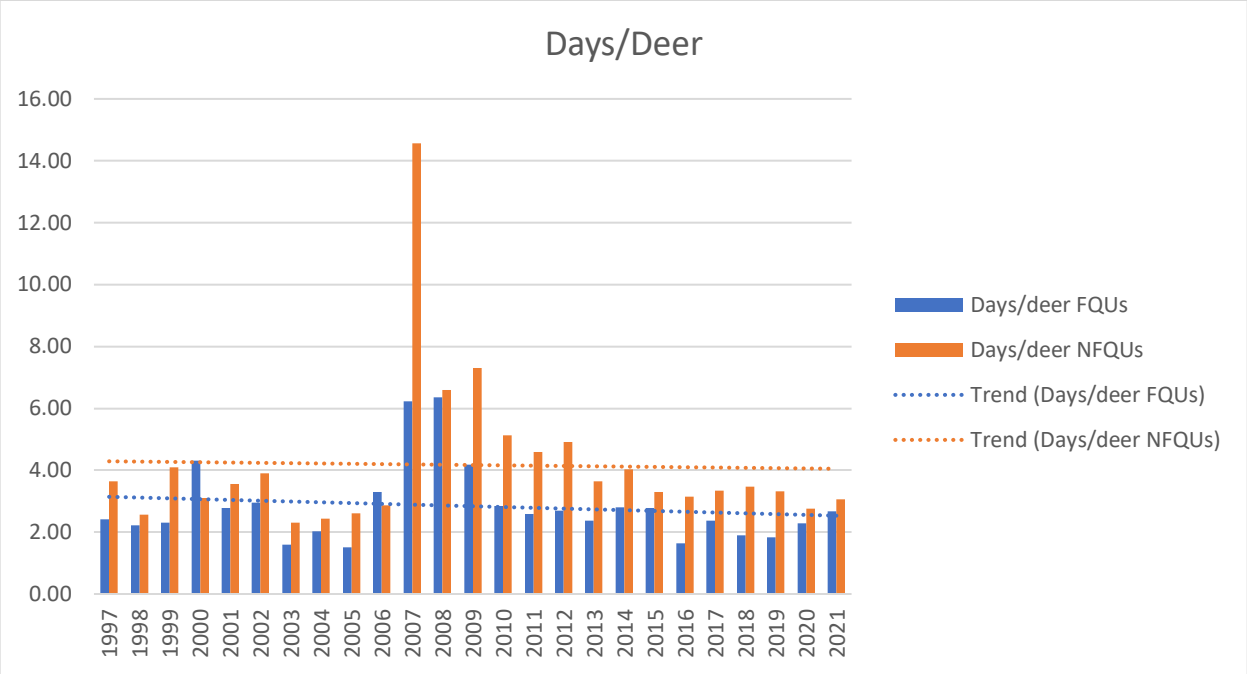


Figure 10. Trends in estimated days of hunting effort by FQUs and NFQUs required to harvest 1 deer, NECCUA, RY97-RY21.

The number of deer harvested per hunter is another gauge of deer abundance and hunting success. Since 1997 the number of deer harvested per NFQU has averaged 1.2. FQUs report harvesting about 1.9 deer/hunter. Prior to the winter of 2006/2007 FQU hunters averaged 2.2 deer/hunter. Since RY13, FQU hunters are only harvesting 1.6 deer/hunter. NFQU deer/hunter numbers have generally returned to pre-RY07 levels. Although the deer/hunter numbers for FQU hunters is trending down, this is more a function of fewer hunters spending less days afield than it is an indicator of hunting efficiency. Particularly in light of days/deer and that NFQU harvests have nearly reached pre-RY07 levels (Figure 11).

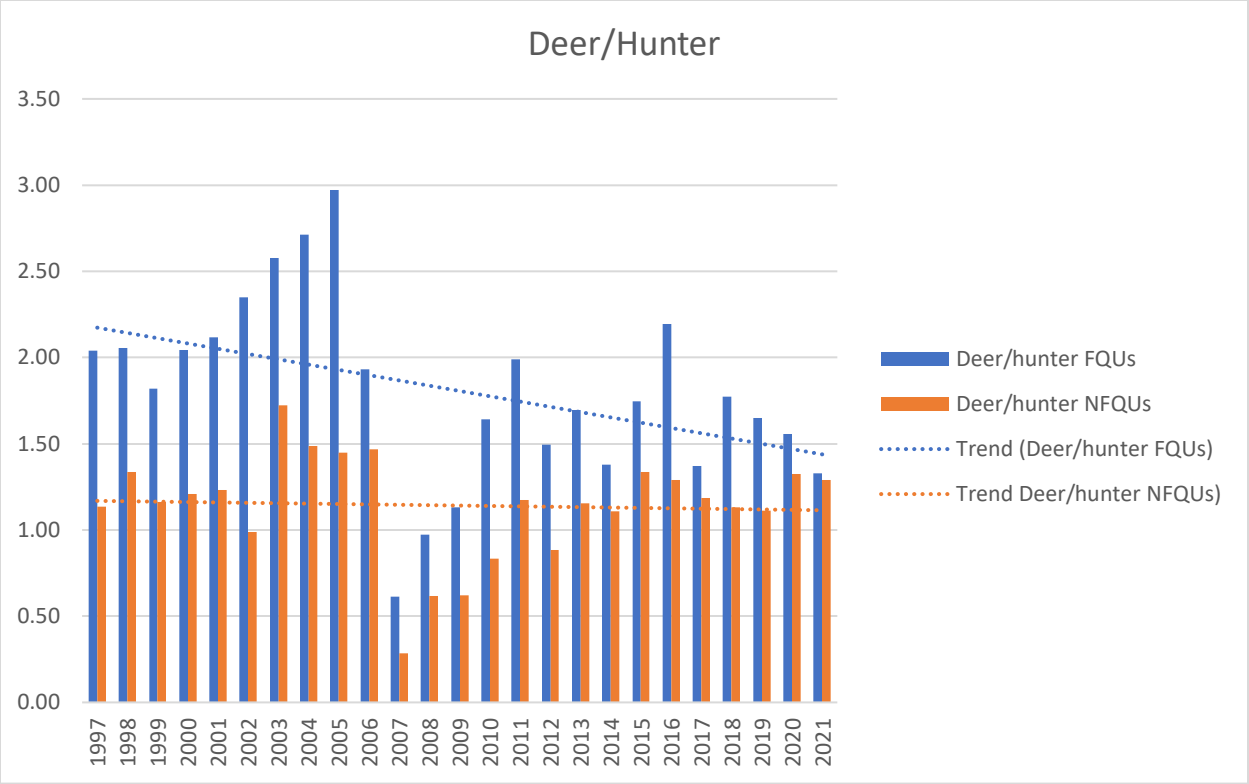


Figure 11. Trends in mean number of deer harvested per FQU and NFQU, NECCUA, RY97-RY21.

Within the NECCUA, the bag limit for NFQUs is 6 deer west of Port Frederick and 3 deer east of Port Frederick. This proposal seeks to reduce that bag limit to 2 bucks for the entire NECCUA. ADF&G collects data on the number of deer individual hunters report taking relative to the bag limit in areas they report hunting. Within GMU 4, 83% of NFQUs take 2 or fewer deer (Figure 12, ADF&G RY19-RY21). Nine percent of NFQUs take 3 deer and 5% take 4 deer. The percentage of hunters who took 5 or 6 deer (legal as of RY19) was 1.5% for both.

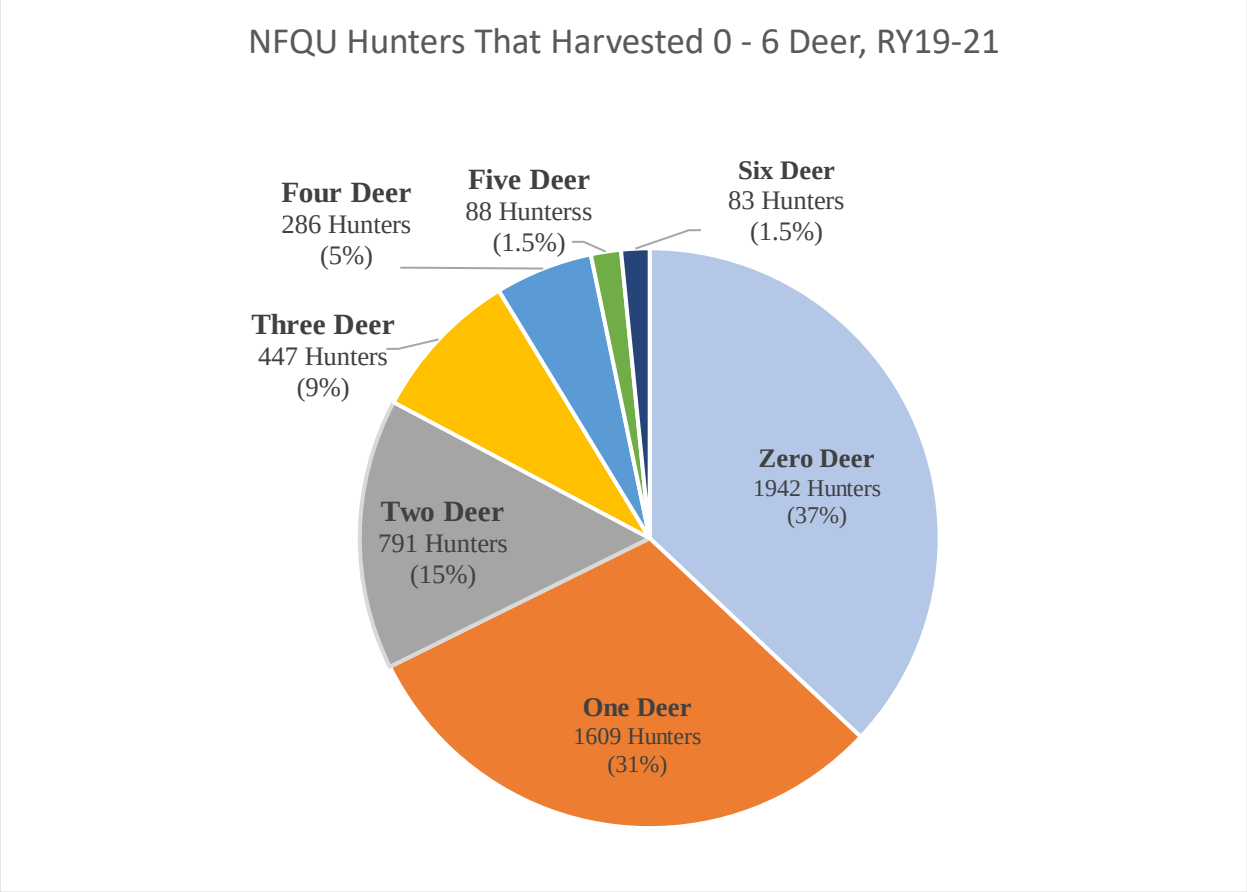


Figure 12. Percentages of NFQUs who report harvesting 0, 1, 2, 3, 4, 5, or 6 deer in GMU 4, RY19-RY21.

Under federal regulations, FQU hunters were able to harvest six deer prior to RY19 when the State bag limit was raised to six. On average, more FQU hunters take multiple deer than NFQU hunters. For example, since RY13, 13% of FQU hunters take more than four deer (Figure 13).

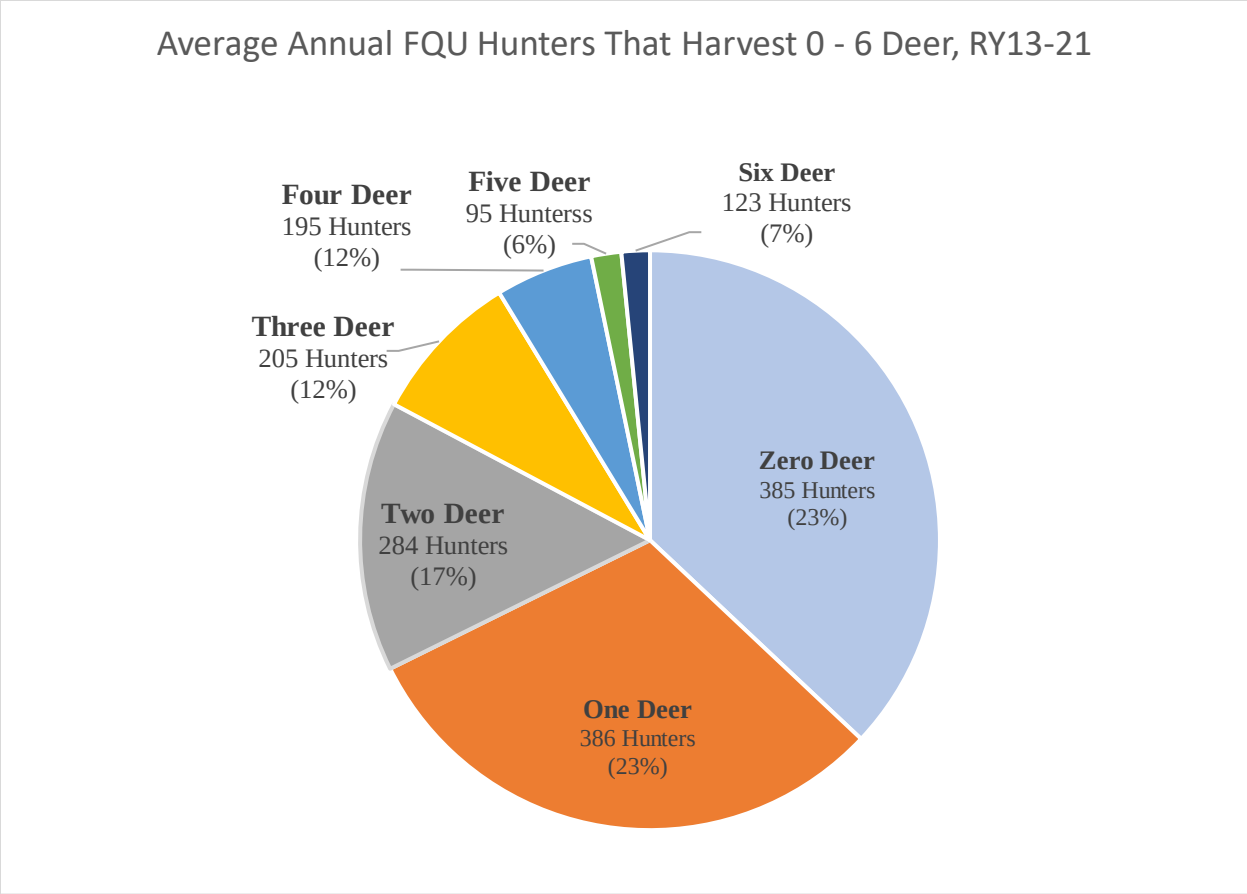


Figure 13. Percentages of FQUs who report harvesting 0, 1, 2, 3, 4, 5 or 6 deer in GMU 4, RY13-RY21.

Doe harvest accounts for approximately 25% of both the FQU and NFQU annual harvest. Since RY13, FQUs have averaged approximately 86 does annually and NFQUs about 92. These calculations do not include RY07-RY12 when doe harvests were restricted to facilitate recovery of the deer herd following the winter of 2006/2007.

Analysis

The analyses presented here are based on several different metrics that come from the only annually collected, objective, and quantitative information available on deer abundance, hunter effort and harvest in the area affected by this proposal. Deer abundance is monitored by ADF&G through the reporting of effort and harvest data from hunters, including those from Hoonah.

The proposal asserts that the deer population within the NECCUA is "depleted" and that in recent years FQUs have had increasing difficulty meeting their subsistence needs for deer because of increasing competition from NFQUs. The term, "subsistence need", as used in Title VIII of ANILCA has no quantitative benchmark analogous to ANS in state regulations. ANILCA also does not require the federal program to quantify historical levels of harvest for subsistence uses. Consequently, there is no objective way of verifying whether the existing federal regulations continue to provide for adequate subsistence harvest opportunity. Therefore, our analysis focuses on measures of deer abundance and trend in GMU 4 and on

trends in effort and harvest by FQUs and NFQUs in the proposal area. Conditions that would support the assertion that NFQUs are hindering deer harvest by FQUs would include increasing numbers of hunters, days of hunting effort, and harvest by NFQUs that coincide with declining harvest by FQUs while the number of FQU hunters and effort by those hunters remained stable or increased.

ADF&G monitors deer abundance at the scale of the GMU or subunit, so we can only note that the available data indicate GMU 4 deer populations are currently at high and stable levels. Winter severity, particularly deep and lingering snowpack, is the biggest limiting factor for Sitka black-tailed deer in GMU 4. The last winter with above average snowfall occurred in 2011/2012. Since then, winters have been average, to mild, with little overwinter mortality as corroborated by ADF&G's spring mortality surveys. Pellet group and aerial alpine deer counts also support the conclusion that deer remain abundant in GMU 4.

The proposal is predicated on the idea that FQUs in the NECCUA area are having an increasingly difficult time meeting their subsistence needs. Because no similar proposal has been submitted before, we can presume that previously FQUs were able to meet their needs. Therefore, to evaluate the need for this restriction of NFQUs opportunity we evaluated harvest and measures of hunter effort for trends of increasing effort and harvest by NFQUs.

We found that harvest by FQUs and NFQUs declined in response to the severe winter of 2006/2007. Since then, harvest by NFQUs has recovered to pre-2007 levels, but harvest by FQUs remains much lower than before RY07. To investigate reasons for declining harvest after the deer population recovered, we examined numbers of FQUs and NFQUs participating in this hunt and days of hunting effort by both groups of hunters. We found that since RY07 the number of individual FQUs hunting within the NECCUA has declined by 50%, whereas the number of NFQUs has returned to pre-2007 levels. Days of hunting effort by FQUs also declined while days of hunting effort by NFQUs returned to pre-2007 levels. This finding directly contradicts the assertion in the proposal that increasing competition from NFQUs is hindering harvest by FQUs. In fact, total deer hunting effort and the potential for competition between hunters in this area has substantially declined.

To evaluate whether FQUs are having an increasingly difficult time harvesting deer we looked for trends in the number of days of hunting effort required to harvest one deer and number of deer harvested per hunter. Since RY13, FQUs require 2.3 days of hunting effort per deer compared to 3.3 days of effort for NFQUs. Since RY13 days of hunting effort required to harvest a deer has been trending down for FQUs, including Hoonah hunters, and has been below 2.0 days/deer for 3 of the past 6 seasons.

If harvesting deer was becoming more difficult for FQUs, we would expect to see an increase in the number of days of hunting effort required to harvest a deer and a decline in the number of deer harvested per FQU hunter. While there has been a decline in the number of deer/hunter (2.2 to 1.6 between RY97-RY06 and RY13-RY20), there hasn't been a corresponding increase in days/deer. These measures of hunter success based on hunt reports provided by FQUs, including residents of Hoonah, indicate that deer hunting conditions in the NECCUA remain very good and that in recent years FQUs have enjoyed very good hunting success.

Potential effects of the proposed change on the deer population or FQU harvest are difficult to project. NFQ hunters take on average 92 does annually in the NECCUA. By applying the percentage of NFQUs who take 0, 1, 2, 3, 4, 5 or 6 (only hunters west of Port Frederick can harvest more than three) deer to previous harvests by NFQUs in the NECCUA, the average annual reduction in NFQU harvest would be approximately 20 deer west of Port Frederick and 40 deer east of Port Frederick. However, those calculations do not take into account deer harvested below mean high tide and on other State and private lands, or whether hunters would harvest additional bucks if does were not legal. Because NFQUs take an average of only 1.2 deer per hunter, and harvest 75% bucks, the proposed regulatory change is unlikely to affect the deer population or result in any substantial increases in opportunity for FQUs.

Summary

The proposal asserts that the deer population within the NECCUA is depleted and that in recent years FQUs have had difficulty meeting their subsistence needs because of increasing competition from NFQUs. Our analysis of the deer population, hunter effort and harvest trends found no support for either contention. Instead, the available information indicates that deer remain abundant throughout GMU 4. Within the NECCUA it is unlikely that hunter harvest has reduced deer abundance because total hunting effort is relatively light, and over the last 2 decades total hunter effort and harvest have both declined.

We could find no support for the contention that competition from NFQUs has increased or that NFQUs are hindering harvest by FQUs. In fact, the number of NFQUs and days of hunting effort by NFQUs has remained stable over the past 2 decades. Further, days of hunting effort required to harvest one deer remains very low.

The analysis conducted by ADF&G indicates a long-term decline in the number of deer harvested by FQUs within the NECCUA. However, that decline is attributable to a decline in the number of FQUs and days of effort by those hunters. Over the last 20 years the number of FQUs and days of hunting effort by those hunters has declined by more than half. Deer remain abundant and competition from NFQUs is unchanged, so we conclude that the decline in federal subsistence harvest of deer results from a decline in participation and effort by FQUs, not depleted deer populations or increasing competition from NFQUs.

Impact on Subsistence Users

The reduction in the bag limit of NFQUs would not have any impact on FQUs given the data showing how many deer NFQUs typically harvest.

Impact on Other Users

Opportunity for NFQUs to harvest deer on federal public lands in the NECCUA would be reduced. Bag limits west of Port Frederick would decline from 6 deer per hunter to 2 bucks. East of Port Frederick the NFQU bag limit would be reduced from 3 deer to 2 bucks. However, NFQUs would still be able to harvest the larger number of deer under state hunting regulations on adjacent state-owned tidelands below mean high tide, state public uplands, and private property.

State Customary and Traditional Use Findings

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

Amounts Reasonably Necessary for Subsistence

Alaska state law requires the Board of Game 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. The ANS for deer in GMU 4 is 5,200–6,000 deer.

Contrary to its name, ANS does not indicate subsistence "need". Instead, ANS provides the board with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. The ANS for deer in GMU 4 was established in 1992. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently falls below ANS. However, harvest may decline for many reasons, and in this case it appears to result from declining participation and effort by FQUs in the Hoonah area

Opportunity Provided by the State

The State season and bag limit for the NECCUA in GMU 4 is:

GMU 4 NECCUA East of Port Frederick	Bag Limit 3 deer (bucks only to Sep 14th)	Resident Open Season Aug 1-Dec 31 (Harvest ticket)	Nonresident Open Season Aug 1-Dec 31 (Harvest ticket)
GMU 4 Remainder	Bag Limit 6 deer (bucks only to Sep 14th)	Resident Open Season Aug 1-Dec 31 (Harvest ticket)	Nonresident Open Season Aug 1-Dec 31 (Harvest ticket)

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. 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 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.

Enforcement Issues

Passage of this proposal will create increasingly complex regulations for NFQUs. Enforcement will be challenging because NFQU's will remain eligible to hunt deer (including

does) on state-owned tidelands below the line of mean high tide and on other state and private property. The tideline is not marked, so NFQUs and enforcement officers will have difficulty determining when deer are above or below that line of mean high tide.

Position

ADF&G **OPPOSES** this proposal as originally submitted as well as the various changes suggested by the SERAC throughout the extended process. There is no evidence that hunting by NFQUs has negatively affected FQUs ability to harvest deer. Further, no conservation concern exists for the Chichagof Island deer population nor is the continuation of subsistence harvest of deer from that population in jeopardy. Consequently, there is no "substantial evidence" as required by Title VIII of ANILCA to justify adopting this proposal. In fact, adopting this proposal would deprive NFQUs of sustainable deer hunting opportunity contrary to terms in Title VIII of ANILCA. This proposal would also affect Alaskans, including former residents of Hoonah, who have moved to NFQ communities by unnecessarily restricting their ability to practice their traditional and cultural way of life.

