Federal Subsistence Board Work Session

Meeting Materials

July 26-27, 2022
Dimond Center Hotel
Anchorage, Alaska

What's Inside

On the cover...

Preparing salmon for smoking

USFWS photo

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FEDERAL SUBSISTENCE BOARD
PUBLIC WORK SESSION
Dimond Center Hotel Chesloknu Conference Room
700 E Dimond Blvd

July 26 & 27, 2022
9:00AM – until finished (each day)
Teleconference Call-In Number: 1-888-455-7761
Passcode: 4406658

The public can call in to participate using the above teleconference phone number and passcode.

An opportunity for public testimony on WSA22-02 will be provided following the presentation of the analysis, time certain July 26 @ 3PM.

Please be informed that per Department of the Interior guidance for in-person meetings, when the COVID-19 community level is medium or high as reported by the Centers for Disease Control and Prevention (CDC), all in-person attendees must provide information about their vaccination status. Attendees who are not fully vaccinated or who decline to provide information about their vaccination status must provide proof of a negative COVID-19 test result taken within three days prior to entering the event. When the COVID-19 level community is high, all persons must wear a mask regardless of their vaccination status. Before attending the meeting in-person, first, please check the COVID-19 community level at https://covid.cdc.gov/covid-data-tracker/#datatracker-home for the municipality of Anchorage and second, be prepared to provide proof that you have been fully vaccinated or have a negative COVID-19 test result. Masks will be provided at check in. Masking and physical distancing of all attendees regardless of COVID-19 community levels is encouraged.

WORK SESSION AGENDA
*** Indicates Action Item**

1. Call to Order and Welcome
2. Review and adopt agenda
3. Information exchange
4. Regional Advisory Council Annual Report Replies*
5. Briefing: Annual Report Reply Review Process – Council Comments
6. Ahtna InterTribal Resource Commission Community Hunt Framework revision*
7. Wildlife Temporary Special Action Request WSA22-02*
8. Joint Yukon Councils Letter to the Board on Salmon Bycatch*

9. Briefing: Federal Fisheries Managers and Delegation of Authority
10. Status update: Sitka Kaagwaantann petition for Secretarial Extension of Jurisdiction
11. Other business
12. Adjourn

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

In Reply Refer To
OSM 22068.KW

Donald Hernandez, Chair
Southeast Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Hernandez:

This letter responds to the Southeast 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. Transboundary River Mining – Impacts to Subsistence Users

In 2017, by request of the Council, the Board sent a letter to the Alaska Lt. Governor regarding large scale mining development in the British Columbia, Canada, portions of Transboundary River watersheds. The Council hoped that the Lt. Governor would write a letter to the U.S. Department of State expressing his desire to work in conjunction with our Congressional Delegation to advance this issue at the Federal and international levels. So far, the Council has heard no more about this issue from those levels of government.

The Council wishes to again express its concerns for the health and protection of Transboundary River watersheds. The Mt. Polley Mine tailings dam failure was the biggest mining pollution disaster in Canada's history and has brought needed attention to the threats imposed by such mining activities.

The Council continues to hear distressing information from its constituents regarding

Transboundary River Mining and the impacts to the Southeast environment and the fish and wildlife resources that are harvested by our subsistence users:

- *The Tulsequah Mine has polluted the Taku River watershed since the late 1950s. Though money has been allocated to clean up this mine, no work has been done.*
- *The Red Chris Mine, operating upstream in the Stikine River watershed, has a tailings dam that is 341 feet high.*
- *The Unuk River is directly threatened by the Kerr-Sulphurets-Mitchell (KSM) project and is already being influenced by the Brucejack Mine.*
- *The Eskay Creek Mine is a revitalization project that is converting an underground mine into an open pit mine. A proposed tailings dam on this project expected to be around a hundred feet high.*

There are deep concerns that tailings dams upstream of Southeast Alaska watersheds will fail because they are built on glacial silt. The dams are supposed to hold back contaminants for hundreds of years. But statistics show there have been two failures about every 10 years. Despite these failures, more of these dams are being built. The large industrial scale mining projects that are either operating or proposed in British Columbia, Canada, are very close to the Alaska border and endanger the Taku and Stikine River watersheds.

At the Council's fall 2021 meeting, the Southeast Alaska Indigenous Transboundary Commission (SEIT Commission), a coalition of 15 Southeast Alaska Federally recognized Tribes, requested support from the Council on this issue. The Council supports the attached SEIT Commission resolution currently being considered by Tribes and municipalities in Southeast Alaska. This new resolution calls for a permanent ban on toxic mine waste dams, or tailings dams, and for a temporary pause to new mining activity in the mines along the Alaska/British Columbia Transboundary salmon rivers until the U.S./Canada Boundary Waters Treaty and the United Nations Declaration on the rights of indigenous peoples are upheld and an international agreement on watershed protection is in place.

The Council recognizes the importance of subsistence users having access to marine food resources that are not contaminated nor harmful for ingestion. Therefore, it supports Federal and State partnerships with Southeast Tribes to fund and increase science studies for indigenous management of natural resources; specifically, those projects that explore water quality and its impact on indigenous and subsistence food supplies, such as:

- *The two-year fish consumption rate survey project recently funded by Bureau of Indian Affairs, which is tied to water quality standards.*
- *The continuing work to study Eulachon and salmon species, engaging in environmental DNA analysis to assess populations and the collection of baseline water quality data.*

The Council requests that the Board forward these transboundary mining concerns to the U.S. Department of State with a request that the Transboundary Commission be instructed to immediately commence proactive engagements with Canada to defend and sustain our Transboundary Rivers. These shared Transboundary salmon rivers are critical for subsistence users, and this Council, through the Federal Subsistence Management Program (FSMP), strongly advocates that these resources be protected so that our coastal communities can continue their dependence on sustainable resources in Southeast Alaska.

Response:

The Board thanks the Council in its continuing effort to protect subsistence resources and uses within the Southeast Alaska Region, including within the Taku, Stikine, and Unuk transboundary river drainages. Per the Council's request, the Board sent a letter to the Honorable Lieutenant Governor of Alaska, Byron Mallott, on June 24, 2017, asking the Lieutenant Governor to seek assistance from the Federal government through the Department of State's office to pursue an International Joint Commission with Canada to proactively study, monitor, and mitigate potential environmental effects of water contamination in Alaska from upstream mining operations in British Columbia, Canada (enclosed). Unfortunately, the Board did not receive a response from the Lieutenant Governor.

The Board shares the Council's concerns regarding the health and protection of Transboundary River watersheds. The recent 2021 resolution from Salmon Beyond Borders calls "…*for a permanent ban on tailings dams and for a temporary halt to the permitting, exploration, development, and expansion of Canadian mines along Alaska-British Columbia transboundary salmon rivers*…" The Board requests that the Council resubmit their transboundary mining concerns in the form of a new letter to the Board, which in turn will be elevated to the U.S. Department of State with a request to take the lead in collaborating with Canada to openly address the transboundary mining issue and proactively resolve the concerns of the Council.

2. <u>Information Sharing Policy Between the Alaska Department of Fish and Game and the Federal Subsistence Management Program</u>

The Council has concerns about information sharing between the Alaska Department of Fish and Game (ADF&G) and the Federal Subsistence Management Program (FSMP). Draft ADF&G comments of Federal wildlife proposals WP22-07, -08, and -09 were circulated among the public prior to the Southeast Council's meeting. The Council members heard references to these ADF&G documents throughout the public comments on these proposals and felt they were at a disadvantage because they had not had time to review these drafted comments prior to the meeting. The Council would like to know more about the current information sharing policy between the State and the FSMP, if such policy is already in place, and would like to suggest that it be reemphasized or revised to improve how information is provided to the Council.

Response:

The 2008 Memorandum of Understanding (MOU) between the State of Alaska (State) and the Board that contained a section on information sharing between the two entities expired in 2014. That occurred after many unsuccessful attempts to modify the formal agreement. Consequently, at present there is no formal communications or data sharing policy or agreement between the State and the Federal Subsistence Management Program (FSMP), and no discussions are being held to revive the MOU. The State and the Office of Subsistence Management (OSM) have a verbal agreement that all data requests from both sides will go through the State's Liaison's team and the OSM Subsistence Liaison, and both sides continue to cooperate and share information to the best extent possible.

Since all Subsistence Regional Advisory Councils were formed under the Federal Advisory Committee Act, all information and meeting materials shared with the Councils during and prior to their meetings become part of the public domain and thus need to be available to all members of the public. Agencies and organizations, including the State of Alaska, are notified three months prior to the Council meeting regarding meeting materials submission deadlines and the acceptable document format. During the last two years, all Councils' meetings were held virtually. Therefore, OSM shared meeting materials on the FSMP website instead of distributing physical copies at the meetings. The early released draft of ADF&G comments on Federal wildlife proposals WP22-07, -08, and -09 were not in compliance with the electronic documents formatting standards outlined in the Section 508 of the Rehabilitation Act of 1973 and could not be posted on any Federal government website or shared as electronic documents with the Council. OSM notified the State about these technical Federal requirements to the documents prior to the Council meeting.

OSM will continue to ensure all documents submitted for posting on its website meet national standards and hopes to eliminate or substantially reduce rejecting documents that are not compliant with the Section 508 requirements. OSM informs the State of the deadlines for proposal comments and ADF&G almost always meets those deadlines when submitting meeting materials or reports. Suggestions for improvements to this informal inter-agency arrangement that do not diminish or supersede the authority or jurisdiction of the agencies involved are welcome.

3. <u>Mechanism for including local knowledge into OSM's recommendations</u>

The Council noted the lack of traditional ecological knowledge (TEK) during the explanations of ADF&G data on certain resources during their meetings. The Council believes that many data variables that impact the subsistence resources, which rural users have relied upon for generations, are missing when Federal analyses are developed. In the Council's opinion, many OSM recommendations on the recent wildlife proposals were not consistent with local Council member observations. The Council would like to request an explanation of TEK information sources currently utilized by OSM and how TEK is currently being incorporated into OSM analyses. The Council also would like to see a mechanism developed for ensuring local

knowledge is considered in OSM's recommendations. The lack of TEK in the analyses makes for unnecessary extended discussions at meetings because local users feel that OSM recommendations, based on limited data from the State, (which does not include TEK), really aren't "consistent with feet on the ground." This results in an analysis that does not provide adequate information upon which the Council feels it can make a sound recommendation.

Response:

The Board acknowledges the Council's frustration regarding full incorporation of Indigenous Ecological Knowledge (TEK) and strives to continue improving in this area. The Board obtains TEK from a variety of sources to inform management decisions. Anthropologists at OSM review transcripts from Regional Advisory Council meetings, Board meetings, public hearings, written public comments, and published literature to incorporate TEK into analyses. The Board also considers our government-to-government consultations with Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations imperative to our program.

One challenge faced by OSM in incorporating TEK is that our analysts do not conduct primary research. This is one of the many reasons why we rely on you, the Council, to provide us with knowledge and observations that OSM utilizes in forming its recommendations and the Board considers when deliberating proposals and special action requests. However, further progress can still be made in bringing TEK and western science together within analyses and decisions. The Anthropology Division at OSM is now fully staffed, which should contribute towards greater integration of TEK into more analyses. Further, when the Board relies on TEK in its decision-making, as it often does, it can explicitly acknowledge this use on the record.

4. <u>Public Testimony and Public Comment Policies</u>

The Council was informed that the process for public comments during the meeting had changed. The Council learned that comments, written or oral, would only be accepted during the meeting days, not a few days before as has been permitted in the past. The Council experienced redundant testimony at its last meeting and believes that this may have been because the public became confused with the change in the public comment submission process. Neither the public, nor the Council were adequately educated on the change to public testimony beforehand. Many of the emailed public comments received and recited at the meeting were similar, if not exactly the same as oral testimony heard during the meeting.

The Council would like clarification from OSM on the public comment protocol/procedure and requests that this information be shared with the public immediately. Providing this information may prevent duplicative comments during a meeting where controversial proposals prompt a significant amount of testimony.

Response:

The Board agrees with the Council that clear guidance is important when providing direction for public participation. The protocols for public comment used during the fall 2021 Council

meetings were temporary but necessary as the program worked to support our public process by teleconference. However, those temporary changes to our process allowed an opportunity to reexamine program guidelines. OSM initiated a guided discussion on receiving public comments during your winter 2022 Council meeting cycle. Your Council's feedback and the feedback provided by other Councils will help OSM develop a solid and consistent protocol, which we hope will be shared during the fall 2022 Council meeting cycle and before the next regulatory Board meeting in 2023. We recognize the importance of encouraging and facilitating public participation and testimony during the Council and Board meetings. Information shared by the public with Council and Board members during our meetings improves our public process and ensures we make informed decisions.

5. Regulatory Analyses and Presentation Content

The Council considered several wildlife proposals regarding regulatory changes to the management of Unit 4 deer. The Council feels in situations in which there are multiple proposals affecting the same/similar geographic area, it would be helpful to receive one oral or written report on cumulative effects of those proposals. This information would allow the Council to consider the effects holistically for an entire management area. The Council formally requests that the Board instruct staff to provide cumulative effects information at future regulatory meetings where multiple proposals affect the management of a species within a single game or fish management unit.

Response:

The Board thanks the Council for suggestions on how to improve presentation of regulatory proposal analyses at Council meetings. OSM has noted this request and, in the future, will strive to present to the Council information spanning multiple proposals affecting the same species and areas more holistically.

6. Mariculture Permitting – Effects on Subsistence Sensitive Areas

The Council did not have the opportunity to hear the information on kelp farming that was scheduled on its agenda due to time constraints; however, the Council remains very interested in this topic and hopes they will receive information from ADF&G at its winter meeting. The Council is concerned that mariculture activities will restrict or limit access to subsistence resources. The Council would like to request that Federal staff be prepared to comment in the future regarding the impacts that kelp farming and other mariculture permitting has had on subsistence resources and access to subsistence sensitive areas. The Council is concerned that proper consideration isn't given to the effects of mariculture on accessibility to subsistence resources before permits are granted. Ideally, the Council would like to see an impact statement before the State creates any commercialized industry that may have a negative effect on subsistence users and that before a new fishery is created, the State would recognize the traditional uses of the area.

The Council would appreciate the assistance of Federal staff regarding any questions about these project impacts on subsistence resources and impacts to access for areas in or adjacent to the mariculture areas. This Council may wish to send a letter to ADF&G on this issue and would require as much information as possible to formulate an effective letter of concern regarding detrimental effects of State permitted activities affecting access to Federal subsistence resources.

Response:

The Board fully supports the Council's interest to learn more about the effects of kelp farming and other permitted kinds of mariculture on subsistence resources and subsistence uses in Southeast Alaska. The ADF&G Statewide Aquaculture Section Chief, Garold 'Flip' Pryor, gave a presentation to the Council during their March 22-24, 2022, Council meeting. The presentation provided a good overview of the permitting process, including the major State, Federal, and local authorities involved, summarized the criteria and determination processes for issuing permits, and provided an update on the number of aquatic farm and aquatic hatchery permits currently in use and under review. We encourage the Council to continue to pursue researching this relatively new industry in Alaska and its potential effects on subsistence resources and subsistence uses.

The Board suggests you follow up with Mr. Pryor of ADF&G (garold.pryor@alaska.gov/907-465-4235) or Michelle Morris, also with ADF&G, (michelle.morris2@alaska.gov/907-465-4724) to learn more about how the State collects and evaluates baseline environmental information used during the permitting process and, more specifically, ask to review existing project environmental evaluations based on the criteria used to issue permits. This may help to determine if the State environmental review process adequately evaluates potential effects on subsistence resources and subsistence uses.

Additionally, the Board appreciates the Council sharing the information on the other issues significant to the Council, such as the Council's Indigenous Co-Management workgroup information gathering on the indigenous co-management of resources in Southeast Alaska and the Council's continued support for the 2001 Roadless Rule. The Board is also thankful to the Council for providing regional information on the fish and wildlife populations and the harvests in the Southeast Alaska Region.

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 Southeast Alaska Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosures

cc: Southeast Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
DeAnna Perry, Council Coordinator, U.S. Forrest Service
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

Congress of the United States
Washington, DC 20515

September 8, 2016

The Honorable John Kerry
Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry:

Thank you for your staff's June 14th response regarding the development of several hardrock mines in British Columbia and their potential effects on water quality in the transboundary rivers that flow from Canada into Southeast Alaska. We are pleased to hear that you continue to discuss potential impacts of mining in British Columbia. It would be helpful if you could convey the results of these discussions, as well as address what actions have been taken on the specific items raised in our letter addressed to you this May.

For quite some time, we have urged you and your Department to work with us to focus appropriately on the risks that mining in British Columbia poses to Alaska and Alaskans. When you visited Alaska last year, we were encouraged by your comment that "downstream impacts should not be taken lightly by any country, anywhere." But we remain troubled that nearly a year later, we have seen little action from State on such an important issue to so many.

Treating transboundary mining issues with urgency and focus today would prevent discord and disaster tomorrow. We need the federal government to partner with Alaska to press Canada on policy answers.

Alaska is a resource state and we believe, as Canadians do, in smart, thoughtful extraction of energy and minerals. Mining is central to our economy, provides well-paying jobs, helps generate revenues for our treasuries, and serves as the foundation of our manufacturing sector. But we are very concerned about the absence of leadership at the Department of State to constructively and candidly address the transboundary issue and work collaboratively with Canada to find the best mechanism to proactively resolve concerns.

The stakes for Alaska are enormous. Alaska's salmon rivers provide for commercial and recreation fishing and tourism which are vital to the economy of southeast Alaska. The continued health of these rivers also sustains the regions unique way of life. This region of Canada is now one of the world's largest mining districts, and many Canadian mineral projects are located in transboundary watersheds of key salmon rivers—the Taku, Stikine and Unuk—that originate in British Columbia and flow into Southeast Alaska. These mines pose huge economic risk to Alaska in the form of acid mine drainage and toxic heavy metals that threaten Alaska Native communities and traditional and customary lifestyles as well as the regional $2 billion-dollar-a-year fishing and tourism industries. As

we all remember, almost two years ago, the Mount Polley mine in central British Columbia dumped just over six billion gallons of contaminated tailings into waters leading to the salmon-rich Fraser River.

To this point, we believe there has been a failure by your Department to support potential solutions embraced by Alaskans. Alaska has been left alone to pursue steps including a Statement of Cooperation with British Columbia, even though we know that by definition that is only one step in a process which must include federal leadership. We are continuing our fight to elevate this issue and to find funding for baseline water quality monitoring. We ask that you please reconsider our requests from our May letter:

1) Encourage British Columbia officials to consider the cumulative impacts of mining and their potential impacts on transboundary waters during the review and approval process for mines.
2) Determine whether an International Joint Commission reference is a suitable venue to determine whether Canadian mines are following "best practices" in treatment of wastewaters and acid-producing mine tailings – especially in light of the scientific reviews of the causes of the Mt. Polley tailing disposal dam failure.
3) Establish a more formal consultation process with American state agencies, other federal agencies, tribes, and Alaska Native Claims Settlement Act corporations during Canadian mine permit reviews, similar to the American process of having participating entities during Environmental Impact Statement preparations.
4) Support Environment Canada's water quality study effort relating to the impacts of mining on transboundary waters.
5) Support and work towards robust funding for water quality testing on the American side of the border to establish baseline water quality data, so that the U.S. can file for damages in the event of mining-related damage from Canadian mines.

Alaska is at a point now where we urge you to consider appointing a Special Representative for U.S.-Canada Transboundary Issues, creating an Interagency Working Group to address these issues, and work with us to form U.S.-Canada exchanges of legislators and parliamentarians to discuss these issues on both sides of the border. Most importantly, we ask that you will respond to these specific proposals on the merits – and propose some answers of your own.

We formally request a meeting with you as soon as possible to discuss these issues. Thank you for your consideration of our requests. Please contact our offices if you need additional information.

Sincerely,

Lisa Murkowski
United States Senator

Dan Sullivan
United States Senator

Don Young
Congressman for All Alaska

Southeast Alaska Subsistence Regional Advisory Council

Michael Bangs, Chairman
P.O. Box 1733
Petersburg, Alaska 99833

RAC SE17001.DP

JAN 2 4 2017

Mr. Anthony Christianson, Chair
Federal Subsistence Board
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, AK 99503

Re: Transboundary River Watersheds

Dear Chairman Christianson:

The Southeast Alaska Subsistence Regional Advisory Council would like to express its concern for the health and protection of Transboundary River watersheds. The Council would like to request the Federal Subsistence Board write a letter to Lt. Governor Byron Mallott in an effort to relay this concern.

The Council is pleased by the recent communications between the Lt. Governor and our neighbors in British Columbia related to the large scale mining development underway and proposed mining in the British Columbia portions of the Transboundary River watersheds. It is the Council's understanding that the Lt. Governor is disappointed with the U.S. Department of State's lack of engagement on this issue. The Council would like to encourage the Lt. Governor to maintain momentum in protecting these international watersheds and fishery resources for subsistence use by writing a letter to the U.S. Department of State, expressing his desire to work in conjunction with our Congressional Delegation to advance this issue at the federal and international levels.

For your convenience, the Council has prepared a draft letter for submission from the Board to the Lt. Governor (enclosed). The Council hopes that the Board will forward this letter on an issue that is of vital importance to the subsistence needs of the people of Southeast Alaska. Thank you for consideration of our request. Any questions regarding this letter can be addressed directly to me or through our Subsistence Council Coordinator, DeAnna Perry, at 907-586-7918, dlperry@fs.fed.us.

Sincerely,

Mike Bangs
Chair

Enclosures

cc: Federal Subsistence Board
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Stewart Cogswell, Acting Deputy Assistant Regional Director
Office of Subsistence Management
Jennifer Hardin, Acting Fisheries Division Chief, Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Tom Whitford, Regional Subsistence Program Leader, U.S. Forest Service
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record

Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503

FISH and WILDLIFE SERVICE
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NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

JAN 2 4 2017

The Honorable Lieutenant Governor Byron Mallott
P.O. Box 110001
Juneau, Alaska 99811

Dear Lt. Governor Mallott:

The Federal Subsistence Board (Board) has received a letter from the Southeast Alaska Subsistence Regional Advisory Council (Council), expressing concerns regarding the Transboundary River watersheds. With this letter, I am forwarding those concerns to you.

The Council is encouraged by your continuing commitment and dedication to improving communication and cooperation with our neighbors in British Columbia. These communications will help to ensure that the waters and fisheries of the transboundary rivers and all of southeast Alaska remain healthy and are protected from contamination and other adverse impacts related to the large scale mining development underway and proposed in the British Columbia portions of the Transboundary River watersheds.

The Council is also encouraged by your publicly stated acknowledgement that Federal government engagement in the Transboundary River mining issue is necessary to ensure protection of these international watersheds that are of vital importance to the subsistence needs of the people of Southeast Alaska. The Council understands that you are disappointed with the U.S. Department of State's lack of engagement in this issue and that you will be working in conjunction with our Congressional Delegation in an attempt to advance this issue at the federal and international levels. In this regard, the Council respectfully requests that your administration send a letter to the U.S. Secretary of State explicitly requesting federal engagement in this issue, including, but not limited to, an International Joint Commission referral. A letter from your office, in conjunction with the September 8, 2016 letter sent by the Alaska Congressional Delegation requesting federal engagement (enclosed), would be a powerful statement on the importance of maintaining the high water quality vital to producing healthy fisheries resources.

There are several large scale mining operations that exist or are planned for the Transboundary River watershed. The potential negative effects on water quality and fishery production in the waters of Southeast Alaska are of deep concern to residents of the Southeast Region.

We thank you for your consideration of the Council's request on this issue and look forward to hearing from you.

Sincerely,

Anthony Christianson
Chair

Enclosures

cc: Federal Subsistence Board
Southeast Alaska Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
DeAnna Perry, Subsistence Council Coordinator, U.S. Forest Service
Tom Whitford, Regional Subsistence Program Leader, U.S. Forest Service
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game
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Anchorage, Alaska 99503 - 6199

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BUREAU of INDIAN AFFAIRS

FOREST SERVICE

In Reply Refer To:
OSM 22076.KW

Richard Greg Encelewski, Chair
Southcentral Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Encelewski:

This letter responds to the Southcentral 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. The Board values this opportunity to review the issues concerning your region.

1. FP21-10 Deferral

Fisheries Proposal FP21-10 is a Southcentral Region proposal. During its Fall 2020 meeting, the Council conducted their regulatory process on this proposal with due diligence. Comments, both for and against this proposal, were substantial. The discussions and subsequent deliberation of this Council were thorough. The majority of Council members voted to support the proposal with the OSM suggested modification for the requirement to report take of salmon within 48 hours of harvest. The Council justification for its recommendation included: it provides additional harvest opportunities under ANILCA's provision for rural subsistence priority and that creation of this fishery was important for those underserved Federally-qualified subsistence users who do not own boats. Importantly, the Council felt that subsistence users should be provided the opportunity to obtain their fish and that any restrictions to address a conservation concern should first come from other user groups.

The Council later learned the Eastern Interior Alaska Subsistence Regional Advisory Council

took up this proposal during their Fall 2021 meeting and they provided a comment in opposition to this proposal to the Board.

The Board, at its January 2021 regulatory meeting, deferred action on FP21-10 because there was concern this proposal had elicited a pointed disagreement between Southcentral and Eastern Interior Regional Advisory Councils. The Board deferred action on FP21-10 until 'such time as both Councils could meet and work to develop a compromise proposal that can be supported by all affected.' This placed an unnecessary extra burden on Council members.

The Council has been aware of this polarizing issue for many years and has observed that it is affecting relationships between subsistence users up and down the Copper River. Although difficult, these Council members fulfilled their duties as Regional Advisory Council members and made a recommendation on this matter 'relating to the subsistence take of fish in their region.' The Council should not have been asked to consider this proposal again, with several new Council members, in hopes that they may change their support of this proposal.

A joint meeting between the Southcentral and Eastern Interior Regional Advisory Councils is set for mid-March 2022 to discuss possible compromises. The Council will follow through with the Board's request to discuss and deliberate. They will try to collaborate with the Eastern Interior Council members on a compromise to address the issue outlined in the proposal. However, this Council hopes the amount of time, effort, and stress on all participants is not lost to this Board. Nor should it escape notice that almost one-half of the current Southcentral Council members are new and have not had the same opportunities of hearing testimony and presentations on this matter, nor did they participate in the original regulatory process. New Council members will be expected to digest a large amount of information, appreciate the geographic area controversy, and be prepared to offer input and recommendations on this issue with little time to prepare. This limited understanding could significantly affect the ability to debate this issue adequately and to make a recommendation that is truly best for the region.

In the future, the personal commitment expected of every Council member to prepare and attend an additional meeting should be considered before the Board defers any future proposals on the mere basis that two Councils have disagreed. Council members would prefer the Board perform its duties as the decision-making body of this program.

Response:

The topic of this new salmon fishery in the lower Copper River generated a lot of interest and discussion. When reviewed at the January 2021 Board meeting, it was clear that user groups were not all in alignment over the best way to proceed with fisheries proposal FP21-10. Your Council—which, as you noted, has deference—provided a recommendation in favor of the proposal. The Eastern Interior Council asked to review the proposal and, along with the Wrangell-St. Elias Subsistence Resource Commission, provided comments in opposition to the proposal. In deferring this proposal at that meeting, the Board was not ignoring the hard work of the Councils and did not intend to force a compromise. Rather, the Board suggested that a

meeting between the two Councils could be held to discuss issues of contention regarding this fishery proposal that might lead to some level of agreement on a path forward.

The Board greatly appreciates the efforts that both Councils made during their joint meeting in March 2022. The meeting provided important information for us to consider when we took up the proposal again in April 2022. As you know, the Board ultimately adopted the proposal with some of the modifications discussed at your joint meeting. We acknowledge comments that you have provided in this annual report and will keep them in mind for future decision making.

2. <u>Customary and Traditional Use Determinations (C&T)</u>

The Council has concerns about the process currently being used to make C&T determinations and its relation to current and anticipated subsistence harvests. The Council found it very confusing during its fall 2021 regulatory meeting to consider and address the many issues presented in proposals. The manner in which they were written, analyzed, and combined made it very difficult for the Council to adequately concentrate on each proposal. For instance, wildlife proposal ***WP22-16/17/18/19/21/22/23/24/26a*** *was a combination of proposals regarding the harvests of moose, caribou, goat, and sheep resources for the residents of Moose Pass in four different game management units. In addition, for some of these C&T proposals, the Council felt there was a lack of information or substantial evidence to make an adequate and well-supported C&T determination.*

The Council suggests that the Office of Subsistence Management make further efforts (with additional funding) to do research to get the information/evidence necessary for the Council to make a recommendation on proposed C&T determinations. The Council also suggests that when an area is up for C&T determination, that the effect this designation may have on surrounding areas is also considered. C&T analyses should be wholly inclusive and should address all effects. A significant amount of additional C&T proposals are anticipated in the future on resources that, in some cases, are declining. It is important that a review of the strategy to address C&T determinations be done now so that any exacerbation of declining resource populations can be avoided. The Regional Advisory Councils need to receive the most comprehensive analyses with the most current data possible to make an effective decision regarding C&T determinations.

Response:

The Office of Subsistence Management's (OSM) intent was not to cause confusion by combining multiple proposals into one analysis as with WP22-16/17/18/19/21/22/23/24/26a. OSM staff analysts often combine proposals when they contain similar or identical data. The justification for this is to reduce the number of individual analyses, save time for staff, and reduce printing costs. Based on your comments the Board and OSM now understand that this decision made it difficult for the Council to adequately concentrate on each proposal. OSM will take your comments into consideration when combining proposals in the future and will put the emphasis on making analyses easy to understand for both the Councils and the public.

Second, the Board and OSM understand that the Council needs adequate information and substantial evidence in analyses to make well-supported recommendations on proposals. OSM does not conduct research or collect primary data, instead, it incorporates available data from other research institutions or agencies in analyses. To help fill data gaps, the Board encourages the Council to promote their needs to research institutions. One such opportunity to fill data gaps is the Federal Fisheries Resource Monitoring Program (FRMP), which funds projects that focus on subsistence fisheries on Federal public lands and waters. The Council can list the fisheries-related research it would like to have done in its region in the Priority Information Needs (PIN). Those research proposals that address the Council's Priority Information Needs are considered for FRMP funding. The Council can inform agencies at their Council meetings and the Board through their annual reports about wildlife research they may feel is needed to inform regulatory decision-making.

Third, the Board and OSM appreciates that the Council wants a comprehensive understanding of the effects of a proposal. OSM staff analyzes the direct effects of each proposal and the review process provides scientists and regional land managers the opportunity to comment on and suggest additional information or revisions. The Council may also benefit from comments and testimony submitted by members of the public and through Tribal consultations. Council meetings provide yet another opportunity for public testimony, which informs the Council and helps you make recommendations and comments to the Board. OSM staff considers the written public comments received prior to the established deadlines and the Councils recommendations to the Board and incorporates them into the staff analyses.

The Board recognizes that the process for identifying customary and traditional (C&T) uses must address the needs of rural community members and the subsistence way of life in its local context. The Board also acknowledges the Council's apprehension over expanding the pool of Federally qualified subsistence users in a region where resources are limited. However, the Board does not use C&T determinations for resource management or for restricting harvest. If a conservation concern exists, the Board addresses that concern through harvest limits or season restrictions. The Board may also close Federal public lands and waters to other uses and users (personal use, sport and commercial use) before limiting subsistence opportunities for rural residents. If further restrictions are necessary, then the Board may prioritize use among Federally qualified subsistence users through a section 804 analysis in times of shortage or in the face of increasing competition between users (36 CFR 242.17 and 50 CFR 100.17). The Board greatly appreciates the Council's comments on and interest in the C&T use determination process and looks forward to continuing the collaborative effort to make determinations.

3. <u>Subsistence Use Amounts</u>

The Council recognizes declining populations of fish and wildlife throughout the State. It recognizes the need for a review of Federal Subsistence Use Amounts to identify specific needs and subsistence uses for fish and wildlife. The Council requests that supporting staff substantiate the shortage of fish and wildlife statewide and then provide information on how Subsistence Use Amounts may be reviewed and changed to support subsistence users' needs and

priorities during these periods of declining fish and wildlife populations.

The Council received a request from Ahtna Intertribal Resource Commission (AITRC) to put this item in its Annual Report and the Council is attaching that letter for full details. AITRC encouraged this Council to demand more proactive Federal subsistence management presence and activities regarding sustainable management of salmon fisheries on the Copper River. There was a request for this Council to develop Federal subsistence use amounts findings to include in this report to the Board; however, the Council cannot fulfill such a request without assistance from the Office of Subsistence Management (OSM). AITRC seeks to have Copper River Sockeye and Chinook Salmon Federal subsistence use amounts findings made on the anticipated Federal subsistence needs. There was no time for the Council to discuss this at its last regulatory meeting due to the large amount of required action items that the Council had to address. Therefore, the Council asks that the Board direct OSM to provide information at its winter meeting advising the Council how it may follow through on such requests. The Council would like to support efforts to conserve salmon on the Copper River and would like to know if Subsistence Use Amounts is a viable and productive way to move towards stronger Federal management of salmon on the Copper River.

Response:

The Board appreciates and shares your Council's concern regarding declining harvests and challenges to subsistence statewide. In particular, the Board recognizes your support for the conservation of salmon in the Copper River and other watersheds of your region. However, subsistence use amounts is not applicable to Federal management. ANILCA has no such standard. Additionally, the Secretaries and the Board have shown no inclination to follow the State in that methodology, nor would applying that methodology follow the intent of Congress. Title VIII of ANILCA and its supporting regulations provide a priority for nonwasteful subsistence uses of fish and wildlife and other renewable resources on public lands of Alaska. ANILCA goes on to say that it provides opportunity for rural residents engaged in a subsistence way of life to do so.

ANILCA does not provide for the successful harvest of resources or establish certain amounts of harvest; it does, however, provide an opportunity for take and a priority over other user groups, while protecting the continued viability of all wild renewable resources in Alaska.

4. <u>Jurisdictional Issue to Provide for Federally Qualified User Harvest</u>

This report topic specifically addresses current and anticipated subsistence needs: Opportunity for Federally-qualified users to harvest finfish and shellfish in the salt waters of Prince William Sound (PWS) area. The Council recognizes that rural residents of this area have historically utilized crabs, shrimp, and other items found in the tidal zone and understands that there is a need for subsistence harvest of saltwater resources at the Federal level similar to what occurs in other communities throughout the state. These PWS rural and Tribal residents live within or on the edge of the Chugach National Forest (where land and freshwater streams are 'Federal

public lands') and have hunted and fished upon these lands for decades. However, when they wish to dig a clam, they are only able to dig clams according to State regulations. They can put a shrimp pot out one-half mile from shore but only under State regulations. Everything from shellfish, octopus, and crabs to the rockfish harvest limit is under State regulations.

Subsistence users are experiencing conflicts with other users for shellfish, octopus, shrimp, crab, finfish, and rockfish. Under State regulations, which provides no priority for Federally-qualified subsistence users, the allowable catch of these resources is limited and because of competing commercial and sport interests, subsistence users are not able to meet their subsistence harvest needs. The Council feels this is a disservice to subsistence users in this area.

There is a substantial need to shift jurisdiction in saltwater by using a co-management strategy in order to provide opportunities for subsistence users to obtain food. The Council would like to know what policies, standards, guidelines, and regulations (North Pacific Fishery Management Council, NOAA – National Marine Fisheries Service, etc., ANILCA, extra-territorial jurisdiction) can be explored to establish dual jurisdiction (Federal and State) for these resources to provide a meaningful opportunity for subsistence and personal use harvest.

Response:

The Board recognizes the tremendous value and importance of marine resources to the Federally qualified subsistence users of Prince William Sound. Your Council has stressed the significance of these resources before, and your conviction that Federal management of these resources would best serve the local subsistence way of life. As you already know, the Federal Subsistence Management Program provides a subsistence priority for the harvest and use of most fish and wildlife resources on Federal public lands and waters in Alaska as authorized by Title VIII of ANILCA. In Prince William Sound there are no Federal public waters in the marine environment.

There are other Federal management programs that govern subsistence use for rural and/or Tribal residents of marine resources in Prince William Sound and other waters (National Marine Fisheries Service, the International Pacific Halibut Commission, and the Marine Mammal Protection Act), but none of these agencies have management jurisdiction over the resources that the Council has expressed a subsistence need to use. In addition, the management of these resources is outside of Board authority and none would trigger dual jurisdiction or an aligned Federal/State regulatory process for subsistence management in Prince William Sound.

However, there is a process for petitioning the Secretaries of the Interior and Agriculture (Secretaries) to exert regulatory authority over activities on *non-Federal lands* under State law (State managed commercial, sport, personal use, and subsistence fishing) to protect subsistence activities on *Federal lands (see 43 CFR part 14)*. Although the Secretaries have never exercised this authority, they can consider petitions to exercise control over hunting, fishing, or trapping activities occurring *on non-Federal lands* when such petitions indicate that those activities may

be interfering with subsistence hunting, fishing, or trapping on *Federal public lands and waters* if they result in a failure to provide the subsistence priority as specified in Title VIII of ANILCA.

5. <u>Fisheries Resource Monitoring Program (FRMP) – Research and Funding</u>

There are many key FRMP projects that will provide vital information on fish stocks in the Southcentral region. The Council is concerned about the shortage of funds for these projects in recent years as it seems the money set aside for these projects is reduced with each passing year. The Council would like to see the Federal Subsistence Management Program revise research and monitoring projects to include work that could be done by Tribes and regional organizations. Cooperative agreements with Native organizations and Tribal entities would better meet the intent of ANILCA. There is more competition for funding FRMP projects, and the Council would like to see more projects awarded to local Native and Tribal organizations as they have the traditional ecological knowledge to offer in addition to the skills required to successfully accomplish the FRMP project tasks. Further, the State of Alaska should develop their own programs for research and monitoring instead of competing with Tribes and local organizations for FRMP monies. The Council requests that the Board instruct OSM to investigate options for assisting local entities in receiving FRMP funds to continue critical research and monitoring of fish stocks and to report these options to the Council.

Response:

The Board recognizes the need for continued funding of critical fisheries research in the Southcentral Region. The total available funding for the FRMP has risen during recent cycles with over $3 million allocated to the program for new projects in 2022. The guideline allocation for the Southcentral Region is 5% of available Department of the Interior FRMP funds and 32.5% of available Department of Agriculture FRMP funds. Since the inception of the FRMP in 2000, a total of 53 projects have been undertaken in the Southcentral Region for a total of $16 million. For Southcentral Region primary recipients of funding have included, Alaska Rural Organizations, which conducted 17 projects, Department of the Interior conducted 18 projects, State of Alaska conducted 13 projects, U.S. Department of Agriculture conducted 3 projects, and other organizations conducted 2 projects. A majority of the State and Federal projects have partnered with co-investigators from Alaska Rural Organizations. These type of partnerships with rural organizations is encouraged during the application and review process. OSM also administers the Partners for Fisheries Resource Monitoring Program and provides salary money for a biologist or social scientist. The Native Village of Eyak has received funding through both of these programs that provided the salary for a biologist and project money to implement fisheries research in the Southcentral Region. Two proposals were submitted for the Southcentral Region for the 2022 funding cycle, and the Native Village of Eyak was successful at acquiring funding in 2020 and 2022 to continue their project on the Copper River that uses fish wheels to estimate the abundance of adult Chinook Salmon and a sonar project on the Klutina to enumerate adult Chinook Salmon.

The FRMP is a competitive process that funds research that is most likely to meet regional

priority information needs. Proposals are evaluated on the following criteria: Strategic Priority, Technical and Scientific Merit, Investigator Ability and Resources, Partnership and Capacity Building, and Cost/Benefit. Tribal organizations have been very competitive in the funding process because they often provide valuable data on traditional ecological knowledge. Another option available to Tribes and local organizations is to consider applying to the Partners for Fisheries Monitoring Program. This program assists rural organizations by providing funding for the salaries of fisheries biologists, social scientists, and educators to build capacity within the recipient organizations. This option can open new pathways for organizations to conduct research in a meaningful way and be engaged in the management of the fisheries. This can also strengthen capacity to submit investigation plans to the FRMP. The Board continues to encourage OSM staff to work closely with Tribal entities and provide outreach on the funding mechanisms that allow the organization to grow and build capacity to conduct fisheries research.

More information on the FRMP can be found at https://www.doi.gov/subsistence/frmp

More information on the Partners for Fisheries Monitoring Program can be found at https://www.doi.gov/subsistence/partners

6. Climate Change

The Council would like more information and research on the impacts that ocean acidification and other recent effects of climate change have had on the fish stocks in the Southcentral region. The last two years of limited salmon runs have been quite alarming in various parts of the region. The Council would like to know if an organized effort or an FRMP project can be put forward to gather specific data that may explain the drastic changes observed in lower stocks for different salmon species, changes in salmon run timing, and various effects on shellfish. This would be a good project for Native/Tribal organizations where local traditional knowledge could be incorporated. The Council would support an FRMP research on finfish and shellfish in Prince William Sound with priorities on understanding the effect of ocean acidification on those resources. The information gathered from such a project would be crucial for the management decisions on the Copper River and other areas of Prince William Sound.

Response:

The Board shares the Council's concern over the impact of climate change and related processes of ocean acidification on fish, shellfish, and key freshwater and marine habitats essential to the continuation of the subsistence way of life in the Southcentral Region. As the Council has previously noted, weather and environmental conditions have become more unpredictable, deviating from historical patterns over the past ten years. One of the direct impacts of climate change is ocean acidification through increased levels of atmospheric carbon dioxide. These concerns have culminated in the development of research, monitoring, and outreach efforts through several groups, including: the Alaska Marine Conservation Council, the Ocean Acidification Research Center at the University of Alaska Fairbanks, and the Alaska Ocean Acidification Network.

A recent climate change risk assessment for Alaska's fisheries sector (Mathis et al. 2015) suggests that ocean acidification will increase, directly impacting the ability of marine invertebrates, such as crabs and clams, to create hardened shells. This may cause declines in larval survival and lead to reduced recruitment. Direct impacts to finfish and marine mammals are less clear at this point, but changes in the food webs for these species are expected. This study found communities in southern rural Alaska, such as those in the Southcentral Region, to be most at risk due to subsistence reliance on nearshore species, lower industry diversity, economic dependence on fishery harvests, lower income, and higher cost of food.

Another recent study (Shoen et al. 2017) examined the issues that climate and environmental change might cause for Pacific salmon, particularly in the Kenai River drainage. Predicted changes include glacial retreat, warmer waters, increased risk of flooding, and additional human development and traffic along waterways. The study notes that development in the watershed increased 20-fold between the l 980s and 2013, impacting wetlands that provide nutrients to streams and buffer stream flows. Development in the watershed has also been implicated in the introduction of invasive species such as Northern Pike and Elodea. Yet, the study also notes that salmon are highly adaptable and that it is difficult to predict exactly how they will respond to these climate or other environmental change processes. The study also highlights many factors that influence salmon sustainability at the local level (e.g. restoration efforts, enforcement of habitat protections, coordination of stakeholders and managers, etc.).

Still, processes of ocean acidification could be a factor contributing to the low salmon runs and the impacts to shellfish on the Copper River and within Prince William Sound over the past two years. Unfortunately, OSM and its collaborators do not have further information to report on these important questions yet. COVID restrictions during the last two years delayed the timing of many FRMP projects. There are currently several ongoing FRMP projects that address some of the Council's fisheries research interests related to the annual abundance, composition, and escapement of Sockeye and Chinook salmon in the Copper River. FRMP project 20-501 is currently examining Chinook and Sockeye salmon escapement and run timing on the Klutina River. FRMP project 20-502 looks at the age composition and escapement of Sockeye and Chinook salmon in Tanada Creek. FRMP 22-504 will continue to report on the annual in-river abundance of Chinook Salmon at Baird Canyon.

The Board, however, welcomes additional FRMP research proposals for projects that will more directly address the Council's stated interests regarding changes in subsistence fishery resources in the context of climate change. The Board requests the Council take this into account when developing priority information needs for the next call for FRMP proposals.

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

- Alaska Center for Climate Assessment and Policy

- Alaska Climate Adaptation Science Center
- Alaska Department of Environmental Conservation: Climate Change in Alaska
- Experts identified through the U.S. Climate Resilience Toolkit
- Prince William Sound Science Center
- Scenarios Network for Alaska + Arctic Planning
- The Alaska Native Tribal Health Consortium
- Conservation of Arctic Flora and Fauna (CAFF)
- Exchange for Local Observations and Knowledge in the Arctic (ELOKA)

The Board appreciates the Council's comments and testimonies on recent changes in subsistence fisheries related to climate change. The Council members and their representative communities are an important source of traditional ecological knowledge and local observations of environmental change. Therefore, the Board hopes that the Council will continue to document its observations of changes through annual reports and testimony at Council and Board meetings. Documenting local observations are also part of most Harvest Monitoring and Traditional Ecological Knowledge reports submitted through the FRMP and are often included in research and resource management reports by State and Federal agencies. OSM makes a consistent effort to include this information into its fish and wildlife proposal analyses.

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Schoen, E.R., M.S. Wipfli, E.J. Trammell, D.J. Rinella, A.L Floyd, J. Grunblatt, M.D. McCarthy, B.E. Meyer, J.M. Morton, J.E. Powell, A. Prakash, M.N Reimer, S.L. Stuefer, H. Toniolo, B.M. Wells, and F.D.W. Witmer. 2017. Future of Pacific Salmon in the Face of Environmental Change: Lessons from One of the World's Remaining Productive Salmon Regions. Fisheries. 42(10): 538-553.

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

Sincerely,

Anthony Christianson
Chair

cc: Southcentral Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management

Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record

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

In Reply Refer To:
OSM 22059.KW

Della Trumble, Chair
Kodiak/Aleutians Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairwoman Trumble:

This letter responds to the Kodiak/Aleutians Subsistence Regional Advisory Council's (Council) fiscal year 2020 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. **Level of staffing at the Refuges in our Region and at the Office of Subsistence Management**

Increased staffing at the Kodiak, Izembek, and Alaska Maritime National Wildlife Refuge (NWR) is needed to address caribou issues in Units 9 and 10 and other subsistence projects that the refuges are addressing in our region. We have been aware of vacant positions at the Refuges in our region and at OSM. Not having these position results in not having any outreach and no visiting of the communities. In the past, when the Refuge Information Technicians (RIT) was staffed at the Kodiak NWR, excellent outreach across the communities occurred, and we hope that the staffing levels increase across the region will result in improved community outreach in collaboration with Council members. We encourage the respective agencies work to fill these positions to address important issues facing our region. In Units 9 and 10, there have been Federal special actions recently and the caribou populations and subsistence uses should be closely monitored so that this important resource and other subsistence resources can be sustained and subsistence uses can be maintained. The Council would like to bring to the

Board's attention that staff shortages also impacted the caribou population annual surveys completion.

