

SOUTHEAST ALASKA
Subsistence
Regional Advisory Council
Meeting Materials
October 21 - 23, 2014
Wrangell



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On the cover...

Sockeye salmon make their way upstream to spawn. Photo courtesy: USFWS.



SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

James & Elsie Nolan Center

296 Campbell Drive, Wrangell AK 99929

October 21, 2014, 9:30 a.m. - October 23 5:00 p.m.

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

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

DRAFT AGENDA

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Adjourn (Chair)

To teleconference into the meeting, call the toll free number: 1-866-560-5984, then when prompted enter the passcode: 12960066.

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 Robert Larson, Council Coordinator at 907-772-5930, robertlarson@fs.fed.us, or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

DRAFT



REGION 1

Southeast Alaska Subsistence Regional Advisory Council

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Address
1	2014 2016	Arthur M. Bloom Tenakee Springs
2	2004 2016	Frank G. Wright, Jr. Hoonah
3	1993 2016	Patricia A. Phillips Pelican
4	2000 2016	Michael A. Douville Craig
5	2002 2016	Harvey Kitka Sitka Secretary
6	1999 2014	Bertrand J. Adams Sr. Yakutat Chair
7	2014 2014	Robert F. Schroeder Juneau
8	2002 2014	Donald C. Hernandez Point Baker
9	2013 2015	Kenneth L. Jackson Kake
10	2013 2015	Aaron T. Isaacs, Jr. Klawock
11	2010 2014	John A. Yeager Wrangell
12	2003 2015	Michael D. Bangs Petersburg Vice-chair
13	2009 2015	Cathy A. Needham Juneau

MINUTES OF THE MARCH 11-13, 2013 SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING

Location of Meeting:

Crowne Plaza Hotel, 109 W. International Airport Road, Anchorage

Time and Date of Meeting:

Tuesday March 11, 2014, 10:30 a.m. – Thursday March 13, 2014, 4:30 p.m.

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL SESSION

Call to Order:

The spring meeting of the Southeast Alaska Subsistence Regional Advisory Council was called to order Tuesday, March 11 at 10:30 a.m. All Council members were present. John Yeager was excused for the first day and Aaron Isaacs was excused for portions of the second and third days of the meeting due to illness. Aaron Isaacs provided an invocation at the beginning of the meeting on March 11.

Review and Adopt Agenda:

The Council supported a motion (12-0) to accept the Agenda as a guide with the following changes: the Southeast Alaska Council would meet in this room on Wednesday morning then stand down while the Southcentral Council meets in the room during the afternoon. The two councils would meet in joint session again on Thursday. Wayne Owen, USFS, will provide an update on the status of the Petition to Extend Federal Jurisdiction into the marine waters near Angoon at noon on Wednesday March 12. The two councils will meet in concurrent sessions the afternoon of March 13 prior to adjournment.

Review and Approve Previous Meeting Minutes:

The Council supported a motion (12-0) to approve the September 24-26, 2013 Council meeting minutes with the following amendments: Kasaan Indian Association is changed to Organized Village of Kasaan.

Letter of Recognition and Condolence for Floyd Kookesh:

The Council approved a letter of condolences to the family of Floyd Kookesh, a longtime Council member from Angoon. The letter was addressed to Lena Woods, Melissa Kookesh, Ramona Kookesh, Kristi Kookesh, Marty Fred and Tyler Frisbe and signed by all the Council members.

Election of Officers:

By unanimous vote, Bert Adams was elected Chair, Mike Bangs vice-chair, and Harvey Kitka Secretary of the Southeast Alaska Subsistence Regional Advisory Council.

Attendees:

The following persons attended either the Southeast Alaska Council or the joint Southcentral/Southeast Alaska Council meeting either in person or by teleconference in addition to the Council members.

Barbara Cellarius	Glennallen	NPS
Bud Rice	Anchorage	NPS
Cal Casipit	Juneau	USFS
Carl Johnson	Anchorage	OSM
Chris Lampshire	Anchorage	USFS-LEO
Clarence Summers	Anchorage	NPS
Dan Sharp	Anchorage	BLM
David Jenkins	Anchorage	OSM
Davin Holen	Anchorage	ADF&G
Dennis Chester	Juneau	USFS
Diane Evans	Juneau	NPFMC
Don Rivard	Anchorage	OSM
Donald Mike	Anchorage	OSM
Drew Crawford	Anchorage	ADF&G
Eva Patton	Anchorage	OSM
Forrest Hannon	Anchorage	USFWS
Gene Peltola Jr.	Anchorage	OSM
George Pappas	Anchorage	OSM
Glenn Chen	Homer	BIA
Jack Lorrigan	Anchorage	OSM
Jane D. Cosimo	Anchorage	NPFMC
Jeff Anderson	Anchorage	USFWS
Jeff Brooks	Anchorage	OSM
Jeff Reeves	Craig	USFS
Jenifer Kohout	Anchorage	USFWS
Jennifer Yuhas	Anchorage	ADF&G
Jim Capra	Yakutat	NPS
Justin Koller	Sitka	USFS
Karen Hyer	Anchorage	OSM
Kay Larson-Blair	Anchorage	OSM
Lauren Sill	Juneau	ADF&G
Mary Patania	Anchorage	Public
Melinda Burke	Anchorage	OSM
Palma Ingles	Anchorage	USFWS

Pat Petrivelli	Anchorage	BIA
Peter Naoroz	Juneau	Kootznoowoo Inc.
Pippa Kenner	Anchorage	OSM
Robert Larson	Petersburg	USFS
Steve Kessler	Anchorage	USFS
Steve Reifenhstahl	Sitka	NSRAA
Susan Oehlers	Yakutat	USFS
Terry Suminski	Sitka	USFS
Tom Evans	Anchorage	OSM
Tom Kron	Anchorage	OSM
Trevor Fox	Anchorage	OSM

Reports:

Ken Jackson reported that although deer are depleted in the Kake area, the number of moose is increasing. There was a marten trapping closure on Kuiu Island again this year and although he was in favor of that action this season, he may not think it appropriate for next season. Sea otters are continuing to reduce the abundance of crabs and clams in the local area. Commercial fishing by the seine fleet for abundant pink salmon is intercepting and reducing the amount of sockeye salmon available for subsistence harvest from local stocks.

Aaron Isaacs reported that the road system management system used by the Forest Service to close roads is affecting local residents' ability to access some areas important to subsistence users.

Frank Wright reported that the deer population appears to be recovered in the Northeast Chichagof Controlled Use Area. The Hoonah Indian Association is contracting with Sealaska Corporation for thinning trees on the corporation's lands that have been previously clear-cut. The local Dungeness crab stocks are being depleted due to the commercial fishery and the abundance of sea otters.

Art Bloom is a newly appointed council member and is honored to be selected and serve on the Council.

Mike Bangs reported that Chrystal Lake Fish Hatchery burned last week with the loss of 1.2 million juvenile Chinook salmon. This loss will affect Chinook salmon returns in the future. The Alaska Fish and Game Advisory Committees in Wrangell and Petersburg submitted Stikine River subsistence fishing proposals. The Tongass Forest Plan will need to be revised to accommodate transition to young growth management.

Harvey Kitka reported that the Sitka Tribe remains concerned with the health of the Sitka Sound herring stock. There were some Tribal members that were not successful at harvesting herring spawn-on-branches this season. Harvey noted that sea otters can remove all shellfish from an area in a short amount of time. The Tribe has concerns with the management of mountain goats in Unit 4.

Bert Adams reported that the residents of Yakutat are very concerned with the impacts of sea otters on the local Dungeness crab stock. The moose quota was reduced again this year to 25 bulls west of the



Dangerous River to address the low bull-cow ratio in this herd. Deer have been impacted by recent bad winters but this has been a good winter for deer and moose survival. There has been a good run of eulachon into the Situk River; better than in many years. There was a good herring spawn again this year. Bert is no longer the chair of the Wrangell-St. Elias Subsistence Resource Commission (SRC). The SRC discussed the customary and traditional use determination process and it will be an educational challenge for them to understand the issue.

Bob Schroeder is thankful for the warm welcome from the Council and is looking forward to a successful time serving on the Council.

Mike Douville reported that road closures on Prince of Wales Island are compressing hunting pressure to fewer areas and increasing competition. The Prince of Wales fish hatchery at Klawock had a good return of coho salmon last fall. Mike recommends that fishers should record a steelhead when it is taken and not wait until they leave the stream.

Patricia Phillips reported that there are now 80 residents in Pelican. Because of the mild winter, deer appear to be very healthy this year. There also appears to be an over-abundance of bears with several recent encounters in Pelican. The trapping season was successful. Local Native hunters are increasing the harvest of sea otters but there is a shortage of skilled people to sew them into handicrafts. The commercial seine fleet is becoming increasingly more efficient at catching salmon.

Cathy Needham reported that she is concerned with potential impacts to subsistence due to climate change. The Council needs to remain vigilant in opportunities for changes to fishing regulations for the benefit of subsistence users. Sea otters remain a concern and are continuing to expand their range. Mining in Canada on rivers flowing into the Southeast Region is a concern. Cathy and Bert attended the fall meeting of the Southcentral Subsistence Council and thought that was a very effective way of learning about the concerns of another region.

Don Hernandez reported there was a successful deer hunting season on Prince of Wales Island. There was almost no snow this winter which should be good for deer. Don is concerned about additional loss of important fish and wildlife habitat, and loss of land under Federal jurisdiction due to proposals to transfer additional land to the State from the Tongass National Forest.

SOUTHCENTRAL AND SOUTHEAST ALASKA SUBSISTENCE REGIONAL

ADVISORY COUNCILS JOINT SESSION

Call to Order:

The joint session of the Southcentral-Southeast Alaska Subsistence Regional Advisory Councils was called to order Tuesday, March 11 at 1:30 p.m. Gloria Stickwan provided an invocation. The meeting was chaired jointly by Bert Adams and Ralph Lohse. The councils met again in joint session on Thursday March 13.

Customary and Traditional Use Determinations: Pat Petrivelli and Pippa Kenner reviewed the current status of the customary and traditional use (C&T) determination process. The issue of why C&T determinations are necessary and how they were made was first raised by the Southeast Alaska Council. The notice from the Board, a comparison of the Section 804 process/C&T determination process, and the action summaries from the other Councils was included as written materials in the Council books. There are educational and communication challenges to bring all Councils to the point where they have the same degree of understanding of the issue. This issue will be addressed by the councils again during their fall meetings.

Coordination with the North Pacific Fisheries Management Council: Diane Evans and Jane Cosimo, NOAA, provided an overview of the duties, membership and authorities of the NPFMC. They explained current actions and policies with an emphasis on actions to minimize halibut and salmon interactions by fisheries under their management authority. There are several members of the NPFMC or the associated technical committees that are residents of rural communities.

Sea Otter Management: Forrest Hannon and Jennifer Kohout, U.S. Fish and Wildlife Service, provided a briefing and power point presentation on the definition of what is significantly altered and the status of management of sea otters in the North East Pacific. Forrest provided examples of what products are considered significantly altered and Jennifer reviewed the law and regulations. She reminded the Council that the USFWS is not charged with encouraging or increasing the harvest of sea otters; the Agency's emphasis is on providing the structure and education to allow harvest under the current law.

Rural Determination Process: Pippa Kenner reviewed the rural determination process and timeline. The written briefing materials included the Council action summaries and were available to the council members in their Council books. The process is ongoing with further deliberation by the Board prior to probably implementation in 2015.

Cross Training of Council members: Carl Johnson provided a briefing regarding the interest by some councils to have a member of their council attend a neighboring council's meeting. Carl acknowledged that there are communication and educational benefits to this type of opportunity. It may be in the program's best interest to have council members attend other councils explain their issues. Decisions regarding travel will be made on a case by case basis after a request to travel has been received.

Fisheries Resource Monitoring Program: Cal Casipit provided an overview of the FRMP process and reviewed the written briefing material provided in the Council book. Cal emphasized that the funding for this program is uncertain in the future. The FRMP program provides an important source of money for the economic well-being of some tribes and provides an opportunity for local residents to be engaged in the management to local resources.

Council Member Nominations Process: Carl Johnson reported that there was a very difficult process out of Washington DC this year to have new council members appointed. Council member terms ended on December 2 and there are still eight positions that have not been filled at the time of this meeting. Many councils do not have alternate nominees. There will be additional discussions regarding how to make this a smoother transition.

Delegation of Authority by the Board to In-season Managers: Steve Kessler provided an overview of delegations of Board authorities to in-season managers throughout the State. Some council members are concerned that in-season managers may be influenced by personal biases and Agency interests to not implement the will of the Councils. Any issues with how in-season management actions are implemented should be brought to the Board. Delegations are from the Board and can be rescinded by the Board. Councils need to be informed of the policy and process for in-season management so there is an opportunity for review and prevent unanticipated actions.

Climate Vulnerability Assessment: Greg Hayward described Federal Agency initiatives and programs designed to identify and evaluate the effects of climate change. One of the first steps in the process is to develop vulnerability assessments for key aspects of this issue i.e. the amount and duration of snow/ice cover or sea levels. In Alaska it is expected that the sea level may not be a big issue in the near-term because the rise in water levels due to melting is being offset by the rise in land due to isostatic rebound from the last ice age. It is expected that there will be more grassland and more fires in much of the State; less snow and more rain on the coast. Climate change is a food security issue because the effects of climate change are linked to the management of wild renewable resources.

Partners Program: Palma Ingles provided a briefing on the Department of the Interior's program to fund a partners program in the portions of Alaska outside the National Forests. The intent of this initiative is to provide funds for grassroots support by local residents to implement Fisheries Resource Monitoring Program projects. There will be a call for proposals in the fall.

Agency Reports:

Office of Subsistence Management: Tom Kron informed the Councils there is a 40% vacancy rate at OSM with many positions in acting status. There is a Department wide hiring freeze that is making filling these vacancies difficult. Carl Johnson reminded the councils of the North Slope Council's letter requesting full staffing. Carl discussed the possibility of council members remaining on the council until appointments are made and potential changes to Council Charters. Council chairs can meet with each other prior to Board meetings but cannot meet with the Board prior to the Board meeting.

US Forest Service: Steve Kessler informed the Councils that the 2014 budget has not been finalized but there may be a small increase in funding. The 2015 budget request does not yet contain any money for subsistence. Cal Casipit is the acting planning staff officer for the Chugach National Forest. Chris Lampshire is interested in improving law enforcement services to the subsistence community but he expects the law enforcement budget to be reduced in the future. Milo Burcham reported there will be a revision to the Chugach Forest Plan. The Southcentral Council will have an opportunity to comment on the plan at the fall meeting. Terry Suminski reported the Sitka Area subsistence biologist has been hired (Justin Kohler). Ongoing issues on the Tongass include eulachon in District 1, wolves in Unit 2, goats in Unit 4 and deer in the Northeast Chichagof Controlled Use Area.

National Park Service: Barb Cellarius and Jim Capra provided a summary of concerns from the Wrangell-St. Elias Subsistence Resource Commission. One topic that will involve additional discussion is the process of doing in-season management and adequate outreach services for Special Actions.

Alaska Department of Fish and Game: Davin Holen provided a summary of subsistence studies being conducted throughout the State.

Closing Comments:

Council members had the following closing comments:

- It is good that the Federal subsistence program is beginning to interact with the North Pacific Fisheries Management Council
- The joint meeting was enlightening, informative, educational, and very worthwhile
- Council members appreciated hearing of issues specific to Southcentral and Southeast Alaska Regions
- There are similar issues in much different areas
- The work of the Agenda Steering Committee was greatly appreciated
- It is beneficial to hear and understand the issues people have to protect their food and culture
- Similar concepts are expressed differently in different Regions
- Everyone benefits from sharing information and understanding
- The dedication of the council members was recognized
- The joint council meeting was a good example for other councils

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL SESSION

New Business:

Federal Subsistence Fisheries Regulatory Proposals:

The Council approved two proposals to change Federal subsistence fishing regulations. The first would require any steelhead taken on Prince of Wales Island to be immediately recorded on the Federal subsistence fishing permit. The second proposal would prohibit the use of seine and gillnet gear in the Klawock River during July and August.

State of Alaska Fisheries Regulatory Proposals:

The Council approved six proposals to the State Board of Fisheries. The first would establish an annual harvest limit for nonresidents as three times the daily bag limit for coho, sockeye, pink and chum salmon when taken in fresh water. The second would establish the same (three times the resident daily bag) annual harvest limit for nonresidents in marine waters. The third proposal asks the Board of Fisheries to establish an “Amounts Necessary for Subsistence” specific for the residents of Angoon. The fourth proposal closes a section of Chatham Strait near Basket Bay to commercial purse seine fishing. The fifth proposal allows the Department of Fish and Game to issue subsistence fishing permits for seine and gillnet gear to harvest salmon for subsistence in waters of Chatham Strait. The sixth proposal would prohibit the use of seine and gillnet gear in waters under Federal jurisdiction in the Klawock River during July and August.

Fishery Resource Monitoring Program:

Terry Suminski informed the Council that the Council will have an opportunity to discuss resource concerns in the region during the October council meeting. These concerns and information needs will be used to develop the request for proposals for the FRMP program for the 2016 funding cycle.

FY 2013 Annual Report:

The Council finalized the Annual Report but wanted to note that the Council endorses an annual meeting of the chairs of the regional councils. A free and open discussion of the local conditions and considerations would promote education and more effective communications with the Board. The following issues were identified by the Council as important for the Board's consideration.

- 1). The Council remains concerned with the appropriateness of current customary and traditional use regulations.
- 2). The Council's cannot function as intended by Congress without adequate funding for staff to provide comprehensive staff analyses and allocate sufficient time during the biannual meetings for conducting Council business.
- 3). The Councils should be given deference to regulatory changes regarding rural determinations and customary use of fish and wildlife.
- 4). Many of the fisheries managed by the North Pacific Fisheries Management Council have a significant effect on the abundance and availability of salmon and halibut; resources of vital importance to subsistence users of this region. The Southeast Alaska Subsistence Regional Advisory Council recommends identifying one of the voting members of the NPFMC as subsistence uses representative.
- 5). The Council recommends the Chairs of the Regional Councils be provided an opportunity to meet and discuss issues of mutual concern on at least an annual basis.
- 6). There is a lack of administrative support to the Council from the Office of Subsistence Management. The tardiness of final per diem payments, the lack of Council books prior to council meetings and the broken council appointment process, impact the morale and functioning of the Council.
- 7). The Council would be interested to know if there is additional work needed at the partial barrier or other forms of enhancement opportunities at Kanalku Lake.

Customary and Traditional Use Determination:

The Council unanimously supported adopting the Customary and Traditional Use Working Group's report (as amended by the Council) as a regulatory recommendation. The Council will send the recommendation and a cover letter to the Board.

Tribal Consultation Policy:

The Council unanimously supported the Board's Tribal Consultation Guidelines.

North Pacific Fisheries Management Council:

The Council approved a motion by Patricia Phillips (12-0) to send a letter to the Board asking for assistance, possibly through the Secretaries, to expeditiously add a subsistence representative and voting member to the NPFMC during the Reauthorization of the Magnuson-Stevens Act.

Sea Otter Concerns:

The Council approved an invitation to the USFWS marine mammal program staff to attend the next council meeting. The Council is interested in the population size and distribution of sea otters in the Region. The Council would also be interested to know if there have been estimates of the costs of the expanding population to residents of the region in loss of food, changes in lifestyles, and economic opportunities gained and lost.

Stikine River Subsistence Fishery:

The Council supports deferring fisheries proposal FP13-19, changing or eliminating the Stikine River guideline harvest level for sockeye salmon, until this fisheries regulatory cycle. The Council also supports continuing dialog and coordination with the State of Alaska and the Pacific Salmon Commission regarding management of the subsistence salmon fisheries on the Stikine River.

Petition for Extending Federal Jurisdiction into Marine Waters near Angoon:

Wayne Owen, USFS, provided an overview of where we are in the process to address issues identified in the Petition. There was a community meeting on April 4 in Angoon to finalize fishery proposals that will be submitted to the Alaska Board of Fisheries. The meeting was coordinated by Chad VanOrmer, USFS and Dave Harris, ADF&G. The USFS will not propose any changes to State of Alaska regulations but will provide technical assistance to those wishing to make a proposal to the State Board of Fisheries or the Federal Subsistence Board.

Public and Tribal Comments:

Steve Reifentstahl, representing Southeast Alaska Commercial Fisherman, suggested to the Council that any recommendations that are developed regarding the Petition to Extend Federal Jurisdiction into the marine waters near Angoon should be based on science and facts. He noted that 80% of subsistence harvest occurs prior to the first seine opening in Chatham Strait. Commercial fishing is an important factor in the economic well-being of rural communities. Implementing the Petition as proposed would be devastating to the commercial fishing industry.

Future Meeting Dates

The Council approved the fall meeting for October 21-23, 2014 in Wrangell. The spring meeting was tentatively approved for Yakutat March 17-19, 2015.

The Council meeting adjourned at 4:30 p.m. March 13, 2014.



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

\s\ Robert Larson

June 11, 2014

Robert Larson, DFO, USFS Subsistence Management Program

\s\ Bertrand Adams

June 11, 2014

Bertrand Adams, Chair, Southeast Alaska Subsistence Regional Advisory Council

These minutes will be formally considered by the Southeast Alaska Subsistence Regional Advisory Council at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.



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 14059.RL

JUL 28 2014

Mr. Bertrand J. Adams Sr., Chair
Southeast Alaska Subsistence
Regional Advisory Council
Post Office Box 75
Yakutat, Alaska 99689

Dear Mr. Adams:

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 consensus agenda items for the Southeast Region were proposals WP14-03 (Unit 2 deer), WP14-04 (Unit 2 deer), and WP14-05 (Unit 3 deer), which the Board either rejected (WP14-03 and 14-04) or adopted (WP14-05), consistent with the Council's recommendations.

The Federal Subsistence Board appreciates the Southeast 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 Management Program, and the stewardship shown by the Regional Advisory Council chairs and their representatives at the Board meeting was noteworthy.



Mr. Adams

If you have any questions regarding the summary of the Board's actions, please contact Robert Larson, Southeast Alaska Subsistence Regional Advisory Council Coordinator, at (907) 772-5930.

Sincerely,



Tim Towarak
Chair

Enclosure

cc: Federal Subsistence Board
Southeast 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, AK

SOUTHEAST REGION PROPOSALS

Proposal FP13-19 (deferred)

DESCRIPTION: This proposal, submitted by the Southeast Alaska Subsistence Regional Advisory Council, would change the subsistence sockeye salmon fishery guideline harvest level from 600 to 2,000 sockeye salmon. The Board deferred action from the previous fisheries cycle to allow additional time for communication and coordination with the Transboundary Panel of the Pacific Salmon Commission.

COUNCIL RECOMMENDATION: **Support with modification** to eliminate the guideline harvest level completely.

BOARD ACTION: **Deferred** proposal to the next fisheries regulatory meeting (January 2015).

JUSTIFICATION: The Board noted that there are new fishery regulatory proposals that address the same or similar issues. The Board wanted to give the staff additional time to consult with the Pacific Salmon Commission and allow the Council to consider all the proposals and options prior to submitting a final recommendation to the Board.





IN REPLY REFER TO:

United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
1011 East Tudor Road
Anchorage, Alaska 99503-6199



FWS/OSM 14074.CJ

AUG 06 2014

Bertrand Adams, Chair
Southeast Alaska Subsistence
Regional Advisory Council
P.O. Box 349
Yakutat, Alaska 99689

Dear Chairman Adams:

This letter responds to the Southeast 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.

Issue 1: Customary and Traditional Use Determination Process

The Council remains concerned with the appropriateness of current customary and traditional use regulations. We are pleased with the efforts by the Office of Subsistence Management to communicate our concerns to the other Councils. We anticipate that there will be a consensus between the Councils next year on Statewide and Region-specific regulatory changes that will recognize local conditions and benefit local users as intended in ANILCA.

Response:

Most of the Regional Advisory Councils completed their review of the customary and traditional use determination process at their winter 2014 meetings. However, the North Slope and Bristol Bay Councils are still conducting outreach in their regions to receive input from communities, Tribes and individuals. From those that have developed recommendations, there appears to be some consistency; however, a complete analysis cannot be completed without input from all the Councils. In order to continue providing Councils an opportunity to address this issue, it will remain an agenda item for the fall 2014 meeting cycle. As part of the ongoing discussion, your

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recent letter dated April 1, 2014, with a specific recommendation on customary and traditional use determinations, will be shared with the Councils.

Issue 2: Adequate funding of the subsistence program and the population assessment studies for fish and wildlife

The Council's cannot function as intended by Congress without adequate funding for staff to provide comprehensive staff analyses and allocate sufficient time during the biannual meetings for conducting Council business. While we are very aware of budget challenges at the Office of Subsistence Management and the U.S. Forest Service, the Council process is the heart of the subsistence management program and adequate funds must be found to maintain that responsibility.

Response:

The Board recognizes that declining budgets over the last ten years have reduced the capabilities of the Office of Subsistence Management (OSM) and the U.S. Forest Service to fund all aspects of the Federal Subsistence Management Program at the level desired by the Councils. Overall Federal budgets are declining and it is not likely that they will increase in the foreseeable future. In 2010 your Council wrote a letter expressing your funding concerns to the Board, and it was forwarded on to the Secretary of Agriculture. A copy of the Secretary's response is attached (**enclosure**). Conditions have changed little since the Secretary previously responded. Funding levels for the Forest Service portion of the Federal Subsistence Management Program remain essentially unchanged.

The Board would like to add that this issue has been raised in the Secretarial Review, where the Secretaries noted the Board should "review and submit recommendations for Departmental consideration of the annual budget for the Federal subsistence program." The Secretary of the Interior also specifically directed the Director, U.S. Fish and Wildlife Service to "modify the budget to include a line item for the Alaska subsistence program," to "seek input from the Federal Subsistence Board (FSB) and other stakeholders on budgetary requirements and priorities for the subsistence program" and "[C]oordinate with [the Assistant Secretary for Policy, Management and Budget] an evaluation ... of the subsistence program including budgetary requirements." These matters are still being examined as part of the ongoing Secretarial Review process.

The Board will continue to discuss these issues at its next available work session and include the Council's budgetary concerns in its next update to the Secretaries on the status of the review. The Board must add, however, that in its August 26, 2011 update to the Secretaries on the status of the review, it noted:

In light of the Secretary's emphasis on the Federal Subsistence Management Program and resultant heightened expectations of rural Alaskans, additional funding is needed for the Federal Subsistence Management Program to implement many of the Secretarial Recommendations. Unfortunately, funding in 2012 and

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beyond is likely to be flat or reduced; this will affect the ability of both the Board and the Program to deliver on certain of these recommendations.

Issue 3: Deference for rural determinations and customary and traditional use determinations

The Councils should be given deference to regulatory changes regarding rural determinations and customary use of fish and wildlife. The Councils, as representatives of local residents, are the bodies best able to identify both the rural character of communities and the cultural and social characteristics of these communities regarding fish and wildlife harvest practices in their Regions.

Response:

The Alaska National Interest Lands Conservation Act (ANILCA), Section 805(c) provides that the Federal Subsistence Board “shall consider the...recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses,” and may choose not to follow any recommendation which is determined to be “not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.”

In a 2010 letter to the Board, Secretary of the Interior Ken Salazar, with the concurrence of Secretary of Agriculture Tom Vilsack, listed eleven actions for the Board to initiate, one of which reads as follows: “As a matter of policy, expand deference to appropriate Regional Advisory Council (Council) recommendations in addition to the “takings” decisions of the Board provided for under Section 805(c) of ANILCA, subject to the three exceptions found in that Section.” Before that time, the Board generally had been deferring to the Councils on recommendations for customary and traditional use determinations. After receiving the letter from the Secretaries, the Board members made a decision to affirmatively give such deference. It has consistently done so since that time.

At its April 2014 meeting, the Board elected to recommend to the Secretaries the following language on rural determinations: “The Board shall determine which areas or communities in Alaska are non-rural. All other communities are therefore rural.” If the Secretaries accept this recommendation, then they will publish a proposed rule in the Federal Register seeking comment on that proposal. If implemented, the Board would use this language when making future rural determinations. The Board will seek Council recommendations on how to determine what areas are non-rural. However, the Board has not developed a policy on expanded deference to include rural (or non-rural) determinations.

Issue 4: The appointment of a subsistence uses representative to the North Pacific Fisheries Management Council

Many of the fisheries managed by the North Pacific Fisheries Management Council have a significant effect on the abundance and availability of salmon and halibut; resources of vital importance to subsistence users of this region. The Southeast Alaska Subsistence Regional

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Advisory Council recommends identifying one of the voting members of the NPFMC as a subsistence user representative. The Council will provide a letter to the Board requesting assistance in elevating this issue to the appropriate Secretaries as expeditiously as possible. The lack of representation of subsistence users on the NPFMC is an issue that affects all 10 Councils and every other Council should be made aware of the Southeast Council's concerns and be given an opportunity to provide their comments to the Board.

Response:

The Federal Subsistence Board supports having a more diverse representation on the North Pacific Fishery Management Council and is willing to write letters to the Secretaries for forwarding the issue on to the Secretary of Commerce and Alaska's Congressional delegation, as well as the Governor of Alaska, expressing this view.

It should be noted that Alaska U.S. Senator Mark Begich, as Chairman of the Senate Subcommittee on Oceans, Atmosphere, Fishing and the Coast Guard, held several hearings in early 2014 regarding reauthorization of the Magnuson-Stevens Act. The Senate's version of the Act adds subsistence to the types of fishing being managed alongside commercial and recreational, adds subsistence to the fishery categories eligible for representation on regional fishery management councils, and refers to Tribal governments' role in managing fish. The draft bill is currently available for public review, and is working its way through the committees, but has not yet been formally introduced.

Additionally, Congressman Don Young has held hearings on the Magnuson-Stevens Act and recently introduced an amendment to the Act that was adopted in the U.S. House Natural Resources Committee. The amendment requires the Governor to consult with subsistence users prior to nominating someone to a seat on the NPFMC. The amendment does not, however, provide for a subsistence seat on the NPFMC. It is also worth noting that the bill moving through the U.S. House would extend the Act to 2018. The House version of the reauthorization bill is H.R. 4742, and you can follow its progress at <https://beta.congress.gov>. Congressman Young is encouraging Alaskans to review the pending legislation and provide him comments at MagnusonStevens@mail.house.gov.

Issue 5: A formal meeting of the Chairs

The Council recommends the Chairs of the Regional Councils be provided an opportunity to meet and discuss issues of mutual concern on at least an annual basis. Communication between the Chairs of the Councils is almost non-existent and the Southeast Council believes the program would benefit if there was an opportunity for the Councils to share information directly. The Council recommends the Chairs meet prior to the regulatory Board meeting to gain a better understanding of the issues in each of the Regions.

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Response:

It is possible for the ten Council chairs to meet in advance of a Federal Subsistence Board meeting, subject to the limitations set forth in the Federal Advisory Committee Act. However, in order to move forward with this, the Councils will need to be provided a briefing paper and an opportunity to express their interest in having such a meeting. If the Council Chairs choose to meet, the Federal Advisory Committee Act would prohibit discussion of topics on which the Councils would or could be giving advice or making recommendations to the Board for its consideration in the rulemaking process. The statute requires that such discussions be held only during publicly noticed, open meetings of each individual Council. Staff with the Office of Subsistence Management can coordinate with the Solicitor's Office in order to provide appropriate guidance to the chairs on how such a meeting may be conducted. This guidance could be in place to provide for such a meeting in connection with the 2015 Federal Subsistence Board regulatory meeting.

Issue 6: Lack of support to the Council from the Office of Subsistence Management

Adequate support to the Council is more than funding from the Office of Subsistence Management. There has been a series of very disturbing events, that taken as a whole, impact the morale and functioning of the Council. There is no reason that final per diem payments need to take many months to process. Neither is there any reason why we have to wait and receive our council books the day before the meeting. The tardiness of council member appointments brings to question the meaningfulness of our efforts. One of our incumbent Council members was not informed of his reappointment until two days before he needed to travel, an experience shared by other councils. The Board should make an inquiry of the Office of Subsistence Management to determine what changes in their administrative processes can be made to provide the Council with adequate support. There should also be a mechanism for incumbent Council members to continue to serve until the Secretaries appoint a replacement.

Response:

Per Diem

There are several factors in the last two years that have contributed to delayed distribution of final per diem payments, from changing accounting systems to changing travel systems. However, in the last year, a great deal of the backlog in per diem distributions has been cleared. There is currently no backlog for your Council. Additionally, OSM recently underwent a reorganization that provided a dedicated travel clerk to the Council Coordination Division. The supervisor for that division will make clearing the per diem backlog a priority for the new travel clerk. Additionally, OSM plans to provide an update on the per diem backlog to the Councils at its fall 2014 meeting.

