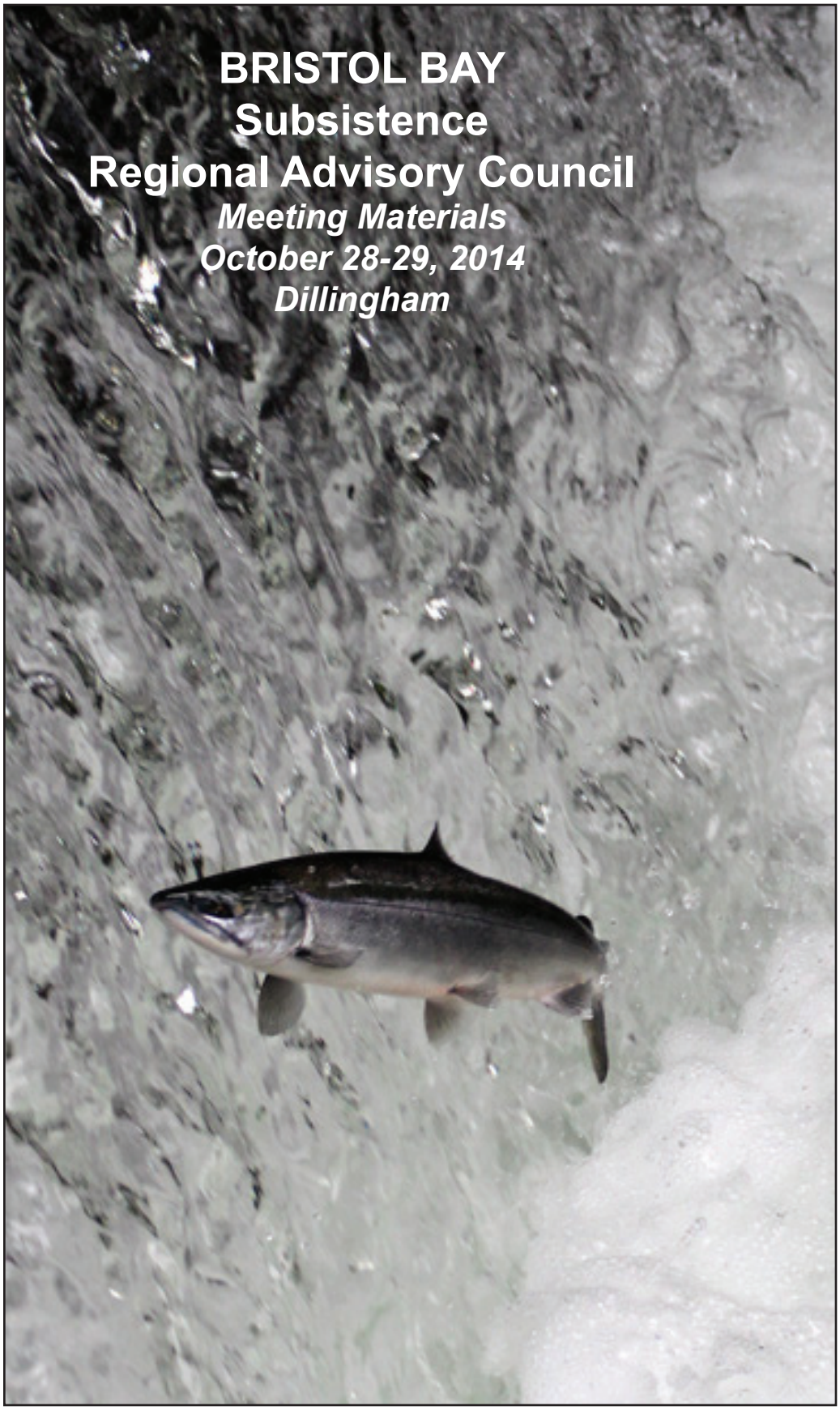
# BRISTOL BAY
# Subsistence
# Regional Advisory Council

*Meeting Materials*

*October 28-29, 2014*

*Dillingham*



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***On the cover...***

*A Sockeye salmon braves a small section of rapids on the Brooks River.*

*Photo courtesy: Deborah Coble, USFWS.*

**BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL**
**BBNA Val Larson Family Resource Center, Dillingham**
**October 28-29, 2014**
**8:30 a.m. to 5 p.m. daily**

**PUBLIC COMMENTS:** Public comments are welcome for each agenda item and for regional concerns not included on the agenda. The Council appreciates hearing your concerns and knowledge. Please fill out a comment form to be recognized by the Council chair. Time limits may be set to provide opportunity for all to testify and keep the meeting on schedule.

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

## DRAFT AGENDA

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(Time limit of 15 minutes unless approved in advance)

OSM

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**Closing Comments**

**Adjourn (***Chair***)**

**To teleconference** into the meeting, call the toll free number: 1-866-916-7020, then when prompted enter the passcode: 37311548

The U.S. Fish and Wildlife is committed to providing access to this meeting for those with a disability who wish to participate. Please direct all requests for accommodation for a disability to the Office of Subsistence Management at least five business days prior to the meeting.

If you have any questions regarding this agenda or need additional information, please contact Donald Mike, Council Coordinator at 907-786-3629, donald_mike@fws.gov, or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries

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# REGION 4—Bristol Bay Regional Advisory Council

| Seat | Yr Apptd<br>*Term Expires* | Member Name & Address | |
|---|---|---|---|
| **1** | 1993<br>***2016*** | **Peter M. Abraham**<br>Togiak | |
| **2** | 1993<br>***2016*** | **Daniel J. O'Hara**<br>Naknek | |
| **3** | 2003<br>***2016*** | **Nanci A. Morris Lyon**<br>King Salmon | **Vice-chair** |
| **4** | 2007<br>***2014*** | **Molly B. Chythlook**<br>Dillingham | **Chair** |
| **5** | 2005<br>***2014*** | **Alvin Boskofsky**<br>Chignik Lake | |
| **6** | 2011<br>***2014*** | **John E. Jones, Sr.**<br>Chignik Lagoon | |
| **7** | 2003<br>***2014*** | **Dan O. Dunaway**<br>Dillingham | |
| **8** | 2012<br>***2015*** | **Lary J. Hill**<br>Iliamna | |
| **9** | 2006<br>***2015*** | **Thomas A. Hedlund**<br>Illiamna | |
| **10** | 2009<br>***2015*** | **Richard J. Wilson**<br>Naknek | **Secretary** |

**BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL**
Meeting Minutes
February 25-26, 2014
Naknek Native Village Council Hall
Naknek, Alaska

**Call to Order**
Meeting called to order by Madame Chair Molly Chythlook. Chair Chythlook requested Mr. Richard Wilson to lead the invocation.

**Roll Call and Establish Quorum**
Roll called conducted by Coordinator Mike as requested by Chair Chythlook. Council members present: Molly Chythlook, Dan Dunaway, Richard Wilson, Dan O'Hara, Thomas Hedlund, Lary Hill, Nanci Morris Lyon, John Jones, Sr.

Absent: Pete Abraham, Alvin Boskofsky. Excused.

**Welcome and Introductions**
Chair Chythlook welcomed guests and staff members.

**Government Agency Employees**

| | |
|---|---|
| Donald Mike | FWS OSM |
| Gene Peltola,Jr. | FWS OSM ARD |
| Jack Lorrigan | FWS OSM Native Liaison |
| Jeff Brooks | FWS OSM Social Scientist |
| Charles Brower | FSB Member |
| Orville Lind | FWS AP/Becharof NWR |
| Susanna Alexander | FWS Togiak NWR |
| Sherri Anderson | NPS Wildlife Biologist Katmai |
| Troy Hamon | NPS Katmai Natural Resource Manager |
| Diane Chung | NPS Katmai Superintendent |
| Mary McBurny | NPS Cultural Resource Chief |
| Pat Petrivelli | BIA Anthropologist/ISC Backup Member |

**NGOs/Public**

| | |
|---|---|
| Danielle Stickman | BBNA Subsistence Fisheries |
| Joe Chythlook | BBNC Board Chair |

**On Teleconference**

| | |
|---|---|
| Karen Hyer | FWS OSM Anchorage |
| Dan Sharp | BLM Anchorage |
| Courtenay Gomez | BBNA Dillingham |
| Drew Crawford | ADFG Federal Subsistence Liaison |
| Susie Jenkins Brito | ADFG SW DLG Regional Coordinator |

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**Review and Adopt Meeting Agenda**

Ms. Lyon moves to adopt the agenda. Second is called by Mr. Hedlund. Discussion: Mr. Wilson added an agenda item under new business, regulatory fishery proposal for Brooks Camp. Mr. O'Hara added, C&T use determination - Tribal consultation, under new business. Mr. O'Hara calls for the question, motion carries.

**Election of Officers**

Ms. Chythlook defers to vice chair, Ms Morris Lyon, to open the nominations for Chair. Mr. Wilson nominates Ms. Chythlook. Mr. Hedlund nominates Mr. Wilson, Mr. Wilson declines the nomination. Mr. O'Hara move to close nominations for Chair and requests unanimous consent to seat Ms. Chythlook as Chair for Bristol Bay RAC. Unanimous consent reached with no objections.

Chair Chythlook opens nominations for vice chair. Mr. O'Hara nominates Ms. Morri Lyon and request for a unanimous consent. No other nominations for vice chair.

Chair Chythlook opens nominations for secretary. Mr. O'Hara nominates Mr. Wilson. Ms. Morris Lyon request unanimous consent for the secretary seat. No objections.

**Review and Adoption of minutes: October 29-30, 2013**

Ms. Morris Lyon move to adopt the meeting minutes of October 29-30, 2013 in Dillingham, second called by Mr. O'Hara. Motion carries.

**Reports**

Council members reported on subsistence activities and issues from their respective communities. Caribou resources are low and it is important for the Council to address the low population levels in recent years.

The Council commented that it is important to have representatives from the State, wildlife and fishery biologists, to attend RAC meetings. The Council address important subsistence issues and assistance from the State is important, as well as Federal staff.

Chair's Report: Ms. Chythlook attended the Federal Subsistence Board work session in December 2013. The Board took action on the 2013/14 Fisheries Resource Monitoring Program. Ms. Chythlook presented the RACs recommendations. Ms. Courtenay

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Gomez, BBNA Natural Resource Director, briefed the Council on Project 14-451 at the request of the Chair.

**Public Testimony**

Opportunity for public testimony is available throughout the meeting.

Mr. Randy Alveraz, Iguigig, testified related to land management issues within the National Park Service managed lands, Alagnak Wild and Scenic River, on local concerns of large water vessels traveling within the river corridor. Local residents are concerned of erosion caused by the wake of the large vessels. Local residents are looking for avenues to address the erosion concerns. NPS staff noted that the Alagnak river corridor, managed by the NPS, does not have any public groups, i.e. SRCs, to bring forward local concerns.

**Old Business**

C/T Use Determination

Dr. Jeff Brooks, OSM social scientist, and Pat Petrivelli, BIA anthropologist, briefed the Council on the Southeast RAC proposal to do away with the current C&T Use Determination process and apply ANILCA Section 804.

The SERAC is soliciting comments and requests the other RACs to develop its recommendation on the current process. They are specifically asking, eliminate the current process and use Section 804 when necessary, change the way determinations are made by making area wide C&T Use Determination for all species, recommend to make other changes to the current process or make no changes at all. If the proposed language is submitted and approved, the C&T Use Determination will go through the public and proposed rule process.

Council Discussion: Opportunity to separate out regionally and unique determinations for the Bristol Bay region. It is an opportunity to uniquely identify the Bristol Bay region from being under statewide determinations.

The Council drafted a letter requesting additional input on the process from Tribal, BBNA, and other advisory committees in the region. The request calls for comments on the current C&T Use Determination versus the 804 criteria brought forward by the Southeast RAC when determining eligibility. The Council will consider all comments received and develop its recommendation for the Federal Subsistence Boards consideration.

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Rural Determination Process Update
Mr. Jack Lorrigan, OSM Native Liaison, provided an update on the rural process. The Board is in the process of taking comments on the rural determination process. The Board received public comments on the issue, and OSM staff are currently analyzing the comments to find specific comments addressing the rural determination criterion, at which time the Board will report to Secretaries for which rural determination criterion the Board recommends to implement. The rural process review timeline is until 2017.

Briefing on FRMP
Dr. Jeff Brooks and Ms. Karen Hyer provided a briefing on the process for the FRMP program.

The Council passed a motion supporting BBNA's funding request for FRMP monies to provide run and stock information to its 2013 Annual report to the FSB and to continue manning counting towers in their region.

Priority Information Needs Development 2016
The FRMP is soliciting for input on information needs for the Bristol Bay region.

The Council submitted its comments on information needs that applies to the region.

-Eel Grass. The eel grass is outside of Federal waters to qualify for the FRMP as discussed in earlier RAC meetings. Research project on eel grass is of continued interest to the Council
-Chinook Salmon as a monitoring project for Bristol Bay.
-Newhalen River. Fish counting project, important for subsistence.
-Meshik River. The Council discussed a need for a weir or counting process for salmon in the Meshik River. Port Heiden residents expressed they are not meeting their subsistence needs. (Commercial fishery has affected the run outside of Port Heiden)
-TEK study for the Chignik fisheries. Lack of harvest data to make informed decision on subsistence harvest in the Chignik River drainage.

Partners
Ms. Hyer presented a briefing on the Partners Program. OSM will be taking proposals from eligible applicants for funding to support fishery biologists, anthropologists and educator positions from

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partner organizations. The call for proposals will be announced November 2014.

**New Business**

Call for Fisheries Regulatory Proposals
The call for proposal was announced. Deadline to submit proposals to change Federal subsistence fish and shellfish regulations is March 28, 2014.

The Council moved to endorse a proposal that will be submitted before the Alaska Board of Fisheries to allow redfish (sockeye spawnouts) fishing during inactive sport and commercial fisheries. OSM staff will provide technical assistance to submit to the Alaska BOF.

2013 Annual Report
The Council reviewed and approved the 2013 Annual Report. The Annual Report approved for the Board issues are "Wolf and Bear Population Management" and "FRMP".

Tribal Consultation Implementation Guidelines & Draft ANCSA Consultation Policy
Mr. Lorrigan presented a briefing on the Consultation guidelines. The Board is soliciting comments from the RAC on the draft implementation guidelines.

The Council passed a motion to accept the Tribal Consultation Implementation Guidelines as written, with the understanding that changes and edits are forthcoming.

RAC Nominations
OSM staff announced the nominations period is now open for seats for the Regional Advisory Councils. OSM will be accepting application until March 21, 2014.

Subsistence Resource Commission
The Council passed a motion to appoint Thomas Hedlund (Lake Clark NP) and Mark Kosbruk (Aniakchak NM) to the National Park Service Subsistence Resource Commission.

**Agency Reports**

Togiak NWR reported on hunting activities within the Togiak NWR managed lands. Mr. Walsh also provided staff reports of various ongoing projects occurring within the refuge.

OSM, Mr. Gene Peltola, OSM ARD, provided a report on OSM budget and current staffing within OSM.

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Ms. Mary McBurney, Chief of Cultural Resources, provided a status update on the SRC for Lake Clark and Aniakchak NM and brought forth individual candidates for the Council's consideration to be appointed to the SRCs. Lake Clark NP and Katmai NP (Mr. Troy Hamon) updates were also presented on resource related studies.

Mr. Drew Crawford, Alaska Department of Fish and Game provided briefing on recent Alaska BOG actions taken and comments from the State of Alaska on its position requesting the FSB uniformly apply the C&T Use Determination to cover the state, not in favor of rules set regionally. Ms. Susie Jenkins-Brito provided an update of Board Support activities. Mr. Ted Krieg briefed the Council on research activities.

BBNA, Ms. Danielle Stickman, presented information regarding the Partners Program for the Bristol Bay region and activities led by the Partners Program.

Ms. Courtenay Gomez, BBNA Natural Resources Director, provided an overview of BBNA activities in the subsistence program and other resource related issue BBNA is currently involved with.

**Time and Location of Next meeting**

The next fall meeting will be October 28-29, 2014 in Dillingham, Ak. Winter meeting tentatively scheduled for February 24-25, 2015 in Naknek.

**Adjournment** Meeting adjourned.

I hereby certify that, to the best of my knowledge, the forgoing minutes are accurate and complete.

\s\ Donald Mike

Donald Mike, DFO
Regional Advisory Council Coordinator

_____

*Molly Chythlook*, Chair
Bristol Bay Subsistence Regional Advisory Council

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These minutes will be formally considered by the Bristol Bay Subsistence Regional Advisory Council at its next meeting on October 29, 2013, and any corrections or notations will be incorporated in the minutes of that meeting.

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**Federal Subsistence Board**

**1011 East Tudor Road, MS121**
**Anchorage, Alaska 99503**

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

FOREST SERVICE

JUL 28 2014

FWS/OSM 14062.DM

Molly Chythlook, Chair
Bristol Bay Subsistence
Regional Advisory Council
Post Office Box 692
Dillingham, Alaska 99576

Dear Ms. Chythlook:

Enclosed with this letter is a report of the Federal Subsistence Board's non-consensus agenda action items at its April 15, 2014, meeting regarding proposed changes to subsistence wildlife regulations and customary and traditional use determinations. In total, the Board accepted the recommendations of the Subsistence Regional Advisory Councils, in whole or with modifications, in 48 out of the 52 proposals on the agenda. Details of these actions and the Board's deliberations are contained in the meeting transcripts. Copies of the transcripts may be obtained by calling our toll free number, 1-800-478-1456, and are available online at the Federal Subsistence Management Program website at http://www.doi.gov/subsistence/index.cfm.

The Board uses a consensus agenda on those proposals where there is agreement among the affected Subsistence Regional Advisory Council(s), a majority of the Interagency Staff Committee, and the Alaska Department of Fish and Game concerning a proposed regulatory action. These proposals were deemed non-controversial and did not require a separate discussion. There was one statewide proposal on the consensus agenda, WP14-01 (trapping), which the Board rejected consistent with all of the Councils' recommendations. There were no Bristol Bay Region proposals on the consensus agenda.

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

Ms. Chythlook

If you have any questions regarding the summary of the Board's actions, please contact Donald Mike, your Subsistence Council Coordinator, at 1-800-478-1456.

Sincerely,

Tim Towarak
Chair

Enclosure

cc: Federal Subsistence Board
Bristol Bay Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Interagency Staff Committee
Administrative Record

**FEDERAL SUBSISTENCE BOARD NON-CONSENSUS ACTION REPORT**
April 15-19, 2014
1011 East Tudor Road
Anchorage, Alaska

MULTIREGION CROSSOVER PROPOSALS

**Proposal WP14-21**

DESCRIPTION: WP14-21 was submitted by Bristol Bay Subsistence Regional Advisory Council. This proposal requests an extension of the to-be-announced winter season and an increase in the harvest limit for moose under Federal hunting regulations in Unit 17 A.

COUNCIL RECOMMENDATION:
Bristol Bay Subsistence Regional Advisory Council – **Support with OSM modification**
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council – **Support**

BOARD ACTION: **Adopted with modification**.

JUSTIFICATION: The Board adopted Proposal WP14-21 with modification as recommended by the Bristol Bay Subsistence Regional Advisory Council. The action was also consistent with the recommendations of the Unit 17A Moose Management Plan, which states that when the moose population is increasing and approaching carrying capacity, more liberal harvest regulations will allow for longer season and increased harvest limit to help reduce the population to more sustainable levels.

**Proposal WP14-22**

DESCRIPTION: This proposal, WP14-22 submitted by the Bristol Bay Subsistence Regional Advisory Council, request changes to the Federal subsistence caribou regulations in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B. The proposal requests the establishment of permit requirements for all of the units, and that the to-be-announced season in Unit 17A remainder and 17C remainder be shortened from August 1 – March 31 to
August 1 – March 15.

COUNCIL RECOMMENDATIONS:
Bristol Bay Subsistence Regional Advisory Council – **Support with OSM modification**
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council-**Support with modification**
Western Interior Alaska Subsistence Regional Advisory Council – **Support with OSM modification**.

BOARD ACTION: **Adopt with modification.**

JUSTIFICATION: The Board adopted Proposal WP14-22 with modification as recommended by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council. The adopted

modification, as described in the OSM conclusion for Unit 18 only, allowed a harvest limit of two caribou, and struck the bull restriction language as suggested for WP14-26. The registration hunt on the declining herd will allow for the monitoring of the Mulchatna Caribou Herd. Adaptive management is needed to ensure the conservation of the resource. State registration permit will allow for better harvest tracking and will allow managers to be more responsive to in-season management needs.

**Proposal WP14-26**

DESCRIPTION: Proposal WP14-26, submitted by Yukon Delta National Wildlife Refuge, requested that for Unit 18 – that portion to the east and south of the Kuskokwim River – the caribou hunt be changed to require a joint State/Federal registration permit. Additionally, the proponent requests the Refuge Manager be given delegated authority to close or re-open Federal public lands to all users for this hunt if needed for conservation concerns after consultation with the Alaska Department of Fish and Game, Togiak NWR, and the chair of the Yukon-Kuskokwim Delta Council.

COUNCIL RECOMMENDATIONS:
Bristol Bay Subsistence Regional Advisory Council – **Support with modification**
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council- **Take no action**
Western Interior Alaska Subsistence Regional Advisory Council – **Support with modification**
Seward Peninsula Subsistence Regional Advisory Council- **Take no action**

BOARD ACTION: **No action taken**.

JUSTIFICATION: The proposed regulation was addressed in the Board's action on WP14-22.

**Federal Subsistence Board**

**1011 East Tudor Road, MS121**
**Anchorage, Alaska 99503**

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

FOREST SERVICE

AUG 06 2014

FWS/OSM 14077.CJ

Molly Chythlook, Chair
Bristol Bay Subsistence
Regional Advisory Council
U.S. Fish & Wildlife Service
Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Chairwoman Chythlook:

This letter responds to the Bristol Bay Subsistence Regional Advisory Council's (Council) fiscal year 2013 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. **Wolf and Bear Population Management**

*The Council maintains its concern about the low levels of moose and caribou populations within the Bristol Bay Region. The Council continues to urge the Federal Subsistence Board (Board) and the U.S. Fish and Wildlife Service to review and develop management options to better control the wolf and bear populations which contribute to the low density and recruitment of the moose and caribou populations in the Bristol Bay Region.*

**Response:**

The Board acknowledges that the Councils have raised the issue of revisiting predator control on several prior occasions. At the urging of the State of Alaska, the Board addressed the Predator Management Policy during its June 18, 2013 work session in Anchorage. During that meeting, the Board reaffirmed the position stated in its Predator Management Policy, which is based on regulation (36 CFR 242.10(a) and 50 CFR 100.10(a)), that the Federal Board "administers the subsistence taking of wildlife for the non-wasteful harvest of fish and wildlife by Federally qualified rural residents, consistent

Chairwoman Chythlook

with the maintenance of healthy populations of harvested resources." Wildlife management activities other than the subsistence take of fish and wildlife, like predator control and habitat management, are the responsibility of and remain within the authority of the individual management agencies. As such, the Board will forward your concern to the U.S. Fish and Wildlife Service and the Bureau of Land Management.

**2. Fisheries Resource Monitoring Program**

*Subsistence information needs addressed by the Council and other organizations to identify information gaps on subsistence harvest and use are important data sources. The Council depends on such local information for developing informed recommendations to the Federal Subsistence Board to consider on subsistence-related proposals through the Fisheries Resource Monitoring Program (FRMP). The FRMP is a valuable tool to address these information gaps and provide recent harvest and use practices in the Bristol Bay and other regions.*

*The Council understands the vetting process for the selection of FRMP projects is conducted by an interagency, multidisciplinary team known as the Technical Review Committee (TRC). The Council requests the Federal Subsistence Board explain how the TRC process works, and how decisions are made to fund or not to fund a proposed project. Finally, the Council would like a briefing on the staff make-up of the TRC.*

**Response**:

The Technical Review Committee (TRC) evaluates investigation plans and makes recommendations for funding. The TRC evaluates proposed projects using established criteria to evaluate the investigation plans including strategic priority, technical and scientific merit, investigator's ability and resources, and partnership and capacity building. Results from the TRC meeting include agreed upon ratings, comments, and funding recommendations. These recommendations for project funding are used to develop the draft Fisheries Monitoring Plan. OSM staff presents the draft Monitoring Plan to Councils and the Interagency Staff Committee (ISC) for their review and recommendations. OSM then presents the draft Monitoring Plan, along with the recommendations from the TRC, Councils and ISC, to the Board for deliberation and adoption. The Board is not required to defer to the Councils, the TRC or the ISC.

It is important to note that the entire FRMP process is currently under review because of contracting rules and how information is shared. OSM staff would be happy to respond to questions at your next Council meeting about the FRMP evaluation and funding procedures.

The current membership of the TRC consists of the Supervisory Anthropologist and the Supervisory Fisheries Biologist at the Office of Subsistence Management, two National Park Service and two U.S. Forest Service personnel, and one each from the following agencies: U.S. Fish & Wildlife Service; Bureau of Land Management; Bureau of Indian

Chairwoman Chythlook

Affairs; Alaska Department of Fish and Game, Commercial Fisheries Division; Alaska Department of Fish and Game, Sport Fish Division; and Alaska Department of Fish and Game, Subsistence Division. Fisheries and Anthropology staff from the Office of Subsistence Management provide support for the committee.

In closing, I want to thank you and your Council for their 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 our confidence that the subsistence users of the Bristol Bay Region are well represented through your work.