Response:

The Board appreciates the Council's acknowledgement of current agency staffing challenges. The U.S. Fish and Wildlife Service (USFWS) recognizes the importance of having adequate staffing at all refuges throughout Alaska and supports the continued staffing at remote refuges such as Izembek, Kodiak, and Alaska Maritime NWRs.

The USFWS entered an Indian Self-Determination and Education Assistance Act (ISDEAA) 638 - Title 1 contract with Koniag to provide services between the Tribes and corporations through the hiring of a Community Affairs Liaison (CAL) to work with the Kodiak NWR. This partnership and Koniag direct support of the CAL has facilitated the ability to take over all duties, activities, and function of a Refuge Information Technician position. This is the first ISDEAA 638 - Title 1 contract for the USFWS. The CAL position has been filled by Amy Peterson of Old Harbor. We appreciate the Council's support of communications between the Kodiak NWR and the villages and agree that this improves community outreach.

Alaska Maritime NWR is operating at 66% of normal staffing with nine vacant positions. Four biologist positions are vacant, along with many other critical positions. The Refuge expects to refill two of the nine vacant positions in the next six months, including one biologist. As the Council may know, most of Alaska Maritime NWR has no caribou and their work centers around many other issues. We know the non-native caribou of Adak and Kagalaska are of interest to the Council, but routine population monitoring is limited by staffing shortages, operational funds, and helicopter availability on island.

Within the last two years, the USFWS Alaska Region prioritized the hiring of three permanent full-time positions at Izembek Refuge, bringing the staffing level up to five permanent full-time employees. Unfortunately, retention at remote NWRs remains a challenge and due to the departure of the Administrative Support Assistant, staffing levels dropped to four employees in the fall of 2021. However, Izembek NWR hopes to fill one permanent full-time position within the next year. While staffing limitations and the COVID pandemic prevented the Izembek NWR from completing the winter caribou survey in 2021, this survey was prioritized and completed in 2022. This caribou survey report will be presented to the Council at your fall 2022 meeting. Izembek NWR continues to collaborate with the Alaska Department of Fish and Game on annual caribou survey efforts and is committed to continuing those efforts. In addition, as we continue to emerge from the COVID pandemic, Izembek NWR is ramping up community outreach efforts and looks forward to updating your Council at your fall meeting.

Finally, the Board is pleased to confirm the successful hire of a number of new staff at the Office of Subsistence Management (OSM), filling out long held vacancies, including the permanent hire of your region's new Council Coordinator, Lisa Hutchinson.

2. **Lack of applicants for Council vacancies**

The Council is concerned that there are vacancies on the Council that cause a lack of adequate representation throughout a diverse and widely dispersed region. As noted above, we have expressed concern about staffing shortages affecting subsistence activities and the level of vacancies on the Council is evidence of a need in our region. The Councils requests that Office of Subsistence Management notifies Council members prior to the Council membership application deadline if enough of applications were received for their region, which would help the Council to conduct outreach in their communities.

Response:

As stated in the Board's FY-2020 reply to the Council, the Board understands and shares the Council's concerns regarding the vacant seats on the Council. A wide representation of subsistence and commercial/sport users across the vast Kodiak/Aleutian Subsistence Region ensures that the Board receives solid recommendations on regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within the region. However, the Board cannot make recommendations to the Secretaries of Interior and Agriculture regarding the Council appointments without a sufficient number of applications from the region.

The Council has two vacant seats because there has been an insufficient number of applications to fill them. In the 2021 appointment year, the Council had four seats open for the Secretarial appointments, but the Board received only two applications from the Kodiak/Aleutians Region. At the same time, one of the three incumbents did not reapply and; therefore, was not reappointed. In the 2022 appointment year, the Board received four applications to fill five vacant seats. This is the fourth year in a row when the Kodiak/Aleutians Region has not had enough applications to fill all its vacancies.

The Board, through OSM, will continue conducting comprehensive application outreach throughout the region and the targeted outreach by your newly hired Council Coordinator. Every year OSM conducts extensive outreach, soliciting applications in the Kodiak/Aleutian Region and throughout the State during the application period, which is open on average for five to six months. A more detailed description of outreach efforts can be found in the Board's FY-2020 reply. Additionally, in the 2022 appointment year, OSM staff made special announcements regarding the open application period during the fall 2021 and winter 2022 Council meetings and notified Council members at their winter 2022 meeting on the number of applications received for their region.

The Board appreciates all efforts from Council members to conduct outreach in their communities and encourage other residents to apply for a seat on the Council. We are hopeful that the 2022 appointment year will result in a fully seated Council.

3. **Food Security**

Unfortunately, COVID-19 restrictions continue to affect food security in the entire Kodiak/Aleutian Region particularly because of supply chain challenges. These challenges underscore the importance of having reliable and adequate access to subsistence resources for our communities to ensure food security by enabling them to secure as much food locally as possible. We hope that the Board and the program can keep these considerations in mind by remaining flexible and responsive in addressing future requests for subsistence uses.

Response:

The Board recognizes that COVID-19 is continuing to highlight food security issues in 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 through the regulatory process. The Federal Subsistence Management Program can support adaptation to changing conditions by ensuring that regulations facilitate flexibility rather than hinder it. The Special Action process provides an avenue for responding to unexpected issues and changes, and the Board will continue to be responsive to the need for quick action on out of cycle requests. Flexibility can also be built into the subsistence management system by delegating authority to local land managers. Delegation of authority enables managers to respond more quickly to changes in the timing and availability of subsistence resources from season to season.

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

4. **Invasive Species: Crayfish**

We want to express our appreciation and support of the crayfish research projects conducted by the Sun'aq Tribe of Kodiak. We appreciate the documentation of the increasing level of crayfish in the Buskin River drainage. It could be that crayfish may be a major factor in the crash of the salmon run and hopefully we'll find out with future intensive scale analysis. We appreciate that the U.S. Fish and Wildlife Service (USFWS) and the Bureau of Indian Affairs have provided funding and technical support to continue researching the crayfish issue in the Buskin River drainage. While mentioning invasive species, we would also like to express appreciation to the USFWS for their help in eradicating rats in other areas of the Aleutians.

Response:

The Board recognizes the ambitious work by the Sun'aq Tribe of Kodiak to better understand the complex interrelationship between salmon and the non-native Signal Crayfish (*Pacifastacus leniusculus*) in the Buskin River drainage. The native range of the Signal Crayfish ranges from the Columbia River Basin in the Pacific Northwest north into British Columbia. Records indicate the first sightings of Signal Crayfish in Kodiak were reported in 2002. A decade later, in 2015, the Kodiak Soil and Water Conservation District confirmed its presence with voucher specimens of gravid females and other individuals in a variety of sizes. This introduction has likely caused negative impacts to biodiversity, native fish populations, and habitat. The Sun'aq Tribe has since conducted various research using kick seines and electrofishing to investigate distribution, movement, and diet. More recently the Sun'aq Tribe of Kodiak has been granted Federal funding to do a mark-recapture project with the objective of gaining a better understanding of Signal Crayfish populations and movement within the Buskin River drainage.

In 2021, the State of Alaska adopted new regulations that reclassified the Signal Crayfish as a banned invasive species. This regulation prohibits a person from possessing, importing, propagating, transporting, releasing, purchasing, or selling within the State, any life stage of organisms listed under this classification. In the past, the Alaska Department of Fish and Game (ADF&G) promoted sport or subsistence harvest of Signal Crayfish to reduce crayfish abundance; however, the new regulations banning the harvest is intended to prevent illegal introduction of crayfish into waters outside the Buskin drainage and elsewhere within the state. The Board encourages rural residents to be vigilant in the early detection of invasive species and recommends reporting any suspicious sightings to the ADF&G Invasive Species Hotline 1-877-INVASIV (1-877-468-2748).

Sources:

Alaska Department of Fish and Game. 2022
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5. **Invasive Species: FRMP support for eradication**

We understand that the FRMP mainly has fish stock monitoring, harvest reporting and Traditional Knowledge programs but we would like to see them support some more efforts in eradication of invasive species. The Kodiak Refuge has worked with Sun'aq Tribe, and in going forward we like to see FRMP projects to eradicate the crayfish that have been documented as being present in the Buskin River.

Response:

The mission of the Fisheries Resource Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands for rural Alaskans through a multidisciplinary, collaborative program. The Monitoring Program Notice of Funding Opportunity states that activities not eligible for funding under the Monitoring Program include: (1) habitat protection, mitigation, restoration, and enhancement; (2) hatchery propagation, restoration, enhancement, and supplementation; and (3) contaminant assessment, evaluation, and monitoring. The rationale behind this approach is to ensure that existing responsibilities and efforts by government agencies are not duplicated under the Monitoring Program. Land management or regulatory agencies already have direct responsibility, as well as specific programs, to address these activities. Although invasive species and eradication are not specifically listed as ineligible, eradication is not considered information gathering and therefore cannot be funded through the Monitoring Program. More information about the Monitoring Program can be found at https://www.doi.gov/subsistence/frmp.

That said, the Board recognizes the importance of studying and mitigating the impacts of invasive species and refers you to our response above and the ambitious project the Sun'aq Tribe of Kodiak is taking on to study the distribution, movement, and diet of the Signal Crayfish in the Buskin River drainage. We encourage further research into this topic by all organizations with the capacity to help to ensure the resiliency of subsistence resources.

6. **Appreciation for the support shown relating to the Unimak caribou and the sea otter issues.**

We want to express our great appreciation to the staff that helped us undertake the regulatory process that resulted in a limited harvest of Unimak caribou for the nearby subsistence users. Additionally we want to sincerely thank OSM and USFWS staff for helping us gain information relating to sea otter management. Both of these issues seriously effect subsistence harvest and are complicated by multiple levels of regulations and management.

Response:

The Board is pleased to learn about the cooperation of the staff and the Council that resulted in a limited Unimak caribou harvest and learning useful information about the sea otter management. The Board relayed your appreciation to the USFWS and OSM staff. Paul Schuette with the USFWS Marine Mammals Division mentioned that he would be glad to discuss sea otter issues and answer questions with the Council members in the future.

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 Federally qualified subsistence users of the Kodiak Aleutian Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

cc: Kodiak Aleutian 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

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

In Reply Refer To
OSM 22077.KW

Nancy Morris Lyon, Chair
Bristol Bay Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairwoman Lyon:

This letter responds to the Bristol Bay Subsistence Regional Advisory Council's (Council) Fiscal Year 2020 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 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. Need for Information and Representation from Federal Agencies at the Council Meetings

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

out of King Salmon. The participation of these staff is critical in providing representation, expertise, and up to date information for the region.

Response:

The Board understands the importance of Federal agencies filling vacant positions in the local offices, of staff actively participating in Council meetings and discussions, and of staff providing the Council information on scientific research and surveys conducted by the Federal and State agencies and answering the Council's questions. The Board enquired with the U.S. Fish and Wildlife Service (USFWS), National Park Service (NPS), and the Bureau of Land Management (BLM) and received the following responses.

USFWS:

The mammal/big game biologist position at the Alaska Peninsula and Becharof National Wildlife Refuges (NWRs) is in the process of being filled. The Refuge is considering options to fill its vacant avian biologist position. The USFWS and NWRs appreciates the Council being aware that agencies experience budget and other challenges in keeping positions filled and research on-going.

The USFWS agrees with the Council's concerns over continuity and relationships and commends the Refuge Manager, Susan Alexander, at Alaska Peninsula and Becharof National Wildlife Refuges on her consistent participation in Council meetings over the past nine years. Both Ms. Alexander and Bill Smith, the Supervisory Biologist, who also consistently attends the meetings, look forward to introducing the new Mammal Biologist once hired at the upcoming Fall 2022 Council meeting.

NPS:

The vast majority of NPS staff who support the management of Katmai National Park and Preserve, Aniakchak National Monument and Preserve, and the Alagnak Wild River (collectively called Katmai) are stationed in King Salmon, Alaska. Katmai also employs a limited number of staff, currently two, who are stationed in Anchorage, Alaska. In addition to dedicated park staff, Katmai is supported by subject matter expert (SME) staff who work for the NPS Alaska Regional Office, also in Anchorage, Alaska. Should an NPS SME stationed in Anchorage have specific knowledge related to a topic of interest to the Council, Katmai has historically invited them attend Council meetings directly. Examples of SME participation include staff from the NPS Inventory and Monitoring program, who presented on a project monitoring mercury levels found in piscivorous freshwater fish such as lake trout, or staff from the NPS regional subsistence program who inform the Council about ongoing topics involving the federal subsistence board.

2. Chinook Salmon Decline

Chinook (King) Salmon, an integral part of Alaskan ecosystems and rural Alaskan subsistence way of life, has experienced significant declines all across the State. Despite exceptionally good Sockeye Salmon returns recently in the Bristol Bay Region, the Council remains concerned about the poor numbers of returning King Salmon, especially in the western portion of Bristol Bay, and decreases in the size of returning fish and changing composition of age structure. A study in the Nature Communications journal indicates that the King Salmon body length decreased 8 percent on average over the last three decades[1]. The King and Sockeye runs overlap, thus causing increase in an incidental King Salmon bycatch when Sockeye harvest increases. All of the above combined with effects of climate change have a profound effect on the salmon populations. The situation got worse in 2021 prompting Federal and State managers to close State King Salmon fishing completely (in parts of the state). If King Salmon runs continue to decline and crash, it will undoubtedly have devastating and perhaps deadly effects on the whole fabric of Alaska Native and rural Alaskan ways of life. The Council would like to request that the members of the Board advocate on behalf of Bristol Bay subsistence communities for more comprehensive research of the issue and to come up with some long term solutions at a higher management level before it is too late. The Council also would like to invite representatives of the At Sea Processors Association, the Groundfish Forum, and the North Pacific Fisheries Management Council to at least one 2022 Council meeting for an in-depth discussion on what is being done and what can be done to remedy the situation.

Response:

The Board acknowledges the need for more comprehensive research on the Chinook Salmon declines in western regions of Alaska. Size-at-age declines in Chinook Salmon are likely one leading contributor to the poor returns in recent history due to lower fecundity and ultimately reduced production potential of mature adult salmon. Declines in size are thought to be driven by environmental changes, as well as increased competition at sea with highly abundant hatchery salmon. Body size declines could thus be attributed to the reductions in the availability or quality of the food resources (Bigler 1996). Climate change could also have impacts to ectotherm body size by increasing the metabolic and developmental rates (Gardner 2011).

Recent attempts at a multi-national level approach to understanding these changes are underway to assess increasing extreme climate variability and its effects on salmon survival. More than 60 researchers from the USA, Canada, Japan, Russia, and South Korea plan to spend the season conducting the largest ever ecosystem survey of salmon across the North Pacific. The results of this collaborative work will hopefully shed light on possible reasons for the declines in population and size-at-age in recent history. Additionally, the National Oceanic and Atmospheric Administration (NOAA) has endorsed a bill (H.R. 6651) that would create a special task force to investigate the sharp decline in salmon populations in parts of Alaska. As much as

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

90 million dollars may become available enabling NOAA and the USFWS to work collaboratively to address these issues by identifying the nation's "core centers of salmon abundance" and do more to restore and protect their habitats. This bill would establish a task force of 13 to 19 members to study Pacific salmon trends and to develop a strategy to better manage the species.

The Board encourages additional stakeholders such as the At Sea Processors Association, Groundfish Forum, and North Pacific Fishery Management Council to come together at a 2022 Council meeting to discuss and share the research currently underway, what research is still needed to better understand these issues, and how to work collaboratively to sustain future runs of adult salmon.

References cited:

Bigler, B. S., Welch, D. W. & Helle, J. H. A review of size trends among North Pacific salmon (Oncorhynchus spp.). Can. J. Fish. Aquat. Sci. 53, 455–465 (1996).

Gardner, J. L., Peters, A., Kearney, M. R., Joseph, L. & Heinsohn, R. Declining body size: a third universal response to warming? Trends Ecol. Evol. 26, 285–291 (2011).

3. Chignik Area Fishery

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

Response:

Escapement goals for the Chignik River are based on counts from the Chignik River weir. The USFWS has not conducted any assessment or monitoring projects in the region prior to the cooperative Fisheries Resource Monitoring Program (FRMP) proposal mentioned in the Council request above that started in 2022. The 2022 Sockeye Salmon run size forecasted for the Chignik River is 1.3 million fish with a harvest estimate of approximately 562,000 Sockeye

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

Salmon. The early run escapement estimate is 400,000 fish, and late run escapement estimate is 310,000 fish. Both runs are predicted to meet escapement goals. This forecast is more optimistic than the preseason forecast for 2021. The current biological escapement goals (BEG) and sustainable escapement goals (SEG) for the Chignik River watershed salmon are below.

Early-run Sockeye Salmon/ Black Lake	BEG = 350,000 – 450,000
Late-run Sockeye Salmon/ Chignik Lake	SEG = 200,000 – 400,000
In-river Goal	10,000 in August and 10,000 in September in addition to minimum escapement objectives
Chinook Salmon	BEG = 1,300 – 2,700
Pink Salmon – Even year	SEG = 170,000 – 280,000
Chum Salmon	SEG = 45,000 – 110,000

Chignik River escapement goals for the early-run Sockeye Salmon were not met in 2018, 2019, 2020, and 2021 fishing seasons. The late-run Sockeye Salmon has historically met escapement goals. Chinook Salmon escapement goals were not met in the 2017, 2018, 2020, and 2021 fishing seasons.

In response to the low returns, Federal subsistence closures on Federal waters in the Chignik watershed have occurred since 2013. Chinook Salmon harvest was closed to all users in 2013, 2017, 2018, 2020, and 2021. Early run Sockeye Salmon was closed to all users (except for individuals with a community harvest permit) in 2018 and was restricted to Federally qualified subsistence users only in 2019, 2020, and 2021.

The FRMP proposal submitted by the Alaska Department of Fish and Game (ADF&G), USFWS, and Chignik Intertribal Coalition had three objectives:

1. Collect in-season Federal subsistence harvest data from Chignik Lake resident from mid-June - November using a Chignik Lake local hire.

   This objective is specific to understanding how many fish are harvested above the weir after they have been enumerated for escapement.

2. Enumerate all Chinook Salmon that pass through the Chignik River weir during the central 80% of the Chinook Salmon run using video cameras and FishTick software to count individual fish. These counts will be compared to the traditional method of enumerating salmon at the Chignik weir (10-minute expanded counts) to test accuracy.

   This objective is specific to increasing the accuracy of the Chinook Salmon count.

3. Extend the operation of the Chignik River weir counting Chinook, Sockeye, and Coho salmon from August 1 to the latest date possible in order to obtain the most accurate

estimate of escapement, collect additional ASL samples, and provide the maximum number of observations for statistical comparison. Exact removal date will be determined by tidal height.

This objective is specific to maintaining weir operations, which is the primary assessment project, used in management.

The Board shares the Council's concern that low salmon returns to the Chignik River will affect subsistence fishing opportunity for Federally Qualified users fishing on Federal waters and will continue to collaborate with local tribes, ADF&G, State Advisory Committees, the Alaska Board of Fisheries, the Council, and other stakeholders to address the issue.

4. Bear Predation

The Council would like to bring to the Board's attention the recent issue of a growing bear population. Bears have become an increasing concern for subsistence users, especially around the Nushagak area. Several Council members reported seeing high numbers of bears in general, and sows with cubs in particular (in one case a sow had four cubs) in many different areas across the region. Bear numbers are higher than they have ever seen before. According to the Alaska Department of Fish and Game study from summer 2021, only 5 of 65 collared moose calves survived by mid-July, which may indicate increased predation. In addition, the Council has noted uneven salmon returns across the region. The Council is concerned that dwindling salmon returns in some areas will increase bear predation on moose and caribou. Likewise, where salmon returns are high, the Council is concerned those high returns will fuel the growth of the local brown bear populations. There is a potential need for introducing regulatory change requests as it appears that current State regulations are not able to resolve the situation; however, the Council members are hoping to discuss this in more detail with the Fish and Game Advisory Committees.

Response:

The Board acknowledges that brown bear populations are a growing issue and the importance of their effects on both humans and other species. The Board also acknowledges the concerns regarding the dwindling salmon returns and the effects this has on both bears and humans.

While the Board does not enact predator control under Federal regulations, the Council could submit proposals to extend Federal seasons or increase harvest limits of bears during the next call for Wildlife Proposals in spring 2023. The Council could also submit proposals to the Alaska Board of Game (BOG) to introduce regulatory change regarding bears under State regulations. The Board encourages the Council to work with their Council Coordinator on the development and submission of any State or Federal regulatory proposals.

The Board also supports discussion between the Council and the State Advisory Committees.

5. Shore Bird Die Off

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

Response:

The Board recognizes the Council's concerns about continuing sea bird mortalities and requested the most recent report from the USFWS. The 2021 Alaska Seabird Update is enclosed for the Council's information.

6. Consolidation of Teleconference and MS Teams Video Conferencing

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

Response:

Thank you for bringing this request to the Board's attention. It is important to provide easy access to participation in the meetings to all Council members and public. It is possible for OSM to organize a meeting on Microsoft Teams or similar platform that incorporates the audio and video portions of the meeting into one and still be able to officially transcribe meetings. However, combining an in-person meeting with a video conference and court reporter recording in a hybrid meeting presents several challenges. First, hybrid meetings as described by the Council are only possible when meetings can be held in an exclusively virtual environment. Second, many remote meeting locations in Alaska will provide a host of technical challenges to hold hybrid meetings, including poor internet connectivity, low bandwidth, unreliable telephone lines, etc. The Board and OSM remain hopeful that in-person meetings will resume in the fall 2022 and we can return to the organization of meetings the way they were prior to the pandemic.

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

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

Response:

The Board appreciates the Council's recognition of your former Council Coordinator Donald Mike and his outstanding service, as well as the recognition of Robbin La Vine and Katya Wessels' excellent work. The Board is pleased with OSM's highly professional and dedicated employees who help the Board to fulfill the mandates of ANILCA and promote productive collaborations among rural subsistence and commercial/sport users.

The Board is also happy to report that OSM was able to hire five new Subsistence Council Coordinators to fill vacant positions. Leigh Honig, one of the newly hired Coordinators, was assigned to your Council. Ms. Honig came to OSM from ADF&G, where she had 10 years of experience working with the Division of Wildlife Conservation as a hunt administrator, supervising the Region IV Information Center, and assisting the Alaska Board of Game process. Through her career, Ms. Honig developed great working relationships with rural communities and is passionate about natural resource policy development and working with the stakeholder groups to develop policies and regulations. The Board is looking forward to a productive and positive relationship between the Council and your new Coordinator, Ms. Honig.

8. Need to Fill All Vacant Seats on the Council

This ten-member Council currently has four vacant seats, which does not provide for adequate representation of all parts of the region on the Council. The Council requests the Federal Subsistence Program support in filling the vacant seats and maintaining the Council's membership. The Council especially needs representation from the Togiak area and also from either Southern Bristol Bay and/or Chignik area.

Response:

The Board shares the Council's concerns regarding the vacancies on the Council and agrees that it will be difficult for just six members to represent the entire Bristol Bay Subsistence Region. A wide representation of subsistence and commercial/sport users across the region ensures the

Board receives solid recommendations on regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within the region.

However, the Board cannot make recommendations to the Secretaries of Interior and Agriculture regarding the Council appointments without a sufficient number of applications from the region. This year is the third year in a row when the Bristol Bay Region doesn't have enough applications to fill all seats. In the 2020 appointment year, the Council had six seats open for the Secretarial appointments, but the Board received only three applications from the Bristol Bay Region. This situation occurred again in the 2021 appointment year with six vacant seats but only three applications. Five seats will be open on the Council for the Secretarial appointments in December of 2022; however, only three applications were received.

Every year OSM conducts extensive outreach soliciting applications in the Bristol Bay Region and throughout the State during the application period, which is open on average for five to six months. Extensive outreach is conducted through a variety of media outlets, including, but not limited to newspaper, radio, internet, Facebook, and public conferences. Applications are mailed and emailed to individuals, agencies, and organizations. Additionally, in the 2022 appointment year, the OSM staff made special announcements regarding the open application period during the fall 2021 and winter 2022 Council meetings and notified Council members at their winter 2022 meeting on the number of applications received for their region.

OSM will continue conducting comprehensive application outreach throughout the region and the targeted outreach through your newly hired Council Coordinator, Ms. Honig. She will be able to work directly with communities in the Togiak, Southern Bristol Bay, and/or Chignik areas to solicit applications from subsistence users.

9. <u>ANILCA vs Agency Specific Regulations</u>

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

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

when existing Federal regulations conflict with ANILCA.

Response:

Since the FY-2019 Annual Report and Board reply were presented to your Council in 2020, the Federal Subsistence Management Program experienced the turnover of both the Interagency Staff Committee Members and Board members in three of the five Federal agencies; specifically, the BLM, the USFWS, and the NPS. In addition, the Administration has changed. As new staff and Board members continue to become familiar with this issue, we will rely on Title VIII of ANILCA to direct Board authority and action.

Board members implement Title VIII through the Federal Subsistence Management Program within their respective Federal agencies and rural leaders in the case of the public members. All Board members are tasked with ensuring a Federal subsistence priority consistent with sound management principals and the conservation of healthy populations of fish and wildlife.

Section 811 of ANILCA addresses *access* for subsistence purposes. Specifically, "the Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable *access* to subsistence resources on the public lands". Further, section 811(b) identifies the appropriate use of motorized vehicles, including snowmachines, for subsistence purposes, subject to reasonable regulation. Section 811(b) begins "Notwithstanding any other provision of this Act or other law…," which indicates that Congress was cognizant that existing laws and regulations might need to be considered when implementing Title VIII of ANILCA. Ensuring and safeguarding surface transportation traditionally employed for subsistence purposes is not in conflict with any agency specific regulations. Conflicts *may* exist when Board members struggle to balance the dual charge of providing opportunity for continuation of the subsistence way of life and sound resource management principles for the conservation of healthy fish and wildlife populations. In these cases, each Board member strives to fully implement their obligations under Title VIII to the full extent of the law.

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 Federally qualified subsistence users of the Bristol Bay Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Bristol Bay 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

2021 ALASKA SEABIRD UPDATE

Yukon-Kuskokwim Delta Council Meeting

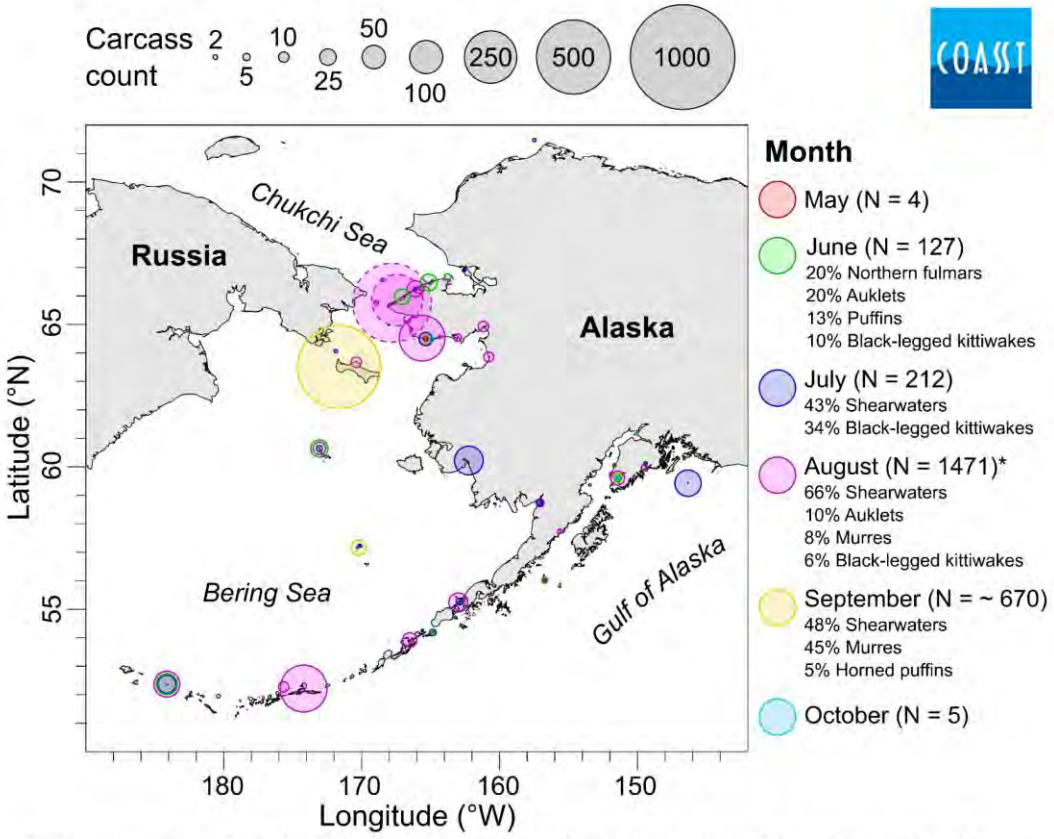
2 March 2022

Robb Kaler & Liz Labunski - USFWS Migratory Bird Management
Barbara Bodenstein & Bob Dusek - USGS National Wildlife Health Center
Gay Sheffield - UAF-Alaska Sea Grant
Brandon Ahmasuk & Austin Ahmasuk - Kawerak Inc.
Stacia Backensto & Heather Coletti - National Park Service
Julia Parrish, Tim Jones & Jackie Lindsey - COASST

2021 Alaska Seabird Die-off

Reported:

- May-September, ~2,100 seabird carcasses reported in Alaska
  - 1,750 Bering/Chukchi
  - 270 Aleutians
  - 60 Gulf of Alaska
- Seabird species
  - Loons
  - Shearwaters
  - Cormorants
  - Gulls/Kittiwakes
  - Murres
  - Auklets
  - Puffins



* : species composition is of birds identified to species/group. However, in August a large proportion (60%) of birds were unidentified

Note: Circles represent reports of seabird carcass abundance and are not standardized for variable observer effort among locations. The absence of reports in certain locations may indicate gaps in current knowledge OR an actual absence of bird carcasses. Reports from aerial surveys (dashed circles) are distinguished from other beach-based reports (solid circles) due to major differences in area observed.

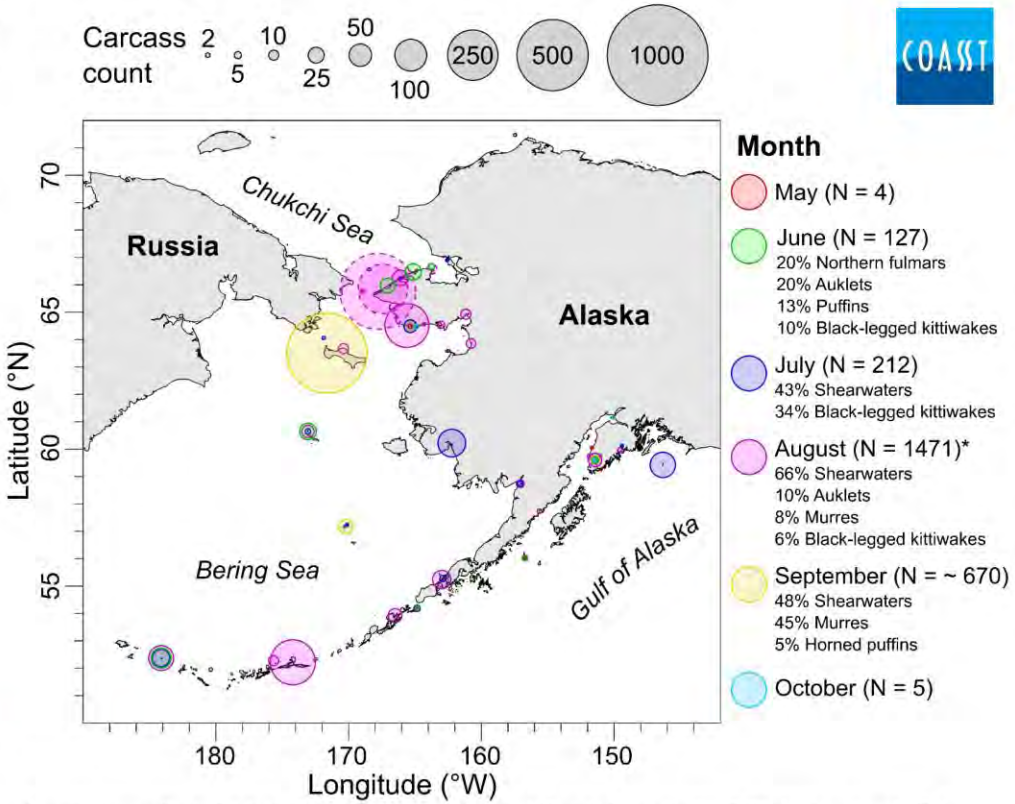
2021 Alaska Seabird Die-off

Response:

- The USGS National Wildlife Health Center examined:

  12 carcasses from the Bering Strait
  - emaciated
  - negative for Avian Influenza
  - biotoxin results pending

  12 carcasses from Middleton Island
  - poor to fair nutritional condition
  - negative for Avian Influenza
  - no biotoxins detected
  - 2 kittiwakes tested positive for Avian Botulism Type C (first Alaskan case)
  - Type C Avian Botulism does not affect humans



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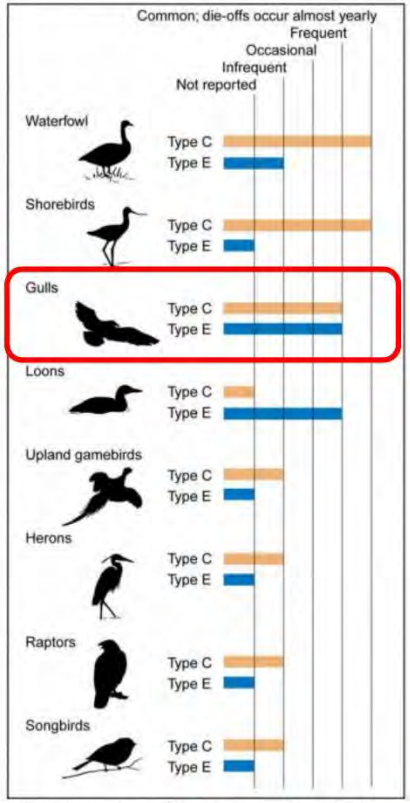
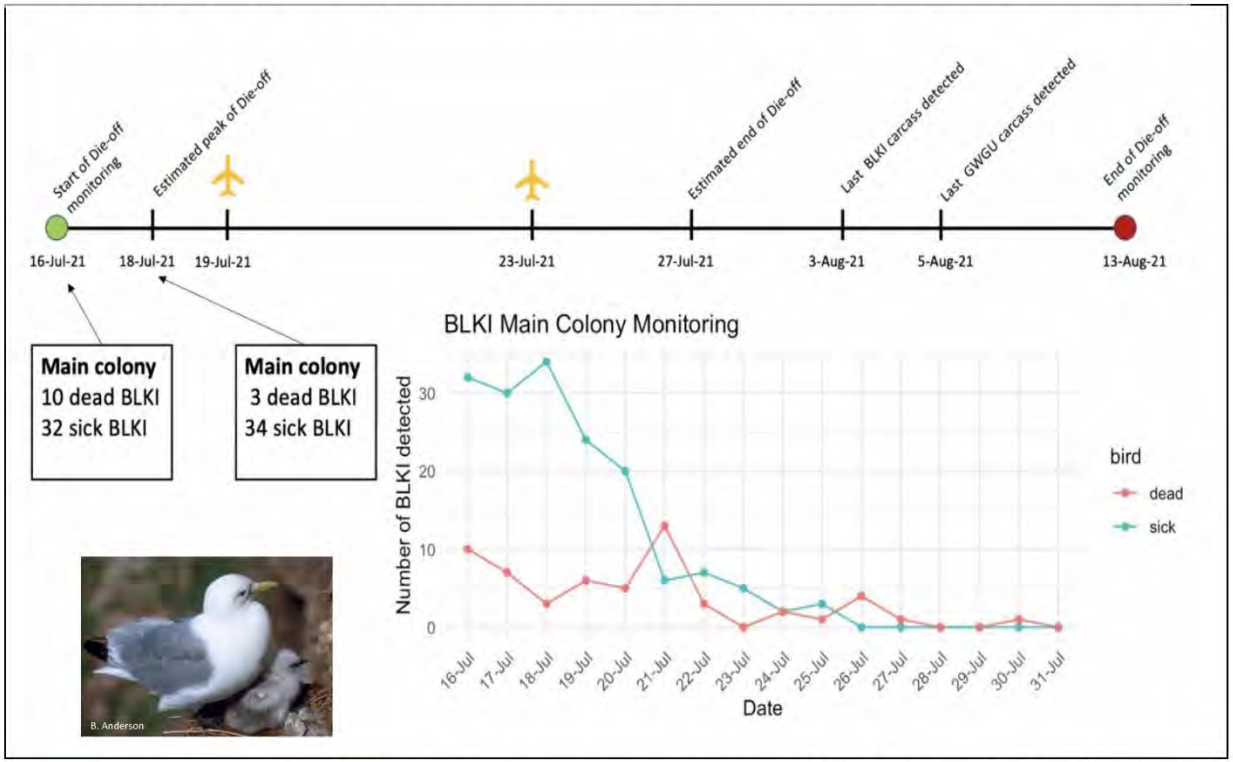
Middleton Island/Gulf of Alaska Kittiwake Die-off

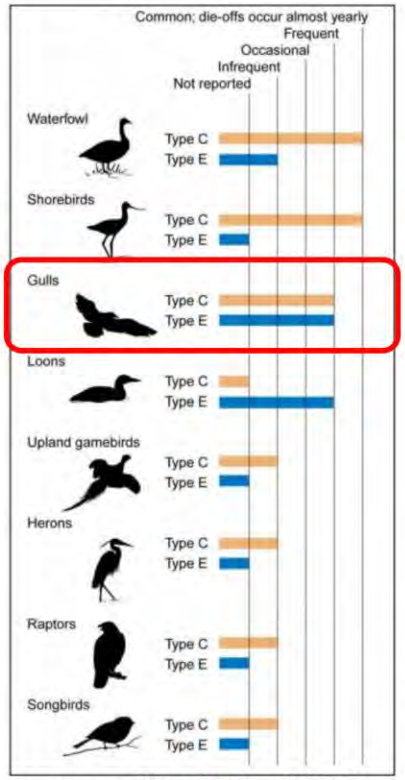


Frequency of botulism in wild birds (USGS 1999)

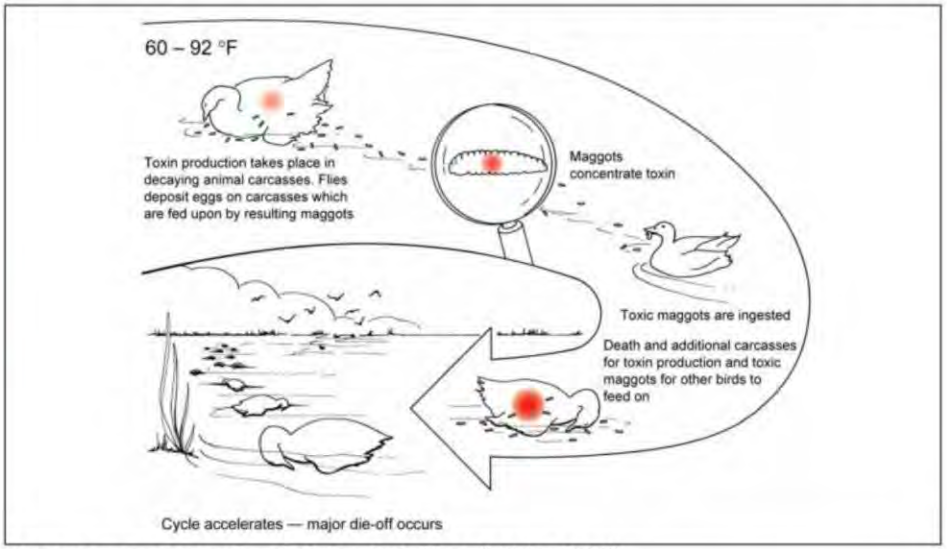


Credit: F. Tremblay, McGill University

Middleton Island/Gulf of Alaska Kittiwake Die-off



Frequency of botulism in wild birds (USGS 1999)



Carcass-maggot cycle of Avian Botulism (USGS 1999)

USGS science for a changing world

Avian Botulism Type C is concentrated in aquatic invertebrates that filter feed sediments or water and is specific to birds and **does not affect humans**. The Alaska Department of Fish and Game has posted information on their web site for Hot topics and Wildlife Disease pages:

http://www.adfg.alaska.gov/index.cfm?adfg=hottopics.main
http://www.adfg.alaska.gov/index.cfm?adfg=disease.main

Aleutian Tern Pilot Aerial Survey, Bristol Bay, 8-29 June 2021

Colonies

- 49 colonies detected
  - 10 ALTE
  - 32 ARTE
  - 7 UNKWN
- Aerial counts:

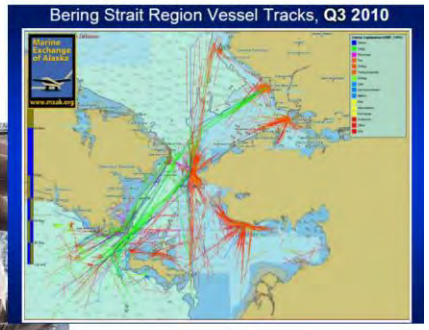
Species	Minimum Count	Maximum Count	Mean Count
ALTE	2	100	31.7
ARTE	5	1200	78.9
UNKWN	4	13	7.6

Monitoring & reducing eider & other sea duck vessel strikes

*Collaboration: USFWS, NOAA, Industry, Researchers
*Two projects using AIS & seabird data for analysis
*FWS/ES guidelines for 'best practices'
*Goal: How to mitigate & avoid vessel strikes

An important consideration:
Increased vessel traffic in the Arctic

- Shipping (LNG, oil, cargo)
- Fishing – moving north
- Oil/gas exploration & development
- Military Activity
- Tourism



2021 ALASKA SEABIRD UPDATE

Contact Info

USFWS Migratory Birds Management, Seabird Program

Robb Kaler Robert_Kaler@fws.gov

Liz Labunski Elizabeth_Labunski@fws

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

In Reply Refer To:
OSM 22069.KW

Raymond Oney, Chair
Yukon-Kuskokwim Delta
Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Oney:

This letter responds to the Yukon-Kuskokwim Delta 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. Donlin Gold Mine – Impacts to subsistence resources

The Council is concerned about impacts to subsistence resources from the development of the Donlin Gold Mine and barging of mining materials, fuel, and chemicals on the Kuskokwim River. The Kuskokwim River is the lifeblood of subsistence and source of drinking water for many communities in the Yukon-Kuskokwim Delta. The connectivity to the river is everything – if we lose our fish, our salmon, we will lose our entire way of life. The Council is concerned about direct impacts of mining and barging activities to subsistence fish and wildlife and their habitats. We are concerned about contaminants affecting the health of essential subsistence foods and, subsequently, the health of everyone in the region that depend on them.

The Council has expressed concerns in previous Annual Reports about the likely impacts to subsistence as reported in the Donlin Gold Project Final EIS ANILCA Section 810 analysis (enclosure), which indicates the mine as proposed "may significantly restrict" subsistence for every community in the vicinity and downriver of the mine – from Crooked Creek to the mouth of the Kuskokwim River. The Council also has very serious concerns about the proposed number

of daily barges on the Kuskokwim River required to support the Donlin mine development and operations. Opportunity for subsistence fishing on the Kuskokwim is already limited for Chinook Salmon conservation measures. Greatly increased barge traffic, up to 200 percent with at least several barges heading upriver and downriver every day during open water on the river from break up to freeze up, June 1 to October 1st would only add to fisheries management challenges and interfere directly with subsistence fishing opportunity. Subsistence fishers will have to pull drift nets and move out of the way of barges. The large and long-lasting wake of large barges can also dislodge set nets and cause bank erosion thus impacting fish camps directly.

Additionally, the Council is gravely concerned about direct impacts on subsistence fisheries and resources from barge accidents spilling diesel fuel or other cargo, such as the cyanide that will be shipped in to process gold at the mine site. Sensitive fish habitat and out-migrating salmon smolts may also be negatively impacted by constant prop wash of large barges. Some critical spawning areas may be destroyed by the near constant large barge traffic, such as the shallow water gravel bed below Kalskag that is known as the primary Rainbow smelt spawning habitat. Communities will be at a direct risk of losing this highly valued subsistence resource – Rainbow smelt are some of the most abundant fresh subsistence fish harvested in the spring by communities all along the Kuskokwim River as they migrate upriver to spawn. All of this would occur within the Federal waters of the Yukon-Delta National Wildlife Refuge.

The Council would like more information on federal subsistence protections that can be taken to address impacts to subsistence identified in the enclosed in the Donlin Gold Project Final EIS ANILCA Section 810 analysis. The Council seeks to ensure subsistence priority and continuation of subsistence uses in the case of industrial activities such as the planned barge activities would directly harm subsistence resources or displace subsistence users from traditional fishing areas and activities.

Response:

The Board is aware of and shares your concerns about the potential impacts mining and barging activities may have on subsistence users and the important fish and wildlife on which you depend. We are familiar with the Donlin Gold Project Final EIS ANILCA Section 810 analysis (enclosure) and concur that it is useful for identifying potential impacts the project may have on subsistence resources and activities. Of particular interest are the mitigation measures detailed in the Final EIS Table C2, "Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources." Specific to your concerns are mitigation measures 47 and 48, found on page C2-12. These measures address barge interaction with subsistence activities and rainbow smelt monitoring respectively.

Concerning barge interactions, the final EIS suggests that "Donlin Mine should consult with local subsistence users for current information and traditional knowledge to identify locations and times when subsistence activities occur, and to the extent practicable, minimize impacts to these activities." It further states that "Donlin Gold is currently in the process of forming subcommittees on barging and subsistence to engage the local communities to identify locations

and times when subsistence activities occur, and opportunities to avoid, eliminate, or reduce conflicts that serve to restrict access to subsistence resources." The mitigation measure recommended to address rainbow smelt states that "Donlin Gold would develop and implement a rainbow smelt monitoring program to establish additional baseline data for a better understanding of the species' occurrence and the character, use, and distribution of spawning habitat along the Kuskokwim River." Further information on this reported in the mitigation measures at time of publication of the FINAL EIS note that "Donlin Gold initiated the first round of data collection in May 2018. The data is being compiled and analyzed and the first report from the project should be available this fall documenting the results." The Council can work through your Coordinator to request these reports and invite Donlin Mine to engage with the Council on the barging and subsistence subcommittees.

