Dear Chair Encelewski:

This letter responds to the Southcentral Alaska Subsistence Regional Advisory Council’s (Council) fiscal year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. The Board values this opportunity to review the issues concerning your region.

1. **The process of reporting anticipated needs of subsistence as stated in the Council Charter**

   In Section 4(d)(1) and (2), the Council’s charter states, “Prepare an annual report to the Secretary containing the following: (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region; (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.” The Council requested clarification on reporting anticipated needs of subsistence and how to conduct an analysis of subsistence use amounts for fish and wildlife in the Southcentral Region. The Council is concerned about increasing competition for resources harvested by Federally qualified subsistence users.

   **Response:**

   The Board is keenly aware of the heavy demand by many users for the harvest of fish and wildlife in your region. Title VIII of the Alaska National Interest Lands Conservation Act...
(ANILCA) broadly requires the Board to provide a priority for subsistence uses over other consumptive uses of fish and wildlife on Federal public lands. Neither Title VIII nor its implementing regulations require the Federal program to quantify amounts that are needed for subsistence. Accordingly, there is currently no quantitative formula for identifying or reporting anticipated needs for subsistence uses.

The Board relies on the Regional Advisory Councils to identify the current and anticipated subsistence needs in their respective communities based on members’ local and traditional knowledge. This knowledge can be either quantitative or qualitative. No formal analysis is needed. The Board also asks the Council to support your region by making recommendations on regulatory proposals and special actions and by submitting proposals and requests for special actions when necessary. It is not required to meet a threshold before alerting the Board that it must act to support the continuation of subsistence uses. The Board is aware of the conflicts and challenges your region faces over declining harvests and resources. If increasing pressure on important fish and wildlife resources is interfering with the continuation of subsistence uses, you can request the Board close Federal public lands and waters to non-subsistence uses through a special action.

2. **Customary and Traditional Use determination process review and competition for the Federally qualified subsistence users for Copper River Salmon**

The Council expressed interest in reviewing and updating the process for Customary and Traditional Use (C&T) determinations. The Council is aware of the eight factors for C&T (listed below) and understands that not all factors need to be met to grant C&T to a community. The Council is also aware that in 2010, the Regional Advisory Councils were asked by the Secretary of the Interior to provide input on the process to make it broader and more inclusive. The Council noted that the input provided into the process by the Councils was to be broad and inclusive of resources harvested, not for those requesting C&T use determination. The Council is concerned about competition with other users for subsistence resources available to rural residents, especially for Copper River Salmon. The Council worries about increased competition from an increasing rural resident population and the establishment of new rural communities by non-rural residents who then request C&T. The Council noted requiring communities meet all factors of C&T could alleviate some issues with the C&T request process. Also, the process could be improved by setting some criteria thresholds. For example, the factors that incorporate time (e.g., the phrases “long-term”, “many years”, “passing knowledge from generation to generation”) are not clearly defined.

A community or area’s customary and traditional use is generally exemplified through these eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances,
where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

Response:

The Board appreciates the Council’s comments and concerns for the customary and traditional use determination process. It is critical that the Council provide feedback to the Board on the impacts of regulations and processes on subsistence users so that adaptive decisions can be made. As the Council noted, the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible. When considering customary and traditional use determinations, the Board uses the broad threshold criteria and recognizes that they do not account for the regional and cultural differences across the State of Alaska. Instead, the Board relies on Regional Council recommendations and the eight customary and traditional use determination factors as guidelines for recognizing a community’s pattern of resource use and its role in their subsistence way of life.

The Federal Subsistence Management Program prioritizes the use of a subsistence resource for federally qualified subsistence users when that resource is limited and there is a conservation concern for it. There are four levels of subsistence prioritization, depending on the severity of the conservation concern.

- Level 1: Limitations and restrictions to all users except federally qualified subsistence users
- Level 2: Closure to all users except federally qualified subsistence users
- Level 3: Prioritization among federally qualified subsistence users
- Level 4: Closure to all users

A regulatory proposal or special action request must be submitted for each level of Federal subsistence prioritization. An ANILCA Section 804 subsistence resource prioritization analysis is only required when there is a proposal for Level 3: Prioritization among Federally qualified users. When this occurs, the Board determines which of the communities with customary and traditional use determinations for that resource have priority based on customary and direct dependence on the resource, proximity to the resource, and availability of alternative subsistence resources.

Recognizing that customary and traditional use determination remains a complicated but essential process of the Federal Subsistence Management Program, OSM is planning to organize a session on this topic at the All-Council meeting in March 2024.

3. **Climate change impacts on methods and means of use and the need for flexibility in seasons affected by climate change**
The Council expressed concerns about climate change impacting the methods and means of harvest of subsistence resources. For example, high water levels from intense precipitation are impacting the use and efficacy of traditional fishwheels. Sites that are good for fish wheels, which are often not suitable during high water events, and increased precipitation results in more debris (trees, root wads, etc.) in the river when the water is really high that can impact or break the wheels. This example, among others documented in previous annual reports and Council reports during Council meetings, make it difficult to reliably depend on traditional resources. Another major impact from climate change is a change in species migration timing, which results in a mismatch between regulated season timing and resource availability. Additionally, methods and means of harvest used by generations have become inefficient for harvest of traditional resources. The Council encourages the Board to review harvest seasons and methods of harvest and be ready to adapt to changing situations.