Approximately 90% of land in GMU 4 is federally managed, and current federal regulations provide greater opportunity for FQUs compared to NFQUs. FQUs are eligible to hunt an entire month longer than NFQUs with a season extending through January. In the NECCUA, east of Port Frederick (where 70% and 80% of FQU and NFQU harvest occurs, respectively), FQUs have a much more liberal bag limit (6 deer compared to 3 deer for NFQUs) as well as a very liberal designated hunter program.

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. A bag limit reduction for NFQUs for 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 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 the only annually collected, objective, and quantitative data available, none of those reasons apply. There is no conservation concern for the NECCUA deer population, and no restrictions on NFQU bag limit are needed to continue subsistence uses of deer. Data largely provided by FQUs residing in Hoonah clearly indicate that the decline in harvest by that user group results from declining participation and effort by FQU deer hunters.

Data Tables

Table 1. Number of GMU 4 NFQUs that harvest 0, 1, 2, 3, 4, 5, or 6 deer.

Reg Year	Total Hunters	Zero Deer	One Deer	Two Deer	Three Deer	Four Deer	Five Deer	Six Deer
2013	1660	579	520	286	170	100	0	0
2014	1808	762	534	287	148	78	0	0
2015	1875	588	559	340	232	155	0	0
2016	1872	596	589	325	220	141	0	0
2017	1783	663	558	303	168	90	0	0
2018	1779	645	550	327	173	83	0	0
2019	1750	664	569	274	124	76	26	18
2020	1793	697	504	253	171	108	29	30
2021	1719	587	541	267	152	104	33	35
Average*	1782	642	547	296	173	104	29	28

*Five and six deer average calculations based on RY19-RY21 only.

Table 2. Number of GMU 4 FQUs who harvest 0, 1, 2, 3, 4, 5, or 6 deer.

Reg Year	Total Hunters	Zero Deer	One Deer	Two Deer	Three Deer	Four Deer	Five Deer	Six Deer
2013	1644	408	402	291	174	184	91	95
2014	1662	536	375	280	178	157	66	71
2015	1903	412	472	328	235	243	104	108
2016	1883	340	386	281	235	322	123	196
2017	1717	462	400	305	217	175	76	83
2018	1684	414	441	302	215	144	80	88
2019	1646	277	404	278	198	201	121	167
2020	1464	402	339	251	186	138	64	86
2021	1624	270	320	272	217	202	127	216
Average	1692	391	393	288	206	196	95	123

Table 3. Summary Table Federally Qualified Deer Hunters, WAAs 3523-3526, 3551, 4222, 4252, and 4253.

Regulatory Year	No. of Hunters	Hunt Days	Buck Harvest	Doe Harvest	Total Harvest	Deer/ Hunter	Days/ Deer
1997	345	1692	545	159	704	2.04	2.40
1998	347	1586	545	168	713	2.05	2.22
1999	391	1640	483	228	711	1.82	2.31
2000	334	2933	517	165	682	2.04	4.30
2001	378	2215	531	269	800	2.12	2.77
2002	325	2246	710	53	763	2.35	2.94
2003	276	1134	528	183	711	2.58	1.59
2004	261	1429	513	195	708	2.71	2.02
2005	358	1609	707	357	1064	2.97	1.51
2006	319	2026	466	150	616	1.93	3.29
2007	230	879	115	26	141	0.61	6.23
2008	192	1190	177	10	187	0.97	6.36
2009	161	759	182	0	182	1.13	4.17
2010	192	989	283	32	315	1.81	2.84
2011	196	1010	378	12	390	1.99	2.59
2012	220	894	296	33	329	1.50	2.70
2013	213	853	267	94	361	1.69	2.36
2014	260	1004	275	83	358	1.38	2.80
2015	314	1527	435	113	548	1.75	2.79
2016	246	889	463	77	540	2.20	1.65
2017	223	726	235	71	306	1.37	2.37
2018	238	803	324	98	422	1.77	1.90
2019	214	643	283	70	353	1.65	1.82
2020	203	719	228	88	316	1.56	2.28
2021	246	871	249	78	327	1.33	2.66

Table 4. Summary Table NFQU Deer Hunters WAAs 3523-3526, 3551, 4222, 4252, and 4253.

Regulatory Year	No. of Hunters	Hunt Days	Buck Harvest	Doe Harvest	Total Harvest	Deer/ Hunter	Days/ Deer
1997	206	850	201	33	234	1.14	3.63
1998	290	993	275	113	388	1.34	2.56
1999	311	1482	226	136	362	1.16	4.09
2000	360	1345	363	72	435	1.21	3.09
2001	244	1067	219	82	301	1.23	3.54
2002	383	1475	300	77	378	0.99	3.90
2003	331	1318	435	135	570	1.72	2.31
2004	303	1095	333	118	451	1.49	2.43
2005	293	1106	309	115	424	1.45	2.61
2006	326	1372	386	93	479	1.47	2.86
2007	155	641	39	5	44	0.28	14.57
2008	202	823	125	0	125	0.62	6.58
2009	92	416	57	0	57	0.62	7.30
2010	188	805	157	0	157	0.84	5.13
2011	157	843	172	11	183	1.17	4.58
2012	262	1142	218	14	232	0.89	4.92
2013	249	1048	212	75	287	1.15	3.65
2014	293	1310	248	77	325	1.11	4.03
2015	320	1405	313	114	427	1.33	3.29
2016	331	1339	327	100	427	1.29	3.14
2017	337	1334	274	126	400	1.19	3.34
2018	323	1270	305	61	366	1.13	3.47
2019	269	995	231	68	299	1.11	3.33
2020	275	1005	243	121	364	1.32	2.76
2021	257	1014	246	85	331	1.29	3.06

WP22–10 Executive Summary	
General Description	Wildlife Proposal WP22-10 requests that the deer harvest limit for non-Federally qualified users in Lisianski Inlet and Lisianski Strait be reduced to 4 deer. *Submitted by: Patricia Phillips*
Proposed Regulation	**Unit 4 - Deer** *Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.* *Aug. 1 - Jan. 31* ***Non-Federally qualified users may harvest up to 4 deer in Lisianski Strait and Lisianski inlet***
OSM Conclusion	**Oppose** Proposal WP22-10
Southeast Alaska Subsistence Regional Advisory Council Recommendation	**<u>Fall 2022</u>** **Support** WP22-10 **with modification** to reduce the harvest limit for non-Federally qualified users to two bucks (and maintain the area recommended in Fall 2021). The modified regulation should read: **Unit 4 - Deer** *Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.* *Aug. 1 - Jan. 31* ***Non-Federally qualified users are limited to 2 male deer on Federal public lands within drainages flowing 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.*** **<u>Fall 2021</u>** **Support** WP22-10 **with modification** to area and harvest limit. The modified regulation should read:

WP22–10 Executive Summary	
	Unit 4 - Deer *Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.* *Aug. 1 - Jan. 31* ***On Federal public lands within drainages flowing 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, non-Federally qualified users may harvest up to 3 bucks.***
Interagency Staff Committee Comments	The ISC acknowledges the extensive discussion by the Council members about the closure policy application to this situation. This was one of four proposals for Unit 4, which overall has a healthy population of deer, but is experiencing subareas where subsistence users are not able to harvest enough deer for their needs. The Council submitted WP22-09 closing this area because of concerns brought to them by the affected Federally qualified subsistence users in Pelican about not meeting subsistence needs for deer. WP22-10 was submitted by a resident of Pelican, who is also a member of the Pelican Fish and Game Advisory Committee, who also supported WP22-10. The proposal review process allowed the Council and the public to review the available data and provide testimony from all affected users of the resources. During the meeting, the Council acknowledged that the data in the State reporting system used to measure effort does not reflect success in subsistence hunting because subsistence hunting of deer is opportunistic and users generally only report when they are successful. They crafted a modification of WP22-10 to only reduce the harvest limit to 3 bucks for non-Federally qualified users rather than a closure. The Council felt this modification would address the concerns expressed by local residents. Following deferral of this proposal, the ISC recognizes the additional effort that the Southeast Council put into addressing concerns from Federally-qualified subsistence users and attempting to find a meaningful priority when they took up this proposal for a second time. The Board may want to consider if restrictions to harvest limits

WP22–10 Executive Summary	
	and/or closures to non-Federally qualified users are necessary for the conservation of healthy populations of deer or to allow for the continuation of subsistence uses of deer per §815(3) of ANILCA. Deer populations in the area covered by this proposal are the highest in the state and harvest success by Federally qualified subsistence users has been stable over the last decade, indicating that they are able to harvest sufficient deer to provide for their uses of the resource.
ADF&G Comments	**Oppose** Proposal WP22-10
Written Public Comments	**63 Oppose, 1 Neutral**
Notes	This is a modified and updated executive summary from the analysis for Proposals WP22-09/10, which was included in the Federal Subsistence Board April 2022 meeting book. Since the Board rejected Proposal WP22-09 as part of the consensus agenda at their April 2022 meeting, information on WP22-09 was removed from this executive summary and the following analysis. The following analysis has been updated and revised based on the Board's deferral of WP22-10 at their April 2022 meeting. Both the Southeast Council's fall 2021 and 2022 recommendations as well as ADF&G's updated comments on the revised analysis are included in this document. ADF&G's comments on the proposal pre-deferral and all of the written public comments can be found in the April 2022 version of the analysis on the Office of Subsistence Management website at: https://www.doi.gov/subsistence/wildlife.

STAFF ANALYSIS
WP22-10

ISSUES

Wildlife Proposal WP22-10, submitted by Patricia Phillips of Pelican, requests that the deer harvest limit for non-Federally qualified users in Lisianski Inlet and Lisianski Strait be reduced to 4 deer.

DISCUSSION

The proponent of WP22-10 states that hunting pressure from non-Federally qualified users results in Federally qualified subsistence users' deer needs not being met. The proponent further contends that bear predation on deer populations have deer staying out of the beach fringe, which makes deer skittish when there is ongoing deer hunting pressure.

Existing Federal Regulation

Unit 4 - Deer

Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.	*Aug. 1 - Jan. 31*

Proposed Federal Regulation

Unit 4 - Deer

Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.	*Aug. 1 - Jan. 31*
Non-Federally qualified users may harvest up to 4 deer in Lisianski Strait and Lisianski inlet	

Existing State Regulation

Unit 4 - Deer

Chichagof Island east of Port Frederick and north of Tenakee Inlet

Residents and Nonresidents - 3 deer total	*Bucks*	*HT*	*Aug. 1 - Sept.14*
	Any deer	*HT*	*Sept. 15 - Dec. 31*

Unit 4 - Deer			
Remainder			
Residents and Non-residents - 6 deer total	*Bucks*	*HT*	*Aug. 1 - Sept.14*
	Any deer	*HT*	*Sept. 15 – Dec. 31*

Extent of Federal Public Lands

Unit 4 is comprised of approximately 96% Federal Public Lands and consists of 95% U.S. Forest Service (USFS) managed lands and less than 1% National Park Service or U.S. Fish and Wildlife Service managed lands (**Map 1**).

Customary and Traditional Use Determination

Rural residents of Units 1, 2, 3, 4 and 5 have a customary and traditional use determination for deer in Unit 4.

Regulatory History

See WP22-07 analysis.

Current Events

See WP22-07 analysis.

Biological Background

See WP22-07 analysis.

Habitat

See WP22-07 analysis.

Population Information

McCoy (2017) outlines the limitations of estimating deer populations in Southeast Alaska, while Bethune (2020) discusses the most recent deer population status in Unit 4. Overall, the deer population in Unit 4 has recovered from the mortality incurred during the severe winters of 2006-2008 and is probably reaching winter carrying capacity in some areas. McCoy (2019) explains that Unit 4 deer pellet-group counts in 2019 were higher than previous counts in all three survey areas. Pavlov Harbor, on northeast Chichagof Island, was surveyed in 2019. Results indicated a 39% increase in pellet-groups from the last survey conducted in 2010 (McCoy 2010). Most recently, the heavy snowfall during the winter of 2021-22 led to concerns about possible heavy mortality. However, mortality surveys in the spring of 2022 found

that there was not higher than normal winter mortality, and that the body condition of live deer was similar to that in previous years (Bethune 2022).

Annual harvest is one indication of deer population status. The average annual reported deer harvest in Unit 4, 2000-2019, was 5,579 (**Figure 1)** (ADF&G 2021). Deer harvest was below average in 2007-2010 probably due to high deer mortality from several consecutive harsh winters. Unit 4 annual reported deer harvest has been increasing to pre-2007 levels, suggesting that the Unit 4 deer population has recovered from those harsh winters.

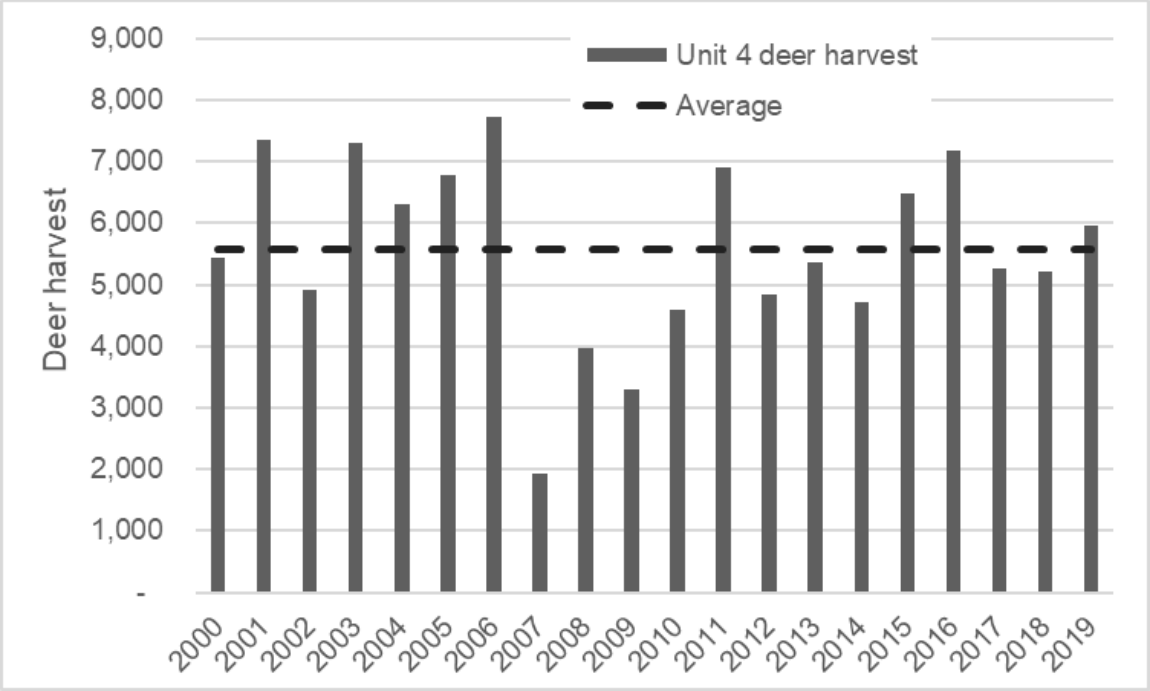


Figure 1. Unit 4 estimated annual reported deer harvest, 2000-2019. (ADF&G 2021)

Cultural Practices and Traditional Knowledge

Pelican, located on northwest Chichagof Island in Lisianski Inlet about 100 miles from Juneau, is a small fishing community founded around commercial fishing and fish buying or processing stations, economic activities that continue to be community mainstays (Schroeder and Kookesh 1990, ADLWD 2022). There is a seasonal population influx of commercial fishermen and other seasonal residents. The estimated population of year-round residents is estimated at 98 people (**Table 1**). The population peaked around 1990 and has since steeply declined. The downturn in the commercial fishing industry is likely responsible for the decline with people moving to other communities in search of cash income (ADLWD 2022). A Pelican resident explained that many people left the community when the local company Pelican Seafoods shutdown, and commercial fishing opportunities, such as longlining for halibut and black cod, have been decreasing (SEASRAC 2021a).

The Alaska State Ferry is scheduled to visit Pelican once a month October through December and March through April, however the ferry is occasionally canceled for various reasons. The Ferry will not visit Pelican from January through February (Juneau Empire 2022).

Residents of Pelican commented on deer in their area around Lisianski Inlet during several Southeast Alaska Council meetings in 2021 that are summarized below.

Many Pelican residents found harvesting deer in 2020 difficult and did not get enough deer to meet their needs. For example, Pelican residents said, "I have hunted off the lower part of the hills, and I haven't had any luck this year" (SEASRAC 2021a:19–20), and "I've been out in the hills hunting, and there is a definite lack of deer" (SEASRAC 2021b:504). Some Pelican residents have the ability to go out to the "outer coast" to seek deer and have been successful, while others must stay closer to Pelican because they lack the resources to travel further (SEASRAC 2021a, 2021b).

Some Pelican residents said they are observing more non-local deer hunters using Lisianski Inlet than in the past and have voiced concern about local depletion of wild resources. This is in part due to the geography of Lisianski Inlet limiting how many hunters can be successful because of very steep terrain around the inlet. There are only a few drainages that can be used to access hunting areas. A sort of crowding has been described leading to safety concerns by local Pelican deer hunters (SEASRAC 2021a, 2021b).

Pelican residents observed that every year varies when it comes to deer based on numerous environmental factors. Sometimes, after a heavy snowfall covers available browse, deer are observed on the beaches seeking food but disappear when it then rains as deer move back to forested areas and higher elevations to take advantage of the browse in those areas. Bears seeking deer can also scare deer off of the beaches (SEASRAC 2021a, 2021b). One Pelican resident said, "The recent winters have been less severe with less snow which can impact whether the deer are being driven to the beach fringe or not. [Fewer deer sightings] may have been because the snow level was well above the beach fringe" (SEASRAC 2021b:73). Some years, deep prolonged snow coverage results in deer die off (SEASRAC 2021a, 2021b).

Table 1. The population of Pelican from 1960 to 2020 based on the US Census (Source: ADLWD 2022).

Year:	1960	1970	1980	1990	2000	2010	2020
Population:	135	133	180	222	163	88	98

Food Security

Living in Pelican is expensive, for example a Pelican resident said, "We live on one fixed income, and we depend on our fish and our deer to eat. We have one ferry a month, if we're lucky. [For shipping], Alaska Sea Planes charges one dollar a pound. We can't afford to go and buy the expensive beef and expensive food" (SEASRAC 2021b:504), and "This is a low income community. Subsistence hunting and fishing is really not optional for many folks here. Recent food scarcity has been exacerbated by the fact that our

ferry service has been intermittent and our food supply has been undependable because of that" (SEASRAC 2021a:189–190). Pelican residents described the Alaska State ferry as unreliable and the stop at Pelican has been cancelled many times because of ferry worker strikes, the pandemic, broken down ferries, et cetera. This has caused concern about getting food to the community when the ferry does not come. It is common for planes to Pelican to be cancelled because of bad weather. One Pelican resident said, "You have to put up lots of food to sustain yourself" (SEASRAC 2021b:68–69).

Conflict between Hunter Success Rates Reported by ADF&G versus Local Observations

A local Pelican perspective is that the deer harvest reporting system is used primarily by successful hunters who don't always include information about the number of trips they took. Harvest statistics of success rates are not the same as people's observations. One Pelican resident said, "The analysis depicts the efficiency of local Federally-qualified hunters of Lisianski Inlet Straits as having a greater success rate. I question this information. When I complete a deer hunter survey I only list actual deer harvested [and not] the number of times I hunt without success, which may be three, four, or five times before I shoot a deer" (SEASRAC 2021b:73).

Harvest History

Through 2010, deer harvest data provided by the Alaska Department of Fish and Game (ADF&G) were based on a sample of hunters. In general, 35% of hunters from each community are sampled each year and while response rates vary by community, the overall response rate across communities is approximately 60% each year. Harvest numbers are extrapolated using expansion factors that are calculated as the total number of harvest tickets issued to a community divided by the total number of survey responses for that community.. As confidence intervals are not available for these data, exact numbers should be considered estimates and used with caution. Trends, however, especially at larger scales, should be indicative of general harvest change. Since 2011, harvest data have been gathered through mandatory reporting. ADF&G expands the harvest estimate based on returned reports to account for unreturned harvest reports. Additionally, if the response rate is low within a community, ADF&G staff call hunters to ask about their hunting efforts and harvests in an effort to achieve a 60% reporting rate (Bethune 2020, SEARAC 2021b).

Deer harvest in Unit 4 in 2007/08 (1,858 ± 236) was down significantly from 2006/07 (7,746 ± 594) and was the lowest harvest in Unit 4 in over a decade due to significant mortality from preceding severe winters (McCoy et al. 2007). Prior to 2007/08, Unit 4 deer harvest was mostly stable, fluctuating around 7,000 deer per year. Harvest data indicates that the annual Unit 4 deer harvests increased beginning around 2008-2009 and was 5,969 deer in 2019 (**Figure 1**).

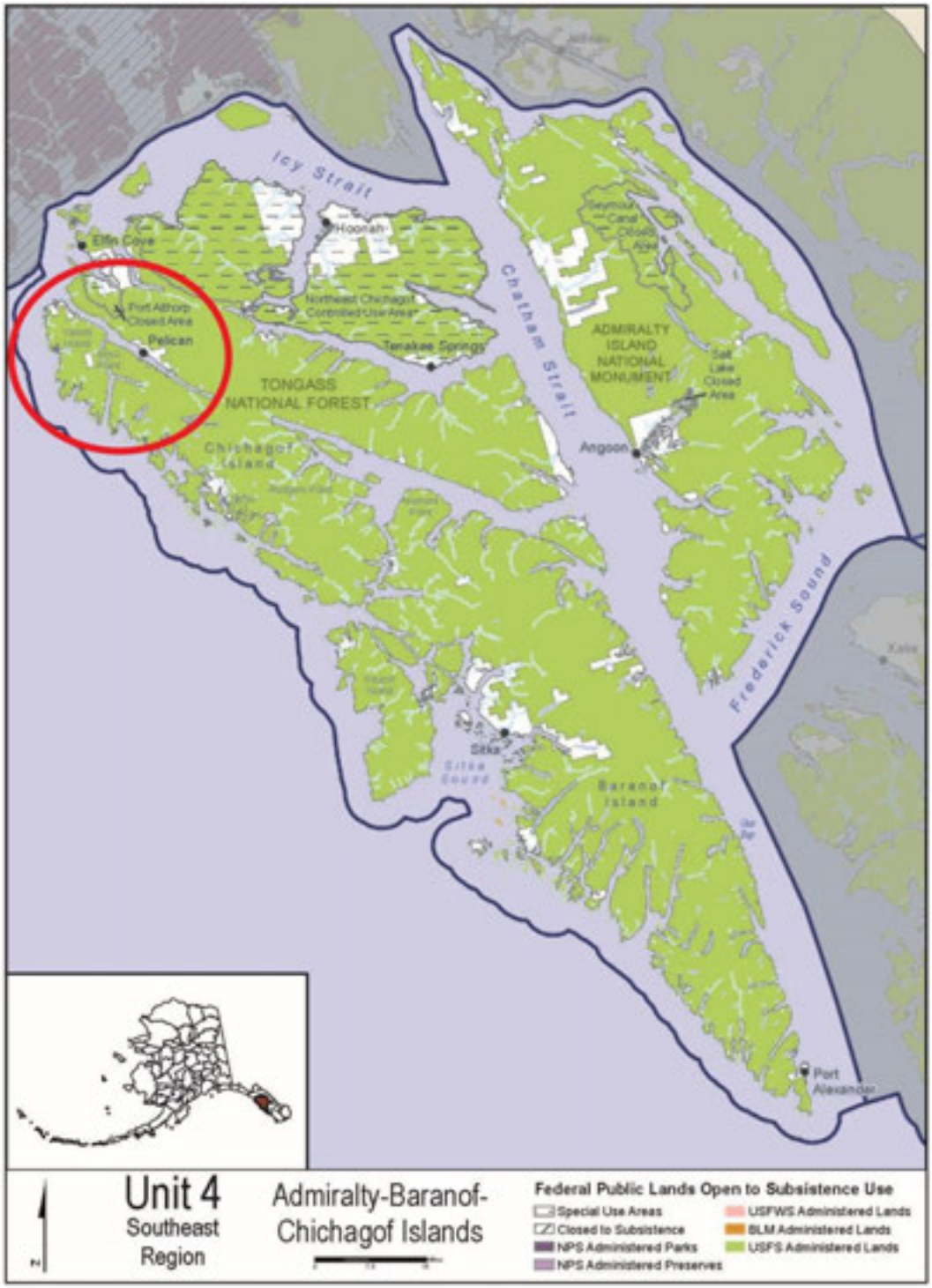
The proposal analysis area for WP22-10 relative to Unit 4 is shown in **Map 1**. The harvest data presented is specific to wildlife analysis areas (WAAs) encompassing, the area of Lisianski Inlet, Lisianski Strait, and Stag Bay (**Map 2**).