The Board encourages the Council to pursue options through the Federal Subsistence Management Program. You can identify baseline research needs on local fisheries through the Fisheries Resource Monitoring Program (FRMP). The Council and local subsistence users can also keep the federal managers apprised of potential impacts to the continuation of subsistence opportunities resulting from barge activities. Through continued engagement and communication, the Council can request that inseason managers incorporate barge traffic timing into the scheduling of fishing opportunities to reduce conflict with fisheries activities when possible.

2. <u>Whitefish research request – Important subsistence whitefish in decline</u>

The Council is concerned about observed decline in subsistence whitefish species both on the Yukon and Kuskokwim rivers. Council members and other local community members have observed smaller size and abundance of many of the whitefish species that are so important to subsistence. Now, more than ever whitefish are critical subsistence foods and the only fish to eat when the salmon fishing is restricted or closed due to the Chinook and Chum salmon population crash. The Council is concerned that the health and population of the whitefish species should also be monitored to ensure its continued viability for the future as well.

Response:

Thank you for sharing your concern about whitefish species within the Yukon and Kuskokwim rivers. The Board understands whitefish are a critical subsistence food, especially when harvest efforts shift away from salmon because of scarcity and associated restrictions on harvesting. It is important to understand whitefish population demographics to avoid overharvest and to maintain a viable, sustainable resource for subsistence users. The FRMP is a primary tool that the Federal Subsistence Management Program can use to support filling information needs.

The mission of the FRMP is to identify and provide information needs to sustain subsistence fisheries on Federal public lands and waters for rural Alaskans through a multidisciplinary and collaborative program. Requests for research proposals occurs every two years and are based on priority information needs based on recommendations of the Subsistence Regional Advisory

Councils. Your Council has been instrumental in the FRMP with developing priority information needs and informing Board processes and actions.

The Board recognizes your Council has a history of supporting successful whitefish studies and encourages you to continue to build upon these through collaborative partnerships in the future. Your next opportunity to develop priority information needs for the 2024 FRMP cycle will be during your fall 2022 meeting. We value your input in developing priority information needs for your region and your support for proposals specific to monitoring the health and population of whitefish species within the Yukon and Kuskokwim rivers.

A synthesis of available information of the whitefish biology, distribution, and fisheries in the Yukon and Kuskokwim rivers drainages in Alaska as well as a list of whitefish research are available on line at:
https://www.doi.gov/sites/doi.gov/files/migrated/subsistence/monitor/fisheries/upload/08-206-Whitefish-Strategic-Plan-Final.pdf

A list of projects funded through the FRMP in the Kuskokwim Region regarding whitefish species since 2020 is enclosed for the Council reference. If the Council is interested in any of these particular projects, copies of projects' annual reports can be requested from OSM through your Council Coordinator.

3. <u>Sockeye Salmon research request – Does Sockeye Salmon abundance affect other species?</u>

Sockeye (Red) Salmon populations have been increasing on the Kuskokwim River in recent years. The Council is very grateful for the abundance of this subsistence salmon species but wonders if its increased population impacts other salmon such as Chinook and Chum. The Council is particularly interested to know if Sockeye Salmon affect the spawning grounds of other salmon species or outcompete other juvenile salmon for resources. Additionally, the Council is interested to learn more about whether there are any concerns about the continuing viability of the Sockeye Salmon if it increases so much to exceed carrying capacity in the available spawning and rearing habitat.

Response:

Thank you for sharing your concerns regarding recent trends of Sockeye Salmon abundance in the Kuskokwim River drainage and potential impacts to other salmon species essential to the subsistence way of life. Your expressed concerns touch upon the complex life history variations we see with salmon populations today. Population trends of salmon returning to the Kuskokwim River are cyclical in nature, as the Council has observed in the past few decades related to Chum and Chinook salmon returns. Sockeye Salmon returns have been generally greater in the recent past, apart from a few outliers in the early 2000s. This may have some impact on the other species.

Research has demonstrated that salmon spawning habitat is determined by the incubation needs of developing eggs. This affects where salmon choose to build their redds and bury their eggs in the gravel. Substrate particle size (broadly understood as "gravel") is a key regulator of quality salmon spawning habitats (Wentworth 1922; Cummins 1962; McNeil and Ahnell 1964; Bjornn and Reiser 1991; Kondolf and Wolman 1993; Montgomery et. al. 1996; Riebe et. al. 2014). Substrate particles must be both fine enough for female salmon to move and large enough to resist scour from water flows. Salmon species such as Chinook Salmon with large body mass can move larger gravel and are therefore able to develop redds in higher velocity water where large gravel and small cobbles may be located.

Juvenile Sockeye, Chinook, and Chum salmon may occupy similar habitats, although not all may occupy these habitats at the same time of year. This may be because of varying life history strategies, such as migrating to sea upon emergence from the gravel (as with Chum Salmon) or occupying different habitats within a river system during summer or winter. Juvenile salmon species have definable freshwater habitat preferences that are in part based on the physical properties of the river such as water depth and velocity. A wealth of scientific literature exists on the habitat preferences of juvenile salmon species in Alaska. The Kuskokwim supports both lake- and stream-type spawning populations of Sockeye Salmon, the latter being where juveniles emerge from the gravel and develop in river channel and slough habitats where water velocities are slower than habitats typically occupied by juvenile Chinook Salmon.

In instances where juvenile salmon species may overlap in their habitat requirements, they may select different prey items that would further limit competition between species. At emergence, juvenile Sockeye and Chinook salmon move to stream margins and areas of cover where they may feed upon similar prey items (e.g., small aquatic insects). As the fish grow, they distribute to other more favorable habitats for protection (predator avoidance) or feeding. River-type Sockeye Salmon will seek out slower velocity habitats (sloughs, beaver ponds, back-watered habitats) where they may feed heavily on zooplankton and various small invertebrates, and Chinook Salmon may take up occupancy in progressively faster water, further reducing competition for food resources within respective habitat types.

Year to year variation in a population is often explained by the number of returning adults that meet escapement to spawn. If a population exceeds the carrying capacity in a system for a long period of time, then resources within the system may become depleted. If all or one of the resources required to successfully complete a species life history are not available, the species may die off within that system, or move to other areas where suitable resources are available. It is not yet clear what the carrying capacity of the Kuskokwim River to support Sockeye Salmon is, and it is a topic worthy of future research.

A list of projects funded through the FRMP in the Kuskokwim Region regarding Sockeye Salmon since 2020 is enclosed for the Council reference. If the Council is interested in any of these particular projects, copies of projects' annual reports can be requested from OSM through your Council Coordinator.

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4. Catastrophic low returns of Chinook and Chum salmon on the Yukon and Kuskokwim rivers in 2021 and impacts to subsistence communities way of life

Council members and the rural communities we represent have tried repeatedly to convey the essential importance of salmon to our life and livelihood: salmon is who we are as people, it is our culture and way of life that we are born into. Communities all along the Yukon and Kuskokwim rivers have worked diligently to support these conservation efforts so that our children will be able to continue to harvest Chinook and Chum salmon in the future and live the subsistence way of life that revolves around family fish camp. The salmon declines and resulting severe restrictions to subsistence fishing is tearing away at the fabric of our culture, community, and families. The transmission of knowledge conveyed from generation to generation at family fish camp is being lost. Not only do we not have fish to feed our families, we do not have fish to share with others. Sharing is a central component of our cultural values: it takes care of our elders, those in need, family, and friends, bonds communities across the region, and is central to our celebrations and ceremonies. There is no other resource available to replace salmon for our communities.

The Chinook and Chum salmon run failures in 2021 resulted in the complete closure or severe restriction of subsistence salmon fishing for all communities along the Yukon and Kuskokwim rivers, tributaries, and coastal areas. This was the lowest ever Yukon River Coho and Chum salmon returns on record for the second year in a row. The crash of the Chinook and Chum salmon populations will likely result in severe restrictions or complete closure to subsistence fishing across western Alaska again this year. Subsistence salmon needs are not being met across Alaska. Pacific Salmon Treaty Chinook and Chum salmon escapement

goals with Canada have not been met. And yet subsistence communities are bearing the burden of conservation, while the Bering Sea trawl fisheries continue unabated. Fish camps and freezers went empty, and there is no salmon to sustain all our many communities through the winter. Subsistence salmon fishing has been increasingly restricted over the past ten years due to diminishing Chinook Salmon returns. These diminishing Chinook Salmon returns, along with the catastrophic decline of Chum Salmon, caused complete closures to the harvest of a single salmon for subsistence. This is truly a crisis of such magnitude that calls for immediate and meaningful action to reduce all unnecessary mortality to western Alaska salmon stocks. We ask the Federal Subsistence Management Program to engage with intercept commercial fisheries in the Bering Sea and in the South Alaska Peninsula Management Area known as Area M.

The Board should be fully aware of the magnitude of these missing subsistence salmon resources. Kuskokwim harvest of Chinook and Chum salmon was half of lowest ever recorded subsistence harvest levels. The Yukon River drainage ten-year salmon harvest average from 2010 to 2019 was 27,919 Chinook Salmon, 91,253 Summer Chum Salmon, and 83,874 Fall Chum Salmon (https://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareayukon.subsistence_salmon_harvest). It should be noted that these 10-year harvest averages were during times of salmon conservation measures and not a true reflection of historical subsistence salmon harvest levels if subsistence were not restricted. Zero subsistence salmon were able to be harvested on the Yukon River in 2021.

Title VIII of ANILCA provides for subsistence priority above other consumptive uses and the Federal Subsistence Management Program manages for subsistence opportunity. Nothing is more devastating for our salmon culture and communities than to have absolutely no subsistence salmon fishing opportunity at all.

Response:

The Board takes the Council's comments on the extreme impacts of limited salmon harvest opportunities on the lives of people living in the Yukon and Kuskokwim river drainages very seriously and commiserates deeply with those who have borne the costs of harvest restrictions. In the Yukon and Kuskokwim river drainages, salmon is both critical for residents' basic sustenance and is the foundation on which residents form their cultural, spiritual, and individual identities. The conservation of Yukon and Kuskokwim river salmon species is imperative for the long-term health and survival of local ecosystems and communities.

Unfortunately, the 2022 run and harvest outlook is expected to be poor again for Yukon and Kuskokwim river salmon. Closures to the harvest of salmon by non-Federally qualified users on Federal public waters are necessary until in-season assessments may indicate otherwise. To do what is within our regulatory authority on this topic, the Board approved Temporary Fisheries Special Action Request FSA22-01 on the Yukon River. This action closed Federal public waters of the Yukon Northern Area 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. The action will help to aid conservation efforts of salmon and provide a priority for non-wasteful subsistence uses as required by Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). The Board has delegated in-season management authority to the Federal subsistence fisheries managers. If fisheries run abundance by species 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.

As the 2022 run forecast suggests poor returns again for Kuskokwim River Chinook and Chum salmon, closures will again be needed to protect these vulnerable populations. The Board and Yukon Delta National Wildlife Refuge Manager, Boyd Blihovde, understand that restrictions on salmon harvesting have made it difficult for residents in this area to maintain food security and to preserve important cultural practices. Therefore, Manager Blihovde has used his authority delegated by the Board to periodically open Federal public waters of the main stem in the Kuskokwim River to Federally qualified subsistence users to use gillnets to harvest salmon. Limited, scheduled openings to Federally qualified subsistence users to harvest salmon by gillnets will help to meet both conservation concerns for salmon in the Kuskokwim River drainage and provide opportunities for subsistence uses. The Board encourages the Council to continue to help residents of the Yukon River and Kuskokwim River drainages through providing comments and written reports and engaging in the regulatory process.

5. <u>North Pacific Fishery Management Council – Request to lower salmon bycatch and ADF&G -- Request to restrict Area M intercept fisheries</u>

The Council is concerned about Bering Sea commercial trawl fisheries and high rates of Chinook and Chum Salmon bycatch that is still occurring even though the subsistence fisheries have been restricted throughout western Alaska and completely closed on the Yukon River and coast. The Council has requested that the North Pacific Fishery Management Council immediately reduce the bycatch hard cap for Chinook Salmon and to 16,000 and establish a hard cap for Chum Salmon at 250,000, which is approximately half of the most recent Chum Salmon bycatch totals in 2021. In concurrence with other Yukon River Subsistence Regional Advisory Councils, the Council also request these bycatch caps be further reduced within a year to a hard cap of 10,000 for Chinook Salmon and 150,000 cap for Chum Salmon. These requests are completely reasonable if every fish counts and subsistence fishermen on the Yukon and Kuskokwim rivers are prevented from harvesting a single salmon. The Council further request these concerns be elevated to the Secretaries of the Interior and Agriculture and the Secretary of Commerce. The Council has written several letters addressing this in detail but also wants to put this on the record in our FY 2021 Annual Report to the Board.

Subsistence salmon needs are not being met; hundreds of Alaskans in subsistence communities are going hungry this winter due to closures to salmon fishing in order to meet escapement goals. Salmon is our life and livelihood. We cannot survive without it. There is no subsistence

priority being protected in river if salmon are being caught by the thousands in the Bering Sea commercial fisheries. If subsistence fishing is restricted, then all commercial fisheries that intercept salmon must also be restricted. We request the Board engage on this issue with the North Pacific Fishery Management Council to reduce salmon bycatch in the Bering Sea commercial fisheries. We further request the Federal Subsistence Management Program engage with the Alaska Department of Fish and Game on Area M commercial fisheries to restrict catch of Arctic, Yukon, and Kuskokwim Chinook and Chum salmon stocks in that commercial fishery in support of our subsistence priority for salmon and continuation of customary and traditional subsistence salmon uses on the Yukon and Kuskokwim rivers.

Response:

The Board shares your continued concern for the decrease in Chinook and Chum salmon populations within the Yukon and Kuskokwim River drainages. We recognize your interest in having this concern noted for the record. Further, we acknowledge your Council's request to the North Pacific Fishery Management Council to reduce the hard cap for both Chinook and Chum salmon bycatch in the Bering Sea/Aleutian Islands commercial fishery. As the Federal Subsistence Management Program only has authority for management within Federal public waters within the Conservation Unit Boundaries of Federal Public lands and limited marine waters within or adjacent to Federal lands, the scope of our regulatory authority on this topic is limited. Although it is beyond the Board's authority, we are supportive of the steps your Council has taken over the years, such as writing letters to express your concerns to the North Pacific Fishery Management Council. The Board continues to urge the Council to remain vigilant in voicing concerns to the North Pacific Fishery Management Council and engaging in their regulatory process.

6. <u>Mulchatna Caribou Herd decline – Conservation measures</u>

The Council recently supported the Delegation of Authority to the Togiak National Wildlife Refuge Manager to manage the Mulchatna Caribou Herd. We request that the manager works closely in communication with the Council and local communities in the management of this critical subsistence resource. Local subsistence communities are out on the ground observing the caribou and its environment and can share their Traditional Knowledge. It is also imperative to keep communications open on the caribou conservation measures and to work together through these very difficult times when yet another critical subsistence resource is being restricted.

The Council is very concerned about the dramatic decline of the Mulchatna Caribou Herd. This is an incredibly important subsistence resource for numerous communities throughout the range of the herd. The Council endeavors to ensure that the herd will be able to recover so that it will remain a subsistence resource in the future. Therefore, the Council requests a full closure to any harvest of the Mulchatna Caribou Herd until it rebounds to the established population objective of at least 30,000 caribou. The Council further requests to:

- *Establish jointly with the Federal Subsistence Board/Federal land managers a five-year moratorium to close the harvest of Mulchatna Caribou (or until the sustainable population objective goal of 30,000 caribou has been met) in order to help the caribou herd rebound so that the herd will once again be able to reach a population size that can sustain subsistence harvest into the future.*
- *Close all State and Federal lands to the harvest of Mulchatna Caribou Herd throughout their migratory range that includes all or portions of Units 9A, 9B, 9C, 17A, 17B, 17C, 17C remainder, 18, 18 remainder, 19A, and 19B.*
- *Maintain a sex ratio of 30 bulls: 100 cows (or a better ratio provided by biologists) that will increase caribou herd productivity.*
- *Support liberal subsistence harvest opportunity for bears and wolves.*
- *Conduct outreach on hunting regulations and closures, education, and incentives for caribou conservation measures.*
- *Improve knowledge of and compliance with harvest reporting requirements.*

The summer 2021 population estimate of the Mulchatna Caribou Herd is approximately 12,850, which is similar to the 2019 and 2020 estimates and well below the established minimum population objective of 30,000 caribou. As a result of this decline, conservation measures were implemented during the past two seasons including closures of the season by both State and Federal managers. To provide timely and flexible management, the Board delegated in-season management authority to the Togiak National Wildlife Refuge Manager for the 2020-2022 hunting seasons. Since receiving management authority, the Togiak Refuge Manager in collaboration with staff from the Alaska Department of Fish and Game determined that there is no harvestable surplus that would allow the herd to grow.

This hunting moratorium request is in the interest of allowing time for the Mulchatna Caribou Herd to recover. A closure to all harvest across the range of the Mulchatna Caribou Herd is warranted until the population can regrow to a sustainable level. A hunting moratorium will help send a clear message to all communities across the range of the herd about the dire situation of the herd's population size and the need to work together on communications and outreach to build support for these conservation efforts for a sustainable subsistence harvest opportunity in the future. The Council has experience with the success of similar hunting moratorium efforts in the past for moose on both the lower Yukon and Kuskokwim rivers, and now those moose populations have rebounded to provide for ample subsistence harvest opportunity. We believe the same can be achieved for the Mulchatna Caribou Herd.

Response:

The Board acknowledges the concerns regarding the population declines of the Mulchatna Caribou Herd and the importance of maintaining a sustainable subsistence harvest opportunity.

The Delegation of Authority Letter (DAL) to the Togiak National Wildlife Refuge Manager (Togiak NWR) for the management of the Mulchatna Caribou Herd was adopted during the April 2022 Board regulatory meeting. The DAL includes provisions that will allow for the in-

season manager to respond quickly to the changing conditions of the herd. A stipulation of the DAL is that the Togiak NWR Manager coordinates any management actions with the Alaska Department of Fish and Game (ADF&G), OSM, the BLM Anchorage Field Office Manager, the Nushagak Peninsula Caribou Planning Committee, the Yukon Delta National Wildlife Refuge Manager, the Superintendent of Katmai National Park and Preserve, the Superintendent of Lake Clark National Park and Preserve, and the Chair of affected Council(s).

The Board encourages this Council to work with the in-season manager by providing information about the herd that will help with management and to help the in-season manager and ADF&G with outreach. Improving knowledge of and compliance with harvest reporting requirements and communicating these necessary conservation efforts will be most effective if done by everyone affected. Togiak NWR staff have worked with ADF&G staff in outreach, biological, and management efforts directed at the Mulchatna Caribou Herd. Outreach efforts include consulting with Tribes, providing herd information at Council and Fish & Game Advisory Committee meetings, and developing outreach products delivered via radio, postcards, and email.

The Federal in-season manager has the authority to open or close the Federal season for Mulchatna caribou each year on the Federal public lands. Federal and State caribou seasons were closed during the 2021/22 and 2022/23 regulatory years because of conservation concerns. The population size and trend, as well as bull:cow and cow:calf ratios and other composition factors are the primary determinants on whether to have a hunt or not.

7. <u>Request to support additional subsistence moose harvest opportunity on the lower Yukon River to assist communities in need due to low salmon returns</u>

The Council recently submitted Proposal WP22-42 to increase the moose harvest limit on the lower Yukon River in Unit 18 remainder from two to three moose. This request to increase the harvest limit by one additional moose in Unit 18 remainder is needed to continue subsistence uses and increases opportunity for the sharing of moose throughout the Yukon-Kuskokwim Delta region. Increasing the harvest limit will help to ensure long-term sustainability of the Lower Yukon River area moose population, which is currently too high to be supported by the local environment. If this moose population is not reduced, it is at risk of crashing due to over browsing of available forage.

The Council further requests support from the Federal Subsistence Management Program to assist with information and distribution of Designated Hunter Permits to these lower Yukon River communities to further aid in providing moose to communities and families in need of subsistence foods during these times of catastrophically low salmon returns. Additional harvest opportunity for moose in Unit 18 remainder will support the Lower Yukon River communities' ability to provide not only for their own families and community but also increases sharing opportunities with subsistence communities in other areas of the Yukon-Kuskokwim Delta that do not have as abundant moose populations, are currently restricted from hunting Mulchatna Caribou due to conservation concerns, and are in need of subsistence food support. Especially in

these times of low salmon returns on the Yukon and Kuskokwim rivers and with the recent closures to the harvest of Mulchatna caribou greatly affecting the region, the super abundant moose populations of the Lower Yukon River region (Unit 18 remainder) can be a shared source of healthy subsistence food across the region with a little support to Tribes or City Councils to organize around issuing Designated Hunter Permits and distribution of moose to all communities with C&T in the region. Expanded harvest opportunity of the super-abundant moose in the lower Yukon River will help support sharing with those in need throughout the Yukon-Kuskokwim Delta region.

Response:

The Board adopted Proposal WP22-42 at their April 2022 regulatory meeting, increasing the moose harvest limit in Unit 18 remainder from 2 to 3 moose. The Board adopted this proposal as part of the consensus agenda to help limit the growth of the moose population and to provide additional opportunity for Federally qualified subsistence users.

OSM has staff available to assist in issues regarding Designated Hunter Permits. Since these are Federal permits, they must be issued by one of the Federal field offices in your area; the issuance of Federal permits cannot be delegated to village, Tribal, or State representatives. Sometimes, if time and staff are available, you may coordinate with the Yukon Delta National Wildlife Refuge to send staff to communities to issue permits. OSM also has staff that can educate and explain the issues regarding Designated Hunter permits. OSM staff have been unable to travel to meet with communities in person during the pandemic, but staff did conduct several training sessions via teleconference that were well received by the public.

- Please contact Boyd Blihovde, Refuge Manager (boyd_blihovde@fws.gov or 907-543-1002) to request a permit or inquire if it is possible to have a field staff member visit your community to issue permits.
- Please contact our OSM Permit Specialist, Derek Hildreth (derek_hildreth@fws.gov or 907-382-1253 or 907-786-3877) to set up a date/time for training/presentations regarding Designated Hunter Permits.

8. <u>Request for information about Snowy Owl population</u>

The Council has heard of declining snowy owl sightings throughout the Yukon-Kuskokwim Delta and would like a report on their population assessment and migration patterns. While the Council recognizes that the Federal Subsistence Program does not manage migratory birds, the snowy owl is important to subsistence communities in the Yukon-Kuskokwim Delta and an important indicator of overall ecosystem health. The Council wonders if the snowy owls are declining due to lack of prey. The Council has observed declines in Alaska hare (locally referred to as jackrabbits) populations and just supported a proposal to reduce subsistence harvest of Alaska Hare as a conservation measure. Conservation measures may be needed for the snowy owl as well.

Response:

Snowy owls are typically considered a high Arctic species found in areas like Utqiagvik. Annual population fluctuations are expected in the Yukon-Kuskokwim Delta Region, which would also influence the frequency of on-the-ground observations. The USFWS Migratory Bird Management program currently does not conduct surveys for snowy owls in the Yukon-Kuskokwim Delta region. However, Steve Lewis, a raptor biologist in the Migratory Birds Program, would be happy to attend a Council meeting to discuss snowy owls with the Council. With interest and support from the Council, the Migratory Birds Program may be able to elevate the need for surveys and more information on snowy owls in the Yukon-Kuskokwim Delta Region.

Denver Holt with the Owl Research Institute has conducted research on snowy owls to determine factors contributing to snowy owl nesting declines in the Utqiagvik area. A few of the research manuscripts are in publication and can be found at https://www.owlresearchinstitute.org/the-roost.

Additionally, the Board encourages the Council to work with their Council Coordinator on inviting and scheduling researchers to present about snowy owls at their upcoming meetings.

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 Federally qualified subsistence users of the Yukon-Kuskokwim Delta Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Yukon-Kuskokwim Delta 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

FISHERIES RESEARCH MONITORING PROGRAM
PROJECTS FUNDED IN THE KUSKOKWIM REGION
REGARDING SOCKEYE SALMON SINCE 2000

Project Number	Project Title	Investigators
	Salmon Projects	
00-007	Tatlawiksuk River Salmon Weir	ADF&G, KNA
00-008	Bethel Inseason Subsistence Harvest Data	ONC
00-009	Bethel Postseason Harvest Monitoring	ADF&G, ONC
00-019	Kwethluk River Salmon Weir	USFWS, OVK
00-027	Goodnews River Salmon Weir	ADF&G
00-028	Kanektok River Salmon Weir	ADF&G, USFWS
00-029	Documentation/Communication on Floating Weirs	AVCP
00-030	Kuskokwim Salmon Project Site Surveys	ADF&G, USFWS
01-019	Planning Meetings in AVCP Region	AVCP, KNA
01-023	Upper Kuskokwim River Inseason Data	ADF&G, MNVC
01-024	Bethel Postseason Fishery Household Surveys	ADF&G, ONC
01-053	Tuluksak River Salmon Weir	USFWS, TNC
01-086	Kuskokwim River Escapement Project Technician	ONC
01-116	Kuskokwim River Salmon Work Group support	ADF&G
01-117	Kuskokwim Salmon Age-Sex-Length Assessment	ADF&G
01-118	Kanektok River Salmon Weir	ADF&G, BSFA
01-132	Bethel Inseason Subsistence Salmon Harvest Data	ONC, ADF&G
01-147	Aniak River Sport Fisheries Survey	ADF&G, KNA
01-225	Middle Kuskokwim River Inseason Salmon Harvest	KNA, ADF&G, USFWS
01-226	Subsistence Fisheries Research Capacity Building	ADF&G
02-036	Aniak Postseason Subsistence Fishery Surveys	ADF&G, KNA
03-030	Kuskokwim River Salmon Mark-Recapture	ADF&G, KNA
03-931	Kuskokwim Science Plan	BSFA
04-301	Kwethluk River Salmon Weir	USFWS, OVK
04-302	Tuluksak River Salmon Weir	USFWS, TNC
04-305	Kanektok River Salmon Weir	ADF&G, BSFA
04-310	Tatlawiksuk River Salmon Weir	ADF&G, KNA
04-353	Bethel Inseason Subsistence Salmon Data Collection	ADF&G, ONC
04-359	Kuskokwim Postseason Salmon Subsistence Harvest Surveys	ADF&G, KNA, ONC
05-304	George and Takotna River Salmon Weirs	ADF&G
05-306	Kuskokwim River Inseason Subsistence Harvest Data Collection	ADF&G, ONC
05-307	Lower Kuskokwim Subsistence Fisheries Catch Monitoring	ONC

Project Number	Project Title	Investigators
05-356	Kuskokwim Area Postseason Subsistence Salmon Harvest Survey	ADF&G
06-306	Lower Kuskokwim Salmon Inseason Subsistence Catch Monitoring	ADF&G
06-307	Kuskokwim River Salmon Management Working Group	ADF&G
07-303	Kuskokwim River Salmon Age-Sex-Length Assessment	ADF&G
07-304	Tatlawiksuk River Salmon Weir	ADF&G, KNA
07-305	Kanektok-Goodnews River Salmon and Dolly Varden Weirs	ADF&G
07-306	Kwethluk River Salmon Weir	USFWS, OVK
07-307	Tuluksak River Salmon Weir	USFWS, TNC
08-303	George River Salmon Weir	ADF&G
08-304	Takotna River Salmon Weir	ADF&G
08-352	Bethel and Aniak Postseason Subsistence Salmon Harvest Surveys	ADF&G
10-300	Kanektok and Goodnews River Salmon Assessment	ADF&G
10-303	Kuskokwim River Salmon Age Sex Length Assessment	ADF&G
10-304	Tatlawiksuk River Salmon Assessment	ADF&G
10-306	Kwethluk River Salmon Assessment	USFWS
10-307	Tuluksak River Salmon Assessment	USFWS
10-352	Kuskokwim Salmon Postseason Harvest Monitoring	ADF&G
10-353	Kuskokwim Salmon Working Group Support	ADF&G
10-354	Kuskokwim Salmon Inseason Harvest Monitoring	ADF&G
12-303	George River Salmon Weir	ADF&G, KNA
12-304	Takotna River Salmon Weir	ADF&G, TCA
12-309	Kwethluk River Salmon Weir	USFWS
14-302	Tatlawiksuk River Salmon Weir	ADF&G
14-303	George River Salmon Weir	ADF&G
14-306	Tuluksak River Salmon Weir	USFWS
14-308	Kwethluk River Salmon Weir	USFWS
14-352	Kuskokwim Area Salmon Post-season Subsistence Harvest Surveys	ADF&G
14-353	Kuskokwim River Salmon Inseason Subsistence Survey	ADF&G
16-301	Lower Kuskokwim River Subsistence Chinook Salmon Harvest ASL	ADF&G, ONC
16-302	Salmon River of the Pitka Fork Weir	ADF&G, MTNT
16-351	Middle Kuskokwim River In season Subsistence Salmon Harvest Monitoring and estimation	ADF&G, NVN
18-304	George River Salmon Weir	ADF&G
18-350	Bethel Subsistence Harvest Surveys	ONC, ADF&G
18-351	Kuskokwim Area Salmon Post Season Subsistence Harvest Surveys	ADF&G, ONC

Project Number	Project Title	Investigators
20-308	Kwethluk River Salmon Run Timing and Abundance	USFWS, OVK, KRITFC, BSFA

Abbreviations: AC = Alaskan Connections, ADF&G = Alaska Department of Fish and Game, AVCP = Association of Village Council Presidents, AV = Arctic Village, BF = Bill Fliris, BUE = Bue Consulting, BLM = Bureau of Land Management, BSFA = Bering Sea Fisherman's Association, CATG = Council of Athabascan Tribal Governments, CEC = Calista Education and Culture, COK = City of Kaltag, DFO = Department of Fisheries and Oceans, EMV = Emmonak Village Council, KAL = City of Kaltag, NPS = National Park Service, LTC = Louden Tribal Council, NVE = Native Village of Eagle, NVHB = Native Village of Hooper Bay, NVV = Native Village of Venetie, RN = Research North, RW = Robert Wolfe and Associations, SVNRC = Stevens Village, SZ=Stan Zuray, TCC = Tanana Chiefs Conference, TTC = Tanana Tribal Council, UAF = University of Alaska Fairbanks, USFWS = U.S. Fish and Wildlife Service, USGS = U.S. Geological Survey, UW = University of Washington, and YRDFA = Yukon River Drainage Fisheries Association.

FISHERIES RESOURCE MONITORING PROGRAM
PROJECTS FUNDED IN THE KUSKOKWIM REGION
REGARDING WHITEFISH SPECIES SINCE 2000

Project Number	Project Title	Investigators
	Resident Species	
01-052	Whitefish Lake Humpback & Broad Whitefish	USFWS, KNA
01-112	Aniak River Subsistence Fisheries Study	ADF&G, KNA
04-304	Whitefish Lake Whitefish Telemetry	USFWS
05-301	Whitefish PIT Tags	USFWS
06-303	Kuskokwim River Whitefish Migratory Behavior	USFWS, KNA
06-305	Kuskokwim River Inconnu Spawning Distribution	ADF&G
06-351	Lower Kuskokwim Non-salmon Harvest and TEK	ADF&G, AVCP
10-305	Kuskokwim River Sheefish Spawning, Distribution and Timing	ADF&G
12-312	Status of sheefish in Highpower Creek and Upper Kuskokwim River	ADF&G
12-313	Location, Migration Timing, and Description of Kuskokwim River Bering Cisco Spawning Origins	KNA, USFWS
12-352	Whitefish Trends on the Upper Kuskokwim, Alaska	ADF&G
14-301	Kuskokwim River Broad Whitefish Spawning above McGrath	USFWS
14-307	Upper Kuskokwim River Sheefish Enumeration	USFWS
14-356	Lower Kuskokwim Villages Whitefish	CEC

Abbreviations: AC = Alaskan Connections, ADF&G = Alaska Department of Fish and Game, AVCP = Association of Village Council Presidents, AV = Arctic Village, BF = Bill Fliris, BUE = Bue Consulting, BLM = Bureau of Land Management, BSFA = Bering Sea Fisherman's Association, CATG = Council of Athabascan Tribal Governments, CEC = Calista Education and Culture, COK = City of Kaltag, DFO = Department of Fisheries and Oceans, EMV = Emmonak Village Council, KAL = City of Kaltag, NPS = National Park Service, LTC = Louden Tribal Council, NVE = Native Village of Eagle, NVHB = Native Village of Hooper Bay, NVV = Native Village of Venetie, RN = Research North, RW = Robert Wolfe and Associations, SVNRC = Stevens Village, SZ=Stan Zuray, TCC = Tanana Chiefs Conference, TTC = Tanana Tribal Council, UAF = University of Alaska Fairbanks, USFWS = U.S. Fish and Wildlife Service, USGS = U.S. Geological Survey, UW = University of Washington, and YRDFA = Yukon River Drainage Fisheries Association.

For a comprehensive overview of Whitefish in the Yukon and Kuskokwim River drainages, including an extensive reference list of available literature, please refer to Brown et al. 2012.

Brown, R. C. Brown, N.M. Braem, W.K. Carter III, N. Legere, and L. Slayton. 2012. Whitefish biology, distribution, and fisheries in the Yukon and Kuskokwim River drainages in Alaska: a synthesis of available information. U.S. Fish and Wildlife Service, Fisheries Data Series Number 2012-4, Fairbanks, Alaska

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

In Reply Refer To:
OSM 22074.KW

Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Reakoff:

This letter responds to the Western 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. Poor return of Yukon and Kuskokwim River Chinook and Chum Salmon in 2021

Returns of Chinook and Chum to the Yukon and Kuskokwim Rivers in 2021 was catastrophically low, resulting in no salmon harvest opportunities on the Yukon River and several harvest restrictions on the Kuskokwim River. The Council believes there is a need to broaden Federal, Tribal, and State government participation in rebuilding the in-river stocks on the Yukon and Kuskokwim Rivers, particularly by looking at the Bering Sea and Area M fishery impacts. The Council would like to include National Oceanic and Atmospheric Administration, National Marine Fisheries Service, and the North Pacific Fisheries Management Council in this strategy and requests that fishery managers do a better job of working together and acknowledging that there is a crisis in both river systems and that in some areas, escapement and subsistence harvest goals are not always being met.

Recommendation:

The Council recommends that Federal, Tribal, and State managers implement precautionary cooperative management of the Chinook and Chum Salmon fisheries in the Yukon River and as has been implemented in recent years on the Kuskokwim River. The Council further recommends that all provisions of ANILCA be upheld by the Federal Subsistence Board at all times, including those provisions of requiring that harvest be limited to Federally qualified subsistence users when a resource in federal waters is declined to the point that harvest must be restricted to meet their subsistence needs in the region.

Response:

It is clear that the catastrophically low returns of salmon to Western Alaska 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 future runs over 2021 subsistence harvests. It was a terrible situation for all who depend on this resource.

As has been recent practice for salmon management on both the Yukon and Kuskokwim rivers, the Federal and State managers met with Intertribal Fish Commissions and other stakeholders to discuss the 2021 preseason outlooks and management strategies. Both systems had poor run size projections for Chinook Salmon. On the Yukon River, State and Federal managers took a precautionary approach and restricted the Chinook Salmon run starting with the first trickle of fish. As the season progressed, in-season assessment data indicated poor returns of Chinook and summer and fall Chum salmon. Therefore, salmon fishing remained closed throughout both the summer and fall seasons to protect those species.

Similarly, the 2021 preseason forecast for Chinook Salmon on the Kuskokwim prompted a conservative approach. Salmon management was conducted through Federal special actions issued by the manager, including a number of set and drift gillnet subsistence opportunities during the period of concern for Chinook Salmon. As the season progressed, in-season assessment data indicated a lower-than-average run of Chinook Salmon and a record low run of Chum Salmon. Unlike on the Yukon River, Federal and State management was not conducted in concert on the Kuskokwim. While the Federal manager limited fishing opportunities to Federally qualified subsistence users, the State offered concurrent openings and an additional fishing opportunity at the end of the Federal closure period open to all Alaska residents, in contradiction to the rural priority set forth in Title VIII of ANILCA.

The forecast data presented at the preseason meetings in 2022 indicated that similar low returns were expected again for both river systems. Based on the forecast data, managers took similar precautionary approaches that protected both Chinook and Chum salmon. Prior to the start of the fishing season on the Yukon River, the Federal Subsistence 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. Federal and State managers worked in cooperation to manage the patchwork of Federal and non-federal lands along the Yukon River.

As of the time of this writing, managers are ready to adjust strategies as in-season data become available. Salmon harvest opportunities on Federal public waters will be provided to Federally qualified subsistence users if harvestable surpluses are projected.

On the Kuskokwim, the Federal manager again closed the Federal public waters of the Kuskokwim to protect Chinook and Chum salmon. The Federal manager issued a number of set and drift net subsistence opportunities, which again the State matched. As of the time of this writing, the U.S. District Court issued a preliminary injunction that stopped the State from issuing openings in the Federal public waters while a court case over this issue proceeds.

The Board would also like to acknowledge the efforts by this Council and the other Councils that work on these Yukon River and Kuskokwim River issues 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, and your input is helping to facilitate that process.

2. Concerns about other species utilized by subsistence users as a result of poor salmon returns

This issue is closely related to the first issue identified by the Council. There needs to be an increased effort to monitor other fish species like whitefish and Sheefish because they are being targeted more due to the Chinook and Chum Salmon collapse. The Council also believes that there is a greater need for terrestrial animals, such as moose, to be monitored as well because subsistence users begin to shifting harvest to other species due to the low salmon stocks. There are wider ramifications for the region as a result of this fishery disaster.

Recommendation:

The Council is requesting increased monitoring of populations of other fish species and terrestrial animals as subsistence users in the region begin to adjust their harvest patterns to compensate for low Chinook and Chum Salmon stocks in the Yukon and Kuskokwim rivers drainages. Increased demand for these other species will necessitate closer assessment of these populations by Federal and State managers.

Response:

The Board acknowledges that poor salmon returns cause extreme hardships for subsistence users in the Yukon and Kuskokwim regions. The Board also recognizes that as a result of the extreme hardships, subsistence users may shift their harvest to non-salmon fish species and terrestrial animals and that monitoring is necessary to ensure healthy populations of these species, as well. One way the Council can direct research of non-salmon fish species is through the Fisheries Resource Monitoring Program (FRMP).

The mission of the FRMP is to identify and provide information needed to sustain subsistence fisheries on Federal public lands, for rural Alaskans, through a multidisciplinary, collaborative program. Every two years, the Office of Subsistence Management funds research projects addressing subsistence fisheries on Federal public lands. Research that monitors non-salmon populations is eligible for funding through the FRMP.

The 2022 Monitoring Plan was recently finalized and two non-salmon projects were funded in your regions. The first project, titled Kuskokwim River Broad Whitefish Subsistence Harvest and Spawning Abundance, will estimate population size, harvest rates, and population demographics of Broad Whitefish in the Kuskokwim River. The second project, titled Combining Traditional Ecological Knowledge and Biological Sampling to Enhance Understanding of Humpback Whitefish and other Non-salmon Fishes in the Upper Koyukuk Region, will build upon previous biological studies of Humpback Whitefish demographics, document Traditional Ecological Knowledge of non-salmon fish, and estimate harvests of non-salmon fish in the Upper Koyukuk Region. These studies will provide invaluable information on two important non-salmon fish to managers and resource users.

The best way for the Council to direct additional non-salmon research is through Priority Information Need development. Priority Information Needs are an important component of the Monitoring Program as they determine the type of projects that are submitted for funding and provide a framework for evaluating and selecting project proposals. The Council will identify and approve Priority Information Needs for the 2024 Monitoring Program cycle during the fall 2022 meeting. This is the opportune time for your Council to highlight the need to monitor non-salmon fish populations in the Yukon and Kuskokwim regions.

The Federal Subsistence Management Program can support adaptation to changing conditions by using the various tools available that enable the program to respond to subsistence users' needs. For example, the Special Action process enables the Board to respond to out-of-cycle needs for regulatory actions. The Board has also used its ability to delegate authority to local land managers to enable managers to respond quickly to unforeseen circumstances, such as the case with several moose hunts within the Western Interior region.

Land management agencies within the Western Interior region currently conduct their own wildlife surveys, while also cooperating with ADF&G on surveys to monitor terrestrial mammals. The Bureau of Land Management (BLM), National Park Service (NPS) and the U.S. Fish and Wildlife Service (USFWS) participate in and contribute to moose surveys in Units 21 and 24; caribou monitoring in Units 19, 21 and 24; muskox monitoring in Unit 21; and sheep surveys in Unit 24. In upcoming sheep surveys, the BLM and NPS are planning to expand their survey areas to gather new information needed for the management of the population. In addition, National wildlife refuges perform waterfowl surveys to monitor population trends of migratory birds.

3. <u>Tribal representation on the Fisheries Resource Monitoring Program (FRMP) Technical Review Committee (TRC)</u>

At its meeting held October 13-14, 2021, the Council discussed at length the need to revise FRMP research to prioritize projects by local Tribes and regional Tribal organizations. The Council believes there needs to be more consultation and involvement with Tribes and that the current FRMP process precludes Tribal input. The Council discussed the need to have a Tribal entity on the TRC so that there is meaningful Tribal involvement in the FRMP decision making process, and the need to include monies for natural resources monitoring in their region in the base funding for State and Federal agencies.

<u>Recommendation:</u>

Pursuant to the intent of ANILCA, Title VIII and cooperative agreements with Alaska Native Organizations as described in ANILCA Section 809, the Council requests that sustainable management of Alaska fish and wildlife populations should be funded through State and Federal base budgets, not through competitive grant programs like the FRMP. Furthermore, the TRC should be expanded to include technical expertise from Alaska Tribal organizations who are best positioned to be able to advance traditional knowledge, research and management integration, as well as employ biologists and anthropologists who should be involved in reviewing FRMP proposals.

Response:

The Board appreciates and agrees with the Council's guidance on additional Tribal involvement with FRMP funded research and is receptive to the concerns raised about Tribal input into the process for selecting awards. The FRMP was established to help provide the critical information needed for management of subsistence fisheries on Federal public lands, and who better to provide that information than the people living on the land and subsisting on those resources.

The FRMP is a competitive financial assistance program with specific criteria that are used to evaluate each submitted project. The eligibility to submit proposals to the FRMP is unrestricted, although those submitting proposals should have the necessary technical and administrative abilities and resources to ensure successful completion of the studies. As such, while we agree that it would be optimal if sustainable management of fish and wildlife populations was funded through base budgets of State and Federal agencies, they are not prohibited from applying for funding through the FRMP.

The TRC, which performs the task of evaluating submitted FRMP proposals, is an intergovernmental committee composed of Federal and State agency employees acting in their official capacities. Committee members exchange views, information, or advice relating to the management or implementation of Federal programs established pursuant to statute that explicitly share intergovernmental responsibilities or administration. The members of the TRC are social scientists and fisheries biologists from the Bureau of Indian Affairs, Bureau of Land

Management, Fish and Wildlife Service, Forest Service, National Park Service, the Bureau of Ocean Energy and Management, and the Alaska Department of Fish and Game (ADF&G). ADF&G shares responsibility for the management and administration of subsistence resources and are therefore allowed to participate on the TRC. Tribes have no such responsibility or authority under the statute.

There are legal challenges associated with including members from Tribes in the TRC, and these challenges prevented the TRC from expanding in the past. In 2005, TRC membership was expanded briefly to include two representatives of tribal organizations. However, the TRC membership quickly reverted because including members of the public (including Council members) meant that the TRC should have been chartered as an advisory committee under the Federal Advisory Committee Act (FACA), just as the Councils are chartered. In the absence of a FACA charter, any funding decisions based on recommendations made by the TRC at the time would have been reversed by a court, which is the standard legal remedy for a FACA violation. In other words, the FRMP was legally vulnerable. A new advisory committee charter could be submitted, but approval often takes 18 months or more. This would also require that the TRC would have to comply with the requirements of FACA, including a membership that is balanced in terms of interest affected, advanced notice to the public of meetings, and meetings that are open to the public. The last item would be the most problematic, as the review process for Financial Assistance awards is confidential.

This is a good opportunity to highlight another component of the Federal Subsistence Management Program, the Partners for Fisheries Monitoring Program. This is a competitive funding program that is specifically targeted to strengthen Alaska Native and rural involvement in Federal subsistence fisheries management and research. It provides up to four years of funding for biologist, social scientist, or educator positions in Alaska Native and rural organizations with the intent of developing capacity and increasing the organization's ability to participate in Federal subsistence management. The program has been in place since 2003 and has benefited from the inclusion of a number of Tribal or rural organizations, including Orutsararmiut Native Council in Bethel, Tanana Chiefs Conference, and the Native Village of Napaimute. The next call for Partners applications will be in late 2022 or early 2023, and we strongly encourage the Council's involvement in soliciting applicants in the region that could benefit from this program.

4. <u>State violation of ANILCA Title VIII during a Federal closure on the Kuskokwim</u>

The Council is very concerned about the State of Alaska's violation of ANILCA, Title VIII, on June 28th, 2021, when the Alaska Department of Fish and Game opened gillnet fishing for salmon in Federal waters for all Alaska residents after the Federal in-season manager, in partnership with the Kuskokwim River Intertribal Fish Commission, had closed all salmon fishing with gillnets in Federal waters. This action, if unchallenged, indicates that the Federal subsistence protections, fought for so long and hard by Katie John, no longer exist. The Board and Secretaries of the Interior and Agriculture must take proactive actions to enforce ANILCA, Title VIII.

Recommendation:

The Council requests the Board and Secretaries of the Interior and Agriculture take immediate action to enforce the Federal subsistence priority of Title VIII of ANILCA on the Kuskokwim River to prevent future illegal State gillnet openings, like the one that occurred on June 28th, 2021. This opening caused confusion for Federally qualified subsistence users in the region, was not justified due to conservation concerns, and went against recommendations of the Kuskokwim River Salmon Management Working Group.

Response:

The Board notified the Department of Justice and the Solicitor's Office regarding this issue. The Federal government filed a lawsuit against the State of Alaska in the Federal District Court on May 17, 2022 in which the United States is asking the Court to enjoin ADF&G from taking similar actions in the future. There will be additional legal updates by the time this response is presented to you at your fall 2022 meeting.

5. Bureau of Land Management Guide Use Permitting for Dall's Sheep

The Council continues to be very concerned about the impact that guided hunting for Dall's sheep is having on the population of this species in the central Brooks Range. Sheep populations continue to be very low and the Council believes that the continued issuance of guide use permits by the Bureau of Land Management (BLM) is exacerbating this problem. Section 802 of ANILCA states that the utilization of public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of resources of such lands, consistent with sound management principles and the conservation of healthy populations of fish and wildlife. The Council would like to see the elimination of any guided hunters on BLM lands until sheep populations are sufficiently recovered.