OSM has also been making changes to the procedures for per diem payments to Council members to assure that per diem will be paid promptly in the future, as well as looking into the way other agencies handle travel payments to see if there are better, more efficient practices available.

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Staffing and Timely Information

Book production was delayed this last meeting cycle because OSM was without a Subsistence Outreach Coordinator, the position responsible for production of meeting books. This vacancy has been filled. The new outreach coordinator, Deborah Coble, is already beginning to prepare for the fall meeting cycle. Additionally, OSM has been given approval for, and is working towards, filling a number of positions that have been vacant. OSM received approval to recruit for another Council Coordinator to help with Council arrangements and business. It is anticipated that filling these and other key positions in OSM will improve the timely distribution of materials.

Tardiness of Council Appointments

During the fall 2014 meeting cycle, the Board will be requesting Council input on a number of changes the Board is considering to the nominations and appointment process. These changes are designed to alleviate confusion among applicants, ease the administrative burden in executing the nominations process, and improve the likelihood of completing appointments in a timely manner. Among these recommendations is an amendment to the Council charters to provide for carryover appointments. With the Councils' agreement, and approval by the Secretaries, hopefully this charter revision will be in place prior to December 2014, when some terms are set to expire. Other Council member appointment changes would require Secretarial rule-making and additional charter revisions; these changes would not be in effect until at least 2016.

Issue 7: Enhancement opportunities for sockeye salmon at Kanalku Lake

The Council is pleased to hear that the partial barrier falls has been altered to facilitate fish passage into the lake at Kanalku. We request that the Board make an inquiry with appropriate staff to determine if there are additional enhancement opportunities for discussion by the Council at our October meeting.

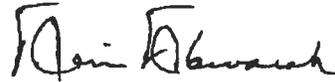
Response:

Preliminary investigations by the Alaska Department of Fish and Game and Angoon Community Association in 2001-2003 (funded by the Fisheries Resource Monitoring Program as baseline information for a sockeye stock assessment) indicated low sockeye salmon fry stocking levels in Kanalku Lake. Data showed a relatively high abundance of the species of zooplankton that sockeye fry prefer to eat and that sockeye fry out-migrate after one year in the lake. In other words, the number of sockeye being produced from Kanalku Lake seemed to be limited by low fry stocking rates not food availability. The best way to increase the number of fry in the lake is to allow more naturally produced fish into the lake. The modification of the falls was designed to do that. It would be prudent to assess the effectiveness of the falls modification before attempting any further enhancement. If the Council is interested in discussing this further, the U.S. Forest Service can facilitate additional Council discussion with experts in this field.

Chairman Adams

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

Sincerely,



Tim Towarak
Chair

Enclosure

cc: Southeast 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
Robert Larson, Council Coordinator, USFS
Interagency Staff Committee
Administrative Record



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

SEP 21 2010

Mr. Bertrand Adams, Sr.
Chairman
Southeast Alaska Subsistence Regional
Advisory Council
Post Office Box 349
Yakutat, Alaska 99689

Dear Mr. Chairman:

Thank you for your letter of May 24, 2010, regarding the amount of funding provided to the U.S. Department of Agriculture's (USDA) Forest Service for implementing its role in the Federal Subsistence Management Program in Alaska. I awaited completion of a review of that program before responding to you, so that I could provide updated information. To that end, I apologize for the delayed response.

Implementation of a subsistence program that fulfills the obligations of the United States Government to rural users in Alaska is very important to me. The program aligns closely with USDA's mission and embodies key priorities that include sustaining the livelihood of rural families, ensuring access to healthy and affordable food, providing jobs in rural communities, sustaining cultural and traditional ways of life, and strengthening relationships with Alaska Native tribes.

I would like to thank you and other members of the Southeast Alaska Subsistence Regional Advisory Council for assisting the Secretary of the Interior, the Federal Subsistence Board, and USDA in carrying out the provisions of Title VIII of the Alaska National Interest Lands Conservation Act. Your role is crucial for all rural residents of Southeast Alaska in assuring that those most affected by fish and wildlife harvest regulations have a meaningful role in the management of those resources and of subsistence uses on public lands.

In fiscal year (FY) 2010, the Forest Service used a combination of funds to maintain a similar level of support for the program that was provided in the previous year. The level of funding allowed most fisheries resource monitoring projects, about which you have expressed concern, to move forward. However, no new wildlife resource monitoring projects were approved. For FY 2011, President Barack Obama's budget proposed funding with the anticipation that a similar mix of funds would be used to continue the subsistence program at funding levels comparable to FY 2010.

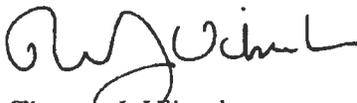


Mr. Bertrand Adams, Sr.
Page 2

The Secretary of the Interior, Ken Salazar, coordinating with USDA, has now completed a review of the entire interdepartmental Federal Subsistence Program. A portion of that review focused on funding, with findings announced as documented in the enclosed briefing. The results of that review will help guide future funding requests. We will be working across several USDA agencies to consider how they can assist the Federal program, as outlined in the review, simultaneously enhancing accomplishment of their own roles within the USDA mission.

Again, thank you for writing and for voicing your concerns. If you have any additional questions, please contact Steve Kessler, Forest Service Subsistence Program Leader for the Alaska Region, at (907) 743-9461.

Sincerely,



Thomas J. Vilsack
Secretary

Enclosure



Date: August 31, 2010
Contact: Kate Kelly (DOI) 202-208-6416
USDA Office of Communications 202-270-4623

Tim Towarak Appointed Chairman of Alaska's Federal Subsistence Board; Will Lead Board Revitalization Initiative

Comprehensive Review of Subsistence Program Calls for Board Action to Strengthen Rural Representation, Regional Advisory Councils

ANCHORAGE – Secretary of the Interior Ken Salazar and Secretary of Agriculture Tom Vilsack today announced the appointment of Tim Towarak as the Chair of the Federal Subsistence Board in Alaska. Towarak, an Alaska Native and a life-long resident of the rural village of Unalakleet, Alaska, is president of the Bering Straits Native Corporation and co-chair of the Alaska Federation of Natives.

"Tim has participated in subsistence activities all his life and has demonstrated a keen understanding of the needs of rural residents of Alaska as well as the workings of government and the private sectors," said Secretary Salazar, whose department recently completed a review of the subsistence program management. "With his experience and understanding, he is uniquely qualified to lead the Board in carrying out improvements that will strengthen its role in managing fish and wildlife on the public lands in Alaska."

Secretary Vilsack commended Towarak, saying "We are confident Tim can lead the Board's revitalization initiative. The federal subsistence management program embodies key USDA roles and priorities, including sustaining livelihoods of rural families, ensuring access to healthy and affordable food, providing jobs in rural communities, sustaining culture and traditional ways of life, and strengthening relationships with Alaska Native tribes."

The Federal Subsistence Board manages the fish and wildlife harvest for rural residents who depend on these resources for their lives and livelihoods. The board includes the Alaska Directors for the Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, the Bureau of Land Management, and the Alaska Regional Forester for the Department of Agriculture's Forest Service. The Board works through Regional Advisory Councils.



The program review proposed several administrative and regulatory changes to strengthen the program and make it more responsive to the concerns of those who rely on it for their subsistence needs. One proposal calls for adding two rural Alaskans to the Board, which allows additional regional representation and increases stakeholder input in the decision-making process. This change would be open to public comment through the rule-making process. The Secretaries also are asking the new Chair and the Board to ensure that the Regional Advisory Councils are given the full authorities in the rule-making process that they are granted in the Alaska National Interest Lands Conservation Act (ANILCA), and that the board take on greater responsibilities for budget preparation as well as hiring and evaluating the director of the Office of Subsistence Management.

The Board also is being requested to evaluate the Memorandum of Understanding (MOU) it negotiated in 2008 with the State of Alaska to ensure it does not constrain federal subsistence management responsibilities. This evaluation will include all parties, including the Regional Advisory Councils.

Reviewers also received recommendations for statutory changes to better meet the goals of ANILCA and the Alaska Native Claims Settlement Act. While these proposals are acknowledged, they fall outside the authorities of the Secretaries but will be forwarded to concerned Members of Congress and the relevant committees with oversight of the statutes. Additional changes to the subsistence program may follow. Secretary Salazar has asked his Policy, Management and Budget team at Interior to conduct a professional management review of the Office of Subsistence Management to ensure that the organizational structure created nearly 20 years ago, and the budgets they live with, meet the increasingly complex research and management demands that have accrued through nearly two decades of court decisions and resource allocation challenges.

Additionally, the USDA Forest Service's Washington Office recently reviewed its Alaska Region's portion of the program. Recommendations based on that review are being evaluated and will be integrated with Interior's findings for consideration by both Departments.

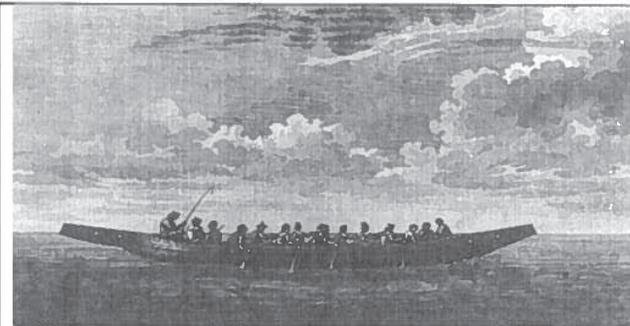
Under Title VIII of ANILCA, rural residents of Alaska are given priority for subsistence uses of fish and wildlife on federal lands. The State of Alaska managed for the rural resident subsistence priority until a 1989 Alaska Supreme Court decision ruled the priority conflicted with the state's constitution. The Interior and Agriculture departments began managing the subsistence priority for wildlife on federal lands in 1992. Six years later, following a federal court ruling, federal management for subsistence fisheries in certain waters within or adjacent to federal lands was added to the responsibilities of the Interior and Agriculture departments.

The federal subsistence management structure was crafted as a temporary DOI/USDA program to meet the requirements of ANILCA until the state could amend its constitution and comply with Title VIII of that law. This DOI/USDA review was predicated on the assumption that the state is no longer attempting to regain management authority for the ANILCA subsistence priority, and that federal management will continue for the foreseeable future.

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**

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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.

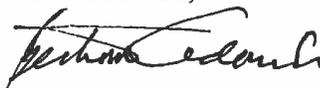
We request that Federal staff review our recommendation and provide to us an analysis at our fall 2014 meeting. That analysis should provide staff's best estimate of the effect on both the Southeast Region as well as the other regions of the state. The Council would also

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



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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
David Jenkins, Policy Coordinator, OSM
Ken Lord, Office of the Solicitor, Alaska Region
Dawn Collingsworth, Office of Legal Counsel, USDA
Administrative Record

Review of the Rural Determination Process

A Briefing for the Federal Subsistence Board

April 15, 2014

Background

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

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

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

Secretarial Review

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

Federal Subsistence Board Review

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

Federal Register Notice

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Opportunities to Participate

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

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

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

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

Summary of Recommendations from Regional Advisory Councils

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

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

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

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

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

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

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

Summary of Public Comments

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

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

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

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

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

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

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

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

Formal Consultations with Tribes and ANCSA Corporations

Three consultations were held telephonically with Tribes and ANCSA corporations on the rural determination 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).

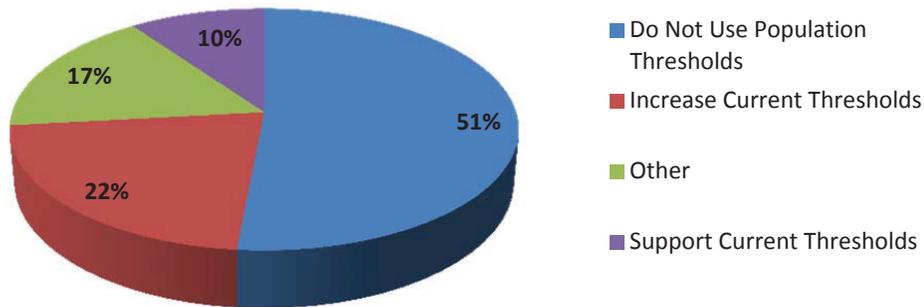
The Board received 278 comments from individual citizens representing the public, 137 comments from members of subsistence regional advisory councils, 37 comments from Alaska Native entities, and 25 comments from other entities (e.g., city and borough governments). Comments from members of the regional 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.

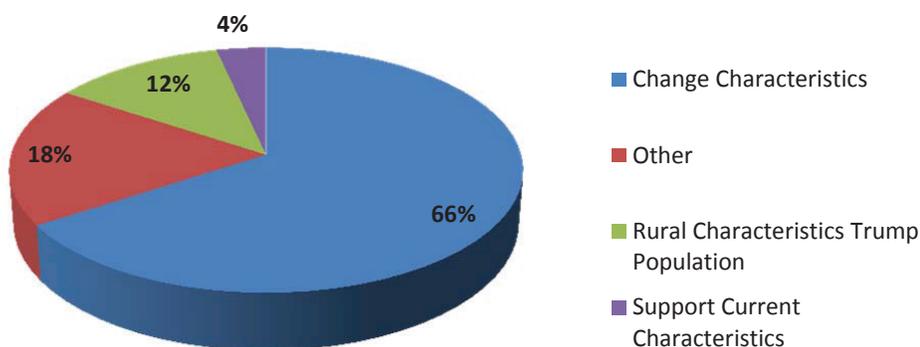
Seventeen comments recommended the Board do something else regarding population thresholds, including:

- 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.

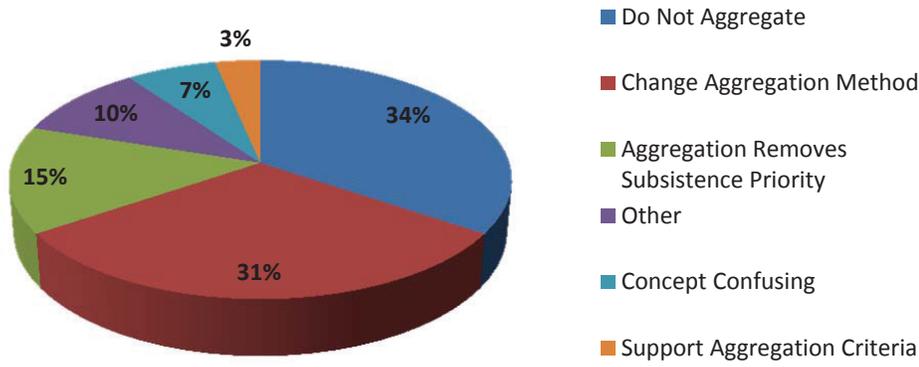
Twenty-one comments recommended that the Board do something else regarding rural characteristics, including:

- 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.

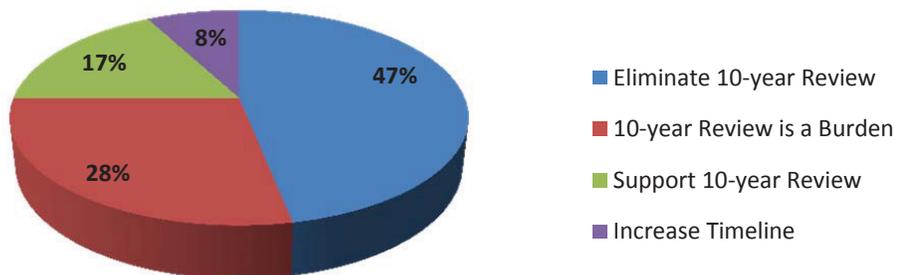
Six comments indicated that some people find the concept of aggregation to be confusing, both in how the concept is applied and the word is defined.

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:



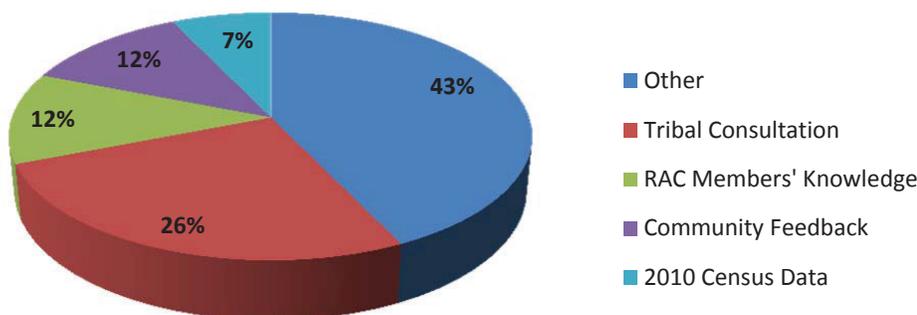
In 30 comments, respondents recommended the Board completely eliminate the 10-year review of rural status. As reflected by 18 comments, the main rationale for eliminating the 10-year review is because it is viewed as a stressful burden on communities and a waste of time and resources for both communities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

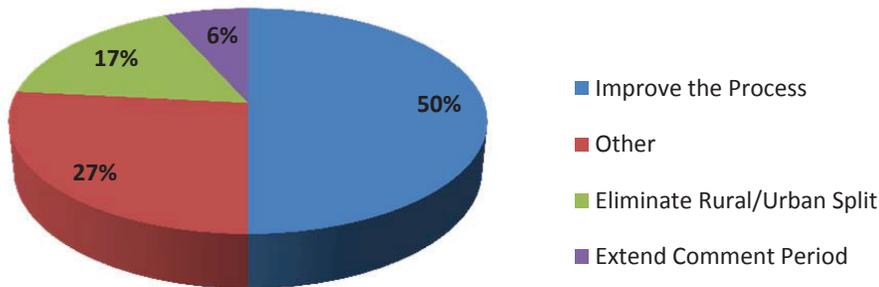
- the intent of ANILCA Title VIII
- Wolfe and Fischer (2003)
- Permanent Fund Dividend database
- State of Alaska regulations
- subsistence harvest surveys conducted in a systematic and scientific manner

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.	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).



Fisheries Resource Monitoring Program

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

Overview

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

Funding Regions

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

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

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

Subsistence Resource Concerns

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

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

Funding Cycles

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

Funding Recommendations

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

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



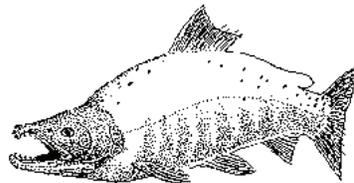
Following the fall Regional Advisory Council meetings and prior to the Federal Board Meeting, a second ranking of projects for the Draft Monitoring Plan is made by an Interagency Staff Committee consisting of members of each of the five federal agencies involved in subsistence management in Alaska.

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

DRAFT

PRIORITY INFORMATION NEEDS

FEDERAL SUBSISTENCE FISHERIES



2016 Fisheries Resource Monitoring Program

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

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



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

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

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

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

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

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	Support with modification
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Northwest Arctic Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
North Slope Regional Council Recommendation	Support with modification

continued on next page

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



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.

LITERATURE CITED

SCRAC, 2014. Transcripts of the Southcentral Regional Advisory Council proceedings pages 68-72, March 12, 2014 in Anchorage, Alaska. Office of Subsistence Management, FWS. Anchorage, AK.

ADF&G, 2013 A. Alaska Department of Fish and Game staff comments on commercial, personal use, sport, guided sport, and subsistence finfish regulatory proposals, committee of the whole-groups 1-6 for the Upper Cook Inlet Management Area, Alaska Board of Fisheries meeting Anchorage, Alaska, January 31-February 12, 2014. Alaska Department of Fish and Game, Regional Information Report No. 2A13-04, Anchorage.

ADF&G, 2013 B. Alaska Department of Fish and Game staff comments on commercial, personal use, sport, guided sport, and subsistence finfish regulatory proposals, Committees D, E, F, G for the Upper Cook Inlet Management Area, Alaska Board of Fisheries meeting Anchorage, Alaska, January 31-February 12, 2014. Alaska Department of Fish and Game, Regional Information Report No. 2A13-05, Anchorage.

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)





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

FP15-12 Executive Summary	
General Description	Proposal FP15-12 requests that bow and arrow be added as a method to take salmon in the Southeastern Alaska Area. <i>Submitted by Mark Kruse of Craig.</i>
Proposed Regulation	<p>36 CFR 242 and 50 CFR 100</p> <p>§ __.27(i)(13)(iv)(B) <i>Unless otherwise specified in this paragraph (e)(13) of this section, allowable gear for salmon or steelhead is restricted to gaffs, spears, gillnets, seines, dip nets, cast nets, handlines, bow and arrow or rod and reel.</i></p> <p>§ __.27(i)(13)(xiv) <i>You may take coho salmon with a Federal salmon fishing permit. There is no closed season. The daily harvest limit is 20 coho salmon per household. Only dip nets, spears, gaffs, handlines, bow and arrow and rod and reel may be used. There are specific rules to harvest any salmon on the Stikine River, and you must have a separate Stikine River subsistence salmon fishing permit to take salmon on the Stikine River.</i></p> <p>§ __.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.</p> <p><i>(a) Definitions.</i></p> <p><i>Bow means a longbow, recurve bow, or compound bow, excluding a crossbow or any bow equipped with a mechanical device that holds arrows at full draw.</i></p>
OSM Preliminary Conclusion	Support
Southeast Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	



DRAFT STAFF ANALYSIS FP15-12

ISSUES

Proposal FP15-12, submitted by Mark Kruse of Craig, Alaska requests that bow and arrow be added as a method to take salmon in the Southeastern Alaska Area.

DISCUSSION

The proponent states that allowing bow and arrow to harvest salmon would provide another opportunity to harvest subsistence salmon using a customary and traditional method. The proponent states that the precedent has been set in other regions in Alaska to allow bow and arrow as a legal method to take salmon. Indeed, Federal Subsistence Board (Board) adoption of proposals FP07-06 and FP08-11 have added bow and arrow as legal means to harvest salmon in Lake Clark (Bristol Bay Area) and the Alaska Peninsula and Chignik Areas, respectively.

Existing Federal Regulation

36 CFR 242 and 50 CFR 100

§ __.27(i)(13)(iv)(B) Unless otherwise specified in this paragraph (e)(13) of this section, allowable gear for salmon or steelhead is restricted to gaffs, spears, gillnets, seines, dip nets, cast nets, handlines, or rod and reel.

§ __.27(i)(13)(xiv) You may take coho salmon with a Federal salmon fishing permit. There is no closed season. The daily harvest limit is 20 coho salmon per household. Only dip nets, spears, gaffs, handlines, and rod and reel may be used. There are specific rules to harvest any salmon on the Stikine River, and you must have a separate Stikine River subsistence salmon fishing permit to take salmon on the Stikine River.

*§ __.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.
(a) Definitions.*

Bow means a longbow, recurve bow, or compound bow, excluding a crossbow or any bow equipped with a mechanical device that holds arrows at full draw.

Proposed Federal Regulation

36 CFR 242 and 50 CFR 100

*§ __.27(i)(13)(iv)(B) Unless otherwise specified in this paragraph (e)(13) of this section, allowable gear for salmon or steelhead is restricted to gaffs, spears, gillnets, seines, dip nets, cast nets, handlines, **bow and arrow** or rod and reel.*

*§ __.27(i)(13)(xiv) You may take coho salmon with a Federal salmon fishing permit. There is no closed season. The daily harvest limit is 20 coho salmon per household. Only dip nets, spears, gaffs, handlines, **bow and arrow** and rod and reel may be used. There are specific rules to harvest any salmon on the Stikine River, and you must have a separate Stikine River subsistence salmon fishing permit to take salmon on the Stikine River.*

§ __.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.
(a) Definitions.

Bow means a longbow, recurve bow, or compound bow, excluding a crossbow or any bow equipped with a mechanical device that holds arrows at full draw.

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.

If adopted this proposal would apply to all Federal public waters in the Southeastern Alaska Area between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance. Subsistence uses are not permitted in the following National Park Service lands: Glacier Bay National Park, Klondike Gold Rush National Historical Park and Sitka National Historical Park.

Regulatory History

Federal regulatory history

In 2004 the Southeast Regional Subsistence Advisory Council (Council) submitted proposal FP05-19 to define legal gear types for Federal subsistence salmon fisheries in the Southeast Alaska Area. At its fall meeting in 2004 the Council recommended the proposal be supported by the Board with modification to apply specifically to salmon and that gear types be inclusive of all types of seines. Bow and arrow was not among the gear types recommended by the Council for general regulations in the Southeastern Alaska Area. This is possibly due to the fact that bow and arrow was not included as a legal gear type for fish in the general statewide regulations and that list was used by the Council as a starting point for deliberations. Although bow and arrow is a traditional method to harvest land animals and marine mammals (Emmons 1991, Suttles 1990), no literature has been found indicating that salmon or other fish were traditionally taken by bow and arrow in southeast Alaska. Title VIII of ANILCA does not restrict methods and means to customary and traditional types so the Board could allow the use of bow and arrow to take fish in southeast Alaska.

Proposal FP05-19 was adopted by the Board, with modification recommended by the Council, at its January 2005 meeting. One Board member commented that the regulation change would not be limiting because it is inclusive of gear types specific to the Southeastern Alaska Area and the Council could recommend additional gear types in the future if it desired (FSB 2005).

At its January 2007 meeting, the Board adopted proposal FP07-06, with modification, to allow the taking of salmon by snagging (by handline or rod and reel), spear, bow and arrow, and capture by hand in Lake Clark and its tributaries by residents of Nondalton, Port Alsworth, Pedro Bay, Iliamna, Newhalen, and Lime Village (FSB 2007a:91–92).

At its December 2007 meeting, the Board adopted proposal FP08-11, with modification, to allow the taking of salmon by means of spear, bow and arrow, or capturing by bare hand in the Alaska Peninsula and Chignik Areas (FSB 2007b:230-231)

State regulatory history

Under State regulations a bow used for fishing is defined as “a long bow, recurve bow, compound bow and cross bow” while the arrow used “must have a barbed tip and be attached by a line to the bow”. Salmon may never be taken by bow and arrow under State regulations.

In 2005 a proposal was submitted to the Alaska Board of Fisheries to allow the use of archery and compound bow rigged for fishing as a means to take subsistence salmon in the Southeast Alaska Area. The Council opposed this proposal. ADF&G staff comments state that archery is not a traditional means for harvesting salmon in southeast Alaska (ADF&G 2006a). The Alaska Board of Fisheries rejected the proposal citing lack of public support and lack of a customary and tradition use pattern for taking fish with archery gear (ADF&G 2006b).

Other Alternatives Considered

One alternative is to support this proposal with modification to define specialized bow and arrow equipment used for taking fish. However, this does not seem necessary and if needed in the future it could be addressed as a permit condition.

Effects of the Proposal

If this proposal is adopted it would provide an additional gear type to harvest salmon in the Southeastern Alaska Area, thereby expanding subsistence opportunity for Federally qualified subsistence users. It is unknown how many harvesters would choose to use this gear type to harvest salmon because it has only recently been permitted in Federal regulation as a method to take salmon in relatively small, sparsely populated portions of Alaska. Other options are available to harvest salmon including more efficient methods and gear types that could be used in similar circumstances as a bow and arrow.

Depending on the skill of the archer this can be a selective gear type. There is the possibility for waste but perhaps no more so than with other allowable gear types like spears, gaffs and snagging with a hand line which are also dependent on the skill of the user. Furthermore, general regulations contain a provision specifically prohibiting the intentional waste or destruction of fish or shellfish. Where necessary, harvest limits for salmon are in place and there is no expectation that the use of bow and arrow would lead to an unsustainable level of harvest.

OSM PRELIMINARY CONCLUSION

Support Proposal FP15-12

Justification

This proposal is similar to proposals supported by the Board in other areas of Alaska. Adoption of this proposal would result in additional opportunity for Federally qualified subsistence users. It is unknown how many people will choose to use this gear type, however its use is not expected to lead to an unsustainable level of harvest.

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FP15-13/14 Executive Summary

<p>General Description</p>	<p>Proposal FP15-13 requests several changes to the Stikine River subsistence salmon fisheries. <i>Submitted by the Petersburg Fish and Game Advisory Committee.</i></p> <p>Proposal FP15-14 requests the same changes to the Stikine River subsistence salmon fisheries as the Petersburg Advisory Committee’s proposal except they propose the permit holder remain at the fishing site while the net is fishing. <i>Submitted by the Wrangell Fish and Game Advisory Committee.</i></p>
<p>Proposed Regulation</p>	<p>§ __.27(e)(13) (xiii) <i>You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 51/2; inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.</i></p> <p><i>(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.</i></p> <p><i>(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.</i></p> <p><i>(C) You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.</i></p> <p><i>(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.</i></p> <p><i>(E) The total annual guideline harvest level harvest quota for the Stikine River fishery is 125 Chinook, 600 2,000 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline harvest quota for that species.</i></p> <p><i>(F) If these quotas [caps] are exceeded in any year the number of fish per permit will be reduced for the next year.</i></p> <p><i>(G) Before any fish, or part of a fish, is removed from the fishing site they must be recorded on the Federal Subsistence permit. The number of fish caught by species, day of catch, and location of catch must be recorded.</i></p>

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FP15-13/14 Executive Summary (continued)	
Proposed Regulation (continued)	<p><i>(H) Nets shall only be in the water from 4:00 AM until 9:00 PM daily.</i></p> <p><i>(I alternative as proposed by FP15-13) All nets must be closely attended while they are in the water. Either the permit holder or a member of their household shall do this. While a net is in the water the Federal Subsistence permit must be available for inspection by law enforcement personnel within 2 hours.</i></p> <p><i>(I alternative as proposed by FP15-14) All nets must be closely attended while they are in the water. Either the permit holder or a member of their household shall do this. While a net is in the water the Federal Subsistence permit must be available for inspection by law enforcement personnel.</i></p>
OSM Preliminary Conclusion	<p>Support Proposals FP15-13 and 14 - with modification to eliminate the subsistence Chinook, sockeye and coho salmon annual guideline harvest levels from Federal regulation (and the Treaty); not require changing household annual harvest limits; not change existing Federal regulation that require recording fishery harvest information on permits; not establish a daily fishing schedule; and do require nets be checked at least once each day.</p> <p>The modified regulation should read:</p> <p>§ __.27(e)(13) (xiv) <i>You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 51/2; inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.</i></p> <p><i>(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.</i></p> <p><i>(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.</i></p> <p><i>(C) You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.</i></p> <p><i>(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.</i></p>

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FP15-13/14 Executive Summary (continued)	
OSM Preliminary Conclusion (continued)	<i>(E) The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, 600 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species. (E) Fishing nets must be checked at least once each day.</i>
Southeast Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	* 4 Support; 2 Oppose; 1 Support with modification <i>*See Appendix A (pg. 197) for public comments on FP15-12–FP-17 and the deferred proposal FP13-19.</i>

DRAFT STAFF ANALYSIS FP15-13/14

ISSUES

Proposal FP15-13, submitted by the Petersburg Fish and Game Advisory Committee, requests several changes to the Stikine River subsistence salmon fisheries. These changes include:

1. establishing harvest quotas of 125 Chinook salmon, 2,000 sockeye salmon and 400 coho salmon
2. specifying that the annual individual harvest limit in subsequent years would be reduced if the total fishery annual harvest exceeds the quota
3. requiring the day, location, species and number of fish harvested be recorded prior to leaving the fishing location
4. establishing a 4:00 a.m. to 9:00 p.m. daily fishing schedule
5. Requiring nets be closely attended with the permit holder or member of the household listed on the permit present at the fishing site with the permit available for inspection while the net is in the water. Closely attended is defined as “a member of a household listed on the permit must be available within two hours.”

Proposal FP15-14, submitted by the Wrangell Fish and Game Advisory Committee, requests the same changes to the Stikine River subsistence salmon fisheries as the Petersburg Advisory Committee’s proposal except they propose the permit holder remain at the fishing site while the net is fishing.

DISCUSSION

The current Stikine River subsistence salmon fishery guideline harvest levels are 125 Chinook salmon, 600 sockeye salmon and 400 coho salmon. Both proposals request the elimination of the guideline harvest levels and instead establish quotas or harvest caps of 125 Chinook salmon, 2,000 sockeye salmon and 400 coho salmon. The intent of the remaining regulatory changes is to facilitate accurate accounting of the total subsistence fishing mortality. It is the opinion of the proponents that these regulatory changes will minimize predation of salmon captured in gillnets by seals. Reducing the number of fish taken or maimed by seals would result in additional fish to fishermen and a more accurate accounting of the total fishery mortality. Because the Stikine River subsistence salmon fishery targets non-Alaska origin (Canadian) stocks and takes place on a Transboundary River, it is regulated by Federal subsistence fishing rules and conditions contained within the Pacific Salmon Treaty (Treaty) between the U.S. and Canada. Proposal FP13-19 suggests changing the sockeye salmon guideline harvest level from 600 fish to 2,000 fish. The Southeast Alaska Subsistence Regional Advisory Council (Council) recommended the eliminating the guideline harvest level for sockeye salmon and the Federal Subsistence Board deferred action on the proposal to this fishery regulatory cycle.

