

Bristol Bay Subsistence Regional Advisory Council

c/o Office of Subsistence Management

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Anthony Christianson, Chair
Federal Subsistence Board
c/o Office of Subsistence Management
1011 E. Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Christianson:

The Bristol Bay Subsistence Regional Advisory Council (Council) appreciates the opportunity to submit its FY-2021 Annual Report to the Federal Subsistence Board (Board) under the provisions of Section 805(a)(3)(D) of the Alaska National Interest Lands Conservation Act (ANILCA). At its public meetings held via teleconference on October 26-27, 2021, the Council identified concerns and recommendations for this report. The Council approved this Annual Report at its February 8-9, 2022, meeting. The Council wishes to share information and raise a number of concerns dealing with implementation of Title VIII of ANILCA and the continuation of subsistence uses in the Bristol Bay Region.

1. Need for Information and Representation from Federal Agencies at the Council Meetings

Title VIII of ANILCA established the Federal Subsistence Regional Advisory Councils to advise the Federal Subsistence Board and to provide a public forum for the expression of matters related to subsistence. To have a substantive and well informed discussion on the subsistence matters and formulate solid recommendations, the Council needs to have access not just to the traditional ecological knowledge and local expertise of area residents, but also to the information on scientific research and surveys conducted by the Federal and State agencies, especially by the local offices and staff of these agencies. The Council is fully aware that some agencies might experience budget and other challenges to keep all critical positions filled and on-going research conducted. However, the Council requests that the Board ensures the full participation of Bristol Bay Region Federal agency staff in the Council's meetings. In particular, the Council would like to see important positions filled at the Federal agencies based out of King Salmon. The participation of these staff is critical in providing representation, expertise, and up to date information for the region.

2. Chinook Salmon Decline

Chinook (King) Salmon, an integral part of Alaskan ecosystems and rural Alaskan subsistence way of life, has experienced significant declines all across the State. Despite exceptionally good Sockeye Salmon returns recently in the Bristol Bay Region, the Council remains concerned about the poor numbers of returning King Salmon, especially in the western portion of Bristol Bay, and decreases in the size of returning fish and changing composition of age structure. A study in the Nature Communications journal indicates that the King Salmon body length decreased 8 percent on average over the last three decades¹. The King and Sockeye runs overlap, thus causing increase in an incidental King Salmon bycatch when Sockeye harvest increases. All of the above combined with effects of climate change have a profound effect on the salmon populations. The situation got worse in 2021 prompting Federal and State managers to close State King Salmon fishing completely (in parts of the state). If King Salmon runs continue to decline and crash, it will undoubtedly have devastating and perhaps deadly effects on the whole fabric of Alaska Native and rural Alaskan ways of life. The Council would like to request that the members of the Board advocate on behalf of Bristol Bay subsistence communities for more comprehensive research of the issue and to come up with some long term solutions at a higher management level before it is too late. The Council also would like to invite representatives of the At Sea Processors Association, the Groundfish Forum, and the North Pacific Fisheries Management Council to at least one 2022 Council meeting for an in-depth discussion on what is being done and what can be done to remedy the situation.

3. Chignik Area Fishery

The Chignik Area Fishery has been an ongoing concern of the Council and was brought to the Board's attention in the Councils FY-2019 and FY-2020 annual reports. It is the Council's understanding that "in 2021, the Alaska Department of Fish and Game, the U.S. Fish and Wildlife Service, Fisheries and Ecological Services, and the Chignik Intertribal Coalition applied for Fisheries Resource Monitoring Program funds to conduct harvest studies in the local area. Proposals for the Fisheries Resource Monitoring Program are under review now and funding decisions are expected in early 2022."² As the Council pointed out in the topic 2 of this report, with the Chinook Salmon fishery completely closed and with Sockeye Salmon fisheries restricted to Federally qualified subsistence users only in 2021, the situation has become even more difficult for Chignik Area residents. The Council remains concerned that without healthy salmon returns the communities of the Chignik area will not be able to survive. The Council advocates for Federal funding of research on declining King Salmon and requests that the Chignik Area Fishery issue remain at the forefront of the Board's attention.

4. Bear Predation

The Council would like to bring to the Board's attention the recent issue of a growing bear population. Bears have become an increasing concern for subsistence users, especially around

¹ Oke, K.B., Cunningham, C.J., Westley, P.A.H. et al. Recent declines in salmon body size impact ecosystems and fisheries. Nat Commun 11, 4155 (2020). <https://doi.org/10.1038/s41467-020-17726-z>

² The Federal Subsistence Board FY2020 Annual Report Reply, page 3.

the Nushagak area. Several Council members reported seeing high numbers of bears in general, and sows with cubs in particular (in one case a sow had four cubs) in many different areas across the region. Bear numbers are higher than they have ever seen before. According to the Alaska Department of Fish and Game study from summer 2021, only 5 of 65 collared moose calves survived by mid-July, which may indicate increased predation. The Council is concerned that with the dwindling salmon returns, the danger of increased bear predation on moose and caribou is high. There is a potential need for introducing regulatory change requests as it appears that current State regulations are not able to resolve the situation; however, the Council members are hoping to discuss this in more detail with the Fish and Game Advisory Committees.

