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Via fs.usda.gov

Tongass National Forest Supervisor's Office

Attn: Erin Mathews - Tongass Plan Revision Coordinator

648 Mission Street, Suite 110

Ketchikan, AK 99901-6591

Re: Safari Club International Comment on Subsistence and Other Harvest
(Non-Commercial) Resource Assessment, Tongass National Forest
Land Management Plan Revision #64039

Dear Ms. Mathews,

Safari Club International ("SCI") appreciates the opportunity to comment on the draft Subsistence and Other Harvest (Non-Commercial) Resource Assessment ("Draft Resource Assessment") in preparation for revising the Tongass National Forest Land Management Plan. SCI is concerned about certain statements in the Draft Resource Assessment that unnecessarily suggest there are conflicts among hunters in the Tongass National Forest and competition for resources which would require restrictions on non-subsistence harvest. Those statements and recommendations are unsupported, both by the fact of healthy wildlife populations in this area and by federal law, which prohibits restrictions on non-subsistence harvest except in limited circumstances. SCI does not support these recommendations.

The Alaska National Interest Lands Conservation Act of 1980 ("ANILCA") protects the right to hunt on federal lands in Alaska, except for some National Parks. Those protections extend to hunting for both "subsistence" and "sport" purposes (guided and unguided). SCI fully understands and supports ANILCA's directive that subsistence use must be prioritized. But ANILCA states that non-subsistence use may only be limited if "necessary for the conservation of healthy populations of fish and wildlife," or "to continue subsistence uses of such populations or for health and human safety reasons." 16 U.S.C. §§ 3112, 3125. The Draft Resource Assessment fails to support the conclusion that to protect subsistence use, any revised management plan must limit or eliminate "competition" from non-subsistence users.

Safari Club International

SCI, an I.R.C. § 501(c)(4) nonprofit organization, has more than 100,000 members and advocates worldwide. SCI has two chapters and approximately 1,200 members who live and hunt in Alaska, including in southeastern Alaska around the Tongass National Forest. In addition, many SCI members are professional hunters and guides in Alaska. Many more SCI members are non-residents who visit Alaska to enjoy its beautiful habitat, abundant wildlife, and unique hunting opportunities.

SCI's missions include conservation of wildlife, protection of the hunter, and education of the public concerning hunting and its use as a conservation and wildlife management tool. SCI has long been an advocate of fair and equitable access to game resources in Alaska. And while SCI supports a subsistence priority as appropriate, SCI is concerned that the suggested revisions to the Tongass National Forest Land Management Plan will reduce or eliminate non-subsistence harvest opportunities.

Unsupported Statements in the Draft Resource Assessment

In the Draft Resource Assessment, the U.S. Forest Service ("Service") suggests that "competition with recreational or commercial uses" and "disruption of hunting and gathering activities from increased use of the forest" will impede subsistence on the Tongass National Forest. The Service further suggests that the revised management plan should include "permitting or restricting other activities that may affect subsistence resources, such as infrastructure development, recreational activities, outfitters and guides, and tourism." These and similar statements in the Draft Resource Assessment are inconsistent with federal law and are factually unsupported.

These Statements Exceed ANILCA's Subsistence Priority

ANILCA explicitly protects the right to hunt on federal lands in Alaska, except for some National Parks. That protection extends to hunting for both "subsistence" and "sport" purposes. 16 U.S.C. § 3201. ANILCA was adopted against a backdrop where the State also recognized subsistence use of wildlife and fish. In light of this backdrop, Section 815 of ANILCA allows federal lands to be closed to non-subsistence harvest in limited situations: only when "necessary for the conservation of healthy populations of fish and wildlife" or "to continue subsistence uses of such populations." 16 U.S.C. § 3125(3). Thus, ANILCA preserves rights of non-subsistence hunters to share in harvest opportunities on public lands, unless "necessary" to protect either the viability of the wildlife resource or of the subsistence priority. ANILCA does not authorize restrictions due to perceived "competition" between user groups. *Ninilchik Traditional Council v. United States*, 227 F.3d 1186, 1192 (9th Cir. 2000).

