EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Meeting Materials - Book 1

October 5-6, 2022
Fairbanks

What's Inside

On the cover...

A boat travels up the Yukon River in front of the picturesque Calico Bluff, the grand entrance to Yukon-Charley Rivers National Preserve when traveling downriver from Eagle.

NPS photo by Sean Tevebaugh

What's Inside

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Pike's Waterfront Lodge
Fairbanks, AK
October 5-6, 2022
convening at 9:00am daily

TELECONFERENCE: call the toll-free number: **1-866-326-9183**, then when prompted enter the passcode: **48576438**

PUBLIC COMMENTS: Public comments are welcome for each agenda item and for regional concerns not included on the agenda. The Council appreciates hearing your concerns and knowledge. The Chair will identify the opportunities to provide public comments. If attending the meeting in person, please fill out a public comment form. Time limits may be set to provide opportunity for all to testify and keep the meeting on schedule.

PLEASE NOTE: These are estimated times and the agenda is subject to change. Contact staff for the current schedule. Evening sessions are at the call of the Chair.

AGENDA

*Asterisk identifies action item.

1. **Invocation**
2. **Call to Order** (*Chair*)
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4. **Welcome and Introductions** (*Chair*)
5. **Review and Adopt Agenda*** (*Chair*)..... 1
6. **Review and Approve Previous Meeting Minutes*** (*Chair*)
   a. Winter 2022 Meeting Minutes 5
   b. March 16, 2022 Joint Southcentral-Eastern Interior Meeting Minutes 17
7. **Reports**
   a. Council Member Reports
   b. Chair's Report
8. **Service Awards** (*Council Coordinator*)
9. **Public and Tribal Comment on Non-Agenda Items** (available each morning)
10. **Old Business** (*Chair*)
    a. 805(c) Report – summary (*Council Coordinator*) 24
    b. Board FY2021 Annual Report Replies – summary (*Council Coordinator*) 31
    c. Council Correspondence Update (*Council Coordinator*) 264
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11. New Business *(Chair)*

12. Agency Reports (Time limit of 15 minutes unless approved in advance)

a. Tribal Governments

b. Native Organizations
c. Yukon River Drainage Fisheries Association
d. U.S. Fish and Wildlife Service
    i. Tetlin NWR
    ii. Yukon Flats NWR
    iii. Arctic NWR
a. National Park Service
    i. Denali National Park and Preserve 259
    ii. Wrangell-St. Elias National Park and Preserve
    iii. Yukon-Charley Rivers National Preserve
b. Bureau of Land Management
    i. Eastern Interior Field Office
c. Alaska Department of Fish and Game
    i. Division of Wildlife Conservation
d. Office of Subsistence Management

13. Future Meeting Dates*

a. Confirm Winter 2023 meeting date and location 262
b. Select Fall 2023 meeting date and location 263

14. Closing Comments

15. Adjourn (*Chair***)**

To call into the meeting, dial the toll free number: **1-866-326-9183**, then when prompted enter the passcode: **48576438**

Reasonable Accommodations
The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Brooke McDavid, 907-891-9181, brooke_mcdavid@fws.gov, or 800-877-8339 (TTY), by close of business on September 28, 2022.

REGION 9
Eastern Interior Alaska Subsistence Regional Advisory Council

Seat	Year Appointed *Term Expires*	Member Name and Community
1	2001 ***2022***	**Susan L. Entsminger** **Chair** Mentasta
2	2021 ***2022***	**Jody A. Potts** Fairbanks
3	2020 ***2022***	**Linda M. Evans** Rampart
4	2020 ***2022***	**Nicholas W. Henry** Chalkyitsik
5	2005 ***2023***	**William L. Glanz** **Vice Chair** Central
6	2002 ***2023***	**Andrew W. Bassich** Eagle
7	2017 ***2023***	**Robert C. Wright, Sr.** Rampart
8	2017 ***2024***	**Charlie Jagow** Porcupine River
9	2004 ***2024***	**Donald A. Woodruff** **Secretary** Eagle
10	2021 ***2024***	**Will M. Koehler** Delta Junction

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Meeting Minutes

Via Teleconference
March 8-9, 2022

Invocation

Jody Potts-Joseph gave an invocation.

Call to Order, Roll Call and Quorum Establishment

The meeting was called to order March 8, 2022 at 9:13am. Council members Sue Entsminger, Andrew Bassich, Linda Evans, William Glanz, Nicholas Henry, Charlie Jagow, Will Koehler, Jody Potts-Joseph, Donald Woodruff, and Robert Wright were present. The Council has no vacant seats. A quorum was established with ten of ten seated Council members present.

Attendees:

Via teleconference

Office of Subsistence Management (OSM)

- Anchorage: Katya Wessels, Scott Ayers, Cory Graham, Pippa Kenner, Liz Williams, Dr. Jason Roberts, Robbin La Vine, Theo Matuskowitz
- Fairbanks: Brooke McDavid

US Fish and Wildlife Service (USFWS)

- Anchorage: Holly Carroll, Jill Klein
- Fairbanks: Gerald Maschmann

National Park Service (NPS)

- Wrangell St. Elias National Park and Preserve: Dr. Barbara Cellarius, Judy Putera, Dave Sarafin
- Denali National Park and Preserve: Amy Craver, Bridget Borg
- Gates of the Arctic National Park and Preserve: Marcy Okada
- Regional Office: Victoria Florey

Bureau of Land Management, Fairbanks: Jim Herriges

Alaska Department of Fish and Game:

- Division of Sport Fisheries, Fairbanks: Lisa Stuby
- Division of Commercial Fisheries, Fairbanks: Deena Jallen, Christie Gleason, Shane Ransbury, Samantha Decker

Bureau of Indian Affairs, Anchorage: Dr. Glenn Chen

US Forest Service, Anchorage: Greg Risdahl

Tribal Organizations:

- Tanana Chiefs Conference: Bruce Ervin
- Yukon Intertribal Fish Commission: Brooke Woods
- Council of Athabascan Tribal Governments: Bruce Thomas
- Ahtna Intertribal Resource Commission: Karen Linnell

Other Organizations:

- Yukon River Drainage Fisheries Association: Serena Fitka
- Jim Simon Consulting Group: Dr. Jim Simon

Public:

- Dorothy Shockley, Manley Hot Springs/Fairbanks
- Amanda Pope, Circle
- Carrie Stevens, Fairbanks

Review and Adopt Agenda

Motion by Mr. Woodruff, seconded by Mr. Wright, to adopt the agenda as presented with the following changes:

- Move up Temporary Fisheries Special Action FSA22-01, 02, 03, and 04 to agenda item 12C
- Addition of agenda item 12D US Fish and Wildlife Yukon River Presentation
- Nome River Creek Grayling Project presentation was moved up to agenda item 12E
- Addition of agenda item 12G Joint Letter from Yukon Kuskokwim Delta, Western Interior, Seward Peninsula, and Eastern Interior Regional Advisory Councils to the North Pacific Fisheries Management Council on bycatch
- Addition of agenda item 12J House Trapping Bill H.R.4716 Refuge from Cruel Trapping Act
- Addition of Tanana Chiefs Conference report under agenda item 13B
- Addition of Yukon Flats National Wildlife Refuge Report under agenda item 13D

The motion passed unanimously.

Election of Officers

Ms. Sue Entsminger was elected the Council's Chair
Mr. Robert (Charlie) Wright was elected the Council's Vice Chair
Ms. Jody Potts-Joseph was elected the Council's Secretary

Review and Approve Previous Meeting Minutes

Motion by Mr. Woodruff, seconded by Mr. Glanz, to approve the fall 2021 meeting minutes as presented.

The motion passed unanimously.

Overview of 2021 Council Charter Changes

Ms. Wessels provided an overview of 2021 Council Charter changes. Changes to the charter included:

- Addition of a clause on carryover terms in Section 12 to avoid temporary vacancies on the Council when member terms expire and Secretarial appointments have not yet been made
- Removal of two clauses in Section 4 with no relevance to the Council's duties and authorities under Title VIII of ANILCA

The Council discussed subsection 8(d) of the charter which states that the Designated Federal Officer (DFO) can adjourn a Council meeting at any time if it is in the public interest. Council members did not feel this is necessary and that it should be the Chair's responsibility; however, Ms. Wessels informed the Council that the clause cannot be removed because it is stipulated in the Federal Advisory Committee Act (FACA). Council members requested to be sent the section of FACA that pertains to the authority of the DFP to adjourn meetings in the public interest.

Council Member and Chair Reports

William (Bill) Glanz of Central reported that he has had major issues with telephonic meetings and adamantly feels the Council needs to return to in-person meetings. Mr. Glanz stated that there has been a lack of moose in the Central area because they have been over-hunted. Caribou are still in the area. Hunters leaving piles of guts on the roadside remains an on-going issue along the Steese Highway.

Donald (Don) Woodruff of Eagle reported on an ADF&G study about *Ichthyophonus* that will start soon and continue for three years. He expressed concerns about the sustainable escapement of Chinook and fall Chum salmon in Yukon River Districts 5 and 6 and emphasized the importance of escapement for rebuilding the stock. Mr. Woodruff would like to see monitoring of age two and three Chinook Salmon at sea, and specifically in Bristol Bay, to better understand their survival rates. Chinook Salmon are maturing earlier, and many are returning at age four. He also expressed concerns about the sustainability of the Fortymile Caribou Herd in the White Mountains because of possible overgrazing and degradation of habitat.

Andrew (Andy) Bassich of Eagle shared his concerns about the low returns of Chinook Salmon and fall Chum Salmon. Fall Chum declines heavily impact Eastern Interior residents who have dog teams. He is concerned that not being able to fish for fall Chum Salmon may contribute to further declines in the traditional lifestyle of having dog teams. Mr. Bassich suggested that residents of the Yukon River should be prepared to forego or reduce harvest of Chinook Salmon to minimums for one to two life cycles (6-12 years) if they want to see the runs successfully rebuild. In regard to caribou, he has hardly seen any in the Eagle area this winter. This has exacerbated food security hardships given the lack of salmon already experienced. He has seen much moose sign this winter and hopes that it is a sign the numbers are increasing and is not just due to the deep snow.

Robert (Charlie) Wright, Sr. of Rampart reported that the lack of Chinook Salmon and moose is causing hardships. He would like to see more effort taken to count moose in areas with lower moose abundance, as opposed to focusing counts only in more highly populated areas. Mr. Wright explained that he has had to travel to hunt in the Nowitna River drainage during the past decade because of the low moose counts along the Yukon corridor, but for the past two years the moose numbers have been low there too. There was not much trapping in Rampart this year due to extreme snow levels making it difficult to get around. People along the Yukon River have been sacrificing, and continue to sacrifice, their salmon harvests so that the salmon continue future generations. Mr. Wright submitted a temporary fisheries special action request for the Federal government to take over management of the Yukon River salmon fishery in Federal waters. He hopes this will allow some salmon fishing opportunity for Federally qualified subsistence users if the run comes in better than in 2021.

Linda Evans of Rampart reported that high snow levels have made the subsistence lifestyle harder this winter. There's been a lack of subsistence resources for years in her area. The lack of ability to get any salmon is really hard. Families are travelling to the Copper River for salmon, and there are issues with the runs there too. Ms. Evans stated that people living the subsistence lifestyle need to figure out how to rebuild subsistence food resources. She suggested gardening and learning to gather traditional plants that people used to eat as a way to supplement hunting and fishing.

Charles (Charlie) Jagow of the upper Porcupine River reported that the Porcupine region has gotten a lot less snow than other parts of the region. Caribou were scattered in the upper Porcupine and Coleen River areas in February, but they have moved west. Mr. Jagow was excited to see a decent number of moose this winter and is encouraged by high calf survival rates. There has been a lot of regrowth from recent burns in the region and martin numbers have been increasing.

Jody Potts-Joseph of Stevens Village reported that she now splits her time between her fish camp on the Yukon River and Stevens Village. She is glad to be on the Council and to carry on the work of her late Uncle Isaac Juneby, who served on the Council in the past. Ms. Potts-Joseph expressed concerns about food security and economic issues related to lack of fish and difficulty finding moose and caribou. This is causing people to struggle. She recognizes the issues that the Copper River watershed is also having with salmon returns and with people from the Yukon region traveling there due to closures. Ms. Potts-Joseph said that there are lots of dog teams in Stevens Village, and mushers are struggling with the lack of salmon and the inability to get dogfood into the village on a regular basis. She reported that there have been a lot of wolves in the Stevens Village area this winter and some have come into the community. The snow is waist deep and temperatures have been very cold.

Will Koehler of Delta Junction reported that they have had a real winter this year, but without the extreme snow that others in the region have been reporting. Chisana caribou have moved in around them this winter. Mr. Koehler is hoping the low snow levels in the mountains will help the local sheep populations this year. He acknowledged that living out in rural areas is difficult and hard to make sustainable, and he commended other Council members for their commitment to protecting subsistence resources and traditional lifestyles.

Nicholas Henry of Chalkyitsik stated that he had nothing to report.

Susan (Sue) Entsminger of Mentasta reported that she participates in local ADF&G Advisory Committee meetings and serves on the Wrangell-St. Elias SRC. She said that SRC members voted unanimously against deferred fish proposal FP21-10. Ms. Entsminger noted there has also been lots of snow in her area this winter which has been tough on trappers as the trails are very bad. Deep snow has also been impacting moose. Although there was not rain this winter in her area, it has been an issue the past few years, and has been affecting the sheep populations. She expressed a desire to see more sheep research completed.

Public and Tribal Comments on Non-agenda Items

Karen Linnell with Ahtna Inter-Tribal Resource Commission (AITRC) spoke about the organization's efforts to successfully implement the community harvest system with Federal partners. She said that the project for which AITRC received Fisheries Resource Monitoring Program (FRMP) funding was completed in the fall. Current AITRC projects include: an ethnography about the use of Wrangell-St. Elias National Park and Preserve; documenting traditional ecological knowledge about changing snow and ice conditions, as well as caribou; Town Lake restoration planning; eDNA sampling to monitor salmon; a sonar project with Native Village of Eyak on the Klutina River; a smolt out-migration study on the Klutina River; and a carnivore study in GMU 13. Later in the meeting, Ms. Linnell expressed concerns about the lack of public comment allowed when the Council discussed Fisheries Special Action Request FSA22-01/02/03/04. She also requested that the RAC Handbook be published on the OSM website so the public has access to it. Following Ms. Linnell's comments, the OSM staff reminded the Council that the Chair allowed opportunity for public comment on FSA22-01/02/03/04 and that there would be additional opportunity for public comments during future public hearings.

Jim Simon, consultant with AITRC and Tanana Chiefs Conference, gave an update about his efforts to analyze historical subsistence harvest data and changes to salmon harvests over time. He plans to share a summary of his final results with the Council after they are reviewed by the Yukon and Kuskokwim Intertribal Fish Commissions.

Bruce Ervin of Northway provided information to the Council about the Dennison Headwaters Remote Recreational cabin staking program and land sale proposed State of Alaska along the Taylor Highway. He requested the Council's support in opposing the land sale because of the importance of the area to residents of the Upper Tanana Region for subsistence.

- Motion by Mr. Bassich, seconded by Ms. Potts-Joseph, to oppose the Dennison Headwaters Remote Cabin Staking program and to write a letter to the State of Alaska expressing the Council's opposition. The Council opposes the proposed cabin staking and land sale program due to the importance of the area for multiple subsistence uses including hunting, fishing, and gathering. The influx of hunters from other regions who travel to hunt moose and caribou on the

Taylor Highway has been an on-going and major concern for the Council. The Council has continually voiced concerns about safety, hunter ethics, and wasteful meat care practices of these hunts. The Council has been working with land and wildlife managers and other stakeholders in recent years to develop a Hunter Ethics education and outreach program to address some of these concerns. It is the Council's opinion that allowing recreational cabin staking along the Taylor Highway will only further exacerbate the issues they are actively working to improve. Land sales in the Dennison Headwaters area will cause further user conflicts by creating private property inholdings amongst heavily utilized public lands. It also encourages sprawl and further development and could lead to further negative impacts to subsistence in the future.

Motion passed with eight votes in support. One member abstained and one member was absent.

Carrie Stevens of Fairbanks brought *Joint Secretarial Order 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters* to the Council's attention. She stated her surprise that a copy of the Order was not included in the Council meeting materials. Ms. Stevens also expressed concerns about limitations on public and Tribal engagement at Council meetings and questioned whether meaningful participation and opportunity for public comment was being promoted. She also asked for authors of some meeting materials to be identified. Following Ms. Stevens comments, the Council requested that they receive a copy of Joint Secretarial Order 3403 and staff provided a copy to all members.

Old Business

Tabled Wildlife Proposal 22-36

Ms. Kenner presented the analysis for tabled Wildlife Proposal 22-36 to the Council. This proposal was first brought before the Council at the fall 2021 meeting, but it was tabled so that OSM and the proponent AITRC, could develop and clarify regulations, including the use of designated hunters in the AITRC-administered community harvest system (CHS) and language specifying what lands in Unit 12 would be included in the CHS. OSM added an addendum to the analysis with modified regulatory language.

- Motion by Mr. Koehler, seconded by Ms. Potts-Joseph, to **support WP22-36 as modified by OSM in the analysis addendum with further modification** to the Unit 12 area descriptor to include Federal public lands south of the Tok River bridge along the Tok Cut-off.
- The Council discussed the overall proposal, the changes discussed by the SCRAC, and the OSM addendum. The Council supported most of the OSM modifications, but supported a different boundary for the Unit 12 area from what is presented in the analysis to better reflect the boundaries of the Ahtna traditional use territory and to make the boundary a clearer landmark for hunters.

The motion passed on a unanimous vote.

Deferred Fisheries Proposal FP21-10

Mr. Ayers presented an update on deferred fisheries proposal FP21-10, which requests the Federal Subsistence Board implement a subsistence salmon fishery in the lower Copper River. FP21-10 was originally presented to the Council at the fall 2020 meeting and the Council opposed the proposal. The Board deferred action on the proposal at their January 2021 meeting and requested that the Southcentral and Eastern Interior Regional Advisory Councils meet to work toward a compromise. A joint meeting between the two Councils will be held March 16, 2022.

Hunter Ethics Education and Outreach

Ms. Wessels provided an overview of past Hunter Ethics Education and Outreach efforts. There has not been progress on this initiative since 2019 due to staff shortages and the COVID-19 pandemic. Efforts will be made to resume this initiative soon since a new Council Coordinator has been hired.

Ms. Amanda Pope gave an update to the Council on her work as a hunter liaison. Council members commended Ms. Pope for her hunter outreach work and hope that government agencies will expand hunter liaison programs in the future.

New Business

Fisheries Resource Monitoring Program Update

Mr. Cory Graham presented the Council with the Fisheries Resource Monitoring Program update and asked if any Council Members would like to volunteer to help develop priority information needs for the next call for proposals. Mr. Bassich, Ms. Evans, and Mr. Woodruff volunteered.

Fisheries Temporary Special Action FSA22-01/02/03/04

Mr. Graham provided an overview of Fisheries Temporary Special Action FSA22-01/02/03/04, which requests the Federal Subsistence Board to close the Yukon River drainage to the harvest of Chinook and summer and fall Chum salmon except by Federally-qualified subsistence users and to further reduce the pool of Federally-qualified subsistence users based on an ANILCA Section 804 analysis. The Council engaged in a lengthy discussion with agency staff about the details of this request and also heard public comments about the request.

- Motion by Mr. Wright, seconded by Mr. Glanz, to **support FSA 22-01/02/03/04 with modifications** to include Coho Salmon and to exclude the Black River drainage (in the Yukon Delta National Wildlife Refuge). The Council supports this special action request due to on-going concerns about Yukon River salmon abundance. Low run sizes have resulted in fishing restrictions in recent years, and in 2021, a complete closure of the subsistence salmon fishery on the Yukon River. This has created extreme hardship for rural residents of the region to meet their

subsistence needs. This special action request will help ensure a subsistence priority if there is a harvestable surplus for salmon. The Council also supports the effort of this special action request to bring attention to the current issues surrounding Yukon River salmon management and to try and bring about change.

The Council supports the modifications suggested by other Regional Advisory Councils to include Coho Salmon, since it is also an important subsistence salmon species, and to exclude the Black River because that drainage is used for subsistence salmon fishing by coastal community residents who do not yet have a customary and traditional use determination for Chinook and summer Chum salmon.

The motion passed with six votes in favor to two against with two members absent.

Call for Federal Fish and Shellfish Proposals

Mr. Graham informed the Council that the Board will be accepting proposals to change Federal regulations for the subsistence harvest of fish and shellfish on Federal public lands and waters for the 2023-2025 regulatory years for a period of at least 30 days upon the publication of the proposed rule in the Federal Register. The Board will consider proposals to change Federal subsistence fish and shellfish seasons, harvest limits, methods, and means related to taking of fish for subsistence uses, as well as customary and traditional use determinations. The Council did not develop any fisheries proposals for submission.

Fisheries Closure Review Discussion

Mr. Graham presented to the Council the information the Fisheries Closure Reviews that will come for Councils review and action during the fall 2022 meeting. Two closure reviews will be presented to the Council for their consideration at the fall 2022 meeting. The closures are for Nome Creek and the Delta River.

Joint letter to the North Pacific Fishery Management Council on bycatch

Ms. Wessels presented a draft of a joint letter from the Yukon Kuskokwim Delta, Seward Peninsula, Western Interior, and Eastern Interior Regional Advisory Councils to the North Pacific Fisheries Management Council (NPFMC). The Council voted to be a signatory to the letter at the fall 2021 meeting. The draft letter requests lower limits for salmon bycatch in marine fisheries as well as the creation of two seats on the NPFMC for subsistence representatives.

- Motion by Mr. Bassich, seconded by Mr. Wright, to **support the joint letter with modifications** to:
    1. Require 24/7 video monitoring on pollack fishing vessels
    2. Limit bycatch to 10,000 Chinook Salmon and 150,000 Chum Salmon

3. Add two Tribal or subsistence seats to the NPFMC with no affiliations to CDQs or the pollock industry

The motion passed on a unanimous vote.

- Additional motion by Mr. Bassich, seconded by Mr. Wright, to write a separate letter to the NPFMC and ADF&G requesting they reestablish genetic testing in the Area M June fisheries for fall Chum Salmon and try to identify the impacts of bycatch of fall Chum Salmon bound for the Yukon River fisheries.

  The motion passed on a unanimous vote.

Call for Non-rural Determination Proposals

Ms. Liz Williams informed the Council that the Board will soon be accepting proposals to change community statuses in Federal regulations from non-rural to rural or from rural to non-rural. The call for proposals will be open for at least 30 days. Non-rural determination proposals are accepted every other fisheries regulatory cycle (every four years). The Council did not develop any non-rural determination proposals.

Review and approve FY2021 annual report

Ms. Katerina Wessels provided a summary of the draft annual report to the Council and requested feedback from the Council on any changes or additions to the report.

- Motion by Mr. Wright, seconded by Mr. Jagow, to **approve the annual report as amended**. Amendments included an addition to Topic 1 about Yukon River salmon to express concerns about bycatch and a request for genetic monitoring of bycatch.

  The motion passed on a unanimous vote.

- Later in the meeting another motion was made by Mr. Wright, seconded by Mr. Jagow, to add a new topic to the 2021 Annual Report outlining the Council's opposition to HR 4716 Refuge from Cruel Trapping Act of 2021.

  The motion passed on a unanimous vote.

HR 4716 Refuge from Cruel Trapping Act of 2021

Mr. Shawn Bayless provided an overview of HR 4716 to the Council. The Bill was introduced by Rep. Nadler of New York and seeks to end the use of body-gripping trapes on National Wildlife Refuges. It is

uncertain how the Alaska National Interest Lands Conservation Act (ANILCA) would affect enforcement of HR 4716, if passed.

- Motion by Mr. Wright, seconded by Mr. Jagow, to write a letter to the Board outlining the Council's opposition to HR 4716 Refuge from Cruel Trapping Act of 2021 and asking the Board to forward it on to the House of Representatives and the Natural Resources Committee. The Council opposes HR 4716 because trapping is an important aspect of a subsistence lifestyle. Many Alaskans trap on Federal public lands, including National Wildlife Refuge lands, and make a living selling furs. Others use the furs themselves for sewing traditional garments. HR 4716 is in direct opposition of ANILCA.

  The motion passed on a unanimous vote.

Federal Subsistence Board Annual Report Reply Process Review and Revision Discussion and Council comments and feedback

Mr. Scott Ayers notified the Council that the Board is seeking feedback on the annual report reply process to improve communications between the Board and Regional Advisory Councils. The authority of Councils to submit an annual report to the Board is outlined in ANILCA, but ANILCA does not contain anything about the Board's reply to Councils. The Interagency Staff Committee suggested that annual reports should be maintained as a way to inform the Board of local conditions, issues, and needs. The ISC proposed that letter writing should serve as a way to request responses from the Board on topics of concern for which the Council seeks more direct and timely responses.

The Council did not feel that any changes need to be made to annual report replies or letter writing process. They would still like to receive replies to the annual report from the Board.

Receiving Public Testimony Protocol – Guided Discussion

Mr. Ayers led the Council in a guided discussion about their preferences for receiving written and oral public testimony at Council meetings.

The Council noted that they were open to all comments, oral or written – not summarized. They prefer no deadlines for public comments because sometimes people do not hear about issues or meetings until last minute. The Council also noted that comments should be able to be provided in written form at the meeting to account for those people who are not able to stay at the whole meeting. The Chair suggested that longer comments can be printed and provided to the Councils in their entirety but summarized at the meeting for sake of time. One Council member suggested putting notices on the radio to encourage public comments. Another Council member stated the usefulness of having public comments on proposals in the meeting book so they can understand the viewpoints of long-term residents. The Council would still like to see comments on proposals that are turned in after the deadline even if they don't make

it into the meeting book. One Council member suggested that public comments could be accepted through the OSM website and be publicly visible there as well.

Briefing and Council comments on proposed actions to automate Federal subsistence permits

Mr. Ayers briefed the Council on proposed actions to automate Federal subsistence permits.

Council felt that online or "e-permits" should be an option, but that online permits should not fully replace paper permits since rural residents often do not have internet access or access to printers. Additionally, the Council felt that online-only permits would be difficult for some elders to obtain. The Council further suggested that agency staff should try to assist hunters to get permits in as many ways as they can, including mailing permits to hunters if they are unable to print online or go into an agency office. Overall, the Council supports multiples ways of obtaining permits for maximum flexibility and ease on the part of the public.

Briefing on the Secretarial regulations proposing the inclusion of identified submerged lands in the Tongass National Forest

Mr. Ayers briefed the Council on Secretarial regulations proposing the inclusion of identified submerged lands in the Tongass National Forest. The Council did not discuss the topic further as the Tongass National Forest is far from their local region.

Agency Reports:

- *Yukon River Salmon Fishery* update presented by Holly Carroll, USFWS and Deena Jallen and Christie Gleason, ADF&G, Division of Commercial Fisheries
- *Nome/Beaver Creek Grayling Project* update presented by Lisa Stuby, ADF&G, Division of Sport Fisheries
- *Tribal Resource Stewardship Program Report* presented by Bruce Ervin and Brooke Woods, Tanana Chiefs Conference
- *Yukon River Drainage Fisheries Association* update presented by Serena Fitka
- *Tetlin National Wildlife Refuge Winter 2022* update presented by Shawn Bayless
- *Yukon Flats National Wildlife Refuge* update presented by Jimmy Fox
- *Wrangell-St. Elias National Park and Preserve Report* presented by Dr. Barbara Cellarius, Dave Sarafin, and Judy Putera
- *Yukon-Charley Rivers National Preserve* update presented by Marcy Okada
- *Denali National Park* update presented by Bridget Borg
- *Bureau of Land Management* update presented by Jim Herriges, Eastern Interior Field Office
- *Office of Subsistence Management* update presented by Scott Ayers

Future Meeting Dates:

The Council confirmed their fall 2022 meeting dates as October 5-6, 2022 in Fort Yukon.

The Council confirmed their winter 2023 meeting dates as March 1-2, 2023 in Arctic Village.

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Brooke McDavid, Council Coordinator for Katya Wessels, Designated Federal Officer
USFWS Office of Subsistence Management

_____

Sue Entsminger, Chair
Eastern Interior Alaska Subsistence Regional Advisory Council

These minutes will be formally considered by the Eastern Interior Subsistence Regional Advisory Council at its fall 2022 meeting, and any corrections or notations will be incorporated in the minutes at that meeting.

A more detailed report of this meeting, copies of the transcript, and meeting handouts are available upon request. Call Brooke McDavid at 1-800-478-1456 or 907-891-9181, email brooke_mcdavid@fws.gov.

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL
EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Joint Meeting Minutes

Via Teleconference
March 16, 2022

Invocation

Sue Entsminger gave an invocation.

Call to Order, Roll Call and Quorum Establishment

The meeting was called to order Wednesday, March 16, 2022, at approximately 9:00 a.m. Southcentral Alaska Subsistence Regional Advisory Council (Southcentral Council) members Donna Claus, Greg Encelewski, Ed Holsten, Heath Kocan, Michael Rego, Hope Roberts, Diane Selanoff, Gloria Stickwan, Angela Totemoff, Donna Wilson, and Dennis Zadra were present via teleconference. Andrew McLaughlin and Michael Opheim were not present and were excused. Eastern Interior Alaska Subsistence Regional Advisory Council (Eastern Interior Council) members Andy Bassich, Sue Entsminger, William Glanz, Charles Jagow, Will Koehler, Jody Potts-Joseph, and Donald Woodruff were present via teleconference. Linda Evans, Nicholas Henry, Robert Wright, Sr., were not present and some were excused. A quorum for Southcentral Council was established with 11 of 13 seated Council members participating by phone. A quorum of Eastern Interior Council was established with 7 of 10 seated Council members participating by phone.

Attendees:

- Office of Subsistence Management (OSM): ***Sue Detwiler, Amee Howard, Robbin La Vine, Katerina Wessels, Brooke McDavid, Tom Kron, Dr. Jonathan (Brent) Vickers, Dr. Jason Roberts, Scott Ayers, Justin Koller, Jarred Stone, George Pappas, and Karen Hyer***
- National Park Service (NPS), Anchorage: ***Sarah Creachbaum, Kim Jochum, Barbara Cellarius, Mark Miller, Dave Sarafin, Victoria Florey, and Dillon Patterson***
- USDA - Forest Service (USFS): ***David Schmid, DeAnna Perry, Greg Risdahl, Bret Christensen, Steve Namitz, Ruth D'Amico, Milo Burcham, Stormy Haught, Heather Thamm, and Andrew Morse***
- Bureau of Indian Affairs (BIA): ***Glenn Chen*** and ***Pat Petrivelli***
- U.S. Fish & Wildlife Service: ***Jill Klein***
- Bureau of Land Management (BLM): ***Paul (Chris) McKee***
- Members of the Public: ***no members of the public identified themselves on the record***

Review and Adopt Agenda

Motion by Ms. Diane Selanoff, seconded by Mr. Don Woodruff, to adopt the agenda as written. The motion passed unanimously.

Welcome and Introductions

Sarah Creachbaum, Regional Director, National Park Service, introduced herself and thanked all Council members for meeting on this issue. Dave Schmid, Regional Forester, USDA-Forest Service, also introduced himself and reminded the Councils of the Federal Subsistence Board's (Board) action on Fisheries Proposal FP21-10: the Board hoped the Councils would have a robust discussion to see if there were any opportunities to either modify FP21-10 or propose any other change that might improve the proposal. He noted that it was also acceptable if the joint Councils could not come to an agreement/consensus/compromise. He thanked all Council members for their service and recognized the extra work required of Council members to attend this meeting in addition to their individual respective Council meetings this winter.

Old Business – Fisheries Proposal FP21-10

Deferral and Charge from Federal Subsistence Board

DeAnna Perry, designated Federal official for the meeting, USFS, reminded everyone that Fisheries Proposal FP21-10 requested implementation of a salmon subsistence fishery in the lower Copper River adjacent to the Copper River Highway with a harvest limit of 15 salmon other than Pink Salmon for the first two members of a household and 10 salmon for additional household members, with not more than five Chinook Salmon per household, using dip net, rod and reel, spear, or gaff only. Ms. Perry then provided an overview of the history of this proposal since its submission, outlining the actions taken by the Councils and the Board throughout the regulatory process. During this overview, there were a few questions regarding biology and historic use of dipnets that were fielded by staff. There was an additional question regarding access in the lower Copper River and also a comment that the Board should not be telling the Councils to come to a consensus when the Councils had already provided recommendations to the Board. Ms. Perry reiterated Board member Dave Schmid's earlier comment that it was acceptable if the Councils could not come to a compromise on this proposal.

Review of analysis and updated information

Stormy Haught, fish biologist for Chugach National Forest, USFS, presented the analysis for FP21-10 and shared data from recent years, which was in addition to the information provided when this proposal was first discussed by the Councils in the fall of 2020. Council members asked about the number of people expected would use this fishery, the location of bridges in the area, the expectations of meeting harvest and escapement goals in the future, reasons public comments were not included in the analysis, and what the process for increasing escapement goals on the Copper River for Chinook Salmon to mitigate for the

loss of fecundity due to smaller fish returning at a younger age. Numerous Federal and State staff addressed these questions.

