



unapologetically **FOR ALASKAN RESIDENTS**

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April 19, 2021

To: Federal Subsistence Board

Re: Wildlife Special Action Request 21-01

Dear Federal Subsistence Board Members,

Resident Hunters of Alaska (RHAK) represents several thousand members from across the state who advocate for sustainable wildlife management policies and a resident hunting priority according to Article 8 of our state constitution.

We strongly **oppose** WSA 21-01 to close moose and caribou hunting on federal lands in Units 23 and 26A from August 1 – September 30, 2021 to non-federally qualified subsistence users (NFQSU).

RHAK participates in Regional Advisory Council meetings and Federal Subsistence Board (FSB) meetings and we have become alarmed at the ongoing use of Wildlife Special Action (WSA) requests that are not based on actual biological emergencies or conditions that would prevent federally qualified subsistence users (FQSU) from meeting their subsistence needs.

The FSB operates under ANILCA guidelines and the federal code of regulations that govern when and why a special action can be taken: *"The Federal Subsistence Board may take a Special Action to restrict, close, open, or reopen the taking of fish and wildlife on Federal public lands and waters. Such actions are taken to ensure the continued viability of a particular fish or wildlife population, to ensure continued subsistence use, or for reasons of public safety."*<sup>1</sup>

As to "continued viability," the Western Arctic (WAH) and Teshekpuk caribou herds are stable, healthy, and well within population objectives. There is also no real threat to "continued subsistence use," nor is there a "public safety" issue.

The basis of WSA 21-01 is that the Northwest Arctic Subsistence Regional Advisory Council *"is very concerned about the late migration of caribou through Unit 23 because local people rely upon caribou to meet their subsistence needs."* The Council infers that *"transporter activity in Units 23 and 26A may be delaying caribou migration"* and that *"this request would reduce aircraft traffic, creating an easier path for migrating caribou."*

These types of concerns have been expressed for over 20 years and led to the formation of the Western Arctic Caribou Herd Working Group (WG) in 1977 composed of local subsistence users, non-local hunters, guides, transporters, reindeer herders and conservationists, to advise the Alaska Board of Game. The

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<sup>1</sup> <https://www.doi.gov/subsistence/wildlife-special-actions>

mission of the WG is "To work together to ensure the long-term conservation of the Western Arctic caribou herd and the ecosystem on which it depends, and to maintain traditional and other uses for ***the benefit of all people*** now and in the future." [our emphasis]

The WG developed a long-term comprehensive management plan with different harvest levels based on the WAH caribou population and whether the herd was stable, declining, or increasing, and the latest update to that plan states no new restrictions should take place unless the herd drops below 200,000 animals. The herd is estimated to be near 244,000 animals, which calls for liberal harvest levels according to the WG plan and no new restrictions on NFQSU.

These same concerns expressed in WSA 21-01 led to the creation of the Noatak Controlled Use Area (CUA), its expansion, and the pilot orientation and education course all pilots and air-taxis/transporters are required to take before flying hunters and their game meat in Unit 23. And this same complaint was addressed in WSA 16-01 that led to the complete closure on fed lands to caribou hunting by NFQSU in 2016 by the FSB.

We want to emphasize that if we believed that caribou populations were threatened, or subsistence needs were not being met because of non-local aircraft-supported hunters, we'd be among those supporting new restrictions at the Board of Game level. We understand that there is frustration among FQSU that migrations are not reliable as in the past and that they are finding it harder to harvest caribou. But there is no verified data to suggest that aircraft transporter activity is causing late or changing migration of caribou, or that aircraft use is the cause of subsistence needs not being met.

The most likely cause for shifts in caribou migration is climate change and caribou being caribou; we simply can't depend on them following the exact same migration route and time schedule year in and year out.

### **Current Caribou Harvest Information**

According to Alaska Department of Fish & Game (ADF&G) data, caribou harvest in Units 23 & 26A have exceeded the combined Amount Necessary for Subsistence (ANS) of 8,000 – 12,000 caribou for the Western Arctic and Teshekpuk caribou herds for the past 25 years. Subsistence needs *are* being met!

Unit 23 resident NFQSU harvested on average 64 caribou annually between 2017-2019, and nonresident NFQSU harvested on average 212 caribou annually during the same period.

Unit 26A resident NFQSU harvested on average 13 caribou annually between 2017-2019, and nonresident NFQSU harvested between 10-40 caribou annually.<sup>2</sup>

Combined, the harvest by all NFQSU equates to roughly 2½ percent of the total known harvest, and by far nonresident hunters account for most of that NFQSU harvest.

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<sup>2</sup> ADF&G data

We could get a better idea of local FQSU harvest if there was more compliance with the RC 907 registration permit which all residents are required to have to hunt caribou on state and federal lands in Units 23 & 26A. Only about 10 percent of resident hunters are registering to hunt caribou per the regulation, which was instituted specifically so we could get more reliable harvest information to better manage these caribou herds.

### **Federal vs State System**

We have recommended to RACs in the past to go through the Board of Game system when/if they had concerns about game populations or conflicts with other user groups, as it is often the nonresident component that is taking most of the non-local harvest and we firmly believe that nonresident hunters should always bear the brunt of any restrictions first, before any restrictions on residents. The problem is that the federal system does not allow for differentiation between resident Alaskan NFQSU and nonresident NFQSU. Also, by using the federal system it disenfranchises those who grew up or used to live in rural communities who for whatever reason now live in more urban areas of the state but wish to return home to hunt with their relatives on federal lands.

### **Unintended Consequences**

The creation of CUAs along river corridors can lead to increasing air-traffic and hunter numbers on river bars below the high-water mark that are classified as state lands, creating more competition between local and non-local hunters. Federal land restrictions for NFQSU can also lead to increases in air-traffic and hunter numbers on state lands near rural communities, causing even more competition.

### **Closing Comments**

The Federal Subsistence Board serves an important function to protect the subsistence hunting opportunities of rural FQSU.

However, during the past several years some of the closure decisions made by the FSB to hunting on federal lands by NFQSU don't comply with the directives in ANICLA or federal code that these closures must be based on biological science and definitive facts that subsistence needs aren't being met.

This has caused more divisiveness between rural and non-rural hunters and the state and federal government that simply doesn't need to happen.

With all due respect, we ask that you adhere to and follow your own FSB guidelines and laws governing when any closures can take place.

Sincerely,

Mark Richards  
Executive Director Resident Hunters of Alaska.