The vast majority of deer hunting effort and harvest by Pelican residents occurs within the proposal area. More than three quarters of effort and harvest by Pelican residents occurs in the Upper Lisianski Inlet (3419) and Yakobi Island (3418) WAAs. Based on the distribution of harvest and effort, proximity to Pelican appears to be the primary factor in selecting hunting locations, with very little effort and harvest occurring outside of the Pelican area (**Table 2**).

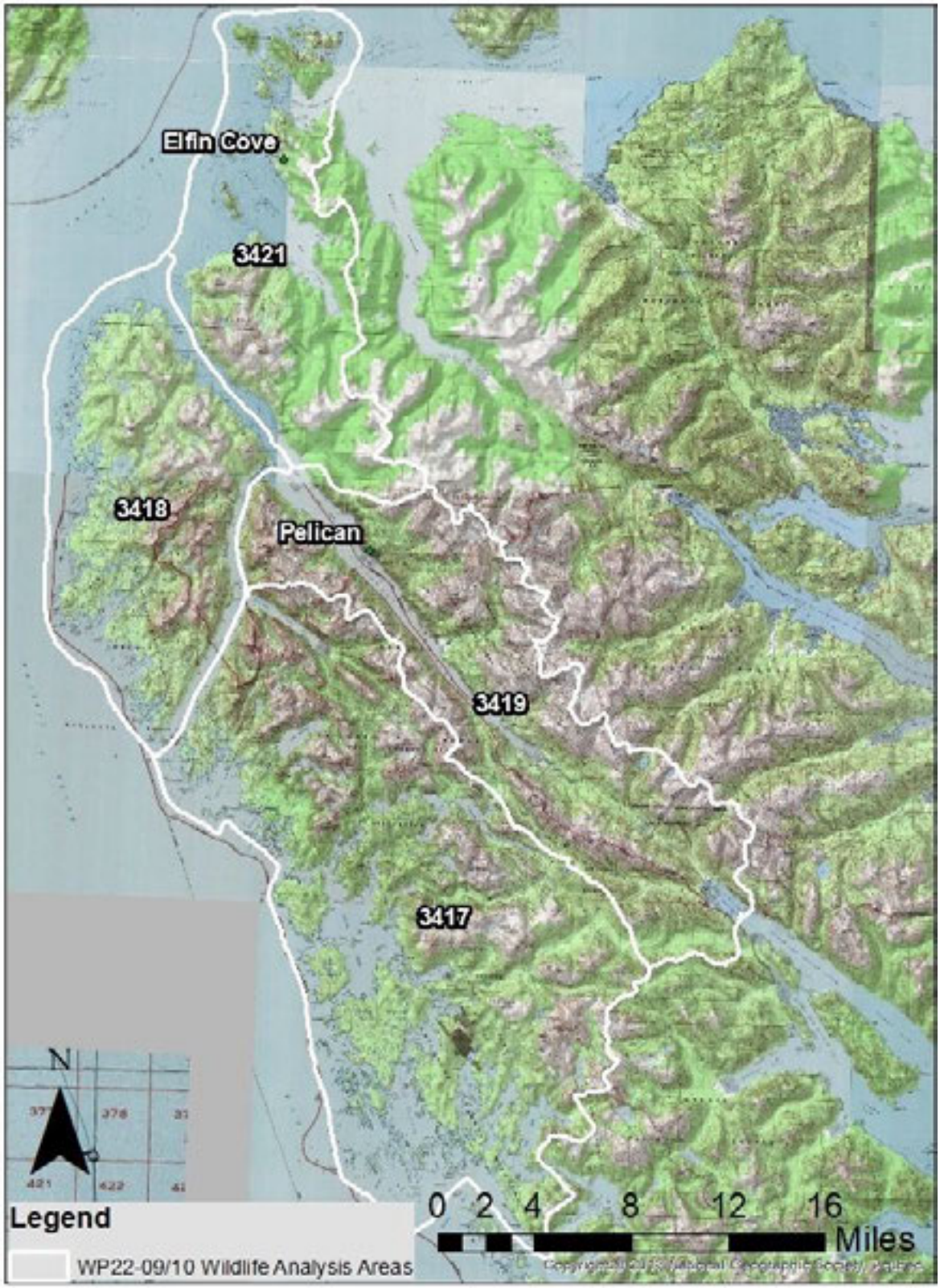
Harvest and effort by Federally qualified subsistence users and non-Federally qualified users in the relevant WAAs is presented in **Figures 2** and **3** below. Federally qualified harvest is consistently higher compared to other users (**Figure 2)** while effort, expressed in hunter days, is generally lower (**Figure 3**). The success rate (i.e. harvesting at least one deer per hunt) of Pelican residents has averaged between 80% and 100% since 2008, with an average of 1.8 deer harvested per hunter (**Figure 4**). However, unsuccessful hunts are probably less likely to be included in harvest reports, so the actual success rate may be lower. Non-Federally qualified users have a lower success rate, which results in higher hunting effort compared to Federally qualified subsistence users within the proposal area. Both harvest and effort appear to be fairly stable since 2011 when mandatory harvest reporting was implemented. Ninety-three percent of non-Federally qualified users harvest less than 4 deer annually from Unit 4 (**Figure 5**), although up until 2019, the State harvest limit was four deer in Unit 4. Most deer harvested by non-Federally qualified hunter are males, with an average of 15% females harvested between 2000 and 2021 (**Figure 7**).

According to ADF&G's comments on Proposals WP22-09/10 (included in the April 2022 Board meeting book and available at www.doi.gov/subsistence/wildlife), Federally qualified subsistence users within the proposal area are very efficient at harvesting deer, requiring only 1.9 days to harvest one deer on average between 1997 and 2020, compared to 2.7 days for non-Federally qualified users within the proposal area, and 3.0-7.9 days for deer hunters in other units across Alaska.

The chronology of deer hunting effort in all of Unit 4 is probably similar to effort in the proposal analysis area, varying by user group. November is the most popular hunting month for both groups, particularly for non-Federally qualified users (**Figure 6**).



Map 1. Unit 4 management map with proposal analysis area encircled in red.



Map 2. Wildlife analysis areas used for harvest and effort data analysis.

Table 2. Distribution of deer hunting effort and harvest by Pelican residents, 2000-2021. (ADF&G 2022)

Wildlife Analysis Area

Within proposal area	Total harvest	Days hunted	Percent harvest	Percent days hunted
3417 WEST COAST CHICHAGOF	163.6	284.2	16%	19%
3418 YAKOBI IS.	387.6	439.7	38%	29%
3419 UPPER LISIANSKI INLET, LISIANSKI RIVER	370.7	659.8	36%	44%
3421 PORT ALTHORP, LOWER LISIANSKI, INIAN IS.	60.3	76.8	6%	5%
Total within proposal area	982.2	1460.5	95%	98%

Outside proposal area	Total harvest	Days hunted	Percent harvest	Percent days hunted
3002 SITKA ROAD SYSTEM	1.5	1.5	0%	0%
3003 SILVER BAY, DEEP INLET	4.5	4.5	0%	0%
3312 DUFFIELD PENIN., BEAR BAY	3.7	1.8	0%	0%
3314 FISH BAY DRAINAGES	2.9	1.5	0%	0%
3416 KHAZ PENIN., SLOCUM ARM	7.4	4.5	1%	0%
3526 NORTH SHORE TENAKEE INLET	1.8	1.8	0%	0%
3629 SOUTHERN SHORE TENAKEE INLET	4.7	7.9	0%	1%
3731 KELP BAY-TAKATZ BAY	1.6	1.6	0%	0%
3733 WHALE BAY DRAINAGES, WILDERNESS COAST	9.8	0	1%	0%
3835 NORTHERN MANSFIELD PENIN.	3.4	3.4	0%	0%
4041 WHITEWATER BAY, WILSON COVE	1.7	1.7	0%	0%
4252 HUMPBACK, GALLAGHER CREEKS	5.7	5.7	1%	0%
Total outside proposal area	48.7	35.9	5%	2%
Total Unit 4	1030.9	1496.4		

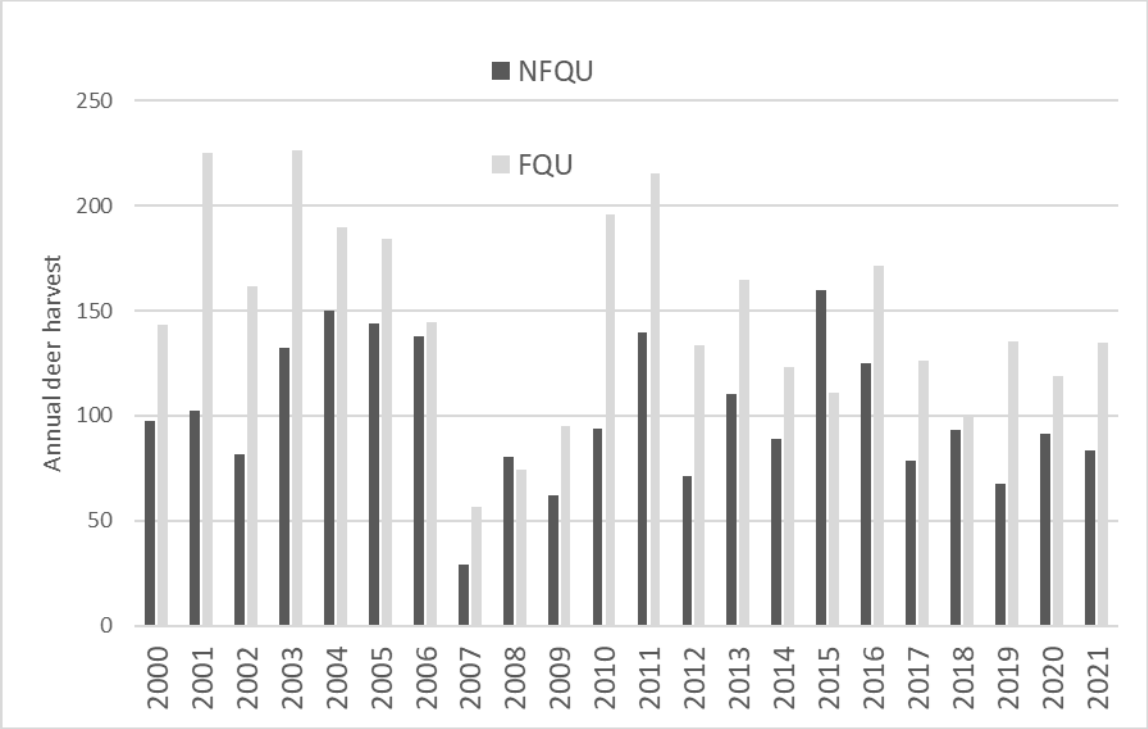


Figure 2 . Annual deer harvest by Federally qualified (FQU) and non-Federally qualified (NFQU) users in the proposal analysis area, 2000-2021 (ADF&G 2022).

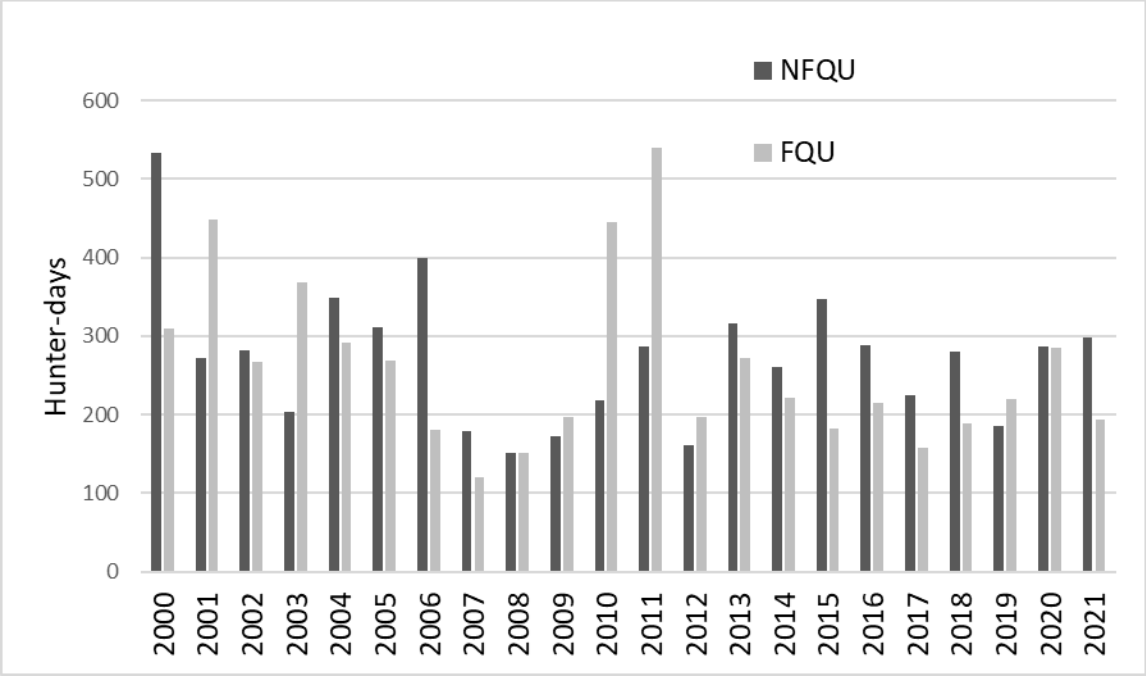


Figure 3. Annual hunter days by Federally qualified (FQU) and non-Federally qualified (NFQU) users in the proposal analysis area, 2000-2021 (ADF&G 2022).

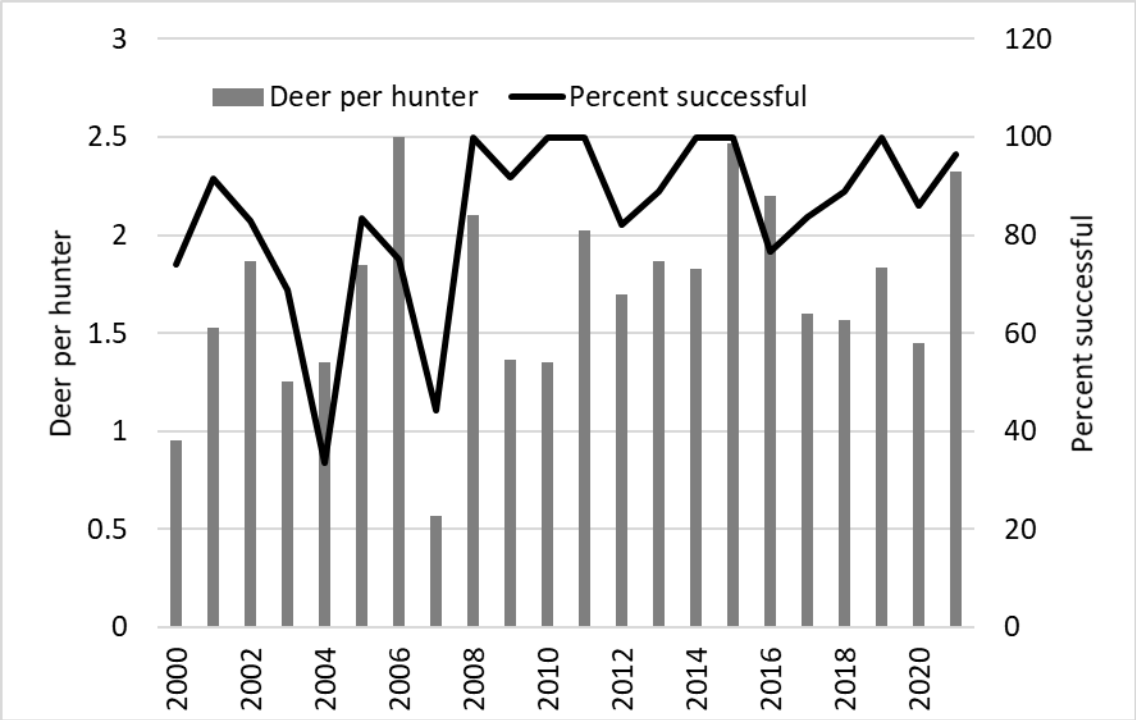


Figure 4. Hunter success rate and deer harvested per hunter for Pelican residents hunting in Unit 4, 2000-2021 (ADF&G 2022).

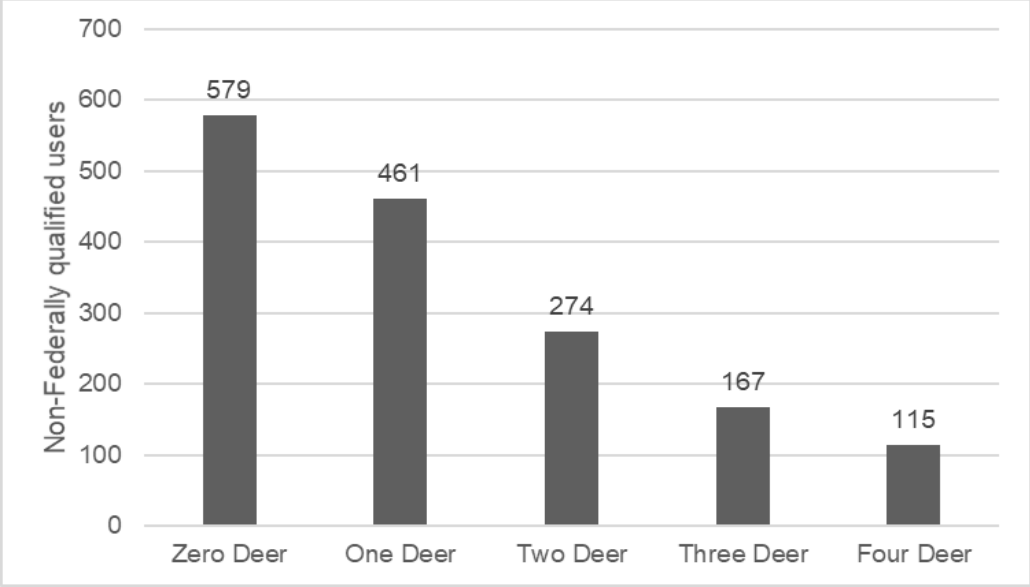


Figure 5. Average number of non-Federally qualified users harvesting 0-4 deer annually in Unit 4, 2000-2019 (ADF&G 2021).

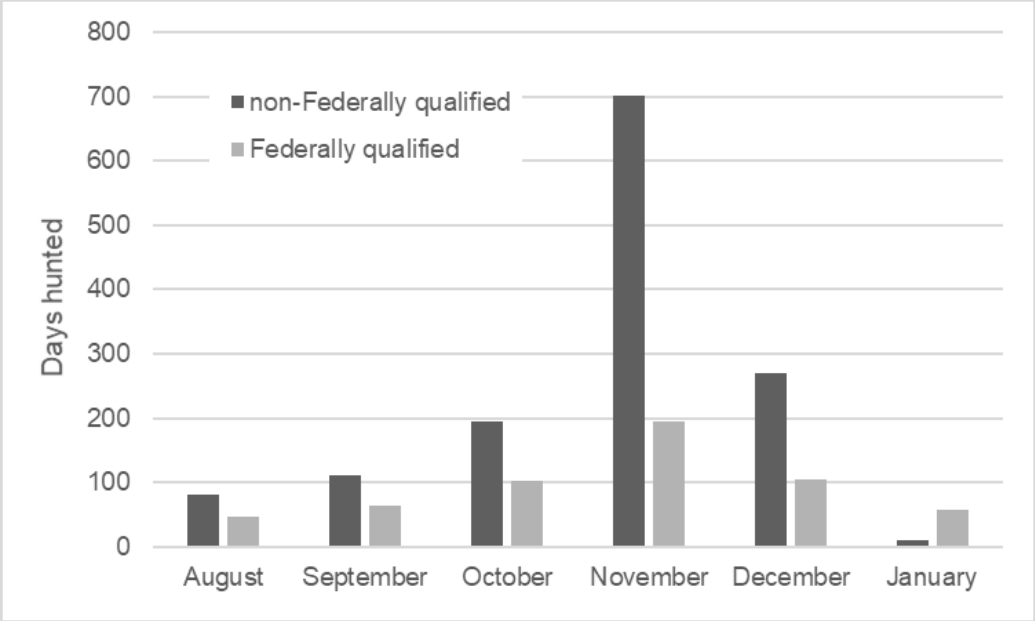


Figure 6. Average number of days hunted by month by Federally qualified subsistence users and non-Federally qualified users in Unit 4, 2000-2019 (ADF&G 2021).