Comparison Table of Lower Copper River Fishery Proposals

Ms. Perry explained that this document was prepared as a tool for the Council members to use for discussions on this proposal. The table included the details of a previous fishery proposal, a previous special action, and the current proposal, all of which were similar in that they proposed a fishery in the Copper River area. The table was organized with categories such as "harvest areas, seasons, reporting periods," etc., so that the Council members could compare these categories within each item at a glance. Staff thought this would be useful should the Councils wish to discuss and compare any one category across all three actions.

Gloria Stickwan, Southcentral Council member informed everyone that the Wrangell-St. Elias National Park and Preserve Subsistence Resource Commission met recently and unanimously opposed FP21-10 as written. She also referred to a chart created by Ahtna Intertribal Resource Commission regarding amounts necessary for subsistence under the State fisheries management, which had been shared with Council members just prior to this meeting.

Joint Council Deliberations on Deferred FP21-10

Each Council member who participated in the meeting was given an opportunity to provide comments on FP21-10, starting with Eastern Interior Council members. Some members read a prepared statement into the record. Two Southcentral Council members who could not be present at the meeting, previously provided written comments to the Chair to be read into the record.

Council members were reminded that each Council would have to take separate actions, even in the event of a compromise, because each Council is its own Federal Advisory Committee Act committee. As such, (1) each Council could provide an additional comment to their previous recommendation, (2) Southcentral Council could offer an additional recommendation, and/or (3) Eastern Interior Council could offer an additional comment. It was explained that because the Councils already voted on the proposal during the initial regulatory process and those recommendations and comments have already been forwarded to and considered by the Board, that today's action would not be a 're-vote,' but instead, would be an opportunity to provide additional recommendations/comments to the Board for supplemental consideration.

Eastern Interior Council Action: Motion by Mr. Andy Bassich, seconded by Ms. Jody Potts-Joseph, to support the OSM conclusions on FP21-10 with OSM modification. The motion failed 0-6, (4 absent – one Council member left the meeting prior to voting due to technical difficulties with his audio connection)

Eastern Interior Council Comments in Opposition:

- There are major conservation concerns for Copper River salmon and a new fishery should not be created when run sizes are declining and there is difficulty meeting escapement goals

- Alaska Department of Fish and Game lowered the escapement goal so that it looks like Copper River runs are doing okay, but management strategies are not working if escapement goals had to be lowered
- It is irresponsible to create a new fishery given all the changes in the marine environment where salmon rear. Cautious management is paramount due to the unknown impacts of climate change on Copper River salmon stocks.
- Fish are getting smaller in the Copper River. Because smaller females have less eggs, more fish need to reach the spawning grounds to ensure the viability of these runs into the future.
- Creating more opportunity in the lower river will put upper river subsistence fishers at a further disadvantage. Fishers in the Cordova region have tremendous opportunity to harvest multiple high quality salmon and other species, while fishing opportunity in the upper river is very limited.
- Food insecurity is a concern in the Interior region and additional harvest downriver could exacerbate this
- Dipnetting on the Copper River is not a customary and traditional fishery for Cordovans
- Not having a boat is not a reason to start a new fishery. The Eastern Interior Council members are concerned that this sets a precedent and new fisheries will be established every time someone says their subsistence needs aren't being met.
- The Eastern Interior Council members are concerned that some people in Cordova might be abusing subsistence opportunities and selling some subsistence caught salmon
- There has been a decline in the ability of residents of who live throughout the Copper River area to meet their subsistence needs in recent years
- Managers need to learn from the salmon declines on the Yukon River and the severe impacts that has had on Yukon River subsistence users. It would be sad to see the same thing happen on the Copper River.
- The Copper River is already experiencing increased numbers of users and that increase is already stressing the resource

There were no comments in support by the Eastern Interior Council.

Southcentral Council: Motion by Ms. Donna Claus to support the OSM conclusions on FP21-10 with OSM modification, seconded by Ms. Diane Selanoff, to support the OSM conclusions on FP21-10 with OSM modification. The motion failed 5-6, (2 absent)

Southcentral Council Comments in Opposition:

- There is already ample opportunity for subsistence salmon fishing in the Cordova area. Upper river residents only have the Copper River to fish on for salmon.
- The pandemic has passed and the same concerns for social distancing don't apply as when this proposal was introduced. If someone doesn't have a boat, they can once again go out with someone who does.
- People take care of each other. If someone doesn't have a boat to get the fish they need, someone will share salmon with them or allow them to fish with them.
- Salmon gets shared widely and passed out in Cordova. Native Village of Eyak is a great example of proxy subsistence community fishing under state rules.

- There is no history of anyone dipnetting in the Lower Copper River so a new fishery would not be providing for a traditional use
- Not a good idea to open a new fishery and increase opportunity when runs are declining, even if projected harvest would be small. Runs of both Chinook and Sockeye salmon are returning smaller and weaker fish.
- The State lowered escapement goals and still the run sizes have only been at the lower end of management objectives
- Subsistence salmon needs in the upper river are not being met
- This proposal will affect 23 communities who fish upriver from where the proposed fishery would occur
- Pursuant to data provided by the Ahtna Intertribal Resource Commission, in two of the 15 years from Gakona up to Batzulnetas and in 7 out of 15 years from Tonsina to Gakona, amounts necessary for subsistence have not been met
- Fishing would occur below the sonar before proper assessment of run size could occur
- The part of the river where this fishery is proposed would be difficult for anyone without a boat to access, so this will not increase opportunity for people without boats
- There are concerns that incidental catch will impact the stocks of King (Chinook) Salmon
- Opening new areas to make it easier to fish is not warranted in a declining fishery
- The current fisheries have too much use already

Southcentral Council Comments in Support:

- There is support for this proposal from many local residents and entities
- Adding a new fishing opportunity will not have an impact on escapement or upriver harvests, as harvest will be tiny compared to the other subsistence, personal use, and commercial fisheries take
- Not all community members can participate in the state subsistence fishery. This will give subsistence users who cannot afford a boat, gas, or gillnet a chance to catch some salmon.
- Will help people harvest subsistence salmon for their families and may especially help younger folks and elders
- This fishery isn't taking away from other fisheries or other opportunities for people to fish elsewhere, it just provides another place to harvest under a Federal subsistence fishery
- King (Chinook) Salmon incidentally caught in dip nets can be easily released so this fishery will not impact that species
- Dipnetting in other areas of Southcentral (such as those shared between the communities of Hope, Cooper Landing, and Ninilchik) have been successful without negatively impacting the resource. There was a lot of opposition for the Ninilchik gillnet, fear of decimating the fishery and harming King (Chinook) Salmon; however, this has not had a negative impact and has provided close to 4,000 fish for their community.
- During low runs, managers will be able to reduce or shut down this opportunity just like with other fisheries

- If fishing needs to be limited, personal and commercial use should be limited first. Subsistence users take a 'small piece of the pie' and should not have to fight each other over that small piece.
- Would help ensure opportunity is provided for all Federally qualified subsistence users and it is our duty as Council members to provide a priority for all Federally qualified rural subsistence users

Ms. Perry clarified that Councils were not voting on the proposal again and expressed the assumption that the motions made during this meeting were with the intent that the support or opposition expressed by each Council would be forwarded to the Board in the form of additional comments.

After the Eastern Interior Council voted, the Southcentral Council Chair was dropped from the call. While waiting for him to rejoin, the Eastern Interior Council Chair entertained a request for a 30-minute lunch break, and announced that the meeting would start again at 1:45 p.m. Immediately after that announcement, the Southcentral Chair rejoined the meeting and no lunch break was taken. During the Southcentral Council vote, it was found that two Council members were no longer on the call and it was assumed they took lunch and disconnected prior to the Southcentral Council Chair rejoining the call. The vote was left open until both Council members could provide their votes.

Comments in opposition by both Councils will be shared with the Board when it addresses deferred FP21-10. The Board will be given the link to this meeting's transcript and will be encouraged to read all of the comments made throughout the meeting by members of both Councils to consider in its final deliberations on this proposal.

Closing Comments

Eastern Interior Council: No closing comments were given because at the time of closing comments, only the Chair was still present at the meeting. It is assumed that the other Council members took lunch when it was announced and did not call back in.

Southcentral Council: All eleven council members gave a closing comment after the final two Council members voted.

Substantial comments were made throughout the meeting by members of both councils and those comments appear in their entirety in the meeting transcript, which can be found here: https://www.doi.gov/sites/doi.gov/files/region-9-2-joint-meeting-16-mar-22.pdf

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DeAnna Perry, Designated Federal Officer
USDA – Forest Service

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Richard G. Encelewski, Chair
Southcentral Alaska Subsistence Regional Advisory Council

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Sue Entsminger, Chair
Eastern Interior Alaska Subsistence Regional Advisory Council

These minutes will be formally considered by the Southcentral and Eastern Interior Alaska Subsistence Regional Advisory Councils at their fall 2022 meetings, and any corrections or notations will be incorporated in the minutes at that meeting.

A more detailed report of this meeting, copies of the transcript, and meeting handouts are available upon request call DeAnna Perry at 907-209-7817 or by deanna.perry@usda.gov.

Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199

FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

AUG 26 2022

In Reply Refer To
OSM 22089.BM

Susan Entsminger, Chair
Eastern Interior Alaska Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chair Entsminger:

The Federal Subsistence Board (Board) met on April 12-15, 2022 via teleconference to consider proposed changes to Federal subsistence management regulations for the harvest of wildlife on Federal Public Lands in Alaska and wildlife closure reviews. This letter is to provide a report on the actions taken by the Board on proposals and closure reviews affecting Federally qualified subsistence users.

Pursuant to section 805(c) of the Alaska National Interest Lands Conservation Act (ANILCA), Federal regulations (50 CFR 100.10 (e)) provide that the Board generally defers to the recommendations of a Subsistence Regional Advisory Council (Council) regarding take unless, (1) the recommendation is not supported by substantial evidence, (2) the recommendation violates recognized principles of fish and wildlife management, or (3) adopting the recommendation would be detrimental to the satisfaction of subsistence needs. When a Council's recommendation is not adopted, the Board is required by Secretarial regulations to set forth the factual basis and reasons for the decision.

The Board acted on 59 proposals and 16 closure reviews for the 2022-24 wildlife regulatory cycle. The Board agreed with the recommendations of the Regional Advisory Councils, in whole or with modifications, on 50 of 59 proposals. The Board deferred four proposals: WP22-07, WP22-08, WP22-10, and WP22-40 until the winter 2023 Board meeting. The Board also acted on deferred fisheries proposal FP21-10, adopting it with the Office of Subsistence Management modification. Furthermore, the Board accepted the recommendations of the Regional Advisory Councils on 15 of 16 wildlife closure reviews, voting to maintain status quo on 14 of them.

Details of these actions and the Board's deliberations are contained in the meeting transcriptions. Copies of the transcripts may be obtained by calling the toll free number 1-800-478-1456, and are available online at the Federal Subsistence Management Program website, *https://www.doi.gov/subsistence/library/transcripts/federal-subsistence-board*.

The Board uses a consensus agenda on those proposals and closure reviews where there is agreement among the affected Council(s), a majority of the Interagency Staff Committee, and the Alaska Department of Fish and Game concerning a proposed regulatory action. These proposals and closure reviews were deemed non-controversial and did not require a separate discussion beyond that which was offered in the analysis. The consensus agenda contained five proposals and one closure review affecting the Eastern Interior Region. The Board adopted the Eastern Interior Subsistence Regional Advisory Council recommendations as follows:

The Board *rejected* **WP22-34**, requesting to change the salvage requirement to a "bone in" for sheep taken in Units 11 and 12. The Board *adopted* **WP22-33**, which eliminated the sealing requirement for black bear in Units 11 and 12; **WP22-51**, which eliminated the Minto Flats Management Area (Minto Flats) registration hunt for moose in Unit 20B; and **WP22-53**, which established a trapping season for Arctic fox (Vulpes lagopus) in Unit 25. The Board *adopted with modification* **WP22-52**, which extended the closing date of the moose season in Unit 25A within the Coleen, Firth, and Old Crow River drainages to Dec. 20. The Board also voted to *maintain status quo* on **WCR22-22**, which reviewed the closure to moose hunting in Unit 25D west except by 25D west residents.

The remaining four proposals affecting the Eastern Interior Region appeared on the non-consensus agenda. For one of these proposals, the Board took action consistent with the Council's recommendations. The Board *adopted* statewide proposal, **WP22-01**, which clarified who is and who is not a participant in a community harvest system and how that affects community and individual harvest limits. For proposals **WP-22-35, WP22-36,** and **WP22-02,** Board action was partially consistent with the Eastern Interior Council's recommendations. The Board *adopted* these proposals but did not adopt certain modifications suggested by the Council. The Board's actions on these proposals are explained in detail in the enclosed report.

Additionally, the Board took an action on the deferred fisheries proposal **FP21-10** of interest to the Council. The Board's action and justification on this proposal is also explained in the enclosed report.

The Federal Subsistence Board appreciates your Council's active involvement in and diligence with the regulatory process. The ten Regional Advisory Councils continue to be the foundation of the Federal Subsistence Management Program, and the stewardship shown by the Regional Advisory Council chairs and their representatives at the Board meeting is noteworthy.

If you have any questions regarding the summary of the Board's actions, please contact Brooke McDavid, Council Coordinator, at (907) 891-9181 or brooke_mcdavid@fws.gov.

Sincerely,

Anthony Christianson, Chair
Federal Subsistence Board

Enclosure

cc: Federal Subsistence Board
Eastern Interior Alaska Council members
Office of Subsistence Management
Interagency Staff Committee
Administrative Record

FEDERAL SUBSISTENCE BOARD 805(c) REPORT
April 12-15, 2022
via teleconference

Section 805(c) of the Alaska National Interest Lands Conservation Act provides that the "Secretary … shall consider the report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses." The Secretary has delegated authority to issue regulations for the take of fish and wildlife to the Federal Subsistence Board. Federal regulations (50 CFR 100.10 (e)) provide that the Board generally defers to the recommendations of a Subsistence Regional Advisory Council; however, the Board "may choose not to follow any recommendations which [it] determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs." The purpose of this report is to detail how the Board's action differed from the Council's recommendations based on these criteria.

EASTERN INTERIOR AREA WILDLIFE PROPOSALS

Crossover Proposals

Wildlife Proposal WP22-35

DESCRIPTION: WP22-35 requested establishing a may-be-announced caribou season in Unit 11 with a harvest limit of one bull by Federal permit.

COUNCIL RECOMMENDATIONS:

Southcentral Alaska Subsistence Regional Advisory Council **– Support with OSM modification.**

Eastern Interior Alaska Subsistence Regional Advisory Council **– Support with OSM modification and with an additional Council modification** to reinstate and update the Mentasta Caribou Herd Management Plan.

BOARD ACTION: **Adopt** with **OSM modification** to delegate authority to the WRST superintendent to announce season dates, harvest quotas, and the number of permits to be issued; to define harvest areas; and to open and close the season via a delegation of authority letter only.

JUSTIFICATION: This action by the Board will increase harvest opportunities for Federally qualified subsistence users when the Nelchina caribou herd migrates through Unit 11. Support for the proposal as modified by OSM was consistent with recommendations of the Southcentral and Eastern Interior Alaska Regional Advisory Council and the Wrangell-St. Elias Subsistence Resource Commission.

Delegation of authority to the Wrangell-St. Elias superintendent to announce season dates, harvest quotas, and the number of permits to be issued; to define harvest areas; and to open and

close the season will facilitate timely in-season management and ensure the long-term conservation of the Mentasta and Nelchina caribou herds. Although updating the Mentasta Caribou Herd Management Plan is outside the scope of the proposal, National Park Service (NPS) staff are aware of the need and the Eastern Interior Council's request for updating the plan. NPS regional office staff will be available to support that effort when ongoing analysis of long-term monitoring data are complete and results can be used to inform the plan development.

Wildlife Proposal WP22-36

DESCRIPTION: WP22-36 requested modifications to community harvest systems for moose and caribou in Units 11, 12, and 13. These modifications are the following: (1) allow community members to opt out of a community harvest system thereby retaining their individual harvest limits; (2) define the geographic boundaries of eligible communities as the most recent Census Designated Places established by the U.S. Census Bureau; (3) specify that harvest reporting will take the form of reports collected from hunters by Ahtna Intertribal Resource Commission (AITRC) and submitted directly to the land managers and the Office of Subsistence Management (OSM), rather than through Federal registration permits, joint State/Federal registration permits, or State harvest tickets; (4) set the harvest quota for the species and units authorized in the community harvest system as the sum of individual harvest limits for those opting to participate in the system; and (5) codify the community harvest systems for moose and caribou in Unit 12.

COUNCIL RECOMMENDATIONS:

Southcentral Alaska Subsistence Regional Advisory Council **– Support with modification** that the community harvest system in Unit 12 will be implemented only on Ahtna traditional use territory instead of all Federal public lands in Unit 12.

Eastern Interior Alaska Subsistence Regional Advisory Council **– Support** as **modified by the OSM addendum** with **further Council modification** to revise the community harvest system hunt area in Unit 12.

BOARD ACTION: **Adopt with OSM modification** and an **additional Board amendment** to define the area for the community harvest system in Unit 12

JUSTIFICATION: The Board adopted WP22-36 stating that adoption is necessary to fully implement the Ahtna community harvest system that was recently approved by the Board and is administered in cooperation with the AITRC. It will codify in regulations several provisions that were previously adopted by the Board on a temporary basis. The Board did not adopt the community hunt area boundaries proposed by either of the affected Councils because the "Ahtna traditional use territory" is not a recognized or defined area in regulations. The Board adopted a defined area based on area descriptors and boundaries in line with current methods used in regulations to define an area or areas.

EASTERN INTERIOR AREA WILDLIFE PROPOSALS

Statewide Proposals

Wildlife Proposal WP22-02

DESCRIPTION: WP22-02 requested to remove language from designated hunting regulations prohibiting the use of a designated hunter permit by a member of community operating under a community harvest system.

COUNCIL RECOMMENDATIONS:

Southeast Alaska Subsistence Regional Advisory Council **– Take no action**

Southcentral Alaska Subsistence Regional Advisory Council **– Support**

Kodiak/Aleutians Subsistence Regional Advisory Council – **Support**

Bristol Bay Subsistence Regional Advisory Council **– Support** with the Eastern Interior Council's modification

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council **– Support**

Western Interior Alaska Subsistence Regional Advisory Council **– Support**

Seward Peninsula Subsistence Regional Advisory Council – **Defer** to regions with community harvest systems

Northwest Arctic Subsistence Regional Advisory Council **– Support**

Eastern Interior Subsistence Regional Advisory Council **– Support with modification** to clarify participants in a community harvest system cannot designate another Federally qualified subsistence user to take wildlife on their behalf

North Slope Subsistence Regional Advisory Council **– Support**

BOARD ACTION: **Adopt**

JUSTIFICATION: This Board action will allow those living in communities with a community harvest system to designate someone to harvest on their behalf in order to meet their individual harvest limit or to count toward the community harvest limit depending on whether or not they choose to participate in the community harvest system. It will also help provide more harvest options and opportunities for Federally qualified subsistence users. The Board decided to follow the recommendations of the majority of the Councils and did not act on other proposed modifications.

SOUTHCENTRAL AREA FISHERIES PROPOSALS

Proposal of interest to the Eastern Interior Council

Fisheries Proposal FP21-10

DESCRIPTION: Proposal FP21-10 requested the Board implement a salmon subsistence fishery in the lower Copper River adjacent to the Copper River Highway with a harvest limit of 15 salmon other than Pink Salmon, with not more than five Chinook Salmon per household, using dip net, rod and reel, spear, or gaff only. This harvest limit would not be additive to the currently existing Federal subsistence permit FFPW01, or the State subsistence fishing permit in the Copper River District.

COUNCIL RECOMMENDATIONS:

Southcentral Alaska Subsistence Regional Advisory Council **– Support as modified by OSM** to add a 48-hour reporting requirement to take of salmon. However, after a joint meeting with the Eastern Interior Regional Advisory Council, the Southcentral Regional Advisory Council provided a comment in opposition to the proposal.

Eastern Interior Alaska Subsistence Regional Advisory Council – **Oppose**

BOARD ACTION: **Adopt with OSM modification** to include a requirement to report take of salmon to Area managers within 48 hours of harvest. **Additional Board modifications** are to delay the season start date to June 1, allow dip net and rod and reel only, and prohibit dip netting from a boat.

JUSTIFICATION: The Board adopted FP21-10 as modified to provide additional opportunity for salmon harvest by Federally qualified subsistence users, primarily residents of Cordova. The annual harvest is anticipated to be so small as to have no significant effect on Copper River salmon populations or significant impacts to opportunity for upriver Federally qualified subsistence users relative to other fisheries. Conservation management actions over low salmon abundance should target where the vast majority of harvest occurs, primarily in the State commercial fishery in marine waters and the State personal use fisheries in the Upper Copper River drainage. The joint council meeting generated several constructive suggestions that were incorporated into the modification of the proposal. With the addition of these modifications to the proposed regulation, many of the concerns expressed about overharvest should be alleviated.

Federal Subsistence Board

1011 East Tudor Road, MS 121
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FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

JUL 27 2022

In Reply Refer To:
OSM 22057.KW

Sue Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6119

Dear Chairwoman Entsminger:

This letter responds to the Eastern Interior Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2021 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. We value this opportunity to review the issues concerning your region.

1. Finding solutions for Yukon River salmon fisheries problems and better coordination between groups and stakeholders

The summer and fall 2021 fishing season on the Yukon River was one of the worst seasons for rural subsistence users. There were no subsistence harvests allowed for King (Chinook) Salmon and Summer/Fall Chum Salmon. Local subsistence fishers went without much needed salmon for their families and communities. Seeing that this issue crosses several regions in Alaska, the solutions that may come for Yukon River fisheries is going to depend on communication and coordination between various stakeholders. The Council encourages the Yukon River Drainage Fisheries Association, the Association of Village Council Presidents, Yukon River Inter-Tribal Fish Commission, and the Office of Subsistence Management (OSM) to work together to unify Yukon River people in order to make management decisions that would best serve the salmon fisheries on the Yukon River.

To support the recovery of Yukon River salmon stocks, the Council strongly recommends that the hard cap of Chinook Salmon bycatch in the Bering Sea Aleutian Islands fisheries be reduced to

10,000 Chinook Salmon and that a hard cap be put in place for no more than 150,000 Chum Salmon. Our Council, along with the three other Regional Advisory Councils with Customary and Traditional Use determinations for salmon in the Yukon River, are submitting a joint letter to the North Pacific Fishery Management Council (NPFMC), imploring them to reduce bycatch hard caps as described above, add two subsistence/Tribal seats to the NPFMC, and implement 24/7 video monitoring aboard trawler vessels. Additionally, the Council strongly recommends that genetic mixed-stock analysis be undertaken for both Chinook and Chum salmon bycatch in the Alaska Peninsula Management Area (Area M) groundfish fisheries in order to monitor the proportion of bycatch, which comes from Yukon River salmon stocks. The Council plans to submit letters directly to Alaska Department of Fish and Game and the Board to recommend this research be prioritized.

Response:

The Board understands the continued concern of Federally qualified subsistence users regarding the bycatch of Chinook and Chum salmon in the Bering Sea/Aleutian Islands commercial Pollock fishery. However, the Board's authority is limited to providing a subsistence priority for the use of fish and wildlife taken from Federal public lands under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA)

The unprecedented low returns of salmon to the Yukon River in 2021 caused extreme hardships for subsistence users in the region. The low in-river returns forced managers to make difficult decisions and required them to prioritize the conservation of healthy populations over subsistence harvests. The Board acknowledges the impacts that limited subsistence opportunity has on food security and traditional ways of life for those who depend on these resources.

The Board agrees with the Council regarding the importance of communication and coordination among Yukon River stakeholders. The Federal management team held pre-season and post-season consultations with Yukon River Tribes, the knowledge and information shared during these meetings informed daily management decisions and overall management strategies. The Federal management team also worked collaboratively with the Alaska Department of Fish and Game (ADF&G) to manage Yukon River salmon runs in 2021. This collaborative approach facilitated communication and coordination among stakeholders and ensured that voices and concerns of all users were heard. For example, both management teams met with and discussed the preseason outlook and management strategy at the 2021 Yukon River Panel, Yukon River Intertribal Fish Commission, and Yukon River Drainage Fisheries Association preseason meetings.

We would like to acknowledge the efforts by this Council and the other Yukon River Councils for the steps taken to highlight possible interventions and request action. Rebuilding these stocks is going to take engagement from all groups that interact with these fish during their life cycles in the marine and freshwater environments, and your input is helping facilitate that process.

2. <u>Need for moose counts around Rampart and Nowitna River areas</u>

Residents of the area surrounding Rampart and the Nowitna River, and the broader Interior region along the Yukon River, have been unable to harvest sufficient moose in recent years. Coupled with the extremely difficult fishing season, the lack of available moose contributes to larger challenges of food security in the region. The closure of Yukon River salmon fisheries requires an increased reliance on large land mammals, such as caribou and moose. The Council recognizes a need for better data on the moose population surrounding Rampart and the Nowitna River; such data is necessary for managing moose in this region in a way that supports increased reliance on large land mammals for subsistence. The Council requested population estimates for moose in Units 21B and 20F last year but has not yet received a report concerning this topic.

During the Council's fall 2021 meeting, Alaska Department of Fish and Game reported that they did not have new moose survey data and that they primarily relied on harvest numbers as a means of tracking moose populations in Unit 20F. The Department offered to compile data from moose population estimates in Nowitna National Wildlife Refuge to share with the Council at a later date.

The Council also received a report on a recent (2019) survey from Yukon-Charley Rivers National Preserve. The survey showed a 20% decrease in the local moose population from the previous 2015 survey as well as low population density (.28 moose/square mile). Yukon-Charley Rivers National Preserve is also documenting calving rates on 32 animals. While the timing of calving remained consistent, calving rates dropped from 95% in 2020 to 66% in 2021. The Council supports Yukon-Charley Rivers National Preserve plans to continue these survey efforts next year and in years to come.

The Council feels that, considering significantly reduced subsistence harvest opportunity, a comprehensive survey is necessary to assess the health of moose populations near Rampart and the Nowitna River and to ensure continued and increased subsistence harvest opportunity in the area.

Response:

The Board agrees with the Council that moose is important for food security among residents of the Yukon River drainage and that it is necessary to have a better understanding of population health and demographics of moose in Units 21B and 20F.

<u>Nowitna River</u>

The Koyukuk/Nowitna/Innoko National Wildlife Refuge (NWR) Complex conducts annual aerial moose surveys within a trend count areas (TCA) for the Nowitna NWR in Unit 21B (Table 1, Bryant and Scotton 2021). The most recent surveys were conducted November 10-12, 2021. The Nowitna TCA consists of the lower Nowitna River from the Little Mud River down to the Nowitna River mouth (Bryant and Scotton 2021).

Table 1. Lower Nowitna River combined TCAs, 2001-2021, Nowitna NWR, Alaska.

**Low snow during survey*

TCA	Year	Total Bulls	Total Cows	Total Calves	Total moose	Total Yrlg bulls	Bulls/ 100cows	Calves/ 100cows	Yrlg bulls/ 100 cows	Twins/100 cows w/calves	Total moose/mi²	Cow moose/ mi²
Lower Novi	2001	46	284	56	386	17	16	20	6	4	1.83	1.35
Lower Novi	2003	32	255	91	378	19	13	36	7	7	1.47	0.99
Lower Novi	2004	49	238	95	382	30	21	40	13	11	1.49	0.93
Lower Novi	2005	56	237	69	362	22	24	29	9	7	1.41	0.92
Lower Novi	2006	60	272	83	415	21	22	31	8	11	1.61	1.06
Lower Novi	2007	60	229	84	373	15	26	37	7	14	1.45	0.89
Lower Novi	2008	60	213	53	326	18	28	25	8	15	1.27	0.83
Lower Novi	2009	57	264	18	339	20	22	7	8	0	1.32	1.03
Lower Novi	2010	59	216	77	352	4	27	36	2	3	1.37	0.84
Lower Novi	2011	82	273	72	427	36	30	26	13	6	1.66	1.06
Lower Novi	2012	62	217	45	324	18	29	21	8	0	1.26	0.84
Lower Novi	2013	50	199	31	280	13	25	16	7	0	1.09	0.78
Lower Novi	2014	53	138	45	236	6	38	33	4	5	0.92	0.54
Lower Novi	2015	46	166	83	295	12	28	50	7	18	1.15	0.65
Lower Novi	2016*	47	185	63	295	20	25	34	11	9	1.15	0.72
Lower Novi	2017	70	217	58	345	13	32	27	6	7	1.35	0.85
Lower Novi	2018	44	196	34	274	11	23	17	6	7	1.07	0.77
Lower Novi	2019	52	170	52	274	11	31	31	7	9	1.07	0.66
Lower Novi	2020	35	181	23	239	6	19	13	3	0	1.00	0.75
Lower Novi	2021	42	139	49	230	5	30	35	4	17	0.96	0.58

The 2021 trend count indicated a slight population decline from 239 moose in the fall 2020 to 230 moose in the fall 2021. The population has been trending downward since 2017 when it was estimated at 345 moose. Between 2020 and 2021, the number of cows decreased from 181 cows

to 139 cows, but the overall bull numbers increased from 35 bulls to 42 bulls, contributing to a bull:cow ratio of 30 bulls:100 cows. Over the same time period, calf production increased from 13 calves:100 cows to 35 calves:100 cows. The Nowitna moose population had been stable at a low density. However, since 2017, trend counts in the river corridor portion indicate cow numbers have declined and are well below average (Figure 1). Recent surveys show bull:100 cow ratios are healthy, but overall, the bull abundance is down. The fall calf:100 cow ratio has returned to average after a poor year in 2020 (Figure 2, Bryant and Scotton 2021).

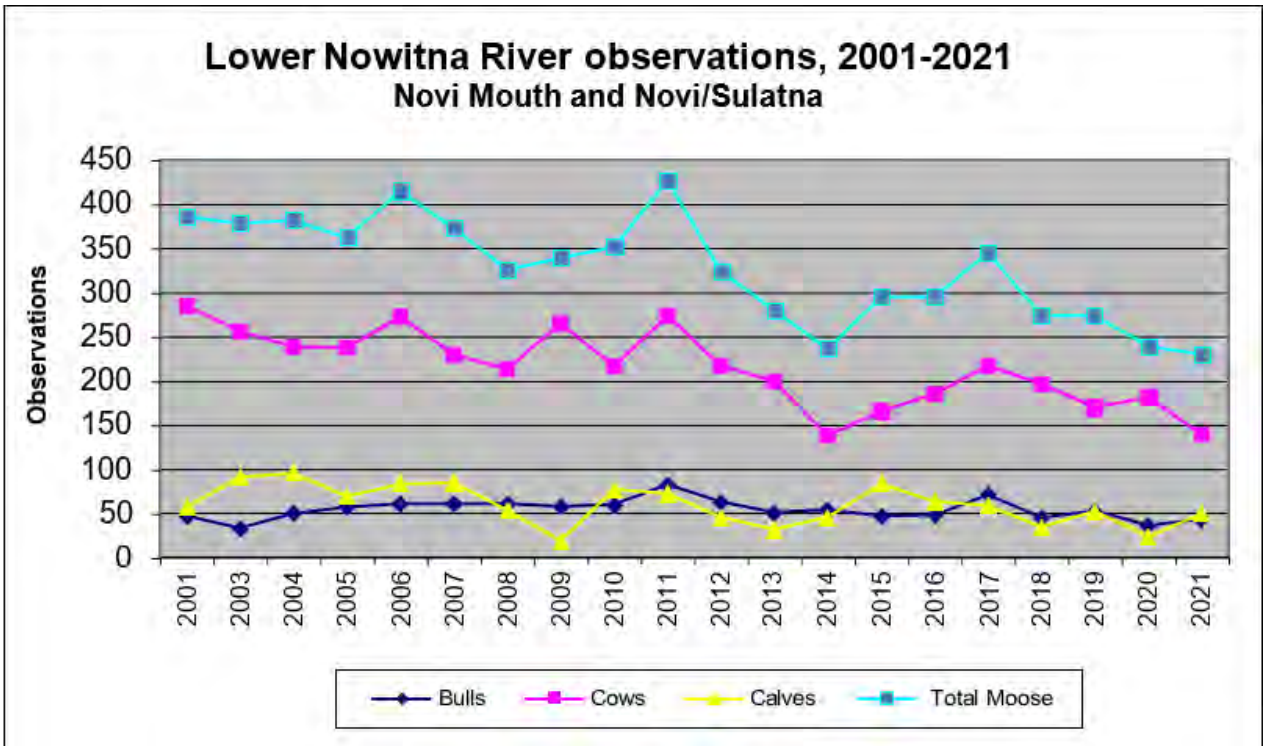

Figure 1. Lower Nowitna River moose observations, combined TCAs, 2001-2021, Nowitna NWR, Alaska.