5. Shore Bird Die Off

The Council is concerned about continuing sea bird die off. Sea birds are one of the important subsistence resources in the Bristol Bay Region. In 2019, 9,200 dead birds (mostly short-tailed shearwaters) were found along the shores of Bristol Bay; in most cases birds appeared starved to death. The sea bird mortalities in the region continued in 2021. The Council members observed that a majority of the deaths happen in the fall towards the end of the salmon season. The Council requests to receive the most recent research information and reports on these die off events and what if anything can be done to address it.

6. Consolidation of Teleconference and MS Teams Video Conferencing

Currently the Council meetings are conducted primarily via audio teleconference with an option to join the meeting for visual information via Microsoft Teams. It works for some Council members who have computers and a cell phone or landline phones right next to it, but this parallel set up creates some confusion at times. The Council is requesting that the Board direct OSM to research the possibility of consolidating both audio and video portions of the meeting into one platform, for example such as Microsoft Teams, and still be able have an official recording of the meeting by court reporter.

7. Thank you to OSM Staff and Need to Fill the Council Coordinator Position

The Council would like to express its gratitude to its former Council Coordinator, Donald Mike, who retired in the summer 2021. We thank the Office of Subsistence Management for providing such a fantastic coordinator, we cannot say enough good things about Mr. Mike's work on behalf of the Council. The Council also thanks Robbin La Vine, Subsistence Policy Coordinator, for stepping in and doing a great job facilitating the meeting, and Katya Wessels, Council Coordination Division Supervisor, for all of the assistance with organizing and running the meeting. The Council hopes that the Office of Subsistence Management will be able to hire a replacement Coordinator very soon and that the new Coordinator is familiar with the Bristol Bay Region and will be able to help the Council to move forward.

8. Need to Fill All Vacant Seats on the Council

This ten-member Council currently has four vacant seats, which does not provide for adequate representation of all parts of the region on the Council. The Council requests the Federal

Subsistence Program support in filling the vacant seats and maintaining the Council's membership. The Council especially needs representation from the Togiak area and also from either Southern Bristol Bay and/or Chignik area.

9. ANILCA vs Agency Specific Regulations

The Council wants to follow up on the issue regarding how the Federal Subsistence Board makes its decisions on regulatory proposals when agency-specific regulations are in conflict with ANILCA. This issue was raised for the first time in the Council's FY-2019 Annual Report. For example, ANILCA § 811(b) permits the use of snowmobiles for subsistence purposes. Multiple existing Federal agency regulations are in conflict with ANILCA regarding subsistence hunting of caribou, wolves, and wolverine.

In its FY-2019 Annual Report reply the Federal Subsistence Board replied that it concluded "that it would ask the Secretary of the Interior to provide a policy on resolving issues when laws are in conflict." Furthermore, the Federal Subsistence Board said, "Currently, several Board members (BLM, FWS, and NPS) are raising this issue with the Secretary's representative. Your Council will be notified as soon as we know more." The Council inquires if the Federal Subsistence Board received an aforementioned policy from the Secretary of the Interior or if any other information was received from the Secretary's representative? The Council seeks an explanation and reasoning behind how the Board currently votes and how it makes the decision when existing Federal regulations conflict with ANILCA.

The Bristol Bay Subsistence Regional Advisory Council appreciates the Board's attention to these matters and the opportunity to assist the Federal Subsistence Management Program in meeting its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. The Council looks forward to continuing discussions about the issues and concerns of subsistence users in the Bristol Bay Region. If you have any questions regarding this report, please contact me via Katerina (Katya) Wessels, Council Coordination Division Supervisor, Office of Subsistence Management, at katerina_wessels@fws.gov, or 1-800-478-1456 or 1-907-786-3885.

Sincerely,

Nanci Morris Lyon
Chair

cc: Federal Subsistence Board
Bristol Bay Subsistence Regional Advisory Council
Sue Detwiler, Assistant Regional Director, Office of Subsistence Management
Amee Howard, Deputy Assistant Regional Director, Office of Subsistence Management
Robbin La Vine, Subsistence Policy Coordinator, Office of Subsistence Management
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Scott Ayers, Fisheries Division Supervisor, Office of Subsistence Management

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Jonathan Vickers, Anthropology Division Supervisor, Office of Subsistence Management

Interagency Staff Committee

Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game

Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game

Administrative Record

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