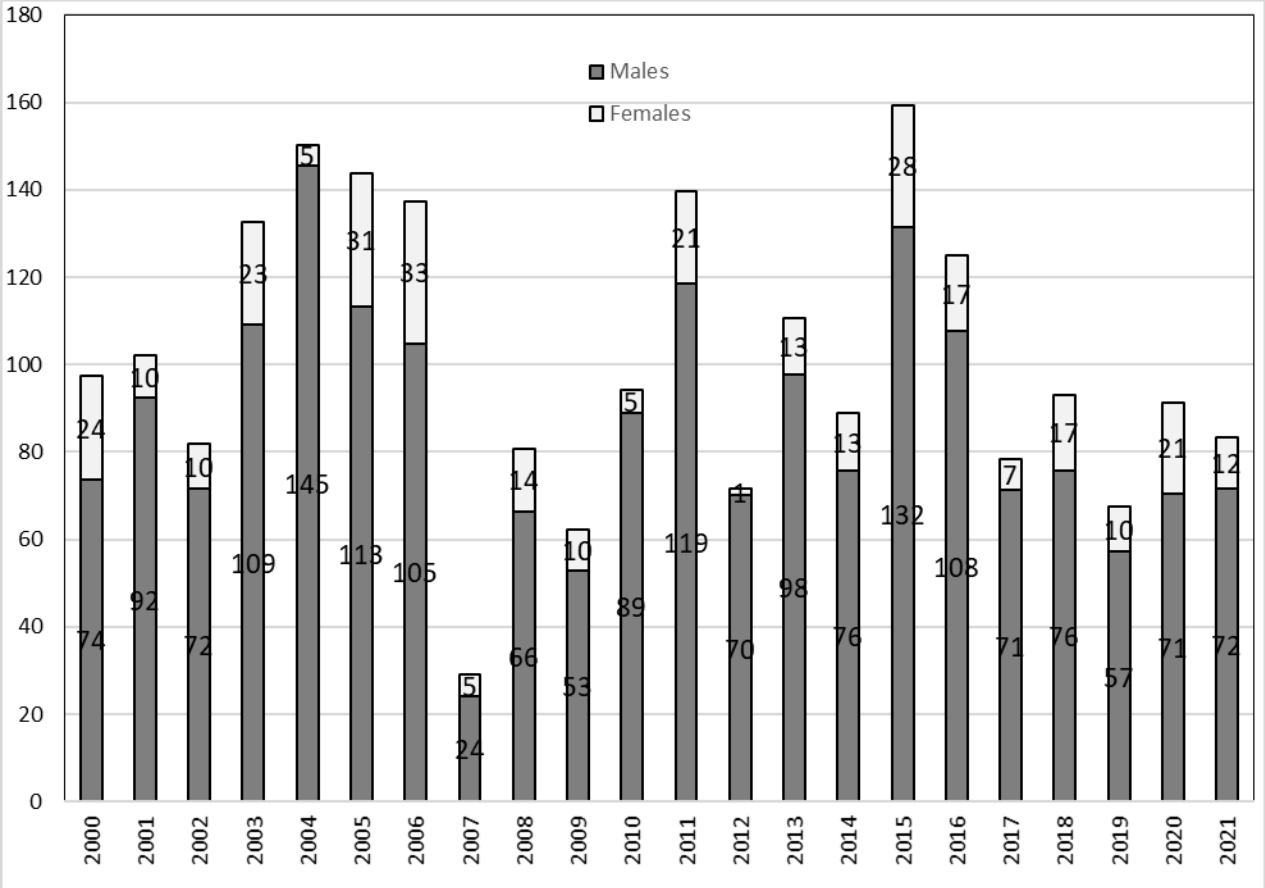


Figure 7. Number of male and female deer harvested by non-Federally qualified hunters in the proposal area, 2000-2021. (ADF&G 2022)

Other Alternatives Considered

Modified harvest limit reduction: The Southeast Council recommended restricting the harvest limit for non-Federally qualified users within the proposal area to three bucks, while the Pelican Fish and Game Advisory Committee recommended restricting it to two bucks. One Council member commented, "if there is truly a conservation concern . . . I think putting the harvest of does in the hands of local [people], like giving them that option is a viable tool to help potentially increase and protect deer numbers out there." (SEARAC 2021b).

Limiting harvest to males only is usually a harvest management strategy to allow harvest, while supporting growth of wildlife populations. OSM did not further consider this alternative because the Unit 4 deer population is abundant, healthy, and may be reaching winter carrying capacity in some areas, suggesting harvest of does may actually benefit the deer population and therefore, subsistence users' harvest opportunity in the long-term. Additionally, competition with non-Federally qualified users may slightly increase under this alternative since hunters would have to pass on does, potentially increasing their hunting time.

Of note, the Council member from Pelican voted against this recommendation, commenting that he was curious "how limiting it to three is going to actually do anything." Earlier in the meeting he stated "a bag limit reduction is a preferred way if there's a resource problem, but if you're looking at a competition or hunting pressure [problem], it's not really."

Working Group: One alternative considered was to establish a Unit 4 deer working group. This suggestion was mentioned many times by Southeast Council members and public testifiers during the fall 2021 Southeast Council meeting. Developing a "Unit 4 deer management strategy," which was also suggested multiple times during the fall 2021 Southeast Council meeting, could be one goal of the working group. Several Council members recognized that subsistence uses of deer in Unit 4 was an issue that they wanted to elevate to the Board's attention, but commented that these specific regulatory proposals (WP22-07, -08, and -10) did not seem to be the best solution.

This alternative would allow consideration of this issue more holistically and on a longer time-scale than the regulatory proposals. It would also enable all alternatives to be considered and could help bring user groups together for discussion, which the Board requested in its deferral. While this alternative is outside the scope of this proposal, it could be considered further by the Southeast Council. If the Council would like to establish a working group, it could do so at its meeting by selecting Council members to serve on the working group. Federal and State agency staff could also be part of the working group, while members of the public and other organizations could participate in working group meetings if they are announced through press releases.

Effects of the Proposal

This proposal would restrict non-Federally qualified users' harvest limit to four deer in Lisianski Inlet and Lisianski Strait. This restriction could slightly decrease overall deer harvest and competition with Federally qualified subsistence users in the area. Lower harvest and reduced competition may lead to slightly more favorable hunting conditions for Federally qualified subsistence users. However, as very few non-Federally qualified users harvest four deer, this restriction would likely have little effect on non-Federally qualified user hunting effort and harvest or Federally qualified subsistence users' hunting success or experience (**Figure 5**).

Until 2019, the State harvest limit was four deer in Unit 4. ADF&G's comments on Proposals WP22-09/10 (included in the April 2022 Board meeting book and available at www.doi.gov/subsistence/wildlife) stated only 3% of non-Federally qualified hunters reported harvesting five or six deer in Unit 4 in 2019 and 2020. An average of 62 non-Federally qualified users reported hunting in the four WAAs within the proposal area (**Map 2**) in 2019 and 2020 according to ADF&G's comments, suggesting this proposal would only affect two non-Federally qualified hunters. Additionally, those two non-Federally qualified hunters could still hunt within the proposal area, but their hunting time may be somewhat reduced. They also could still hunt on the state-owned tidelands below mean high tide within the proposal area. Based on this information, a harvest limit restriction of four deer would not provide any meaningful subsistence priority or benefit to Federally qualified subsistence users, and would be an unnecessary restriction on non-subsistence uses.

Southeast Council members expressed concern over the displacement of non-Federally qualified users to other areas if this proposal was adopted, which one member called "squeezing the balloon". They were especially concerned about this displacement if all three proposals (WP22-07, -08, and -10) were adopted, stating hunting pressure will just shift and become concentrated in other areas, creating similar problems there instead (SEARAC 2021b). This may be the largest cumulative impact if the Board adopted all three Unit 4 deer proposals. Another concern brought up at the Southeast Council meeting over all three proposals was enforcement. A public testifier stated that he has never seen any Federal officers out during hunting season, and wondered about the effectiveness of these restrictions/closures if no one was enforcing them (SEARC 2021b). Determining whether or not non-Federally qualified users and deer are below the unmarked mean high tide line on state-owned lands is another enforcement concern.

During the fall 2021 Southeast Council meeting, Council members also discussed the impact of proxy hunting on the effectiveness of harvest limit reductions. A Council member stated, "So anybody going into this area who wanted to shoot a bunch of deer just has to go through the relatively minor step of getting a proxy permit for one or two people and they could harvest quite a few deer. So that limits the effectiveness of harvest limit [reductions] on cutting down deer hunting." (SEARAC 2021b).

Another effect of this proposal may be straining relationships between Pelican residents and between user groups. Several public commenters discussed how both proposals WP22-09 (which concerned a closure to non-Federally qualified users around Pelican) and WP22-10 were really dividing the Pelican community, pitting people against each other. One stated, "The conflict between user groups that these

proposals are creating is enormous." Council members shared these sentiments, "I have a really hard time dealing with these really divisive situations that's breaking these communities apart." The Council Chair commented, "a bag limit reduction, in my view, is probably not the most effective. . . but I do hear enough concerns from Pelican residents that there is a problem that needs to be addressed" (SEARAC 2021b).

Local knowledge attests that only one or two boats in an area can negatively affect the success of subsistence hunts because access in some inlets is very small. Therefore, even though ADF&G harvest reports indicate no increase in non-Federally qualified subsistence users hunting in these areas, just a couple can seriously impact subsistence hunts (SEARC 2021b). As one Council member put it, "There's plenty of water but there's not enough elbow room at the bar." Specifically in Lisianski Inlet, steep mountains limit access, and intermittent watersheds provide the best access to hunting areas. The Council member from Pelican explained that it takes only "a few boats to clog up . . .the watersheds with hunters, especially if there's two or three boats with several hunters each dropping guys off at these different beaches," and "this effect can last multiple days" (SEARAC 2021b).

Comments received during the Fall 2021 Southeast Council meetings were mixed on whether the concerns over subsistence uses of deer in Unit 4 were an issue of conservation concern stemming from localized depletion of deer, which ADF&G unit-wide data was too coarse to detect or an issue of continuation of subsistence uses stemming from competition and crowding from non-local hunters who may displace local, subsistence hunters from preferred and traditional hunting areas. A Pelican resident commented that Pelican hunters "are seeing less deer in the Lisianski Inlet and Lisianski Strait area" and recommended, "to err on the side of conservation, a reduced bag limit is reasonable." Other public commenters expressed concern that the local deer population is in danger and that there is a noticeable lack of deer. However, during discussion of WP22-09, the Council member from Pelican stated, "this proposal wasn't really because of a conservation issue. It was because of a hunting pressure or competition issue." Several public testifiers also commented on increased hunting pressure and competition around the Pelican area, while others viewed it as a combination, "there seems to be a lot more traffic running around here and fewer deer." (SEARAC 2021b).

Additionally, feedback received during the open meeting in August 2022, including from several Pelican residents, indicated people did not experience any difficulty harvesting deer in Unit 4, which is corroborated by ADF&G survey data indicating Unit 4 has the highest deer population in Alaska. Also during the open meeting, people commented that any perceived deer population decline likely resulted from mild winters, which precluded deer from being concentrated and easily observable on beaches.

Finally, State Proposals 10 and 11 request reducing the harvest limit under State regulations to four deer in Unit 4, remainder. The BOG is scheduled to consider these proposals in January 2023, the week before the Board will consider deferred Proposal WP22-10. If the BOG adopts Proposals 10 and 11, then the effect of Proposal WP22-10 would be obsolete.

OSM CONCLUSION

Oppose Proposal WP22-10.

Justification

§815(3) of ANILCA provides that the Board may restrict non-subsistence uses on Federal public lands only if *necessary* "for the conservation of healthy populations of fish and wildlife" or "to continue subsistence uses of such populations." The harvest limit restriction on Federal public lands within the proposal area does not meet these criteria. The restriction is not necessary for the conservation of healthy deer populations. The Unit 4 deer population is healthy, abundant, and may be approaching carrying capacity in some locations.

The restriction is also not necessary for the continuation of subsistence uses based on the available evidence. Pelican deer hunters experience very high success rates and efficiency, and very few non-Federally qualified users harvest four or more deer annually in Unit 4, so restricting them to four deer would not significantly affect harvest or effort by non-Federally qualified users or the hunting experience of Federally qualified subsistence users.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southeast Alaska Subsistence Regional Advisory Council

Fall 2022

Support Proposal WP22-10 **with modification** to reduce the harvest limit for non-Federally qualified users to two bucks (and maintain the area recommended in Fall 2021).

The modified regulations should read:

Unit 4 - Deer	
Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.	*Aug. 1 - Jan. 31*
Non-Federally qualified users are limited to 2 male deer on Federal public lands within drainages flowing 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.	

Similar to WP22-08, there is a higher level of criteria required to close an area to harvest that are not appropriate in this case of reducing harvest limits, which still provide hunting opportunity for non-Federally qualified users, but ensure a subsistence priority. The buck restriction on non-Federally qualified users will provide a meaningful preference to Federally qualified subsistence users by reducing competition.

This additional limitation on harvest in the Lisianski area will also minimize conflict in regulations and align the harvest limit by non-Federally qualified users with the harvest limit for the Hoonah area (WP22-08), making the regulations for these areas easier to understand overall. With this regulatory alignment, addressing Unit 4 deer issues in the future will be easier.

Fall 2021

Support Proposal WP22-10 **with modification** to area and harvest limit.

The modified regulation should read:

Unit 4 - Deer	
Unit 4 — 6 deer; however, female deer may be taken only from Sept. 15 – Jan. 31.	*Aug. 1 - Jan. 31*
On Federal public lands within drainages flowing into Lisianski Inlet, Lisianski Strait, and Stag Bay south of a line	

Unit 4 - Deer

connecting Soapstone and Column points and north of a line connecting Point Theodore and Point Uray, non-Federally qualified users may harvest up to 3 bucks.

The restriction is necessary for the continuation of subsistence uses based on public and written testimony from residents and is supported by local and traditional knowledge. It benefits Federally qualified subsistence users because it reduces the harvest limit and restricts the harvest to bucks only for non-Federally qualified users, which reserves does for Federally qualified users. There are concerns that residents are not meeting their subsistence needs for deer. Predators are focused more on deer because of recent failed fish runs and warm winters. Limiting non-Federally qualified users to three bucks would not be an inconvenience as these users rarely take more than 2 deer.

INTERAGENCY STAFF COMMITTEE COMMENTS

The ISC acknowledges the extensive discussion by the Council members about the closure policy application to this situation. This was one of four proposals for Unit 4, which overall has a healthy population of deer, but is experiencing subareas where subsistence users are not able to harvest enough deer for their needs. The Council submitted WP22-09 closing this area because of concerns brought to them by the affected Federally qualified subsistence users in Pelican about not meeting subsistence needs for deer. WP22-10 was submitted by a resident of Pelican, who is also a member of the Pelican Fish and Game Advisory Committee, who also supported WP22-10. The proposal review process allowed the Council and the public to review the available data and provide testimony from all affected users of the resources. During the meeting, the Council acknowledged that the data in the State reporting system used to measure effort does not reflect success in subsistence hunting because subsistence hunting of deer is opportunistic and users generally only report when they are successful. They crafted a modification of WP22-10 to only reduce the harvest limit to 3 bucks for non-Federally qualified users rather than a closure. The Council felt this modification would address the concerns expressed by local residents.

Following deferral of this proposal, the ISC recognizes the additional effort that the Southeast Council put into addressing concerns from Federally-qualified subsistence users and attempting to find a meaningful priority when they took up this proposal for a second time.

The Board may want to consider if restrictions to harvest limits and/or closures to non-Federally qualified users are necessary for the conservation of healthy populations of deer or to allow for the continuation of subsistence uses of deer per §815(3) of ANILCA. Deer populations in the area covered by this proposal are the highest in the state and harvest success by Federally qualified subsistence users has been stable over the last decade, indicating that they are able to harvest sufficient deer to provide for their uses of the resource.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposals (WP) 22-9/10

WP22-09 would close federal public lands on Chichagof and Yakobi islands draining into Lisianski Inlet, Lisianski Strait, and Stag Bay south of the latitude of Mite Cove (58° 4’ N) and north of the latitude of Lost Cove (57° 52’ N) to deer hunting by non-federally qualified users (NFQU) from October 15 to December 31 (Figure 1). WP22-10 would reduce the bag limit for NFQUs from 6 to 4 deer.

Figure 1. Map of the ADF&G Wildlife Analysis Areas for deer hunter data used to analyze effects of the proposals. Note the proposal area shown is for WP 22-09. Boundaries were not defined for WP 22-10.

Background

Proposal WP22-09 by the Southeast Alaska Subsistence Regional Advisory Council (SERAC) states that over the past years it has become more challenging for federally qualified users (FQU) hunting in the Pelican area to meet their subsistence needs for deer due to increasing competition from NFQUs. To reduce competition and conserve the deer population, the proposal asked the Federal Subsistence Board to close federal lands on portions of Chichagof and Yakobi Islands to NFQU deer hunters from October 15 – December 31. Proposal WP22-10 by a member of the

public states that FQUs who reside in Pelican are not meeting their subsistence needs because of brown bear predation on Sitka black-tailed deer and ongoing competition for deer from NFQUs.

Game Management Unit 4 (GMU 4) encompasses the ABC Islands (Admiralty, Baranof, and Chichagof) and the surrounding archipelago. 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 to 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 6 deer (bucks only August 1 – September 14). This proposal does not affect the current FQU season or bag limit for FQUs in the proposal area. In 2019, the Alaska Board of Game (BOG) increased the state deer bag limit in GMU 4 from 4 to 6 deer because of high population indices in the GMU.

In 1992, the BOG established a positive customary and traditional use finding for deer in GMU 4 and established an annual amount reasonably necessary for subsistence (ANS) of 5,200-6,000 deer. ANS differs from the undefined term "subsistence need" used in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). Under Alaska law ANS is the harvestable portion of a game population that is sufficient to provide a reasonable opportunity for subsistence uses. "Reasonable opportunity" is that which allows a normally diligent hunter a reasonable expectation of success. Because actual harvest depends on several factors including the number of people who hunt and effort by those hunters, harvest relative to the ANS should not be viewed as an indicator of successful management. Instead, measures of individual hunter success such as days of hunting effort required to harvest one deer and deer harvested per hunter should also be considered.

GMU 4-Wide Population and Harvest

Monitoring deer abundance in forested habitat is challenging because deer cannot be directly counted through ground or aerial surveys. We present several types of survey data. Since the 1980s The Alaska Department of Fish and Game (ADF&G) has used spring pellet group counts to monitor broad (≥30%) changes in deer abundance. Spring pellet group surveys are conducted in numerous US Forest Service Value Comparison Units across Southeast Alaska after snow melts and before spring green-up.

GMU 4 consistently has the highest pellet group counts in Southeast Alaska (Figure 2). Pellet group densities <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 the GMU 4 population remains at high levels with no indication of depleted populations or conservation concerns.

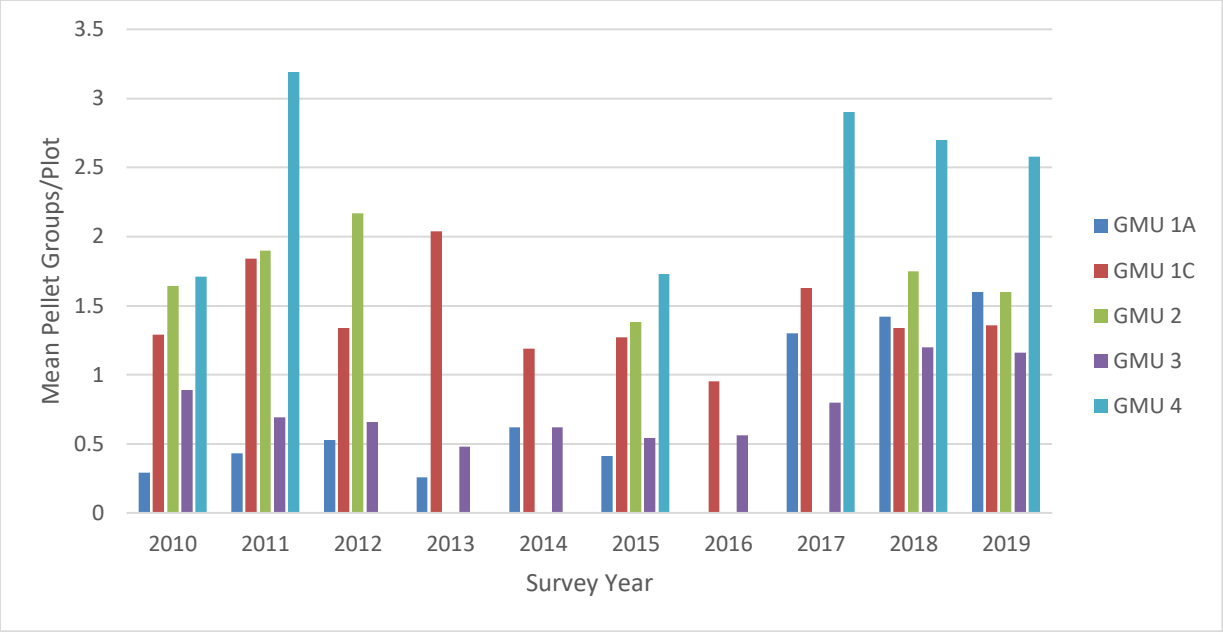

Figure 2. Mean number of deer pellet groups/plot for Southeast Alaska by GMU, 2010-2019.

In 2013 ADF&G began evaluating mid-summer aerial counts of deer in alpine habitat as an index of deer abundance. Surveys were conducted for 2 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). Southern Admiralty had the highest deer/hour of any survey area in Southeast Alaska. Estimates from Northeast Chichagof were similar to Prince of Wales Island (POW) and higher than all other survey areas except Southern Admiralty and POW.

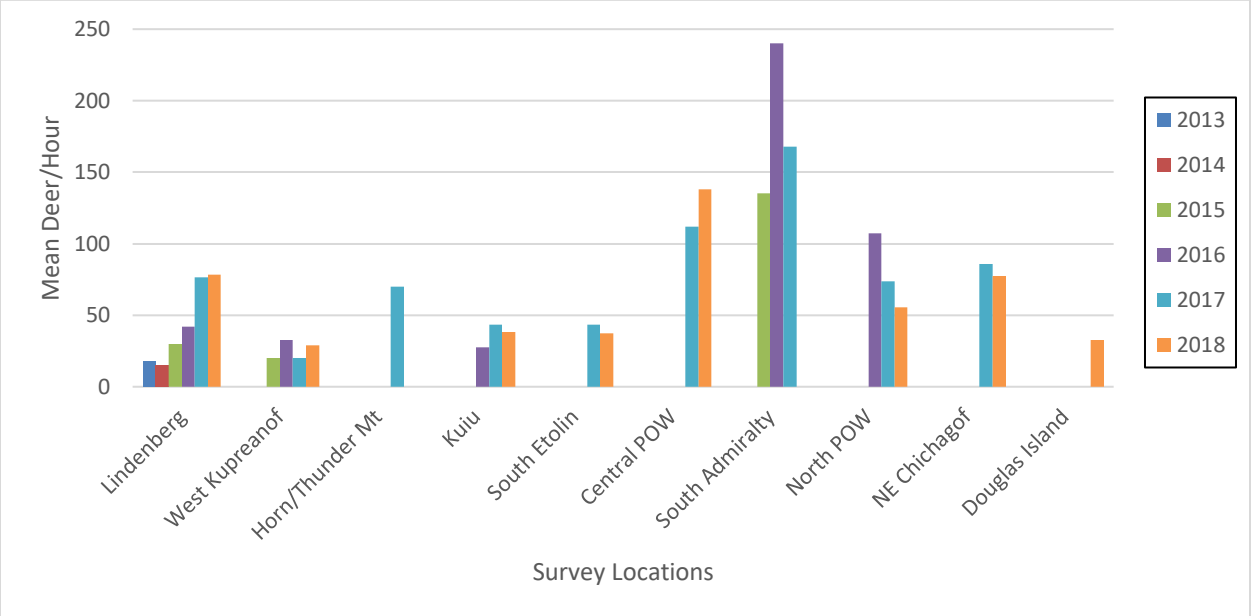

Figure 3. Mean number of deer counted per hour during mid-summer aerial alpine deer surveys in Southeast Alaska, 2013-2018.

Management biologists in GMU 4 began conducting beach mortality transects in the early 1990s. Although these mortality surveys are a relatively insensitive indicator of population trend, they are an indicator of mortality resulting from severe winters 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 adult male, adult female 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 very high number of carcasses found during spring 2007 surveys (Figure 4). In the years since then, few carcasses were found indicating high overwinter survival and no winter related population declines.