Overall poor population performance and fluctuating cow numbers and bull:cow ratios warrant a continuation of a conservative harvest strategy for the Nowitna NWR moose population. Cow abundance is being closely monitored. Data suggests that bull:cow ratios remain adequate for breeding. However, there has been a long-term trend of population decline. Therefore, no additional hunting opportunities are recommended at this time (Bryant and Scotton 2021).

The Koyukuk/Nowitna/Innoko NWR Complex staff are available to provide updates on the Nowitna NWR moose population at the Council meetings and can also provide the Council with the entire 2021 moose survey report once it's finalized.

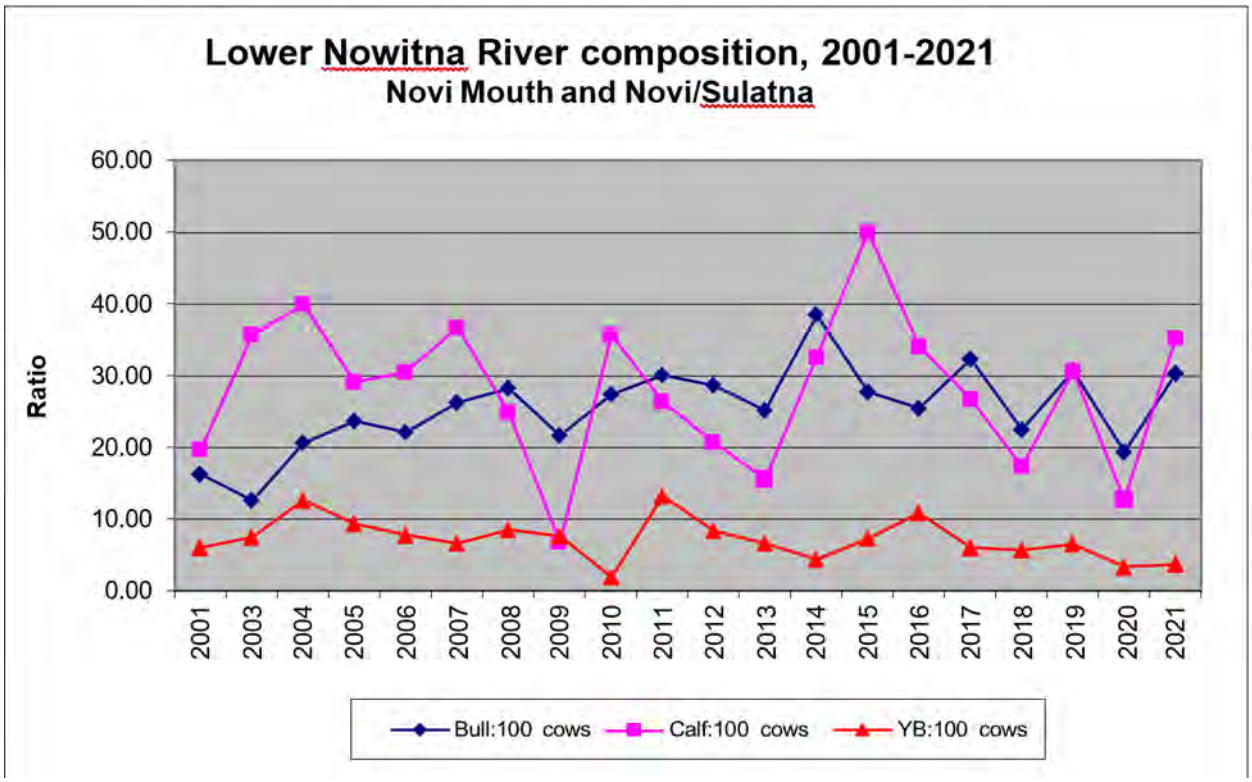

Figure 2. Lower Nowitna River composition ratios, combined TCAs, 2001-2021, Nowitna NWR, Alaska.

Rampart area

As the Council pointed out, there is no moose survey data for Rampart or Unit 20F since the ADF&G 2018 report, which stated that monitoring is done through harvest data. OSM reached out to ADF&G requesting this information, or if there is any intent to conduct a comprehensive survey of moose populations near Rampart, but did not hear back in time for this reply.

Yukon-Charley River National Preserve

Yukon-Charley Rivers National Preserve (Preserve) plans to conduct another moose population survey this fall, as well as to continue to monitor the survival and productivity of collared moose. The Preserve plans on continuing to provide updates at the Council's fall and spring meetings (Joly 2022, pers. comm.)

Literature Cited

Bryant, J., and B. Scotton. 2021. Moose Trend Survey Summary 2021. Unpublished report. USFWS. Galena, AK. 29pp.

Joly, Kyle. 2022. Wildlife biologist. Personal communication: email. NPS. Fairbanks, AK.

3. <u>Need for improvement of the Tribal consultation process and streamlining OSM processes</u>

During the Council's meeting on October 14-15, 2021, as the Council was going through 2022-2024 Federal wildlife proposals, it was amply clear that <u>consultation had not been conducted</u> with Tribal governments who would be impacted most by various proposals. The Council has concerns that Tribal councils in the region are not receiving proposal packets and therefore are unaware of these proposals, which leads to the absence of providing comments.

Tribal councils have been inundated by various meetings with information coming from a wide variety of agencies; therefore, it is important to bring Federal wildlife proposal information to their attention in a succinct and efficient manner. It has also come to the Council's attention that <u>consultation letters on Federal wildlife proposals go out during the fall time</u> when hunting season is in full swing. The OSM should reconsider their timeline for consultation as reaching out to Tribal governments during the fall hunting season is poorly advised. A strategy that works in smaller communities where people attend different land management meetings is to have cross-council/committee information sharing. Federal Regional Advisory Council members have the responsibility of sharing information with their communities through attendance at State local advisory committee meetings and other types of meetings.

Response:

The Board thanks the Council for your concerns regarding Tribal and ANCSA Corporation consultations. Per policy, our Tribal and ANCSA Corporation Consultation Implementation Guidelines are on the Federal Subsistence Management Program web page at: (https://www.doi.gov/subsistence/tribal). Tribes and ANCSA Corporations can request consultations anytime on any issues related to subsistence. Also, during each cycle of fish and wildlife regulatory proposals, OSM sends out Tribal and ANCSA Corporations invitation letters on opportunities to consult. As for the wildlife and fisheries regulatory proposal packets, due to the high number of proposals we receive and the complex issues and large geographic scale of many of them, we do not try to identify which Tribes will be affected by each proposal; rather, we encourage Tribes and ANCSA Corporations visit our web page to determine which proposals affect them. Usually, the proposals with the greatest potential impacts draw requests for consultation. In any case, if there are any questions requiring consultation or need for more information, the Tribes and ANSCA Corporation can contact OSM's Native Liaison Orville Lind by phone at: 907-538-4931 or by email at: orville_lind@fws.gov.

In addition to the contacting OSM's Native Liaison, your Council Coordinator can contact Tribes directly in your subsistence region to invite them to participate in the Council meetings and alert them of the proposals that affect your region and proposal comment periods. Your Council Coordinator also can inform Tribes of the upcoming Board's Tribal consultations.

Regarding your request to change the timing of consultations, due to tight timeframes to complete the steps needed to process proposals and finalize regulations on time, OSM has little or no flexibility in adjusting windows for consultations. However, OSM is looking at scheduling for the regulatory process this fall to see if there are options to adjust consultation time frames.

4. <u>Need for timely delivery of Federal Proposal Books</u>

Many Council members received their copies of the Federal Subsistence Wildlife Proposal Book after the deadline for public comment on proposals. When Proposal Books are distributed this late, Council members are unable to familiarize themselves with proposals and discuss relevant proposals with other members of their communities prior to the deadline for public comment. This inhibits the public comment process, effectively preventing Council members from discussing proposals with their community in a meaningful way. The Council requests Federal Subsistence Hunting or Fishing Proposal Books to arrive long before the deadline for public comment, allowing sufficient time for Council members to make their communities aware of relevant proposals prior to closure of the public comment period.

Response:

The Board recognizes the importance of meaningful public engagement in the development of Federal fish and wildlife regulations and encourages public participation in the process, both by providing written public comments to the Board and oral testimony. Public participation is also required under ANILCA, the Administrative Procedure Act, and subsistence regulations.

The public has two opportunities for providing written public comments to the Board. The first opportunity comes when the proposed rule (also known as a "call for proposals") is published in the Federal Register – at this point the public can submit proposals to change Federal regulations or just comments to the Board on the proposed rule. The first deadline for submission of public comments as listed in the proposed rule is separate and refers to comments specifically related to the proposed rule. The second opportunity for written public comments comes when the proposal book for the current year (or cycle) is published. The deadline for second period for public comments is noted on the cover of the proposal book. Federal Subsistence Management Program (Program) normally provides a 45-day window for comments on the actual proposals (the minimum amount of time for the comment window can be no less than 30 days).

The timelines and deadlines are determined by the time available to OSM staff during each regulatory cycle. This depends on the publication date of the proposed rule, time needed for the analysts to develop proposal analyses, and Council meeting dates.

Other factors that play a role when proposal books are sent out include:

- *Government printing services*: OSM does not have control over who publishes proposal books and other documents. Sometimes publishers are not located in Alaska. This can lead to a delay in shipping.

- *Pandemic and staff shortages delays*: In the last two years, based on various restrictions and delays due to the pandemic, it has taken longer for publishers to mail out proposal books. This is a result of delays/staff shortages within the U.S. Postal Service and staff shortages with the publishers. We expect these delays to be resolved as we recover from the effects of the pandemic.

One solution that OSM developed is to have the proposal book available digitally in multiple locations on the internet. When the proposal book is completed and sent off to the publishers, we also post it digitally on the Federal Subsistence Management Program's web page (https://www.doi.gov/subsistence) and the official government site for rulemaking (https://www.regulations.gov). This allows the public to have access to the proposals as early as possible. Detailed descriptions on how to access these webpages will appear in the news releases announcing the availability of the proposal books. We understand the difficulties of internet access in rural Alaska, but we do not have the resources or staff to publish these books in-house. Council Coordination Division staff also alert Council members on when the proposals books are available on-line and the estimated mailing date of the hard copies.

OSM will continue to strive to get proposal books out as soon as possible so that they may be available to Council members and others in addressing upcoming proposals.

5. <u>Food security – more dependence on moose and caribou and allowing subsistence users to harvest non-salmon species</u>

The recent Yukon River salmon fisheries collapse lead to a stronger reliance on moose and caribou. In addition, subsistence users shifted their fishing focus from salmon to non-salmon species as a subsistence resource that local people can begin adaptively utilizing during the summertime both as a cultural practice and for subsistence sustenance. The Council stresses that Yukon River non-salmon species have become a more reliable resource of growing importance and requests that Federal management agencies continue to allow harvest of non-salmon species for subsistence uses.

Response:

The Board recognizes the continuing issues surrounding food security in rural Alaska, and we share the Council's concern with this problem. The Board will continue to be flexible and responsive in its efforts to help Alaskans meet their subsistence needs. The Federal Subsistence Management Program can support adaptation to changing subsistence conditions by ensuring that regulations facilitate flexibility, rather than hindering it. A responsive regulatory process can also ensure that people continue to access healthy local and traditional foods during times of unexpected shortage. 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 ranges, seasonality, and availability of subsistence 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 more 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 managing these resources as well. The Board welcomes new regulatory proposals for the management of non-salmon species in the upcoming fisheries management cycle. The Board is also open to discussing changes to the management of moose and caribou in recognition of their growing importance to subsistence in the Eastern Interior Alaska Region.

6. <u>Concerns regarding parallel meetings scheduled</u>

The Council is concerned about the scheduling of parallel Subsistence Regional Advisory Council meetings. Many Council members and agency staff need to attend multiple RAC meetings. This is extremely difficult to manage when multiple RAC meetings occur on the same day, especially in adjacent Regions. The Council requests that future RAC meetings be scheduled on separate days whenever possible.

Response:

Thank you for bringing the problem of Councils meetings parallel scheduling to the Board's attention. It has been a common practice of OSM to schedule no more than two Council meetings per week and to avoid scheduling meetings for adjacent regions within the same week, as much as possible. It is the Board's understanding that the Council specifically talks about the situation that occurred in the fall 2021, when three Council (Eastern Interior, Western Interior, and Southcentral) meetings were scheduled over a course of one week with one day of the meetings overlapping for all three Councils. The Board want to assure the Council that it was a single instance of parallel scheduling of three Council meetings, which was done on purpose to allow your Council and the Southcentral Council to hold a joint meeting for one day to discuss a potential compromise on deferred fisheries proposal FP21-10. Your Council advised OSM on the selection of these dates. Later, after the Councils' meetings schedule was already published, and it was impossible to change, the Southcentral Council agenda filled up with a large number of wildlife proposals. As a result, the Southcentral Council was not able to participate in the joint meeting with your Council, which in turn caused additional pressure on the OSM staff shared by all three regions. The Western Interior Council was not able to change their meeting dates to alleviate the pressure.

The Board wants to assure the Council that in the future OSM will return to its usual practice of scheduling no more than two Councils meetings per week and do its best to avoid overlapping Council meetings that results in conflicts for staff. Additionally, since it is up to the Council to select the dates for the two upcoming meeting cycles, the Board requests that the Council consider potential scheduling conflicts when it selects its future meeting dates.

7. Opposition to H.R.4716 - Refuge From Cruel Trapping Act of 2021

The Council is in complete opposition to the Refuge From Cruel Trapping Act of 2021 (H.R.4716), introduced in Congress by Rep. Jerrold Nadler of New York, which seeks to prohibit the use of body-gripping traps within the National Wildlife Refuge System. H.R.4716 is a direct insult to the way of life in Alaska and does not respect the protections provided to subsistence uses by the ANILCA. Trapping is an important tradition in the Eastern Interior region and throughout Alaska, and it remains a vital component of contemporary subsistence economies – many rural Alaska residents rely on trapping for income and raw materials. The same applies to trappers in the Lower-48 States, and therefore the Council is against this bill nationwide. The Council plans to submit a letter to the Board detailing our opposition and requesting that the Board forward our sentiments to Congress.

Response:

The Board appreciates the Council's vigorous opposition to this bill and further recognizes the cultural, spiritual, traditional, and economic importance of trapping to rural Alaskans, as well as all trappers nationwide who rely upon access to public lands.

The Board appreciated the late Representative Don Young's focused and candid comments to FWS Deputy Director Guertin in January 2022 and agrees wholeheartedly with his statement (and yours) that management of Alaska Refuges falls under a unique Public Law, which assures continued existing subsistence uses (including trapping) on Alaska Refuges and thus ought to be excepted if the Bill passes.

The Board also appreciates and supports Representative Young's statement that the professional wildlife conservation community universally endorses traps and trapping (by trappers) as critical and essential wildlife management tools.

Finally, the Board will endeavor to communicate the concerns of rural subsistence users regarding this bill to the Secretary of the Interior and Congress per your request.

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 Federally qualified subsistence users of the Eastern Interior Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

cc: Eastern Interior 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

Federal Subsistence Board
News Release

U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Forest Service

For Immediate Release:
May 24, 2022

Contact: Robbin La Vine
(907) 786-3353 or (800) 478-1456
robbin_lavine@fws.gov

The Federal Subsistence Board Adopts Temporary Special Action FSA22-01

This news release was originally released May 6, 2022. In this version, paragraphs 1 and 2 have been revised.

The Federal Subsistence Board (Board) met in public by teleconference on May 4, 2022 and adopted Temporary Special Action FSA22-01 for conservation purposes. Specifically, the Board closed Federal public waters of the Yukon River drainage to the harvest of Chinook, summer and fall Chum, and Coho salmon except by Federally qualified subsistence users, effective June 1, 2022, through September 30, 2022, with harvest opportunities to be determined by the Federal fisheries manager if fisheries run strength is sufficient to allow a Federal subsistence fishery.

Federal public waters of the Yukon River drainage include all navigable and non-navigable freshwaters located within and adjacent to the exterior boundaries of National Wildlife Refuges, National Parks and Preserves, and National Conservation Areas, as well as those segments of the National Wild and Scenic Rivers system located outside the boundaries of other listed Federal conservation units. Federal public waters also include all freshwaters flowing into the Bering Sea between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula within the external boundaries of the Yukon Delta National Wildlife Refuge.

The Board stated that Yukon River drainage salmon runs have recently been some of the worst on record, which resulted in closures and restrictions to salmon harvest the past four years. The 2022 run and harvest outlook is expected to be poor for all Yukon River salmon species and closures to the harvest of salmon by non-Federally qualified users on Federal public waters is necessary until in- season assessments may indicate otherwise. This action is necessary for the conservation of fish resources in Federal public waters. It also provides a priority for non-wasteful subsistence uses as required by Title VIII of the Alaska National Interest Lands Conservation Act. The Board has delegated in-season management authority to the Federal fisheries manager. If fisheries run abundance is sufficient to allow for Federal subsistence harvest, the Federal fisheries manager will issue emergency special actions announcing season schedules, openings, closures and fishing methods. The Board took no action on Temporary Special Action Requests FSA22-02, -03, and -04 based on the adoption of FSA22-01.

Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence or by visiting www.facebook.com/subsistencealaska.

Missing out on the latest Federal subsistence issues? If you'd like to receive emails and notifications on the Federal Subsistence Management Program, you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov.

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Federal Subsistence Board
News Release

U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Forest Service

For Immediate Release:
May 20, 2022

Contact: Robbin La Vine
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robbin_lavine@fws.gov

The Federal Subsistence Board Approves Temporary Special Action FSA22-05 Regarding the Lower Copper River Subsistence Salmon Fishery

The Federal Subsistence Board (Board) met in public by teleconference on May 19, 2022 and voted to approve Temporary Special Action FSA22-05 to enact temporary regulations for Fisheries Proposal FP21-10 until the final rule for this fishery is published in the Codified Federal Record. This special action request, which was submitted by the Office of Subsistence Management, asked the Board to temporarily enact the Lower Copper River subsistence salmon fishery recently adopted by the Board and to delegate authority to the Wrangell-St. Elias National Park and Preserve Superintendent to implement the fishery. The 2022 salmon fishing season for this fishery will now begin on June 1.

The Board stated this Special Action allows the in-season manager the ability to implement the fishery in time for Federally qualified subsistence users to harvest salmon this season. The Board also referenced safeguards for conservation concerns that could arise, and that this action supports the original Southcentral Alaska Subsistence Regional Advisory Council recommendation to implement a salmon subsistence fishery in the Lower Copper River adjacent to the Copper River Highway.

Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence or by visiting www.facebook.com/subsistencealaska.

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Our Culture Unites Us; Our Land Sustains Us; Our People are Prosperous

May 17, 2022

Federal Subsistence Board
Office of Subsistence Management
U.S. Fish and Wildlife Service
1011 E. Tudor Road, Mail Stop 121
Anchorage, AK 99503

Via email to Subsistence@fws.gov and Robbin_Lavine@fws.gov;
original mailed

RE: Request for Reconsideration of FP21-10

Dear Board Members,

Ahtna, Incorporated ("Ahtna") requests reconsideration of the Federal Subsistence Board's decision approving FP21-10. Ahtna is an Alaska Native Regional Corporation formed under the Alaska Native Claims Settlement Act ("ANCSA"). Ahtna's more than 2,000 Ahtna Athabascan shareholders include many residents and tribal members from eight villages in the South Central and Interior regions of Alaska, centered on the Copper River Basin. These Native Village residents continue to live a customary and traditional hunting and fishing way of life.

On April 15, 2022, the Board voted to allow a subsistence dipnet fishery on the Lower Copper River for qualified residents of Cordova, Alaska. Under 50 C.F.R. Part 100, the Board will accept a request for reconsideration (1) if it is based on information not previously considered by the Board, (2) if it demonstrates that information used by the Board was incorrect, or (3) if it demonstrates that the Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law.[1] Here, the Board should grant reconsideration on the basis of each of those criteria.

1. **The Board's misinterpretation of its authority to take actions necessary to provide ANILCA's subsistence priority warrants reconsideration.**

While deliberating FP21-10, the Board failed to acknowledge and use its authority to help alleviate the allocation crisis on the Copper River. When it originally considered FP21-10 in 2020, the Board acknowledged that both the Eastern Interior and South Central regions and

[1] 50 C.F.R. § 100.20(D).

communities within those regions were already faced with a greatly diminished fisheries resource from which to meet their subsistence needs.[2] When the Board again considered FP21-10 in 2022, the Board identified state commercial fisheries as the cause of in-river abundance concerns and suggested that it lacked the authority to address the negative effects of those commercial fisheries on federal subsistence fisheries. But it failed to even consider taking action to address the cause of the diminished resource. Instead, the Board established another subsistence fishery in the Lower Copper River.

This is an egregious failure to acknowledge and understand the Board's scope of authority under applicable regulations to protect the subsistence priority. The Board is fully authorized to "evaluate whether …fishing…which occurs on lands or waters in Alaska other than public lands interfere[s] with subsistence fishing on the public lands to such an extent as to result in a failure to provide the subsistence priority, and after appropriate consultation with the State, the RACs, and other federal agencies, may make a recommendation to the Secretaries for action."[3] The Board had both the authority and the opportunity to take action to address the negative effects of the state commercial fishery on Upper Copper River subsistence users when it considered FP21-10, such as considering a recommendation to the Secretaries to exert extraterritorial jurisdiction over the state commercial fisheries at the mouth of the Copper River that available information obviously confirms as the primary source of the lack of fish in the Upper Copper River. The Board failed to do so. Instead, the Board created a new Lower Copper River subsistence fishery without any meaningful mechanism for protecting existing Upper Copper River subsistence uses. Thus, federally qualified users located in the Upper Copper River will bear the weight of the Board's failure to act. This warrants reconsideration.

2. When it approved FP21-10, the Board did not consider information demonstrating that federally qualified users along the Upper Copper River have failed to meet their subsistence needs and do not have sufficient alternative methods to meet those needs.[4]

The Board failed to consider information demonstrating that federally qualified users who participate in Upper Copper River subsistence fisheries are failing to catch enough salmon – and enough sockeye, in particular – to meet their subsistence needs. ADF&G has established an ANS range of 61,000-82,500 sockeye for Upper Copper River subsistence uses.[5] This ANS range is broken down into subareas within the Glennallen subdistricts of the Upper Copper River. For the subarea from the downstream edge of the Chitina-McCarthy Road Bridge to the mouth of the Tonsina River, the ANS is 25,500-39,000 salmon.[6] For the subarea from the mouth of the Tonsina River upstream to the mouth of the Gakona River, the ANS is 23,500-31,000 salmon.[7] And, for the

[2] *See* transcript from RAC meeting on March 16, 2022, p. 33.
[3] 50 C.F.R. § 100.10(4)(xviii).
[4] 50 C.F.R. § 100.20(d)
[5] *Id*.; see 5 AAC 24.360(b).
[6] 5 AAC 01.616(b)(1)(A).
[7] 5 AAC 01.616(b)(1)(B).

subarea from the mouth of the Gakona River upstream to the mouth of the Slana River, the ANS is 12,000-12,500 salmon.[8]

In contrast to the harvest of sockeye in excess of applicable ANS ranges on the Lower Copper River (ANS ranges which apply to all species of salmon, not just sockeye), ADF&G reports documenting the harvest of all salmon in Upper Copper River state and federal subsistence fisheries show that since 2002, participants in the state subsistence fishery in the Glennallen subdistrict have failed to meet the lower bound of the combined ANS eight times, including two of the last five years (2018 and 2020).[9]

ADF&G harvest reports for subsistence uses on the Upper Copper River also demonstrate that the operation of the federal subsistence fisheries on the Upper Copper River are insufficient to provide a reasonable opportunity. These reports demonstrate that between 2003 and 2020, far fewer federal subsistence fishery permits were issued than state subsistence fishery permits, by an almost 1:5 ratio (one federal permit to every 5 state permits).[10] These reports also demonstrate that for this same period, the average harvest from federal subsistence fisheries did not come close to meeting the lower bounds of the applicable ANS range – by tens of thousands of fish.

While the Glenallen subdistrict subsistence dipnet and fishwheel fisheries and the Chitina subdistrict personal use dipnet fishery both provide federally qualified users additional opportunities to harvest fish under the State's subsistence management structure, these are not meaningful opportunities. Subsistence users can only participate in the subsistence dipnet/fishwheel fishery *or* the personal use fishery – they cannot participate in both. And both of those fisheries are open to all Alaskans and do not provide a preference for rural residents who have a documented cultural, traditional and nutritional dependence upon salmon. Federally qualified users who participate in the state subsistence dipnet and personal use fishery have to compete with other Alaskans for space on the riverbank, and the geography of the area provides limited locations to safely fish from shore. Federally qualified users who participate in the state dipnet and fishwheel subsistence fisheries must operate those fishwheels upriver from the state personal use fishery – a fishery that has a 10-year harvest average of 143,121 salmon.[11] The subsistence users are the users who depend on the resource the most, but who have the least meaningful access to that resource.

The Lower Copper River state commercial and subsistence fisheries occur pre-sonar where there is little to no information about the health or strength of the sockeye and Chinook runs. By the time there is reliable information about the health and strength of the runs, those fisheries have already been prosecuted; if a closure is necessary, it falls on federally qualified

[8] 5 AAC 01.616(b)(1)(C).
[9] *See* ADF&G Special Publication No. 21-08, p. 32; *see also* Fishery Management Report (FMR) No. 21-07, p. 60.
[10] ADF&G Special Publication No. 21-08, p. 38.
[11] See FMR No. 21-07, p. 59.

users in the Upper Copper River to shoulder the burden of that closure. FP21-10 only exacerbates this issue. While the Board amended FP21-10 to include a 48-hour reporting requirement, FP21-10 lacks a meaningful method to enforce this requirement. Moreover, the Board failed to articulate how any information received through reporting will be used to ensure that FP21-10 has as minimal an impact as possible upon federally qualified users in the Upper Copper River region. The expedited reporting requirement is meaningless.

Significant existing pressures currently prevent federally qualified subsistence users on the Upper Copper River from meeting their subsistence needs. On the rare occasion when state subsistence and personal use fisheries are closed to better enable federally qualified users in the Upper Copper River to meet their subsistence needs, harvest from the federal fisheries alone is insufficient to meet those needs.[12] And, when state subsistence and personal use fisheries are open, the opportunity provided to federally qualified users is not meaningful, as they are required to compete with other Alaskans from outside of the region, similar to the levels of competition faced by federally qualified users of moose and caribou within Game Management Unit 13 with respect to hunters from other regions. The Board did not consider the continual failure of Upper Copper River federally qualified users to meet their ANS, and the competition presented by non-federally qualified users who participate in the state subsistence and personal use fisheries, when it deliberated and approved FP21-10. This information clearly demonstrates the potentially negative consequences of FP21-10 on Upper Copper River federally qualified users and warrants reconsideration of that determination.

Further, the Board failed to consider that, unlike federally qualified users along the Lower Copper River, there are significantly fewer opportunities to harvest salmon for federally qualified users along the Upper Copper River. As outlined above, in the Upper Copper River there are state and federal subsistence fisheries, state sport fisheries, and state personal use fisheries, all of which are accessible by road, and all of which are available to any and all Alaskan residents regardless of where they live. There are no commercial fisheries – and no opportunities for using homepack to supplement subsistence needs – on the Upper Copper River. There are also heftier potential restrictions on federally qualified users who turn to state subsistence fisheries or the state personal use fishery to meet their ANS in years with a weak salmon run (e.g., Upper Copper River subsistence and personal use closures in 2018 and 2020) because of the federal subsistence fishery locations up-river.

Finally, the Board failed to consult with all the impacted Tribes prior to approving FP21-10. We feel that the Upper Copper River Tribes have not been heard on the impact this fishery may have on their customary and traditional practices.

[12] ADF&G Special Publication No. 21-08, p. 38.

3. The Board failed to consider information demonstrating that federally qualified users in the Lower Copper River are meeting their subsistence needs without the addition of another road-accessible federal subsistence fishery.

The Board did not consider information demonstrating that federally qualified users in Cordova are meeting subsistence needs with existing subsistence and commercial fisheries. The proponents' rationale for submitting this proposal was to improve access to Copper River salmon by providing Cordova residents a road accessible harvest area in addition to the three road accessible federal subsistence dipnet fisheries currently open in the Copper River Delta.[13] The Board failed to consider information that clearly demonstrates that, through their participation in the subsistence drift gillnet fishery in the Copper River District and commercial homepack, Lower Copper River federally qualified users are exceeding their ANS and do not require a new federal subsistence fishery to access sufficient fish or to meet their subsistence needs.

The State of Alaska has established two different ANS ranges for subsistence users in Cordova. When ADF&G predicts a harvestable surplus that will allow for a commercial fishery, the ANS range is 3,000-5,000 salmon.[14] In a year when there is no commercial fishery, the ANS range is 19,000-32,000 salmon.[15] As these numbers demonstrate, Cordova residents rely upon commercial homepack to meet their subsistence needs. But for at least the past 10 years, the State of Alaska has always prosecuted a commercial fishery at the mouth of the Copper River – which has thus provided Cordova residents the opportunity to both participate in the Copper River District subsistence drift gillnet fishery *and* use commercial homepack to meet their subsistence needs.

ADF&G harvest reports demonstrate that since 2010, a harvestable surplus has been consistently predicted to allow a commercial fishery in the Copper River Delta, making the applicable ANS for Cordova residents for this period of time 3,000-5,000 salmon. ADF&G reports also demonstrate that between 2010 and 2019, the 10-year average sockeye harvest from the Copper River District subsistence drift gillnet fishery alone – i.e., without considering commercial homepack, and without considering any other species of salmon harvested – is 3,163 sockeye,[16] a number which is within the applicable ANS range. The 10-year average sockeye commercial homepack for this same period of time – exclusive of harvest from the subsistence drift gillnet fishery, and exclusive of harvest of other species of salmon – is 8,368 sockeye.[17] The combination of the 10-year averages for both the subsistence drift gillnet fishery and commercial homepack is approximately 11,500 salmon, exceeding the upper bounds of the applicable ANS range by more

[13] *See* transcript from FSB Meeting, January 27, 2021, starting at page 174 of Vol. 2, available at https://www.doi.gov/sites/doi.gov/files/fsb-mtg-26-jan-2021-vol-2-508_0.pdf
[14] 5 AAC 01.616(b)(2)(A).
[15] 5 AAC 01.616(b)(2)(B).
[16] ADF&G Special Publication No. 21-08, Management of Salmon Stocks in the Copper River, 2018-2020: A Report to the Alaska Board of Fisheries, page 32.
[17] *Id*.

than 6,000 salmon. This information demonstrates that Cordova residents are exceeding the upper bound of the 3,000-5,000 ANS range by thousands of fish and confirms that subsistence needs are being met without the addition of another subsistence fishery on the Copper River. The Board should have, but failed to, consider this information when it deliberated FP21-10.

4. **The Board's interpretation of and reliance upon information suggesting that the subsistence fishery created by FP21-10 will have a minimal impact upon in-river returns and Upper Copper River subsistence harvest was in error.**

The Board based its approval of FP21-10 on an erroneous interpretation of information regarding the estimated impact and popularity of a new federal subsistence fishery. OSM's Staff Analysis projected that participation in the fishery would be minimal and that the harvest of sockeye and Chinook salmon from the Lower Copper River dipnet fishery created by FP21-10 would also be minimal – no more than 2,000 fish.[18] These projections are based upon faulty assumptions that limited participation in and access to a subsistence fishery (that participation in nonetheless met subsistence needs) would translate into a similarly limited participation in – and limited harvest of sockeye and Chinook salmon from – a new subsistence fishery.

OSM's Staff Analysis admitted that the harvest estimate was based at least in part upon the "annual State subsistence gillnet harvest in the Copper River District."[19] But this analysis noted that current participation in the state subsistence drift gillnet fishery, prosecuted in marine waters of the Copper River Flats, "requires access to a suitable boat and the approved gear type (i.e., relatively expensive gillnets),"[20] suggesting that participation in the fishery was limited because of gear and methods and means barriers that prevented more participation. This "low participation in an existing fishery = low participation in and impact from a new fishery" theme was also emphasized in FP21-10 and public testimony,[21] which reiterated that a primary reason supporting the need for FP21-10 was the inability of federally qualified users to access the subsistence drift gillnet fishery because participation required a boat that was suitable for marine waters.

In other words, the Board was told that the rate of participation in and level of harvest from the drift gillnet fishery was so low that it both required the creation of a new fishery to accommodate other federally qualified users who were not able to meet their subsistence needs and would not affect other federally qualified users – namely, those who harvest salmon along the Upper Copper River.

[18] OSM Staff Analysis, p. 26.
[19] OSM Staff Analysis, p. 26.
[20] OSM Staff Analysis, p. 25.
[21] *See* OSM Staff Analysis, p. 17 ("I am writing to express my support for FP21-10…Currently, opportunities to harvest Copper River salmon for subsistence are limited to a State subsistence gillnet fishery on the Copper River flats which requires a boat to access the fishery, and is only open 3 periods/week…").