Sincerely,

Tim Towarak
Chair

cc: Bristol Bay Subsistence Regional Advisory Council
Federal Subsistence Board
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Donald Mike, Subsistence Council Coordinator, OSM
Interagency Staff Committee
Administrative Record

**General comparison of the Section 804 and customary and traditional use approaches used in the Federal Subsistence Management Program.**

| Element | 804 analysis | C&T use determination analysis |
|---|---|---|
| **Function** | Used to identify the pool of qualified subsistence users when a population of fish or wildlife in a particular area is not sufficient to allow for all qualified subsistence users to harvest from it | Used to recognize a community or area whose residents generally exhibit characteristics of customary and traditional use of specific fish stocks and wildlife populations for subsistence |
| **Authority** | ANILCA Section 804 and 50 CFR 100.17 | 36 CFR 242.16 and 50 CFR 100.16 |
| **Legal language** | Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria: | (a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.<br>(b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors: |
| **Criteria/ factors** | (1) Customary and direct dependence upon the populations as the mainstay of livelihood;<br>(2) Local residency; and<br>(3) The availability of alternative resources. | (1) A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;<br>(2) A pattern of use recurring in specific seasons for many years;<br>(3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;<br>(4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from, the community or area;<br>(5) A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;<br>(6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation;<br>(7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and<br>(8) A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area. |
| **Frequency** | Since 1990, the Board has taken action on about twenty 804 analyses | Since 1990, the Board has made about 300 C&T determinations |

***Southeast Alaska Subsistence Regional Advisory Council***

**Bertrand Adams Sr., Chairman**
**P. O. Box 349**
**Yakutat, Alaska 99689**

RAC SE14012.RL

APR 0 1 2014

Mr. Tim Towarak, Chair
Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, Mail Stop 121
Anchorage, Alaska 99503

Dear Chairman Towarak:

Thank you for your diligence in providing expanded information on our Council's proposed changes to the customary and traditional use determination process (§ .16) to all of the other Regional Advisory Councils. It is our understanding that there has been quality discussion of this issue at many of those other Council meetings.

As a part of our Council's continued effort to review and revise § .16, we authorized a work group to develop preliminary regulatory language. The work group reported to the Council at its March 2014 meeting in Anchorage and the Council adopted the work group's product as our own.

Enclosed is the Council's background paper which includes our recommendation on § .16 regulatory language. Key aspects of our recommendation are that: 1) councils would have the autonomy to recommend customary and traditional use determinations specific to their Region; 2) any restrictions for the taking of fish and wildlife shall be implemented using the criteria established in ANILCA 804 (and repeated in this regulatory language); 3) deference on customary and traditional use determination recommendations would be given to the applicable Regional Advisory Council; and, 4) the current eight factors considered for making customary and traditional use determinations would be eliminated.

We request that Federal staff review our recommendation and provide to us an analysis at our fall 2014 meeting. That analysis should provide staff's best estimate of the effect on both the Southeast Region as well as the other regions of the state. The Council would also

Chairman Towarak

appreciate a review of the proposed language with possible modifications for regulatory clarity, while maintaining our intent.

Any questions regarding this letter can be addressed directly to me or through Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, Alaska 99833, (907) 772-5930, robertlarson@fs.fed.us. Thank you for your attention.

Gunalchéesh,

Bertrand Adams Sr.,
Chair

Enclosure

cc: Beth Pendleton, Regional Forester, USFS
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Jack Lorrigan, Native Liaison, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Robert Larson, Subsistence Council Coordinator, USFS
Chairs, Federal Subsistence Regional Advisory Councils
Administrative Record

**Customary and Traditional Use Determination Proposal and Rationale**
**Southeast Alaska Subsistence Regional Advisory Council**

**Introduction:** During the fall 2013 regular council meeting, the Council tasked the customary and traditional determination (C&T) workgroup with developing a region-specific proposal for amending the current C&T determination regulations. The workgroup members (C. Needham, D. Hernandez, P. Phillips, and M. Bangs) submitted that work to the Council which adopted the recommendation as its own. The Council considers it vitally important that the intent of the proposal be clearly communicated to the Board and other councils.

**Problem:** The current federal C&T determination regulations, including the eight factor analysis, were adopted from pre-existing State Regulations. The federal program adopted this framework, with some differences, when it was thought that federal subsistence management would be temporary. As a result of the 2009-2010 comprehensive Federal Subsistence Program Review, the Secretary of the Interior issued a letter of direction, with the concurrence of the Secretary of Agriculture, requesting that the Federal Subsistence Board "review [the] customary and traditional determination process to provide clear, fair, and effective determinations in accord with Title VIII goals and provisions (changes would require new regulations)". It was stated that this be conducted with regional advisory councils input.

**Recommended solution:** The intent of this proposed regulation change is to provide a statewide framework for making C&T determinations (see subpart a) while providing an option for region specific regulations that match particular characteristic of each region (see subpart b). The proposal will also provide deference to regional councils (see subpart e).

The Council wanted each regional council to be able to develop region specific regulations that suit their own region, and therefore took the approach to change the umbrella statewide regulation in order to do so. Subpart b of the proposed regulation provides an opportunity for region specific process to be incorporated into the regulation.

The Council's intent for the Southeast Region would be to make very broad customary and traditional use determinations so that seasons on Federal public lands and waters would remain open to all Federally-qualified rural residents until there is a need to reduce the pool of eligible harvesters using the process described in ANILCA 804. In effect, ANILCA 804 would replace the current Federal C&T determination eight factors with a three-criterion method of restriction on who can harvest a resource.

**CURRENT LANGUAGE OF §§ .16 and .17:**

**§242.16 Customary and traditional use determination process.**

(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

(b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:

(1) A long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;

(2) A pattern of use recurring in specific seasons for many years;

(3) A pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;

(4) The consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from, the community or area;

(5) A means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;

(6) A pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation;

(7) A pattern of use in which the harvest is shared or distributed within a definable community of persons; and

(8) A pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

(c) The Board shall take into consideration the reports and recommendations of any appropriate Regional Council regarding customary and traditional uses of subsistence resources.

(d) Current determinations are listed in §242.24.

**§242.17 Determining priorities for subsistence uses among rural Alaska residents.**

(a) Whenever it is necessary to restrict the subsistence taking of fish and wildlife on public lands in order to protect the continued viability of such populations, or to continue subsistence uses, the Board shall establish a priority among the rural Alaska residents after considering any recommendation submitted by an appropriate Regional Council.

(b) The priority shall be implemented through appropriate limitations based on the application of the following criteria to each area, community, or individual determined to have customary and traditional use, as necessary:

(1) Customary and direct dependence upon the populations as the mainstay of livelihood;

(2) Local residency; and

(3) The availability of alternative resources.

(c) If allocation on an area or community basis is not achievable, then the Board shall allocate subsistence opportunity on an individual basis through application of the criteria in paragraphs (b)(1) through (3) of this section.

(d) In addressing a situation where prioritized allocation becomes necessary, the Board shall solicit recommendations from the Regional Council in the area affected.

**Southeast Alaska Council's Proposed Language**

(36 CFR §242.16 and 50 CFR §100.16) Customary and traditional use determination process

(a) The Board shall determine which fish and wildlife have been customarily and traditionally used for subsistence within a geographic area. When it is necessary to restrict the taking of fish and wildlife, and other renewable resources to assure continued viability of a fish or wildlife population, a priority for the taking of such population for non-wasteful subsistence uses shall be implemented based on the application of the following criteria; customary and direct dependence upon the populations as the mainstay of livelihood; local residency; and the availability of alternative resources. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

(b) Each region shall have the autonomy to recommend customary and traditional use determinations specific to that region.

(c) The Board shall give deference to recommendations of the appropriate Regional Council(s). Councils will make recommendations regarding customary and traditional uses of subsistence resources based on its review and evaluation of all available information, including relevant technical and scientific support data and the traditional knowledge of local residents in the region.

(d) Current determinations are listed in § 100.24

*NOTE: The Council did not change §242.17, which would therefore remain in effect.

**Proposal in edited form**

(36 CFR §242.16 and 50 CFR §100.16) Customary and traditional use determination process
(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence **within a geographic area**. ~~These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations.~~ **When it is necessary to restrict the taking of fish and wildlife, and other renewable resources to assurance continued viability of a fish or wildlife population, a priority for the taking of such population for non-wasteful subsistence uses shall be implemented based on the application of the following criteria; customary and direct dependence upon the populations as the mainstay of livelihood; local residency; and the availability of alternative resources.** For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.
~~(b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:~~

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

**(b) Each region shall have the autonomy to recommend customary and traditional use determinations specific to that region.**
(c) ~~The Board shall take into consideration the reports and recommendations of any appropriate Regional Council regarding customary and traditional uses of subsistence resources.~~ **The Board shall give deference to recommendations of the appropriate Regional Council(s). Councils will make recommendations regarding customary and traditional uses of subsistence resources based on its review and evaluation of all available information, including relevant technical and scientific support data and the traditional knowledge of local residents in the region.**
(d) Current determinations are listed in § 100.24

# Appendix

**Southeast Alaska Council, 2011 Annual Report Topics**

**Issue 1: Customary and traditional determinations**

At the March 2011 Council meeting, the Council was asked to review how the current customary and traditional use determination process was working. The Council observed that the Federal customary and traditional use determination process and the eight factor analysis is a carryover from State of Alaska regulation. Now that it appears the Federal program will be permanent; it would be appropriate to develop a Federal process based on ANILCA rather than a process developed to address State regulatory authorities. Unfortunately, the Office of Subsistence Management did not provide sufficient information to the Council regarding how the current customary and traditional use determination process was being applied to allow the Council to make definitive recommendations to the Board. The Council wishes to reiterate the recommendation made to the Board during the March 2011 meeting:

> Given that ANILCA does not require the Board make customary and traditional use determinations, the Council recommends the Federal Subsistence Board eliminate the current regulations for customary and traditional use determinations, and task the Office of Subsistence Management with drafting regulations which adhere to provisions contained within Section 804 of ANILCA.

The Council reiterates support for the following specific regulatory change as recommended at the March 2011 meeting:

> Modify 50 CFR 100.16 (a). The regulation should read: "The Board shall determine which fish and wildlife have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of [specific fish stock and wildlife population] **all species of fish and wildlife that have traditionally used, in their (past and present) geographic areas**".

**Southeast Alaska Council, 2012 Annual Report Topics**

**Issue 1: Customary and Traditional Use Determination Recommendation**

The Council believes the current method of restricting access to fish and wildlife resources through a customary and traditional use determination process was not intended by ANILCA. Although SE Council recognizes that there are a number of possible solutions to address this problem, it's preferred solution is to eliminate the customary and traditional use determination regulations (36 CFR 242.16 and 50 CFR 100.16) and allocate resources as directed in Section 804 of ANILCA. The Council wrote a letter to the other Councils requesting that they reconsider the issue of whether the current customary and traditional use determination process is appropriate and is truly meeting the needs of the residents of their regions. The Council requests the Board provide adequate staff resources to assist the other councils in making an informed decision regarding this complex issue.

**Southeast Alaska Council letter to the other Councils, January 11, 2013**

The SE Council's preferred solution is to eliminate the customary and traditional use determination regulations and allocate resources as directed in Section 804 of ANILCA.
We would like your Council to consider what would be most beneficial to your region: eliminate customary and traditional use determinations, change the way customary and traditional use determinations are made, or make no change.

## RURAL REVIEW BRIEFING FOR THE FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCILS

In October 2009, Secretary of the Interior Salazar announced a review of the Federal subsistence program. The review was intended "to ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII [of ANILCA] are being met." Secretary Salazar, with the concurrence of Secretary of Agriculture Vilsack, requested that the Federal Subsistence Board initiate a number of actions, one of which was to develop recommendations for regulatory changes to the process of making rural/nonrural determinations in Alaska.

### Background

At its January 2012 public meeting, the Federal Subsistence Board elected to conduct a global review of the rural/nonrural determination process, starting with public and Subsistence Regional Advisory Council input. Logically, the global review required the Board to stay its 2007 final rule, whose rural provisions would otherwise have gone into effect in May 2012. The Board determined that the 1991 rural/nonrural determinations would remain in place pending the outcome of its review of the rural determination process (77 FR 12477). The conclusion of the review, and the determinations of rural status, must be completed by March 2017.

Two areas of Alaska—the community of Saxman and the Kenai Peninsula—have proven difficult for the Board to categorize under the current rural determination process. The Board has gone back and forth on whether these locations should be rural or non-rural. Based on the Secretaries' directive and these high-profile back and forth changes in rural status using the current rural determination process, the Board decided to engage in a year-long, public review of the current process. In December 31, 2012, the Board identified five elements in the rural determination process for public review (77 FR 77005): population thresholds; rural characteristics; aggregation of communities; timelines, and information sources. The Board posed eight general questions for public input concerning these five elements, and one question requesting any additional information. The comment period was open to November 1, 2013, which was extended to December 2, 2013 because of the partial federal government shutdown in October.

The Subsistence Regional Advisory Councils were briefed on the Federal Register notice during their winter 2013 meetings. At their fall 2013 meetings, the Councils provided a public forum to hear from residents of their regions, deliberate on the rural determination process, and provide recommendations for changes to the Board.

Testimonies from members of the public were also recorded during separate hearings held to solicit comments on the rural determination process. The Board held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham. Government-to-government consultations on the rural determination process were held between members of the Board and Tribes, and additional consultations were held between members of the Board and Alaska Native corporations formed under the Alaska Native Claims Settlement Act.

In aggregate, the Board received 475 substantive comments from various sources, including individual citizens, members of regional advisory councils, and other entities or organizations, such as non-profit Alaska Native corporations and borough governments.

Based on Council and public comments, government-to-government and Alaska Native corporation consultations, and briefing materials from the Office of Subsistence Management (see "Review of the Rural Determination Process" briefing following this update), the Board developed a recommendation that simplifies the process of rural/nonrural determinations, as shown below.

**Federal Subsistence Board Recommendation**

The Board will be recommending to the Secretaries to make the following change in Secretarial regulations:

§100.15 and §242.15. Rural determination process.
(a) The Board shall determine which areas or communities in Alaska are nonrural.
(b) All other communities and areas are therefore rural.

The Board also recommended eliminating from Secretarial regulation the specific criteria previously relied upon by the Board in making rural determinations: population thresholds, the population data sources, rural characteristics, community aggregation, and the ten-year review.

**Next Steps**

If the Secretaries adopt the Board's recommendation, a series of steps are required in order to meet the March 2017 deadline.

- The Secretaries may decide to propose a rule to change the current rural determination process, based on the Board's recommendation. The Secretaries would need to act on this recommendation because it affects 36 CFR 242 Subpart B, and 50 CFR 100 Subpart B, which are under Secretarial purview. The public, Regional Advisory Councils, Tribes and Alaska Native corporations would have the opportunity to comment or consult during that rule-making process.
- The Secretaries could then decide to publish a final rule specifying the rural/non rural determination process. The revised process appears in Subpart B of subsistence regulations, under Secretarial authority.
- The Board uses that rule to make rural/nonrural determinations, publishing those determinations in a proposed rule. The public, Regional Advisory Councils, Tribes and Alaska Native corporations would have the opportunity to comment or consult during that rule-making process.
- The Board then publishes a final rule with the revised rural/nonrural determinations. The revised rural/nonrural determinations appear in Subpart C of subsistence regulations, under Board authority.
- If no new rule making is completed by March 1, 2017, specifying rural/nonrural determinations, then the 2007 rule will become enforceable.

**Federal Subsistence Board**

**1011 East Tudor Road, MS121**
**Anchorage, Alaska 99503**

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

FOREST SERVICE

FWS/OSM 14092.DJ

AUG 15 2014

Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, Northwest
Washington, DC 20240

Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
Office of the Secretary
1400 Independence Avenue, Southwest
Washington, DC 20250

Dear Secretaries Jewell and Vilsack:

In October 2009, Secretary of the Interior Salazar announced a review of the Federal subsistence program. The review was intended "to ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII [of ANILCA] are being met." Secretary Salazar, with the concurrence of Secretary of Agriculture Vilsack, requested that the Federal Subsistence Board initiate a number of actions, one of which was to develop recommendations for regulatory changes to the process of making rural/non-rural determinations in Alaska.

The Federal Subsistence Board respectfully submits the following recommendation for improving the rural/non-rural determination process, which was adopted at its April 15-18, 2014 public meeting. Secretarial action is needed to implement this recommendation because 36 CFR 242 subpart B and 50 CFR 100 subpart B are under Secretarial purview. We begin with a brief summary of events leading up to the Board's recommendation.

Secretaries Jewell and Vilsack

**Background**

At its January 2012 public meeting, the Federal Subsistence Board elected to conduct a global review of the rural/non-rural determination process, starting with public and Subsistence Regional Advisory Council input. The global review provided the Board with a rationale to stay its 2007 final rule, whose rural provisions would otherwise have gone into effect in May 2012.

The Board determined that the 1991 rural/non-rural determinations would remain in place pending the outcome of its review of the rural determination process (77 FR 12477); March 1, 2012. The conclusion of the review, and the determinations of rural status, must be completed by March 2017.

Two areas of Alaska—the community of Saxman and the Kenai Peninsula—have proven difficult for the Board to categorize under the current rural determination process. In a November 23, 1990 Federal Register notice (55 FR 48877), the Board proposed Saxman to be non-rural, "[b]ecause of Saxman's close proximity to Ketchikan; because Saxman shares a common school district and Saxman residents make daily or semi-daily shopping trips to Ketchikan; and greater than 15 percent of the working population of Saxman commutes to Ketchikan to work." In other words, Saxman was socially and economically integrated with neighboring Ketchikan, and not a separate rural community.

In a January 3, 1991 final rule (56 FR 236), the Board reversed its proposal and concluded that Saxman was rural, "because of its character composition and personality not because of the number of people living there." The Board goes on to note that "Saxman possesses both rural and non-rural characteristics; therefore, based on extensive public testimony, the Board has determined Saxman to be rural for the purposes of subsistence on Federal lands."

In a May 7, 2007 final rule (72 FR 25688), the Board reversed itself and determined that Saxman was non-rural, based on criteria used to aggregate communities: "The Board made a determination to group all of the road-connected areas, including Waterfall subdivision and Saxman, as well as Pennock Island and parts of Gravina Island, in the Ketchikan Area." The Board's reasoning was based on consistency of use of aggregation criteria: "Given comments about the need for consistency of application of the criteria for grouping of communities, and the information on Saxman relative to those criteria, the Board grouped Saxman with the non-rural Ketchikan area." The three aggregation criteria the Board used are these: 1) Do 30 percent or more of the working people commute from one community to another? 2) Do they share a common high school attendance area? and 3) Are the communities in proximity and road-accessible to one another?

At its April 2014 public meeting, the Board discussed reclassifying Saxman as rural, in part based on the problematic nature of the aggregation criteria. The Board emphasized that Saxman's rural characteristics may contradict grouping it with Ketchikan.

Secretaries Jewell and Vilsack

The Kenai Area has similarly proven problematic under the current rural determination process, in part because all of the communities in the area are road-connected. In the January 3, 1991 final rule, the Board determined that the Kenai Area was non-rural—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifonsky, Kasilof, and Clam Gulch—based on aggregating into a single population communities that were perceived as socially and economically integrated.

At a May 4, 2000 public meeting, the Board reversed its 1991 ruling, and determined that all of the Kenai Peninsula was rural (65 FR 40730). The Federal Register final rule noted the following:

> The Board, after hearing a summary of the staff report [on rural characteristics], including oral and written comments on the Proposed Rule, receiving a recommendation from the Southcentral Regional Advisory Council, and receiving testimony from the State of Alaska, and numerous interested citizens, deliberated in open forum and determined that the entire Kenai Peninsula should be designated rural.

The next year, at a June 25, 2001 public meeting, the Board rescinded its rural determination from the prior year, and subsequently published a determination of the Kenai Area as non-rural in a May 7, 2002 Federal Register notice (67 FR 30559). This Federal Register notice contained neither background on nor summary of the reasons for the Board rescinding its 2000 determination that all of the Kenai Peninsula was rural.

Based on the Secretaries' directive and these high-profile back-and-forth changes in rural status using the current rural determination process, the Board decided to engage in a year-long, public review of the current process. In December 31, 2012, the Board identified five elements in the rural determination process for public review (77 FR 77005): population thresholds; rural characteristics; aggregation of communities; timelines, and information sources. The Board posed eight general questions for public input concerning these five elements, and one question requesting any additional information. The comment period was open to November 1, 2013, which was extended to December 2, 2013 because of the partial federal government shutdown in October.

The Subsistence Regional Advisory Councils were briefed on the Federal Register notice during their winter 2013 meetings. At their fall 2013 meetings, the Councils provided a public forum to hear from residents of their regions, deliberate on the rural determination process, and provide recommendations for changes to the Board.

Testimonies from members of the public were also recorded during separate hearings held to solicit comments on the rural determination process. The Board held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham. Government-to-government consultations on the rural determination process were held between members of the Board and Tribes, and additional consultations were held between members of the Board and Alaska Native corporations formed under the Alaska Native Claims Settlement Act.

Secretaries Jewell and Vilsack

In aggregate, the Board received 475 substantive comments from various sources, including individual citizens, members of regional advisory councils, and other entities or organizations, such as non-profit Alaska Native corporations and borough governments.

Based on Council and public comments, government-to-government and Alaska Native corporation consultations, and briefing materials from the Office of Subsistence Management, the Board developed a recommendation that simplifies the process of rural/non-rural determinations, as shown below.

**Federal Subsistence Board Recommendation**

§242.15 and §100.15. Rural determination process.

(a) The Board shall determine ~~if an~~ which area~~s~~ or ~~community~~ communities in Alaska ~~is~~ are ~~rural~~ non-rural.

(b) All other communities and areas are therefore rural.

~~In determining whether a specific area of Alaska is rural, the Board shall use the following guidelines:~~

~~(1) A community or area with a population of 2,500 or less shall be deemed to be rural unless such a community or area possesses significant characteristics of a non-rural nature, or is considered to be socially and economically a part of an urbanized area.~~

~~(2) Communities or areas with populations above 2,500 but not more than 7,000 will be determined to be rural or non-rural.~~

~~(3) A community with a population of more than 7,000 shall be presumed non-rural, unless such a community or area possesses significant characteristics of a rural nature.~~

~~(4) Population data from the most recent census conducted by the United States Bureau of Census as updated by the Alaska Department of Labor shall be utilized in this process.~~

~~(5) Community or area characteristics shall be considered in evaluating a community's rural or non-rural status. The characteristics may include, but are not limited to:~~

~~(i) Use of fish and wildlife;~~

~~(ii) Development and diversity of the economy;~~

~~(iii) Community infrastructure;~~

~~(iv) Transportation; and~~

~~(v) Educational institutions.~~

~~(6) Communities or areas which are economically, socially, and communally integrated shall be considered in the aggregate.~~

~~(b) The Board shall periodically review rural determinations. Rural determinations shall be reviewed on a 10-year cycle, commencing with the publication of the year 2000 U.S. census. Rural determinations may be reviewed out-of-cycle in special circumstances. Once the Board makes a determination that a community has changed from rural to non-rural, a waiting period of 5 years shall be required before the non-rural determination becomes effective.~~

(c) Current determinations are listed at §100.23 and §242.23.

Secretaries Jewell and Vilsack

**Rationale**

Beginning in January 2013, the Board collected information from Subsistence Regional Advisory Councils, Tribes, Alaska Native corporations, and the public on the rural determination process. In general, this information indicates a broad dissatisfaction with the current process.

Aggregation criteria are perceived as arbitrary. Current population thresholds are seen as inadequate to capture the reality of rural Alaska. The decennial review is widely understood as unnecessary.

Based on this information, the Board elected to simplify the process by determining which areas or communities are non-rural in Alaska; all other communities or areas would therefore be rural. The Board intends to make non-rural and rural determinations using a holistic approach that relies on best available data and information provided by the public, and that takes into consideration population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant information. The Board also intends to rely strongly on the recommendations of the Subsistence Regional Advisory Councils.

If the Secretaries adopt the Board's recommendation, a series of steps are required in order to meet the March 2017 deadline.

**Next Steps**

- The Secretaries may decide to propose a rule to change the current rural determination process, based on the Board's recommendation. The Secretaries would need to act on this recommendation because it affects 36 CFR 242 Subpart B, and 50 CFR 100 Subpart B, which are under Secretarial purview. The public, Regional Advisory Councils, Tribes and Alaska Native corporations would have the opportunity to comment or consult during that rule-making process.

- The Secretaries could then decide to publish a final rule specifying the rural/non rural determination process. The revised process appears in Subpart B of subsistence regulations, under Secretarial authority.

- The Board uses that rule to make rural/non-rural determinations, publishing those determinations in a proposed rule. The public, Regional Advisory Councils, Tribes and Alaska Native corporations would have the opportunity to comment or consult during that rule-making process.

- The Board then publishes a final rule with the revised rural/non-rural determinations. The revised rural/non-rural determinations appear in Subpart C of subsistence regulations, under Board authority.

Secretaries Jewell and Vilsack

- If no new rule making is completed by March 1, 2017, specifying rural/non-rural determinations, then the 2007 rule will become enforceable.

Thank you in advance for your timely response to this matter.

Sincerely,

Tim Towarak
Chair

cc: Federal Subsistence Board
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Ken Lord, Office of the Solicitor, Alaska Region
Dawn Collingsworth, Office of Legal Counsel, USDA
Administrative Record

# Review of the Rural Determination Process

## A Briefing for the Federal Subsistence Board

**April 15, 2014**

### Background

The Alaska National Interest Lands Conservation Act (ANILCA), Title VIII, Section 802 asserts that "the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so."

In drafting ANILCA, however, the Congress did not define the term "rural."