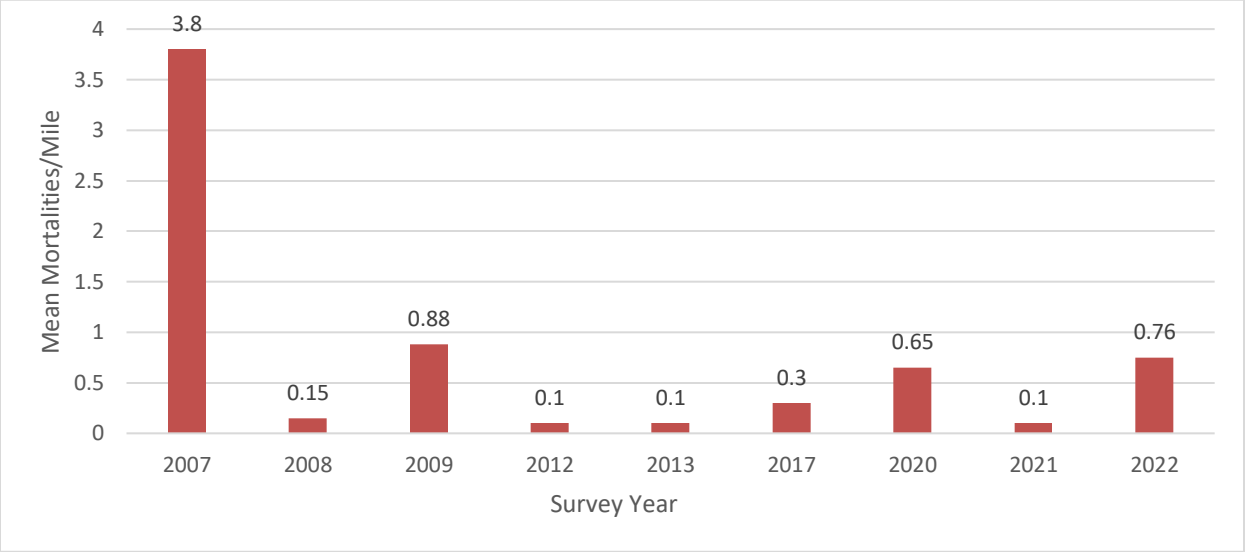

Figure 4. Mean number of winter-killed deer per mile of beach surveyed during spring in GMU 4.

Taken together, these indices of deer abundance (pellet group surveys, alpine counts, mortality transects indicate 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 deer population.

Hunter Effort and Harvest

GMU 4 managers also use harvest as an indicator of trend in the deer population. ADF&G estimates hunter effort and harvest using information provided by hunters. 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 deer they harvested.

Since 1997 the estimated average annual harvest in GMU 4 was 5,680 deer taken by 3,275 hunters (Figure 5). Currently, GMU 4 supports the highest deer harvest in the state with harvest remaining stable with between 5,000-7,000 deer harvested annually. The exception being the severe winter of 2006/2007 when high harvest in 2006 was followed by significant overwinter

mortality of deer through-out GMU 4. That 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 Unit 4 deer population had fully recovered by the RY13 season.

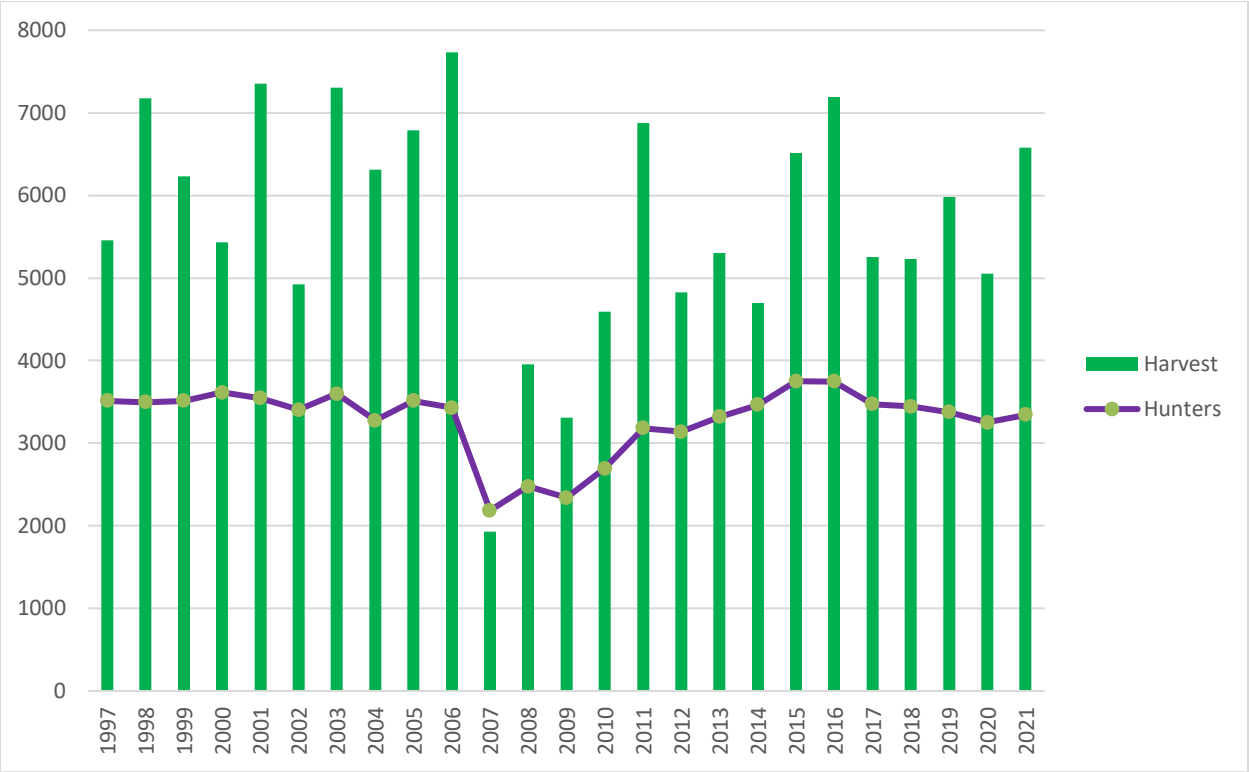

Figure 5. Numbers of people hunting deer and estimated deer harvest for GMU 4, RY97-RY21.

Data Summaries for the Area Affected by This Proposal

The proponent for WP22-10 identified Lisianski Strait and Lisianski Inlet but did not specify specific boundaries for the proposal area. Therefore, the data from the same WAAs are used in the analysis for WP22-09 and WP22-10 (Figure 1). The following analyses present data summarized for FQUs and NFQUs in WAAs 3417, 3418, 3419, 3421. WAAs are the finest scale at which data can be meaningfully summarized.

Prior to RY07, FQUs harvested an average of 202 deer annually. Harvest declined following the severe winter of 2006/2007, and since 2013, when ADF&G considered the deer population recovered, annual harvests have averaged 132 deer, about 70 fewer deer per year than the average prior to RY07. Prior to RY07 NFQUs harvested an average of about 107 deer annually, and since RY13, that average has returned to pre-RY07 levels. Prior to RY07 FQUs accounted for 65% of the harvest. That percentage has since declined to approximately 55% (Figure 6).

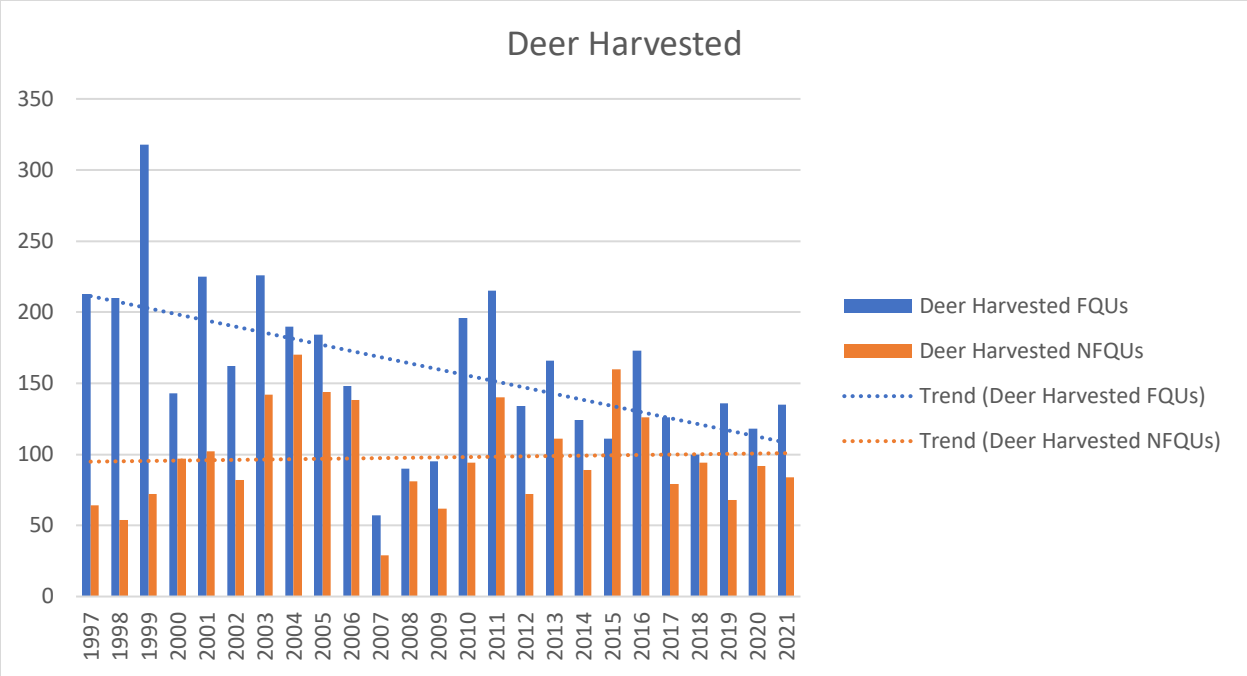

Figure 6. Estimated deer harvest and trend by FQUs and NFQUs, Lisianski area, RY97-RY21.

To evaluate potential reasons for the decline in deer harvest by FQUs we examined trends in the numbers of FQU and NFQU hunters and days of hunting effort by those hunters. Since 1997, the number of NFQUs using this area has remained stable and averaged 60 hunters per year, while the number of FQUs has declined from a high of 121 hunters in RY97 to about 59 in recent years (Figure 7).

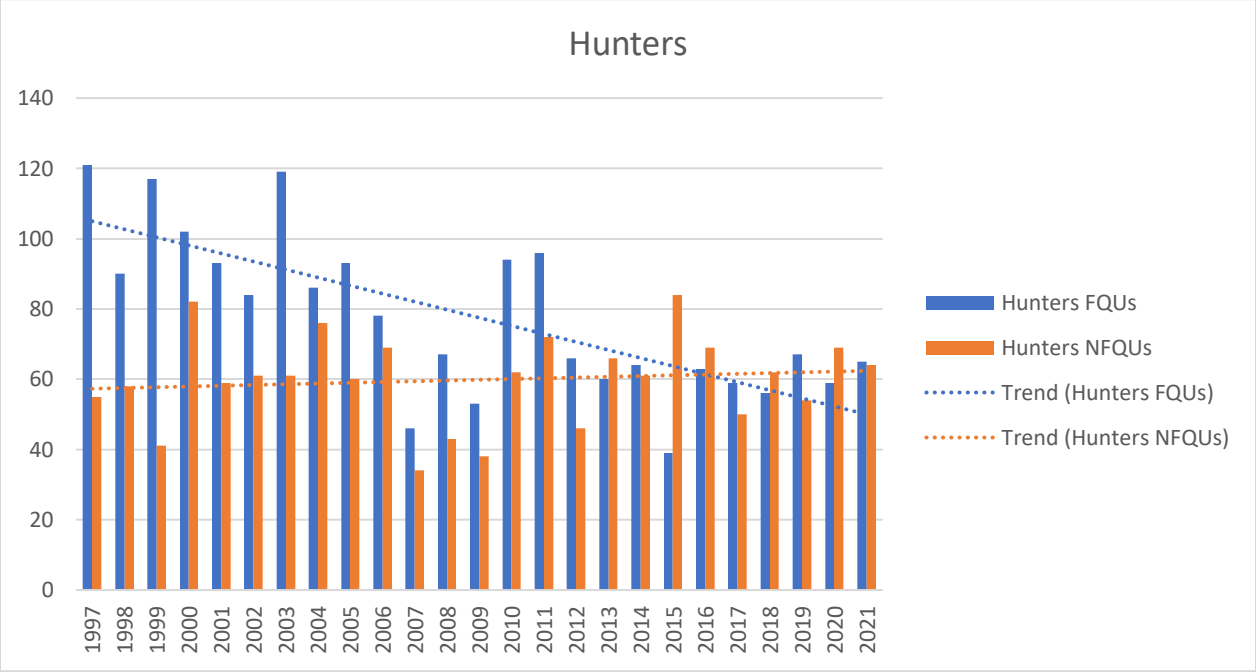

Figure 7. Trends in number of FQUs and NFQUs, Lisianski area, RY97-RY21.

In Pelican specifically, there has been a declining trend in the number of residents who have obtained deer harvest tickets (Figure 8). Currently, only about half the number of Pelican residents obtain deer harvest tickets compared to the early 1990's (Figure 8)..

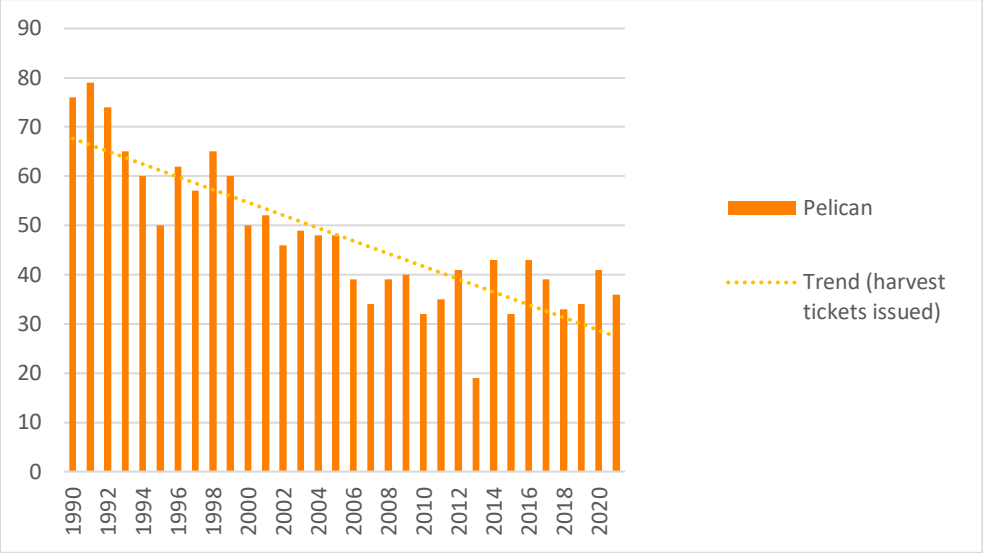

Figure 8. Deer harvest tickets issued to Pelican residents RY97-RY21.

Trends in days hunted mirror trends in numbers of hunters (Figure 9). FQUs and NFQUs both show downward trends, but the trend for FQUs is much more pronounced. Days hunted for FQUs has been roughly half of what it was prior to RY07. The number of hunters along with the number of days hunted both indicate decreased deer hunting effort for this area of GMU 4.

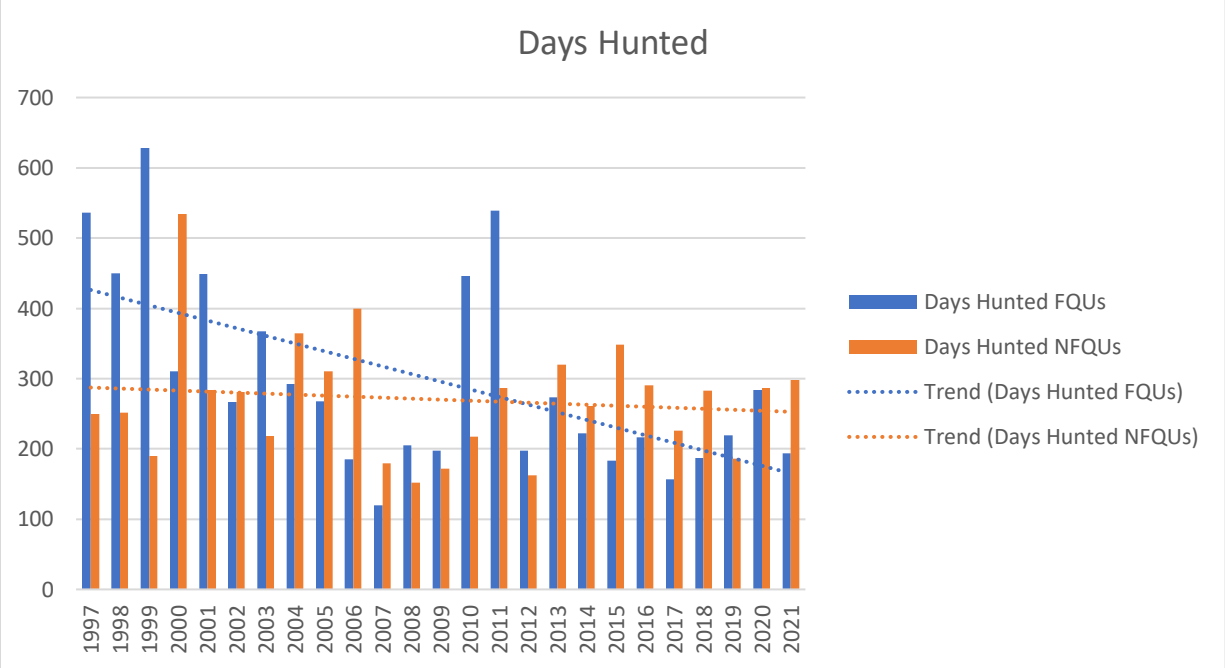

Figure 9. Trends in estimated days of hunting effort by FQUs and NFQUs, Lisianski area, RY97-RY21.

Trends in Hunter Efficiency

Hunter efficiency, or the days of hunting effort required to harvest 1 deer, is another indicator of the availability of deer to GMU 4 hunters. FQUs in the Lisianski area are consistently more efficient at harvesting deer than NFQUs. Since 1997 FQUs have required an average of only 1.9 days to harvest 1 deer while NFQUs have required an average of 2.8 days of hunting effort to harvest 1 deer. This metric is trending slightly down for FQUs (becoming more efficient) and has been below 2 days/deer for 9 of the past 10 seasons. (Figure 10).

Deer hunting in GMU 4 is extremely efficient compared to deer hunter effort required to harvest a deer elsewhere in the state. In comparison, hunters on Prince of Wales Island (GMU 2) average 4.1 days of hunting per deer harvested, Kodiak (GMU 8) averages 3.6 days/deer, GMU 1A (Ketchikan) averages 4.8 days/deer, GMU 3 (Petersburg/Wrangell) averages 6.0 days/deer, GMU 6D (Prince William Sound) averages 2.9 days/deer and in GMU 1C (Juneau) hunters average 7.9 days/deer. The effort required to harvest one deer in GMU 4 (2.3 days/deer) is lower than anywhere in Alaska (ADF&G RY2013-RY2021). FQU hunters in the Lisianski area have an even better days/deer average than Unit 4 as a whole.

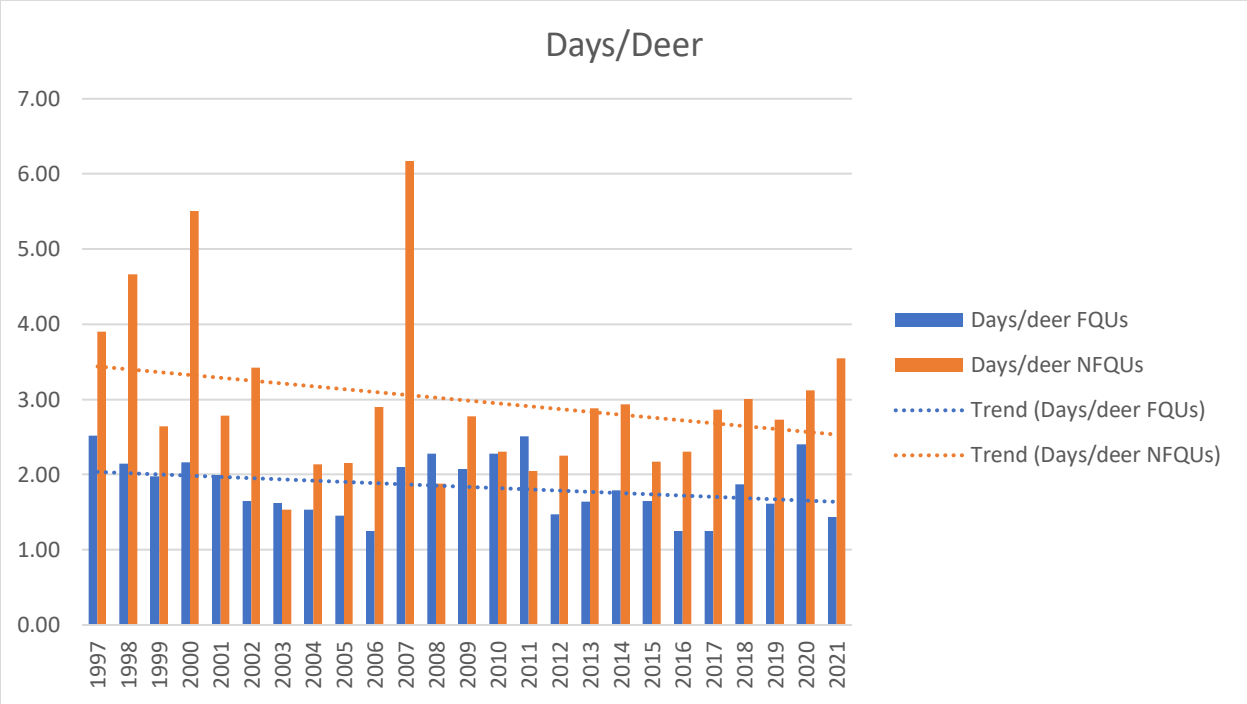

Figure 10. Trends in estimated days of hunting effort required by FQUs and NFQUs to harvest one deer, Lisianski area, RY97-RY21.

The number of deer harvested per hunter is another gauge of deer abundance and hunting success. Since 1997 the average number of deer harvested per NFQU has remained stable at about 1.6 deer/hunter (Figure 11). The number of deer harvested per FQU has remained stable to slightly improving, averaging approximately 2.2 deer per hunter. This metric, along with days/deer suggests that FQUs are enjoying as good as, if not better hunting success now than at any time over the past 2-3 decades.