The Staff Analysis falsely assumes low participation in a dipnet subsistence fishery based upon currently low participation in a drift gillnet subsistence fishery that requires more expensive gear. It is illogical to assume that the level of participation in a fishery that few people can allegedly afford to access, i.e., the drift gillnet fishery, would suggest similar levels of limited participation in a fishery that is designed to provide easier access and for which the required gear is more affordable. The fishery created by FP21-10 is intentionally designed to be more accessible simply by virtue of the fact that users can access it by the road. And the fishery created by FP21-10 is intentionally designed to be cheaper to participate in – the cost of a dipnet is significantly lower than the cost of a drift gillnet, and does not require a boat to operate.

It is true that the frequency of openers in the State's drift gillnet fishery is conditioned upon the timing of federal openers.[22] But, unlike the drift gillnet fishery, the fishery created by FP21-10 will not be contingent upon or subject to state commercial fishing times – which will allow for more fishing time, more harvest, and more of an impact upon a fully allocated and diminished resource.

5. **The Board failed to accord sufficient deference to RAC recommendations and comments demonstrating that the fishery proposed by FP21-10 would be detrimental to the satisfaction of subsistence needs of Upper Copper River federally qualified users.**

The Board is required to defer to RAC recommendations unless they are not supported by substantial evidence, violate principles of wildlife conservation, or are detrimental to the satisfaction of subsistence needs.[23] In March, 2022, the South Central and Eastern Interior RACs met and recommended that the Board not approve FP21-10 because the proposal would be detrimental to the satisfaction of the subsistence needs of federally qualified users within the Upper Copper River region. The Board failed to accord sufficient deference to these recommendations.

When the Board deliberated FP21-10, it did not defer to the RACs' recommendation that the proposal would be detrimental to the satisfaction of subsistence needs of federally qualified users in the Upper Copper River. Consideration of FP21-10 occurred through a highly irregular regulatory process. The Board emphasized the importance of RAC input on FP21-10 but then, when the South Central RAC and Eastern Interior RAC issued recommendations on the proposal that were at odds with one another, the Board took the highly unusual step of referring FP21-10 back to the South Central RAC and the Eastern Interior RAC and demanding that the RACs come up with a "compromise solution" with respect to their competing positions on the proposal. Subsequently, when the RACs met in March, 2022 and voted to provide the Board with an additional recommendation against approval of FP21-10, a primary concern underscoring the

[22] 5 AAC 01.610(g).
[23] 50 C.F.R. § 100.10(e)(1).

discussion both RACs engaged in prior to issuing their recommendations was the effect FP21-10 would have on Upper Copper River subsistence users. The RACs' comments clearly articulated that FP21-10, if passed, would be detrimental to the satisfaction of the subsistence needs of federally qualified users within the Upper Copper River region. When it deliberated FP21-10, the Board should have deferred to the RACs' recommendation and should not have approved FP21-10.

The Board also failed to correctly interpret and apply relevant facts to its decision when it acknowledged extraordinary pressure on Copper River sockeye, acknowledged the diminution of the resource, but then took action that applied additional pressure on that resource. As discussed above, the Board failed to consider relevant information demonstrating that federally qualified users in Cordova have ample opportunity to meet subsistence needs, and also failed to consider the failure of Upper Copper River subsistence users to meet their subsistence needs. The Board should not have established a new federal dipnet fishery for people who have no documented inability to harvest enough salmon to meet their subsistence needs, a fishery which would be accessible by road and located below sonar critical for counting in-river run strength of salmon.

Conclusion

Because the Board failed to consider important information, misinterpreted available information, and failed to provide the required deference to RAC advice, the Board's decision adopting FP21-10 should be reconsidered.

Respectfully submitted,

Michelle Anderson, President
Ahtna, Incorporated

Presentation Procedure for Proposals and Closure Reviews

1. **Introduction and Presentation of Draft Staff Analysis**
2. **Report on Board Consultations:**
    a. Tribes
    b. ANCSA Corporations
3. **Agency Comments:**
    a. ADF&G
    b. Federal
    c. Tribal
4. **Advisory Group Comments**:
    a. Other Regional Advisory Council(s)
    b. Fish and Game Advisory Committees
    c. Subsistence Resource Commissions
5. **Summary of Written Public Comments**
6. **Public Testimony**
7. **Regional Council Recommendation (motion to adopt)**
8. **Discussion/Justification**
    - Is the recommendation consistent with established fish or wildlife management principles?
    - Is the recommendation supported by substantial evidence such as biological and traditional ecological knowledge?
    - Will the recommendation be beneficial or detrimental to subsistence needs and uses?
    - If a closure is involved, is closure necessary for conservation of healthy fish or wildlife populations, or is closure necessary to ensure continued subsistence uses?
    - Discuss what other relevant factors are mentioned in OSM Draft Staff Analysis
9. **Restate final motion for the record**
10. **Council's Vote**

FP23–01 Executive Summary	
General Description	Proposal FP23-01 requests the Federal Subsistence Board rescind the closure to the harvest of nonsalmon fish in the Jim River drainage by Federally qualified subsistence users and modify regulations to allow rod and reel gear only and an Arctic Grayling harvest and possession limit of 10 per day.
Proposed Regulation	**§___.27(e)(3) Yukon-Northern Area** *** *(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:* *** ~~*(C) Jim River including Prospect and Douglas Creeks.*~~ *** *(xii) You may take salmon only by gillnet, beach seine, dip net, fish wheel, or rod and reel, subject to the restrictions set forth in this section.* *** ***(D) In the Jim River drainage, including Prospect and Douglas Creeks, you may not harvest salmon.*** *** *(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:* *** ***(G) In the Jim River drainage, including Prospect and Douglas Creeks, you may harvest fish other than salmon with rod and reel only; the grayling harvest and possession limit is 10 per day.***

FP23–01 Executive Summary	
OSM Preliminary Conclusion	**Support**
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation	
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	
North Slope Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**None**

DRAFT STAFF ANALYSIS
FP23-01

ISSUES

Proposal FP23-01, submitted by the Western Interior Alaska Subsistence Regional Advisory Council (WIRAC), requests the Federal Subsistence Board (Board) rescind the closure to the harvest of nonsalmon fish in the Jim River drainage by Federally qualified subsistence users and modify regulations to allow rod and reel gear only and an Arctic Grayling harvest and possession limit of 10 per day.

DISCUSSION

The proponent states this proposal would continue subsistence uses by allowing harvest of nonsalmon fish by Federally qualified subsistence users in an area that is currently closed. The Council believes there is verifiable traditional use of nonsalmon fish in this drainage and a limited harvest by rod and reel should be allowed. If subsistence users are going to travel for Arctic Grayling, the harvest limit should be increased to justify time and expense. Allowing for a reasonable harvest of Arctic Grayling would re-establish a subsistence priority use of fish. Limiting harvest to rod and reel gear only would ensure continued viability of fish in the area. While the Council also believes there is verifiable traditional use of salmon in this drainage, the salmon runs cannot support any harvest at this time and the closure should be rescinded only for nonsalmon fish.

Existing Federal Regulation

> **§___.27(e)(3) Yukon-Northern Area**
>
> *(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time…You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in this paragraph (e)(3).*
>
> *(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060* [emergency orders]*), unless superseded by a Federal special action.*
>
> ***
>
> *(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.*
>
> ***

(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:

***

(C) Jim River including Prospect and Douglas Creeks.

***

(xii) You may take salmon only by gillnet, beach seine, dip net, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

***

(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

Proposed Federal Regulation

§___.27(e)(3) Yukon-Northern Area

***

(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:

***

~~*(C) Jim River including Prospect and Douglas Creeks.*~~

***

(xii) You may take salmon only by gillnet, beach seine, dip net, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

***

(D) In the Jim River drainage, including Prospect and Douglas Creeks, you may not harvest salmon.

***

(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear,

lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

***

(G) In the Jim River drainage, including Prospect and Douglas Creeks, you may harvest fish other than salmon with rod and reel only; the grayling harvest and possession limit is 10 per day.

Relevant Federal Regulation

§___.27 (b) Subsistence Taking of Fish

(16) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

***

(ii) Except as otherwise provided for in this section, if you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel are the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season and/or harvest limit for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

Existing State Regulation

Yukon Area—Subsistence

5 AAC 01.225. Waters closed to subsistence fishing

***

(b) The following drainages located north of the mainstem Yukon River are closed to subsistence fishing:

***

(4) Jim River, including Prospect Creek and Douglas Creek;

***

Yukon River Area—Sport

5 AAC 73.010. Seasons, bag, possession, and size limits, and methods and means for Yukon River Area

(a) Except as otherwise specified in this section or through an emergency order issued under AS 16.05.060, sport fishing is permitted year round in the waters of the Yukon River Area.

(b) Except as otherwise specified in (c) of this section, the following are the general bag, possession, and size limits for finfish and shellfish in the waters of the Yukon River Area:

(1) king salmon 20 inches or greater in length: the bag and possession limit is three fish, of which only two fish may be 28 inches or greater in length;

(2) salmon, other than king salmon: the bag and possession limit is 10 fish, with no size limit;

(3) Arctic char/Dolly Varden and lake trout:

***

(B) in all flowing waters: the bag and possession limit is 10 fish of all species combined, of which only two fish may be 20 inches or greater in length, and of which only two fish may be lake trout;

***

(5) Arctic grayling: the bag and possession limit is five fish, with no size limit;

(6) sheefish: the bag and possession limit is 10 fish, with no size limit;

(7) northern pike: the bag and possession limit is 10 fish, with no size limit;

(8) burbot: the bag and possession limit is 15 fish, with no size limit;

***

(10) finfish and shellfish species that are not specified in this section: there are no bag, possession, or size limits;

(c) The following are the exceptions to the general bag, possession, and size limits, and fishing seasons specified in (a) of this section for the Yukon River Area:

***

(4) in the Dalton Highway corridor (Trans-Alaska Pipeline corridor) within the Yukon River Area, which is described as a corridor five miles wide on each side of the Dalton Highway north of the Yukon River, excluding the Ray River,

(A) sport fishing for salmon is closed;

(B) lake trout may be taken only by catch-and-release fishing, and may not be possessed or retained; all lake trout caught must be immediately released;

(C) the bag and possession limit for northern pike is five fish, of which only one fish may be 30 inches or greater in length;

Extent of Federal Public Lands/Waters

For purposes of this analysis, the phrase "Federal public waters" is defined as those waters described under 36 CFR §242.3 and 50 CFR §100.3. Approximately three miles of Jim River exist within the Kanuti Refuge boundary, managed by the U.S. Fish and Wildlife Service (**Figure 1**). The remainder of the Jim River drainage is general domain land managed by the Bureau of Land Management (BLM). On general domain lands, Federal subsistence regulations apply only to non-navigable waters.

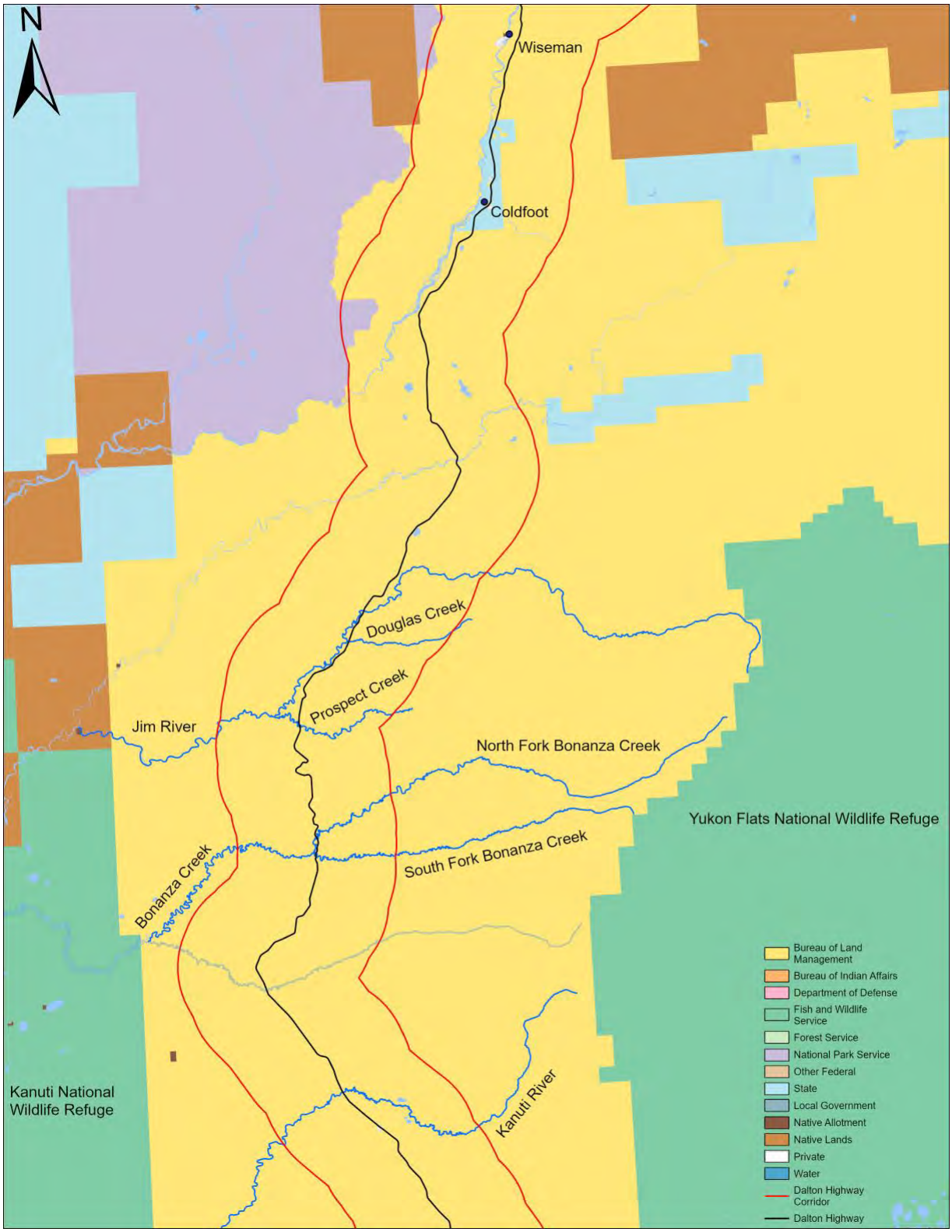

Figure 1. Map of the Dalton Highway Corridor (red lines), the Jim River drainage, and the other closed systems in the area.

Customary and Traditional Use Determination

Residents of the Yukon-Northern Area have a customary and traditional use determination for freshwater species other than salmon in the Yukon River drainage.

Regulatory History

Under State regulations, the portion of the Jim River within the Dalton Highway Corridor (5 miles on either side of the highway) has been closed to subsistence fishing since the late 1970s, beginning with construction of the Dalton Highway (Holen et al. 2012). The opening of the Dalton Highway to public travel in 1994 provided new access to lakes and streams along the route. Increases in recreational fishing effort and harvest have resulted in reductions in sport fishing bag limits for Northern Pike and Arctic Grayling, no retention of Lake Trout, and a salmon fishing closure within the Dalton Highway Corridor (Stuby 2021).

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in non-navigable waters within and adjacent to Federal public lands (57 Fed. Reg. 22940 [May 29, 1992]). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations. The Jim River closure was incorporated into Federal regulations in this manner and has not been subsequently modified.

In 1999, the Board also adopted Federal regulations for fish in navigable waters within and adjacent to Federal public lands where there is a Federal reserved water right (64 Fed. Reg. 1276 [January 8, 1999]). These regulations do not apply on navigable waters within and adjacent to Bureau of Land Management general domain lands (see 50 CFR 100.3).

The Federal Subsistence Management Program justification for the original closure in Federal regulations was to minimize disruption to the State's continuing fish and game management, because of the uncertainty over the resumption of State management of subsistence, yet still fulfill the requirements of Title VIII of ANILCA (55 FR 27114, June 29, 1990).

The Jim River closure was reviewed during the 2021–2023 Fisheries Regulatory Cycle. The WIRAC and Seward Peninsula Subsistence Regional Advisory councils recommended eliminating the closure to the harvest of all fish in the Jim River drainage and modifying regulations to allow rod and reel gear only and an Arctic Grayling harvest and possession limit of 10 per day. The Yukon-Kuskokwim Delta, Eastern Interior Alaska, and North Slope Subsistence Regional Advisory councils deferred to WIRAC. The Alaska Department of Fish and Game (ADF&G) was neutral and provided no comment. However, during the Board's 2021 Fisheries regulatory meeting, the Department of Interior Solicitor's Office expressed concern that any action taken by the Board beyond simply eliminating or maintaining the closure would not allow appropriate notice and opportunity for public comment. Therefore, the Board voted to maintain the closure with the expectation that a proposal could be submitted by WIRAC to eliminate the closure.

Biological Background

Salmon

Chinook, Chum, and Coho salmon are known to spawn and rear in the Jim River. Aerial surveys were flown sporadically from 1960 to 2015 to count Chinook and Chum salmon in the Jim River (ADF&G 2022a). The 1960 to 2015 average count of live Chinook Salmon is 120 fish with a range of 0–358 fish. The average number of Chinook Salmon carcasses for these same years is 13 with a range of 0–126. Summer Chum Salmon averaged 278 live fish (range 0–1,484) and 116 carcasses (range 0–1,690). Fall Chum Salmon averaged 103 live fish (range 0–1,057), and 41 carcasses (range 0–672). During 2009–2012, and 2015, a mean of 183 Chinook Salmon and 462 Chum Salmon were counted per year (ADF&G 2022a). There is no escapement goal for any salmon species in this drainage.

Nonsalmon

The nonsalmon fish community in the Jim River drainage is comprised of Arctic Grayling, Burbot, Humpback and Round whitefish, Longnose Sucker, Northern Pike, and Slimy Sculpin (BLM 2005, ADF&G 2022b). While population assessments have been conducted for Arctic Grayling in the Jim River, less is known about the other nonsalmon species in this system. Information related to the habitat use, seasonal movements, and population status of Arctic Grayling, Burbot, whitefish, Longnose Sucker, and Northern Pike was provided by local experts during a Traditional Ecological Knowledge study conducted by ADF&G Division of Subsistence (Andersen et al. 2004). The local knowledge provided in this study applies to the broader Koyukuk River drainage.

Arctic Grayling

Arctic Grayling are found throughout the Koyukuk and Jim River drainages. Local knowledge indicates Arctic Grayling spend most of their time in clear, quickly moving water in tributary streams and headwater areas whenever this habitat is clear of ice. They are reported to move into this habitat after breakup in April or May, spawning shortly afterwards and feeding on insects. Later, larger Arctic Grayling occupy higher quality feeding areas farthest upstream, and smaller fish occupy poorer feeding areas downstream (Hughes 1992, Andersen et al. 2004). Arctic Grayling move from tributary streams to overwintering areas in deeper water downstream during September and October. Arctic Grayling overwinter in the Koyukuk River mainstem and large tributaries, as well as lakes in the far upper portions of the Koyukuk drainage (Andersen et al. 2004).

Stock assessments of Arctic Grayling within the Jim River and its tributaries adjacent to the Dalton Highway were conducted during 1995–1997 (Fish 1997). The abundance of Arctic Grayling was estimated in a 4 mile section of Prospect Creek in 1996. The estimated abundance was 770 Arctic Grayling (SE = 231) with a density of 193 fish/mile. The Jim River population abundance and age structure was estimated in 1995 and 1997 for a 13.2 mile stretch near the Dalton Highway. In 1995, the Arctic Grayling abundance estimate was 5,105 fish (SE = 1,103) which resulted in a density of approximately 387 fish/mile. The age of Arctic Grayling ranged from 2 to 15 years. Approximately 32% of the population was 5 years old, the most common age reported from this study year. In 1997,

the estimated abundance and density of Arctic Grayling was 12,059 fish (SE = 2,650) and 914 fish/mile, respectively. The sampled fish ranged from 2 to 16 years old, with 25% of the samples being 3 years old, the most common age during this study year (Fish 1997).

Burbot

According to local experts, Burbot are found in major tributaries of the Koyukuk drainage, but not the smallest tributaries. Burbot may occupy headwater lakes or the mainstem of the Koyukuk River year-round. Most non lake-adapted Burbot follow a different seasonal movement pattern from other fish, moving upstream along shallow water areas beginning around October through January or February. Spawning takes place under the ice in winter (Andersen et al. 2004).

Whitefish

Local experts indicate whitefish move upstream in the Koyukuk River just before and during spring break up. As the water becomes fast and high due to spring run-off, the fish move into calmer side waters, returning when water levels drop. They repeat this movement whenever water levels rise. Some whitefish spend summers feeding in lakes, while others stay in the Koyukuk River and major sloughs. In fall, whitefish move towards spawning areas upstream, then descend downstream after spawning around September and October. Whitefish are said to overwinter in an inactive state in deep lakes from December to March (Andersen et al. 2004). Round Whitefish is a "clear water fish" that prefers to spend time in smaller streams and headwaters, "similar to graying" (Andersen et al. 2004: 93).

According to local knowledge, the abundance and quality of whitefish in the Koyukuk drainage has declined over the previous 60 years. These declines were attributed to changes in habitat and die-offs resulting from being stranded in shallow lakes during high water periods (Andersen et al. 2004).

Longnose Sucker

Local knowledge indicates that Longnose Sucker are present in small numbers in the Koyukuk River drainage but occur at relatively high numbers in the Jim River. Longnose Sucker spend the open water period river in mainstems, sloughs, large and small tributaries, and lakes, and move into deep portions of the main lower Koyukuk River during winter. Spawning occurs in small streams after breakup (Andersen et al. 2004).

Northern Pike

According to local experts, Northern Pike in the Koyukuk drainage overwinter in deep lakes and move into shallow lakes and sloughs in spring. Spawning takes place in early summer. After mid-September, Northern Pike move back towards the main river and deep lakes (Andersen et al. 2004).

Cultural Knowledge and Traditional Practices

Of those communities with a customary and traditional use determination for fish in the Yukon River drainage, those located in reasonable proximity to Jim River as it crosses the Dalton Highway are most

likely to subsistence fish in the area, were the closure rescinded. This includes Wiseman and Coldfoot. In addition to these communities, which are located on the road system, the communities of Evansville and Bettles are connected to the Dalton Highway via a winter road to Evansville from January through March (Holen et al. 2012). However, there is a mismatch between the timing of this road opening and that of nonsalmon fishing by these communities (Andersen et al. 2004). Furthermore, an ADF&G Division of subsistence survey indicated that residents of Bettles and Evansville focus their subsistence use in areas closer to these communities (Holen et al. 2012).

The community of Stevens Village also has access to the Dalton Highway as it crosses the Yukon River, via boat and snow machine (Trainor 2022, pers. comm.). However, a subsistence survey of Stevens Village conducted from 1984 to 1985 showed that residents focus most of their subsistence fishing activity closer to their community on the Yukon River (Sumida 1988); a more recent ADF&G Division of Subsistence survey did not map subsistence use areas (Brown et al. 2016).

Wiseman and Coldfoot

Wiseman and Coldfoot are very small communities located on the Dalton Highway. Both communities fall within the traditional boundaries of the Koyukon Athabascan people, an area which has also been influenced by historical interaction with Iñupiat. Both Wiseman and Coldfoot were established as the result of the gold mining industry in the late 1800s and early 1900s. Coldfoot was abandoned by 1930, before being re-settled in the 1970s in connection with construction of the Dalton Highway and the Trans-Alaska Pipeline. As of 2018 there were an estimated eight full-time residents in Coldfoot and 11 in Wiseman (ADLWD 2019). The area also includes a small number of residents along the Dalton Highway Corridor in camps and other isolated households. ADF&G Division of Subsistence conducted its only subsistence survey of Wiseman and Coldfoot in 2012, for the 2011 calendar year.

At the time of ADF&G's survey, there were five year-round households in Wiseman, and all were surveyed. Four of these households attempted to fish, and all households used fish, although in small quantities (Holen et al. 2012). Residents of Wiseman and Coldfoot can fish within the Jim River closure area with rod and reel under State sport fishing regulations.

Salmon

Wiseman residents traditionally harvested and used small amounts of Chum and Chinook salmon locally. However, in part because of local closures to both subsistence and sport fishing for salmon in place since 1978 (sport fishing for salmon is closed within a 5-mile radius of the Dalton Highway), Wiseman residents primarily harvest salmon at locations far afield, such as in the Copper and Yukon rivers.

During the 2011 study year, only one of the five Wiseman households fished for salmon (at locations distant from the community), resulting in an estimated 12 pounds of Sockeye Salmon per person, or 4% of Wiseman's total wild food harvest in weight. In addition, Wiseman households received and shared Chinook Salmon, although they did not directly harvest any. All households used salmon (Holen et al. 2012).

Nonsalmon fish

According to Holen et al., "Since the salmon fishing closure was initiated, non-salmon fish have become even more important to Wiseman residents" (2012: 369). Nonsalmon fishing can take place under subsistence regulations in areas that are not closed (in addition to the Jim River closure, subsistence fishing is also closed in Bonanza Creek and a portion of the Kanuti River). In addition, nonsalmon fish can be taken by rod and reel under State sport fishing regulations throughout the area. Within these regulatory restrictions, during the study period, nonsalmon fishing was reported as occurring close to Wiseman and Coldfoot adjacent to the Dalton Highway, as well as on the South Fork Koyukuk River and as far south as the Jim River (Holen et al. 2012, **Figure 2**).

During the study period, four of the five Wiseman households fished for nonsalmon species, resulting in an estimated 13 pounds of nonsalmon fish per person, or 5% of Wiseman's total wild food harvest in weight. The three most significant nonsalmon harvests in terms of weight were Arctic Grayling, Longnose Sucker, and Burbot (Holen et al. 2012, ADF&G 2020, **Table 1**).

In 2011, about 52% of Wiseman's nonsalmon fish harvest (measured in edible weight) was taken with gillnet or seine, about 28% was taken with "other subsistence methods," which includes set lines, and the remainder was taken by rod and reel. However, the only nonsalmon species that participants reported taking by rod and reel was Lake Trout; a little less than half of the Lake Trout harvest was taken with this gear. The fish most significant in terms of subsistence harvest were taken entirely with subsistence gear during the study period, described in more detail below, although Wiseman's harvest methods for Longnose Sucker and whitefish species were not quantified in the relevant subsistence survey report (Holen et al. 2012).

Arctic Grayling

In this description of harvest practices for Arctic Grayling, and for other species, below, ethnographic data are drawn both from ADF&G's subsistence survey in Wiseman for the 2011 calendar year (Holen et al. 2012) and from a Traditional Ecological Knowledge Study conducted by ADF&G Division of Subsistence from 2001 to 2003 (Andersen et al. 2004). The latter study incorporated interviews with 29 key respondents who were life-long residents of the wider Koyukuk River drainage communities of Alatna, Allakaket, Bettles/Evansville, Hughes, Huslia, Koyukuk, and Wiseman. Where available, information specific to practices by residents of Wiseman is emphasized.

In the Koyukon language Arctic Grayling are called *tleghelbaaye*, which likely refers to their gray coloring (Andersen et al. 2004). Fall and early winter are the preferred times for harvesting Arctic Grayling by Koyukuk River communities (Andersen et al. 2004). In the 2011 study year, Wiseman residents harvested Arctic Grayling with gillnet or seine (25%) and "other subsistence methods" (75%) (Holen et al. 2012). Residents of the wider region fish for Arctic Grayling with hook and line beginning when rivers begin to freeze, usually in October. They use rod and reel in open eddies until freeze-up is complete, after which they fish through holes in the ice. Arctic Grayling are also sometimes caught during fall seining for whitefish. Arctic Grayling are easily preserved by freezing,

and people prefer to eat them raw and frozen. As winter progresses, Arctic Grayling are further downstream in deep water, and are less accessible (Andersen et al. 2004).

Burbot

Burbot are known as *tl'eghes*, in the Koyukon dialect of the lower Koyukuk River, and *tsoneye* in the upper river dialect. Burbot can be an important subsistence resource for Koyukuk River communities in winter when other fish are not available. They are harvested beginning in the fall. In the middle Koyukuk River conditions are ideal for Burbot traps in winter, but in areas closer to the headwaters Burbot are most commonly taken with set hooks through the ice beginning around October. According to a key informant from Wiseman, Burbot have also traditionally been taken from lakes in the summer with spears (Andersen et al. 2004). During the 2011 study year, Wiseman residents took Burbot entirely with subsistence gear "other than gillnet or seine" (Holen et al. 2012).

In the fall and winter Burbot can be preserved by natural freezing, but do not preserve well, and people prefer to eat them soon after they are harvested. The fatty liver is the most prized part of the fish. For subsistence purposes, people prefer to catch them before they spawn, when they are a better source of fat. Burbot return downstream beginning in February (Andersen et al. 2004).

Whitefish

The generic term for whitefish in the Koyukon language is *ts'oł.* There are two species of large whitefish in the Koyukuk drainage, Broad Whitefish (*taaseze*, or "water bear") and Humpback Whitefish (*holehge*, "it swims upwards"). There are also two species of small whitefish, Least Cisco (*tsaabaaya*) and the Round Whitefish (*hułten*). According to local experts, the latter is only thinly distributed in the Koyukuk drainage (Andersen et al. 2004).

One key informant said that he had observed a decline in whitefish populations over the previous sixty years, and that the fish had also become less fatty. He attributed this decline to habitat change, and especially to decreased weeds and insects, as well as increased silt and water temperatures. Whitefish are susceptible to die-offs after being trapped in shallow lakes during high water periods (Andersen et al. 2004).

Gillnets are used to catch whitefish in the spring after breakup and in the fall as fish move between seasonal habitats. Whitefish are considered to be in prime condition in fall. After freeze-up they can be caught with set nets. Least Cisco may be caught with seining nets, although river conditions prevent the use of these in the upper portion of the river. In the summer, whitefish are sometimes incidentally caught in nets used for salmon. Round Whitefish are very thinly distributed and are not commonly caught. Wiseman's harvest methods for whitefish were not specifically described in Holen et al. (2012).

Longnose Sucker

The Koyukon term for Longnose Sucker is *toonts'ode*, "something bad went into the water" (Andersen et al. 2004). Longnose Sucker are mostly caught in the KoyukukRiver drainage as by-catch in nets set

out for whitefish in the spring. In areas suitable to the harvest method, they are sometimes taken during fall whitefish seining. Finally, they are sometimes taken in the winter with under-ice Burbot traps. In the past, spring-harvested Longnose Sucker were important for feeding both humans and dogs, but today they are primarily used as dog food. The many small bones in the fish make the end portion of Longnose Sucker inedible for humans (Andersen et al. 2004). Wiseman's harvest methods for Longnose Sucker were not specifically described in Holen et al. (2012).

Northern Pike

Northern Pike are known as *k'oolkkoye* in the Koyukon language, and are an important food resource that is available year-round. Northern Pike are present but not common in the Koyukuk River near Bettles, and are not present in the Middle Fork of the Koyukuk near Wiseman.

On the Koyukuk River, Northern Pike are caught with gillnets in spring and fall. "Pike are sometimes caught during the summer using artificial lures and rod and reel gear in area lakes or specific river or slough locations known for being good pike fishing. Pike are also frequently taken as by-catch in summer nets and fishwheels targeting salmon" where conditions permit use of this gear (Andersen et al. 2004: 74). In winter they can be harvested with a hook through the ice where streams leave or enter lakes.

Key informants from the wider region reported harvesting Northern Pike with gillnets, fish traps, and hook and line gear. According to Andersen et al., "The ability to take pike using unusual methods contributed to the utility of pike as a subsistence resource" (2004:75). During the subsistence survey study year, Wisemen residents harvested Northern Pike entirely with gillnet or seine (Holen et al. 2012).

Table 1: Estimated number of nonsalmon fish and corresponding pounds per person harvested by Wiseman households in the 2011 calendar year (ADF&G 2020).

Fish species	Estimated number of fish	Estimated pounds per person
Arctic Grayling	111	5.97
Longnose Sucker	40	2.15
Burbot	9	1.66
Northern Pike	4	1.38
Char	11	1.11
Lake Trout	9	0.97
Whitefish	25	0.96
Dolly Varden	2	0.13

Figure 2. Wiseman's nonsalmon fish search and harvest areas, 2011. Source: Holen et al. 2012.

Coldfoot was also surveyed by ADF&G Division of Subsistence for the 2011 calendar year. At that time, there were five year-round households in Coldfoot, four of which were surveyed, representing 10 individuals. During the survey year, no residents of the community fished for either salmon or

nonsalmon fish, but one household received and used Coho and Sockeye salmon. No use of nonsalmon fish was documented in Coldfoot during the study period (Holen et al. 2012).

Harvest History

Subsistence fishing is prohibited in the Jim River under State and Federal regulations so there is no legal subsistence harvest in this system. Harvest is allowed under State sport fishing regulations and is not limited to Federally qualified subsistence users.