Senate Report No. 96-413, which comments on Title VIII, provides examples of *cities* excluded from rural status—"Ketchikan, Juneau, Anchorage, and Fairbanks"—and examples of *communities* that are rural—"such as Dillingham, Bethel, Nome, Kotzebue, Barrow, and other Native and non-Native villages scattered throughout the State." The Senate Report further indicates the dynamic nature of rural communities and the inevitability of change: "[T]he Committee does not intend to imply that the rural nature of such communities is a static condition: the direction of the economic development and rural character of such communities may change over time." Such change is not necessarily from rural to nonrural; it may also be from nonrural to rural.

### Secretarial Review

In October 2009, the Secretary of the Interior initiated a Subsistence Program Review; the Secretary of Agriculture later concurred with this course of action. The review concluded, among other things, that the Federal Subsistence Board (Board) should review the process for rural determinations, with input from the Subsistence Regional Advisory Councils (Council). If needed, the Board should then make recommendations to the Secretary of the Interior and the Secretary of Agriculture for changes to the process for rural determinations.

### Federal Subsistence Board Review

At its January 17-21, 2012 public meeting, the Federal Subsistence Board elected to conduct a global review of the rural/nonrural determination process. The review started with recommendations from the Regional Advisory Councils, comments from the public, and consultations with Tribes and ANCSA Corporations. With the review underway, the Board stayed the 2007 final rule, in which rural determinations would have otherwise come into effect in May 2012. The Board determined that the 1991 rural/nonrural determinations would remain in place pending the outcome of its review of the rural determination process. Adak was the singular exception, whose status changed from nonrural to rural in 2007.

### Federal Register Notice

In a Federal Register notice, published December 31, 2012 (77 FR 77005), the Board identified five elements in the rural determination process for public review: Population thresholds; rural characteristics;

aggregation of communities; timelines, and information sources. The Board posed eight general questions for members of the public to consider regarding these five elements and one question requesting any additional information on how to make the process more effective.

**Population thresholds.** A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless they possess significant rural characteristics. In 2008, the Board recommended to the Secretaries that the upper population threshold be changed to 11,000.

*(1) Are these population threshold guidelines useful for determining whether a specific area of Alaska is rural?*

*(2) If they are not, please provide population size(s) to distinguish between rural and nonrural areas, and the reasons for the population size you believe more accurately reflects rural and nonrural areas in Alaska.*

**Rural characteristics.** Population is not the only indicator of rural or nonrural status. Other characteristics the Board considers include, but are not limited to, the following: Use of fish and wildlife; development and diversity of the economy; community infrastructure; transportation; and educational institutions.

*(3) Are these characteristics useful for determining whether a specific area of Alaska is rural?*

*(4) If they are not, please provide a list of characteristics that better define or enhance rural and nonrural status.*

**Aggregation of communities.** Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are as follows: Do 30 percent or more of the working people commute from one community to another; do they share a common high school attendance area; and are the communities in proximity and road-accessible to one another?

*(5) Are these aggregation criteria useful in determining rural and nonrural status?*

*(6) If they are not, please provide a list of criteria that better specify how communities may be integrated economically, socially, and communally for the purposes of determining rural and nonrural status.*

**Timelines.** The Board reviews rural determinations on a 10-year cycle, and out of cycle in special circumstances.

*(7) Should the Board review rural determinations on a 10-year cycle? If so, why; if not, why not?*

**Information sources.** Current regulations state that population data from the most recent census conducted by the U.S. Census Bureau, as updated by the Alaska Department of Labor, shall be utilized in the rural determination process. The information collected and the reports generated during the decennial census vary between each census; data used during the Board's rural determination may vary.

*(8) These information sources as stated in regulations will continue to be the foundation of data used for rural determinations. Do you have any additional sources you think would be beneficial to use?*

*(9) In addition to the preceding questions, do you have any additional comments on how to make the rural determination process more effective?*

## Opportunities to Participate

The public comment period for the review of the rural determination process opened December 31, 2012 and closed on December 2, 2013. The original public notice closed the comment period November 1, 2013; the extension was posted as a result of the partial government shutdown in October 2013.

The Councils were briefed on the public notice during their winter 2013 meetings. At their fall 2013 meetings, the Councils provided a public forum to hear from the residents of their regions, deliberate on rural determination processes, and provide recommendations for changes to the Board.

Testimonies from members of the public were recorded during hearings held to solicit comments on the rural determination process. Hearings occurred in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham. A PowerPoint presentation and time for discussion and dialogue on specific questions were provided prior to each hearing.

Government-to-government consultations on the rural determination process were held between members of the Board and Tribes. Formal consultations were held between members of the Board and Alaska Native Claims Settlement Act (ANCSA) corporations.

## Summary of Recommendations from Regional Advisory Councils

The Councils provided several comments about **population thresholds**. Few Councils made specific recommendations regarding the current population threshold criteria, noting rather that they were generally arbitrary. One Council recommended the presumptive rural threshold be increased to 11,000. One Council suggested the presumptive non-rural threshold should be increased to 20,000. Several noted that rural characteristics should be weighed more heavily than population thresholds. Only one Council expressed support for the current population thresholds.

The Councils provided many comments about **aggregation**. Four Councils suggested eliminating aggregation. Most Councils noted that the current application of aggregation is arbitrary and produces inconsistent results. One Council suggested that communities need to be provided better opportunities to demonstrate whether or not any aggregation factors are applicable. Other Councils noted that any increase of population due to outside development (i.e., mines, military bases) should not be aggregated. Additionally, one Council noted that 30 percent of working people commuting from one community to another was too low of a threshold to aggregate those communities, and communities that show a high reliance on fish and wildlife should not be aggregated.

The Councils provided most of their comments on the **rural characteristics**. The Councils recommended numerous additional criteria to consider for rural characteristics. More than one Council noted the importance of cultural and spiritual factors that should be considered, and that geographic remoteness and isolation should be considered. One Council suggested removing educational institutions

and not including any infrastructure that is constructed for temporary use. One Council noted that gardening and whether a community is a "resident zone community" under National Park Service regulations were indicative of rural characteristics. Two Councils noted that not being connected to the road system should be an automatic qualifier for rural status. Some Councils recommended that the Board give substantially more weight to rural characteristics than to population thresholds, and the use of fish and wildlife should be accorded the most weight among rural characteristics.

The Councils provided several comments about the rural review **timeline**. Most Councils recommended the Board move to completely eliminate the 10-year review. Five Councils specifically suggested that a review should only be conducted if there has been a significant change, for example if a community's population has substantially increased or decreased since the last determination. One Council suggested that when a review is conducted, it should be made using a 5-year average to avoid temporary population spikes. Several Councils said the 10-year review is stressful on communities and a waste of time, finances, and resources. Only one Council supported maintaining the current 10-year review.

The Councils made few comments about what **sources of information** to use in the process. Most Councils supported the use of the U.S. Census data, but provided additional suggestions for data sources such as Tribal databases, harvest reports, property taxes, and the Alaska Permanent Fund Dividend registry.

Councils provided some recommendations for how the Board could otherwise improve the process, including allowing rural residents to remain Federally-qualified subsistence users if they move to a non-rural area purely for economic reasons (e.g., employment). One Council suggested that verification of the rural nature of such individuals could occur by confirming registration with a local Tribal Council (i.e., IRA). Other Councils noted there needs to be more transparency and clarity in how the Federal Subsistence Board arrives at its rural determinations. The Councils noted that their recommendations on rural status should be given deference by the Board.

## Summary of Public Comments

The Board received 475 substantive comments from various sources, including individual citizens, members of regional advisory councils, and other entities or organizations (e.g., non-profit Native corporations, borough governments). This section of the briefing does not include results of Tribal consultations. The comments of members of the regional advisory councils include both recommendations made by motion and vote and recommendations made during the course of discussions among council members.

One analyst reviewed each comment for specific suggestions and recommendations made to the Board. Appendix A contains detailed results of the analysis of public comments.

The Board received 101 comments about population thresholds. Most recommended that the Board move to completely eliminate the use of population thresholds because these are arbitrarily and inconsistently applied by agencies. Many recommended replacing population thresholds with more appropriate community characteristics. Some recommended that the upper population threshold be increased from 7,000 to a number in the range 10,000 to 30,000. Few indicated general support for using population thresholds. Some recommended doing something else regarding population.

The Board received 114 comments about rural characteristics. Most recommended that the Board either add or eliminate characteristics; some recommended a combination of both. Some recommended that the Board give substantially more weight to rural characteristics than to population thresholds. Few indicated support for the current list of rural characteristics. Some recommended doing something else regarding rural characteristics.

The Board received 90 comments about aggregation. Most recommended the Board completely eliminate aggregation. Many recommended the Board change how it does aggregation. Some indicated that aggregation eliminates the subsistence priority for some communities. Some indicated that the concept of aggregation is too confusing to be useful. Few indicated support for the current aggregation criteria. A few recommended doing something else regarding aggregation.

The Board received 66 comments about the rural review timeline. Most recommended the Board move to completely eliminate the 10-year review. Some said the 10-year review is a stressful burden on communities and a waste of time and resources. Some indicated support for doing a 10-year review. Others recommended the timeline for review be increased.

The Board received 42 comments about what sources of information to use in the process. Some recommended the Board use Tribal consultation as a primary source of information. Others recommended giving deference to the regional advisory councils on the rural status of their communities. A few recommended the Board rely more on community feedback. Few indicated support for using the 2010 Census data. Many recommended using other sources of information such as the Wolfe and Fischer report and subsistence harvest surveys.

The Board received 60 comments recommending how it could otherwise improve the process, including eliminating the rural/non-rural label, extending the comment period, deferring to the regional advisory councils, and redefining the process as an issue of food security and health.

## Formal Consultations with Tribes and ANCSA Corporations

Three consultations were held telephonically with Tribes and ANCSA corporations on the rural determination process[1].

A total of 20 Tribes, three Tribal or village associations, and 12 ANCSA corporations participated with Federal staff, Board members, and their designees in consultations on the rural determination process. Some of those on the telephone only listened and did not directly discuss the rural determination process. This section includes those who spoke on the record. A Board member or their designee provided a wrap up of each call to validate that the consultation was accurately recorded.

## Summary of Tribal Consultation

The Tribes that participated generally recommended that the revised rural process should allow Tribal members living in nonrural areas to return to their villages to gather subsistence foods. Economic factors

[1] There will be an opportunity for face-to-face consultation with Tribes and ANCSA corporations at the April 15 Federal Subsistence Board meeting.

cause them to live in non-rural areas, but they still need to access their traditional foods. Several callers requested a Native preference for subsistence needs.

**The Native Village of Kotzebue.** The Native Village of Kotzebue pointed out that ANILCA only defines or mentions rural, not non-rural, and wondered why this was part of the dialogue.

The Native Village of Kotzebue said that population thresholds are arbitrary and therefore should not be used to trigger a review of a communities' rural status. Rural characteristics are more important in the process than population thresholds. Instead, the Board should develop a different trigger for initiating rural reviews. For example, the Board could begin rural reviews based on a change in community characteristics or other issues that have become common knowledge to federal or state subsistence managers.

**The Kenaitze Tribe.** The Kenaitze Tribe's area, with its non-rural status, makes it difficult for Tribal members to subsist. The Kenaitze Tribe is now in a position in which applying for Federal and State grants has become necessary to assist their community. The Tribe expressed concern about the 2,500 population threshold. The Tribe thought that unless a community is connected to a road system it should remain rural. The Kenaitze Tribe requested that population thresholds be eliminated and other characteristics should be used to define rural because the population numbers appear to be an arbitrary means of determination.

The Kenaitze Tribe conducted a needs assessment to help it define subsistence use, schooling, employment, and medical needs, which could be used to help the Board make a recommendation to the Secretaries. Board member Sue Masica was interested in this information, and felt the Board should consider how different the Kenaitze are from the rest of the Kenai population.

The Kenaitze Tribe proposed an exemption to the rural determination process for all Tribal members. It feels that Tribal people have been denied fishing opportunities, which threatens the very heart of who they are. The Tribe stated, "The rural determination process focuses on customary and traditional use as a geographic area. This is flawed logic. Customary and traditional people and their customary and traditional use should be considered, rather than the geographic boundaries."

**The Sun'aq Tribe.** The Sun'aq Tribe stated that other departments of the Federal government have looked into the definition of rural. A number of provisions have allowed for rural enclaves within an urban area. The caller felt that this concept should be further explored.

The Sun'aq Tribe also had a question about the entire timeline for the rural determination process: At what point will the Federal Subsistence Board decide what they are going to recommend to the Secretaries? What's next?

**Native Villages of Napaskiak and Napakiak**. The Native Village of Napaskiak requested to be exempt from all rural determinations. The Native Village of Napakiak supported this position.

**The Knik Tribe**. The Knik Tribe said the discussion should focus on 50 CFR 100.15. It also supported the comments of the Kenaitze Tribe. The Knik Tribe recommended the Board consider the U.S. Census-mapped Alaska Native village areas to be exempt from the rural determination process.

**Native Village of St. Mary's**. The Native Village of St. Mary's said that subsistence resources are affected by the size of the community relying on them plus those harvesters from outside areas. The Native Village of St. Mary's thought that population thresholds may be useful. It supported a Tribal rights stance. It also said that smaller communities along the river most likely will remain rural, but Bethel could get large enough that it could lose its status if the process is not changed.

## Summary of Consultations with ANCSA Corporations

**Bethel Native Corporation.** The representative from the Bethel Native Corporation (BNC) stated that most local villages that are close to each other do not want to be grouped together in a rural determination scenario. BNC requested that representatives from the Federal Subsistence Program speak to the State on behalf of rural communities and their current rural determinations.

BNC requested that the upper population threshold be changed from 7,000 to 12,000. BNC was in favor of the 10-year review. It recommended using the State of Alaska subsistence food survey and 150 pounds per person per year as a minimum threshold for subsistence food usage necessary to be rural.

**Sealaska.** The Sealaska Corporation urged the Board to immediately act to reinstate Saxman's rural status and that of other similarly situated communities and review their status as rural or non-rural based on their independent characteristics in the ongoing Secretarial review. Since the Board has already extended a compliance date for the change in status required by the 2007 Final Rule, reinstating Saxman's rural status would have no administrative impact. It would however eliminate the need for Saxman to file a lawsuit challenging the 2007 Final Rule, which it will have to do by July 2014, long before the completion of the ongoing review. This would be a very simple solution and would save both the Federal government and the Native Village of Saxman the costs involved in litigation.

Sealaska recommended that the Board take into consideration the cultural integrity and cultural practices around subsistence that rural communities and native people have and look at the social integration among community members. In Southeast Alaska there is a communal system, a Clan system, a House system that integrates their communities, and this is particularly evident in the community of Saxman.

Sealaska advised the Board to look at the spiritual relationship that Native people have to their wildlife. The State of Alaska and the courts have already recognized that there are religious and spiritual dimension to subsistence hunting and fishing among Native peoples.

Sealaska recommended that the Board look at the distribution systems or the sharing of fish and wildlife that goes on in Native communities. It is anything but an individually-based activity.
Sealaska emphasized that the Federal government is in the position to protect a subsistence way of life and the trust responsibility between the federal government and Alaska Native peoples. It felt the rural characteristics are a crucial definition of a rural community and that the population numbers are an

arbitrary measure of what is or is not rural. Aggregation of communities, commuting, and the sharing of a high school are inappropriate measures of a community's rural status. It felt that the presence of a Federally-recognized Tribe in the community should carry weight in the rural determination process.

**Alternatives to the Current Rural Determination Process**

The Interagency Staff Committee and Office of Subsistence Management staff developed a list of six alternatives, based on recommendations from the Councils, consultation with Tribes and ANCSA corporations, and comments from the public. The alternatives are as follows (Appendix B).

1. No change to the current process.
2. No change, except eliminate the 10-year review.
3. No change, except eliminate the 10-year review, increase the upper population threshold to 11,000, and add geographic remoteness and isolation to the list of rural characteristics.
4. Define "rural" as communities or areas with a population less than 15,000, using current aggregations.
5. Define "rural" as communities or areas with a population less than 15,000, using current aggregations, with the exception of the Southcentral area, for which current rural determinations will remain in regulation.
6. Identify specific communities and areas as nonrural; all other communities and areas are therefore rural. These determinations will be made by the Secretaries of the Interior and Agriculture in Subpart B of Subsistence Management Regulations for Public Lands in Alaska.

**Next Steps**

- The Board may decide to forward to the Secretaries recommendations for improving the rural determination process.
- The Secretaries may decide to propose a rule to change the current rural determination process, based on the Board's recommendations; the public, Councils, Tribes, and ANCSA corporations would have the opportunity to comment or consult during that rule-making process.
- The Secretaries would publish a final rule specifying the rural determination process.
- If the Secretaries did publish a final rule specifying a different process to be used, the Board would use it to make rural determinations (except in the case of Alternative 6), publishing those determinations in a proposed rule; the public, Councils, Tribes, and ANCSA corporations would have the opportunity to comment or consult on that proposed rule.
- The Board could then publish a final rule with the revised determinations as to the rural status of communities or areas; if no new rule making is done by March 1, 2017, the 2007 rule would become enforceable.

## Appendix A

### Synthesis of Public Comments on the Rural Determination Process

Staff at the Office of Subsistence Management read appropriate public transcripts and letters containing comments about the rural determination process; populated a database with the comments; and placed the comments into the five elements (i.e., categories) described in the Federal Register notice (77 FR 77005) dated December 31, 2012. We added "other" as a category to capture comments that addressed question number nine in the notice and other comments that did not specifically address one of the five elements.

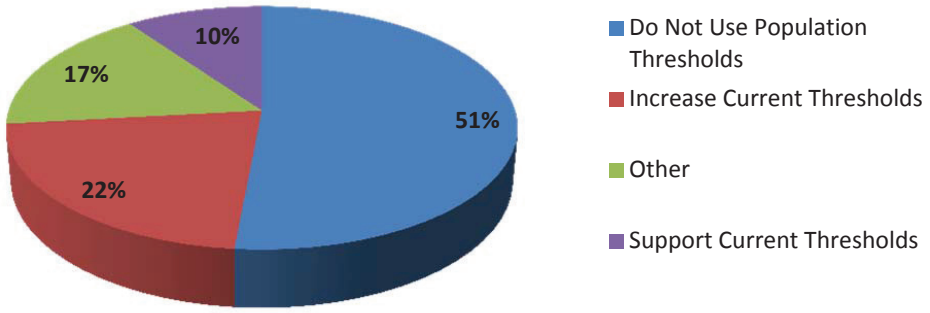
The staff input 496 total public comments into the database; 475 were determined to be substantive. By substantive, we mean comments that meaningfully addressed the rural determination process and made concrete recommendations to the Federal Subsistence Board (Board).

The Board received 278 comments from individual citizens representing the public, 137 comments from members of subsistence regional advisory councils, 37 comments from Alaska Native entities, and 25 comments from other entities (e.g., city and borough governments). Comments from members of the regional advisory councils include both recommendations formally made by motion and vote and recommendations made in the course of discussions and deliberations among council members prior to a formal motion.

This appendix is a synthesis of the public comments. It does not include results from formal consultations with Tribes and ANCSA corporations, which are separate from public comments. A single analyst reviewed all public comments in the database and wrote a brief analysis of each substantive comment. The analyses primarily focused on concise recommendations made to the Board concerning each of the five categories. The analyst grouped each recommendation into subcategories for each category, including the other category.

**Population Thresholds**

The Board received 101 substantive comments about population thresholds, subdivided into four types of recommendations:




In 52 comments, respondents recommended that the Board move to eliminate the use of population thresholds because these are inadequate in the context of most Alaskan communities, arbitrarily and inconsistently applied by federal agencies, and lack empirical evidence to support their use in making rural determinations. Many of these comments strongly recommended that the Board replace population thresholds with more appropriate rural and/or community characteristics, both qualitative and quantitative. Respondents thought that these would better reflect the nature of communities in Alaska. The characteristics listed include:

- geographical remoteness
- isolation
- annual income
- unemployment rate
- distance to urban markets
- a community's history of subsistence use
- other holistic cultural, political, social, and economic characteristics

In 22 comments, respondents recommended that the current, upper population threshold be raised from 7,000 to a number in the range of 10,000 to 30,000. Specific suggestions included 11,000, 15,000, 20,000, and 25,000.

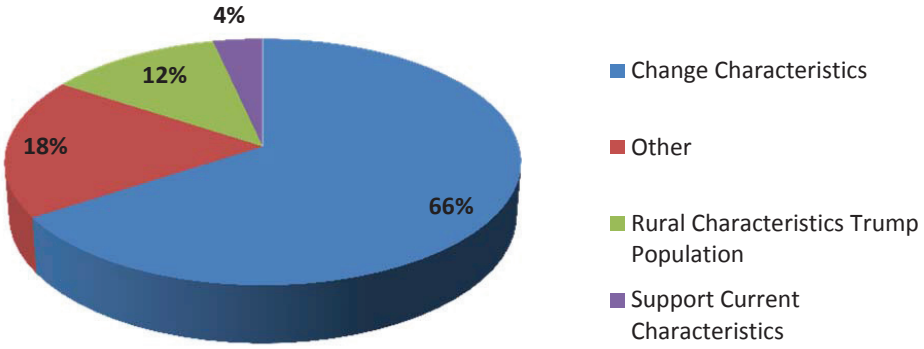
Seventeen comments recommended the Board do something else regarding population thresholds, including:

- Adopt and apply the rural development thresholds used by U.S. Department of Agriculture, which range from 2,500 to 50,000.
- Use the Permanent Fund Dividend population numbers.
- Exclude increases in populations due to industrial developments such as mining.
- Enhance monitoring of natural population growth for individual communities.
- Use population densities.

Ten comments indicated general support for using population thresholds in the rural determination process.

**Rural Characteristics**

The Board received 114 substantive comments about rural characteristics, subdivided into four types of recommendations:




In 75 comments, respondents recommended that the Board change the list of rural characteristics that it applies in the rural determination process. These comments contained requests to add or eliminate rural characteristics from the current list, some requested doing both. For example, some suggested that the Board add "geographical remoteness" and "subsistence use patterns" and eliminate diversity of economy; community infrastructure; transportation; and educational institutions.

No comments indicated a desire to remove use of fish and wildlife from the list, however some recommended that it be changed to "use of fish and wildlife *for subsistence*." A written comment from a tribal government told the Board "subsistence use of fish and wildlife is the one essential crux of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and is

synonymous with the definition of rural in Alaska; use of fish and wildlife as a land use category is essential in any rural determination process used by the Board now and in the future."

Other additions to the list of rural characteristics included:

- diversity of subsistence resources available
- cost of living and inflation rates
- spiritual, cultural, and ceremonial practices of people who have a subsistence way of life
- community identity
- patterns of boom and bust cycles over time
- access to cell phone and Internet services
- production and use of wild foods
- traditional practices of sharing, bartering, and gift giving
- a community's customary and traditional uses of resources in its area
- presence of an organized tribal government
- proximity to urban areas and available services such as medical care
- patterns of reciprocity and dependence on one another for survival
- length of time in a place/duration of existence in a place
- gardening

In 14 comments, respondents recommended the Board give substantially greater weight to rural community characteristics than it gives to population thresholds when making rural determinations.

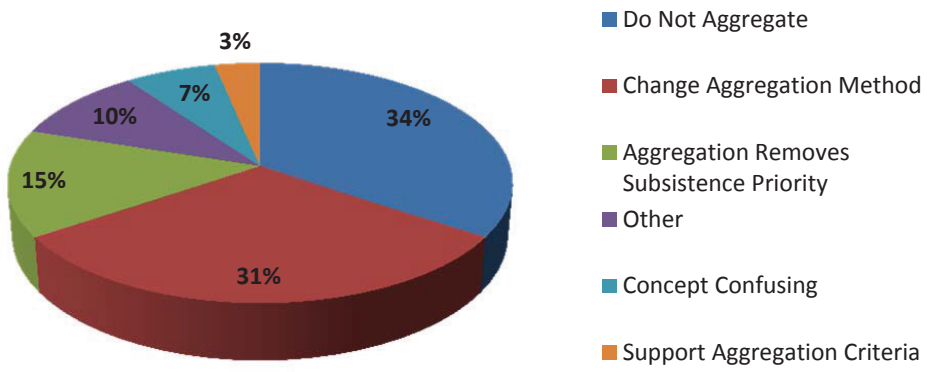
Twenty-one comments recommended that the Board do something else regarding rural characteristics, including:

- Weight rural and/or community characteristics as the most important criterion.
- Weight "use of fish and wildlife" as the most important rural characteristic.
- Designate all island communities rural.
- Adapt and use some of the rural characteristics used by the State of Alaska (e.g., extent of sharing of subsistence resources).
- Adopt and apply the rural characteristics outlined in Wolfe and Fischer (2003).
- Do not apply one-size-fits-all criteria across communities.
- Use the three criteria in Section 804 of ANILCA as rural characteristics.

Four comments indicated general support for applying the current list of rural characteristics.

**Aggregation of Communities**

The Board received 90 substantive comments about aggregation, subdivided into six types of recommendations:




In 36 comments, respondents recommended the Board move to completely eliminate aggregation from the rural determination process. Many indicated that the current method of aggregation is biased and inappropriate. In general, these respondents recommended that the Board evaluate communities based on their unique histories and individual sets of characteristics.

In 28 comments, respondents recommended the Board change how it applies the concept of aggregation. Suggestions included:

- Only apply aggregation where a large urban center is closely connected to smaller communities located beyond its municipal boundaries.
- Determine how population influxes due to mining, oil, and/or military developments affect the current aggregation criteria.
- Do not aggregate communities just because they are connected by road.
- Do not aggregate any community that has its own city council.
- Do not aggregate any community that has a federally-recognized tribe.
- Only aggregate communities that are physically linked to urban centers by highway.
- Eliminate all the criteria used for aggregating communities because these are not useful for demonstrating a community's rural characteristics.
- Increase the percentage of working people commuting from 30 to 50 percent.
- Only eliminate the commuting for work criterion.
- Only eliminate the sharing of a common high school criterion.
- Do not use the current criteria alone; use these in conjunction with communities' histories, demographics, and political divisions.