Existing Federal Regulation

§ __.27(e)(13) (xiii) You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 5 1/2 inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.

(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.

(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

(E) The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, 600 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.

Proposed Federal Regulation

§ __.27(e)(13) (xiii) You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 5 1/2 inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.

(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.

(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

(E) The total annual ~~guideline harvest level~~ **harvest quota** for the Stikine River fishery is 125 Chinook, ~~600~~ **2,000** sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the ~~guideline~~ **harvest quota** for that species.

(F) If these quotas [caps] are exceeded in any year the number of fish per permit will be reduced for the next year.

(G) Before any fish, or part of a fish, is removed from the fishing site they must be recorded on the Federal Subsistence permit. The number of fish caught by species, day of catch, and location of catch must be recorded.

(H) Nets shall only be in the water from 4:00 AM until 9:00 PM daily.

(I alternative as proposed by FP15-13) All nets must be closely attended while they are in the water. Either the permit holder or a member of their household shall do this. While a net is in the water the Federal Subsistence permit must be available for inspection by law enforcement personnel within 2 hours.

(I alternative as proposed by FP15-14) All nets must be closely attended while they are in the water. Either the permit holder or a member of their household shall do this. While a net is in the water the Federal Subsistence permit must be available for inspection by law enforcement personnel.

Existing State Regulation

The Stikine River and tributaries are open to sport fishing for sockeye, pink, chum, and coho salmon with a harvest limit of six (6) fish daily and 12 in possession. Sport fishing for Chinook salmon is prohibited in the Stikine River and tributaries. The State Board of Fisheries has made a positive customary and traditional use determination for salmon in the Stikine River but subsistence salmon fishing permits are not issued for Stikine River origin salmon. The Stikine River terminal area commercial gillnet fishery encompasses the waters of District 8 surrounding the terminus of the Stikine River but not in waters under Federal jurisdiction. The State managed directed Chinook, sockeye and coho salmon sport and

commercial fisheries are dependent on whether there is an Allowable Catch as determined by the pre-season forecast of Canadian origin Stikine River salmon stocks. Subsequent openings are dependent on in-season abundance estimates determined by test fisheries and fishery performance information and stock of origin calculations. Methods of determining harvest sharing for the Chinook, sockeye and coho salmon fisheries between Canada and the United States are contained within the Treaty (PSC 2014).

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.

All waters of the Stikine River downstream from the Canadian border are within the exterior boundaries of the Tongass National Forest and are considered Federal public waters for the purposes of Federal subsistence fisheries management. For the Stikine River, non-marine waters include all portions of the Stikine River inland from the point of Federal jurisdiction at Point Rothsay to the Canadian border (Map 1). All portions of the Stikine watershed in the United States are part of the Stikine-LeConte Wilderness Area.



Map 1. Stikine River, Federal Public Waters and prominent features.

Customary and Traditional Use Determinations

The Stikine River drains into commercial fishing District 8. Residents of drainages flowing into District 6



north of the latitude of Point Alexander (Mitkof Island); residents of drainages flowing into Districts 7 and 8, including the communities of Petersburg and Wrangell; and residents of the community of Meyers Chuck have a positive customary and traditional use finding for salmon, Dolly Varden, trout, smelt and eulachon.

Regulatory History

The Stikine River subsistence salmon fishery is regulated by Federal subsistence fishing regulation and within the terms of Annex IV of the U.S./Canada Pacific Salmon Treaty of 1985, as last amended in January 2009 (Treaty). There is a Total Allowable Catch for Chinook and sockeye salmon proportioned between Canada and the United States; the Federal subsistence fisheries harvest is a component of the total U.S. harvest allocation.

The original proposal to establish a Federal subsistence salmon fishery on the Stikine River (FP01-27) was submitted in 2000 by Mr. Dick Stokes, a resident of Wrangell. That proposal specified a Chinook salmon fishery from June 1 to August 1, a sockeye salmon fishery from June 15 to September 1, and a coho salmon fishery from July 15 to October 1. The Federal Subsistence Board (Board) deferred action on this proposal, pending coordination with the Transboundary Panel of the Pacific Salmon Commission (TBR) and the Pacific Salmon Commission (PSC).

The Board made a positive customary and traditional use determination for salmon, Dolly Varden, trout, smelt and eulachon in District 8 for residents living in or near the communities of Wrangell, Petersburg and Meyers Chuck (FP04-29) in 2004. The Board also adopted methods, a season, and guideline harvest limits for Chinook, sockeye, and coho salmon (FP04-40). The TBR and the PSC concurred with the Board and a subsistence fishery for sockeye salmon was opened during the 2004 season, but with a season starting date of July 1 instead of June 15. The original guideline harvest levels (GHLs) were identified because there was a management need for a subsistence fishery harvest estimate and it was unknown whether in-season reporting was going to be successful. There was also considerable uncertainty regarding the potential harvest (catch per unit effort and level of participation) when the Stikine River subsistence sockeye salmon fishery was approved in 2004. The GHLs specified in regulation and in the Treaty were the Federal and State managers best estimates of potential harvest based on the information that was available at that time and were never intended as harvest allocations or quotas.

By action of the Board, and coordination with the TBR and PSC, directed fisheries for Chinook and coho salmon were added prior to the 2005 season. The Board approved (with concurrence of the PSC) a change in the mesh size from 5 ½ inches to 8 inches (FSA05-01) for the new Chinook salmon fishery effective for the 2005 season. Regulatory changes for the 2006 season included an increase in the mesh size of gillnets during the Chinook fishery to 8 inch stretched mesh (FP06-27) and an earlier starting date for the sockeye fishery (FP06-28 and 29). There were no changes in subsistence fishing regulations or permit conditions for the 2007 fishing season. In 2008, The Board adopted a proposal making subsistence fishing permits valid for the length of the fishing season, May 15 through October 1. The Board also changed the start date of the subsistence coho salmon fishery from August 15 to August 1 (FP08-03). Changing the coho fishery start date allowed continuous subsistence fishing between May 15 and October 1. There were no subsequent changes to the regulations for the 2009-2014 seasons. Because of low forecast estimates of abundance, the Chinook salmon subsistence season was closed pre-season in both 2013 and 2014.

There are management controls applied to the aboriginal food fishery in Canada. The following information was provided by letter to the Board by the PSC (Sprout 2005).

“You should know that the aboriginal fishery for food, social and ceremonial purposes is

monitored on a daily basis, with individual daily catch records submitted weekly for inclusion in the Stikine River sockeye management model. The fishery is sampled for age, size and stock identification each week, the catches are included in the Canadian sockeye harvest sharing provisions and catch levels for management purposes are annually set out in cooperative management agreements between the First Nations and the Department of Fisheries and Oceans in accordance with our policy and practices.”

Biological Background

All species of pacific salmon return to spawn in the Stikine River with the majority of fish produced in the Canadian section. Stocks are generally healthy. There is an in-season stock assessment program for Chinook and sockeye salmon. For the 2014 season, the pre-season Chinook salmon abundance estimate was 26,000 large Chinook salmon. The Treaty requires a minimum of 28,100 large Chinook salmon in the forecast before there is sufficient salmon for a directed fishery “Allowable Catch.” There was a similar situation in 2013 and the Board closed the subsistence Chinook salmon fishery prior to the beginning of the Chinook salmon season in both 2013 and 2014. The 2014 season’s terminal area return forecast is less than the 1996-2012 average of 42,000 large Chinook salmon (**Table 1**) (PSC 2014). The 2014 season pre-season sockeye salmon abundance estimate is 152,000 sockeye salmon. According to the terms of the harvest sharing agreement with Canada, the U.S. Allowable Catch is 44,000 sockeye salmon. The subsistence fishery is a component of the U.S. catch allocation. The 1993-2012 average U.S. catch allocation is about 68,000 sockeye salmon (**Table 2**). It is anticipated that Federal management actions will not be necessary for the U.S. to remain within their allocation. Coho salmon are abundant in the Stikine River watershed as demonstrated by the terminal area commercial gillnet harvest (**Table 3**). There is not a formal terminal area abundance estimate for coho salmon nor is there a directed fishery U.S. catch allocation; there is a 5,000 coho salmon catch limit for the Canadian fisheries.



Table 1. Stikine River Chinook salmon pre-season run forecasts vs. post season runsize estimates

Year	Pre-season Forecast	Post Season Run Size	Forecast Performance
1996	32,747	34,203	-4%
1997	37,662	33,978	10%
1998	25,760	30,337	-18%
1999	26,833	25,547	-5%
2000	42,049	32,675	22%
2001	72,638	71,868	1%
2002	50,530	57,570	-14%
2003	46,325	46,917	-1%
2004	65,877	62,137	6%
2005	80,258	89,444	-11%
2006	60,605	67,187	-11%
2007	37,355	39,429	-6%
2008	46,100	35,740	22%
2009	31,928	16,734	48%
2010	22,900	20,085	12%
2011	30,000	20,363	32%
2012	40,800	31,228	23%
Average	44,139	42,085	

Table 2. Stikine River sockeye salmon run size

Year	In-river Run Size	In-river Catch (CA)	Escapement	Marine Catch (US)	Terminal Run Size
1993	176,100	50,946	125,154	104,630	280,730
1994	127,527	46,528	80,999	80,509	208,036
1995	142,308	56,037	86,271	76,420	218,728
1996	184,400	75,593	108,807	188,385	372,785
1997	125,657	65,804	59,853	101,258	226,915
1998	90,459	43,993	46,466	30,989	121,448
1999	65,879	43,951	21,928	58,735	124,614
2000	53,145	29,846	23,299	25,359	78,504
2001	103,755	28,881	74,874	23,500	127,255
2002	71,253	21,706	49,547	8,076	79,329
2003	194,425	62,140	132,285	46,552	240,977
2004	189,392	86,356	103,036	122,592	311,984
2005	167,570	87,541	80,030	92,362	259,932
2006	193,768	102,333	91,435	74,816	268,584
2007	110,132	61,121	49,011	86,652	196,784
2008	74,267	36,717	37,550	45,942	120,209
2009	116,141	50,516	65,626	69,749	185,890
2010	118,801	55,089	63,712	40,002	158,803
2011	144,571	61,386	83,185	73,117	217,688
2012	90,014	34,509	55,505	20,228	110,242
Average	126,978	55,050	71,929	68,494	195,472

Table 3. Stikine River terminal area, District 8, coho salmon commercial gillnet harvest

Year	Coho Salmon Harvest
2004	26,617
2005	42,203
2006	34,430
2007	19,880
2008	34,479
2009	30,860
2010	42,772
2011	20,720
2012	20,100
2013	43,669
Average	31,573

Source: (PSC 2014)



Harvest History

The historical harvest of salmon by aboriginal peoples in the Stikine River is well documented in a number of ethnographic reports and publications. There were Tlingit fishing and hunting camps and villages at various sites at the mouth, along the middle and upper reaches, and along the tributaries of the Stikine River as far upriver as Telegraph Creek. The methods of harvesting fish in the Stikine River and its tributaries depended on the physical features and requirements of the locations where fishing occurred (Paige 2009).

“Fishing sites were located on the main stem, on the middle and south arms, and along the sloughs, creeks and rivers draining into the main stem. Key respondents described fishing with set and drift gillnets, dip nets, spears, and hook and line.”

With the introduction of contemporary materials, gillnets were often used for subsistence fishing. One of the respondent interviews (from Paige 2009) describes subsistence fishing in the 1930s at a location on the lower Stikine River.

“[But when you were fishing for your own use, you usually just used a setnet?] Oh, yes, just a little setnet. Right above our place, like a hundred yards. There was a big rock pile out there, the river came down around there, and there was a big eddy behind it. Dad put a great big rock there with a buoy on it to rope off that rock, and then we just tied up to it and it stayed there all the time, until it’d have to be cleaned out. [Would you be catching sockeyes that way at all?] Yeah, you could. Starting in March, you’d get a king or two. They’re the first ones to show up, and then the sockeyes follow them. Every once in a while you’d get a humpy or two. [The net was] about sixty-five feet. [And it was just attached to the shore?] Yes, we’d set it out and put an anchor on the other end, so it had a nice hook in it, so that when the fish came in they couldn’t get through, so they’d hit the net. Then we’d go out and take the fish out of the net. It was angled down the river a ways, and they’d swim up along the shore and hit that net and get caught. [Were there any rules in those days, or could you put your net out (on the river) any time?] You could put it out any time, whenever we needed to start canning our salmon and stuff.”

Between 1995 and 2001, ADF&G authorized an in-river personal use fishery for sockeye salmon in the Stikine River. Participation in the personal use fishery was minimal, and only 28 sockeye salmon were reported harvested in 2001. The personal use fishery was not opened in 2002 due to conservation concerns for the Tahltan stock, a Canadian tributary to the Stikine River.

The State of Alaska Board of Fisheries adopted a customary and traditional use determination for the Stikine River but the ADF&G does not issue subsistence fishing permits for the Stikine River.

Sport fishing for Chinook salmon is prohibited on the Stikine River. There is a small harvest of other salmon by sport fishers in the U.S. in tributaries to the Stikine River, but harvest numbers are too low to be included in any site-specific sport fishing harvest estimates (Fleming 2014, pers. comm.). A small, but unknown number of sockeye, coho, and steelhead are harvested by sport fishers in Canada.

Subsistence fishing permits for the Stikine River are required and are issued by the U.S. Forest Service offices in Wrangell and Petersburg. Weekly harvest estimates are developed by USFS personal and derived from telephone interviews and fishery performance data. The use of permits and in-season reporting are designed to provide Federal, State and Canadian fishery managers with real time harvest estimates.

There have been Special Actions closing the Chinook salmon fishery pre-season in 2013 and 2014 (the fishing season was opened by the in-season manager in each instance) but there have not been any Federal in-season special actions to curtail harvests of either sockeye or coho salmon.

The first harvests under Federal subsistence management regulations occurred in 2004 when 40 permits were issued and 243 sockeye salmon harvested (OSM 2014). Participation and harvest increased through the 2011 season and have remained fairly steady the past three years (**Table 4**). The harvest reported to the TBR includes only the salmon taken during the directed fishing seasons; that means that for reporting purposes, the total Chinook catch in 2013 was two fish, with another 49 fish as incidental harvest (**Table 5**). Within the context of the Treaty, the forecast in-season return estimates and catches reference only Chinook salmon greater than 30 inches. Catches within the season are the portions of the subsistence catch that applies to the total “Allowable Catch” in the U.S. allocation for each species. Chinook salmon taken outside the season or less than 30 inches in length are reported separately. The sockeye salmon fishery has taken over the 600 fish guideline harvest limit in each of the past five years (**Table 6**). There were no Special actions issued as the catches remained well within the U.S. Allowable Catch. The 2013 season coho salmon harvest was the largest to date (**Table 7**).

Table 4. Total Number of Permits and Total Annual Catch, Stikine River Subsistence Fishery
Stikine River Total Subsistence Harvest by Year

Year	Permits	Chinook	Chum	Coho	Dolly Varden	Pink	Trout	Sockeye	Steelhead
2004	40	12	11	0	1	22	0	243	1
2005	35	15	22	53	4	69	0	252	0
2006	48	37	20	21	3	23	0	390	0
2007	44	36	11	23	1	59	0	244	2
2008	50	25	12	42	5	18	0	428	0
2009	80	31	46	21	20	66	1	723	2
2010	107	61	37	135	12	60	0	1,653	7
2011	129	66	74	40	3	189	0	1,755	5
2012	130	53	47	112	1	32	0	1,302	0
2013	124	51	78	180	15	113	0	1,596	2



Table 5. Total Chinook Salmon Catch by Season, Stikine River Subsistence Fishery
 Stikine River Chinook Salmon Season Subsistence Harvest
 Chinook Salmon Season (May 15 through June 20)

Year	Chinook	Chum	Coho	Dolly Varden	Pink	Trout	Sockeye	Steelhead
2004	No Chinook salmon season in 2004							
2005	13	0	0	2	4	0	18	0
2006	13	1	0	0	0	0	8	0
2007	24	0	0	0	0	0	61	0
2008	8	0	0	1	0	0	2	0
2009	9	0	0	2	0	1	17	2
2010	14	0	0	1	0	0	65	3
2011	16	0	0	0	0	0	64	0
2012	16	0	0	0	0	0	137	0
2013	2	0	0	0	0	0	32	0
Average	13							

Table 6. Total Sockeye Salmon Catch by Season, Stikine River Subsistence Fishery
 Stikine River Sockeye Salmon Season Subsistence Harvest
 Sockeye Salmon Season (June 21 through July 31)

Year	Chinook	Chum	Coho	Dolly Varden	Pink	Trout	Sockeye	Steelhead
2004	12	11	0	1	22	0	243	1
2005	2	22	1	2	65	0	233	0
2006	24	19	0	3	23	0	377	0
2007	12	11	0	1	57	0	178	1
2008	17	5	0	4	0	0	426	0
2009	22	46	0	18	66	0	706	0
2010	44	33	13	11	38	0	1,554	4
2011	48	64	1	3	189	0	1,686	0
2012	34	40	2	1	23	0	1,155	0
2013	49	75	6	15	106	0	1,457	2
Average							802	

Table 7. Total Coho Salmon Catch by Season, Stikine River Subsistence Fishery
Stikine River Coho Salmon Season Subsistence Harvest
 Coho Salmon Season (August 1 through October 1)

Year	Chinook	Chum	Coho	Dolly Varden	Pink	Trout	Sockeye	Steelhead
2004	No Coho salmon season in 2004							
2005	0	0	52	0	0	0	1	0
2006	0	0	21	0	0	0	5	0
2007	0	0	23	0	2	0	5	1
2008	0	7	42	0	18	0	0	0
2009	0	0	21	0	0	0	0	0
2010	3	4	122	0	22	0	34	0
2011	2	10	39	0	0	0	5	5
2012	3	7	110	0	9	0	10	0
2013	0	3	174	0	7	0	107	0
Average			67					

Source: (OSM 2014)

Seals are present in the Stikine River during the subsistence fisheries and some salmon captured in gillnets are either taken or maimed by seals. There is not a universal response by fishers to fish that are maimed by seals. Some fishers report all fishing mortalities, whether or not the fish are salvageable and some fishers do not report fish they do not harvest. Some fish are mortally wounded by the nets themselves but “drop out” prior to harvest. The numbers of fish killed and not recovered during the conduct of the fishery and therefore not reported on permits is unknown and very difficult to determine. Constantly changing local environmental conditions, river stage height, tide level, alternate food sources for seals, location of nets, the length of time between the occurrences when nets are cleaned and checked, and the abundance of seals and salmon are variables that influence seal predation and drop-outs. There is also the question of identifying the appropriate standard of accountability; the commercial gillnet fishery harvests the greatest majority of sockeye salmon and little is known of predation by seals, drop outs or other sources of mortalities in that fishery. Fish that are lost to seal predation or maimed to the extent that they do not have a commercial value are not recorded on a fish ticket. Fish taken from the commercial fishery for personal use are recorded on fish tickets but the level of compliance is unknown.

The total catch in the Chinook and coho salmon sport fishery is a calculation based on the results of a creel census sampling program. Stock of origin for Chinook salmon taken in the District 8 terminal area by the sport, commercial gillnet and commercial troll fisheries is determined by a genetic stock identification sampling program.

Other Alternatives and Considerations Related to Deferred Proposal FP13-19

Deferred Proposal FP13-19, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requested changing the sockeye salmon guideline harvest level to 2,000 sockeye salmon. The final recommendation from the Council was to eliminate the guideline harvest level from Federal regulations and the Treaty because it served no purpose. The Board has deferred final action on this proposal to the regular fishery regulatory meeting in January 2015. A similar recommendation to FP15-13/14 would be to eliminate the subsistence guideline harvest levels for Chinook, sockeye and coho salmon from Federal



regulations and the Treaty. Specifying any number in the Treaty prompts the question of what management actions are anticipated to attain that number. Federal managers do not consider the guideline harvest level as a target or quota. The in-season manager does not anticipate any actions intended to increase or decrease the subsistence harvest to match the current guideline harvest levels, providing there is a U.S. Allowable Catch. Removing the guideline harvest levels would prevent unrealistic in-season management expectations and allow the U.S. domestic regulatory processes to allocate Chinook, sockeye and coho salmon within the total U.S. allowable catch.

The U.S./Canada Pacific Salmon Treaty Process

The Stikine River subsistence fishery annual household harvest limits and gear restrictions are only contained in Federal regulations. Fishing seasons and annual guideline harvest levels are described in Federal regulations and in the Treaty. The requirements for a weekly harvest report and an annual summary report are only specified in the Treaty. The following section of the Treaty explains how regulatory changes to the Stikine River subsistence fishery are implemented.

Annex IV, Chapter 1, Paragraph 3(a)(3)(vi) “d. Any proposed regulatory changes to the fishery during the remaining years of this annex would need to be reviewed by the bilateral Transboundary River Panel [TBR] and approved by the Pacific Salmon Commission.”

This requirement references changes to the Treaty and requires a formal process with somewhat parallel tracks within the Federal subsistence program and the PSC prior to implementation. The following is a generalized protocol to alter the text of the Treaty: 1) a proposal to change the subsistence fishing regulations on the Stikine River is provided to the Office of Subsistence Management, 2) the proposal is deliberated and a recommendation for a regulatory change is provided by the Council, 3) there is concurrence by the U.S. Section of the Northern and Transboundary Panels of the PSC, 4) the proposed change is included in the annual work plan for the bilateral TBR, 5) a recommendation is developed by the bilateral TBR, 6) the recommendation from the Council (with possible modification from the TBR) is adopted by the Federal Subsistence Board pending concurrence by the PSC, 7) final approval of the regulatory change by the PSC, and 8) Annex IV of the Treaty is amended by the Parties through an Exchange of Notes between the Government of Canada and the Government of the United States of America. This is not a process that is expected to result in regulatory changes on an annual basis. The Treaty is scheduled for renegotiation in 2018 with implementation in 2019. It is unlikely the PSC would be willing to consider any changes to the Stikine River subsistence fishery out-of-cycle for implementation prior to 2019.

Because of the dual nature of the regulatory process, the Board must decide what fishery conditions should be included in Federal regulations and which are more appropriate for inclusion in the Treaty. Fishery specific instructions are best suited as regulations and general processes or authorizations are best suited to be included in the Treaty.

The question of how best to manage the subsistence fishery according to obligations of the Treaty and Title VIII of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) remains somewhat unclear. The Treaty addresses the issue of working with the laws of each country as follows:

Article XI: Domestic Allocation

- 1. This Treaty shall not be interpreted or applied so as to affect or modify existing aboriginal rights or rights established in existing Indian treaties and other existing federal laws.*
- 2. This Article shall not be interpreted or applied so as to affect or modify any rights or obligations of the Parties pursuant to other Articles and Annexes to this Treaty.*

ANILCA predates the Treaty and mandates a preference for subsistence uses on Federal public land and waters. The Treaty provides the framework for sharing the Canadian origin salmon stocks on the Stikine

River between the U.S. and Canada. It has been the Board's intent to work within the framework of the Treaty to implement the subsistence preference as required by ANILCA.

The Stikine River subsistence salmon fishery is authorized for the period 2009 through 2018 by the following provisions of the Treaty, Annex IV: (amended June 30, 1999; December 4, 2002; February 18, 2005 and January 1, 2009); Chapter 1: Transboundary Rivers:

3. Recognizing the objectives of each Party to have viable fisheries, the Parties agree that the following arrangements shall apply to the United States and Canadian fisheries harvesting salmon stocks originating in the Canadian portion of:

(a) The Stikine River:

(1) Sockeye salmon

(iv) Pursuant to this agreement, a directed U.S. subsistence fishery in U.S. portions of the Stikine River will be permitted, with a guideline harvest level of 600 sockeye salmon to be taken between June 19 and July 31. These fish will be part of the existing U.S. allocation of Stikine River sockeye salmon. For this fishery:

- a. The fishing area will include the main stem of the Stikine River, downstream of the international border, with the exception that fishing at stock assessment sites identified prior to each season is prohibited unless allowed under specific conditions agreed to by both Parties' respective managers.*
- b. Catches will be reported weekly, including all incidentally caught fish. All tags recovered shall be submitted to the Alaska Department of Fish and Game.*
- c. A written report on the fishery summarizing harvests, fishing effort and other pertinent information requested by the Transboundary Panel will be submitted by the management agency for consideration by the Panel at its annual post season meeting.*
- d. Any proposed regulatory changes to the fishery during the remaining years of this annex would need to be reviewed by the bilateral Transboundary panel and approved by the Pacific Salmon Commission.*

(2) Coho salmon:

(iii) Pursuant to this agreement, a directed U.S. subsistence fishery in U.S. portions of the Stikine River will be permitted, with a guideline harvest level of 400 coho salmon to be taken between August 1 and October 1. For this fishery:

- a. The fishing area will include the main stem of the Stikine River, downstream of the international border, with the exception that fishing at stock assessment sites identified prior to each season is prohibited unless allowed under specific conditions agreed to by both Parties' respective managers.*
- b. Catches will be reported weekly, including all incidentally caught fish. All tags recovered shall be submitted to the Alaska Department of Fish and Game.*
- c. A written report on the fishery summarizing harvests, fishing effort and other pertinent information requested by the Transboundary Panel will be submitted by the management agency for consideration by the Panel at its annual post season meeting.*
- d. Any proposed regulatory changes to the fishery during the remaining years of this annex would need to be reviewed by the bilateral TBR Panel and approved by the Pacific Salmon Commission.*

(3) Chinook salmon:

(i) This agreement shall apply to large (greater than 659 mm mid-eye to fork length) Chinook salmon originating in the Stikine River.

(v) Pursuant to this agreement, a directed U.S. subsistence fishery in U.S. portions of the Stikine River will be permitted, with a guideline harvest level of 125 Chinook salmon to be taken between May 15 and June 20. For this fishery:

- a. The fishing area will include the main stem of the Stikine River, downstream of the international border, with the exception that fishing at stock assessment sites identified*

prior to each season is prohibited unless allowed under specific conditions agreed to by both Parties' respective managers.

b. Catches will be reported weekly, including all incidentally caught fish. All tags recovered shall be submitted to the Alaska Department of Fish and Game.

c. A written report on the fishery summarizing harvests, fishing effort and other pertinent information requested by the Transboundary Panel will be submitted by the management agency for consideration by the Panel at its annual post season meeting.

d. Any proposed regulatory changes to the fishery during the remaining years of this annex would need to be reviewed by the bilateral TBR Panel and approved by the Pacific Salmon Commission.

(x) Directed fisheries may be implemented based on preseason forecasts only if the preseason forecast terminal run size equals or exceeds the midpoint of the MSY escapement goal range plus the combined Canada, U.S. and test fishery base level catches (BLCs) of Stikine River Chinook salmon. The preseason forecast will only be used for management until inseason projections become available.

(xi) For the purposes of determining whether to allow directed fisheries using inseason information, such fisheries will not be implemented unless the projected terminal run size exceeds the bilaterally agreed escapement goal point estimate (NMSY) plus the combined Canada, U.S. and test fishery BLCs of Stikine River Chinook salmon. The Committee shall determine when inseason projections can be used for management purposes and shall establish the methodology for inseason projections and update them weekly or at other agreed intervals.

(xii) The allowable catch (AC) will be calculated as follows:

Terminal run = total Stikine Chinook run size minus the US troll catch of Stikine Chinook salmon outside District 108.

base terminal run (BTR) = escapement target + test fishery BLC + U.S. BLC + Cdn BLC

Terminal run – (BTR) = AC

(xiii) BLCs include the following:

- a. U.S. Stikine BLC: 3,400 large Chinook;
- b. Canadian Stikine BLC: 2,300 large Chinook;
- c. Test fishery: 1,400 large Chinook.

Effects of the Proposal

If provisions of these proposals were adopted, the total annual guideline harvest levels would become harvest quotas. Special Actions to close or restrict the subsistence fisheries could be expected in times of high abundance. Deferred proposal FP13-19 requests the guideline harvest level for sockeye be increased to 2,000 sockeye salmon. The Council recommended the guideline harvest level be eliminated from both Federal regulations and the Treaty because it serves no purpose. It is conceivable that the sockeye salmon fishery could be closed if the incidental harvest of Chinook exceeds 125 Chinook salmon or the coho season closed if the incidental sockeye salmon harvest exceeds 2,000 salmon.

Specifying a fishery harvest quota at an arbitrary number does not account for the subsistence preference in either State or Federal law. The Treaty provides harvest sharing protocols that allocate the harvests of Chinook, sockeye and coho salmon between the U.S. and Canada. It is inappropriate to further allocate the U.S. Allowable Catch between the State and Federal programs through this proposal.

Unless harvest quotas are established, there is no need to automatically reduce individual harvest limits. If harvest quotas are specified, reducing individual harvest limits is one of several options that could be used to reduce subsistence harvest. Because harvest quotas would apply to fish taken within the harvest season and as incidental harvest, the harvest limit for sockeye would be reduced if the incidental harvest of Chinook exceeds the quota.

The Federal subsistence fishing permit for the Stikine River salmon subsistence fishery already requires a fisher to record number of each species of fish taken by date and location. Amending the current regulations or adopting a new Stikine River specific regulation is not necessary to implement this requirement.

The rationale for establishing a daily fishing window from 4:00 am to 9:00 pm is to reduce the predation by seals, facilitate accurate accounting of the total fishing mortality and require a person to check the net at least once a day. There is no question that seals do remove some salmon from nets or render them unusable by their foraging behavior. There is a question when seals are most active and how many fish are either taken or maimed to the extent that they are not salvageable. There is also a question on what effect this provision would have on accounting for fishing mortalities as some (unknown number) of fishers already record total fishing mortalities, without regard to whether the fish is salvageable. If the fishing day is reduced by seven hours, a fisher would need to invest more days to catch what they need.

Fishers check their nets on a variable schedule according to their own needs. Requiring a minimum time schedule for checking nets will minimize wastage and allow enforcement to seize abandoned or lost nets. Requiring a net be closely attended is directed at accounting for all fishing mortalities and minimizing the number of fish taken by seals. The proposed language from the Wrangell Advisory Committee requires a person to remain at the net site when the net is fishing and the proposed language from the Petersburg Advisory Committee defines “closely attended” as monitoring the net to the extent that the permit would be available for inspection within two hours. This provision does not require a person to check a net, simply be present. There does not appear to be an obvious need for a regulation that forces a fisher to remain within close proximity to the net for more accurate accounting of fishing mortalities. Catch rates in this fishery are generally low and dependent on run-timing, run-strength and river discharge. Forcing a person to remain with a net at locations where there is not beach access could be dangerous to the fisher and would sharply reduce the use of those highly valued sites for subsistence fishing (**Figure 1**). Requiring a permit holder to remain within some proximity where they are able to monitor the net would facilitate enforcement but would not necessarily result in a person checking the net more frequently. Some form of a net tending requirement may be beneficial to subsistence users because it would encourage the harvest of good quality salmon and specify a minimum level of harvest activity. The USFS has participated in two Tribal Consultation sessions with the Wrangell Cooperative Association, May 21 and June 4. These consultations were open to the public and it was clear that it was not acceptable to leave a net fishing for extended periods of time.



Figure 1. Subsistence fishing net at Kakwan Point, Stikine River.



OSM PRELIMINARY CONCLUSION

Support Proposals FP15-13 and 14 - **with modification** to eliminate the subsistence Chinook, sockeye and coho salmon annual guideline harvest levels from Federal regulation (and the Treaty); not require changing household annual harvest limits; not change existing Federal regulation that require recording fishery harvest information on permits; not establish a daily fishing schedule; and do require nets be checked at least once each day.

The modified regulation should read:

§ __.27(e)(13) (xiv) You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 5 1/2 inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.

(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.

(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

~~(E) The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, 600 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.~~

(E) Fishing nets must be checked at least once each day.

Justification

The subsistence harvests of Chinook, sockeye and coho salmon are a component of the U.S. Allowable Catch. Because there is a process for allocating fish within the U.S. domestic fisheries, there is no need to have either subsistence guideline harvest limits or harvest quotas as part of either Federal regulations or Treaty language. The total subsistence harvest is reported each week and in an end of the season annual subsistence fishing summary. There is no conservation or fishery management concern with eliminating the guideline harvest level and it is clearly inappropriate to include domestic allocations in the Treaty.

Automatically reducing the annual household harvest limits is unnecessary for conservation, is not beneficial for subsistence users and introduces unnecessary management complexity. This provision would result in reducing subsistence harvests in subsequent years after times of abundance.

There are existing regulations that already require recording catches prior to leaving the harvesting location. As this seems to be a communication and education issue, it is more appropriate to include a reminder on the permit rather than make a regulatory change directed at only the Stikine River.

