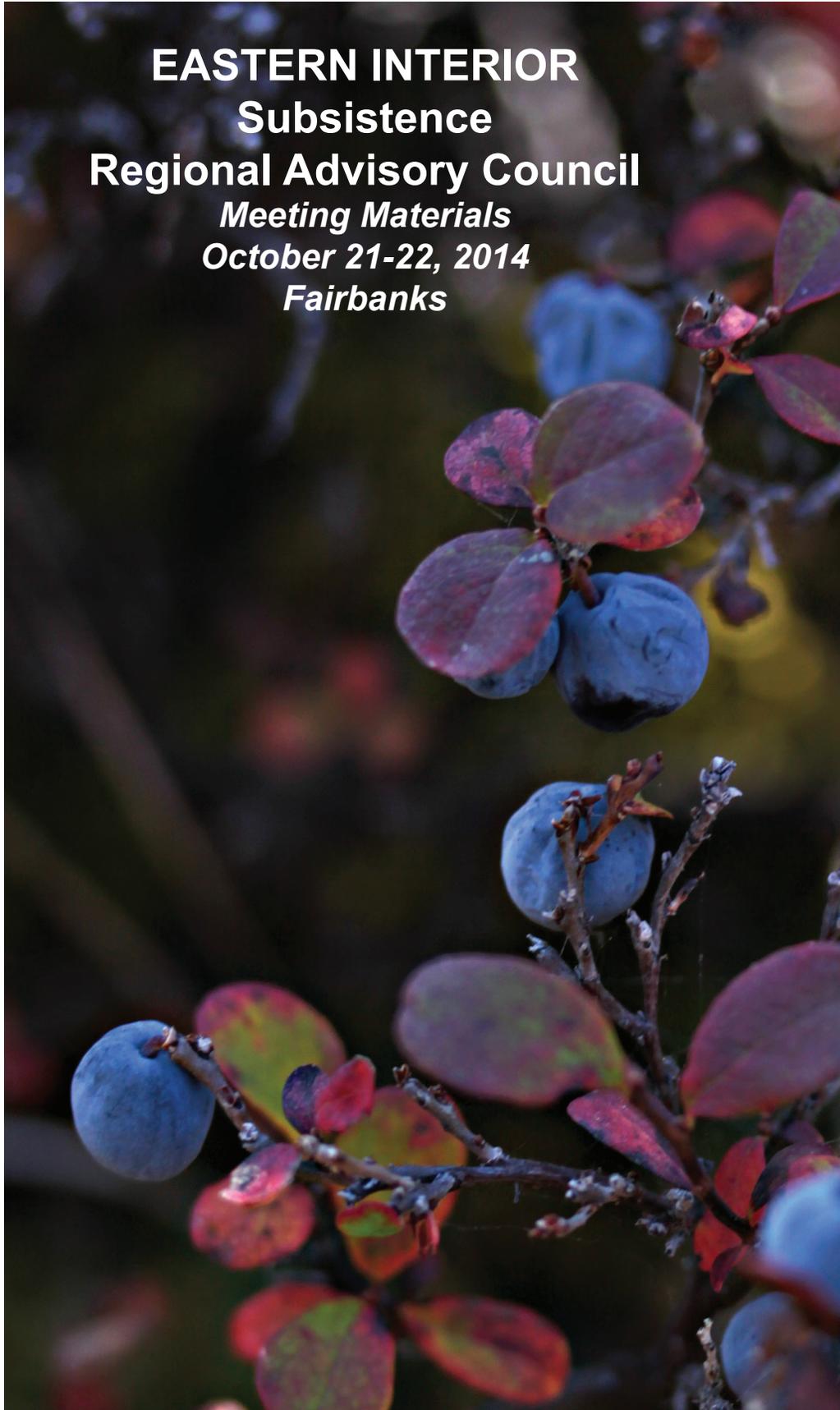


EASTERN INTERIOR
Subsistence
Regional Advisory Council
Meeting Materials
October 21-22, 2014
Fairbanks



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Blueberries ripe for the picking cling to a bush on a hillside south of White Mountain Pass Photo courtesy: Deborah Coble, USFWS.



EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL
Pikes Waterfront Lodge, Fairbanks
October 21-22, 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.

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Adjourn (Chair)

To teleconference into the meeting, call the toll free number: 1-877-638-8165, then when prompted enter the passcode: 9060609

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 Eva Patton, Council Coordinator at 907-786-3358, eva_patton@fws.gov, or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries

DRAFT



REGION 9—Eastern Interior Alaska Regional Advisory Council

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Address	
1	2001 2016	Susan L. Entsminger Mentasta Pass	Chair
2	2007 2016	Andrew P. Firmin Fort Yukon	Secretary
3	2010 2016	Larry Williams Sr. Venetie	
4	2007 2016	Lester C. Erhart Tanana	
5	2005 2014	William L. Glanz Central	
6	2002 2014	Andrew W. Bassich Eagle	
7	2012 2014	James E. Roberts Tanana	
8	2013 2015	William M. Koehler Horsfeld	
9	2009 2015	Donald A. Woodruff Eagle	
10	2001 2015	Virgil Umphenour North Pole	Vice Chair

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL
DRAFT Meeting Minutes
March 6 – 7, 2014
Pike's Waterfront Lodge
Fairbanks, Alaska

Council Members Present:

Sue Entsminger, Chair
Virgil Umphenour
Andrew Firmin
Lester Erhart
James Roberts
Bill Glanz
Larry Williams
Donald Woodruff
Andy Bassich
Will Koehler

Agency Staff:

Council Coordinator, Eva Patton, OSM
Karen Hyer, Fisheries Biologist, OSM
Trent Leibich, Fisheries Biologist, OSM
Tom Kron, OSM
Glenn Chenn, ISC
Greg Dudgeon, National Park Service
Marcy Okada, NPS Yukon Charlie Rivers National Preserve
Barbara Cellarius, Wrangell St. Elias National Park and Preserve
Vince Mathews, Refuge Coordinator, Yukon Flats, Arctic and Kenuti NWR
Mimi Thomas, USFWS Yukon Flats NWR
Steve Berendzen, Refuge Manager Yukon Flats NWR
Holly Gaborialet, USFWS Anchorage
Fred Bue, USFWS Fairbanks
Gerald Maschmann, USFWS Fairbanks
Jeremy Mears, USFWS Yukon Fisheries Biologist, Fairbanks
Jennifer Yuhas, Subsistence Liaison team, Alaska Dept. of Fish and Game
Jeff Estensen, Yukon fall season commercial fisheries manager, Alaska Dept. of Fish and Game
Caroline Brown, ADFG Subsistence Division
Rita St. Louis, ADFG
Ruth Gronquist, BLM Fairbanks

Via teleconference:

Louie John, Arctic Village Native Council
(Unknown name – garbled phone connection) Arctic Village
Trevor Fox, Wildlife Biologist, Office of Subsistence Management, Anchorage
Dan Sharp, Inter-agency Staff Committee, Bureau of Land Management, Anchorage
Jean Gamache, Alaska Native Affairs Liaison, National Park Service



Bud Rice, Interagency Staff Committee, National Park Service, Anchorage
Keith Gordon, Army Corps of Engineers

Tribes and Native Non-profits:

Victor Lord, Nenana Native Council
Rondell Jimmie, Nenana Native Council
Brian McKenna, Tanana Chiefs Conference, Fisheries Biologist (Wildlife and Parks Dept.)
Orville Huntington, Tanana Chiefs Conference, Director Wildlife and Parks Dept.

Public:

Aleta Kelzer, Fort Yukon
Simon Francis, Sr., Fort Yukon
Darlene Herbert, Fairbanks/Fort Yukon
Cole Wallace

*Asterisk identifies action item.

Roll Call and Establish Quorum: Two Council members were weather delayed at the start of the meeting but arrived at approx. noon on the first day

Invocation: Council member Larry Williams provided the invocation.

Welcome and Introductions: Council member Larry Williams ask for a special welcome and recognition for Simon Francis of Traditional Chief of Fort Yukon who just celebrated his 90th birthday last week. Mr. Francis attended the EIRAC meeting with his daughter Aleta.

Mr. Williams notes that in the traditional culture or any culture elders are respected and “we would do anything for them because they are wise in their ways and we look to them for guidance.”

Review and Adopt Agenda:* Council adopted the agenda with modifications to the order accommodate guest speaker timelines.

Election of Officers:

Chair: Sue Entsminger was nominated and re-elected as Chair by unanimous vote.

Vice Chair: Virgil Umphenour was nominated to retain the seat as Vice-chair and Andrew Firmin was nominated at Vice-chair. Secret ballot resulted in a tie (even number of members voting), Robert Rules indicate the motion fails if the vote is a tie. Discussion between the two vice-chair nominees agreed to retaining Virgil and the Vice-chair and Andrew Firmin continue as the secretary.

*Larry Williams requested the nominations be withdrawn due to the tie vote and maintain Virgil as Vice-chair and Andrew as secretary – Council voted yes unanimously.

Secretary: Andrew Firmin

Review and Approve Previous Meeting Minutes*

Council noted one typo on page. 8 under Proposal 14-15 should be noted as Unit 12 not Unit 1212. No other corrections were found and meeting minutes were approved by unanimous vote.

Council member reports:

Bill Glanz – not much to report other than “no fishing and lack of game”. Noted he is the Chair of the local AC but was unable to attend the Board of Game meeting this year.

Andrew Firmin – Noted that it is a very busy time of year for meetings and often many important meetings overlap. Yukon River Drainage Fisherman’s Association annual meeting was hosted by Fort Yukon this year. He expressed appreciation that it was a really good meeting with people working together and not fighting and he felt they came up with good resolutions in the end. He noted a lot of people were there working on challenging issues including other Council members Lester Erhart and Tribal representatives that often participate in the EIRAC meetings like Victor Lord.

Andrew attended the recent Board of Game meeting and reported back on two of the proposals the Councils submitted: #79 failed and #80 passed by the BOG.

James Roberts: Discussed some details of winter hunt opportunities for subsistence – supportive of that option where possible and admires those that hunt in winter.

Regrets having missed the last EIRAC meeting, would have liked to have attended and is catching up on info and materials now. Looks forward to a good meeting and hopes everyone is cordial to each other.

Virgil Umphenour: Attended the February 2014 Board of Game meeting and noted the Board supported the Tanana Tribal Council extending the fall and winter moose season by five days. The Fairbanks AC supported the EIRAC wildlife proposals.

Larry Williams: No concerns to share from the Village of Venetie. They were very fortunate to have a portion of the Porcupine Caribou Herd wander into the area and hang out all winter. The community has been able to harvest some whenever the opportunity presents itself.

Larry noted he recently attended the Yukon Flats AC and as Chairman of that committee wanted to share on record that he is very proud of the people who represent their communities and work hard and take time from their busy schedules to attend the meetings and make the voices and concerns of their communities heard.

Larry thanked everyone for their sympathy extended to his family for the loss of his life partner and respected elder and community leader, Maggie Roberts from Venetie.

Lester Erhart: Jokingly asks if it is considered bear baiting when you stay at fish camp to cut and hang fish on the rack? (Sue says DLP)

Will Koehler: No comments, plans to discuss any concerns during the meeting.

Chair’s report: Sue Entsminger reports on the recent Wrangell-St. Elias Subsistence Resource Commission meeting and noted they were working on creating condensed hunting regulations similar to the “Handy Dandy” to make it simpler for people to understand the Park Service specific subsistence regulations. Also reported on her attendance at the Upper Tanana Fortymile AC and a lot of discussion on caribou in the region.

Requests Council members to add, comment or edit the draft Annual Report.



Review and Approve Draft FY2013 Annual Report:* The Council reviewed and approved the draft Annual Report and added further detail including several new topics discussed on the record including request for Chandalar Chinook research, request for updated moose research with population and migration surveys in Unit 25D, maintenance of the Sheep management unit closure for Red Sheep Creek and Council request to not have to re-consider another proposal to open until further data indicated a change, education and information outreach to help build awareness and reduce conflict around subsistence hunting and fishing and other activities on federal lands, data collection refinement for Chinook and caution on model extrapolation.

Council Additions to the Annual Report:

Andrew Firmin: Arctic Village sheep management area – still opposition to opening it up and want the Board to be aware there is still plenty of dialog in opposition. Feels any discussion of opening it would warrant new biological data to support it. People in the region are still very involved and opposed to opening this are up – the Council has taken this up before and there was a lot of public testimony to maintain the closure.

Virgil Umphenour: Wants to include in both the FRMP and the Annual Report concerns for whitefish importance to subsistence in the upper Yukon and request for both monitoring in the upper river and if a commercial fishery is to be allowed on whitefish in the lower river request that population monitoring and tracking work on whitefish movements be implemented.

Andy Bassich: Asks for adding cautionary request for extrapolating limited Chinook data for modeling.

Larry Williams: Moose 25A request for more data, recent population and movement surveys and collection of local knowledge on this moose population.

Wildlife Regulatory Proposals* The Council received the proposal analysis reviews from OSM wildlife biologist Trevor Fox and took action or clarification on the following proposals. Barbara Cellarius provided updates on the most recent Chisana caribou harvest data from the National Park Service. Submitted written comments were read into the record.

*Action on deferred proposal **WP14-49** Revise season dates for fall season and establish a winter season for caribou in Unit 12:

DESCRIPTION: WP14-49—Revise season dates for fall season and establish a winter season for Chisana caribou in Unit 12

COUNCIL RECOMMENDATION: Support with modification

(a) the fall season would open on August 10 and close on September 30, (b) the winter season would not be adopted, and (c) the meat-on-the-bone requirement would not be adopted.

JUSTIFICATION: The Council discussed the proposal and heard a full briefing from OSM and NPS staff and voted to support the proposal with the following modifications which were also recommended by the Wrangell-St. Elias Subsistence Resource Commission:

*Clarification Action on Council recommendation for proposal **WP14-42** – Establish a Federal subsistence priority and recognize the customary and traditional use of sheep for residents of

Units 20E, 25B, and 25C:

DESCRIPTION: WP14-42—Establish a Federal subsistence priority and recognize the customary and traditional use of sheep for residents of Units 20E, 25B, and 25C

COUNCIL RECOMMENDATION: Support OSM conclusion with modification
In addition to the communities named in the OSM conclusion the Council also added the residents of 25D.

JUSTIFICATION: WP14-42 was submitted by the Eastern Interior Regional Advisory Council. Eagle resident, council member Donald Woodruff notes this is long term use of sheep in the region and oral history in the area supports long distance travel overland with return by skin boat in order to hunt sheep in these areas. Council concurs C&T should be recognized based on the importance of sheep for subsistence and recognition of greater importance during times of Chinook decline. Further discussion elaborated on other community's use of sheep in the region including residents of GMU25D that are known to travel to the proposed C&T units to hunt sheep.

*Request for information and updates: Council member Larry Williams asked for OSM analysis and discussion on proposal 14-48 since he was unable to attend the last meeting in person and participated via teleconference but had a difficult time hearing all the details for the analysis. This meeting OSM wildlife biologists were participating via teleconference and the phone line was garbled again making it difficult to hear clearly.

Council member Larry Williams requested a copy of the transcripts of what was discussed at the previous meeting so he could review the details of the information presentation, comments, and discussion and asked for more data on this moose population.

Customary & Traditional Use Determination (Update): Pippa Kenner of OSM provided the council with an update on the review process for C&T beginning with a bit of history from the 2009 Secretarial Review of the Federal Subsistence Management Program. Secretary Salazar had requested the Federal Subsistence Board review the customary and traditional use determination process with the input from the Regional Advisory Council and make recommendations for regulatory changes. Subsequently the Southeast Alaska RAC requested a review again and made recommendation for changes they wished to see occur and solicited feedback from other Councils.

The Southeast Council asked the other nine Councils to review the customary and traditional use determination process again. The Southeast Council did not support retaining the current customary and traditional use determination process. Instead, the Southeast Council suggested that, when necessary, the Board restrict who can fish, hunt or trap for subsistence by applying ANILCA Section .804 criteria. There are three criteria: (1) who has direct dependence on the resource, (2) who is in proximity to the resource, and (3) who has alternative resources available.

The Southeast Council asked other RACs to consider four options. One was to eliminate the customary and traditional use process and use the ANILCA Section .804 criteria instead. Another was to change the way determinations are made by making area-wide determinations for all animals in the area, not animal by animal. Three, make some other change, or four, make no changes.

At the fall meeting, the EIRAC adopted a motion to support Alternative No. 4,

maintaining the current system as it is with no changes. The Board will consider all the Council recommendations at the next FSB meeting and may request the Secretary of the Interior make changes based on Council recommendations.

Rural Determination Process Review (Update): Karen Hyer of OSM provided the Council with an update on the Rural Determination review process and summary of comments provided by all the RAC's thus far on the criteria used to determine if a community is rural or nonrural. A compilation of submitted public and Tribal written comments and public testimony was being summarized and would be provided to the Federal Subsistence Board for its consideration at the upcoming April 2014 Board meeting.

Briefing on Fisheries Resource Monitoring Program (Update): Trent Leibich, OSM fisheries biologist provided the Council with an overview of the results of the 2014 selection of research project for funding on the Yukon River. Approximately a million dollars of research projects were recommended for funding on the Yukon River. Nine projects were selected for funding on the Yukon River and included: Gisasa River Salmon Weir refunded plus additional video integration, East Fork Andreafsky Chinook and Summer Chum Abundance, Yukon River Coho Salmon Micro-satellite Baseline Project, Yukon River Chum Salmon Mixed Stock Analysis, Koyukuk River Chum Salmon Radio Telemetry Project, Henshaw Creek Adult Salmon Abundance and Run Timing Project, Lower Yukon River Whitefish Harvest Monitoring, Upper Yukon River Area Customary Trade Project.

Priority Information Needs Development for 2016: The Fisheries Resource Monitoring Program is a two-year cycle of calls for research proposal submission for funding federal subsistence fisheries related research. The next funding cycle is for 2016 and OSM is developing the "Priority Information Needs" for the next call for proposals. OSM is seeking RAC input on additional information needs that should be considered and noted that just at this meeting the Council had discussed: Chandalar Chinook, Bering cisco population assessment, local oral and pictorial information on Yukon River salmon documenting change in size (quality of escapement), TEK of upper Yukon communities subsistence use and knowledge of whitefish, Yukon River whitefish population assessment change in subsistence harvest practice (i.e. greater reliance on whitefish with Chinook declines) precision of salmon data collection methodologies at the sonar and test fish projects, and changes to lamprey. Tie TEK research to stocks status trends and management.

Partner's Briefing / Preview of Call for Proposals: The call for Fisheries Monitoring Program Proposals to fund community based subsistence fisheries biologists, anthropologists or educators will be announced in Fall of 2014. Palma Ingles at OSM is the point of contact for that program.

Yukon River 2014 Pre-Season Salmon Management Review (Yukon Fish Management Staff): Jeremy Mears, USFWS and Erik Newland, ADF&G provided a joint Federal/State Yukon salmon fisheries update. Overall Chinook salmon runs on the Yukon River have been very low in recent years and managers have taken actions to try to meet escapement goals and provide for subsistence and when possible allow for commercial fishery on abundant summer chum without impact to Chinook. Information handouts were provided and notably a graph that depicted subsistence harvest of Chinook have been at relatively steady levels from 1982 up until 2012 and 2013 when severe harvest restrictions were applied to meet escapement needs. Commercial harvests have been greatly reduced since 1992.

Subsistence harvest in 2013 was estimated to be approximately 12,500 Chinook – roughly 75% below the average subsistence harvest. Chinook salmon total run sizes have decreased steadily since 2007.

Updates were provided on Yukon River drainage salmon escapement projects and discussion of 2014 pre-season projections and management strategies for Chinook and chum salmon. Poor Chinook runs are projected but good summer and fall chum runs are anticipated. Jeff Estensen ADF&G fall season manager estimated fall chum would look very good. Many subsistence fishers are harvesting more fall chum to switch pressure away from king salmon harvest needs.

*Fred Bue, USFWS reviewed salmon management and Chinook conservation strategies with the Council and asked for feedback on what worked and what else could be done. The inseason fisheries managers provided the Council with a draft document of possible strategies for Chinook conservation management while maintaining subsistence opportunity.

Call for Fisheries Regulatory Proposals*

The Council worked with OSM and Yukon fisheries biologist to develop and draft two federal fisheries proposals and one state proposal ACR to align the State regulations with the one of the proposed federal proposals as follows:

- 1) Motion to submit a proposal to change Yukon River Federal fisheries regulations to not allow use of drift gill nets when Chinook salmon are running and restrict use of gillnets to set net only in Yukon River Districts 1 through 6 during this time. The Council discussed that 5 of 7 years of escapement goals had not been met for Chinook and this drift gillnet restriction would support recovery of the Chinook population and maintain subsistence opportunity for future generations. The council discussed how this would affect subsistence opportunity and concern for hardship it would cause weighed with the conservation needs to meet escapement goals and sustain the chinook population for subsistence into the future. Vote: 7 yes, 2 no, 1 absent.
- 2) Develop a proposal to allow for a petition to the joint Boards giving the authority for both State and Federal managers to differentiate gear types during subsistence and commercial openings for the purpose of conservation of chinook salmon. The motion is to give the Federal and State managers the ability to independently differentiate between net gear types. Vote: passes unanimously (one proposal to be submitted under federal regulations and another to be submitted to the Board of Fish for Agenda Change Request to be considered out of cycle at the Fall 2014 BOF meeting.)

Review of State Fisheries Proposals (ACR): George Pappas of OSM provided the Council with an overview of State fisheries proposals relevant to the Yukon region. The Council reviewed several Board of Fish Agenda Change request proposals and made recommendations to support updated fish wheel regulations (with modification to limit the lead specifications) and opposed the out of cycle requests for changes to the lower Yukon River commercial fisheries regulations to increase dip net size and new in-river purse seine fishing gear. The Council supported the regulatory proposal to not allow any retention of Chinook caught in the dipnet fishery.

BOF proposal #371 – Remove dipnet size restrictions for Yukon area Districts 1-3 commercial chum salmon fisheries. **Council action:** Oppose by unanimous vote. **Justification:** concern for greater bycatch of kings that would be difficult to remove safely from a large catch.

BOF proposal #372 - Modify specifications and operations of commercial fish wheels in the Yukon by allowing use of leads. Council action: Support with modification by unanimous vote. Modification to specify what type of lead so that gill nets are not used or other materials that may catch or harm salmon.

Council made a motion for an amendment to the proposal: The amendment to Proposal 372 is, number one, a lead is restricted to 25-foot total length. Number two, webbing of the lead may not be made of fishnet, fencing or any other mesh. It must be constructed of poles. And, three, a wheel basket must be clear of the water during closures. **Council action:** Vote 9 Support and 1 opposed .

BOF proposal #373 - Requests removing the exception allowing for dead king salmon to be taken, but not retained, in the Yukon Area Districts 1-3 dipnet and beach seine commercial summer chum salmon fishery. This regulation was put in place so if a mortally wounded king salmon was killed in a dipnet or beach seine commercial salmon fishery, the individual who was in possession of it was required to forfeit it to the State of Alaska. **Council action:** Support by unanimous vote.

BOF proposal #377 - Requests authorizing the use of purse seine gear for commercial harvest of Yukon River summer chum salmon in Districts 1 during times of king salmon conservation. This proposal also requests authorizing the use of monofilament purse seine web in this commercial fishery.

Council action: Oppose by unanimous vote. **Council discussion and justification:** Not enough information known or testing of this new enough new gear type. Request further studies in order to determine potential mortality, injury, and impacts to Chinook salmon. No information on incidental catch of non-target species important to subsistence such as whitefish and Bering cisco. Purse seining is very indiscriminate it catches anything that is in the water column where it goes and it need a more detailed study of mortality and the effects of this type of gear before it is approved.

Tribal Consultation Implementation Guidelines & Draft ANCSA Consultation Policy:* Glen Chen, BIA Interagency Staff Committee member provide the Council with and update on the work of the Tribal Consultation Working Group and draft guidelines document for Tribal consultation in the Federal Subsistence Management process. Feedback on both the draft document and the Federal Subsistence Board consultation process is sought. The initiative came at the request of the Secretary of the Interior on how to consult with Tribes and ANCSA corporations on all matters involving the Federal Subsistence Management Program. A policy was developed and adopted by the Board and now the workgroup made up of Agency staff, Tribal representatives, ANCA representatives, and RAC member were tasked with developing the implementation plan including how to build in Tribal consultation opportunities into the federal subsistence regulatory process.

Council feedback included a motion:* “It is the recommendation of the Eastern Interior Regional Advisory Council that the ANCSA corporations shall not be included in the tribal consultation process”.

Vote: The motion passed unanimously. **Discussion:** The Council discussed that Corporations are not tribes and not governments for gov. to gov. consultation. Tribal representatives are elected by their communities to officially represent the people and Corporations are for profit organizations with hired staff. The Council discussed that the subsistence regulatory process is already challenging enough and adequate outreach, engagement, and consultation with tribes already challenging enough without increasing the work to consult separately with the Corporations. Corporations have funds and staff capacity and resources to be engaged as they wish, while many tribes do not.

Other comments and recommendations from the Council included concern for overwhelming tribes with the bureaucratic process, creating more burden for small tribes that have few staff or resources and making sure that only information relevant to that tribe is sent and not info from throughout the State.

Some Council members who also work for their tribes in the EIRAC region said the consultation process carried out thus far has worked well to highlight for the tribes when an issue may be important to their Tribe or area and that the Federal program provides information on just issues pertinent to the region. Many Council members requested more facilitation and participation of Tribes in the RAC meetings and process so that the Council can hear and share information directly with the tribes.

Council Nominations Process and Outreach: Eva Patton, Council Coordinator provided the Council with a brief update on the Secretarial appointment process delays for finalizing Council nominations this year. The final call for applications to the RAC prior to the deadline in March and Council members encouraged to help reach out to active subsistence hunters and fishers or community leaders in the region to apply and participate in the process.

Agency Reports

Office of Subsistence Management: Tom Kron of OSM provided the Council with a brief update on numerous staff vacancies at OSM and efforts to obtain waivers of approval from Washington DC to begin the hiring process to replace some of the many vacancies.

Native Organizations: Tanana Chiefs Conference Orville Huntington TCC director of Parks and Recreation provided a brief overview of TCC involvement with tribes in the region on subsistence and specifically work to facilitate consensus on Yukon chinook salmon conservation efforts.

TCC serves 42 villages throughout the Interior along the Yukon River representing over 10,000 Native Alaskans. Currently Natural resources department employs two full-time staff members. Orville Huntington, director and fisheries biologist position which is funded through the OSM Partners for Fisheries Monitoring Program.

TCC, one of the top priorities is to maintain and sustain the customary and traditional lifestyle. It's our goal to help advocate to keep these practices going. Recently TCC partnered with Doyon, Denakkanaaga, and Fairbanks Native Association and established a hunting and fishing task force, which Lester Erhart (EIRAC Council member) serves on. One of the main goals is to advocate for Native hunting and fishing rights throughout the TCC region.

Brian McKenna, fisheries biologist for the TCC Wildlife and Parks Department, provided the Council with updates on the current fisheries research and monitoring projects they are working on: Henshaw Creek Weir and the Alatna River Sheefish Study funded through OSM, Fisheries Resources Monitoring Program.

The Alatna River Sheefish Study was originally a one-year study that started in 2012. The Alatna River is the only documented spawning tributary for sheefish in the Koyukuk Basin. Our goals are to collect 200 genetic samples from the Alatna River spawning stock so we can help develop the genetic baseline and also to collect otoliths from these samples to help describe the demographic composition. TCC is partnering with local subsistence fishermen from Alatna and Allakaket to collect these samples.

The Henshaw Creek Weir, has been running since 2000, and provides a long-term dataset. The goals are to determine escapement and run timing of chinook and chum salmon, describe the demographic composition of the run. Also the project serves as a platform for hosting the summer science and culture camp for the youth in the surrounding area. TCC works with many partners on this project - U.S. Fish and Wildlife Service helps train the seasonal technicians each year, Village of Allakaket, and the Refuge both help with logistical support and helping out with the science camps held at the weir each summer. The Department of Fish and Game helps with aging scale samples.

Results at the end of the season is 772 chinook passed through the weir and roughly 285,000 summer chum. The running average from 2000 to 2013, the chinook average escapement in Henshaw is 900 chinook.

Council discussed appreciation for the long-term data set provide by the Henshaw Creek weir (one of the longest running weir projects on the Yukon River) and the importance and benefits of youth education in the sciences and local knowledge, building home based biologists.

Yukon River Drainage Fisheries Association – Bering Sea by-catch update: Becca Robins Gisclair provided the Council with an update on the latest data from the Bering Sea trawl fisheries and the North Pacific Management Council actions and initiatives to reduce Chinook and chum by-catch. The current Chinook by-catch thus far for 2014 through March is approximately 6400 with by-catch for this time of year being higher than last year. The 2013 total by-catch in the Pollock fishery was approximately 13,000 Chinook and 125,000 Chum salmon. The most recent data for stock composition id of bycatch is from 2011 at 68% Western Alaska stocks which includes the lower Yukon, Kuskokwim, Bristol Bay, and Norton Sound. Upper Yukon was identified at 2.5% and middle Yukon at 1.6%.

The Council discussed the by-catch caps, fleet performance measures, and rolling hot spot mechanisms for reducing by-catch. The NPFMC will meeting in June 2014 in Anchorage and the Council made a motion to draft a letter to the NPFMC requesting a reduction in by-catch, greater avoidance measures, and highlighting the importance of both Chinook and chum for subsistence way of life. The Council stressed subsistence fishers on the upper Yukon River had forgone nearly all Chinook harvest for conservation efforts and chum salmon is now increasingly important to meet subsistence needs.

*The Council made a motion to write a letter to the NPFMC requesting the lowering of by-catch for both Chinook and Chum and describing the subsistence fisher conservation efforts on the Yukon. The Council requested the NPFMC make further efforts to develop regulatory and management strategies to reduce all salmon by-catch in Bering Sea commercial trawl fisheries.

*The Council requested information and an update on salmon excluder devices being tested in the Bering Sea trawl fisheries.

USFWS: Vince Mathews, Subsistence coordinator for Arctic, Kenuti, and Yukon Flats National Wildlife Refuges provided the council with a brief overview of his position and work with communities in the region. He stressed that part of his job is to help with outreach for communications and Tribes such as was discussed by the Council earlier on their recommendations for Tribal Consultation through the Federal Subsistence Management program. Specifically he helps bring proposals to the councils or talks about management actions that affect subsistence in the region. He/his position is a resource for the Council, communities, and Tribes for subsistence issues in the region.

Arctic National Wildlife Refuge: Vince Mathews provided a brief update on staffing at Arctic NWR – the deputy refuge manager position is currently vacant and in the process of being filled. Refuge Information Technicians who are the primary community outreach for the Refuge are long term employees Mildred Riley of Arctic Village and Lee Kayotuk of Kaktovik.