Response:

The Board thanks the Council for bringing their concerns regarding climate change impacts on methods and means to its attention. We recognize that the Council is uniquely positioned to offer first alerts on changing conditions and important trends that impact subsistence in your region. The Board values your unique traditional knowledge, understands that there is a need for flexibility in seasons because of climate change, and will ensure the appropriate staff tracks this issue and integrate your knowledge and observations into their analyses. We will use this information for our decision-making.

The Federal Subsistence Management Program can support adaptation to changing climatic and environmental conditions by ensuring a regulatory process that facilitates flexibility. The Special Action process provides an avenue for responding to unexpected issues and changes, and the Board will continue to be responsive to the need for quick action on out of cycle requests. Flexibility can also be built into the subsistence management system by delegating authority to local land managers. Delegation of authority enables managers to respond more quickly to changes in the timing and availability of subsistence resources from season to season.

More persistent changes to the seasonality and availability of resources due to issues like climate change can also be accommodated through the regulatory process. Closures to non-federally qualified subsistence users, or ANILCA Section 804 prioritizations among federally qualified subsistence users may become necessary if shortages of traditional subsistence resources continue to be prevalent. Other species may also become more abundant and important to subsistence economies with shifts in environmental conditions. In this case, the Federal Subsistence Management Program can assist communities in delineating seasons, harvest limits, and methods and means for harvesting these resources.

The Board also notes that the Council can invite representatives from State, Federal, non-governmental, and other research organizations to give presentations on climate change effects and mitigation at its regular meetings. Some organizations to consider include:

- Alaska Center for Climate Assessment and Policy
- Alaska Climate Adaptation Science Center
4. **Climate change impacts on ocean resources, including paralytic shellfish poisoning and ocean acidification impacts on clams, salmon, and ocean food webs**

*The Council is interested in continuing to receive information about the impacts of climate change on ocean resources. This has been a topic of interest to the Council for the last few years, and the staff at OSM has invited guest speakers to speak about climate impacts. The Council is particularly interested in how climate change is impacting marine food webs. Subsistence resources such as clams and salmon are critical to the people that call the Southcentral region home and impacts to marine food webs will have profound impacts on species utilized as subsistence resources. Understanding the impacts of climate change on salmon and clams will allow State and Federal subsistence managers to respond more readily to changing population sizes. The Council noted they would be interested in learning more about the causes and impacts of paralytical shellfish poisoning (PSP). The seasonality of PSP has changed, and as a result, clams have not been safe to eat during the winter months.*

**Response:**

Thank you for sharing this issue with the Board. As noted in the response to issue number 3 of this annual report, the Council, with the help of OSM staff, can invite subject matter experts to present on the impacts of climate change to marine food webs at the next and future Council meetings.

If the Council is specifically interested in paralytic shellfish poisoning, the State of Alaska Department of Environmental Conservation and Department of Health has useful information on this topic on their websites:

https://dec.alaska.gov/eh/fss/shellfish/paralytic-shellfish-poisoning/

Additionally, the National Oceanic and Atmospheric Administration National Center for Coastal Ocean Science has been identifying paralytic shellfish toxins in marine food webs in Southcentral Alaska (https://coastalscience.noaa.gov/project/prevalence-of-paralytic-shellfish-toxins-in-marine-food-webs-of-prince-william-sound-and-kachemak-bay-alaska/) and conducting other research related to ocean acidification impacts on clams, salmon, and ocean food webs, as well.

Another site that has a wealth of information on climate change impacts is the Alaska Harmful Algal Bloom Network (AHAB) (https://ahab.aoos.org/). Finally, the Council may propose the development of a working group on issues of concern to the AHAB by contacting Thomas
5. **Ahtna Intertribal Resource Commission Memorandum of Agreement on cooperative management of customary and traditional subsistence uses in the Ahtna region**

The Council expressed interest in receiving an update on the Memorandum of Agreement (MOA) between the Department of Interior and Ahtna Intertribal Resource Commission. The purpose of this MOA was to formalize a subsistence wildlife management partnership for the allocation and harvest of moose and caribou by rural residents of the Native villages in the Ahtna region on Federal public lands. The MOA was established in 2017 to create a new Federal advisory committee that covers the Ahtna Traditional Use territory. The Council would like to know the status of the MOA.

**Response:**

In 2017, the Department of the Interior (DOI) and Ahtna Inter-Tribal Resource Commission (AITRC) signed the Memorandum of Agreement to provide AITRC with the authority to cooperatively manage certain aspects of subsistence hunting within Ahtna’s traditional territory. Areas for implementation outlined in the MOA include a community harvest system, the formation of a local advisory committee, cooperative efforts to develop policies, programs, and projects for conservation and sustainable subsistence harvest within the Ahtna region, and the funding and support to build capacity within AITRC for the implementation of the MOA.