During years when sport fishing for Chinook Salmon isn't closed or restricted by emergency order, Chinook Salmon throughout the Yukon River Management Area (excludes the Tanana River) can be harvested with a limit of three per day, three in possession over 20 inches (only two can be over 28 inches), and ten per day, ten in possession for under 20 inches. Other salmon have a ten per day, ten in possession limit. However, salmon fishing is closed within a 5-mile radius on either side of the Dalton Highway.

Per the general sport fish regulations that apply to the entire Yukon River Management Area that extends from the Yukon River Delta to the border with Canada and includes the entire Yukon River drainage (excluding the Tanana River), Dolly Varden can be harvested with a limit of ten per day, ten in possession (only two can be 20 inches or longer). Allowable Lake Trout harvest is two per day, two in possession, only two of which may be 20 inches or longer. Arctic Grayling have no size limit and have a limit of five per day, five in possession. Sheefish and Northern Pike have a limit of ten per day, ten in possession and Burbot have a harvest limit of 15 per day, 15 in possession.

Special regulations apply to all streams within the Trans-Alaska Pipeline corridor, which is defined as the length of the Pipeline north of the Yukon River extending 5 miles on either side of the Dalton Highway, excluding the Ray River where General Regulations apply. The Jim River crosses the Dalton Highway Corridor. In this area, sport fishing for salmon is closed. In addition, retention of Lake Trout is prohibited and the limit of Northern Pike is 5 per day, 5 in possession (only one of which may be 30 inches or longer).

The majority of sport fish harvest along the Dalton Highway corridor for the Yukon River Management Area is for Arctic Grayling (Stuby 2021). Sport fish harvest estimates for Arctic Grayling in streams along the Dalton Highway south of Atigun Pass reported an average of 324 fish annually during 2009–2018. Of these, an average of 122 Arctic Grayling were harvested from the Jim River. Fishing effort for this entire area for all species during 2009–2018 was approximately 928 angler days (Stuby 2021). Sport fishing effort and harvest in Alaska have been estimated and reported annually since 1977 using a mail survey. Estimates based on fewer than 12 responses indicate that the sport fishing occurred and are subject to high variance. The majority of estimates for the Dalton Highway during 2009–2018 were based on fewer than 12 respondents (Stuby 2021). These data suggest that sport fish harvest and effort may not be large enough to cause conservation concerns for Arctic Grayling in the Jim River.

Other Alternatives Considered

An alternative is to rescind the closure to the harvest of all fish in the Jim River drainage by Federally qualified subsistence users. Rescinding the closure would provide a Federal subsistence priority not currently in regulation. If the closure is rescinded, Federal subsistence regulations for the Yukon-Northern Area would apply. Harvest of salmon would be allowed, and Federal subsistence fishing schedules, openings, closings, and fishing methods would be the same as those issued by State emergency order for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal special action. For nonsalmon species, harvest would be unrestricted for all gear types other than rod and reel. Harvest and possession limits for rod and reel would match State sport fishing regulations. This alternative was rejected because the Jim River is road accessible, allowing easy access and harvest of fish. Allowing unrestricted harvest for gear types other than rod and reel in an easily accessible system may lead to overharvest and local depletion of stocks.

Effects of the Proposal

If Proposal FP23-01 is adopted, subsistence fishing for salmon would remain closed under Federal regulations in the Jim River drainage. Nonsalmon fish could be taken by rod and reel only. Subsistence rod and reel harvests would match State sport fishing harvest and possession limits except for Arctic Grayling, which would have a harvest and possession limit of 10 per day (the current sport fish harvest and possession limit is five per day). This proposal would increase harvest opportunity for Federally qualified subsistence users and provide a subsistence priority as mandated by ANILCA. No conservation concerns exist for this proposal as salmon fishing would remain closed and nonsalmon fishing would be restricted to rod and reel only.

If Proposal FP23-01 is not adopted, subsistence fishing will remain closed under both Federal and State regulations in the Jim River drainage. Sport fishing would be allowed and Federally qualified subsistence users could continue to harvest salmon and nonsalmon fish under State sport fishing regulations. Federal regulations would remain more restrictive than State sport fishing regulations, which does not support the subsistence priority mandated by ANILCA.

OSM PRELIMINARY CONCLUSION

Support Proposal FP23-01

Justification

This drainage is currently closed to subsistence fishing by Federally qualified subsistence users but open to other uses. There is likely a small amount of harvest under State sport fishing regulations, predominantly near the Dalton Highway. Allowing a limited subsistence harvest using rod and reel only would provide subsistence opportunity in an area that is currently closed and protect populations from overharvest. If this system is opened to rod and reel only, State sport fish harvest and possession limits would apply. Increasing harvest and possession limits of Arctic Grayling would provide a subsistence priority for Federally qualified subsistence users and justify the time and expense of

traveling to harvest this species. Maintaining the closure to salmon will protect small populations within the drainage.

LITERATURE CITED

ADF&G. 2020. Community subsistence information system, ADF&G Div. of Subsistence. https://www.adfg.alaska.gov/sb/CSIS/. Retrieved June 2, 2020.

ADF&G. 2022a. AYK database management system. https://www.adfg.alaska.gov/CF_R3/external/sites/aykdbms_website/Default.aspx

ADF&G. 2022b. Alaska freshwater fish inventory. https://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=main.interactive. Retrieved May 11, 2022.

ADLWD: Alaska Department of Labor and Workforce Development, Research and Analysis Section. 2019. Alaska population overview: 2018 estimates. https://live.laborstats.alaska.gov/pop/estimates/pub/18popover.pdf

Andersen, D.B., C.L. Brown, R.J. Walker, and K. Elkin. 2004. Traditional ecological knowledge and contemporary subsistence harvest of non-salmon fish in the Koyukuk River drainage, ADF&G, Div. of Subsistence Tech. Paper No. 282.

BLM, 2005. Fish streams along the Trans-Alaska pipeline system, a compilation of selected references with current TAPS stationing. Fourth Edition. BLM Alaska Open File Report 105. BLM/AK/ST-06/004+6674+990. U.S. Department of the Interior, Bureau of Land Management, Anchorage, AK.

Brown, C. L., N.M. Braem, M.L. Kostick, A. Trainor, L.J. Slayton, R.M. Runfola, E.H. Mikow, H. Ikuta, C.R. McDevitt, J. Park, and J.J. Simon. 2016. Harvests and uses of wild resources in 4 interior Alaska communities and 3 arctic Alaska communities, 2014. ADF&G, Div. of Subsistence Tech. Paper No. 426. Fairbanks, AK.

Fish, J. T. 1997. Stock assessment of Arctic grayling in the Jim River and other streams adjacent to the Dalton Highway, 1995–1997. ADF&G, Fishery Manuscript Series No. 97-3, Anchorage, AK.

Holen, D., S.M. Hazell, and D.S. Koster, eds. 2012. Subsistence harvests and uses of wild foods by communities in the eastern Interior of Alaska, 2011. ADF&G, Div. of Subsistence Tech. Paper No. 372. Anchorage, AK.

Hughes, N.F. 1992. Selection of positions by drift-feeding salmonids in dominance hierarchies: model and test for Arctic Grayling (*Thymallus arcticus*) in subarctic mountain streams, Interior Alaska. Can. J. Fish. Aquat. Sci. 49(10): 1999–2008. doi:10.1139/f92-223.

Stuby, L. 2021. Fishery management report for sport fisheries in the Yukon Management Area, 2019. ADF&G, Fishery Management Report No. 21-27, Anchorage, AK.

Sumida, V.A. 1988. Land and resource use patterns in Stevens Village, Alaska. ADF&G, Div. of Subsistence Tech. Paper No. 129. Fairbanks, AK.

Trainor, A. 2022. Northern Region Program Manager. Personal communication: email. ADF&G, Div. of Subsistence. Fairbanks, AK.

FP23–02 Executive Summary	
General Description	Proposal FP23-02 requests the Federal Subsistence Board to recognize customary and traditional uses of Chinook, summer Chum, Coho, Sockeye, and Pink salmon in the Yukon River drainage by residents of Chevak, Hooper Bay, and Scammon Bay. *Submitted by: Chevak Native Village*.
Proposed Regulation	**Customary and traditional use determinations—Fish** **Yukon-Northern Area** *Yukon River drainage* — *Salmon ~~other than Fall Chum Salmon~~* — *Rural residents of the Yukon River drainage and the community of community of Stebbins,* ***Scammon Bay, Hooper Bay, and Chevak*** *~~Yukon River drainage~~* — *~~Fall Chum Salmon~~* — *~~Rural residents of the Yukon River drainage and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak~~* *Yukon River drainage* — *Freshwater fish species (other than salmon)* — *Residents of the Yukon-Northern Area* *Remainder of the Yukon-Northern Area* — *All fish* — *Residents of the Yukon-Northern Area, excluding the residents of the Yukon River drainage and excluding those domiciled in Unit 26B* *Tanana River drainage contained within the Tetlin NWR and the Wrangell-St. Elias NPP* — *Freshwater fish (other than salmon)* — *Residents of the Yukon-Northern Area and residents of Chistochina, Mentasta Lake, Slana, and all residents living between Mentasta Lake and Chistochina*

FP23–02 Executive Summary	
OSM Preliminary Conclusion	**Support**
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation	
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	
Seward Peninsula Subsistence Regional Advisory Council Recommendation	
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**None**

DRAFT STAFF ANALYSIS
FP23-02

ISSUES

Proposal FP23-02, submitted by the Chevak Native Village, requests the Federal Subsistence Board (Board) to recognize customary and traditional uses of Chinook, summer Chum, Coho, Sockeye, and Pink salmon in the Yukon River drainage by residents of Chevak, Hooper Bay, and Scammon Bay.

DISCUSSION

The proponent states that residents of Chevak, Hooper Bay, and Scammon Bay depend on Chinook, summer Chum, Coho, Sockeye, and Pink salmon in the Yukon River drainage and should be able to harvest salmon under Federal regulations. The current customary and traditional use determinations for Yukon River drainage salmon were adopted from State regulations in 1992 at the beginning of the Federal Subsistence Management Program and should be modified to include these three coastal communities.

For the purpose of the customary and traditional use determinations for salmon, the Yukon River drainage consists of waters flowing into the Bering Sea from Point Romanof extending south and west along the coast of the delta to approximately one nautical mile south of the mouth of the Black River, based on the description of the Yukon River drainage in regulation in **Appendix 1**. District 1 of the Yukon River drainage encompasses the mouth of the Yukon River and the Black River, as shown in **Figure 1**. The Coastal District, which encompasses the three communities, is shown in **Figure 2**.

In contrast, for the propose of managing seasons, harvest limits, and gear, the "Yukon River drainage" encompasses the entire Yukon Area. This has confused interpretation of these customary and traditional use determinations, which this analysis is intended to fix.

Existing Federal Regulation

Customary and traditional use determinations—Fish

Yukon-Northern Area

Yukon River drainage	*Salmon other than Fall Chum Salmon*	*Residents of the Yukon River drainage and the community of community of Stebbins*
Yukon River drainage	*Fall Chum Salmon*	*Residents of the Yukon River drainage and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak*

Yukon River drainage	*Freshwater fish species (other than salmon)*	*Residents of the Yukon-Northern Area*
Remainder of the Yukon-Northern Area	*All fish*	*Residents of the Yukon-Northern Area, excluding the residents of the Yukon River drainage and excluding those domiciled in Unit 26B*
Tanana River drainage contained within the Tetlin NWR and the Wrangell-St. Elias NPP	*Freshwater fish (other than salmon)*	*Residents of the Yukon-Northern Area and residents of Chistochina, Mentasta Lake, Slana, and all residents living between Mentasta Lake and Chistochina*

Proposed Federal Regulation

Customary and traditional use determinations—Fish

Yukon-Northern Area

Yukon River drainage	*Salmon ~~other than Fall Chum Salmon~~*	*Residents of the Yukon River drainage and the community of community of Stebbins,* ***Scammon Bay, Hooper Bay, and Chevak***
~~Yukon River drainage~~	*~~Fall Chum Salmon~~*	*~~Residents of the Yukon River drainage and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak~~*
Yukon River drainage	*Freshwater fish species (other than salmon)*	*Residents of the Yukon-Northern Area*
Remainder of the Yukon-Northern Area	*All fish*	*Residents of the Yukon-Northern Area, excluding the residents of the Yukon River drainage and excluding those domiciled in Unit 26B*

*Tanana River drainage contained within the Tetlin NWR and the Wrangell-St. Elias NPP**	*Freshwater fish (other than salmon)*	*Residents of the Yukon-Northern Area and residents of Chistochina, Mentasta Lake, Slana, and all residents living between Mentasta Lake and Chistochina*

***Note**: NWR=National Wildlife Refuge and NNP=National Park and Preserve.

Relevant Federal Regulations

50 CFR 100.14 Relationship to State procedures and regulations.

(a) State fish and game regulations apply to public lands and such laws are hereby adopted and made a part of the regulations in this part to the extent they are not inconsistent with, or superseded by, the regulations in this part.

Relevant State Regulations

5 AAC 05.100 - Description of Yukon Area

The Yukon Area includes all waters of Alaska between a line extending 315° northwest from Point Romanof at 63° 12.16′ N. lat., 162° 49.72′ W. long. to a point three nautical miles offshore at 63° 14.27′ N. lat., 162° 54.40′ W. long. and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea.

Descriptions of Yukon Area districts and subdistricts in State regulations are in **Appendix 1**. These State regulations that include Federal public waters are incorporated into these Federal regulations.

Extent of Federal Public Waters

For purposes of this discussion, the phrase "Federal public waters" is defined as those waters described under 50 CFR 100.3. Federal public waters in the Yukon Area include all navigable and non-navigable freshwaters located within and adjacent to the exterior boundaries of the following Federal conservation units: Arctic, Innoko, Kanuti, Koyukuk, Nowitna, Tetlin, Yukon Delta, and Yukon Flats National Wildlife Refuges, Yukon-Charley Rivers National Preserve, Gates of the Arctic National Park and Preserve, and Wrangell St. Elias National Park and Preserve, Steese National Conservation Area, and White Mountains National Recreation Area. Federal public waters also include those segments of Beaver Creek, Birch Creek, Delta River, and Fortymile River National Wild and Scenic River systems located outside the boundaries of the other listed Federal conservation units (see **Lower Yukon River Map** and **Upper Yukon River Map**).

Inland freshwaters in Yukon District 1 and the Coastal District, nearby the communities in this proposal, are entirely within the outer boundary of the Yukon Delta National Wildlife Refuge. District 1

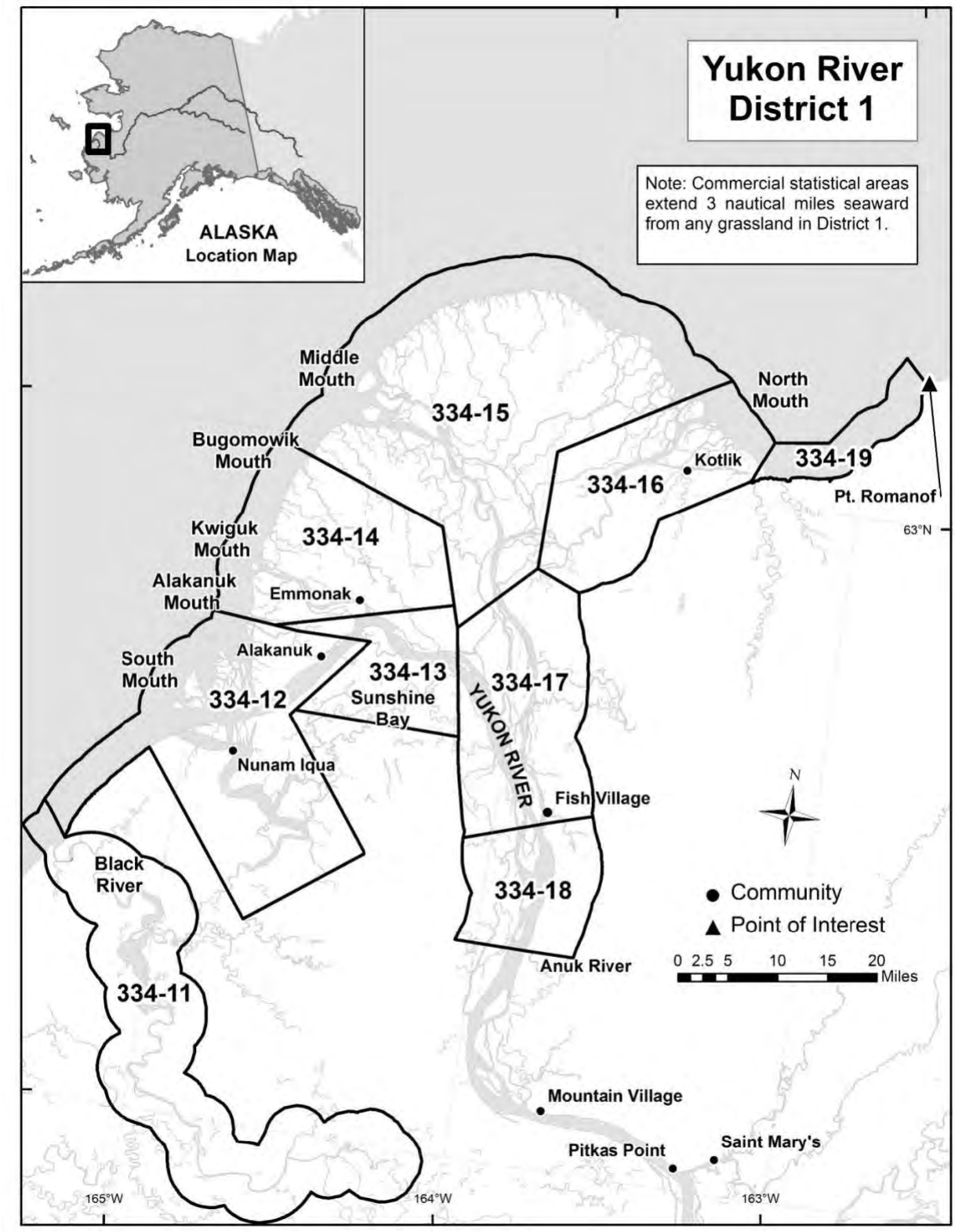

Figure 1. Map showing District 1 of the Yukon River drainage. The Black River drainage is situated within District 1 (Source: Estensen et al. 2018).

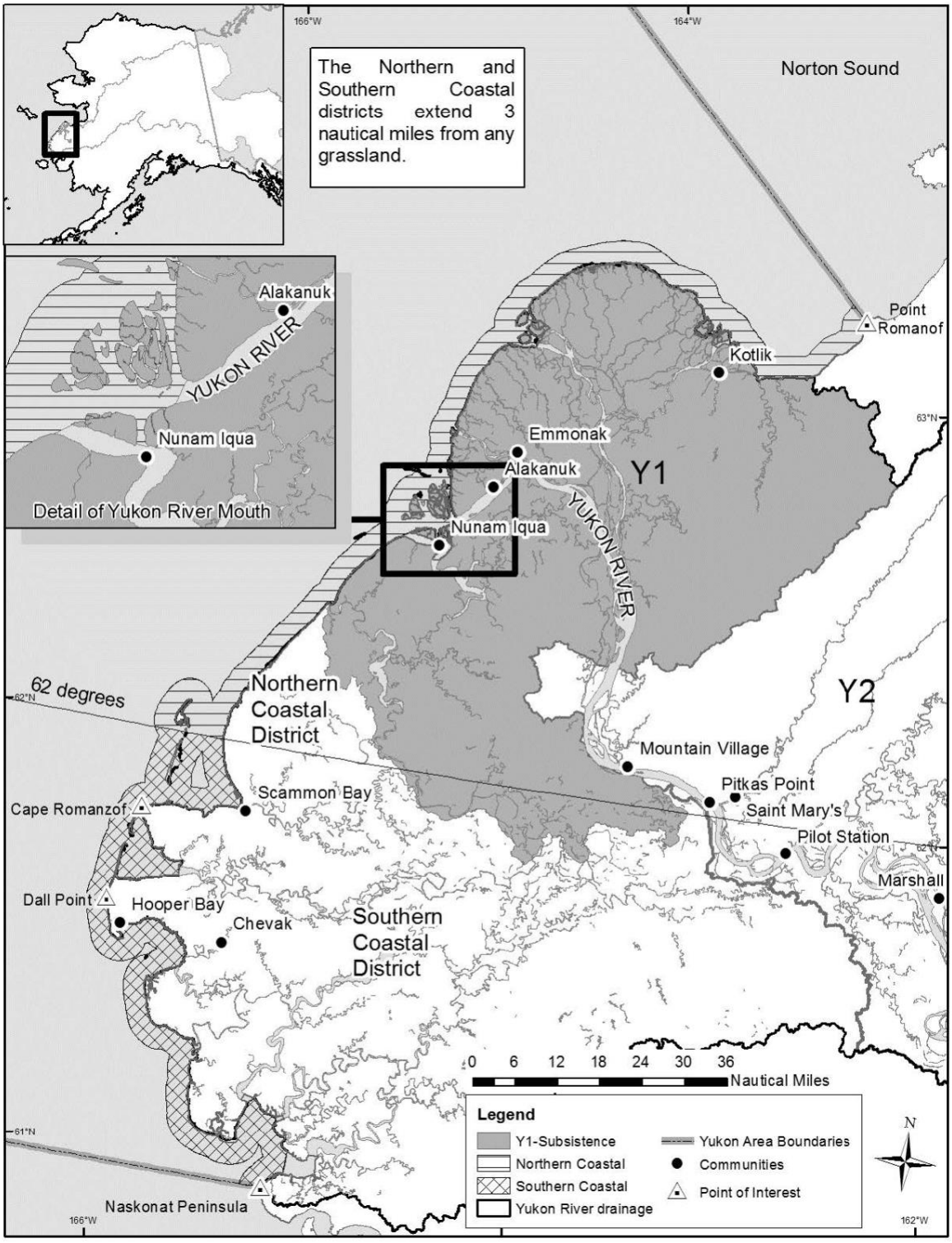

Figure 2. Map showing the Coastal District of the Yukon Area. The communities of Chevak, Hooper Bay, and Scammon Bay are situated within the Southern Coastal District (Source: Estensen et al. 2018).

encompassing the mouth of the Yukon River and the Black River is shown in **Figure 1**. The Coastal District, which encompasses the three communities, is shown in **Figure 2**.

Regulatory History

In 1987, the Alaska Board of Fisheries adopted a regulation limiting the subsistence harvest of fall Chum Salmon in the Yukon River drainage to rural residents of the Yukon River drainage and the communities of Chevak, Hooper Bay, Scammon Bay, and Stebbins (State of Alaska July 1987 Register 102: page 5-14). The communities of Chevak, Hooper Bay, Scammon Bay, and Stebbins were considered outside the Yukon River drainage. Stebbins was outside the northern boundary of the Yukon Area.

It appears the definitions differ between the "Yukon River drainage" and the broader "Yukon Area," because the communities of Chevak, Hooper Bay, and Scammon Bay were specifically cited. The new regulation is in **bolded** language:

> **5 AAC 01.235 Limits on Participation in Subsistence Finfish Fisheries—Yukon Area**
>
> *(a) Only those residents domiciled in the community of Nenana between mile posts 300 and 309 of the Parks Highway and in the community of Minto may take pike in the waters of the Tolovana River drainage upstream of its confluence with the Tanana River.*
>
> ***(b) Only those residents domiciled in rural locations in the Yukon River drainage as determined by the joint Boards of Fisheries and Game under 5 AAC 99, and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak may take Yukon River Fall chum salmon for subsistence purposes.***

In 1988, the Alaska Board of Fisheries adopted a regulation limiting subsistence harvests of all salmon in the Yukon Area to rural residents of the Yukon Area and the community of Stebbins (State of Alaska April 1988 Register 105: page 5-15). Scammon Bay, Hooper Bay, and Chevak were considered within the Yukon Area. This new regulation for the Yukon Area, *(a)* below, encompassed the previous regulation for the Yukon River drainage, *(b)* below. The new regulation is in **bolded** language:

> **5 AAC 01.235 Limits on Participation in Subsistence Finfish Fisheries—Yukon Area**
>
> ~~*(a) Only those residents domiciled in the community of Nenana between mile posts 300 and 309 of the Parks Highway and in the community of Minto may take pike in the waters of the Tolovana River drainage upstream of its confluence with the Tanana River.*~~
>
> ***(a) Only those residents domiciled in the rural locations of the Yukon Area, as determined by the joint Boards of Fisheries and Game in 5 AAC 99.014 and in the community of Stebbins may take salmon in the Yukon Area.***
>
> *(b) Only those residents domiciled in rural locations in the Yukon River drainage, as determined by the joint Boards of Fisheries and Game under 5 AAC 99, and the communities of Stebbins,*

Scammon Bay, Hooper Bay, and Chevak may take Yukon River Fall chum salmon for subsistence purposes.

(c) Only those residents domiciled in rural locations in the Yukon Area, as determined by the joint Boards of Fisheries and Game in 5 AAC 99.014, may take freshwater fish species, including sheefish, whitefish, lamprey, burbot, sucker, grayling, pike, char, and blackfish, in the Yukon Area.

. . . .

In 1992, the Federal Subsistence Board adopted Yukon Area customary and traditional use determinations for salmon and freshwater fishes that were in State regulations (57 Fed. Reg. 104, 22962 [May 29, 1992]). The difference between the definitions of the "Yukon River drainage" and the "Yukon Area," mentioned above, appeared to still exist in the new Federal regulations:

Customary and Traditional Use Determinations for Fish—Yukon Area

Yukon Area	***Salmon***	***Rural residents of the Yukon Area, including the community of Stebbins***
Yukon River	***Fall Chum Salmon***	***Rural residents of the Yukon River drainage, including the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak***
Yukon Area	***Freshwater fish***	***Residents of the Yukon Area***

In 1993, the Alaska Board of Fisheries revised all State customary and traditional use findings to include all residents of Alaska (State of Alaska July 1993 Register 126: page 21). Subsequently, for the State, any question of effects of these regulations on residents of Chevak, Hooper Bay, and Scammon Bay was no longer relevant. The new regulation was the following:

5 AAC 01.236 Customary and Traditional Uses of Fish Stocks—Yukon-Northern Area

The Alaska Board of Fisheries finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

(1) Salmon in the Yukon-Northern Area

. . .

In 1999, the Federal Subsistence Board announced it was revisiting customary and traditional use determinations statewide for fish and shellfish to incorporate determinations that the Board of Fisheries had made since 1990 where they applied on Federal public waters and were consistent with Title VIII of

the Alaska National Interest Lands Conservation Act, ANILCA. For those determinations made by the Board of Fisheries since 1990, the Board made a determination that eligibility for fisheries should be limited to the residents of the area identified (64 Fed. Reg. 64; 1279–1284 [January 8, 1999]). The new regulations are in **bolded** language:

Customary and traditional use determinations for fish— Yukon-Northern Area

Yukon River ~~Area~~ ***drainage***	*Salmon* ***other than Fall Chum Salmon***	*Rural residents of the Yukon River drainage and the community of community of Stebbins*
Yukon River drainage	*Fall Chum Salmon*	*Rural residents of the Yukon River drainage and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak*
Yukon River drainage	*Freshwater fish species (other than salmon)*	*Residents of the Yukon-****Northern Area***
Remainder of the Yukon-Northern Area	***All fish***	***Residents of the Yukon-Northern Area, excluding the residents of the Yukon River drainage and excluding those domiciled in Unit 26B***

Again, the difference between the definitions of the "Yukon River drainage" and the "Yukon Area," mentioned above, appeared to still exist in the newly modified Federal regulations (67 Fed. Reg. 26, 5893 [February 7, 2002]). It appears residents of the communities of Chevak, Hooper Bay, and Scammon Bay were considered to be outside of the Yukon River drainage for the purposes of these customary and traditional use determinations. Instead, the three communities were within the "Remainder" area of the Yukon-Northern Fisheries Management Area. If this was true, the communities had a determination for all salmon species in the Yukon-Northern Area except for in the Yukon River drainage. In the Yukon River drainage, the communities were eligible to harvest fall Chum Salmon only. In contrast, for the propose of managing seasons, harvest limits, and gear, the "Yukon River drainage" encompasses the entire Yukon Area. This has confused interpretation of these customary and traditional use determinations, which this analysis is intended to fix.

Eight Factors for Determining Customary and Traditional Use

Customary and traditional uses in a community or area is generally exemplified through the 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.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors. In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

Introduction

The ancestors of people living in the area of Chevak, Hooper Bay, and Scammon Bay have relied on a seasonal round of wild resource harvesting in which salmon was prominent for at least several thousand years. Evidence suggests the ancestors of contemporary Central Yup'ik people most likely settled coastal areas of the Yukon-Kuskokwim delta by sometime after 4,500 years ago. The area consists of an intricate web of waterways ultimately flowing into the Bering Sea. VanStone (1984a:227) notes, "From the earliest times people were oriented toward a maritime economy in which the seal was the most important animal hunted. On the adjacent tundra there was some caribou hunting, and fishing for salmon was significant at the mouths of rivers and in certain bays."

A resident of Chevak further describes this longevity,

> Before the missionaries, we were nomadic. . . . There are no further records, but we can establish that our forefathers have lived for generations before our first known establishment or communal remains in *Nunaruluq*. . . . Artifacts are proof that our forefathers were here for generations before the influx of the western society (Slats 2022, pers. comm.)

The area is crisscrossed by waterways, sloughs, and lakes that allow routes for people to access interior areas. Coastal areas are shallow, which discouraged Europeans from visiting the area, and as a result Yupiit in coastal areas had intensive contact with Europeans later than those who lived along the banks of the Yukon River, for example. While people lived in numerous settlements situated near to seasonal

migrations of fish, birds, seals, caribou, and other animals, "It was the presence of predictable supplies of salmon that made possible large and stable concentration of population" in this nomadic network (VanStone 1984b:207).

Historical settlements in the vicinity of these three communities are numerous (Fienup-Riordan 1986, Frink 2016, Godduhn et al. 2020). "Much of this rhythm of harvesting foods across the landscape is practiced even today. But a significant change is that the people of Chevak and other coastal communities are permanently settled. Some families still move out to the summer fish camp, and some will still travel to berry camp" (Frink 2016:26). Contemporary village sites are generally bases for winter activities. During summer, families disperse and reorganize into a number of smaller settlements, known as summer camps or fish camps. Some people are highly mobile between alternative dwelling places, especially during summer months (Ikuta 2016).

Processing, Preservation, and Storage

The ability to keep foods edible is time-consuming and requires training and ability because proper processing is critical. "In the extreme Arctic environment, being able to find and harvest your foods is crucial. But just as important is the attendant processing of the harvested animals. Without the proper processing of foods, the harvest would be meaningless. Women have perfected the art of processing foods for appropriate consumption and storage in the Arctic climate for thousands of year" (Frink 2016:31). Frink (2016) describes women processing salmon,

> Salmon are commonly cut with their tails still in place and hung. . . After the fish are dried, some are smoked in plywood sheds enclosed by plastic tarps. Before these structures were used, women would smoke the fish with willow wood (still used as fuel) in small, sod-covered pits. After the fish are properly prepared, they are stored in five-gallon plastic buckets, which have largely replaced the use of woven grass bags (Frink 2016:40).

People at Scammon Bay said that they begin salmon harvesting with the arrival of the first Chinook and summer Chum Salmon. At Scammon Bay,

> Salmon fishers set gillnets in coastal areas to harvest these fish and process their harvests by cutting, hanging, and drying fish for long-term storage. Some salmon are also smoked, salted, partially dried and frozen, fresh frozen, or eaten fresh. Salmon fishing continues throughout the summer months depending on the needs of individual families and fishing groups . . . . Fishers also set gillnets for pink salmon, coho salmon, and whitefishes in summer months (Ikuta et al. 2016:28).

People use store-bought foods to supplement meals but rely on subsistence or traditional foods (Frink 2016, Ikuta 2016).

The Subsistence Way of Life

People show animals respect in many ways (see Fienup-Riordan 1994, 2007). A resident of Chevak explained,

> The subsistence way of life is taught from childhood until they begin living the subsistence ways, and the subsistence users will then teach their own children as they have been taught. . . . Hunting, fishing, handling, preparing, preserving, and storing are taught throughout their lives. The subsistence ways are a generational practice that is handed down for generations since time immemorial. . . . Fish and game that allowed itself to be caught is shown respect and is handled with care and processed with respect. All the parts are put back to the earth or the river with the understanding that they will return to you. All parts are used. . . . Nothing is wasted and we never take more than we need. We rely on the fish for maintaining our culture and heritage. Our fish camps are an integral part of what we use to teach our children subsistence (Slats 2022, pers. comm.).

Community Background

Residents of Chevak, Hooper Bay, and Scammon Bay rely on a seasonal round of wild resource harvesting in which salmon are prominent. These three communities are situated near one another on the Bering Sea coast in southwestern Alaska. Chevak is approximately 140 air miles from Bethel and 520 air miles from Anchorage, Alaska. These communities are accessible by airplane only. Residents are primarily of Yup'ik and Cup'ik (in Chevak and Hooper Bay) cultural traditions (Fienup-Riordan 1986; Slats 2022, pers. comm.).