Council members discussed that much of the data for moose in Unit 25A was nearly 20 years old and requested Vince reference that – he said he would bring the request for prioritization of data collection back to Brian Glaspell, the refuge manager.

Yukon Flats National Wildlife Refuge: Vince Mathews provided the Council with an information update handout and noted they are now using Facebook as an outreach tool for the Refuge. Yukon Flats is looking at hiring an RIT, Refuge Information Technician in Fort Yukon (pending).

Bryce Lake, Wildlife biologist for Yukon Flats NWR provided the Council with the final report and published article on a wolf collaring study conducted in the refuge beginning in 2008. The study was developed to track wolves via radio telemetry and do both a population assessment of wolves and moose kill rates in a low density moose population. Predation by other animals and human hunting activity was also reviewed. The overall results showed that both moose and wolf densities have remained low in the area and kill rates remain consistent and the observation was if the moose density is down then the wolf population density goes down too.

Yukon-Charley Rivers National Preserve: Greg Dudgeon, superintendent, Yukon-Charley Rivers National Preserve provided an update on the NPS compendium process and local meetings to review the compendium in Eagle and Eagle Village coming up in a few weeks. Also discussion and clarification on subsistence hunting and general harvest permits vs. sport or trophy permits on Park lands in Alaska.

Marcy Okada provided an update on the working group for Yukon-Charley Rivers National Preserve which met on January 30th and discussed issues related to the National Preserve's compendium, public use cabins, law enforcement staffing for the 2014 season, Windfall Mountain fire, wolf and moose survey updates and how we could improve relations between the Park Service and local residents. Additionally, at that meeting local residents shared that they are foregoing fishing for Chinook salmon on the Yukon River and Park Service staff are working with local residents to share information with the greater public about low Chinook salmon runs and how it's affecting the local communities

National Park Service wildlife biologists lost the ability to research radio-collared wolves from the Lost Creek pack, which has historically used Yukon-Charley Rivers. Alaska Department of Fish and Game eliminated all 11 members of the pack outside of the preserve for their ongoing aerial predator control program in the Upper Yukon and Forty Mile Rivers region. The pack has been monitored by Park Service researchers over the past seven years as part of a decades-long ecological study.

Wrangell-St. Elias National Park and Preserve: Barbara Cellarius from Wrangell-St. Elias provided the council with an update on how the NPS Compendium process works and that if a closure is for more than one year a new temporary closure has to be initiated. And each closure requires public notice and a public hearing. The compendium is basically a list of allowances and closures and exceptions. In the Alaska region, we have started the process of actually taking public comment and doing public notice about the compendium, but there isn't a specific process set up in the CFR for doing that review. We're following the process that's required in ANILCA.



Barbara Cellarius provided the Council with written updates on the Chisana Caribou herd, Mentasta Caribou herd, Dall sheep surveys and an overview of Federal Subsistence Registration permits for the park Game Units 11 and 12 from 2003 – 2013. A public hearing will be held for comments on a proposal to not allow domestic goats in the park to prevent transmission of disease to Dall sheep. Wrangell-St. Elias is reviewing off road implements some of the decisions that were made in the Nabesna Off-Road Vehicle Management Plan and Environmental Impact Statement. The Plan designates trails, establishes some formal weight limits for the use of off-road vehicles, and it also makes some changes for subsistence users in designated wilderness.

Council member Will Koehler applauded the Park Service and thanked their efforts for their trail work that has changed degraded areas that had become “big bogs” from too much snow machine traffic and made it cleaner and a lot nicer.

Denali National Park and Preserve: Barbara Cellarius presented a brief written report for Amy Craver who was not available to attend. Denali is part of the larger Central Alaska Network Monitoring Program and follows protocols developed by that program. So information generated by this program is used for management decisions relative to Park resource preservation and improving our understanding of ecosystems and representing an intact naturally functioning subarctic site in broad base monitoring networks.

Denali got some funding from the Subsistence Advisory Council in 2013 to conduct moose surveys in two important subsistence areas on the south side of the Park in the Cantwell and Yentna areas. The survey results are still being analyzed, but generally the moose numbers have increased.

In the spring of 2013, the wolf population count recorded 49 wolves in 11 packs, which is the lowest number since formal monitoring began. New research includes a furbearer pop and distribution and several ethnographic studies in the Park.

The next Denali Subsistence Resource Commission meeting is scheduled for August 7th, 2014. Both Lester Erhart and James Roberts are on the Denali SRC.

ADF&G: Jennifer Yuhas provided the Council with a brief overview of a letter sent to the Councils prior to the meeting outlining opportunities for partnerships for AYK fisheries studies with the State non-governmental organizations, Tribes, communities. The Governors Chinook initiative has prioritized research funding and partnerships and are seeking ideas.

Army Corps of Engineers: Donlin Mine EIS briefing was provided to the Council due to the proximity of the mine to the lower Yukon River and concerns for potential impacts to subsistence fish rearing and feeding areas on the Yukon mining activities and the potential for alternate barging routes via the Yukon River.

Keith Gordon, regulatory project manager with the Army Corps of Engineers Alaska District Regulatory Program gave a brief update on the current status of the proposed Donlin Gold Mine Project located approximately 10 miles north of Crooked Creek (on the Kuskokwim River) and the environmental impact statement that is being developed in relation to it.

The relevance of this whole process to the Regional Advisory Committee is additional information on potential impacts to natural and human environmental resources.

The mine pit as proposed would be 2.2 miles long, one mile wide, 1,850 feet deep. The tailings impoundment would cover approximately 3.5 square miles. The waste rock facility would cover approximately 3.4 square miles. The mill, as proposed, would process 59,000 tons of ore per day, 365 days a year.

The proposed project includes a new gas pipeline development, two open pits, a tailings storage facility for waste rock to be stored in perpetuity, and barging of equipment, supplies, chemicals, fuel oil, and waste and related transportation infrastructure such as ports and roads.

Scoping has been recently completed and the public will be informed of opportunities for public comment as the proposed mine works through the NEPA process and a draft Environmental Impact Statement is released for review. No decision has been made on permitting and that evaluation process will likely take until the end of 2016.

Future Meeting Dates:*

Fall 2014 Meeting Dates: Fairbanks, October 21 and 22, 2014 was selected as the first choice of dates.

Winter 2015 Meeting Dates: March 3, 4 and/or 5, 2015 was selected with a request to hold a joint overlap meeting with the Western Interior RAC in Fairbanks.

Council members provided closing remarks. The meeting adjourned by unanimous consent.

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

Eva Patton, Designated Federal Officer
USFWS Office of Subsistence Management

Sue Entsminger, Chair
Eastern Interior Subsistence Regional Advisory Council

*These minutes will be formally considered by the Eastern Interior Alaska Subsistence Regional Advisory Council at its fall 2014 public meeting. 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



FOREST SERVICE

JUL 28 2014

FWS/OSM 14067.EP

Susan Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
HC72 Box 800
Tok, Alaska 99780

Dear Ms. Entsminger:

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 the Councils' recommendations. The proposals on the consensus agenda for the Eastern Interior Region were proposals WP14-42 (Unit 20E and 25B&C sheep), WP14-43 (Unit 20 & 25 sheep), WP14-44 (Unit 20F moose), WP14-15/45 (Unit 12 caribou), WP14-46 (Unit 25B caribou), WP14-47 (Unit 20D&E and Unit 25B&C caribou), and WP14-48 (Unit 25A moose). Consistent with the Council's recommendations, the Board either adopted (WP14-15, 14-42, 14-43, 14-44, 14-46 and 14-47) or took no action on (WP14-45) these proposals.

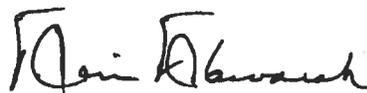
The Federal Subsistence Board appreciates the Eastern Interior Alaska Subsistence Regional Advisory Council's active involvement in and diligence with the regulatory process. The ten Regional Advisory Councils continue to be the foundation of the Federal Subsistence

Ms. Entsminger

Program, and the stewardship shown by the Regional Advisory Council chairs and their representatives at the Board meeting was noteworthy.

If you have any questions regarding the summary of the Board's actions, please contact Council Coordinator, Eva Patton at (907) 786-3358.

Sincerely,



Tim Towarak
Chair

Enclosure

cc: Federal Subsistence Board
Eastern Interior Alaska 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 15-18, 2014

Anchorage

EASTERN INTERIOR REGION PROPOSALS

Proposal WP14-50

DESCRIPTION: This proposal, submitted by the Eastern Interior Alaska Regional Advisory Council, requests that brown bear be allowed to be hunted over black bear bait in Unit 25D.

COUNCIL RECOMMENDATION: **Support**

BOARD ACTION: **Adopted**

The new regulations (identified by bold font) for Unit 25 Special Provisions will read: You may use bait to hunt black bear between April 15 and June 30 and between August 1 and September 25; ***in Unit 25D you may use bait to hunt brown bear between April 15 and June 30 and between August 1 and September 25.*** You may use bait to hunt wolves on FWS and BLM lands.

JUSTIFICATION: The Board adopted the proposal based on experience and knowledge of local people since current brown bear density data is not available for Unit 25D. The Board noted that the current regulations for an annual subsistence harvest of 2 brown bears would remain and thus new methods would not pose a conservation concern. The Board noted that if indeed a conservation concern arose it could then be addressed at that time. The Board stated that this proposal would increase the opportunity to meet subsistence needs by being allowed to take brown bear over black bear bait in the event that opportunity arises. The Board also noted it is important to provide regulatory consistency with State regulations where possible to avoid confusion and allow the Federally qualified subsistence user at least equal opportunity to non-residents.

MULTIREGION CROSSOVER PROPOSALS

Proposal WP14-49

DESCRIPTION: This proposal, submitted by Gillam Joe, requested modification of the fall season dates and establish a winter season for Chisana caribou in Unit 12. The proposal also requested a meat-on-the-bone requirement.

COUNCIL RECOMMENDATIONS:

Southcentral Subsistence Regional Advisory Council - **Support with modification:** (a) the fall season would open on August 10 and close on September 30, (b) the winter season would not be adopted, and (c) the meat-on-the-bone requirement would not be adopted.

Eastern Interior Alaska Subsistence Regional Advisory Council - **Support with modification:** (a) the fall season would open on August 10 and close on September 30, (b) the winter season would not be adopted, and (c) the meat-on-the-bone requirement would not be adopted.

BOARD ACTION: Adopted with modification

The new regulations will read: **Harvest:** Unit 12—that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border —1 bull by Federal registration permit (FC1205) only.

Season: ~~Sept. 1~~ **Aug. 10** - Sept. 30

JUSTIFICATION: The Board concurred with the aligned recommendations from the Eastern Interior Alaska and Southcentral Alaska Subsistence Regional Advisory Councils, which are also supported by the Wrangell-St. Elias Subsistence Resource Commission. The Board supported the Councils' recommendations that the extended fall season dates would provide additional opportunity for local hunters to harvest a caribou. The September 30 closing date responds to concerns for opportunity to hunt later in September when the weather is cooler and meat storage is easier for those that live off the grid, earlier harvest opening will allow more time and flexibility for the hunt but total harvest is still bound by the limited permit allocation and thus would not be a conservation concern.

The additional winter hunt is not advisable for conservation concerns for such a small herd with a very limited harvest quota. Disturbing the herd in winter when the caribou may already be stressed, and difficulty of discerning bulls from cows in winter when antlers have been shed may jeopardize the viability this small population.

Lastly, the Board concurred with the Council and local expertise that there is no indication of a meat salvage concern to impose a meat-on-the-bone requirement at this time.

Proposal WP14-51

DESCRIPTION: This proposal, submitted by the State of Alaska, requested that the Red Sheep and Cane Creek drainages be opened to non-Federally qualified users August 10 – September 20 in the Arctic Village Sheep Management Area (AVSMA) of Unit 25A, and that a person hunting within the Red Sheep Creek/Cane Creek portion of the AVSMA of Unit 25A possess proof of completion of a department-approved hunter ethics and orientation course (to include land status and trespass information) upon hunting in this area.

COUNCIL RECOMMENDATIONS:

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



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

BOARD ACTION: Rejected

JUSTIFICATION: The Board rejected this proposal based on the OSM analysis and conclusion, the recommendations of the North Slope and Eastern Interior Alaska Subsistence Regional Advisory Councils, and overwhelming public comment over the years and the testimony presented to the Board in the 2012 review of a similar proposal. The Board referenced extensive public testimony of local community concerns and cultural importance of this area and long established administrative record on this issue. The Board recognized the cultural importance of the Red Sheep and Cane Creek areas for subsistence harvest of sheep for the residents of Arctic Village and Venetie. The importance of this area is also known by the number and location of Native Allotments, cultural sites and ethnographic studies documenting the long history of use in this area.

The Board heard testimony and reports that subsistence users attempts to harvest sheep in this area may have been interfered by aircraft and non-Federal qualified hunters' activity. The Board concurred with this testimony that the activities in this area by non-Federally qualified users has resulted in the displacement of sheep, pushing them out of range and preventing Federal subsistence hunters from being able to harvest sheep. The Board supported keeping the closure in place to help insure the continued subsistence use of sheep for residents of Artic Village, Venetie, and the several other villages with C&T for sheep in this area: Chalkyitsik, Fort Yukon, Kaktovik, and Venetie. This closure is based on ANILCA Section .815, paragraph three, which allows for a restriction on the taking of fish and wildlife for non-subsistence uses on public lands when necessary to continue Federal subsistence uses.



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1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

AUG 06 2014

FWS/OSM 14081.CJ

Sue Entsminger, Chair
Eastern Interior Alaska Subsistence Regional Advisory Council
U.S. Fish & Wildlife Service, Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Chairwoman Entsminger:

This letter responds to the Eastern Interior Alaska 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. Coordinated Yukon River community conservation efforts for Chinook salmon management options in rebuilding the run.

The Council is greatly concerned about Chinook salmon declines on the Yukon River and would like to see more coordinated, collaborative efforts with communities along the river. The Council recognizes the challenges of the situation and the ongoing efforts of State and Federal biologists and managers working to solve the situation. Many Council members are also involved in river wide communications through the Yukon River Drainage Fisheries Association. The Council feels the work of the Tri-RAC Committee was also helpful in developing cooperative solutions to support subsistence efforts for salmon conservation. Nevertheless, current populations of Yukon River Chinook salmon need increased conservation measures and additional efforts to rebuild them for future generations. The Council is interested in engaging communities along the whole length of the river to continue working together on a village-to-village basis to reduce Chinook harvest. Additionally, the Council recommends a second and third pulse protection along the length of the river from the delta to Canadian border.



Chairwoman Entsminger

Response:

The Federal Subsistence Board is concerned about Chinook salmon declines on the Yukon River. The Board recognizes many ongoing efforts of the State and Federal biologist and managers to deal with the decline. The Board is also aware of the role of the Yukon River Drainage Fisheries Association (YRDFA) in facilitating river-wide communications for salmon management. Because of this, YRDFA is currently receiving funds through the Fisheries Resource Monitoring Program. If one or more of the Regional Advisory Councils in the Yukon region are interested in engaging communities along the whole length of the river to continue working together on a village-to-village commitment to reduce Chinook salmon harvest, the Office of Subsistence Management (OSM) can assist with arranging this discussion. The next opportunity for the Yukon River Drainage Fisheries Association to apply for continued funding through the Fisheries Resource Monitoring Program will be in 2015, with the funding announcement and associated Request for Proposals. Based on discussions at your winter 2014 meeting, OSM Fisheries staff will present and discuss with you the proposed Priority Information Needs for the 2016 FRMP funding cycle. It is crucial that you inform staff if there are any additions needed in that draft document. Alternatively, or in addition to funding opportunities, if the formation of a multi-Council subcommittee of affected regions is desired by one or more of the Councils, they can initiate this communication with other Councils, discuss it at a public meeting, or make an official request to the Office of Subsistence Management for consideration.

The Federal Subsistence Board acknowledges the Council's concern regarding the issue of second and third pulse protection along the length of the river from the delta to the Canadian border. Under current regulations, in-season managers have the authority to enact these pulse protections. Your request for second and third pulse protection will be forwarded to the in-season managers.

2. Federal research funds and focus on moose population and movement surveys to monitor moose populations in Units 25A.

Based on agency reports given to the Council, there is a clear need for more data on moose in Unit 25A. Management of wildlife populations in the Eastern Interior Region on Federal public lands has a direct bearing on continued subsistence opportunity in the region. The Council recognizes the collaborative efforts by State and Federal agencies efforts to monitor moose populations with limited funds in remote areas that are difficult and expensive to access. Surveys have been sporadic and data limited since the 1970s. Because trend data indicates a decline in the moose population over the past 20 years, the Council is interested in more surveys or monitoring efforts to better understand the reason for this decline. There has been extensive public testimony expressing hardship in meeting overall subsistence needs and the importance of moose for subsistence in the area. Specifically, the Council heard testimony on the importance of moose to the Gwich'in communities that have a long history of subsistence on the upper Sheenjek and Coleen Rivers. The Council feels that a comprehensive effort to estimate moose abundance in Unit 25A is warranted and should be made a high funding priority.

Chairwoman Entsminger

The Federal Subsistence Management Program and Federal land managers have an obligation to manage for rural subsistence priority on Federal public lands. The Council feels this case warrants an effort to better identify moose populations, densities, and migration routes on Federal lands in this area in order to have better data for management purposes. The Council would like to see funding allocated to address moose population monitoring needs and data gaps for this region. The Council requests that Yukon Flats and Arctic National Wildlife Refuges dedicate resources to this important management issue. Collaborative research projects could be developed with State or university partnerships to better manage this important subsistence resource on Federal public lands. Local and traditional knowledge from the communities that live and hunt in this area may help identify movement, migration, and other information that can help inform the research.

Response:

Arctic National Wildlife Refuge staff intends to conduct moose surveys in the Sheenjek and Coleen River drainages within Unit 25A in October 2014. These surveys will provide estimates of moose abundance and distribution. The Council should be aware that these surveys have been attempted more often than they have been completed. Successful completion of surveys in this remote area is weather dependent and requires adequate snow cover, which must occur before the days get too short to adequately conduct the survey (i.e., before the second week of November at this latitude).

3. Monitoring of predator impacts to moose and caribou population in Unit 25A.

Due to the importance of moose and caribou for subsistence communities in and near Unit 25A, and concerns for adequate subsistence harvest opportunity in this area, the Council is interested in pursuing monitoring of predator impacts to important subsistence resources. To be clear, the Council is not requesting predator management, but an understanding of adverse predator impacts. Public testimony at the fall 2013 Council meeting highlighted a concern for meeting subsistence needs, indicated that fewer moose were available for harvest in the area, and noted that wolf packs prevented caribou from lingering near some communities, as they historically have done. Additionally, Tribal representatives from Arctic Village made a specific request at the fall 2013 Council meeting for community-based options to address large wolf packs in their area.

Response:

The issue you raise would require a comprehensive wildlife monitoring program, rather than an isolated study, in order to achieve the desired results. There is currently no subsistence wildlife research and monitoring program similar to that in place for fisheries. Given declining Federal budgets, it is unlikely that such a program will be developed in the near future. Any Federal funding needed for the monitoring of predator pressures on moose and caribou would probably have to come from the Arctic National Wildlife Refuge budget. The State of Alaska and others might also be interested in contributing to such monitoring.

Chairwoman Entsminger

To respond to the details of your question, we have referred your inquiry to the Arctic National Wildlife Refuge staff. The following is their response:

Predators are one of several potential limiting factors for moose populations in Unit 25A. We suggest a research and monitoring program initially focus on estimating moose abundance and distribution, and relating that to forage availability. The Refuge chose to initially study forage availability rather than predation or some other potential limiting factor because other studies of northern moose have suggested that overutilization of forage is a common factor limiting moose population size. The Refuge conducted a pilot study of moose-browse characteristics in the Conglomerate Mountain region of the Coleen River within Unit 25A during April 2014. Data analysis is currently underway, and reports will be shared with the Council when completed. This pilot study may be expanded in 2015 to include other areas within the Upper Sheenjek and Coleen River drainages. This work will allow the refuge to determine if moose in this area of Unit 25A are limited by forage availability during winter. Pending results of this work, we may investigate other potential sources of population limitation in the future, including predation.

The Porcupine Caribou that use this region of Unit 25A are studied as part of the broader State/Federal/international efforts governed by the International Porcupine Caribou Board. The senior Arctic Refuge ungulate biologist also sits on the Porcupine Caribou Technical Committee, which advises the International Board. The Council's concerns regarding caribou populations in the Upper Sheenjek and Coleen River drainages will be communicated to the International Board.

4. Hunter ethics and educational outreach to generate better understanding and reduce conflict between users.

The Council has heard many proposals and extensive public discussion over the years that focus on user conflicts among various resource users. The Council feels education and outreach initiatives should be developed to generate better understanding between user groups that hunt and fish common resources on Federal public lands. Proactively providing information may help avoid conflicts that stem from activity in sensitive cultural areas, Native lands, or lack of awareness of local etiquettes and values when outsiders engage in hunting and fishing near rural communities or in traditional hunting areas. The Council would like to see the Federal Subsistence Management Program and its Federal land managers make an effort to develop educational initiatives in collaboration with the State where needed for known conflict/problem areas identified through the Regional Advisory Council meetings or Tribal consultation process. Fostering understanding and respect may help greatly in co-management efforts and reduce stress experienced by some due to conflicts around hunting and fishing activities.

The Eastern Interior Alaska Subsistence Regional Advisory Council itself contains a diverse membership and may be able to assist in developing approaches to education and outreach

Chairwoman Entsminger

initiatives. The Council suggests that possible solutions include providing education materials in the Federal and State fish and wildlife regulatory books and/or education flyers that can be distributed along with relevant hunting permits. Information could include maps of Native lands, local cultural information by region, and notations regarding local etiquette, such as donation of meat to local communities and elders. Contact information for more details or questions could also be provided.

Response:

The Board finds your ideas outstanding. OSM has helped facilitate this type of outreach in the past. The Board will refer this to the applicable land managers to develop maps or educational flyers with the assistance of OSM and any input the Eastern Interior Council would like to provide. Similar efforts have been made in other areas of the State. In Unit 23 for instance, the Alaska Department of Fish and Game, along with a variety of user groups, formed the “GMU 23 Working Group” in 2008. Their focus is on finding solutions to fall hunting user conflicts in the area. It is a 20-member group that includes representatives of local and Tribal governments, land management agencies, hunting and guiding interest groups, and both the Alaska Board of Game and the Federal Subsistence Board. They are tasked with finding solutions to hunting conflicts that will help to both preserve traditional native hunting practices and hunting opportunities, while also providing reasonable opportunities for non-local hunters to hunt in the unit. An equivalent working group could be formed in the Eastern Interior Region, with the land managers taking the lead, and with assistance from OSM and the Council. And while funding may be limited, if available at all, the Unit 23 Working Group may have materials or ideas that could assist in this effort.

Your Subsistence Council Coordinator is available to help the Council coordinate these educational efforts.

5. Red Sheep Creek – Arctic Village Sheep Management Area

The Council is weary of re-addressing the Arctic Village Sheep Management Area (referred to as Sheep/Cane Creek). Wildlife proposals on management of this area have come before the Council several times and put a burden on both the Council and the affected communities. The Council requests that better data be provided and that, until such a time when research and monitoring data indicate a change in management should occur, the issue should not be brought before the Board. The Board’s Policy on Closures to Hunting, Trapping and Fishing on Federal Public Lands in Alaska should be amended to provide that no proposals to open a closed area will be deemed valid unless the initial three-year review under the policy has been conducted. Additionally, once a closure is enacted, data collection regarding the population subject to the closure should be placed as a priority item so that land managers can have suitable data within the first three years of a closure to determine if it is having the desired effect.

Chairwoman Entsminger

Response:

The Board agrees that the most up-to-date biological data on affected wildlife populations is needed in order to properly evaluate the continued need for a closure. However, the closure in the Arctic Village Sheep Management Area (AVSMA) has been enacted in recent years, not because of conservation concerns, but to continue subsistence uses of such populations. Surveys for sheep in the AVSMA have been conducted multiple times in the last decade and is considered current for making management decisions based on biological considerations. Additionally, Section 815(3) of ANILCA states that Federal public lands cannot be closed to non-Federally qualified users unless “necessary for the conservation of healthy populations of fish and wildlife, to continue subsistence uses of such populations, or pursuant to other applicable law.” If a proponent states that any of these conditions is no longer applicable, then the Board cannot reject a proposal submitted to open such a closure without due consideration of its merits. Additionally, the Board does not have a regulatory mechanism to reject a proposal because no new data are available. Such a mechanism would require Secretarial rule-making and may not be permissible under the Administrative Procedure Act. With that said, the Board has deferred proposals when it knows that additional information may soon become available to help it deliberate action on a proposal.

6. Importance of subsistence whitefish to the upper Yukon communities

The Council believes it is important to note that all whitefish species and sheefish are of great value to subsistence communities all along the Yukon River. The Council wants to ensure that the value of whitefish for subsistence use is recognized and protected under the rural subsistence priority. Especially now in times of critically low Chinook salmon abundance, up river communities have few other salmon resources and whitefish becomes even more important in meeting subsistence needs. The Council wants to identify as a research priority an upper Yukon River traditional knowledge study on whitefish, which would illuminate local knowledge of whitefish and its importance to subsistence communities.

The Council participated in the review of the Fisheries Resource Monitoring Program and strongly recommends that Arctic and Bering cisco be identified as a research and monitoring priority for the upper Yukon region. The Council is very concerned about the impacts of the commercial cisco fishery that has been operating in the lower Yukon River for nearly 10 years. There is no population data for cisco and sound management of this important subsistence resource is not possible without that data. The Council requests the Federal Subsistence Management Program pursue this cisco population research and institute a whitefish monitoring program that will insure that subsistence priority can be met without jeopardizing the long-term sustainability of these important fish.

Response:

The Board thanks the Council for the information about the importance of whitefish, including sheefish, to subsistence communities throughout the Yukon River drainage. During the 2014 Fisheries Resource Monitoring Program funding cycle, three priority information needs

Chairwoman Entsminger

specifically citing whitefishes or sheefish in the Yukon drainage were presented in OSM's 2014 Request for Proposals. They were written as follows:

- 1) Complete genetic baseline sampling and population marker development for sheefish spawning populations in the Yukon River drainage
- 2) Harvests, associated contextual information, and local knowledge of whitefish species in lower Yukon drainage communities, including Alakanuk, Kotlik, Nunam Iqua, Saint Mary's, Pilot Station, and Marshall
- 3) An indexing method for estimating annual species-specific whitefish harvest for the Yukon Drainage

Project proposals addressing two of these information needs were submitted and one project was funded to address the harvests, associated contextual information, and local knowledge of whitefish species in lower Yukon drainage communities, including Alakanuk, Kotlik, Nunam Iqua, Saint Mary's, Pilot Station, and Marshall.

The remaining two priority information needs which did not receive project funding will remain in the priority information needs for the upcoming 2016 funding cycle, which is open for proposals in 2015. In addition, Office of Subsistence Management staff will address the following concerns when updating the draft priority information needs:

- 1) Bering cisco population research and monitoring for the upper Yukon region.
- 2) The need for a whitefish monitoring program that will insure that a subsistence priority can be met without jeopardizing the long-term sustainability of these important fish.
- 3) An upper Yukon River traditional knowledge study on whitefish to illuminate the knowledge of and importance to subsistence communities on the upper Yukon River and its tributaries.

During the fall Regional Advisory Council meetings, there will be opportunities for all Councils to discuss these priority information needs prior to the funding announcement and associated Request for Proposals in 2015 (for the 2016 funding cycle).

7. Research request for Chandalar River Chinook

Council member Larry Williams of Venetie discussed with the Council the changes in the Chinook salmon numbers running up the Chandalar River. Mr. Williams discussed at length the local and traditional knowledge of fish populations and run timing in this river and stressed that few Chinook used to run by the Village of Venetie and now the Chinook population has increased to a substantial run in recent years. The Council discussed the importance of this Chandalar Chinook run to the overall Yukon Chinook salmon population and requested that a monitoring project such as weir or sonar be established to track passage and run timing. The Council would like the Board to recognize that it is a priority to this Council that research funds to be made available to identify where the Chandalar Chinook salmon are spawning.



Chairwoman Entsminger

Response:

The Board agrees with the Council that the changes in the Chinook salmon numbers running up the Chandalar River in recent years could be important to the overall understanding of Chinook populations in the Yukon River. Addressing the Council's interest in Chinook populations within the Chandalar River could potentially be achieved through the existing Fisheries Resource Monitoring Program Yukon Region priority information need of "reliable estimates of Chinook and chum salmon escapement (for example, projects using weir, sonar, mark-recapture methods)". In addition to this existing priority information need, and prior to the fall Regional Advisory Council meeting cycle, Office of Subsistence Management staff will update the draft priority information needs for the Yukon Region to include: local and traditional knowledge of fish populations and run timing in the Chandalar River.

As noted in our response to your concern about whitefish and sheefish above, it was noted that there will be opportunities for the Council to discuss and finalize its input to these draft priority information needs at your fall 2014 meeting, prior to the next funding announcement and associated Request for Proposals in 2015 (for the 2016 cycle).

Additionally, during the summer season of 2014, USFWS Fisheries and Refuge program personnel from Fairbanks is expecting to collect water quality samples and conduct habitat surveys (including juvenile Chinook habitat) within the Chandalar River watershed. If further information and/or explanation regarding these surveys are desired by the Council, the Council can work through the Office of Subsistence Management to arrange for a presentation and discussion at an upcoming Council meeting.

8. Review of extrapolated data and modeling analysis for Yukon Chinook

The Council is concerned about extrapolation of data used for the Yukon River Chinook salmon population assessment and management. The Council recommends precautionary management in light of limited data used to develop the population models for Yukon River Chinook. The Council is concerned that use of limited data from the small number of representative weirs, sonar, and few other tools to monitor Chinook salmon could potentially skew the outcome of the Chinook population models.

Response:

The Alaska Department of Fish and Game develops and maintains models used for assessment and management of Yukon River Chinook salmon. These models incorporate uncertainty associated with small data sets and, as a result, population estimates and escapement goals are typically provided as a range to account for this uncertainty. The Office of Subsistence Management is typically not involved in the development of models used for assessment and management of Yukon River Chinook, or other salmon stocks within the state. However, Office of Subsistence Management staff have been provided opportunity for review and discussion of new models as they are being developed by the Alaska Department of Fish and Game. This

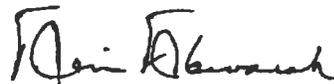
Chairwoman Entsminger

concern has been identified as an action item for your Subsistence Council Coordinator to arrange for a presentation on the methodology at the next meeting where a presenter can be made available.