- Defer to the knowledge and insights of the regional advisory councils when deciding which aggregation criteria to apply.

Thirteen comments indicated that aggregation takes away the subsistence priority of some communities, which is legally protected under ANILCA Title VIII.

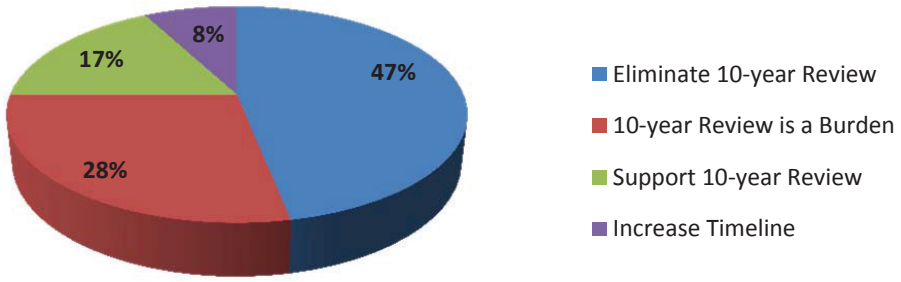
Six comments indicated that some people find the concept of aggregation to be confusing, both in how the concept is applied and the word is defined.

Three comments indicated support for applying the current list of aggregation criteria.

Four comments recommended that the Board do something else regarding aggregation such as carefully consider the impacts of aggregation on subsistence practices such as trading and sharing.

**Timelines**

The Board received 66 substantive comments about the rural review timeline, subdivided into four types of recommendations:



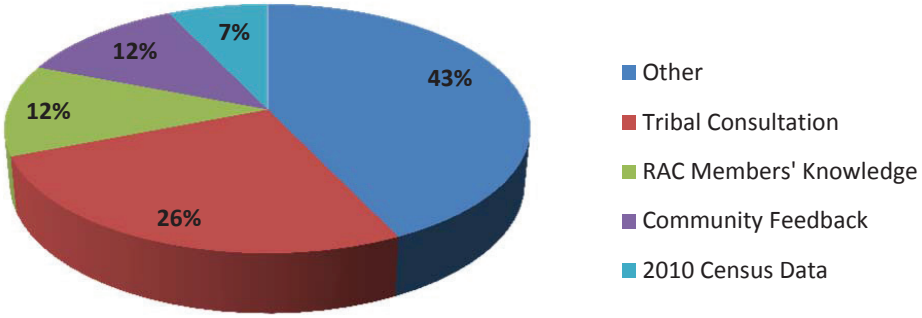

In 30 comments, respondents recommended the Board completely eliminate the 10-year review of rural status. As reflected by 18 comments, the main rationale for eliminating the 10-year review is because it is viewed as a stressful burden on communities and a waste of time and resources for both communities and federal agencies.

Eleven comments indicated support for doing a 10-year review. In five comments, respondents recommended that the timeline for review be increased (e.g., 15-year intervals, 100-year intervals, review rural determinations only when a community's population exceeds the upper threshold).

Two comments recommended that the Board do something else regarding timelines (i.e., decrease the interval between rural reviews, make rural status permanent unless a substantial change warrants otherwise).

**Information Sources**

The Board received 42 substantive comments about what sources of information to use in the process, subdivided into five types of recommendations:




In 11comments, respondents recommended the Board use tribal consultation as a primary source of information for making rural determinations.

Five comments recommended relying on the knowledge of the regional advisory councils by giving them deference concerning the rural status of the communities they represent.

Five respondents recommended using feedback from the affected communities as a primary source of information (e.g., ask community residents what they think makes their community rural and what would have to change before they would consider their community to be non-rural).

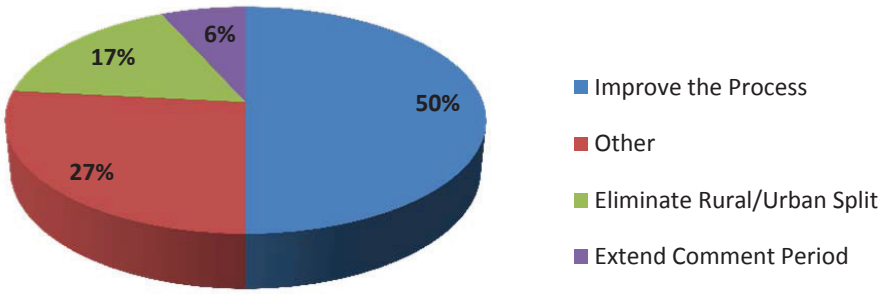
In 18 comments, respondents recommended that the Board use other sources of information such as:

- the intent of ANILCA Title VIII
- Wolfe and Fischer (2003)
- Permanent Fund Dividend database
- State of Alaska regulations
- subsistence harvest surveys conducted in a systematic and scientific manner

Three comments indicated support for using the 2010 Census data.

**Other Recommendations**

The Board received 60 substantive comments recommending something be done to otherwise improve the process, subdivided into four types of recommendations:




In 30 comments, respondents recommended how the Board should improve the rural determination process. Suggestions included:

- Eliminate the state-wide approach; replace it with a region-by-region approach because the regional advisory councils are only qualified to talk about their regions.
- Provide more time for formal tribal consultation and public participation.
- Improve communication, outreach, and education for the regional advisory councils and the public.
- Apply "rural plus Native" or tribal affiliation for deciding who has subsistence priority.
- Adapt and apply the process used by the National Oceanic and Atmospheric Administration and the National Marine Fisheries Service for subsistence halibut harvest.
- Consider health and nutrition in the process.
- Host meetings on rural determinations in rural communities outside of hub cities and urban centers.
- Use only one process for making rural determinations; the dual system is too burdensome for subsistence harvesters.
- Apply improved social science data and analyses in the process to account for dynamic cultural identities.
- Abandon the state's system of Game Management Units on federal public lands because it prevents a fair and accurate rural determination process.
- Remove legal constraints.
- Make the results of tribal consultation available to the regional advisory councils before they are asked to deliberate on the process.

- Apply the Criterion-Referenced Assessment Method outlined by Wolfe and Fischer (2003).
- Consider fish and wildlife populations in the rural determination process.
- Consider various definitions of rural as used by other agencies.

In10 comments, respondents recommended completely eliminating the rural/non-rural dualistic label because it threatens the subsistence priority of many Alaskan communities and the ways of life of many Alaska Native peoples.

In16 comments, respondents recommended doing something else, including:

- Give deference to the regional advisory councils.
- Redefine the rural determination process as an issue of food security and health.
- Adopt and use an Alaskan Native priority with international declarations on the rights of indigenous people.
- Use a point system or similar metric to determine rural status.

Four respondents recommended extending the comment period because more time is needed to provide meaningful input and recommendations about the rural determination process used by the Board.

## Appendix B. Alternatives for the Rural Determination Process

| Alternative* | Short Summary | Relationship to Comments | Pros | Cons |
|---|---|---|---|---|
| 1 | No change. | Most comments suggest various changes to the current process; a few comments suggest making no changes to the process. | Maintains continuity with current process. Few results of rural status determinations have been controversial. | Widely perceived as flawed. Has resulted in a few controversial determinations, such as Saxman and the Kenai Peninsula. Requires a periodic review even when there have been no change. |
| 2 | No change, except eliminate 10-year review. | Many comments suggest that a review should happen only in the event of substantial change to a community or area. 10-year review is a stressful burden on communities and a waste of government resources. | Eliminating review alleviates anxiety of a 10-year review among communities. Reduces periodically time-consuming and redundant staff work. | Would likely continue to be widely perceived as flawed. |
| 3 | No change, except eliminate 10-year review, increase upper population threshold to 11,000, and add geographic remoteness and isolation to the list of rural characteristics. | Comments ranged from not using population numbers to increasing the upper limit to 10,000 or as high as 30,000. 11,000 was most commonly mentioned.<br><br>New recommended rural characteristics are geographic remoteness and isolation. | 11,000 was the population of the smallest community/area mentioned as rural in the Senate report for ANILCA Title VIII. 11,000 had previously been recommended to the Secretaries by the Federal Subsistence Board. The public has supported this threshold change as better reflective of rural.<br><br>Geographic remoteness and isolation captures rural characteristics that might otherwise not be accounted for using other characteristics. | A threshold of 11,000 does not alleviate the anxiety of communities or areas as they gain population over time.<br><br>The use of geographic remoteness and isolation adds to the complexity of the evaluation of rural characteristics. |
| 4 | Define rural as communities or areas with populations less than 15,000 using current | In general, when population thresholds were discussed, the majority of commenters proposed a number of between 10,000 and 30,000. | Helps provide assurance that growing rural hub-communities will continue to be considered rural. A single threshold simplifies the determination process by using available and relatively accurate | The addition of communities/areas to the pool of Federally-qualified subsistence users may result in increased competition for resources among those hunting, fishing or trapping under Federal subsistence regulations. If affected |

| Alternative* | Short Summary | Relationship to Comments | Pros | Cons |
|---|---|---|---|---|
| | aggregations. | | information. Similarly sized and situated communities, such as Kodiak and Ketchikan, would be categorized the same. | fish/wildlife populations cannot accommodate additional rural users, limitations on subsistence, based upon ANILCA 804 criteria, may become necessary. |
| 5 | Define rural as communities or areas with populations less than 15,000 using current aggregations. Current rural determinations for Southcentral remain in force. | Comments described a community or area's geographic remoteness and isolation as rural characteristics. Road accessible communities with relatively easy access to urban centers are viewed differently than those similarly sized communities in remote areas. | Same as #4. Recognizes the determinations made to date in Southcentral Alaska that have undergone considerable review and discussion. Competition for Federal fish and wildlife subsistence resources would be unchanged in Southcentral. | Same as #4. Uneven application of "rural" across the State. |
| 6 | Identify specific communities and areas as non-rural; all other communities and areas are therefore rural. Determinations made by the Secretaries of the Interior and Agriculture (Subpart B). | Many comments suggested that a review of a community's rural status should happen only if there is substantial change. (No specific comments were received to move the determinations to the Secretaries' responsibility.) | Fits well with the notion of no periodic review, since review of determinations would occur infrequently and only when deemed necessary by the Secretaries. | Reduces flexibility to modify boundaries as communities or areas change. Decisions are made in DC, rather than locally. Could be viewed as a less open and transparent process. |

*All alternatives except 1 would have no periodic review; review would be by petition. (See Alternative 2 for pros and cons, which would also apply to Alternatives 3-6).

# Fisheries Resource Monitoring Program

*The mission of the Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands, for rural Alaskans…*

**Overview**

The Fisheries Resource Monitoring Program (Monitoring Program) is unique to Alaska. It was established in 1999 under Title VIII of ANILCA and is run by the Office of Subsistence Management. The Monitoring Program is a competitive funding source for studies on subsistence fisheries that are intended to expand the understanding of subsistence harvest (Harvest Monitoring), traditional knowledge of subsistence resources (Traditional Ecological Knowledge), and the populations of subsistence fish resources (Stock Status and Trends). Gathering this information improves the ability to manage subsistence fisheries in a way that will ensure the continued opportunity for sustainable subsistence use by rural Alaskans on Federal public lands.

**Funding Regions**

Funding for the Monitoring Program is separated into six regions: the *Northern Region*, which includes the North Slope, Northwest Arctic, and Seward Peninsula Regional Advisory Councils; the *Yukon Region* includes the Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior Regional Councils; the *Kuskokwim Region* includes the Western Interior and Yukon-Kuskokwim Delta Regional Advisory Councils; the *Southwest Region* includes the Bristol Bay and Kodiak/Aleutians Regional Advisory Councils; the *Southcentral Region* includes the Southcentral Regional Advisory Council; and, the *Southeast Region* includes the Southeast Regional Advisory Council.

Table 1. Regional Advisory Councils represented within each of the six Funding Regions for the Fisheries Resource Monitoring Program.

| Funding Region | Regional Advisory Councils |
|---|---|
| 1. Northern | North Slope, Northwest Arctic, and Seward Peninsula |
| 2. Yukon | Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior |
| 3. Kuskokwim | Western Interior and Yukon-Kuskokwim Delta |
| 4. Southwest | Bristol Bay and Kodiak/Aleutians |
| 5. Southcentral | Southcentral |
| 6. Southeast | Southeast |

**Subsistence Resource Concerns**
For each of the six funding regions Federal Subsistence Regional Advisory Councils and other stakeholders have identified subsistence fishery resource concerns (Priority Information Needs). These are used by the Monitoring Program to request project proposals that will provide managers with the information needed to address those resource concerns.

In the coming year there will be at least two opportunities for Regional Advisory Councils and other stakeholders to discuss subsistence fishery resource concerns for their Monitoring Program funding regions. These discussions will occur at each of the winter and fall 2014 Regional Advisory Councils meetings. Resource concerns identified during these discussions will be used to direct the request for proposals for studies on subsistence fisheries during the 2016 funding cycle.

**Funding Cycles**
Every two years the Monitoring Program requests proposals for studies on subsistence issues such as subsistence harvest (Harvest Monitoring), traditional knowledge of subsistence resources (Traditional Ecological Knowledge), and the populations of subsistence fish resources (Stock Status and Trends). The most recent funding cycle for the Monitoring Program occurred in 2014. The request for proposals was announced in spring of 2013 and funding decisions were made in winter of 2014. Projects selected to receive funding in 2014 will last from one to four years depending on the duration of the proposed study. The next funding cycle will begin with a request for proposals in fall of 2014 and funding decisions (Monitoring Plan) announced in early 2016.

**Funding Recommendations**
Project proposals received by the Office of Subsistence Management are summarized by staff biologists and social scientists in preparation for a Technical Review Committee. The Technical Review Committee made up of members of five Federal Agencies and three representatives from Alaska Department of Fish and Game. This committee reviews and then makes recommendations on whether the project is appropriate to receive funding (Fund), needs some modifications in order to be recommended for funding (Fund with Modification), or is not an appropriate proposal to receive funding from the Monitoring Program (Do Not Fund). Funding recommendations made by the Technical Review Committee are based on how well the project would meet Strategic Priorities for the region, whether the project has sound Technical-Scientific Merit, the Ability and Resources of the researchers, and, how well the project would support Partnership-Capacity building for future projects in the region. The Technical Review Committee's funding recommendation is called the Draft Monitoring Plan.

During the fall Federal Subsistence Regional Advisory Council Meetings the Draft Monitoring Plan is reviewed by Regional Advisory Council members and a ranking of projects within the funding region is made for projects proposed within each of the six funding regions.

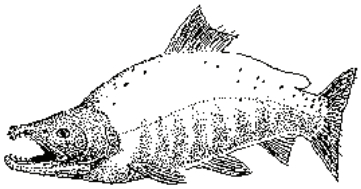
Following the fall Regional Advisory Council meetings and prior to the Federal Board Meeting, a second ranking of projects for the Draft Monitoring Plan is made by an Interagency Staff Committee consisting of members of each of the five federal agencies involved in subsistence management in Alaska.

The final funding recommendation is made during the Federal Subsistence Board Meeting when the Board reviews the draft Monitoring Plan and subsequent ranking recommendations made by the Regional Advisory Councils, and Interagency Staff Committee. The funding recommendation made by the Federal Subsistence Board is considered to be the final Monitoring Plan for the funding cycle. This Monitoring Plan is then approved by the Assistant Regional Director of the Office of Subsistence Management and funds are awarded to each of the projects recommended for funding in the final Monitoring Plan.

# DRAFT

# PRIORITY INFORMATION NEEDS

## FEDERAL SUBSISTENCE FISHERIES



**2016 Fisheries Resource Monitoring Program**

Office of Subsistence Management
U.S. Fish and Wildlife Service
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

1-800-478-1456 or 907-786-3888 Voice
907-786-3612 Fax

The Office of Subsistence Management (OSM) invites the submission of proposals for fisheries investigation studies to be initiated under the 2016 Fisheries Resource Monitoring Program (Monitoring Program). Taking into account funding commitments for ongoing projects, and contingent upon Congressional funding, we anticipate approximately $4.0 million available in 2016 to fund new monitoring and research projects that provide information needed to manage subsistence fisheries for rural Alaskans on Federal public lands. Funding may be requested for up to four years duration.

Although all proposals addressing subsistence fisheries on Federal public lands will be considered, the 2016 Notice of Funding Availability is focused on priority information needs. The Monitoring Program is administered among six regions: Northern Alaska, Yukon, Kuskokwim, Southwest Alaska, Southcentral Alaska, and Southeast Alaska regions. Strategic plans developed by workgroups of Federal and State fisheries managers, researchers, Regional Advisory Council members and other stakeholders, have been completed for three of the six regions: Southeast, Southcentral (excluding Cook Inlet Area), and Southwest Alaska. These plans identify prioritized information needs for each major subsistence fishery and can be viewed on or downloaded from OSM's website: http://www.doi.gov/subsistence/monitor/fisheries/index.cfm . Independent strategic plans were completed for the Yukon and Kuskokwim regions for salmon in 2005, and jointly for whitefish in 2012. For the Northern Region and the Cook Inlet Area, priority information needs were developed with input from Regional Advisory Councils, the Technical Review Committee, Federal and State managers and staff from OSM.

This document summarizes priority information needs for 2016 for all six regions and a multi-regional category that addresses priorities that extend over two or more regions. Investigators preparing proposals for the 2016 Monitoring Program should use this document and relevant strategic plans, and the Notice of Funding Availability, which provides foundational information about the Monitoring Program, to guide proposal development. While Monitoring Program project selections may not be limited to priority information needs identified in this document, proposals addressing other information needs must include compelling justification with respect to strategic importance.

Monitoring Program funding is not intended to duplicate existing programs. Agencies are discouraged from shifting existing projects to the Monitoring Program. Where long-term projects can no longer be funded by agencies, and the project provides direct information for Federal subsistence fisheries management, a request to the Monitoring Program of up to 50% of the project cost may be submitted for consideration. For Monitoring Program projects for which additional years of funding is being requested, investigators should justify continuation by placing the proposed work in context with the ongoing work being accomplished.

Because cumulative effects of climate change are likely to fundamentally affect the availability of subsistence fishery resources, as well as their uses, and how they are managed, investigators are requested to consider examining or discussing climate change

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effects as a component of their project. Investigators conducting long-term stock status projects will be required to participate in a standardized air and water temperature monitoring program. Calibrated temperature loggers and associated equipment, analysis and reporting services, and access to a temperature database will be provided. Finally, proposals that focus on the effects of climate change on subsistence fishery resources and uses, and that describe implications for subsistence management, are specifically requested. Such proposals must include a clear description of how the project would measure or assess climate change impacts on subsistence fishery resources, uses, and management.

Projects with an interdisciplinary emphasis are encouraged. The Monitoring Program seeks to combine ethnographic, harvest monitoring, traditional ecological knowledge, and biological data to aid in management. Investigators are encouraged to combine interdisciplinary methods to address information needs, and to consider the cultural context of these information needs.

Collaboration and cooperation with rural communities is encouraged at all stages of research planning and implementation of projects that directly affect those communities. The Notice of Funding Availability describes the collaborative process in community-based research and in building partnerships with rural communities.

The following sections provide specific regional and multi-regional priority information needs for the 2016 Monitoring Program. They are not listed in priority order.

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**Northern Alaska Region Priority Information Needs**

The Northern Alaska Region is divided into three areas which reflect the geographic areas of the three northern Regional Advisory Councils (Seward Peninsula, Northwest Arctic, and North Slope). Together, the three areas comprise most of northern Alaska, and contain substantial Federal public lands. Since 2001, the three northern Regional Advisory Councils have identified important fisheries issues and information needs for their respective areas. For the Northern Alaska Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Understanding differences in cultural knowledge, beliefs, and perceptions of subsistence resources between fishery managers and subsistence users in Northwestern Alaska.
- Local and cultural knowledge about, locations of, perceptions of abundance, and harvest monitoring for coastal lagoon whitefishes.
- Description and analysis of sharing networks and customary trade of salmon in villages in northern Alaska.
- Reliable estimates of Chinook salmon escapement for the Unalakleet River drainage.

- Abundance, location and movement of Arctic grayling in the Point Hope and Wainwright area.
- Abundance, location and movement of whitefish in the Meade River
- Abundance, location and movement of smelt in the Wainwright area.
- Mapping chum distribution in Northern Alaska.
- Documentation of longevity, age of maturity, and the abundance of fish of a given size range or maturity status for lake trout in the upper Anaktuvuk River.
- Arctic cisco population assessment, including distribution, migration, and age structure in northern Alaska.
- Changes in Dolly Varden abundance in relationship to water levels in overwintering pools.
- Changes in fish health associated with climate change in Northern Alaska.
- Identification of overwintering areas for Dolly Varden in northern Alaskan rivers, identification of demographic qualities of overwintering fish, and estimating overwintering fidelity of fish.

**Yukon Region Priority Information Needs**

Since its inception, the Monitoring Plan for the Yukon Region has been directed at information needs identified by the three Yukon River Regional Advisory Councils (Yukon-Kuskokwim Delta, Western Interior, and Eastern Interior) with input from subsistence users, the public, Alaska Native organizations, Federal and State agencies, and partner agencies and organizations. The U.S./Canada Yukon River Salmon Joint Technical Committee Plan has been used to prioritize salmon monitoring projects in the Alaskan portion of the Yukon River drainage. Additionally, a research plan for whitefish has identified priority information needs for whitefish species in the Yukon and Kuskokwim river drainages.

For the Yukon Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Reliable estimates of salmon species escapements (for example, projects using weir, sonar, mark-recapture methods).

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- Geographic distribution of salmon and whitefish species in the Nulato River, Salmon Fork of the Black River, Porcupine River and Chandalar River.
- An indexing method for estimating species-specific whitefish harvests on an annual basis for the Yukon drainage. Researchers should explore and evaluate an approach where sub-regional clusters of community harvests can be evaluated for regular surveying, with results being extrapolated to the rest of the cluster, contributing to drainage-wide harvest estimates.
- Methods for including "quality of escapement" measures (for example, potential egg deposition, sex and size composition of spawners, spawning habitat utilization) in establishing Chinook salmon spawning goals and determining the reproductive potential and genetic diversity of spawning escapements.
- A review of escapement data collection methods throughout Yukon drainage to ensure that test fisheries are accurately accounting for size distribution and abundance of fishes (e.g. are smaller Chinook being counted accurately).
- Harvest and spawning escapement level changes through time in relation to changes in gillnet construction and use (for example, set versus drift fishing, mesh size changes) for Chinook salmon subsistence harvest in the mainstem Yukon River.
- Bering cisco population assessment and monitoring
- Burbot population assessments in lakes known to support subsistence fisheries.

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**Kuskokwim Region Priority Information Needs**

Since 2001, the Yukon-Kuskokwim Delta and Western Interior Regional Advisory Councils, with guidance provided by the Kuskokwim Fisheries Resource Coalition, have identified a broad category of issues and information needs in the Kuskokwim Region. Additionally, a research plan for salmon and a research plan for whitefish have been used to identify priority information needs for salmon and whitefish.

For the Kuskokwim Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Reliable estimates of Chinook, chum, sockeye, and coho salmon escapement (for example, projects using weir, sonar, mark-recapture methods).
- Methods for including "quality of escapement" measures (for example, potential egg deposition, sex and size composition of spawners, spawning habitat utilization) in establishing Chinook salmon spawning goals and determining the reproductive potential and genetic diversity of spawning escapements.
- Estimate the size and growth of the sport fishery over the next 30 years.
- An understanding of the meaning and significance of sharing in the context of the social, cultural, and economic life of people in the lower Kuskokwim Area.
- Impacts of sport fishery on cultural values and social systems.
- Local knowledge of whitefish species to supplement information from previous research in central Kuskokwim River drainage communities. Groups of communities might include Kalskag, Lower Kalskag, Aniak, and Chuathbaluk or Red Devil, Sleetmute, and Stony River.
- Local knowledge of whitefish species to supplement information from previous research in lower Kuskokwim River drainage communities. Groups of communities might include Kwethluk, Akiachak, and Tuluksak or Chefornak, Kipnuk, Kongiganek, and Kwigillingok.
- An indexing method for estimating species-specific whitefish harvests on an annual basis for the Kuskokwim drainage. Researchers should explore and evaluate an approach where sub-regional clusters of community harvests can be evaluated for regular surveying with results being extrapolated to the rest of the cluster, contributing to drainage-wide harvest estimates.

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**Southwest Alaska Region Priority Information Needs**

Separate strategic plans were developed for the Bristol Bay-Chignik and Kodiak-Aleutians areas, corresponding to the geographic areas covered by the Bristol Bay and Kodiak/Aleutians Regional Advisory Councils. These strategic plans were reviewed to ensure that remaining priority information needs were considered.

For the Southwest Alaska Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Reliable estimates of salmon escapements in the Lake Clark watershed (for example, from projects utilizing a weir, sonar, and/or mark-recapture methods).
- Historical salmon escarpment to the Lake Clark watershed using isotopic analysis of lake sediment cores.
- Size and age structure of sockeye salmon spawners representative of the diversity among populations with Lake Clark National Park and Preserve.
- Rearing habitat capacity for juvenile sockeye salmon in Lake Clark National Park and Preserve.
- Comparative ecological evaluation of lake rearing habitats of subsistence sockeye salmon stocks in southwest Kodiak Island, Alaska, including Olga Lakes and Akalura Lake watersheds; assessment of 1) the decline in salmon stocks and associated subsistence harvest opportunities, and 2) the potential effects of climate change on salmon production in these lake systems.
- Distribution and timing of spawning by sockeye salmon in the major watersheds of Katmai National Park and Preserve.
- Harvest of salmon for subsistence use by residents of the communities of Cold Bay, King Cove, and Sand Point, including harvest methods and means by species and distribution practices.
- Description and analysis of the social network underlying the distribution of fish harvested for subsistence by residents of the Bristol Bay Area or Chignik Area.