Chevak (*Cev'ak*), or *Qissunamiut* "Kashunamiut" (people of *Qissunaq* "Kashunak"), is located on the north bank of the Ninglikfak River, which empties into Hooper Bay 17 miles to the east of Chevak. Earlier, people lived at Kashunak (known locally as *Nunaraluq*),

> . . . when traders, and following them Jesuit missionaries, entered the region in the later 1800s and early 1900s. . . . In 1949, the people of Kashunak left their village mound and brought their belongs upriver to Old Chevak, conveniently located at the confluence of the Keoklivik and Kashunak rivers. . . . Shortly after the establishment of the village, Old Chevak was vacated in 1950, and the entire group moved to the present village of Chevak (Frink 2016:13)

Chevak was established in about 1950 by residents of Old Chevak because the Bureau of Indian Affairs would not build a school in the low marshy lands surrounding the site of Old Chevak (Frink 2016; Slats 2022, pers. comm.).

Hooper Bay (*Naparyaarmiut*) is the largest coastal community in the Yukon-Kuskokwim delta area and functions as the hub of transportation and trade for nearby villages. It is located two miles from the Bering Sea on the shores of Hooper Bay. The protected bay and abundance of wild resources attracted people to this village site. Hooper Bay was also known as *Askinuk* or *Askinaghamiut* (Orth 1967, FWS 1988).

The community of Scammon Bay (*Marayaaq*) is situated about one mile from the Bering Sea at the mouth of the Kun River. Historically, people called the people living there *Marayaarmiut* (people of *Marayaaq*). In the 1930s, people moved to the site of the contemporary Scammon Bay community to escape flooding, to attend church, to visit the nearby trading post, for children to attend school, and for other reasons (Ikuta et al. 2016, Godduhn et al. 2020).

The combined population of these communities has more than tripled in the 60 years between 1960 and 2020; in 2020, an estimated 2,926 people were permanent rural residents (**Table 1**, ADLWD 2022).

Table 1. The estimated number of people living in the communities of Chevak, Hooper Bay, and Scammon Bay, based on the U.S. Census (ADLWD 2022).

Community	1960	1970	1980	1990	2000	2010	2020
Chevak city	315	387	466	598	765	938	951
Hooper Bay city	460	490	627	845	1,014	1,093	1,375
Scammon Bay city	115	166	250	343	465	474	600
Total	890	1,043	1,343	1,786	2,244	2,505	2,926

Geographic Use Areas/Method and Means

People living in the coastal communities of Chevak, Hooper Bay, and Scammon Bay harvest salmon from marine waters and freshwater rivers, streams, sloughs, and lakes.

Chevak residents harvest salmon primarily along the coast and in the lower stretches of some rivers from Nuok Spit in Hooper Bay south to the mouth of the Aphrewn River. Set and drift nets are used to harvest salmon (FWS 1988), but as put forth by a Chevak resident, "Methods and mean of harvest would be those that are allowed by law and regulation. We are law abiding citizens. We prefer use of traditional tools and means of taking fish and game to maintain our culture and heritage" (Slats 2022, pers. comm.) (see **Figure 3**). A resident of Chevak continued,

> We have fished for all fish in the ponds, streams, creeks, rivers, and our seas. . . . We have hunted and fished for the land and water resources in Kashunak and the river south from Chevak, the Bay, and mainly the rivers south of our location since time immemorial. We will continue to hunt and fish so long as the wind shall blow and the grass still blooms. Closing of fish that has been our mainstay will turn a culture and tradition into a life of extreme hardship through regulations, instead of environmental and climatic challenges that have been evident throughout our lives" (Slats 2022, pers. comm.).

Hooper Bay residents harvest salmon primarily with set nets in Hooper Bay and numerous rivers near the community. A popular area is the tidal flats inward of Nuok Spit. The lower Kokechik River, the Kashunak River from Nanvaranak Lake downstream to the Keoklevik River, the Keoklevik River, and the mouth of the Kashunak River are all important salmon fishing areas. Chinook and Chum salmon are

Figure 3. Map showing some of the rivers, creeks, and lakes visited by residents of Chevak, Hooper Bay, and Scammon Bay to harvest salmon (base map google.com)

the primary species of salmon harvested. Some Pink and Coho salmon are also harvested (FWS 1988) (see **Figure 3**).

At Scammon Bay, sea ice-out typically occurs in late May, and people begin herring fishing. Salmon fishing begins with the arrival of the first Chinook and summer Chum salmon:

> Some people set gillnets in the Kun River or in Scammon Bay within a short distance from the community. Others travel to family fish camp sites, some of which are within five to ten miles west of Scammon Bay along the coast. Other fish camps are as far away as 20 miles north along the coast at the mouth of Melatolik Creek, to 40 miles north in the lower portion of Black River (Ikuta et al. 2016:28**)**.

Scammon Bay residents described where they traveled in 2013 in order to harvest salmon:

> [People] harvested salmon in the lower five miles of the Black River, in an area of the Bering Sea surrounding the mouth of the Black River, and in a strip of ocean along the coast extending approximately 15 miles from the mouth of the Black River southwest towards the mouth of Melatolik Creek. Fishers also harvested salmon in the mouth of Melatolik Creek and in the mouth of the Kipungolak River where it drains into the Black River. [People] harvested salmon in locations close to Scammon Bay including in the Kun River, from the mouth of the Kikneak River and other sites downstream to the mouth of the Kun River. Fishers also harvested salmon in an area of the Scammon Bay water body extending from the community eight miles west along the coast (Ikuta et al. 2016:68).

Residents of the three communities travel to the mouth of the Yukon River to participate in salmon commercial and subsistence fisheries there (Wolfe 1981, 1982; Fienup-Riordan 1986; Crawford and Lingnau 2004; Ikuta et al. 2016). In the 1980s, "Scammon Bay families regularly moved north to fish salmon around the mouth of the Black River. In 1981 some Scammon Bay people fished along the south pass, apparently with fish camps established on Manning Island" at the south mouth of the Yukon River (Wolfe 1981:59). Residents of Hooper Bay and Chevak worked at the salmon processor in Mountain Village. Fienup-Riordan (1986) reported that from their fish camps just inside the mouth of the Black River (about 30 miles below the south mouth of the Yukon River), Scammon Bay "men sometimes move into the Yukon River proper, as far up as Mountain Village, to try their luck drifting. Also, after the commercial season closes at Black River, several families normally relocate to the north or middle mouths of the Yukon River to take advantage of the fall runs of Chum and Coho, which only briefly visit the Black River area" (Fienup-Riordan 1986:136).

Estimated Harvest of Salmon

In addition to population growth, social and economic changes have affected salmon harvesting in the area. One subsistence activity that impacted salmon harvesting levels was the use of salmon to feed sled dogs, described below.

> The period from 1900 to 1940 encompasses the peak sled dog era in the Yukon River drainage . . . virtually every family maintained a small number of sled dogs . . . . In the 1930s airplanes began to replace commercial dog teams for the movement of freight and mail but sled dogs continued to provide the bulk of winter transportation for individuals and families throughout the Yukon River drainage (Andersen and Scott 2010:2–5).

During the summer of 1957, the U.S. Fish and Wildlife Service collected harvest information in the community of Scammon Bay and estimated a harvest of 2,270 Chum Salmon and observed 140 sled dogs. In Hooper Bay they estimated a harvest of 12,150 Chum Salmon and observed 116 sled dogs. In Chevak they estimated a harvest of 14,480 Chum Salmon and observed 350 sled dogs (Mattson 1962).

By the 1970s snowmobiles had largely replaced the family dog team although some people continue to keep dogs (Andersen and Scott 2010).

Division of Subsistence ADF&G Household Harvest Survey

Residents of the community of Scammon Bay collaborated with researchers at the Alaska Department of Fish and Game (ADF&G) Division of Subsistence in 2013 to estimate their community's harvests and describe their uses of wild resources (Ikuta et al 2016). While Chevak and Hooper Bay were not included in this research, some insight into the general use patterns of salmon can be gained because of their proximity and cultural similarities to Scammon Bay. Additionally, subsistence harvest surveys and ethnographic interviews were conducted by ADF&G Division of Subsistence in winter 2022 in Chevak and Hooper Bay, but results of these surveys have not yet been published at the time of this analysis (McDavid 2022, pers. comm.). Harvest of salmon plays a vital role in the seasonal round of all three communities.

Based on the household survey conducted in 2013, people at Scammon Bay harvested an estimated 11,488 salmon in 2013, or 85 pounds in edible weight per person. By far, most of the harvest was summer Chum Salmon (**Table 2**).

Table 2. The estimated harvest of salmon by species in numbers of fish and per person in pounds of edible weight at Scammon Bay in 2013 (N=86 households) (Source: ADF&G 2022b).

Salmon species	Salmon estimated harvest (in fish)	Lower harvest estimate (in fish)	Upper harvest estimate (in fish)	Per person harvest (in pounds of edible weight)
Summer Chum	9,680	9,669	9,691	71.4
Fall Chum	157	156	159	1.2
Unknown Chum	43	43	43	0.3
Coho Salmon	139	138	139	1.0
Chinook Salmon	455	454	456	6.9
Pink Salmon	930	927	932	4.0
Sockeye Salmon	84	84	85	0.6
Total	11,488	11,475	11,500	85.4

Division of Commercial Fisheries ADF&G Postseason Harvest Survey

Only two of these communities are included in the State's salmon harvest monitoring program: Scammon Bay and Hooper Bay. **Table 3** describes the harvest of salmon by species and year from 2006 to 2021, based on the annual postseason salmon harvest survey conducted by the Division of Commercial Fisheries at ADF&G. Summer Chum Salmon are harvested at the highest levels in these communities. People have been able to harvest fewer and fewer salmon each year as conservation concerns for salmon have increased and harvest opportunities have been curtailed, especially in recent years, as demonstrated in **Table 3**.

Sharing of Wild Food Harvests

A Chevak resident described that people normally share their wild food harvests,

> Sharing is our tradition, within our families, community members, and especially our elders. Customary trade is based on need for certain types of food that is not available in our areas, i.e. interior communities that don't have fish and game from the sea and vice versa. . . . Gift giving is done during festivals, potlucks, and potlatches. Communities will give gifts to other communities that come to their communities for celebrations, festivals, potlatches, and potlucks (Slats 2022, pers. comm.)

People sharing their harvests of wild resources is a predominant feature of subsistence economies in Alaska. Salmon were and continue to be distributed through kin and community networks. A high level of sharing occurs at Scammon Bay, and households share, either through giving (45% of households) or receiving (58% of households), based on household surveys conducted in 2013 and local oral interviews with residents (ADF&G 2022b). For example, Ikuta and others (2016) documented that Scammon Bay households received salmon shared by Hooper Bay and Chevak households.

Reliance upon a Wide Diversity of Fish and Wildlife

Residents of Chevak, Hooper Bay, and Scammon Bay rely on a wide variety of wild resources. These resources comprise a substantial portion of their diet. The ADF&G Division of Subsistence household survey conducted in Scammon Bay in 2013 demonstrates this variety of use. **Table 4** describes this variety of wild foods. The overall harvest rate was 417 pounds in edible weight per person. Residents of Scammon Bay harvest fish (including salmon, halibut, herring, and whitefish), land mammals (including caribou and moose), and marine mammals (including seals), at the highest levels. Birds and eggs, vegetation (including berries), marine invertebrates (including clams and mussels), and small land mammals (including hares and porcupines) comprise smaller portions of annual harvests but are important components of the diet (ADF&G 2022b).

Table 3. Estimated harvests of salmon for subsistence at Hooper Bay and Scammon Bay 2006–2021, based on postseason surveys. Chevak residents were not surveyed. Pink and Sockeye salmon questions were not on the survey (Source: ADF&G 2022a; 2019, 2020, 2021 are preliminary data).

Community	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Chinook																
Hooper Bay	376	430	388	183	584	252	1,090	1,210	455	534	284	320	456	784	436	13
Scammon Bay	507	768	1,104	722	716	517	1,014	332	108	432	602	733	661	1,233	935	17
Summer Chum																
Hooper Bay	19,468	12,234	12,007	9,195	17,020	13,460	15,799	13,629	13,236	11,870	6,324	7,969	8,332	2,999	3,450	290
Scammon Bay	4,703	3,887	6,113	3,602	5,405	4,845	7,442	9,506	6,068	8,598	5,520	6,036	7,019	4,037	3,776	13
Fall Chum																
Hooper Bay	26	64	329	41	116	267	1	91	137	79	105	139	158	210	636	28
Scammon Bay	84	170	57	117	70	48	10	58	115	119	657	422	367	605	417	11
Coho																
Hooper Bay	175	26	66	24	45	0	7	73	118	95	121	222	117	342	150	41
Scammon Bay	160	84	50	222	79	55	86	214	86	79	234	213	754	462	200	9
Total																
Hooper Bay	20,045	12,754	12,790	9,443	17,765	13,979	16,897	15,003	13,946	12,578	6,834	8,650	9,063	4,335	4,672	372
Scammon Bay	5,454	4,909	7,324	4,663	6,270	5,465	8,552	10,110	6,377	9,228	7,013	7,404	8,801	6,337	5,328	50

Table 4. The harvest of wildlife resources by resource category, in pounds of edible weight, during one study year in 2013 at Scammon Bay, based on household surveys (N=86 households) (Source: ADF&G 2022b).

Wild resource category	Per Person harvest (in pounds edible weight)	Percentage of total wild resources harvested
Salmon	85	20%
Nonsalmon Fish	103	25%
Land Mammals	82	20%
Large Land Mammals	82	20%
Small Land Mammals	<1	<1%
Marine Mammals	84	20%
Birds and Eggs	40	10%
Marine Invertebrates	1	<1%
Vegetation	21	5%
All Resources	417	100%

Recent Events

In spring 2022, the Federal Subsistence Board adopted Fisheries Special Action FSA22-01 and closed Federal public waters of the Yukon Area to the harvest of salmon from June 1 through September 30, 2022. Any subsistence fishing opportunity on Federal public waters would be announced by the Federal Manager. This highlighted an issue, that Chevak, Hooper Bay, and Scammon Bay residents' customary and traditional use determination for salmon in the Yukon River drainage is for fall Chum Salmon only. If the Federal Manager provided opportunity to harvest salmon in District 1, residents of the three communities would not be eligible to harvest other species of salmon there, and Federal regulations prevent the Office of Subsistence Management from accepting a Special Action Request between two-year fishery regulatory cycles to modify a customary and traditional use determination, and therefore, a Special Action Request was not an option.

Staff requested the Chevak Native Village to submit this proposal requesting the Federal Subsistence Board to recognize the customary and traditional uses of all salmon species in the Yukon River drainage by residents of Chevak, Hooper Bay, and Scammon Bay.

Effects of the Proposal

If this proposal is adopted, residents of Chevak, Hooper Bay, and Scammon Bay will be eligible to harvest Chinook, summer Chum, Coho, Sockeye, and Pink salmon, in additional to fall Chum Salmon, under Federal regulations in the Yukon River drainage beginning April 1, 2023.

If this proposal is adopted, the primary effect on the three communities is to make them eligible to continue harvesting these salmon species, Chinook, summer Chum, Coho, Sockeye, and Pink salmon, in the Yukon River drainage when the Federal Manager, one, closes the drainage to the harvest of salmon

except by Federally qualified subsistence users, and two, provides subsistence fishing opportunity. Currently, residents of the three communities are not Federally qualified subsistence users of these salmon species, and most salmon harvesting in the Yukon River drainage by them has been under State regulations.

If this proposal is not adopted, residents of the three communities will continue to be non-eligible to harvest Chinook, summer Chum, Coho, Sockeye, or Pink salmon in the Yukon River drainage when it is closed to the harvest of these salmon species except by Federally qualified users and when harvest opportunity is provided by the Federal Manager. The effect on these communities can be substantial because they are highly dependent on salmon. For example, Yukon District 1 includes the Black River, which is a fish harvesting area frequently mentioned by residents of the communities.

OSM PRELIMINARY CONCLUSION

Support Proposal FP23-02.

Justification

Residents of Chevak, Hooper Bay, and Scammon Bay exemplify the customary and traditional use of all species of salmon in the Yukon River drainage. Traditionally and historically, residents of the three communities have used this area to harvest salmon, which is an important component of their diet and a large portion of their subsistence harvests each year.

Fisheries Special Action FSA22-01 was adopted by the Board in spring 2022 and highlighted that these three communities do not have a customary and traditional use determination for Chinook, summer Chum, Coho, Sockeye, or Pink salmon in the Yukon River drainage. The Chevak Native Village submitted this proposal on behalf of the residents of Chevak, Hooper Bay, and Scammon Bay.

In the past, State regulations have provided opportunities for these communities to harvest salmon in the Yukon River drainage, but FSA22-01, described above, closed the Federal public waters in the drainage to the harvest of salmon, and State regulations were no longer effective.

The Board should recognize the customary and traditional uses of all salmon in the Yukon River drainage by residents of Chevak, Hooper Bay, and Scammon Bay.

LITERATURE CITED

ADF&G. 2022a. Subsistence harvest data, Yukon Management Area. Online database. https://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareayukon.subsistence_salmon_harvest, retrieved February 18, 2022. Div. of Commercial Fisheries. Anchorage, AK.

ADF&G. 2022b. Community subsistence information system. Online database. http://www.adfg.alaska.gov/sb/CSIS/, retrieved February 2022. Div. of Subsistence Anchorage, AK.

ADLWD (Alaska Department of Labor and Workforce Development). 2022. 2020 data for redistricting. https://live.laborstats.alaska.gov/cen/2020/downloads, retrieved May 17, 2022. Research and Analysis Section. Juneau, AK.

Andersen, D.B. and C.L. Scott. 2010. An update on the use of subsistence-caught fish to feed sled dogs in the Yukon River drainage, Alaska. Final Report 08-250. Fisheries Resource Monitoring Program, Office of Subsistence Management, USFWS. Anchorage, AK.

Crawford, D.L. and T.L. Lingnau. 2004. Hooper Bay subsistence monitoring project, 2003. Regional Information Report No. 3A04-15, Division of Commercial Fisheries, Alaska Department of Fish and Game, Anchorage, AK.

Estensen, J. L., H. C. Carroll, S. D. Larson, C. M. Gleason, B. M. Borba, D. M. Jallen, A. J. Padilla, and K. M. Hilton. 2018. Annual management report Yukon Area, 2017. Alaska Department of Fish and Game, Fishery Management Report No. 18-28, Anchorage, AK.

Fienup-Riordan, A. 1986. When our bad season comes: a cultural account of subsistence harvesting and harvest disruption on the Yukon delta. Aurora, Alaska Anthropological Association Monograph Series No. 1. Anchorage, AK.

Fienup-Riordan, A. 1994. Boundaries and passages: rules and ritual in Yup'ik Eskimo oral tradition. University of Oklahoma Press. Norman and London.

Fienup-Riordan, A. 2007. *Yuungnaqpiallerput*, the way we genuinely live: masterworks of Yup'ik science and survival. University of Washington Press, Seattle.

Frink, L. 2016. A tale of three villages: Indigenous-colonial interaction in southwestern Alaska, 1750–1950. University of Arizona Press, Tucson, AZ. 169 pages.

FWS (U.S. Fish and Wildlife Service). 1988. Yukon Delta National Wildlife Refuge Comprehensive Conservation Plan, Environmental Impact Statement, Wilderness Review, and Wild River Plan. Region 7. Bethel, AK. 605 pages.

Godduhn, A.R., and C.R. McDevitt, C.L. Brown, and D.M. Runfola. Subsistence harvests and use of nonsalmon fish in coastal Yukon-Kuskokwim Delta communities, 2017. ADF&G, Div. of Subsistence Tech. Paper No. 458. Fairbankis, AK. 356 pages.

Ikuta, H., D.M. Runfola, J.J. Simon, and M.L. Kostick. 2016. Subsistence harvests in 6 communities on the Bering Seas, in the Kuskokwim River drainage, and on the Yukon River, 2013. ADF&G, Div. of Subsistence Tech. Paper No. 417. Juneau, AK. 569 pages.

Mattson, C. R. 1962. Chum Salmon resources of Alaska from Bristol Bay to Point Hope. USFWS, Anchorage, AK. 22 pages.

McDavid, B. Council Coordinator. Personal communication: by email. Office of Subsistence Management, USFWS. Anchorage, AK.

Orth, D.J. 1967. Dictionary of Alaska place names. U.S. Geological Survey Professional Paper 567. Government Printing Office, Washington DC. 1,084 pages.

Slats, R. 2022. Resident of Chevak. Personal communication: by email.

VanStone, J.W. 1984a. Mainland Southwest Alaska Eskimo. Damas, D., editor, pages 224–242 *in* Handbook of North American Indians, Volume 5 Arctic. Smithsonian Institution, Washington DC.

VanStone, J.W. 1984b. Southwest Alaska Eskimo: Introduction. Damas, D., editor, pages 205–208 *in* Handbook of North American Indians, Volume 5 Arctic. Smithsonian Institution, Washington DC.

Wolfe, R.J. 1981. Norton Sound/Yukon Delta sociocultural systems baseline analysis. ADF&G, Div. of Subsistence Tech. Paper No. 59. Juneau, AK.

Wolfe, R.J. 1982. The subsistence salmon fishery of the Lower Yukon River. ADF&G, Div. of Subsistence Tech. Paper No. 60. Juneau, AK.

APPENDIX 1

YUKON AREA FISHING DISTRICTS AND SUBDISTRICTS

5 AAC 05.100 - Description of Yukon Area

The Yukon Area includes all waters of Alaska between a line extending 315° northwest from Point Romanof at 63° 12.16' N. lat., 162° 49.72' W. long. to a point three nautical miles offshore at 63° 14.27' N. lat., 162° 54.40' W. long. and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea.

5 AAC 05.200 - Fishing districts and subdistricts

(a) District 1 consists of that portion of the Yukon River drainage from a line extending northwest from Point Romanof at 63°12.16' N. lat., 162° 49.72' W. long., to a point three nautical miles offshore at 63° 14.27' N. lat., 162° 54 .40' W. long., extending south and west along the coast of the delta to a line approximately one nautical mile south of the mouth of the Black River from 62° 20.58' N. lat., 165° 22.66' W. long., to a point located three nautical miles offshore at 62° 22.67' N. lat., 165° 27.37' W. long., including the waters within three nautical miles seaward from any grassland bank within that area, and upstream from the mouth of the Black River to the northern edge of the mouth of the Anuk River and all waters of the Black River.

(b) District 2 consists of that portion of the Yukon River drainage from the northern edge of the mouth of the Anuk River upstream to an ADF&G regulatory marker located at Toklik, and includes the Anuk River drainage.

(c) District 3 consists of that portion of the Yukon River drainage from an ADF&G regulatory marker located at Toklik upstream to an ADF&G regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village.

(d) District 4 consists of the Yukon River drainage from an ADF&G regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village upstream to the western edge of the mouth of Illinois Creek at Kallands.

(1) Subdistrict 4-A consists of that portion of the Yukon River drainage from an ADF&G regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village upstream to the tip of Cone Point;

(2) Subdistrict 4-B consists of the Yukon River drainage from the tip of Cone Point upstream along the north bank of the river to the westernmost edge of Illinois Creek and includes the following islands: Cook, Lark, Serpentine, Louden, Fish, Dainty, Yuki, Melozi, Dasha, Straight, Kit, Fox, Hardluck, Mickey, Florence, Doyle, Chokoyik, Lady, Liner, Flora and Cronin;

(3) Subdistrict 4-C consists of the Yukon River drainage from the tip of Cone Point upstream along the south bank of the river to a point opposite the westernmost edge of Illinois Creek and includes the following islands: Cat, Hen, Jimmy, Big, Ninemile, Ham, Emerald, Edith, Kathaleen, Henry, Burns, Youngs, Weir, Clay, Large and Brant.

(e) District 5 consists of that portion of the Yukon River drainage (excluding the Tanana River drainage) from the western edge of the mouth of Illinois Creek to the United States-Canada border, and includes the Illinois Creek drainage.

(1) Subdistrict 5-A consists of the Yukon River drainage from a point opposite the westernmost edge of Illinois Creek upstream along the south bank of the river to the easternmost edge of the Tanana River mouth and includes the following islands: Second, Corbusier, Sixmile, Deet'laa', Swanson, Blind, Basco, Sword, Leonard, Still, Tanana and Mission;

(2) Subdistrict 5-B consists of the Yukon River drainage from the westernmost edge of Illinois Creek upstream along the north bank of the river to a point opposite the easternmost edge of the Tanana River mouth upstream along both banks of the Yukon River to the westernmost tip of Gar-net Island and includes the following islands: Willow I, II, and III, Steamboat, Grant, Darvin, Little Joker, Station, Tozitna, Circle, Bull, and Long;

(3) Subdistrict 5-C consists of the Yukon River drainage upstream from the westernmost tip of Garnet Island to ADF&G regulatory markers located approximately two miles downstream from Waldron Creek;

(4) Subdistrict 5-D consists of the Yukon River drainage from ADF&G regulatory markers located approximately two miles downstream from Waldron Creek upstream to the United States-Canada border.

(f) District 6 consists of the Tanana River drainage to its confluence with the Yukon River.

(1) Subdistrict 6-A consists of that portion of the Tanana River drainage from its mouth upstream to the eastern edge of the mouth of the Kantishna River and includes the Kantishna River drainage;

(2) Subdistrict 6-B consists of that portion of the Tanana River drainage from the eastern edge of the mouth of the Kantishna River upstream to the eastern edge of the mouth of the Wood River and includes the Wood River drainage;

(3) Subdistrict 6-C consists of the Tanana River drainage from the eastern edge of the mouth of the Wood River upstream to the eastern edge of the mouth of the Salcha River and includes the Salcha River drainage;

(4) Old Minto Area consists of that portion of Subdistrict 6-B from the downstream end of upper Tolovana Island, located approximately two miles upstream of the Tolovana River, to three miles upstream of the mouth of the Totchaket Slough.

(g) Repealed 7/13/2012.

(h) Coastal District: all waters between the latitude of the westernmost point of the Naskonat Peninsula and a line extending 315° northwest from Point Romanof at 63° 12.16′ N. lat., 162° 49.72′ W. long. to a point three nautical miles offshore at 63° 14.27′ N. lat., 162° 54.40′ W. long. not included in (a) - (f) of this section.

FCR23–02 Executive Summary	
General Description	FCR23-02 reviews the closure to the harvest of all fish in the Kanuti River drainage by Federally qualified subsistence users.
Current Regulation	**§___.27(e)(3) Yukon-Northern Area** *** *(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:* *(A) Kanuti River upstream from a point 5 miles downstream of the State highway crossing;* ***
OSM Preliminary Conclusion	**Rescind** the closure
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation	
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	
Seward Peninsula Subsistence Regional Advisory Council Recommendation	
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	
North Slope Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**None**

FEDERAL FISHERIES CLOSURE REVIEW
FCR23-02

Issue

FCR23-02 is a standard review of a Federal subsistence fishery closure to the harvest of all fish in the Kanuti River drainage. It is the Board's policy that Federal public lands and waters should be reopened as soon as practicable once the conditions that originally justified the closure have changed to such an extent that the closure is no longer necessary. The purpose of this closure review is to determine if the closure is still warranted and to ensure the closure does not remain in place longer than necessary.

Closure Location: Yukon River Drainage, Kanuti River—all fish

Current Federal Regulation

§___.27(e)(3) Yukon-Northern Area

(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time…You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in this paragraph (e)(3).

(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060 [emergency orders]*), unless superseded by a Federal special action.*

***

(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

***

(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:

(A) Kanuti River upstream from a point 5 miles downstream of the State highway crossing;

***

(xii) You may take salmon only by gillnet, beach seine, dip net, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

***

(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

***

(B) You may not use an aggregate length of set gillnet in excess of 150 fathoms, and each drift gillnet may not exceed 50 fathoms in length.

(C) In Districts 4, 5, and 6, you may not set subsistence fishing gear within 200 feet of other fishing gear operating for commercial, personal, or subsistence use . . .

***

(xvii) In District 4, from September 21 through May 15, you may use jigging gear from shore ice.

Relevant Federal Regulation

§___.27 (b) Subsistence Taking of Fish

(16) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

***

(ii) Except as otherwise provided for in this section, if you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel are the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season and/or harvest limit for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

Closure Dates: Year-round

Current State Regulation

Yukon Area—Subsistence

5 AAC 01.225. Waters closed to subsistence fishing

***

(b) The following drainages located north of the mainstem Yukon River are closed to subsistence fishing:

(1) Kanuti River upstream from a point five miles downstream of the state highway crossing;

***

Yukon River Area—Sport

5 AAC 73.010. Seasons, bag, possession, and size limits, and methods and means for Yukon River Area

(a) Except as otherwise specified in this section or through an emergency order issued under AS 16.05.060, sport fishing is permitted year round in the waters of the Yukon River Area.

(b) Except as otherwise specified in (c) of this section, the following are the general bag, possession, and size limits for finfish and shellfish in the waters of the Yukon River Area:

(1) king salmon 20 inches or greater in length: the bag and possession limit is three fish, of which only two fish may be 28 inches or greater in length;

(2) salmon, other than king salmon: the bag and possession limit is 10 fish, with no size limit;

(3) Arctic char/Dolly Varden and lake trout:

***

(B) in all flowing waters: the bag and possession limit is 10 fish of all species combined, of which only two fish may be 20 inches or greater in length, and of which only two fish may be lake trout;

***

(5) Arctic grayling: the bag and possession limit is five fish, with no size limit;

(6) sheefish: the bag and possession limit is 10 fish, with no size limit;

(7) northern pike: the bag and possession limit is 10 fish, with no size limit;

(8) burbot: the bag and possession limit is 15 fish, with no size limit;

***

(10) finfish and shellfish species that are not specified in this section: there are no bag, possession, or size limits;

(c) The following are the exceptions to the general bag, possession, and size limits, and fishing seasons specified in (a) of this section for the Yukon River Area:

*****

(4) in the Dalton Highway corridor (Trans-Alaska Pipeline corridor) within the Yukon River Area, which is described as a corridor five miles wide on each side of the Dalton Highway north of the Yukon River, excluding the Ray River,

(A) sport fishing for salmon is closed;

(B) lake trout may be taken only by catch-and-release fishing, and may not be possessed or retained; all lake trout caught must be immediately released;

(C) the bag and possession limit for northern pike is five fish, of which only one fish may be 30 inches or greater in length;

Regulatory Year Initiated: 1992

Extent of Federal Public Lands/Waters

For purposes of this analysis, the phrase "Federal public waters" is defined as those waters described under 36 CFR §242.3 and 50 CFR §100.3. The closure area is located on general domain land managed by the Bureau of Land Management (BLM; **Figure 1**). On general domain lands, Federal subsistence regulations apply only to non-navigable waters.

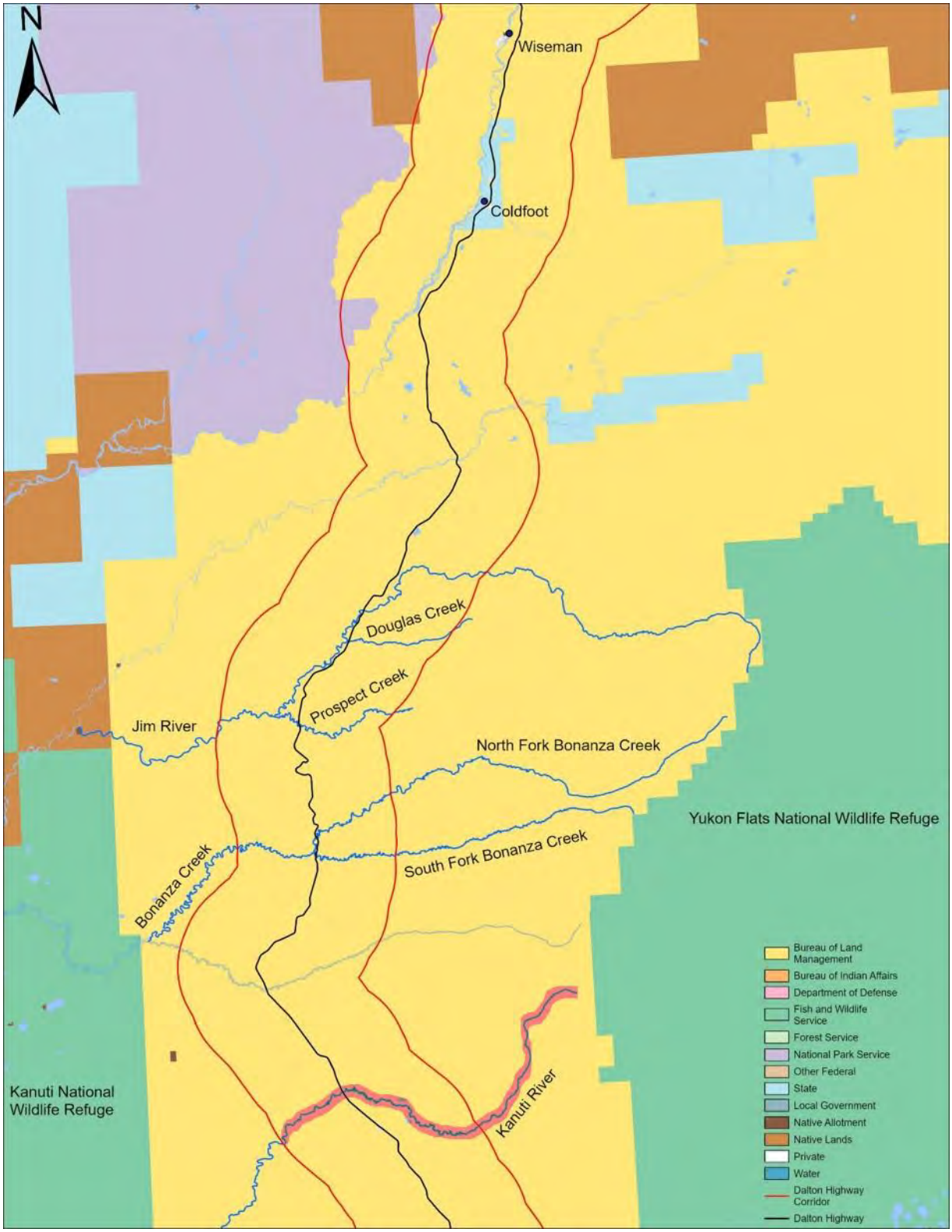

Figure 1. Map of the Dalton Highway Corridor (red lines), Kanuti River, and the other closed drainages in the area. The Kanuti River closure area (highlighted) is upstream from a point 5 miles downstream of the State highway crossing.