Information collected through the Fisheries Resource Monitoring Program is incorporated into models used for the assessment and management of Yukon River Chinook. The upcoming funding cycle for the Fisheries Resource Monitoring Program will provide opportunity to continue existing enumeration projects and opportunity to improve the quantity or quality of information used in Yukon River Chinook salmon population assessments. In your upcoming discussions on developing priority information needs for the 2016 FRMP funding cycle, be sure to identify that this is a research concern.

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 would like to specifically thank Donald Woodruff for his 5 years of service to the Federal Subsistence Management Program as a member of this Council. I speak for the entire Board in expressing our appreciation for your efforts and our confidence that the subsistence users of the Eastern Interior Region are well represented through your work.

Sincerely,



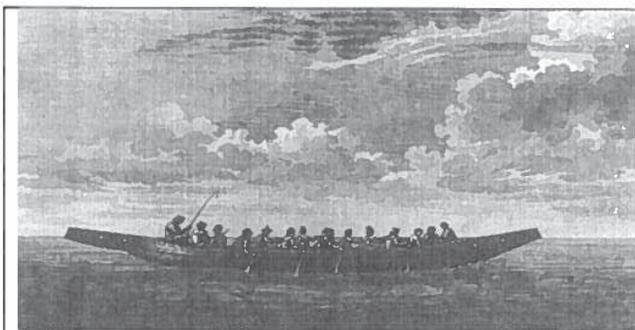
Tim Towarak
Chair

cc: Eastern Interior Alaska 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
Eva Patton, 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. (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; and (2) Local residency; and (3) The availability of alternative resources.	(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.
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 01 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

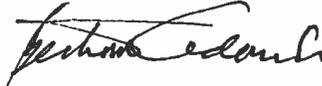


Chairman Towarak

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.





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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



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 areas 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
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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 process¹.

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.

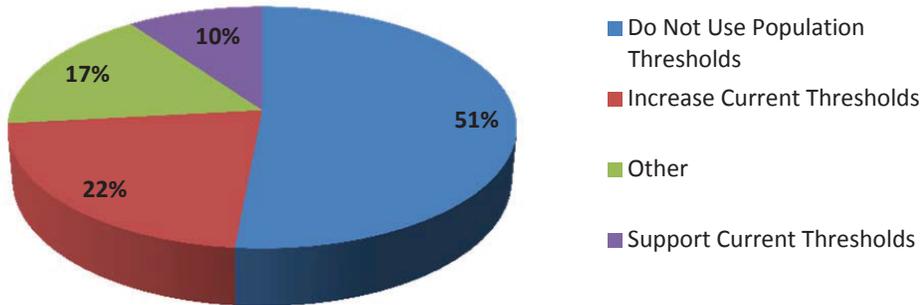
The staff input 496 total public comments into the database; 475 were determined to be substantive. By substantive, we mean comments that meaningfully addressed the rural determination process and made concrete recommendations to the Federal Subsistence Board (Board).

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:

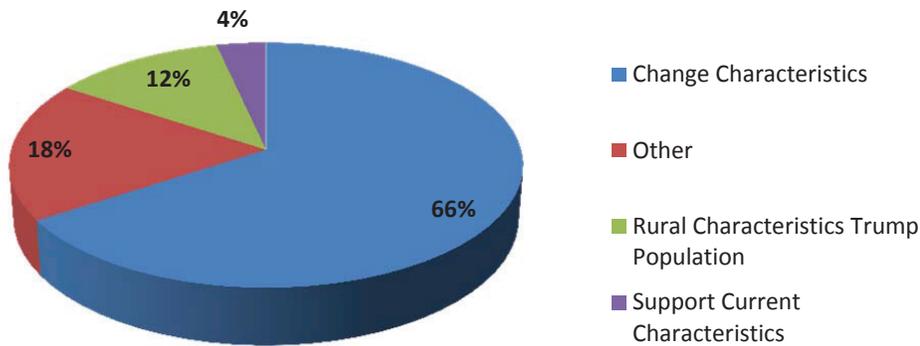


- Adopt and apply the rural development thresholds used by U.S. Department of Agriculture, which range from 2,500 to 50,000.
- Use the Permanent Fund Dividend population numbers.
- Exclude increases in populations due to industrial developments such as mining.
- Enhance monitoring of natural population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

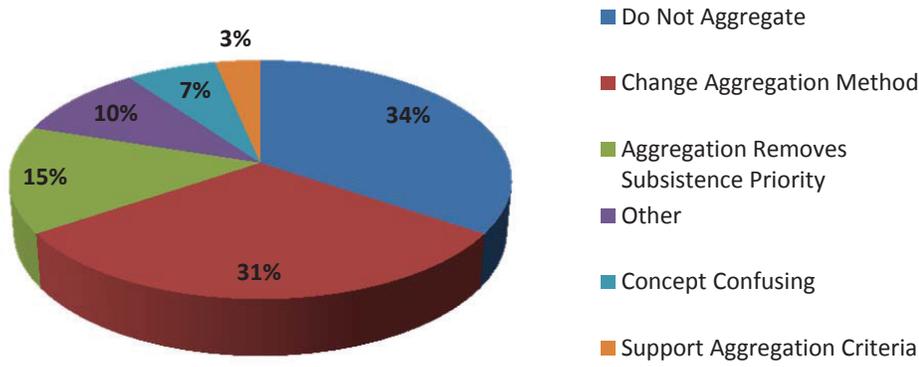
- Weight rural and/or community characteristics as the most important criterion.
- Weight “use of fish and wildlife” as the most important rural characteristic.
- Designate all island communities rural.
- Adapt and use some of the rural characteristics used by the State of Alaska (e.g., extent of sharing 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.

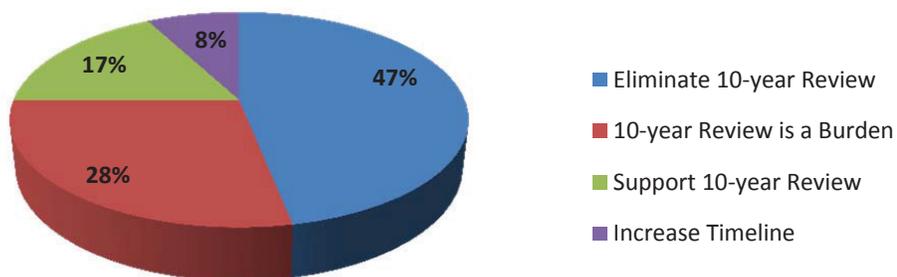
Six comments indicated that some people find the concept of aggregation to be confusing, both in how the concept is applied and the word is defined.

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.

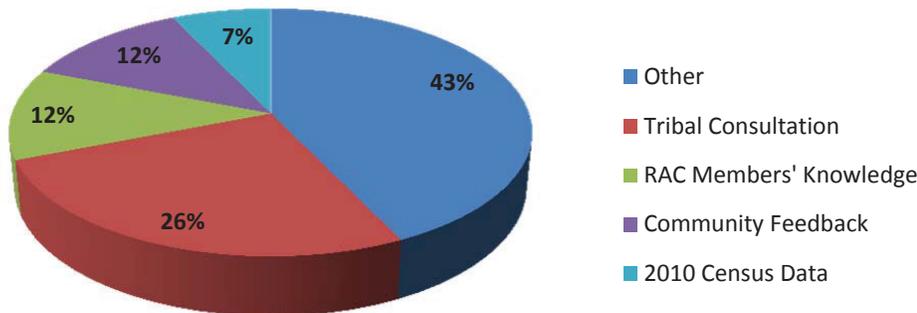
Eleven comments indicated support for doing a 10-year review. In five comments, respondents recommended that the timeline for review be increased (e.g., 15-year intervals, 100-year intervals, review rural determinations only when a community's population exceeds the upper threshold).



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 11 comments, 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).

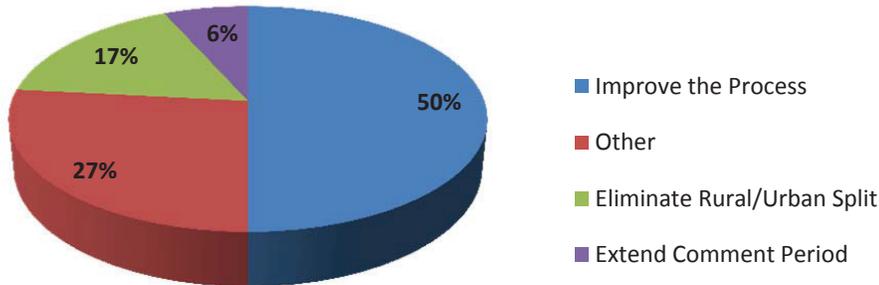
In 18 comments, respondents recommended that the Board use other sources of information such as:

- 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.

In 10 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.

In 16 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. 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. 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. 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
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.	information. Similarly sized and situated communities, such as Kodiak and Ketchikan, would be categorized the same. 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.	fish/wildlife populations cannot accommodate additional rural users, limitations on subsistence, based upon ANILCA 804 criteria, may become necessary. 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).

Eastern Interior Alaska Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
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Anchorage, Alaska 99503
Phone: (907) 786- 3888, Fax: (907) 786-3898
Toll Free: 1-800-478-1456

RAC EI14022.EP

MAY 23 2014

Eric Olson, Chair
North Pacific Fisheries Management Council
605 W. 4th Ave., Suite 306
Anchorage, Alaska 99501-2252

Dear Chairman Olson:

I am writing on behalf of the Eastern Interior Alaska Subsistence Regional Advisory Council (Council) to provide comments and recommendations to North Pacific Fisheries Management Council, which is meeting in Nome, Alaska in June 2014. The Council's comments address agenda item C-5, and are focused on chum and Chinook salmon bycatch in the Bering Sea/Aleutian Islands (BSAI) commercial pollock fishery.

The Council is one of ten regional advisory councils formed under Title VIII of the Alaska National Interest Lands Conservation Act and is chartered under the Federal Advisory Committee Act. Our Council represents subsistence users along the Yukon River and its tributaries from Tanana to the Canadian border. The Council provides a public forum for discussion and recommendations for subsistence fish and wildlife management in the region. The Council also reviews resource management actions occurring outside the region that may impact migratory subsistence resources such as salmon.

The Council held a public meeting on March 2014 in Fairbanks, and discussed the recent Bering Sea salmon bycatch updates in addition to projected conservation measures for Chinook salmon management on the Yukon River. In order to meet Yukon River Chinook salmon escapement treaty obligations with Canada, management has severely restricted subsistence Chinook salmon harvest opportunities on the Yukon River. Yet, even with this unprecedented reduction in subsistence harvest, it has been a challenge to meet Chinook salmon escapement treaty obligations with Canada.

The Council and the people we represent are deeply concerned about bycatch of chum and Chinook salmon, because they are essential subsistence resources for all people living along the Yukon River drainage. Yukon River salmon returns are an ecological, cultural, and food security issue of extraordinary importance. Failure of these stocks to return will have a devastating effect on subsistence families and communities for whom an entire way of life is connected to this critical resource.

The cost of living in rural Alaska has risen sharply in the past 5 years, creating far greater reliance of traditional foods, salmon being the most important. Due to the critically low Chinook salmon

Chairman Olson

escapement in recent years, many communities on the Yukon River have been limited to extremely short subsistence fishing periods or have forgone Chinook harvest entirely in order to support conservation efforts. Many communities have been unable to meet subsistence salmon needs to feed their families.

The 2014 Chinook salmon run is expected to be extremely poor, with drastic conservation measures deemed necessary by both State and Federal managers to meet escapement objectives. The Council anticipates that full closure of Yukon Chinook salmon harvest will be required for the foreseeable future. Bering Sea commercial trawl bycatch of Chinook may currently be lower than previous years but is not negligible and affects the long-term sustainability of Chinook salmon, which are depressed in nearly all systems.

Every effort should be made to help maintain and rebuild Yukon salmon stocks, including reducing direct impacts from the Bering Sea commercial fisheries. Perhaps tasking the North Pacific Fishery Management Council Subsistence Outreach Committee to evaluate possible educational pathways concerning bycatch of Chinook salmon and chum, would bring greater recognition of the increased importance for addressing subsistence needs.

The Council is very interested in the proposed regulatory changes for Bering Sea chum and Chinook salmon avoidance measures identified by the North Pacific Fishery Management Council at your October 7, 2013 meeting. We strongly encourage the North Pacific Fishery Management Council to pursue the bycatch controls identified in the discussion paper that will be considered at the June 2014 meeting.

The Council appreciates the opportunity to provide input to the North Pacific Fisheries Management Council on fisheries management issues that affect subsistence uses in the region. We will continue to monitor developments on this important issue and look forward to hearing from you about initiatives to significantly reduce both chum and Chinook salmon bycatch in the BSAI pollock fishery.

If you have any questions regarding this correspondence, please contact Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management at (907) 786-3358 or eva_patton@fws.gov.

Sincerely,



Sue Entsminger, Chair

cc: Federal Subsistence Board
Eastern Interior Alaska 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 Supervisor, OSM
Eva Patton, Subsistence Council Coordinator, OSM
Administrative Record



United States Department of the Interior

OFFICE OF THE SECRETARY
1689 C Street, Suite 100
Anchorage, Alaska 99501-5151



FEB 21 2014

Tim Towarak, Chair,
Federal Subsistence Board
1011 E. Tudor Rd., MS 121
Anchorage, Alaska 99503-6199

Tim
Dear Chairman Towarak:

Thank you for your letter of January 15, 2014, to Secretary Jewell and Secretary of Agriculture Vilsack passing on some concerns of Alaska Subsistence Regional Advisory Councils (RAC). The Secretary has asked me to respond on her behalf.

As you know, during the review of the federal subsistence program initiated by former Secretary Salazar several issues and concerns were raised by the public that fell outside the authorities of the Secretaries or the Federal Subsistence Board (FSB). In his directives stemming from the review Secretary Salazar specifically asked the FSB to bring to the Secretaries' attention issues which the Board or the RAC felt were important to subsistence resources and uses in Alaska, but which may fall outside of the FSB's authorities. The issues that the RACs are raising meet this criterion, and the Secretary appreciates the FSB bringing these to her attention.

Proposed road developments in western and northern Alaska clearly could have impacts on caribou herds and other subsistence resources. Several of our DOI agencies are reviewing and providing input into the state's planning associated with these road proposals. In particular, the National Park Service (NPS) has specific legislatively-defined obligations under ANILCA for the proposed road to the Ambler mining district. Additionally, NPS shares a concern over possible impacts of the proposed road to Umiat on caribou herds utilizing the Gates of the Arctic Park. DOI agencies are keenly aware of the wildlife and other subsistence resources that may be affected by road construction and increased access, and the Secretary's office will be tracking agency comments and involvement closely.

The bycatch harvest of Chinook and chum salmon in the Bering Sea pollock fishery has been of concern to DOI for many years. As you know, the FSB and the Fish and Wildlife Service (FWS) have provided comments to the North Pacific Fishery Management Council (NPFMC) over the past several years supporting proposals for reducing salmon bycatch. My predecessor, Secretary Salazar, has written the Secretary of Commerce urging his support for NPFMC alternatives with the lowest allowable bycatch. An ex-officio non-voting FWS representative of the Department sits on the Council, and we will continue to participate in bycatch reduction issues closely.



Again, the Secretary greatly appreciates you bringing the concerns of the RACs forward. This office will continue to keep the FSB and the RACs informed of DOI actions on these concerns.

Sincerely,



Pat Pourchot
Special Assistant to the Secretary for Alaska Affairs

Cc: Beth Pendleton, Regional Forester, USDA Forest Service
Jack L. Reakoff, Chair, Western Interior Alaska Subsistence RAC
Harry K. Brower, Jr., Chair, North Slope Subsistence RAC

YR DFA Pre-season Planning Meeting Fairbanks, AK Apr. 8, 2014

Prepared by: Melinda Burke, USFWS OSM 786-3885 melinda_burke@fws.gov

The 2014 YR DFA Pre-season Planning meeting took place on April 8, 2014 at Pike's Waterfront Lodge in Fairbanks, AK. The meeting goal is to focus on education and discussion about how to meet Yukon River Salmon Agreement Treaty obligations and escapement objectives related to Canadian origin salmon.

2014 Yukon River Chinook Salmon Outlook Presented by: Dr. Stephanie N. Schmidt (slideshow)

- 50% of the chinook entering the rivers are Canadian origin stock
- 2013 was the lowest Chinook run on record
- Preliminary harvest (in Alaska) for 2013
 - Very conservative management **strategies** were taken as well as voluntary conservation efforts taken. Border escapement goals not met for Canada as well as many on the U.S. side
 - Lowest subsistence harvest on record; less than half of the 2012 harvest
 - Even if zero harvest had occurred, escapement goals still would not have been met
- Potential run size for 2014 does not look much better
- Harvesting other species:
 - Opportunities to harvest other species in parts of the river system where they are available and letting Chinook go by

Question/Answer:

Q: Are there any ongoing studies to correlate Chinook salmon number and health to the nuclear mishap in Japan? A: The State of Alaska is currently monitoring radiation levels and there are currently no advisories on Alaska fisheries related to the incident.

Q: What caused the big "bust" in the Chinook run in 2000 (as shown in slide 4)? A: There are many theories that range from food source, ocean and freshwater factors, but not one specific reason has been identified.

Q: The restrictions seem to be getting worse and worse. How does the considerable decline in subsistence opportunity for Chinook change the distribution of subsistence harvest of other species? A: The approach is not to restrict all fishing, but to direct harvest to abundant species without killing Chinook. Recent data shows bycatch is lower than in the past and efforts are being made to reduce bycatch.

Q: Will research on Chinook in the river systems and in the ocean being increased? A: There are projects being planned (i.e. subsistence, habitat, radio telemetry, juvenile migration).



Marine environment presentation Chinook salmon life in the ocean: Dr. Katie Howard, ADF&G

- 5/100 fish will survive their time at sea and return to the river. Winters spent on shelf break eating squid; more fish in diet on the basin. It is unknown what the Chinook feed on when they are returning to the river.
- Recent tagging efforts by the University of Washington (2 Yukon Chinook). One tag provided 2 years of data which was the first of its kind reporting depth and temperature ranges, showing the fish do go very deep

QUESTION/ANSWER

Q: How is climate change (i.e. water temp) affecting Chinook? A: We do know that juveniles move further north when temperatures are warmer. Ice is very important in the Yukon Chinook lifecycle, and they must migrate south before ice forms. It is unknown how changes to the ice will affect Chinook.

Introduction to 2014 Salmon Season Management: Jeff Estensen, ADF&G

Phone: (907) 459-7274 Email: jeff.estensen@alaska.gov

Yukon River Fall Chum: What is driving the runs is good production (2006-2010). Drainage-wide escapement is going well in drainages and tributaries (achieving or exceeding)

- Fall chum US subsistence harvest: steadily increasing since 2009; well above average. Showing people are taking and using fall chum salmon, which is good in light of what is happening with Chinook. Abundance has been there, and it is evident harvest is shifting to other species.
- Commercial harvest: High
- 2014 expectations: good run from good production in 2009-2010 years. This level of abundance is expected to provide for escapement, subsistence priority, and commercial harvest in 2014
- In-season management based on summer/fall projection and relationship.
- **Management strategy:**
 - All subsistence on full schedule as fall season begins (July 16 in district 1).
 - Use of up to 7.5 inch mesh gear
 - Attempt to provide as much subsistence opportunity as possible for the early run fall chum
- Commercial:
COHO Salmon: below average run in 2014. Downward trend in run sizes and escapement (well below average level). Harvest has remained constant for commercial and subsistence harvest. One goal: Clearwater River-goal not achieved in the last 3 years. Main harvest in Yukon has been mainly through commercial. Estimate below-average to average.

Question/Answer

Q: (from upriver) Is there a cap on the commercial catch for fall chum? A: Guideline harvest levels exist and it will be managed carefully

Q/Comment: For the upper river, there are no other fishing options after Chinook collapse, and there is high dependence on the early fall chum run. There is concern about heavy pressure on the early part of that run that will take out the quality fish. A: The concern is understood and recognized. Early in the season, fishing will be 2 days/week for most districts to spread out the harvest. The Pilot Station sonar will be carefully watched to see what is getting past that point and adjust harvest according to pulses.

Q: Restrictions on the 1st pulse to put bigger fish on the spawning grounds—will that strategy be used in other pulses? A: In 2014, the first pulse will be protected no matter the projected run size. This is in regulation now—careful protection of all pulses will take place with the outlook being so poor.

Q: With all of the actions being taken (closures, gear changes, etc.), when will we see the effect on the fish returns? Can we expect bigger return numbers soon? A: Chinook typically return at age 5-6; we are still a few years out from seeing fish returns from escapements following the large schedule and gear type shifts. Effects of the changes put out will be coming our way in the next few years.

Q: The 2 sonars on the Yukon (Pilot Station and Eagle) are very far apart—it is a long stretch of water with lots of tributaries. Are there plans to install another sonar in between? A: A Tanana River sonar is being tested and will hopefully be up and running in the next couple years. Other assessment tools on the long stretch include: fish wheel run assessment at “the rapids”, reports from fishermen on the river.

Follow-up: What confidence does ADF&G have in the sonar numbers? A: There is more confidence in the Eagle counts vs. Pilot Station. In Eagle, the sonar is run 24/7; in Pilot Station, only 3 hours at a time, then data extrapolated to cover a 24-hour period. Although, it has been run for 24 hours and the numbers matched up pretty well. There is constant comparison with information received from fisherman and the fish wheel at “the rapids”.

Available Fishing Options for 2014 Season: Eric Newland, ADF&G

- Making the most of these poor runs; seeing some glimmer of hope
- How do we deal with summer chum? How can we keep from harvesting the kings and focusing on other species? Shift to fall chum, new gear types---all of the efforts are appreciated
- It will be helpful for fishermen to relay information back on success and challenges using the new gear types and gauge interest in the upper river



- Outlined the 2014 Yukon River Chinook Management Strategies (shown below)



2014 Yukon River Salmon Fisheries Chinook Salmon Conservation Management Strategies



This information sheet describes anticipated management strategies for the 2014 season.

Proposed Management Strategies

- The subsistence salmon fishing schedule will be initiated after break up occurs at the delta, beginning in District 1 and implemented chronologically with the upriver migration .
- Early fishing opportunity will be provided to target non-salmon species, such as sheefish, with 6-inch gillnets before Chinook salmon enter the river.
- Subsistence fishing on the first pulse of Chinook salmon will be closed. Based on the poor preseason projection, it is likely the closure will be extended to protect the subsequent Chinook salmon pulses. The Coastal District, Koyukuk, Innoko, and Tanana Rivers should also expect some closed salmon fishing periods to protect pulses of Chinook salmon in those areas. Closures will be initiated in the Coastal District and District 1 and similarly implemented in upriver fishing districts and subdistricts based on migratory timing.
- When summer chum salmon become abundant, subsistence fishing opportunities with selective gear such as dip nets and fish wheels with the live release of Chinook salmon will be provided. It may be possible to allow use of 6-inch gillnets if areas can be identified where chum salmon are really abundant and there are very few Chinook salmon present.
- 4-inch gillnets not exceeding 60-feet in length, will be allowed to target non-salmon species during subsistence salmon fishing closures. This opportunity to target non-salmon will be discontinued if this gear is used to harvest Chinook salmon.
- Subsistence restrictions can be relaxed after the Chinook salmon run has passed or if confidence is high that the run is much better than anticipated.
- Anticipate full subsistence opportunity during the fall season.
- Commercial summer chum salmon fishery will occur when chum become abundant. Selective gear options will be used (including dip nets, beach seines, and manned fish wheel). All Chinook salmon must be released alive.
- Commercial fall chum salmon fishery expected to begin at the transition period between summer and fall seasons.

- In the past, there has been a pre-season schedule. We are going to wait this year a little later to release that (request from this group). We need to continue to match conservation efforts from last year
- Sheefish opportunity with 6" gear
- Once we hear the kings are present, we will do as much as we can to get the kings up the river. Once we see the pulses, large closures around the pulses are anticipated. Looking at closures on coastal districts and tributaries such as Koyukuk, Innoko, etc.
- Providing an opportunity to target summer chum will be a major focus for management
 - Gear types will vary and we will discuss how much people are interested in using those other gear types to harvest summer chum. The idea is to not use gillnets (drainage-wide) to keep chinook harvest at a minimum.
 - There will be an opportunity between closures for gillnet use to provide opportunities for non-salmon (using 4 inch gear). Once the Chinook run is tapering off, restrictions will be relaxed as they move out of areas.
- Fall chum run expected to proceed as last year did

Break-out session discussion #1: Questions 1-3: Discuss what your harvest options are for you in your region, time of season available, and what gear is utilized. Questions 4&5: What obstacles are there and how do you plan for this? *Many themes repeated.*

Table 1:

- All communities represented have other species available: spring sheefish, humpie, and smelt, summer chum
- If available, we would use dipnets to harvest summer chum; willing to wait for other species
- Net adjustments have been made to harvest sheefish
- We can plan for fishing together since price of gas and oil continues to go up, and choose fishing times carefully.

Table 2:

- No other options when Chinook is available
- Gillnets first option. 4" mesh nets can be used, but they can catch kings too.
- Time restrictions (sometimes not enough time to put fish away). Drying season short and specific.
- Gear: dipnetting a "young man" fishery. May be more difficult for elders. The younger people need to get out and help the elders harvest
- Community meetings and flyers. Last year some chose not to fish until fall season-might be an option this year. Additional under-ice fishing for pike in March.

Common answers to (1/2/3)

- More fish available to lower-river residents: Summer and fall chum; herring; smelt; whitefish
- Small mesh gear being used for sheefish
- Some have been ice fishing in the winter to make up for lack of summer harvest
- Some residents have no other available options if no Chinook is present and harvestable. For some areas, though alternative species are sometimes present, quality is questionable at best
- Lower river people prefer to use drift or set nets. Fishwheels do not work well because of the tides. Upriver prefer setnets and fishwheels
- Beach seines were favorable for some harvesters last year
- There is interest in the upper river communities to try dipnets and beach seining

Common answers to (4/5)

- Regulations and closures are obstacles—fishing costs more time and money, as well as decreases
- Rainy season brings huge obstacles—drying is very difficult
- Money is an obstacle: building new wheels and buying dipnets
- Relaying the information and keeping everyone informed is an obstacle
- Concern that if fishing is concentrated on the fall, other activities like hunting will be impacted.
- Some closures turn into a "derby"
- Fishermen need to be flexible and adapt; focus on other species and conserve across the entire drainage!
- Communities need to keep in touch with ADF&G as the season progresses
- Bearing Sea bycatch needs to be distributed to elders, food banks, and communities when possible
- Plan ahead! Seek out individuals who have the new gear types and team up to fish.



NPFMC: An update on Bering Sea Salmon bycatch: Diana Stram, NPFMC and Art Nelson, Gering Sea Fish Association

- Goals to minimize salmon bycatch to the extent practicable; prevent overfishing while achieving the optimum yield (Pollock)
- Bycatch must be counted—none retained; some donated to food banks
- Factors that affect bycatch: fleet behavior, temperature, inter-annual variability, seasonal patterns, location of the fishery, and vessel specific differences to name a few.
- Council is currently focused on strengthening programs to keep bycatch low under all conditions. Provisions such as 100% observer coverage have been put into place, with complete census of all salmon species
- Trends: the bycatch has been much less. Numbers of 700,000 chum and 122,000 Chinook were shown to be caught in 2007 as bycatch. To date, there have been an estimated 11,000 Chinook caught in the A-season Pollock fishery; chum happens in August.
 - Most recent genetic data shows bycatch being reduced 56% from 2011
- New gear to prevent bycatch: salmon excluders. A “hole” in a certain section of the net that forms a lee in the current and is open. Chinook are able to sense a “rest area” and move out of the strong current, and getting ejected out of the net.
 - Most vessels using the devices; time used varies
 - The fleet will be reporting back on the use and assessment of the devices—data will be compiled in October
- Determining bycatch impacts
 - Western AK Chinook salmon lost to bycatch: low of 1.6% in 2011 to a high of 7.7 in 2008
- Council considerations for June 2014
 - Shorten b-season to avoid highest chinook bycatch periods (October)
 - Mandate use of salmon excluders
 - Closures for portions of the fleet if weekly bycatch rates exceed specified thresholds
 - Penalties/restrictions on vessels with highest bycatch rates
 - Lower trigger for B season area closures

Meeting Conclusions and Preparing for the 2014 salmon season management

Good to see people come together and see what we have in common as well as differences and where we can make improvements. Valuable to hear all of the side conversations and hear the concerns so we all understand what is going on.

Review:

- The 2013 season was filled with hardship, and it was unfortunate we were not able to have a pre-season meeting. Many surprises to users throughout the season which were not ideal. Dip nets were sprung on y1 and y2 subsistence fishermen. Users seemed to tolerate it and pulled together -- management appreciated the support.

- **2014 outlook:** Pretty bleak. The run is not what it used to be. Fish are not as abundant or as big as we are used to seeing. We don't know why all of these changes are coming about, but it is being recognized.
- **Marine research:** fortunate we were able to bring this info to this meeting; still quite a bit more to learn and more questions to be asked—those are good things. Lots of research going on; State has a research initiative and the Bering Sea is large with lots of unknowns.
- **Bycatch:** everyone asks about it-it is very complicated-lots of uncertainty. Hard to distinguish how many fish are bound for the Yukon that are in the bycatch. Encouraging news that the bycatch is down. We are gaining confidence of the numbers because of the observer program. Still trying to improve the program—lots to consider in June. Knowing that they are continuing to work on it is encouraging. We need to continue to ask questions.
- **Management strategies for 2014:** Lots of information and ideas—some people do not care for some very much, and some may not work in different areas, but lots will. We do need to conserve chinook-it is important. People need to sacrifice to conserve chinook for the good of everyone.
 - No targeted fishing on chinook; similar to last year. Based on the outlook-we will not make escapement goals anywhere in the drainage.
 - Districts 1&2 have a shot at sheefish before kings arrive depending on the ice. Windowed openings prior to kings will happen as allowable. Once chinook hit the river, plan is to close.
 - Fishing openings will only target other species; 6" nets still catch kings. Once summer chum appear and are abundant enough, we will begin use of alternate gear: dipnets, beach seines, and manned fish wheels with chinook release.
 - While we are doing that... 4" nets, 60' long (whitefish type net) to get a few fresh fish (other than chinook) for meals, etc. Could be some abuse-if people start abusing it that opportunity will have to go. We would have to close it for everyone.
 - As the chinook wind down and move out of the area, we will reinstate gillnet for other species (chum, coho). The use of dipnets allows for the release of incidentally-caught Chinook. It is recognized that the alternative fishing gear will not work in all areas and situations.
 - In the coming season, as always, we are bound to breakup, etc. Fine-tuning openings/closures is difficult. **Dialogue and communication between the managers and fishermen is necessary and valuable!**
 - We are available—give us a call or email. Give us ideas and options of what would work best in your communities. We want more feedback and are open. The plan is general now, but we will get into more specifics as the season plays out
 - Everywhere is different; adjustments will be made as runs, weather, and conditions change. Plan is to relax restrictions as Chinook have moved through



QUESTION/ANSWER

Q: Will there also be restrictions in other tributaries and rivers? A: People need to share in the conservation—fish are headed toward spawning. Last year restrictions happened on the Koyukuk and Innoko—they will see restrictions again.