There is no evidence that a daily fishing schedule would discourage predation by seals. A night-time closure will extend the length of time a person needs to be present on the river to harvest what they need. A daily fishing schedule is not necessary for conservation and does not provide a clear benefit for subsistence users.

Although a net tending requirement will add management complexity to the subsistence fishery, it is important that the fishery has a standard for describing appropriate fishing practices that promote harvest of good quality fish and minimize losses due to seal predation or drop-outs. A requirement for checking the net each day would not be a burden to subsistence users because it is already standard practice for responsible fishers to check their nets often enough to maximize catch rates and minimize the loss of salmon. Catch rates are generally low and requiring on-site monitoring would result in a much greater time commitment to participate than is the current norm.



FP15-15 Executive Summary

General Description	Proposal FP15-15 requests that the Federal public waters of the Klawock River/Lake drainage be closed to the use of seine and gillnets during July and August. <i>Submitted by Southeast Alaska Subsistence Regional Advisory Council (Council).</i>
Proposed Regulation	<p>§ __.27(i)(13)(ii) <i>You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing District 1.</i></p> <p>§ __.27(i)(13)(iv) (B) <i>Unless otherwise specified in this paragraph (e)(13) of this section, allowable gear for salmon or steelhead is restricted to gaffs, spears, gillnets, seines, dip nets, cast nets, handlines, or rod and reel.</i></p> <p>§ __.27(i)(13) (xx) <i>The Klawock River drainage is closed to the use of seines and gillnets during July and August.</i></p>
OSM Preliminary Conclusion	Support
Southeast Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	<p>*1 Support</p> <p><i>*See Appendix A (pg. 197) for public comments on FP15-12–FP-17 and the deferred proposal FP13-19.</i></p>

DRAFT STAFF ANALYSIS FP15-15

ISSUES

Proposal FP15-15, submitted by Southeast Alaska Subsistence Regional Advisory Council (Council), requests that the Federal public waters of the Klawock River/Lake drainage be closed to the use of seine and gillnets during July and August.

DISCUSSION

The proponent notes that recent escapements of sockeye salmon (*Onchorynchus nerka*) into Klawock Lake have been very low, and that fishing effort is occurring in the lower portion of the river where sockeye are easier to catch. The proponent contends that the use of seine and gillnet gear in this area poses an unacceptable risk of overharvest as the fish accumulate while awaiting appropriate tidal conditions to navigate the first water fall just above the tidal area (SERAC 2014). With a State managed subsistence fishery in the same area, both the proponent and the Craig Fish and Game Advisory Committee have also submitted proposals to the Alaska Board of Fisheries requesting similar action within the State fishery. The Alaska Board of Fisheries will meet in February 2015.

Existing Federal Regulations

§ __.27(i)(13)(ii) You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing District 1.

§ __.27(i)(13)(iv) (B) Unless otherwise specified in this paragraph (e)(13) of this section, allowable gear for salmon or steelhead is restricted to gaffs, spears, gillnets, seines, dip nets, cast nets, handlines, or rod and reel.

Proposed Federal Regulation

§ __.27(i)(13)(ii) You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing District 1.

§ __.27(i)(13)(iv) (B) Unless otherwise specified in this paragraph (e)(13) of this section, allowable gear for salmon or steelhead is restricted to gaffs, spears, gillnets, seines, dip nets, cast nets, handlines, or rod and reel.

*§ __.27(i)(13) (xx) **The Klawock River drainage is closed to the use of seines and gillnets during July and August.***

Existing State Subsistence Regulations

5AAC 01.710(e) From July 7 through August 7, sockeye salmon may be taken in the waters of Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock,

the Klawock River, and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

5AAC 01.730(j) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar.

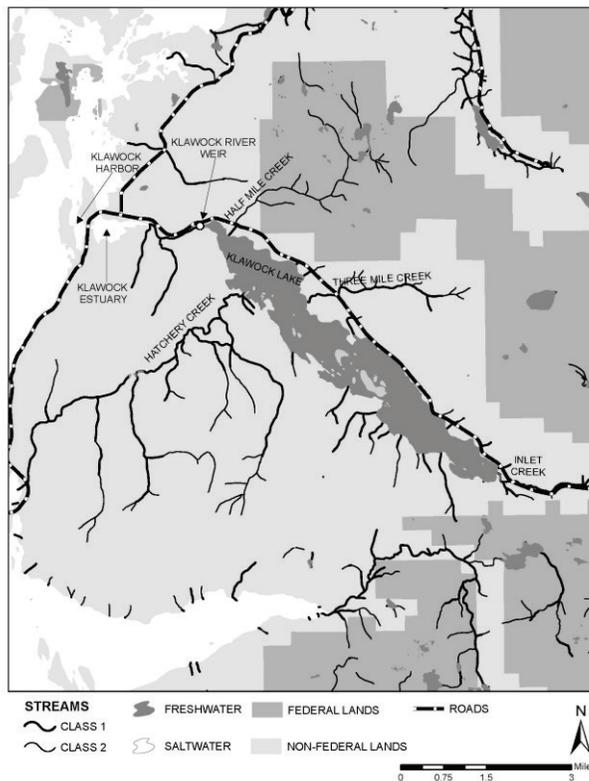
5AAC 01.750 In the waters of Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock, no person may subsistence salmon fish from a vessel that is powered by a motor of greater than 35 horsepower.

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. They include waters within the exterior boundary of the Tongass National Forest in the Southeastern Alaska Area excluding marine waters. Although the majority of the Klawock watershed is private land, nevertheless these waters are Federal public waters.

Customary and Traditional Use Determinations

The Klawock Lake drainage (**Map 1**) drains into District 3. Residents living south of Sumner Strait and west of Clarence Strait and Kashevaroff Passage (Prince of Wales and Kosciusko Island residents) have a positive customary and traditional use determination for salmon in District 3.



Map 1. Klawock Lake drainage

Regulatory History

State Regulatory History

The Alaska Department of Fish and Game (ADF&G) issues subsistence salmon permits for the Klawock watershed. The permitted fishery extends from the lake down the river into tidal water. Current permit conditions allow for individual and household limits of 20 sockeye salmon daily with no annual limit. Legal subsistence fishing gear in this area includes hand purse seines, beach seines, and dip nets. Normally, State regulation allows for the retention of incidentally taken salmon, trout, and char as long as they are recorded on the permit. Since 2012, a condition prohibiting the retention of sockeye incidentally taken during the pink, chum, and coho fisheries has been placed on the subsistence fishing permit.

In 1986, the State managed subsistence sockeye fishery season and fishing schedule was established by the Alaska Board of Fisheries. This regulation was implemented due to concerns that too many sockeye salmon were being taken on the weekend by people from off island areas. The State took three additional actions related to Klawock sockeye: sport fishing for sockeye salmon was closed throughout the Klawock River/Lake drainage, a portion of Klawock Harbor was closed to the snagging of salmon, and a restriction on the use of outboard motors greater than 35 horsepower was implemented.

In February 2009, the Alaska Board of Fisheries adopted Proposal 265 extending the closing date of the State-managed subsistence sockeye fishery from July 31 to August 7. The proposal originally requested that the starting date of the State managed subsistence sockeye fishery be moved to July 15, and the closing date of the fishery be changed to August 15. ADF&G opposed the proposal as written, but did support extending the harvest opportunity for the subsistence sockeye season through August 7.

Federal Regulatory History

The Klawock subsistence sockeye season and fishing schedule established under State regulation was adopted into Federal regulation with the inception of Federal management in 1999. In 2000, proposal FP01-24 requested a change to the fishing schedule for Klawock sockeye salmon. The Southeast Alaska Subsistence Regional Advisory Council (Council) originally tabled the proposal until they could hear testimony from local subsistence users. After hearing testimony from a local user the proposal remained tabled (SERAC 2000). During the December 2000 Federal Subsistence Board (Board) meeting, the proposal was deferred by the Board (FSB 2000). The proposal was revisited in December 2001 when the Board rejected the proposal (FSB 2001).

In 2007, proposal FP07-20 requested a change to the fishing schedule for sockeye salmon. The Council opposed this proposal, because subsistence fishing was occurring under the terms of a State permit in waters under State jurisdiction. The Council felt that the proponent needed to further pursue action through the Alaska Board of Fisheries process (SERAC 2006). At the January 2007 meeting, the Board took no action on this proposal (FSB 2007).

During 2009 and 2010, the local Federal in-season manager submitted Special Action Requests FSA09-03 and FSA10-01 to extend the Federal sockeye season on the Klawock River to August 7 to match the change implemented by the Alaska Board of Fisheries in February 2009. Both requests were approved by the Board.

During 2010, two proposals were submitted specific to the sockeye season for the Klawock River. FP11-16 requested that the season closing date for the Federal subsistence sockeye salmon fishery in the Klawock River be extended from July 31 to August 15 and the Monday through Friday fishing schedule be removed. Proposal FP11-17 requested the season closing date be extended to August 7 but retained the fishing schedule. Both the Council and the Board supported FP11-16 with modification removing both the season and fishing schedule. No action was taken by either entity on FP11-17 (SERAC 2010; FSB 2011).

Biological Background

The Klawock drainage is located on the western side of Prince of Wales Island and is one of the few major sockeye salmon producers on Prince of Wales Island. The Klawock sockeye salmon stock has been an important subsistence resource for the people of Klawock and other nearby communities for over 100 years (Lewis and Zadina 2002; Cartwright and Lewis 2004). The Klawock River is approximately a mile and a half long and drains out of Klawock Lake. The lake is five miles long and has four major streams draining into it: Half-mile Creek and Three-mile Creek to the north, Hatchery Creek to the south, and an unnamed creek, often referred to as “Inlet” Creek to the east. All four of these streams are important for sockeye salmon spawning. There has been recent concern over habitat issues in these streams due to effects from past timber harvest practices. It is unknown if beach spawning occurs in the lake.

Klawock Lake flows through the Klawock River into a 160 acre estuary, and then into Klawock Bay through a small constricted opening under the highway bridge. Historically, the estuary flushed in two locations, the present opening and one that was blocked until recently by construction of a causeway in 1962. The Klawock River has three falls, one near the mouth of the river, a second about midway, and the third falls just below the lake and above the site of the fish hatchery. During periods of low water, salmon may not be able to get over these falls (Ratner et al., 2006).

Klawock sockeye salmon weir counts have been declining in recent years (**Figure 1**). The Prince of Wales Hatchery Association (POWHA) maintains an aluminum bipod weir on the Klawock River just below the lake. From 2001-2011, weir operation began in early July to specifically count sockeye. Prior to 2001 and since 2012, the weir was typically utilized beginning in late July to capture coho. Weir counts of Klawock sockeye during the 1930’s averaged just over 35,000 sockeye. During the period of 2000 through 2010, weir counts ranged from 6,198 to 22,739. Since 2011, weir counts have been less than 5,000 sockeye. Historic weir counts and percentage of returns by month are found in **Table 1** which shows that 64-97 percent of the historic sockeye returns occurred during July and August (Heinl 2014; Lundberg 2014). Fisheries Resource Monitoring Program project 14-606 will begin four more years of sockeye assessment utilizing POWHA’s weir starting July 1.

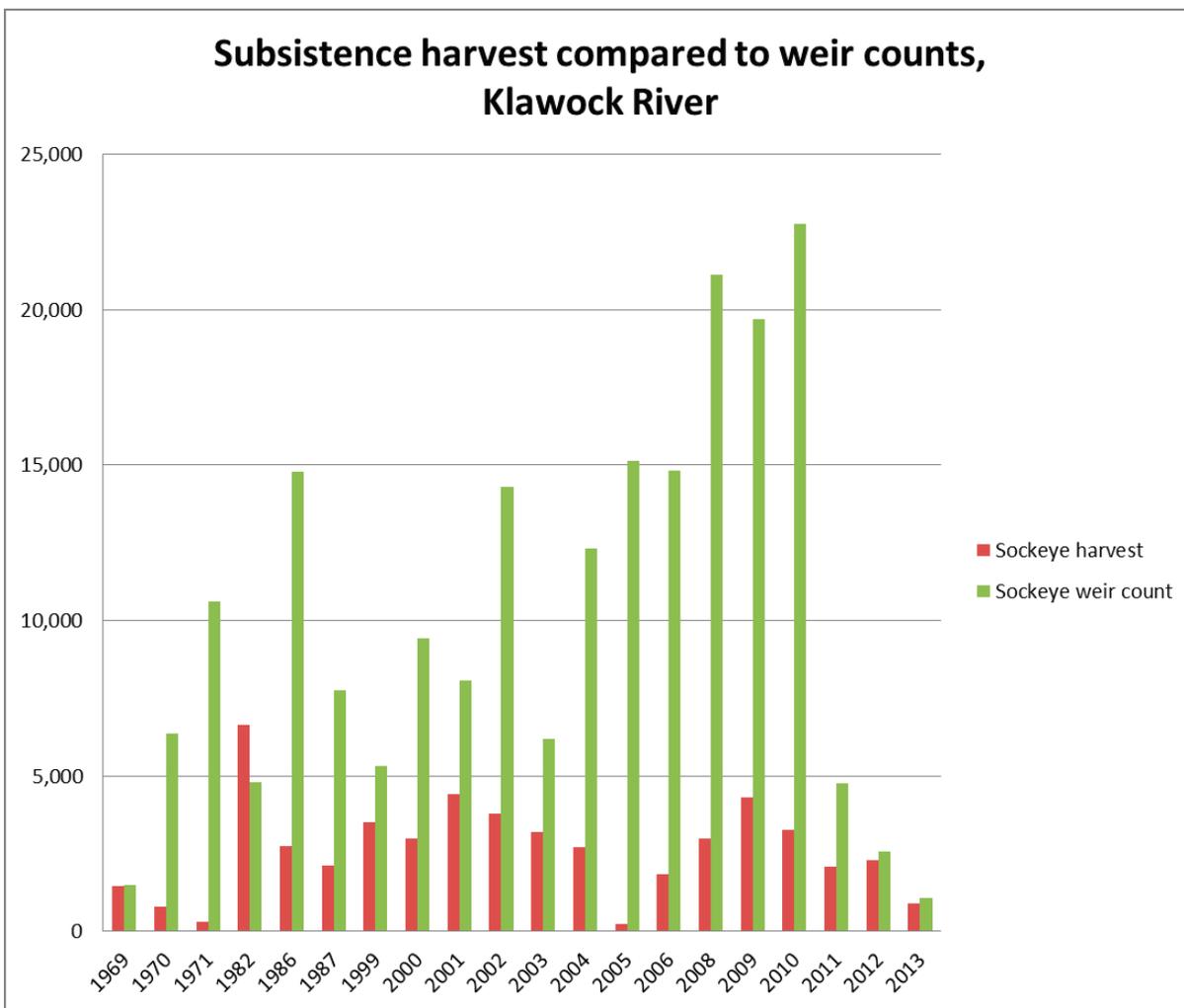


Figure 1. Subsistence harvests of Klawock sockeye as reported on State subsistence fishing permits compared to yearly weir counts (Walker 2009, pers. comm.; Walker 2014, pers. comm.).



Table 1. Historical weir counts of adult Klawock River sockeye. Counts by month are number followed by percent of total return within parentheses. Numbers from 1968 to 2013 represent minimum escapement estimates due to incomplete fish counts in many years. (Heinl 2014; Lundberg 2014)

Year	Sockeye weir count	Before July 1	July	August	September	After October 1
1931	34,184	n/a	n/a	n/a	n/a	n/a
1932	57,294	n/a	n/a	n/a	n/a	n/a
1934	16,374	n/a	n/a	n/a	n/a	n/a
1935	20,028	n/a	n/a	n/a	n/a	n/a
1936	65,314	n/a	n/a	n/a	n/a	n/a
1937	33,544	n/a	n/a	n/a	n/a	n/a
1938	15,368	n/a	n/a	n/a	n/a	n/a
1968	12,068	n/a	6,376 (53)	5,679 (47)	11(<1)	0
1969	1,498	73 (5)	333 (22)	1,092 (73)	1 (<1)	0
1970	6,376	149 (2)	3,442 (54)	2,395 (38)	391 (6)	0
1971	10,627	132 (1)	976 (9)	9,448 (89)	71 (<1)	0
1982	4,812	7 (<1)	288 (6)	1,968 (41)	2,546 (53)	3 (<1)
1986	14,800	n/a	252 (2)	11,097 (75)	3,369 (23)	79 (<1)
1987	7,763	n/a	315 (4)	400 (5)	7,027 (91)	21 (<1)
1999	5,310	n/a	2,177 (41)	2,806 (53)	325 (6)	2 (<1)
2000	9,428	n/a	1,453 (15)	7,759 (82)	213 (2)	3 (<1)
2001	8,066	16 (<1)	1,272 (16)	6,542 (81)	163 (2)	66 (<1)
2002	14,296	22 (<1)	753 (5)	6,889 (48)	4,955 (36)	1,590 (11)
2003	6,198	1 (<1)	317 (5)	4,191 (68)	1,449 (23)	240 (4)
2004	12,326	n/a	615 (5)	9,439 (77)	2,270 (18)	2 (<1)
2005	15,123	n/a	2,519 (17)	8,087 (53)	4,393 (29)	123 (<1)
2006	14,808	4 (<1)	1,174 (8)	8,240 (56)	5,180 (35)	176 (<1)
2008	21,132	42 (<1)	1,076 (5)	14,886 (70)	4,730 (22)	398 (2)
2009	19,699	0	3,706 (19)	11,874 (60)	3,984 (20)	135 (1)
2010	22,739	0	2,572 (11)	13,345 (59)	6,546 (29)	276 (1)
2011	4,755	n/a	718 (15)	3,702 (78)	325 (7)	10 (<1)
2012	2,562	n/a	0 (0)	1,756 (69)	806 (31)	1 (<1)
2013	1,086	n/a	22 (2)	1,029 (95)	35 (3)	0
2014	pending	n/a				

Harvest History

State Subsistence Harvest

Subsistence harvests have been reported on permits issued by ADF&G since 1969. Although the entire Klawock Lake drainage is open for subsistence fishing, the majority of the sockeye is harvested from marine waters during the month of July. Directed harvest of sockeye within the river and lake is not common, as many users believe that fish within the river and lake should be left alone (Ratner et al. 2006) and the silt bottom along with heavy amounts of large woody debris make it tough to seine within the few large, deep holes on the river. However, during lower abundance fishing years, it is not uncommon to see subsistence fishing within the mouth of the river upstream of the highway bridge. Numerous key-respondent interviews in 2002 thought the

mouth of the river should be closed to seine nets to ensure escapement into the river and lake (Ratner et al. 2006)

The reported harvest of sockeye and the total number of permits issued has fluctuated since 1969. Reported subsistence harvests have ranged from 238 to 6,661 sockeye (**Table 2**) with an average harvest of 2,750 occurring mostly in the marine water outside of Federal jurisdiction. Harvest since 2009 seems to have declined (**Figure 1**). On-site harvest surveys have suggested the reported harvest from the returned permits is, on average, 60% of the actual harvest (Cartwright and Lewis 2004; Walker 2009; Walker 2014).

Directed subsistence fisheries for pink, chum, and coho salmon are also allowed under State permit conditions. Within the Ketchikan Management Area, the permit allows subsistence fishing for pink salmon (July 1-Sept 30) and for chum and coho salmon (July 1- October 31). Although State regulation typically allows for the retention of incidentally harvested salmon, trout, and char within these fisheries, conditions since 2012 on the Ketchikan Management area permit have prohibited retention of incidentally taken sockeye at Klawock.



Table 2. State subsistence permits, reported harvest, and Federal harvest by year from 1969 to 2013 (Forest Service 2014; Walker 2014).

Year	State permits fished	Sockeye reported on State permits	Federal Harvest
1969	35	1,455	
1970	32	798	
1971	38	314	
1972	79	1,978	
1973	64	755	
1974	60	1,362	
1975	59	1,377	
1976	71	1,108	
1977	63	1,286	
1978	87	1,017	
1979	111	2,980	
1980	159	3,522	
1981	152	4,183	
1982	225	6,661	
1983	130	1,736	
1984	235	2,366	
1985	138	2,336	
1986	156	2,762	
1987	117	2,118	
1988	96	1,851	
1989	122	3,088	
1990	100	2,361	
1991	77	1,989	
1992	133	4,322	
1993	162	5,763	
1994	133	4,848	
1995	118	3,489	
1996	159	5,553	
1997	126	4,746	
1998	125	4,670	
1999	123	3,509	
2000	112	3,000	
2001	130	4,433	
2002	116	3,778	7
2003	91	3,195	
2004	80	2,697	
2005	34	238	
2006	65	1,859	15
2007	57	2,042	45
2008	70	3,000	9
2009	127	4,296	301
2010	99	3,260	247
2011	76	2,079	137
2012	67	2,307	63
2013	44	901	53

Federal Subsistence Harvest

Prior to 2006, the only sockeye harvest reported on Federal subsistence fishing permits from the Klawock Lake/River drainage was seven incidentally taken during the Federal coho salmon fishery. Since 2006, directed harvest of sockeye has been reported on Federal permits. Harvests reported from 2006-2013 have ranged from 9 to 301 sockeye, with dip net, gillnet, seine and handline gear being used. Seine and gillnets have comprised 81 percent of the total harvest reported on Federal permits (Forest Service 2014). Although Board action in 2010 allowed year-round sockeye harvest, nearly all of the Federal harvest occurs from July 7 to August 7.

Sport Harvest

There is no directed sport fishing for sockeye salmon in the Klawock River/Lake drainage. State regulations prohibit sport fishing for sockeye within both the freshwater portion of the drainage and also within a defined area of saltwater from the Klawock cannery south to the mouth of the river. State regulation also prohibits snagging salmon within the same defined saltwater area.

Commercial Harvest

Commercial harvest of sockeye occurs within both fishing Districts 3 and 4. District 4 effort typically begins in early July, with the majority (60-80%) of the harvested sockeye being of Canadian origin (PSCNBTC 2003). The District 3 fishery typically begins in late July/early August. District 3 is broken into three sub-districts. Sub-district 3B is located immediately in front of the Craig/Klawock area where sockeye must migrate through to the Klawock River. Harvests from these areas can be found in **Table 3**. The amount of Klawock Lake origin sockeye harvested from these areas is unknown.



Table 3. Commercial harvests of sockeye salmon in District 3, Sub-district 3B, District 4, and proportion of Sub-district 3B harvest to overall District 3 harvest (Walker 2009; Walker 2014).

Year	District 3	Sub-district 3B	% of District 3 harvest	District 4
1970	6,621	1,963	31	14,597
1971	9,991	488	5	11,588
1972	5,426	1,509	28	85,153
1973	2,859	389	14	115,511
1974	7,952	5,556	70	119,124
1975	11,290	664	6	27,178
1976	4,783	426	9	104,575
1977	5,903	0	0	209,910
1978	1,382	571	41	104,232
1979	4,684	1,280	27	316,730
1980	9,127	796	9	407,611
1981	37,229	11,416	31	288,548
1982	898	90	10	283,358
1983	10,455	8,635	83	644,768
1984	3,384	1,825	54	294,162
1985	26,263	15,308	58	431,653
1986	13,689	7,105	52	444,671
1987	1,435	0	0	170,979
1988	2,377	673	28	591,285
1989	21,487	12,048	56	516,601
1990	19,350	8,237	43	796,798
1991	18,862	12,134	64	849,831
1992	4,457	1,258	28	1,072,039
1993	50,670	34,813	69	945,285
1994	15,292	5,058	33	1,136,138
1995	10,245	6,660	65	497,145
1996	24,187	5,371	22	860,439
1997	29,972	28,347	95	1,244,680
1998	17,455	12,872	74	487,230
1999	7,956	6,793	85	164,857
2000	16,624	5,541	33	227,039
2001	26,959	24,876	92	536,634
2002	5,725	2,963	52	34,187
2003	24,654	22,285	90	329,719
2004	23,920	22,467	94	349,139
2005	48,594	45,464	94	521,854
2006	28,251	27,540	97	242,034
2007	116,398	95,713	82	770,666
2008	5,448	3,956	73	41,154
2009	21,046	11,741	56	109,371
2010	4,312	694	16	17,851
2011	19,139	15,053	79	202,504
2012	3,317	2,029	61	72,393
2013	8,092	6,376	79	82,882

Effects of the Proposal

The proposal would restrict the use of seine and gillnets in the Federal sockeye fishery in the Klawock drainage during July and August, but would not affect the State managed subsistence sockeye fishery in the same area. A proposal has been submitted to the Alaska Board of Fisheries that if approved, would implement the same restrictions in the State managed fishery. Restricting seines and gillnets through both Federal Subsistence Board and Alaska Board of Fisheries action, should allow for more sockeye to escape into Klawock Lake.

OSM PRELIMINARY CONCLUSION

Support Proposal FP15-15

Justification

Returns of sockeye salmon to the Klawock drainage have declined since 2011. Restricting the use of seine and gillnets during July and August should allow for more sockeye to enter into Klawock Lake. A restriction during July and August should protect 64 to 97 percent of the sockeye return once they have entered the river. Restricting seines and gillnets will not create an undue burden as Federally-qualified subsistence users can fish with other legal gear types during these months. Klawock River sockeye returns can be easily monitored with the POWHA weir. Should sockeye escapements improve over time, the Federal Subsistence Board could easily reinstitute use of these gear types in Federal waters through the Special Action and regulatory process.

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FP15-16 Executive Summary	
General Description	Proposal FP15-16 requests that steelhead harvested in the Prince of Wales/Kosciusko Islands subsistence steelhead fisheries be immediately recorded on the subsistence fishing permit. <i>Submitted by the Southeast Alaska Subsistence Regional Advisory Council.</i>
Proposed Regulation	<p>§ __.27(i)(13) (xvii) <i>You may take steelhead trout on Prince of Wales and Kosciusko Islands under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.</i></p> <p><i>(A) The winter season is December 1 through the last day of February, with a harvest limit of two fish per household. However, only 1 (one) steelhead may be harvested by a household from a particular drainage. Any steelhead taken must be immediately recorded on the Federal subsistence fishing permit. You may use only a dip net, handline, spear, or rod and reel. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.</i></p> <p><i>(B) The spring season is March 1 through May 31, with a harvest limit of five fish per household. However, only 2 (two) steelhead may be harvested by a household from a particular drainage. Any steelhead taken must be immediately recorded on the Federal subsistence fishing permit. You may use only a dip net, handline, spear, or rod and reel. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.</i></p>
OSM Preliminary Conclusion	Support Proposal FP15-16 with modification. The modification will change terminology of the regulatory language (“take” is changed to “harvest”) and will clarify that the harvest recording must occur immediately follow the harvest of a steelhead.

continued on next page



FP15-16 Executive Summary (continued)

<p>OSM Preliminary Conclusion (continued)</p>	<p>The modified regulation should read:</p> <p>§ __.27(i)(13) (xvii) <i>You may take steelhead trout on Prince of Wales and Kosciusko Islands under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.</i></p> <p><i>(A) The winter season is December 1 through the last day of February, with a harvest limit of two fish per household. However, only 1 (one) steelhead may be harvested by a household from a particular drainage. Steelhead must be recorded on the Federal subsistence fishing permit immediately upon harvest. You may use only a dip net, handline, spear, or rod and reel. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.</i></p> <p><i>(B) The spring season is March 1 through May 31, with a harvest limit of five fish per household. However, only 2 (two) steelhead may be harvested by a household from a particular drainage. Steelhead must be recorded on the Federal subsistence fishing permit immediately upon harvest. You may use only a dip net, handline, spear, or rod and reel. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.</i></p>
<p>Southeast Regional Council Recommendation</p>	
<p>Interagency Staff Committee Comments</p>	
<p>ADF&G Comments</p>	
<p>Written Public Comments</p>	

DRAFT STAFF ANALYSIS FP15-16

ISSUES

Proposal FP15-16, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that steelhead harvested in the Prince of Wales/Kosciusko Islands subsistence steelhead fisheries be immediately recorded on the subsistence fishing permit.

DISCUSSION

The proponent submitted this proposal in response to concern from State and Federal law enforcement. General provisions in Subpart A of 36 CFR 242 (and parallel regulations in 50 CFR 100) require validating harvest tickets, tags, permits or other required documents “before removing your kill from the harvest site”. Law enforcement has indicated they have had numerous contacts with active fishers in possession of steelhead where the fish had not yet been recorded on the subsistence fishing permit and the fisher had not left the fishing site. Both the proponent and law enforcement believes, that after contact, some harvesters are not recording the fish prior to leaving the fishing site. Law enforcement and the proponent believe changing to an “immediate upon harvest” recording requirement should not cause any undue burden to subsistence users as steelhead are harvested individually, harvest limits by drainage are low, and that a similar requirement exists for steelhead taken within the sport fishery.

Existing Federal Regulation

§ ____.6(d) You must validate the harvest tickets, tags, permits, or other required documents before removing your kill from the harvest site. You must also comply with all reporting provisions as set forth in subpart D of this part.

§ ____.27(i)(13) (xvii) You may take steelhead trout on Prince of Wales and Kosciusko Islands under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.

(A) The winter season is December 1 through the last day of February, with a harvest limit of two fish per household. However, only 1 (one) steelhead may be harvested by a household from a particular drainage. You may use only a dip net, handline, spear, or rod and reel. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of five fish per household. However, only 2 (two) steelhead may be harvested by a household from a particular drainage. You may use only a dip net, handline, spear, or rod and reel. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

Proposed Federal Regulation

§ __.27(i)(13) (xvii) *You may take steelhead trout on Prince of Wales and Kosciusko Islands under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.*

(A) *The winter season is December 1 through the last day of February, with a harvest limit of two fish per household. However, only 1 (one) steelhead may be harvested by a household from a particular drainage. **Any steelhead taken must be immediately recorded on the Federal subsistence fishing permit.** You may use only a dip net, handline, spear, or rod and reel. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.*

(B) *The spring season is March 1 through May 31, with a harvest limit of five fish per household. However, only 2 (two) steelhead may be harvested by a household from a particular drainage. **Any steelhead taken must be immediately recorded on the Federal subsistence fishing permit.** You may use only a dip net, handline, spear, or rod and reel. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.*

Existing State Regulations

Subsistence

5 AAC 01.730 (i) *The department shall not issue a permit for the taking of steelhead trout, but steelhead trout taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any steelhead trout taken in this manner on his or her permit calendar.*

Sport Fishing

5 AAC 47.022 *General provisions for seasons and bag, possession, annual, and size limits for the fresh waters of the Southeast Alaska Area.*

(b) *In the fresh waters east of the longitude of Cape Fairweather:*

(4) *steelhead may be taken from January 1-December 31; Bag limit of 1 fish; Possession limit of two fish; must be 36 inches or greater in length; Annual limit of two fish; A harvest record is required as specified in 5AAC 47.024(C)*

5AAC 47.024(C)(3) *immediately upon landing a steelhead 36 inches or greater in length from the waters referred to in (1) of this subsection, the angler shall enter the date and location of the catch, in ink, on the harvest record;*

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. They include waters within the exterior boundary of the Tongass National Forest in the Southeastern Alaska Area excluding marine waters. Federal waters involved are those of the Tongass National Forest, excluding marine waters, on Prince of Wales and Kosciusko Islands.

Customary and Traditional Use Determinations

Residents living south of Sumner Strait and west of Clarence Strait and Kashevaroff Passage (Prince of Wales and Kosciusko Island residents) have a positive customary and traditional use determination for steelhead in Districts 2, 3, and 5 and waters draining into those districts. Residents living south of Sumner Strait and west of Clarence Strait and Kashevaroff Passage; residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island); residents of drainages flowing into Districts 7 & 8, including the communities of Petersburg & Wrangell; and residents of the communities of Meyers Chuck and Kake have a positive customary and traditional use determination for steelhead in District 6 and waters draining into that district.

Regulatory History

State Regulatory History

Although there are customary and traditional use determinations for steelhead in State subsistence regulations for portions of Districts 3B and 3C, and all of Districts 7 and 8 in Southeast Alaska, State regulations prohibit issuing subsistence permits for steelhead. However, steelhead taken incidentally under the terms of a subsistence permit for salmon may be legally retained. Permit holders are required to report any steelhead incidentally taken, but are not required to mark them by clipping fins.

From 1978 through 1992, the sport fishing daily harvest and possession limit was one steelhead per day. During the 1993/94 regulatory cycle for Southeast Alaska, the Alaska Board of Fisheries modified sport and commercial fishing regulations. Region-wide sport fishing regulations were changed to allow a harvest of one fish per day and two fish per year, 36 inches or greater in length to reduce the harvest. However, the daily harvest limit was two fish if at least one has a clipped adipose fin, as evidenced by a healed scar. There was no size limit for steelhead with a clipped adipose fin. A clipped adipose fin identified a hatchery produced steelhead. The Alaska Board of Fisheries also prohibited the use of bait from Nov. 16–Sept. 14. Lastly, the sale of steelhead caught in commercial net fisheries was prohibited. In commercial purse seine and gillnet fisheries of Southeast Alaska, permit holders may retain steelhead for personal use, but not sell them. Steelhead caught in the commercial troll fishery may be sold.