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**Southcentral Alaska Region Priority Information Needs**

A strategic plan was developed for Prince William Sound-Copper River and an abbreviated strategic planning process was employed for Cook Inlet. These sources were reviewed to ensure that remaining priority information needs were considered.

For the Southcentral Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Obtain reliable estimates of Chinook and sockeye salmon escapement into the Copper River drainage (for example, projects utilizing weir, sonar, mark-recapture methods).
- Abundance, run timing, spawning site fidelity and timing, and age, sex, and length composition for Chinook and coho salmon that stage or spawn in waters of the Kenai River and its tributaries below Skilak Lake under federal subsistence fishery jurisdiction.
- Abundance, run timing, spawning site fidelity and timing, and age, sex, and length composition for Chinook and coho salmon that stage or spawn in waters of the Kasilof River and its tributaries under federal subsistence fishery jurisdiction.

**Southeast Alaska Region Priority Information Needs**

A strategic plan was developed for the Southeast Alaska Region in 2006 and was reviewed to ensure that priority information needs were identified.

For the Southeast Alaska Region, the 2016 Notice of Funding Availability is focused on the following priority information needs:

- Reliable estimates of sockeye salmon escapement. Stocks of interest include: Gut Bay, Red, Kah Sheets, Karta, Salmon Bay, Sarkar and Hoktaheen.
- In-season subsistence harvest of sockeye salmon. Stocks of interest include: Hatchery Creek, Gut Bay, Red, Kah Sheets, Salmon Bay, Sarkar, Kanalku, and Hoktaheen.
- Escapement index for Yakutat Forelands eulachon (continuation)

**Multi-Regional Priority Information Needs**

The Multi-regional category is for projects that may be applicable in more than one region. For the Multi-Regional category, the 2016 Notice of Funding Availability is focused on the following priority information needs:

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- Changes in subsistence fishery resources and uses, in the context of climate change where relevant, including, but not limited to, fishing seasons, species targeted, fishing locations, fish quality, harvest methods and means, and methods of preservation. Include management implications.

- Effects of the Bering Sea and Gulf of Alaska pollock fishery on Federal Chinook and chum subsistence resources throughout Alaska.

- Changes in subsistence fishery resources, in the context of climate change, including but not limited to fish movement and barriers including permafrost slump, water quality and temperature, draining of tundra lakes, changing patterns of precipitation both snow and rain, changing freeze-up and break-up.

- Develop alternative methods for evaluating Chinook and chum salmon escapement measures (for example, potential egg deposition, sex and size composition of spawners, spawning habitat utilization) in establishing spawning goals and determining the reproductive potential and genetic diversity of spawning escapements.

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| FP15-01 Executive Summary | |
|---|---|
| **General Description** | Proposal FP15-01 requests that the definition of "hook" be described in regulation as "a hook with or without a barb."The proposed language would clarify the type of fishing hook that could be used under Federal subsistence fisheries regulations where hooks are an authorized methods and means to take fish. *Submitted by the Southcentral Alaska Subsistence Regional Advisory Council (SCRAC)* |
| **Proposed Regulation** | *Proposed Federal Subsistence Regulations*<br><br>*§__.25 (a) Definitions. The following definitions apply to all regulations contained in this part:*<br><br>***Hook means a single shanked fish hook with a single eye constructed with 1 or more points with or without barbs.*** |
| **OSM Preliminary Conclusion** | **Support** |
| **Southeast Regional Council Recommendation** | |
| **Southcentral Regional Council Recommendation** | |
| **Kodiak/Aleutians Regional Council Recommendation** | **Support with modification** |
| **Bristol Bay Regional Council Recommendation** | |
| **Yukon/Kuskokwim Delta Regional Council Recommendation** | |
| **Western Interior Regional Council Recommendation** | |
| **Seward Peninsula Regional Council Recommendation** | |
| **Northwest Arctic Regional Council Recommendation** | |
| **Eastern Interior Regional Council Recommendation** | |
| **North Slope Regional Council Recommendation** | |

*continued on next page*

| FP15-01 Executive Summary (continued) | |
|---|---|
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | |
| **Written Public Comments** | **2** |

# DRAFT STAFF ANALYSIS
# FP15-01

## ISSUES

Proposal FP15-01 submitted by the Southcentral Alaska Subsistence Regional Advisory Council (SCRAC) requests that the definition of "hook" be described in regulation as "a hook with or without a barb."

The proposed language would clarify the type of fishing hook that could be used under Federal subsistence fisheries regulations where hooks are an authorized methods and means to take fish.

## DISCUSSION

The proponent requests a change to existing statewide Federal regulatory language to eliminate the potential for adoption of default methods and means restriction of a Federal subsistence fishery to the use of barbless hooks. This proposal was submitted in response to a recent Alaska Board of Fisheries decision (see regulatory history section) to restrict the Kenai River Chinook salmon sport fishery methods and means to the use of barbless hooks under certain conditions. If the Kenai River Chinook salmon sport fishery is restricted to the use of barbless hooks, the Federal subsistence rod and reel fishery might also be restricted to the use of barbless hooks by default.

In many parts of Alaska, stand-alone Federal subsistence fisheries regulations do not exist within §___.25 or .27. Federal subsistence fisheries methods and means regulations are the same for taking of fish under State of Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57), unless specifically modified in Federal regulation. In those areas where Federal subsistence fisheries regulations are absent, §___.14(a) indicates State fisheries regulations apply to public lands and are adopted as Federal subsistence fisheries regulations to the extent they are not inconsistent with, or superseded by, Federal subsistence regulations. In other words, if the State of Alaska adopts fisheries regulations, such as requiring barbless hooks in a fishery where Federal subsistence fisheries regulations do not exist or do not address what type of hook is allowed, Federal subsistence regulations would default to State regulations resulting in Federal subsistence users being restricted to barbless hooks.

### Existing Federal Regulations

**§___100.14 and §___242.14 Relationship to State procedures and regulations**

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

Currently there is no Federal definition of "hook"; thus, the State of Alaska definition for the Kenai River applies.

**Proposed Federal Subsistence Regulations**

§__.25 (a) *Definitions*. The following definitions apply to all regulations contained in this part:

***Hook* means a single shanked fish hook with a single eye constructed with 1 or more points with or without barbs**.

**Existing State Regulation**

*5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area*

*(1)(J) during times when the retention of king salmon is prohibited under 5 AAC 57.160(d) (2)(A) or 5 AAC 21.359(e)(1), only one unbaited, barbless, single-hook, artificial lure may be used when sport fishing for king salmon; in this subparagraph, "barbless" means the hook is manufactured without a barb or the barb has been completely removed or compressed so the barb is in complete contact with the shaft of the hook;*

*5AAC 21.359. Kenai River Late-Run King Salmon Management Plan*

*(e) From July 1 through July 31, if the projected inriver run of late-run king salmon is less than 22,500 fish, in order to achieve the sustainable escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:*

*(1) in the Kenai River sport fishery,*

*(A) the use of bait is prohibited; or*

*(B) the use of bait and retention of king salmon are prohibited, and only one unbaited, barbless, single-hook, artificial lure, as described in 5 AAC57.121(1)(J), may be used when sport fishing for king salmon;*

**Extent of Federal Public Waters**

For purposes of this discussion, the phrase "Federal public waters" is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. FP15-01 was submitted to address Federal subsistence fisheries in all Federal public waters of Alaska.

**Regulatory History**

Over the years, numerous proposals requesting restriction of sport fisheries methods and means to barbless hooks have been submitted to the Alaska Board of Fisheries. At the January 29 – February 11, 2014 Upper Cook Inlet meeting, the Alaska Board of Fisheries deliberated Proposals 47, 48, 49, and 224 which requested restricting various Cook Inlet spot fisheries to the use of barbless hooks (ADF&G 2013 A, pages 144, ADF&G 2013 B, pages 280-286). The Alaska Department of Fish and Game opposed these proposals because restricting anglers to the use of barbless hooks would have a negative effect on sport fishery opportunity without a measureable biological benefit. The Alaska Department of Fish and

Game also indicated use of barbless hooks reduces angler efficiency by 9-24%, according to one study, resulting in anglers fishing longer in order to achieve their bag limits, or reducing their harvest.

The Alaska Board of Fisheries adopted an amended Proposal 48 for the Kenai River Chinook salmon sport fishery requiring barbless hooks as a conservation measure when the fishery is restricted to catch and release only. The discussions during the Alaska Board of Fisheries deliberations focused on reducing Chinook salmon handling mortality in the sport fishery when restricted to catch and release status. The regulatory language defining "barbless hooks" within *5 AAC 57.121(1)(J)* is *the hook is manufactured without a barb or the barb has been completely removed or compressed so the barb is in complete contact with the shaft of the hook.*

The Kenai River Chinook salmon sport fishery is the first fishery in Alaska with a barbless hook regulation. At their March 12, 2014 meeting, the SCRAC was made aware of the new State sport fishery regulation and how it could, by default, impact the Federal subsistence Chinook salmon rod and reel fishery in the Kenai River. In response to the Alaska Board of Fisheries action, the SCRAC submitted this proposal. The State of Alaska regulatory definition of a "barbless hook" was not available at the SCRAC meeting and the SCRAC was not presented with the language contained in the Proposed Federal Regulatory Language section above.

**Biological Background**

The previously referenced Alaska Department of Fish and Game staff comments to the Alaska Board of Fishery state the use of barbless hooks does not reduce mortality of released fish by a measurable amount. These staff comments generally indicate the vast body of research conducted on catch and release mortality of fish largely suggest there is no significant difference in mortality rates between using barbed and barbless hooks (ADF&G 2013 A page 144), though some studies support the use of barbless hooks for specific species in some fisheries.

**Current Events**

Many Federal subsistence fisheries in Alaska allow the use of fishing hooks as a legal means of harvesting fish. Current Federal subsistence fisheries regulations reference allowing the use of a hook with a handline, jigging gear, long line, mechanical jigging gear, troll gear, hook and line attached to a rod or pole, and rod and reel. Though the use of fishing hooks is authorized, Federal subsistence regulations do not define a fishing hook and do not clearly indicate whether or not fishing hooks require a barb or not.

The SCRAC indicated adoption of this proposal, if submitted as a statewide proposal, could benefit Federally-qualified subsistence users throughout Alaska. Allowing the continued use of barbed hooks in all Federal subsistence fisheries, where use of hooks is authorized, will benefit subsistence users by reducing the chance of losing a fish hooked on a barbless hook as subsistence fishing is characterized by efficiency of harvest. Additionally, the SCRAC transcripts state the purpose of this proposal is to legally maintain Federal subsistence fishermen's choice if they want to use a barbed or a barbless hook (SCRAC 2014).

**Other Alternates Considered**

The State of Alaska has adopted a Kenai River Chinook salmon sport fishery relate regulations which define a "barbless hook" under 5 AAC 57.121(1)(J)… *"barbless" means the hook is manufactured without a barb or the barb has been completely removed or compressed so the barb is in complete contact with the shaft of the hook;*. Regulatory language defining a "barbless hook" was not available for evaluation at the SCRAC meeting when FP15-01 was submitted. An alternative to consider for Proposal FP15-01 is to support the proposal with modification by incorporating the regulatory language offered in this proposal with the regulatory language adopted by the State of Alaska. Supporting Proposal FP15-01 with the modification of mirroring the State of Alaska's statewide definition of a barbless hook will reduce regulatory complexity and enforcement concerns. The following is alternative proposed regulatory language reflecting the above suggested modification.

§__.25 (a) *Definitions*. The following definitions apply to all regulations contained in this part:

***Hook* means a single shanked fish hook with a single eye constructed with 1 or more points with or without barbs. A hook without a "barb" means the hook is manufactured without a barb or the barb has been completely removed or compressed so the barb is in complete contact with the shaft of the hook**

**Effects of the Proposal**

If this proposal is adopted, it would maintain Federally-qualified subsistence users' ability to select the type of fishing hooks, with or without barbs, they want to use. Once a definition of hook is in Federal regulation, Federally-qualified subsistence users will not have to be concerned if the State of Alaska changes the definition of a hook or restricts other fisheries to the use of barbless hooks. Adoption of this proposal is not expected to have any effect on Federally-qualified subsistence users, practices, fisheries, or fish stocks targeted. Adoption of this proposal will not result in additional impacts Federal subsistence users have on Alaska's fishery resources because Federal subsistence users most likely utilize barbed hooks where hooks are authorized to increase harvest efficiency as subsistence fishing is characterized by efficiency of harvest.

If this proposal is adopted, Federal and State regulations will be divergent in fisheries restricted to use of barbless hooks under State regulations. Adoption of FP15-01 will establish a Federal subsistence regulatory definition of hook to include both barbed and barbless hooks which will supersede both current and future State barbless hooks regulations.

If this proposal is not adopted, Federally-qualified users will be restricted to use the type of hook specified and defined by the State of Alaska, since there is no Federal definition of hook. The first, and currently only, Federal subsistence fishery which could be impacted by not adopting FP15-01 is the Kenai River Chinook salmon fishery, where rod and reel is an authorized methods and means. Additionally, if this proposal is not adopted, potential barbless hooks restrictions in other future Federal subsistence fisheries would unnecessarily decrease harvest efficiency of Federally-qualified subsistence users.

## OSM PRELIMINARY CONCLUSION

**Support** Proposal FP15-01

**Justification**

The proposal would add a definition of "hook" in Federal regulations. Currently subsistence users must comply with the State's method and means when fishing with one or more hooks, even if the regulation is for barbless hooks, which reduces harvest efficiency. Restricting subsistence users from harvesting fish with barbed hooks would be an unnecessary restriction to existing fishing practices statewide**.**

Adoption of this proposal would protect Federal subsistence fishermen's choice to use barbed or barbless hooks. Adoption of this proposal would not result in additional impacts to Alaska's fisheries resources by Federal subsistence fishermen.

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Ahtna, Incorporated

June 11, 2014

US Fish & Wildlife Service
ATTN: Theo Matuskowitz
Office of Subsistence Management
1011 East Tudor Rd., MS-121
Anchorage, Alaska 99503

To the Federal Subsistence Board:

On behalf of the Ahtna Tene Nene' Customary & Traditional Use Committee, I am pleased to submit comments to the Federal Subsistence Board on the 2015-2017 Federal Subsistence Fisheries Statewide - Proposal FP15-01.

I support Proposal 15-01 to add new definition to hook, which is defined as a single shanked fish hook with a single eye constructed with 1, 2, or 3 points with or without barbs.

Federally qualified subsistence users who fish with rod and reel do not fish recreationally for salmon. Those who choose to fish with rod and reel under federal subsistence program in the Upper Copper River District fish keep harvested salmon. They most likely do not catch and release salmon that are caught with rod and reel.

The average eleven year (2002-2013) reported Federal harvest with rod and reel of Sockeye and Chinook in the Glennallen Subdistrict of the Upper Copper River District was 5 Sockeye and 9 Chinook. Damage to the Sockeye and Chinook that would be caused by barbed hooks would minimal since the subsistence users would most likely retain all the hooked fish for consumption.

Please change federal regulation for the hook definition to allow single shanked fish hook with a single eye with 1, 2, or 3 points with or without barbs.

Sincerely,

Gloria Stickwan

Gloria Stickwan,
C&T/Environmental Coordinator

P.O. Box 649 – Glennallen, Alaska 99588
Phone: (907) 822-3476 – Fax: (907) 822-3495

WRITTEN PUBLIC COMMENTS

**Support Proposal FP15-01**

Southeast Alaska Fishermen's Alliance (SEAFA) is a multi-gear/multi-species commercial fishing association representing our 300+ members involved in salmon, crab and shrimp in Southeast Alaska and longlining in the Gulf of Alaska. Many of our members also participate in subsistence, personal use and sport fisheries. Thank you for this opportunity to comment on the 2015-2017 proposed fishery regulation changes.

**FP15-01:** We support defining a fishing hook. This will make it very clear that a hook can have barbs in federal subsistence fisheries unless otherwise specified in regulation for a particular conservation issue.

*Southeast Alaska Fishermen's Alliance (SEAFA)*

| FP15-08 Executive Summary | |
|---|---|
| **General Description** | Proposal FP15-08 requests seines as a legal gear type for the taking of salmon above the weir in Chignik River. *Submitted by Alvin Boskofsky on behalf of the Chignik Lake Traditional Council.* |
| **Proposed Regulation** | **Chignik Area**<br><br>*§__.27(e)(8)(ii) You may take salmon in the Chignik River, with rod and reel* ***or seine****, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from January 1 through August 9, with no daily harvest or possession limit under the authority of a Federal subsistence fishing permit. You may take salmon by gillnet in Black Lake or any tributary to Black or Chignik Lakes with a Federal subsistence fishing permit. You may take salmon in the waters of Clark River and Home Creek from their confluence with Chignik Lake upstream 1 mile. In the open waters of Clark River and Home Creek you may take salmon by snagging (handline or rod and reel), spear, bow and arrow, or capture by hand without a permit. The daily harvest and possession limits using these methods are five per day and five in possession.*<br><br>*§__.27(e)(8)(ii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit unless otherwise indicated in the section or as noted in the permit conditions.* |
| **OSM Preliminary Conclusion** | **Oppose** |
| **Bristol Bay Regional Council Recommendation** | |
| **Interagency Staff Committee Comments** | |
| **ADF&G Comments** | |
| **Written Public Comments** | |

**DRAFT STAFF ANALYSIS**
**FP15-08**

## ISSUES

Proposal FP15-08, submitted by Alvin Boskofsky on behalf of the Chignik Lake Traditional Council, requests seines as a legal gear type for the taking of salmon above the weir in Chignik River. In the proposal Mr. Boskofsky states that adding seines as a gear type would allow for additional subsistence harvest opportunities of Chinook salmon while allowing release of non-targeted finfish species.

## DISCUSSION

The proponent requests an additional gear type for harvesting of salmon in the Chignik Area to provide additional harvest opportunities for Federally qualified subsistence users. The proponent requests, that seines be allowed in the area upstream of the Alaska Department of Fish and Game (ADF&G) weir in addition to rod and reel. The proponent states that the additional gear would allow local rural residents the opportunity to harvest Chinook salmon while allowing the release of non-target finfish species. Chinook salmon are known to spawn in approximately 80% of the 1.8 river miles that extend from the outlet of Chignik Lake downstream to the ADF&G weir (FSB 2011:410). Currently, to prevent over-harvest or harassment of these salmon as well as nonselective harvest of other species, gear type is limited to rod and reel for subsistence users fishing above the weir in the Chignik River from July 1 through August 9 under Federal regulations.

### Existing Federal Subsistence Regulations: Chignik Area

> *§__.27(e)(8)(ii) You may take salmon in the Chignik River, with rod and reel, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from January 1 through August 9, with no daily harvest or possession limit under the authority of a Federal subsistence fishing permit. You may take salmon by gillnet in Black Lake or any tributary to Black or Chignik Lakes with a Federal subsistence fishing permit. You may take salmon in the waters of Clark River and Home Creek from their confluence with Chignik Lake upstream 1 mile. In the open waters of Clark River and Home Creek you may take salmon by snagging (handline or rod and reel), spear, bow and arrow, or capture by hand without a permit. The daily harvest and possession limits using these methods are five per day and five in possession.*
>
> *§__.27(e)(8)(ii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit unless otherwise indicated in this section or as noted in the permit conditions.*

### Proposed Federal Subsistence Regulations: Chignik Area

> *§__.27(e)(8)(ii) You may take salmon in the Chignik River, with rod and reel* ***or seine****, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from January 1 through August 9, with no daily harvest or possession limit under the authority of a Federal subsistence fishing permit. You may take salmon by gillnet in Black Lake or any tributary to Black or Chignik Lakes with a Federal subsistence fishing permit. You may take salmon in the waters of Clark River and*

*Home Creek from their confluence with Chignik Lake upstream 1 mile. In the open waters of Clark River and Home Creek you may take salmon by snagging (handline or rod and reel), spear, bow and arrow, or capture by hand without a permit. The daily harvest and possession limits using these methods are five per day and five in possession.*

*§__.27(e)(8)(ii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit unless otherwise indicated in the section or as noted in the permit conditions.*

**Existing State Subsistence Regulations**

**Chignik Area**

**5AAC 01.470 Lawful gear and gear specifications: Chignik Area**

*(a) Salmon may be taken by seines and gillnets, or with gear specified on a subsistence fishing permit, except that in Chignik Lake salmon may not be taken with purse seines. A gillnet may not be set, staked, anchored, or otherwise fixed in a stream while it obstructs more than one-half of the width of the waterway and any channel or side channel of the waterway.*

**5 AAC 01.475. Waters closed to subsistence fishing: Chignik Area**

*Salmon may not be taken*

*(1) from July 1 through August 31, in the Chignik River from a point 300 feet upstream from the Chignik weir to Chignik Lake;*

**5 AAC 01.480. Subsistence fish permit: Chignik Area**

*(a) Salmon, trout and char may only be taken under the authority of a subsistence fishing permit..*

*(b) Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit.*

*(c) A subsistence fisherman shall keep a record of the number of subsistence fish taken by that subsistence fisherman each year. The number of subsistence fish taken shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence-caught fish, and must be returned to the local representative of the department by December 31 of the year the permit was issued.*

**State Sport Fishing Regulations**

**5 AAC 65.010. Fishing seasons for Alaska Peninsula and Aleutian Islands Area**

*(a) Except as otherwise provided in this section and 5 AAC 65.051, sport fishing is permitted year round in the Alaska Peninsula and Aleutian Islands Area.*

*(b) King salmon may be taken in fresh waters only from January 1 through July 25, except that king salmon may be taken in the Chignik River from January 1 through August 9.*

**5 AAC 65.020. Bag limits, possession limits, and size limits for Alaska Peninsula and Aleutian Islands Area**

*(a) Except as otherwise provide in this section, bag limits, possession limits, and size limits for finfish and shellfish in the Alaska Peninsula and Aleutian and Aleutian Islands Area are as follows:*

*(1) king salmon 3 per day, 3 in possession, only 2 daily and in possession 28 inches or greater in length; 5 fish annual limit. (2) other salmon: 5 per day, 5 in possession, no size limit.*

**Extent of Federal Public Waters**

For purposes of this discussion, the phrase "Federal public waters" is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters within the Chignik Management Area include all waters within or adjacent to the Alaska Peninsula National Wildlife Refuge, Aniakchak National Monument and Preserve, and Alaska Maritime National Wildlife Refuge. Chignik Lake, Chignik River, Black Lake, Clark River, and Home Creek are all within the boundary of the Alaska Peninsula National Wildlife Refuge (**Alaska Peninsula Area Map 1**).

**Customary and Traditional Use Determinations**

Residents of the Chignik Area, which include the communities of Perryville, Chignik Bay, Chignik Lagoon, Chignik Lake, and Ivanof Bay, have a customary and traditional use determination to harvest salmon in the Chignik Area.

**Regulatory History**

Prior to 2005, the Chignik River was closed to subsistence salmon fishing by both State and Federal regulations (5 AAC 01.475, § 100.27 (e)(8)(ii)). In response to reports that subsistence users had difficulty harvesting enough salmon to meet their needs, the Alaska Board of Fisheries adopted a proposal to open the Chignik River to subsistence fishing at its fall 2004 meeting. To protect spawning Chinook salmon, a closure was maintained from a point 300 feet upstream of the ADF&G weir to Chignik Lake for July 1 through August 31. During its January 2006 meeting, the Federal Subsistence Board adopted a similar proposal (FP 06-08) to align Federal subsistence regulations with State regulations by allowing Federal subsistence users to harvest salmon in the Chignik River. The Federal Subsistence Board also adopted the July 1 to August 31 closure 300 feet upstream of the weir to protect spawning Chinook Salmon.

To allow additional harvest of late season sockeye salmon and provide a means to harvest an occasional fresh salmon for immediate consumption, the Alaska Board of Fisheries, at its 2008 meeting, adopted a proposal to open Clark River and Home Creek upstream one mile from their confluence with Chignik

Lake (ADF&G 2008). Both the Clark River and Home Creek had traditionally been used by a small number of subsistence users. Opening the rivers above their confluences permitted additional subsistence fishing opportunity while still protecting spawning salmon.

In 2008, the Bristol Bay Subsistence Regional Advisory Council submitted Proposal FP 09-11, which sought to align Federal and State subsistence regulations by allowing Federally qualified subsistence users to fish for salmon in Clark River and Home Creek upstream one mile from their confluence with Chignik Lake. The Federal Subsistence Board adopted the regulatory change with a modification at its January 2009 meeting. The modification allowed the harvest of salmon in Clark River and Home Creek one mile upstream from their confluences with Chignik Lake without a permit when snagging (using handline or rod and reel), or when using spear, bow and arrow, or capture by hand. Allowing for snagging, spear, bow and arrow provides gear types not permitted under the State subsistence regulations. To address concerns over harvesting without a permit, the Federal Subsistence Board further modified the regulation to include a daily harvest limit of 5 salmon per day and 5 in possession when snagging (handline or rod and reel), or using spear, bow and arrow, or capture by hand.