Recommendation:

The Council will be writing a letter to the State Director of the BLM stating that we have a crisis situation with the Dall's sheep population in our region as a result of the BLM's special recreation process and that this process needs to be revised to protect the sheep population and provide for a subsistence priority as outlined in ANILCA, Title VIII.

Response:

The Board appreciates the Council's comments regarding the decline in the Dall sheep population in the Central Brooks Range. Key facts previously presented verbally and in writing to the Council about the Central Yukon Field Office (CYFO) hunting guide Special Recreation Permitting (SRP) program are as follows:

- BLM hunting guides have distinct individual, non-overlapping geographic areas in which they operate

- CYFO currently has three permitted hunting guides allowed to guide for Dall sheep hunting in Unit 24

- No guided Dall sheep hunts are permitted west of the Dalton Highway in Unit 24

- The average number of Dall sheep harvested by BLM-permitted hunting guides from 2010-2020 CYFO-wide is 3 sheep per year in GUAs 24-03, 25-02, and 25-03. These numbers are reported to the Big Game Commercial Services Board and to the BLM by our SRP holders.

While there is increasing concern about current Dall sheep population levels, it does seem unlikely that the recent 10-year average annual harvest of three sheep per year associated with the CYFO SRP program has been having a substantial or disproportionate impact in and of itself. The BLM State Director has received your letter and acknowledges the concerns the Council has regarding the special recreation permitting process.

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 Western Interior Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

cc: Western 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

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

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

FOREST SERVICE

In Reply Refer To
OSM 22067.KW

Louis Green, Chair
Seward Peninsula Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Green:

This letter responds to the Seward Peninsula 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. Resident Caribou Herd in the Northern Seward Peninsula

At its fall meeting held October 26-27, 2021, the Council heard from multiple individuals regarding caribou and reindeer on the northern Seward Peninsula. Alaska Department of Fish and Game (ADF&G) biologists Alex Hansen and Bill Dunker discussed the current status of the Western Arctic Caribou Herd (WACH) and shared some perspectives on the caribou and/or reindeer that may now represent a resident herd in the northern portion of Unit 22. According to ADF&G, caribou and/or reindeer can be found year-round on the Seward Peninsula. It is unknown, however, if caribou from the WACH have mingled in with local reindeer, if these animals migrate intermittently with the larger WACH, or if they now permanently inhabit the area. There are an estimated 3,000-5,000 animals that appear to be in the area year-round. There has been no research conducted to confirm if the herd is comprised more of rogue reindeer or caribou that dispersed from the WACH and no longer migrate.

Council members mentioned that there are caribou or a hybrid of caribou-reindeer towards Serpentine Hot Springs in Bering Land Bridge National Preserve. They inquired on the status of caribou distributed on the northern peninsula, and expressed concern that the sedentary population may deter migrating caribou from these wintering grounds, and prevent the traditional north-south WACH migration.

Recommendation:
The Council is requesting that ADF&G and Federal agencies initiate research on what appears to be a resident herd of caribou and/or reindeer in the northern Seward Peninsula. Collaring animals will provide a better understanding of whether or not these animals migrate. Genetic research will help identify whether these animals are reindeer or caribou, and possibly their origin.

The purpose of including the Council's concerns in the Annual Report is to alert the Board that the Council is bringing up questions and concerns of caribou residing in the northern Seward Peninsula year-round.

Response:

The Board acknowledges that Council members would like to understand the range and genetic structure of caribou that reside on the northern Seward Peninsula. Historically, discussions have taken place among agency staff at public meetings, as Alaska Department of Fish and Game Western Arctic Caribou biologist Alex Hansen stated at the October 2021 fall Council meeting. Bering Land Bridge National Preserve (BELA) recognizes there are caribou year-round on the northern Seward Peninsula, but the population status and extent of their range is unknown and there is no assessment project in the works. BELA staff will initiate Tribal consultations, conduct a literature review, and engage with staff from the University of Alaska Fairbanks Reindeer Research Program to learn what genetic work has been accomplished with reindeer on the northern Seward Peninsula. These efforts are attainable within the near future and information will be brought forward to the Council.

2. Bering Sea-Western Interior Planning Area Environmental Impact Statement

The Council brought up concerns regarding land use in the Unalakleet, Golovin, and Golsovia drainages following the signing of the Bering Sea-Western Interior Environmental Impact Statement on January 15, 2021. Several Council members expressed apprehension that the Areas of Critical Environmental Concern (ACEC) and the lifting of Public Land Orders (PLO) were not comprehensively addressed in the environmental impact statement (EIS). This could lead to potential impacts on subsistence resources if mining activities were to be conducted in the Unalakleet, Golovin, and Golsovia drainages. The Council is particularly concerned about mining activities reducing lichen availability in areas where caribou and reindeer graze. The Council also worries about impacts to anadromous fish streams due to potential mining activities.

According to Bureau of Land Management (BLM) staff, most of the PLOs were set aside under ANILCA and the Alaska Native Claims Settlement Act (ANCSA). The EIS addressed which PLOs will remain in effect or be lifted. Therefore, if PLOs are lifted, Federal mining claims can be staked within areas that are critical to subsistence activities and resources. Currently, BLM has not lifted any of the PLOs. This is done at the Secretary of Interior level. The lands are currently not open to mineral entry, but have the potential to be.

Recommendation:
The Council requests that these concerns be elevated to the Secretary of the Interior through the Board to keep PLOs in place to protect subsistence activities and resources.

Response:

The Board is grateful for your review and vigilance on this issue. As advisors to the Secretary of the Interior and the Secretary of Agriculture (Secretaries), it is appropriate that Regional Advisory Councils communicate important subsistence related issues to the Secretaries. The Board encourages the Council to have a detailed discussion of this issue on record and to formulate your request to the Board in a letter. Per your Subsistence Regional Advisory Council Correspondence Policy, you should submit your correspondence to the Board through the Assistant Regional Director of the Office of Subsistence Management. Then Board would be able to discuss your request to elevate your concerns the Office of the Secretary of the Interior. Thank you for bringing these potential impacts on your subsistence ways of life to the Board's attention.

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

Sincerely,

Anthony Christianson
Chair

cc: Seward Peninsula 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

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

In Reply Refer To
OSM 22058.KW

Thomas Baker, Chair
Northwest Arctic Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Baker:

This letter responds to the Northwest Arctic 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. Lack of Success in Harvesting Caribou in Unit 23 by Federally-Qualified Subsistence Users Due to Changes in Caribou Migration Patterns and the Associated Effects of Guides/Transporters and Climate Change on the Western Arctic Caribou Herd

Many communities across our region have been unable to successfully harvest caribou during the typical fall season when we traditionally hunt. For example, this meeting being held in the first week of November and many communities are still waiting and have not seen caribou yet. We believe this is caused in part by people coming from outside the region to hunt caribou at the same time Federally qualified subsistence users are hunting caribou in the traditional season when the caribou come through. Sport hunters are able to fly ahead of the herd and interrupt and deflect the caribou migration pattern. Climate change is also having an impact on the caribou and their migration. The longer summers, warmer winters, rain on snow events, and thin river ice seems to be having an effect on the caribou behavior and movements. Winters used to be consistently cold, well below zero, and now we don't see that anymore. This year the caribou wintered around Anaktuvuk Pass and the Noatak Valley when they used to winter around Buckland. The caribou movements seem to be hap-hazard, they are not following their

usual migration timing and routes. There is also evidence of radio collared caribou being deflected by the Red Dog Mine Road. There are so many stressors on the caribou that it is imperative to protect the caribou as best possible and ensure that subsistence hunters have a priority to be able to feed their family and community.

The Council requests ongoing monitoring of the caribou herd and more information on permitting for guided hunts and transporters on Federal public lands in Unit 23. The Council submitted WSA21-01 to restrict hunting of caribou to only Federally qualified subsistence users on Federal lands for just the specific period of time when the fall caribou migration is essential to local communities. The circumstances are dire – many communities are not seeing caribou on their usual migratory routes as they usually do and hunters have to travel very far at great expense and may not be successful. We survive on caribou. Food insecurity is real – rural communities do not have access to other healthy foods to replace caribou. It is imperative to the health and wellbeing of rural communities that subsistence opportunity and subsistence priority is protected on Federal lands.

The 2021 caribou census shows a dramatic decline in the Western Arctic Caribou Herd. This confirms our worst concerns and observations of a declining population trend in recent years. The population is now so low that the Western Arctic Caribou Herd Working Group has changed the status of the herd to "preservative declining." The Council remains greatly concerned about the lack of action by the Board in response to our Wildlife Special Action request WSA21-01, citing a lack of substantial evidence. Now the scientific data clearly shows the herd is in critical condition and all actions must be taken to sustain it. The caribou sustains us – it is so important to our communities. The Board is accountable to and should have listened to local subsistence users and not be pressured by sportsman lobbies. The Council recommendations to the Board are to ensure the viability of the caribou herd and continuation of our subsistence way of life and subsistence priority when conservation requires harvest restrictions. Current scientific data supports our observations and request.

The Council is extremely concerned about the potential for continued dramatic decline of the caribou herd as was experienced back in the 1970s when subsistence caribou harvest was essentially closed. A combination of western science and local traditional knowledge is necessary to monitor and inform management of the Western Arctic Caribou herd throughout its range.

The Council calls for the Federal Subsistence Board to further engage with local rural communities and talk with people about their on the ground experience and observations. Incorporating traditional knowledge, both current and historic observations handed down through the generations, is essential to the sound management of this caribou herd and assuring the continuation of subsistence now and for future generations.

Response:

The Board recognizes that residents of most communities in the Northwest Arctic Region have been unable to harvest caribou during their traditional fall harvest season in recent years due to

changing migration patterns. There are indeed multiple stressors on the Western Arctic Caribou Herd, including climate change, human activity, and the Red Dog Mine road. These factors have in turn created significant hardship for local residents. Local observations, Indigenous Traditional Ecological Knowledge (ITEK), and Western science mutually reinforce our understanding of these factors, which are likely cumulative.

In many cases, ITEK indicates when a conservation issue exists before such effects are reflected by Western science. When the Board approved wildlife special action WSA21-01a with modification on March 30, 2022, it based the decision to create a targeted temporary closure both on ITEK and photocensus evidence of herd decline. Further progress can still be made in bringing these two knowledge traditions together within analyses and decisions. Furthermore, when the Board relies on ITEK in its decision-making, as it often does, it can explicitly acknowledge this use on the record.

The earlier deferral of WSA21-01 allowed the Office of Subsistence Management (OSM) to gather and analyze substantial local testimony about both the herd and people's inability to continue subsistence uses of caribou in the region. Further, OSM was able to bring Federal land managers, including the National Park Service (NPS), the Bureau of Land Management, and the U.S. Fish and Wildlife Service, together to outline a path for better documentation and sharing of data on guide and transporter activity on Federal public lands. The National Park Service shared data on guide and transporter use of Noatak National Preserve, which was incorporated into the analysis of WSA21-01a. The Board hopes that this information will be useful to the Council.

Finally, the Board understands that the Alaska Department of Fish and Game (ADF&G) is planning another photocensus of the Western Arctic Caribou herd this summer 2022, weather permitting. Further, ADF&G and NPS put out 36 radio-collars this last April 2022 and plan on continuing this monitoring protocol indefinitely. They will pick up collars from mortalities and the camera collars which are programmed to drop later this summer and likely share preliminary findings with your Council this fall.

2. <u>Need for Arctic Grayling and Salmon Research in Unit 23</u>

Arctic Grayling is a very important subsistence fish resource. However, it has been many years since any studies were conducted on Grayling in the Northwest Arctic region. The Council requests that this be pursued as a research priority for funding under the Fisheries Resource Monitoring Program or other fisheries research initiatives. Similarly, salmon is an extremely important subsistence fish resource, and the Council would like to receive updated reports on the status of salmon populations in the region. Ongoing subsistence salmon monitoring programs are important.

Response:

The Board recognizes the need for research on Arctic Grayling and salmon in the Northwest Arctic Region. Very little information is available for these important fish in the region. The

Board encourages the Council to add these research topics during the fall 2022 meeting as Priority Information Needs for the Fisheries Resource Monitoring Program (FRMP).

The Priority Information Needs are driven by Councils' recommendations and comments regarding concerns witnessed in their respective regions. Investigators interested in applying for funding through the FRMP use the Priority Information Needs to guide their development of research proposals. Investigators are encouraged to consider the importance of the Priority Information Needs identified by the Council and work closely with the Council and local land managers to develop research plans addressing key areas of regional interest. When reviewing proposals for FRMP funding, the Technical Review Committee, a group of scientists representing State and Federal agencies in Alaska, assesses and evaluates the extent that each addresses Priority Information Needs. This process ensures that Council recommendations and comments are prioritized when considering FRMP project funding.

Regarding salmon updates, the Board will ask staff at OSM to reach out to regional research agencies to request updates for future meetings.

3. <u>Request For Updated Reports on Population Change in Moose and Beaver</u>

The Council is very concerned about the decline in the moose population. Moose are a critical subsistence resource for communities especially in times when the caribou are scarce. The Council requests ongoing monitoring and population surveys for moose in Unit 23 and regular reports at the Council meetings.

Conversely, beaver populations are rapidly increasing and expanding. The Council requests to receive reports on the extent of beaver expansion, discuss interaction with other subsistence resources, and ensure the subsistence opportunity for the hunting and trapping of beaver is expanded as the population grows.

Response:

The Board recognizes that the moose and beaver are two very important subsistence resources in the Northwest Arctic Region. In reply to the Council's request, we would like to provide the Council with the following information on both species.

<u>Moose</u>

State and Federal agencies work closely with each other to monitor moose in Unit 23. The NPS partners with the ADF&G to monitor six survey areas in the Northwest Arctic region (**Figure 1**). One area is surveyed each year on a rotating basis. Each area is approximately 5,000 square miles and takes over 100 flight hours to survey (Fronstin 2022, pers. comm.). Survey related costs, severe staffing and pilot shortages, environmental and seasonal limitations, as well as a responsibility to monitor many other species in the region are all factors limiting the completion of more moose surveys. Due to the same limitations, Selawik National Wildlife Refuge supports

and relies on ADF&G and NPS to conduct moose surveys in the region (Carter 2022, pers. comm.).

During the spring of 2022, ADF&G and NPS completed a moose count survey in the Lower Kobuk survey area (**Figure 1**). This survey took over 135 flight hours to complete. For this one survey, flight cost alone was well over $70,000 without including other logistical costs like hazard pay for employees, transportation, group food costs if in the backcountry, etc. (Fronstin 2022, pers. comm.). The State and Federal agencies will continue to work together to monitor the Unit 23 moose population and provide regular reports on the moose population at the Council meetings.

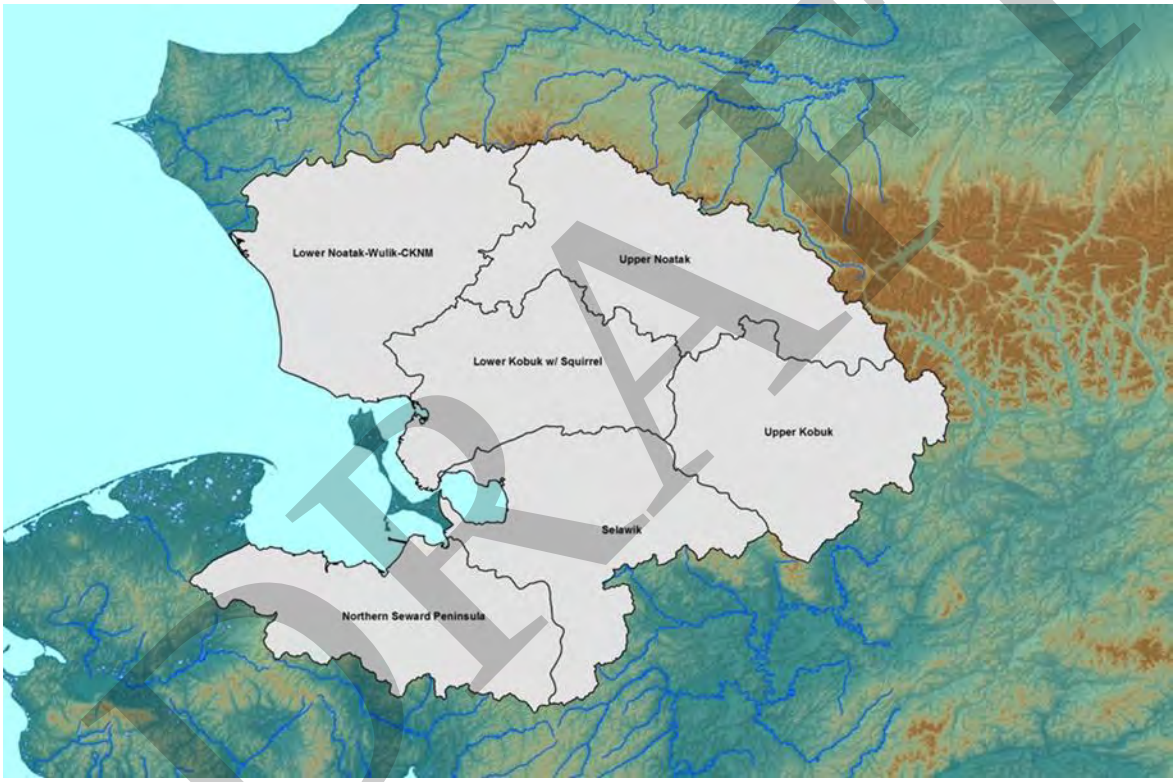

Figure 1. ADF&G Moose census area. (Saito 2018 in OSM 2022)

Beaver

Beaver populations in Unit 23 are not currently surveyed. Severe staffing shortages, environmental and seasonal limitations, access to survey areas and cost are some of the many limitations for conducting beaver abundance surveys (Carter 2022, pers. comm.; Fronstin 2022, pers. comm.; Wiese 2022, pers. comm.; Tape 2022, pers. comm.). However, Jon O'Donnell with NPS has begun researching the implications of beaver range expansion in the Arctic. Recent research suggests that beaver populations in the Arctic are expanding their range due to climate change, and the population is increasing and expected to continue to increase throughout the region (O'Donnell 2022, pers. comm.; Tape et al. 2022).

Ken Tape at the University of Alaska Fairbanks recently began a 5-year project studying beaver range expansion in Arctic Alaska and the impacts it will have. This project includes mapping locations of beaver ponds and how they have changed over time in the Northwest Arctic and Seward Peninsula regions (Tape 2022, pers. comm.). Comparing the number of beaver ponds per km^2 that are locatable in aerial images taken from 2000-2006 to aerial images taken from 2016-2019, there has been a significant increase in four of the five watersheds studied (**Figure 2**, Tape 2022, pers. comm.). Ken Tape has also presented about beavers at previous Council meetings. The Board encourages the Council to work with their Council coordinator to invite Dr. Tape or others to their upcoming meetings to discuss beavers in the Northwest Arctic region.

Beaver harvest regulations are already extremely liberal in Unit 23. At their April 2022 meeting, the Board adopted wildlife proposal WP22-50, which increased the beaver harvest limit in Unit 23 to 'no limit'. Currently, under State and Federal regulations, the beaver trapping season is year-round with no harvest limit. The Federal hunting season is also year-round with no harvest limit.

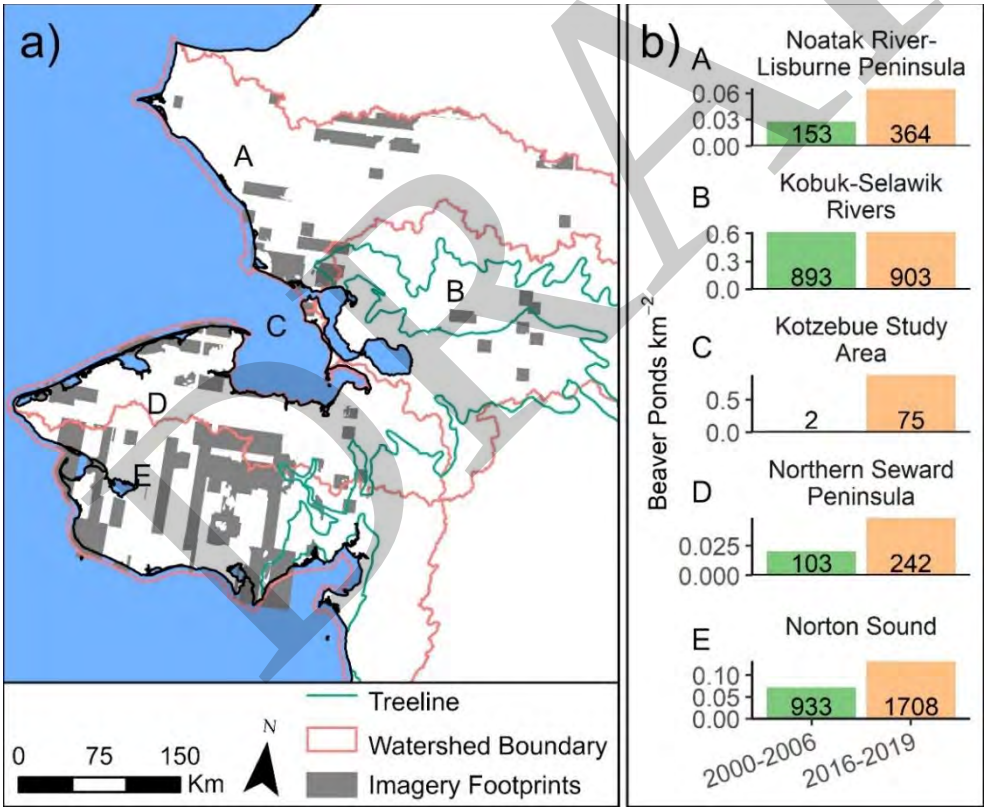

Figure 2. Beaver ponds per km^2 in 2000-2006 compared to Beaver ponds per km^2 in 2016-2019 by watershed boundary (Tape et al. 2022)

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Carter, Bill. 2022. Wildlife biologist. Personal communication: email. FWS. Kotzebue, AK

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OSM. 2022. Staff analysis WSA21-01b. Federal Subsistence Board Meeting Materials. March 30, 2022. Office of Subsistence Management, USFWS. Anchorage, AK

Tape, K.D., Clark, J.A., Jones, B.M., Kantner, S., Gaglioti, B.V., Nitze, I., Grosse, G., 2022. Expanding beaver pond distribution in Arctic Alaska, 1949-2019. Unpublished Scientific Reports. UAF. Fairbanks, AK. 7pp

Tape, Ken. 2022. Researcher. Personal communication: email. UAF. Fairbanks, AK

Wiese, Wilhelm. 2022. Wildlife biologist. Personal communication: email. FWS. Kotzebue, AK

4. Need to Have RAC Representatives Attend the Ambler Mine Access Road Meetings

The Council is very concerned about the Ambler Mine Access Road and impacts the road will have on caribou and other critical subsistence resources. The Council requests comprehensive reports on the planned road development and representatives of the agencies leading the road development to address the Council at our meetings. Further the Council would like to have Council members have representation at Ambler Mine Access Road meetings.

Response:

The Board supports the Council's desire to participate and voice their concerns regarding subsistence during this construction project. At the Council's request representatives of Ambler Access project were invited to report to the Council and Charlene Ostbloom provided the Council with an update and overview of the project and formation of the Ambler Road project Subsistence Advisory Committee (SAC). Currently Council member Wilbur Howarth of Noorvik applied for and was appointed to serve on the SAC; however, this seat is not specifically reserved for a Council representative. The Board will request that your Council Coordinator reach out to the agencies leading the road development to request comprehensive reports for one of the upcoming Council meetings.

As per the Joint Record of Decision for the Ambler Road project, the Alaska Industrial Development and Export Authority (AIDEA) included a design feature to establish a Subsistence Advisory Committee (SAC). AIDEA has facilitated setting up that body under the leadership of two Co-Chairs. Since development of the SAC was a voluntary design feature initiated by AIDEA for the project, the Bureau of Land Management does not play a specific role at this time in determining the makeup of the SAC. However, the NPS Gates of the Arctic Subsistence Resource Commission (GAAR SRC) has successfully sought a SRC specific seat on the AIDEA-supported Ambler Road SAC, delegated an interim SRC representative to participate at the next meeting, and will formally be nominating a representative to serve in the capacity at the fall GAAR SRC meeting.

Inclusion of Council members on the Ambler Road project SAC is currently a matter to be decided by the SAC Co-Chairs. If they have not reached out to the Councils yet, good contacts for the SAC are Charlene Ostbloom (costbloom@ambleraccess.org) and Kathy Mayo (kathy.mayo@kmayoassociates.com). Additionally, more information on the SAC and how to apply for the membership can be found at https://ambleraccess.org/Community-Engagement/Subsistence-Advisory-Committee

The Board believes it would be beneficial to also have strong engagement between the SAC and the Councils. The NPS Resource Program Manager at Gates of the Arctic National Park and Preserve and Yukon-Charley Rivers National Preserve made this explicit recommendation to the SAC organizers when he spoke with them.

5. Request for RAC Representation on the Western Arctic Caribou Herd Working Group

The Council requests that the Federal Subsistence Regional Advisory Councils have representation on the Western Arctic Caribou Herd (WACH) Working Group. This caribou herd is one of most important subsistence resources for the Northwest Arctic region, but currently there is not a Federal subsistence seat on the WACH Working Group. In the interim the Council requests support from the Federal Subsistence Management Program so a RAC member can travel to attend the WACH Working Group meetings and have the opportunity to at least participate in the public meeting on behalf of the Council.

Response:

The WACH Working Group is comprised of 20 members, most of whom represent communities within the range of the WACH. The Working Group set the seats when the group was formed and has never added additional seats. According to the group's bylaws, "The number of stakeholders in the Working Group is determined by the Working Group itself" (see enclosure).

While adding an additional seat to the Working Group is beyond the Board's authority, the Board suggests that the Council work with its Council Coordinator to write a letter to the WACH Working Group requesting representation from the Federal Subsistence Regional Advisory Councils. The WACH Working Group can then consider the Council's request and respond accordingly.

Of note, the WACH Working Group intends to work with the Councils on WACH management. In its charter, the WACH Working Group states, ". . . this group collaborates and works cooperatively with all existing institutions including . . . federal subsistence advisory bodies to achieve consensus on caribou and management of the WACH."

The group's mission statement also demonstrates its commitment to subsistence uses, "*To work together to ensure the long term conservation of the Western Arctic caribou herd and the ecosystem on which it depends, and to maintain traditional and other uses for the benefit of all people now and in the future.*"

Dependent on the Program's travel budget allowances for each fiscal year, the Federal Subsistence Management Program might be able to provide travel support for one Council member to participate in the WACH Working Group public meeting once a year. In each particular instance of travel, your Council Coordinator will need to direct a request to OSM Assistant Regional Director for approval.

6. <u>Concern about Current Council Membership and Need for Representation from the Upper Kobuk River Villages and From Selawik</u>

The Council is very concerned about current vacancies on the Council and lack of representation from communities in the heart of the Western Arctic Caribou Herd. Because of the movement of the caribou herd through these regions is essential to subsistence communities, their observations and input is critical to the Council's effectiveness when addressing caribou management concerns. The Council requests the support of the Federal Subsistence Program to conduct outreach to these communities and encourage applications to serve on the Northwest Arctic Subsistence Regional Advisory Council.

Response:

The Board hears the Council's concerns about the vacant seats and lack of representation on the Council from the Upper Kobuk River Villages and Selawik. However, Secretaries of the Interior and Agriculture filled the vacant seats on the Council with newly appointed and reappointed members for the 2021 appointment year, and the Council now has one representative from Ambler.

In 2022, the Board received seven applications from new applicants and incumbents. The Board will review the applications and will make its recommendations to the Secretaries of the Interior and Agriculture on the appointments by the end of summer 2022. If any of 2022 applications are from the Upper Kobuk River Villages and Selawik, the Board will take the Council's request into consideration when making the appointment recommendations.

7. <u>Request for Engagement with Elder Support/Subsistence Programs Conducted by the Maniilaq Association</u>

Maniilaq, the regional Native non-profit corporation serving 12 Federally Recognized Tribes in the Northwest Arctic region, helps support rural communities through a traditional foods program. Through this program they provide funds for gas and hunting supplies for each village in support of local hunters to provide for their community. The Council requests the Federal subsistence program engage with these local subsistence initiatives and invites Maniilaq to provide a report at our next meeting. These programs can provide important information such as traditional knowledge to inform management of caribou and moose and also have key insights into whether subsistence harvest needs are being met for each community.

The Council hears frequent reports of people having difficulty getting food, and store shelves are empty. Support getting healthy subsistence foods is more important now than ever. Many Elders get support through the Maniilaq healthy foods program. The Council is interested to know if Federal dollars help support these important programs.

Response:

The Board appreciates the Council sharing information about Maniilaq's traditional and healthy food programs, which are an important part of supporting traditional subsistence practices in the region. The Board is happy to support engagement between the Council and these programs, and OSM will reach out to Maniilaq to request a report at an upcoming meeting.

Further, the Board acknowledges the significant hardship that local residents are experiencing as a result of difficulty harvesting traditional subsistence resources, especially caribou. Maniilaq's programs may become even more vital as climate change continues to make subsistence harvest unpredictable. Regulatory interventions can only go so far in addressing these changes. When Maniilaq makes their report, they may wish to help the Council and the OSM better understand where their funding comes from.

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 Northwest Arctic Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Northwest Arctic 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

WESTERN ARCTIC CARIBOU HERD WORKING GROUP
MEMBERSHIP LIST
December 2021

Working Group Seat	Primary Member	Alternate Member*
1. Anchorage Advisory Committee	Neil DeWitt	Matt Moore
2. Buckland, Deering, Selawik	Vida Coaltrain	Raymond Lee, Jr.
3. Anaktuvuk Pass, Nuiqsut	Eli Nukapigak	Mary Hugo
4. Elim, Golovin, White Mountain	Charles Saccheus	Morris Nakaruk
5. Fairbanks Hunters	David Kilbourn	John Siegfried
6. Hunting Guides	Jake Jacobson	John (Thor) Stacey
7. Kivalina, Noatak	Enoch Mitchell	Daniel Foster, Sr.
8. Kotzebue	Cyrus Harris (ViceChair)	Willie Goodwin
9. Koyukuk River	Pollock Simon, Sr.	Jack Reakoff
10. Lower Kobuk River	Vern Cleveland, Sr (Chair)	Kirk Sampson
11. Middle Yukon River	Michael Stickman	Arnold Demoski
12. Point Hope and Point Lay	Steve Oomittuk	Caroline Cannon
13. Nome	Charlie Lean	Jacob Martin
14. Conservationists	Tim Fullman	Alex Johnson
15. Northern Seward Peninsula	Elmer Seetot, Jr.	*vacant*
16. Reindeer Herders Association	Tom Gray	Harry Karmun
17. Southern Seward Peninsula	Morris Nassuk	Leo Charles, Sr.
18. Transporters	Brad Saalsaa	Brian Alberts
19. Upper Kobuk River	William Bernhardt	Oscar Griest, Sr.
20. Atqasuk, Utqiaġvik, Wainwright	Wanda Kippi	*vacant*

yellow highlight = need to be confirmed at the 2021 meeting
* Alternate member attends when Primary member is not able to attend

Officers - Officers in the Working Group include a Chair and Vice-Chair elected by the membership. Each shall serve a staggered three-year term.

Current Chair and Vice Chair terms:

Chair, Vern Cleveland, Sr.	2020-2022
Vice-Chair, Cyrus Harris	2019-2021

The following communities are the geographic areas represented by the Working Group seats. (Community groupings were approved by the WACH Working Group in December 2012.)

9. Koyukuk River: Huslia, Hughes, Allakaket, Bettles, Wiseman
10. Lower Kobuk River: Noorvik, Kiana
11. Middle Yukon River: Galena, Koyukuk, Nulato, Kaltag
15. Northern Seward Peninsula: Teller, Brevig Mission, Wales, Shishmaref
17. Southern Seward Peninsula: Koyuk, Shaktoolik, Unalakleet, Stebbins, St. Michael, Kotlik
19. Upper Kobuk River: Ambler, Shungnak, Kobuk

CHARTER

FOR THE WESTERN ARTIC CARIBOU HERD WORKING GROUP*

I. Authorities

- Public meeting laws of the United States and the State of Alaska
- Title 16 of the Alaska Statutes (management of fish and game)
- ANILCA (Section 809)

II. Purpose

The Western Arctic Caribou Herd (WACH) Working Group is a permanent regional organization of representative stakeholders that meets regularly to exchange traditional and western scientific knowledge and through a process of consensual decision making, the Working Group coordinates suggested management guidelines to both the Alaska Board of Game and the Federal Subsistence Board.

Through these activities, the Working Group intends to ensure the conservation of the Western Arctic Caribou Herd, safeguard the spiritual and cultural well being of Alaska Natives and the interests of all users of the herd and to integrate indigenous knowledge with western science.

III. Goals and Objectives

G1. To insure health and conservation of the WACH

a. Emphasize protection of critical habitat (migration routes, calving grounds, winter and summer ranges).

b. Develop and implement a WACH management plan.

G2. To provide a harvest consistent with the customs, traditions and spiritual needs of all consumptive users.

a. Explore opportunities for tribal self-regulation.

G3. To involve federally recognized tribes, State and Federal agencies and all other users in making recommendations for research, monitoring, regulation, allocation and enforcement.

a. Establish communication with the reindeer industry, guides, transporters and other aircraft operators to minimize conflict.

G4. To respect indigenous, traditional and scientific knowledge and integrate them into management decisions.

G5. To emphasize indigenous, traditional and scientific education and foster communication among all caribou users.

a. Provide information and educational materials concerning the WACH and this charter to users, schools, communities, agencies and media services.

IV. Relationship to other organizations

The Working Group is not intended to function primarily as a political or lobbying institution. Nor is the Working Group intended to replace fish and game regulatory bodies such as the Alaska Board of Game and the Federal Subsistence Board.

The Working Group sees itself as a body that brings together all of the knowledge and concerns that people have in northwestern Alaska concerning the care and management of the Western Arctic Caribou Herd. It is a holistic approach intended to inform and educate all caribou users and to assist regulatory bodies with their work. Specifically this group collaborates and works cooperatively with all existing institutions including boroughs, land owners, regional, state, and federal subsistence advisory bodies to achieve consensus on care and management of the WACH.

*Drafted by Ken Adkisson, Earl Kingik, Dave Spirtes, John Trent and Pius Washington with assistance from Caleb Pungowiyi on June 27 at Kotzebue. The draft charter was subsequently modified and approved by consensus of the Working Group at Anaktuvuk Pass on August 2, 2000.

# # #

BYLAWS

FOR THE WESTERN ARCTIC CARIBOU HERD WORKING GROUP*

ARTICLE I. Name

The name of this organization is the Western Arctic Caribou Herd Working Group (Working Group).

ARTICLE II. Membership

Membership in the Working Group consists of representatives of stakeholders with a direct interest in the care and management of the WACH. The number of stakeholders in the Working Group is determined by the Working Group itself. Each stakeholder representative, however, is selected by his own constituency and serves at the pleasure of that constituency. In the event that a stakeholder representative cannot attend a function of the Working Group, there shall be a designated alternate representative.

A quorum of the Working Group will consist of greater than fifty percent (50%) of the existing Voting Chairs.

ARTICLE III. Voting

Each member in the Working Group has one vote. However the preferred method of decision making is by consensus process.

In the event that consensus cannot be reached on an issue, voting by majority will carry the issue. A minority report will also be recorded in the minutes of the meeting.

ARTICLE IV. Officers

Officers in the Working Group shall be a Chair and Vice-chair elected by the membership. Each shall serve a staggered three year term. In the event an officer cannot complete a term, a replacement will be elected by the Working Group.

ARTICLE V. Duties of Officers

The duties of the Chair shall consist of chairing meetings; representing the Working Group to other organizations, the public and the media; appointing special committees; consulting with and directing the resource agencies; and other duties consistent with the purpose and goals of the Working Group.

The duties of the Vice-chair are to assist the Chair and to fill in for the Chair when absent.

ARTICLE VI. Meetings

The Chair will convene two meetings per calendar year. Meeting locations will be rotated. Meetings will follow procedures described in Roberts Rules of Order.

ARTICLE VII. Relationship of resource management agencies to the Working Group

Resource agencies consist at this time of the USFWS, BLM, NPS, BIA, and ADF&G. Other agencies may join at a later date. Resource agencies serve as staff to the Working Group in a non-voting capacity. An agency representative will work closely with the Working Group Chair to provide professional services and support to the Working Group.

ARTICLE VIII. Funding

The resource agencies will work with the Working Group Chair to secure adequate long-term funding to support activities of the Working Group.

ARTICLE IX. Executive Committee

The Working Group shall establish an Executive Committee to make decisions when the Working Group is not in session. The voting members of the Executive Committee shall consist of the Chair, Vice Chair, and three additional Working Group voting chairs representing diversity on the Working Group. A quorum of the Executive Committee will consist of three voting members. Non-voting members on the Executive Committee will be the Working Group Coordinator and the Working Group Agency Representative. ***(****Article IX adopted by unanimous vote on May 4, 2004, Girdwood, Alaska. Amended to establish a quorum for the Executive Committee by unanimous vote on December 17, 2015.****)***

**Drafted by Ken Adkisson, Joseph Ballot, Earl Kingik, Dave Spirtes, John Trent and Pius Washington with assistance from Caleb Pungowiyi June 27, 2000 at Kotzebue. The draft was subsequently modified and approved by consensus of the Working Group at Anaktuvuk Pass August 2, 2000. Bylaws amended on May 4, 2004 and December 17, 2015.*

# # #

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

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. <u>Finding solutions for Yukon River salmon fisheries problems and better coordination between groups and stakeholders</u>

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. Need for moose counts around Rampart and Nowitna River areas

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.

Nowitna River

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).

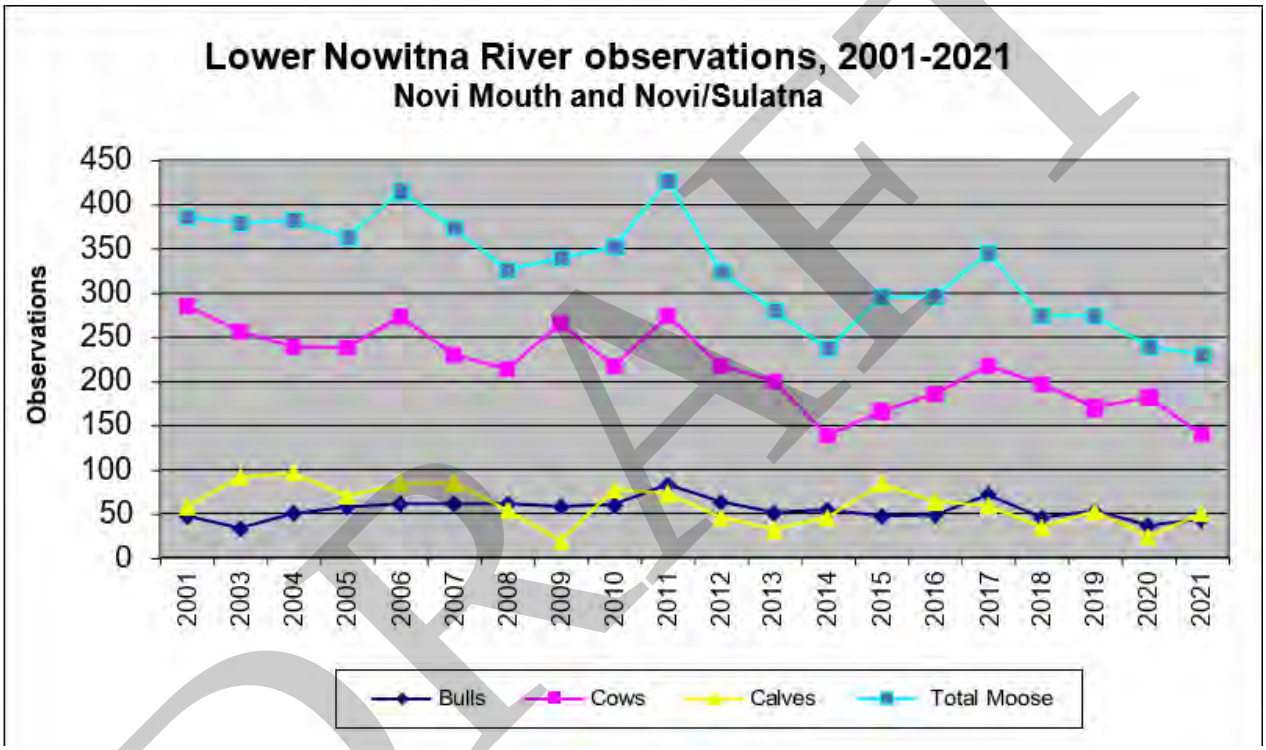


Figure 1. Lower Nowitna River moose observations, combined TCAs, 2001-2021, Nowitna NWR, Alaska.

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.

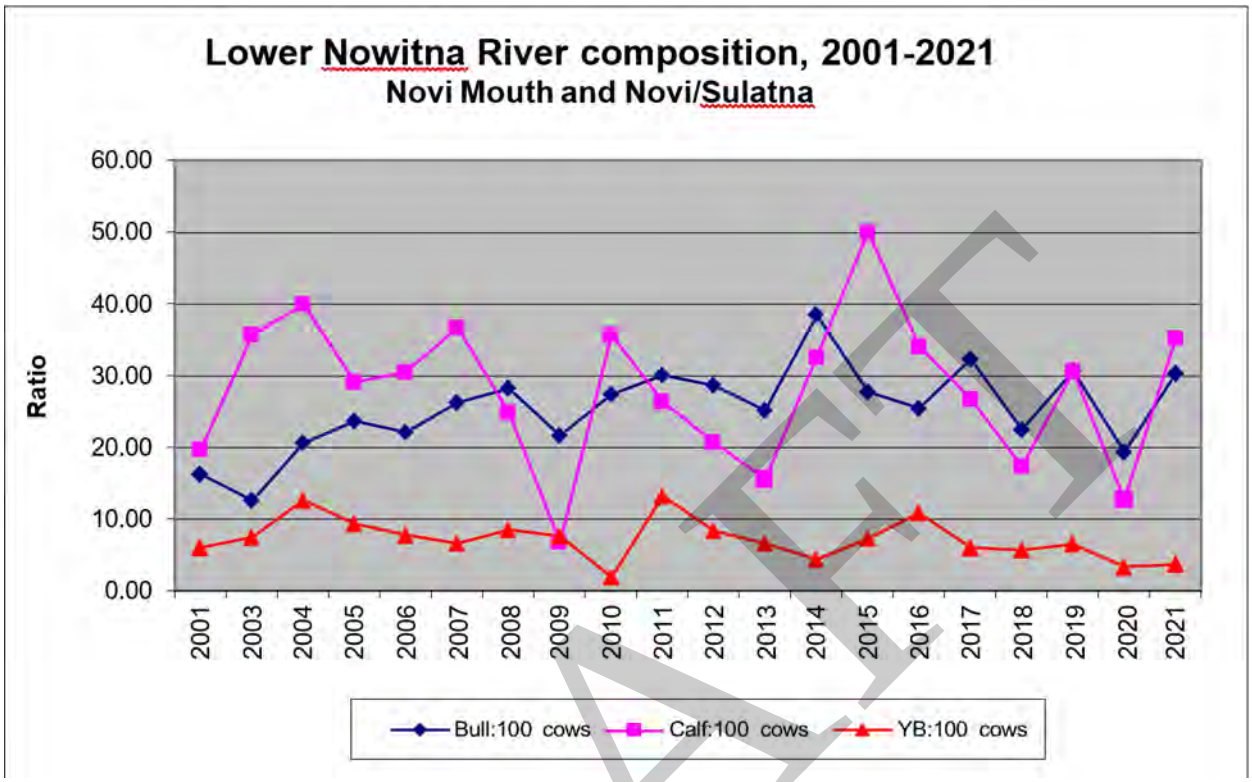


Figure 2. Lower Nowitna River composition ratios, combined TCAs, 2001-2021, Nowitna NWR, Alaska.

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. Need for improvement of the Tribal consultation process and streamlining OSM processes

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 consultation had not been conducted 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 consultation letters on Federal wildlife proposals go out during the fall time 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. <u>Opposition to H.R.4716 - Refuge From Cruel Trapping Act of 2021</u>

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

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

In Reply Refer To
OSM 22056.KW

Gordon Brower, Chair
North Slope Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6119

Dear Chairman Brower:

This letter responds to the North Slope 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. <u>Request for monitoring of Unit 26C muskox and transboundary management with Canada</u>

The Council is very concerned about the continuously low muskox population in Unit 26C. There has not been any subsistence harvest opportunity for muskox in the region for many years. This muskox population range extends across the border between Canada and the eastern side of the Arctic National Wildlife Refuge in the U.S., and muskox move back and forth between the two countries. The Council has heard reports that high rates of muskox harvest occur in Canada and is concerned that overharvest in Canada may be keeping the overall population low. The Council requests information on cross-boundary management of muskox within Arctic National Wildlife Refuge and Canada and would like to explore options for the creation of a joint U.S.-Canada muskox management group similar to the Porcupine Caribou Herd Management Board.

Response:

The Board appreciates your request and the opportunity to respond. We also recognize the

complexities of cross boundary management of musk ox that occupy and move freely between both countries. The Arctic National Wildlife Refuge (Refuge) does not have data on recent population trends for the musk ox population within Unit 26C. The Refuge does not have set population goals for musk ox and does not currently monitor musk ox populations. Formal surveys of musk ox populations have not been completed by the Refuge's biological staff since the early 2000's. Anecdotally, Refuge staff has observed a total of 45-50 musk ox within Unit 26C over the past 4 years including a group of roughly 25-30 near the Canning River.

The Refuge does not have harvest data for musk ox in Canada nor does it know of harvest pressures there. As an initial step, Refuge management and biological staff propose to engage with their Yukon colleagues to obtain current population survey data as well as recent and historical harvest data. These communications will hopefully lead to future collaboration and, if warranted, potential agreements for musk ox conservation and subsequent subsistence harvest in both Alaska and harvest by indigenous peoples in Canada.

2. <u>Ongoing concerns about contaminants in subsistence fish within NPR-A</u>

The Council remains very concerned about contaminants in subsistence fish within Federal lands of National Petroleum Reserve – Alaska (NPR-A). This is an issue of real distress for the community of Nuiqsut, whose residents continue to find sick and dying fish. Residents now have anxiety about eating fish that have traditionally been essential to their diet and wellbeing. For many years, the Council tried to find a way to monitor contaminants in subsistence fish through the Fisheries Resource Monitoring Program. The Council has been informed that this needs to be done by the land management agencies. Thus, the Council requests that the Bureau of Land Management (BLM) fund this necessary contaminants research. BLM is responsible for the permitting of the past and present industrial activities within NPR-A that are the source of these contaminants. The Council seeks the support of the Federal Subsistence Management Program to ensure that these essential subsistence fisheries resources are protected and that communities get answers about contaminants so that they can safely continue to eat healthy traditional subsistence foods.