During the 2003 Alaska Board of Fisheries cycle, the region-wide sport regulation for steelhead was revised. The revision was a regulatory "housekeeping" action, submitted by the Alaska Department of Fish and Game (ADF&G), to specify that the two fish daily harvest limit would only apply to the Klawock River and Ketchikan Creek: the only two locations where adipose clipped steelhead may be found.

In January 2006, the Alaska Board of Fisheries adopted a regulation (5AAC 33.395) that gave authority to the Commissioner of ADF&G to require steelhead harvested in the commercial salmon fisheries and retained for personal use to be reported on fish tickets. The intent of the regulation was to account for the harvest of all steelhead trout. The Commissioner has only implemented this requirement in the District 8 Stikine Terminal Chinook fishery.

In February 2009, the Alaska Board of Fisheries adopted proposal 291 prohibiting retention of steelhead in 21 fall run steelhead drainages across southeast Alaska. Of these 21 drainages, ten of the drainages are located within the Prince of Wales Island management area.

In February 2012, the Alaska Board of Fisheries adopted proposal 265 removing the regulation which allowed for the retention of adipose clipped steelhead taken in the Klawock River. The proposal was a housekeeping proposal submitted by ADF&G as the local fish hatchery had ceased production of steelhead in 2005. Also during this meeting, proposal 294 was adopted rescinding the commissioner's authority to not account for steelhead taken in the commercial fisheries in southeast Alaska. As a result, any steelhead taken in commercial fisheries has to be reported on a fish ticket.

Federal Regulatory History

Prior to the first Federal subsistence fishery for steelhead established in 2002, all steelhead harvest occurred under State of Alaska sport fish regulations or incidental to subsistence or commercial fisheries.

The Federal Subsistence Board (Board) adopted FP03-25 resulting in a Federal subsistence fishery for steelhead on Prince of Wales Island in 2002. The following year, the Board adopted FP04-33 to add Kosciusko Island to this fishery. This fishery has two seasons (Winter – Dec. 1–Feb. 28/29; Spring – Mar. 1–May 31) with separate seasonal harvest limits (Winter – 2 steelhead; Spring – 5 steelhead per household), permits (winter and spring), and special conditions identified by the in-season manager which are included on the permit. Legal methods and means include dip net, rod and reel, handline, and spear. The two fisheries were to be closed when a harvest cap is reached (100 steelhead for winter season and 600 minus the winter harvest for the spring season). Harvest reports are due by March 15 for the winter fishery and by June 15 for the spring fishery, or within 15 days after harvest of a seasonal limit of steelhead.

Rather than implementing separate regulations by drainage in the fisheries, the Board directed that “*permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.*” This management authority to set permit conditions for conservation is delegated to local area fishery managers. Federal fisheries managers have implemented these regulations by applying stipulations to Federal subsistence fishing permits after consultation with ADF&G and local Council members. From 2003-2012, the local Federal managers applied special conditions to the POW/Kosciusko steelhead permits. Examples of special restrictions have included size limits and gear restrictions.

In 2009, FP09-03 was submitted by ADF&G addressing six items: use of bait, locations of allowable harvest, use of handlines in drainages where size restrictions applied, accumulation of Federal annual harvest limits with State sport harvest limits, mandatory fin clipping of subsistence taken steelhead, and possession of subsistence and sport caught steelhead on the same day. The Board rejected the proposal as the items of concern had either been considered previously through the Federal regulatory process or within permit stipulations through the consultation process as directed by the Federal Subsistence Board.

In 2012, two proposals were submitted for consideration. FP13-18 asked for household harvest limits on individual streams and to remove the overall harvest quotas for the individual fisheries. FP13-23 requested that household harvest limits be placed only on the Klawock River. The Board both adopted FP13-18 as this proposal added additional protection measures to all of the streams on POW by limiting the number of steelhead that may be taken from each drainage. The Board took no action on FP13-23.

Biological Background

Steelhead are the anadromous form of rainbow trout (*Oncorhynchus mykiss*). They typically return to 76 drainages on Prince of Wales/Kosciusko Islands, with peak numbers occurring in late April and May. Fall and spring run fish generally spawn at the same time but residence time in streams is longer for fall run (freshwater maturing) fish. Spring run fish (ocean maturing) are most abundant in Southeast Alaska, but it is not uncommon for the same streams to contain a smaller number of fall run fish (Lohr & Bryant 1999). Steelhead returns are typically comprised of multiple age classes, and return in far lower numbers than salmon resulting in more conservative management. Although many of the steelhead stocks on Prince of Wales/Kosciusko Islands have returns numbering in the hundreds, managers currently consider stocks to be healthy.

Harvest History

The POW/Kosciusko Islands fishery is divided into two seasons under the terms of separate Federal subsistence fishing permits. Federal managers monitor harvest during these fisheries. Monitoring includes visual assessments, interviews with and phone calls to anglers to determine harvest rates by fishermen, and observations using in-stream snorkel counts. Law enforcement officers check anglers to insure they have the proper permits or licenses. Using monitoring information, the local Federal managers have been delegated the authority to close these fisheries when and if conservation concerns arise. The return rate of Federal permits for the POW steelhead fisheries has been nearly 100 percent (Forest Service 2014). The two steelhead fisheries are described in more detail below.

POW/Kosciusko Spring Season Federal Subsistence Steelhead Fishery

This fishery began in 2003. Since 2008, effort in the fishery has increased. Harvest from 2003-2014 has averaged 29 steelhead per season. Of the 780 permits issued throughout the history of this fishery, only 323 of the permits issued have reported fishing effort. The average harvest for permits reporting steelhead is 1.8 per permit. A summary of steelhead harvest for this fishery is displayed in **Table 1** (Forest Service 2014).

In-season action has occurred twice in this fishery. In April 2006, the local Federal manager closed Cable Creek when the illegal harvest of 10 steelhead was reported. In-season action occurred again in April 2012, when the winter season harvest on the Klawock River was reported to be higher than anticipated resulting in reduction of the household harvest limit to two steelhead and prohibition of the use of bait downstream of the Prince of Wales Hatchery Association weir.



Table 1. Steelhead harvest and permits issued from the POW/Kosciusko Island Steelhead fisheries, 2003 – 2014 (Forest Service 2014). The Winter 2013 and Spring 2014 numbers are incomplete as permits are still being returned from these fisheries.

	Spring Hvst	# of permits	Permit w hvst	Ave fish/permit	Winter Hvst	# of permits	Permit w hvst	Ave fish/permit
2003	24	76	12	2.0	2	10	2	1.0
2004	26	40	9	2.6	5	15	3	1.7
2005	27	53	15	1.7	2	17	1	2.0
2006	38	56	19	2.0	0	12	0	0.0
2007	18	49	11	1.6	1	17	1	1.0
2008	34	66	24	1.6	2	20	2	1.0
2009	29	71	14	2.1	5	36	5	1.0
2010	27	65	14	2.3	1	37	1	1.0
2011	39	89	14	2.4	13	38	9	1.4
2012	30	80	16	1.9	8	31	7	1.1
2013	25	76	17	1.5	3	41	3	1.0
2014	23	59	10	2.3	n/a	n/a	n/a	n/a
Total	340	780	175		41	274	34	

POW/Kosciusko Winter Season Federal Subsistence Steelhead Fishery

This steelhead fishery began in 2003, with harvest and effort during most seasons being low. Since 2009, effort in the fishery has increased, as the number of permits issued has ranged from 36 to 41 since. Recent reported harvest has ranged as high as 13. This fishery is greatly affected by weather. In 2006, 2007 and 2010, fishing effort was very minimal with zero or one steelhead reported during those seasons. This was most likely due to heavy snowfall preventing access to fishing sites. A summary of steelhead harvest for the winter fishery is also displayed in **Table 1** (Forest Service 2014).

State Subsistence Harvest

There are no directed State subsistence fisheries for steelhead in the Southeast Alaska Area. Steelhead incidentally harvested while subsistence fishing for salmon may be retained and must be recorded on the State subsistence and personal use salmon permit prior to leaving the fishing site. No steelhead harvest was reported from 1985 to 2001 (Zadina 2002, pers. comm.). From 2002 to 2007, eight steelhead have been reported on State subsistence fishing permits in the Southeast Area (Kelley 2008, pers. comm.).

Sport Harvest

From 1989 to 1994, the average reported steelhead harvest was 812 per year for POW with no required harvest reporting (Howe et al. 2001). Since the more restrictive sport fishing regulations went into effect in 1994 the reported harvest of steelhead in the sport fishery has been relatively small on POW. The average steelhead harvest from streams on POW from 1995 to 2004 was 34 per year (Jennings et al. 2007). Sport harvested steelhead must immediately be recorded in ink on the back of the fisher's fishing license.

Effects of the Proposal

If this proposal were adopted, it would add the requirement in regulation to immediately record the harvest of steelhead on the Federal subsistence fishing permit for the spring and winter POW/Kosciusko subsistence steelhead fisheries. Although some subsistence users may feel immediate recording is an undue burden, it should provide for increased accountability of steelhead harvest within these fisheries, and will ease law enforcement concerns.

OSM PRELIMINARY CONCLUSION

Support Proposal FP15-16 with modification. The modification will change terminology of the regulatory language (“take” is changed to “harvest”) and will clarify that the harvest recording must occur immediately follow the harvest of a steelhead.

The modified regulation should read:

§ __.27(i)(13) (xvii) You may take steelhead trout on Prince of Wales and Kosciusko Islands under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.

*(A) The winter season is December 1 through the last day of February, with a harvest limit of two fish per household. However, only 1 (one) steelhead may be harvested by a household from a particular drainage. **Steelhead must be recorded on the Federal subsistence fishing permit immediately upon harvest.** You may use only a dip net, handline, spear, or rod and reel. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.*

*(B) The spring season is March 1 through May 31, with a harvest limit of five fish per household. However, only 2 (two) steelhead may be harvested by a household from a particular drainage. **Steelhead must be recorded on the Federal subsistence fishing permit immediately upon harvest.** You may use only a dip net, handline, spear, or rod and reel. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.*

Justification

The definition of “take” under Federal regulation includes attempting to pursue, capture, kill, etc., modifying the proposed language is necessary. The intent of the proponent was to require immediate record of steelhead harvest, rather than the act of engaging in subsistence steelhead fishing. Modifying “take” to “harvest” will meet the proponent’s intent.

Requiring immediate recording of harvest on the Federal subsistence fishing permit will provide for accountability of steelhead harvest within the winter and spring subsistence steelhead fisheries and ease law enforcement concerns regarding non-reporting. Although current provisions require record of harvest before leaving the harvest site, a change to immediately recording the harvest of steelhead upon harvest should not cause undue burden to subsistence users as they are harvested individually and the household harvest limits within the fisheries and by individual streams are

very low. The modification of the proposed language will clarify any ambiguity about this requirement.

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FP15-17 Executive Summary	
General Description	Proposal FP15-17 seeks to close the Federal public waters in the Makhnati Island area near Sitka to the harvest of herring and herring spawn except for sport and subsistence herring harvest and subsistence harvest of herring spawn. <i>Submitted by the Sitka Tribe of Alaska.</i>
Proposed Regulation	36 CFR 242 and 50 CFR 100 <i>§__.27(i)(13)(xx) The Federal public waters in the Makhnati Island area, as defined in §__.3(b)(5) are closed to the harvest of herring and herring spawn except by Federally qualified subsistence users.</i>
OSM Preliminary Conclusion	Oppose
Southeast Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	*2 Opposed <i>*See Appendix A (pg. 197) for public comments on FP15-12–FP-17 and the deferred proposal FP13-19.</i>



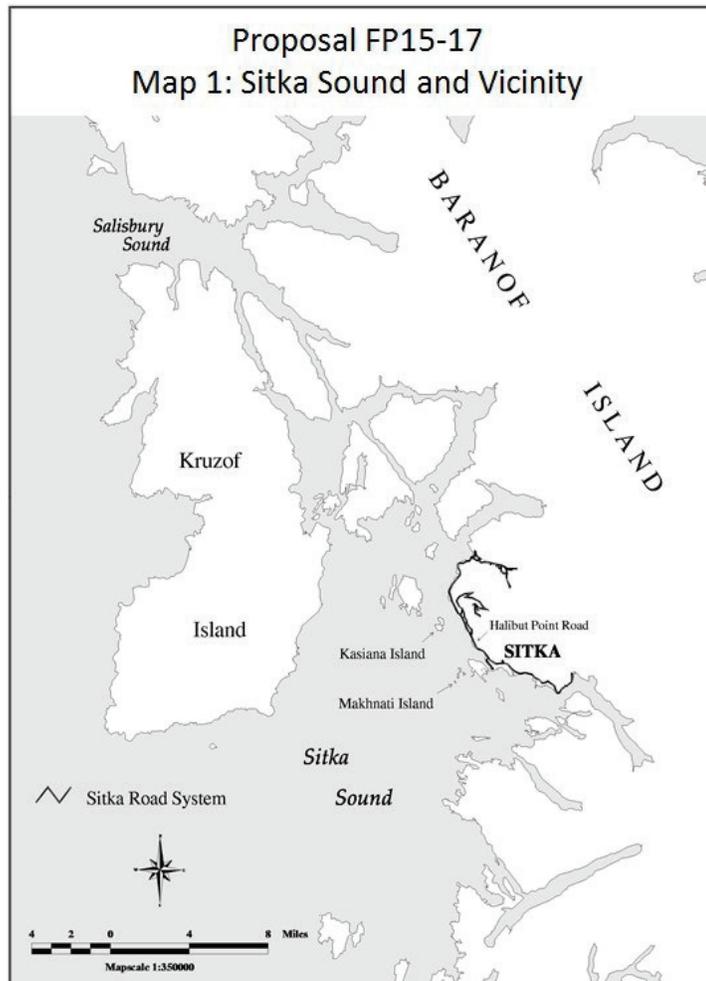
DRAFT STAFF ANALYSIS FP15-17

ISSUES

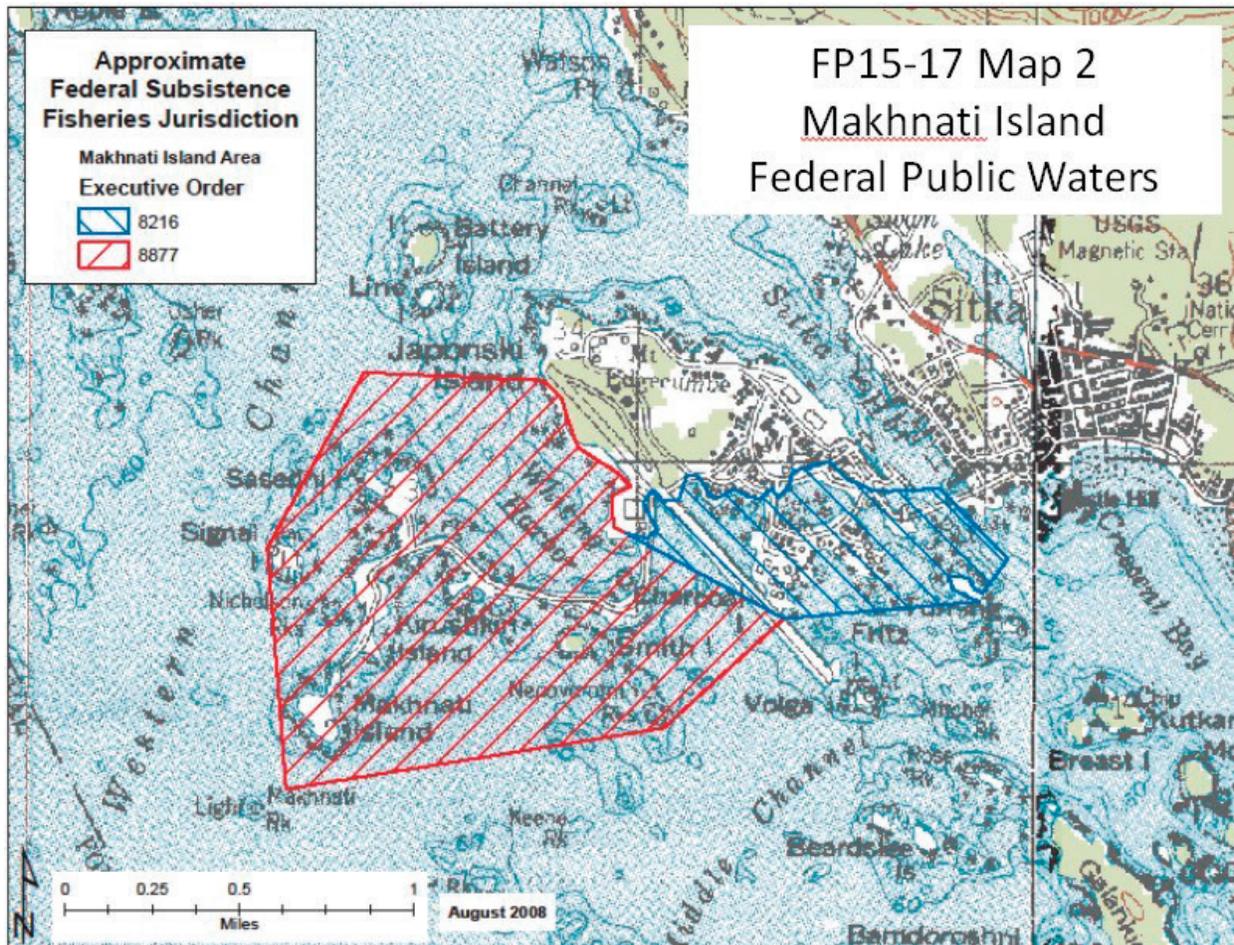
Proposal FP15-17, submitted by the Sitka Tribe of Alaska, seeks to close the Federal public waters in the Makhnati Island area near Sitka to the harvest of herring and herring spawn except for sport and subsistence herring harvest and subsistence harvest of herring spawn.

DISCUSSION

Title VIII of ANILCA provides that lands (and water) can be closed to non-subsistence uses to provide for the subsistence priority. However, Title VIII, associated regulations and case law do not provide the ability for the Federal Subsistence Program to regulate among the non-subsistence uses. After this was explained to the proponent, a request was made to alter the original proposal language. The revised proposal that was analyzed seeks to close the Federal public waters in the Makhnati Island area near Sitka (**Maps 1 and 2**) to the harvest of herring and herring spawn except by Federally-qualified subsistence users.



Map 1. Sitka Sound and Vicinity



Map 2. Makhnati Island Federal Public Waters

The proponent believes a closure of these waters is necessary to provide a more reasonable opportunity for harvest by Federally qualified subsistence users to meet their subsistence needs. The proponent states that subsistence users have been unable to harvest the amount necessary for subsistence (ANS), as set by the Alaska Board of Fisheries, for more than half of the years since harvest surveys were initiated in 2002.

The proponent also believes the Sitka Sound herring stock is depleted and that the proposed closure would help protect the stock. The proponent states that scientific evidence and traditional ecological knowledge support the fact that herring populations in southeast Alaska, including Sitka Sound, were much larger prior to the existence of commercial herring fisheries. The proponent believes that the Alaska Department of Fish and Game (ADF&G) is currently managing a depleted herring stock in Sitka Sound due to a shifted population baseline resulting in substantial negative impacts to subsistence users. The proponent believes that fisheries managers are basing the perceived health of the stock on population numbers since the 1970s and not the true historical population.

The proponent believes that herring have not consistently spawned in traditional subsistence areas. The proponent states that traditional ecological knowledge and local observation support that the commercial harvest of herring displaces subsistence users from traditional harvesting sites; disrupts herring spawning leading to poor quality deposition of herring eggs at traditional sites; causes herring to spawn away from subsistence sites; and may seriously reduce the biomass of spawning herring upon which subsistence users depend.



Existing Federal Regulation

Under existing Federal regulations, all rural residents of Alaska are eligible to harvest herring and herring spawn from Federal public waters in southeast Alaska. There are no closed seasons, harvest limits or closed areas in regulation.

Proposed Federal Regulation

36 CFR 242 and 50 CFR 100

§ __.27(i)(13)(xx) The Federal public waters in the Makhnati Island area, as defined in § __.3(b)(5) are closed to the harvest of herring and herring spawn except by Federally qualified subsistence users.

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 subsistence program exerts jurisdiction of approximately 800 acres of marine waters near Makhnati Island as described in § __.3(b)(5) (**Map 2**). These waters are under the management authority of the Bureau of Land Management however the in-season manager is the local U.S. Forest Service, Sitka District Ranger.

Customary and Traditional Use Determinations

The Federal Subsistence Board (Board) has not made a customary and traditional use determination for herring in this area; therefore, all rural residents of Alaska may harvest herring and herring spawn under Federal subsistence regulations in this area.

Regulatory History

Federal regulatory history

In January 2007, the Board considered two proposals regarding the subsistence herring egg harvest in the Makhnati Federal public waters near Sitka (FSB 2007a). Proposal FP07-18, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council) and FP07-19, submitted by the Sitka Tribe of Alaska both sought to close the Makhnati Federal public waters to commercial herring fishing during the months of March and April. The proponents believed the closure would be a constructive step toward ensuring adequate subsistence harvests of herring and herring spawn. The Board deferred action on proposal FP07-18 and took no action on FP07-19 (FSB 2007a). The Board asked the Council to form a subcommittee to recommend criteria which would govern decisions to open or close the commercial herring fishery in the Makhnati Federal public waters and possible alternate solutions. Although the subcommittee did not reach consensus on all recommendations, its report was presented to the Council in September 2007. The Council accepted the report and distributed it to the public. At its September 2007 meeting, the Council developed closure language for the Makhnati Island area based on the subcommittee report. The Council recommended the closure of Federal public waters near Makhnati Island to non-Federally qualified subsistence users when the forecast herring biomass is less than 35,000 tons for the Sitka Sound area or when Amounts Necessary for Subsistence are not met for two consecutive years (SESRAC 2007). In comparison, ADF&Gs herring management plan used a threshold level of 20,000 tons, below which no commercial sac roe harvest would occur. The Board considered the Council’s recommendation during a December 2007 public meeting as part of proposal FP07-18. Following

considerable oral testimony from Tribal representatives, professional managers and staff, the Board rejected the Council's recommendation. The Board's rationale was that there was not substantial evidence of a conservation concern or a need for a closure to insure the continuance of subsistence uses (FSB 2007b).

On March 25, 2008, Special Action Request FSA07-03 was received by the Board from the Sitka Tribe of Alaska requesting that the Federal public waters in the Makhnati Island area, as defined in 36 CFR 242.3(b)(5) and 50 CFR §100.3(b)(5), be closed to the harvest of herring and herring spawn except for subsistence harvests by Federally qualified subsistence users from March 24, 2008 through April 30, 2008. The Board responded by letter dated April 3, 2008 informing the Sitka Tribe of Alaska that the commercial fishery was completed prior to the Board action and consequently the matter was moot.

Also on March 25, 2008 a letter was received by the Secretaries of Agriculture and the Interior (Secretaries) from the Sitka Tribe of Alaska requesting that they exert extra-territorial jurisdiction authority to close the commercial herring fishery in the area shown in **Map 3**. The Secretaries denied the Sitka Tribe of Alaska's request stating they can "only exercise their authority to impose Federal jurisdiction outside of Federal public land under extraordinary circumstances. The threshold for such a decision is extremely high, and is not met in this case. With such a healthy herring biomass, there is clearly no conservation concern with regard to the herring stocks and the associated fishery in Sitka Sound. Given the spawning characteristics of herring, closing State marine waters as is being requested would not significantly increase the likelihood of Federally qualified users harvesting their desired amounts in the Makhnati Island Federal public waters."



Map 3. Area requested of ADF&G by the Sitka Tribe of Alaska to be open only to subsistence uses of herring.

Proposal FP09-05, submitted by the Sitka Tribe of Alaska in 2008, requested the closure of Federal public waters in the Makhnati Island area near Sitka (**Map 2**) to the harvest of herring and herring spawn except for subsistence harvests by Federally qualified subsistence users. In January of 2009 (FSB 2009) and again in January of 2011 (FSB 2011), the Board deferred proposal FP09-05 until no later than the next fisheries regulatory cycle.

In January of 2009, the Board deferred this proposal until the next fisheries cycle to allow the Alaska Board of Fisheries on to act on a variety of proposals that could change State regulations for the Sitka Sound herring fisheries and to obtain results from two research projects.

One project, conducted by Heather Meuret-Woody of the Sitka Tribe of Alaska and Nate Bickford of the University of Great Falls, was based on the use of trace chemical signatures of adult herring otoliths to identify discrete spawning areas within Sitka Sound (Meuret-Woody and Bickford 2009). The Board was particularly interested in whether herring spawning in Federal waters are a distinct population or stock. While the sampling strategy was very limited, the investigators detected a difference between adult herring in Salisbury Sound and Sitka Sound, but not among spawning herring within Sitka Sound, which includes the Makhnati Federal public waters.

The other project, conducted by the Sitka Tribe of Alaska, was designed to determine the amount of subsistence use of herring roe in the Federal public waters near Makhnati Island (Fisheries Resource Monitoring Program project 08-651, Makhnati Island Subsistence Herring Fishing Assessment).

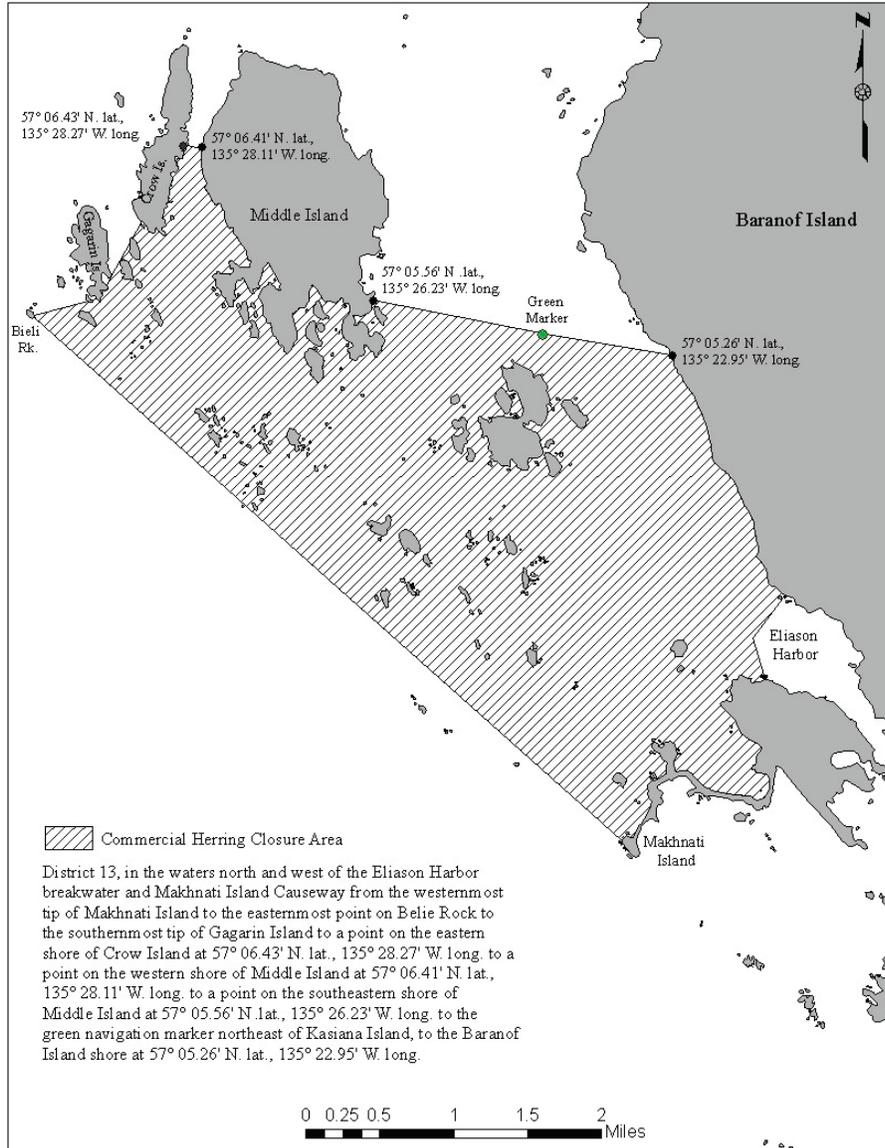
In 2010, immediately prior to the Council meeting, the Sitka Tribe of Alaska submitted a letter to Federal Subsistence Board Chairman Mr. Tim Towarak dated September 21, 2010 requesting FP09-05 be deferred. The Board agreed and deferred the proposal until no later than the next fisheries regulatory cycle. The Sitka Tribe of Alaska cited three reasons for requesting the deferral.

1. The Sitka Tribe of Alaska was conducting a study, commissioned by the Bureau of Indian Affairs, of current herring management in Sitka Sound. However, this study was not peer reviewed for publication and was not anticipated to be ready for review by the Council or by the Board before its January 2013 Board meeting (Feldpausch 2012, pers. comm.) To date, this report has not been peer reviewed.
2. The Sitka Tribe of Alaska wanted results of project 08-651 to be available to the Council and Board. According to Meuret-Woody et al. (2010), “the Makhnati area was once used by many subsistence users, but today is not used as frequently due to the development of the area and the ease of most subsistence herring egg gatherers to harvest in other areas”.
3. The Sitka Tribe of Alaska had formed a Herring Planning Research Priority Group, and the work of that group was not anticipated to be ready for review by the Council or by the Board before its January 2013 Board meeting (Feldpausch 2012, pers. comm.) To date, the group has not developed any products or recommendations.

In January 2013 the Board once again considered FP09-05 and rejected the proposal consistent with the recommendation of the Council. The Board's rationale was that since the last deferment in 2011 the State Board of Fish took "significant action to reduce conflicts between the purse seine sac roe fishery and subsistence harvesting, including closing a large area important to subsistence harvesting to commercial fishing" (FSB 2013) (**Map 4**). This closed area already includes a large portion of the Makhnati Federal public waters. The Board also believed that a Federal closure would provide essentially no additional advantage for subsistence users (FSB 2013).

Federal fisheries managers have been delegated the authority to close or re-open Federal public waters to non-subsistence fishing. This delegation may be exercised only when it is necessary to conserve fish stocks or to continue subsistence uses. Although the ADF&G forecasts the herring biomass before the season starts, the actual return and spawning success of herring is not known until after the commercial and subsistence fisheries are completed. Therefore, Federal actions to close waters to non-Federal uses would only take place in years for which the herring biomass was forecasted to be below the threshold needed to support commercial uses. Otherwise, since the commercial fishery usually takes place well before the subsistence fishery, managers would not know that subsistence harvests were poor until long after the commercial fishery ended.





Map 4. January 2012 Board of Fisheries action to create a zone closed to commercial fishing for herring in Sitka Sound that includes part of the Makhnati Federal waters. (Gordon, 2014)

State regulatory history

In response to a poor subsistence herring egg harvest in 2001, the Sitka Tribe of Alaska submitted a proposal to the Alaska Board of Fisheries in 2002. The proposal requested the herring sac roe fishery be dispersed to avoid concentrating the commercial harvest in traditional subsistence egg harvesting areas. The Alaska Board of Fisheries amended the proposal by removing a suggested requirement for a subsistence permit for all subsistence harvest in favor of face to face surveys to estimate subsistence herring egg harvest. The Alaska Board of Fisheries also established the ANS for herring roe in Sitka Sound, Section 13-A and 13-B north of the latitude of Aspid Cape at 105,000 to 158,000 pounds (5AAC 01.716(7) (b)) (Turek 2003). Regulations limit customary trade in herring roe on kelp (5AAC 01.717 and 5 AAC 01.730 (g)). Other than spawn on kelp, there are no harvest limits for herring or herring spawn. According to the conditions of a herring spawn on kelp subsistence fishing permit, the annual possession limit for herring spawn on kelp is 32 pounds for an individual or 158 pounds for a household of two or

more persons. There are no regulations regarding subsistence reporting requirements, or specific allocations for subsistence (Turek 2006).