Customary and Traditional Use Determination

Residents of the Yukon River drainage and the community of Stebbins have a customary and traditional use determination for salmon, other than fall Chum Salmon, in the Yukon River drainage.

Residents of the Yukon River drainage and the communities of Chevak, Hooper Bay, Scammon Bay, and Stebbins have customary and traditional use determination for fall Chum Salmon in the Yukon River drainage.

Residents of the Yukon-Northern Area have a customary and traditional use determination for freshwater species other than salmon in the Yukon River drainage.

Regulatory History

Under State fishing regulations, the portion of the Kanuti River within the Dalton Highway Corridor (5 miles on either side of the highway) has been closed to subsistence fishing since the late 1970s, beginning with construction of the highway. The opening of the Dalton Highway to public travel in 1994 provided new access to lakes and streams along the route. Increases in recreational fishing effort and harvest have resulted in reductions in the sport fishing bag limits for Northern Pike and Arctic Grayling, no retention of Lake Trout, and a salmon fishing closure within the Dalton Highway Corridor (Stuby 2021).

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in non-navigable waters within and adjacent to Federal public lands (57 Fed. Reg. 22940 [May 29, 1992]). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations. The closure under review in this analysis was incorporated into Federal regulations in this manner and has not been subsequently modified.

In 1999, the Federal Subsistence Board (Board) also adopted Federal regulations for fish in navigable waters within and adjacent to Federal public lands where there is a Federal reserved water right (64 Fed. Reg. 1276 [January 8, 1999]). These regulations do not apply on navigable waters within and adjacent to BLM general domain lands (see 50 CFR 100.3).

Closure Last Reviewed

There have been no previous reviews of this closure.

Justification for Original Closure

The Federal Subsistence Management Program justification for the inclusion of the original closure in Federal regulations was to minimize disruption to the State's continuing fish and game management, because of the uncertainty over the resumption of State management of subsistence, yet still fulfill the requirements of Title VIII of ANILCA (55 FR 27114, June 29, 1990).

Council Recommendation for Original Closure

N/A

State Recommendation for Original Closure

N/A

Biological Background

Salmon

According to local knowledge and the Anadromous Waters Catalog, Chinook and summer Chum salmon are present in the Kanuti River, downstream of the closure area (Trainor et al. 2019, ADF&G 2022a). However, few assessment projects have been conducted in the Kanuti River. Aerial surveys were flown in 1969, 1971, 1975, and 1985 (ADF&G 2022b). Chinook Salmon were only observed in 1985 and eight fish were counted (JTC 1985). Summer Chum Salmon were only observed in 1969 and 25 fish were counted (ADF&G 2022b).

Nonsalmon Fish

Nonsalmon fish species, such as Arctic Grayling, Burbot, Round Whitefish, Northern Pike, and Slimy Sculpin have been observed in the Kanuti River but information in the closure area is limited (BLM 2005). In addition, local knowledge indicates Longnose Sucker also inhabit the drainage (Andersen et al. 2004). Most information related to the habitat use, seasonal movements, and population status of these species (excluding Slimy Sculpin) was provided by local experts during a Traditional Ecological Knowledge study conducted by the Alaska Department of Fish and Game (ADF&G), Division of Subsistence (Andersen et al. 2004). The information collected in this study applies to the broader Koyukuk River drainage.

Arctic Grayling

Arctic Grayling have been documented in the closure area but population assessments have not been conducted (ADF&G 2022c). Local knowledge indicates Arctic Grayling spend most of their time in clear, quickly moving water in tributary streams and headwater areas whenever this habitat is clear of ice. They are reported to move into this habitat after breakup in April or May, spawning shortly afterwards and feeding on insects. Later, the larger Arctic Grayling occupy higher quality feeding areas farthest upstream and smaller fish occupy poorer feeding areas downstream (Hughes 1992, Andersen et al. 2004). Arctic Grayling move from tributary streams to overwintering areas in deeper water downstream during September and October. Local knowledge indicates that Arctic Grayling are usually the last fish to leave the tributary streams in the fall. Arctic Grayling overwinter in the Koyukuk River mainstem and large tributaries including the Alatna and Kanuti Rivers, as well as lakes in the far upper portions of the Koyukuk drainage (Andersen et al. 2004).

According to local experts, the population of Arctic Grayling in the Koyukuk drainage appeared healthy and abundant at the time of the interviews. However, they are susceptible to large mortality events from periodic flooding events in the upper portion of the Koyukuk drainage (Andersen et al. 2004).

Longnose Sucker

Local knowledge indicates that Longnose Sucker are present in small numbers in the Koyukuk River drainage but occur at relatively high numbers in the Kanuti River. Longnose Sucker occupy mainstems, sloughs, large and small tributaries, and lakes during the open water period, and move into deep portions of the main lower Koyukuk River during winter. Spawning occurs in small streams after breakup (Andersen et al. 2004).

Burbot

According to local experts, Burbot are found in major tributaries of the Koyukuk drainage, but not the smallest tributaries. Burbot may occupy headwater lakes or the mainstem of the Koyukuk River year-round. Most non lake-adapted Burbot follow a different seasonal movement pattern from other fish, moving upstream along shallow water areas beginning around October through January or February. Spawning takes place under the ice in winter (Andersen et al. 2004).

Whitefish

Several whitefish species that include Broad, Humpback, and Round whitefish and Least Cisco have been captured in the Kanuti River (Brown 2009). In addition, Humpback Whitefish and Least Cisco spawning has been documented in the Kanuti River, downstream of the closure area (Brown 2009).

Local experts indicate whitefish move upstream in the Koyukuk River just before and during spring break up. As the water becomes fast and high due to spring run-off, the fish move into calmer side waters, returning when water levels drop. They repeat this movement whenever water levels rise. In June there is a pulse of Broad Whitefish that precedes the arrival of Chinook Salmon by about two weeks. Some whitefish spend summers feeding in lakes, while others stay in the Koyukuk River and major sloughs. In fall, whitefish move towards spawning areas upstream, then descend downstream after spawning around September and October. Whitefish are said to overwinter in an inactive state in deep lakes from December to March (Andersen et al. 2004).

Local knowledge indicates the abundance and quality of whitefish in the Koyukuk drainage has declined over the previous 60 years. These declines were attributed to changes in habitat and die-offs resulting from being stranded in shallow lakes during high water periods (Andersen et al. 2004).

Northern Pike

According to local experts, Northern Pike in the Koyukuk drainage overwinter in deep lakes and move into shallow lakes and sloughs in spring. Spawning takes place in early summer. After mid-September, Northern Pike move back towards the main river and deep lakes (Andersen et al. 2004).

Cultural Knowledge and Traditional Practices

Of those communities with a customary and traditional use determination for fish in the Yukon River drainage, those located in reasonable proximity to the Kanuti River as it crosses the Dalton Highway are most likely to subsistence fish in the closed area. This includes Wiseman and Coldfoot. In addition to these communities, which are located on the road system, the communities of Evansville and Bettles are connected to the Dalton Highway via a winter road to Evansville from January through March (Holen et al. 2012). However, there is a mismatch between the timing of this road opening and that of nonsalmon fishing by these communities (Andersen et al. 2004). Furthermore, an ADF&G Division of subsistence survey indicated that residents of Bettles and Evansville focus their subsistence use in areas closer to these communities (Holen et al. 2012).

The community of Stevens Village also has access to the Dalton Highway as it crosses the Yukon River, via boat and snow machine (Trainor 2022, pers. comm.). However, a subsistence survey of Stevens Village conducted from 1984 to 1985 showed that residents focus most of their subsistence fishing activity closer to their community on the Yukon River (Sumida 1988); a more recent ADF&G Division of Subsistence survey did not map subsistence use areas (Brown et al. 2016).

Wiseman and Coldfoot

Wiseman and Coldfoot are very small communities located on the Dalton Highway. Both communities fall within the traditional boundaries of the Koyukon Athabascan people, an area which has also been influenced by historical interaction with Iñupiat. Both Wiseman and Coldfoot were established as the result of the gold mining industry in the late 1800s and early 1900s. Coldfoot was abandoned by 1930, before being re-settled in the 1970s in connection with construction of the Dalton Highway and the Trans-Alaska Pipeline. As of 2018 there were an estimated eight full-time residents in Coldfoot and 11 in Wiseman (ADLWD 2019). The area also includes a small number of residents along the Dalton Highway Corridor in camps and other isolated households. ADF&G Division of Subsistence conducted its only subsistence survey of Wiseman and Coldfoot in 2012, for the 2011 calendar year.

At the time of ADF&G's survey, there were five year-round households in Wiseman, and all were surveyed. Four of these households attempted to fish, and all households used fish, although in small quantities (Holen et al. 2012). Residents of Wiseman and Coldfoot can fish within the Kanuti River closure area with rod and reel under State sport fishing regulations.

Salmon

Wiseman residents traditionally harvested and used small amounts of Chum and Chinook salmon locally. However, in part because of local closures to both subsistence and sport fishing for salmon in place since 1978 (sport fishing for salmon is closed within a five-mile radius of the Dalton Highway), Wiseman residents primarily harvest salmon at locations far afield, such as in the Copper and Yukon rivers.

During the 2011 study year, only one of the five Wiseman households fished for salmon (at locations distant from the community), resulting in an estimated 12 pounds of Sockeye Salmon per person, or 4% of Wiseman's total wild food harvest in weight. In addition, Wiseman households received and shared Chinook Salmon, although they did not directly harvest any. All households used salmon (Holen et al. 2012).

Nonsalmon fish

According to Holen et al., "Since the salmon fishing closure was initiated, non-salmon fish have become even more important to Wiseman residents" (2012: 369). Nonsalmon fishing can take place under subsistence regulations in areas that are not closed (in addition to the Kanuti River closure area, subsistence fishing is also closed in Bonanza Creek and Jim River, including Prospect Creek and Douglas Creek). In addition, nonsalmon fish can be taken by rod and reel under State sport fishing regulations throughout the area. Within these regulatory restrictions, during the study period, nonsalmon fishing was reported as occurring close to Wiseman and Coldfoot adjacent to the Dalton Highway, as well as on the South Fork Koyukuk River and as far south as the Jim River (Holen et al. 2012, **Figure 2**).

During the study period, four of the five Wiseman households fished for nonsalmon species, resulting in an estimated 13 pounds of nonsalmon fish per person, or 5% of Wiseman's total wild food harvest in weight. The three most significant nonsalmon harvests in terms of weight included Arctic Grayling, Longnose Sucker, and Burbot (Holen et al. 2012, ADF&G 2020, **Table 1**).

In 2011, about 52% of Wiseman's nonsalmon fish harvest (measured in edible weight) was taken with gillnet or seine, about 28% was taken with "other subsistence methods," which includes set lines, and the remainder was taken by rod and reel. However, the only nonsalmon species that participants reported taking by rod and reel was Lake Trout; a little less than half of the Lake Trout harvest was taken with this gear. The fish most significant in terms of subsistence harvest were taken entirely with subsistence gear during the study period, described in more detail below, although Wiseman's harvest methods for Longnose Sucker and whitefish species were not quantified in the relevant subsistence survey report (Holen et al. 2012).

Arctic Grayling

In this description of harvest practices for Arctic Grayling, and for other species, below, ethnographic data are drawn both from ADF&G's subsistence survey in Wiseman for the 2011 calendar year (Holen et al. 2012) and from a Traditional Ecological Knowledge Study conducted by ADF&G Division of Subsistence from 2001 to 2003 (Andersen et al. 2004). The latter study incorporated interviews with 29 key respondents who were life-long residents of the Koyukuk River drainage communities of Alatna, Allakaket, Bettles/Evansville, Hughes, Huslia, Koyukuk, and Wiseman. Where available, information specific to practices by residents of Wiseman is emphasized.

In the Koyukon language Arctic Grayling are called *tleghelbaaye*, which likely refers to their gray coloring (Andersen et al. 2004). Fall and early winter are the preferred times for harvesting Arctic

Grayling by Koyukuk River communities (Andersen et al. 2004). In the 2011 study year, Wiseman residents harvested Arctic Grayling with gillnet or seine (25%) and "other subsistence methods" (75%) (Holen et al. 2012). Residents of the wider region fish for Arctic Grayling with hook and line beginning when rivers begin to freeze, usually in October. They use rod and reel in open eddies until freeze-up is complete, after which they fish through holes in the ice. Arctic Grayling are also sometimes caught during fall seining for whitefish. Arctic Grayling are easily preserved by freezing, and people prefer to eat them raw and frozen. As winter progresses, Arctic Grayling are further downstream in deep water, and are less accessible (Andersen et al. 2004).

Longnose Sucker

The Koyukon term for Longnose Sucker is *toonts'ode*, "something bad went into the water" (Andersen et al. 2004). Longnose Sucker are mostly caught in the Koyukuk River drainage as by-catch in nets set out for whitefish in the spring. In areas suitable to the harvest method, they are sometimes taken during fall whitefish seining. Finally, they are sometimes taken in the winter with under-ice Burbot traps. In the past, spring-harvested Longnose Sucker were important for feeding both humans and dogs, but today they are primarily used as dog food. The many small bones in the fish make the end portion of Longnose Sucker inedible for humans (Andersen et al. 2004). Wiseman's harvest methods for Longnose Sucker were not specifically described in Holen et al. (2012).

Burbot

Burbot are known as *tl'eghes*, in the Koyukon dialect of the lower Koyukuk River, and *tsoneye* in the upper river dialect. Burbot can be an important subsistence resource for Koyukuk River communities in winter when other fish are not available. They are harvested beginning in the fall. In the middle Koyukuk River conditions are ideal for Burbot traps in winter, but in areas closer to the headwaters Burbot are most commonly taken with set hooks through the ice beginning around October. According to a key informant from Wiseman, Burbot have also traditionally been taken from lakes in the summer with spears (Andersen et al. 2004). During the 2011 study year, Wiseman residents took Burbot entirely with subsistence gear "other than gillnet or seine" (Holen et al. 2012).

In the fall and winter Burbot can be preserved by natural freezing, but do not preserve well, and people prefer to eat them soon after they are harvested. The fatty liver is the most prized part of the fish. For subsistence purposes, people prefer to catch them before they spawn, when they are a better source of fat. Burbot return downstream beginning in February (Andersen et al. 2004).

Whitefish

The generic term for whitefish in the Koyukon language is *ts'ol.* There are two species of large whitefish in the Koyukuk drainage, Broad Whitefish (*taaseze*, or "water bear") and Humpback Whitefish (*holehge*, "it swims upwards"). There are also two species of small whitefish, Least Cisco (*tsaabaaya*) and the Round Whitefish (*hułten*). According to local experts, the latter is only thinly distributed in the Koyukuk drainage (Andersen et al. 2004).

One key informant said that he had observed a decline in whitefish populations over the previous sixty years, and that the fish had also become less fatty. He attributed this decline to habitat change, and especially to decreased weeds and insects, as well as increased silt and water temperatures. Whitefish are susceptible to die-offs after being trapped in shallow lakes during high water periods (Andersen et al. 2004).

Gillnets are used to catch whitefish in the spring after breakup and in the fall as fish move between seasonal habitats. Whitefish are considered to be in prime condition in fall. After freeze-up they can be caught with set nets. Least Cisco may be caught with seining nets, although river conditions prevent the use of these in the upper portion of the river. In the summer, whitefish are sometimes incidentally caught in nets used for salmon. Round Whitefish are very thinly distributed and are not commonly caught. Wiseman's harvest methods for whitefish were not specifically described in Holen et al. (2012).

Northern Pike

Northern Pike are known as *k'oolkkoye* in the Koyukon language, and are an important food resource that is available year-round. Northern Pike are present but not common in the Koyukuk River near Bettles, and are not present in the Middle Fork of the Koyukuk near Wiseman.

On the Koyukuk River, Northern Pike are caught with gillnets in spring and fall. "Pike are sometimes caught during the summer using artificial lures and rod and reel gear in area lakes or specific river or slough locations known for being good pike fishing. Pike are also frequently taken as by-catch in summer nets and fishwheels targeting salmon" where conditions permit use of this gear (Andersen et al. 2004: 74). In winter they can be harvested with a hook through the ice where streams leave or enter lakes.

Key informants from the wider region reported harvesting Northern Pike with gillnets, fish traps, and hook and line gear. According to Andersen et al., "The ability to take pike using unusual methods contributed to the utility of pike as a subsistence resource" (2004:75). During the subsistence survey study year, Wisemen residents harvested Northern Pike entirely with gillnet or seine (Holen et al. 2012).

Table 1: Estimated number of nonsalmon fish and corresponding pounds per person harvested by Wiseman households in the 2011 calendar year (ADF&G 2020).

Fish species	Estimated number of fish	Estimated pounds per person
Arctic Grayling	111	5.97
Longnose Sucker	40	2.15
Burbot	9	1.66
Northern Pike	4	1.38
Char	11	1.11

Fish species	Estimated number of fish	Estimated pounds per person
Lake Trout	9	0.97
Whitefish	25	0.96
Dolly Varden	2	0.13

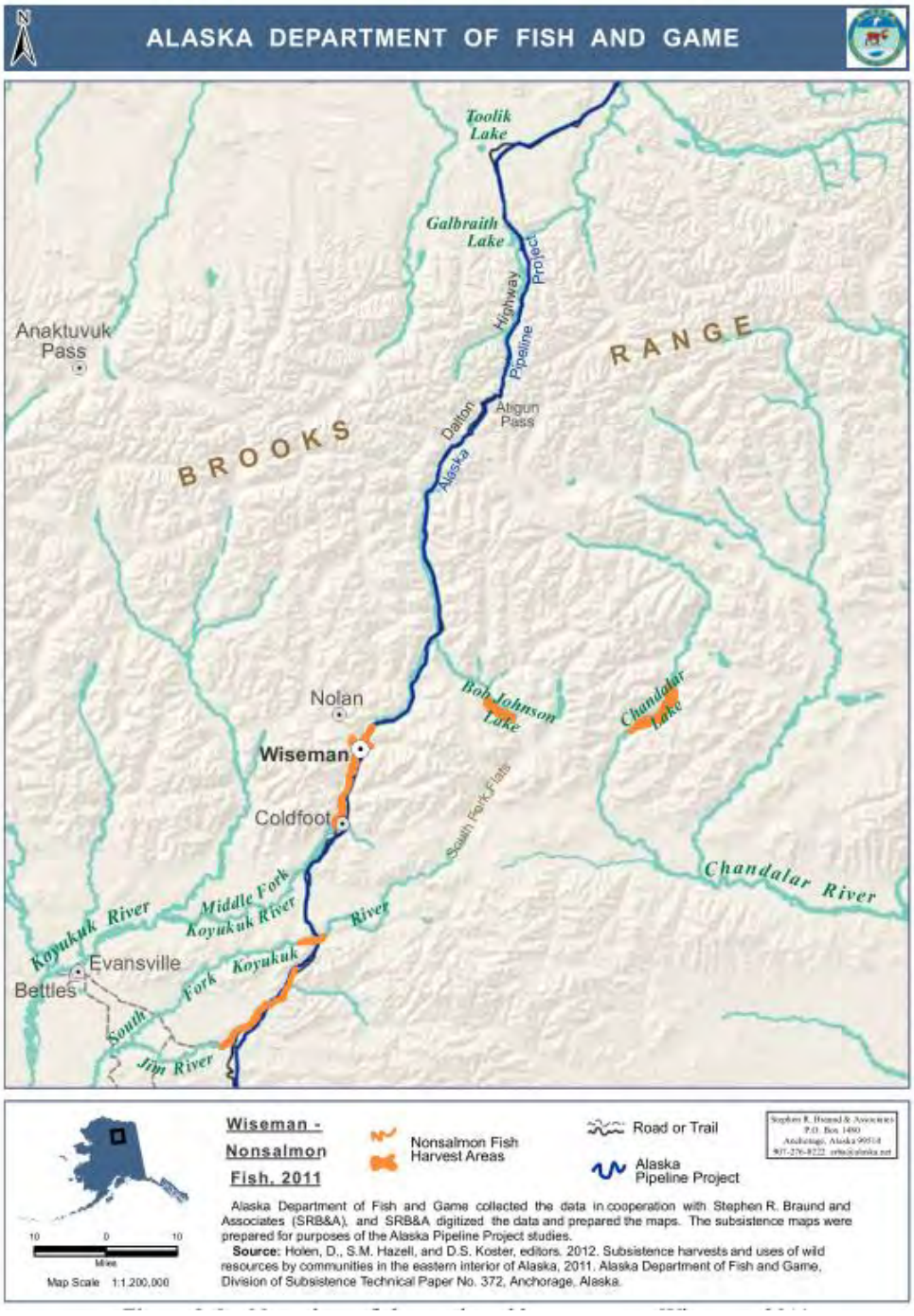

Figure 2. Wiseman's nonsalmon fish search and harvest areas, 2011. Source: Holen et al. 2012.

Coldfoot was also surveyed by ADF&G Division of Subsistence for the 2011 calendar year. At that time, there were five year-round households in Coldfoot, four of which were surveyed, representing 10 individuals. During the survey year, no residents of the community fished for either salmon or nonsalmon fish, but one household received and used Coho and Sockeye salmon. No use of nonsalmon fish was documented in Coldfoot during the study period (Holen et al. 2012).

Harvest History

Subsistence fishing is prohibited in the Kanuti River closure area under both State and Federal regulations so there is no legal subsistence harvest in this area. Harvest is allowed under State sport fishing regulations and is not limited to Federally qualified subsistence users.

During years when sport fishing for Chinook Salmon is not closed or restricted by emergency order, Chinook Salmon throughout the Yukon River Management Area (excludes the Tanana River) can be harvested with a limit of three per day, three in possession over 20 inches (only two can be over 28 inches), and ten per day, ten in possession for under 20 inches. Other salmon have a ten per day, ten in possession limit. However, salmon fishing is closed within a 5-mile radius on either side of the Dalton Highway.

Per the general sport fish regulations that apply to the entire Yukon River Management Area that extends from the Yukon River Delta to the border with Canada and includes the entire Yukon River drainage (excluding the Tanana River), Dolly Varden can be harvested with a limit of ten per day, ten in possession (only two can be 20 inches or longer). Allowable Lake Trout harvest is two per day, two in possession, only two of which may be 20 inches or longer. Arctic Grayling have no size limit and have a limit of five per day, five in possession. Sheefish and Northern Pike have a limit of ten per day, ten in possession, and Burbot have a harvest limit of 15 per day, 15 in possession.

Special regulations apply to all streams within the Trans-Alaska Pipeline corridor, which is defined as the length of the Pipeline north of the Yukon River extending 5 miles on either side of the Dalton Highway, excluding the Ray River where General Regulations apply. The area of the Kanuti River that is closed to subsistence fishing crosses the Dalton Highway Corridor. In this area (five miles on each side of the highway), sport fishing for salmon is closed. In addition, retention of Lake Trout is prohibited and the limit of Northern Pike is five per day, five in possession (only one of which may be 30 inches or longer).

The majority of sport fish harvest along the Dalton Highway corridor for the Yukon River Management Area is for Arctic Grayling (Stuby 2021). Sport fish harvest estimates are not available for specifically the Kanuti River. Sport fish harvest estimates for Arctic Grayling in streams along the Dalton Highway south of Atigun Pass report an average of 324 fish annually during 2009–2018. Annual harvest for Northern Pike for this area during this time frame was 22 fish. Fishing effort for this entire area for all species during 2009–2018 was approximately 928 angler days (Stuby 2021). Sport fishing effort and harvest in Alaska have been estimated and reported annually since 1977 using

a mail survey. Estimates based on fewer than 12 responses indicate that the sport fishing occurred and are subject to high variance. The majority of estimates for the Dalton Highway during 2009–2018 were based on fewer than 12 respondents (Stuby 2021). These data suggest that sport fish harvest and effort may not be large enough to cause conservation concerns for Arctic Grayling in the Kanuti River.

Other Alternatives Considered

One alternative is to retain the closure. Population statuses are unknown in the closure area, which is road-accessible, allowing easy access and harvest of fish. If the closure is rescinded, harvest of nonsalmon species would be unrestricted for all legal gear types other than rod and reel, and gillnets could be used to harvest high numbers of fish. Retaining the closure would protect populations from overharvest until a proposal to restrict harvest and/or gear types in the closure area could be submitted. Federally qualified subsistence users could harvest fish under State sport fishing regulations while the Federal closure was in place. This alternative was rejected because it would not provide a Federal subsistence priority in the closure area.

A second alternative is to modify the closure by closing the fishery to all users and uses. This would fully protect salmon and nonsalmon fish populations in the closure area. Under this alternative, there would be no subsistence or sport fishing opportunity. Closing to all users and uses would eliminate the current situation, in which Federal public waters are closed to subsistence fishing while remaining open to other uses. This alternative was rejected because it would be an unnecessary restriction on non-subsistence uses as sport fish harvest data suggest the sport fishery does not present a conservation concern. In addition, subsistence surveys indicate subsistence users may harvest a portion of their wild foods under sport fishing regulations.

Effects

If the closure is rescinded, Federal subsistence regulations for the Yukon-Northern Area would apply. Harvest of salmon would be allowed, and Federal subsistence fishing schedules, openings, closings, and fishing methods would be the same as those issued by State emergency order for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal special action. Salmon could be taken by gillnet, beach seine, dip net, fish wheel, or rod and reel.

Nonsalmon fish could be taken by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, with some restrictions on this gear (see “Current Federal Regulation” in this analysis). Subsistence rod and reel harvest limits would match State sport fishing harvest and possession limits. Harvest would be unrestricted for all other legal gear types.

Rescinding the closure would establish a Federal subsistence priority and provide subsistence harvest opportunity in an area that is currently closed to subsistence fishing but open to other uses. However, allowing unrestricted harvest in a road-accessible system may increase harvest pressure on stocks and result in a conservation concern.

OSM PRELIMINARY CONCLUSION

_ Retain the Status Quo
X Rescind the Closure
_ Modify the Closure
_ Defer Decision on the Closure or Take No Action

The modified regulation should read:

§___.27(e)(3) Yukon-Northern Area

***

(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:

~~*(A) Kanuti River upstream from a point 5 miles downstream of the State highway crossing;*~~

***

Justification

Currently, a portion of the Kanuti River is closed to the harvest of all fish by Federally qualified subsistence users but open to sport fishing under State regulations. Rescinding the closure would establish a Federal subsistence priority in the area. However, allowing unrestricted harvest for gear types other than rod and reel in an easily accessible system may lead to overharvest and local depletion of stocks. While populations may be protected by limiting subsistence harvest to rod and reel only and/or modifying harvest limits, these modifications are not possible through the closure review process and would require a fisheries proposal be submitted. Until a proposal can be submitted, the Federal inseason manager may use their delegated authority to restrict gear types and/or harvest limits, for up to 60 days, to protect populations in the closure area. Actions exceeding 60 days would require a temporary special action be implemented by the Board. If a proposal is submitted, the Office of Subsistence Management recommends that harvest be limited to rod and reel only in the Kanuti River closure area.

LITERATURE CITED

ADF&G. 2020. Community subsistence information system, ADF&G Div. of Subsistence. https://www.adfg.alaska.gov/sb/CSIS/. Retrieved June 2, 2020.

ADF&G. 2022a. Anadromous Waters Catalog.https://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=main.interactive. Retrieved May 11, 2022.

ADF&G. 2022b. AYK database management system. https://www.adfg.alaska.gov/CF_R3/external/sites/aykdbms_website/Default.aspx. Retrieved May 11, 2022.

ADF&G. 2022c. Alaska freshwater fish inventory.https://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=main.interactive. Retrieved May 11, 2022.

ADLWD: Alaska Department of Labor and Workforce Development, Research and Analysis Section. 2019. Alaska population overview: 2018 estimates. https://live.laborstats.alaska.gov/pop/estimates/pub/18popover.pdf

Andersen, D.B., C.L. Brown, R.J. Walker, and K. Elkin. 2004. Traditional ecological knowledge and contemporary subsistence harvest of non-salmon fish in the Koyukuk River drainage, ADF&G, Div. of Subsistence Tech. Paper No. 282.

BLM (United States Department of the Interior, Bureau of Land Management). 2005. Fish Streams along the Trans-Alaska Pipeline System, a compilation of selected references with current TAPS stationing. Fourth edition. BLM Alaska Open File Report 105. BLM/AK/ST-06/004+6674+990. U.S. Department of the Interior, Bureau of Land Management, Anchorage, AK.

Brown, R. J. 2009. Distribution and demographics of whitefish species in the upper Koyukuk River drainage, Alaska, with emphasis on seasonal migrations and important habitats of Broad Whitefish and Humpback Whitefish, Technical Report, No. 104. U.S. Fish and Wildlife Service, Alaska Fisheries.

Brown, C. L., N.M. Braem, M.L. Kostick, A. Trainor, L.J. Slayton, R.M. Runfola, E.H. Mikow, H. Ikuta, C.R. McDevitt, J. Park, and J.J. Simon. 2016. Harvests and uses of wild resources in 4 interior Alaska communities and 3 arctic Alaska communities, 2014. ADF&G, Div. of Subsistence Tech. Paper No. 426. Fairbanks, AK.

Holen, D., S.M. Hazell, and D.S. Koster, eds. 2012. Subsistence harvests and uses of wild foods by communities in the eastern Interior of Alaska, 2011. ADF&G, Div. of Subsistence Tech. Paper No. 372. Anchorage, AK.

Hughes, N.F. 1992. Selection of positions by drift-feeding salmonids in dominance hierarchies: model and test for Arctic Grayling (*Thymallus arcticus*) in subarctic mountain streams, Interior Alaska. Can. J. Fish. Aquat. Sci. 49(10): 1999–2008. doi:10.1139/f92-223.

JTC (Joint Technical Committee of the Yukon River U.S./Canada Panel). 1985. Yukon River technical report, 1985.

Stuby, L. 2021. Fishery management report for sport fisheries in the Yukon Management Area, 2019. ADF&G, Fishery Management Report No. 21-27, Anchorage, AK. Sumida, V.A. 1988. Land and resource use patterns in Stevens Village, Alaska. ADF&G, Div. of Subsistence Tech. Paper No. 129. Fairbanks, AK.

Trainor, A., B.M. McDavid, L.A. Sill, and L.S. Naaktgeboren. 2019. Local traditional knowledge of the freshwater life stages of Yukon River Chinook and Chum salmon in Anvik, Huslia, Allakaket, and Fort Yukon. ADF&G, Div. of Subsistence Tech. Paper No. 447, Fairbanks, AK.

Trainor, A. 2022. Northern Region Program Manager. Personal communication: email. ADF&G, Div. of Subsistence. Fairbanks, AK.

FCR23–03 Executive Summary	
General Description	FCR23-03 reviews the closure to the harvest of all fish in the Bonanza Creek drainage by Federally qualified subsistence users.
Current Regulation	**§___.27(e)(3) Yukon-Northern Area** *(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:* *** *(B) Bonanza Creek;* ***
OSM Preliminary Conclusion	**Rescind** the closure
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation	
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	
Seward Peninsula Subsistence Regional Advisory Council Recommendation	
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	
North Slope Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**None**

FEDERAL FISHERIES CLOSURE REVIEW
FCR23-03

Issue

FCR23-03 is a standard review of a Federal subsistence fishery closure to the harvest of all fish in the Bonanza Creek drainage. It is the Board's policy that Federal public lands and waters should be reopened as soon as practicable once the conditions that originally justified the closure have changed to such an extent that the closure is no longer necessary. The purpose of this closure review is to determine if the closure is still warranted and to ensure the closure does not remain in place longer than necessary.