Response:

The Board acknowledges your concerns and forwards the report, "Monitoring Polycyclic Aromatic Hydrocarbons (PAHs) in Sediments of the Colville River and Subsistence Fishes Important to the Community of Ninqsut" (enclosed) that directly addresses this issue. We hope that you will find this report useful.

3. <u>Recognition and support for community harvest and sharing patterns</u>

The Council wishes to highlight the importance of traditional community harvest and sharing of subsistence foods. Subsistence communities need to take care of each other and continue to have access to healthy subsistence foods especially during the ongoing hardship of the pandemic. The Council encourages the Federal Subsistence Management Program to recognize and support

these traditional sharing practices and ensure easy access to designated hunter permits and community harvest programs.

Response:

The Board recognizes the importance of traditional community harvest and sharing of subsistence foods. We acknowledge that food sharing networks are often a critical resource for those living the subsistence way of life and provide the frameworks for binding together family, communities, and regions. The staff at the Office of Subsistence Management (OSM) incorporate information on traditional community harvests and food sharing in their analyses to illustrate the social, cultural, and economic significance of fish and wildlife resources to those who use them for subsistence. Three Federal Subsistence Management Program processes that rely heavily on this information are customary and traditional use determinations, community harvest systems, and designated hunter permits. This past year, the Board adopted two wildlife proposals that provide more flexibility for subsistence resource users who participate in community harvests and food sharing networks.

The first of these proposals, WP22-01 gave members of communities with community harvest systems the ability to engage in a food sharing network of their choice. Community harvest systems, such as the Anaktuvuk Pass Community Sheep Harvest in Unit 24A and 24B, generally allow members of communities to hold traditional community harvests and have a community harvest limit for all members of the community. While enabling community members to manage harvest limits communally, the Board recognized that this limited other community members from being able to participate in traditional community harvests and food sharing networks outside of their community harvest system. Wildlife Proposal WP22-01 also provided members of communities with community harvest systems with the choice to not participate in the community harvest system. Community members can therefore maintain their individual harvest limits and participate in traditional harvests and food sharing networks of their choosing.

The second wildlife proposal, WP22-02, builds on WP22-01 by allowing more subsistence users to utilize designated hunters. Previously, regulations did not allow members of a community operating with a community harvest system to have a designated hunter. Again, the Board realized that this restricted community members from being able to participate in traditional food sharing networks outside of their community harvest system. After WP22-01 provided opportunity for community members to not participate in a community harvest system, WP22-02 enabled these members to have a designated hunter. This proposal gives more opportunities for Federally qualified subsistence resource users to engage in the food sharing network that best meets their needs.

The Board looks forward to future proposals like these that better incorporate traditional food sharing into regulations. The Board encourages the Council to work with their Council Coordinator on the development of any regulatory proposals addressing easier access to community harvest systems in the North Slope Region.

Lastly, OSM has staff that are available to assist in issues regarding Designated Hunter Permits. Since these are Federal permits, they must be issued by one of the Federal field offices in your area, the issuance of Federal permits cannot be delegated to village, Tribal, or State representatives. Sometimes, if time and staff are available, you may coordinate with those Federal field offices to send staff to communities to issue permits. We recommend you contact your Council Coordinator to assist you in these efforts. We also have staff that can educate and explain the issues regarding Designated Hunter permits. OSM is currently restricted from travel due to COVID precautions and cannot send staff to villages to give these presentations at this time, but we have already conducted several training sessions via teleconference that were well received by the public and expect able to resume travel at some point in the near future.

- To gain assistance and find out if it is possible to have a field staff member visit your community to issue permits please contact:
  - For Bureau of Land Mangement – Nichelle (Shelly) Jones, District Manager, Arctic District Office, njones@blm.gov or (907) 474-2310
  - For National Park Service – Marcy Okada, Subsistence Coordinator, Gates of the Arctic National Park and Preserve, marcy_okada@nps.gov or (907) 455-0639
  - For U.S. Fish and Wildlife Service – Nathan Hawkaluk, acting Refuge Manager, Arctic National Wildlife Refuge, nathan_hawkaluk@fws.gov or (907) 456-0549
- To set up a date/time for training/presentations regarding Designated Hunter Permits please contact OSM Permit Specialist, Derek Hildreth (derek_hildreth@fws.gov or (907) 382-1253).

4. <u>Request for the Federal Subsistence Board to further consider continuation of subsistence uses and that substantial evidence include local and traditional knowledge when taking action on proposals</u>

"Supported by substantial evidence" is one of the top criteria the Board considers in its decision making on regulatory proposals and special action requests. The Council has observed that the expertise of local and traditional knowledge is often not considered along with western science when identifying "substantial evidence." Rural and indigenous communities have direct experience and observations that span life lived on the land throughout the year and throughout a knowledge handed down across generations. Traditional knowledge and the observations and experiences of subsistence resource users are as substantial as western science. The Council requests that the Board better incorporate local and traditional knowledge in its decision making.

The Council also requests the Board give greater consideration for "continuation of subsistence uses" in its decision making as well. Subsistence priority cannot be achieved without access to subsistence resources. Actions from non-subsistence resource users may deflect animals away

from rural communities, change migration patterns and timing, and have other effects that prevent subsistence resource users from accessing fish or wildlife populations.

Response:

The Board acknowledges the Council's frustration regarding full incorporation of Traditional Ecological Knowledge (TEK) and strives to continue improving in this area. The Board understands the value of TEK and considers it alongside Western science. For example, in the recent case of wildlife special action WSA21-01a, a closure was supported based both on local testimony and TEK and photocensus surveys of the Western Arctic Caribou Herd; these two forms of evidence reinforced one another.

Further progress can still be made in bringing these two knowledge systems together within more analyses and decisions. The OSM's Anthropology Division is now fully staffed, which will contribute towards this goal. Further, when the Board relies on TEK in its decision-making, as it often does, it can explicitly acknowledge this use on the record.

One challenge faced by OSM in incorporating TEK is that our analysts do not conduct primary research and thus must rely on published literature, the record of Council and public testimony, and Tribal and Alaska Native Claims Settlement Act corporation consultations. This is one of the many reasons that we rely on you, the Council, to inform consideration of proposals and special action requests.

The Board understands that an inability to access resources alters traditional subsistence patterns. Access is affected by changes in the location of wildlife during key harvest times. The location of wildlife may be affected by multiple factors, including human activity and changing climate conditions. During its March 30, 2022 meeting on WSA21-01, the Board approved the special action request with modification to provide for the continuation of subsistence uses of the Western Arctic Caribou Herd, as well as for its conservation. In its justification, the Board noted that "The partial closure targets the areas of highest user conflicts and minimizes potential disruptions to caribou migration."

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

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: North Slope 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

Monitoring Polycyclic Aromatic Hydrocarbons (PAHs) in Sediments of the Colville River and Subsistence Fishes Important to the Community of Nuiqsut

Katie Drew – Bureau of Land Management Arctic District Office
Todd Sformo – North Slope Borough Department of Wildlife Management
Dr. Dana Wetzel – Mote Marine Laboratory

The village of Nuiqsut in the northeast National Petroleum Reserve in Alaska (NPR-A) is largely surrounded by oil and gas (O&G) exploration and development, including a number of activities on BLM-managed lands in the region. Like other remote villages within the North Slope, community members are heavily dependent on locally available subsistence foods such as caribou, marine mammals, and non-salmon fishes. More specifically, non-salmon fish species account for up to 23% of the community's total estimated harvest, and the primary subsistence fishery in Nuiqsut is the fall under-ice harvest of Arctic cisco. Other important fishes include least cisco, broad whitefish, Arctic grayling, and humpback whitefish. Due to the proximity of this community to permanent O&G facilities, there has been increasing concern among North Slope communities regarding potential contaminant in subsistence fishes.

More specifically, community members of Nuiqsut have expressed concerns regarding Polycyclic Aromatic Hydrocarbons (PAHs), a group of organic contaminants ubiquitous in the environment. Within the NPR-A, a previous study to assess baseline concentrations of PAHs was conducted over the course of seven years, with distinct collection events in 2004, 2005, 2008, and 2010. The results of this study indicated concentrations of PAHs fish were low, often below detection limits (Wetzel et al. 2012). Further, a 2017 study that examined hydrocarbons and trace metals in marine fish tissues concluded trace metal concentrations were generally low and PAHs were not detected (Dasher et al. 2018). These results led the authors to conclude that sampled sites were largely representative of typical reference conditions within the region. However, these sampling efforts primarily occurred prior to the development of permanent O&G facilities within the NPR-A, as construction of the first permanent O&G drill site began in 2013; the site produced first oil in 2015. Two additional gravel drill sites were subsequently permitted and began producing oil in 2018 and 2021, respectively. With the increase in O&G activity near areas that serve as important aquatic habitats, a follow-up monitoring effort to evaluate PAH levels in fish tissues and sediments is warranted to ensure that the Village of Nuiqsut, the North Slope Borough, and BLM are effective at protecting these sensitive aquatic ecosystems and comply with BLM's Required Operating Procedures (ROPs).

In addition, some community members feel that PAH contamination may be associated with whitefishes infected with *Saprolegnia*, a water mold that can result in a fish disease called Saprolegniosis. This water mold was first found on broad whitefish by Nuiqsut fishermen during the fall of 2013. The occurrence of this mold has since been observed on additional whitefish species, including humpback whitefish, Arctic cisco, and least cisco (2020). While Saprolegniosis tends to be associated with fish that have physical wounds on their skin or are under stress, some causes of wounding and stress can be pollution, crowding, changes in environment (water temperature, salinity, water flow), and production (especially spawning males).

To address these concerns, a project is being planned to conduct a monitoring effort to (1) evaluate potential changes in PAH concentrations in sediments and fish tissues within areas of the NPR-A and (2) to assess whether elevated PAH levels are associated with fish infected with *Saprolegnia*. To achieve these goals, the project will pursue the following objectives:

1) With assistance from the Nuiqsut community of fishers, collect subsamples of four fish species caught by subsistence users (i.e., broad whitefish, humpback whitefish, Arctic cisco, and least

cisco). Fish collected for analyses will include fish infected with *Saprolegnia*; representative fish species not infected with *Saprolegnia* will serve as the control.

2)
    a. Compare potential PAH levels in the muscle and liver of broad whitefish to baseline levels documented by Wetzel et al. (2012).
    b. Compare potential PAH levels in all four species of subsistence fishes noted above using muscle and liver of fish to evaluate if PAH pollution is present and potentially associated with infection.

3) With input and assistance from the Nuiqsut community, collect sediments to assess potential PAHs from locations in the Colville River to compare values to baseline levels established by Wetzel et al. (2012).

4) If PAHs are detected, then the laboratory would characterize/fingerprint the source of PAH based on the chemical signature to clarify whether from fresh (petrogenic) or combusted (anthropogenic) oil sources.

5) Disseminate results (presentations and written reports) to local residents and the scientific community.

The Bureau of Land Management (BLM) is applying for internal funding to support this study. This funding is anticipated to cover the costs of North Slope Borough Staff (Sformo) to travel to Nuiqsut and sample a proportion of fish caught by subsistence users, honoraria to subsistence users for donating fish samples, cover travel costs for two to three Nuiqsut community members (along with Drew and Sformo) to visit the laboratory where analyses and being conducted, and contract contaminants specialists at the Mote Marine Laboratory to conduct analyses, summarize, and disseminate results to local communities (at least Nuiqsut and Utqiaġvik) and the scientific community.

AITRC Community Harvest System Framework

This document describes the framework for the community harvest system administered by the Ahtna Intertribal Resource Commission (AITRC), identifies Federal agency points of contact, and describes AITRC's responsibilities as the community harvest system administrator.

1. Who is eligible to register in the AITRC-administered community harvest system?
All Federally qualified individuals whose primary permanent residence is within any of the eight named communities – Cantwell, Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta Lake, and Tazlina – are eligible to register in the community harvest system. The only criteria for determining eligibility to register in the community harvest system are Federal qualification and the location of the applicant's primary permanent residence.

2. How is community residency determined?
Eligibility to participate in Federal subsistence harvest opportunities is based on the physical location of one's primary permanent residence. The most recent census designated place (CDP) boundaries drawn by the US Department of Commerce, Bureau of the Census, will be used to determine community boundaries. Maps showing the location of these boundaries are available online (www.ahtnatribal.org/harvest) and from AITRC.

3. How do I register for the community harvest system?
Contact the community harvest system administrator, the Ahtna Intertribal Resource Commission, at (907) 822-4466 or harvest@ahtnatribal.org, or visit their office at Mile 187 Glenn Highway to register.

4. Am I required to register for the community harvest system if I live in one of the eligible communities?
No. Registration in the community harvest system is optional for Federally qualified residents of the eligible communities. You may register in the community harvest system for moose and/or caribou. You may choose either to register in the community harvest system or to participate in hunts under the regular Federal subsistence regulations applicable to those areas (see question 6).

5. If I register for the community harvest system, may I participate in other Federal subsistence hunts?
Yes. You may participate in Federal subsistence hunts that do not overlap with the species and units governed by the community harvest system for which you have registered.

The community harvest system is authorized for caribou and moose in Units 12 and 13 and for moose only in Unit 11.

6. What lands are included in the community harvest system?
The community harvest system applies to all Federal public lands open for subsistence uses in Units 11 and 13, subject to restrictions in question 9. The CHS also applies to Federal public lands in Unit 12 within the Tok and Little Tok River drainages south of the Tok River bridge and east of the Tok Cutoff Road, and within the Nabesna River drainage west of the east bank of the Nabesna River upstream from the southern boundary of Tetlin National Wildlife Refuge and that portion of Unit 12 that is east of the Nabesna River and south of the Pickerel Lake Winter Trail running southeast from Pickerel Lake to the Canadian border. (The lands included in the community harvest system are the same Federal public lands that are included in a regular Federal subsistence hunt.)

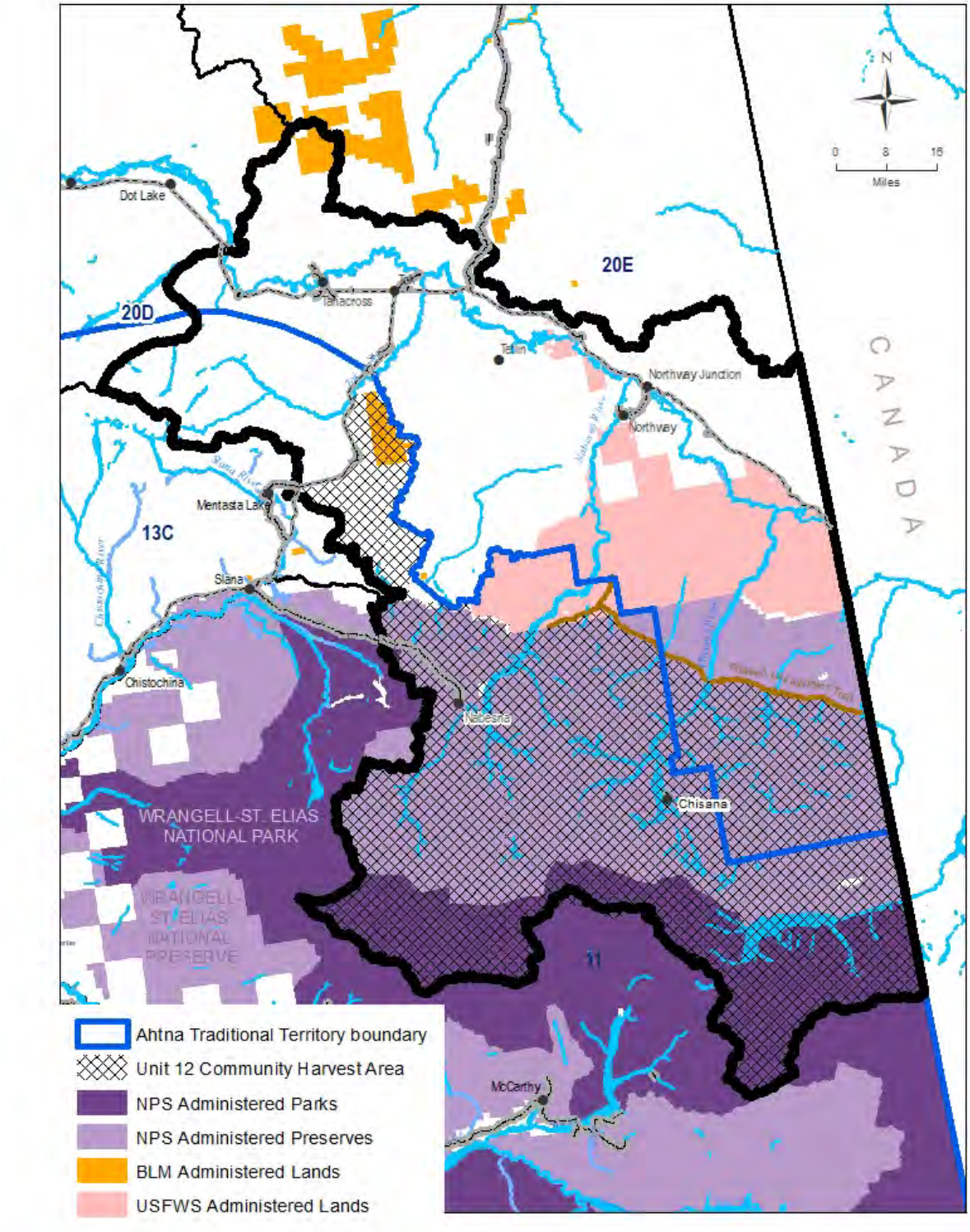
7. What seasons apply to registrants in the community harvest system?
The seasons for the community harvest system are the same as those that apply to people hunting under the existing Federal regulations for those areas. Refer to the Federal subsistence regulations booklet for more details.

8. What is the community harvest quota for the AITRC-administered community harvest system?
The community harvest quota for the AITRC-administered community harvest system is the sum of individual harvest limits for the included species and hunt areas that otherwise would have been available to community harvest system registrants had they chosen to hunt under the regular Federal Subsistence hunting regulations.

9. If I register in the community harvest system, where am I allowed to hunt?

- Community harvest system registrants may only hunt on Federal public lands within Units 11, 12, and 13 where their community or area of permanent residence has a customary and traditional use determination established by the Federal Subsistence Board for the species to be harvested. Refer to the Federal subsistence regulations booklet for more details.
- In Unit 12, the community harvest system applies to Federal public lands within the Tok and Little Tok River drainages south of the Tok River bridge and east of the Tok Cutoff Road, and within the Nabesna River drainage west of the east bank of the Nabesna River upstream from the southern boundary of Tetlin National Wildlife Refuge and that portion of Unit 12 that is east of the Nabesna River and south of the Pickerel Lake Winter Trail running southeast from Pickerel Lake to the Canadian border (see map below).
- Additionally, National Park Service regulations limit hunting on lands designated as National Parks (but not National Preserves) to people who live in resident zone communities, live within the National Park, or hold a subsistence eligibility permit issued pursuant to 36 Code of Federal Regulations (CFR) 13.440. This means that

only residents of Cantwell may hunt in that portion of Unit 13E that falls within Denali National Park and only residents of Chistochina, Chitina, Copper Center, Gakona, Gulkana, Mentasta Lake, and Tazlina may hunt within Wrangell-St. Elias National Park.



Map of community harvest area in Unit 12.

10. Is a hunting license required to register in the community harvest system?
Persons 18 years of age or older must hold a current State of Alaska resident hunting license in order to register for the community harvest system. A hunting license is not required for those less than 18 years old. Registrants 60 years of age and older or disabled veterans may have a permanent ID card issued by the Alaska Department of Fish and Game instead of an annual hunting license.

11. Are any other Federal or State registration permits or harvest tickets required?
No. Registrants in the community harvest system will receive a hunt registration and, if they choose to hunt, a harvest report from AITRC. Only the community harvest system registration and harvest report are required.

12. Can registrants in the community harvest system hunt for moose or caribou under State of Alaska regulations? And if so, do any special rules apply?
Registration in the community harvest system does not preclude someone from hunting moose or caribou under State of Alaska regulations; however, any moose or caribou harvested by community harvest system registrants under State regulations would count against the community harvest system quota. Community harvest system registrants who harvest a moose or caribou under State regulations must submit the required State harvest report to the State and also must submit their AITRC-issued community harvest report to AITRC about the harvest under State regulations for inclusion in the harvest quota calculation within 5 days of harvest.[1]

13. What are the responsibilities of registrants in the community harvest system?
Registrants must carry their individual hunt registration while hunting. A separate AITRC-issued harvest report form is required and must be in the hunter's possession for each animal harvested. When an animal is harvested, the date of harvest should be marked on the form before leaving the field. Registrants are required to submit harvest reports to AITRC on the form provided within 5 days of a successful harvest or within 15 days of the end of the season if unsuccessful.

Upon registration, registrants will receive harvest reports for moose and caribou equal to the individual limits that would have applied under Federal subsistence regulations. Registrants may hunt for themselves or may transfer the harvest report forms issued to them to another registrant.

[1] Moose and caribou harvests by community harvest system registrants under State of Alaska regulations count towards the community harvest quota because the community harvest quota is the sum of the individual harvest limits of community harvest system registrants and under 50 CFR 100.25(c)(1) Federal subsistence and State of Alaska harvest limits can't be accumulated.

14. How are eligibility questions and law enforcement concerns to be addressed?
If AITRC has questions about the eligibility of an applicant who provides the requested residency documentation or other concerns of a law enforcement nature, those questions and concerns shall immediately be forwarded to the Federal agency points of contact.

15. Can I register for the community harvest system if I have already been issued a Federal subsistence moose or caribou permit for lands within the community harvest system area?
No. Eligible hunters must choose each year between either (1) registering in the community harvest system for moose and/or caribou or (2) hunting for those species under the regular Federal subsistence regulations applicable to those areas.

16. Are designated hunters authorized within the community harvest system?*

- Registrants in the community harvest system may not designate another individual to harvest on their behalf (via a Federal subsistence designated hunter permit) any species for which they register within the community harvest system, but may serve as a designated hunter (for non-registrants), pursuant to 50 CFR 100.25(e)[2]
- Non-registrants who reside in the communities may designate another individual to harvest on their behalf through the use of a federal subsistence designated hunter permit pursuant to 50 CFR 100.25(e)[2]
- All residents of communities operating under a community harvest system (registrants and non-registrants) may serve as a Federal designated hunter for a Federally qualified subsistence hunter who lives in a community that is not operating under a community harvest system, subject to applicable regulatory requirements.

17. Are there any rules that I need to know about access when participating in the community harvest system?
Agency specific access rules apply to community harvest system registrants. Hunters planning to use off-road vehicles (ORVs) including all-terrain vehicles (ATVs), tracked vehicles, and “side-by-sides” as well as aircraft should contact the appropriate land manager for information about allowed means of subsistence access.

18. Who are the Federal land management agency points of contact?

Bureau of Land Management – Glennallen Field Office:
Marnie Graham, Field Manager
mgraham@blm.gov
(907) 822-3217 (main office)
(907) 822-7318 (desk)
(907) 795-5761 (cell)

National Park Service – Denali National Park and Preserve
Amy Craver, Subsistence Manager/Cultural Anthropologist
amy_craver@nps.gov
(907) 644-3604 (desk)

National Park Service – Wrangell-St. Elias National Park and Preserve
Barbara Cellarius, Cultural Anthropologist/Subsistence Coordinator
barbara_cellarius@nps.gov
(907) 822-5234 (main office)
(907) 822-7236 (desk)
(907) 205-0157 (cell)

U.S. Fish and Wildlife Service – Tetlin National Wildlife Refuge
Tim Lorenzini, Supervisory Park Ranger
timothy_lorenzini@fws.gov
(907) 883-9409 (desk)
(907) 505-0858 (cell)

Office of Subsistence Management
Lisa Grediagin, Wildlife Division Supervisor
Lisa_grediagin@fws.gov
subsistence@fws.gov
(907) 786-3888 (main office)
(907) 786-3357 (desk)

AITRC's responsibilities as the community harvest system administrator:

- Register all eligible Federally qualified residents of the eligible communities who apply to register in the community harvest system.
- Collect sufficient information about registrants that they can be contacted if there are changes to the hunt conditions or to ensure that harvest reporting takes place.
- Verify residency in an eligible community as part of the registration process, and record how residency was verified (for example, vouched for by a community official (including the name of the official), Alaska driver's license, recent utility bill, voter registration card, or rental or mortgage receipt).
- Verify that registrants 18 years of age or older hold a current State of Alaska resident hunting license or permanent ID card (those 60 years of age or older or disabled veterans) and record the license number as part of the registration process.
- Provide registrants with a document, which identifies the hunter by name or with a unique number that is keyed to name in AITRC's records, to be carried while hunting that verifies their registration in the community harvest system.
- Provide a list of newly registered community harvest system registrants to the Federal agency points of contact on a weekly basis.
- Provide registrants with general information regarding eligible Federal public lands and hunt areas, customary and traditional use determinations, seasons, and harvest limits.
- Inform the registrants that they are required to submit harvest reports to AITRC within 5 days of a successful harvest or within 15 days of the end of the season if unsuccessful. Harvest reports must include the following information for each animal harvested:
    - Species: Moose or Caribou
    - How many days did you hunt? _____
    - How did you get to hunt area? (primary method of getting to where you started walking) (A) Airplane (B) Horse/Dog Sled (C) Boat (D) Airboat (E) Snow Machine (F) 3-4 Wheeler (G) Other off road vehicle (H) Highway vehicle (I) No vehicle used
    - Unit Hunted _____
    - Subunit Hunted _____
    - Hunt Area Hunted _____
    - Specific Harvest Location (for example road or trail and mile marker or a geographic feature or waterbody name) _____
    - Did you Harvest an animal? Yes ___ No ___
        - If yes, Date of Harvest (mm/dd/yy) _____/_____/_____
        - Sex of animal: Male ____ Female ____
        - Following applies to Moose harvest only:
            - A. Was animal Spike/Fork? Yes __ No__

    - B. Antler Spread(inches): _____
    - C. Number of brow tines: L _____ R _____
- Track harvest success, including any harvests by registrants under State of Alaska regulations, to ensure that total harvests by community harvest system registrants do not exceed the cumulative harvest limits of the individuals registered in the community harvest system (i.e., the community harvest system quota).
- Administer the community harvest quota and individual harvest reports.
- Provide harvest report information to Federal agency points of contact on a weekly basis, even if the report is that there is no change or no harvests, unless otherwise specified in these conditions.
- For hunt areas where the Federal Subsistence Board had delegated authority to a local Federal land manager to manage harvest using a quota, provide harvest information to the Federal agency points of contact no later than the next business day after it is submitted to AITRC. As of the 2020-2022 regulatory cycle, these hunt areas are as follows:
    - Chisana caribou herd hunt in Unit 12, that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border. Delegated Federal manager is the Superintendent of Wrangell-St. Elias National Park and Preserve.
    - Winter moose hunt (Nov. 20 to Jan 20) in Unit 11, that portion south and east of a line running along the north bank of the Chitina River, the north and west banks of the Nizina River, and the west bank of West Fork of the Nizina River, continuing along the western edge of the West Fork Glacier to the summit of Regal Mountain. Delegated Federal manager is the Superintendent of Wrangell-St. Elias National Park and Preserve.
- Follow up with hunters regarding more specific harvest locations if requested to do so by the Federal manager in cases where the harvest locations are not sufficiently detailed for the Federal manager's needs.
- Follow up with registrants who have not submitted harvest reports within 15 days of the close of the season, including those individuals that registered but were unsuccessful or did not hunt. These data should be provided to the Federal agency points of contact within 30 days of the close of the season.
- Participate in an annual review of the community harvest system as required in 50 CFR 100.6(e).

WSA22–02 Executive Summary		
General Description	WSA22-02 requests that Dall sheep hunting on Federal public lands in Units 24A and 26B, west of the Sagavanirktok River be closed to all users for the 2022-23 and 2023-24 wildlife regulatory years. *Submitted by: Western Interior Alaska Subsistence Regional Advisory Council*	
Proposed Regulation	**Unit 24–Sheep**	
	Unit 24A, ~~except that portion within the Gates of the Arctic National Park - 1 ram by Federal registration permit only~~	*~~Aug. 20-Sep. 30.~~* ***No open season.***
	Federal public lands are closed to the taking of sheep for the 2022-23 and 2023-24 regulatory years for all users.	
	Unit~~s 24A and~~ 24B (excluding Anaktuvuk Pass residents), that portion within the Gates of the Arctic National Park - 3 sheep, no more than one of which may be a ewe, by Federal registration permit only, with exception for residents of Alatna and Allakaket who will report by a National Park Service community harvest system	*Aug. 1-Apr. 30.*
	Unit 26–Sheep	
	Unit 26B, that portion within the Dalton Highway Corridor Management Area ***, west of the Sagavanirktok River*** *- ~~1 ram with 7/8 curl or larger horn by Federal registration permit only~~*	*~~Aug. 10-Sep. 20~~***.** ***No open season.***
	Federal public lands are closed to the taking of sheep for the 2022-23 and 2023-24 regulatory years for all users.	
	Unit 26A, remainder ~~and 26B, remainder~~, including the Gates of the Arctic National Preserve ***and Unit 26B, east of the Sagavanirktok River*** *- 1 ram with 7/8 curl or larger horn*	*Aug. 10-Sep. 20***.**
	Unit 26B, remainder, including Gates of the Arctic National Preserve	***No open season.***
	Federal public lands are closed to the taking of sheep for the 2022-23 and 2023-24 regulatory years for all users.	

WSA22–02 Executive Summary	
OSM Conclusion	**Support** Wildlife Special Action WSA22-02 **with modification** to simplify the regulatory language. See page 31 for modified regulations.
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	**Proponent of request**
North Slope Subsistence Regional Advisory Council Recommendation	**Support**
Interagency Staff Committee Comments	The Interagency Staff Committee found the analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and the Federal Subsistence Board action on this proposal. Scale is crucial to evaluate Dall sheep population viability. When viewed across the entire Brooks Range, Dall sheep numbers appear to be stable. However, some local populations appear to be critically low. Specifically, there are serious concerns about the viability of the Dall sheep population along the Dalton Highway Corridor Management Area (DHCMA). Recent population estimates and minimum count surveys indicate substantial declines in legal rams, ewes and lambs in most survey areas along the DHCMA. Severe weather conditions, including extended winters and rain on snow events are thought to be a major factor in the population declines for sheep in Units 24A and 26B. Declines in the sheep population within the DHCMA are a concern for rural subsistence users that rely on local populations near where they live. ANILCA Section 816(b) allows for closure of Federal public lands to the harvest of fish and wildlife "for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population." The Western Interior Subsistence Regional Advisory Council (the proponent for WSA22-02), is extremely concerned about the central Brooks Range sheep population along the DHCMA and is willing to forgo subsistence harvest of the species to aid in its recovery. Based on available biological information, and on the traditional ecological knowledge of Federally qualified subsistence users residing in the region, the proposed closure of Dall sheep hunting by all

WSA22–02 Executive Summary	
	users may be justified and approval of WSA22-02 could aid in the recovery of sheep populations within Units 24A and 26B. The North Slope Subsistence Regional Advisory Council also recommended closing sheep hunting to all users in Units 24A and 26B during their last regulatory meeting. Historically, most of the sheep harvest in the areas subject to this special action request has been by non-Federally qualified users. Since there are very few, if any, legal rams available for harvest in the area, closure of hunting by non-rural users could provide for conservation of healthy populations of sheep and to allow for continuation of subsistence uses of sheep. Closure to all users, as requested by WSA22-02, is likely to help ensure the continued viability of the Dall sheep populations in the DHCMA. Although sheep harvest by Federally qualified subsistence users is low, sheep numbers are low enough that any additional mortality from harvest may be unsustainable and could slow natural recovery of Dall's sheep in the area.
ADF&G Comments	**Oppose**
Public Comments	**7 Support, 9 Oppose, 1 Neutral**

STAFF ANALYSIS
TEMPORARY SPECIAL ACTION
WSA 22-02

ISSUES

WSA22-02, submitted by the Western Interior Subsistence Regional Advisory Council (Council), requests that Dall sheep hunting on Federal public lands in Units 24A and 26B, west of the Sagavanirktok River be closed to all users for the 2022-23 and 2023-24 wildlife regulatory years (**Figure 1**).

DISCUSSION

The Council is very concerned about the decreasing sheep populations along the Dalton Highway and believes traditional ecological knowledge on this subject has been ignored. Since 2012, unusual weather conditions including rain on snow events, late springs, and early deep snows have decimated these sheep populations, resulting in extremely low lamb recruitment, poor lamb production and loss of mature rams. Increased predation by wolves is also believed to have contributed to the population decline. Surveys conducted in 2021 by the Bureau of Land Management (BLM), the National Park Service (NPS) and Alaska Department of Fish and Game (ADF&G) showed lower numbers than from prior surveys.

The Council expresses frustration over the lack of biological data, particularly the failure to collect age composition data on rams. Currently, 6- and 7-year-old rams remain in the population, but there are very few 2–5-year-old rams currently in the population. The Council notes past studies have demonstrated detrimental effects of young rams breeding ewes in the absence of more mature, larger rams, including higher post-rut ram mortality and lower lamb production.

Current harvest management and harvest levels are other concerns. The Council further states that the full-curl management strategy only works with consistent ram recruitment, *not* when several cohorts are missing, as has happened to the Units 24A and 26B sheep populations. The Council argues that harvesting the remaining 6- and 7-year-old rams over the next two years, which is likely to occur under the current management regime, will exacerbate the recovery of these sheep populations since there are no 2–5-year-old rams to take their place and smaller, inexperienced rams will breed ewes in their absence.

The Council considers the Unit 24A and 26B sheep populations to be in a dire situation and these requested closures are critical to their recovery.

The applicable Federal regulations are found in 36 CFR 242.19(b) and 50 CFR 100.19(b) (Temporary Special Actions) and state that:

> *. . . After adequate notice and public hearing, the Board may temporarily close or open public lands for the taking of fish and wildlife for subsistence uses, or modify the requirements for subsistence take, or close public lands for the taking of fish and wildlife for nonsubsistence uses, or restrict take for nonsubsistence uses.*

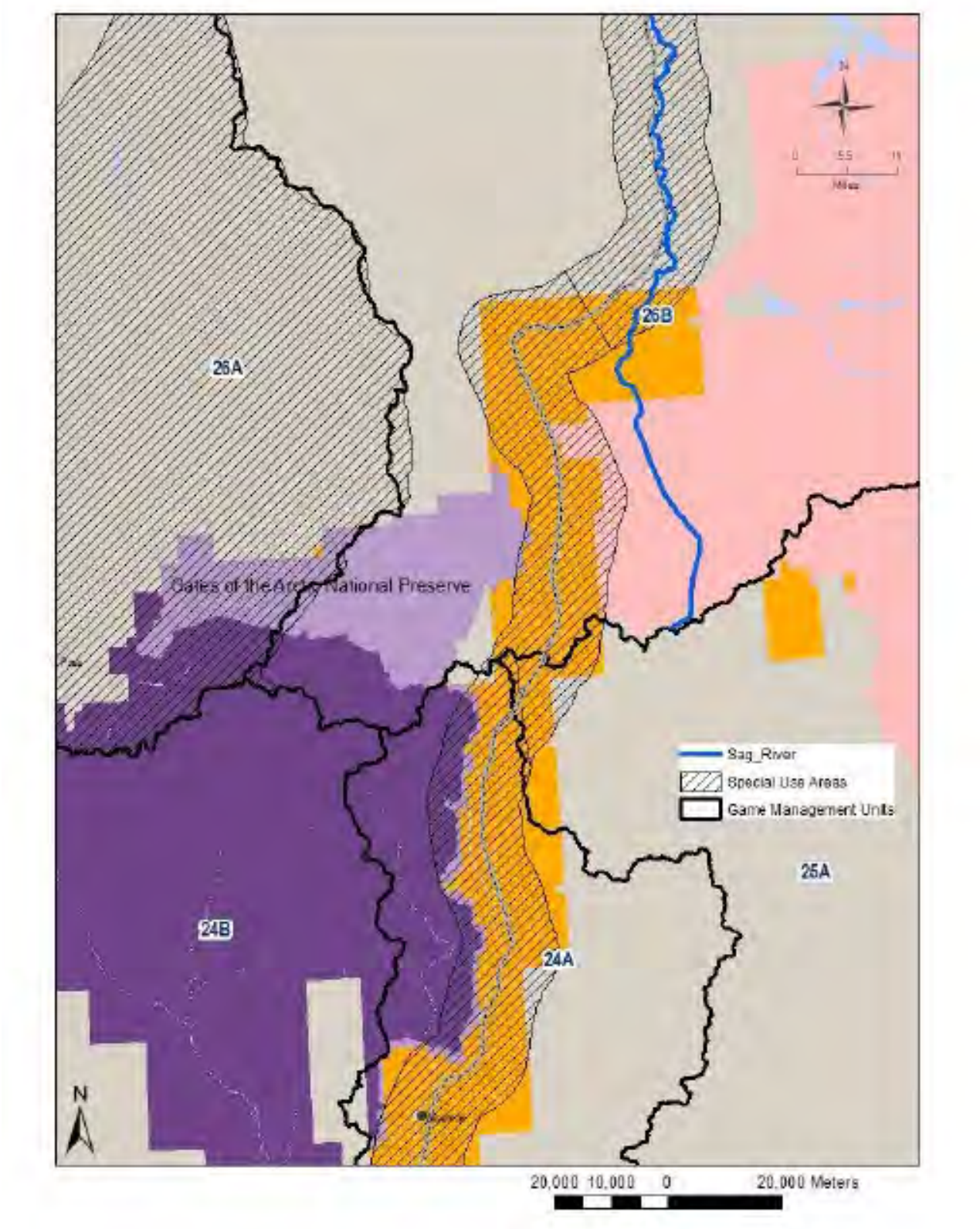


Figure 1. Map of proposed closure area in Unit 26B showing Federal public lands, submitted with the request.

Existing Federal Regulation

Unit 24−Sheep

Unit 24A, except that portion within the Gates of the Arctic National Park - 1 ram by Federal registration permit only	*Aug. 20-Sep. 30.*
Units 24A and 24B (excluding Anaktuvuk Pass residents), that portion within the Gates of the Arctic National Park - 3 sheep, no more than one of which may be a ewe, by Federal registration permit only, with exception for residents of Alatna and Allakaket who will report by a National Park Service community harvest system	*Aug. 1-Apr. 30.*

Unit 26−Sheep

Unit 26B, that portion within the Dalton Highway Corridor Management Area - 1 ram with 7/8 curl or larger horn by Federal registration permit only	*Aug. 10-Sep. 20.*
Unit 26A, remainder and 26B, remainder, including the Gates of the Arctic National Preserve - 1 ram with 7/8 curl or larger horn	*Aug. 10-Sep. 20.*

Proposed Federal Regulation

Unit 24−Sheep

Unit 24A, ~~except that portion within the Gates of the Arctic National Park - 1 ram by Federal registration permit only~~	*~~Aug. 20-Sep. 30.~~* ***No open season.***

Federal public lands are closed to the taking of sheep for the 2022-23 and 2023-24 regulatory years for all users.

Unit~~s 24A and~~ 24B (excluding Anaktuvuk Pass residents), that portion within the Gates of the Arctic National Park - 3 sheep, no more than one of which may be a ewe, by Federal registration permit only, with exception for residents of Alatna and Allakaket who will report by a National Park Service community harvest system	*Aug. 1-Apr. 30.*

Unit 26−Sheep

*Unit 26B, that portion within the Dalton Highway Corridor Management Area**, west of the Sagavanirktok River*** *- ~~1 ram with 7/8 curl or larger horn by Federal registration permit only~~*	*~~Aug. 10-Sep. 20.~~* ***No open season.***
Federal public lands are closed to the taking of sheep for the 2022-23 and 2023-24 regulatory years for all users.	
*Unit 26A, remainder ~~and 26B, remainder~~, including the Gates of the Arctic National Preserve **and Unit 26B, east of the Sagavanirktok River** - 1 ram with 7/8 curl or larger horn*	*Aug. 10-Sep. 20.*
Unit 26B, remainder, including Gates of the Arctic National Preserve	***No open season.***
Federal public lands are closed to the taking of sheep for the 2022-23 and 2023-24 regulatory years for all users.	

Existing State Regulation

Unit 24─Sheep

24A within the Dalton Highway Corridor Management Area	*Residents: One ram with full-curl horn or larger. Youth hunt only*	*HT*	*Aug 1-Aug 5*
	Non-residents: One ram with full-curl horn or larger every four regulatory years. Youth hunt only	*HT*	*Aug 1-Aug 5*
	Residents: One ram with full-curl horn or larger	*HT*	*Aug 10-Oct 5*
	Non-residents: One ram with full-curl horn or larger every four regulatory years.	*HT*	*Aug 10-Oct 5*
24A remainder	*Residents: One ram with full-curl horn or larger. Youth hunt only*	*HT*	*Aug 1-Aug 5*
	Non-residents: One ram with full-curl horn or larger every four regulatory years. Youth hunt only	*HT*	*Aug 1-Aug 5*
	Residents: One ram with full-curl horn or larger	*HT*	*Aug 10-Sep 20*
	Non-residents: One ram with full-curl horn or larger every four regulatory years.	*HT*	*Aug 10-Sep 20*

Unit 26—Sheep

26A & 26B private lands within Gates of the Arctic National Park	*Residents: Three sheep*	*HT*	*Aug 1-Apr 30*
	Non-residents	*HT*	*No open season*
26B within the Dalton Highway Corridor Management Area	*Residents: One ram with full-curl horn or larger. Youth hunt only*	*HT*	*Aug 1-Aug 5*
	Non-residents: One ram with full-curl horn or larger every four regulatory years. Youth hunt only	*HT*	*Aug 1-Aug 5*
	Residents: One ram with full-curl horn or larger	*HT*	*Aug 10-Oct 5*
	Non-residents: One ram with full-curl horn or larger every four regulatory years.	*HT*	*Aug 10-Oct 5*
26A & 26B remainder	*Residents: One ram with full-curl horn or larger. Youth hunt only*	*HT*	*Aug 1-Aug 5*
	Non-residents: One ram with full-curl horn or larger every four regulatory years. Youth hunt only	*HT*	*Aug 1-Aug 5*
	Residents: One ram with full-curl horn or larger	*HT*	*Aug 10-Sep 20*
	Non-residents: One ram with full-curl horn or larger every four regulatory years.	*HT*	*Aug 10-Sep 20*

Extent of Federal Public Lands

Unit 24A is comprised of 72% Federal public lands and consist of 58.7% BLM, 10.9% NPS and 2.4% U.S. Fish and Wildlife Service (USFWS) managed lands.

Unit 26B is comprised of 29% Federal public lands and consist of 22.8% USFWS, 3.6% BLM and 2.7% NPS managed lands.

Customary and Traditional Use Determinations

Residents of Unit 24 residing north of the Arctic Circle, Allakaket, Alatna, Hughes and Huslia have a customary and traditional use determination for sheep in Unit 24.

Residents of Unit 26, Anaktuvuk Pass, Point Hope and Wiseman have a customary and traditional use determination for sheep in Unit 26B.

Regulatory History

In 1992, the Federal Subsistence Board (Board) adopted Proposal 118 requiring a Federal registration permit for sheep hunting in the Dalton Highway Corridor Management Area (DHCMA) in Units 24 and

26B. This proposal set a harvest limit of one ram with 7/8-curl horn or larger and a season of Aug. 10–Sept. 20. Prior to Proposal 118 being adopted, there was no Federal permit requirements for sheep within the DHCMA.

In 1994, ADF&G submitted Proposal P94-85 to change the horn size of legal rams in Unit 26 outside of Gates of the Arctic National Park and Preserve (GAAR) from 7/8 to a full-curl ram. The Board did not adopt this proposal as it would have restricted Federally qualified subsistence users.

In 2004, the Board adopted Proposal WP04-57 with modification, which shifted the season for sheep in a portion of Unit 24 (that portion within the DHCMA except for GAAR) from Aug. 10–Sept. 20 to Aug. 20–Sept. 30. The shift of the season provided additional subsistence hunting opportunity after the end of the moose season, recognizing that there would be little to no increase in sheep harvested due to the limited number of qualified hunters, the 7/8-curl horn restriction and the reported harvest at that time.

In 2006, the Board adopted Proposal WP06-69, submitted by ADF&G, which requested that sheep regulations for Unit 24 be modified to reduce regulatory complexity. Unit 24 had recently been divided into subunits under State regulations and the proposal requested incorporating the new subunit descriptions into Federal regulations. The regulatory language established the current hunt area descriptor for the Federal hunt in Unit 24A to exclude that portion within GAAR.

In 2012, Wildlife Special Action WSA12-01 was submitted by the Council and requested Federally qualified subsistence users be allowed to harvest ½ curl horn or larger rams in Unit 24A for the 2012 season. This was approved by the Board based on a stable sheep population estimates within the DHCMA and in the adjacent areas of GAAR. Additionally, with low Federal harvest rates, there would be little impact on sheep population in the area.

In 2014, Wildlife Proposal WP14-30 submitted by the Council requested the harvest limit for sheep in Unit 24A, except that portion within the GAAR be changed from 1 ram with 7/8-curl horn or larger to 1 ram. This proposal was unanimously adopted to allow greater subsistence priority.

In the Western Brooks Range, the BOG adopted Proposal 203 in 2015, which closed all sheep seasons in Unit 23 and in Unit 26A, west of Howard Pass and the Etivluk River in response to the drastic sheep population declines in the area. Sheep seasons in Unit 23 have remained closed under State regulations. In 2016, the Board adopted Proposal WP16-53 with modification to establish may-be-announced sheep seasons in the Baird and DeLong Mountain hunt areas of Unit 23 and delegated authority to the WEAR superintendent to manage the hunt. A Federal season has never been announced as the Unit 23 and 26A sheep populations have not recovered.

In 2020, the Alaska Board of Game (BOG) adopted Proposal 84, extending the State sheep season from Aug. 10─Sep. 20 to Aug. 10─Oct. 5 within the DHCMA in Units 24A, 25A, and 26B. This was approved because of the low numbers of sheep harvested within the DHCMA, the belief that few hunters would or could access the area in late September/early October and a stable sheep population. It was the majority consensus that this would have little to no impact on the sheep population. One member of the BOG opposed this proposal because the Koyukuk River Advisory Committee was opposed to it.

Dalton Highway Corridor Management Area

Under Federal regulations, "You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats, in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife."