Q: Will fishing for a small amount of Chinook for memorial potlatches be allowed? Eventually someone is going to get caught fishing during a closure. A: we would work with you. It may not be allowed in desired numbers, but communicate with area managers

YR DFA International Salmon Summit

Fairbanks, AK Apr. 9-10, 2014

Prepared by: Melinda Burke, USFWS OSM 786-3885 melinda_burke@fws.gov

The first ever YR DFA International Salmon Summit took place in Fairbanks April 9-10, 2014 in conjunction with the Alaskan pre-season planning meeting. Affected tribes, inter-tribal groups, affected Yukon First Nations, stakeholder groups, and management agency representatives from across the drainage were present. The aim was to enhance cross border knowledge and understanding about Yukon River fisheries, the people that rely on them, the management programs, and the recent declines in Chinook salmon.

Day 1 AGENDA

Introductions Summit overview and objectives Community Presentations Group Drainage Mapping Exercises Breakout Sessions to discuss Fisheries and Culture

Welcomes:

- First Chief for 9 nations in the Yukon: Salmon is a staple in our diet and the foundation of our culture and heritage. The declines have had direct and enormous impacts on all of our communities. We look forward to getting to know one another, discuss our common challenges, and explore ways to maintain healthy stocks and habitat by achieving a greater understanding of each other. This is a great opportunity to have dialogue with all stakeholders and realize all groups affect each other and we are all working toward the same objectives for our future generations. These are difficult discussions-there is much hardship and heartbreak. If we work together, we can find and implement community-driven solutions for us and the salmon.
- Bill Olstrom (St. Mary's): It is an honor to sit with the nations from across the border. Our ancestors depended on this resource for thousands of years and we depend on it. No good will come from fighting over it and eventually losing it forever.

Community Presentations: *different communities (both Alaska and Canadian) prepared presentations outlining the importance of Chinook, conservations measures being taken, etc.*

- (Y1 & Y2: Lower Yukon River) : One Salmon, One People, One River
 - We have moved away from harvesting Chinook to harvesting fall and summer chum
 - Fishermen relied on commercial cash for subsistence—the fishery was the only way to maintain the subsistence way of life. Drastic changes have taken place due to variables we as people cannot control
 - Commercially harvested Chinook have not been sold by my family in this area for years. Many remaining commercial users are harvesting summer chum—we must be careful with that stock.
 - We must now use less effective tools to harvest summer chum (dipnets)—this is new to us
 - There is hope we can all realize we affect each other in the Chinook lifecycle, from the pollock fleets in the Bering Sea to the mining in Canada

QUESTION/ANSWER

- Q: What size dipnets are you using? What do you fish for with them? A: When Chinook are entering the river, no gillnets are used. The dipnets have little to low mortality rates—we release Chinook while still in the water. We found more mortality with the 6” gillnets allowed last year. Dipnets are effective to catch chum without impacting Chinook—we would like to see all communities throughout the drainage use this practice.
- Q: Can you describe how life has changed for your people (use? Spending time at fish camp?) A: As cost of gas increases, many in my village do not go to camp anymore since the Chinook began to decline. This is having an effect on the next generation who are not learning the traditional and cultural practices normally learned at camp.

- (Dawson City, Canada) : Salmon Management in Tr’ondek Hwech’in Traditional Territory
 - People exist in small groups from Dawson City all the way to Eagle
 - Subsistence harvest is a priority next to conservation when it pertains to salmon and other species.
 - Our own fish and wildlife act was established in 2007, providing full authority to manage and administer subsistence harvest within the territory
 - March 2013: Resolution passed to volunteer to stop harvesting Chinook for a full life cycle to ensure salmon remains for future generations due to declining Chinook Salmon. Urge other groups to do the same to protect, enhance, and restore Chinook salmon stocks and availability
 - Chinook and fall chum are the only salmon to migrate through the territory. Lifestyle and culture will create an unhealthy balance if the Chinook salmon is lost. Citizens don’t take their families out fishing and restore annual bonding as well as passing on traditional knowledge and stories—those aspects of the culture are priceless.
 - Harvest management depends on the species (salmon, porcupine caribou and forty mile caribou). TH may collaborate with other government to develop cooperative processes/plans to manage harvest.
 - No commercial fishing in the Yukon since 2007 (2009 exception) due to poor border escapement. TH people have never experienced such poor Chinook state as they are today. In the past, Chinook and chum were present all season long and Chum was mainly used for dog food. Barely any smokehouses are even utilized
 - TH continues to keep government, citizens, and youth informed about Chinook salmon harvest management. We teach youth about conservation and stewardship. Education is key!
 - For the future: serious conservation, education, adapt fishery to other species, minimal tolerance of by-catch, releasing live Chinook, research, restoring and protecting salmon streams, make sacrifices for the future generations by all communities along the Yukon river.
 - Comments from Chief: Biggest dam is the Pollock fishermen. The government allows it- why aren’t you guys taking them to court and seeing legal action. Why doesn’t

- McDonald's have a fish farm for their fish. Is it the right move to stop fishing? Pollock fisherman need to be dealt with.
- AK (Huslia and surrounding areas)
 - There is a proposed mine North of our area—we are opposing it.
 - Harvest is focused on chum now for our people instead of Chinook
 - We share a lot
 - Our traditional practices are more than just food-it is related to everything we do: traditional songs/stories, riddles, our history
 - We see the climate change more rapidly than others
 - The more you give the more you give back
 - We all have our own belief systems---including the scientists and managers—we need to be respectful of all beliefs and practices.
 - There are instances where harvest of Chinook is critical: i.e. potlatch
 - Comment: There is fear in our area that if we do not partake in *some* harvest of Chinook, the spirit will feel we do not appreciate it and may disappear forever. Some stated that a few Chinook would be taken for that specific purpose

 - (Teslin) Ha Kus Teyea: Part of the land, part of the water (short video)
 - Dakota Hogan (youth). Only have been to fish camp once over 10 years ago. Interviewed locals who use fish often and the decline of the salmon stock. Teslin is located at the tail end of where fish spawn. Salmon is very important to us-the culture, food, ceremony, etc. When I was younger, we would go to the mouth of the lake. It was always part of our lives
 - Video:
 - Story recounting: salmon boy story who was disrespectful to the fish. First salmon taken: head back in the water to put the spirit back in the river.
 - Salmon give you strength and endurance-the salmon travel a long way
 - God granted us this fish.
 - Greatest time of year besides hunting was salmon season; the entire family was there-both work and fun. Used to be thriving-salmon everywhere.
 - No more fish camps anywhere. There was so much of the culture taught at fish camp. That part of it is missing. Stories shared at camp-quality time for family and communities. It is harder to pass down the stories, songs, and traditions as in the past.
 - Disheartening for the opportunity to not be there anymore.
 - How long is the economic gain (sport/ commercial) going to be good if it is wiped out? Commercial gain is short-and if the resource never comes back?!?
 - Who took that power from mother nature? Did not happen by act of God-it happened in the acts of human beings.
 - Nothing left to catch.
 - Want to be able to get a salmon and dry it on a rack.
 - Commercial fishing in Alaska—put a limit on it. We are always conserving and hoping for better numbers.....they continue to drop.
 - If we don't take drastic measures, the resource will not be there for our children and grandchildren.



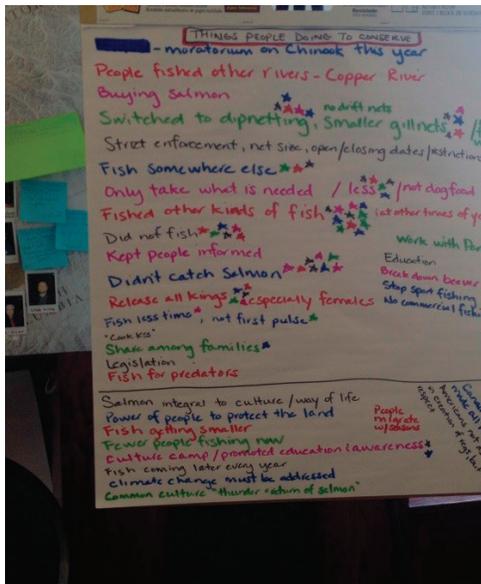
- We have regulated our salmon for the past 15 years. Have not fished in the past 2 years, with the exception of some ceremonial take (show the salmon we are still connected to them). There are some people who fish the salmon
- Question posed to the entire group: last time they fished salmon?
 - 10 years, 10+ years, 10 years, 16 years (2 cycles) *elder* Had to buy 300 pounds for the family, 16 years. Fish camp was not just for the fish-we picked berries there and harvested moose when we could.
- Why does it seem that it is the First Nations people that are always concerned about the future generations? Don't understand why the prominent leaders and industry people do not think about their children's future. Appreciate this summit!! The exchanges of the past were there-encouraged by this.

QUESTION/ANSWER:

Q: where are you buying fish, and what kind? A: Sockeye and coho and a bit of Chinook from the Taku River Tlingit every year

Q: Do habitat enhancement projects exist in your area? A: used to do some, but don't have the resources to do anymore enhancement projects. But we are looking into getting some in the future.

Group Drainage Mapping Exercise



By table, the entire room was asked where they were from, how they and their community conserved Chinook salmon, and were asked to note changes observed in Chinook returns. Many similar answers~

How did you/your community conserve Chinook?

- Did not fish/Moratorium for Chinook/only a few taken for ceremony/funerary
- Some have not harvested Chinook for over a decade

- Fished for other species
- Letting all the females go by
- Fished at the Copper River/had fish flown in from the Copper River
- Fished less time/did not fish first pulse
- Altered methods: reduced gillnet size; use dipnet (and release Chinook)
- Paid extra close attention to opening/closing announcements/Community meetings to keep people informed
- Share!!!
- Fishing closer to home to maximize fuel (due to high cost)

How important is Chinook Salmon to you and your community? What changes have been seen?

- Important to our way of life/culture
- People are having to adapt to a different way of life. We were a nomadic people—seasonal movement for resource harvest. We need to focus on the seasonal round again—utilize a wider variety of resources again. Gathering time was a time to share traditional knowledge, sing songs, dance, and visit with each other.
- Have not had Chinook fishery for decades
- Fish are getting smaller
- Fish arriving later each year
- Climate change—must be addressed
- Less people fishing
- No fishcamp—no fish activities at culture camp
- Youth need to be made aware of respect for the land and animals

Day 2 AGENDA:

Recap of Day 1 Networking: Get to Know Your Neighbors Pre-Season Planning Meeting full recap

Workshoping ideas: “Celebrating the Successes, Workshop the Challenges”

Break-out topics included: Threats to Healthy Salmon Stock, Harvest Data Collection, Youth and Culture, Salmon Management, Traditional Knowledge, Stock Restoration

Threats to Healthy Salmon Stocks

Boat wakes, dams, ghost nets, development, global warming, disease, overfishing (in-river and marine), politics, competition from hatchery stocks, ****lack of awareness and education**, pollution, beaver dams, habitat change/loss (climate change).

Solutions discussed

(education): engaging with industry and government, holding community meetings and discussions, engagement of the youth (global awareness through social media), share public announcements and media information.



(pollution): cleanups, habitat restoration (spawning and rearing), educating each other and the world about impacts of human activity that leads to pollution, water monitoring, ****changing to environmentally friendly products****, one community does not bring in plastic bags anymore- they use re-usable only for everyone.

(access): restoring access to areas through projects

(habitat change and loss): similar themes: educating on a community, state, and national level

Harvest Data Collection

Q1: Do you keep track of harvest data? A: Yes, through harvest calendars and post-season interviews as well as permits. Collections of conditions (size, sex, age) through observations over time as well as family history and knowledge. It is more than just “science” and numbers. ORAL TRADITION-not just about # data, it is about passing down the knowledge.

Concern: Trust or mistrust. Past legal and cultural issues with providing data to scientists. Some fear information will be used against them. Important to be up front with the people on where the information is going and how it will be used. Respect: lack of respect in handling fish; no cultural foundation for respectful handling of fish in some discussions about scientific activities.

Random sampling: not necessarily targeting the right people-fear the accurate information may be missing.

Solutions: Communication!!!! Cultural practices: there are many things we (managers/scientists) can learn from users on the rivers. Information that goes back to the communities: dissatisfaction!!

- Not necessarily in a friendly format! Not everyone is on the internet. Please report back and communicate with us in EVERYDAY language!! Distribute information personally through villages and tribal groups as well as newsletter format. Not much understanding of why the data is needed or how it will be used.

Respect: needing to incorporate traditional knowledge. Extend information to the youth...involve the community and youth in the data gathering to gain trust. Incorporate cultural values into the gathering of the data.

People are willing to provide the data, but they feel it is always give, give, give with no return. They need to see more solid relationships built between agencies and people who live on the river.

Non-Compliance Issue. *(Discussion held about people who are out harvesting even though they should not)*

- Public meetings often don't work-people do not attend.

- Need: registered letters. Peer Pressure: visits from youth and elders to pass information. Gatherings. Creating laws. Developing protocol agreements with authorities. Support the elders to deliver messages. “There is power in numbers”-elder
- Education, media, social media.
- Restrictions have to be across the board. If you expect people to be restricted, you have to do sport and commercial as well-not just one group. Who is out there monitoring bycatch?
- Presence and dialogue-maybe they don’t know the situation and how much trouble the resource is in.

Youth and Culture

Challenges: loss of culture through fish camp inactivity. NOT JUST FISH KNOWLEDGE lost-everything: water, fish, seas, not to waste food, heritage, language, identity, and connection to elders. Teaching is always happening at culture camp.

Robberies, lack of jobs, suicides, cost of living, elders are passing away. BIG gap in elders and upcoming elders

Successes: elders in the schools, culture camps, include culture in schools,

Opportunities: expand educational opportunities about salmon in the schools, increase youth participation in meetings, and provide initiatives to include youth in data gathering

Salmon Management

Not just salmon, it’s “human” management.

Themes: traditional knowledge within salmon management: TK needs to be incorporated and shared...but how? Sometimes TK is all we have left-how do we share that openly and freely? TK is taught from a small age, entrenched from a young age. DIFFERENCE with “science”: TK is not “proven” or “measured”—it is not questioned. You listen and do...you don’t ask why”.

ANSWER: don’t always have to know why—just do it.

First Nations people need a voice at all levels. We need to be the “biologists”. Sit at the table and participate. Actively listening to all sides (agencies and users)—SHOW UP!

Take a holistic approach. Take the theme of this meeting (no borders) and manage it that way. The salmon and the people cannot recognize the borders. Why don’t we (the fisher people) say “WE” are going to come together as one management body. Inter-tribal fish commission would be a good thing to put together.

Education: need to incorporate TK and values into schools. Educate the adults as well. Push the young people to go to school and become the biologists themselves. Have both a PhD in culture and science. As a people, we need to be listening to traditional laws. Using that every day and in



our participation in management practices. Management decisions should be for the communities, not as individuals.

Traditional Knowledge

- Teslin video was a great example of a successful way to understand where they are coming from as a people and share the information. Good for communication and transmitting knowledge as well as learning from the youth who did the work!
- Need more Gatherings: with stakeholders, elders, regional biologists, etc. Annual events where everyone has a chance to speak about issues affecting traditional activities. Gwich'in gathering: issues are discussed and celebrated. Opportunity for outreach and development of action plans to take back to communities. Discussion of traditional ways within the communities brings us together.
- Traditional laws as a basis for modern legislation. i.e. to allow salmon leaders to pass. This entrenches laws in modern ways. Tribal laws at the root of management decisions.
- ALL knowledge is important. The space must be created to incorporate traditional knowledge. Also to take a look around at how western and tk can have equal footing
- Differences in quantity and quality of fish from the past is noted
- Traditional techniques may not be utilized anymore, but new techniques are being incorporated into fishing activities.
- Culture camp importance: demonstrate traditional ways. Some inciting everyone. Good for elders too as they get to relive and recall those practices they don't do anymore
- Animals hear us—we shouldn't talk about them.
- First nations have always managed resources based on TK. When non-traditional laws are placed in management, we can mismanage resources.
- School system introduction at first disrupted way of life, and now they can be an avenue to teach cultural traditions.
- Co-management with other nations to help share in finding solutions.
- Lots of similarities in TK and beliefs all up and down the river—each with a local spin.
- Need to start putting oral traditions on paper
- Example of the broken circle: in the center is the children, then elders, women, then men. We need to get back to this circle in our approach to things
- How we learn TK: parents/grandparents first out on the land
 - Watch the people in your life
 - Today: transition through camps, language classes in schools, etc.
 - Need to acknowledge relationship with and respect for the animals.
- When we share TK with the world, we must put emphasis on importance of our laws with all. TK and science need to work together to achieve balance.
- Each area has their challenges and approaches.

- TK is key to survival and we need to incorporate it. Depend on ourselves and pass it along. Not just old ways but new ways too, like growing food.
- Respecting the creator.
- Struggling as a result of school incorporation. Teaching children the lifestyle over the course of a lifetime.
- By not following our TK and laws of the universe, we suffer. Knowing both worlds help us understand our resources.
- Signals of the season and what they tell us about salmon returning. Winds, bugs, water, etc.

- TK passed at dinner, camp, lifelong from elders and grandparents. Use TK when they are fishing and how
- Elders manage it: teachers and PhD's. An elder may choose someone to pass their knowledge to.
- Concern that info isn't being shared as much as it used to. Elders in 80s: need to make sure their info is passed on to the youth.
- Incorporated (TK): RACs-elders on there. Presented but not always accepted. TK can complement good science—potential for that!!
- Some feel they have shared it and. Science too “set”
- Incorporate TK into salmon management through elders. Ask them how to handle shortages. They may not be able to answer but we can follow their lessons: take only what you need. Don't mess with luck.
- What can we do?
 - Documentation! More youth involvement!
 - Engage the kids-created more opportunity for youth to learn from the elders
 - TK and science: utilize AK Regional Subsistence Advisory Councils!! Encourage all to place more emphasis on youth involvement. **These are our FUTURE councilmembers**
 - Seek out funding opportunities to groom the next generation.
 - In times of shortage, it is even more important to share information with manager. Allow enough fishing to teach youth to cut fish.
 - Providing TK to trusted scientists can help with timing of when the fishing should be open.
 - More co-management! We need more of a role. Get the managers and scientists to listen to traditional knowledge more. Want a part of test sites, etc.
 - Concern about climate change. How do the elders interpret that? What have they said in the past?



Stock Restoration

Definition of SR?

- Many concepts and perspectives. Enable salmon to spawn, survive, and replenish naturally.
- Restoring stocks to levels where they once were. Understanding what levels used to be to inform future of the stock.
- Helping restore stock.

Need to identify and understand limitations and problems of the low numbers in the Yukon River.

Ideas and Future Efforts:

- We need to help the salmon, but the challenge is understanding what can be done to help. Maybe small-scale salmon incubation along the river? Team up with schools for projects?
- Relying on local projects from community—we need to explore this. Local involvement in projects and recognizing the longevity of the commitments. How? Determine where efforts are most likely to succeed.
- Ensuring large females with the most eggs make it far enough to spawn.
- **Needing to take care of wild stock first before more human intervention.**

****More information needed on how to restore stocks**** Not a lot of examples to look to. Some talked about activities in Whitehorse.

- Educate and inform the public on importance of wild salmon stocks
- Collectively identify sites along the drainage where future projects would be most beneficial
- Find and secure funding. Work together and consider the watershed as a whole—no borders!

KEY THEMES/STATEMENTS/QUESTIONS:

- Nulato Tribal Council presented a letter to the entire group commending actions of the Kuskokwim Fisheries Association proposed “cease harvest” of Chinook along the Kuskokwim until projected runs can sustain both subsistence needs and conservation of the resource for the future.
- “Elder Sydney Huntington told his nephew: “we should not be targeting king salmon at all this year—we need to make the sacrifice for the future generations”. Management needs our support on these conservation efforts.

- We cannot argue with each other—or the next generation will suffer
- **There needs to be a method of taking fish for ceremony, funerals, and potlatch. We do not want our people to be made into criminals**
- Concerns expressed about the proposed Ambler Road. 300K fish spawn above the village of Allakaket
- For future meetings, the Canadian representatives would like to be invited to the YRDFA Pre-Season Planning Meeting, and International Summits need to take place on a regular basis.
- There was much sentiment expressed about wanting representation from the Pollock Industry at the Summit.
- The same burdens and restrictions placed on our people are not also placed on the commercial fishery. Gillnet size gets smaller and smaller. Fish wheels and ocean fishing is not being restricted enough. “We are up against corporate America”
- Someone presented the idea of forming a Yukon River Commission to bring together those who live and derive their way of life from the Yukon River (US and Canada). This Commission would discuss issues and seek solutions to address challenges (such as Chinook shortage) and involve Native and rural people in management decisions which affect our future. Currently, we serve only in an advisory capacity (Regional Advisory Councils, community Advisory Committees, etc. An inter-tribal fish commission will ensure meaningful involvement. TCC adopted a similar resolution.
- Yukon river traditional knowledge video
- TK is always way ahead of the time—it should be incorporated into science. It can be so beneficial. “The elders predicted this fish shortage”
 - Lower Yukon meetings: they talk about elder knowledge. Need to be implemented at the meetings! When they speak—it comes to fruition. They can predict what will happen!! The managers and scientists need to listen. Some do see it being integrated.
- Elder: three are examples of working with scientists and sharing with them. Form Partnerships!! Share Stories!!
- QUESTION: how long would it take for these ideas to turn into law? ***
- **Would like to see something done for elders. If nothing else, we would like to see the bycatch being taken to the elders. *****
- Threats to salmon stocks, something affecting us globally (especially the north) is climate change. BIGGEST threat we are facing with animals and fish. Need to help to educate leadership on national and international level. In 20-30 years, it will be too late; it is critical for something to be done soon. Promotion of renewable energy—we should all be doing it, as well as promoting education on state of salmon stocks.
- We are getting questions from our communities. Some will fish anyway. I will have to have a meeting when I go home as to what is happening.



- Many elders passing away (70s 80s 90s). Those are the elders. They know it—they lived the lifestyle. The people in their 60s are the last generation on the AK side. There is a loss of culture and language. There is a struggle to teach the youth what was lost. We need to ask the Elders how they lived. We need to pass on what we know so it can continue to be passed on. We are in a world of technology now—the kids have to keep up with the times. But it is unfortunate we see the high school kids with “nothing” to do but cause some problems and do not go on to higher education or experiences for the future. Lots of kids in the villages—what will their future be like? They go into the big cities—hopefully for a better future. When we used to have commercial fishing, it was something for them to look forward to. In the past, we were always getting ready for the next season and what resources were available. We are not self-reliant anymore. The stores are very expensive in the village. Elders being lost—we are next in line. Hope we will all learn something from this.

QUESTIONS TO ALL AT END:

1. What was valuable from this meeting?
 - a. Danakanaaga conference in June—first week of June in Minto. Will share information learned here
 - b. Big common from all of the concerns up and down the communities—very helpful to hear.
 - c. In 1924 there was a big potlatch—I want to welcome all again and do it traditionally. Appreciate the dialogue. In the past they spoke hard to each other. This info is going to be tough to communicate Home. Glad we were able to talk
 - d. No fishing. It’s big, it hurts and hits home. It is commendable. The message also has to be to managing bodies: yes, we will do this this time, but ask in the future. This is not a precedent. It is temporary. This infringes on traditional rights.
 - e. Sometimes we used to argue just within the state. Now, we all figured out we need to work together. It finally dawned on us we have to work together. Going to Canada in the past I was sometimes verbally attacked: “our fish”. Now we are working together and talking about “OUR fish”.
 - f. Never knew how bad it was in Canada until I came here. It opened up my eyes. I felt sad for the people who spoke about not being able to teach grandchildren to fish for Chinook. When I have taken the smaller children out, they may not remember. I won’t be able to teach them like I want to myself. This is hard. It is our culture and our spiritual uplifting for our people. What will people do? There will be nothing to share at potlatch
 - g. Commonality of what we have, even though we are 2K miles apart. We share the same beliefs, even though we have never spoken before this week. Reproduction

for salmon is a problem—we are seeing small fish coming up the river to spawn. I think the salmon sense there is something wrong and the smaller fish are coming to try and reproduce. It is nature. Could the sonars be the problem? It could be something as simple as that. Crossing through the “beams”.

- h. The commonality and how we are all affected...how we are all connected to the river and how we need to work together.
 - i. Great opportunity to learn the people and the river that links us.
 - j. Hearing the different views and how important it is on both sides of the borders.
 - k. Recommendation: everything said to be recorded in the future as a testimony. This is historical that we are gathered here today. We need to use that as a testimony to be brought to state and federal people. We are working here in unity to make a difference for the future. We need to work together to address the high seas.
 - l. This needs to be an international effort (countries that fish)
 - m. Found the meeting extremely valuable—it finally happened! We put human faces to the phone conversations and now we have friends who will be on the line.
 - n. Youth: I remember fish camp. So sad for the kids who have not had that chance. Hope we can come to terms with each other and restore order for the salmon.
 - o. Glad the by-catch issue knowledge is being passed to everyone along the river. This is historic for all of us to be here. Found valuable all of the viewpoints from all along the river.
2. What will you share with your community?
- a. Let people know what is happening since they could not be here.
 - b. Community forum with all levels of the community to reiterate the voluntary no fishing for chinook this summer. Do what we can to regenerate. Summit for the youth that are all affected by this issue. Planning for next summer in my area to get the youth together to get their perspective. Already started saying “lets avoid Pollock products” on social media. Ask grocery stores not to order any Pollock products.
 - c. Share information. Some will listen some won't.
 - d. Got to explain the best I can how we can take care of ourselves. We will keep passing information. Continue to speak out about the commercial bycatch. TCC and all of the villages need to back up the river people. **referencing also Nulato letter
 - e. I will report back to community.
 - f. We are going to share the video from Teslin. Add some comments and we are going to make it viral!!
 - g. Will continue to pass the traditional knowledge down. I promote role-modeling. Show the kids how to live their life: health of self and land. If we are



- h. Will tell my people the information that was given here regarding the dipnets. So glad to be here.
- 3. What will you do next?
 - a. We need to look at the commercial side as well. The connection to the land and water is the last connection we have to our culture. About a culture, a people, survival. Salmon swim a long way to give back to life. We should try to give back as a people to help give life to that salmon.
 - b. We will have to humble ourselves. People did not know what to make of the dipnet fishery.
 - c. Our efforts will do no good if we do not get a handle on the Pollock industry.
 - d. I am going to try and fish chum with a dipnet.
 - e. I am going to continue on what I am doing. And learn to dipnet.
 - f. I will keep going to meetings and providing testimony. Represent: city, tribe,

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.

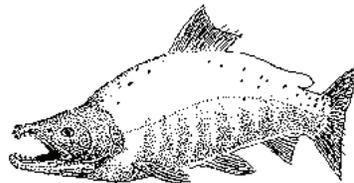
The final funding recommendation is made during the Federal Subsistence Board Meeting when the Board reviews the draft Monitoring Plan and subsequent ranking recommendations made by the Regional Advisory Councils, and Interagency Staff Committee. The funding recommendation made by the Federal Subsistence 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.



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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



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.

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).



- 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.

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.



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 escapement 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.

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:



- 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.

DRAFT

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. <i>Submitted by the Southcentral Alaska Subsistence Regional Advisory Council (SCRAC)</i>
Proposed Regulation	<i>Proposed Federal Subsistence Regulations</i> § __.25 (a) Definitions. The following definitions apply to all regulations contained in this part: <i>Hook means a single shanked fish hook with a single eye constructed with 1 or more points with or without barbs.</i>
OSM Preliminary Conclusion	Support
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	
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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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)



FP15-02 Executive Summary	
General Description	Proposal FP15-02 requests at least two 48-hour fishing periods per week in Yukon River Subdistrict 5C. <i>Submitted by the Rampart Village Council.</i>
Proposed Regulation	<p><i>§100.27(e)(3) Yukon-Northern Area.</i></p> <p>...</p> <p><i>(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.</i></p> <p><i>(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.</i></p> <p>...</p> <p><i>(iv) During any State commercial salmon fishing season closure of greater than 5 days in duration, you may not take salmon during the following periods in the following districts:</i></p> <p>...</p> <p><i>(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.</i></p> <p><i>(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.</i></p> <p>...</p> <p><i>(xxii) In Subdistrict 5C, there will be a minimum of two 48-hour subsistence fishing periods per week between June 1 to October 1.</i></p>
OSM Preliminary Conclusion	Oppose

continued on next page

FP15-02 Executive Summary (continued)	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	



DRAFT STAFF ANALYSIS

FP15-02

ISSUE

Proposal FP15-02, submitted by the Rampart Village Council, requests at least two 48-hour fishing periods per week in Yukon River Subdistrict 5C.

DISCUSSION

The proponent states that the community of Rampart, situated in Subdistrict 5C (**Map 1**), relies year round on fish that is harvested for subsistence in the summer. By allowing at least two 48-hour fishing periods per week, there will be more food for Rampart families, and winter living will be easier because of food security. Further, the proponent anticipates that every subsistence user in the community would support this proposal.

It should be noted that there is never a complete closure to all subsistence fishing in the area. State regulations currently allow for two 48 hour fishing periods per week for salmon in Subdistricts 5A, 5B, and 5C.. However, for salmon, in recent years the regular fishing schedule consisting of two 48-hour weekly periods was closed for long periods in June and July in order to protect Chinook salmon. The majority of Chinook salmon typically move upstream of Subdistrict 5C by late July.

Federal public waters in Subdistrict 5C are limited to about 6 miles of the Yukon River, approximately 60 miles upriver from Rampart.

Existing Federal Regulation

§100.27(e)(3) Yukon-Northern Area.

...

(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

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

...

(iv) During any State commercial salmon fishing season closure of greater than 5 days in duration, you may not take salmon during the following periods in the following districts:

...

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

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

Proposed Federal Regulation

§100.27(e)(3) Yukon-Northern Area.

...

(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

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

...

(iv) During any State commercial salmon fishing season closure of greater than 5 days in duration, you may not take salmon during the following periods in the following districts:

...

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

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

...

(xxii) In Subdistrict 5C, there will be a minimum of two 48-hour subsistence fishing periods per week between June 1 to October 1.

Relevant State Regulations

Article 4. Yukon Area

5 AAC 01.210. Fishing seasons and periods.

...



(b) When there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indicators indicate it is necessary for conservation purposes. The fishing periods for subsistence salmon fishing in the Yukon River drainage will be established by emergency order as follows:

...