During the 2011 regulatory cycle, the Chignik Lake Traditional Council submitted parallel proposals to the Alaska Board of Fisheries (Proposal 96) and the Federal Subsistence Board (FP 11-10). The proponents sought to liberalize fishing areas and methods and means to take salmon for subsistence in the Chignik Area. The Federal Subsistence Board took action on FP 11-10 during its January 2011 meeting, but the Alaska Board of Fisheries took no action on Proposals 96 at its January 2011 meeting. The Federal Subsistence Board adopted the proposal with modification. The modification opened Black Lake and its tributaries and the tributaries to Chignik Lake to Federal subsistence fishing, but prohibited the use of gill nets in those areas with the exception of the lower one mile of Home Creek and Clark River. These closures were kept in place because of a conservation concern for resident species in Black Lake and its tributaries. Additionally, public testimony indicated gillnets have not been traditionally used in Black Lake and its tributaries (FSB 2011:401). The Federal Subsistence Board elected to keep the Chignik River between the weir and Chignik Lake closed to Federal subsistence fishing from July 1 through August 31 to protect spawning Chinook salmon.

In 2012, the Chignik Lake Traditional Council submitted a proposal (FP13-13) to allow the taking of salmon by gillnet above the weir in the Chignik River from July 1 – August 31. It also requested taking salmon by gillnet in Black Lake or any tributary to Black or Chignik Lakes. During its winter 2013 meeting, the Federal Subsistence Board took action to open Black Lake or any tributary to Black or Chignik Lakes to the harvest of salmon by gillnet. The Federal Subsistence Board modified the proposal by opening Chignik River to the harvest of salmon from 300 feet upstream of the ADF&G weir, but restricting the gear type to rod and reel. During deliberations, members of the Federal Subsistence Board stated the gear restriction would allow harvest while not causing a conservation concern in the future (FSB 2013:301). There were no possession or annual harvest limits set on the rod and reel subsistence fishery.

**Biological Background**

While all five species of salmon spawn in the Chignik Area, most of the harvests for both subsistence and commercial fisheries are typically comprised of sockeye salmon (Anderson and Nichols 2013). Salmon escapement is monitored at a site in the lower Chignik River using a weir and associated video equipment operated by ADF&G, while spawner distribution is documented through aerial surveys of the drainage. The Chignik River drainage produces most of the sockeye salmon in the Chignik Area, and the spawning population consists of both an early and a late run. Since the Chignik River weir is not operated throughout the duration of the late run, which extends into September, total escapement has been estimated using time-series analysis. ADF&G has set separate sustainable escapement goals for these runs (early run: 350,000–400,000 sockeye salmon; late run: 200,000–400,000 sockeye salmon) as well as in-river run goals to support subsistence fishing for the late run (August: 25,000 sockeye salmon; September: 25,000 sockeye salmon). ADF&G has not set escapement goals for individual tributaries or lakes within the system. While sockeye salmon also spawn within other Chignik Area systems, their numbers are relatively small (less than 1,000 sockeye salmon are usually counted during aerial surveys), and no escapement goals have been set. In 2013, the total escapement into the Chignik River system was 756,071 sockeye salmon, and was comprised of 386,782 early-run and 204,569 late-run sockeye salmon (Anderson and Nichols, 2013). Both 2013 sockeye salmon escapements were within the desired escapement goal ranges.

The Chignik River supports the largest Chinook salmon run in the Chignik Area, and the run extends from about mid-June to late August with a peak in mid-July. The Chinook salmon returning to the Chignik River are known to spawn in approximately 80% of the 1.8 river miles that extend from the outlet of Chignik Lake downstream to the ADF&G weir (FSB 2011:410). ADF&G has set a biological escapement goal of 1,300–2,700 Chinook salmon for this run (Anderson and Nichols 2013). The 2013 escapement of 1,253 Chinook salmon was slightly below the lower bound of the escapement goal range, and well below the 5- and 10-year average escapement (**Table 1**).

**Current Events Involving Species**

Poor Chinook salmon returns to the Chignik River in 2013 resulted in restrictions to the commercial, sport, and Federal subsistence fisheries. The low escapement of Chinook salmon into the Chignik River led to the commercial fishing fleet being limited to non-retention of Chinook salmon. Beginning late in July (July 21 for Chignik Bay and July 22 for Central districts) commercial fishers were not allowed to keep Chinook salmon 28 inches or greater. In addition, from July 26 on, sport fishing for Chinook salmon in the Chignik River was closed and anglers were limited to a single hook for all sport fisheries. Any Chinook salmon caught incidentally while fishing for other species had to be released immediately. This restriction applied to the entire Chignik River drainage. To further protect spawning Chinook salmon, waters under Federal subsistence fisheries jurisdiction upstream of the ADF&G weir were closed to subsistence fishing for Chinook salmon. Chinook salmon incidentally caught while fishing for other species had to be released immediately.

Expectation of continued poor Chignik River Chinook salmon returns in 2014 resulted in a restriction in

the Chinook salmon sport fishery prior to the beginning of the fishing season. The Chignik River Chinook salmon sport fishery possession and annual limits were reduced on April 9, 2014 (Campbell 2014). The fishing season started with a possession limit of one Chinook salmon, 20 inches or greater in length, and an annual limit of two fish.

**Harvest History**

Residents of the Chignik Area take salmon through subsistence, commercial, and sport fishing opportunities with seines, gillnets, and/ or rod and reel. In a 2003 ADF&G subsistence survey, information collected by gear type documented that subsistence nets or seines accounted for 74% of all salmon harvested, rod and reel or hook and line gear accounted for 8%, and retention from commercial harvests accounted for 18%. While subsistence nets or seines are the preferred method of harvest for most salmon species in the Chignik Area, the survey documented only 9% of the Chinook salmon harvest was taken by this method. Most Chinook salmon were harvested by rod and reel (26%) or retained from the commercial harvest (65%), which is directed at sockeye salmon. Chignik Lagoon residents sport fish using rod and reel to harvest Chinook salmon in the Chignik River as well as the outlet into the lagoon (Hutchinson-Scarbrough et al. 2010). In interviews conducted by ADF&G subsistence staff, some respondents indicated that although they had sport fishing licenses and king salmon stamps, they consider this fishing to be subsistence fishing (Hutchinson-Scarbrough et al. 2010).

The ADF&G has conducted post-season subsistence harvest surveys to collect Chignik Area harvest information from households since 1976 (ADF&G 2008). The purpose of the surveys was to collect harvest information from households that do not obtain or return permits and to add late season harvest information not recorded on permits. The information collected on the surveys was used to adjust harvest estimates. Due to budget constraints, post-season surveys were not conducted in 2009, 2010 and 2012 (Anderson and Nichols, 2013), so harvest estimates for those years are based only on returned permits. Comparisons of historic household survey data and permit data for 1984 and 1989 suggested that permit data underestimated subsistence harvest in the Chignik Area subsistence salmon fisheries (Hutchinson-Scarbrough and Fall, 1996). This led to local outreach efforts by local vendors and ADF&G staff, resulting in more reliable estimates of total harvest in recent years (Hutchinson-Scarbrough et al. 2010). For 2012, the subsistence salmon harvest was estimated at 8,241 fish (Anderson and Nichols, 2013). A total of 106 State subsistence permits were issued and 87 of those permits were returned. Sockeye salmon comprised most of the subsistence harvest (5,607) while Chinook salmon accounted for the smallest portion of the harvest (116). The 2013 Chignik Area State subsistence harvest estimate is not yet available.

In 2013, the first year of implementation for the Federal subsistence rod and reel fishery, the fishery was closed by special action due to the low salmon returns.

**Effects of the Proposal**

If this proposal is adopted, it would allow Federally qualified subsistence users to use seine nets to harvest salmon in an area of the Chignik River that is currently closed to harvest by nets due to Chinook

salmon conservation concerns. Currently under Federal subsistence regulation, there is no harvest limit for salmon in the Chignik River 300 feet upstream of the ADF&G weir. Adopting this proposal would allow unlimited harvest of salmon at a time and in a place when large numbers of Chinook salmon are aggregated on the spawning grounds. In addition, allowing subsistence users to deploy seine nets in a Chinook salmon spawning area could negatively affect the Chinook salmon population by disrupting their spawning activity. This would likely result in a conservation concern.

**OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal FP15-08

**Justification**

Adoption of FP15-08 would allow Federally qualified subsistence users the opportunity to harvest salmon with seine nets in an area that is currently only open to those harvesting with rod and reel. During its January 2013 meeting, the Federal Subsistence Board chose to restrict gear in this area to harvest by rod and reel only. The Federal Subsistence Board stated that the restriction to rod and reel would allow the Federal subsistence user to harvest salmon while still providing for conservation.

Allowing seines to be deployed in an area and at a time, where there are large numbers of Chignik River Chinook salmon spawning would likely result in a conservation concern.

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**Partnerships to Build Capacity: A Vision Forward for the**

**Partners for Fisheries Monitoring Program**

**The Office of Subsistence Management**

**Regional Advisory Council Review Draft**

**Purpose**

The Federal Subsistence Program is conducting an evaluation of the Partners for Fisheries Monitoring Program to determine if any changes should be made to the program prior to the February, 2015 call for proposals. We would like your input. Regional Advisory Council (RAC) comments and/or recommendations to assist that evaluation will be most useful. This document was created as a first step towards writing a strategic plan that will guide the Partners Program for the next five years. Although each RAC may comment on any area of the Program, helpful responses would address the following questions:

- Are there changes that you would like to see made to the Partners Program?
- Should the Program be involved in other activities?
- Are there things the Program can do better?
- Should the Program work with issues pertaining to other subsistence resources, such as wildlife?
- Are there others sources of funding that could help support the Program?
- Should there be a limit on the number of years an organization can be funded through this Program?
- How can the Partners Program help develop self-sustaining local programs?

**Mission**

The mission for the Partners for Fisheries Monitoring Program is to expand and strengthen the role of rural Alaska communities and the residents in their ability to participate in the management of local fisheries resources within the Federal Subsistence Management Program. Partner organizations within the Program work directly with communities to disseminate information on fisheries stocks and regulations, provide opportunities for rural youth to participate in fisheries monitoring projects, and provide avenues for information exchange between communities and the Regional Advisory Councils and the Federal Subsistence Board.

**Background and History**

In 1999, the Secretaries of the Departments of the Interior and Agriculture expanded federal subsistence management in Alaska to include fisheries under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). When ANILCA was passed by Congress in 1980 it specified that the taking on public lands of fish and wildlife for subsistence shall be accorded priority over the take of fish and wildlife for other purposes (Section 804). The Secretaries of the Interior and Agriculture established the Federal Subsistence Management Program in 1990 and

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assigned to the Federal Subsistence Board the responsibility for administering the subsistence taking and uses of fish and wildlife on federal public lands and waters.

Beginning in 2002, the Federal Subsistence Board established the Fisheries Resource Monitoring Program (FRMP) to fund monitoring and research studies on fisheries stocks, subsistence harvest patterns, and traditional ecological and cultural knowledge. Five Federal agencies (U.S. Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, and the U.S. Forest Service) work with the Alaska Department of Fish and Game, Regional Advisory Councils (RACs), Alaska Native Organizations, and other entities to implement the FRMP. The Partners for Fisheries Monitoring Program (Partners Program) is tied to the FRMP to help stakeholders build capacity in fisheries research and monitoring. The Partners Program is a competitive cooperative agreement program sponsored by the U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM) in Alaska. The Partners Program began in 2002 to increase involvement by residents of rural Alaskan communities in subsistence fisheries research and management.

The Partners Program was initiated to address issues facing rural Alaskans who depend on subsistence resources as a way of life. The Federal Subsistence Program is evaluating the current program to determine if changes need to be made to the Partners Program. A comprehensive strategic plan will be developed for the Partners Program that will assist the Federal Subsistence Program in identifying and better addressing priority issues related to subsistence harvest and will guide operations of the program and how funding is awarded.

This initial vision document is designed to propose a way forward for the program and solicit input from regional advisory councils and other stakeholders. The final strategic plan will incorporate this vision and establish goals, objectives, and specific implementation strategies for the Partners Program for the next five years.

**Current Program Activities**

Through a competitive cooperative agreement program, the Federal Subsistence Program funds rural and Native organizations which in turn hire fisheries anthropologists, biologists, or educators. The Partner hired by the funded organization lives and works in the communities where the organization is based. They work with FRMP projects and serve as facilitators, principle investigators, co-principle investigators and/or research partners. They disseminate information from research projects to their local constituents, Regional Advisory Councils, Federal and State agencies, the Federal Subsistence Board, and other stakeholders. Through the Partners Program, residents of rural communities gain information about the fisheries research being done in their areas, which may encourage rural subsistence users to become more involved with the fisheries monitoring and management process.

Partners in the program also mentor rural youth by working with the public schools in their areas, giving guest lectures and providing informational packets for school teachers to teach about subsistence fisheries resources. They provide guidance and information to local youth about college programs such as the Alaska Native Science and Engineering Program (ANSEP) and other college programs that focus on anthropology, biological sciences or natural resource management. They provide a variety of opportunities for local, rural students to become

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involved with fisheries resources monitoring projects through science camps and paid internships.

Since 2002, the program has provided funding for a minimum of five partnerships a year. Each competitive grant is funded up to four years. **Figure 1** shows five Alaska Native Organizations that are currently funded through the Partners Program, including Kuskokwim Native Association (KNA), Native Village of Eyak (NVE), Orutsararmiut Native Council (ONC), Tanana Chiefs Conference (TCC), and Bristol Bay Native Association (BBNA).

**Figure 1.** Location of current partnering organizations in Alaska.

Collectively, these five organizations work with 142 villages. Each program is slightly different in its scope, depending on the needs of their constituents. The Partners work to build bridges with rural residents in the communities where their organizations serve.

Partners fill an important role in these communities because they serve as contacts for community members looking for information about subsistence resources, research, and regulations related to subsistence harvesting of fish. By working directly with fisheries research projects in their areas, Partners become more informed about the status of the resources and issues concerning subsistence harvesters. The Partners are an important link between subsistence users and those who regulate these resources.

Partners attend meetings of the Regional Advisory Councils, the Federal Subsistence Board, and meetings in communities in which they work. At these venues, Partners present results and conclusions from research and educational projects in their region. The Partners Program encourages and facilitates rural residents' participation in the Federal process of subsistence management through its close connections to rural communities, Regional Advisory Councils,

and other fisheries advisory groups. Partners also work with subsistence harvesters to solicit ideas for priority informational needs for future research sponsored by the Federal Subsistence Program. The partners provide information about community concerns regarding fisheries resources and management back to the Federal Subsistence Program.

The Partners Program builds capacity for residents in rural communities and aims to find new ways to link subsistence users with Federal and State resource managers, bringing ideas to the table, providing on the ground information, and mentoring and providing educational and employment opportunities for youth.

**Drafting the Strategic Plan**

A core group of people from the Office of Subsistence Management, other staff in the Federal Subsistence Management Program, and past and present Partners worked together to create this vision document. After email and telephone discussions with people from State and Federal agencies, past and present Partners, and two of the chairs of Regional Advisory Councils, this team developed a preliminary list of planning issues to be addressed in the strategic plan. From the issues identified in this process, the team was able to craft a vision statement for the Partners Program with preliminary goals. Once the main goals for the Program are determined, objectives and strategies will be developed to help meet these goals which will be fully articulated in the final strategic plan.

**Planning Issues**

1. To date there is minimal incorporation of traditional knowledge with modern management leaving some stakeholders feeling marginalized and creating distrust of management's motivations and actions. Even among fisheries scientists and managers within and between agencies there is disagreement about the best approach to conservation, and the interpretation of data. How can the Partners Program help resolve different beliefs in, and approaches to fundamental conservation principles, reducing the complexities of stakeholder involvement and increasing the effectiveness of subsistence management?

2. The regional advisory councils are responsible for informing local communities about the Federal Subsistence Program and the actions of the Federal Subsistence Board. Partners are in an ideal position to help members of the Regional Advisory Councils by informing communities about subsistence management actions and policies. How can the Partners Program improve communication and outreach so that information flows better between the Federal Subsistence Program and rural subsistence users?

3. Meaningful engagement and communication between Regional Advisory Councils, the Federal Subsistence Program, and Partners in the Partners Program need to be encouraged to ensure the Regional Advisory Councils' input and knowledge are incorporated into the activities of the Partners Program.

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4. How long should any one agency or organization be allowed to obtain funding to participate in the Partners Program? Should there be a time limit on how long a program can be funded? Should funding be phased out over several years?

5. How can the Partners Program work with communities to provide information concerning emerging issues such as increased reliance on subsistence foods, loss of fisheries stocks, and climate change in their region?

6. There are opportunities for rural students to become involved with fisheries monitoring through paid summer internships, working at various fisheries projects across the state. Partners can also assist with outreach and mentoring students who seek professional careers in resource management. How can the Partners mentor youth so that they will become more engaged in the conservation of fisheries, fisheries monitoring, and the subsistence regulations process?

**Preliminary Goals**

1. Develop and maintain credibility and open communication with partners in resource conservation, management, and monitoring, including all stakeholders.

2. Provide outreach and education to facilitate working together with stakeholders to better include their knowledge in the decision making process.

3. Strengthen existing or develop new collaborative management relationships between stakeholders.

4. Provide and promote opportunities for youth awareness and engagement in monitoring, conservation, and management of subsistence resources.

5. Make collaborative management more effective by developing a greater understanding of different approaches to conservation principles.

6. Develop a strategy for funding Partners' Organizations that addresses identified regional subsistence management needs and build local capacity to participate in management decisions regarding subsistence harvests.

7. Develop strategies to increase visibility, accountability, and share successes of the program within U.S. Fish and Wildlife and other funding agencies.

**Next Steps**

This vision document will be presented at the fall 2014 regional advisory council meetings where the OSM will solicit input and ideas about how to expand and improve the Partners Program. The core team will continue to do scoping with other stakeholders to incorporate a broader range of ideas in the final strategic plan, which will outline in detail the priorities, goals, and objectives

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that will guide the implementation of the Partners Program for the next five years, including evaluation and monitoring achievements and success.

**Strategic Plan Team**

| | |
|---|---|
| Palma Ingles, PhD | OSM Partners Program Coordinator, lead author |
| Jeff Brooks, PhD | OSM, Social Scientist, facilitator and advisor |
| Karen Hyer | OSM, Fisheries |
| Eva Patton | OSM, Council Coordinator and past Partner |
| Cal Casipit | US Forest Service |
| Dan Gillikin | Fisheries Director for Kuskokwim Native Association, and part of the Partners Program |

**For More Information**

Contact: Dr. Palma Ingles, Partners Program Coordinator, OSM, US Fish and Wildlife Service.
Email: Palma_ingles@fws.gov
Phone: 907-786-3870

DRAFT

# ANNUAL REPORTS

## Background

ANILCA established the Annual Reports as the way to bring regional subsistence uses and needs to the Secretaries' attention. The Secretaries delegated this responsibility to the Board. Section 805(c) deference includes matters brought forward in the Annual Report.

The Annual Report provides the Councils an opportunity to address the directors of each of the four Department of Interior agencies and the Department of Agriculture Forest Service in their capacity as members of the Federal Subsistence Board. The Board is required to discuss and reply to each issue in every Annual Report and to take action when within the Board's authority. In many cases, if the issue is outside of the Board's authority, the Board will provide information to the Council on how to contact personnel at the correct agency. As agency directors, the Board members have authority to implement most of the actions which would effect the changes recommended by the Councils, even those not covered in Section 805(c). The Councils are strongly encouraged to take advantage of this opportunity.

## Report Content

Both Title VIII Section 805 and 50 CFR §100.11 (Subpart B of the regulations) describe what may be contained in an Annual Report from the councils to the Board. This description includes issues that are not generally addressed by the normal regulatory process:

- an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;
- an evaluation of current and anticipated subsistence needs for fish and wildlife populations from the public lands within the region;
- a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the public lands; and
- recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

Please avoid filler or fluff language that does not specifically raise an issue of concern or information to the Board.

## Report Clarity

In order for the Board to adequately respond to each Council's annual report, it is important for the annual report itself to state issues clearly.

- If addressing an existing Board policy, Councils should please state whether there is something unclear about the policy, if there is uncertainty about the reason for the policy, or if the Council needs information on how the policy is applied.
- Council members should discuss in detail at Council meetings the issues for the annual report and assist the Council Coordinator in understanding and stating the issues clearly.

- Council Coordinators and OSM staff should assist the Council members during the meeting in ensuring that the issue is stated clearly.

Thus, if the Councils can be clear about their issues of concern and ensure that the Council Coordinator is relaying them sufficiently, then the Board and OSM staff will endeavor to provide as concise and responsive of a reply as is possible.

**Report Format**

While no particular format is necessary for the Annual Reports, the report must clearly state the following for each item the Council wants the Board to address:

1. Numbering of the issues,
2. A description of each issue,
3. Whether the Council seeks Board action on the matter and, if so, what action the Council recommends, and
4. As much evidence or explanation as necessary to support the Council's request or statements relating to the item of interest.

# CHALLENGES WITH AND RECOMMENDED CHANGES TO NOMINATIONS/APPOINTMENTS PROCESS FOR REGIONAL ADVISORY COUNCIL MEMBERS

A briefing for the Federal Subsistence Regional Advisory Councils
June 27, 2014

As the Councils know, and have noted in some of their annual reports and correspondence to the Federal Subsistence Board, the process for appointing Council members has often been delayed in recent years. In the last two appointment cycles, the Secretary did not appoint or reappoint Council members by the expiration of their terms on December 2. In 2013 (for the 2012 appointments), most of the Council members were appointed by January 4, 2013, but were not completed until May 3. In 2014 (for the 2013 appointments), only two regions were appointed by mid-January, and the process was not completed until May 22. This has created problems in coordinating travel for new or reappointed Council members and left some Councils with less than a full complement of members.

Additionally, there are other aspects of the current nominations/appointment process that, while not as problematic as the appointment delays, create difficulties for the program, the Councils, and the public. These additional issues are:

- Under the current system, the application period opens in the fall, with appointments from the prior appointment cycle being announced in December. The overlap between appointment periods has led to individuals applying again before hearing the results from the prior cycle, not knowing whether or not they have been selected for appointment.

- Under the current appointment process, alternates are identified and vetted in D.C., but not appointed. They are also not notified that they have been identified as an alternate. This leads to delays in having alternates appointed to fill vacancies. With recent examples, the most rapid appointment of an alternate to replace an unexpected vacancy has been two months.

- The number of applicants for the open seats on the Councils has been decreasing. In the first ten years of the program, there was an average of 104 applications per year; in the last ten years, that annual average has dropped to 70 – a 33% reduction in applicants.

## Recommendations

The Office of Subsistence Management, in consultation with the Interagency Staff Committee and Federal Subsistence Board, has considered these issues and identified some potential solutions. The Board is seeking input from the Councils on these recommended changes.

### Change Terms and Possibly Appointment Cycle

The first recommended change involves changing from a 3-year term to a 4-year term for Council appointments, with consideration of modifying the appointment cycle from an annual process to a biennial (two-year) process. For 4-year terms on an annual cycle, 25% of seats

would be open for appointment each cycle; for 4-year terms on a biennial cycle, 50% of seats would be open for appointment each cycle. At least one Council has requested longer terms in a recent annual report.

The following summary outlines the advantages and disadvantages for each approach:

**4-year annual cycle**

*Advantages*

- Fewer open seats per annual cycle, to match increasingly fewer applicants
- Fewer names submitted to D.C. for approval could speed-up approval and appointments
- Keeps Council applications in the public's attention

*Disadvantages*

- No cost savings for annual cost of display ads for public outreach on applications
- Requires work of nominations panels, and ISC and FSB meetings every year for nominations (but keeps each engaged)

**4-year biennial cycle**

*Advantages*

- Reduce burden on OSM, agency staff and FSB by conducting nomination panel reviews every two years
- Reduce public outreach costs by 50% over two year period
- Eliminates overlap of appointment cycles and related confusion

*Disadvantages*

- May increase burden on panel, ISC, OSM, FSB and D.C. by submitting more names in a given year for approval and appointment
- May take the Council appointment process out of public eye and make outreach more difficult

Changing the terms of Council members from 3 to 4 years would require both a charter amendment and a change to Secretarial regulations (50 C.F.R. §100.11(b)(2) and 36 C.F.R. §242.11(b)(2)).

### Formally Appoint Alternates to the Council

Another recommendation is to formally appoint alternates to the Council. In this case, the alternate would receive a letter stating that they are appointed as an alternate and would assume a seat as a member of the Council in the event of an unexpected vacancy. The alternate would then complete the remaining term of the vacated seat.

*Advantages*

- Immediate filling of unexpected vacancies on the Council
- Applicant is aware that they are an alternate, and retains interest

*Disadvantages*

- Could lead to potential ill feelings or questions about why one person was selected as an alternate compared to one who was appointed or the need to explain the placement order of alternates
- Could seem to be wasted time for an alternate if never seated

This change would involve an amendment to the Council charter. Currently, the charter states "A vacancy on the Council will be filled in the same manner in which the appointment is made." That would be revised to state, "A vacancy on the Council will be filled by an alternate duly appointed by the Secretary or, if no alternate is available, filled in the same manner in which the appointment is made."

At this time, the recommendation of formal alternate appointments does not contemplate that the alternates would play a greater role, such as attending a meeting in the event that a quorum might not be established. The Councils are invited to provide feedback or suggestions on an enhanced role for alternates.

**Carry-Over Terms**

The Western Interior Alaska Subsistence Regional Advisory Council has recommended that the charters be amended to provide for carryover terms; that is, that if terms expire, and no appointment letters are issued in a timely manner, that the Council members whose terms expired remain seated until a new appointment or reappointment letter is issued. The Western Interior Council points to the charters for the National Park Service's Subsistence Resource Commissions as an example. Those charters provide the following: "If no successor is appointed on or prior to the expiration of a member's term, then the incumbent members will continue to serve until the new appointment is made."