In November of 2002 a Memorandum of Agreement was signed by the Chairman of the Alaska Board of Fisheries, the Commissioner of the ADF&G and the Sitka Tribe of Alaska Chairman. The State and the Sitka Tribe of Alaska agreed to collaborate, communicate, and collect and share data (STA 2006). The Memorandum of Agreement contained provisions for in-season collaboration which included daily contact between the Sitka Tribe of Alaska and ADF&G and stipulated that the Sitka Tribe of Alaska would be consulted as to whether a proposed commercial opening might affect subsistence opportunity. If the Sitka Tribe of Alaska concluded there was a potential for the subsistence fishery to be adversely effected by a proposed opening, the Sitka Tribe of Alaska would provide this conclusion and rationale to ADF&G verbally and in writing. A formal objection to a proposed opening did not necessarily result in a commercial closure, as ADF&G maintained discretion as to whether or not to open the commercial fishery. In June 2009 ADF&G sent a letter to Sitka Tribe of Alaska withdrawing from the Memorandum of Agreement because of the perception that the Sitka Tribe of Alaska had access to information and input into decision making that was not readily available to the general public and other user groups.

ADF&G is required to “distribute the commercial harvest by fishing time and area if the department [ADF&G] determines that is necessary to ensure that subsistence users have a reasonable opportunity to harvest the amount of herring spawn necessary for subsistence uses” (5AAC27.195(a)(2)). Additionally, commercial herring vessels and crew members may not take or possess herring for subsistence 72 hours prior to or following a commercial herring fishing period.

In February 2009 the Alaska Board of Fisheries created new regulations for the Sitka Sound herring fisheries effective beginning with the 2010 season. Descriptions of those actions follow:

1. Section 13-A south of the latitude of Point Kakul ($57^{\circ}21.75'$ N. lat) in Salisbury Sound will formally be included in the Sitka Sound sac roe seine area [5AAC 27.110(b)(1)(d)].
2. The threshold mature biomass below which no fishery would occur in Sitka Sound was increased from 20,000 tons to 25,000 tons. The harvest rate when the biomass is above 25,000 tons does not change from the harvest rate previously established in regulation except that the minimum harvest rate, when the forecast biomass is at 25,000 tons, will be 12% [5AAC 27.160(g)].
3. The range of the amount of herring roe reasonably necessary for subsistence in Section 13-A and Section 13-B north of Aspid Cape was increased from 105,000–158,000 pounds to 136,000–227,000 pounds [5AAC 01.716(b)].

On February 28, 2012, the Alaska Board of Fisheries passed a regulation to close an area to commercial herring fishing in Sitka Sound [5 AAC 27.150(a)(4)] to “reduce perceived conflict between the commercial fishery and the subsistence fishery” (Thynes et al. 2013). The area is defined as north and west of the Eliason Harbor breakwater and Makhnati Island causeway from the western most tip of Makhnati Island to the eastern most point on Belie Rock to the southern-most tip of Gagarin Island to a point on the eastern shore of Crow Island at $57^{\circ}6.430'$ W. longitude to a point on the western shore of Middle Island at $57^{\circ}6.407'$ N. Latitude $135^{\circ}28.105'$ W. longitude to a point on the southeast shore of Middle Island at $57^{\circ}5.557'$ North latitude $135^{\circ}26.227'$ W. Longitude to the green day marker northeast of Kasiana island, to the Baranof Island shore at $57^{\circ}5.258'$ North latitude, $135^{\circ}22.951'$ West longitude (**Map 4**).



Biological Background

The following is excerpted from the ADF&G Wildlife Notebook Series (ADF&G 2000):

Pacific herring generally spawn during the spring. In Alaska, spawning is first observed in the southeastern archipelago during mid-March. Spawning is confined to shallow, vegetated areas in the intertidal and subtidal zones.

The eggs are adhesive, and survival is better for those eggs which stick to intertidal vegetation than for those which fall to the bottom. Milt released by the males drifts among the eggs and fertilizes them. The eggs hatch in about two weeks, depending on the temperature of the water.

Herring spawn every year after reaching sexual maturity at 3 or 4 years of age. The number of eggs varies with the age of the fish and averages 20,000 annually. Average life span for these fish is about 8 years in Southeast Alaska.

Mortality of the eggs is high. Young larvae drift and swim with the ocean currents and are preyed upon extensively by other vertebrate and invertebrate predators. Following metamorphosis of the larvae to the juvenile form, they rear in sheltered bays and inlets and appear to remain segregated from adult populations until they are mature.

Herring are located in distinctly different environments during different periods of the year. After spawning, most adults leave inshore waters and move offshore to feed primarily on zooplankton such as copepods and other crustaceans. They are seasonal feeders and accumulate fat reserves for periods of relative inactivity. Herring schools often follow a diel vertical migration pattern, spending daylight hours near the bottom and moving upward during the evening to feed.

The annual biomass of herring returning to spawn in Sitka Sound (commercial purse seine catch + post season model estimates) has exhibited an increasing trend over the last 34 years of commercial fishing with a decline in 2012 (**Figure 1**). In 2012 the total estimate of herring biomass returning to Sitka Sound was estimated at 84,435 tons, down from a high of 119,049 tons in 2009. There was a slight increase in 2013 with an estimate of 88,341 tons. The 2014 pre fishery forecast was 81,665 tons (Coonradt 2014).

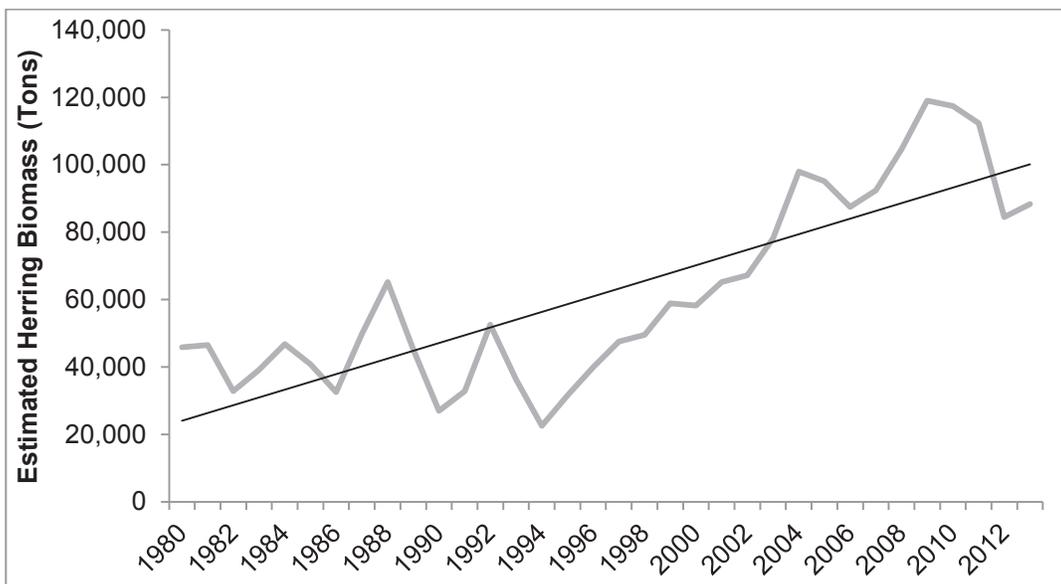


Figure 1. Annual estimated biomass of herring returning to Sitka Sound from 1980 - 2013, with trendline.

Harvest History

Subsistence harvest methods

The subsistence herring egg harvest is a complex and time intensive process. According to Schroeder and Kookesh (1990), this customary and traditional harvest is conducted using a variety of egg deposition strata including hemlock branches and trees, kelp, seaweed and occasionally man-made materials. In the spring (late March–April) seal, sea lion, and sea gull feeding activity are indicators for subsistence harvesters that the herring have arrived in Sitka Sound. There are many “superhouseholds” who harvest herring eggs for multiple households in addition to their own. Herring eggs are a highly valued item in subsistence trade and sharing networks. Detailed examination of the subsistence herring egg harvest is described by Schroeder and Kookesh (1990).

Subsistence harvest

The ADF&G Division of Subsistence conducted research on the subsistence harvest of herring eggs in Sitka Sound as part of household harvest surveys conducted in Sitka in 1997 (ADF&G 2003). At the January 2002 meeting, the Alaska Board of Fisheries requested that ADF&G Division of Subsistence work with the Sitka Tribe of Alaska and conduct harvest surveys for the Sitka Sound herring egg fishery. In 2002 and 2003, the ADF&G provided field survey and interview project support, and data analysis. The Sitka Tribe of Alaska, working with ADF&G staff conducted interviews in person with harvesters and provided harvest data to ADF&G for analysis in 2002 and 2003. Research conducted by ADF&G and the Sitka Tribe of Alaska in 2002 and 2003 produced harvest estimates of the total pounds of herring eggs-on-hemlock-branches and the total pounds of herring eggs harvested on *Macrocystis*, hair seaweed and other substrate. The Sitka Tribe of Alaska also collected harvest data from 2004 through 2013 (STA 2006; Turek 2008 and Thynes 2014). In 2008 the Fisheries Resource Monitoring Program funded project 08-651, Makhnati Island Subsistence Herring Fishing Assessment, to determine the harvest patterns of herring spawn from Federal public waters in Sitka Sound. According to Meuret-Woody et al. (2010), “the Makhnati area was once used by many subsistence users, but today is not used as frequently due to the development of the area and the ease of most subsistence herring egg gatherers to harvest in other areas”.

Subsistence users are allowed to harvest herring and herring eggs anywhere in and around Sitka Sound. The location and intensity of herring spawn in Sitka Sound varies from year to year. From 1980 to 2014, the amount of spawn deposition has varied from 37 to 104 nautical miles averaging 59.4 nautical miles. Spawn deposition is more consistent in some areas, but spawning is not assured in any specific area every year. Some spawn and subsistence harvest occurs within Federal public waters in most years. However, where people harvest herring eggs is ultimately determined by where the herring spawn. In 2014, the observed spawn deposition was quite extensive in the preferred subsistence harvest areas (**Figure 2**).

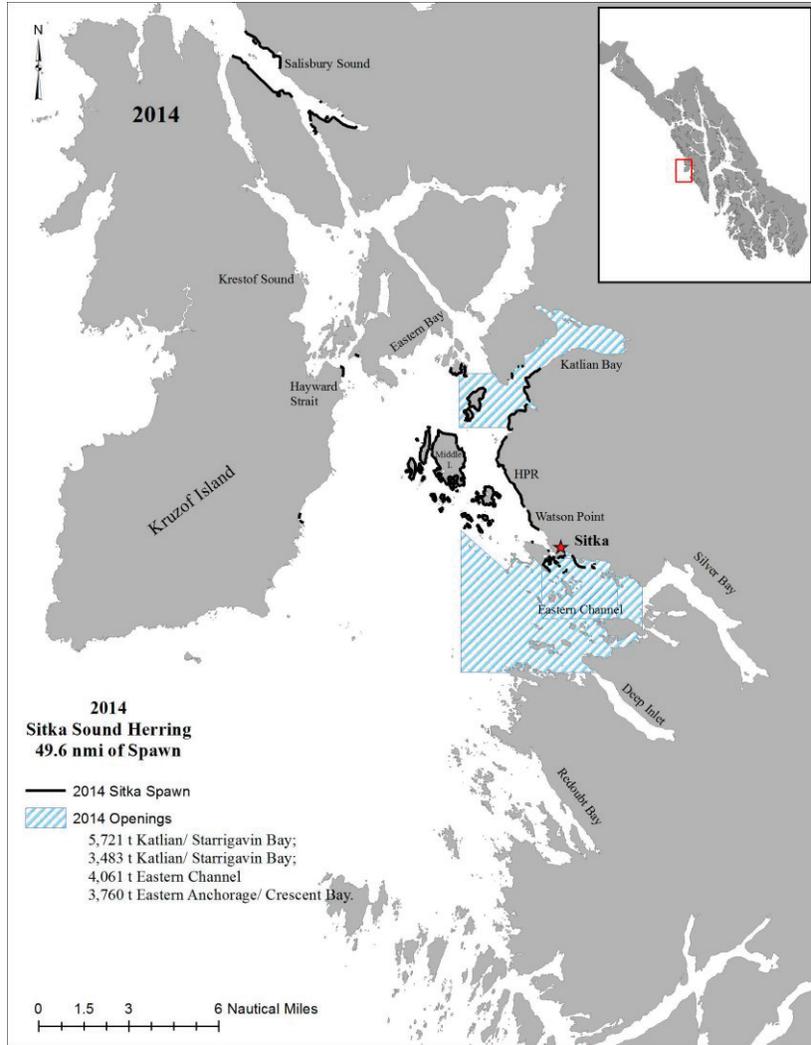


Figure 2. Cumulative herring spawn and commercial openings in Sitka Sound, 2014. (Coonradt 2014)

For the available years of data (2002–2013), the average annual total harvest of eggs in Sitka Sound on all substrates was 160,735 pounds (**Table 1**). When compared to the amounts necessary for subsistence established by the Alaska Board of Fisheries, reported harvest indicates that subsistence needs were not met in 2005, 2007, 2008 and 2011–2013 (Holen et al. 2011; Coonradt 2014). There is a positive correlation between the number of households harvesting herring roe annually and the total annual roe harvest (**Figure 3**). In recent years there has been a decline in participation that may have contributed to the decline in total annual roe harvest (**Table 1**).

Table 1. Subsistence harvest of herring roe on all substrates in Sitka Sound, 2002-2013, compared with minimum Amounts Necessary for Subsistence as set by the Alaska Board of Fisheries (Coonradt 2014).

Year	Number of Households Harvesting	Total Roe Harvest (lbs.)	ANS minimum
2002	77	151,717	105,000
2003	116	278,799	105,000
2004	118	381,226	105,000
2005	95	79,064	105,000
2006	88	219,356	105,000
2007	81	87,211	105,000
2008	54	71,936	105,000
2009	91	213,712	136,000
2010	40	154,620	136,000
2011	52	83,443	136,000
2012	32	115,799	136,000
2013	35	91,936	136,000
2014	Pending	Pending	136,000
Average	73	160,735	

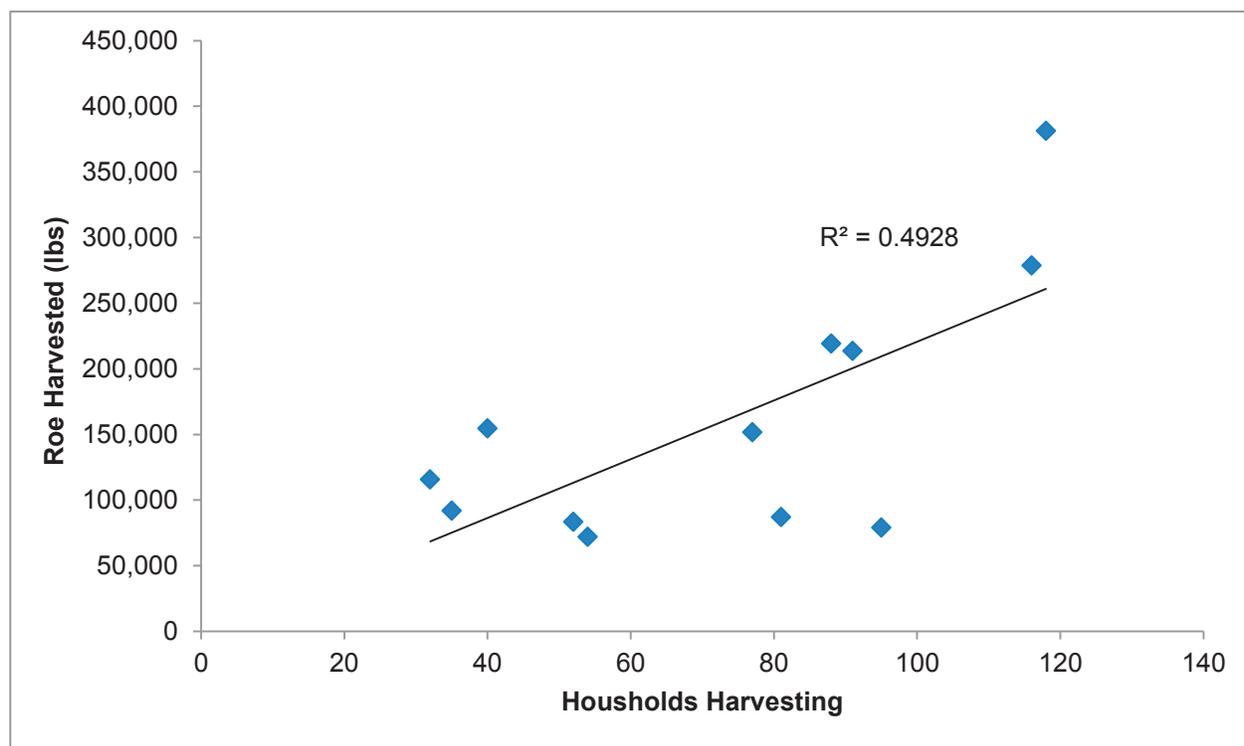


Figure 3. Plot illustrating the relationship between the number of households harvesting herring roe and the total subsistence herring roe harvest, 2002-2013.



Commercial harvest

The following is excerpted from Woodby et al. (2005):

Sac roe fisheries harvest herring just before spawning using either purse seine or gillnet. The roe is salted and packaged as a product that sometimes sells for over \$100/lb (\$220/kg) in Japan. In recent years the Alaska sac roe harvest has averaged about 50,000 tons (45,500 mt), almost all of which ends up in the Japanese marketplace.

The Southeast Alaska Sac Roe Herring Fishery is managed by ADF&G under a management plan (Thynes et al. 2013). **Table 2** displays the fisheries statistics for the Sitka Sound commercial sac roe herring fishery from 1980 through 2013 (Coonradt 2014). Although the guideline harvest level (GHL) for forecasted biomasses above 45,000 tons is 20%, the commercial fishery rarely reaches that level of harvest. The forecasted annual biomass has been greater than 45,000 tons 16 of the last 34 years and the commercial harvest during those years averaged 15.8%. Between 2004-2013 when the forecasted biomass has been greater than 45,000 tons and the GHL has been 20%, commercial harvest has averaged 12.7%.

Table 2. Commercial sac roe herring harvest and herring spawn information, Sitka Sound 1980-present (Coonradt 2014).

Sitka Sound Herring Sac Roe Fishery Data - 1971 to Present													
Year	Forecast Biomass	Quota (tons)	Sac Roe Harvest (tons)	Model *Current Year ASA Estimated Post-Fishery Biomass (tons)	Harvest + Post-fishery biomass	Actual % commercial harvest of post-fishery biomass estimate	Roe Percent	2 Hr Notice In Effect	Fishing Dates	Exvessel Value (millions)	Price per Ton	Date of First Spaw n	Nautical Miles of Spaw n
1971	-	750	278				8.3		-			6-Apr	9
1972	-	850	603				-		-			28-Apr	14
1973	-	600	537				8.5		-			11-Apr	10
1974	-	600	712				12.0		-			13-Apr	10
1975	6,400	550	1,484				11.0		-			18-Apr	8
1976	7,300	780	795				10.2		4/16			15-Apr	13
1977	5,650	0	0				-		-			8-Apr	11
1978	4,500	250	238				11.0		4/5			13-Apr	13
1979	20,300	4,000	2,559		45,8		9.3		4/12			3-Apr	41
1980	39,500	3,000	4,445	41,409	54,46,5	9.7	10.8	9AM, 4/4	4/4, 4/5	2.15	\$ 484	22-Apr	63.0
1981	27,000	3,000	3,506	43,004	10,32,8	7.5	11.0	3/23	3/24, 3/26	2.38	\$ 679	Mar	60.0
1982	30,000	5,500	4,363	28,475	38,39,1	13.3	11.7	2AM, 3/26	3/30	3.20	\$ 733	24-Mar	40.8
1983	32,850	5,000	5,416	33,718	34,46,8	13.8	11.1	4AM, 3/23	3/26, 3/29	5.03	\$ 929	21-Mar	68.0
1984	30,550	7,700	5,830	41,012	42,40,8	12.4	11.1	3/22	3/26 - 3/28	3.73	\$ 640	29-Mar	65.0
1985	38,500	5,029	7,475	33,413	88,32,5	18.3	11.3	6AM, 3/24	3/29, 4/1, 4/5	7.88	\$ 1,054	27-Mar	60.5
1986	30,950	3,600	5,443	27,128	71,49,8	16.7	11.9	7AM, 3/28	4/2, 4/8	7.41	\$ 1,361	21-Mar	51.6
1987	24,750	9,200	4,216	45,597	13,65,2	8.5	9.9	3/23	3/31	4.40	\$ 1,044	23-Mar	86.0

1989	58,500	11,700	11,831	33,431	45,262	26.1	9.4	6AM, 3/22	3/31 - 4/8	\$ 1.18	\$ 100	19-Mar	65.5
1990	27,200	0	3,804	23,217	21	14.1	10.6	6AM, 4/4	4/5 - 4/6	7.95	2,090	Mar	39.1
1991	22,750	3,200	1,838	30,986	32,824	5.6	8.9	7AM, 3/29	4/10 - 4/13	0.21	114	Apr	44.5
1992	23,450	0	5,368	47,177	52,545	10.2	9.4	8AM, 3/30	4/6	1.37	255	Mar	72.5
1993	48,500	6	10,18	26,164	36,350	28.0	10.7	8AM, 3/26	3/27 - 4/3	3.48	342	Mar	55.3
1994	28,450	4,43	2	4,758	22,545	21.1	11.0	8AM, 3/28	3/29, 3/31	3.63	763	Mar	58.1
1995	19,700	2,60	9	2,908	31,497	9.2	11.8	8AM, 3/23	3/25, 3/27	3.93	1,351	Mar	37.3
1996	42,265	8,14	4	8,144	39,933	20.4	9.6	8AM, 3/23	3/23, 3/31-4/8	14.35	1,762	Mar	45.6
1997	54,500	10,9	00	11,14	47,593	23.4	11.5	2PM, 3/18	3/18-21, 23	\$ 4.73	\$ 424	Mar	41.0
1998	39,200	6,90	0	6,638	49,543	13.4	10.2	8AM, 3/16	3/16,3/18,3/19	\$ 1.65	\$ 249	Mar	64.5
1999	43,600	8,47	6	9,217	58,849	15.7	10.7	8AM, 3/19	3/22, 3/24, 3/26-27	4.91	533	Mar	59.5
2000	33,365	5,12	0	4,630	58,181	8.0	9.9	8AM, 3/13	3/19, 3/22	\$ 2.67	\$ 577	Mar	54.5
2001	52,985	10,5	97	11,97	65,254	18.3	11.3	8AM, 3/15	3/22, 3/26, 3/27	\$ 5.79	\$ 484	Mar	61.0
2002	55,209	11,0	42	9,788	67,147	14.6	10.9	8AM, 3/25	3/27-4/15	\$ 4.44	\$ 454	Mar	42.6
2003	39,378	6,96	9	7,051	78,132	9.0	10.7	8AM, 3/20	3/22,3/23,3/26	\$ 3.20	\$ 454	Mar	47.1
2004	53,088	10,6	18	10,49	97,995	10.7	10.8	8AM, 3/19	3/21,3/25,3/27	5.16	492	Mar	79.8
2005	55,962	11,1	92	11,36	95,126	11.9	11.5	8AM, 3/20	3/23,3/25,3/27-29	\$ 6.12	\$ 538	Mar	39.5
2006	52,059	10,4	12	9,967	87,449	11.4	10.5	12PM, 3/22	3/24,3/26,3/27,3/29	\$ 2.64	\$ 265	Mar	57.4
2007	59,519	11,9	04	11,57	92,357	12.5	11.4	8AM, 3/24	3/26,3/30,4/1,4/3	\$ 5.70	\$ 493	Mar	50.2
2008	87,715	14,7	23	14,38	104,104	13.7	11.5	8AM, 3/24	3/25,3/26,3/31	\$ 8.90	\$ 620	Mar	55.3
2009	72,521	14,5	04	14,77	119,104	12.4	11.8	8AM, 3/22	3/22,3/24,3/28,3/31,4/2	12.70	860	Apr	65.6
2010	91,467	18,2	93	17,87	117,363	15.2	12.5	12PM, 3/19	3/24,3/27,3/30,4/2	\$ 12.15	\$ 690	Apr	87.7
2011	97,449	19,4	90	19,42	112,281	17.3	13.3	8AM, 3/28	3/31,4/1,4/4,4/7,4/9	\$ 3.96	\$ 266	Apr	78.3
2012	144,14	28,8	3	13,23	84,435	15.7	11.8	11AM, 3/27	3/31,4/2,4/7	\$ 8.87	\$ 630	Mar	55.9
2013	76,988	11,5	49	5,688	88,341	6.4	13.0	11AM, 3/25	3/27,3/28,3/30,4/3	\$ 4.44	\$ 780	Mar	61.3
Average	49,415	8,96	6	8,475	62,101	14.1	11.0			\$ 5.13	\$ 675	25-Mar	59.4

*Pre-1980 Estimated Escapement based on either hydroacoustic surveys or applying a conversion of approximately 450-500 tons/nm of spawn
 *1980 to present estimated escapement from current year ASA model.

The area where the commercial sac roe herring fishery occurs varies widely from year to year. From 1992 to 2014, the Federal public waters near Makhnati Island have made up part of the areas open to commercial sac roe herring fishing 8 out of 23 years (1993, 1999, 2001, 2003, 2005, 2006, 2011 and 2014). In 1993, the entire area was part of a larger area open to commercial fishing. In 1999, 2001 and 2005, only the Whiting Harbor side (north side) was included and in 2003, 2006 and 2011 only the Nepovorotni side (south side) was included. In 2011 one commercial opening occurred in the southern portion of the Makhnati Federal public waters (**Figure 4**). In 2012 all commercial sac roe harvest occurred well north of the Makhnati Federal waters (**Figure 5**). In 2013 one commercial opening included areas adjacent to but not including federal waters while all others occurred away from federal waters (**Figure 6**). In 2014 the first three commercial openings occurred well north of the Makhnati Federal waters while the fourth and final opening occurred on the south side of the Makhnati causeway including a portion of the Makhnati Federal waters (**Figure 2**). Since the area of Federal public waters has been part of larger areas open to commercial fishing, there is no way to apportion harvest from only Federal public waters. Most of the commercial harvest has been taken a significant distance away from Federal public waters and traditional subsistence harvest areas yet adequate subsistence harvests, in relation to Amounts

Necessary for Subsistence set by the State, were not obtained in 2005, 2007, 2008 and 2011-2013.

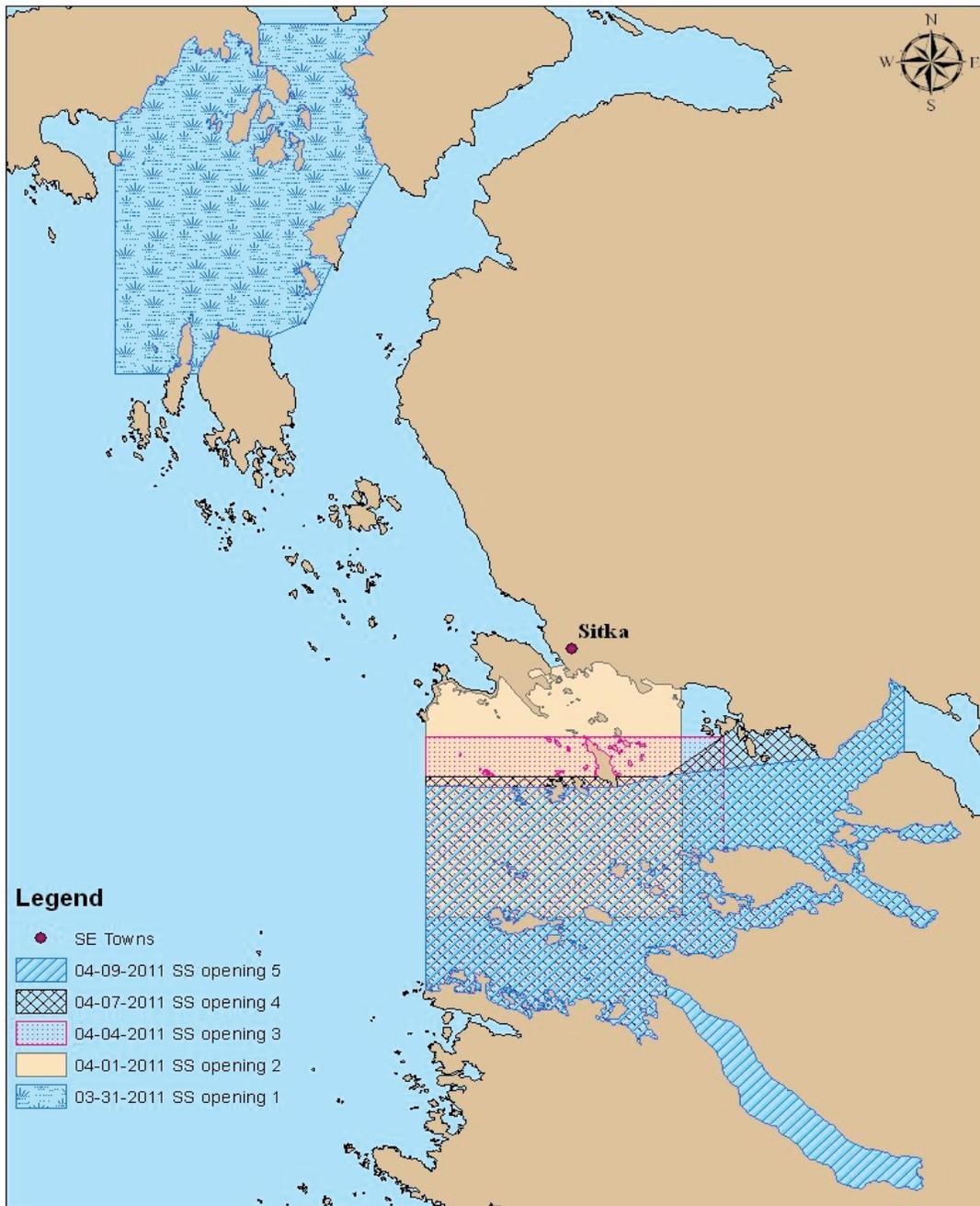


Figure 4. The second opening of the 2011 herring sac-roe fishery encompassing the southern portion of the Makhnati Federal public waters (Coonradt 2011).

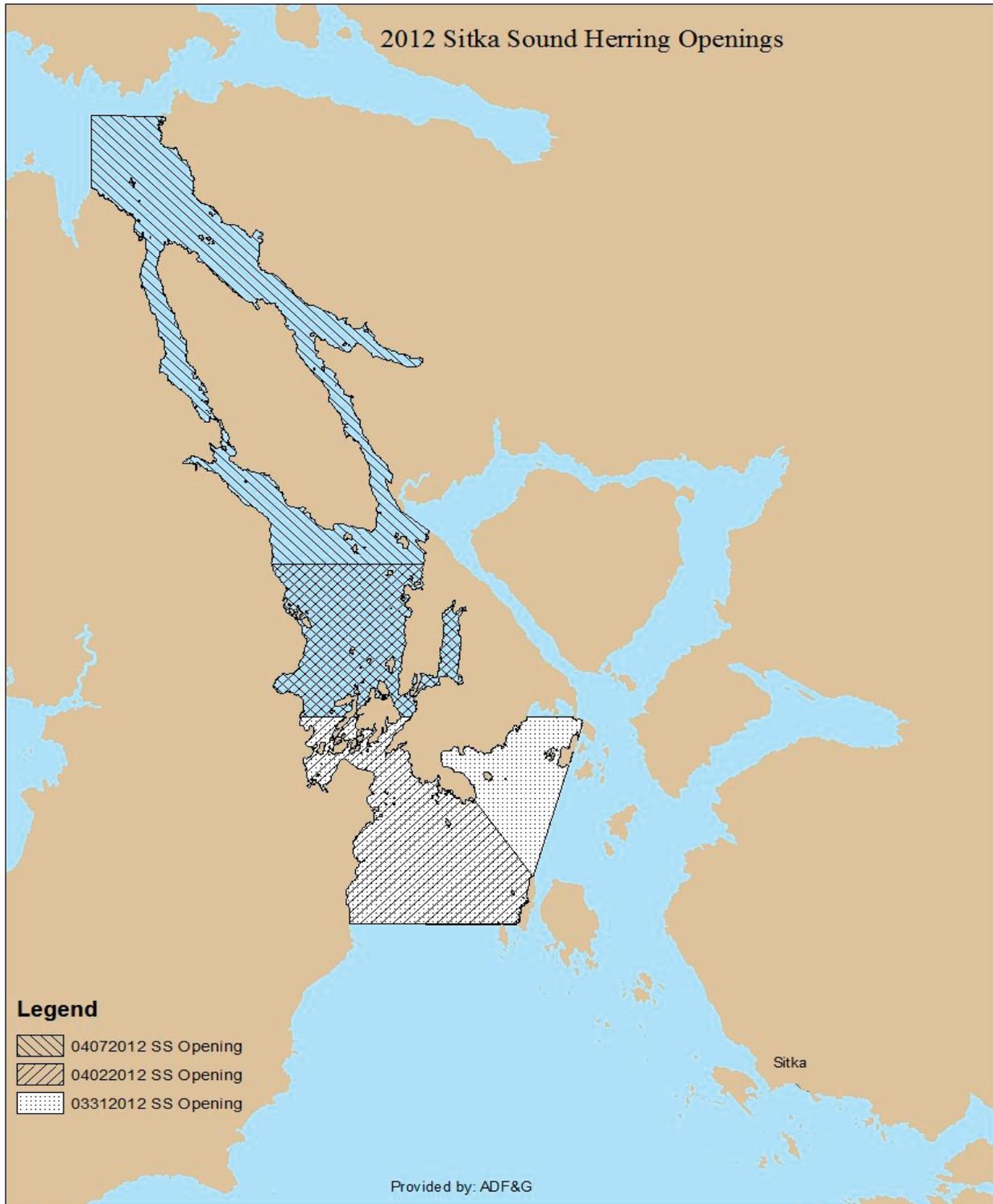


Figure 5. Sitka Sound commercial sac-roe herring openings, 2012 (Coonradt 2012).