(3) District 4, Subdistricts 5-A, 5-B, and 5-C; two 48-hour fishing periods per week;

...

(c) When there are commercial salmon fishing periods, in the following locations, in addition to subsistence fishing periods opened by emergency order, salmon may be taken for subsistence during commercial salmon fishing periods, except that salmon may not be taken for subsistence during the 24 hours immediately before the opening of the commercial salmon fishing season:

...

(2) District 5, excluding the Tozitna River drainage and Subdistrict 5-D;

...

(d) During the commercial salmon fishing season when the department announces a commercial fishing closure that will last longer than five days, salmon may not be taken for subsistence during the following periods in the following districts:

...

(2) in District 5, excluding the Tozitna River drainage and Subdistrict 5-D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

...

(g) The commissioner may establish, by emergency order, additional subsistence salmon fishing periods in Subdistricts 4-B and 4-C and Districts 5 and 6 to compensate for any lost fishing opportunities due to reductions in commercial salmon fishing time.

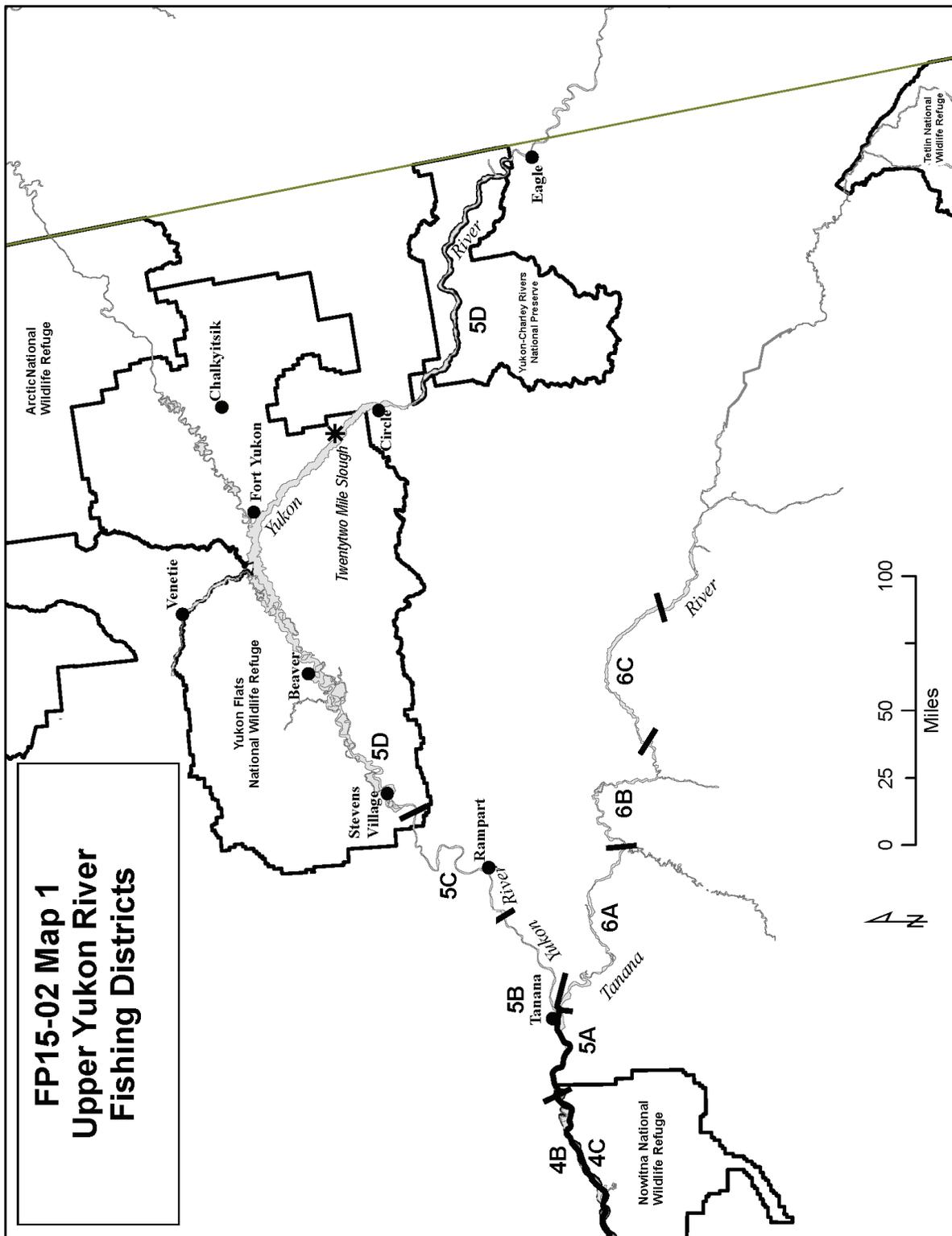
(h) Except as provided in 5 AAC 01.225, and except as may be provided by the terms of a subsistence fishing permit, there is no closed season on fish other than salmon.

5 AAC 01.230. Subsistence fishing permits

...

(b) A subsistence fishing permit is required as follows:

(1) for the Yukon River drainage upstream from the westernmost tip of Garnet Island to the mouth of the Dall River;



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. The Federal public waters addressed by this proposal are those portions of the Yukon River located within and adjacent to the external boundaries of the Yukon Flats National Wildlife Refuge in Subdistrict 5C. Approximately 6 river miles of Subdistrict 5C occur within Yukon Flats National Wildlife Refuge.

Customary and Traditional Use Determinations

For salmon other than fall chum salmon, residents of the Yukon River drainage, and the community of Stebbins have a customary and traditional use determination. For fall chum salmon, residents of the Yukon River drainage, and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak have a customary and traditional use determination.

Regulatory History

Since 2001, the subsistence salmon fishery has operated on a schedule established by the Alaska Board of Fisheries and implemented by the Alaska department of fish and game, which is chronologically consistent with migratory timing as the run progresses upstream. Subsistence fishing is open 7 days per week until the schedule is established. The subsistence salmon fishing schedule is based on current or past fishing schedules and provides reasonable opportunity for subsistence salmon fishing during years of normal to below average runs. The objectives of the schedule are to 1) reduce harvest early in the run when there is a higher level of uncertainty, 2) spread the harvest throughout the run to reduce harvest impacts on any particular component of the run, and 3) distribute subsistence fishing opportunity among all users during years of low salmon runs (ADF&G 2013a). By regulation, fall season management begins in District 1 after July 15. State regulations currently allow for two 48 hour fishing periods per week in Subdistricts 5A, 5B, and 5C. Subsistence fishing schedules are announced in joint news releases from the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service.

In 2013, a subsistence fishing period was cancelled in District 1 and the northern portion of the Coastal District beginning June 20, and closures were similarly implemented in upriver districts chronologically to reduce harvest of Chinook salmon as they migrated upriver. Subdistricts 4-A and 5-D were subdivided into smaller areas to improve management precision and flexibility to ensure full protection of Chinook salmon when the reduced subsistence fishing schedule was implemented. As the 2013 Chinook salmon run progressed, inseason projections indicated that the run was very weak and would likely be insufficient to meet all escapement objectives. Each of the subsequent three pulses of Chinook salmon were protected by subsistence fishing closures as they migrated through districts 1–5. Very limited fishing opportunity was provided in between pulses to allow harvest of chum salmon and other species. During these open subsistence fishing periods, gillnets continued to be restricted to 6-inch or smaller mesh size and in the upper river districts, the use of fish wheels was allowed with the stipulation that all Chinook salmon were to be release unharmed. In District 5, where relatively few summer chum salmon were available, subsistence fishing time was reduced even further to avoid offering opportunity that would primarily

target Chinook salmon. The most reductions in subsistence fishing opportunity occurred in Subdistrict 5-D, where additional closures were necessary to increase Chinook salmon passage into Canada in an attempt to meet the Canadian Interim Management Escapement Goal (IMEG) for the Canadian stock (ADF&G 2013a). All districts and subdistricts returned to their regulatory subsistence fishing schedules commensurate with switching over to fall management based on timing of fish migrating up river. In addition, upon switching to fall season management, subsistence fishermen were allowed to use up to 7.5 inch mesh gear. The schedules were as follows: commercial fishing continued in Districts 1 and 2 and subsistence fishing was open 7 days a week except for 12 hours before, during, and 12 hours after commercial openings. District 3 also went to a 7 day a week schedule because no commercial periods were to be announced. The Innoko River opened to 7 days a week on July 14. The entire District 4 was on a 5 day per week schedule by August 4. Subdistricts 5-A, 5-B, and 5-C went to a 5 day per week schedule effective August 6 (commercial salmon fishing periods were announced in Subdistricts 5-B and 5-C throughout the fall season), and District 6 remained on their two 42-hour periods per week for the entire fall season. The Koyukuk River went to 7 days per week on July 26 and the Old Minto area went to their 5 day per week schedule on August 2. Finally, the entire Subdistrict 5-D was returned to a 7 days per week schedule by August 14 (ADF&G 2013b).

During the 2014 summer season subsistence fishing for salmon in Subdistrict 5C was closed for the majority of June and July. On June 7, 2014, subsistence fishing for salmon in Subdistrict 5C was closed to gillnets with a mesh size greater than 4 inches in order to protect Chinook salmon. On June 30, 2014, use of 4-inch or smaller mesh size gillnets in Subdistrict 5C was closed until further notice. On July 7, 2014, subsistence fishing for non-salmon species using 4-inch or smaller mesh size gillnets re-opened in Subdistrict 5C. On July 22, 2014, the subsistence fishery for salmon returned to its regular fishing schedule consisting of two 48-hour periods per week. On July 29, 2014 subsistence fishing using a 7.5-inch or less mesh size gillnet re-opened in Subdistrict 5C. August 5, 2014 subsistence fishing in subdistrict 5C was liberalized to a 5-day per week schedule allowing the use of fish wheels or gillnets with a mesh size of 7.5 inches or smaller.

Biological Background

Chinook Salmon

Recent analyses indicate that Yukon River Chinook salmon stocks appear to be in the 6th year of a multi-year period of low productivity. However, available data on Yukon River Chinook salmon stocks show periods of above-average abundance (1982-1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013).

In 2013, Chinook salmon escapement goals for some tributaries of the Yukon River including the West Fork Andreafsky, Nulato, and Salcha Rivers were achieved. However, the escapement goals for the East Fork Andreafsky, Anvik and Chena Rivers were not met. The cumulative count on the Gisasa River was below average. High water conditions on the Chena River precluded counting for much of the season. Preliminary Chinook salmon border passage based on the Eagle sonar was estimated at 30,401 which is



below the lower end border passage goal of 42,500 Chinook salmon. These numbers, however, are subject to change with postseason data analysis (ADF&G 2013a).

The Chinook salmon return to the Yukon River in 2014 was expected to be extremely poor and likely insufficient to meet all escapement goals. The outlook was for a run size range of 64,000 to 121,000 Chinook salmon. The 2014 Chinook run on the Yukon River was estimated to be 137,000 based on counts taken at the Pilot Station sonar as of June 30, 2014. The upper end of the border passage agreement of 55,000 Chinook salmon was met on approximately July 27 based on Eagle sonar counts.

Summer Chum Salmon

Summer chum salmon runs in the Yukon River have provided for harvestable surplus in each of the last 10 years, 2003-2013. In 2013 most tributaries producing summer chum salmon experienced above average escapement. The East Fork Andreafsky River Sustainable Escapement Goal and Anvik River Biological Escapement Goal were achieved and counts at the Gisasa and Henshaw rivers were above average. Salcha River and Chena River escapements, as assessed by tower counts, were above their historical medians. Yukon River summer chum salmon runs generally exhibit strong run size correlations among adjacent years and it should be noted that poor runs have resulted from large escapements (ADF&G 2013a). Similar to the past few years, actual harvest of summer chum has been affected by fishing restrictions implemented in response to poor Chinook salmon runs.

Fall Chum Salmon

Calculating total Yukon River fall chum run size post season is based on individually monitored spawning escapements including estimated U.S. and Canadian harvests. Escapements were monitored in the Chandalar and Sheenjek Rivers, and the Canadian mainstem rivers using sonar, and in Fishing Branch River with a weir. Assessment of Tanana River stocks is based on either genetic apportionment of Pilot Station counts (both summer and fall Tanana River stocks passing after July 19) or the Delta River escapement and its relationship to the Tanana River mark-recapture estimates (ADF&G 2011). The preliminary 2013 run size estimate was greater than 1.1 million fall chum. Harvestable surplus of fall chum has been available the past 10 years (2003-2013).

Coho Salmon

There are few coho salmon spawning escapement assessment projects in the Yukon River drainage. The Delta Clearwater River has the only established escapement goal for coho salmon, a Sustainable Escapement Goal of 5,200–17,000 fish (ADF&G 2011). A coho salmon index developed for the Yukon River from 1995 to 2012 (excluding 1996 and 2009) suggests that the average run size is 197,000 fish while the average escapement is 145,000 fish. The preliminary 2013 coho run size estimate is 137,000 and the escapement is estimated to be 51,000 fish (ADF&G 2013b). Harvestable surplus of coho salmon has been available for the past 10 years (2003 – 2013).

Harvest History

The community of Rampart consisted of 68 people in 1990, 45 people in 2000, and 24 people in 2010, according to the U.S. Census (ADCCED 2014). Many were of Koyukon Athabascan heritage. Residents of Rampart harvested a 20-year (1991–2010) average of 3,075 salmon annually (**Table 1**). The overall harvest of salmon has declined over the past 20 years, due in part to a decreasing population. The harvests of all species of salmon have declined. The most recent year for which information is available is 2011 (Jallen et al. 2012). In 2011, four Rampart households received State subsistence or personal use permits and reported harvesting 201 Chinook, 67 summer chum, and 340 fall chum salmon. For the Rampart Area, in 2011, the State issued a total of 29 subsistence and personal use permits (Permit SR). People reported harvesting 1,586 Chinook, 429 summer chum, 768 fall chum, and one coho salmon on the permits. The Haul Road Bridge is located 57 river miles upriver from the community of Rampart and approximately 5 miles downstream of the Federal waters of Subdistrict 5C. In the Haul Road Bridge Area, in 2011, people obtained 74 permits (Permit SY) and reported harvesting 1,552 Chinook, 1,139, summer chum, 1,828 fall chum, and 1 coho salmon. Residents of Stevens Village obtained 5 of the Haul Road Bridge Area permits in 2011. Most of the Rampart Area (SR) and Haul Road Bridge Area (SY) permits were issued to people from outside the area.

Effects of the Proposal

If this proposal is adopted it would likely increase the opportunity for subsistence users to harvest salmon and/or other fish species during times of conservation. Continued harvest of salmon or other fishes during times of conservation when restrictions are necessary could result in insufficient numbers of fish for spawning and thereby threaten the continuance of subsistence uses of overharvested salmon or other fish species in the future.

OSM PRELIMINARY CONCLUSION

Oppose FP15-02

Justification

For the Yukon area, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for subsistence taking of fish under State issued emergency orders unless superseded by Federal Special Action or regulation. State regulations currently allow for two 48 hour fishing periods per week in Subdistricts 5A, 5B, and 5C. Beginning the first week of August in both 2013 and 2014 seasons, subsistence fishing schedules have been liberalized to at least a 5-day per week schedule allowing the use of fish wheels or gillnets with a mesh size of 7.5 inches or smaller. However, as cited in regulation, the commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indicators indicate it is necessary for conservation purposes. Fishery managers have the ability to manage both time and area and liberalize or restrict fishing



opportunities based on the abundance of salmon that enter the river. The proposed regulatory change would likely increase the level of harvest of salmon or other fishes during times of conservation and thereby reduce the likelihood of meeting spawning needs. Failure to provide sufficient numbers of salmon or other fish species for spawning could threaten the continuance of subsistence uses of salmon or other fishes in the Yukon River in the future.

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Table 1. The harvest of salmon by residents of Rampart, 1989 to 2011.

COMMUNITY OF RAMPART					
Year	Number of fish harvested ^a				
	Chinook	Summer chum	Fall chum	Coho	Total
1989	3,177	26	2,472	87	5,762
1990	1,481	58	10,818	591	12,948
1991	988	20	5,801	58	6,867
1992	2,802	4,494	5,701	75	13,072
1993	1,956	1,489	3,272	38	6,755
1994	1,354	559	1,007	99	3,019
1995	1,461	1,168	1,403	0	4,032
1996	1,751	1,188	896	5	3,840
1997	2,203	738	645	34	3,620
1998	885	19	100	20	1,024
1999	2,018	60	4,624	126	6,828
2000	847	47	0	0	894
2001	1,857	0	183	0	2,040
2002	852	14	0	0	866
2003	1,411	9	365	0	1,785
2004	287	103	0	0	390
2005	411	315	358	10	1,094
2006	429	135	250	0	814
2007	250	25	250	50	575
2008	136	27	1,000	0	1,163
2009	528	112	1,000	0	1,640
2010	262	161	735	24	1,182
2011	201	67	340	0	608
1991 to 2000 average	1,627	978	2,345	46	4,995
2001 to 2010 average	642	90	414	8	1,155
1991 to 2010 average	1,134	534	1,380	27	3,075

Source: Jallen et al. (2012) and Whitmore et al. (1990)

^a From 1989 to 2003, salmon harvests were estimated based on household harvest surveys. From 2004 to 2011, salmon harvests were reported on State subsistence harvest permits.



FP15-03 Executive Summary

<p>General Description</p>	<p>Proposal FP15-03 requests the elimination of the use of drift gillnet fishing gear for the targeting of Chinook salmon in Yukon River Districts 1– 4. <i>Submitted by the Eastern Interior Regional Advisory Council.</i></p>
<p>Proposed Regulation</p>	<p><i>Yukon-Northern Area</i></p> <p><i>§ __.27(e)(i)(3)(xiii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.</i></p> <p><i>(xv) In Districts 1, 2, 3, 4, 5, and 6, you may not take Chinook salmon for subsistence purposes by drift gillnets, except as follows:</i></p> <p><i>(A) In Districts 1, 2, and 3, you may take salmon other than Chinook salmon by drift gillnets. In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;</i></p> <p><i>(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14.</i></p> <p><i>(C) In the Yukon River mainstem, Subdistricts 4B and 4C you may take Chinook salmon during the weekly subsistence fishing opening(s) by drift gillnets no more than 150 feet long and no more than 35-meshes deep, from June 10 through July 14.</i></p>
<p>OSM Preliminary Conclusion</p>	<p>Oppose</p>
<p>Yukon/Kuskokwim Delta Regional Council Recommendation</p>	
<p>Western Interior Regional Council Recommendation</p>	
<p>Seward Peninsula Regional Council Recommendation</p>	
<p>Eastern Interior Regional Council Recommendation</p>	
<p>Interagency Staff Committee Comments</p>	
<p>ADF&G Comments</p>	
<p>Written Public Comments</p>	

DRAFT STAFF ANALYSIS

FP15-03

ISSUE

Proposal FP15-03, submitted by the Eastern Interior Regional Advisory Council, requests the elimination of the use of drift gillnet fishing gear for the targeting of Chinook salmon in Yukon River Districts 1– 4 (**Map 1**).

DISCUSSION

This proposed regulatory change is intended to eliminate the use of drift nets for the targeting of Chinook salmon in the Yukon River. The proponent states that escapement goals have not been met for Chinook salmon in recent years and this change in regulation should improve overall Chinook salmon escapement throughout much of the Yukon River drainage.

Existing Federal Regulation

Yukon-Northern Area

§ __.27(e)(i)(3)(xiii) *You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.*

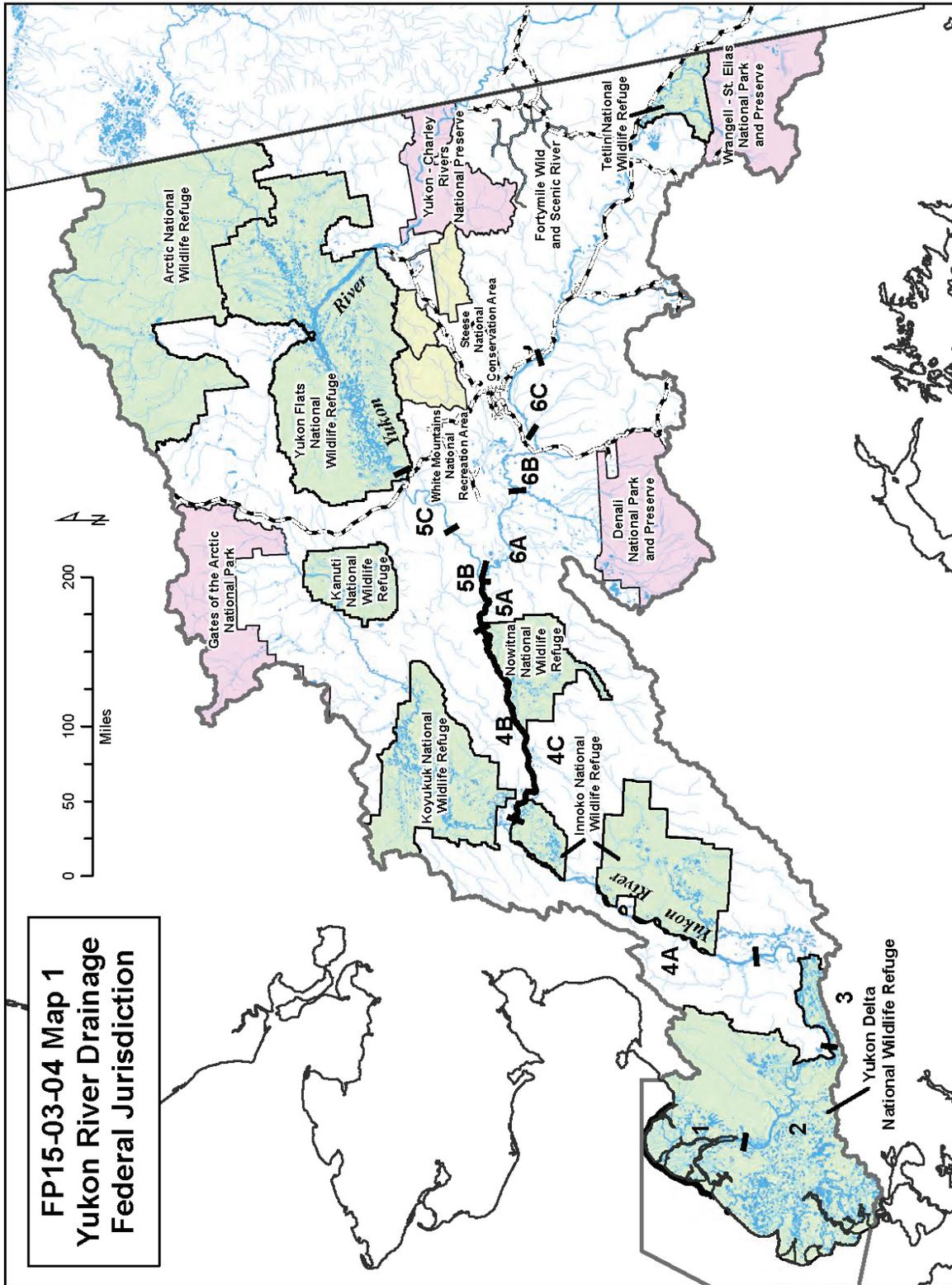
(xv) *In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:*

(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14.

(C) In the Yukon River mainstem, Subdistricts 4B and 4C you may take Chinook salmon during the weekly subsistence fishing opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.





Proposed Federal Regulation

Yukon-Northern Area

§ ____ .27(e)(i)(3)(xiii) *You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.*

*(xv) In Districts 1, 2, 3, 4, 5, and 6, you may not take **Chinook** salmon for subsistence purposes by drift gillnets, except as follows:*

(A) In Districts 1, 2, and 3, you may take salmon other than Chinook salmon by drift gillnets. In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14.

(C) In the Yukon River mainstem, Subdistricts 4B and 4C you may take Chinook salmon during the weekly subsistence fishing opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.

State Regulations

Subsistence Finfish Fishery—Yukon Area

5 AAC 01.220. Lawful gear and gear specifications

(a) Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, subject to the restrictions set out in this section, 5 AAC 01.210, and 5 AAC 01.225–5 AAC 01.249.

(e) In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:

(1) in Subdistrict 4-A upstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14, and chum salmon may be taken by drift gillnets after August 2;

(2) in Subdistrict 4-A downstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14;

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. The Federal public waters addressed by this proposal are those portions of the Yukon River located within and adjacent to the external boundaries of the Yukon Delta National Wildlife Refuge in Districts 1, 2 and 3; Innoko National Wildlife Refuge in District 4; Koyukuk National Wildlife Refuge in District 4; Kanuti National Wildlife Refuge in District 4; Nowitna National

Wildlife Refuge in Districts 4 and 5; Yukon Flats National Wildlife Refuge in District 5; Arctic National Wildlife Refuge in District 5; Tetlin National Wildlife Refuge in District 6; Yukon-Charlie National Park; Denali National Park in District 6; Gates of the Arctic National Park in District 4; Wrangell-St. Elias National Park in District 6; White Mountains and Steese National Recreation Areas in Districts 5 and 6; and all components of the Wild and Scenic River System located outside the boundaries of National Parks, National Preserves, or National Wildlife Refuges, including segments of the Beaver Creek, Birch Creek, Delta, and Fortymile Wild and Scenic Rivers.

Customary and Traditional Use Determinations

All rural residents of the Yukon River drainage and the community of Stebbins have a customary and traditional use determination for Chinook salmon in the Yukon River drainage.

Regulatory History

State of Alaska Regulatory History

In November 1973, the Alaska Board of Fisheries prohibited the use of drift gillnets for commercial fishing in the Yukon River upstream of the confluence with the Bonasila River. This action was based on the assessment that drift gillnet use was historically low in the middle and upper Yukon River drainage and the need to prevent possible gear conflicts in the future (ADF&G 2001).

In December 1976, the Alaska Board of Fisheries prohibited the use of drift gillnets for subsistence fishing in the middle and upper Yukon Areas (Districts 4-6). The Alaska Board of Fisheries discussions at that time indicated that the possible increase in the use of drift gillnets could seriously impact both the conservation and allocation of middle and upper Yukon River salmon stocks, which were being harvested at maximum levels (ADF&G 2001). Subsistence users were allowed to continue using drift gillnets throughout the Yukon River drainage until the 1977 season.

In 1981, drift gillnets were again allowed for subsistence salmon fishing in Subdistrict 4-A upstream from Stink Creek.

In 1994, the Alaska Board of Fisheries questioned the need for drift gillnets to provide for adequate subsistence opportunity. State staff comments suggested that at that time it did not appear necessary (ADF&G 2001). The Alaska Board of Fisheries stated that the Alaska Department of Fish and Game could allow increased time for subsistence fishing with other gear types by Emergency Order, as an alternative, if subsistence needs were not being met.

In 1995, the remainder of Subdistrict 4-A, below Stink Creek, was reopened to the use of drift gillnets for subsistence fishing.

In January 2001 and 2004, the Alaska Board of Fisheries denied requests for the use of drift gillnets in Subdistrict 4-B based on concerns of increased harvests and considered the proposals to be a new and expanding fishery that could target a stock of yield concern. Yukon River Chinook and fall chum salmon

were designated as stocks of “yield concern¹” in the fall of 2000. Summer chum salmon were designated as a stock of “management concern²”.

In February 2007, the Alaska Board of Fisheries rejected a proposal to prohibit subsistence and commercial gillnets over 6.0-inch stretch mesh.

In March 2007, the Fairbanks Fish and Game Advisory Committee submitted an agenda change request to the Alaska Board of Fisheries requesting that it take emergency action to restrict the maximum mesh size of subsistence and commercial gillnets to 7.5-inch mesh in the Yukon River. During its October 9–11, 2007 work session, the Alaska Board of Fisheries stated that this issue was thoroughly discussed at its January/February 2007 Arctic-Yukon-Kuskokwim meeting and rejected the agenda change request (ADF&G 2007).

The Alaska Board of Fisheries met again in January 2010 to consider regulatory proposals to reduce exploitation rates, gillnet mesh size and depth to address long standing conservation concerns about decreasing trends in size and productivity of Yukon River Chinook salmon. Proposal 90 requested a prohibition of gillnets with greater than 6.0-inch stretch mesh for the Yukon River commercial and subsistence fisheries. The Alaska Board of Fisheries amended Proposal 90 and adopted regulations that limit the maximum gillnet mesh size for Yukon River commercial and subsistence fisheries to 7.5-inch stretch mesh, effective in 2011 allowing a one year phase-in period for fishermen (ADG&G 2010). In addition, the Alaska Board of Fisheries amended Proposal 94 that addressed window closure schedules and adopted a regulation that gave ADF&G managers emergency order authority to sequentially close fisheries to allow pulses (large numbers of migrating fish) to migrate with little or no exploitation (not fished) through all fisheries to their spawning grounds. Fishermen and ADF&G managers reported that this strategy had worked well during 2009 to increase the numbers and quality of escapement (larger, older female fish) reaching spawning streams (ADF&G 2010).

Federal Regulatory History

Since October 1999, Federal regulations for the Yukon-Northern Area stipulated that, unless otherwise restricted, rural residents may take salmon in the Yukon-Northern Area at any time by gillnet, beach seine, fish wheel, or rod and reel unless exceptions are noted. In Subdistricts 4-B, 4-C and District 5, subsistence regulations have mirrored those of the State, stipulating that fishers may not take salmon

¹ Yield concern: a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses, above a stock’s escapement needs. “Chronic inability” refers to the continuing or anticipated inability to meet expected yields over a four to five year period, which is roughly equivalent to the generation time of most salmon species. “Expected yields” refers to levels at or near the lower range of the recent historic harvests if they are deemed sustainable. A yield concern is less severe than a management concern, which refers to a stock that fails to consistently achieve biological escapement or optimal escapement goals (ADF&G and BOF 2000).

² Management concern: a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a stock within the bounds of the SEG, BEG, OEG, or other specific management objectives for the fishery. “Chronic inability” means the continuing or anticipated inability to meet escapement objectives over a four to five year period, which is roughly equivalent to the generation time of most salmon species. A management concern is not as severe as a conservation concern, which refers to a stock that fails to consistently meet its sustained escapement threshold (SET) (ADF&G and BOF 2000).

using drift gillnets. A less restrictive proposal (FP04-05) to allow the use of drift gillnets in the lower 16 miles of Subdistricts 4-B and 4-C was submitted to the Federal Subsistence Board in 2003. The Federal Subsistence Board rejected that proposal based on conservation concerns. However, there were many points discussed on both sides of the issue during that Federal Subsistence Board meeting. The proponent was encouraged to work with State and Federal staff and subsistence users to craft another proposal with some adjustments that may help address some of the conservation concerns (FSB 2003).