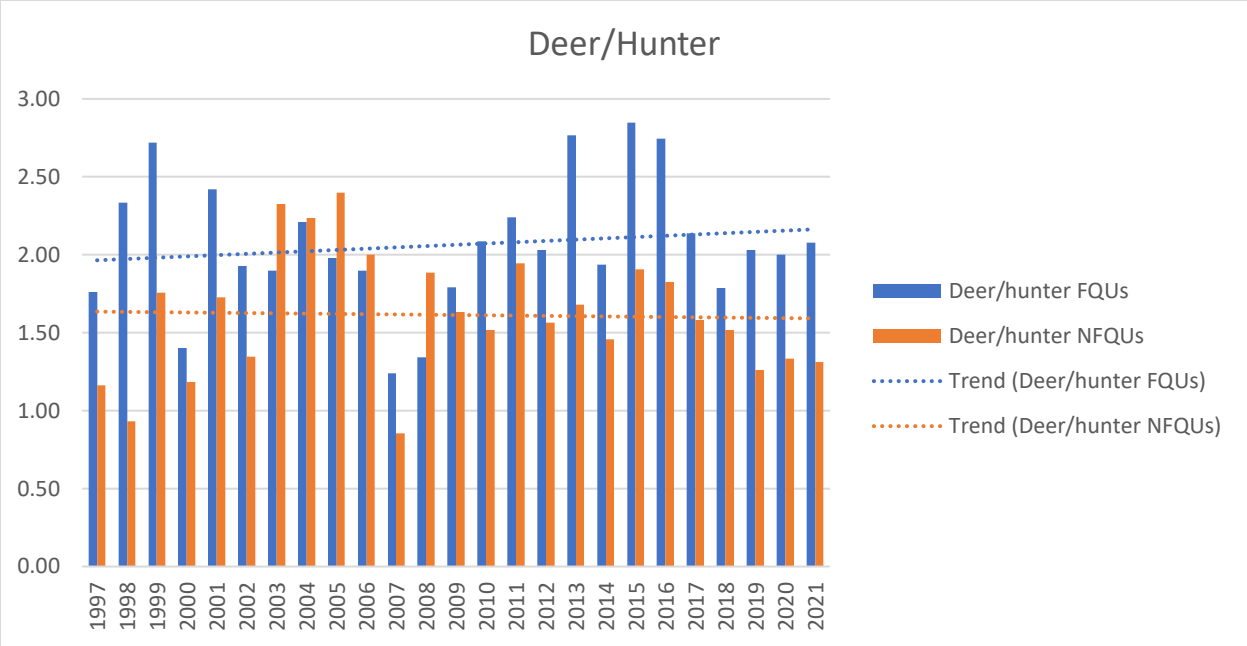

Figure 11. Trends in mean number of deer harvested per FQU and NFQU hunters, Lisianski area, RY97-RY21.

Hunt Chronology

Mid-October through December is the most popular time for hunters to pursue deer in GMU 4. Deer activity coinciding with the rut as well as winter snows that push deer to lower elevations and beaches, make for more successful hunting than earlier in the season. Hunters report hunting effort and harvest by month, so data can only be summarized by month. For NFQUs the period, October - December, encompasses use by 83% of hunters, 88% of days hunted, and 87% of harvest. For FQUs those numbers are slightly lower at 74%, 80%, and 78%, respectively (Table 1).

Table 1. Unit 4 Deer Hunting Chronology of Harvest and Effort for FQUs and NFQUs as both numbers and percentage of total.

FQUs RY13-RY21						
	Hunters	%	Days Hunted	%	Deer Harvested	%
August	2,129	8	3,678	6	1,840	6
September	2,485	10	4,402	8	2,481	8
October	4,259	17	8,470	15	4,596	14
November	9,310	36	24,488	44	12,740	40
December	5,470	21	11,674	21	7,725	24
January	1,901	8	3,439	6	2,561	8
Total	25,554		56,151		31,943	
NFQUs RY13-RY21						
August	1,778	9	3,661	6	1,214	6
September	1,648	8	4,256	6	1,458	7
October	3,314	16	8,905	14	2,442	13
November	9,357	45	34,940	55	10,125	52
December	4,571	22	12,053	19	4,314	22
Total	20,668		63,815		19,553	

Proposal WP22-10 seeks to reduce the bag limit from 6 deer to 4 deer in the Lisianski area. ADF&G collects data on the number of deer individual hunters report taking relative to the bag limit in areas they report hunting. Within GMU 4, 83% of NFQUs take 2 or fewer deer (Figure 12, ADF&G RY19-RY21). Nine percent of NFQUs take 3 deer and 5% take 4 deer. The percentage of hunters who took 5 or 6 deer (legal as of RY19) was 1.5% for both.

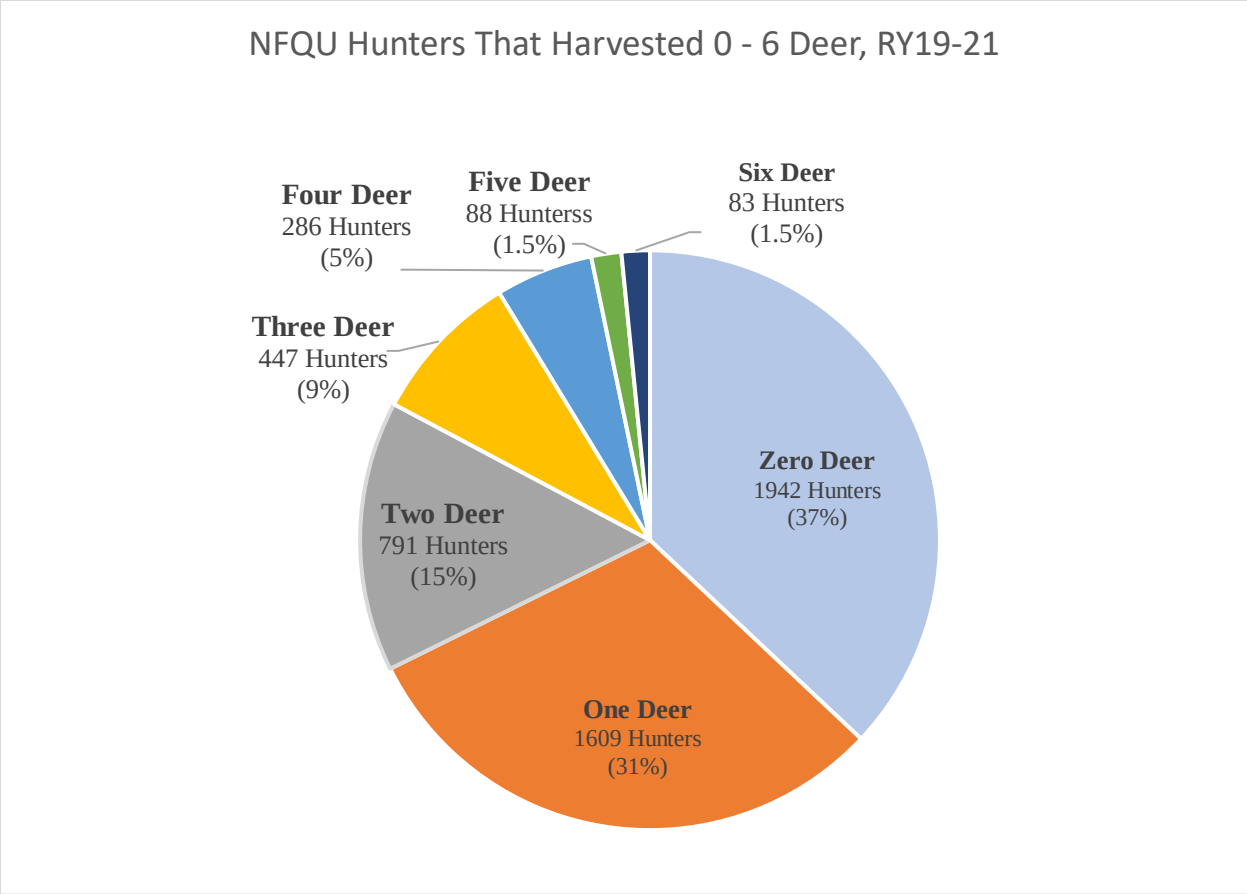

Figure 12. Percentages of NFQUs who report harvesting 0, 1, 2, 3, 4, 5 or 6deer in GMU 4, RY19-RY21.

Under federal regulations, FQU hunters were able to harvest six deer prior to RY19 when the State bag limit was raised to six. On average, more FQU hunters take multiple deer than NFQU hunters. For example, since RY13, 13% of FQU hunters take more than four deer (Figure 13).

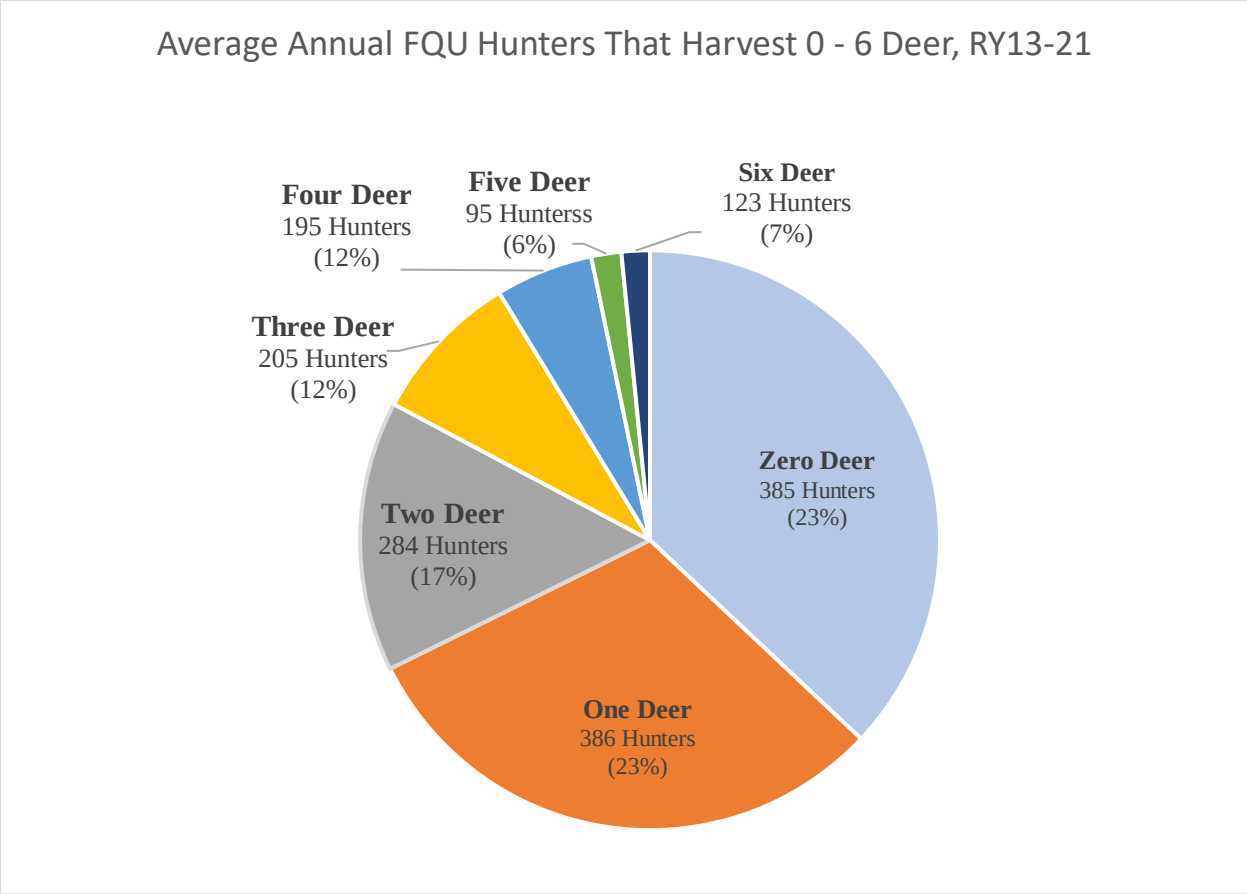

Figure 13. Percentages of FQUs who report harvesting 0, 1, 2, 3, 4, 5 or 6 deer in GMU 4, RY13-RY21.

Analysis

The analyses presented here were based on the only annually collected, objective, and quantitative information available on deer abundance, hunter effort, and harvest in the area affected by this proposal. Deer abundance is monitored by ADF&G through the reporting of effort and harvest data from hunters, including those from Pelican.

These proposals assert that FQUs have had increasing difficulty meeting their subsistence needs for deer. The term, "subsistence need", as used in Title VIII of ANILCA has no quantitative harvest benchmark. ANILCA also does not require the federal program to quantify historical levels of harvest for subsistence uses. Consequently, there is no objective way of verifying whether the existing federal regulations continue to provide for adequate subsistence opportunity or if current harvest meets the subsistence needs of FQUs. Therefore, our analysis focuses on measures of deer abundance and trend in GMU 4 and on trends in effort and harvest by FQUs and NFQUs in the proposal area. Conditions that would support the assertion that NFQUs are hindering deer harvest by FQUs would include increasing numbers of hunters, days of hunting effort, and harvest by NFQUs that coincide with declining harvest by FQUs while the number of FQU hunters and effort by those hunters remained stable or increased.

ADF&G monitors abundance and trend of deer at the scale of the GMU or subunit, so we can only note that the available data indicate that GMU 4 deer populations are currently at high and

stable levels. Winter severity, particularly deep and lingering snowpack is the biggest limiting factor for Sitka black-tailed deer in GMU 4. The last winter with above average snowfall occurred in 2011/2012. Since then, winters have been average to mild with little overwinter mortality as corroborated by ADF&G's spring mortality surveys. Pellet group and aerial alpine deer counts also support the conclusion that deer remain abundant throughout GMU 4.

The existing evidence suggests predation has little effect on the GMU 4 deer population. Wolves and black bears are absent, so unlike other GMUs in the region, brown bears are the only large land predator in GMU 4. Brown bears occur at high densities throughout Unit 4, and they have been documented to prey on young fawns. However, a few weeks after the early June fawning period, fawn remains are no longer found in brown bear scats. Once fawns become mobile at 2-3 weeks of age, it appears bears either lose interest or are unable to catch them. Further, deer pellet survey data, aerial alpine survey data, and hunter harvest data all indicate that GMU 4 supports higher deer densities than adjacent GMUs inhabited by wolves and black bears.

Although brown bears have been reported to prey on older fawns and adult deer, the available evidence suggests that it is very rare and occurs opportunistically. McCarthey (1989) analyzed scats from bears on Admiralty Island and found deer remains in up to 10% of spring scats. The author did not distinguish whether those remain were from young fawns or scavenged carcasses of winter-killed deer. During mid-summer up to 14% of scats from bears using high elevation habitat (>400m) contained some deer remains, but deer was absent from summer scats of bears using low elevation habitat. Deer was not found in bear scats collected during late-summer and fall.

Studies of radio collared deer on Admiralty (Schoen and Kirchhoff 1990) and Chichagof (McCoy et al. 2015) islands in GMU 4 further support that brown bears rarely kill deer. Neither study reported any predation-related mortalities. In general, during fall when snow pushes deer to lower elevations and salmon runs have ended, most brown bears have moved to higher elevation denning areas. Although some bears may remain at lower elevations and feed on remains of hunter-killed deer, there is no evidence that brown bears have any appreciable effect on deer distribution during hunting season or on deer abundance at any time of year. In fact, ADF&G biologists, hunters, and guides working in GMU 4 commonly report seeing deer and brown bears in close proximity with the deer exhibiting no apparent concern.

The proposals suggest that brown bear predation and competition with NFQUs is making subsistence harvest more difficult for FQUs in the Pelican area. Because no similar proposals have been submitted before, we presume that in the past FQUs were able to provide for subsistence uses. Therefore, to evaluate the need for this restriction of NFQU opportunity we investigated harvest and measures of hunter effort for trends of increasing effort and harvest by NFQUs.

We found that since 1997 the total number of individuals hunting deer in the Lisianski area has declined by about 25%. That decline is primarily due to a roughly 50% decline in the number of FQUs hunting deer in this area. Since the late 1990s total days of deer hunting effort in this area also declined, while NFQU hunting pressure has remained relatively unchanged. Again, total hunter effort in this area has declined with most of that decline resulting from decreasing hunting

effort by FQUs residing in Pelican. This finding directly contradicts the assertion in the proposal that increasing competition from NFQUs is hindering harvest by FQUs. In fact, total deer hunting effort and the potential for competition between FQUs and NFQUs in this area has substantially declined.

To evaluate whether FQUs are having an increasingly difficult time harvesting deer we looked for trends in the number of days of hunting effort required to harvest one deer and number of deer harvested per hunter. In recent years the days of hunting effort required to harvest one deer has trended downward for both groups of hunters. Since RY13 FQUs have required an average of only 1.9 days of hunting effort to harvest one deer, whereas NFQUs have required 2.8 days of hunting effort to harvest 1 deer. During the same period the days of hunting effort required to harvest a deer for all GMU 4 hunters was 2.3 days/deer, so the 1.9 days of hunting effort required for FQUs in the proposal area represents extremely efficient hunting. Numbers of deer harvested per FQU hunter has been stable to slightly trending upwards, averaging 2.06 deer/hunter from RY97-RY06 and 2.24 deer/hunter from RY13-RY21.

If harvesting deer was becoming more difficult for FQUs, we would expect to see an increase in the number of days of hunting effort required to harvest a deer and a decline in the number of deer harvested per FQU hunter. However, these measures of hunter success based on hunt reports provided by FQUs, including residents of Pelican, indicate that deer hunting conditions in the Lisianski area remain very good and that in recent years FQUs have enjoyed great hunting success.

Under the expanded state bag limit (RY19 - RY21), an average of 62 NFQUs hunted deer in the Lisianski area. By applying the percentage of NFQUs who harvested 5 (1.5%) or 6 (1.5%) deer in GMU 4 ADF&G estimates that the new state bag limit resulted in the harvest of 3 additional deer per year by NFQUs. It can be inferred that this would be the annual reduction in harvest under a four deer bag limit. However, these calculations do not take into account deer harvested below mean high tide and on other State and private lands. Because NFQUs take an average of only 1.6 deer per hunter, any bag limit reduction is unlikely to have any effect on the deer population or increase harvest opportunity for FQUs. Proposal WP22-10 would only serve to potentially eliminate opportunity for an average of two NFQUs per season who choose to take more than 4 deer.

Summary

These proposals asserts that FQUs have had increasing difficulty meeting their subsistence needs for deer because of brown bear predation and ongoing competition with NFQUs. The data and analyses conducted by ADF&G finds no support for those contentions. The available information indicates that brown bears are ineffective predators on deer and that deer remain abundant throughout GMU 4. In the Lisianski area it is unlikely that hunter harvest has reduced deer abundance because total hunting effort is relatively light, and over the last two decades hunter effort and harvest have declined.

We could find no support for the contention that competition from NFQUs has increased or that NFQUs are hindering harvest by FQUs. In fact, rather than increasing, the number of NFQUs and days of hunting effort by NFQUs has held steady for 2 decades. Further, days of hunting

effort required to harvest a deer remains very low and the number of deer harvested per FQU hunter has been increasing.

Harvest data indicate there has been a decline in the number of deer harvested by FQUs in the Lisianski area. However, that decline is attributable to a decline in the number of FQUs and days of effort by those hunters. Over the last 20 years both metrics have declined by over 50%. Deer remain abundant, federal regulations provide a six-month open season, and "competition", or hunting effort by NFQUs, has been stable for two decades. Therefore, we conclude that the decline in federal subsistence harvest of deer in the Lisianski area results from a decline in participation and effort by FQUs, not from depleted deer populations, predation by brown bears, or increasing competition from NFQUs.

Impact on Subsistence Users

The closure of this area may reduce some competition on federal public lands between FQUs and NFQUs between October 15 and December 15. However, NFQUs would still be able to hunt state owned tidelands below mean high tide, state uplands, and private property.

Impact on Other Users

Opportunity for NFQUs to harvest deer on federal public lands in the Pelican area would be severely reduced. Nearly 90% of all NFQU harvest and effort in this area occurs during the period targeted by WP22-09. The bag limit reduction proposed in WP22-10 would reduce some opportunity for NFQUs. Few if any NFQUs take more than 4 deer.

State Customary and Traditional Use Findings

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

Amounts Reasonably Necessary for Subsistence

Alaska state law requires the Board of Game 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. The ANS for deer in GMU 4 is 5,200–6,000 deer.

Contrary to its name, ANS does not indicate subsistence "need". Instead, ANS provides the board with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. The ANS for deer in GMU 4 was established in 1992. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently falls below ANS. However, harvest may decline for many reasons, and in this case it appears to result from declining participation and effort by FQUs in the Lisianski area.

Opportunity Provided by the State

The State hunting season and bag limit for deer in GMU 4 including the Lisianski Area is:

GMU 4 Remainder	Bag Limit 6 deer (bucks only to Sep 14th)	Resident Open Season Aug1-Dec 31 (Harvest ticket)	Nonresident Open Season Aug1-Dec 31 (Harvest ticket)

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. 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 in the state.

Based on the information provided to ADF&G by GMU 4 deer hunters, population indices, reports by local hunters and field observations by management biologists, we conclude that there is no conservation concern for the GMU 4 deer population.

Enforcement Issues

Passage of these proposals will create increasingly complex regulations for NFQUs. Enforcement will be challenging because NFQU's will remain eligible to hunt deer on state-owned tidelands below the line of mean high tide and other state and private property. The tideline is not marked, so NFQUs and enforcement officers will have difficulty determining when deer are above or below that line of mean high tide.

Position

ADF&G **OPPOSES** this proposal as originally submitted as well as the various changes suggested by the SERAC throughout the extended process. There is no evidence that hunting by NFQUs has negatively affected FQUs ability to harvest deer. Further, no conservation concern exists for the Pelican area deer population nor is the continuation of subsistence harvest of deer from that population in jeopardy. Consequently, there is no "substantial evidence" as required by Title VIII of ANILCA to justify adopting this proposal. In fact, adopting this proposal would deprive NFQUs of sustainable deer hunting opportunity contrary to terms in Title VIII of ANILCA. This proposal would also affect Alaskans, including former residents of Pelican, who have moved to NFQ communities by unnecessarily restricting their ability to practice their traditional and cultural way of life.

Approximately 90% of land in GMU 4 is federally managed, and current federal regulations already provide greater opportunity to FQUs compared to NFQUs. FQUs are eligible to hunt an entire month longer than NFQUs with a season extending through the month of January as well as a liberal designated hunter program.

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. A bag limit reduction for NFQUs for 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 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 the only annually collected, objective, and quantitative data available, none of those reasons apply. There is no conservation concern for the Lisianski area deer population, and no restrictions on NFQU bag limit are needed to continue subsistence uses of deer. Data largely provided by FQUs residing near Pelican clearly indicate that the decline in harvest by that user group resulted from substantially lower participation and effort by FQU deer hunters.

Literature Cited

McCarthy, T. M. 1989. Food habits of brown bears on northern Admiralty Island, Southeast Alaska. Master's thesis, University of Alaska, Fairbanks.

McCoy, K. R., D. P. Gregovich, P. W. Mooney and N. L. Barten. 2015. Movement patterns, home range, and habitat use by Sitka black-tailed deer on Chichagof Island, Southeast Alaska. Alaska Department of Fish and Game, Division of Wildlife Conservation, Federal Aid Annual Research Performance Report 1 July 2014–30 June 2015, Federal Aid in Wildlife Restoration Project 2.15, Juneau.

Schoen, J. W., and M. D. Kirchhoff. 1990. Seasonal habitat use by Sitka black-tailed deer on Admiralty Island, Alaska. Journal of Wildlife Management 54(3):371-378. http://doi.org/10.2307/3809641

Data Tables

Table 1. Summary Table Federally Qualified Deer Hunters, WAAs 3417, 3418, 3419, 3421.