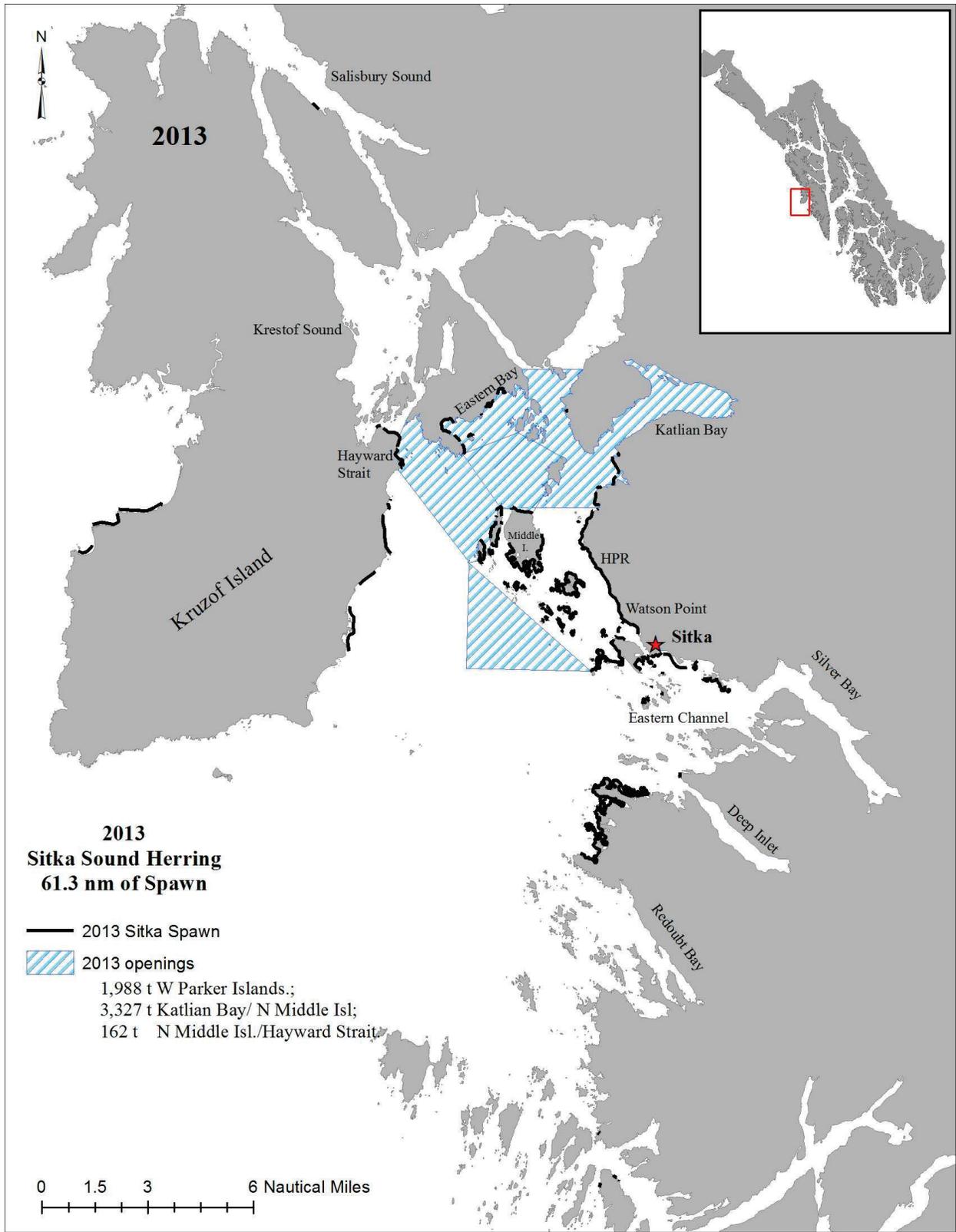


Figure 6. Cumulative herring spawn and commercial openings in Sitka Sound, 2013. (Coonradt 2014)

Effects of the Proposal

If this proposal is adopted it would close the Federal public waters in the Makhnati Island area near Sitka to all uses of herring and herring spawn except for subsistence harvest by Federally qualified subsistence users. All rural residents of Alaska would be eligible to harvest herring and herring spawn for subsistence purposes, but there would be no State subsistence, sport or commercial harvest in Federal public waters.

According to Amounts Necessary for Subsistence set by the Alaska Board of Fisheries, adequate subsistence harvests were obtained in 2002-2004, 2006, 2009 and 2010. In years when subsistence harvests were less than adequate, it is unlikely that a closure to other users in Federal public waters would have made a difference. For example, in the Federal public waters in 2008 and 2012, no commercial harvest occurred and the spawn deposition was extremely minimal; therefore, a closure would not have been effective. Spawn location is a prime factor affecting harvesters' success. Inclement weather, spawn timing, loss of sets, and the amount of participation by high harvesters are other likely contributors to subsistence harvesters not meeting their desired harvest level. The size of the stock, the commercial harvest levels, and the effective dispersion of the commercial fishery necessitates identifying alternative factors responsible for subsistence harvesters not meeting their desired harvest level. Closing Federal marine waters, as is being requested, would do little to help Federally qualified users meet their desired harvest levels for herring.

Commercial sac roe herring openings rarely include Makhnati Federal Public waters. If this proposal is adopted the possibility remains that commercial sac roe herring openings would occur in adjacent waters potentially harvesting herring that were destined to spawn in Makhnati Federal Public waters. Furthermore, the annual commercial sac roe quota would be unaffected and the fleet may still harvest the full quota in other areas of Sitka Sound. The final spawning destination of herring harvested anywhere in Sitka Sound in the commercial sac roe fishery is unknown. Adoption of this proposal would do little to increase the biomass of herring spawning in Makhnati Federal Public waters or Sitka Sound because the commercial sac roe quota would remain unchanged and there is no way of knowing where the commercially harvested herring were destined to spawn.

OSM PRELIMINARY CONCLUSION

Oppose Proposal FP15-17

Justification

This proposal is similar to proposals considered by the Board in 2007 and 2013. At both times the Board determined there was no conservation concern in this area for herring and that closing Federal public waters to non-Federally qualified users would not benefit subsistence users. The biomass in Sitka Sound has been trending higher since 1971, and the greatest estimated biomass occurred in 2009. Since 2009 the annual biomass returning to Sitka Sound has remained above 80,000 tons or over three times the 25,000 ton threshold needed to conduct a commercial fishery.

Federal public waters have not been included in commercial openings from 2007 through 2010 and 2012 and 2013. Most of the commercial harvest has been taken well away from Federal public waters and there have been no restrictions on subsistence uses. In years when subsistence harvests were not adequate it is unlikely that a closure to other users in the Makhnati Federal Public waters would have made a difference in the amount of roe harvested for subsistence use.

Recent actions by the Alaska Board of Fisheries have already closed the northern portion of the Makhnati Federal Public waters to commercial sac roe herring fishing. Adoption of this proposal would result in further area closures to non-Federally qualified subsistence users, which do not appear to be needed for either conservation purposes or to protect Federally qualified subsistence uses.

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FP13-19 Executive Summary	
General Description	Proposal FP13-19 requests that the annual guideline harvest level (GHL) for the subsistence sockeye salmon fishery on the Stikine River be increased from 600 sockeye salmon to 2,000 sockeye salmon. <i>Submitted by the Southeast Alaska Subsistence Regional Advisory Council</i>
Proposed Regulation	§ __.27(e)(13) (xiv) (E) <i>The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, 600 2,000 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.</i>
OSM Conclusion	<p>Support Proposal FP13-19 with modification to eliminate the subsistence sockeye salmon annual guideline harvest level from Federal regulation.</p> <p>The modified regulation should read:</p> <p>§ __.27(e)(13) (xiv) <i>You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 51/2; inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.</i></p> <p>(A) <i>You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.</i></p> <p>(B) <i>You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.</i></p> <p>(C) <i>You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.</i></p> <p>(D) <i>You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.</i></p> <p>(E) <i>The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, 600 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.</i></p>
Southeast Regional Council Recommendation	Support Proposal FP13-19 with modification to eliminate the subsistence sockeye salmon annual guideline harvest level from Federal regulation. <i>(See OSM Conclusion for regulation language.)</i>

continued on next page

FP13-19 Executive Summary (continued)

Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Council recommendations and Federal Subsistence Board action on the proposal.
ADF&G Comments	<p>*Defer, pending consideration by the Transboundary River Panel and the Pacific Salmon Commission.</p> <p>*See Appendix B (pg. 214) for ADF&G comment.</p>
Written Public Comments	

Staff Analysis FP13-19

ISSUES

Proposal FP13-19, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Council), requests that the annual guideline harvest level (GHL) for the subsistence sockeye salmon fishery on the Stikine River be increased from 600 sockeye salmon to 2,000 sockeye salmon.

DISCUSSION

Components of Federal regulations, including the GHLs, are contained in Annex IV of the U.S./Canada Pacific Salmon Treaty of 1985, as last amended in January 2009 (Treaty). Proposals for subsistence fishing regulatory changes on the Stikine River for Chinook, sockeye, and coho salmon that require changes to the Treaty are first authorized by the Federal Subsistence Board (Board) with implementation contingent upon concurrence by the Pacific Salmon Commission (PSC) through the Transboundary Panel (TBR).

The first Stikine River subsistence fishery was approved for sockeye salmon in 2004. There was considerable uncertainty regarding the potential catch per unit effort and level of participation. However, since there is a Canadian-U.S. harvest allocation established each year for the sockeye salmon fishery, there was a management need for an annual subsistence fishery harvest estimate (GHL). The subsistence fishery is part of the total U.S. allocation and the subsistence fishery guideline harvest level provides the State of Alaska fishery managers a sense of scale of the anticipated harvest in the subsistence fishery. The GHLs specified in regulation and in Annex IV were the Federal and State manager's best estimates of potential harvest based on the information that was available at that time.

Existing Federal Regulation

§ __.27(e)(13) (xiv) You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 5 1/2 inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.

(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.

(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

(E) The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, 600 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.

Proposed Federal Regulation

§ __.27(e)(13) (xiv) *You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 5 1/2 inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.*

(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.

(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

(E) The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, ~~600~~ 2,000 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.

Existing State Regulation

The Stikine River and tributaries are open to sport fishing for sockeye, pink, chum, and coho salmon with a harvest limit of 6 fish daily and 12 in possession. State of Alaska sport fishing regulations for Southeast Alaska generally prohibit fishing for Chinook salmon in freshwater, including the Stikine River. The State Board of Fisheries has made a positive customary and traditional use determination for salmon in the Stikine River but no subsistence fishery is authorized targeting sockeye salmon of Stikine River origin. The Stikine River commercial gillnet fishery encompasses the waters of District 8 surrounding the terminus of the Stikine River and not in waters under Federal jurisdiction. The directed sockeye fishery is dependent on the preseason forecast for Stikine River sockeye salmon. Subsequent openings are determined in-season based on catches and stock proportion data. The Chinook, sockeye and coho salmon commercial fisheries are managed in accordance with the Transboundary Rivers Annex of the Pacific Salmon Treaty (PSC 2011).

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.

All waters of the Stikine River downstream from the Canadian border are within the exterior boundaries of the Tongass National Forest and are considered Federal public waters for the purposes of Federal subsistence fisheries management. For the Stikine River, non-marine waters include all portions of the Stikine River inland from the point of Federal jurisdiction at Point Rothsay to the Canadian border (**Figure 1**). All portions of the Stikine watershed in the United States are part of the Stikine-LeConte Wilderness Area.

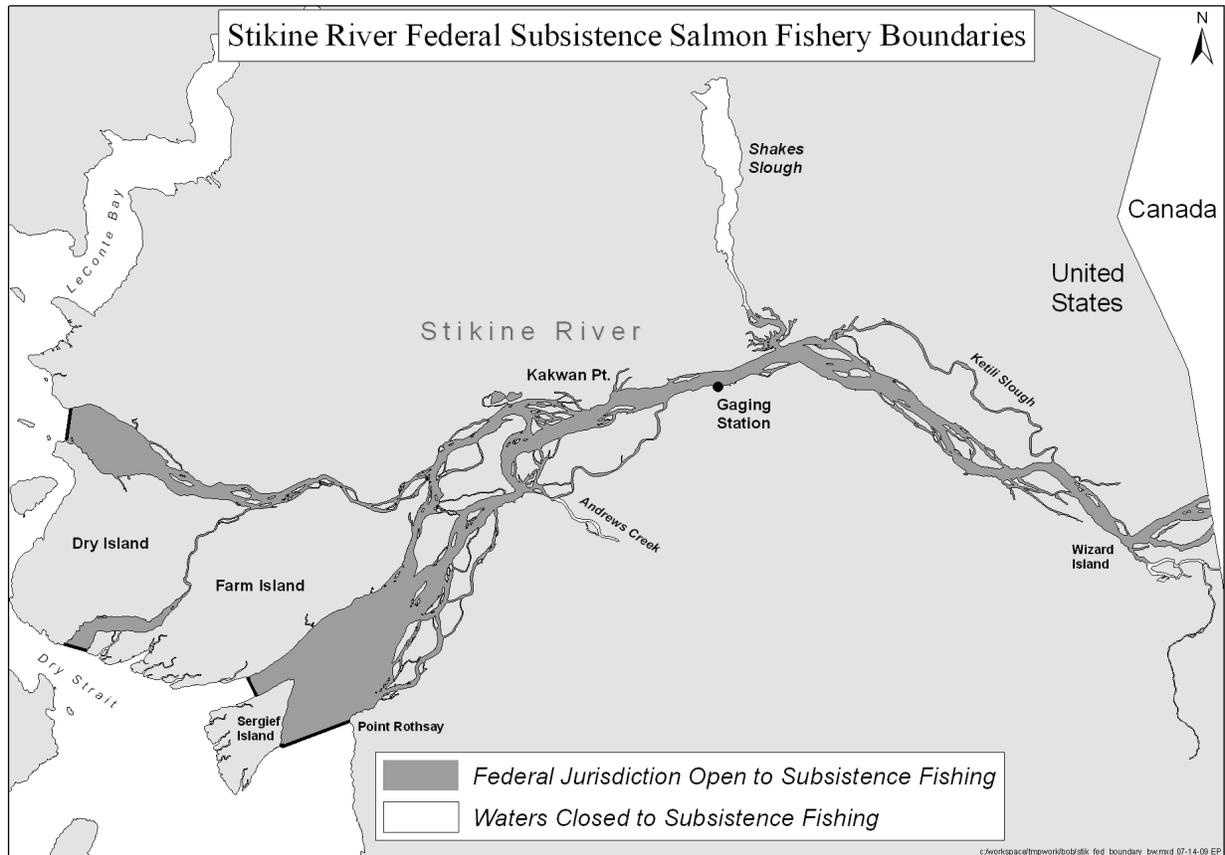


Figure 1. Stikine River, Federal public waters and prominent features.

Customary and Traditional Use Determinations

The Stikine River drains into commercial fishing District 8. Residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island); residents of drainages flowing into Districts 7 and 8, including the communities of Petersburg and Wrangell; and residents of the community of Meyers Chuck have a positive customary and traditional use finding for salmon, Dolly Varden, trout, smelt and eulachon.

Regulatory History

The original proposal to establish a Federal subsistence salmon fishery on the Stikine River, (FP01-27) was submitted in 2000 by Mr. Dick Stokes, a resident of Wrangell. That proposal specified a Chinook salmon fishery from June 1 to August 1, a sockeye salmon fishery from June 15 to September 1, and a coho salmon fishery from July 15 to October 1. The Board deferred action on this proposal, pending coordination with the PSC.

The Board made a positive customary and traditional use determination for salmon, Dolly Varden, trout, smelt and eulachon for residents living in or near the communities of Wrangell, Petersburg and Meyers Chuck (FP04-29) in 2004. The Board also adopted methods, a season, and guideline harvest limits for Chinook, sockeye, and coho salmon (FP04-40). The Transboundary River Panel and the Pacific Salmon Commission concurred with the Board and a subsistence fishery for sockeye salmon was opened during

the 2004 season, but with a season starting date of July 1 instead of June 15. By action of the Board, and coordination with the TBR and PSC, directed fisheries for Chinook and coho salmon were added prior to the 2005 season. The Board approved (with concurrence of the PSC) a change in the mesh size from 5 ½ inches to 8 inches (FSA05-01) for the new Chinook salmon fishery effective for the 2005 season. Regulatory changes for the 2006 season included an increase in the mesh size of gillnets during the Chinook fishery to 8 inch stretched mesh (FP06-27) and an earlier starting date for the sockeye fishery (FP06-28 and 29). There were no changes in subsistence fishing regulations or permit conditions for the 2007 fishing season. In 2008, two regulatory changes were made to the subsistence fishery. The first change made subsistence fishing permits valid for the length of the fishing season, May 15 through October 1. The second change moved the start date of the subsistence coho salmon fishery from August 15 to August 1 (FP08-03). Changing the coho fishery start date allowed continuous subsistence fishing between May 15 and October 1. There were no subsequent changes to the regulations for the 2009-2011 seasons. The Federal subsistence fishing permit database was upgraded to a web based application for the 2011 fishing season. This change allowed subsistence fishing permits to be printed at each U.S. Forest Service District Office and subsistence reports directly entered by field staff.

Harvest History

Between 1995 and 2001, ADF&G authorized an in-river personal use fishery for sockeye salmon in the Stikine River. Participation in the personal use fishery was minimal, and only 28 sockeye salmon were reported harvested in 2001. The personal use fishery was not opened in 2002 due to conservation concerns for the Tahltan stock, a Canadian tributary to the Stikine River. Currently, there is not a personal use or subsistence fishery authorized in State regulations for the Stikine River.

Federal permits are required for subsistence fishing on the Stikine River. Weekly harvest estimates are derived from telephone interviews and fishery performance data. The use of permits and in-season reporting are designed to provide Federal, State and Canadian fishery managers with real time harvest estimates. There have not been any Federal in-season special actions to curtail harvests.

Sport fishing for Chinook salmon is prohibited on the Stikine River. There is a small harvest of other salmon by sport fishers in the U.S. in tributaries to the Stikine River, but harvest numbers are too low to be included in any site-specific sport fishing harvest estimates (Fleming 2012, pers. comm.). A small, but unknown number of sockeye, coho, and steelhead are harvested by sport fishers in Canada.

The first harvests under Federal subsistence management regulations occurred in 2004 when 40 permits were issued and 243 sockeye salmon harvested. Participation and the subsistence sockeye salmon harvest has increased with 129 permits harvesting a total of 1,755 sockeye salmon in 2011 (**Table 1**). The great majority but not all the sockeye salmon are caught during the June 21 to July 31 sockeye salmon season (**Table 2**). The 2012 Stikine River subsistence fishery summary report prepared for the PSC is attached as **Appendix 1**.

The preliminary pre-season U.S. total allowable catch for the 2012 season was 31,000 sockeye salmon (ADF&G 2012). The in-season total allowable catch allocation for the 2012 season was approximately 22,000 sockeye salmon. The preliminary actual U.S. harvest for the 2012 season is 25,700 (24,300 commercial, 1,400 subsistence) sockeye salmon.

Other Alternatives Considered

A logical alternative to changing the guideline harvest from one number to another number would be to eliminate the guideline harvest level in the Treaty Annex. Specifying any number in the Treaty prompts

Table 1. Summary of Stikine River subsistence harvest, 2004–2011.

Year	Permits	Chinook	Chum	Coho	Trout	Dolly Varden	Pink	Sockeye	Steelhead
2004	40	12	11	0	0	1	22	243	1
2005	35	15	22	53	0	4	69	252	0
2006	48	37	20	21	0	3	23	390	0
2007	44	36	11	23	0	1	59	244	2
2008	50	25	12	42	0	5	18	428	0
2009	80	31	46	21	1	20	66	723	2
2010	107	61	37	135	0	15	60	1,653	7
2011	129	66	71	40	0	3	189	1,755	5

Table 2. Stikine River subsistence sockeye salmon harvest by fishing season.

Year	Within-season Sockeye (June 21 to July 31)	Out-of-season Sockeye (<June 21 or >July 31)
2004	243	0
2005	233	19
2006	377	13
2007	178	66
2008	426	2
2009	706	17
2010	1,554	99
2011	1,686	69

the question of what management actions are anticipated to attain that number. Federal managers do not consider the GHL as a target or quota. In-season management actions intended to increase or decrease the subsistence harvest to match the GHL are not anticipated. In-season actions for conservation are delegated to the U.S. Forest Service Wrangell District Ranger and will be implemented as part of an overall U.S.-Canadian conservation strategy. Removing the GHL would prevent unrealistic in-season management expectations and allow the U.S. domestic regulatory process to allocate sockeye salmon within the total U.S. allowable catch.

Effects of the Proposal

The U.S.-Canada Pacific Salmon Treaty and its annexes specify GHLs for Chinook, sockeye and coho salmon. The following section of the Treaty explains how regulatory changes to the Stikine River subsistence fishery need to be approved by the PSC.

Annex IV, Chapter 1, Paragraph 3(a)(3)(vi) “d. Any proposed regulatory changes to the fishery during the remaining years of this annex would need to be reviewed by the bilateral Transboundary River Panel and approved by the Pacific Salmon Commission.”

Changes to subsistence regulations for any transboundary river that differ from the express terms of the Treaty language require a formal process with somewhat parallel tracks within the Federal subsistence

program and the Treaty process prior to implementation. To alter the text of the Treaty, the following would be the most ambitious timeline. The issue needs to be: 1) recommended for adoption by the Council at their meeting in September 2012; 2) be considered and have concurrence by the U.S. Section of the TBR in December 2012; 3) the issue included on the annual work plan for the bilateral TBR in January 2013; 4) reviewed by the TBR at their January 2013 meeting; 5) adopted by the Board pending concurrence by the PSC in January 2013; and 6) approved by the PSC during their annual meeting in February 2013. This was the process previously used to implement changes to the Stikine River sockeye and coho fishing seasons. Progress to date includes: 1) a recommendation by the Council at their September 2012 meeting to remove the subsistence fishing annual GHL for sockeye salmon, 2) the issue has been included as an agenda topic for the U.S. Section meeting scheduled for December 13, 2012 and 3) the issue has been included on the agenda for the post-season meeting of the bilateral Panel at their January 2013 meeting in Vancouver BC.

The stocks of sockeye salmon in the Stikine River are healthy and there is no conservation issue with increasing the subsistence fishery guideline harvest by 1,400 fish. The subsistence fishery harvest is a component of the total U.S. allowable catch and a change of this magnitude is likely insignificant and well within management error when compared to the total size of the stock and the scale of other fisheries. Compared to the average return of 184,000 sockeye salmon between 2000 and 2010, a 2,000 sockeye salmon subsistence guideline slightly exceeds 1% of the total return (**Table 3**).

The Stikine River subsistence fishery is maturing and it is obvious that managers can expect the subsistence sockeye harvest to exceed 600 fish unless there are significant in-season actions to restrict the fishery. It is anticipated that the rate of growth in this fishery will decline as there are a finite number of fishing sites and a finite number of participants with the equipment and interest that allows them to participate. Actual harvests in the future are unknown but a 2,000 sockeye salmon guideline harvest level would be much more useful to managers and be more representative of actual demand than the present guideline harvest level.

OSM CONCLUSION

Support Proposal FP13-19 **with modification** to eliminate the subsistence sockeye salmon annual guideline harvest level from Federal regulation.

The modified regulation should read:

§ __.27(e)(13) (xiv) You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 5 1/2; inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.

(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.

(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.

Table 3. Stikine sockeye run sizes: 1979 – 2010 (2009 and 2010 data preliminary).

Year	In-river Run Size	In-river Catch ^a	Escapement ^b	Marine Catch	Terminal Run Size ^c
i) Total Stikine Sockeye Stocks					
1979	40,353	13,534	26,819	8,299	48,652
1980	62,743	20,919	41,824	23,206	85,949
1981	138,879	27,017	111,862	27,538	166,417
1982	68,761	20,540	48,221	42,804	111,565
1983	71,683	21,120	50,563	5,782	77,466
1984	76,211	5,327	70,884	7,810	84,021
1985	184,747	26,804	157,943	29,747	214,494
1986	69,036	17,846	51,190	6,420	75,456
1987	39,264	11,283	27,981	4,085	43,350
1988	41,915	16,538	25,377	3,181	45,096
1989	75,054	21,639	53,415	15,492	90,546
1990	57,386	19,964	37,422	9,856	67,242
1991	120,152	25,138	95,014	34,323	154,476
1992	154,542	29,242	125,300	77,394	231,936
1993	176,100	52,698	123,402	104,630	280,730
1994	127,527	53,380	74,147	80,509	208,036
1995	142,308	66,777	75,531	76,420	218,728
1996	184,400	90,148	94,252	188,385	372,785
1997	125,657	68,197	57,460	101,258	226,915
1998	90,459	50,486	39,973	30,989	121,448
1999	65,879	47,202	18,677	58,735	124,614
2000	53,145	31,535	21,610	25,359	78,504
2001	103,755	29,341	74,414	23,500	127,255
2002	68,635	22,607	46,028	8,076	76,711
2003	194,425	69,571	124,854	46,552	240,977
2004	189,415	88,451	100,964	122,349	311,764
2005	167,570	88,089	79,482	92,110	259,680
2006	193,768	102,333	91,435	74,426	268,194
2007	110,132	61,121	49,011	86,408	196,540
2008	73,773	36,717	37,056	45,515	119,288
2009	116,141	50,516	65,626	64,151	180,292

^a In-river catch includes test fishery catches.

^b Escapement includes fish later captured for broodstock, sampled and/or taken in Excess Salmon to Spawning Requirement fisheries.

^c Excludes marine catches outside Districts 106 and 108.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

(E) The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, ~~600 sockeye~~, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.

Justification

Amending the annual guideline harvest level for the Stikine River subsistence sockeye fishery from 600 sockeye salmon to 2,000 sockeye salmon would provide fishery managers with a more realistic estimate of the actual harvest as compared to the 600 fish total guideline harvest level in current regulation. However, the presence of any guideline harvest level is inconsistent with the management practices of the other fisheries targeting Stikine River origin sockeye salmon. Simply increasing the guideline harvest level would be an improvement to the current situation but not provide the benefits and opportunities for coordinated management between the U.S. fishery management agencies as would the absence of a total guideline harvest level.

Eliminating the subsistence sockeye salmon annual guideline harvest level allows the subsistence fishery to operate completely within the U.S. allocation; subject to the normal domestic allocation protocols. Sockeye salmon harvested for subsistence are part of the U.S. total allowable catch and the harvest is reported in-season, on a weekly basis, to the ADF&G fishery managers. The total subsistence harvest is reported in an end of the season annual subsistence fishing summary, once reports are obtained from the subsistence fishermen. There is no conservation or fishery management concern with adopting either the larger guideline harvest level or eliminating the guideline harvest level. The in-season manager retains the authority to close the subsistence fishery if necessary for conservation. Eliminating the guideline harvest level would require more than changing Federal regulations. Full implementation will require coordination with the Transboundary Panel and concurrence of the Pacific Salmon Commission to amend the text of the U.S./Canada Pacific Salmon Treaty.

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Alaska Department of Fish and Game (ADF&G), 2012. Davidson, Bill et al. 2012 Southeast Alaska Drift Gillnet Fishery Management Plan. Regional Information Report No. IJ12-06.

Fleming, D. 2006. Wrangell/Petersburg Area Sport Fisheries Management Biologist. Personal communication: telephone (907-772-3801). ADF&G. Petersburg, AK.

Pacific Salmon Commission (PSC). 2011. Salmon Management and Enhancement Plans for the Stikine, Taku and Alsek Rivers. Report TCTR (11)-3, Pacific Salmon Commission Joint Transboundary Technical Committee. Vancouver, CA.

Stikine River Subsistence Salmon Fishery

2012 Season Summary

Robert Larson, U.S. Forest Service
December 1, 2012

Executive Summary

This report fulfills the commitment for the 2012 season Stikine River U.S. subsistence salmon fishery summary for the bilateral U.S.-Canada Pacific Salmon Commission (Commission). In 2012, 130 households harvested 16 large Chinook salmon during the Chinook salmon season, 1,155 sockeye salmon during the sockeye salmon season and 110 coho salmon during the coho salmon season.

Introduction

A subsistence fishery was established for sockeye salmon on the Stikine River in 2004 by the Federal Subsistence Board (Board), through coordination with the Transboundary River Panel (Panel) and the Commission. By action of the Board, and coordination with the Panel and Commission, directed fisheries for Chinook and coho salmon were added in 2005. Regulatory changes for the 2006 season included an increase in the mesh size of gillnets during the Chinook fishery (to 8 inch stretched mesh) and an earlier starting date for the sockeye fishery. There were no changes in subsistence fishing regulations or permit conditions for the 2007 fishing season. In 2008, two regulatory changes were made to the subsistence fishery. The first change made subsistence fishing permits valid for the length of the fishing season, May 15 through October 1. The second change moved the start date of the subsistence coho salmon fishery from August 15 to August 1. Changing the coho fishery start date allowed continuous subsistence fishing between May 15 and October 1. There were no subsequent changes to the regulations for the 2009 through 2012 seasons.

Eligibility for participation in the Federal subsistence fishery is limited to residents of Wrangell, Petersburg, Meyers Chuck, and the immediate vicinity through a positive customary and traditional use determination adopted by the Board.

Federal jurisdiction and prominent features of the Stikine River are shown in **Figure 1**.

Federal Subsistence Fishing Regulations

The Federal subsistence fisheries regulations are detailed in Subpart C and D of the Code of Federal Regulations (36 CFR part 242 and 50 CFR part 100). The sections relevant to the Stikine River are as follows:

§ ____ .24 Customary and traditional use determinations.

(2) Fish determinations. The following communities and areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species:

Southeastern Alaska Area:

District 8 and waters draining into that District: Salmon, Dolly Varden, trout, smelt, and eulachon. Residents of drainages flowing into Districts 7 & 8, residents of drainages

flowing into District 6 north of the latitude of Point Alexander (Mitkof Island), and residents of Meyers Chuck.

§ ____ .27 *Subsistence taking of fish.*

(i) Fishery management area restrictions.

(13) Southeastern Alaska Area.

(xv) You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 5 1/2 inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.

(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.

(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

(E) The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, 600 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.

Pacific Salmon Treaty, Annex IV Direction

Provisions specific to the Stikine River subsistence fishery are contained within Annex IV of the Pacific Salmon Treaty and are very similar, but not exactly the same, as subsistence fishing regulations. For instance, the allowable sockeye salmon season in the Annex is two days longer than the sockeye salmon fishing season in subsistence fishing regulations.

(3)(a)(1) Sockeye Salmon:

(iv) Pursuant to this agreement, a directed U.S. subsistence fishery in U.S. portions of the Stikine River will be permitted, with a guideline harvest level of 600 sockeye salmon to be taken between June 19 and July 31. These fish will be part of the existing U.S. allocation of Stikine River sockeye salmon.

The Annex also contains three conditions common to the subsistence Chinook, coho and sockeye salmon fisheries that are not included in subsistence fishing regulations. These conditions define the subsistence fishing area, require weekly and end of season fishing reports and specify that regulatory changes must be approved by the Pacific Salmon Commission.

(3)(a)(1,2,3) For this fishery:

a. The fishing area will include the main stem of the Stikine River, downstream of the international border, with the exception that fishing at stock assessment sites identified prior to each season is prohibited unless allowed under specific conditions agreed to by both Parties' respective managers.

b. Catches will be reported weekly, including all incidentally caught fish. All tags recovered shall be submitted to the Alaska Department of Fish and Game.

c. A written report on the fishery summarizing harvests, fishing effort and other pertinent information requested by the Transboundary Panel will be submitted by the management agency for consideration by the Panel at its annual post season meeting.

d. Any proposed regulatory changes to the fishery during the remaining years of this annex would need to be reviewed by the bilateral Transboundary panel and approved by the Pacific Salmon Commission.