In 2002 the Federal Subsistence Board delegated some of its authority to manage Yukon River drainage subsistence salmon fisheries to the Branch Chief for Subsistence Fisheries, U.S. Fish and Wildlife Service, in Fairbanks, Alaska (**Appendix A**). The Federal Subsistence Board's delegation allows the Federal manager to open or close Federal subsistence fishing periods or areas provided under codified regulations, and to specify methods and means.

In 2004, fishery proposal FP05-04, submitted by the Western Interior Subsistence Regional Advisory Council, requested that drift gillnets be allowed in Subdistricts 4-B, 4-C and District 5 of the Yukon River. This gear would be restricted both in depth and length, not to exceed 35 meshes in depth and 150 feet in length. The use of drift gillnets would only be allowed during two-36-hour periods within the current subsistence fishing schedules or periods in Subdistricts 4-B, 4-C, and District 5. This proposal was adopted with modification to exclude chum salmon and to include a requirement for a registration permit (FSB 2005).

In 2013, fishery proposal FP13-01, submitted by the Koyukuk National Wildlife Refuge, requested the removal of the Federal subsistence permit requirement for the Chinook salmon drift gillnet fishery for Yukon River Subdistricts 4B and 4C. This proposal was adopted (FSB 2013).

Gear Used in the Middle and Upper Yukon River

Loyens (1966) describes the importance of salmon to the people of the Yukon River as “the staple in the native food supply...and that fishing was the most important subsistence activity” and it remains highly important today. Among salmon, Chinook salmon are foremost in importance for most people, followed by chum and coho salmon (Pope 1979).

Historically, the primary salmon fishing gear types were fish traps used together with fish fences, gillnets, and dip nets prior to the introduction of fish wheels around the turn of the century (Loyens 1966). Around 1910, people along the Yukon began to use the fish wheel almost exclusively in the middle and upper river areas, establishing large camps on the Yukon River (McFadyen Clark 1981).

Drift gillnets were historically used by the Deg Hit'an and Koyukon Athabaskan people in the middle Yukon as an alternative to fish traps or dip nets (Wheeler 2004 pers. comm., and Osgood 1940). Drift gillnets were primarily used to catch Chinook salmon and were deployed from a canoe or suspended between two canoes on the main river. During the 1950s drift gillnets became more common, facilitated in part by the introduction of power motors.

Drift gillnets have been used by some residents of Galena for many years. When drift gillnets were again allowed in the upper portion of Subdistrict 4-A in 1981, fishers from Galena began making the 16-mile trip downstream to drift for Chinook salmon. Typically, unrelated individuals fish together during the

evenings for several hours at a time (Marcotte 1990). This method of salmon fishing can be effective for catching Chinook and fall chum salmon with economy of effort since separate trips are not needed to reset or pull gear at the beginning and ends of the open fishing periods (Marcotte 1990).

Biological Background

Chinook Salmon

Recent analyses indicate that Yukon River Chinook salmon stocks appear to be in the 6th year of a multi-year period of low productivity. However, available data on Yukon River Chinook salmon stocks show periods of above-average abundance (1982-1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013).

In 2013, Chinook salmon escapement goals for some tributaries of the Yukon River including the West Fork Andreafsky, Nulato, and Salcha Rivers were achieved. However, the escapement goals for the East Fork Andreafsky, Anvik and Chena Rivers were not met. The cumulative count on the Gisasa River was below average. High water conditions on the Chena River precluded counting for much of the season. Preliminary Chinook salmon border passage based on the Eagle sonar was estimated at 30,401 which is below the lower end border passage goal of 42,500 Chinook salmon. These numbers, however, are subject to change with postseason data analysis (ADF&G 2013a).

The Chinook salmon return to the Yukon River in 2014 was expected to be extremely poor and likely insufficient to meet all escapement goals. The outlook was for a run size range of 64,000 to 121,000 Chinook salmon. The 2014 Chinook run on the Yukon River was estimated to be 137,000 based on counts taken at the Pilot Station sonar as of June 30, 2014. The upper end of the border passage agreement of 55,000 Chinook salmon was met on approximately July 27 based on Eagle sonar counts.

Summer Chum Salmon

Summer chum salmon runs in the Yukon River have provided for harvestable surplus in each of the last 10 years, 2003-2013. In 2013 most tributaries producing summer chum salmon experienced above average escapement. The East Fork Andreafsky River Sustainable Escapement Goal and Anvik River Biological Escapement Goal were achieved and counts at the Gisasa and Henshaw rivers were above average. Salcha River and Chena River escapements, as assessed by tower counts, were above their historical medians. Yukon River summer chum salmon runs generally exhibit strong run size correlations among adjacent years and it should be noted that poor runs have resulted from large escapements (ADF&G 2013a). Similar to the past few years, actual harvest of summer chum has been affected by fishing restrictions implemented in response to poor Chinook salmon runs.

Fall Chum Salmon

Calculating total Yukon River fall chum run size post season is based on individually monitored spawning escapements including estimated U.S. and Canadian harvests. Escapements were monitored in

the Chandalar and Sheenjek Rivers, and the Canadian mainstem rivers using sonar, and in Fishing Branch River with a weir. Assessment of Tanana River stocks is based on either genetic apportionment of Pilot Station counts (both summer and fall Tanana River stocks passing after July 19) or the Delta River escapement and its relationship to the Tanana River mark–recapture estimates (ADF&G 2011). The preliminary 2013 run size estimate was greater than 1.1 million fall chum. Harvestable surplus of fall chum has been available the past 10 years (2003-2013).

Coho Salmon

There are few coho salmon spawning escapement assessment projects in the Yukon River drainage. The Delta Clearwater River has the only established escapement goal for coho salmon, a Sustainable Escapement Goal of 5,200–17,000 fish (ADF&G 2011). A coho salmon index developed for the Yukon River from 1995 to 2012 (excluding 1996 and 2009) suggests that the average run size is 197,000 fish while the average escapement is 145,000 fish. The preliminary 2013 coho run size estimate is 137,000 and the escapement is estimated to be 51,000 fish (ADF&G 2013b). Harvestable surplus of coho salmon has been available for the past 10 years (2003 – 2013).

Harvest History – Chinook Salmon

Chinook salmon subsistence harvests have been approximately 50,000 fish annually in the Alaskan portion of the Yukon River over the past 20 years. However, subsistence harvest levels of Chinook salmon have declined since 2007 due to declining run abundance and resultant harvest restrictions. In recent years, subsistence fishing has increasingly targeted non-Chinook salmon species such as whitefish. In order to allow continued subsistence opportunity throughout the season, subsistence fishing activity has been managed to avoid Chinook and allow the harvest of other fish species.

Most rural residents of the Yukon River drainage (minus the Tanana River) live in 39 villages (see **Table 1**). They harvested an estimated 10-year average (2001–2010) of 45,597 Chinook salmon annually. The harvest has decreased 15% between the 2001–2005 five-year average (49,067 fish) and the 2006–2010 five-year average (42,128 fish; **Table 2**; Jallen et al. 2012). A similar decrease occurred in all 6 management districts. According to preliminary results, in 2012, 26,065 Chinook salmon were harvested by rural residents of the Yukon River drainage, and 11,000 Chinook salmon were harvested in 2013 (JTC 2013 and 2014).

In 2011, based on household harvest surveys, 4 communities (Pitkas Point, St. Mary’s, Pilot Station, and Kaltag) were estimated to harvest 100% of their Chinook salmon by drift gillnets. Seven communities (Huslia, Hughes, Allakaket, Alatna, Stevens Village, Birch Creek, and Venetie) were estimated to harvest 100% of their Chinook salmon by set gillnets. Fish wheels were only used to harvest Chinook salmon in 4 communities: Ruby (68% of Chinook salmon harvested by the community), Tanana (51%), Beaver (20%), and Ft. Yukon (74%).

Household harvest surveys are not done with residents of Rampart, Circle, Central, Eagle, Manley, Minto, Nenana, and Healy. Instead, these residents must obtain a State subsistence or personal use permit. Two communities (Rampart and Healy) reported harvesting 100% of their salmon with set gillnets.

Households in the other 6 communities reported using set gillnets or fish wheels as their primary gear to harvest salmon. Primary gear was determined by the larger number of salmon harvested by gear types in the household (Jallen et al. 2012).

Current Events - Chinook Salmon

Directed commercial fishing for Yukon River Chinook salmon has been discontinued since 2007 and subsistence fishing opportunities have become increasingly restrictive in an effort to conserve Chinook salmon. In 2013, fishery managers reduced subsistence fishing opportunity to limit harvests to approximately 25% of historical levels. However, even with reduced subsistence harvests, most escapement objectives were not met. The 2013 Chinook salmon run was one of the poorest runs on record. The Chinook salmon return to the Yukon River in 2014 was expected to be extremely poor and likely insufficient to meet all escapement goals. Fishermen throughout the drainage were advised ahead of the season to not expect fishing opportunity to harvest Chinook salmon and to consider using other more abundant fish resources available to them to supplement their subsistence needs. The 2014 season began with no subsistence, sport, or commercial fisheries anticipated for Chinook salmon in the U.S. portion of the Yukon River drainage. Subsistence fishing opportunities for species other than Chinook salmon were available throughout the 2014 season and the majority of subsistence fishing restrictions that occurred were during June and July to protect Chinook salmon as they moved upriver to spawning areas.

Effects of the Proposal

If this proposal were adopted, it would remove drift gillnets as a gear type for the Federal subsistence harvest of Chinook salmon in Yukon River Districts 1-4 and could reduce the fishing efficiency for harvesting Chinook salmon in the U.S. portion of the Yukon River in these Districts. Eliminating the use of drift nets for the targeting of Chinook salmon in Yukon River Districts 1-4 could benefit Chinook salmon during times of conservation concerns, if it effectively reduced harvest efficiency to the extent that it reduced overall harvest. However, the elimination of this gear type could also be a detriment to subsistence users whose harvest of Chinook salmon, during years of strong Chinook salmon runs, may be more effective with the use of drift nets.

State regulations allow the taking of salmon with drift gillnets in state waters within districts 1-4. Therefore, Federally qualified users fishing under state regulations could still utilize gillnets.



OSM PRELIMINARY CONCLUSION

Oppose FP15-03.

Justification

This proposal would remove a fishing gear option that is currently relied upon by one segment of the fishing community and would not affect the fishing practice of others. Additionally, if the intention is to reduce the harvest of Chinook salmon during times of conservation need, this could be achieved through existing regulatory authorities that allow in-season managers to open or close Federal subsistence fishing periods or areas provided under codified regulations, and to specify methods and means (**Appendix A**).

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Table 1. Rural residents of the Yukon River drainage, by community and management district.

YUKON RIVER DRAINAGE					
FISHING MANAGEMENT DISTRICT/COMMUNITY					
District 1	District 2	District 3	District 4	District 5	District 6
Nunam Iqua	Mountain Village	Russian Mission	Anvik	Tanana	Manley
Alakanuk	Pitkas Point	Holly Cross	Grayling	Rampart	Minto
Emmonak	St. Mary's	Shageluk	Kaltag	Steven Village	Nenana
Kotlik	Pilot Station		Nulato	Birch Creek	Healy
	Marshall		Koyukuk	Beaver	
			Galena	Fort Yukon	
			Ruby	Circle	
			Huslia	Central	
			Hughes	Eagle	
			Allakaket	Venetie	
			Alatna	Chalkyitsik	
			Bettles		

Table 2. The harvest of Chinook salmon by Federally qualified subsistence users, Yukon River drainage, by district, 1989 to 2011

FEDERAL							
CHINOOK SALMON HARVEST – YUKON RIVER DRAINAGE							
Year	Number of fish harvested ^a						
	District 1	District 2	District 3	District 4	District 5	District 6	Total
2001	7,089	13,442	6,361	10,152	12,441	2,136	51,621
2002	5,603	8,954	4,139	9,456	11,634	908	40,694
2003	6,332	9,668	5,002	12,771	17,259	1,753	52,785
2004	5,880	9,724	4,748	16,269	13,669	939	51,229
2005	5,058	9,156	5,131	13,964	14,840	857	49,006
2006	5,122	8,039	5,374	12,022	13,740	1,104	45,401
2007	6,059	10,553	4,651	11,831	16,655	1,308	51,057
2008	6,163	8,826	5,855	10,619	9,728	497	41,688
2009	4,125	6,135	2,924	9,514	7,408	889	30,995
2010	5,856	8,676	4,299	12,888	8,727	1,052	41,498
2011	6,255	8,069	4,134	9,893	8,007	1,037	37,395
2001 to 2005 average	5,992	10,189	5,076	12,522	13,969	1,319	49,067
2006 to 2010 average	5,465	8,446	4,621	11,375	11,252	970	42,128

Source: Jallen et al. (2012).

Note: Does not include the Coastal District, does not include harvests from State personal use permits, does not include harvest by Fairbanks State subsistence permit holders.





FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
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Federal Subsistence Board

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FOREST SERVICE

FWS/OSM/C:/HolderInSeasonLtr

MAY -3 2002

Mr. Russ Holder, Branch Chief for Subsistence Fisheries
U. S. Fish & Wildlife Service
Fairbanks Fishery Resources Office
101 12th Avenue, Room 222
Fairbanks, Alaska 99701

Dear Mr. Holder:

This letter delegates specific regulatory authority from the Federal Subsistence Board to you as Branch Chief for Subsistence Fisheries to issue special actions when necessary to assure the conservation of healthy fish stocks and to provide for subsistence uses of fish in Federal waters subject to ANILCA Title VIII (Federal waters) in the Yukon River Drainage, including the Arctic National Wildlife Refuge.

Overview

Federal managers are responsible for local management of subsistence fishing by qualified rural residents in Federal waters; this includes the authority to restrict all uses in Federal waters if necessary to conserve healthy fish stocks or to provide for subsistence uses in Federal waters. State managers are responsible for in-season management of State subsistence, commercial, recreational, and personal use fisheries in all waters.

It is the intent of the Federal Subsistence Board that subsistence fisheries management by Federal officials be coordinated with the Alaska Department of Fish and Game and involve Regional Advisory Council representatives to conserve healthy fish stocks while providing for subsistence uses. Federal managers are expected to cooperate with State managers and minimize disruption to resource users and existing agency programs, as agreed to under the Interim Memorandum of Agreement for Coordinated Fisheries and Wildlife Management for Subsistence Uses on Federal Public Lands in Alaska.

FEDERAL FISHERIES MANAGEMENT DELEGATION OF AUTHORITY

1. **Delegation:** The Branch Chief for Subsistence Fisheries is hereby delegated authority to issue emergency regulations (special actions) affecting fisheries in Federal waters as outlined under **3. Scope of Delegation.**

2. **Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”

3. **Scope of Delegation:** The regulatory authority hereby delegated is limited to the issuance of emergency special actions as defined by 36 CFR 242.19(d) and 50 CFR 100.19(d). Such an emergency action may not exceed 60 days, and may not be extended. This delegation permits you to open or close Federal subsistence fishing periods or areas provided under codified regulations. It also permits you to specify methods and means; to specify permit requirements; and to set harvest and possession limits for Federal subsistence fisheries. This delegation also permits you to close and re-open Federal waters to non-subsistence fishing, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed fisheries. This delegation may be exercised only when it is necessary to conserve fish stocks or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, shall be directed to the Federal Subsistence Board.

The Federal waters subject to this delegated authority are those within the Yukon River Drainage, including the Arctic National Wildlife Refuge (as described in the Subsistence Management Regulations for the Harvest of Fish and Shellfish on Federal Public Lands and Waters in Alaska). The Branch Chief will coordinate all local fishery decisions with all affected Federal land managers.

4. **Effective Period:** This delegation of authority is effective until superseded or rescinded.

5. **Criteria for Review of Proposed Special Actions:** The Branch Chief will use the following considerations to determine the appropriate course of action when reviewing proposed special actions.

1. Does the proposed special action fall within the geographic and regulatory scope of delegation?

2. Does the proposed special action need to be implemented immediately as a special action, or can the desired conservation or subsistence use goal be addressed by deferring the issue to the annual regulatory cycle?
3. Does the supporting information in the proposed special action substantiate the need for the action?
4. Are the assertions in the proposed special action confirmed by available current biological information and/or by other affected subsistence users?
5. Is the proposed special action supported in the context of available historical information on stock status and harvests by affected users?
6. Is the proposed special action likely to achieve the expected results?
7. Have the perspectives of ADF&G managers and Regional Advisory Council representatives been fully considered in the review of the proposed special action?
8. Have the potential impacts of the proposed special action on all affected subsistence users within the drainage been considered?
9. Can public announcement of the proposed special action be made in a timely manner to accomplish the management objective?
10. After evaluating all information and weighing the merits of the special action against other actions, including no action, is the special action reasonable, rational and responsible?

6. Guidelines for Delegation:

1. The Branch Chief will become familiar with the management history of the fisheries in the region, with the current State and Federal regulations and management plans, and be up-to-date on stock and harvest status information.
2. The Branch Chief will review special action requests or situations that may require a special action and all supporting information to determine (1) if the request/situation falls within the scope of authority, (2) if significant conservation problems or subsistence harvest concerns are indicated, and (3) what the consequences of taking an action may be on potentially affected subsistence users and non-subsistence users. Requests not within the delegated authority of the Branch Chief will be forwarded to the Federal Subsistence Board for consideration. The Branch Chief will keep a record of all special action requests and their disposition.

3. The Branch Chief will immediately notify the Federal Subsistence Board through Tom Boyd, Assistant Regional Director for Subsistence, U.S. Fish and Wildlife Service, and notify/consult with local ADF&G managers, Regional Advisory Council members, and other affected Federal conservation unit managers concerning special actions being considered.

4. The Branch Chief will issue timely decisions. Users, affected State and Federal managers, law enforcement personnel, and Regional Advisory Council representatives should be notified before the effective date/time of decisions. If an action is to supersede a State action not yet in effect, the decision will be communicated to affected users, State and Federal managers, and Regional Advisory Council representatives at least 6 hours before the State action would be effective. If a decision is to take no action, the requestor will be notified immediately.

5. There may be unusual circumstances under which the Branch Chief will determine that he/she should not exercise the authority delegated, but instead request that the Federal Subsistence Board should handle the special action request. In a similar vein, the Federal Subsistence Board may determine that a special action request should not be handled by the delegated official but by the Board itself (i.e. rescind the delegated authority for that specific action only). These options should be exercised judiciously and may only be initiated where sufficient time allows. Such decisions should not be considered where immediate management actions are necessary for fisheries conservation purposes.

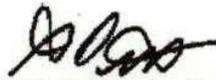
7. Reporting: The Branch Chief must provide to the Federal Subsistence Board a report describing the pre-season coordination efforts, local fisheries management decisions, and post-season evaluation activities for the previous fishing season by November 15.

8. Support Services: Administrative support for local fisheries management activities of the Branch Chief will be provided by the Office of Subsistence Management, U. S. Fish and Wildlife Service, Department of the Interior.

This delegation of authority will provide subsistence users in the region a local point of contact and will facilitate a local liaison with State managers and other user groups. Timely local management decisions optimize the opportunity for users to harvest fish when and where they are available, without jeopardizing spawning escapement goals for specific stocks.

Should you have any questions about this delegation of authority, please feel free to contact Mr. Thomas H. Boyd, Assistant Regional Director for Subsistence, U. S. Fish and Wildlife Service, Office of Subsistence Management at toll-free 1-800-478-1456 or (907) 786-3888.

Sincerely,

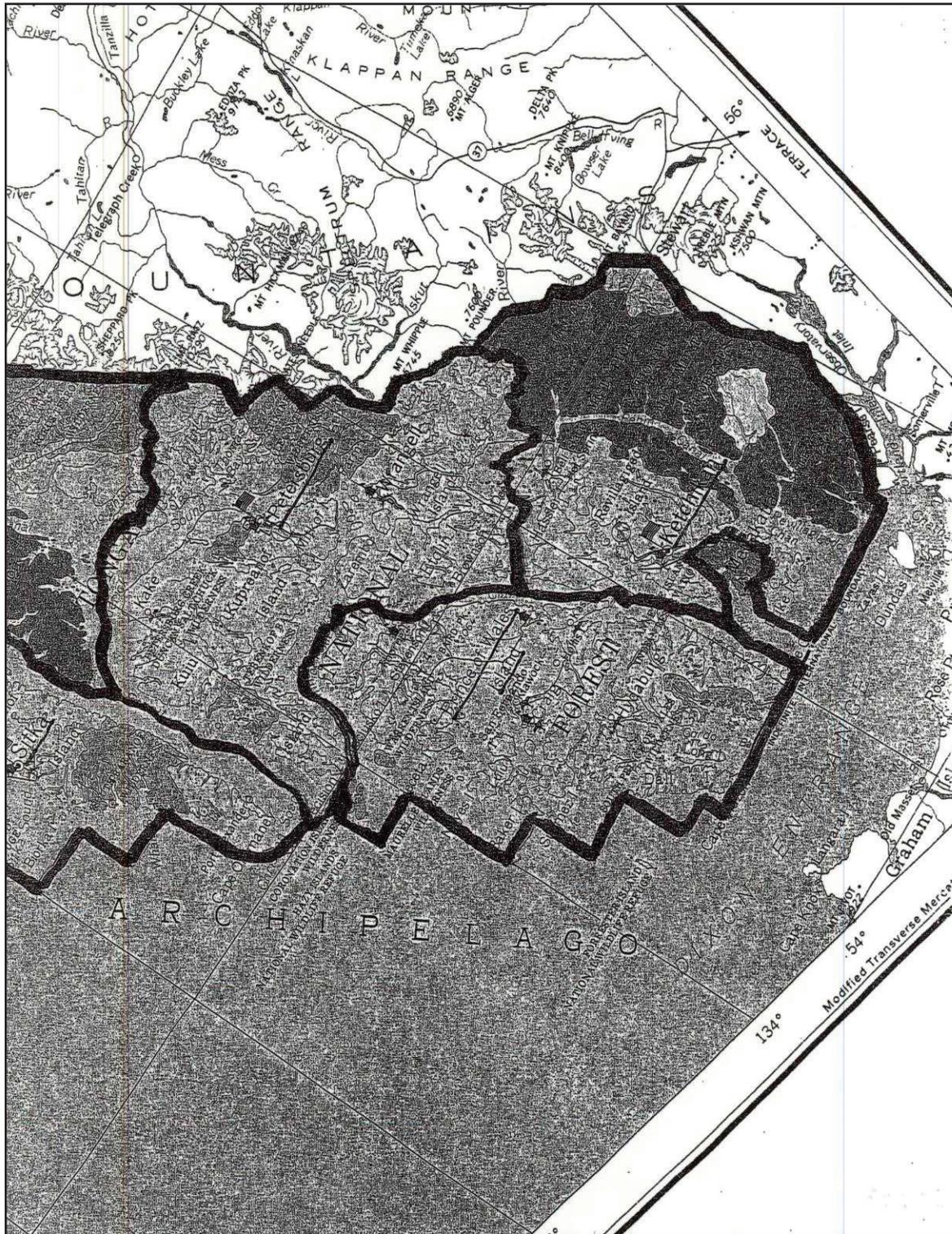


Mitch Demientieff, Chair
Federal Subsistence Board

Attachment: Map of the Yukon River Drainage, including the Arctic NWR

cc: Members of the Federal Subsistence Board
Mr. Harry Wilde, Sr., Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Mr. John Hanson, Member, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Mr. Ronald Sam, Chair, Western Interior Subsistence Regional Advisory Council
Mr. Benedict Jones, Member, Western Interior Subsistence Regional Advisory Council
Mr. Mickey Stickman, Member, Western Interior Subsistence Regional Advisory Council
Mr. Gerald Nicholia, Sr., Chair, Eastern Interior Subsistence Regional Advisory Council
Mr. Craig Fleener, Member, Eastern Interior Subsistence Regional Advisory Council
Mr. Dave Mills, Superintendent, Gates of the Arctic National Park and Preserve and Yukon-Charley Rivers National Preserve
Mr. Michael Rearden, Manager, Yukon Delta National Wildlife Refuge
Mr. Steve Martin, Superintendent, Denali National Park and Preserve
Mr. Bill Schaff, Manager, Innoko National Wildlife Refuge
Mr. Eugene Williams, Manager, Koyukuk/Nowitna National Wildlife Refuge
Mr. Bob Schulz, Manager, Kanuti National Wildlife Refuge
Mr. Ted Heuer, Manager, Yukon Flats National Wildlife Refuge
Mr. Edward Merritt, Manager, Tetlin National Wildlife Refuge
Mr. Richard Voss, Manager, Arctic National Wildlife Refuge
Mr. Greg Siekaniec, Manager, Alaska Maritime National Wildlife Refuge
Mr. Stanley Pruszanski, Assistant Regional Director - Law Enforcement, U.S. Fish and Wildlife Service
Mr. Robert Schneider, Field Manager, Bureau of Land Management, Northern District Office (Steese National Conservation Areas and White Mountain National Recreation Area)
Mr. Frank Rue, Commissioner, Alaska Department of Fish and Game
Mr. Thomas H. Boyd, FWS Office of Subsistence Management





FP15-04 Executive Summary	
General Description	Proposal FP15-04 seeks to allow Federal subsistence users to continue using set-gillnets to harvest salmon in the Yukon River drainage when drift-gillnet salmon fisheries are closed. <i>Submitted by the Eastern Interior Regional Advisory Council.</i>
Proposed Regulation	<p><i>Proposed Federal Regulation</i></p> <p>§ __.27(e)(3)(xiii) <i>You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.</i></p> <p>(A) <i>In the Yukon River drainage, you may not take salmon for subsistence fishing using gillnets with stretched mesh larger than 7.5 inches.</i></p> <p>(B) <i>[Reserved] In the Yukon River drainage, during times of Chinook salmon conservation, managers may restrict drift gill net gear use by time and area, while allowing for set net gear use for subsistence purposes by time and area.</i></p>
OSM Preliminary Conclusion	Take No Action
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	



DRAFT STAFF ANALYSIS

FP15-04

ISSUE

Proposal FP15-04, submitted by the Eastern Interior Regional Advisory Council, seeks to allow Federal subsistence users to continue using set-gillnets to harvest salmon in the Yukon River drainage (**Map 1**) when drift-gillnet salmon fisheries are closed.

DISCUSSION

The proponent's intent is to give the Federal manager the authority to independently differentiate between gear types by allowing set and/or drift gillnets during fishing periods and in areas targeting summer chum salmon, while at the same time allowing only set gillnets during fishing periods in areas targeting Chinook salmon or during times of Chinook salmon conservation. According to the proponent, this proposal would provide for some subsistence harvest of chum salmon while reducing impacts to Chinook salmon by fishing close to shore with set nets where Chinook salmon are less likely to be abundant and, if present, are usually smaller jacks. The use of set nets in place of drift nets may improve the quality of Chinook salmon escapement due to the incidental harvest of Chinook salmon being located closer to shore where smaller Chinook salmon tend to run. Avoiding mid-river deep drifts, which the proponent states tend to catch larger more fecund Chinook salmon, should improve escapement for larger more fecund Chinook salmon.

The in-season manager currently has the delegated authority (*see Appendix A* in FP15-03) to manage gear types in a manner consistent with the proposed action.

Existing Federal Regulation

Yukon-Northern Area—Salmon

§ __.27(e)(3)(xiii) *You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.*

(A) *In the Yukon River drainage, you may not take salmon for subsistence fishing using gillnets with stretched mesh larger than 7.5 inches.*

(B) *[Reserved]*

Proposed Federal Regulation

§ __.27(e)(3)(xiii) *You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.*

- (A) *In the Yukon River drainage, you may not take salmon for subsistence fishing using gillnets with stretched mesh larger than 7.5 inches.*
- (B) ~~[Reserved]~~ ***In the Yukon River drainage, during times of Chinook salmon conservation, managers may restrict drift gill net gear use by time and area, while allowing for set net gear use for subsistence purposes by time and area.***

Other Relevant Federal Regulations

Yukon-Northern Area—Salmon

§ __.27(e)(3) (xv) *In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:*

- (A) *In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;*
- (B) *In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14;*
- (C) *In the Yukon River mainstem, Subdistricts 4B and 4C you may take Chinook salmon during the weekly subsistence fishing opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.*

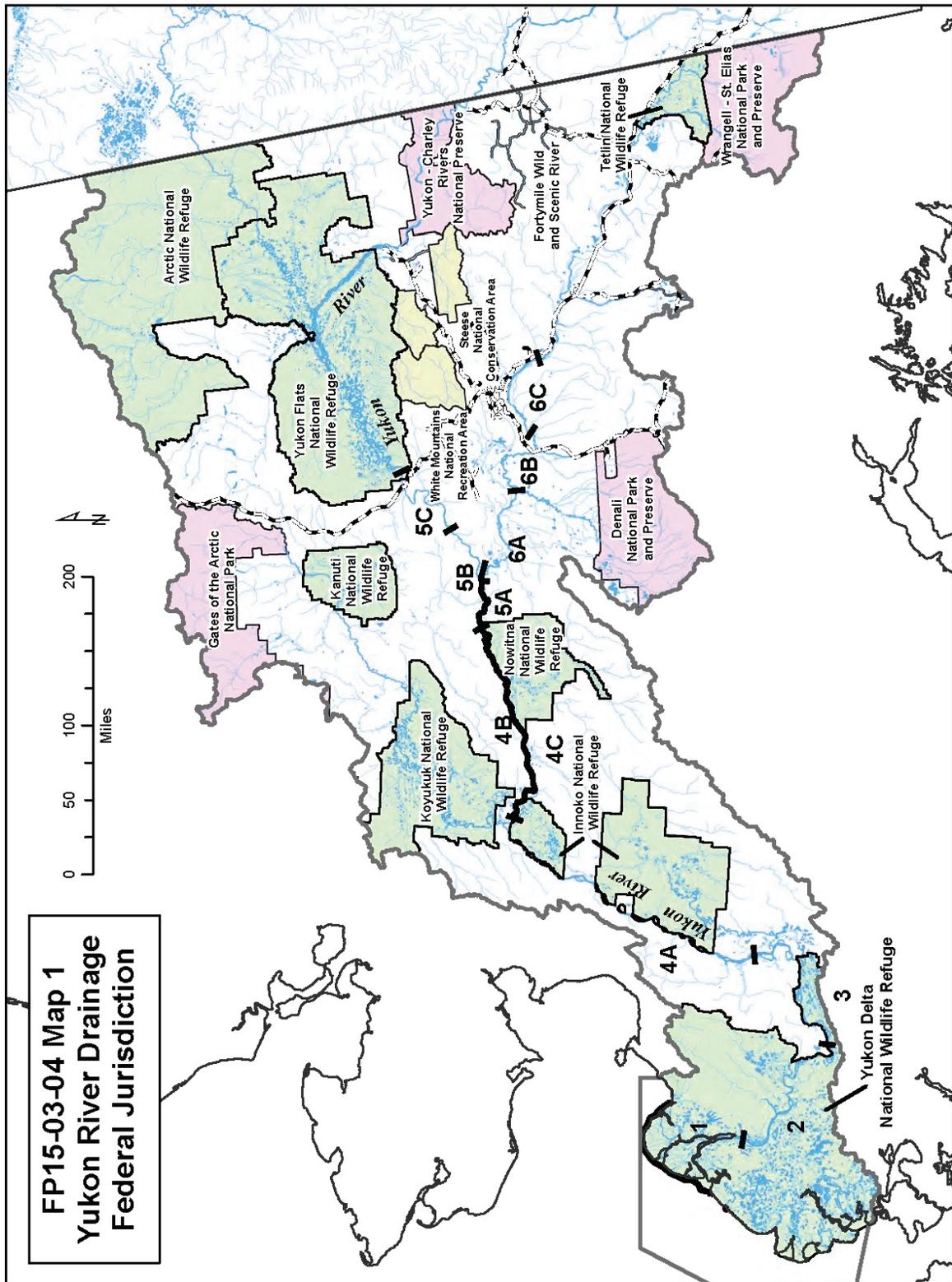
State Regulations

Subsistence Finfish Fishery—Yukon Area

5 AAC 01.220. Lawful gear and gear specifications

- (a) *Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, subject to the restrictions set out in this section, 5 AAC 01.210, and 5 AAC 01.225–5 AAC 01.249.*
- (e) *In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:*
- (1) *in Subdistrict 4-A upstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14, and chum salmon may be taken by drift gillnets after August 2;*
 - (2) *in Subdistrict 4-A downstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14;*





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. The Federal public waters addressed by this proposal are those portions of the Yukon River located within and adjacent to the external boundaries of the Yukon Delta National Wildlife Refuge in Districts 1, 2 and 3; Innoko National Wildlife Refuge in District 4; Koyukuk National Wildlife Refuge in District 4; Kanuti National Wildlife Refuge in District 4; Nowitna National Wildlife Refuge in Districts 4 and 5; Yukon Flats National Wildlife Refuge in District 5; Arctic National Wildlife Refuge in District 5; Tetlin National Wildlife Refuge in District 6; Yukon-Charlie National Park; Denali National Park in District 6; Gates of the Arctic National Park in District 4; Wrangell-St. Elias National Park in District 6; White Mountains and Steese National Recreation Areas in Districts 5 and 6; and all components of the Wild and Scenic River System located outside the boundaries of National Parks, National Preserves, or National Wildlife Refuges, including segments of the Beaver Creek, Birch Creek, Delta, and Fortymile Wild and Scenic Rivers.