Closure Location: Yukon River Drainage, Bonanza Creek—all fish

Current Federal Regulation

§___.27(e)(3) Yukon-Northern Area

(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time…You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in this paragraph (e)(3).

(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060 [emergency orders]*), unless superseded by a Federal special action.*

***

(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

***

(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:

***

(B) Bonanza Creek;

***

(xii) You may take salmon only by gillnet, beach seine, dip net, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

***

(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

***

(B) You may not use an aggregate length of set gillnet in excess of 150 fathoms, and each drift gillnet may not exceed 50 fathoms in length.

(C) In Districts 4, 5, and 6, you may not set subsistence fishing gear within 200 feet of other fishing gear operating for commercial, personal, or subsistence use . . .

***

(xvii) In District 4, from September 21 through May 15, you may use jigging gear from shore ice.

Relevant Federal Regulation

§___.27 (b) Subsistence Taking of Fish

(16) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

***

(ii) Except as otherwise provided for in this section, if you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel are the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season and/or harvest limit for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

Closure Dates: Year-round

Current State Regulation

Yukon Area—Subsistence

5 AAC 01.225. Waters closed to subsistence fishing

***

(b) The following drainages located north of the mainstem Yukon River are closed to subsistence fishing:

***

(3) Bonanza Creek;

***

Yukon River Area—Sport

5 AAC 73.010. Seasons, bag, possession, and size limits, and methods and means for Yukon River Area

(a) Except as otherwise specified in this section or through an emergency order issued under AS 16.05.060, sport fishing is permitted year round in the waters of the Yukon River Area.

(b) Except as otherwise specified in (c) of this section, the following are the general bag, possession, and size limits for finfish and shellfish in the waters of the Yukon River Area:

(1) king salmon 20 inches or greater in length: the bag and possession limit is three fish, of which only two fish may be 28 inches or greater in length;

(2) salmon, other than king salmon: the bag and possession limit is 10 fish, with no size limit;

(3) Arctic char/Dolly Varden and lake trout:

***

(B) in all flowing waters: the bag and possession limit is 10 fish of all species combined, of which only two fish may be 20 inches or greater in length, and of which only two fish may be lake trout;

***

(5) Arctic grayling: the bag and possession limit is five fish, with no size limit;

(6) sheefish: the bag and possession limit is 10 fish, with no size limit;

(7) northern pike: the bag and possession limit is 10 fish, with no size limit;

(8) burbot: the bag and possession limit is 15 fish, with no size limit;

***

(10) finfish and shellfish species that are not specified in this section: there are no bag, possession, or size limits;

(c) The following are the exceptions to the general bag, possession, and size limits, and fishing seasons specified in (a) of this section for the Yukon River Area:

***

(4) in the Dalton Highway corridor (Trans-Alaska Pipeline corridor) within the Yukon River Area, which is described as a corridor five miles wide on each side of the Dalton Highway north of the Yukon River, excluding the Ray River,

(A) sport fishing for salmon is closed;

(B) lake trout may be taken only by catch-and-release fishing, and may not be possessed or retained; all lake trout caught must be immediately released;

(C) the bag and possession limit for northern pike is five fish, of which only one fish may be 30 inches or greater in length;

Regulatory Year Initiated: 1992

Extent of Federal Public Lands/Waters

For purposes of this analysis, the phrase "Federal public waters" is defined as those waters described under 36 CFR §242.3 and 50 CFR §100.3. The entire length of Bonanza Creek is on general domain land managed by the Bureau of Land Management (BLM; **Figure 1**). On general domain lands, Federal subsistence regulations apply only to non-navigable waters.

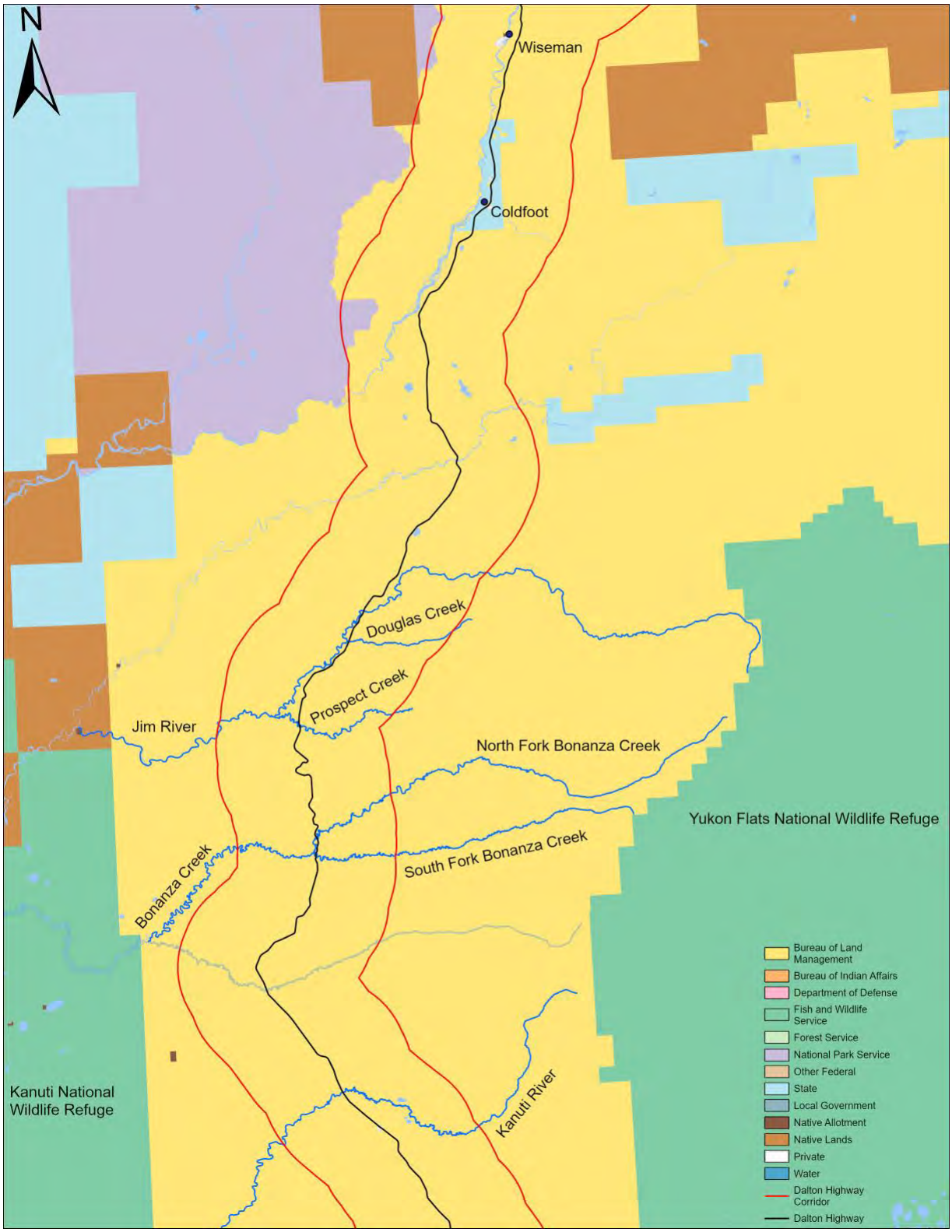

Figure 1. Map of the Dalton Highway Corridor (red lines), Bonanza Creek, and the other closed drainages in the area.

Customary and Traditional Use Determination

Residents of the Yukon River drainage and the community of Stebbins have a customary and traditional use determination for salmon, other than fall Chum Salmon, in the Yukon River drainage.

Residents of the Yukon River drainage and the communities of Chevak, Hooper Bay, Scammon Bay, and Stebbins have customary and traditional use determination for fall Chum Salmon in the Yukon River drainage.

Residents of the Yukon-Northern Area have a customary and traditional use determination for freshwater species other than salmon in the Yukon River drainage.

Regulatory History

Under State regulations, the portion of Bonanza Creek within the Dalton Highway Corridor (5 miles on either side of the highway) has been closed to subsistence fishing since the late 1970s, beginning with construction of the Dalton Highway (Holen et al. 2012). The opening of the Dalton Highway to public travel in 1994 provided new access to lakes and streams along the route. Increases in recreational fishing effort and harvest have resulted in reductions in the sport fishing bag limits for Northern Pike and Arctic Grayling, no retention of Lake Trout, and a salmon fishing closure within the Dalton Highway Corridor (Stuby 2021).

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in non-navigable waters within and adjacent to Federal public lands (57 Fed. Reg. 22940 [May 29, 1992]). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations. The closure under review in this analysis was incorporated into Federal regulations in this manner and has not been subsequently modified.

In 1999, the Federal Subsistence Board (Board) also adopted Federal regulations for fish in navigable waters within and adjacent to Federal public lands where there is a Federal reserved water right (64 Fed. Reg. 1276 [January 8, 1999]). These regulations do not apply on navigable waters within and adjacent to BLM general domain lands (see 50 CFR 100.3).

Closure Last Reviewed

There have been no previous reviews of this closure.

Justification for Original Closure

The Federal Subsistence Management Program justification for the inclusion of the original closure in Federal regulations was to minimize disruption to the State's continuing fish and game management, because of the uncertainty over the resumption of State management of subsistence, yet still fulfill the requirements of Title VIII of ANILCA (55 FR 27114, June 29, 1990).

Council Recommendation for Original Closure

N/A

State Recommendation for Original Closure

N/A

Biological Background

Salmon

Information regarding salmon is limited in Bonanza Creek. According to the Anadromous Waters Catalog (AWC), Chum Salmon may spawn in Bonanza Creek and have been documented downriver of the Dalton Highway (ADF&G 2022a). No other salmon species are listed in the AWC and population assessment near and above the Dalton Highway for all salmon species is lacking.

Nonsalmon Fish

The nonsalmon fish community in Bonanza Creek is comprised of Arctic Grayling, Burbot, Slimy Sculpin, Round Whitefish, Longnose Sucker, and Northern Pike (BLM 2005, ADF&G 2022b). Information for these species is limited in the closure area. However, the habitat use, seasonal movements, and population status of these species (excluding Slimy Sculpin) was provided by local experts during a Traditional Ecological Knowledge study conducted by the Alaska Department of Fish and Game (ADF&G), Division of Subsistence (Andersen et al. 2004). The local knowledge provided in this study applies to the broader Koyukuk River drainage.

Arctic Grayling

Local knowledge indicates Koyukuk River drainage Arctic Grayling spend most of their time in clear, quickly moving water in tributary streams and headwater areas whenever this habitat is clear of ice. They are reported to move into this habitat after breakup in April or May, spawning shortly afterwards and feeding on insects. Later, the larger Arctic Grayling occupy higher quality feeding areas farthest upstream and smaller fish occupy poorer feeding areas downstream (Hughes 1992, Andersen et al. 2004). Arctic Grayling move from tributary streams to overwintering areas in deeper water downstream during September and October. Local knowledge indicates that Arctic Grayling are usually the last fish to leave the tributary streams in the fall. Arctic Grayling overwinter in the Koyukuk River mainstem and large tributaries, as well as lakes in the far upper portions of the Koyukuk drainage (Andersen et al. 2004).

Arctic Grayling abundance and age composition were assessed in Bonanza Creek in 1996 (Fish 1997). Abundance of Arctic Grayling (>150 mm FL) was estimated using mark recapture techniques in a 3.3 mi section of Bonanza Creek that crosses the Dalton Highway. The estimated abundance of Arctic Grayling within the study area was 1,152 fish (SE = 445) which resulted in a density of 349 fish/mi.

Ages of Arctic Grayling ranged from age-3 to age-9. Age-6 made up the largest proportion of sampled fish (P = 0.39), followed by age-4 (P = 0.19) and age-5 (P = 0.14).

Burbot

According to local experts, Burbot are found in major tributaries of the Koyukuk drainage, but not the smallest tributaries. Burbot may occupy headwater lakes or the mainstem of the Koyukuk River year-round. Most non lake-adapted Burbot follow a different seasonal movement pattern from other fish, moving upstream along shallow water areas beginning around October through January or February. Spawning takes place under the ice in winter (Andersen et al. 2004).

Whitefish

Local experts indicate whitefish move upstream in the Koyukuk River just before and during spring break up. As the water becomes fast and high due to spring run-off, the fish move into calmer side waters, returning when water levels drop. They repeat this movement whenever water levels rise. Some whitefish spend summers feeding in lakes, while others stay in the Koyukuk River and major sloughs (Andersen et al. 2004). In fall, whitefish move towards spawning areas upstream, then descend downstream after spawning around September and October. Whitefish are said to overwinter in an inactive state in deep lakes from December to March. Round Whitefish is a "clear water fish" that prefers to spend time in smaller streams and headwaters, "similar to graying" (Andersen et al. 2004: 93).

Local knowledge indicates the abundance and quality of whitefish in the Koyukuk drainage has declined over the previous 60 years. These declines were attributed to changes in habitat and die-offs resulting from being stranded in shallow lakes during high water periods (Andersen et al. 2004).

Longnose Sucker

Local knowledge indicates that Longnose Sucker are present in small numbers in the Koyukuk River drainage but occur at relatively high numbers in some tributaries. Longnose Sucker occupy mainstems, sloughs, large and small tributaries, and lakes during the open water period, and move into deep portions of the main lower Koyukuk River during winter. Spawning occurs in small streams after breakup (Andersen et al. 2004).

Northern Pike

According to local experts, Northern Pike in the Koyukuk drainage overwinter in deep lakes and move into shallow lakes and sloughs in spring. Spawning takes place in early summer. After mid-September, Northern Pike move back towards the main river and deep lakes (Andersen et al. 2004).

Cultural Knowledge and Traditional Practices

Of those communities with a customary and traditional use determination for fish in the Yukon River drainage, those located in reasonable proximity to Bonanza Creek as it crosses the Dalton Highway are

most likely to subsistence fish in the closed area. This includes Wiseman and Coldfoot. In addition to these communities, which are located on the road system, the communities of Evansville and Bettles are connected to the Dalton Highway via a winter road to Evansville from January through March (Holen et al. 2012). However, there is a mismatch between the timing of this road opening and that of nonsalmon fishing by these communities (Andersen et al. 2004). Furthermore, an ADF&G Division of Subsistence survey indicated that residents of Bettles and Evansville focus their subsistence use in areas closer to these communities (Holen et al. 2012).

The community of Stevens Village also has access to the Dalton Highway as it crosses the Yukon River, via boat and snow machine (Trainor 2022, pers. comm.). However, a subsistence survey of Stevens Village conducted from 1984 to 1985 showed that residents focus most of their subsistence fishing activity closer to their community on the Yukon River (Sumida 1988); a more recent ADF&G Division of Subsistence survey did not map subsistence use areas (Brown et al. 2016).

Wiseman and Coldfoot

Wiseman and Coldfoot are very small communities located on the Dalton Highway. Both communities fall within the traditional boundaries of the Koyukon Athabascan people, an area which has also been influenced by historical interaction with Iñupiat. Both Wiseman and Coldfoot were established as the result of the gold mining industry in the late 1800s and early 1900s. Coldfoot was abandoned by 1930, before being re-settled in the 1970s in connection with construction of the Dalton Highway and the Trans-Alaska Pipeline. As of 2018 there were an estimated eight full-time residents in Coldfoot and 11 in Wiseman (ADLWD 2019). The area also includes a small number of residents along the Dalton Highway Corridor in camps and other isolated households. ADF&G Division of Subsistence conducted its only subsistence survey of Wiseman and Coldfoot in 2012, for the 2011 calendar year.

At the time of ADF&G's survey, there were five year-round households in Wiseman, and all were surveyed. Four of these households attempted to fish, and all households used fish, although in small quantities (Holen et al. 2012). Residents of Wiseman and Coldfoot can fish within Bonanza Creek with rod and reel under State sport fishing regulations.

Salmon

Wiseman residents traditionally harvested and used small amounts of Chum and Chinook salmon locally. However, in part because of local closures to both subsistence and sport fishing for salmon in place since 1978 (sport fishing for salmon is closed within a 5-mile radius of the Dalton Highway, Wiseman residents primarily harvest salmon at locations far afield, such as in the Copper and Yukon rivers.

During the 2011 study year, only one of the five Wiseman households fished for salmon (at locations distant from the community), resulting in an estimated 12 pounds of Sockeye Salmon per person, or 4% of Wiseman's total wild food harvest in weight. In addition, Wiseman households received and shared Chinook Salmon, although they did not directly harvest any. All households used salmon (Holen et al. 2012).

Nonsalmon fish

According to Holen et al., "Since the salmon fishing closure was initiated, non-salmon fish have become even more important to Wiseman residents" (2012: 369). Nonsalmon fishing can take place under subsistence regulations in areas that are not closed (in addition to Bonanza Creek, subsistence fishing is also closed in Jim River, including Prospect Creek and Douglas Creek and a portion of the Kanuti River). In addition, nonsalmon fish can be taken by rod and reel under State sport fishing regulations throughout the area. Within these regulatory restrictions, during the study period, nonsalmon fishing was reported as occurring close to Wiseman and Coldfoot adjacent to the Dalton Highway, as well as on the South Fork Koyukuk River and as far south as the Jim River (Holen et al. 2012, **Figure 2**).

During the study period, four of the five Wiseman households fished for nonsalmon species, resulting in an estimated 13 pounds of nonsalmon fish per person, or 5% of Wiseman's total wild food harvest in weight. The three most significant nonsalmon harvests in terms of edible weight included Arctic Grayling, Longnose Sucker, and Burbot (Holen et al. 2012, ADF&G 2020, **Table 1**).

In 2011, about 52% of Wiseman's nonsalmon fish harvest (measured in edible weight) was taken with gillnet or seine, about 28% was taken with "other subsistence methods," which includes set lines, and the remainder was taken by rod and reel. However, the only nonsalmon species that participants reported taking by rod and reel was Lake Trout; a little less than half of the Lake Trout harvest was taken with this gear. The fish most significant in terms of subsistence harvest were taken entirely with subsistence gear during the study period, described in more detail below, although Wiseman's harvest methods for Longnose Sucker and whitefish species were not quantified in the relevant subsistence survey report (Holen et al. 2012).

Arctic Grayling

In this description of harvest practices for Arctic Grayling, and for other species, below, ethnographic data are drawn both from ADF&G's subsistence survey in Wiseman for the 2011 calendar year (Holen et al. 2012) and from a Traditional Ecological Knowledge Study conducted by ADF&G Division of Subsistence from 2001 to 2003 (Andersen et al. 2004). The latter study incorporated interviews with 29 key respondents who were life-long residents of the Koyukuk River drainage communities of Alatna, Allakaket, Bettles/Evansville, Hughes, Huslia, Koyukuk, and Wiseman. Where available, information specific to practices by residents of Wiseman is emphasized.

In the Koyukon language Arctic Grayling are called *tleghelbaaye*, which likely refers to their gray coloring (Andersen et al. 2004). Fall and early winter are the preferred times for harvesting Arctic Grayling by Koyukuk River communities (Andersen et al. 2004). In the 2011 study year, Wiseman residents harvested Arctic Grayling with gillnet or seine (25%) and "other subsistence methods" (75%) (Holen et al. 2012). Residents of the wider region fish for Arctic Grayling with hook and line beginning when rivers begin to freeze, usually in October. They use rod and reel in open eddies until freeze-up is complete, after which they fish through holes in the ice. Arctic Grayling are also sometimes caught during fall seining for whitefish. Arctic Grayling are easily preserved by freezing,

and people prefer to eat them raw and frozen. As winter progresses, Arctic Grayling are further downstream in deep water, and are less accessible (Andersen et al. 2004).

Burbot

Burbot are known as *tl'eghes*, in the Koyukon dialect of the lower Koyukuk River, and *tsoneye* in the upper river dialect. Burbot can be an important subsistence resource for Koyukuk River communities in winter when other fish are not available. They are harvested beginning in the fall. In the middle Koyukuk River conditions are ideal for Burbot traps in winter, but in areas closer to the headwaters Burbot are most commonly taken with set hooks through the ice beginning around October. According to a key informant from Wiseman, Burbot have also traditionally been taken from lakes in the summer with spears (Andersen et al. 2004). During the 2011 study year, Wiseman residents took Burbot entirely with subsistence gear "other than gillnet or seine" (Holen et al. 2012).

In the fall and winter Burbot can be preserved by natural freezing, but do not preserve well, and people prefer to eat them soon after they are harvested. The fatty liver is the most prized part of the fish. For subsistence purposes, people prefer to catch them before they spawn, when they are a better source of fat. Burbot return downstream beginning in February (Andersen et al. 2004).

Whitefish

The generic term for whitefish in the Koyukon language is *ts'oł.* There are two species of large whitefish in the Koyukuk drainage, Broad Whitefish (*taaseze*, or "water bear") and Humpback Whitefish (*holehge*, "it swims upwards"). There are also two species of small whitefish, Least Cisco *(tsaabaaya*) and the Round Whitefish (*hułten*). According to local experts, the latter is only thinly distributed in the Koyukuk drainage (Andersen et al. 2004).

One key informant said that he had observed a decline in whitefish populations over the previous sixty years, and that the fish had also become less fatty. He attributed this decline to habitat change, and especially to decreased weeds and insects, as well as increased silt and water temperatures. Whitefish are susceptible to die-offs after being trapped in shallow lakes during high water periods (Andersen et al. 2004).

Gillnets are used to catch whitefish in the spring after breakup and in the fall as fish move between seasonal habitats. Whitefish are considered to be in prime condition in fall. After freeze-up they can be caught with set nets. Least Cisco may be caught with seining nets, although river conditions prevent the use of these in the upper portion of the river. In the summer, whitefish are sometimes incidentally caught in nets used for salmon. Round Whitefish are very thinly distributed and are not commonly caught. Wiseman's harvest methods for whitefish were not specifically described in Holen et al. (2012).

Longnose Sucker

The Koyukon term for Longnose Sucker is *toonts'ode*, "something bad went into the water" (Andersen et al. 2004). Longnose Sucker are mostly caught in the Koyukuk River drainage as by-catch in nets set

out for whitefish in the spring. In areas suitable to the harvest method, they are sometimes taken during fall whitefish seining. Finally, they are sometimes taken in the winter with under-ice Burbot traps. In the past, spring-harvested Longnose Sucker were important for feeding both humans and dogs, but today they are primarily used as dog food. The many small bones in the fish make the end portion of Longnose Sucker inedible for humans (Andersen et al. 2004). Wiseman's harvest methods for Longnose Sucker were not specifically described in Holen et al. (2012).

Northern Pike

Northern Pike are known as *k'oolkkoye* in the Koyukon language, and are an important food resource that is available year-round. Northern Pike are present but not common in the Koyukuk River near Bettles, and are not present in the Middle Fork of the Koyukuk near Wiseman.

On the Koyukuk River, Northern Pike are caught with gillnets in spring and fall. "Pike are sometimes caught during the summer using artificial lures and rod and reel gear in area lakes or specific river or slough locations known for being good pike fishing. Pike are also frequently taken as by-catch in summer nets and fishwheels targeting salmon" where conditions permit use of this gear (Andersen et al. 2004: 74). In winter they can be harvested with a hook through the ice where streams leave or enter lakes.

Key informants from the wider region reported harvesting Northern Pike with gillnets, fish traps, and hook and line gear. According to Andersen et al., "The ability to take pike using unusual methods contributed to the utility of pike as a subsistence resource" (2004:75). During the subsistence survey study year, Wisemen residents harvested Northern Pike entirely with gillnet or seine (Holen et al. 2012).

Table 1: Estimated number of nonsalmon fish and corresponding pounds per person harvested by Wiseman households in the 2011 calendar year (ADF&G 2020).

Fish species	Estimated number of fish	Estimated pounds per person
Arctic Grayling	111	5.97
Longnose Sucker	40	2.15
Burbot	9	1.66
Northern Pike	4	1.38
Char	11	1.11
Lake Trout	9	0.97
Whitefish	25	0.96
Dolly Varden	2	0.13

Figure 2. Wiseman's nonsalmon fish search and harvest areas, 2011. Source: Holen et al. 2012.

Coldfoot was also surveyed by ADF&G Division of Subsistence for the 2011 calendar year. At that time, there were five year-round households in Coldfoot, four of which were surveyed, representing 10 individuals. During the survey year, no residents of the community fished for either salmon or

nonsalmon fish, but one household received and used Coho and Sockeye salmon. No use of nonsalmon fish was documented in Coldfoot during the study period (Holen et al. 2012).

Harvest History

Subsistence fishing is prohibited in Bonanza Creek under State and Federal regulations so there is no legal subsistence harvest in this system. Harvest is allowed under State sport fishing regulations and is not limited to Federally qualified subsistence users.

During years when sport fishing for Chinook Salmon isn't closed or restricted by emergency order, Chinook Salmon throughout the Yukon River Management Area (excludes the Tanana River) can be harvested with a limit of three per day, three in possession over 20 inches (only two can be over 28 inches), and ten per day, ten in possession for under 20 inches. Other salmon have a ten per day, ten in possession limit. However, salmon fishing is closed within a 5-mile radius on either side of the Dalton highway.

Per the general sport fish regulations that apply to the entire Yukon River Management Area that extends from the Yukon River Delta to the border with Canada and includes the entire Yukon River drainage (excluding the Tanana River), Dolly Varden can be harvested with a limit of ten per day, ten in possession (only two can be 20 inches or longer). Allowable Lake Trout harvest is two per day, two in possession, only two of which may be 20 inches or longer. Arctic Grayling have no size limit and have a limit of five per day, five in possession. Sheefish and Northern Pike have a limit of ten per day, ten in possession, and Burbot have a harvest limit of 15 per day, 15 in possession.

Special regulations apply to all streams within the Trans-Alaska Pipeline corridor, which is defined as the length of the Pipeline north of the Yukon River extending 5 miles on either side of the Dalton Highway, excluding the Ray River where General Regulations apply. Bonanza Creek crosses the Dalton Highway Corridor. In this area (five miles on each side of the highway), sport fishing for salmon is closed. In addition, retention of Lake Trout is prohibited and the limit of Northern Pike is five per day, five in possession (only one of which may be 30 inches or longer).

The majority of sport fish harvest along the Dalton Highway corridor for the Yukon River Management Area is for Arctic Grayling (Stuby 2021). Sport fish harvest estimates are not available for specifically Bonanza Creek. Sport fish harvest estimates for Arctic Grayling in streams along the Dalton Highway south of Atigun Pass report an average of 324 fish annually during 2009–2018. Fishing effort for this entire area for all species during 2009–2018 was approximately 928 angler days (Stuby 2021). Sport fishing effort and harvest in Alaska have been estimated and reported annually since 1977 using a mail survey. Estimates based on fewer than 12 responses indicate that the sport fishing occurred and are subject to high variance. The majority of estimates for the Dalton Highway during 2009–2018 were based on fewer than 12 respondents (Stuby 2021). These data suggest that sport fish harvest and effort may not be large enough to cause conservation concerns for Arctic Grayling in Bonanza Creek.

Other Alternatives Considered

One alternative is to retain the closure. Population statuses are unknown in Bonanza Creek, which is road-accessible, allowing easy access and harvest of fish. If the closure is rescinded, harvest of nonsalmon species would be unrestricted for all legal gear types other than rod and reel, and gillnets could be used to harvest high numbers of fish. Retaining the closure would protect populations from overharvest until a proposal to restrict harvest and/or gear types in the closure area could be submitted. Federally qualified subsistence users could harvest fish under State sport fishing regulations while the Federal closure was in place. This alternative was rejected because it would not provide a Federal subsistence priority in the closure area.

A second alternative is to modify the closure by closing the fishery to all users and uses. This would fully protect salmon and nonsalmon fish populations in Bonanza Creek. Under this alternative, there would be no subsistence or sport fishing opportunity. Closing to all users and uses would eliminate the current situation, in which Federal public waters are closed to subsistence fishing while remaining open to other uses. This alternative was rejected because it would be an unnecessary restriction on non-subsistence uses as sport fish harvest data suggest the sport fishery does not present a conservation concern. In addition, subsistence surveys indicate subsistence users may harvest a portion of their wild foods under sport fishing regulations.

Effects

If the closure is rescinded, Federal subsistence regulations for the Yukon-Northern Area would apply. Harvest of salmon would be allowed, and Federal subsistence fishing schedules, openings, closings, and fishing methods would be the same as those issued by State emergency order for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal special action. Salmon could be taken by gillnet, beach seine, dip net, fish wheel, or rod and reel.

Nonsalmon fish could be taken by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, with some restrictions on this gear (see "Current Federal Regulation" in this analysis). Subsistence rod and reel harvest limits would match State sport fishing harvest and possession limits. Harvest would be unrestricted for all other legal gear types.

Rescinding the closure would establish a Federal subsistence priority and provide subsistence harvest opportunity in an area that is currently closed to subsistence fishing but open to other uses. However, allowing unrestricted harvest in a road-accessible system may increase harvest pressure on stocks and result in a conservation concern.

OSM PRELIMINARY CONCLUSION

_ Retain the Status Quo
X Rescind the Closure
_ Modify the Closure
_ Defer Decision on the Closure or Take No Action

The modified regulation should read:

§___.27(e)(3) Yukon-Northern Area

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(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:

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~~*(B) Bonanza Creek;*~~

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Justification

Currently, Bonanza Creek is closed to the harvest of all fish by Federally qualified subsistence users but open to sport fishing under State regulations. Rescinding the closure would establish a Federal subsistence priority in the area. However, allowing unrestricted harvest for gear types other than rod and reel in an easily accessible system may lead to overharvest and local depletion of stocks. While populations may be protected by limiting subsistence harvest to rod and reel only and/or modifying harvest limits, these modifications are not possible through the closure review process and would require a fisheries proposal be submitted. Until a proposal can be submitted, the Federal inseason manager may use their delegated authority to restrict gear types and/or harvest limits, for up to 60 days, to protect populations in Bonanza Creek. Actions exceeding 60 days would require a temporary special action be implemented by the Board. If a proposal is submitted, the Office of Subsistence Management recommends that harvest be limited to rod and reel only in Bonanza Creek.

LITERATURE CITED

ADF&G. 2020. Community subsistence information system, ADF&G Div. of Subsistence. https://www.adfg.alaska.gov/sb/CSIS/. Retrieved June 2, 2020.

ADF&G. 2022a. Anadromous Waters Catalog. https://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=main.interactive. Retrieved May 11, 2022.

ADF&G. 2022b. Alaska freshwater fish inventory. https://www.adfg.alaska.gov/sf/SARR/AWC/index.cfm?ADFG=main.interactive. Retrieved May 11, 2022.

ADLWD: Alaska Department of Labor and Workforce Development, Research and Analysis Section. 2019. Alaska population overview: 2018 estimates. https://live.laborstats.alaska.gov/pop/estimates/pub/18popover.pdf

Andersen, D.B., C.L. Brown, R.J. Walker, and K. Elkin. 2004. Traditional ecological knowledge and contemporary subsistence harvest of non-salmon fish in the Koyukuk River drainage, ADF&G, Div. of Subsistence Tech. Paper No. 282.

BLM, 2005. Fish Streams along the Trans-Alaska Pipeline System, a compilation of selected references with current TAPS stationing. Fourth edition. BLM Alaska Open File Report 105. BLM/AK/ST-06/004+6674+990. U.S. Department of the Interior, Bureau of Land Management, Anchorage, Alaska.

Brown, C. L., N.M. Braem, M.L. Kostick, A. Trainor, L.J. Slayton, R.M. Runfola, E.H. Mikow, H. Ikuta, C.R. McDevitt, J. Park, and J.J. Simon. 2016. Harvests and uses of wild resources in 4 interior Alaska communities and 3 arctic Alaska communities, 2014. ADF&G, Div. of Subsistence Tech. Paper No. 426. Fairbanks, AK.

Fish, J. T. 1997. Stock assessment of Arctic grayling in the Jim River and other streams adjacent to the Dalton Highway, 1995–1997. ADF&G, Fishery Manuscript Series No. 97-3, Anchorage, AK.

Holen, D., S.M. Hazell, and D.S. Koster, eds. 2012. Subsistence harvests and uses of wild foods by communities in the eastern Interior of Alaska, 2011. ADF&G, Div. of Subsistence Tech. Paper No. 372. Anchorage, AK.

Hughes, N.F. 1992. Selection of positions by drift-feeding salmonids in dominance hierarchies: model and test for Arctic Grayling (*Thymallus arcticus*) in subarctic mountain streams, Interior Alaska. Can. J. Fish. Aquat. Sci. 49(10): 1999–2008. doi:10.1139/f92-223.

Stuby, L. 2021. Fishery management report for sport fisheries in the Yukon Management Area, 2019. ADF&G Fishery Management Report No. 21-27, Anchorage, AK.

Sumida, V.A. 1988. Land and resource use patterns in Stevens Village, Alaska. ADF&G, Div. of Subsistence Tech. Paper No. 129. Fairbanks, AK.

Trainor, A. 2022. Northern Region Program Manager. Personal communication: email. ADF&G, Div. of Subsistence. Fairbanks, AK.