Beginning in 2021, with assistance from AITRC, the Federal Subsistence Board established a community harvest system for caribou and moose in Ahtna’s traditional territory. AITRC distributes the hunt registration and harvest reporting forms to federally qualified subsistence hunters living within the eight Ahtna traditional communities. Hunters report their harvests (or lack thereof) to AITRC, who in turn provides this information to Federal subsistence managers. Federally qualified subsistence hunters that choose not to participate in the community harvest system can get their reporting forms from the BLM Glenallen field office staff.

In July 2022, AITRC asked OSM to initiate steps for establishing the Ahtna Local Advisory Committee to provide input into subsistence hunting management plans and decision-making. Because the MOA is between DOI and AITRC, OSM forwarded the request to DOI to determine next steps. The MOA and draft charter for the Ahtna Local Advisory Committee is currently under review by DOI.

6. **Jurisdiction on subsistence shellfish resources in Prince William Sound and concern over the stock size and closure of subsistence shellfish seasons**

The Council expressed concerns over subsistence crabbing opportunities within Prince William Sound. The Council acknowledged that the Board does not have jurisdiction here and that the waters of Prince William Sound are State-managed. Subsistence harvesters have been utilizing the intertidal area to collect food for thousands of years, and it is a disservice to Federally qualified subsistence users to not have authority over the resources contained in the intertidal zone. State regulations have been much more stringent than Federal for peoples’ ease of getting
food. With the recent closure of the commercial Tanner and King Crab fisheries, there is concern that subsistence closures could be on the way.

Response:

Thank you for conveying this important information. The Board recognizes the value and importance of marine resources to the federally qualified subsistence users of Prince William Sound. The Board considers this an information sharing item, considering there is no Federal subsistence fisheries jurisdiction in the described waters. The Board encourages communication with local Alaska Department of Fish and Game fishery managers and, if necessary, working through the State’s Local Advisory Committee and Alaska Board of Fisheries process during the next Prince William Sound or Statewide shellfish meeting.

For information on upcoming Board of Fisheries meetings visit: https://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo

For information on Alaska Department of Fish and Game subsistence management visit: https://www.adfg.alaska.gov/index.cfm?adfg=subsistence.main

7. **Support opportunities for youth representative seat on the Regional Advisory Council**

The Council advocates for a ‘youth representative seat’ on the Regional Advisory Councils. It is essential for younger subsistence users to learn about the Federal regulatory process so that this new generation of leaders can understand and participate in the public decision-making process effectively. The Council would like the Board to explore the possibility of applying college credit towards engagement in the Council process. This will enable interested students to participate in the work of their Regional Advisory Council while also earning credits for school.

Response:

The Board commends the Council for continuous advocacy for youth engagement with the Federal Subsistence Management Program. The Board understands the importance of educating and training emerging young leaders. Several councils across Alaska put forward requests this fiscal year (FY-2023) to establish a non-voting “youth representative seat” or “a young adult developmental seat” on their Councils and/or to add corresponding language to their charters. The Board is going to review and evaluate Council charter change requests at its August 2023 executive session and will provide recommendations to the Secretaries of the Interior and Agriculture for consideration and a decision.

The Board also appreciates the Council’s innovative suggestion of giving college credit for engagement in the Council process and, thus, adding further benefits to interested students. While this is outside of the scope of the Federal Subsistence Management Program and we will not be able to take a lead on this initiative, the Program and the Board would be open to support involvement of any academic program that is interested in engaging their students in our public process.
8. **Request a standard four-year review of all Delegation of Authority Letters**

The Board can delegate specific regulatory authority to local Federal managers to issue emergency or temporary special actions to ensure conservation of healthy fish or wildlife populations, to continue uses of fish or wildlife, to ensure public safety, or to assure the continued viability of fish or wildlife populations. Delegation of Authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 110.10(d)(6), which state: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.” The Council requests the Board implement a four-year review process for Delegation of Authority similar to the periodic review of wildlife and fishery closures. A four-year review process will allow for continual inclusion of local participation and input during in-season management decisions, adjust to Federal staffing changes, and allow for flexibility in the management system.

**Response:**

The issuance of Delegation of Authority Letters (DALs) is an administrative function of the Board and not regulatory in nature. Because of this, the Council may address DALs whenever they want without the restrictions of the normal regulatory cycle or a four-year cycle as with closure reviews. You may request that your Council Coordinator provide you with copies of DALs for your region and you may choose to add a review of DALs on your meeting agendas. Your concerns and recommendations on DALs discussed during a meeting can be forwarded to the Board as a request for action.

In closing, I want to thank you and your Council for your continued involvement and diligence in matters regarding the Federal Subsistence Management Program. I speak for the entire Board in expressing our appreciation for your efforts and am confident that the subsistence users of the Southcentral Alaska Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

cc: Southcentral Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record