Customary and Traditional Use Determinations

For salmon other than fall chum salmon, residents of the Yukon River drainage and the community of Stebbins have a customary and traditional use determination in the Yukon River drainage. For fall chum salmon, residents of the Yukon River drainage and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak have a customary and traditional use determination in the Yukon River drainage. For freshwater fish (other than salmon) residents of the Yukon Northern Area have a customary and traditional use determination within the Yukon River drainage.

Regulatory History

State of Alaska Regulatory History

In November 1973, the Alaska Board of Fisheries prohibited the use of drift gillnets for commercial fishing in the Yukon River upstream of the confluence with the Bonasila River. This action was based on the assessment that drift gillnet use was historically low in the middle and upper Yukon River drainage and the need to prevent possible gear conflicts in the future (ADF&G 2001).

In December 1976, the Alaska Board of Fisheries prohibited the use of drift gillnets for subsistence fishing in the middle and upper Yukon Areas (Districts 4-6). The Alaska Board of Fisheries discussions at that time indicated that the possible increase in the use of drift gillnets could seriously impact both the conservation and allocation of middle and upper Yukon River salmon stocks, which were being harvested at maximum levels (ADF&G 2001). Subsistence users were allowed to continue using drift gillnets throughout the Yukon River drainage until the 1977 season.

In 1981, drift gillnets were again allowed for subsistence salmon fishing in Subdistrict 4-A upstream from Stink Creek.

In 1994, the Alaska Board of Fisheries questioned the need for drift gillnets to provide for adequate subsistence opportunity. State staff comments suggested that at that time it did not appear necessary

(ADF&G 2001). The Alaska Board of Fisheries stated that the Alaska Department of Fish and Game could allow increased time for subsistence fishing with other gear types by Emergency Order, as an alternative, if subsistence needs were not being met.

In 1995, the remainder of Subdistrict 4-A, below Stink Creek, was reopened to the use of drift gillnets for subsistence fishing.

In January 2001 and 2004, the Alaska Board of Fisheries denied requests for the use of drift gillnets in Subdistrict 4-B based on concerns of increased harvests and considered the proposals to be a new and expanding fishery that could target a stock of yield concern. Yukon River Chinook and fall chum salmon were designated as stocks of “yield concern¹” in the fall of 2000. Summer chum salmon were designated as a stock of “management concern²”.

In February 2007, the Alaska Board of Fisheries rejected a proposal to prohibit subsistence and commercial gillnets over 6.0-inch stretch mesh.

In March 2007, the Fairbanks Fish and Game Advisory Committee submitted an agenda change request to the Alaska Board of Fisheries requesting that it take emergency action to restrict the maximum mesh size of subsistence and commercial gillnets to 7.5-inch mesh in the Yukon River. During its October 9–11, 2007 work session, the Alaska Board of Fisheries stated that this issue was thoroughly discussed at its January/February 2007 Arctic-Yukon-Kuskokwim meeting and rejected the agenda change request (ADF&G 2007).

The Alaska Board of Fisheries met again in January 2010 to consider regulatory proposals to reduce exploitation rates, gillnet mesh size and depth to address long standing conservation concerns about decreasing trends in size and productivity of Yukon River Chinook salmon. Proposal 90 requested a prohibition of gillnets with greater than 6.0-inch stretch mesh for the Yukon River commercial and subsistence fisheries. The Alaska Board of Fisheries amended Proposal 90 and adopted regulations that limit the maximum gillnet mesh size for Yukon River commercial and subsistence fisheries to 7.5-inch stretch mesh, effective in 2011 allowing a one year phase-in period for fishermen (ADG&G 2010). In addition, the Alaska Board of Fisheries amended Proposal 94 that addressed window closure schedules and adopted a regulation that gave ADF&G managers emergency order authority to sequentially close fisheries to allow pulses (large numbers of migrating fish) to migrate with little or no exploitation (not fished) through all fisheries to their spawning grounds. Fishermen and ADF&G managers reported that

¹ Yield concern: a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses, above a stock’s escapement needs. “Chronic inability” refers to the continuing or anticipated inability to meet expected yields over a four to five year period, which is roughly equivalent to the generation time of most salmon species. “Expected yields” refers to levels at or near the lower range of the recent historic harvests if they are deemed sustainable. A yield concern is less severe than a management concern, which refers to a stock that fails to consistently achieve biological escapement or optimal escapement goals (ADF&G and BOF 2000).

² Management concern: a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a stock within the bounds of the SEG, BEG, OEG, or other specific management objectives for the fishery. “Chronic inability” means the continuing or anticipated inability to meet escapement objectives over a four to five year period, which is roughly equivalent to the generation time of most salmon species. A management concern is not as severe as a conservation concern, which refers to a stock that fails to consistently meet its sustained escapement threshold (SET) (ADF&G and BOF 2000).

this strategy had worked well during 2009 to increase the numbers and quality of escapement (larger, older female fish) reaching spawning streams (ADF&G 2010).

Federal Regulatory History

Since October 1999, Federal regulations for the Yukon-Northern Area stipulated that, unless otherwise restricted, rural residents may take salmon in the Yukon-Northern Area at any time by gillnet, beach seine, fish wheel, or rod and reel unless exceptions are noted. In Subdistricts 4-B, 4-C and District 5, subsistence regulations have mirrored those of the State, stipulating that fishers may not take salmon using drift gillnets. A less restrictive proposal (FP04-05) to allow the use of drift gillnets in the lower 16 miles of Subdistricts 4-B and 4-C was submitted to the Federal Subsistence Board in 2003. The Federal Subsistence Board rejected that proposal based on conservation concerns. However, there were many points discussed on both sides of the issue during that Federal Subsistence Board meeting. The proponent was encouraged to work with State and Federal staff and subsistence users to craft another proposal with some adjustments that may help address some of the conservation concerns (FSB 2003).

In 2002 the Federal Subsistence Board delegated some of its authority to manage Yukon River drainage subsistence salmon fisheries to the Branch Chief for Subsistence Fisheries, U.S. Fish and Wildlife Service, in Fairbanks, Alaska (*see Appendix A* in FP15-03). The Federal Subsistence Board's delegation allows the Federal manager to open or close Federal subsistence fishing periods or areas provided under codified regulations, and to specify methods and means.

In 2004, fishery proposal FP05-04, submitted by the Western Interior Subsistence Regional Advisory Council, requested that drift gillnets be allowed in Subdistricts 4-B, 4-C and District 5 of the Yukon River. This gear would be restricted both in depth and length, not to exceed 35 meshes in depth and 150 feet in length. The use of drift gillnets would only be allowed during two-36-hour periods within the current subsistence fishing schedules or periods in Subdistricts 4-B, 4-C, and District 5. This proposal was adopted with modification to exclude chum salmon and to include a requirement for a registration permit (FSB 2005).

In 2013, fishery proposal FP13-01, submitted by the Koyukuk National Wildlife Refuge, requested the removal of the Federal subsistence permit requirement for the Chinook salmon drift gillnet fishery for Yukon River Subdistricts 4B and 4C. This proposal was adopted (FSB 2013).

Gear Used in the Middle and Upper Yukon River

Loyens (1966) describes the importance of salmon to the people of the Yukon River as “the staple in the native food supply...and that fishing was the most important subsistence activity” and it remains highly important today. Among salmon, Chinook salmon are foremost in importance for most people, followed by chum and coho salmon (Pope 1979).

Historically, the primary salmon fishing gear types were fish traps used together with fish fences, gillnets, and dip nets prior to the introduction of fish wheels around the turn of the century (Loyens 1966). Around 1910, people along the Yukon began to use the fish wheel almost exclusively in the middle and upper river areas, establishing large camps on the Yukon River (McFadyen Clark 1981).

Drift gillnets were historically used by the Deg Hit'an and Koyukon Athabaskan people in the middle Yukon as an alternative to fish traps or dip nets (Wheeler 2004 pers. comm., and Osgood 1940). Drift gillnets were primarily used to catch Chinook salmon and were deployed from a canoe or suspended between two canoes on the main river. During the 1950s drift gillnets became more common, facilitated in part by the introduction of power motors.

Drift gillnets have been used by some residents of Galena for many years. When drift gillnets were again allowed in the upper portion of Subdistrict 4-A in 1981, fishers from Galena began making the 16-mile trip downstream to drift for Chinook salmon. Typically, unrelated individuals fish together during the evenings for several hours at a time (Marcotte 1990). This method of salmon fishing can be effective for catching Chinook and fall chum salmon with economy of effort since separate trips are not needed to reset or pull gear at the beginning and ends of the open fishing periods (Marcotte 1990).

Drift gillnet use in the upper Yukon River, above District 4, has not been well documented and is likely to have been at very low levels when allowed. However, there has been some reported use of drift gillnets as far upstream as the Teslin River in Canada, just below the highway bridge at Johnson's Crossing (USFWS 1956). There have also been verbal reports from elders and Regional Council members of people using drift gillnets in the Alaskan portion of the middle and upper Yukon River for subsistence fishing prior to the restrictions going into place for this gear type.

Biological Background

Chinook Salmon

Recent analyses indicate that Yukon River Chinook salmon stocks appear to be in the 6th year of a multi-year period of low productivity. However, available data on Yukon River Chinook salmon stocks show periods of above-average abundance (1982-1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013).

In 2013, Chinook salmon escapement goals for some tributaries of the Yukon River including the West Fork Andreafsky, Nulato, and Salcha Rivers were achieved. However, the escapement goals for the East Fork Andreafsky, Anvik and Chena Rivers were not met. The cumulative count on the Gisasa River was below average. High water conditions on the Chena River precluded counting for much of the season. Preliminary Chinook salmon border passage based on the Eagle sonar was estimated at 30,401 which is below the lower end border passage goal of 42,500 Chinook salmon. These numbers, however, are subject to change with postseason data analysis (ADF&G 2013a).

The Chinook salmon return to the Yukon River in 2014 was expected to be extremely poor and likely insufficient to meet all escapement goals. The outlook was for a run size range of 64,000 to 121,000 Chinook salmon. The 2014 Chinook run on the Yukon River was estimated to be 137,000 based on counts taken at the Pilot Station sonar as of June 30, 2014. The upper end of the border passage agreement of 55,000 Chinook salmon was met on approximately July 27 based on Eagle sonar counts.

Summer Chum Salmon

Summer chum salmon runs in the Yukon River have provided for harvestable surplus in each of the last 10 years, 2003-2013. In 2013 most tributaries producing summer chum salmon experienced above average escapement. The East Fork Andreafsky River Sustainable Escapement Goal and Anvik River Biological Escapement Goal were achieved and counts at the Gisasa and Henshaw rivers were above average. Salcha River and Chena River escapements, as assessed by tower counts, were above their historical medians. Yukon River summer chum salmon runs generally exhibit strong run size correlations among adjacent years and it should be noted that poor runs have resulted from large escapements (ADF&G 2013a). Similar to the past few years, actual harvest of summer chum has been affected by fishing restrictions implemented in response to poor Chinook salmon runs.

Fall Chum Salmon

Calculating total Yukon River fall chum run size post season is based on individually monitored spawning escapements including estimated U.S. and Canadian harvests. Escapements were monitored in the Chandalar and Sheenjek Rivers, and the Canadian mainstem rivers using sonar, and in Fishing Branch River with a weir. Assessment of Tanana River stocks is based on either genetic apportionment of Pilot Station counts (both summer and fall Tanana River stocks passing after July 19) or the Delta River escapement and its relationship to the Tanana River mark-recapture estimates (ADF&G 2011). The preliminary 2013 run size estimate was greater than 1.1 million fall chum. Harvestable surplus of fall chum has been available the past 10 years (2003-2013).

Coho Salmon

There are few coho salmon spawning escapement assessment projects in the Yukon River drainage. The Delta Clearwater River has the only established escapement goal for coho salmon, a Sustainable Escapement Goal of 5,200–17,000 fish (ADF&G 2011). A coho salmon index developed for the Yukon River from 1995 to 2012 (excluding 1996 and 2009) suggests that the average run size is 197,000 fish while the average escapement is 145,000 fish. The preliminary 2013 coho run size estimate is 137,000 and the escapement is estimated to be 51,000 fish (ADF&G 2013b). Harvestable surplus of coho salmon has been available for the past 10 years (2003 – 2013).

Harvest History

Chinook salmon subsistence harvests have been approximately 50,000 fish annually in the Alaskan portion of the Yukon River over the past 20 years. However, subsistence harvest levels of Chinook salmon have declined since 2007 due to declining run abundance and resultant harvest restrictions. In recent years, subsistence fishing has increasingly targeted non-Chinook salmon species such as whitefish. In order to allow continued subsistence opportunity throughout the season, subsistence fishing activity has been managed to avoid Chinook and allow the harvest of other fish species.



Most rural residents of the Yukon River drainage (minus the Tanana River) live in 39 villages (see **Table 1**). They harvested an estimated 10-year average (2001–2010) of 45,597 Chinook salmon annually. The harvest has decreased 15% between the 2001–2005 five-year average (49,067 fish) and the 2006–2010 five-year average (42,128 fish; **Table 2**; Jallen et al. 2012). A similar decrease occurred in all 6 management districts. According to preliminary results, in 2012, 26,065 Chinook salmon were harvested by rural residents of the Yukon River drainage, and 11,000 Chinook salmon were harvested in 2013 (JTC 2013 and 2014).

In 2011, based on household harvest surveys, 4 communities (Pitkas Point, St. Mary's, Pilot Station, and Kaltag) were estimated to harvest 100% of their Chinook salmon by drift gillnets. Seven communities (Huslia, Hughes, Allakaket, Alatna, Stevens Village, Birch Creek, and Venetie) were estimated to harvest 100% of their Chinook salmon by set gillnets. Fish wheels were only used to harvest Chinook salmon in 4 communities: Ruby (68% of Chinook salmon harvested by the community), Tanana (51%), Beaver (20%), and Ft. Yukon (74%).

Household harvest surveys are not done with residents of Rampart, Circle, Central, Eagle, Manley, Minto, Nenana, and Healy. Instead, these residents must obtain a State subsistence or personal use permit. Two communities (Rampart and Healy) reported harvesting 100% of their salmon with set gillnets.

Households in the other 6 communities reported using set gillnets or fish wheels as their primary gear to harvest salmon. Primary gear was determined by the larger number of salmon harvested by gear types in the household (Jallen et al. 2012).

Current Events - Chinook Salmon

Directed commercial fishing for Yukon River Chinook salmon has been discontinued since 2007 and subsistence fishing opportunities have become increasingly more restrictive in an effort to conserve Chinook salmon. In 2013, fishery managers reduced subsistence fishing opportunity to limit harvests to approximately 25% of historical levels. However, even with very reduced subsistence harvests, most escapement objectives were not met. The 2013 Chinook salmon run was one of the poorest runs on record. The Chinook salmon return to the Yukon River in 2014 was expected to be extremely poor and likely insufficient to meet all escapement goals. Fishermen throughout the drainage were advised ahead of the season to not expect fishing opportunity to harvest Chinook salmon and to consider using other more abundant fish resources available to them to supplement their subsistence needs. The 2014 season began with no subsistence, sport, or commercial fisheries anticipated for Chinook salmon in the U.S. portion of the Yukon River drainage. Subsistence fishing opportunities for species other than Chinook salmon were available throughout the 2014 season and the majority of subsistence fishing restrictions that occurred were during June and July to protect Chinook salmon as they moved upriver to spawning areas.

Effects of the Proposal

If this proposal is adopted it would be anticipated to reduce the fishing efficiency for harvesting salmon in the Yukon River. By allowing only set gillnets during fishing periods in areas targeting Chinook salmon or during times of Chinook salmon conservation, this proposal would remove a fishing gear option that is

currently relied upon by one segment of the fishing community and would not affect the fishing practice of others. Without a shift in allocation, the fishery manager would be required to judge how new variable combinations of time and area without use of drift gillnets might offset the previous observed harvest performance when drift gillnets were utilized.

According to the proponent, this proposal would provide for some subsistence harvest of chum salmon while reducing impacts to Chinook salmon by only fishing close to shore with set nets where Chinook salmon are less likely to be abundant and are usually smaller jacks. The use of set nets in place of drift nets may improve the quality of Chinook salmon escapement due to the incidental harvest of Chinook salmon being located closer to shore where smaller Chinook salmon tend to run. Avoiding mid-river deep drifts, which the proponent states tend to catch larger more fecund Chinook salmon, should improve escapement for larger more fecund Chinook salmon.

OSM PRELIMINARY CONCLUSION

Take No Action on FP15-04

Justification

The proposed action is not needed as the delegated authorities granted to Federal in-season managers by the Board (*see Appendix A* in FP15-03) already allow what the proponent is asking for. It applies to waters within the Yukon River Drainage and permits the opening or closing of Federal subsistence fishing periods, areas; specification of methods and means, permit requirements, and setting of harvest and possession limits for Federal subsistence fisheries. This delegation may be exercised only when it is necessary to conserve fish stocks or to continue subsistence uses.



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Table 1. Rural residents of the Yukon River drainage, by community and management district.

YUKON RIVER DRAINAGE					
FISHING MANAGEMENT DISTRICT/COMMUNITY					
District 1	District 2	District 3	District 4	District 5	District 6
Nunam Iqua	Mountain Village	Russian Mission	Anvik	Tanana	Manley
Alakanuk	Pitkas Point	Holly Cross	Grayling	Rampart	Minto
Emmonak	St. Mary's	Shageluk	Kaltag	Steven Village	Nenana
Kotlik	Pilot Station		Nulato	Birch Creek	Healy
	Marshall		Koyukuk	Beaver	
			Galena	Fort Yukon	
			Ruby	Circle	
			Huslia	Central	
			Hughes	Eagle	
			Allakaket	Venetie	
			Alatna	Chalkyitsik	
			Bettles		

Table 2. The harvest of Chinook salmon by Federally qualified subsistence users, Yukon River drainage, by district, 1989 to 2011

FEDERAL							
CHINOOK SALMON HARVEST – YUKON RIVER DRAINAGE							
Year	Number of fish harvested ^a						
	District 1	District 2	District 3	District 4	District 5	District 6	Total
2001	7,089	13,442	6,361	10,152	12,441	2,136	51,621
2002	5,603	8,954	4,139	9,456	11,634	908	40,694
2003	6,332	9,668	5,002	12,771	17,259	1,753	52,785
2004	5,880	9,724	4,748	16,269	13,669	939	51,229
2005	5,058	9,156	5,131	13,964	14,840	857	49,006
2006	5,122	8,039	5,374	12,022	13,740	1,104	45,401
2007	6,059	10,553	4,651	11,831	16,655	1,308	51,057
2008	6,163	8,826	5,855	10,619	9,728	497	41,688
2009	4,125	6,135	2,924	9,514	7,408	889	30,995
2010	5,856	8,676	4,299	12,888	8,727	1,052	41,498
2011	6,255	8,069	4,134	9,893	8,007	1,037	37,395
2001 to 2005 average	5,992	10,189	5,076	12,522	13,969	1,319	49,067
2006 to 2010 average	5,465	8,446	4,621	11,375	11,252	970	42,128

Source: Jallen et al. (2012).

Note: Does not include the Coastal District, does not include harvests from State personal use permits, does not include harvest by Fairbanks State subsistence permit holders.

**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



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

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), Orutsarmiut 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.

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



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

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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

Jan-01	Feb-01	Mar-01	Apr-01	May-01	Jun-01	Jul-01	Aug-01	Sept-01	Oct-01	Nov-01	Dec-01	
		Nominations/Appointments Process - Year 0										NR Appts - Year 0
							Application Period - Year 1					
Jan-02	Feb-02	Mar-02	Apr-02	May-02	Jun-02	July-02	Aug-02	Sept-02	Oct-02	Nov-02	Dec-02	
	Year 1 - App. cont.			Nominations/Appointments Process - Year 1								NR Appts - Year 1
							Application Period - Year 2					
Jan-03	Feb-03	Mar-03	Apr-03	May-03	Jun-03	Jul-03	Aug-03	Sep-03	Oct-03	Nov-03	Dec-03	
	Year 2 - App. Cont.			Nominations/Appointments - Year 2								NR Appts - Year 2
							Application Period - Year 3					
Jan-04	Feb-04	Mar-04	Apr-04	May-04	Jun-04	Jul-04	Aug-04	Sep-04	Oct-04	Nov-04	Dec-04	
	Year 3 - App. Cont.			Nominations/Appointments - Year 3								NR Appts - Year 3
							Application Period - Year 4					

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

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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
Federal Subsistence Board
Interagency Staff Committee
Western Interior Alaska Subsistence Regional Advisory Council
Administrative Record

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

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

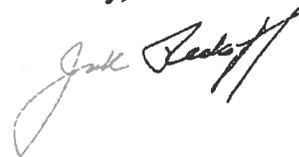
received word of a member's reappointment, amounting to a nearly four-month delay. Such delays are unacceptable to our statutory "meaningful role" in Federal subsistence management of fish and wildlife. Steps need to be taken as soon as possible so that delays in these very important and critical appointments 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**



National Park Service
U.S. Department of the Interior

Wrangell-St. Elias
National Park/Preserve

P.O. Box 439
Mile 106.8 Richardson Hwy
Copper Center, AK 99573

907-822-5234 phone
907-822-3182 fax

Wrangell-St. Elias National Park/Preserve News Release

For Immediate Release – July 17, 2014
Mark Keogh – (907) 822-7223

Plans for Subsistence Hunt of Chisana Caribou Herd Announced

Copper Center, AK – Plans for a federal subsistence hunt for the Chisana caribou herd were announced today by Wrangell-St. Elias Superintendent Rick Obernesser, the designated federal manager for the hunt. The Federal Subsistence Board authorized a limited harvest from the Chisana caribou herd at its January 2012 meeting. Consistent with the cooperative management plan for the herd, the harvest quota will be 7 bull caribou, and a maximum of 18 federal registration permits will be issued to federally qualified subsistence users. The hunt will open on August 10 and close on September 30 or when the quota has been reached. Hunters are asked to report back within three days of harvesting an animal or at the end of the season if unsuccessful. The hunt area is Federal public lands in Unit 12 that lie east of the Nabesna River and Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border.

Eligibility for the hunt is limited to permanent residents of Chisana, Chistochina, Mentasta Lake, Northway, Tetlin, Tok, Unit 12 along the Nabesna Road (mileposts 25-46), and that portion of Unit 12 east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail. For residents of Chistochina, Mentasta Lake, Northway, and Tetlin, permits will be distributed through the tribal council offices in those communities. Contact the council offices for additional information, including any application deadlines. Permits will be issued to residents of Tok on a first-come, first-served basis at the Tetlin National Wildlife Refuge office in Tok, between 11 AM and 1 PM on Tuesday, July 29. Please bring your State of Alaska resident hunting license, a photo ID (such as an Alaska driver's license), and proof of local physical address. Documentation of physical address can include a voter registration card or a telephone or electric bill listing your physical address. For residents of other eligible areas and for Tok residents after July 29, contact Barbara Cellarius, Subsistence Coordinator, at 822-7236 for permit information.

The Chisana caribou herd is a small international herd occurring in Yukon and Alaska on the Klutlan Plateau and near the headwaters of the White River. In the United States, its range is primarily within the boundaries of Wrangell-St. Elias National Park and Preserve. From the late 1980s through 2003, the herd experienced a decline in population and almost all hunting was stopped in 1994. From 2003 to 2006, a recovery effort designed to increase recruitment and calf survival was conducted. The herd population currently appears stable at approximately 700 animals. The herd management plan provides recommendations and strategies to guide its management and conservation. The conditions for this hunt are consistent with the plan.

For more information, contact Barbara Cellarius, Subsistence Coordinator, at (907) 822-7236 or barbara_cellarius@nps.gov.

--NPS--

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The National Park Service cares for special places saved by the American people so that all may experience our heritage.



National Park Service
U.S. Department of the Interior

Wrangell-St. Elias
National Park/Preserve

P.O. Box 439
Mile 106.8 Richardson Hwy
Copper Center, AK 99573

907-822-5234 phone
907-822-7216 fax

Wrangell-St. Elias National Park/Preserve News Release

For Immediate Release – August 20, 2014
Mark Keogh – (907) 822-7223

Final Rule on Nabesna Off-Road Vehicle EIS

Copper Center, AK – The National Park Service (NPS) has published in the Federal Register a final rule for the management of off-road vehicle (ORV) use in the Nabesna District of Wrangell-St. Elias National Park and Preserve (WRST). The rule is effective September 19, 2014. The final rule is supported by the Nabesna Off-Road Vehicle Management Plan/Environmental Impact Statement (FEIS) and Record of Decision (ROD). The ROD was signed on December 14, 2011.

The Record of Decision followed a 4-year planning process that included intensive public involvement. During the planning process, NPS held and attended public meetings with other federal agencies, state agencies, Native corporations, tribal councils, environmental organizations, citizens groups, and subsistence advisory bodies to discuss the ORV Management Plan/EIS. Following the Record of Decision in late 2011, WRST has continued to inform involved stakeholders regarding the status of the final rule.

A proposed rule was published in the Federal Register on January 15, 2014 and was open for comments for 60 days. Eight comments were received. The final rule includes NPS responses to substantive comments. No substantial changes were made to the proposed rule as a result of comments received.

The final rule includes the following:

1. Designation of trails in the Nabesna District of the National Preserve where ORVs may be used off park roads for recreational purposes. At this time, this includes the following trails:

- Lost Creek trail
- Trail Creek trail
- Soda Lake trail

As trails are improved in the national preserve portion of the Nabesna district, they will be designated for recreational ORV use. These include the Reeve's Field trail, the Caribou Creek trail, and the Suslota trail.

2. Prohibition of the use of certain types of vehicles based upon size and weight. The following types of vehicles may not be used for recreational uses or subsistence uses in Wrangell-St. Elias National Park and Preserve:

- Tracked rigs greater than 5.5 feet in width or 4,000 lbs. curb weight.

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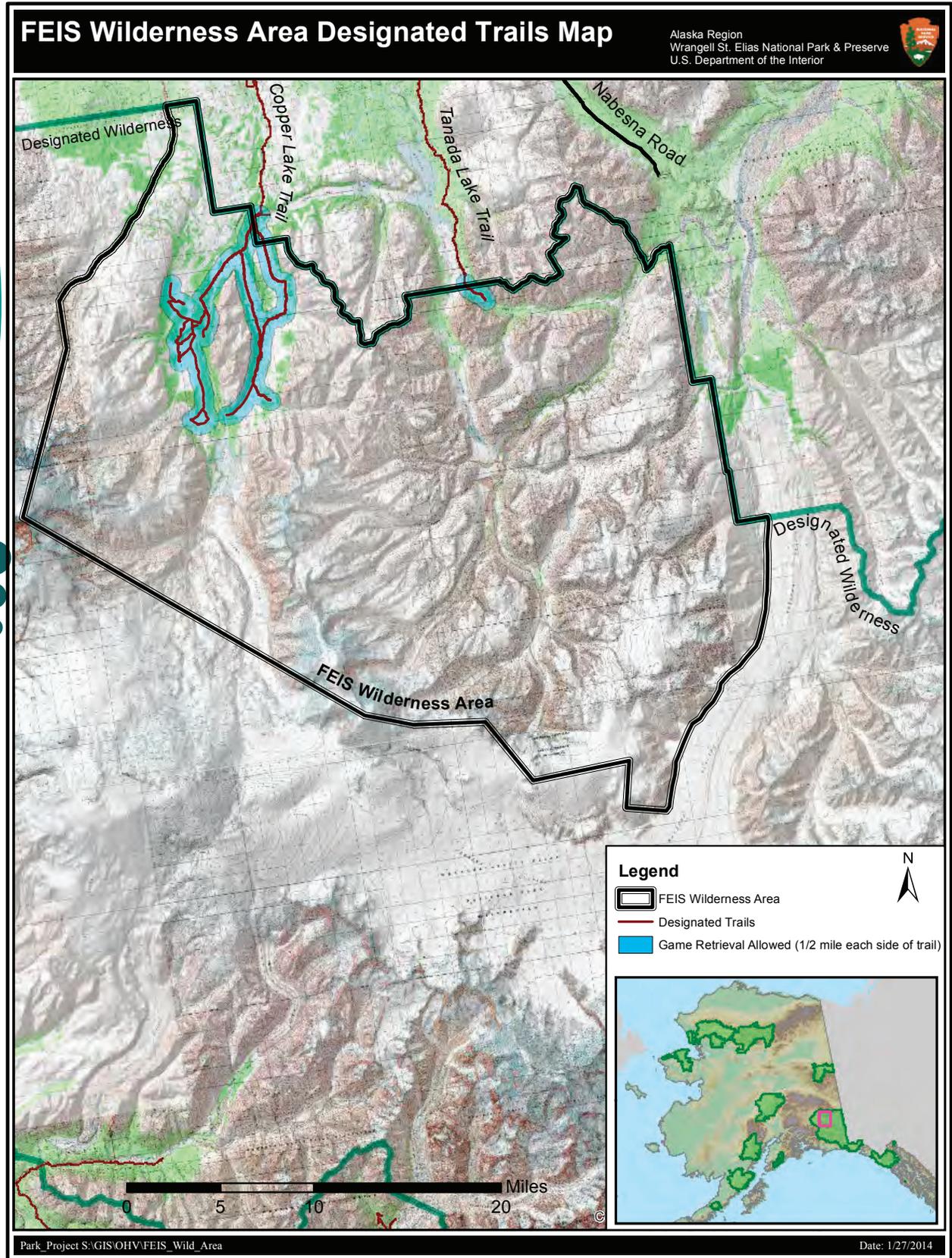
- Street legal highway vehicles.
- Custom 4x4 jeeps, SUVs, or trucks designed for off-road use.
- Original or modified “deuce and a half” cargo trucks.
- Dozers, skid-steer loaders, excavators, or other construction equipment.
- Motorcycles or dirt bikes.
- Log skidders.
- Wheeled vehicles (including all-terrain vehicles, utility vehicles, and Argos) exceeding 1,500 lbs. curb weight, not including trailers.