Under this structure, the default land management position is that subsistence and non-subsistence hunting shall occur concurrently on federal lands, as non-subsistence hunting is closed only when necessary. The Draft Resource Assessment fails to consider how restricting non-subsistence hunting would be necessary, either to protect the viability of a wildlife resource or of the subsistence priority. SCI respectfully suggests the Service cannot satisfy this standard. The Federal Subsistence Board, the entity charged with administering Title VIII of ANILCA, has repeatedly declined to reduce non-federally qualified subsistence hunting in southeastern Alaska. Based on data from the Alaska Department of Fish and Game, the Board has found that wildlife populations are healthy and that subsistence harvest has remained consistent. Accordingly, federal law prohibits any permitting or restrictions on non-subsistence harvest in the Tongass National Forest.

Benefits of Non-Subsistence Hunting

The Draft Resource Assessment expresses concern about non-federally qualified subsistence hunting and non-resident hunting in the Tongass National Forest but fails to quantify the scope of this hunting. SCI objects to any suggestion that this hunting poses any resource concern or harms the ability of federally qualified subsistence users to achieve their harvest objectives. Rather, it appears the Service is relying on anecdotal statements about "competition" with non-locals. Federal land belongs to the public, not just local users, even in Alaska. The Service should reconsider its position in this regard. SCI respectfully requests that the final Resource Assessment and management plan include actual data, or else remove statements about user "competition" that are not supported by anything more than the opinions of a few people.

SCI also emphasizes the definition of "federally qualified subsistence user." These are local, rural residents. 16 U.S.C. § 3114. An individual who is from rural Alaska but moves to Anchorage or Juneau for employment no longer qualifies. But this "non-local" and "non-federally qualified subsistence user" frequently retains close ties to the area. And he or she often enjoys harvested game meat, even if he or she has more opportunity (although not necessarily preference) to supplement his or her diet with other foods. The Draft Resource Assessment's discussion and reference to certain graphs downplays the important traditional, cultural, social, and economic role that harvest continues to play in the lives of these transplanted locals. SCI respectfully requests the Service

reconsider and redraft the entire chapter on "Subsistence and Other Harvest."

Further, and again based on anecdotal accounts, the Draft Resource Assessment disparages "'unguided' non-resident harvesters." This discussion fails to consider the benefits of non-resident hunting in Alaska. Whether guided or unguided, non-resident hunting enhances wildlife conservation and management in Alaska. It also helps to secure hunting opportunities for resident Alaskans—a fact the Draft Resource Assessment ignores.

First, non-resident fees comprise over 70% of conservation funding in Alaska. As one example, in 2021 residents paid \$2,866,737 for hunting licenses and tags; non-residents spent \$11,836,630. Non-resident licenses and tags generated more than four times the revenue of resident licenses and tags, despite representing only 12% of license sales.

When this revenue is matched by federal Pittman-Robertson Wildlife Restoration funds at a three-to-one ratio, non-resident fees make a huge impact—more than \$44 million to state conservation funding in 2022. Pittman-Robertson funds are allocated based on the sale of hunting equipment and firearms across the country. Non-residents who may never set foot in Alaska help pay for the conservation of Alaska's wildlife by virtue of the federal match. These monies are used for wildlife management, habitat improvement, research, and other programs administered by the Alaska Department of Fish and Game.

Without this conservation funding from non-resident hunters, the State would have to significantly reduce its conservation and management programs or increase license and tag fees for resident hunters and subsistence users. The fact that non-resident hunters pay higher fees helps keep license and tag fees affordable for resident hunters and subsistence users.

Second, because non-resident hunters often employ guides for their Alaskan hunts, they generally have a better harvest success rate than subsistence users, which helps to advance the Department's management objectives. The participation of non-resident hunters is particularly significant in areas where abundant wildlife can detrimentally impact fragile habitat—which includes southeastern Alaska.

The Draft Resource Assessment completely ignores the conservation funding and participation by non-federally qualified subsistence and non-resident hunters. SCI urges the Service to consider the benefits of this hunting before greatly reducing their access to the Tongass National Forest.

Conclusion

For the foregoing reasons, SCI requests the final Resource Assessment take into consideration ANILCA's mandates and the benefits of non-subsistence hunting. Further, SCI requests the final Resource Assessment utilize publicly available data and assessments in its recommendations. Thank you again for the opportunity to comment on this proposal. If you have any questions, please contact Madeline Demaske, SCI Litigation Associate, at litigation@safariclub.org.

Sincerely,

John McLaurin

President, Safari Club International