The DHCMA also occurs under State regulations but was modified for the 2022 regulatory year. At their 2021 Statewide Regulations meeting, the BOG adopted Proposal 172 as amended to remove the restrictions on transporting game and hunting equipment by motor vehicle within the DHCMA. These modifications were adopted because overlapping statutes and regulations were conflicting and resulted in unintended consequences such as homesteaders being unable to legally access their property by motor vehicle.

Under State regulations, the DHCMA consists of those portions of Units 20 and 24 - 26 extending five miles from each side of the Dalton Highway, including the drivable surface of the Dalton Highway, from the Yukon River to the Arctic Ocean, and including the Prudhoe Bay Closed Area; the area within the Prudhoe Bay Closed Area is closed to the taking of big game; the remainder of the DHCMA is closed to hunting; however, big game, small game, and fur animals may be taken in the area by bow and arrow only, and small game may be taken by falconry; and furbearers may be taken by trapping; any hunter traveling on the Dalton Highway must stop at any check station operated by the department within the DHCMA (ADF&G 2022a).

Current Events

WIRAC Letter to BLM

The Council sent a letter to the State Director of BLM Alaska in February of 2022, requesting an immediate cessation of all permitted hunting guides on BLM managed land within Guide Use Area 24-3 (which approximately corresponds with Unit 24A). Stating the same concerns as in their special action request, they feel that allowing non-resident hunting to occur on Federal managed lands while subsistence users are not meeting their needs only exacerbates the situation. The letter also expresses frustration that traditional and ecological knowledge (TEK) about the decline continues to be ignored. They also requested the BLM change the strategy of how they award permits to better protect the resource.

Koyukuk River AC letter to BOG

The ADF&G Koyukuk River Advisory Committee (AC) submitted a letter of concern to the BOG at their March 2022 meeting in Fairbanks, requesting them to issue an emergency order to close or drastically reduce sheep harvest in Unit 24A for two regulatory years (**Appendix 1**). The letter points out a reputed flaw in the full-curl management strategy used by ADF&G. The letter indicates full-curl management is

based on having constant recruitment from all immature cohorts, which the AC states has not existed in this population for the last 10 years. This loss of complete age structure was caused by erratic weather events, which killed multiple cohorts starting in 2012. The AC felt they had to appeal to the BOG as they could not reach an understanding with ADF&G staff during their AC meeting in February 2022.

Public Hearing and Written Comments

The Office of Subsistence Management held a public hearing to solicit comments on WSA22-02 on April 28, 2022, from 4:00pm to 6:30pm by teleconference. Seventeen people testified and were almost evenly split between 7 Wiseman/Coldfoot residents in support of the request and a mix of 9 non-Federally qualified users, non-local hunters, guides and Alaska residents who were in opposition to the requested closure. One commenter was neutral on the request but stated managing this population for recovery would be difficult because they occur on Federal and State managed lands and there should be a comprehensive recovery plan initiated by all concerned parties.

Every local resident that commented was in support of this request and stated there has been a visible decline in the sheep population in the last 5 years. Most locals confirmed the unusual winter weather events this special action request attributed to the decline. Several local tour guides noted they have not seen sheep from the road for the last several years. All commenters noted how many of the locals rely on sheep for meat and/or tourism. One commenter noted that State of Alaska Wildlife Troopers are not allowed to seal sheep skulls anymore. Instead, successful harvesters must have them sealed by biologists so that accurate ages of harvested sheep can be determined. All testifiers supporting this proposal felt that ceasing all hunting for 2 years may allow the sheep population to recover enough individuals to allow for successful overall recovery in the future.

The most frequently given reason for opposition to the request was that while ADF&G data shows the sheep population is low, it is still healthy enough to have a harvestable surplus. ADF&G testified to this point specifically during the hearing while voicing their opposition to the proposed closure. ADF&G's full comment letter is included at the end of this analysis. Several who testified stated they agree that the population is low, but all sheep populations throughout Alaska are low. Most believed the full-curl management regime justifies harvest during periods of low population because none of the primary breeding population is removed, only rams past their prime. One caller stated there have been population declines in other units where hunting has remained open and population recovery was still achieved. Several callers asserted the DHCMA is the only non-draw archery harvest ticket hunt for Dall sheep available in Alaska; lands within the DHCMA are archery only; and bowhunters take a very small portion of sheep in these units. One commenter, representing Resident Hunters of Alaska, said the low sheep population should lead the BOG to close or limit the non-resident harvest to allow for the continuation of harvest by all Alaska residents. The general theme of opposition was a Federal public lands closure would not aid in population recovery and would only serve to hurt users of the resource.

North Slope Subsistence Regional Advisory Council

The North Slope Subsistence Regional Advisory Council (North Slope Council) acted on this request at their winter 2022 meeting held March 8-9. The North Slope Council felt the closure was justified due to

the population decline in Dall sheep in Units 24A and 26B. They recommended to support the closure and their full justification is included at the end of this analysis.

Biological Background

Dall sheep are found throughout the Brooks Range wherever suitable habitat exists. In 1985, there was an estimated population of 30,000 sheep that had been stable over the previous 10 years (Heimer 1985). These were estimated to be 11,000 within the Arctic National Wildlife Refuge (ANWR), 3,000 between the western ANWR border and the Trans-Alaska Pipeline and 12,000 within GAAR. The eastern Brooks Range (which includes lands within and east of the DHCMA) accounted for 13,000 of those sheep. This area experienced a decline during the 1990s, when it is estimated approximately 40% of the population was lost. The most likely cause of this decline was severe weather, such as freeze-thaw and rain on snow events, along with increased predation. Dall sheep may experience greater sensitivity to external influences, such as temperature and weather, because they occur at higher elevations and latitudes than other ungulates (Van de Kerk et al. 2020). After this population decline, few standardized surveys were conducted in the eastern Brooks Range. Available survey data, harvest reports and hunter observations indicated the sheep population had stabilized at lower numbers since the 1990s decline (Caikoski 2011). Sheep surveys in the central Brooks Range (areas west of the DHCMA and within GAAR) were conducted mostly in GAAR and varied in size and type. The results of these surveys suggested a low sheep population from the 1970s through about 1982. Then from 1982-1984 the population increased and remained stable through 1987. The central Brooks Range population experienced a similar decline from 1987 to the mid-1990s (Caikoski 2018).

Recent weather events have affected the sheep population in the central and eastern Brooks Range, like the extended winter weather in the spring of 2013 and rain on snow events in both October 2018 and March 2019. The extended winter of 2013 caused the end of the continuous snow season to last 6-19 days longer than normal (Rattenbury et al. 2018). Snow stayed on the ground long enough in GAAR to overlap with peak lambing season, which generally occurs in mid-May. This event had a dramatic effect on sheep populations, with a 39% reduction in the sheep abundance within the Itkillik area (Rattenbury et al. 2018). While this was a decline in total population of sheep; rams, ewes and lambs, it dramatically lowered the lamb:ewe-like ratio. This decline is illustrated in data from ADF&G, BLM and NPS alike, and is discussed below.

ADF&G surveys one area of the central and eastern Brooks Range which is divided into two distinct survey units (1A/1B survey areas) and covers 800 mi^2 in eastern Unit 24A and western Unit 25A (**Figure 2)** (Caikoski 2018). These areas have been surveyed in July almost yearly since 2002. The purpose of these surveys is to obtain a minimum count of sheep as well as an index of sex and age composition and mid-summer lamb recruitment (Caikoski 2021). The minimum count survey results in an index to trend in abundance and composition over time in this geographic area (Caikoski 2018) and cannot be used to estimate total population numbers for the survey area or the Brooks Range sheep range. Surveys conducted on an infrequent basis make it difficult to establish short-term trends (Whitten 1997) and this is also true with the minimum count surveys conducted by ADF&G (Caikoski 2018). However, dramatic changes of abundance are likely detectable with this methodology, but with the limited survey data available, the magnitude and extent of declines cannot be quantified (Caikoski 2018).

ADF&G minimum count data appeared stable through 2012 with an average of 1,398 total sheep from 2002-2012 (**Figure 3**). Then in the 2014 count, coinciding with the severe winter of 2013/14, the total count dropped to 827 sheep, 541 of which were "ewe-like" and the lamb:ewe-like ratio dropped to 2:100. This cohort of lambs would be the 8-year-olds that would be legal rams to harvest in 2022. Later surveys conducted in 2018 and 2021 show losses of 31.8% and 66.4% total sheep, respectively. The ADF&G sheep count is currently at 469 total sheep based on their 2021 survey results.

Rams make up a smaller percentage of the overall population of Dall sheep. Since 2002, counts from ADF&G for the 1A/1B survey areas averaged 24.9% rams (**Figure 4**). Of all rams counted from 2002-2021, an average of 14.8% were legal for harvest (full-curl or larger), which is 3.2% of total sheep counted. The number of legal rams at the last count in 2021 was 12, which is 2.5% of the total 2021 sheep count (Caikoski 2021). Rams counted by ADF&G have been trending down since the surveys began in 2002.

Mid-summer lamb recruitment is an indicator of productivity and survival of sheep in the study area. Sheep classified as ewe-like include adult female sheep, yearlings of both sexes and some 2-year-old rams. The lamb:100 ewe-likes ratio has averaged 25.2 lambs:100 ewe-likes since 2002 (**Figure 5**). 2018 was a higher-than-average year for lambs with 36 lambs:100 ewe-likes, followed by a lower than average 22 lamb:100 ewe-likes in the latest survey in 2021 (Caikoski 2021). The 2018 and 2021 ratios should be considered in the context of an overall lower sheep population. So even though these ratios are consistent with previous years, total ewe-like and lamb numbers were both lower than previous surveys.

The BLM Central Yukon Field Office surveys BLM and State managed lands for Dall sheep in the Brooks Range along the DHCMA in Units 24A, 25A and 26B during July, including the State 1A/1B survey areas (**Figure 2**). These surveys are conducted in cooperation with the NPS Arctic Inventory and Monitoring Network, which surveys two areas along the DHCMA: 1) the southeast Gates of the Arctic (SE GAAR) and 2) Itkillik survey areas (**Figure 6**). The BLM and NPS fly aerial distance sampling transects and use a Bayesian model to produce population estimates (rather than just trends) (Rattenbury 2017). This enables a smaller portion of the study area to be surveyed and produces an estimate of sheep not seen from the number of sheep that were counted (sightability function) to produce the final estimate. This method includes a measure of precision, the credible interval or error range. An inherent weakness of sampling surveys is the estimate is only as good as the data used to derive it (Rattenbury 2017). Therefore, when fewer numbers of sheep are observed, the estimate has larger credible intervals, which indicates less certain estimates. Since these credible intervals are based on the total number of sightings from the survey, the results cannot be separated into smaller units. Therefore, Unit 26 data cannot be separated from Unit 24 data and still maintain the original accuracy achieved. Because of differing survey methodology, the ADF&G survey results are not directly comparable with the BLM/NPS survey results, but they still trend in concert with each other.

In the 1A/1B survey areas, the BLM estimated 293 total Dall sheep for 2021 (**Figure 7**), which is a 77% decrease from results of the survey conducted in 2015 (the last year when the BLM full survey area was surveyed in concurrence with the 1A/1B survey areas) (McMillan 2022, pers. comm.). This result is much lower than the estimate from the last survey conducted by the BLM of 1,103 in 2018. The number of full-

curl rams has substantially declined within the same timeframe, from 46 in 2014 and 45 in 2016 to estimates of 7, 1 and 5 full-curl rams in 2017, 2018 and 2021, respectively. The BLM full survey area encompasses the 1A/1B survey areas with more BLM managed lands along the DHCMA and includes some land in Unit 26B. The estimate in the full survey area was 3,241 sheep in 2015 and 1,229 sheep in 2021. This is an overall decrease of 62.1% (**Table 1**).

In the SE GAAR survey unit, the NPS estimated there were 2,525 total sheep (95% Bayesian Credible Intervals [BCI] of 2,334─2,776) in 2015 (**Figure 8**). The population estimate from the latest survey completed in 2021 dropped to 1,100 sheep total (BCI 922─1,405), which is a 56.4% decline (Deacy 2022, pers. comm.). The Itkillik survey area also declined from an estimated 1,577 total sheep in 2012 to an estimated 825 total sheep in 2013 because of severe winter weather and since then has remained at lower levels (**Figure 9**). The average population estimate from 2013- 2019 for the Itkillik survey area is 673 total sheep. The 2021 survey resulted in an estimate of 504 (BCI 416─626) total sheep. This is a decline of 25.1% since 2019.

Ram abundance in both BLM and NPS survey areas has declined in recent years. In the BLM full survey area, legal ram numbers dropped from an estimated 59 rams in 2015 to 12 rams (BCI 0─44) in 2021 (**Table 1**) (McMillan 2022, pers. comm.). In 2015 full-curl rams accounted for 1.82% of the total estimated sheep population in the BLM full survey area, by 2021 that proportion fell almost in half, to .98%. Full-curl rams in SE GAAR have declined by 65.7%, from 137 rams in 2015 to 47 rams in 2021. Smaller ram abundance in the SE GAAR survey area did not decline as much, but still showed a decrease of 52.5%, from 379 rams in 2015 to 180 rams in 2021 (**Figure 8**) (Deacy 2022, pers. comm.).

The overall abundance of full-curl rams in the central Brooks range has declined since 2009. All survey results from all agencies demonstrate a decline in full-curl ram numbers. A drastic decline is evident when 2021 results are compared to results for 2015 (**Table 2**). But even when 2021 results are compared to the average ram abundance per survey area since 2009 a decline is evident.

Mid-summer lamb:100 ewe-likes ratios have also declined in recent years (**Table 3**). Since 2015, in all survey areas but the Itkillik, this ratio has declined an average 42.7%. The BLM full survey area declined from 38:100 in 2015 to 19:100 in 2021. NPS survey results show a drop from 38:100 to 26:100 over the same period. The ratio in the Itkillik survey area increased slightly during this period from 28:100 to 30:100 (Deacy 2022, pers. comm.; McMillan 2022, pers. comm).

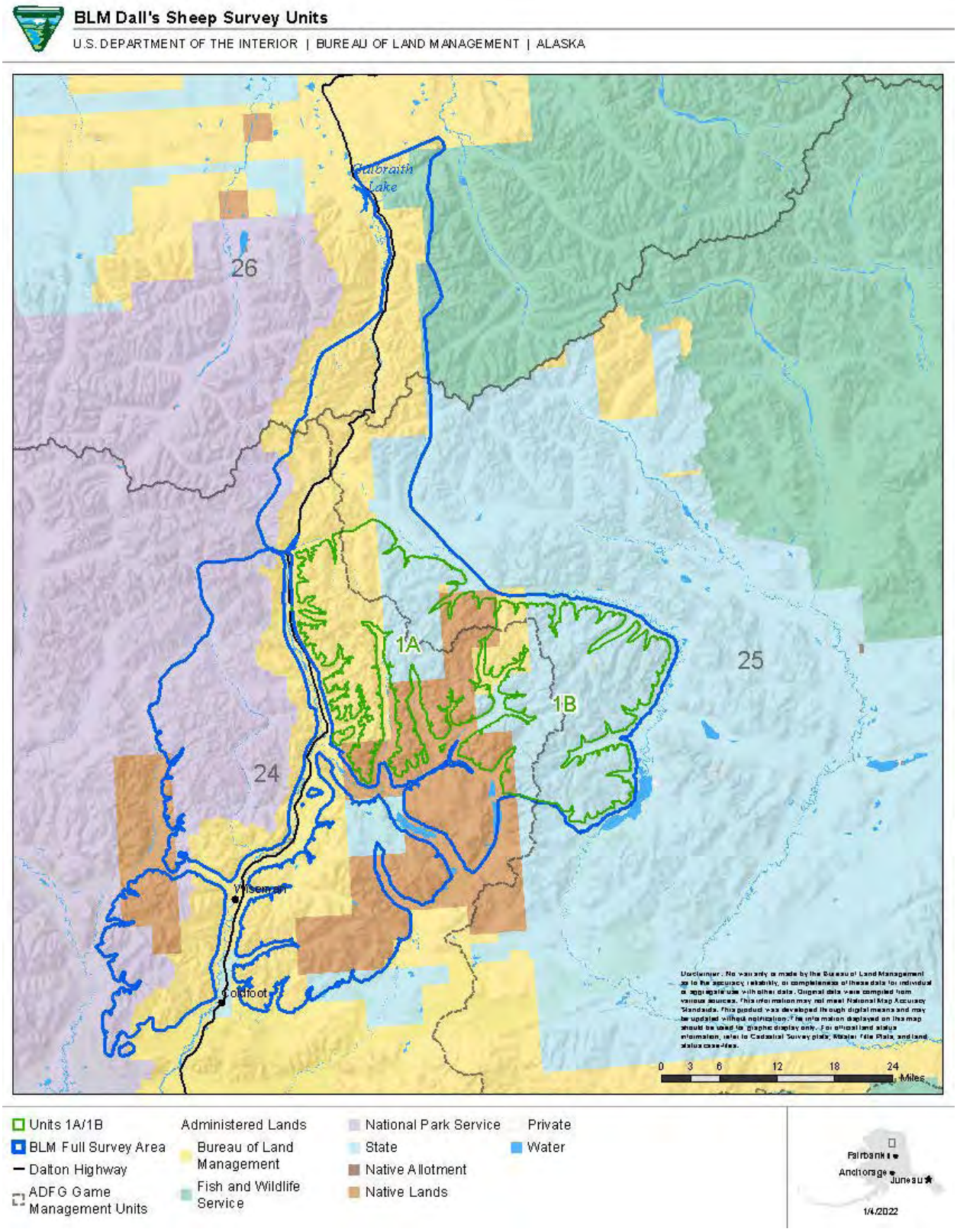


Figure 2. Eastern Unit 24A and western Unit 25A survey areas. ADF&G 1A/1B survey areas shown in green outline. BLM survey areas shown in blue outline (McMillan, 2022).

Figure 3. ADF&G minimum counts for 1A/1B survey areas. Ewe-like include adult female sheep, yearling sheep of both sexes and some 2-year-old rams. Legal rams include all full-curl and larger rams, sub-legal include all less than full-curl rams. (Caikoski, 2021).

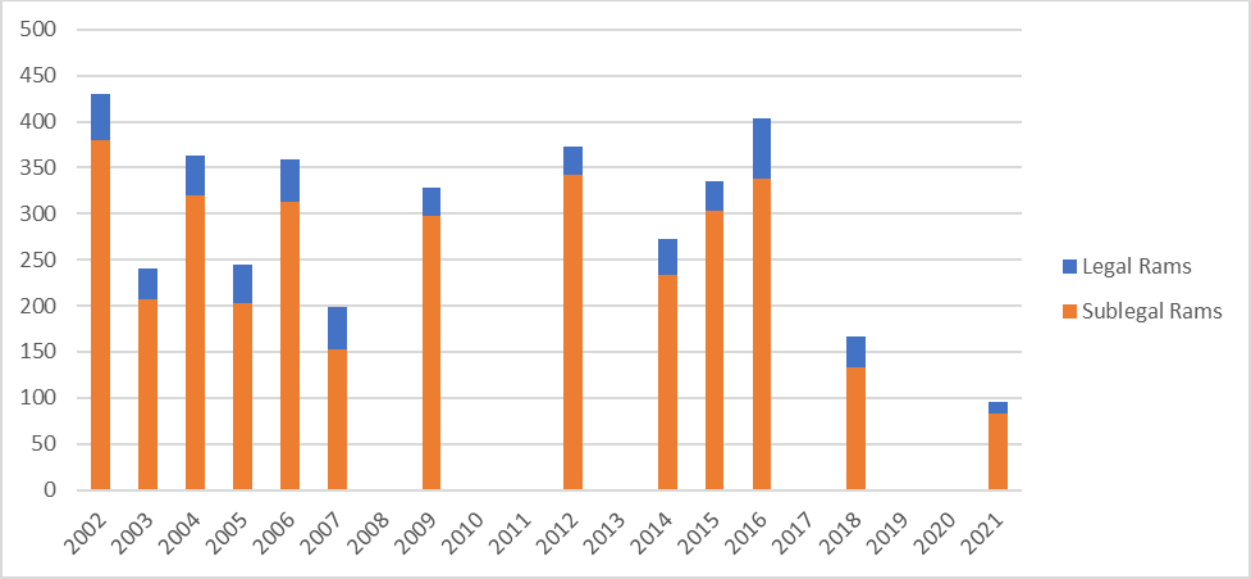


Figure 4. Minimum counts of sub-legal and legal rams in 1A/1B survey areas since 2002 (Caikoski 2021).

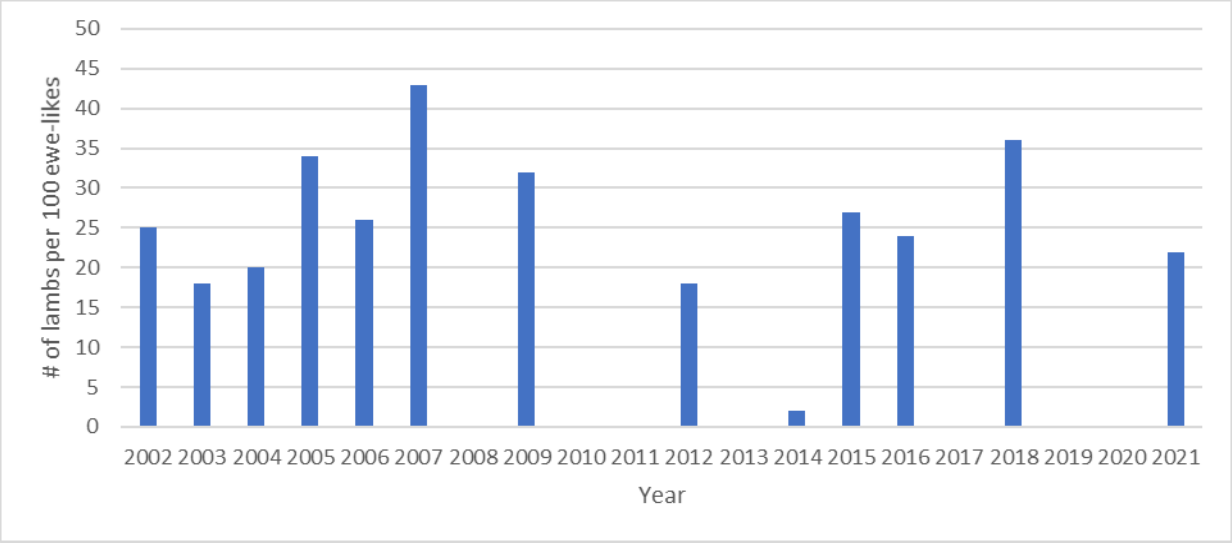


Figure 5. Ratios of lambs to 100 ewe-like sheep in 1A/1B survey areas since 2002 (Caikoski 2021).

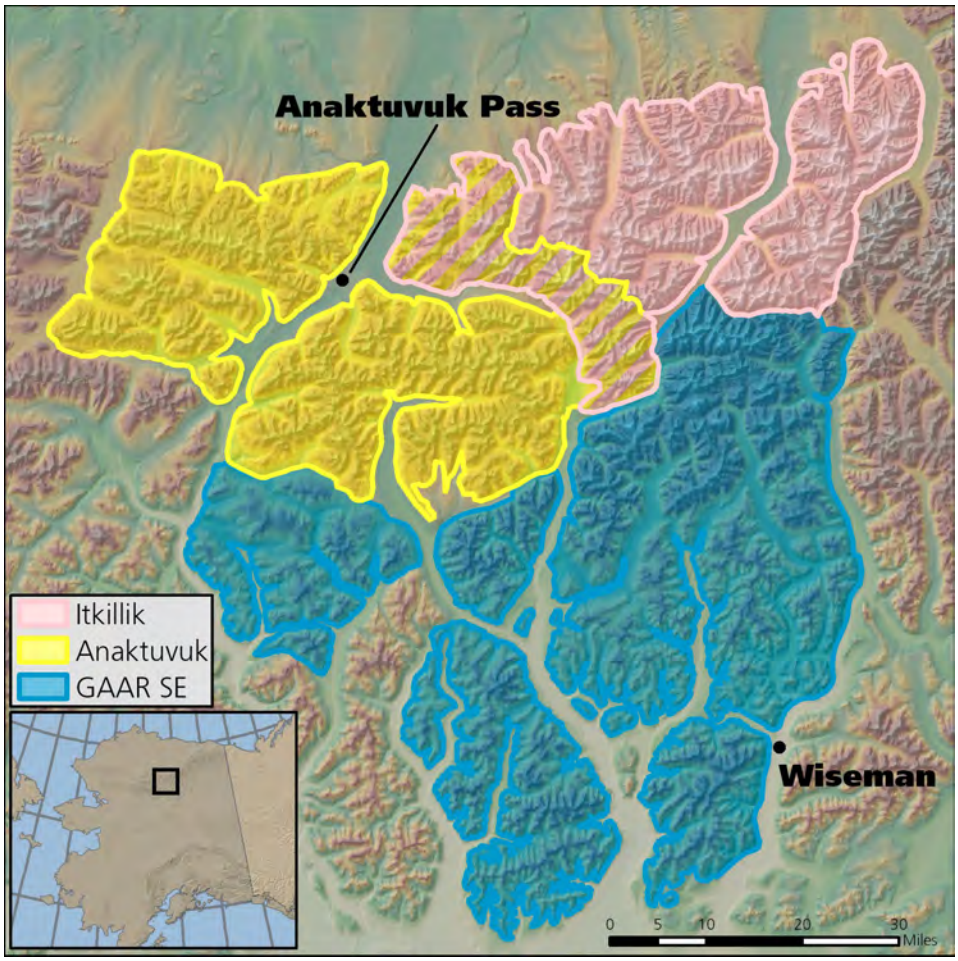


Figure 6. Gates of the Arctic Park and Preserve Dall sheep survey areas surveyed by the NPS (Deacy 2021). Only the GAAR SE and Itkillik survey areas are considered in this analysis. The Anaktuvuk survey area is outside the scope of this analysis.

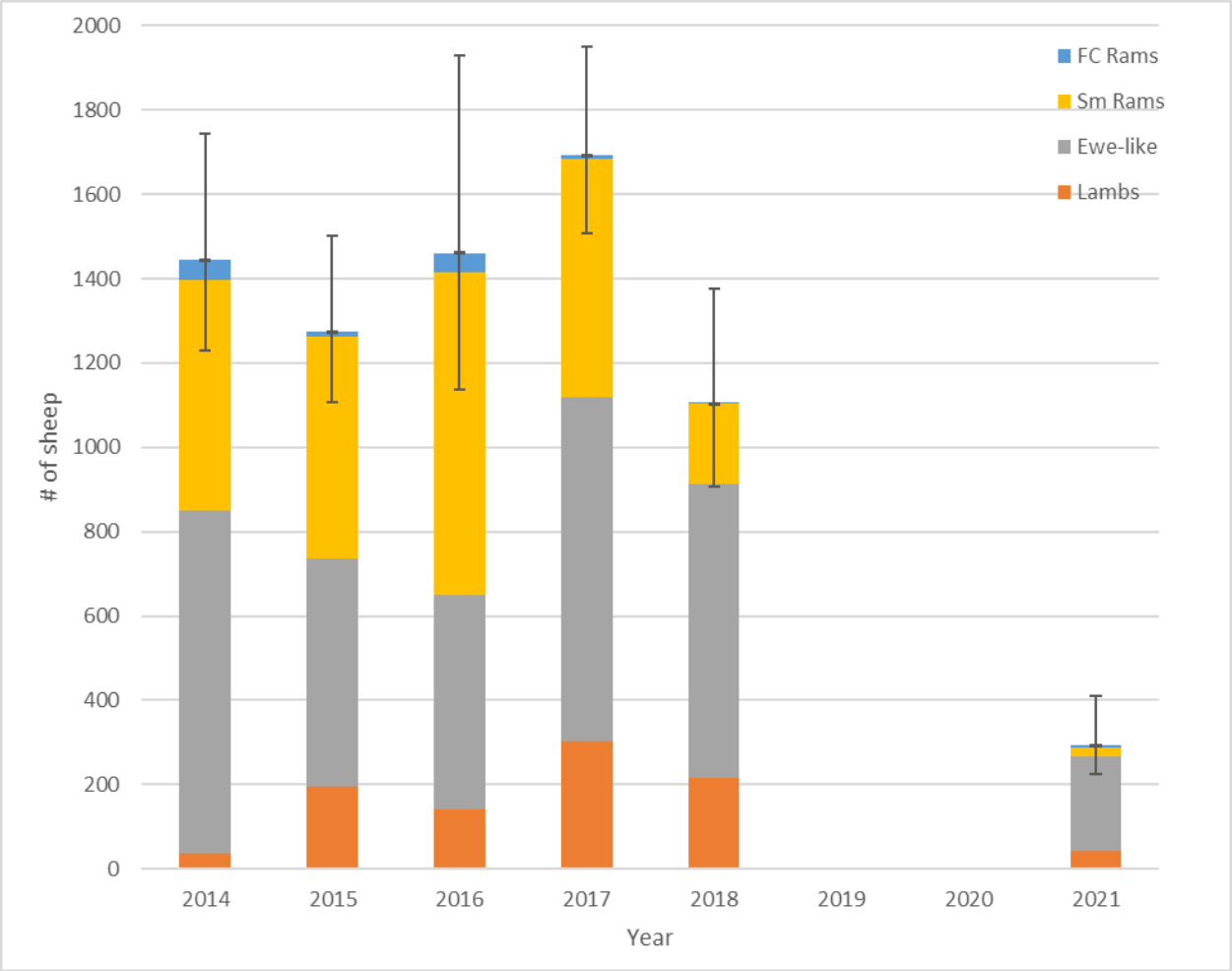


Figure 7. Population estimates from BLM in 1A/1B survey areas from 2014-2021 (McMillan 2022 pers. comm.).

Table 1. Population estimates from BLM surveys in full BLM survey area from 2015-2021 (McMillan 2022, pers. comm.). 95% credible interval range in parenthesis.

	BLM Full Survey Area	
	2015	**2021**
Total Sheep	3241 (2904-3701)	1229 (1088-1433)
Adults	2782 (2478-3185)	988 (879-1155)
Legal Rams	59 (45-101)	12 (0-44)
Lambs	459 (381-594)	242 (194-319)
Lambs:Ewe-like	0.38 (0.30-0.48)	0.26 (0.20-0.34)

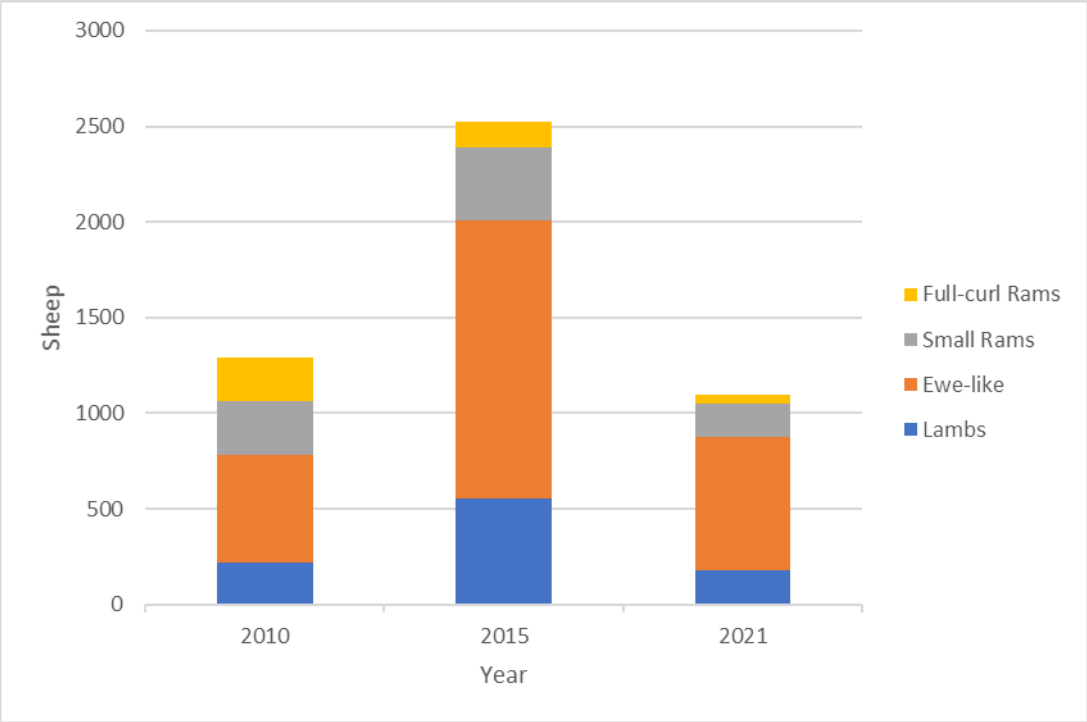


Figure 8. NPS population estimates for SE GAAR survey area (Deacy 2022, pers. comm.).

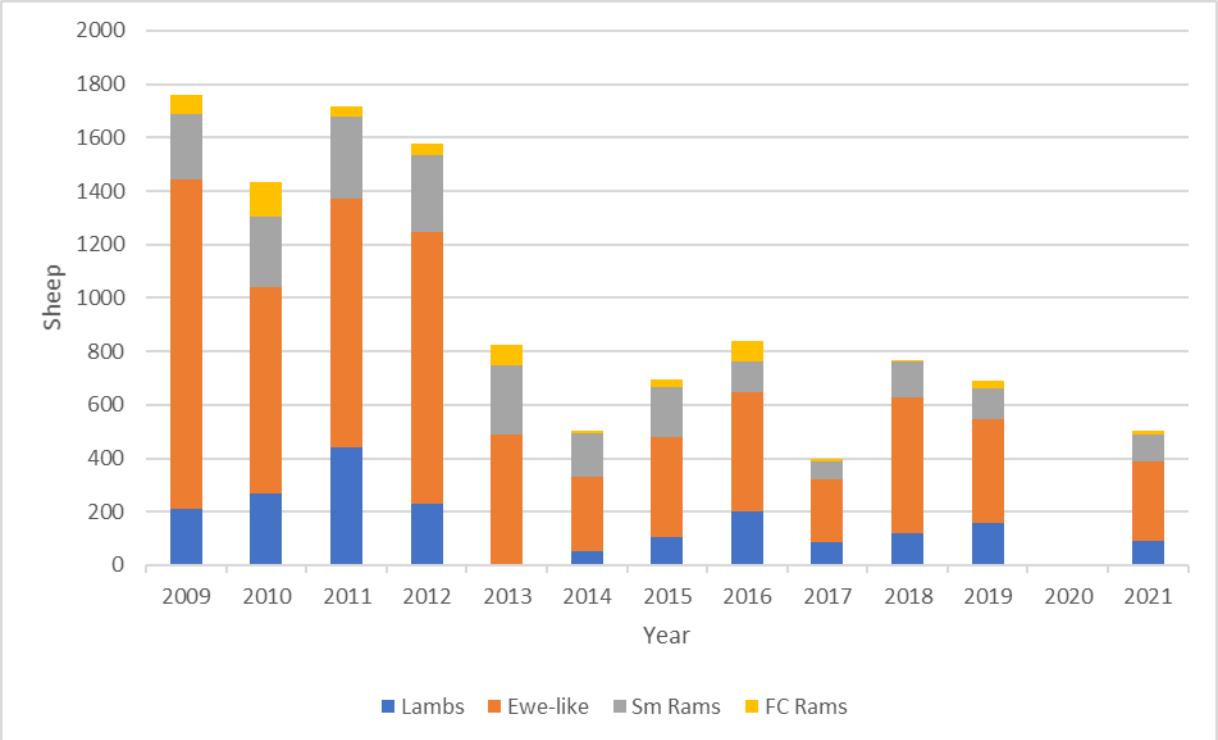


Figure 9. NPS population estimates for Itkillik survey area (Deacy 2022, pers. comm.).

Table 2. Full-curl ram abundance for each survey unit 2009–2021 (Deacy 2022, pers. comm.; McMillan 2022, pers. comm.; Caikoski 2021). A dash indicates no data available.

Year	ADF&G 1A/1B	BLM 1A/1B	BLM Full	GAAR	Itkillik
2009	31	-	-	-	70
2010	-	-	-	228	128
2011	-	-	-	-	38
2012	30	-	-	-	43
2013	-	-	-	-	76
2014	40	46	-	-	6
2015	32	12	49	137	27
2016	66	45	-	-	80
2017	-	7	-	-	9
2018	34	1	-	-	5
2019	-	-	-	-	29
2020	-	-	-	-	-
2021	12	5	5	47	14
AVERAGE	35.0	19.3	27.0	137.3	43.8

Table 3. Lamb:100 ewe-likes ratios for BLM and NPS surveys from 2009—2021 (Deacy 2022, pers. comm.; McMillan 2022, pers. comm.). A dash indicates no data available.

Year	ADF&G 1A/1B	BLM 1A/1B	BLM Full	GAAR	Itkillik
2009	32	-	-	-	17
2010	-	-	-	39	35
2011	-	-	-	-	48
2012	18	-	-	-	23
2013	-	-	-	-	1
2014	2	-	-	-	20
2015	27	36	38	38	28
2016	24	28	-	-	46
2017	-	37	-	-	36
2018	36	31	-	-	24
2019	-	-	-	-	41
2020	-	-	-	-	-
2021	22	19	19	26	30

Harvest History

The State manages sheep using a full-curl harvest strategy (ADF&G 2017). Full-curl harvest management is considered a conservative approach to managing Dall sheep populations. Once sheep are eight years old, their chance of surviving each additional year is much lower. Harvesting older, full-curl rams (≥8 years old) allows younger rams in their prime to continue breeding (ADF&G 2017). Managers can also use the full-curl management strategy as an index for population trend, based on the premise that a decline in sheep harvest likely reflects a decline in the overall sheep population. (Caikoski 2018). The average age of rams harvested in the Brooks Range from 1981- 2013 was 9.1 years old for resident hunters and 9.4 years old for non-residents (ADF&G 2014).

It has been shown in heavily hunted sheep populations with ¾-curl horn restrictions (where every legal ram was removed each year) that ewes start being bred at an earlier age by younger rams. This led to lower reproductive frequency in ewes and possibly to compromised reproductive fitness of the ewe (Heimer and Watson 1986). When older ¾ and full-curl rams are removed from the population, younger rams start breeding sooner than they typically would, usually before they reach physical maturity. This increased rutting activity leads to over exhaustion and depletes their energy stores, causing poor ram survival rates over winter (Heimer & Watson 1986). A more complete ram age structure leads to increased lamb production and ram survival, which in turn leads to population growth and more legal, full-curl rams available for harvest (Heimer and Watson 1990). A limited harvest of full-curl rams allows immature high-quality rams to reach their reproductive potential before attempting to breed (Coltman et al. 2001). However, the effectiveness of the full-curl management strategy relies upon a relatively undisturbed ram age structure and consistent ram recruitment (Heimer and Watson 1986). The negative effects of ¾-curl management (lower reproduction and higher young ram mortality) could occur under full-curl management if the ram cohorts that would normally be protected (between ¾- and full-curl) are few or absent due to catastrophic weather conditions that cause reproductive failure in prior years (Rattenbury et al. 2018). If all or most full-curl rams are harvested in an area with missing ¾- and 7/8-curl cohorts, only younger rams will be present for breeding in the following year.

In Units 24A and 26B there are three Federal subsistence registration permit hunts (FS2404, FS2602, FS2411) as well as State general harvest ticket hunts. FS2404 occurs in Unit 24A, except for the portion within GAAR. This hunt occurs in the DHCMA and allows for a harvest of 1 ram. Permit FS2602 is within the DHCMA in Unit 26B and has a harvest limit of 1 ram with 7/8-curl horn or larger. FS2411 is a rather new permit, being initiated in 2016 and occurs within GAAR in Units 24A and 24B. This permit only applies to a very small section of Unit 24A outside of the DHCMA and allows a harvest of up to 3 sheep, no more than one of which may be a ewe. This permit has only been issued to residents of Wiseman and Bettles since its inception. (Note: This permit excludes Anaktuvuk Pass residents who have a community hunt instead). State regulations allow general season hunting under a harvest ticket for all of Units 24A and 26B, with seasons from Aug 1 to Oct 5. Only full-curl or larger rams may be harvested under State regulations.

Permit FS2404 is the most used of the three Federal sheep permits for these units, with 281 being issued from 2001 to 2021 and an average harvest of 2 rams per year (**Figure 10**). FS2602 permits have been in use during the same time with a total of 227 being issued with 7 rams total being harvested since 2001

(**Figure 11**). FS2411 has been in use since 2016 and has been issued 55 times and has not had any successful harvest reported (**Figure 12**). Federal harvest has averaged 1 sheep per year from 2017-2021 for all three of these permit hunts (OSM 2022; Julianus 2022, pers. comm.). This is down from the overall average of 1.6 sheep harvested per year from 2001-2016 (**Figures 10, 11 & 12**).

From 2002-2021, an average of 52.3 people reported hunting sheep under State regulations in Unit 24A with an average of 16.6 sheep reported harvested (**Figure 13**). Unit 26B reported an average 158.5 people hunting under State regulations with a reported average harvest of 47.5 sheep per year from 2002- 2014 (**Figure 14**). Then from 2015-2021, an average 65.5 people reported hunting by harvest ticket in Unit 26B with an average 18 sheep per year reported harvested (Stout 2022). This decrease in harvest ticket reports and harvest coincides with the population decline from the severe weather events in 2012/2013. Notably, these figures also represent hunt reports and harvest for all of Unit 26B, not just the proposed closure area. Additionally, these figures may be under-reported, as there is no penalty for failure to report hunting or harvest by harvest ticket. Harvest tickets also do not account for the fact that people may have hunted in either Unit 24A or 26B without harvesting a ram and then hunted and harvested a ram in another unit and reported that unit only.

Residents and non-residents have averaged 180 hunters in Units 24A and 26B from 2002- 2021 (**Table 4**). Non-resident harvest has averaged 42.8% of the total sheep harvest reported under State regulations during the same time period. While the total number of resident hunters and associated harvest has declined since 2013 along with sheep population estimates, non-resident hunter numbers have remained constant at an average of 35 per year for this time period. However, non-resident harvest is also trending down alongside the sheep population (Parrett 2022, pers. comm.).

According to ADF&G harvest reports, an average of 1.7 sheep were reported as harvested by archery from 2000-2021 in Units 24A and 26B (**Table 4**). While reports do not capture with certainty where the sheep were harvested or by which method, 82% of successful bow hunters used a highway vehicle to access these units, suggesting about 80% of the archery harvest was within or near the DHCMA (1.4 sheep). Again, these harvest ticket reports do not reflect the number of unsuccessful hunters who hunted in these units but harvested and reported in a different unit or failed to mark weapon type on their harvest report.

A premise of the full-curl harvest strategy (that lower harvest is indicative of lower sheep populations) suggests sheep numbers are declining in these two units. Since 2000, the number of Federal permits issued, and sheep harvested has trended downward. While the number of hunters under State regulations in Unit 26B dropped considerably along with the sheep population decline in 2012, the number of State hunters in Unit 24A has increased slightly since 2016. But harvest has still trended downward in both units since 2000, albeit very slightly in Unit 24A (**Figures 14 & 15**).

Comparing full-curl ram abundance over time (**Table 2**) with recent sheep harvest reports (**Figures 14 &15)** suggests that the sheep population cannot withstand current harvest rates and hunting pressure, and that the harvestable surplus may be exceeded. From 2016-2021, sheep harvest in Units 24A and 26B averaged 15.8 sheep and 18.3 sheep, respectively (Stout 2022), while estimated 2021 ram abundance was 29% of historical averages (2009-2021) across all survey areas.

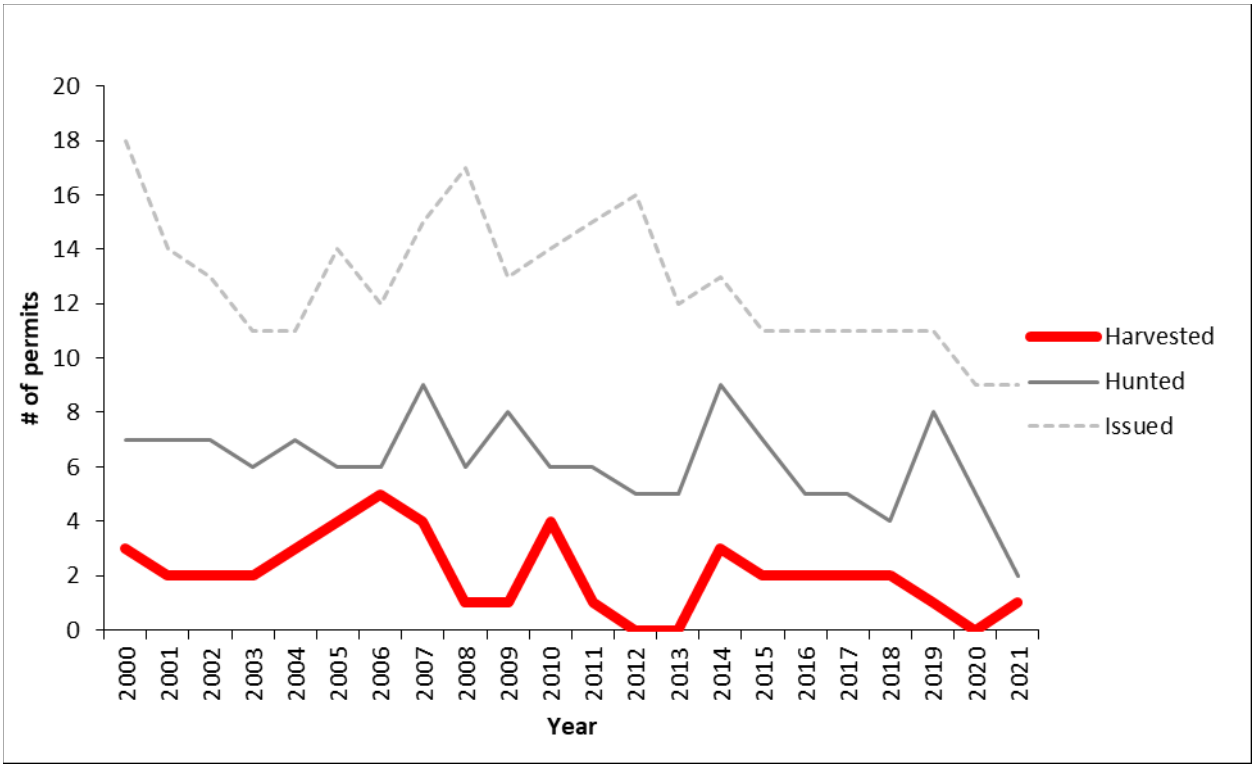


Figure 10. Reported harvest, hunter effort and success under Federal sheep permit FS2404 (OSM 2022; Julianus 2022, pers. comm.).