3. For trails in the FEIS Wilderness Area (Black Mountain trails and the southern portions of the Tanada Lake trail), the rule requires that subsistence ORV users stay on trails or within identified trail corridors. The trail corridors consist of 0.5 miles on either side of the trail, and ORV use in areas outside of the established trail will be solely for purposes of game retrieval. ORV travel outside of these designated trail corridors in the FEIS Wilderness Area will be prohibited. Trails and trail corridors in the FEIS Wilderness Area, and the boundaries of the FEIS Wilderness Area, are identified on a map available at the Slana Ranger Station and the Main Park Visitor Center, and on the park’s website at <http://www.nps.gov/wrst/parkmgmt/planning.htm>. They will also be identified at the Tanada and Copper Lake trailheads.

You can access the Federal Register notice by going to the following website:
<http://www.gpo.gov/fdsys/pkg/FR-2014-08-20/pdf/2014-19740.pdf>

Any questions can be directed to Bruce Rogers, park planner, at 907-822-7276 or Rick Obernesser, Superintendent, at 907-822-7202.







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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

FWS/OSM 14057.EP

JUN 24 2014

Ms. Susan L. Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
HC72 Box 800
Tok, Alaska 99780

Dear Ms. Entsminger:

This letter is to inform the Council that the Alaska Department of Fish and Game (ADF&G) has filed a request for reconsideration with the Federal Subsistence Board regarding the Board's action on wildlife proposal WP14-51.

As you are aware, in January 2012, the Federal Subsistence Board closed the Red Sheep Creek and Cane Creek drainages to Dall sheep hunting except by Federally-qualified residents of Arctic Village, Venetie, Fort Yukon, Kaktovik and Chalkyitsik.

Proposal WP14-51 submitted by the State of Alaska, requested that the Red Sheep and Cane Creek drainages be opened to non-Federally qualified users August 10 – September 20 in the Arctic Village Sheep Management Area (AVSMA) of Unit 25A, and that a person hunting within the Red Sheep Creek/Cane Creek portion of the AVSMA of Unit 25A possess proof of completion of a Alaska Department of Fish and Game approved hunter ethics and orientation course (to include land status and trespass information) prior to hunting in this area.

At the April 2014 Federal Subsistence Board meeting, the Board concurred with the recommendations of the North Slope and Eastern Interior Alaska Regional Advisory Councils to maintain the closure and rejected WP14-51.

As provided under the subsistence management regulations for Federal public lands in Alaska, in both 36 CFR 242.20 and 50 CFR 100.20, any person may file a request for reconsideration by the Board. The regulations further provide that:

(e) Upon receipt of a request for reconsideration, the Board shall transmit a copy of such request to any appropriate Regional Council and ADF&G for review and



Ms. Entsminger

recommendation. The Board shall consider any Regional Council and ADF&G recommendations in making a final decision.

Enclosed are the cover letter and request for reconsideration submitted by ADF&G.

The Board will keep the Council apprised of the opportunity to review and make recommendations to the Board on this request for reconsideration before making a final decision. If you have any questions regarding this process please contact your Subsistence Council Coordinator, Eva Patton, at 907-786-3358 or eva_patton@fws.gov.

Sincerely,



Tim Towarak, Chair

Enclosures

cc: Federal Subsistence Board
Eastern Interior Alaska Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Chuck Ardizzone, Deputy Assistant Regional Director, Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management
Interagency Staff Committee
Administrative Record

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME OFFICE OF THE COMMISSIONER

SEAN PARNELL, GOVERNOR

P. O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

17 June, 2014

Mr. Tim Towarak, Chairman
Federal Subsistence Board
Office of Subsistence Management
U. S. Department of the Interior
3601 C Street, Suite 1030
Anchorage, AK 99503

RE: FRFR WP14-51

Dear Mr. Towarak:

As provided for in Subpart B, 36 CFR §242.20 and 50 CFR §100.20, of Subsistence Management Regulations for federal public lands in Alaska, the Alaska Department of Fish and Game hereby requests that the Federal Subsistence Board reconsider and rescind its decisions of April 18, 2014 on Wildlife Proposal 14-51. The Board improperly denied the reinstatement of a valid harvest opportunity to other users. These decisions will purportedly be effective upon publication in the Federal Register.

The enclosed Request for Reconsideration details the reasons for our request. I request an opportunity to further explain these procedural and factual errors during Board deliberations on this request. I also request that the Board act expeditiously.

Sincerely,



Doug Vincent-Lang
Director, Division of Wildlife Conservation

Enclosure



STATE OF ALASKA’S REQUEST FOR RECONSIDERATION OF FEDERAL SUBSISTENCE BOARD ACTION ON RED SHEEP CREEK/WP14-51

I. Summary of State’s Request

The State of Alaska, through its Department of Fish and Game (“State”), seeks reconsideration of the action by the Federal Subsistence Board (“Board”) taken on April 18, 2014 rejecting the State’s proposal, WP 14-51, that would reopen the Red Sheep Creek and Cane Creek drainages in the Arctic Village Sheep Management Area of Unit 25A (AVSMA) to non-Federally-qualified subsistence hunters August 10 through September 20, while requiring hunters to complete a State-approved hunter ethics and orientation course. The State requests reconsideration under 50 CFR 100.20(d) for the following reasons.

The Board acknowledged that the sheep population is healthy and there is no conservation reason for keeping the area closed. It purported to act under authority of provisions of ANILCA § 815 and the Board’s Closure Policy that authorize closure when substantial evidence shows closure is necessary to provide a meaningful preference for qualified subsistence users. However, there was no substantial evidence that non-subsistence hunting interferes with the preference accorded to Federally-qualified subsistence hunters or their access to sheep for subsistence. The Board acknowledged that evidence of subsistence use of sheep in the greater AVSMA including the drainages is “sparse.” These drainages comprise a small portion of the AVSMA, and the actual subsistence use of these drainages by Federally-qualified hunters and the number of sheep taken is not known. Federally-qualified hunters have 271 days each year to hunt sheep in this area and can take any rams. The Board acted unreasonably and unlawfully in closing the drainages to the few non-Federally-qualified hunters who hunt in the drainages for full curl rams during the 41-day state hunt based on comments about aircraft noise and the idea that local hunters do not want other sheep hunters to be in the area. The Board considered improper legal standards and irrelevant information in reaching its decision, and also did not reasonably consider other less restrictive options, as required by the Board’s Closure Policy, including the effects of a mandatory hunter ethics and orientation class offered by the State, as discussed below.

II. There is No Conservation Need to Keep the Area Closed to Sheep Hunting By Non-Federally-Qualified Subsistence Hunters

The history of sheep hunting regulation in this area since 1991 is summarized in the Draft Staff Analysis prepared by the Office of Subsistence Management (“OSM”) for the Board in conjunction with its April 18, 2014 meeting. In 2007, the Board approved the State’s proposal to lift the closure of the drainages because surveys of sheep populations found the “sheep populations in these drainages were determined to be healthy,” but in 2012 it reinstated the closure, contrary to OSM’s recommendation [2014 OSM Staff Analysis at p. 340]

From the period 2006 to 2011, before the 2012 closure was put into place, the sheep density in the drainages remained stable, and slightly increased. This occurred while non-Federally-qualified sheep hunters harvested two to seven sheep annually.

As stated in the OSM Staff Analysis [page346]: “If adopted, this proposal would not affect the Dall sheep population in the proposal area. The most recent population surveys indicate good productivity of the sheep population. Allowing sheep hunting by non-Federally qualified users in these drainages is not a conservation concern”

III. The Record Does Not Support a Finding That a Closure is Necessary to Provide a Meaningful Preference for Qualified Subsistence Users

In its Staff Analysis and at the meeting, OSM reported that information on use of the larger AVSMA by Federally-qualified subsistence users is “sparse” and there is little evidence and no documentation of subsistence hunting and harvests of sheep by the local communities in the Red Sheep Creek and Cane Creek drainages within the AVSMA. [FSB 4/18/14 Meeting Tr. at 490; 2014 OSM Staff Analysis at p. 342]. OSM said “just how many sheep are harvested by Federally qualified subsistence users in the AVSMA is not known,” primarily because of Federally qualified users’ non-compliance with permitting and reporting requirements. [*Id.*] The permit data that are available show *average annual harvest by federally qualified users in the entire AVSMA was less than one sheep per year in 2005-10.* [*Id.*] The Red Sheep Creek and Cane Creek drainages comprise a small part of the overall AVSMA, and there is no data on how many sheep were harvested by Federally qualified users in these particular drainages. The older ADF&G household survey data from the mid-1990s as reported by OSM indicate that Arctic Village residents harvested 3–5 sheep per year in the mid-1990s, but again do not show the location of the harvest. [*Id.* at p. 342-43].

The anthropological studies that OSM cites in its staff analysis are equally sparse and inconclusive, are presented without discussion, and as reported do not support closure. For example, OSM cites anthropological studies for the proposition that sheep are important to the residents of Arctic Village, but does not cite to any support for the proposition that Arctic Village residents regularly subsistence hunt for sheep in these drainages.¹ OSM also summarily asserts: “The public record supports the fact that Arctic Village residents have a long history of using the Red Sheep and Cane Creek drainages, and that it continues to be a culturally significant area to them,” without support for this assertion. It goes on to state: “Extensive discussion included in previous proposal analysis (cf. Proposal 58 in 1993, Proposal 54 in 1994, and Proposal WP14-51 in 2012) pointed to regular use of these drainages by residents of Arctic

¹ OSM states: “Sheep hunting is a ‘longstanding’ tradition for Arctic Village residents, most of whom are Gwich’in Athabascan (Caulfield 1983:68; Denero 2003; Gustafson 2004; EIRAC 2006, 2007, 2011), and the Red Sheep and Cane Creek areas have been a longstanding focus of this activity.” OSM cites no studies or other authority for the latter proposition. [2014 OSM Staff Analysis at p. 342].



Village (USFWS 1993, 1995).” [*Id.* at 344] However, the 2012 meeting transcript and materials contain no such extensive discussion or support for these conclusions. Rather, they show OSM staff making the same unsupported and sweeping conclusions in meeting after meeting, repeating themselves and citing their previous unfounded statements until these statements are assumed to be correct.²

Particularly egregious is OSM’s failure even to report to the Board in 2014 the best and most recent available data, which was presented to the Eastern Interior RAC but not to the Board. ANWR Assistant Refuge Manager Hollis Twitchell told the EIRAC that in the several weeks he spent in the drainages in August and September of 2012 and again in 2013 monitoring use of the area, he *saw no local hunters in the area in 2012 and only one local hunter in 2013*. [EIRAC 11/20/13 Meeting Tr. 262]

Focusing on the issue and analysis required under ANILCA § 815 and the Board’s Closure Policy – whether closure is necessary to provide a meaningful preference for qualified subsistence users – there is no evidence in the record at all that subsistence users have been prevented from or impaired in meeting their subsistence needs by non-subsistence hunting in the area. Rather, the Board was swayed by unsubstantiated comments from OSM and a few individuals about the possibility of aircraft noise disturbance, but it failed to take a hard look at the data, which is generalized, dated, and not indicative of actual disturbance of subsistence in these drainages. OSM said that residents reported that plane fly-overs “spook” sheep and that “older rams can climb to higher elevations, making them more difficult to hunt,” citing its 1993 proposal analysis. It cites more recent personal communications for the proposition that flights through the Red Sheep and Cane Creek areas “disturb the sheep.” [2014 OSM Staff Analysis at p. 345]. But there is no data suggesting or showing that any such disturbance actually occurs and if so whether it actually interferes with their ability to subsistence hunt for and harvest sheep in the drainages, which the evidence shows rarely occurs.

Moreover, the best available data, which is buried elsewhere in its report, indicates that most of the air and ground traffic in the area is from hikers, not hunters. OSM reports, under the heading “current events involving species,” that in his several weeks in the area in August and September of 2012, Assistant Refuge Manager Twitchell saw only one group of non-Federally-qualified hunters (even though the State hunting regulations pamphlet did not inform the public that the area was closed), but encountered eight to ten other user groups that were dropped off in the area and hiked up the drainages to access other portions of the refuge. [2014 OSM Staff Analysis at p.

² See Transcript of 2012 FSB meeting at p. 191 (testimony of Dr. David Jenkins, saying exactly the same thing in 2012 as in 2014: “And the public record supports the fact that Arctic Village residents have a long history of using Red Sheep and Cane Creek drainages and that it continues to be a culturally significant area and there’s public testimony and previous analyses which attest to the significance and the continued use of Red Sheep Creek area for sheep hunting.” OSM fails to mention contrary evidence, such as the testimony of Arctic Village elder Gideon James, who testified to the FSB in 2012: “Cane Creek and Red Sheep Creek is one of our historical places that our people have traveled to, you know, they don’t actually go there every year but, you know, they know that the sheep is there to -- for them when they need it.” [*Id.* at p. 201].

341]. And OSM did not include in its report what Mr. Twitchell told the EIRAC, that alleged impacts such as trash and trespass that are blamed on sheep hunters “could very well be” from other users, not sheep hunters. [EIRAC 11/20/13 Meeting Tr. at p. 263-64].

An agency action is arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem [or] offered an explanation for its decision that runs counter to the evidence before the agency.” *Alaska v. Federal Subsistence Bd.*, 544 F.3d 1089, 1094 (9th Cir. 2008). The Board heard testimony that aircraft noise can disturb sheep and leapt to the conclusion that aircraft noise from non-Federally qualified users in the drainages does significantly interfere with Federally-qualified users’ subsistence harvests. This conclusion was arbitrary and capricious and not supported by substantial evidence.

With such a significant lack of information on use by Federally-qualified subsistence users and on impacts on these users’ subsistence harvests, and such a selective and misleading presentation of the evidence, the Board’s rejection of WP14-51 lacks substantial evidence in the record to support a finding the closure should be continued and should be reconsidered. Indeed, in 2012, considering essentially the same evidence (other than Mr. Twitchell’s observations, which began later that year and which do not support the continued closure), OSM recommended that the drainages be kept open to non-subsistence hunting. OSM staff stated in their written analysis in 2012:

While it is recognized that Red Sheep Creek and Cane Creek are culturally important to the people of Arctic Village and that this is a longstanding issue for the people of Arctic Village, reinstating the Federal closure is not supported by the available biological data or formal harvest data. ... The most recent population surveys indicate good productivity of the sheep population. ... Based on the harvest information and populations surveys, allowing sheep hunting by non-Federally qualified hunters does not have a measurable effect. ...

In addition, reinstating this closure is not necessary to meet the continued use clause of Section 815(3). Despite past closures to non-Federally qualified hunters and a more liberal subsistence harvest limit, there has been relatively little hunting reported in the Red Sheep and Cane Creek drainages by Arctic Village and other Federally qualified communities. Since subsistence users can take two rams of any age, the number of sheep available to them is much greater than the number of full-curl rams to which non-Federally qualified hunters are limited.

[2012 Draft Staff Analysis, from Interagency Staff Committee Meeting Materials at p. 634] Likewise, an OSM staff member told the Board at the 2012 meeting:

The OSM conclusion is to oppose this proposal [to close the Red Sheep and Cane Creek drainages]. Reinstating the Federal closure in Red Sheep and Cane Creek is not supported by the available biological data, although sheep populations in

the area are lower than in other areas of Alaska the most recent data we have available does indicate good production. In addition information on sheep harvest by Federally-qualified users is lacking for the two drainages and there's been very little reported hunting by local users since 1991. Finally Federally-qualified users have a much larger segment of the population available for harvest than do non-Federally-qualified users and the opportunity to harvest under Federal regulations extends until April 30th, providing these users with more than seven months of harvest opportunity beyond the State's fall hunting season. [Transcript of 2012 FSB meeting at p. 191-92]

The same analysis and same conclusions apply here as in 2012 and support lifting the closure. Further, as discussed above, the new evidence is even less supportive of closure than the evidence considered by OSM and the Board in 2012.

The Board has the authority to close public lands to non-subsistence users only when substantial evidence shows it is necessary to conserve healthy populations of fish and wildlife or to continue subsistence uses of such populations. 16 USC 3125(3), 50 CFR 100.10(4)(vi). There is no conservation need, and there is no substantial evidence showing need to keep the area closed to provide a meaningful preference for subsistence uses.

IV. The Board Did Not Apply the Correct Legal Standards for Closure When It Closed the Drainages in 2012 and When It Continued the Closures in 2014

In 2012, immediately after moving to adopt the proposal to close the drainages and receiving a second, the USFWS Board member stated on the record what he said were two rules that should guide deliberations: “[U]nless there's a biological, conservation issue we're pretty much supposed to not go against what's proposed by the RAC. ... Another rule we have is that we're not going to go against what the RAC proposes unless it's detrimental to the satisfaction of subsistence need.” [Transcript of 2012 FSB meeting at p. 225].

These were incorrect statements of the legal standards. The Board may not defer to RACs where their position is not supported by substantial evidence that the closure is necessary for the continuation of subsistence. *See* ANILCA § 805(c); *Alaska v. Federal Subsistence Bd.*, 544 F.3d at 1095 fn.9. That these were incorrect statements of the legal standards also is clear from the Board's 2007 “Policy on Closures to Hunting, Trapping and Fishing on Federal Public Lands and Waters in Alaska” (“Closure Policy), which states:

The Board will not restrict the taking of fish and wildlife by users on Federal public lands (other than national parks and park monuments) *unless necessary* for the conservation of healthy populations of fish and wildlife resources, or *to continue subsistence uses of those populations*, or for public safety or administrative reasons, or “pursuant to other applicable law.” ... *Proposed closures will be analyzed to determine whether such restrictions are necessary to*

assure conservation of healthy populations of fish and wildlife resources or *to provide a meaningful preference for qualified subsistence users*. The analysis will identify the availability and effectiveness of other management options that could avoid or minimize the degree of restriction to subsistence and non-subsistence users.

The closure policy also reiterates the substantial evidence standard, under the heading “Decision Making”: “The Board will ... [b]ase its actions on substantial evidence contained within the administrative record, and on the best available information; complete certainty is not required.”

ANILCA and the Closure Policy presume that Federal public lands (other than national parks and park monuments) will remain open to the taking of fish and wildlife by non-Federally qualified users as well as by Federally-qualified users. This taking may not be restricted unless, and only for so long as, substantial evidence in the record shows that closure is necessary to assure a meaningful subsistence preference.

Shortly after the USFWS member incorrectly stated the standard, the transcript indicates further confusion about the correct legal standards. The BIA Board member asked Board’s counsel a question: “I noticed in the Resolution 12-1, which was read earlier, ANILCA clearly anticipates closure of sports hunting where they would serve to continue subsistence uses, is that in the Federal closure policy?” Counsel responded: “I’ve just been handed a copy and I’ll read the sentence into the record. ‘When necessary for the conservation of healthy populations of fish and wildlife, to continue subsistence uses of such populations, the Federal Board is authorized to restrict or close the taking of fish and wildlife by non-subsistence users.’” Counsel did not elaborate, and did not clarify that the standard is not “serve to” continue subsistence uses, it is “*necessary to*” continue (interpreted in the Closure Policy as “*necessary to provide a meaningful preference*” for subsistence uses). [Transcript of 2012 FSB meeting at p. 229]

The application of the incorrect legal standards in 2012 flowed through to and tainted the 2014 action, since several Board members voted against the State’s 2014 proposal because they believed nothing had changed since 2012. [FSB 4/18/14 Meeting Tr. at pp. 505-06, 510]. Board members’ application of incorrect closure standards warrants the Board’s reconsideration of its decision.

V. The Board Considered Irrelevant and Unlawful Evidence in Making Its Decision.

The transcript of the testimony and deliberations at the 2012 and 2014 Board meetings and RAC meetings indicates the closure is driven by a desire of local residents to keep outsiders from hunting in the area. This desire may be understandable but it is not a lawful consideration, because ANILCA and the Closure Policy protect non-subsistence hunting as long as a



meaningful subsistence priority is provided.³ The desire to exclude outsiders is implicit in the vague and shifting concerns about trespass and outsiders' use of aircraft (even though local residents use aircraft to access the area), and occasionally it is explicit in the testimony.⁴ That the Board improperly relied on this factor is apparent, for example in the comment by a Board member that he would "vote in opposition of it, just based on the cultural significance of the people of the area" and the notion that the "connection to the land and the resource to the people in the area is generally lost due to trying to provide an opportunity for other people to come in and share that resource in that area." [FSB 4/18/14 Tr. at 50]. A bad decision resulted from perpetuation of the Board's reliance on rumors and hearsay.

An agency action will be found to be arbitrary and capricious if "the agency has relied on factors which Congress has not intended it to consider." *Alaska v. Federal Subsistence Bd.*, 544 F.3d 1089, 1094 (9th Cir. 2008). Congress intended that public lands would be open to the public and that non-Federally-qualified hunters as well as Federally-qualified hunters would be able to use public lands in Alaska, including hunting on those lands, as long as a meaningful preference for

³ See *Ninilchik Traditional Council v. United States*, 227 F.3d 1186, 1192 (9th Cir. 2000) ("Congress, however, articulates other statutory aims as well. In ANILCA's statement of purpose, for instance, Congress declares as a goal to 'preserve wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing, and sport hunting' § 3101(b)."

⁴ At the 2012 Board meeting, Bob Childers, Executive Director of the Gwitch'in Steering Committee, testified that Arctic Village residents:

didn't feel comfortable being there anymore. There was folks in -- there was an airplane camp right there at Red Sheep Creek, there's hunters in there, they just felt really uncomfortable, not that there'd been -- there'd been a couple incidents, but nothing that was very serious, but they just felt like it wasn't that big a place, that they couldn't go there. They talked about -- one of the things that was repeated again and again in those interviews was something like, you know, we don't know who those people are, we don't know who their parents were, we don't know where they came from and we don't know what they're going to do. And people -- you know, there was a couple incidents where people may have felt threatened, those incidents get passed around. When we started doing that -- those interviews people hadn't -- several of the people I talked with hadn't hunted in Red Sheep Creek in several years. And when I asked them why it was always the same reason, they just didn't feel like there was enough room for them there anymore. There's also a number of cultural sites in the valley, ...

[Transcript of 2012 FSB meeting at p. 197]. In response, RAC representative Ralph Lohse commented

on your -- what you were saying about the uncomfortableness. I know from being around I'll say long term residents of Cordova who are used to hunting, if there's somebody else's boat there or somebody else is in the valley, they don't go hunting there, you know, you don't -- the average subsistence user is not into combat hunting or combat fishing, if there's somebody else there you go someplace else and if there's no place else to go you go home. And I could understand that very fully for -- from a village standpoint out there, this is a place that you've been used to going and there's somebody else going, you don't go hunt on top of them, you..... you know, you wait until there's nobody else there.

[*Id.*]

subsistence uses is provided. Congress did not intend the Board to consider, and the Board should have been instructed that it cannot consider, the desires of local residents and hunters simply to exclude others from the area. The Board should have been instructed to consider, and should have considered, only the actual impacts on subsistence from hunting by non-Federally-qualified users.

VI. The Board Did Not Adequately Consider and Adopt Less Restrictive Alternatives to Closure As Required By Its Closure Policy.

The Board's Closure Policy states that proposed closures will be analyzed to "identify the availability and effectiveness of other management options that could avoid or minimize the degree of restriction to subsistence and non-subsistence users." For this analysis to be meaningful, not only must there be such an analysis, the Board must consider less restrictive alternative options and adopt them if they will provide the necessary protection of the subsistence preference in a less restrictive manner. Even if there had been a supportable reason for placing restrictions on non-Federally-qualified users, the Board did not consider less restrictive options, including the potential effectiveness of the new State-approved hunter education class in minimizing the real and perceived conflicts with subsistence. A variety of educational possibilities could have been explored, such as with aircraft noise (for example, suggesting agreed-upon altitudes and minimizing "fly-bys"). Other possibilities beyond the State's proposed class also were not considered. For example, in 2012 Jack Reakoff suggested keeping these drainages closed to non-Federally qualified hunters on the opening day of the sheep season and then opening them a few days later to alleviate opening-day pressures, but it does not appear that the Board considered such an option in 2012 or 2014.⁵

Further, the Board did not consider alternatives that could alleviate non-subsistence concerns, such as trespass (for example, if the class were to include maps showing the location of allotments and other private lands) and cultural sensitivity (such as with education of hunters on the nature and importance of subsistence, cultural and local norms, and culturally and locally important areas and sites).

VII. Closing the Drainages to a Small Group of Occasional Users While Leaving It Open Without Restriction to a Large Group of Other Annual Users is Arbitrary and Capricious.

As discussed above, there is no evidence that aircraft noise or the presence of non-Federally-qualified hunters or others (users who are expressly authorized by ANILCA to use public lands)

⁵ [Transcript of 2012 FSB meeting at p. 213]. Mr. Reakoff suggested that "there's this opening day syndrome, everybody's got to get there on the opening day. And so if you don't allow hunters, non-subsistence hunters to hunt on the opening day, that's the main stress period. They'll be hunting somewhere else. If you displace them for a 10 day period or a 20 day period until the end of August you would have -- basically alleviate a lot of the local people's stresses." [*Id.* at 212-13].

in any way affects the subsistence preference accorded to Federally-qualified users. The continued closure to a small handful of hunters is arbitrary, capricious, and unsupported by substantial evidence. Further, even aircraft noise or the presence of others were appropriate concerns, it is arbitrary and capricious to keep the drainages closed only to non-Federally-qualified hunters, whose use has been shown to be occasional, sporadic, and in small numbers, while keeping them open to all other recreationalists and other users, who use the area annually in much greater numbers and whose relative impacts are much greater, without addressing potential impacts from those users.

VIII. Conclusion

The State's proposal, WP14-51, would open the area to a few sheep hunters for about 41 days, August 10 through September 20. The Federally-qualified subsistence hunters would continue to be able to hunt sheep in these drainages for about 271 days, August 10 through April 30, and thus would continue to enjoy a meaningful subsistence preference, as OSM recognized in 2012 when it recommended against closing the area to non-Federally-qualified users.

The State urges the Board reconsider its action on Proposal WP14-51, and to take a hard look at all of the evidence in the record it relied upon when closing the area in 2012 and refusing to reopen the area in 2014. There is no evidence regarding actual impacts on subsistence sheep hunting in the area from non-subsistence hunting. In fact, there is no evidence of actual Federally-qualified subsistence sheep hunting in these drainages. The stated reasons for the closure indicate local people simply don't want sheep hunters coming in from outside the area, in spite of a serious lack of evidence of impacts on subsistence hunting. The testimony about alleged trespassing and sheep displaced by airplane noise was vague, was not tied to any particular people or location, and was not tied to impacts on subsistence. There is some discussion by the Board members recognizing use of the area by other users, but it is unclear from the record, assuming trespassing occurred and planes caused sheep to move, the extent of the alleged trespassing and sheep displacement, whether the culprits were sheep hunters (either local or visitors) or other visitors to the area, and whether trespassing or sheep displacement continues to occur. Most importantly, the record lacks evidence of any actual impacts on subsistence sheep hunting. Finally, the Board must consider other lesser restrictive alternatives, including the impact of the new State-approved hunter education class. The Board's decision to disregard the potential of educating sheep hunters on ethics and orientation was arbitrary and capricious.

The Board's actions are inherently inconsistent: The Board closed the area in 2012 without evidence about the subsistence uses in the area, concluding that hunting by a few non-Federally-qualified hunters may potentially adversely impact subsistence users. The Board's decision was not based on substantial evidence in the record, but merely on self-serving statements that having other hunters in the area affects ability to hunt. The Board did not request details or actual facts. Yet the Board also concluded that it needs more details and cannot determine whether the State's

hunter ethics and orientation course would have an effect on subsistence users, and therefore will keep the closure in place, thereby denying the State an opportunity to demonstrate the effectiveness of such a course. Reconsideration by the Board of its action on WP14-51 would allow the Board the opportunity to apply the correct standards for closure and to review and correct its conclusions regarding subsistence impacts in the Red Sheep Creek and Cane Creek drainages. Keeping the area closed simply to keep outsiders from hunting sheep in the area is not permissible under ANILCA. The State understands and supports the residents' desire to have the right to subsistence hunt for sheep in these drainages. WP14-51 would have no impact on the healthy population of sheep, and would not adversely affect the minimal use of sheep by Federally-qualified subsistence users.

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME



17 June 2014

DATED: _____

DOUG VINCENT-LANG, DIRECTOR –
DIVISION OF WILDLIFE CONSERVATION
FOR CORA CAMPBELL, COMMISSIONER



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

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 <i>End of Fiscal Year</i>	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 CLOSSES	Nov. 7



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

Eastern Interior Alaska Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Eastern Interior Alaska 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.

- (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
 - e. Appoint one member to the Wrangell-St. Elias National Park Subsistence Resource Commission and one member to the Denali National Park Subsistence Resource Commission 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 \$160,000, including all direct and indirect expenses and 1.15 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 advisory committee's and subcommittees' meetings,
 - Prepare and approve all meeting agendas,
 - Attend all committee 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 will terminate 2 years from the date the Charter is filed, unless, prior to that date, it 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.

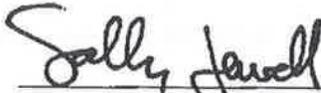
Council members will elect a Chair, a Vice-Chair, and a Secretary for a 1-year term.

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 or other subgroups 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.


Secretary of the Interior

NOV 25 2013

Date Signed

DEC 03 2013

Date Filed