*Advantages*

- If appointments are delayed in the future, Councils can still conduct business with a more complete Council
- Sitting Council members who are awaiting reappointment can plan ahead with certainty

*Disadvantages*

The key disadvantage relates to timing of when the late appointment is made. If a sitting Council member is awaiting reappointment and plans to attend a meeting, and someone else is appointed to that seat instead, it creates a couple of problems. First, it disrupts the plans of the sitting Council member who had intended to attend the meeting. Second, if the new member is appointed with insufficient time to arrange for travel, it may now affect the ability of the Council to establish quorum.

This would require a change to the Council charter. If the Councils request this change, and the Secretaries approve the change, it could be implemented by December 2, 2014. However, this change would only be an amendment to the charter. The charter would still require renewal in 2015 as currently scheduled.

**Youth Involvement in Councils**

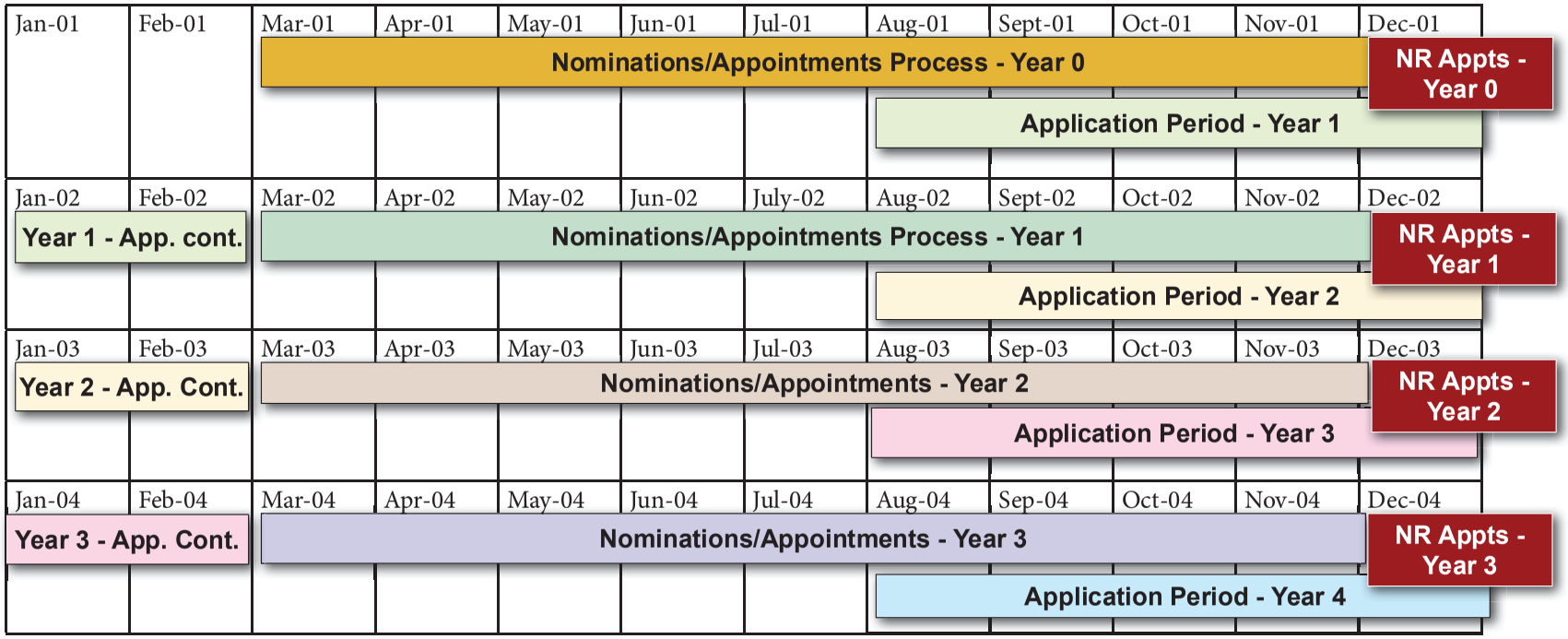
Several Councils have expressed the desire to enhance youth involvement in the Council process, and several ideas have been suggested. One idea is to develop relationships between local schools and the Council process. This is highly encouraged and can be facilitated through the Subsistence Council Coordinator. No approval, charter amendments or regulatory changes would be required. Councils are encouraged to do this as desired and as opportunities exist on a regional basis.

Another suggestion that some Councils have made is to have a youth mentorship program or even a "Youth Seat" on the Council. The U.S. Fish and Wildlife Service guidance on Federal Advisory Committees (based on its authority under the Federal Advisory Committee Act), only provides for four types of memberships: Representatives (standard Council members), Special Government Employees, Regular Government Employees, and Ex Officio Members (appointed by virtue of holding another office) (107 FW 4.6). The concept of a "Youth Seat" would not fit under any of these categories, so a youth could not be a member of the Council or designated in the charter.

However, that does not mean there is not another way to pursue this option. One possibility would be to have a local Tribal Council select a youth to serve as a "Youth Liaison" to the Council, and sponsor that youth to attend the Council meeting. If the meeting is in the community, it would not create any extra costs. The Councils are asked to indicate if they wish OSM to assist them in exploring the establishment of a "Youth Seat" or some sort of youth mentorship program. However implemented, it would have to be clear that the Federal Subsistence Management Program would not be responsible for any youth under 18 who would travel.

## Nominations under Annual Cycle

*4-Year Glimpse*




**Two-Year Bottom Line**

88 open seats
130 applications
62 agency staff in panels
$40,000 for PR outreach

**Schedule**

Panel Reports due - end of April
ISC meeting - mid-June
FSB meeting - mid-July
Surnaming packet and concurrence - August
Packet to Secretary - September

## Nominations under Proposed Biennial Cycle

*4-Year Glimpse*

| Jan-01 | Feb-01 | Mar-01 | Apr-01 | May-01 | Jun-01 | Jul-01 | Aug-01 | Sept-01 | Oct-01 | Nov-01 | Dec-01 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Application Period - First Cycle | | | | |
| Jan-02 | Feb-02 | Mar-02 | Apr-02 | May-02 | Jun-02 | July-02 | Aug-02 | Sept-02 | Oct-02 | Nov-02 | Dec-02 |
| App. cont. | | Nominations/Appointment Process - First Cycle | | | | | | | | | NR Appts - Year 1 |
| Jan-03 | Feb-03 | Mar-03 | Apr-03 | May-03 | Jun-03 | Jul-03 | Aug-03 | Sep-03 | Oct-03 | Nov-03 | Dec-03 |
| | | | | | | | Application Period - Second Cycle | | | | |
| Jan-04 | Feb-04 | Mar-04 | Apr-04 | May-04 | Jun-04 | Jul-04 | Aug-04 | Sep-04 | Oct-04 | Nov-04 | Dec-04 |
| App. Cont. | | Nominations/Appointment Process - Second Cycle | | | | | | | | | NR Appts - Year 2 |

**Two-Year Bottom Line**

55 open seats
90 applications
31 agency staff in panels
$20,000 for PR outreach

**Schedule**

Panel Reports due - end of April
ISC meeting - late May, early June
FSB meeting - late June, early July
Surnaming packet and concurrence - late July
Packet to Secretary - late July

**Western Interior Alaska Subsistence Regional Advisory Council**
**c/o U.S. Fish & Wildlife Service**
**1011 East Tudor Road MS 121**
**Anchorage, Alaska 99503**
**Phone: (907) 787-3888, Fax: (907) 786-3898**
**Toll Free: 1-800-478-1456**

RAC WI14032.MH

MAY 28 2014

Mr. Tim Towarak, Chair
Federal Subsistence Board
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road MS 121
Anchorage, Alaska 99503

Dear Mr. Towarak:

In recent meetings, the Western Interior Alaska Subsistence Regional Advisory Council has been very active in discussions regarding the late Secretarial appointments to the Councils, which have become a recurring theme in our annual reports and correspondence. This year's appointment cycle was completed nearly six months late.

I recently attended the Federal Subsistence Board meeting in Anchorage April 15-17, 2014 and was very encouraged by the discussion and dialogue and some of the great suggestions that were presented to improve the process. I understand that many of the modifications will take a substantial amount of time to implement.

We appreciate the hard work of Office of Subsistence Management (OSM) staff and Pat Pourchot, Special Assistant to the Secretary for Alaska Affairs, who have been continuing to pursue solutions to this problem. The Council looks forward to reviewing the suggested changes to timelines and processes at the fall meeting cycle. No official announcements can be made regarding who has been appointed until all vetting has been completed for all ten Councils. Frustrations and negative impacts to our Councils and processes were exacerbated tremendously in the most recent round of meetings. We feel this is unacceptable and encourage action to ensure this does not happen again.

As discussed at the Board meeting, all Council charters should be amended as soon as possible to allow for individuals to continue serving beyond the expiration date of their terms, until replaced or reappointed (similar to the National Park Service Subsistence Resource Commissions).

Mr. Towarak

Amending the Council charters will prevent some of the challenges and issues these late appointments have created. We encourage OSM and the Board to take whatever action necessary to begin this process immediately.

Thank you for the opportunity to assist the Federal Subsistence Management Program to meet its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Western Interior Region. If you have questions about this letter, please contact me via Melinda Burke, Regional Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3885.

Sincerely,

Jack Reakoff, Chair

cc: Federal Subsistence Board
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Eugene Peltola Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Western Interior Alaska Subsistence Regional Advisory Council
Chairs, Subsistence Regional Advisory Councils
Interagency Staff Committee
Administrative Record

**Western Interior Alaska Subsistence Regional Advisory Council**
**c/o U.S. Fish and Wildlife Service**
**1011 East Tudor Road, MS 121**
**Anchorage, AK 99503**
**Phone: (907) 786-3888, Fax (907) 786-3898**
**Toll Free: 1-800-478-1456**

RAC WI14003.MH

FEB 12 2014

Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewell:

The Western Interior Alaska Subsistence Regional Advisory Council (Council) is one of the ten Federal Subsistence Regional Advisory Councils formed under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act (FACA). Section 805 of ANILCA and the Council's charter establish its authority to initiate, review, and evaluate regulations, policies, management plans, and other matters related to subsistence on Federal public lands and waters within the Western Interior Alaska region. The Council provides a regional forum for discussion and recommendations for subsistence related issues on public lands.

All of the Councils are dealing with an extremely late completion of the annual Secretarial Appointment process to fill Council seats. The delay also happened last year, and this Council sent a letter to you expressing concerns about the problem (see enclosure). This year's delay is even worse than last year, making each year progressively later in completing official appointments. Terms expired on December 2, 2013 for three seats on our Council. It is now February 11, less than 3 weeks before our winter meeting—we only just received word on February 6, 2014 on appointments for two seats and the question remains as to who will be appointed to fill the third seat.

The delay in appointments has had a negative effect on the planning and execution of important and extensive work which must be completed in a timely manner prior to our meetings. Further, these delays have discouraged applicants and future applicants from serving on the Council. This is a disastrous consequence given the steady decrease in the number of applications in recent years. Our Council wishes to re-emphasize that steps must be taken to ensure delays in

Secretary Jewell

appointments do not continue. We suggest our Council charters be amended to allow for a member to continue serving until official Secretarial Appointments are made.

It is an important role for this Council, and others, to assist the Federal Subsistence Program in meeting its charge of protecting subsistence resources and uses of these resources on public lands and waters in Alaska. We cannot fulfill our role when timely appointments to fill vacant seats are not given a priority. If you have questions about this letter, please contact me via Melinda Burke, Subsistence Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3885.

Sincerely,

Jack Reakoff, Chair

Enclosure

cc: Tom Vilsack, Secretary of Agriculture, USDA
Laura Marquez, White House Liaison
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Geoff Haskett, Regional Director, USFWS Region 7
Eugene R. Peltola Jr., Assistant Regional Director, OSM
Karen Hyer, Acting Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
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RAC WI13014.MH

MAY 06 2013

Honorable Sally Jewel
Secretary of Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewel:

The Western Interior Alaska Subsistence Advisory Council (Council) is one of the ten regional councils formed under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act (FACA). Section 805 of ANILCA and the Council's charter establish its authority to initiate, review, and evaluate regulations, policies, management plans, and other matters related to subsistence on Federal public lands and waters within the Western Interior Alaska region. The Council provides a forum for discussion and recommendations for subsistence fish and wildlife management in the region.

The Council met in Galena, Alaska, on March 5-6, 2013, and conducted a public meeting regarding subsistence issues. Among the topics discussed at this meeting were the very late Secretarial appointments to the Regional Subsistence Advisory Councils as well as the currently vacant Assistant Regional Director position since the departure of Peter J. Probasco at the Office of Subsistence Management (OSM).

Our way of life and the extreme weather common to our region are just two of the factors that make it necessary for the Council to plan well in advance for travel (personal and Council) as well as seasonal food gathering activities. The extremely late appointments create tremendous difficulties for individuals to plan in advance for travel and Council commitments. Further, our support staff needs sufficient time to plan for the very complicated logistical arrangements necessary for travel to and from rural Alaska communities. This year's delay was significantly longer than we have experienced in the past. Two of our incumbent council members did not hear about their appointment status until less than two weeks before our most recent scheduled gathering. Shockingly, it is my understanding that there remains at least one Council that has not

Secretary Jewell

received word of a member's reappointment, amounting to a nearly four-month delay. Such delays are unacceptable to our statutory "meaningful role" in Federal subsistence management of fish and wildlife. Steps need to be taken as soon as possible so that delays in these very important and critical appointments do not happen again.

In the future, this Council would appreciate correspondence from the Office of Subsistence Management if these delays persist. Incumbent applicants must be informed of the status of appointments if they are expected to prepare for coming meetings and allow time in their schedules for travel. Old appointments expire in early December, which is when the announcement for appointments to those vacant seats is anticipated. New applicants may assume they have not been appointed if no official notice is sent about the delay. This could affect their ability to travel to their meetings, as lead time is necessary for the proper authorizations as well as clearing their personal calendars for Council duties.

The recent high number of retirements, budget issues, sequestration, and hiring freeze has caused great concern among the Council regarding the leadership and workload of OSM. The permanent hiring of a new Assistant Regional Director is a critical action which this Council feels needs to happen as soon as possible. This Council would be willing to correspond and provide any supporting language to make this happen soon, despite the current hiring freeze.

Thank you for the opportunity for this Council to assist the Federal Subsistence Management Program to meet its charge of protecting subsistence resources and uses of our resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Western Interior Region. If you have questions about this correspondence, please contact me via Melinda Hernandez, Subsistence Council Coordinator with OSM, at (907) 786-3885.

Sincerely,

Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council

cc: Kathleen M. O'Reilly-Doyle, Acting Assistant Regional Director, OSM
David Jenkins, Acting Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Melinda Hernandez, Council Coordinator, OSM
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Federal Subsistence Board
Western Interior Regional Advisory Council
Administrative Record

# United States Department of the Interior

FISH AND WILDLIFE SERVICE
Togiak National Wildlife Refuge
P.O. Box 270
Dillingham, Alaska 99576
Phone 907-842-1063
Fax 907-842-5402

## INFORMATION BULLETIN - August 2014

***Reconstructing Salmon Runs for 500 Years*** Contact: Pat Walsh and Mark Lisac
Togiak Refuge biologists collaborated with University of Washington fisheries scientists to reconstruct prehistoric salmon runs based on an analysis of nitrogen isotopes found in lake sediments. The study took place at 25 lakes in southwestern Alaska, half of which occurred on Togiak, Kodiak, and Alaska Peninsula/Becharof Refuges. The study reconstructed salmon runs 500 years back into time, and demonstrated cycles which persisted for longer periods of time than ever before understood, some longer than 200 years. Other significant findings were that: 1) There were huge fluctuations in salmon abundance prior to the commercial harvest, 2) Salmon stocks have the capacity to rebuild naturally following prolonged periods of low abundance, 3) Salmon production is widely variable between river systems, including prior to commercial harvest. This study was published in the Proceedings of the National Academy of Sciences (see http://www.pnas.org/content/early/2013/01/15/1212858110.abstract).

***The Roles of Alder and Salmon in Driving Aquatic Productivity*** Contact: Pat Walsh
In 2010, Togiak Refuge, the University of Illinois, the University of Washington, and ADF&G began a 4-year project to determine the relative role of salmon and alder in controlling productivity in lakes. Both salmon and alder contribute nutrients to lakes: Salmon contribute via decomposition of carcasses after spawning, and alder does so through nitrifying the soil, and by mobilizing soil nutrients which would otherwise be biologically inaccessible. This project will measure the contribution of nutrients from both sources by analyzing water samples from thirteen Refuge lakes collected over a four year period. The information that will come from this project will help salmon managers better understand the ecological consequences of harvest. Since 2010, we have installed water quality and quantity monitoring equipment at 13 lakes on Togiak Refuge. We monitored stream discharge in summer and fall at 26 streams entering the study lakes in order to estimate lake water budgets. We performed aerial sockeye salmon surveys at all study lakes and estimated run size in each. We completed the final round of sampling in summer 2013 and have begun analysis. A progress report is available.

***Cooperative Salmon Escapement Monitoring Projects*** Contact: Mark Lisac
In 2014 Togiak Refuge provided support to the Native Village of Kwinhagak (NVK) and ADF&G to operate salmon escapement monitoring projects (weirs) on the Kanektok (KRW) and Middle Fork Goodnews Rivers (MFGRW).

On the Middle Fork Goodnews River, ADF&G has monitored Chinook, chum and sockeye salmon escapement since 1980. Escapement goals and management of the commercial fishery are based on salmon escapement at the weir. Togiak Refuge has worked with ADF&G since 1992 to include the coho salmon and Dolly Varden runs in the project operation. ADF&G, Togiak Refuge and the Office of Subsistence Management (OSM) fund the project operation. Since 2006 this weir project has also used an underwater video system which allows the weir to be opened to salmon passage more hours a day. Use of motion sensors and digital recording video can improve fish counting accuracy, especially during periods of high water and poor visibility. The MFGRW was fish tight on 25 June.

On the Kanektok River, ADF&G, NVK and Togiak Refuge have worked cooperatively to monitor salmon and Dolly Varden runs since 2001. This project is currently funded by OSM and Coastal Villages Region Fund. Escapement goal ranges have not been established for the Kanektok River because the weir has not been operational for enough years. This weir began operation 26 June and operated until 15 August.

Preliminary escapement counts for the MFGRW and KRW thru mid-August 2014 are:

| | Chinook | Sockeye | Chum | Coho | Pink | Dolly V. |
|---|---|---|---|---|---|---|
| MFGRW | 747 | 41,458 | 11,479 | 1,710 | 8,606 | 6,348 |
| KRW | 3,594 | 256,927 | 18,567 | 4,784 | 25,719 | 46,027 |

***Arctic Char Population Inventory*** Contact: Mark Lisac
Togiak Refuge has developed a multi-year study to inventory Arctic char populations throughout the Refuge. This species is confirmed to occur in 27 lakes and are likely to be found in many more. We will attempt to collect size, shape and genetic information from each lake population encountered. If you have any first hand knowledge of small or unique Arctic char populations and would be willing to share that information please contact Mark Lisac at the Refuge office.

***Mulchatna Caribou*** Contact: Andy Aderman
Togiak Refuge assisted ADF&G with telemetry monitoring flights, radiocollar deployment, satellite data acquisition, data entry and database management. For the last decade, Mulchatna caribou have calved primarily near Tundra Lake (GMU 19A) and southeast of Kemuk Mountain (GMU 17C). In 2014, Mulchatna caribou calved in the upper Mulchatna and Chilikadrotna Rivers, approximately 50 miles southeast of Tundra Lake calving area. The last time significant calving activity occurred in this area was in the late 1980s. Similar to 2011-2013, GMU 17C southeast of Kemuk Mountain was a primary calving area, and calving also occurred to a lesser extent in the Tikchik River basin in western GMU 17B (Nick Demma, Alaska Department of Fish and Game, personal communication). A photocensus was conducted on July 1-2, 2014.

***Nushagak Peninsula Caribou*** Contact: Andy Aderman
During the 2013-2014 Federal registration permit hunt for Nushagak Peninsula caribou, hunters reported harvesting 101 animals (56 bulls, 42 cows, 3 unknown sex). Four caribou were taken during the fall hunt while 97 were taken during the last 20 days of March. In 2014, 14 of 18 (77.8%) adults produced a calf while 3 of 4 (75%) two-year olds were observed with a calf. A photocensus on June 30 found a minimum of 1,018 caribou on the Nushagak Peninsula. A similar effort on July 17 tallied 1,014 caribou. The July 2013 photocensus found a minimum of 926 caribou. For the 2014 fall hunt, 200 permits were made available. The Nushagak Peninsula Caribou Planning Committee will tentatively meet in early November.

***Moose*** Contact: Andy Aderman
No population surveys were conducted during the 2013-2014 winter due to lack of snow. The Unit 17A winter moose hunt started January 7 and hunters reported taking only 3 cows and 3 bulls by January 31 due to poor travel conditions. The ADF&G extended the Unit 17A winter moose hunt until February 14 and hunters took another 3 cows and 3 bulls. A request to extend moose hunting in Unit 17C during January was denied by ADF&G and the Alaska Board of Game. A similar request was made to the Federal Subsistence Board which supported a two week additional season (January 22-February 4) for Togiak National Wildlife Refuge lands in Unit 17C. No moose were reported taken during the additional Unit 17C Federal hunt. In 2014, 26 of 36 (72.2%) radio-collared adult cows produced 38 calves suggesting a production rate of 105.6 calves per 100 adult cows. Twinning rate was 46.2%. Two of 3 (66.7%) two-year old cows each produced a single calf.

***Walrus*** Contact: Michael Swaim
Togiak National Wildlife Refuge has monitored Pacific walrus haul-outs located on Refuge coastlines since 1985. Beginning 2012 cameras programmed to take a photo every hour were used to monitor haul-outs located at Cape Peirce and Hagemeister Island. Cameras were deployed at Cape Newenham haulouts in 2014.

***Seabirds*** Contact: Michael Swaim
The abundance and reproductive success of black-legged kittiwakes, common murres, and pelagic cormorants was monitored annually at Cape Peirce from 1990-2014, and intermittently at Cape Newenham from 1990-2009. During this period, the number of kittiwakes and murres that were counted at Cape Peirce changed in a non-linear way, while the number of pelagic cormorants remained relatively constant. From 1991-2009, the number of kittiwakes counted at Cape Newenham averaged 2,132 birds (range 1,676-2,424), the mean number of murres was 5,815 (range 4,964-6,790), and the mean number of cormorants was 15 birds (range = 5-30). The long-term productivity of kittiwakes, murres, and cormorants at Cape Peirce averaged 24%, 42%, and 53% respectively between 1990 and 2014.

***Water Temperature Monitoring*** Contact: Michael Swaim
Stream temperature was monitored at 18 sites on 14 rivers in Togiak National Wildlife Refuge between 2001 and 2013. Temperature was recorded on an hourly basis using Onset TidbiT dataloggers and the data were successfully recovered from the field ~75% of the time. Over 1.8 million hourly temperature records have been collected, quality-graded, and entered into a

relational database. Maximum daily mean temperature readings varied from 11.5—19.6° C between sites, with the Kukaktlim Lake outlet site being the warmest and the Weary River the coldest.

***Quantifying River Discharge*** Contact: Mark Lisac
Togiak Refuge and the USFWS Water Resources Branch have worked cooperatively since 1999 to acquire baseline hydrologic data of the flow regime (magnitude, duration, timing, frequency, and rate of change) and water quality. A network of stream discharge gages collected stream flow data from 1999-2005 at 20 locations. A subset of five of these stations continued to collect data through fall 2009, after which three of the five stations were removed. We will continue indefinitely to monitor discharge in the Togiak and Kulukak Rivers. Each gage is instrumented with pressure sensors that measure water level every 15 minutes. Six discharge measurements are planned at each site in 2014.

***Education and Outreach*** Contact: Terry Fuller
Togiak Refuge has an active education and outreach program including the Migratory Bird Calendar; National Wildlife Refuge Week; career fairs; production of Bristol Bay Field Notes (a new episode airs every Friday morning at 8:50 am on KDLG); and numerous teacher requested classroom presentations in 12 villages in the Southwest Region, Lower Kuskokwim, Dillingham City school districts and the Dillingham 7th Day Adventist School. Field trips with area students for the 2013-2014 school year included bird walks, animal tracks and ID, archery, salmon life cycles, aquatic resources and bear safety. The refuge website is also a valuable education tool and is available at http://togiak.fws.gov. Togiak Refuge has a very active Facebook page which disseminates information on a daily basis to a rapidly growing global audience. Also, the refuge partners with others to conduct three environmental education camps described below:

***Cape Peirce Marine Science and Yup'ik Culture Camp*** Contact: Terry Fuller
July 2014 saw a return of the junior high Science camp to the Cape Peirce site, after a three year hiatus due to poor weather and funding cuts. Students at this camp were able to observe seabirds, marine mammals and learn how field studies are conducted, as well as learning about food webs and ecological relationships. Students and agency staff also learned about traditional Yup'ik uses of animals and plants and about Native survival skills. This camp is designed to help students gain a better understanding of the biological diversity of a marine ecosystem. It also strengthens their sense of stewardship for local natural resources. Other topics at this camp included tide pools, wilderness survival skills, archery, bear safety, Leave No Trace camping practices and careers with USFWS. Traditional councils and school districts from throughout western Bristol Bay are cooperators with this camp.