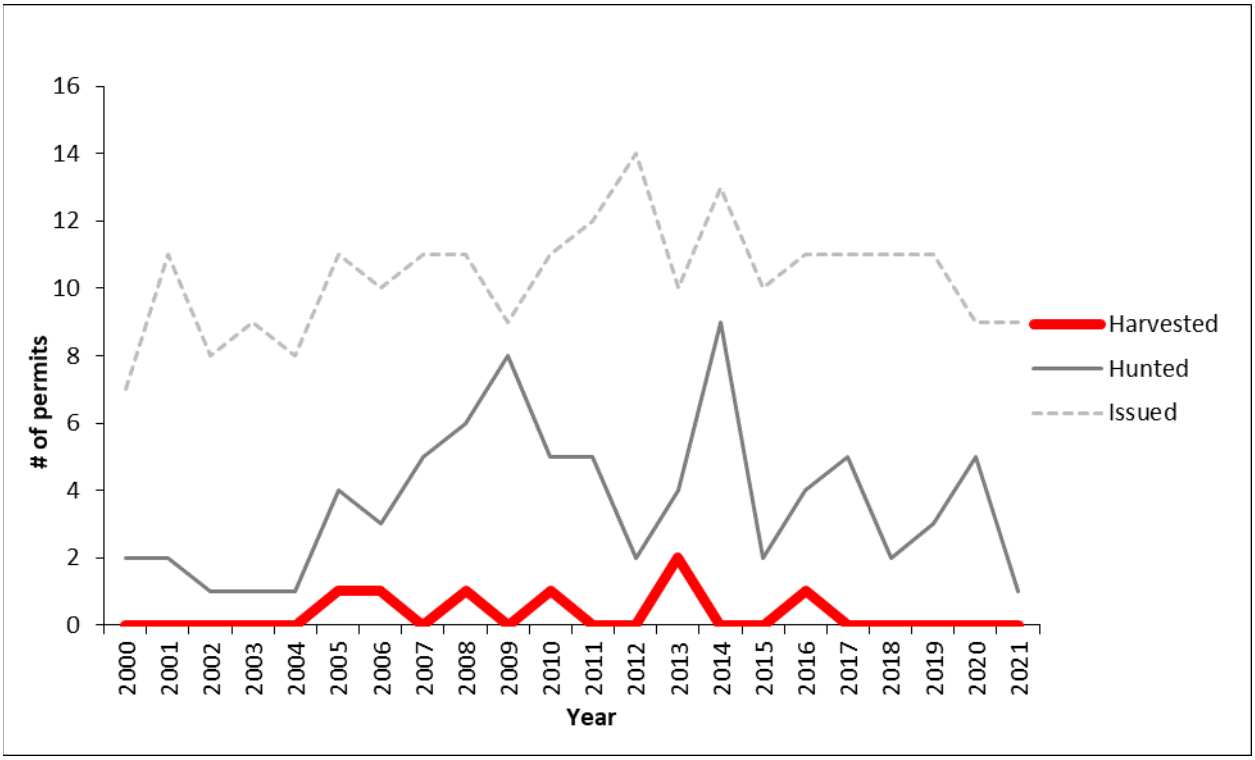


Figure 11. Reported harvest, hunter effort and success under Federal sheep permit FS2602 from 2000-2021 (OSM 2022; Julianus 2022, pers. comm.).

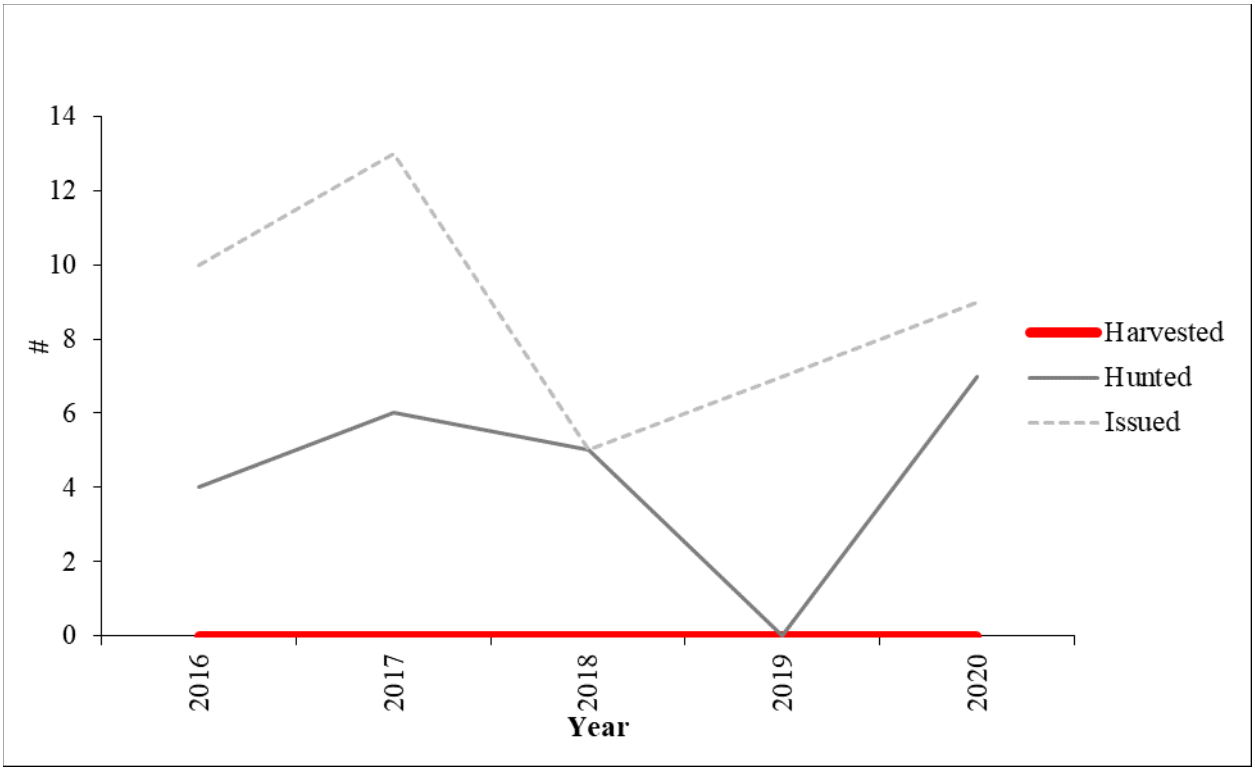


Figure 12. Reported harvest, hunter effort and success under Federal sheep permit FS2411 since inception in 2016 (OSM 2022; Julianus 2022, pers. comm.).

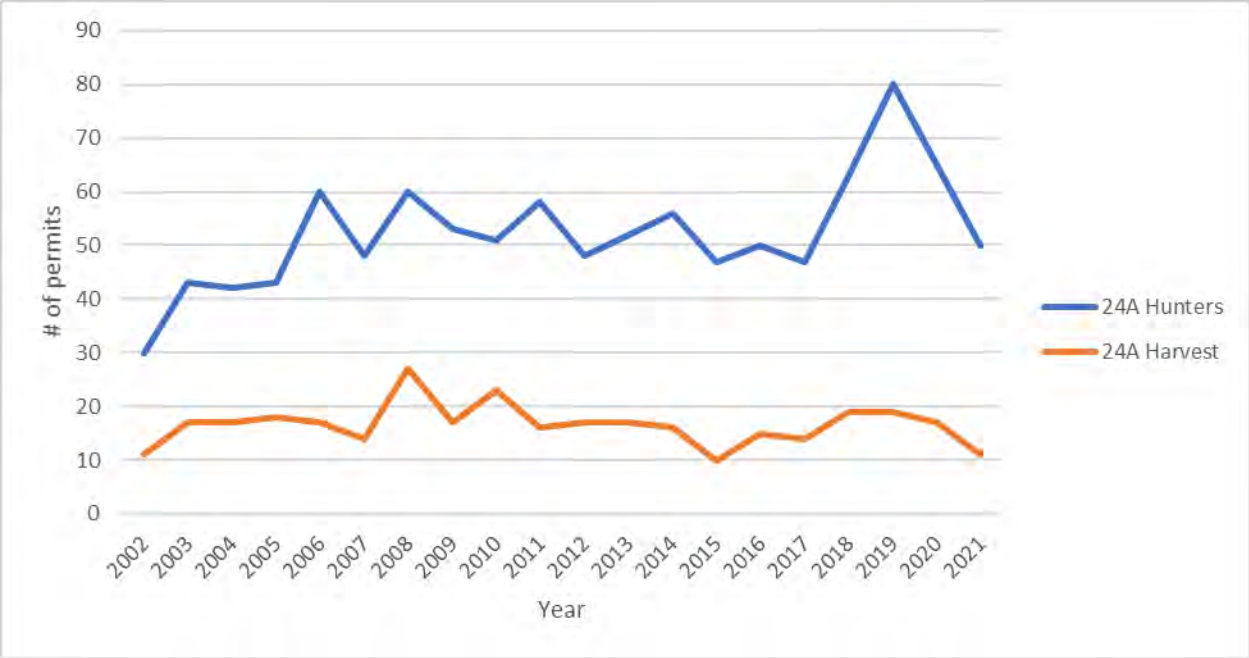


Figure 13. Number of hunters and sheep reported harvested on State harvest tickets in Unit 24A 2002-2021 (Stout 2022).

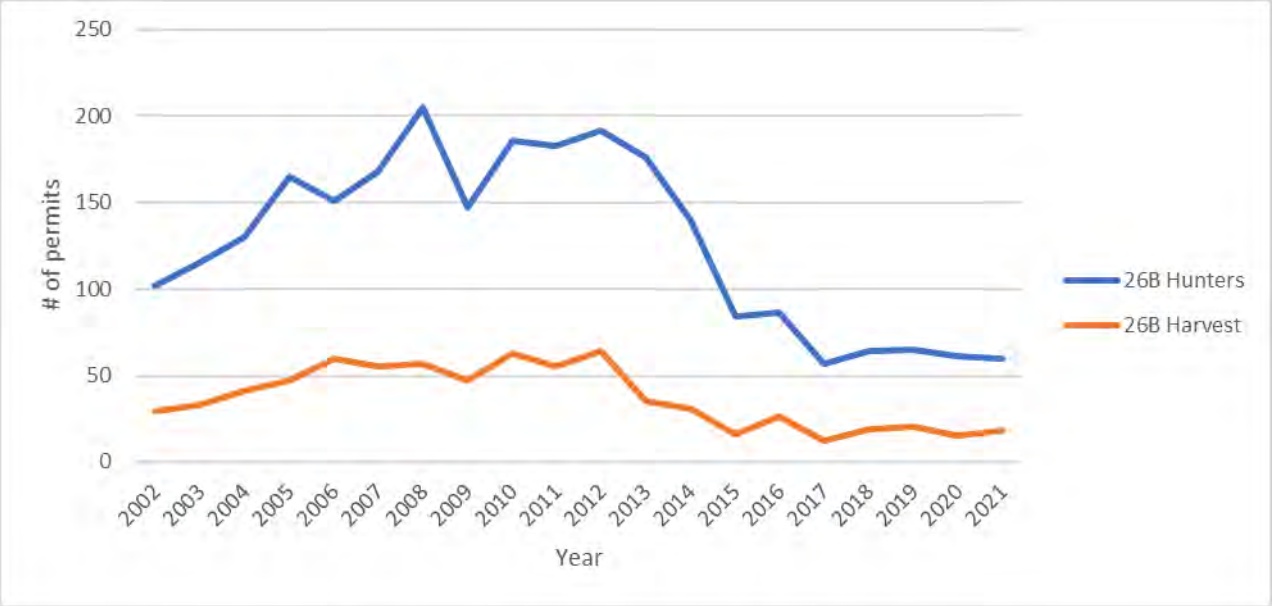


Figure 14. Number of hunters and sheep harvested reported on State harvest tickets in Unit 26B, 2002-2021 (Stout 2022).

Table 4. Number of resident and non-resident hunters and sheep harvest in Units 24A and 26B (Parrett 2022, pers. comm.).

Year	Resident Hunters	Resident Harvest	Non-Resident Hunters	Non-Resident Harvest	Total Hunters	Archery Harvest	Total Harvest
2002	98	18	33	21	131	0	39
2003	119	26	38	22	157	0	48
2004	130	30	39	26	169	2	56
2005	174	40	34	24	208	0	64
2006	169	29	37	18	206	0	47
2007	185	41	44	32	229	8	73
2008	220	55	43	25	263	5	80
2009	161	35	40	28	201	4	63
2010	197	61	42	25	239	7	86
2011	203	47	41	24	244	1	71
2012	200	57	40	24	240	4	81
2013	193	35	35	17	228	0	52
2014	160	28	35	19	195	0	47
2015	104	13	27	13	131	3	26
2016	107	22	31	19	138	1	41
2017	91	12	27	14	118	0	26
2018	106	21	25	17	131	0	38
2019	117	26	26	13	143	3	39
2020	98	13	28	19	126	0	32
2021	78	11	32	18	110	0	29

Cultural Knowledge and Traditional Practices

Dall sheep are an important subsistence resource to residents of Allakaket, Alatna, Anaktuvuk Pass, Hughes, Huslia, Wiseman and Point Hope because of their value as a food source and their role in cultural traditions. The subsistence practices of the residents of Unit 24A and 26B reflect the cultural traditions of the Nunamiut Inupiat, Koyukon Athabascans, and Euro-American settlers. For some communities of the area, after caribou, sheep are one of the most valued subsistence resources in the Brooks Range. Residents of Anaktuvuk Pass, for example, depend greatly on their communal sheep hunts. In a 1978 NPS study of the residents of Anaktuvuk Pass and the Upper Koyukuk, Nelson et al., reported on the significance of the sheep harvest to community members and the traditional knowledge they rely upon to harvest sheep in the Brooks Range:

> To the subsistence dependent resident who makes intensive use of the wild resources, the surrounding terrain is a complex maze of micro-environments each with characteristics and potentials that make it unique from all others. Each river is a special river with a set of physical properties that must be learned if one is to effectively exploit its resources. Each herd in a river is different…The vegetation and ledges of one mountain favor sheep populations while the neighboring mountain is relatively barren (Nelson et al. 1978:133─143).

Residents of Anaktuvuk Pass typically harvest more sheep than other communities in the region (ADF&G 2022; Hazell 2012: 130, 143, 154; Nelson 1978). Reports from multiple agencies and organizations indicate that residents of Anaktuvuk Pass hunt sheep locally and harvest an average of 21 sheep per year (Okada 2022, pers. comm.; Brown et al. 2016: 49; Hazell 2012: 139, 146, 154; Hutchinson-Scarbrough et al. 2012: 673; Nelson 1978:54). In 2011, Anaktuvuk Pass residents reported harvesting as many as 75 sheep (Hazell 2012: 157). In comparison, other communities in the region typically report harvest fewer than ten sheep per year (**Table 5**). The harvest patterns of the affected communities indicate long-term dependence on sheep, highly local sheep harvest, and variability in the number of sheep harvested.

Dall sheep is an important subsistence resource to rural residents of Unit 24 and Unit 26 for multiple reasons. First, sheep are a valuable source of protein, particularly when other sources are less available. Subsistence harvesting is opportunistic and adaptive, and those living a subsistence way of life rely on having a diversity of options. At a 2015 Council meeting, a resident commented, “Yeah, old days there was not hardly any caribou, so our parents depended on sheep. There were a lot of sheep in this area…That’s what saved our hides” (041215AKAP4) (Hazell 2012: 415). This statement is supported by the trend in the reported number of sheep and other fish and wildlife harvested over time. When residents harvest less salmon and caribou, they rely more on sheep. For example, in 1973, the combined harvests of Alatna-Allakaket and Hughes included 518 caribou, 70 moose and 10 sheep (Marcotte and Haynes 1985: 105; Nelson et al. 1978:324). Then, in 1981─1982, the overall harvest of these communities was dominated by salmon (Marcotte and Haynes 1985: 95). Mammal harvests comprised only 15% of the total harvest for all three communities, which included 61 moose, five caribou and five sheep (Marcotte and Haynes 1985:95, 105). Decades later, in 2011, as the size of salmon runs began to decrease, the salmon harvest comprised of only 27% of the total harvest of fish and wildlife and residents of Alatna-Allakaket harvested more wildlife including 124 caribou, 21 moose and four sheep (Hutchinson-Scarbrough, L., D. Andersen, M. Marchioni 2012: 121, 125). The data demonstrates the role of sheep in

the diet and food security of these communities: they depend on being able to harvest sheep and the number they harvest depends on availability of sheep and other subsistence resources.

A primary reason that sheep are an important subsistence resource for these communities is the cultural significance of traditional communal sheep hunting, a "rite of passage" (Hutchinson-Scarbrough, L., D. Andersen, M. Marchioni 2012: 121). Pollock Simon, Sr., a resident of Allakaket and a member of the Council, spoke about the importance sheep hunting during a Council meeting in 2015. In response to a question on using household surveys to document sheep harvests, he said:

> Yeah. A house-to-house survey would be ok, I guess. But I wanted to talk a little bit about the history of hunting in the mountains. Up by Alatna River, it's about 150 miles, 200 miles by boat. And traditionally our people have hunted sheep up in the mountains for years. In the 1940s, 1950s my father and my grandfather, you know, before outboard motors they poled up the Alatna River and spent a couple of months hunting sheep. And, due to not much meat in Allakaket those days, there's no moose and not much caribou. So, they have to hunt sheep in the summertime. They left—they'd go in July and come back in August, make raft and we don't have to go up and hunt sheep these times now, but I have two sons that want to keep up the tradition of going up into the mountains and looking for sheep you know. The take of sheep is pretty low in Allakaket and Alatna and Hughes. Not every year does the boys go off to hunt (WIRAC 2015b: 195).

To Mr. Simon, Sr., the sheep hunt itself holds special meaning for his family and others in the area. He explained that it's critical to maintain the tradition of sheep hunting, particularly because the frequency of the hunt varies depending on subsistence needs and the availability of other protein sources. Likewise, Marcotte and Haynes (1985) noted that the significance of the hunt cannot be measured by units of harvest effort. They stated, "…participation rates and absolute harvest quantities are not synonymous with the relative importance or value placed on a cultural activity" (1985:51). When harvested, sheep has special cultural meaning and significance. Sheep meat is a delicacy that is shared at celebrations (Brown et al. 2016: 400, 415─416; Hutchinson-Scarbrough, L., D. Andersen, M. Marchioni 2012: 86, 102, 104; Marcotte and Haynes: 1985: 51, 54─55). Furthermore, the activity of the communal sheep hunt provides additional harvest opportunities. Marcotte and Haynes (1985) reported that during their study, a single communal sheep hunt yielded five sheep, four caribou and four black bears. These findings demonstrate that sheep have a cultural importance that extends beyond community harvest counts.

Because sheep are important, residents are concerned about their declining populations in the Brooks Range. This concern is not new; over the last 20 years, the Council and the North Slope Council have addressed issues such as sheep health and conservation in the Brooks Range (NSRAC 2022; 2021; 2020; 2017a; 2017b; 2015; 1994 and WIRAC 2022; 2021a&b; 2020; 2019a&b; 2017;2016a&b; 2015a&b; 2014; 1994). Community members have also stated their concerns about sheep populations. In ADF&G Division of Subsistence Technical Paper No. 426, a resident of Anaktuvuk Pass described their observation of declining sheep populations, "The sheep numbers are going down within the past couple years…you just don't see the daycares anymore—the ewes and the lambs hang out in big groups during the summer. You don't see as much of those around anymore when you're out in the country. You don't see as many little babies running around" (041415AKPI) (Brown et al. 2016: 453).

In another study, residents commented that it was harder to find sheep and they had to travel more to find them which is expensive (Hazell 2012). Residents also described conflicts with non-local hunters. For example, one person said the noise from low flying "sport hunting planes" disturbs sheep and causes them to disperse, making it more difficult to harvest them (Hazell 2012: 177). With less sheep being observed, residents are more sensitive about the impacts that others have on sheep population sizes and behaviors.

Residents of Units 24 and 26 have been working to understand what is causing reductions in sheep abundance throughout the Brooks Range and to develop solutions to reverse these declines. Council members have discussed possible causes for reduced sheep numbers at many meetings over the past two decades (NSRAC 2022; 2021; 2020; 2017a; 2017b; 2015; 1994 and WIRAC 2022; 2021a&b; 2020; 2019a&b; 2017;2016a&b; 2015a&b; 2014; 1994). Council members consider extreme weather events, such as winters with heavy rain on snow events, as one of the main factors impacting sheep abundance. Other factors include increased hunting pressure because of Dalton Highway access, increased user conflict, and over-harvest of mature rams that play a primary role in maintaining healthy sheep numbers (NSRAC 2022; 2021; 2020; 2017a; 2017b; 2015; 1994 and WIRAC 2022; 2021a&b; 2020; 2019a&b; 2017;2016a&b; 2015a&b; 2014; 1994). In 2014, a resident of Anaktuvuk Pass described the number of non-local hunters harvesting sheep in the area, "We'll see them come with stacks of big bull horns and sheep horns and sheep heads. But no meat. They don't even bring any body meat" (041615AKP3) (Brown et al. 2016: 453). In Wiseman, residents discussed decreased abundance and growing competition from non-local hunters as limiting factors in their pursuit of sheep and caribou (Brown et al. 2016). They said this competition makes harvesting sheep difficult for them. Other concerns expressed were the risk of hunting amongst unskilled bow hunters from elsewhere, wounded sheep and caribou that are not harvested, dispatched or reported and insufficient harvest data needed to understand population dynamics (Kukkonen 2012: 376, 397─398). The Councils have discussed and attempted to address these issues for more than twenty years because of the importance of maintaining sheep populations as a subsistence resource.

Table 5: Dall sheep harvest in Unit 24A and 26B communities. Blank cell indicates no survey conducted, 0 indicates a survey was conducted and no harvest was reported (ADF&G 2022b; Koster and Holen 2015: 16-19).

Community	2014	2011	2002	2001	2000	1999	1998	1996	1994	1992	1984	1982
Alatna		0										
Allakaket		4										
Alatna/Allakaket											2*	6*
Anaktuvuk Pass	32	75	16	5	5	9	10	7	27	37		
Hughes	0											0
Huslia												
Point Hope	0								28**			
Wiseman		2										

*In 1984 and 1982, ADF&G Division of Subsistence lumped the harvests of Alatna and Allakaket
**Point Hope harvests may have occurred within or outside of Unit 23 (Koster and Holen 2015: 16).

Other Alternatives Considered

In comments received from the NPS, biological staff felt that there is strong evidence to support a closure in Unit 24A and moderately strong evidence for the partial closure in Unit 26B. Sheep populations have declined in both units recently, but the decline has been more drastic in Unit 24A. Population estimates show all legal rams on the east side of the Dalton Highway in Unit 24A may possibly have been harvested during 2021, and the same may happen again in 2022. Whereas the Unit 26B sheep population experienced a decline from the winter of 2013/2014 but has been stable to slightly decreasing since that time. The population has not recovered even though there was above average lamb:ewe ratios in 2015 and in the most recent survey of 2021. Therefore, at this time the NPS considers a closure in Unit 24A only as warranted. But if population metrics in Unit 26B decline in the future, there would then be adequate reason to close it as well.

During the public hearing, a comment from a registered guide in the Itkillik River drainage coincided with the idea presented by the NPS. He stated he hasn't guided for sheep in the Itkillik area since 2015. But this last year he took two clients on sheep hunts there. His sentiment was the sheep population is recovering or stable enough to support harvest in that drainage, unlike in the rest of the requested area. He is not opposed to the closure in general, he is just opposed to it within the GAAR boundary within Unit 26B. He feels the population is strong enough to support continued hunting and that subsistence use in the area is low.

However, OSM did not further consider these alternatives because while NPS data shows the Itkillik survey area sheep population as being stable to slightly decreasing since 2013, only a portion of it is within Unit 26B. BLM data shows dramatic decreases in sheep abundance in the rest of the proposed closure area of Unit 26B. Actual sheep harvest in the Itkillik area is unknown, but the abundance of full-curl rams has declined considerably since 2016 (**Table 2**). In 2021, the Itkillik sheep population only had an estimated 14 full-curl rams. If this area is allowed to remain open while other portions of Unit 26B are closed to the harvest of sheep, it may concentrate sheep hunters in the Itikillik area. Even though the population has been stable from 2015-2021, the population is still less than half of pre-2013 levels (**Figure 9**).

Another alternative would be to close the same area to non-Federally qualified subsistence users only. Only 5.1% of total harvest from Units 24A and 26B is attributable to Federally qualified subsistence users from 2000─2021. From 2017─2021, Federally qualified subsistence users have harvested an average of one sheep per year. Since Federal harvest and hunter pressure is so low, their impact on the sheep population may be negligible. However, OSM did not further consider this alternative because the sheep population has declined so drastically, no harvestable surplus seems to be available, and any harvest or disturbance to the sheep population may hamper recovery. Additionally, all comments received from local subsistence users during the public hearing were in support of closing the season to all users, and both the Western Interior and North Slope Councils supported a full closure at their winter 2022 meetings.

Effects of the Proposal

If this Special Action is approved, all Federal lands in Units 24A and 26B west of the Sagavanirktok River will be closed to the harvest of sheep to all users for the 2022─2023 and 2023─2024 regulatory years. This would decrease opportunity for Federally qualified subsistence users and for anyone hunting under State regulations as sheep would not be available for harvest on Federal public lands within these areas. Individuals hunting under State regulations could still hunt and harvest sheep on private and State lands within Units 24A and 26B. This could result in displacement and crowding of hunters onto these State-managed lands.

§816(b) of ANILCA permits closure of Federal public lands to the taking of wildlife by all users "to assure the continued viability of a particular fish or wildlife population." Substantial conservation concerns, including drastic population declines and poor composition metrics (e.g., poor lamb recruitment, reduced full-curl ram abundance) threaten the viability of the Dall sheep population along the DHCMA. As found by Heimer and Watson (1986) and attested by local residents with traditional ecological knowledge, the absence of mature rams can have cascading, negative population-level effects, which, with cohorts currently missing, may occur if more mature rams are harvested. Additionally, current harvest rates appear unsustainable as legal ram numbers have decreased considerably (**Table 2**), while hunter effort and harvest in Unit 24A has not. Furthermore, lamb production in 2013 and 2014 was abysmal, and these are the eight- and nine-year-old rams, which would be available for harvest this season. For these reasons, no harvestable surplus seems available for these sheep populations.

Approval of WSA22-02 may aid in the recovery of these local sheep populations by increasing the survival of full-curl rams, which could have cascading, positive effects on the overall sheep population by increasing ewe fecundity, lamb production, and survival of younger rams. Approval could also decrease disturbance of these sheep by hunters, which could decrease energy expenditure, improve predator evasion, and improve physical fitness during the breeding season and into winter. While sheep will still be hunted on State-managed lands, the Board only has authority to close sheep hunting on Federal public lands.

Similar action has already occurred under State and Federal regulations for sheep hunting closures in the Brooks Range due to drastic sheep population declines and poor lamb production. In 2015 and 2016, the State and Federal sheep hunts in Unit 23 and portions of Unit 26A were closed due to serious conservation concerns.

OSM CONCLUSION

Support Wildlife Special Action WSA22-02 **with modification** to simplify the regulatory language.

The modified regulation should read:

Unit 24−Sheep	
Unit 24A, ~~except that portion within the Gates of the Arctic National Park - 1 ram by Federal registration permit only~~	*~~Aug. 20-Sep. 30.~~* ***No open season.***
Federal public lands are closed to the taking of sheep for the 2022-23 and 2023-24 regulatory years for all users.	
Unit~~s 24A and~~ 24B (excluding Anaktuvuk Pass residents), that portion within the Gates of the Arctic National Park - 3 sheep, no more than one of which may be a ewe, by Federal registration permit only, with exception for residents of Alatna and Allakaket who will report by a National Park Service community harvest system	*Aug. 1-Apr. 30.*
Unit 26−Sheep	
Unit 26B~~, that portion within the Dalton Highway Corridor Management Area~~ ***, west of the Sagavanirktok River*** *- ~~1 ram with 7/8 curl or larger horn by Federal registration permit only~~*	*~~Aug. 10-Sep. 20.~~* ***No open season.***
Federal public lands are closed to the taking of sheep for the 2022-23 and 2023-24 regulatory years for all users.	
Unit 26A, remainder ~~and 26B, remainder~~, including the Gates of the Arctic National Preserve ***and Unit 26B, east of the Sagavanirktok River*** *- 1 ram with 7/8 curl or larger horn*	*Aug. 10-Sep. 20.*

Justification

Population viability concerns warrant closure to sheep hunting along the DHCMA by all users under §816(b) of ANILCA. Approving WSA22-02 may help the Dall sheep populations within Units 24A and 26B, west of the Sagavanirktok River to recover and rebuild a more complete age structure. After constant hunting pressure and severe winter weather, the population has dropped considerably. No harvestable surplus of mature rams appears to exist in this population as the few legal rams left are needed for effective breeding to maximize lamb production.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

North Slope Alaska Subsistence Regional Advisory Council

Support WSA22-02. The NSRAC discussed this request at length with Jack Reakoff, Chair of the WIRAC and Will Deacy, wildlife biologist with NPS GAAR. The NSRAC believe, based on the local and traditional knowledge and biological data presented, that a closure to sheep hunting in Unit 24A and 26B, west of the Sagavanirktok River is warranted. This closure would not affect sheep harvest by the community of Anaktuvuk Pass in Units 26A and 24B and the NSRAC is otherwise willing to forgo subsistence harvest of sheep in Units 24A and 26B to aid population recovery. The NSRAC feels subsistence hunters are conservationists and will not hunt the declining sheep population. The NSRAC supports the neighboring WIRAC in their request to close all hunting in this area.

The NSRAC fully embraces the Dall sheep conservation concerns Mr. Reakoff read into the record at their winter 2022 meeting. They concur with observations on sheep decline due to climate change impacts such as rain on snow events in addition to the intensive hunting pressure NSRAC members have witnessed along the DHCMA. Traditional knowledge informs the importance of balance across all age classes and especially the mature males for effective breeding and maintaining a healthy population. The NSRAC believes there is a clear need for conservation measures to be enacted at this time through a closure to all hunting of Dall sheep in this area to allow for the population to recover.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

Scale is crucial to evaluate Dall sheep population viability. When viewed across the entire Brooks Range, Dall sheep numbers appear to be stable. However, some local populations appear to be critically low. Specifically, there are serious concerns about the viability of the Dall sheep population along the Dalton Highway Corridor Management Area (DHCMA). Recent population estimates and minimum count surveys indicate substantial declines in legal rams, ewes and lambs in most survey areas along the DHCMA. Severe weather conditions, including extended winters and rain on snow events are thought to be a major factor in the population declines for sheep in Units 24A and 26B. Declines in the sheep population within the DHCMA are a concern for rural subsistence users that rely on local populations near where they live.

ANILCA Section 816(b) allows for closure of Federal public lands to the harvest of fish and wildlife “for reasons of public safety, administration, or to assure the continued viability of a particular fish or wildlife population.” The Western Interior Subsistence Regional Advisory Council (the proponent for WSA22-02), is extremely concerned about the central Brooks Range sheep population along the DHCMA and is

willing to forgo subsistence harvest of the species to aid in its recovery. Based on available biological information, and on the traditional ecological knowledge of Federally qualified subsistence users residing in the region, the proposed closure of Dall sheep hunting by all users may be justified and approval of WSA22-02 could aid in the recovery of sheep populations within Units 24A and 26B. The North Slope Subsistence Regional Advisory Council also recommended closing sheep hunting to all users in Units 24A and 26B during their last regulatory meeting.

Historically, most of the sheep harvest in the areas subject to this special action request has been by non-Federally qualified users. Since there are very few, if any, legal rams available for harvest in the area, closure of hunting by non-rural users could provide for conservation of healthy populations of sheep and to allow for continuation of subsistence uses of sheep. Closure to all users, as requested by WSA22-02, is likely to help ensure the continued viability of the Dall sheep populations in the DHCMA. Although sheep harvest by Federally qualified subsistence users is low, sheep numbers are low enough that any additional mortality from harvest may be unsustainable and could slow natural recovery of Dall's sheep in the area.

THE STATE of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Fish and Game
OFFICE OF THE COMMISSIONER
Headquarters Office
1255 West 8th Street
P.O. Box 115526
Juneau, Alaska 99811-5526
Main: 907.465.6136
Fax: 907.465.2332

MEMORANDUM

TO:	Anthony Christianson, Chair Federal Subsistence Board	DATE:	April 28, 2022
		PHONE:	(907) 267-2190
FROM:	Ben Mulligan BJM Deputy Commissioner	SUBJECT:	Wildlife Special Action WSA22-02

The Alaska Department of Fish and Game (ADF&G) has reviewed Wildlife Special Action (WSA) 22-02 requesting the closure under the provisions of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), of Dall's sheep harvest in Unit 24A and the portion of 26B west of the Sagavanirktok River. The proposed closure area includes National Park Service (NPS); Park and Preserve lands, National Wildlife Refuge lands (FWS), and Bureau of Land Management lands (BLM). This proposed closure primarily targets hunting opportunity for a specific group of hunters (walk-in/archery hunters), but it will not result in a sheep population response because most of the sheep population range is outside the proposed closure area. ADF&G agrees sheep abundance in the Central and Eastern Brooks Range has declined in recent years due to weather. However, as outlined below, the proposed closure will not facilitate a population recovery. Because the population continues to provide a sustainable harvestable surplus that exceeds the average annual harvest, AFD&G **OPPOSES** the proposed closure for any portion of this sheep population. The current population numbers do not meet the closure criteria found in ANILCA Section VIII.

Congress enacted ANILCA Title VIII to ensure the continued opportunity for subsistence uses by rural residents of Alaska. Congress also clarified in ANILCA Section 815(3) that Title VIII is not intended to restrict non-subsistence uses of fish and wildlife generally permitted on public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife and as necessary pursuant to Sections 804 and 816. We believe that the population of Dall sheep within the Central and Eastern Brooks Range is both healthy and viable in accordance with Title VIII provisions, and that the sheep in the proposed closure area of Units 24A and 26B west of the Sagavanirktok River are a component of that population.

Congress was very clear in ANILCA of its intent to preserve continued opportunities for subsistence uses by rural residents; however, Congress was also very clear that it intended ANILCA to strike an appropriate balance between" scenic, natural, cultural and environmental values" and "economic and social needs of the State of Alaska and its people." ANILCA Section 101(d). This intent has been confirmed in Ninilchik Traditional Council v. U.S., 227 F.3d. 1186, 1192-93 (9th Cir. 2000) and in two recent court cases, one settled by the United States Supreme Court in *Sturgeon v. Frost*, 139 S. Ct. 1066 (2019) and another just recently in *Friends of Alaska National Wildlife Refuges v. Haaland*, 20-35721 (9th Cir. 2022).

In considering closures of substantial quantities of public lands managed by multiple different agencies with different management purposes, the Federal Subsistence Board (FSB), in addition to considering the substantial evidence requirement found in Section 805(c), needs to consider the purposes Congress had in establishing various land management designations. Congress established several national preserves, administered by the NPS, specifically to allow the continuation of all forms of hunting – sport, subsistence, and guided hunting, as well as trapping.[1] Preserve boundaries were carefully delineated *to meet the concerns of sport hunters*, provide some ecologically sound wildlife sanctuaries, and accommodate other Park System uses.[2] [emphasis added] BLM lands in the area proposed for closure serve as the true multiple use lands in the area and are managed on the basis of "multiple use and sustained yield". As outlined in the Ninilchik Traditional Council case referenced above, if in the course of this consideration, it becomes clear that the recommendation will cause a restriction of non-subsistence uses (i.e., hunting of Dall sheep under State regulations), we ask the Board to provide ADF&G with an explanation as to why they disagree with the information presented in this memo and that the restriction is necessary to serve a purpose listed in Section 815(c) and that less restrictive measures will not achieve this purpose.

Background

The proposal rationale argues that weather is the primary cause of the decline of sheep in the area, but also claims harvest of mature rams and wounding loss contributed to the decline. High ram: ewe-like ratios from trend count surveys conducted within the proposed closure area do not support the claim of significant undocumented wounding loss. Additionally, 65% of rams are harvested at greater than 8 years of age, which refutes the claim of excessive mature ram harvest. The rationale of the proposed closure fails to demonstrate how a closure would mitigate the decline or facilitate growth, because wounding loss or an absence of mature rams are claims not supported by the harvest and survey data. For the mitigation to be effective, it must address the cause of the decline. For the Central and Eastern Brooks Range sheep population, the decline was not harvest related and harvest that does occur is likely mostly compensatory (Burnham and Anderson 1984). Therefore, the proposed closure will be ineffective at mitigating weather caused declines or promoting growth.

Full-Curl Ram, Harvest Management Strategy Allows Harvest Without Impacting Population Growth

Dall's sheep in this area are managed using the full-curl ram harvest management strategy. The full-curl strategy is a conservative strategy because it delays harvest of rams until they are among the older age classes. Because rams aged 8 years old or older have higher mortality rates than younger rams (Deevey 1947), we know that the full-curl strategy is a mostly compensatory harvest strategy. Advantageously, the full-curl strategy is deliberately conservative but simultaneously diminishes the need for annual survey counts and subsequent harvest rate assessments from annual population estimates. This is suited to the practical limitations of obtaining annual aerial survey data consistently in the Brooks Range. Additionally, we can demonstrate that harvest fluctuates proportional to the number of full curl rams in the population with the full-curl strategy, and harvest of each cohort is proportional to the recruitment of each respective cohort (Figure 1). Therefore, we have high confidence that harvest is dependent on cohort abundance. Furthermore, harvest data (Brooks Range, 1987-2021; n = 7,476) demonstrates that only 35% of legal rams harvested are harvested the first year they are legal (full-curl or 8 y.o.), whereas 65% of rams are harvested greater than 8 years of age. This gives us confidence that social structure tends to remain similar across a range of abundances with the full-curl management strategy.

Fundamental to the full-curl strategy is the concept that the older ram age classes that are targeted are also numerically few. Numerically few animals result in minimal harvest. Practically speaking, full curl

[1] ANILCA Legislative History, Volume 35, page 307/581
[2] *Id.*, page 381/655

rams are also identifiable by hunters, therefore it is a useful observable metric for hunters to identify legal animals, which simultaneously coincides with the small demographic of the population. Because they are a numerically small demographic and because that particular age/sex demographic is known to have higher rates of mortality, it results in a mostly compensatory harvest that is numerically small and fluctuates in proportion to availability. Harvest data reinforces the assessment that few rams are harvested from small cohorts, proportionally more rams are harvested from relatively more abundant cohorts, and rams greater than 8 years old are present among both numerically strong and weak cohorts. The ADF&G uses a combination of cohort assignment from harvested rams and survey counts of lambs to monitor the strength of each cohort and harvest sustainability.

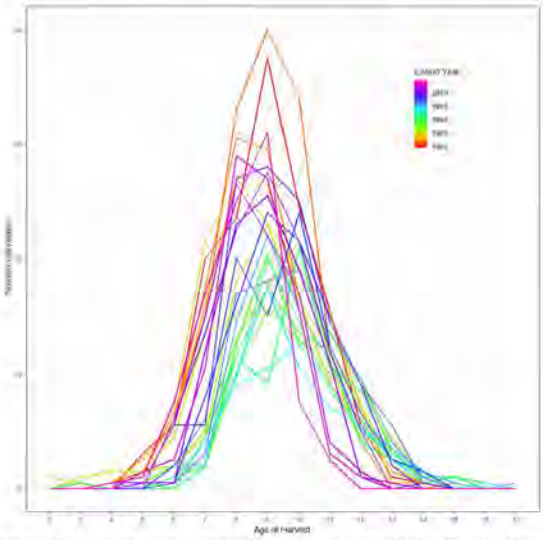


Figure 1. Cohort assessment of sheep harvested in the Brooks Range from 1987 through 2021. Cohort year is determined using harvested sheep ages and year of harvest. Numerically weak cohorts of the 1990s are lower than numerically strong cohorts of the 1980s and 2000s.

The Area Affected is Small and is Already Restricted to Hunting Methods and Means

The affected area of the proposed closure includes 3,282 mi^2 of federal lands, which constitutes 7.5% of the 43,506 mi^2 of sheep range in the Central and Eastern Brooks Range (Figure 2). Furthermore, 1,606 mi^2 of the proposed closure area is already highly restricted as an archery-only/non-motorized vehicle hunt or within the Gates of the Arctic National Park (GAAR). Therefore, the proposed regulation would primarily affect only 1,676 mi^2 of federal lands, or 3.9% of the Central and Eastern Brooks Range sheep range. The proposed regulation would be ineffective as management action at the landscape level. The area of implementation assessment is relevant, because hunters would easily redistribute themselves within the huntable sheep range. Including federally qualified users (FQU) in the closure, is not meaningful mitigation because the harvest from those two communities is very small (< 3 sheep annually) and because they can easily access and hunt sheep in the GAAR portion of 24B.

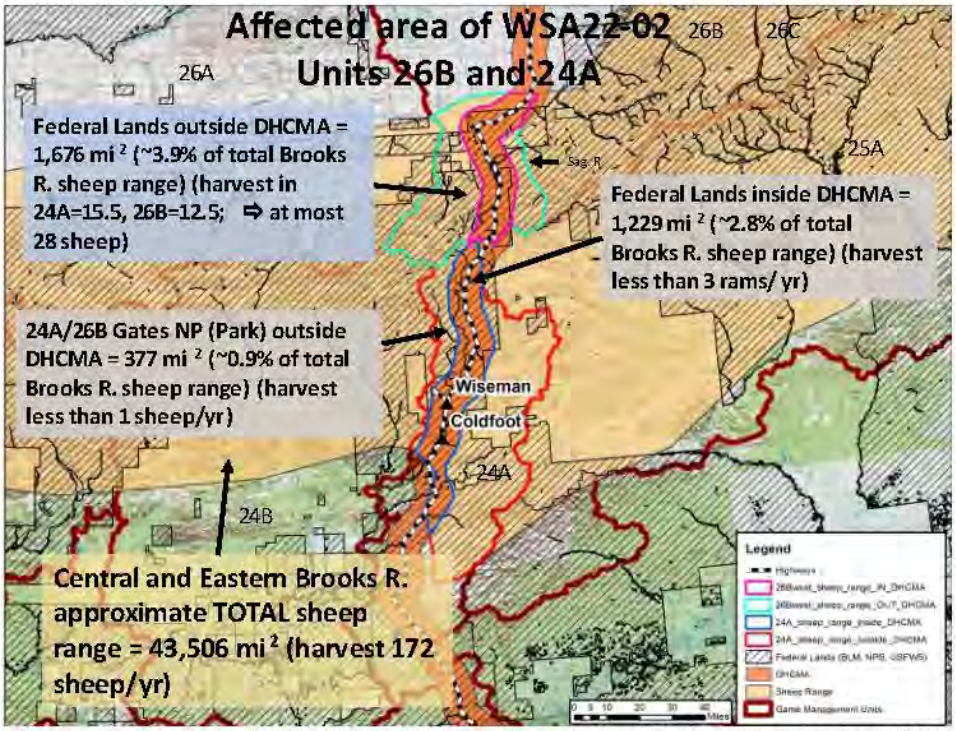


Figure 2. Proposed closure area in Units 26B and 24A and the Dalton Highway Corridor Management Area (DHCMA).

A Closure Would Not have a Meaningful Biological Population Effect

The Central and Eastern Brooks Range sheep range is managed by the Department as a functional population; therefore, assessment of any proposed management action requires an assessment of the potential effect at the population level. It is important to recognize that the proposed closure area does not constitute a distinct biological sheep population, separate from the Central and Eastern Brooks Range sheep population. Because the proposed closure would only affect approximately 3.9%-7.5% of the Central and Eastern Brooks Range sheep range, lacking more specific distribution data, we infer that it would only have the potential to affect a small portion of the sheep population. However, the effectiveness of proposed closure assumes sheep are only on federal lands and that hunters would not redistribute themselves to other areas within the Central and Eastern Brooks Range sheep range. To the latter point, historical statewide harvest data demonstrates hunter redistribution is a common response to regulation changes and to the former point survey data has clearly documented sheep on non-federal lands within the proposed closure area. Regardless, the potential effect of the proposed regulation is not biologically meaningful.

This sheep population assessment is relevant for two reasons, because the potential effect of the closure is insignificant at the population level and because hunters (federally qualified and non-federally qualified) would simply redistribute themselves within the huntable sheep range. More importantly, the population of sheep in the Central and Eastern Brooks Range continues to be viable and the population continues to provide a harvestable surplus that exceeds the average annual harvest.

A Closure Would have a Minimal Effect on Harvest

For the proposed closure area, the ten-year average sheep harvest for Units 24A and 26B (west of Sag. R.) combined is 28 sheep (15.5 sheep in 24A and 12.5 sheep in 26B west of Sag. R.). The 28 sheep average harvest represents 16% of the total harvest (172 sheep harvested) of Central and Eastern Brooks Range sheep range. However, because most or all the 24A harvest occurs on state managed lands despite being a small portion of the area [26% of 24A and 16% of 26B (W. of Sag R.) sheep range is State or Private lands], the actual mitigation effect of the proposed closure would be far less than 28 sheep harvested.

We estimate the combined average annual harvest rate of the Central and Eastern Brooks Range sheep range to be 1-2% (compare to moose and caribou harvest rates at 5%) and that the proposed closure would only reduce that harvest rate by 10-15%. The current harvest rates are very conservative, and the proposed closure effect would not be measurable or biologically significant at the population level. It is important to recognize two key strategic inferences of the proposed closure: one is that none of the sheep within the closure area would be harvested outside of the closure area, in other portions of the Brooks Range. The second is that hunters will not redistribute themselves. It is likely that both inferences are false because historical harvest records inform us those hunters will simply move to the areas with open seasons, and the sheep will not be isolated within the closure areas. Therefore, we conclude that the current harvest rates are very low, and the harvest rate of the proposed closure would be inconsequential.