Regulatory Year	No. of Hunters	Total Hunt Days	Total Harvest	Deer per Hunter	Days per Deer
1997	121	536	213	1.8	2.5
1998	90	50	210	2.3	2.1
1999	117	628	318	2.7	2.0
2000	102	310	143	1.4	2.2
2001	93	449	225	2.4	2.0
2002	84	267	162	1.9	1.6
2003	119	367	226	1.9	1.6
2004	86	292	190	2.1	1.5
2005	93	268	184	2.0	1.5
2006	78	185	148	1.9	1.3
2007	46	120	57	1.2	2.1
2008	67	205	90	1.3	2.3
2009	53	197	95	1.8	2.1
2010	94	446	196	2.1	2.3
2011	96	539	215	2.2	2.5
2012	66	197	134	2.0	1.5
2013	60	273	166	2.8	1.6
2014	64	222	124	1.9	1.8
2015	39	183	111	2.9	1.7
2016	63	216	173	2.8	1.3
2017	59	157	126	2.1	1.3
2018	56	187	100	1.8	1.9
2019	67	219	136	2.0	1.6
2020	59	284	118	2.0	2.4
2021	65	194	135	2.1	1.4

Table 2. Summary Table Non-Federally Qualified Deer Hunters, WAAs 3417, 3418, 3419, 3421.

Regulatory Year	No. of Hunters	Total Hunt Days	Total Harvest	Deer per Hunter	Days per Deer
1997	55	250	64	1.2	3.9
1998	58	252	54	0.9	4.7
1999	41	190	72	1.8	2.6
2000	82	534	97	1.2	5.5
2001	59	284	102	1.7	2.8
2002	61	281	82	1.3	3.4
2003	61	218	142	2.3	1.5
2004	76	364	170	2.2	2.1
2005	60	310	144	2.4	2.1
2006	69	400	138	2.0	2.9
2007	34	179	29	0.9	6.2
2008	43	152	81	1.9	1.9
2009	38	172	62	1.6	2.8
2010	62	217	94	1.5	2.3
2011	72	287	140	1.9	2.1
2012	46	162	72	1.6	2.3
2013	66	320	111	1.7	2.9
2014	61	261	89	1.5	2.9
2015	84	348	160	1.9	2.2
2016	69	290	126	1.8	2.3
2017	50	226	79	1.6	2.9
2018	62	283	94	1.5	3.0
2019	54	186	68	1.3	2.7
2020	69	287	92	1.3	3.1
2021	64	298	84	1.3	3.5

NDP25-01 Executive Summary	
General Description	Proposal NDP25-01 requests Ketchikan Area be considered a rural community. This is a threshold requirements assessment of the proposal. *Submitted by Ketchikan Indian Community of Ketchikan*.
Proposed Regulation	Ketchikan Area is considered rural
OSM Conclusion	NDP25-01 **meets all threshold requirements**
Southeast Alaska Subsistence Regional Advisory Council Recommendation	**Support**
Interagency Staff Committee Comments	The Interagency Staff Committee (ISC) found the staff Threshold Assessment to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	
Written Public Comments	**1 Support**

STAFF THRESHOLD REQUIREMENTS ASSESSMENT
NDP25-01

ISSUE

Nonrural Determination Proposal NDP25-01 (See **Appendix 1** of the proposal), submitted by the Ketchikan Indian Community of Ketchikan, is a request to rescind the nonrural determination for Ketchikan Area, which includes City of Ketchikan, Revillagegado Island, Pennock Island, Gravina Island, the southern proportion of Cleveland Peninsula, and the surrounding waters in the area. The area around the community of Saxman is already considered rural, as is the area surrounding the rest of the Ketchikan area.

PRELIMINARY ASSESSMENT OF THRESHOLD REQUIREMENTS

When rescinding a nonrural determination there are four requirements that the Federal Subsistence Board (Board) uses to ensure a proposal has met the threshold to proceed with an analysis.

Threshold Requirement 1. "The proposal is based upon information not previously considered by the Board."

The Ketchikan Area has maintained nonrural status since Senator Report 96-413 defined nonrural communities in 1980 (55 Fed. Reg. 154. 40897-240898 [October 5, 1990]). The Ketchikan Area remained nonrural when Federal Subsistence Management Program assumed its designation from the State of Alaska in 1990. The Board then determined that the Ketchikan Area was one of ten nonrural communities in 1991 (56 FR 238 [January 3, 1991]. In 2007, the Board aggregated Saxman with the nonrural Ketchikan Area (72 Fed. Reg. 87. 25688-25695 [May 7, 2007]). Ketchikan's nonrural status was based on its population size and nonrural characteristics, including infrastructure and services, diversity economy, and low levels of reported subsistence harvest (72 Fed. Reg. 87. 25695 [May 7, 2007]). In 2015, the aggregation of Saxman and Ketchikan was rescinded (80 Fed. Reg. 87. 68245-68247 [November 4, 2015]), but the decision did not affect the nonrural status of the Ketchikan Area.

In 2015, the Secretaries of Agriculture and the Interior revised the regulations governing the rural determination process for the Federal Subsistence Management Program (80 Fed. Reg. 213. 68249-68252 [November 4, 2015]). The Secretaries removed specific guidelines, including requirements regarding population data. The new process enabled the Board to be more flexible in making decisions, to consider regional differences found throughout the State, and to receive more input from the Subsistence Regional Advisory Councils (Councils) and federally recognized Tribes of Alaska.

Ketchikan's nonrural status has not been considered by the Board under these new regulations. Furthermore, the proponent claims that characteristics of the Ketchikan Area have changed since its previous nonrural determination, including a reduced population level, less services, and a less reliable food supply chain. Likewise, the proponent reports that the community of the Ketchikan Area have levels of subsistence resource harvesting and sharing similar to those of nearby rural communities. Lastly, in

March 2022, the Ketchikan Indian Community Tribal Government declared that the Ketchikan Indian Community's territory is rural.

OSM Conclusion: **Threshold met**

Threshold Requirement 2. "The proposal demonstrates that the information used and interpreted by the Board in designating the community as nonrural has changed since the original determination was made."

Under the former Rural Determination process, the community of Ketchikan was determined nonrural because its population level, diversity of services, and estimated per capita subsistence harvest and use levels of its residents were consistent with those of other nonrural communities. The proponent states that there have been changes in Ketchikan since previous determinations including a smaller population, less grocery stores and other services, inflation of fuel and non-traditional food prices, and less-reliability in the non-traditional food supply chain. Additionally, the proponent claims that other Federal agencies, including the Department of Agriculture, have expanded their definitions of rural, and that Ketchikan qualifies as rural under these definitions.

OSM Conclusion: **Threshold met**

Threshold Requirement 3. "The proposal provides substantive rationale and supporting evidence for determining the rural status of a community or area that takes into consideration the unique qualities of the region."

The proponent provided a clear rationale for why the Ketchikan Area should be considered rural and identified the unique qualities of the region that apply to its rural nature. Specifically, the proponent explained that Ketchikan is inaccessible by the road system from the rest of the country, has limited access to non-traditional foods that can be purchased through stores, has a supply chain for importing non-traditional foods that is unreliable and depends on privately-owned barges, has limited access to hospitals and other services, has a high reliance on traditional foods in the area, and has active food sharing and trading networks among its community members that are consistent with those of members of nearby rural communities such as Saxman, Metlakatla, and communities of Prince of Wales Island.

OSM Conclusion: **Threshold met**

Threshold Requirement 4. "The proposal provides substantive information that supports the provided rationale that a community or area is rural instead of nonrural."

The proponent provided substantive information for why the Ketchikan Area should be considered rural. The information given included community boundaries, demographics, services, subsistence harvest practices and resource sharing, and declaration by the Ketchikan Indian Community Tribal Government that Ketchikan Indian Community is a rural territory.

OSM Conclusion: **Threshold met**

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southeast Alaska Subsistence Regional Advisory Council

Support threshold assessment of NDP25-01. The Council supports that the thresholds requirements of the proposal have been met and that the proposal should move forward into full analysis.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee (ISC) found the staff Threshold Assessment to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

WRITTEN PUBLIC COMMENTS

Ketchikan INDIAN COMMUNITY OFFICIAL

From the Office of Trixie Bennett, President

July 26, 2022

Federal Subsistence Board
Office of Subsistence Management (Attn: Theo Matuskowitz)
1011 E. Tudor Road, MS-121
Anchorage, Alaska 99503-6199

Re: Proposal NDP25-01 consideration by the Southeast Alaska Regional Advisory Council

To Whom it May Concern,

As President of Ketchikan Indian Community, I wish to express our sovereign support for the requested Nonrural Determination (NDP25-01) outlined on page 36 of the 2023-2025 Fisheries Proposal Book on behalf of the Tribal citizens of Ketchikan Indian Community, a sovereign nation. As an official demonstration of Tribal Council's belief that Ketchikan fits the criteria for rural status, on March 21, 2021, our governing body passed resolution KIC 22-14 declaring Ketchikan to be rural *(see attached)*.

For the many reasons outlined both in Resolution KIC 22-14 and Proposal NDP25-01, we strongly encourage the members of Southeast Alaska Subsistence Regional Advisory Council to vote in support of Ketchikan Indian Community's application for rural status designation for the Ketchikan area. By doing so, enhanced access to traditional food sources by the citizens of our Tribe and community will result in many positive outcomes including:

1. Personal dietary sustainability.
2. Reduced risk of dietary related illness.
3. Lowered pressure on individuals' finances.
4. Increased mental health benefits from getting outdoors to harvest.
5. Future generations will learn how to rely on themselves for traditional food supplies.

I implore the Southeast Alaska Subsistence Regional Subsistence Advisory Council to vote in the affirmative on this proposal, thus giving the Federal Subsistence Board the opportunity to pursue a deep dive into the analysis of our community.

Thank you for your time and consideration on this important matter. The impact of this decision will have profound outcomes for everyone that lives on our island.

Sincerely,

Trixie Bennett

Trixie Bennett, President

907.228.4900 kictribe.org 2960 Tongass Avenue, Ketchikan, Alaska 99901

Ketchikan INDIAN COMMUNITY

RESOLUTION: KIC 22-14

TITLE: DECLARATION OF KETCHIKAN INDIAN COMMUNITY'S JURISDICTION AND TERRITORY AS RURAL.

WHEREAS, the Ketchikan Indian Community ("KIC" or the "Tribe"), is a federally recognized Tribal government organized under a Constitution and Bylaws (collectively, the "Constitution") ratified on October 18, 2017, and previously organized under a Constitution and Bylaws ratified on January 16, 1979, and previously organized under a Constitution and Bylaws ratified on January 27, 1940, in each instance pursuant to Section 16 of the Indian Reorganization Act; and

WHEREAS, the KIC Tribal Council (the "Tribal Council") is the governing body of the representative Tribal Government of the Tribe; and

WHEREAS, KIC is the Tribal Government entity that represents and serves over 6,300 Tribal Citizens in which KIC Tribal Citizens are of Alaskan Native descent and primarily of Tlingit, Haida, and Tsimshian origin; and

WHEREAS, the Indian relocation act, and Indian Removal policy encouraged Native American people and Alaska Natives to leave their ancestral homelands to assimilate to the general population of American in the name of the United States Manifest Destiny; and

WHEREAS, Native Americans and Alaska Natives have experienced detrimental trauma, eradication and genocide from the United States laws, acts, policies and statehood and still to this day our Native people are on a healing journey from those traumas; and

WHEREAS, Native Americans and Alaska Natives were forced into and to abide by a law called the Indian Reorganization act, in which this act was

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created to keep Native Americans off lands that the non-native people wish to settle; and

WHEREAS, the Federal Government and Alaska Statehood formed ANILCA, and ANCSA in an effort to address long standing Alaska Native land claims and native rights to hunt, fish, and gather on Alaska lands and waters; and

WHEREAS, Alaska native peoples have never conveyed or conceded or officially transferred our homelands, and still hunt, fish, gather and govern the lands and waters as our native people have done since the beginning of time; and

WHEREAS, the Ketchikan Indian Community and its Tribal Citizens within the jurisdiction of Ketchikan, Alaska (Ketchikan Gateway Borough), is made up of (*defined in KIC's Amended and Restated Constitution and Bylaws October, 18th, 2017; ARTICLE II-TERRITORY AND JURISDICTION- SEC. (1) TERRITORY*; and

WHEREAS, ANILCA and federal subsistence rules were initiated and amended to protect the traditional subsistence and native fishing, hunting, and gathering rights for Alaska Natives and all residents of Alaska residing in "rural" designated areas; and

WHEREAS, The Federal Subsistence Board and the U.S. Fish and Wildlife Service designated the area within the Ketchikan Gateway Borough as "non-rural" despite its clear, historic, and well-accepted status as a rural area, and despite Ketchikan's designation as a rural area by multiple other federal departments including the USDA and the US Census Bureau; and

WHEREAS, the Federal Subsistence Board's current designation of Ketchikan as "non-rural" jeopardizes the subsistence needs of Native Alaskan's and other residents who live in our area; and

NOW THEREFORE BE IT RESOLVED,

that as a Federally Recognized Tribe which was established under the Indian Reorganization Act, KIC hereby declares Ketchikan Indian Community's territory and jurisdiction a rural area; and

BE IT FURTHER RESOLVED, the Ketchikan Indian Community and as long as KIC's Tribal Citizens are in existence, KIC will continue to combat and defend our inherent rights to fish, hunt, gather and govern the lands and waters within KIC jurisdiction.

CERTIFICATION

The foregoing resolution was adopted at a duly convened meeting of the Ketchikan Indian Community Tribal Council, assembled this 21st day of March, 2022 at 2960 Tongass, Ketchikan, Alaska 99901, by a vote of: __8__ FOR and __0__ AGAINST

Trixie Bennett, President — Date 03/21/2022

ATTEST:

Judy Leask-Guthrie, Secretary — Date 03/21/2022

Effective: March 21, 2022 KIC 22-14			
Roll Call	Yes	No	Absent
BENNETT			
SKAN	X		
LEASK GUTHRIE	X		
EDWARDSON	X		
BURNS	X		
RUARO	X		
HAYNES	X		
JOHNSON	X		
WILLARD FLANERY	X		

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Appendix 1: Nonrural Determination Proposal NDP25-01

Ketchikan Indian Community
2960 Tongass Avenue
Ketchikan, AK 99901

President Contact: Trixie Bennett
Email: tbennett@council.kictribe.org Phone: 907-228-9384

Staff Contact: Keenan Sanderson
Email: ksanderson@kictribe.org Phone: 907-228-9413

Proposal to the Federal Subsistence Board for Rural Designation of the Ketchikan Area and in the alternative to designate the Federally Recognized Ketchikan Indian Community Service Area as rural or as a subsistence area for all Alaska Natives who reside in that area.

1. The Ketchikan Indian Community Tribal Government respectfully proposes that the Federal Subsistence Board change the Board's previous designation of Ketchikan from nonrural to rural.

2. As a threshold matter the following are key factors or points of information not previously considered by the Board or that demonstrate that the information previously used has changed since the original determination was made and which is expanded upon further in our narrative and supported by the exhibits attached to this proposal:

    a. The population for the Ketchikan area has declined in each of the last 3 decennial censuses. (see exhibit 1. United State Census-Ketchikan, AK.)

b. Since the last determination of Ketchikan as "non-rural", the FSB has reviewed and determined that the Organized Village of Saxman (OVS) – which falls wholly within the same community and population area as Ketchikan – as rural. KIC supports and agrees with the designation of OVS as rural and we contend that FSB's determination of OVS as rural on March 10, 2016 adds support to, validates, and underscores KIC's own proposal for rural status as access to community infrastructure, food vendors, healthcare, education etc. is identical to both OVS and KIC. (see exhibit 2. Saxman IRA-Federal Subsistence Board Restores Rural Community Status, Press release)

c. New factors creating pressure on food security for our isolated community including the loss of one of three local primary food vendors, COVD-19, inflation in food prices, fuel prices, and the constriction of the supply chain discussed in more detail below.

d. The continuing and expanding recognition of the Ketchikan area as rural by the federal government through many of its departments and agencies including but not limited to the Department of Agriculture, the Indian Health Service, the National Libraries of Medicine, the U.S. Census Bureau, the U.S. Department of Transportation, the U.S. Department of Treasury. The Department of Health and Human Services. (see exhibit 3. Definitions of rural by various Federal Agencies)

e. The failure of the policies, practices, regulations, and designations of the federal government in general and FSB in particular to adequately protect and provide for the physical, economic, traditional, and cultural existence as contemplated by the subsistence authority granted to FSB and as enshrined in the Alaska National Interest Lands Conservation Act (ANILCA) discussed in more detail below.

3. Ketchikan lies on the traditional territory of the Tlingit Aani, specifically the lands of the Saanya Kwaan and Tanta Kwaan. Ketchikan has a long-standing history of Indigenous occupation well before colonizers ever stepped foot in Alaska. The community of Ketchikan (which is a Tlingit word that roughly translates to the "Thundering wings of an Eagle."), and its home on Revillagegado Island are essentially separated and isolated from the rest of the world. Ketchikan - a community that is comparable in size to both Sitka and Kodiak, Alaska and smaller in population that Bethel, Alaska, all three of which enjoy FSB's rural designation - is heavily reliant on the natural resources in our immediate area including fish, wildlife, and terrestrial/aquatic plants. Whether indigenous or not, the residents of Ketchikan have strong ties to the food resources that can be gathered here. The area that we are proposing for rural status designation includes the entirety of Revillagegado Island, Pennock Island, Gravina Island, the southern portion of Cleveland Peninsula, and the surrounding waters in this area. This area is the footprint of both Ketchikan Indian Community and the Ketchikan Gateway Borough (see map and exhibit 4. Ketchikan Indian Community/Ketchikan Gateway Borough Jurisdiction map).

4. There are a number of factors that support the determination of rural status for the Ketchikan area:

a. Ketchikan, which is comparable in population size and area characteristics to Sitka, AK, is completely inaccessible by the road system from the rest of the state of Alaska and the country as a whole. In terms of non-traditional foods that can be purchased through stores, our access is limited by the privately-owned barges that come to Ketchikan once a week (and which may be further limited based on whether conditions). We do not have large scale agricultural systems on our islands, and we do not raise livestock in our area. If anything happened to these barges we would not be able feed ourselves with food available for purchase in the stores for very long. This was apparent during the COVID-19 pandemic. The image in this section was a common occurrence for the past two years both due to COVID and more recent challenges with the national and international supply chain network. Some people are fortunate and were able to get their needs through the grocery store, but for those without reliable transportation they would often find the store bare by the time they got there, especially with meat and vegetable products. Theoretically supplies could be flown in, but at best it would be inefficient and no private entity has the obligation to make those efforts. This factor alone should be enough to seriously consider rural status designation.

b. Ketchikan suffered the loss of one of its only three principal food vendors known as Tatsuda's, (the other two are Safeway and Alaska & Proud) the grocery store here that was demolished in a rockslide in 2019. Not only was this store an important local business for the family that owned it and their employees, but Ketchikan has seen further tightening of its food access since that tragic event. The family decided to not rebuild, and Ketchikan has felt these shortages throughout the community.

c. It seems that there are misconceptions on the public services that are available to Ketchikan. One of these misconceptions has to do with our access to healthcare services. Ketchikan has one small, rural, critical access hospital. This CAH has limited capacity to treat people. Often our people must be referred or transferred to Seattle, Anchorage, or Sitka for medical services. Again, access to these extended specialty or emergent services are only accessible via air flight as Ketchikan is not connected to any road system. The Ketchikan Indian Community Tribal Government does not believe that our tribal citizens should continue to be denied the ability to harvest their traditional foods to sustain their healthy culture merely due to the presence of some limited infrastructure in our community. Having grocery stores, sewers, and other facilities should not limit the ability to hunt, harvest, and gather the things that keep our people the healthy and allow then to retain important ties to their indigenous culture.

d. The Ketchikan Indian Community Tribal Government, a Sovereign Alaska Native Tribe that is recognized by the United States Federal Government has formally acknowledged the Ketchikan area as a rural community through official action of its Tribal Council (see attached). The criteria used to make this resolution cited the high reliance on the traditional foods in our area, our inability to easily travel to other communities, and historical love for our own space in this community. This action by a Sovereign Tribe is entitled to the full faith and credit of the United States Government and should be should consequently be adopted by the FSB.

e. While our current non-rural status does not differentiate between Indigenous vs. non-Indigenous rights, the United States federal government has the obligation through law to affirm that the subsistence needs of the Alaska native tribes are being met for all traditional foods. During the passage of the Alaska Native Settlement Claims Act (ANCSA) Congress stated that it recognized Native interests in subsistence resources and directed - in committee report – that the Secretary of the Interior and the State

of Alaska were " to take any action necessary to protect the subsistence needs of Alaska Natives." The follow up to that commitment was the passage of the Alaska National interest Lands Conservation Act (ANILCA) nearly ten years later. Specifically, section 801 of ANILCA invokes the historic federal authority over Native affairs to protect Native physical, economic, traditional, and cultural existence. Despite FSB's interpretation of ANILCA as "racially neutral" statute, it is an important principle within ANILCA that subsistence protections are remedial in nature, and indeed based in federal law. Under the current non-rural/rural scheme those subsistence, physical, and cultural needs of Alaska Native's in Ketchikan are not being met, and the tribal citizens of the Ketchikan Indian Community are the ones that are being disproportionately disadvantaged. The only resource that our tribal citizens have reasonable access to is Pacific halibut, however due to non-rural status regulations, we are forced to go miles out of town to attempt to harvest that resource. The further out our people have to go can result in a higher potential for injury and loss of life, something that both of our governments should be actively trying to prevent for any individual. Moreover, the most recent surge in fuel prices further challenges our citizens' access to even this resource. The point we are trying to make here is that the way that things are managed in Ketchikan are not working in a way that is safe and equitable for all our traditional resources. The Federal Subsistence Board has the responsibility to the federally recognized tribes to provide opportunities to harvest these traditional foods in sufficient quantities. This responsibility has not been met and is currently not being me for out people.

It is for these and all the reasons set forth herein that KIC asks the FSB to consider a broader interpretation of its mandate by alternatively designating the service area of KIC as set forth in its federally recognized constitution, at Article V, as a subsistence area for all Alaska native's residing within that area.

f. The Ketchikan Indian Community holds is traditional foods in high regard as these foods are critical to our people's survival and promote a healthy mind and body. As a result, co-management of the resource between the Tribe, the federal government, and the state of Alaska is imperative for the sustainability of all the resources that we utilize. The Ketchikan Indian Community is already engaging in activities that are promoting conservation for various species around our community. Our most recent venture involves a population assessment of ooligan (eulachon, *Thaleichthys pacificus*) on the Joonax (Unuk) River. For years we have not had access to this traditional food in either state or federally managed waters ostensibly due to low abundances. The Tribe more recently partnered with the United States Forest Service and the Alaska Department of Fish and Game to do an eDNA project to get a better idea of abundance of this species. As a Tribe, we have also been working with the Alaska Board of Fisheries to open the harvest of ooligan in state managed waters so that our tribal citizens can reconnect with those resources. Recognizing Ketchikan as rural would mean access to the all-important harvest of ooligan on the Joonax in federally managed waters, which at least on this river is safer to harvest than state managed waters. There are other species of game and finfish that would become more accessible to our tribal citizens if Ketchikan's rural status was recognized by the FSB and as a tribe we are working to become full partners in the co-management of these traditional foods.

g. In our traditional homelands, the indigenous people in this area have historically had high reliance on the Joonax (Unuk) River for a variety of resources. These include, but are not limited to, ooligan, king salmon, deer, moose, and seals. For generations indigenous harvesters would utilize this oasis as a multi-use gathering and hunting area. Due to the non-rural status designation that has been given to Ketchikan however, our tribal citizens have very limited access to the bountiful resources that the Joonax has to offer. KIC contends that stripping our tribal citizens of the option to harvest in this area contributes to the destruction of our culture and traditional ecological knowledge. This is something that the Ketchikan Indian Community Tribal Government wants to avoid at all costs. We cannot allow this to continue any longer.

h. While not everyone in Ketchikan has an Indigenous background, the idea of trading and sharing is alive and well in our community. The thinking that resources will be depleted at higher rates, at least through harvesting, is not supported in any way. The great majority of harvesters in this area do not exercise their individual harvesting rights or access once their own families' needs have been met in any year. The point of this designation is to make sure that our loved ones are taken care of within our community. To reiterate, our community is small, off the road system, is completely reliant on private entities to supply non-traditional foods. Many of the people on this island are harvesters, and those harvesters take care of their parents and grandparents throughout the rest of Ketchikan. Within the KIC community our harvesters consider elders, disabled

people, youth, and any other tribal members who may not be able to harvest for themselves. We do not use harvesting opportunities for sport, we use them for our way of life, whether Indigenous or not. This culture, tradition, and practice is consistent with rural communities like our neighbors in Saxman, Metlakatla, and Prince of Wales.