***Southwest Alaska Science Academy*** Contact: Terry Fuller
This past July (2014), Togiak Refuge helped with the 13th year of a summer camp aimed at teaching middle and high school students about fisheries science and the importance of salmon to our ecosystem. Students were selected from the Bristol Bay region. During the camp students worked in the field alongside fisheries professionals. Cooperators with the refuge on this project included the Bristol Bay Economic Development Corporation, Bristol Bay Science and Research Institute, University of Alaska, University of Washington School of Fisheries, the Dillingham

City and Southwest Region school districts, and the Alaska Department of Fish and Game.

***Summer Outdoor Skills and River Ecology Float Camp*** Contact: Terry Fuller
The 2014 Float Camp took place on the Ongivinuk River. At this camp, students learned about river ecosystems and how to enjoy them safely and responsibly while taking part in a float trip conducted on a refuge river. Students observed and learned about the many fish, wildlife and plant species found on the Ongivinuk. Rafting skills, water safety, different angling practices (Catch and Release), Leave No Trace camping practices and bear safety were topics during the trip. Students also participated in other outdoor activities such as animal tracking (plaster casting tracks) and wilderness survival skills. This camp helps students understand the biological diversity of riparian ecosystems and the importance of salmon as a nutrient source, while developing a deeper sense of stewardship for local natural resources. Traditional councils and school districts from throughout western Bristol Bay are cooperators with this camp.

***River Ranger Program*** Contact: Allen Miller
The Refuge River Ranger Program was conceived during the public use management planning process and was first implemented in 1991. The program serves many purposes. River Rangers are the main contact source for sport fishermen and local residents. Information distributed to the public includes Service policies, regulations, resource management practices, State sport fish regulations, bear safety, wilderness ethics, Leave-No-Trace camping, and information about private lands to prevent trespass. Rangers document public use occurring on the river along with the location and timing of activities, conflicts between users, and sport fish catch/harvest per unit effort. Rangers also assist Refuge and ADF&G staff at the Kanektok River and Middle Fork Goodnews River weirs, and assist Refuge staff with biological studies. In addition, Rangers patrol campsites for litter, monitor compliance of sport fishing guides, and offer assistance as needed.

***Staff Changes***
In May, Wildlife Biologist Michael Winfree left to pursue a Master of Science degree at the University of Alaska-Fairbanks. In June, Pilot Mike Hink resigned his position. In July, Deputy Refuge Manager Tevis Underwood accepted the same position at Kodiak National Wildlife Refuge. In August, Pilot Andy Flack transferred to the Togiak Refuge from Kanuti Refuge. During 2014, Togiak Refuge hosted Directorate Fellow Rachel Ruden, Career Development Intern Isaac Jackson, and Bristol Bay Economic Development Corporation Interns Mahlet Herrmann and Keemuel Kenrud.

# Proposed 10-year Science Framework

Western Alaska Landscape Conservation Cooperative

## Proposed 10-year Science Framework

Since its beginning in late 2010, the Western Alaska Landscape Conservation Cooperative ('LCC') has been identifying and addressing science needs shared by decision makers from across the partnership. This document reviews the LCC's brief history and efforts before describing an approach for guiding the LCC's work over the next eight to ten years. We are interested in hearing your thoughts and ideas regarding this approach, potential improvements, or alternative approaches and why they might be considered. At the end we describe ways for you to provide such feedback.

Throughout this brochure we reference materials that can be found on our website: http://www.arcus.org/western-alaska-lcc. On the website you can sign up to join our 'mailing list' to receive additional information and new draft documents as they become available.

## About the Western Alaska LCC

***The mission of the Western Alaska LCC is to promote coordination, dissemination, and development of applied science to inform landscape level conservation, including terrestrial-marine linkages, in the face of landscape scale stressors, focusing on climate change.***

The Western Alaska LCC is a self-directed partnership governed by a Steering Committee of Federal and State agencies and individuals who represent Alaskan Native Tribal Perspectives (see our charter on the website). We are also one of 22 LCCs in North America which form an LCC Network with the overarching vision of: "Landscapes capable of sustaining natural and cultural resources for current and future generations."[1] We work closely with the Alaska Climate Science Center to understand state-wide climate changes and its local effects in western Alaska.

The landscapes of western Alaska are a diverse and dynamic mix of wetlands, volcanoes, tundra and forests, making the region a hot spot for biodiversity in Alaska. This complex mix includes arctic tundra with permafrost-dominated processes adjacent to areas that have no permafrost which are dominated by volcanic and river and wetland processes. The region contains the continent's westerly extent of conifers, which are slowly expanding west and south onto the Alaska Peninsula. The whole region is very susceptible to the unprecedented rates of landscape change occurring as the climate changes. The effects of changes in western Alaska will be more rapid and potentially more drastic since winter temperatures are already closer to the freezing threshold (32F). Ocean processes from the Chukchi and Bering seas and the Pacific Ocean are important drivers for the coastal, terrestrial and freshwater systems of the LCC region.

[1]The use of the term "sustaining" is not intended to imply maintenance of the status quo.

## Western Alaska LCC Goals

The LCC has identified five goals to guide how we achieve our mission.

- Promote communications to enhance understanding regarding effects of climate change in Western Alaska,
- Support coordination and collaboration among partners to improve efficiencies in their common science and information activities,
- Identify and support research, and data collection, analysis, and sharing that address common information needs of land and resource management decision makers,
- Enable synthesis of information at landscape and larger spatial scales,
- Enhance resource management in western Alaska through applied science and technology transfer.

**Addressing the LCC Goals**

While the LCC was first funded in 2011, months earlier we started visiting hub communities in western Alaska and planning a science needs workshop to help identify how the LCC could best help decision makers in the region. Our "Shared Science Needs" workshop (April 2011) identified the most important needs for climate change related science and knowledge in western Alaska and ways we might begin addressing them. The workshop report is available on our website.

In *Our Proposed Long-term Strategy* section we outline a way to further refine those many needs and establish a path to help western Alaska decision makers and residents better understand the expected effects of climate change on western Alaska natural resources.

While undertaking strategic planning steps, the LCC has also started to directly address priority shared information needs by annually funding an integrated suite of projects. In 2011, we funded a variety of topics - from expanding the permafrost monitoring network, to assessing lake temperatures, to developing an existing vegetation map and helping fund vulnerability assessments for Bristol Bay region communities (similar to those already completed in the Northwest Arctic Borough).

In 2012, we funded projects focused on the topic of *Changes in Coastal Storms and their Impacts*, which remains our main focus in 2013. We also focused on a second "mini-topic" of Stream and Lake Temperature Monitoring with the goal of initiating a larger discussion on changes in hydrology expected with the changing climate. All projects are described on the website, both individually and in terms of their 'system level' within different natural systems (see Figure 1), as well as our efforts to coordinate linkages between projects when there are opportunities to improve efficiency and/or quality.

As clearly captured in the report from our Science Workshop, currently the most important questions about how the 'higher' system levels (e.g., landscapes, fish and wildlife, and people) will respond to changes in the climate predominantly stem from uncertainties in how components of land and ocean physical processes will likely change. We funded projects that focus on these 'lower', physical processes when they provide important information for land and resource managers and communities both directly, in terms of expected changes in these system levels, and indirectly, through providing a foundation for understanding their impacts on the 'higher' system levels.

**Engaging with Alaskan Natives**

Western Alaska is home to 116 Alaskan Native tribes who have a strong and enduring connection to the landscape.

The LCC Steering Committee recognizes the importance of incorporating Alaskan Native perspectives throughout the structure of the LCC (from the Steering Committee to individual LCC-sponsored projects) both because of the important value that Traditional Knowledge and local expertise brings as well as the reality that Tribes, Regional Associations and Corporations all have an interest and role in landscape conservation.

In 2011 and 2012 we contacted all Tribal Councils and either discussed or mailed information about the LCC and participation opportunities.

To ensure that we have Alaskan Native perspectives represented on the LCC Steering Committee, we currently have three Interim Steering Committee members from three of the five Regional Native Associations (Kawerak, Association of Village Council Presidents and Aleutian Pribilof Islands Association Inc.).

Names and email addresses of current Steering Committee members are on our website. In 2013 we will institute a process to establish permanent Steering Committee seats.

**Lessons Learned**

We've learned several things about starting a new cooperative over the last 2.5 years:

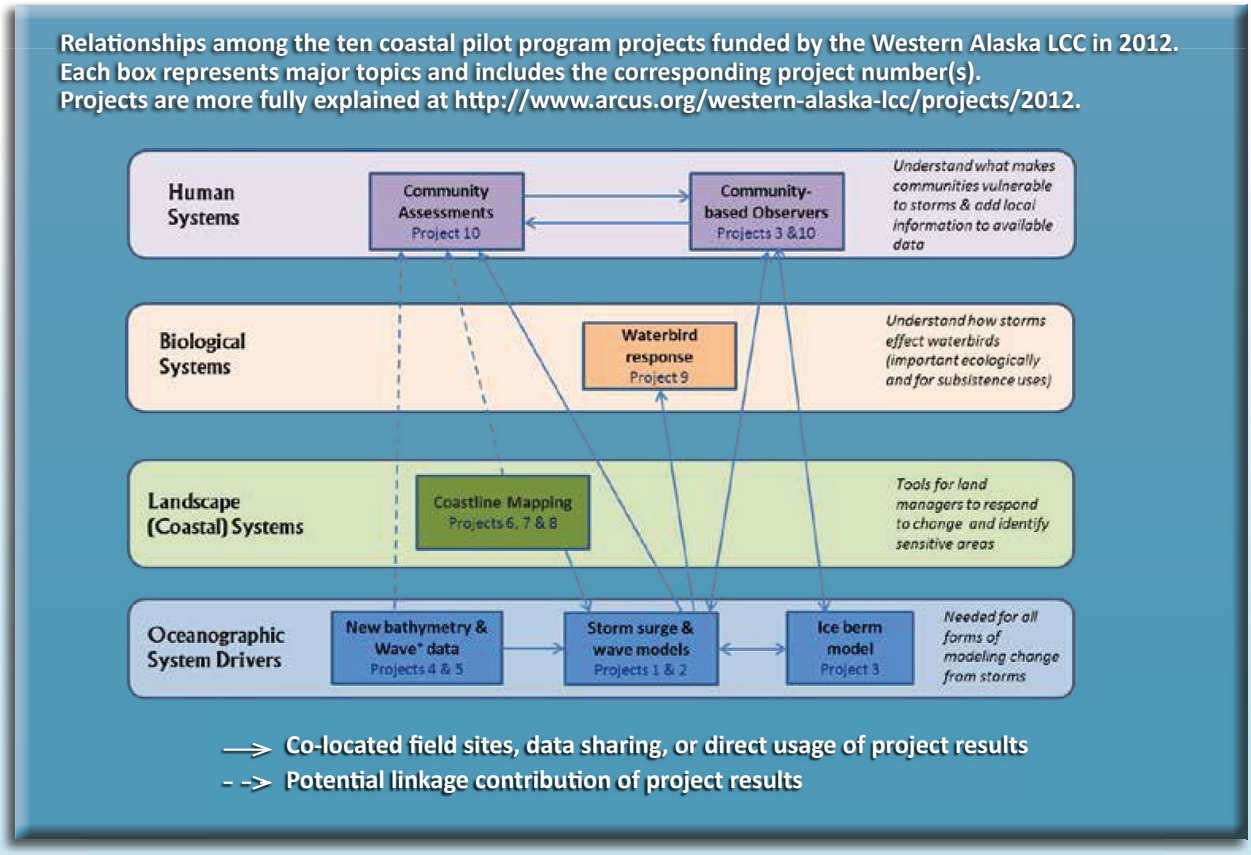
1. **Communication is critical** and we struggle to maintain regular communication with all our potential partners and interested Tribal Governments within the LCC's geography.

2. **Connecting science/knowledge with decision-maker needs** is a continuous process. It requires regularly considering both the priority decision-maker needs and the priority science needs, then finding how they intersect in order to identify where the LCC can have the most impact.

3. **Focusing on a specific topic** creates the greatest opportunity for linking projects to create synergy. There has been a clear increase in the excitement, engagement, integration, and "spin-off" opportunities identified among the projects funded under our 'Coastal Storms' topic compared to that associated with the less topic-focused projects from 2011. Focusing on a specific topic also enhances our ability to generate and make available tools, data, and knowledge that noticeably impact decision-makers interested in the selected topic (Figure 1).

4. **Detailed guidance for the LCC should be captured in a two-year science/operating plan.** A science and operating plan describes the LCC's work direction for a specific period, including topics for requests for proposals. Such plans have more focus and detail than the long-term science strategy. Developing an operating plan for a two-year period lets us respond to priority science needs and opportunities to leverage our activities. Creating a strongly integrated and focused two-year operating plan requires that we start designing it at least six months in advance.

**Figure 1.**



**Our Proposed Long-Term Strategy**

Based on our experiences with our two-year Coastal Storms program, we propose to continue organizing our efforts in two-year programs focused on a specific topic. While we won't know the specific program topic until we begin planning each program, we propose to structure the two-year programs to address a rotating sequence of broad "themes". The LCC Steering Committee considered many different approaches to defining these "themes"- from geographic based themes to themes focused on different goals. Ultimately, it became evident that the key is to have only a handful of themes (three to four – maximum!) to prevent too much time passing before returning to a theme.

We propose three primary themes: Coastal Systems, Freshwater Systems and Terrestrial Systems. Each theme will have a two-year funding cycle and six months prior to the start of that cycle we will engage in a "Planning Phase" where the theme is refined to a particular topic of focus. All projects funded under the topic will be required to be completed four years from the start of the funding cycle. For example, in federal fiscal years (FY) 2012 and 2013 we started with an interest in the theme of Coastal Systems and ultimately narrowed to just the topic *Changes in Coastal Storms and their Impacts*. The federal fiscal year runs from October 1st to September 30th. All our projects under this topic will be completed by the end of FY2015.

In FY2014 we will begin a focus on Freshwater Systems. Table 1 illustrates the workflow timeline, including the "Planning Phase" during which we will refine the theme to a particular topic of focus. Notice that selecting three themes and a four year project window gives us 12 to 18 months to evaluate project results and usefulness, including gathering feedback from interested stakeholders, before we begin the next funding cycle. This allows us to assess effects of our past efforts and update our understanding of decision maker needs.

One of the challenges with this approach is that not all of the questions we are trying to answer fit cleanly into one of these three themes. While it is not always easy to separate these "systems" because they are all integrated, we will essentially consider topics which are either dependent on habitats in the current theme (coastal, freshwater or terrestrial) or that explore the effects of changes in processes occurring in these systems. Thus, most fish-related questions/topics would likely arise under the freshwater theme, except for habitat/ life phases of interest occurring in the near-shore coastal environment. Topics related to freshwater wetlands and the species that depend upon them would also arise under the freshwater theme.

Projects focused on a terrestrial species, such as moose, that frequently utilizes wetlands, riparian areas as well as upland habitats, may arise under either a terrestrial or freshwater theme depending upon the specific project topic.

**Table 1.**

**Calendar for the proposed two-year funding cycle and four-year project duration. The long-term strategy will be revisited and revised in 2020-2021**

| | FY2012 | FY2013 | FY2014 | FY2015 | FY2016 | FY2017 | FY2018 | FY2019 | FY2020 | FY2021 |
|---|---|---|---|---|---|---|---|---|---|---|
| **Coastal Systems** | Funding Year | Funding Year | Coastal Projects Completed | | | | | | | |
| **Freshwater Systems** | | Planning Phase | Funding Year | Funding Year | Freshwater Projects Completed | | | | | |
| **Terrestrial Systems** | | | | Planning Phase | Funding Year | Funding Year | Terrestrial Projects Completed | | | |
| **Coastal Systems** | | | | | | Planning Phase | Funding Year | Funding Year | Coastal Projects Completed | |
| **Freshwater Systems** | | | | | | | | Planning Phase | Funding Year | Funding Year |
| **Terrestrial Systems** | | | | | | | | | | Planning Phase |

**Our Proposed Long-Term Strategy *(cont.)***

Some important considerations that have to be addressed in following this approach include:

Maintaining Flexibility. The LCC's long-term strategic plan must allow for some flexibility so that the LCC can respond to unique, time-sensitive, strategic opportunities or issues that are outside the current theme. For example, if there is an opportunity to partner with a neighboring LCC to address a cross-boundary fisheries topic and we are currently in a Terrestrial Systems phase, we should have an avenue to leverage our funding to meet shared science needs. Our draft plan will include proposed language to ensure that this flexibility is maintained.

Long-term Monitoring. One of the greatest challenges in western Alaska for addressing climate change information needs is the lack of long-term data to establish trends and link to climate patterns. While the LCC cannot assume responsibility for collecting long-term monitoring data, the LCC does have a role in long-term monitoring. The long-term strategic plan will describe the role that the LCC can serve in facilitating coordination and linkages across long-term monitoring programs, funding capital investments and in facilitating access to long-term monitoring program data and supporting data integration and program assessment efforts.

Programmatic Goals. In addition to the LCC's Mission, Goals and Guiding Principles (available in our Charter and on our website) we have identified some programmatic goals that we will strive to achieve:

- Utilize the findings from the 2011 Shared Science Needs workshop as a starting place for developing each themed two-year science and operating plan.
- Bring together local experts, field staff, decision-makers and researchers to share expertise and collaboratively refine the focal topic of each two-year science and operating plan.
- Encourage involvement of local residents in western Alaska on LCC-sponsored projects.
- Revisit management/decision-maker/stakeholder needs frequently to ensure that our efforts are aimed accurately and our products meaningfully address shared science needs.
- Emphasize appropriate data management and data sharing outlets for all LCC-funded projects in order to garner the greatest utility of LCC sponsored work.
- Coordinate activities with the Alaska Climate Science Center and neighboring LCCs for strategic impact and efficiency, especially on topics that are relevant beyond the LCC's boundary.

### Evaluating our Effectiveness

The Long-term Science Strategy will also identify ways for the LCC to measure its success and track its performance. Currently, we have measures of success associated with each funded project, and nationally derived measures linked to the LCC's funding from the U.S. Department of Interior, but we have not yet developed measures specifically focused on monitoring the success of our strategic planning and activities. Ultimately, the greatest measure of success will be when we advance the ability of the cooperative's partners to adapt to changes in the western Alaska ecosystems. We welcome your ideas on ways to best capture if we are meeting our goals and addressing key applied science needs for western Alaska, and how we could do better.

All photos: USFWS

### What do you Think?

This strategy is the result of many discussions by the Steering Committee and is based on experiences gained in the last 2.5 years. Please help us evaluate our proposed strategic approach by taking an online survey (follow the links from our website) or send us comments at the email or regular mail address below. Please send us your thoughts on the following three questions by April 15th, 2013:

1. We've identified three themes, Coastal Systems, Freshwater Systems, and Terrestrial Systems. Is there a fourth theme that we should incorporate?

2. Within the context of our mission, do you have a question which you believe the LCC should address that does not fit within one of the three themes proposed?

3. The LCCs were established to help provide key information to people who make conservation, land or resource management decisions. How should we evaluate our impact on decision-makers actions?

You can email your comments to WesternAlaskaLCC@hotmail.com or send your comments to:

Western Alaska LCC Staff
1011 E. Tudor Road MS281
Anchorage, AK 99503

A summary of the key comments received, and the LCC's response will be posted on the website in May.

**For more information about the Western Alaska LCC and its activities, please visit our website at:**
http://www.arcus.org/western-alaska-lcc

# Winter 2015 Regional Advisory Council Meeting Calendar

*February–March 2015 current as of 9/15/2014*

Meeting dates and locations are subject to change.

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---|---|---|---|---|---|---|
| *Feb. 8* | *Feb. 9*<br>*Window Opens* | *Feb. 10* | *Feb. 11* | *Feb. 12* | *Feb. 13* | *Feb. 14* |
| | | **K/A — Old Harbor** | | | | |
| *Feb. 15* | *Feb. 16*<br>***HOLIDAY*** | *Feb. 17* | *Feb. 18* | *Feb. 19* | *Feb. 20* | *Feb. 21* |
| | | | **SC — Anchorage** | | | |
| | | | **SP — Nome** | | | |
| *Feb. 22* | *Feb. 23* | *Feb. 24* | *Feb. 25* | *Feb. 26* | *Feb. 27* | *Feb. 28* |
| | | **BB — Naknek** | | | | |
| | | | **YKD — Bethel** | | | |
| *Mar. 1* | *Mar. 2* | *Mar. 3* | *Mar. 4* | *Mar. 5* | *Mar. 6* | *Mar. 7* |
| | | **WI — Fairbanks** | | | | |
| | | | **EI — Fairbanks** | | | |
| *Mar. 8* | *Mar. 9* | *Mar. 10* | *Mar. 11* | *Mar. 12* | *Mar. 13* | *Mar. 14* |
| | **NWA—Kotzebue** | | | | | |
| *Mar. 15* | *Mar. 16* | *Mar. 17* | *Mar. 18* | *Mar. 19* | *Mar. 20*<br>*Window Closes* | *Mar. 21* |
| | | **SE — Yakutat** | | | | |
| | | **NS — Barrow** | | | | |

# Fall 2015 Regional Advisory Council Meeting Calendar

## August–November 2015

Meeting dates and locations are subject to change.

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---|---|---|---|---|---|---|
| *Aug. 16* | *Aug. 17* **WINDOW OPENS** | *Aug. 18* | *Aug. 19* | *Aug. 20* | *Aug. 21* | *Aug. 22* |
| *Aug. 23* | *Aug. 24* | *Aug. 25* | *Aug. 26* | *Aug. 27* | *Aug. 28* | *Aug. 29* |
| *Aug. 30* | *Aug. 31* | *Sept. 1* | *Sept. 2* | *Sept. 3* | *Sept. 4* | *Sept. 5* |
| *Sept. 6* | *Sept. 7* **HOLIDAY** | *Sept. 8* | *Sept. 9* | *Sept. 10* | *Sept. 11* | *Sept. 12* |
| *Sept. 13* | *Sept. 14* | *Sept. 15* | *Sept. 16* | *Sept. 17* | *Sept. 18* | *Sept. 19* |
| *Sept. 20* | *Sept. 21* | *Sept. 22* | *Sept. 23* | *Sept. 24* | *Sept. 25* **K/A—Adak** | *Sept. 26* |
| *Sept. 27* | *Sept. 28* | *Sept. 29* | *Sept. 30* *End of Fiscal Year* | *Oct. 1* | *Oct. 2* | *Oct. 3* |
| *Oct. 4* | *Oct. 5* | *Oct. 6* | *Oct. 7* | *Oct. 8* | *Oct. 9* | *Oct. 10* |
| *Oct. 11* | *Oct. 12* | *Oct. 13* | *Oct. 14* | *Oct. 15* | *Oct. 16* | *Oct. 17* |
| *Oct. 18* | *Oct. 19* | *Oct. 20* | *Oct. 21* | *Oct. 22* | *Oct. 23* | *Oct. 24* |
| *Oct. 25* | *Oct. 26* | *Oct. 27* | *Oct. 28* | *Oct. 29* | *Oct. 30* | *Oct. 31* |
| *Nov. 1* | *Nov. 2* | *Nov. 3* **NS—Kaktovik (tent.)** | *Nov. 4* | *Nov. 5* | *Nov. 6* **WINDOW CLOSES** | *Nov. 7* |

## Department of the Interior
## U. S. Fish and Wildlife Service

## Bristol Bay Subsistence Regional Advisory Council

## CHARTER

1. **Committee's Official Designation.** The Council's official designation is the Bristol Bay Subsistence Regional Advisory Council (Council).

2. **Authority.** The Council is reestablished by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.

3. **Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.

4. **Description of Duties.** The Council possesses the authority to perform the following duties:

    a. Recommend the initiation of, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the Region.

    b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.

    c. Encourage local and regional participation in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the Region for subsistence uses.

    d. Prepare an annual report to the Secretary containing the following:

        (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region.

        (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.

(3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs; and

(4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

e. Appoint three members to the Lake Clark National Park and three members to the Aniakchak National Monument Subsistence Resource Commissions, in accordance with Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA).

f. Make recommendations on determinations of customary and traditional use of subsistence resources.

g. Make recommendations on determinations of rural status.

h. Provide recommendations on the establishment and membership of Federal local advisory committees.

5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.

6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.

7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be $135,000, including all direct and indirect expenses and 1.0 staff years.

8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director - Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:

- Approve or call all of the Council and subcommittee meetings,
- Prepare and approve all meeting agendas,
- Attend all Council and subcommittee meetings,
- Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
- Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.

10. **Duration.** Continuing.

11. **Termination.** The Council is subject to biennial review and will terminate 2 years from the date the charter is filed, unless prior to that date, the Charter is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.

12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

    Ten members who are knowledgeable and experienced in matters relating to subsistence uses of fish and wildlife and who are residents of the Region represented by the Council. To ensure that each Council represents a diversity of interests, the Federal Subsistence Board in their nomination recommendations to the Secretary will strive to ensure that seven of the members (70 percent) represent subsistence interests within the Region and three of the members (30 percent) represent commercial and sport interests within the Region. The portion of membership representing commercial and sport interests must include, where possible, at least one representative from the sport community and one representative from the commercial community.

    The Secretary of the Interior will appoint members based on the recommendations from the Federal Subsistence Board and with the concurrence of the Secretary of Agriculture.

    Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

    Council members will elect a Chair, a Vice-Chair, and a Secretary for a 1-year term.

    Members of the Council will serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council, or subcommittee business, approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under Section 5703 of Title 5 of the United States Code.

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any specific party matter in which the member has a direct financial interest in a lease, license, permit, contract, claim, agreement, or related litigation with the Department.

14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees of the Council, shall be handled in accordance with General Records Schedule 26, Item 2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Sally Jewell

Secretary of the Interior

NOV 2 2 2013

Date Signed

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Date Filed

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