The conclusion that the current harvest level and management strategy is conservative, is corroborated by rams:100 "ewe-like" ratios observed in areas where the harvest is limited to full-curl rams. Sheep trend count surveys conducted from 2002 to 2021 in a portion of Units 24A and 25A counted an average of 42 rams:100 "ewe-likes" (Figure 3). Which is comparable to averages of ram:100 ewe-likes estimates from 2009-2021 in the Itkillik R. (42.9 rams:100 ewe-likes; CV range = 13% to 27%), from 2014-2021 near Anaktuvuk Pass (49.9 rams:100 ewe-likes; CV range = 13% to 31%) and from years 2010, 2015, 2021 in the GAAR total area (54.7 rams:100 ewe-likes; CV range = 8% to 10%). These rams:100 ewe-likes average values were based on abundance estimates using distance sampling methodology (conducted by NPS). Due to classification errors (e.g., small immature rams misclassified as ewes), we expect the *actual* ram:100 ewe ratio to be even higher if ewe-like rams were moved from the denominator to the numerator. Age estimates derived from growth annuli from rams harvested since 1987 in the Brooks Range indicated 65% of rams harvested were greater than 8 years of age (Figure 4). The age estimates also indicate a mature ram age structure is perpetuated annually and that harvest is not having a significant effect on the population. In other words, where we document high male:female ratios and older age-at-harvest in other big game populations, it consistently indicates that harvest is low, sustainable, and likely having little biological effect on the population. Because the weather-related decline impacted the entire population, it is likely male and female lambs sustained similar levels of mortality.

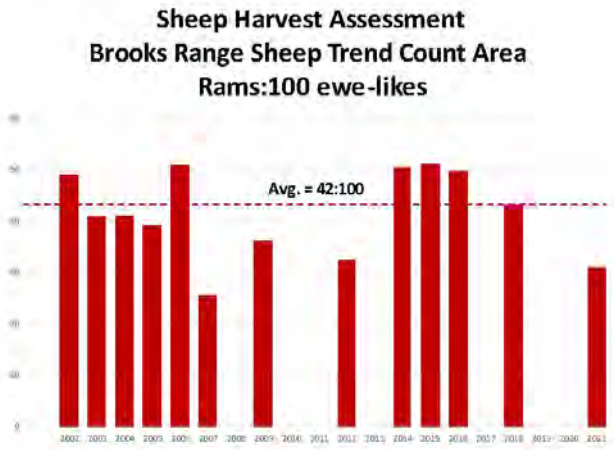


Figure 3. Ram:100 ewe-likes from trend count surveys conducted from 2002-2021 in Units 24A and 25A.

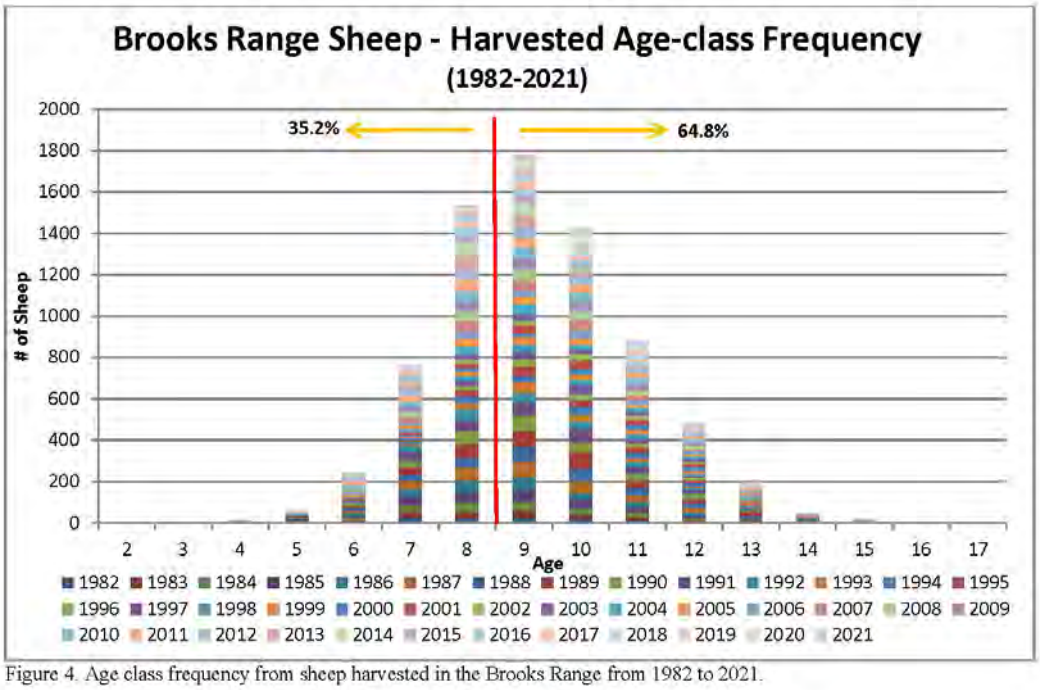


Figure 4. Age class frequency from sheep harvested in the Brooks Range from 1982 to 2021.

Additional Information

Like other sheep populations in Alaska, the current weather-related decline of the sheep population in the Central Brooks and Eastern Brooks Range was significant. ADF&G continues to assess the situation using GAAR population estimates, trend count surveys, and harvest data. ADF&G also plans to deploy satellite-collars in the Central Brooks and Eastern Brooks Range sheep population to further understand this population and evaluate hunting effects on sheep population dynamics beginning in 2022.

However, although the decline is real, lambs continue to be counted in annual aerial surveys and a representative age structure of rams continue to be harvested each year, even from the smaller (numerical) cohorts of the early 2010s. Additionally, providing a harvestable surplus from big game populations with small herds (e.g., 500-1,000) is not unprecedented (e.g., Wolf Mtn. Caribou, 21C Moose, Nunivak Island Muskox, etc.), while the Central Brooks and Eastern Brooks Range sheep population is likely 10,000-20,000 sheep, based on extrapolations of recent population estimation surveys from the GAAR. ADF&G has consistently demonstrated with sheep and other big game populations, that it is not necessary to conduct an annual count of a harvested population or enumerate the abundance of each individual cohort, where very conservative management strategies are employed. In fact, because sheep are one of the few big game populations where age structure and cohort data are available from harvest data, it further reduces the imperative for annual survey data.

Additionally, as previously discussed, approximately 28% the Central Brooks and Eastern Brooks Range sheep population resides within the GAAR. With relatively minimal harvest in the GAAR, and harvest that includes any-ram and ewe harvest, the GAAR represents a significant refugia to the sheep population. The presence of that refugia enhances the opportunity for genetic interchange, age, and sex class interchange, sink migration, and escape terrain from hunting pressure.

The Central Brooks and Eastern Brooks Range sheep population declined due to weather, not harvest. Sheep population fluctuations of varying magnitudes and causes are not unprecedented in Alaska, and those populations have recovered under the full-curl strategy. This is further evidence of the compensatory nature of the full-curl harvest strategy. The proposed closure will not accelerate the recovery or mitigate weather-related declines.

While we recognize the proponent has concerns regarding the declines in the area sheep populations over the past decade, ADF&G believes, based on the information we have gathered in our role as the manager of wildlife in Alaska, that the population of sheep in the Central and Eastern Brooks Range continues to be viable and healthy. As a viable and healthy population, we believe existing Dall sheep numbers can provide both continued opportunity for rural residents to engage in a subsistence way of life as required by ANILCA Section 801(1), as well as for existing state Dall sheep hunting as approved by the Alaska Board of Game (BOG) to continue. Current subsistence harvest numbers of the sheep in the proposed closure area are estimated to be very low (< 3 sheep/year and other hunting activities are already highly restricted (GAAR *hard park* or the DHCMA) for more than 41% of the proposed closure area.

Cc: Randy Ruaro, Chief of Staff, Governor's Office
Doug Vincent-Lang, Commissioner, Alaska Department of Fish & Game
Eddie Grasser, Director, Division of Wildlife Conservation
Ryan Scott, Assistant Director, Division of Wildlife Conservation
Lisa Olson, Operations Manager, Subsistence Section
Cheryl Brooking, Assistant Attorney General, Department of Law

Burnham, K. P., and D. R. Anderson. 1984. Tests of compensatory vs. Additive Hypotheses of Mortality in Mallards. Ecology 65:105-112.

Deevey Jr, E. S. 1947. Life tables for natural populations of animals. The Quarterly Review of Biology 22(4):283-314.

APPENDIX 1

Koyukuk River Advisory Committee letter of concern to the Alaska Board of Game, Record Copy, for the State Wide meeting March 4-11, 2022 Fairbanks.

The Committee expressed concern to Region III ADFG staff at the 2-3-2022 telephonic meeting regarding the vast decline in Dall Sheep population and ram composition. The Committee spent at least 30 minutes with Mr. Stout and Beth Lenart without the least acknowledgement of a management issue.

The Department is willing to take risks with the Dall sheep population, in GMU 24A and 26B with out analyzing or modeling the data. Blindly following the flawed unbending Full Curl management strategy developed using steady recruitment, (Heimer, Watson 1986). The full curl management data collected was during steady recruitment time frames from the early 1970's to mid 1980's. The two catastrophic deep snows with rain in GMU 24 A&B, with loses of three cohorts each (6) in the last 10 years is unprecedented, and are not analyzed in the full curl management model.

The Committee expressed concern with Region III ADFG apathy. The Committee discussed a letter to be written to the BOG regarding this issue.

This left the Committee at a juncture to move to the BOG level to inform the Board.
The Committee discussed a letter to be written to the BOG regarding this issue.
Vincent Simon made a motion to have Chairman Reakoff write a letter outlining the issues in a Record Copy (RC).
Darrel Vent 2nd.
The vote was unanimous to support writing and transmit it the letter to the BOG as a Record Copy to describe the primary issues with current GMU 24A sheep management:

***Sheep Population is around 25% for the typical surveys since 2002 in the Central Brooks Range survey units 1A and 2B.**
Most or all of 2B is in GMU 25A.
(The snow shadow of the GMU 25A subunit, and (2B survey unit), has typically higher sheep population, the Koyukuk GMU24A – 1A survey unit.)

***The ADF&G data collection does not have vital age composition, for 1/2, 3/4, and 7/8 curl rams. These composition data would show the nearing elimination of the remaining breeding rams. This data would also show what the age composition of the ewes.**
Legal ram data only, does not and cannot support a harvestable surplus analysis.
The Department does not have data, is unwilling to collect composition data, to analyze the flawed full curl management during sever extreme weather affects on the Dall Sheep Populations.

----------Vital Factors----------
***The extreme recent weather events in the past 10 years have eliminated all but the approaching legal status rams. Current Dall Sheep population needs conservation of remaining rams for two years to sustain the diminished breeding component.**

Koyukuk River Fish & Game Advisory Committee

*** GMU 24A has longest seasons in Alaska, combined with high hunter participation and access. The General hunt in the DHCMA in GMU24A, which runs through October 5 since the 2020 regulatory year, endorsed by the ADFG Region III staff during deliberation to extend the season.**
At the March 2020 GOG meeting ADFG staff blatantly made false statements to the Board assuring that the "population in the central Brooks Range was stable or increasing".

***Survey flown survey in 2018 showed a 50% decline from the 2016 survey. The Koyukuk River AC, had commented extensively for two years prior regarding the deep snow/ icing events. The Koyukuk River AC apposed the proposal to lengthen the Dall Sheep season in the DHCMA by additional 15 days. I as Chairman of the AC complained to the Commissioner's office after the proposal passed, stating that the department should not make statements to the Board with false information.**

***There is documented take of 10% sublegal rams in the sealing records. There is also un-calculated incidental harvest mortality, wound loss, and discarded sublegal rams. Known detrimental biological ramifications of 3 year old and younger rams breeding adult ewes, once most breeding age rams are eliminated. (Heimer, Watson 1986).**
The full curl management strategy was to maintain breeding 6-8 year old rams in the population.
Current management will exacerbate the recovery of the much-diminished Dall sheep population in GMU 24A, once all the remaining rams are lost to hunting and predation in the next two years.

***The Department current false statements to the public that the vastly diminished National Park sheep will emigrate to bolster the areas hunted under full curl management. It is known fact that collared sheep have very small home ranges that they know. When populations are very diminished they are less inclined to move. It is completely ludicrous for ADFG staff to attend meeting stating outright false information to be used by decision makers on the BOG. Very few sheep will emigrate outside of NPS units.**

***The Koyukuk River AC requests in this BOG RC;**
For the Alaska Board of Game to direct the Department to issue an Emergency Order to drastically reduce or eliminate harvest of rams in GMU 24A for two regulatory years.

***Direct the Department to collect sheep survey data to include ram composition data, for 1/2 curl, 3/4 curl, and 7/8 curl and 4/4 curl. Age composition data is to track full curl recruitment for sustained yield. There is a large and vital data set lacking currently, for vitally important sustained yield management.**

***Direct the Department to review the full curl strategy to track ram composition to maintain sustained yield during consecutive multi-cohort losses that have become more common in all mountain ranges in Alaska.**

Koyukuk River Fish & Game Advisory Committee

***Direct the Department to review telemetry data to realistically assess emigration from NPS lands, to make valid assessments.**

Jack Reakoff
Koyukuk River AC Chairman

Koyukuk River Fish & Game Advisory Committee

Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and
Seward Peninsula Subsistence Regional Advisory Councils
c/o United States Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

In Reply Refer To:
RAC.22043.EP

JUN 07 2022

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

Dear Chairman Christianson:

The Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and Seward Peninsula Subsistence Regional Advisory Councils (Councils) write to request the Federal Subsistence Board elevate our subsistence concerns to the Secretary of Interior Haaland and Secretary of Commerce Raimondo regarding Bering Sea commercial fishery bycatch of Chinook and Chum salmon addressed in the enclosed letter to the North Pacific Fishery Management Council.

In the enclosed letter to the North Pacific Fishery Management Council (NPFMC), we request significant reduction in Chinook and Chum salmon bycatch in the Bering Sea/Aleutian Islands (BSAI) commercial fishery and subsistence representation on the North Pacific Fishery Management Council (NPFMC). The four Councils writing this letter collectively represent 137 subsistence communities along the Yukon, Kuskokwim, and Unalakleet rivers and tributaries and across the Northern Norton Sound and west coast of Alaska that all depend on salmon for food, livelihood, and spiritual and cultural identity. The Councils each met in February and March 2022 and elected to write this joint letter to address the ongoing concerns about the impact of salmon bycatch on our subsistence communities and lack of representation on the NPFMC.

The Councils request the Federal Subsistence Board to officially petition the National Marine Fisheries Service to use its emergency rule authority and set a hard cap on the amount of salmon bycatch by the BSAI commercial fishery. The Councils recommend that the Chinook Salmon bycatch cap in the BSAI commercial fishery be immediately reduced to at most 16,000 fish. Non-Chinook (Chum) salmon bycatch should also be immediately reduced at least by half the recent levels to no more than 250,000 fish. The Councils believe that these reduced Chinook and Chum salmon bycatch caps are reasonably attainable and should be implemented right away. Even lower salmon bycatch caps should be implemented for the longer term in order to support Western Alaska Chinook and Chum salmon recovery. The Councils recommend that within a

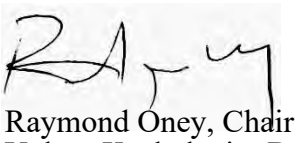
year the bycatch should be further reduced to a 10,000 Chinook Salmon hard cap limit and a 150,000 Chum Salmon hard cap limit.

The Councils request the Board recommend the Secretary of the Interior to urge the Secretary of Commerce and the National Marine Fisheries Service (NMFS) to implement these hard caps immediately using their emergency regulation authority at 62 FR 44421-44422 (enclosed). The catastrophically low Chinook and Chum salmon returns in the Arctic, Yukon, and Kuskokwim rivers, the failure of all salmon escapement goals on all western Alaska rivers, the failure to meet Yukon River Salmon Treaty obligations, and subsequent severe restrictions and complete closure to subsistence harvest of salmon warrant these requested emergency authority actions.

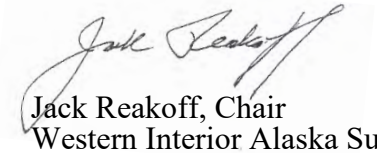
Secretary Raimondo recently announced Fisheries Disaster Declarations for the Yukon, Kuskokwim, and Norton Sound Fisheries. This acknowledgement is very important. However, even if subsistence communities were to receive some economic relief for the loss of food and livelihood we have suffered, no amount of money can possibly replace the millions of pounds of healthy subsistence salmon we rely on to survive. Nothing can replace the devastating loss of our salmon culture and way of life. All conservation measures and eliminating all sources of mortality to Western Alaska salmon stocks are necessary to help rebuild and sustain the salmon populations for future generations.

Thank you for the support with providing these recommendations to the Secretary of Interior and Secretary of Commerce. We look forward to continuing discussions about the issues and concerns of subsistence users of the Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and Seward Peninsula subsistence regions. If you have questions about this letter, please contact Sue Detwiler, Assistant Regional Director, Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3567 or sue_detwiler@fws.gov.

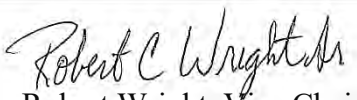
Sincerely,



Raymond Oney, Chair
Yukon-Kuskokwim Delta Subsistence
Regional Advisory Council



Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council



Robert Wright, Vice Chair for
Sue Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council

Louis Green, Jr., Chair
Seward Peninsula Subsistence
Regional Advisory Council

Enclosures

cc: Federal Subsistence Board
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Western Interior Alaska Subsistence Regional Advisory Council
Eastern Interior Alaska Subsistence Regional Advisory Council
Seward Peninsula Subsistence Regional Advisory Council
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game
Administrative Record

Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and
Seward Peninsula Subsistence Regional Advisory Councils
c/o United States Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

APR 12 2022

In Reply Refer To
RAC.22032.EP

Simon Kinneen, Chair
North Pacific Fishery Management Council
1007 West Third, Suite 400
Anchorage, Alaska 99501

Dear Chairman Kinneen:

The Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and Seward Peninsula Subsistence Regional Advisory Councils (Councils) write to you to request a significant reduction in Chinook and Chum salmon bycatch in the Bering Sea/Aleutian Islands (BSAI) commercial fishery *and* to request subsistence representation on the North Pacific Fishery Management Council (NPFMC). The Councils will further request the Federal Subsistence Board elevate the concerns expressed in this letter to the Secretary of Commerce.

The four Federal Subsistence Regional Advisory Councils writing this letter collectively represent 137 subsistence communities along the Yukon, Kuskokwim, and Unalakleet rivers and tributaries and across the west coast of Alaska that all depend on salmon for food, livelihood, and cultural significance. The Councils were established by the authority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and are chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Councils' charters establish their authority to initiate, review, and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within each Council region. Each Council also reviews resource management actions occurring outside its region that may impact subsistence resources critical to communities served by the Council. The Council provides a forum for the expression of opinions and recommendations regarding any matter related to the subsistence uses of fish and wildlife across each region.

The Councils each met in February and March 2022, and elected to write this joint letter to address the ongoing concerns about the impact of salmon bycatch on our subsistence communities and lack of representation on the NPFMC.

Subsistence salmon fishing on the Yukon and Kuskokwim rivers was catastrophic this year

The Chinook and Chum salmon run failures in 2021 resulted in the complete closure or severe restriction of subsistence salmon fishing for all communities along the Yukon, Kuskokwim, and Unalakleet Rivers, tributaries, and Yukon coastal communities. For the second year in a row, the Yukon River Chum and Coho salmon returns were the lowest on record. The crash of the Chinook and Chum salmon populations will likely result in severe restrictions or complete closure to subsistence fishing across western Alaska again this year. Subsistence salmon needs are not being met across Alaska. Pacific Salmon Treaty Chinook and Chum salmon escapement goals with Canada have not been met. Subsistence communities are bearing the burden of conservation. Subsistence salmon fishing has been increasingly restricted over the past ten years due to diminishing Chinook Salmon returns. These concerning low returns, along with the catastrophic decline of Chum Salmon, caused complete closures to the harvest of salmon for subsistence. Fish camps and freezers went empty, and there is no salmon to sustain all our many communities through the winter. This is truly a crisis of such magnitude that requires immediate and meaningful action to reduce all unnecessary mortality to western Alaska salmon stocks.

Meanwhile, the Bering Sea trawl fisheries continue unabated. BSAI fisheries catch Chinook and Chum salmon by the tens to hundreds of thousands. NPFMC reports recent BSAI Chum Salmon bycatch upwards of over 500,000 fish, and the current Chinook Salmon bycatch limit is set at 45,000. We are aware that not all the salmon bycatch is bound for western Alaska rivers; however, in these dire times every salmon of every age class counts. The Bering Sea is essential salmon rearing grounds, and it may take four to five years or more to rebuild Chinook and Chum runs and see returns of healthy adult salmon to spawn in western Alaska rivers again. If subsistence fishers cannot harvest a single salmon, then the billion-dollar commercial fisheries should also enact stricter salmon conservation measures, if not be closed altogether to protect the resources for those who truly need these fish for basic sustenance.

The Councils request that salmon bycatch in the Bering Sea trawl fisheries be significantly reduced below the levels currently authorized by the NPFMC in order to protect this important subsistence food that is critical for our survival and the continuation of our traditional lifestyle. The Councils recommend that the Chinook Salmon bycatch cap in the BSAI commercial fishery be immediately reduced to at most 16,000 fish. Non-Chinook (Chum) bycatch should also be immediately reduced at least by half the recent bycatch levels to no more than 250,000. The Councils believe that these reduced Chinook and Chum salmon bycatch caps are reasonably attainable and should be implemented right away. Even lower salmon bycatch caps should be implemented for the longer term in order to support Western Alaska Chinook and Chum salmon recovery. The Councils recommend that within a year that bycatch should be further reduced to a 10,000 Chinook Salmon hard cap limit and a 150,000 Chum Salmon hard cap limit. The Councils recommend that video monitoring be implemented on all trawl fishing vessels with 24/7 coverage to ensure salmon bycatch does not exceed these hard cap limits. These lower limits should remain in place until such time that the Western Alaska salmon fishery rebounds enough to support a healthy salmon population that meets both the needs of subsistence users and escapement goals for future returns. The current authorized levels of salmon bycatch are not low enough to ensure there is enough salmon for subsistence users. Subsistence

communities depend on these shared resources and have been adversely affected by sweeping in-river restrictions and complete closures to subsistence salmon harvest this past year.

It is imperative to the people of these regions that immediate action be taken to the reduce Bering Sea trawl fisheries the bycatch of Chinook and Chum salmon. Over many years, subsistence communities with extremely limited resources have been making many conservation efforts to protect the future viability of the fishery. Despite these efforts, access to this critical food source is now being severely restricted. Our subsistence salmon harvest in recent years is the lowest harvest levels has been recorded for Western Alaska communities. It is reasonable that the billion-dollar commercial trawl fisheries should take responsibility to further reduce salmon bycatch. Every salmon that makes it to the spawning grounds counts in this time of diminished returns, and every salmon is needed for there to be any chance of a subsistence harvest opportunity.

Need for subsistence representation on the North Pacific Fishery Management Council

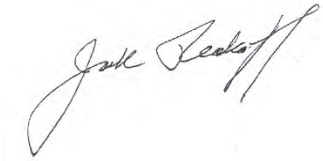
The Councils also request that subsistence needs be explicitly considered in the management of Bering Sea commercial fisheries. The Councils believe subsistence representation is critical to this objective and can be accomplished by adding at least two Alaska subsistence representative seats to the NPFMC. Subsistence fishing communities are equal stakeholders in the management of this shared salmon resource and should have a seat at the decision-making Council table, whose decisions directly affects our lives. Local and traditional knowledge of subsistence fishers is critical to the success of salmon conservation management and will be an asset to the NPFMC. We request two designated Alaska Subsistence or Tribal seats be added to the NPFMC. There is precedence and a pathway for this process in place already for the western coast states; namely Federally Recognized Treaty Tribes hold a seat on the Pacific Fishery Management Council. While Alaska Tribes do not have the same fisheries treaty protections, all Federally recognized Tribes have retained government to government authority. Rural subsistence communities do have subsistence priority on Federal lands and waters under Title VIII of ANILCA. That subsistence priority is effectively eliminated when salmon escapement is so low it causes severe restrictions or complete closure to any subsistence harvest. Therefore, we need Alaska Subsistence or Tribal representative seats on the NPFMC to be able to vote on fisheries management actions and conservation measures that impact the continuation of subsistence uses. To maintain objectivity, these subsistence or Tribal representatives should not have any direct personal economic ties to the Commercial Development Quota (CDQ) fisheries. Subsistence or Tribal representative seats must be included on the NPFMC with amendment to the next reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act.

Secretary of Commerce Raimondo recently announced Fisheries Disaster Declarations for the Yukon, Kuskokwim, and Norton Sound Fisheries. This acknowledgement is very important. However, even if subsistence communities were to receive some economic relief for the loss of food and livelihood we have suffered, no amount of money can possibly replace the millions of pounds of healthy subsistence salmon, we rely on to survive. Nothing can replace the devastating loss of our salmon culture and way of life. All conservation measures are necessary to help rebuild and sustain the salmon population for future generations.

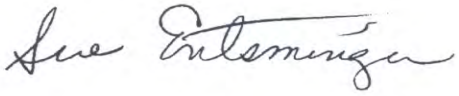
Thank you for the opportunity to provide these recommendations the NPFMC. We look forward to continuing discussions about the issues and concerns of subsistence users of the Yukon-Kuskokwim Delta, Western Interior Alaska, Eastern Interior Alaska, and Seward Peninsula subsistence regions. If you have questions about this letter, please contact Katya Wessels, Council Coordination Division Supervisor, Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3885 or katerina_wessels@fws.gov.

Sincerely,

Raymond Oney, Chair
Yukon-Kuskokwim Delta Subsistence
Regional Advisory Council



Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council



Sue Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council

Louis Green, Jr., Chair
Seward Peninsula Subsistence
Regional Advisory Council

cc: Federal Subsistence Board
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Western Interior Alaska Subsistence Regional Advisory Council
Eastern Interior Alaska Subsistence Regional Advisory Council
Seward Peninsula Subsistence Regional Advisory Council
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Administrative Record

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
c/o United States Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

In Reply Refer To:
RAC/YKD22047.BM

MAY 13 2022

Simon Kinneen, Chair
North Pacific Fishery Management Council
1007 West Third, Suite 400
Anchorage, Alaska 99501

Dear Chairman Kinneen:

The Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council) writes to you to submit this letter for consideration under the topic of *Bycatch* on your draft agenda for the upcoming June 6-13, 2022, North Pacific Fishery Management Council (NPFMC) meeting.

The Council represents subsistence harvesters of fish and wildlife resources on Federal public lands and waters of the Yukon and Kuskokwim Rivers, as well as coastal and island communities in the Yukon-Kuskokwim Delta Region. The Council was established by the authority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and is chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establish its authority to initiate, review and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within the region. The Council also reviews resource management actions occurring outside the region that may impact subsistence resources critical to communities served by the Council. The Council provides a forum for the expression of opinions and recommendations regarding any matter related to the subsistence uses of fish and wildlife within the region.

The Council wishes to convey the importance of Chinook and Chum salmon for the many subsistence communities in the Yukon-Kuskokwim Delta Region. The Council urges the NPFMC to continue its efforts to significantly reduce Chinook and Chum salmon bycatch in the Bering Sea/Aleutian Islands (BSAI) commercial trawl fisheries and mitigate the impacts it has had to our communities. The Council has initiated a joint letter with several other Federal Subsistence Regional Advisory Councils that requests a reduction to Chinook and Chum salmon bycatch and the addition of two Tribal or subsistence voting seats on the NPFMC (enclosed).

In this letter, the Council further details additional concerns unique to the Yukon-Kuskokwim Delta Region and requests reduction to halibut bycatch in the Bering Sea commercial trawl

fisheries and restrictions to commercial trawl fishing in the coastal areas around the Yukon-Kuskokwim Delta, including Kuskokwim Bay, Nelson Island, and Nunivak Island.

The Council held public meetings on October 6-8, 2021, and March 1-3, 2022, to make recommendations on subsistence regulations for the region, receive subsistence resource management reports, and review post-season fisheries reports and pre-season fisheries forecasts for both the Yukon and Kuskokwim rivers. NPFMC Senior Scientist Diana Stram also presented to the Council. The Council very much appreciated Dr. Stram's information and the opportunity for discussion with her.

The Council requests that salmon bycatch in the Bering Sea trawl fisheries be significantly reduced below the levels currently authorized by the NPMFC in order to protect this important subsistence food that is critical for our survival and the continuation of our traditional lifestyle. The Council believes this Chinook Salmon bycatch cap should remain in place until the Chinook Salmon fishery population that meets both the needs of subsistence users and escapement goals for future returns. The Council emphasizes that currently authorized levels of salmon bycatch are not sufficient to address protection of the subsistence users dependent upon these common property resources as documented through sweeping in-river restrictions and complete closures.

Catastrophic low Yukon and Kuskokwim River Chinook and Chum Salmon returns

Council members and the rural communities we represent have tried repeatedly to convey the essential importance of salmon to our life and livelihood: *salmon is who we are as people; it is our culture and way of life that we are born into*. Communities all along the Yukon and Kuskokwim rivers have consistently supported conservation efforts so that our children will be able to continue to harvest Chinook Salmon in the future and live the subsistence way of life that revolves around the family fish camp. The salmon declines and resulting severe restrictions to subsistence fishing are tearing away at the fabric of our culture, community, and families. The transmission of knowledge conveyed from generation to generation at family fish camp is being lost. Not only do we not have fish to feed our families, but we also do not have fish to share with others. Sharing is a central component of our cultural values. It provides sustenance for our elders, family members, friends, and others in need, bonds communities across the region, and is central to our celebrations and ceremonies. *There is no other resource available to replace salmon for our communities.*

It is imperative to the people of this region that the Bering Sea trawl fisheries further reduce Chinook and Chum salmon bycatch. Over many years, our subsistence communities, which have extremely limited resources, have been making many conservation efforts to protect the future viability of the fishery. Despite these efforts, access to this critical food source is now being severely restricted and our subsistence harvest is consistently among the lowest ever recorded. The Yukon River was entirely closed to any harvest of salmon in 2021. Subsistence communities have supported these sacrifices in order to help sustain the salmon. It is reasonable that the billion-dollar commercial trawl fisheries should take responsibility to further reduce salmon bycatch. Every salmon that makes it to the spawning grounds counts for there to be any subsistence harvest opportunity.

Subsistence salmon needs are not being met across Alaska. Subsistence salmon fishing has been increasingly restricted over the past ten years due to diminishing Chinook Salmon returns. Further, the 2021 catastrophic Chum Salmon crash resulted in severe restrictions and complete closures to any subsistence salmon harvest on the Kuskokwim and Yukon Rivers. Pacific Salmon Treaty Chinook and Chum salmon escapement obligations with Canada have not been met. This was the lowest Yukon River Coho and Chum salmon return on record for the second year in a row. The Chinook and Chum salmon run failures in 2021 resulted in the complete closure or severe restriction of subsistence salmon fishing for all communities along the Yukon and Kuskokwim rivers, tributaries, and coastal areas. Fish camps and freezers went empty, and there was no salmon to sustain all our many communities through the winter. The crash of the Chinook and Chum salmon populations will likely result in severe restrictions or complete closure to subsistence fishing across western Alaska again this year. A crisis of such magnitude calls for immediate and meaningful action to reduce all unnecessary mortality to western Alaska salmon stocks. And while subsistence communities are bearing the burden of conservation, Bering Sea trawl fisheries continue unabated.

All sources of mortality to salmon must be reduced including bycatch in the Bering Sea

The BSAI fisheries catch Chinook and Chum salmon by the tens to hundreds of thousands. NPFMC reports BSAI Chum Salmon bycatch this past year at more than 570,000 fish, and the current Chinook Salmon bycatch limit is set at 45,000. We are aware that not all the salmon bycatch is bound for western Alaska rivers; however, in these dire times every salmon of every age class counts. The Bering Sea is essential salmon rearing grounds, and it may take four to five years or more to rebuild Chinook and Chum runs and see returns of healthy adult salmon to spawn in western Alaska rivers again. If subsistence fishers cannot harvest a single salmon, then the billion-dollar commercial fisheries should also enact stricter salmon conservation measures, if not be closed altogether to protect the resources for those who truly need these fish for basic sustenance.

The Council requests that salmon bycatch in the Bering Sea trawl fisheries be significantly reduced below the levels currently authorized by the NPFMC in order to protect this important subsistence food that is critical for our survival and the continuation of our traditional lifestyle. The Council recommends that the Chinook Salmon bycatch cap in the BSAI commercial fishery be immediately reduced to at most 16,000 fish. Non-Chinook (Chum) salmon bycatch should also be immediately reduced at least by half the recent bycatch levels to no more than 250,000. The Council believes that the above reduced Chinook and Chum salmon bycatch caps are reasonably attainable to be implemented right away but that ultimately even lower salmon bycatch caps should be implemented for the longer term in order to support Western Alaska Chinook and Chum salmon recovery. The Council recommends that within a year Chinook Salmon bycatch should be further reduced to 10,000 Chinook Salmon hard cap limit and Chum Salmon bycatch be further reduced to no more than 150,000 hard cap limit.

These lower limits should remain in place until such time that the Western Alaska salmon fishery rebounds enough to support a healthy salmon population, which meets both the needs

of subsistence users and escapement goals for future returns. The current allowable levels of authorized salmon bycatch are not sufficiently low to provide for protection of the subsistence users who depend upon these shared resources, as documented through sweeping in-river restrictions and complete closures to subsistence harvest this past year.

In order to convey the amount of salmon needed for subsistence, we reference the State of Alaska-developed index of Amounts Minimally Necessary for Subsistence (ANS). While the Federal Subsistence Management Program does not use this metric, it is helpful in this circumstance to show what is missing and exactly how commercial fisheries are impacting subsistence needs being met. There was **zero** subsistence salmon fishing opportunity on the entire Yukon River drainage in 2021. The applicable Yukon Area ANS ranges are as follows: 45,500–66,704 Chinook Salmon, 83,500–142,192 summer Chum Salmon, 89,500–167,900 fall Chum Salmon, 20,500–51,980 Coho Salmon, and 2,100–9,700 pink salmon[1].

To be specific, it is reasonable that the billion-dollar commercial trawl fisheries should take responsibility to further reduce salmon bycatch. Now, every salmon that makes it to the spawning grounds counts, and every salmon counts for there to be any subsistence harvest opportunity.

Reduce Halibut Bycatch in Bering Sea Commercial Trawl Fisheries by Half

For the first time ever in the thousands of years we have lived here, Yukon Delta Coastal communities of Chevak, Scammon Bay, and Hooper Bay, were prevented from harvesting salmon and essentially prevented from harvesting any fish. Because Yukon-Kuskokwim Delta coastal salmon runs are deemed bound for the Yukon River and *every salmon counts* in order to meet Yukon River Chinook and Chum salmon escapement goals, even our Coastal communities were prevented from harvesting any salmon this past year. Complete closure to the harvest of any salmon and restrictions to fishing gear in order to reduce incidental catch of any salmon prevented any Yukon River or Coastal communities from fishing with any net except 4-inch mesh. This is not fishing net gear that our communities have utilized in the past and most do not have access to it now. Essentially, we have been closed to the harvest of *any fish* due to this Yukon in-river and coastal mesh use restriction for salmon conservation. With lack of access to salmon and other near shore and in-river fish species our marine fisheries are all the more essential to survival. Coastal communities of the Yukon-Kuskokwim Delta Region harvest subsistence halibut and this resource is more critical now than ever to our ability to harvest any fish for the year. The Bering Sea trawl fisheries must immediately reduce halibut bycatch by half. If we cannot harvest any salmon, when we are limited to fishing for other fish species and halibut conservation is therefore elevated to crisis levels as well.

Halibut is not the only essential subsistence marine fish species impacted by the Bering Sea commercial trawl fisheries. Our Yukon-Kuskokwim Delta Coastal communities and beyond rely on marine subsistence resources such as flounder, herring, tomcod, seal, and walrus.

[1] Jallen, D. M., S. K. S. Decker, and T. Hamazaki. 2017. Subsistence and personal use salmon harvests in the Alaska portion of the Yukon River drainage, 2015. Alaska Department of Fish and Game, Fishery Data Series No. 17-39, Anchorage.

With commercial ground fish trawl fishing in our coastal waters, the habitat that sustains these important resources is being impacted with every drag of the trawl net. Our herring fisheries have been depleted with the kelp beds they rely upon to spawn torn down with each commercial tow, critical habitat on the ocean floor torn apart causing further demise to walrus and seal feeding grounds. In times of complete closures to subsistence salmon fishing, these marine resources become all the more critical to Yukon-Kuskokwim Delta community survival. To reiterate the gravity of the situation: if subsistence communities are closed to any subsistence salmon harvest and the marine subsistence resources we depend upon are now our only subsistence fisheries resource available, then the billion-dollar commercial Bering Sea trawl fisheries also need to be restricted to reduce halibut if not closed all together. *Our lives depend on it.*

Need for subsistence representation on the North Pacific Fishery Management Council

The Council is also requesting that subsistence needs be explicitly considered in the management of Bering Sea commercial fisheries. The Council believes subsistence representation is critical to this objective and can be accomplished by adding at least two subsistence representative seats to the NPFMC. Subsistence fishing communities are equal stakeholders in the management of the shared marine resources and should have a seat on the NPFMC, whose decisions directly affect our lives. The local and traditional knowledge held by subsistence fishers is critical to the success of salmon conservation management and will be an asset to the NPFMC. We request two designated Subsistence or Tribal seats be added to the NPFMC immediately.

We look forward to ongoing efforts to limit bycatch in the BSAI trawl fishery, and urge the NPFMC to recognize the importance of salmon to our subsistence communities and take further action to significantly reduce Chinook Salmon bycatch at this time. We fully believe this is reasonable and possible through gear changes, time and area closures for salmon avoidance measures, and ultimately closing the commercial fishery when the requested bycatch caps have been met. We are facing yet another year of dismal salmon returns and complete subsistence fishing restrictions. Urgent action is required at this time to protect the viability of Yukon-Kuskokwim Salmon runs and ensure the sustainability of salmon for the future of our subsistence communities.

Thank you for the opportunity to provide these recommendations the NPFMC. We look forward to continuing discussions about the issues and concerns of subsistence users of the Yukon-Kuskokwim Delta Region. If you have questions about this letter, please contact Katerina Wessels, Subsistence Council Coordination Division Supervisor with the Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3885 or katerina_wessels@fws.gov.

Sincerely,

Raymond Oney, Chair
Yukon Delta Regional Advisory Council

Enclosure

cc: Diana Stram, PhD, Senior Scientist, North Pacific Fishery Management Council
Federal Subsistence Board
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game
Administrative Record

THEFT RATES OF MODEL YEAR 1995 PASSENGER MOTOR VEHICLES STOLEN IN CALENDAR YEAR 1995—Continued

Manufacturer	Make/model (line)	Thefts 1995	Production (mfgr's) 1995	1995 (per 1,000 vehicles produced) theft rate
205 ROLLS-ROYCE	SIL SPIRIT/SPUR/MULS	0	132	0.0000
206 ROLLS-ROYCE	TURBO R	0	19	0.0000
207 VOLKSWAGEN	EUROVAN	0	1,814	0.0000
208 VOLVO	LIMOUSINE	0	6	0.0000

Issued on: August 18, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–22263 Filed 8–20–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapter VI

[Docket No. 970728184–7184–01; I.D. 060997C]

Policy Guidelines for the Use of Emergency Rules

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Policy guidelines for the use of emergency rules.

SUMMARY: NMFS is issuing revised guidelines for the Regional Fishery Management Councils (Councils) in determining whether the use of an emergency rule is justified under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The guidelines were also developed to provide the NMFS Regional Administrators guidance in the development and approval of regulations to address events or problems that require immediate action. These revisions make the guidelines consistent with the requirements of section 305(c) of the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act.

DATES: Effective August 21, 1997.

FOR FURTHER INFORMATION CONTACT: Paula N. Evans, NMFS, 301/713–2341.

SUPPLEMENTARY INFORMATION:

Background

On February 5, 1992, NMFS issued policy guidelines for the use of emergency rules that were published in the **Federal Register** on January 6, 1992 (57 FR 375). These guidelines were consistent with the requirements of section 305(c) of the Magnuson Fishery Conservation and Management Act. On October 11, 1996, President Clinton signed into law the Sustainable Fisheries Act (Public Law 104–297), which made numerous amendments to the Magnuson-Stevens Act. The amendments significantly changed the process under which fishery management plans (FMPs), FMP amendments, and most regulations are reviewed and implemented. Because of these changes, NMFS is revising the policy guidelines for the preparation and approval of emergency regulations. Another change to section 305(c), concerning interim measures to reduce overfishing, will be addressed in revisions to the national standards guidelines.

Rationale for Emergency Action

Section 305(c) of the Magnuson-Stevens Act provides for taking emergency action with regard to any fishery, but does not define the circumstances that would justify such emergency action. Section 305(c) provides that:

1. The Secretary of Commerce (Secretary) may promulgate emergency regulations to address an emergency if the Secretary finds that an emergency exists, without regard to whether a fishery management plan exists for that fishery;

2. The Secretary shall promulgate emergency regulations to address the emergency if the Council, by a unanimous vote of the voting members, requests the Secretary to take such action;

3. The Secretary may promulgate emergency regulations to address the emergency if the Council, by less than a unanimous vote of its voting members, requests the Secretary to take such action; and

4. The Secretary may promulgate emergency regulations that respond to a public health emergency or an oil spill. Such emergency regulations may remain in effect until the circumstances that created the emergency no longer exist, provided that the public has had an opportunity to comment on the regulation after it has been published, and in the case of a public health emergency, the Secretary of Health and Human Services concurs with the Secretary's action.

Policy

The NOAA Office of General Counsel has defined the phrase "unanimous vote," in paragraphs 2 and 3 above, to mean the unanimous vote of a quorum of the voting members of the Council only. An abstention has no effect on the unanimity of the quorum vote. The only legal prerequisite for use of the Secretary's emergency authority is that an emergency must exist. Congress intended that emergency authority be available to address conservation, biological, economic, social, and health emergencies. In addition, emergency regulations may make direct allocations among user groups, if strong justification and the administrative record demonstrate that, absent emergency regulations, substantial harm will occur to one or more segments of the fishing industry. Controversial actions with serious economic effects, except under extraordinary circumstances, should be done through normal notice-and-comment rulemaking.

The preparation or approval of management actions under the emergency provisions of section 305(c) of the Magnuson-Stevens Act should be limited to extremely urgent, special circumstances where substantial harm to or disruption of the resource, fishery, or community would be caused in the time it would take to follow standard rulemaking procedures. An emergency action may not be based on administrative inaction to solve a long-recognized problem. In order to approve an emergency rule, the Secretary must have an administrative record justifying emergency regulatory action and demonstrating its compliance with the national standards. In addition, the preamble to the emergency rule should indicate what measures could be taken

or what alternative measures will be considered to effect a permanent solution to the problem addressed by the emergency rule.

The process of implementing emergency regulations limits substantially the public participation in rulemaking that Congress intended under the Magnuson-Stevens Act and the Administrative Procedure Act. The Councils and the Secretary must, whenever possible, afford the full scope of public participation in rulemaking. In addition, an emergency rule may delay the review of non-emergency rules, because the emergency rule takes precedence. Clearly, an emergency action should not be a routine event.

Guidelines

NMFS provides the following guidelines for the Councils to use in determining whether an emergency exists:

Emergency Criteria

For the purpose of section 305(c) of the Magnuson-Stevens Act, the phrase ''an emergency exists involving any fishery'' is defined as a situation that:

(1) Results from recent, unforeseen events or recently discovered circumstances; and

(2) Presents serious conservation or management problems in the fishery; and

(3) Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.

Emergency Justification

If the time it would take to complete notice-and-comment rulemaking would result in substantial damage or loss to a living marine resource, habitat, fishery, industry participants or communities, or substantial adverse effect to the public health, emergency action might be justified under one or more of the following situations:

(1) Ecological—(A) to prevent overfishing as defined in an FMP, or as defined by the Secretary in the absence of an FMP, or (B) to prevent other serious damage to the fishery resource or habitat; or

(2) Economic—to prevent significant direct economic loss or to preserve a significant economic opportunity that otherwise might be foregone; or

(3) Social—to prevent significant community impacts or conflict between user groups; or

(4) Public health—to prevent significant adverse effects to health of participants in a fishery or to the consumers of seafood products.

Dated: August 14, 1997.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–22094 Filed 8–20–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 970702161–7197–02; I.D. 041097C]

RIN 0648–AJ93

Atlantic Highly Migratory Species Fisheries; Import Restrictions

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS amends the regulations governing the Atlantic highly migratory species fisheries to prohibit importation of Atlantic bluefin tuna (ABT) and its products in any form harvested by vessels of Panama, Honduras, and Belize. The amendments are necessary to implement International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations designed to help achieve the conservation and management objectives for ABT fisheries.

DATES: Effective August 20, 1997. Restrictions on Honduras and Belize are applicable August 20, 1997; restrictions on Panama are applicable January 1, 1998.

ADDRESSES: Copies of the supporting documentation are available from Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3282.

FOR FURTHER INFORMATION CONTACT: Chris Rogers or Jill Stevenson, 301–713–2347.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under the authority of the Atlantic Tunas Convention Act (ATCA). Section 971d(c)(1) of the ATCA authorizes the Secretary of Commerce (Secretary) to issue regulations as may be necessary to carry out the recommendations of the ICCAT. The authority to issue regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Background information about the need to implement trade restrictions and the related ICCAT recommendation was provided in the preamble to the proposed rule (62 FR 38246, July 17, 1997) and is not repeated here. These regulatory changes will further NMFS' management objectives for the Atlantic tuna fisheries.

Proposed Import Restrictions

In order to conserve and manage North Atlantic bluefin tuna, ICCAT adopted two recommendations at its 1996 meeting requiring its Contracting Parties to take the appropriate measures to prohibit the import of ABT and its products in any form from Belize, Honduras, and Panama. The first recommendation was that its Contracting Parties take appropriate steps to prohibit the import of ABT and its products in any form harvested by vessels of Belize and Honduras as soon as possible following the entry into force of the ICCAT recommendation. Accordingly, the prohibition with respect to these countries is effective August 20, 1997. The second recommendation was that the Contracting Parties take appropriate steps to prohibit such imports harvested by vessels of Panama effective January 1, 1998. This would allow Panama an opportunity to present documentary evidence to ICCAT, at its 1997 meeting or before, that Panama has brought its fishing practices for ABT into consistency with ICCAT conservation and management measures. Accordingly, the prohibition with respect to Panama will become effective January 1, 1998.

Under current regulations, all ABT shipments imported into the United States are required to be accompanied by a Bluefin Statistical Document (BSD). Under this final rule, United States Customs officials, using the BSD, will deny entry into the customs territory of the United States of shipments of ABT harvested by vessels of Panama, Honduras, and Belize and exported after the effective dates of the trade restrictions. Entry will not be denied for any shipment in transit prior to the effective date of trade restrictions.

Upon determination by ICCAT that Panama, Honduras, and/or Belize has brought its fishing practices into consistency with ICCAT conservation and management measures, NMFS will publish a final rule in the **Federal Register** that will remove import restrictions for the relevant party. In

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