5. Based on the character of our community, both Indigenous and non-Indigenous, the Federal Subsistence Board can verify that the community of Ketchikan meets the criteria needed to change our designation. KIC is respectfully requesting that the Federal Subsistence Board re-designate Ketchikan as rural. The fact the majority of households in Ketchikan rely on salmon, deer, halibut, beach growth, seafood, and terrestrial plants to sustain themselves and their families is reason enough to change this designation. Any disruption in the supply chain from the lower 48 will leave all citizens of Ketchikan, including the tribal citizens of the Ketchikan Indian Community, in a really bad position. In terms of processed westernized foods, we do not have any options other than the food the privately-owned barges operators supply us, which is alarming with the overhanging food security issues that we have been seeing for years coupled with the current restrictive federal regulations that are in place.

6. In summary, the Ketchikan Indian Community Tribal Government is proposing and requesting that the Federal Subsistence Board designate Ketchikan as rural. The Ketchikan Indian Tribal Government officially

recognizes the land of the Saanya Kwaan and Tanta Kwaan as rural by unanimous vote through resolution (see exhibit 5. KIC Resolution 22-14). As a federally recognized tribe, we have the sovereignty to make this decision and have identified our traditional territory as rural. At this stage we feel we have provided enough supporting information to move forward with this four-year process. The Ketchikan Indian Community represents a total 3300+ tribal citizens that live on Revillagegado Island. We are also confident that during this process you will find multiple stake-holders in who support this proposal who are not affiliated with the Ketchikan Indian Community. This is a community issue, not just a tribal issue. Following the years of COVID-19 and the more recent ravages of inflation it is becoming more apparent than ever that that potential for economic growth in Ketchikan is severely limited, which again underscores the importance of our peoples need to rely on the resources that are in the environment around them. As the governing body for our tribal citizens, we must overcome and oppose any condition which would result in forcing our people out of or away from their traditional homeland due to lack of opportunity to fish, hunt, and gather. Without changes in regulatory policy through the Federal Subsistence Board, we continue to run the risk of losing our people to larger communities. Please consider giving the citizens that reside in Ketchikan more access to the resources of the Tongass National Forest.

As a postscript to this proposal, here are quotes from some our tribal citizens on what it means to them to be subsistence users of the traditional foods of our lands and seas:

1. "Life."
2. "It means everything to me."
3. "Our culture."
4. "Family Tradition and passing this information onto the next generation. It means food stability in the winter time and pride in yourself knowing you are able to provide for your family or others if needed.
5. "Survival."
6. "Community."

7. "It means that my ancestors won the fight to keep our ancestral traditions alive and strong so that I too can provide for people.
8. "It means the place we belong."
9. "In this age of technology, it is being able to spend quality time with family and friends where there is no cell phone service while putting food on the table and our freezer."
10. "Self-sufficient. I can get my own food and medicine so I don't have to depend on going to the stores."

Respectfully submitted,

Trixie Bennett, President
Ketchikan Indian Community

EXHIBIT 1. UNITED STATE CENSUS, KETCHIKAN, AK.

An official website of the United States government

Census

QuickFacts

Kodiak Island Borough, Alaska; Bethel Census Area, Alaska; Ketchikan Gateway Borough, Alaska

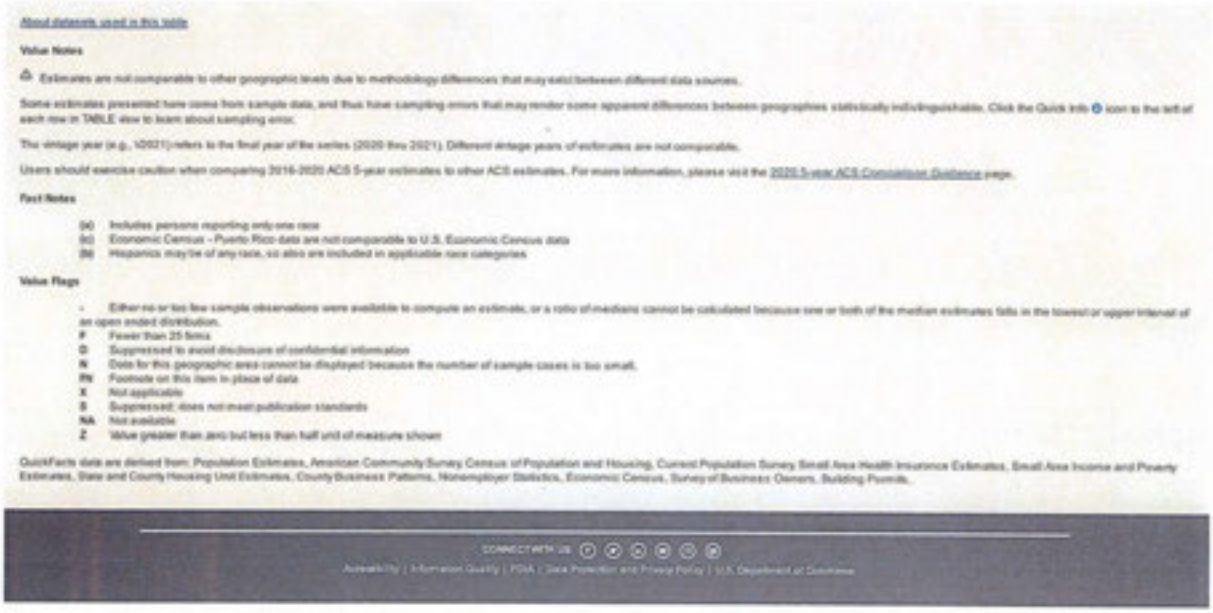
QuickFacts provides statistics for all states and counties, and for cities and towns with a *population of 5,000 or more.*

Table

All Topics	Kodiak Island Borough, Alaska	Bethel Census Area, Alaska	Ketchikan Gateway Borough, Alaska
Population Estimates, July 1 2021, (V2021)	13,787	18,557	13,754
PEOPLE			
Population			
Population Estimates, July 1 2021, (V2021)	13,787	18,557	13,754
Population estimates base, April 1, 2020, (V2021)	13,101	18,666	13,948
Population, percent change - April 1, 2020 (estimates base) to July 1, 2021, (V2021)	-2.4%	-0.6%	-1.4%
Population, Census, April 1, 2020	13,101	18,666	13,948
Population, Census, April 1, 2010	13,592	17,013	13,477
Age and Sex			
Persons under 5 years, percent	7.3%	10.7%	5.6%
Persons under 18 years, percent	24.9%	30.6%	21.7%
Persons 65 years and over, percent	11.4%	7.8%	16.5%
Female persons, percent	46.9%	49.4%	48.9%
Race and Hispanic Origin			
White alone, percent	55.0%	10.3%	67.4%
Black or African American alone, percent (a)	1.3%	1.6%	1.1%
American Indian and Alaska Native alone, percent (a)	13.1%	83.8%	13.8%
Asian alone, percent (a)	21.9%	1.8%	8.2%
Native Hawaiian and Other Pacific Islander alone, percent (a)	1.0%	0.2%	0.4%
Two or More Races, percent	7.7%	3.7%	9.1%
Hispanic or Latino, percent (b)	8.6%	2.7%	5.6%
White alone, not Hispanic or Latino, percent	49.1%	9.6%	63.9%
Population Characteristics			
Veterans, 2016-2020	1,112	710	1,064
Foreign born persons, percent, 2016-2020	21.3%	2.1%	8.9%
Housing			
Housing units, July 1, 2019, (V2019)	5,901	6,634	6,458

Owner-occupied housing unit rate, 2016-2020	49.7%	55.8%	63.9%
Median value of owner-occupied housing units, 2016-2020	$295,100	$88,700	$299,500
Median selected monthly owner costs -with a mortgage, 2016-2020	$1,847	$1,518	$1,872
Median selected monthly owner costs -without a mortgage, 2016-2020	$718	$364	$601
Median gross rent, 2016-2020	$1,412	$1,368	$1,188
Building permits, 2021	8	20	36
Families & Living Arrangements			
Households, 2016-2020	4,231	4,459	5,299
Persons per household, 2016-2020	3.08	3.83	2.56
Living in same house 1 year ago, percent of persons age 1 year+, 2016-2020	81.8%	89.3%	85.4%
Language other than English spoken at home, percent of persons age 5 years+, 2016-2020	29.4%	61.3%	16.8%
Computer and Internet Use			
Households with a computer, percent, 2016-2020	90.9%	89.8%	93.3%
Households with a broadband Internet subscription, percent, 2016-2020	85.8%	73.4%	87.0%
Education			
High school graduate or higher, percent of persons age 25 years+, 2016-2020	89.6%	83.5%	93.9%
Bachelor's degree or higher, percent of persons age 25 years+, 2016-2020	29.8%	11.3%	25.5%
Health			
With a disability, under age 65 years, percent, 2016-2020	6.8%	7.9%	10.0%
Persons without health insurance, under age 65 years, percent	⚠ 18.2%	⚠ 16.8%	⚠ 13.5%
Economy			
In civilian labor force, total, percent of population age 16 years+, 2016-2020	65.7%	61.9%	67.0%
In civilian labor force, female, percent of population age 16 years+, 2016-2020	56.3%	62.3%	64.0%
Total accommodation and food services sales, 2012 ($1,000) (c)	31,518	D	45,742
Total health care and social assistance receipts/revenue, 2012 ($1,000) (c)	79,700	D	90,074
Total manufacturers shipments, 2012 ($1,000) (c)	D	D	192,394
Total retail sales, 2012 ($1,000) (c)	115,874	162,806	235,907
Total retail sales per capita, 2012 (c)	$8,138	$9,174	$17,121
Transportation			
Mean travel time to work (minutes), workers age 16 years+, 2016-2020	11.2	7.2	13.9
Income & Poverty			
Median household income (in 2020 dollars), 2016-2020	$78,173	$54,400	$74,679

Per capita income in past 12 months (in 2020 dollars), 2016-2020	$32,495	$21,392	$36,343
Persons in poverty, percent	⚠ 7.5%	⚠ 25.3%	⚠ 8.3%
BUSINESSES			
Businesses			
Total employer establishments, 2020	445	220	586
Total employment, 2020	4,735	2,414	4,469
Total annual payroll, 2020 ($1,000)	207,081	120,526	236,260
Total employment, percent change, 2019-2020	-5.4%	-0.3%	-1.9%
Total nonemployer establishments, 2018	1,485	667	1,375
All firms, 2012	1,919	1,121	1,919
Men-owned firms, 2012	1,090	840	868
Women-owned firms, 2012	481	187	527
Minority-owned firms, 2012	409	761	984
Nonminority-owned firms, 2012	1,337	299	1,697
Veteran-owned firms, 2012	188	173	176
Nonveteran-owned firms, 2012	1,616	889	1,511
GEOGRAPHY			
Geography			
Population per square mile, 2010	2.1	0.4	2.8
Land area in square miles, 2010	6,549.58	49,570.00	4,858.41
FIPS Code	02100	02050	02130



About datasets used in this table

Value Notes

⚠ Estimates are not comparable to other geographic levels due to methodology differences that may exist between different data sources.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info ⓘ icon to the left of each row in TABLE view to learn about sampling error.

The vintage year (e.g., V2021) refers to the final year of the series (2020 thru 2021). Different vintage years of estimates are not comparable.

Users should exercise caution when comparing 2016-2020 ACS 5-year estimates to other ACS estimates. For more information, please visit the 2020 5-year ACS Comparison Guidance page.

Fact Notes

(a) Includes persons reporting only one race
(c) Economic Census - Puerto Rico data are not comparable to U.S. Economic Census data
(b) Hispanics may be of any race, so also are included in applicable race categories

Value Flags

- Either no or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest or upper interval of an open ended distribution.
F Fewer than 25 firms
D Suppressed to avoid disclosure of confidential information
N Data for this geographic area cannot be displayed because the number of sample cases is too small.
FN Footnote on this item in place of data
X Not applicable
S Suppressed; does not meet publication standards
NA Not available
Z Value greater than zero but less than half unit of measure shown

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

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EXHIBIT 2. SAXMAN IRA-FEDERAL SUBSISTENCE BOARD RESTORES RURAL COMMUNITY STATUS, PRESS RELEASE

FOR IMMEDIATE RELEASE

CONTACT: President Lee Wallace, Organized Village of Saxman
Phone: (907) 617-3128
Email: iragovt@kpunet.net

FEDERAL SUBSISTENCE BOARD RESTORES RURAL COMMUNITY STATUS TO SAXMAN VILLAGE

After ten years of arduous effort, the Organized Village of Saxman is filled with gratitude today at the recent announcement by the Federal Subsistence Board (FSB) to remove Saxman from the list of nonrural communities, thereby recognizing Saxman as a rural community. Under the Alaska National Interest Lands Conservation Act (ANILCA), rural community members enjoy a priority to harvest wild fish and game on federal public lands and waters. In 2006, however, the FSB wrongfully classified Saxman as a non-rural community, there by denying its citizens the subsistence rights they had exercised since time immemorial.

"The importance of being recognized as a rural community is acute for Saxman and is crucial to survival. Subsistence is an essential cultural practice, a traditional worldview that is at the heart of surviving and thriving in Saxman," said Lee Wallace, Tribal President of the Organized Village of Saxman. The preference for take of fish and wildlife resources for subsistence uses on federal public lands and waters in Alaska, when these resources are sometimes scarce, is profoundly important to a traditional culture that has lived and breathed this lifestyle for millennia. The affirmation of being classified as rural means the retention and sustenance of natural resource harvest will remain for generations into the future. "In Saxman, subsistence is a meaningful traditional cultural practice and a way of living and prospering in this world," added President Wallace. "All those days, all those doubts of the last ten years, are behind the Tribe now. I praise and thank the Federal Subsistence Board for recognizing that Saxman is indeed rural, thank you to Alaska Federation of Natives, Sealaska Corporation, and Cape Fox Corporation for assisting, give praise to Dr. Daniel Monteith for his support, give praise to the Native American Rights Fund, who were a source of strength, give praise to the Tribes who bolstered Saxman up, give praise to the faithful tribal citizens and community members who gave moral support and testimony, and especially give praise to God the Creator, who indelibly oversees all good."

NATIVE AMERICAN RIGHTS FUND

FEDERAL SUBSISTENCE BOARD RESTORES RURAL COMMUNITY STATUS TO SAXMAN VILLAGE

March 11, 2010
Categories: Hunting and Fishing (Treaty Rights, Subsistence), Native Lands & Sacred Places (Land Back, Treaty Rights, Tribal Homelands, National Historic Places Protections)

Yesterday the Federal Subsistence Board (FSB) officially restored the rural status of Saxman, Alaska. The Alaska National Interest Lands Conservation Act (ANILCA) grants a harvest priority of fish and game on public lands, but this priority is only extended to "rural communities." In 2006, under political pressure from the State of Alaska, the FSB terminated Saxman's rural status and grouped the village with the larger city of Ketchikan. Represented by NARF, Saxman later filed suit to restore its rural status, but parties settled the case in favor of yesterday's administrative fix.

Our client, the Organized Village of Saxman, worked for over ten years to restore the community's rural status. We congratulate all of the tribal citizens and community members who worked for so long to restore their essential subsistence rights. The Organized Village of Saxman's press release discussing this important milestone is available here.

Boulder CO (main) ~ 303-447-8760 Anchorage AK ~ 907-276-0680 Washington DC ~ 202-785-4166

EXHIBIT 3. DEFINITIONS OF RURAL BY VARIOUS FEDERAL AGENCIES

Definitions of rural by various Federal Entities

Indian Health Service (Ketchikan IS rural)

Comprehensive primary health care and disease prevention services are provided through a network of hospitals, clinics, and health stations on or near Indian reservations. These facilities, which are managed by the IHS, Tribes, and Tribal organizations, are predominately located in rural and primary care settings. In addition, the IHS contracts with urban Indian organizations (UIOs) for health care services provided in some urban centers. The Indian health care system strives to provide comprehensive care through a network of IHS, Tribal, and urban health facilities and by purchasing health care services from non-IHS providers through the Purchased/Referred Care (PRC) program.

National Library of Medicine (Ketchikan IS rural)

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1449333/

Although many policymakers, researchers, and policy analysts would prefer one standardized, all-purpose definition, "rural" is a multifaceted concept about which there is no universal agreement. Defining rurality can be elusive and frequently relies on stereotypes and personal experiences. The term suggests pastoral landscapes, unique demographic structures and settlement patterns, isolation, low population density, extractive economic activities, and distinct sociocultural milieus. But these aspects of rurality fail to completely define "rural." For example, rural cultures can exist in urban places. Only a small fraction of the rural population is involved in farming, and towns range from tens of thousands to a handful of residents. The proximity of rural areas to urban cores and services may range from a few miles to hundreds of miles. Generations of rural sociologists, demographers, and geographers have struggled with these concepts

US Census Bureau (Ketchikan IS rural)

https://mtgis-portal.geo.census.gov/arcgis/apps/MapSeries/index.html?appid=49cd4bc9c8eb444ab51218c1d5001ef6#:~:text=The%20Census%20Bureau%20defines%20rural,rural%20based%20on%20this%20definition.

See Map

US Department of Transportation (Ketchikan is Rural)

This link shows various definitions for different grant programs, all of which Ketchikan would be eligible for rural funding.
https://www.transportation.gov/rural/eligibility#:~:text=Located%20outside%20of%20a%20U.S.%20

Census%2Ddesignated%20urbanized%20area%20with,population%20of%20200%2C000%20or%20more

US Department of Treasury (Maybe)

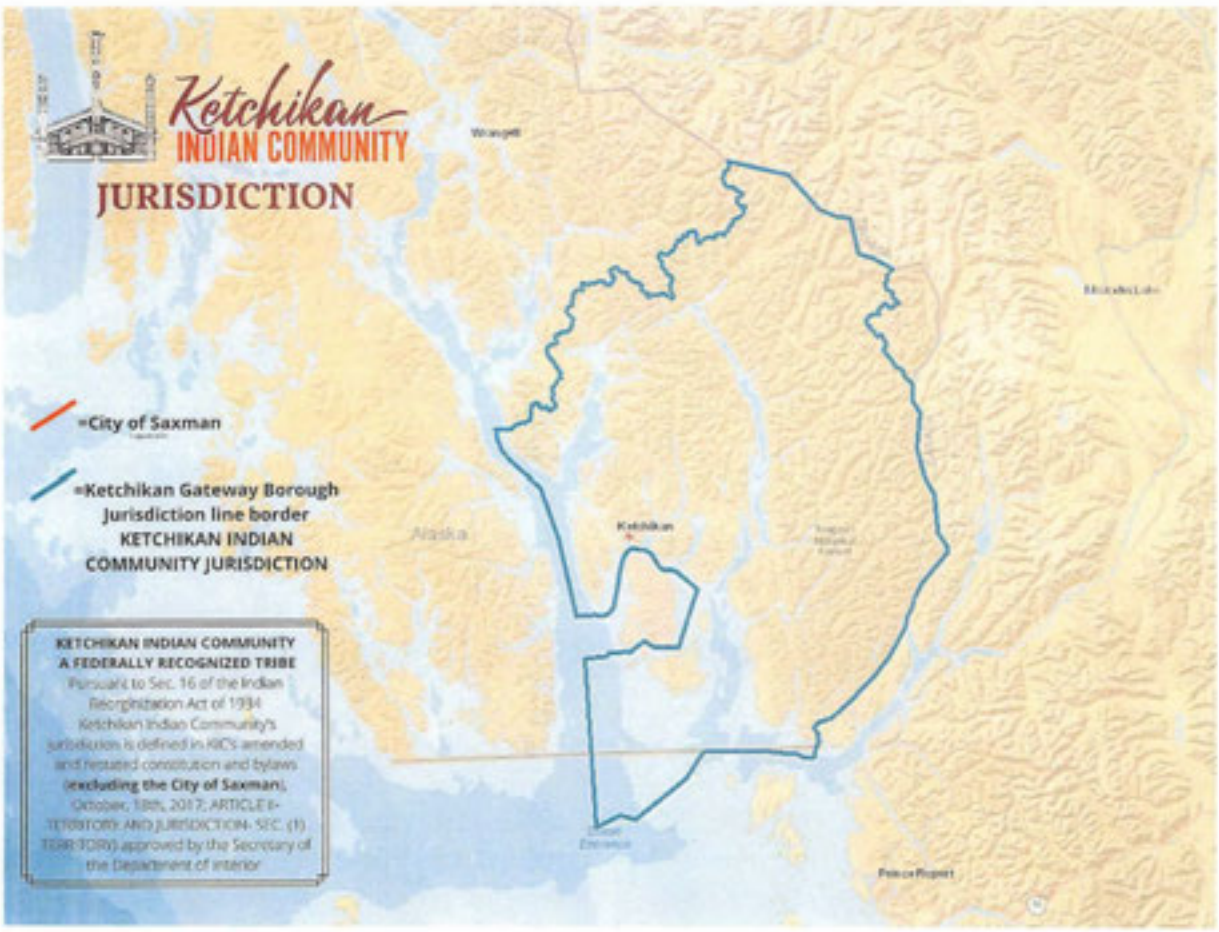
By definition, any census tract that is not in a UA or UC is "rural."2 Each rural area, then, has less than 1,000 ppsm.

https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/Counting%20for%20Dollars%233%20Federal%20Funds%20for%20Rural%20America%2012-18.pdf

US Department of Health and Human Services (Ketchikan IS rural)

Anything that is not in a metro area is considered rural. Metro meaning 50,000+ people

EXHIBIT 4. KETCHIKAN INDIAN COMMUNITY/KETCHIKAN GATEWAY BOROUGH JURISDICTION MAP


Ketchikan
INDIAN COMMUNITY
JURISDICTION
=City of Saxman
=Ketchikan Gateway Borough
Jurisdiction line border
KETCHIKAN INDIAN
COMMUNITY JURISDICTION
KETCHIKAN INDIAN COMMUNITY
A FEDERALLY RECOGNIZED TRIBE
Pursuant to Sec. 16 of the Indian
Reorganization Act of 1934
Ketchikan Indian Community's
jurisdiction is defined in KICS amended
and restated constitution and bylaws
(excluding the City of Saxman),
October, 18th, 2017, ARTICLE II-
TERRITORY AND JURISDICTION- SEC. (1)
TERRITORY approved by the Secretary of
the Department of Interior
Alaska
Ketchikan

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