Subsistence Fishery Management

Federal subsistence fishing rules are published in the Code of Federal Regulations (CFR) and in a regulatory handbook summary. The regulatory handbooks are available to the public through a number of license vendors, Alaska Fish and Game offices and local U.S. Forest Service offices. The CFRs and the handbook are also available online at the Office of Subsistence Management website at: <http://alaska.fws.gov/asm/index.cfml>. Subsistence fishing permits are required and are available from any U.S. Forest Service District Office on the Tongass National Forest. In 2012, Stikine River subsistence fishing permits were only issued by the Wrangell and Petersburg Forest Service Ranger District offices.

The 2012 subsistence fishery in-season harvest monitoring plan focused on tracking the number of fishermen and obtaining estimates of harvest through a random selection telephone interview process. Fishery performance data that included the total number of permits issued to date and a Chinook, sockeye and coho salmon harvest estimate were reported to State fishery managers on a weekly basis.

2012 Season Fishery Performance

In-season monitoring of the subsistence fishery harvest consisted of catch-to-date estimates of Chinook, sockeye and coho salmon harvest from telephone interviews with a random subset of permit holders. In-season harvest estimates were compiled by calculating the average catch by species by permit to date and expanding by the total number of permits issued. Typically, 15 to 25 permit holders were randomly selected for interviews each week. Weekly harvest estimates from the first few weeks of the fishery and the last few weeks of the fishery were subject to increased variability because the proportion of fishermen that fished was small compared to the total number of permits issued. In those instances, fishery performance data from previous years was used to attenuate those variations. U.S. Forest Service staff from the Wrangell and Petersburg District offices and Law Enforcement officers maintained a regular presence on the river during the entire subsistence fishery.

During the 2012 Chinook salmon fishery, May 15 through June 20, a total of 16 Chinook, no coho and 137 sockeye salmon were harvested (**Table 1**). During the sockeye salmon fishery, June 21 to July 31, a total of 34 Chinook, 2 coho and 1,155 sockeye salmon were harvested (**Table 2**). Although the Treaty authorizes a June 19 start date of the sockeye fishing season, Federal subsistence fishing regulations specify a later June 21 sockeye salmon subsistence fishing season opening date. During the coho salmon fishery, August 1 through October 1, a total of 3 Chinook, 110 coho and 10 sockeye salmon were harvested (**Table 3**).

In total, for the 2012 season including fish harvested incidentally outside of established fishing seasons, 130 permit holders harvested a total of 53 Chinook salmon greater than 28 inches, 47 chum salmon, 112 coho salmon, 32 pink salmon and 1,302 sockeye salmon. There were no steelhead trout, no cutthroat trout and one Dolly Varden harvested (**Table 4**). There were 23 Chinook salmon less than 28 inches harvested. The first Chinook salmon was harvested May 26, the first sockeye salmon was harvested on June 13 and the first coho salmon was harvested July 25 (**Table 5**).

Approximately 35% of the permits issued in 2012 were issued to residents of Petersburg and 65% issued to residents of Wrangell. An end-of-season letter reminding permit holders to report subsistence harvests was sent to each permit holder at the end of the season. Any permittees that did not report by October 15 were contacted by telephone. Year-end harvest fishing reports were obtained from all except three permittees.

2012 Management and Regulatory Issues

Pre-season and post-season total return estimates were above escapement goals for Chinook, coho and sockeye salmon. There are no formal escapement goals for pink and chum salmon returning to streams in the Stikine River drainage. The statistical week 22 in-season return estimate for Chinook salmon predicted the escapement goal would not be met (assuming the baseline harvests were taken). In response, the Federal in-season manager issued a letter to permit holders requiring 48 hour reporting of any Chinook salmon harvested for the remainder of the Chinook salmon season. The letter also reminded subsistence fishers to closely monitor their nets.

The subsistence sockeye fishery has exceeded the sockeye fishery annual guideline harvest level (GHL) as specified in Federal regulations and Treaty language in each of the last four years. A formal process to address the subsistence sockeye salmon fishery (GHL) was initiated when the Southeast Subsistence Regional Advisory Council (Council) submitted a regulatory proposal (FP13-19) to the Board to change the GHL. Following public testimony and deliberation, the Council recommended eliminating the GHL entirely. The Council's rationale was that the presence of any guideline harvest level is inconsistent with the management practices of the other fisheries targeting Stikine River origin sockeye salmon. Eliminating the subsistence sockeye salmon GHL would allow the subsistence fishery to operate completely within the U.S. allocation; subject to the normal domestic allocation protocols. Sockeye salmon harvested for subsistence are part of the U.S. total allowable catch and the harvest is reported in-season, on a weekly basis, to the ADF&G fishery managers. There is no conservation or fishery management concerns with eliminating the guideline harvest level. Staff from the Office of Subsistence Management, the U.S. Forest Service, plus a member of the Council will discuss this issue and the rationale for the Council's recommendation, at the U.S. Section and the bilateral meeting of the Panel.

There were no subsistence fishery violation citations issued by fisheries enforcement officers in 2012 and no conflicts with the test fishing program or reports of subsistence fishing in clear water tributaries.

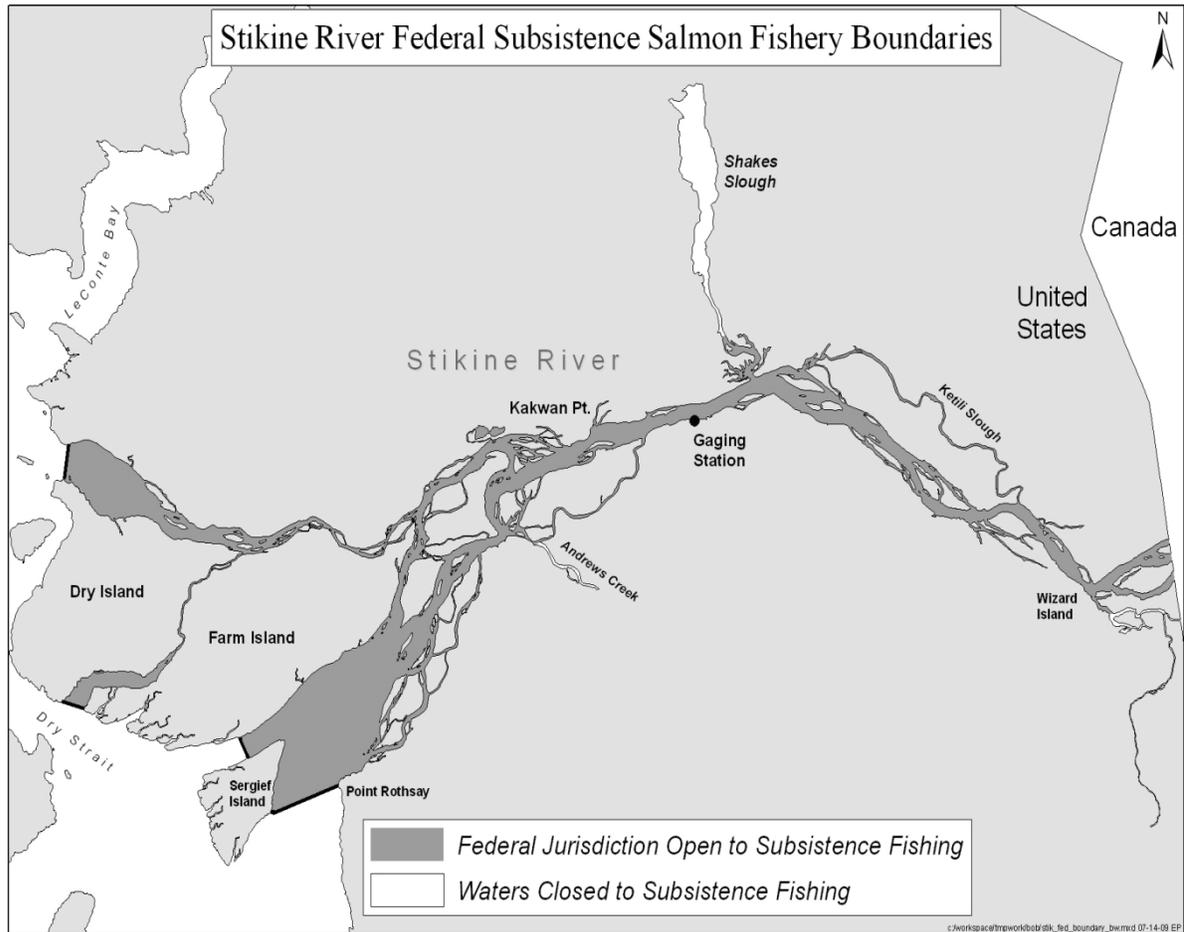


Figure 1. Prominent geographic features of the Stikine River.

Table 1. Stikine River Chinook salmon subsistence fishery, seasonal harvest by year.

Stikine River Chinook Salmon Fishery Subsistence Harvest								
Chinook Salmon Season (May 15 through June 20)								
Year	Chinook	Chum	Coho	Dolly Varden	Pink	Trout	Sockeye	Steelhead
2004	No Chinook salmon season in 2004							
2005	13	0	0	2	4	0	18	0
2006	13	1	0	0	0	0	8	0
2007	24	0	0	0	0	0	61	0
2008	8	0	0	1	0	0	2	0
2009	9	0	0	2	0	1	17	2
2010	14	0	0	1	0	0	65	3
2011	16	0	0	0	0	0	64	0
2012	16	0	0	0	0	0	137	0

Table 2. Stikine River sockeye salmon subsistence fishery, seasonal harvest by year.

Stikine River Sockeye Salmon Fishery Subsistence Harvest								
Sockeye Salmon Season (June 21 through July 31)								
Year	Chinook	Chum	Coho	Dolly Varden	Pink	Trout	Sockeye	Steelhead
2004	12	11	0	1	22	0	243	1
2005	2	22	1	2	65	0	233	0
2006	24	19	0	3	23	0	377	0
2007	12	11	0	1	57	0	178	1
2008	17	5	0	4	0	0	426	0
2009	22	46	0	18	66	0	706	0
2010	44	33	13	11	38	0	1,554	4
2011	48	64	1	3	189	0	1,686	0
2012	34	40	2	1	23	0	1,155	0

Table 3. Stikine River coho salmon subsistence fishery, seasonal harvest by year.

Stikine River Coho Salmon Fishery Subsistence Harvest								
Coho Salmon Season (August 1 through October 1)								
Year	Chinook	Chum	Coho	Dolly Varden	Pink	Trout	Sockeye	Steelhead
2004	No Coho salmon season in 2005							
2005	0	0	52	0	0	0	1	0
2006	0	0	21	0	0	0	5	0
2007	0	0	23	0	2	0	5	1
2008	0	7	42	0	18	0	0	0
2009	0	0	21	0	0	0	0	0
2010	3	4	122	0	22	0	34	0

2011	2	10	39	0	0	0	5	5
2012	3	7	110	0	9	0	10	0

Table 4. Stikine River subsistence fishery, total annual harvest.

Stikine River Total Subsistence Harvest by Year										
Year	Permits	Chinook	Chum	Coho	Dolly Varden	Pink	Trout	Sockeye	Steelhead	
2004	40	12	11	0	1	22	0	243	1	
2005	35	15	22	53	4	69	0	252	0	
2006	48	37	20	21	3	23	0	390	0	
2007	44	36	11	23	1	59	0	244	2	
2008	50	25	12	42	5	18	0	428	0	
2009	80	31	46	21	20	66	1	723	2	
2010	107	61	37	135	12	60	0	1,653	7	
2011	129	66	74	40	3	189	0	1,741	5	
2012	130	53	47	112	1	32	0	1,302	0	

Table 5. Stikine River total subsistence harvest by statistical week, 2012 season.

2012 Stikine River Subsistence Harvest by Statistical week									
Week Ending	Catch week	Chinook	Chum	Coho	Dolly Varden	Pink	Sockeye	Steelhead	
5/19	20	0	0	0	0	0	0	0	0
5/26	21	1	0	0	0	0	0	0	0
6/2	22	8	0	0	0	0	0	0	0
6/9	23	0	0	0	0	0	0	0	0
6/16	24	5	0	0	0	0	71	0	0
6/23	25	4	0	0	0	0	86	0	0
6/30	26	3	0	0	0	0	56	0	0
7/7	27	3	1	0	0	0	116	0	0
7/14	28	8	5	0	0	3	306	0	0
7/21	29	14	17	0	1	4	404	0	0
7/28	30	1	12	2	0	5	163	0	0
8/4	31	3	7	0	0	15	90	0	0
8/11	32	0	4	0	0	3	6	0	0
8/18	33	0	0	0	0	0	0	0	0
8/25	34	3	1	35	0	2	4	0	0
9/1	35	0	0	0	0	0	0	0	0
9/8	36	0	0	9	0	0	0	0	0
9/15	37	0	0	4	0	0	0	0	0
9/22	38	0	0	59	0	0	0	0	0
9/29	39	0	0	3	0	0	0	0	0

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Council Recommendation: Support Proposal FP13-19 **with modification** to eliminate the subsistence sockeye salmon annual guideline harvest level from Federal regulation.

The modified regulation should read:

§ __.27(e)(13) (xiv) You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 5 1/2 inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.

(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.

(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 1 through October 1. The annual limit is 20 coho salmon per household.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

(E) The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, ~~600 sockeye~~, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.

Justification: This action would eliminate the Stikine River subsistence fishery sockeye salmon annual guideline harvest level from both Federal regulations and the U.S.-Canada Pacific Salmon Treaty. The council noted there was no conservation concern with removing the annual guideline harvest level as the stocks appear healthy and the subsistence harvest relatively small. The in-season manager has the authority to close the fishery for conservation if necessary. The harvest from the subsistence fishery is already part of the total U.S. allocation and there is no need to have a separate subsistence fishing allocation. Federal regulations or the Treaty Annex are not the appropriate locations to apportion the U.S. allocation between domestic user groups. This action is in the best interests of subsistence users as it would better reflect the actual management of the subsistence fishery.

INTERAGENCY STAFF COMMITTEE COMMENTS

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

Alaska Department of Fish and Game
Comments to Federal Subsistence Board

Fisheries Proposal FP13-19: Revise Stikine River sockeye salmon harvest limits.

Introduction: This Southeast Alaska Subsistence Regional Advisory Council proposal would increase the total annual guideline harvest level for Stikine River sockeye salmon from 600 sockeye salmon to 2,000 sockeye salmon.

The proponent stated this change is needed because the original sockeye salmon guideline harvest levels (GHLs) were based on estimated parameters for this new fishery. The level of participation and harvest were unknown. Since its inception, the Stikine River subsistence sockeye fishery has had greater participation and much higher harvests than anticipated. Increasing the GHL to reflect actual and anticipated harvests of Stikine River sockeye salmon is recommended.

Hilsinger (2005)¹ reported the U.S. and Canada reached an agreement in February 2004 to allow subsistence fishing for sockeye salmon in lower Stikine River. The terms of the fishery included a 600 fish maximum harvest limit, a July 1–31 season, and fishing in the mainstem Stikine River. The sockeye salmon harvest limit adopted by the Transboundary River Panel (TBR) was based on results of a January 2003 analysis by the USFWS and USFS. The agreement also required all proposed regulatory changes to the fishery to be reviewed by the bilateral TBR and be approved by the Pacific Salmon Commission (PSC).

Impact on Subsistence Users: If this proposal is adopted, federal subsistence users would be able to harvest 1,400 more Stikine River sockeye salmon per year than the current total annual GHL of 600 sockeye salmon. However, in reality the annual Stikine River federal subsistence sockeye salmon harvest would not change much since the 600 fish GHL has been exceeded in each of the last three years (e.g., 792, 1653, and 1735 fish harvests for 2009, 2010, and 2011, respectively).

With a current total annual guideline harvest level of 600 Stikine River sockeye salmon and an annual limit of 40 sockeye salmon per household, one can calculate the original number of users expected to participate in this subsistence salmon fishery was around 15.

If the annual limit of 40 sockeye salmon per household remains the same, the proposed total annual GHL of 2,000 Stikine River sockeye salmon could potentially be shared by up to 50 subsistence salmon users.

Impact on Other Users: If the total annual GHL for Stikine River subsistence sockeye salmon fishery is increased 2,000 fish, there would potentially be 1,400 fewer sockeye salmon available to other users (e.g., commercial, traditional food).

¹ Hilsinger, J. 2005. 2006 Federal fisheries subsistence proposals ADF&G staff comments. Alaska Department of Fish and Game, Division of Commercial Fisheries, Subsistence Liaison Team, Anchorage.

ADF&G Comments on FP13-19
Page 2 of 2

Opportunity Provided by State: Salmon may be harvested under state regulations throughout the majority of the Southeast Alaska area, including a liberal subsistence fishery. Fish may be taken by gear listed in 5 AAC 01.010(2), except as may be restricted under the terms of a subsistence fishing permit. Under state regulations, subsistence is the priority consumptive use. Therefore, state subsistence fishing opportunity is directly linked to abundance and is not restricted unless run size is inadequate to meet escapement needs.

Conservation Issues: None at this time.

Enforcement Issues: None noted at this time.

Jurisdiction Issues: The February 2004 agreement reached with Canada that allowed a sockeye salmon subsistence fishing in the U.S. portion of the lower Stikine River also required that any proposed regulatory changes to the fishery (e.g., increase harvest limit) would need to be reviewed by the bilateral Transboundary River Panel and be approved by the Pacific Salmon Commission.

Other Issues: The next bilateral meeting of the Transboundary River Panel at which Stikine River subsistence fishery regulatory changes could be considered, is scheduled for the week of January 14, 2013 in Vancouver, BC.

Recommendation: **Defer**, pending consideration by the Transboundary River Panel and the Pacific Salmon Commission.

WRITTEN PUBLIC COMMENTS

SEAFa supports the FSB working with the Pacific Salmon Treaty Panel to address this issue. Accurate accounting and understanding of the amount of harvest occurring is necessary for long-term sustainable fishery management.

*Kathy Hansen, Executive Director
Southeast Alaska Fishermen's Alliance*

**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).

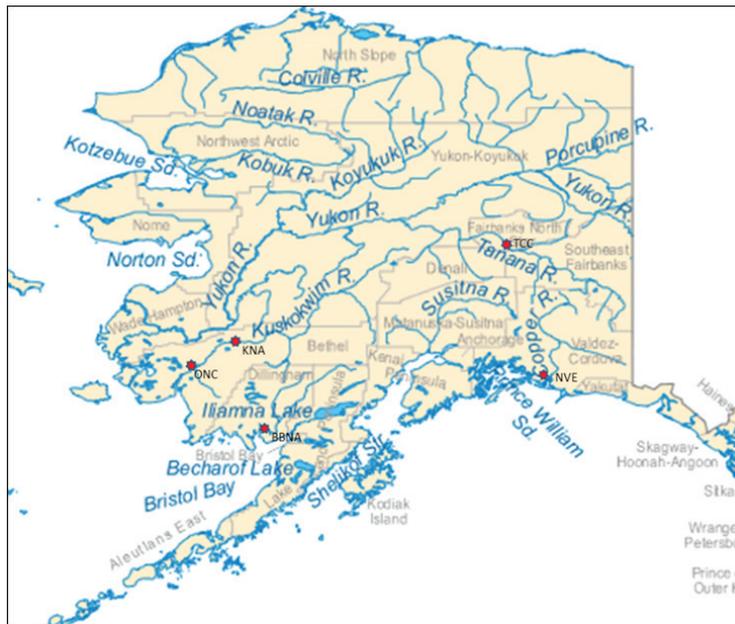


Figure 1. Location of current partnering organizations in Alaska.

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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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



Western Interior Alaska Subsistence Regional Advisory Council

c/o U.S. Fish & Wildlife Service

1011 East Tudor Road MS 121

Anchorage, Alaska 99503

Phone: (907) 787-3888, Fax: (907) 786-3898

Toll Free: 1-800-478-1456

RAC WI14032.MH

MAY 28 2014

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

Dear Mr. Towarak:

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

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

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

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

Mr. Towarak

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

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

Sincerely,



Jack Reakoff, Chair

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

Western Interior Alaska Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road, MS 121
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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
Anchorage, AK 99503
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

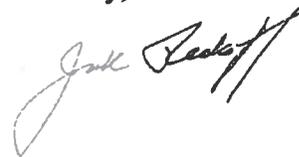
received word of a member's reappointment, amounting to a nearly four-month delay. Such delays are unacceptable to our statutory "meaningful role" in Federal subsistence management of fish and wildlife. Steps need to be taken as soon as possible so that delays in these very important and critical appointments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

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	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

WRITTEN PUBLIC COMMENTS

Support Proposal FP15-13/14:

Dear Chair Towerak and Members of the Board,

Having sat through four Wrangell Advisory Committee meetings, one Petersburg Advisory Committee meeting, a Wrangell Cooperative Association meeting and talking with many users on this subject, along with having family that participate in this fishery and witnessing nets being hauled I would like to offer some of the pertinent points on this issue. I have witnessed first hand and heard much testimony to the fact some of these nets are in the water large portions of the summer. There are relatively few good back eddies on the Stikine where users can have fair success. Because individuals are not tending and hauling their nets sometimes as many as 4 or 5 nets within 10 to 20 feet of each other are left in these back eddies for long periods of time. Many users are recreating on the river and even go back to town while their nets are soaking. A large number of seals frequent the Stikine this time of year and these unattended nets become known feeding areas. I have seen these nets with more heads than useable fish in them. This is not an uncommon occurrence.

The intent of these proposals is to curtail this loss of fish so users can retain them for their own use by working their net and recovering the fish before they are consumed by seals. The two federal enforcement officers in attendance at our Advisory committee meeting stated these seal eaten fish count towards a users possession limit. By having unattended dirty nets full of sticks left in these prime back eddies it actually hinders subsistence users who take a weekend or lot of time to try to harvest their annual needs. They simply cannot get their nets in the good spots. State subsistence, personal use and commercial regulations all require a user to be in attendance of their net. The difference between the Wrangell and Petersburg AC's proposal has to do with closely attended, the Wrangell AC left this definition up to the FSB, while the Petersburg AC



defined it as two hours. I personally feel it should be within sight of the net, this allows the user to harvest salmon as they are caught. Many individuals today do not have a respect for the land as they should and take this resource for granted. In todays scope of the amount of users verses the amount of natural resources available to us it is irresponsible to ask another individual to give up their current share of a fully utilized international resource so another can allow it to be wasted.

I urge the Federal Subsistence Board to support this proposal or find another responsible solution to the abuse in this fishery.

Thank you for taking the time to consider my comments.

Chris Guggenbickler

Oppose Proposal FP15-13/14:

Members of the Federal Subsistence Board,

Thank you for requesting comments on the proposed changes to subsistence fishing. I fish the Stikine river primarily for sockeye and wish to comment on the above listed proposals.

I agree with the proposition that there needs to be scientifically based limits on fish harvests. If that means lowering limits or closing fishing all together as has occurred for the chinook fishing in the Stikine, then so be it. However, I disagree with both of the above proposals in that they would prohibit leaving one's net in the water overnight. It has been my experience that is the time when the nets are the most productive. If overnight fishing is abolished, it will take longer to get close to the annual limits of fish and perhaps would require multiple trips back up the river.

If the goal is to stop a few from not diligently attending to their nets and causing waste, then part of proposal FP-13 which in essence would require the nets to be checked every two hours would accomplish that task. I've been going up the Stikine since 2008 and only rarely have I seen evidence of predators eating fish in a net and that was during the day and not on the overnight soak.

Another requirement which would seem to work would be that the nets be checked at least every eight hours and that a log be kept on an end of the net where the owner would record when the net was checked.

If a “closely attended” requirement is going to be imposed, then it should be defined. The definition in FP 15-13 is better than the lack of one in FP15-14. There is concern from members of the Petersburg community that the requirement would be that one would have to “sit on the net or the float.” In some places this is not only not practical, but dangerous as the float is often set at the edge of or in swift current and in some locations there is no safe way to stay right on the net.

I do realize that regulations are often adopted to cure the bad practices of a few, but in this case it seems that less draconian restrictions than banning over-night fishing could accomplish the desired purpose of ensuring that nets are diligently attended.

Thanks for considering my comments.

John Hoag



Comments Concerning FP15-13 and FP15-14

After reading the proposal submissions numbers FP15-13 and FP15-14 I have identified a few personal concerns and also a few concerns that these proposals go against regulations that are in place for the Forest Service to follow in matters concerning subsistence fishing.

The regulations say that federal subsistence plans should “grant a preference for subsistence uses” and should be “a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations.” FP15-14 from Wrangell and FP15-13’s submission from Petersburg does not support that mind set. They are proposing “caps” on fish harvests that have penalties of reduced fish harvest the following year. I understand and support “restriction of fish catches to conserve healthy fish and wildlife populations” but I do not see that setting a “cap” with restrictions to future subsistence users grants a preference for subsistence users. For example, May and June subsistence Chinook fishing on the Stikine was closed for both 2014 for subsistence BUT there were no restrictions on commercial trollers, gillnetters or sport fishermen. In 2014, as I am typing this, I am not allowed to catch a subsistence Chinook (with a harvest limit of 5 annually) but the state has allowed sport fishers 3 Chinook/day with 2 rods in the water per person with no annual limit. I realize that the Stikine is Federally managed but the sport and commercial caught numbers of fish are part of the Salmon Treaty as well. Capping subsistence fishing before restricting Sport and Commercial is not appropriate and, I believe, is illegal.

Raising a sockeye harvest limit from 600 to a “cap” of 2000 seems, on the surface, like a good idea since the 600 number has been exceeded in the last few years. However, the collection data does not imply that the “cap” needs to be set at 2000. I see a growing trend **not** a place to stop. Since 2004-2014 there has been a growing trend and that trend needs to be supported and other fisheries adjusted, if necessary, according to the Pacific Salmon Treaty until the necessity to “conserve healthy fish” populations occurs. There **must** be a provision for this cultural fishery to grow. The historical tradition is there but was restricted for many years - now, the cultural traditions are allowed and should be encouraged not restricted. Please consider that the fish harvested in this subsistence fishery should still be in the data collection phase and that growth should be expected and “preferentially” encouraged.

In a discussion/ workshop attended by the Native Organization WCA, myself, and Chris Guggenbickler, it came to light that nighttime restriction of fishing and also attending nets while fishing was to prevent waste. It was unclear to me whether or not there is any data collected by the state or feds that support that nighttime fishing is wasteful or that attending a net makes fishing less wasteful? This is a difficult issue for me because I would choose not to support a wasteful activity but I also see that there is a lack of data as to the true impact when one’s purpose is to directly feed a family. In the past I have received at least one phone call a week from the Forest Service each concerning subsistence fishing data - part of that data this year and the following year could be “fish caught at night.” The only foreseeable benefit of closing fishing between sunset and sunrise is that it would ensure that nets would be checked once per day minimum - thus showing a level of responsibility for your personal net that a few individuals may have not been doing in years past. Putting specific times on the fishing is not as appropriate due to the varying hours of daylight in the summer.

One aspect of the appearance of “wastefulness” that was described in the workshop was seal predation. It was stated that attending a net would prevent seal predation: I have seen personally that attending nets has only a moderate impact on seal predation - also, approving a regulation that encouraged harassment of a Marine Mammal by a non-native would encourage an illegal activity (approaching or harassing of a marine mammal).

If a regulation concerning attended nets is to be passed, please consider carefully defining the proximity or duration of attendance - Proposal FP15-13 and FP15-14 uses the words “closely” and only one defines it further that a person should respond within 2 hrs if requested by Law Enforcement. I would only like to suggest that there

are other subsistence fisheries on international rivers in Alaska (like the Yukon) that support fishing unattended gear.

36034 Federal Register/Vol. 70, No. 119/Wednesday, June 22, 2005/Rules and Regulations

Title VIII of the Alaska National Interest Lands Conservation Act requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands in Alaska, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA.

Federal Register/Vol. 70, No. 119/Wednesday, June 22, 2005/Rules and Regulations 36035

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD, which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but the program is not likely to significantly restrict subsistence uses.

Federal Register/Vol. 70, No. 119/Wednesday, June 22, 2005/Rules and Regulations 36035

Lack of appropriate and immediate conservation measures could seriously affect the continued viability of fish populations, adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest.

Thank you,
James Edens

PO Box 1665
317 Church St
Wrangell AK, 99929

jedens05@yahoo.com
907 874 4665



UNITED SOUTHEAST ALASKA GILLNETTERS

PO Box 20538, Juneau, AK 99802 (253) 237-3099 Google Voice usag.alaska@gmail.com
www.akgillnet.org

June 12, 2014

Submitted via email to: subsistence@fws.gov

Mr. Tim Towerak
Chair
Federal Subsistence Board
Office of Subsistence Management
1011 East Tudor Rd., MS-121
Anchorage, Alaska 99503

Dear Chair Towerak and Members of the Board,

Re: FP15-13 and FP15-14: Stikine River Subsistence Chinook, Sockeye, and Coho Regulations

We **SUPPORT** the two proposals submitted by the Petersburg and Wrangell ADFG Advisory Committees regarding the Stikine fishery, including the 2,000 sockeye cap.

We want to highlight the need to closely tend nets to avoid wastage as we noted in our letter to you of January 15, 2013:

A requirement should be in place to require that nets be tended at all times to avoid wastage of fish (e.g. seal consumption). The Board should not condone practices that result in the wastage of fish in fisheries that are fully utilized. This puts the United States Government in an awkward position regarding conservation when it comes to negotiating with our treaty partners. In summer 2012, two of our board members transited the Stikine and on the upriver transit they observed a setnet site and the operator was not present; on the downriver transit, they stopped and talked to the operator- they observed one sockeye in the net and six heads (all that was left after the seals had fed). The Forest Service should provide an estimate of wastage so there is full accounting of removals.

We agree with both Advisory Committees that overnight fishing should not be allowed.

United Southeast Alaska Gillnetters Association represents the common interests of 473 gillnet permit holders in the fishery.

We appreciate you taking the time to consider our comments.

Sincerely,



Thomas M Gemmell
Executive Director

USAG letter January 15, 2013 FSP 13-19 Subsistence Sockeye GHM on the Stikine River

Copy: Commissioner Cora Campbell, ADFG
Alaska Trollers Association
Petersburg Vessel Owner's Association
Southeast Alaska Seiners Association
Southeast Alaska Fishermen's Alliance



WRANGELL COOPERATIVE ASSOCIATION

P.O. Box 2021 • Wrangell, Alaska 99929

Telephone: (907) 874-4304

Fax: (907) 874-4305

Email: wcatrube@gmail.com

June 6, 2014

Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
3601 C Street, Suite 1030
Anchorage, AK 99503

Re: Wrangell Fish and Game Advisory Committee Proposal to the Subsistence Board
Stikine River Subsistence Fishery.

The Wrangell Cooperative Association respectfully submits this letter of comment regarding the proposal for the Stikine River Subsistence Fishery submitted to the Federal Subsistence Board by the Wrangell Fish and Game Advisory Committee.

After meeting as a Board and holding a public workshop for Tribal Members and members of the community of Wrangell, we have identified objections regarding the current proposal along with components of this proposal we support.

According to Alaska state law, a reasonable opportunity for subsistence users must be given first, before providing for other users of any harvestable surplus of a fish or game population [AS 16.05.258 (b)]. In addition, federal regulation directs the Federal Subsistence Board to give priority for subsistence users and retain the authority to restrict or eliminate such activities which occur on land or waters in Alaska, when necessary to provide subsistence priority [36 CFR 242.10 (a)].

After conversation with United States Forest Service Southeast Regional Advisory Council Coordinator, Robert Larson and Wrangell District Ranger, Robert Dalrymple, we understand that the subsistence fishery on the Stikine River for the species addressed in the proposal, accounts for approximately two percent of the total fishery harvest. We feel the subsistence harvest guidelines for this fishery, estimated at two percent, is less than preferential treatment as it currently stands.

WRANGELL COOPERATIVE ASSOCIATION



It is our understanding that a *guide-line* is necessary to implement successful management of this fishery. The Tribe would like to see a *guide-line* set as a percentage of the expected annual return rather than the current number lacking scientific data or rationale. The tribe would like to work closely with the management team in order to determine a subsistence priority percentage that manages the fishery effectively to maintain harvest levels for all users.

The submitted proposal seeks to place a *cap* on the number of Sockeye, Coho and Chinook Salmon that are harvested annually. The tribe objects to any *cap* on subsistence fisheries and believes this portion of the proposal to be in violation of State and Federal Regulations.

Furthermore, the Tribe opposes the following language, “*If these caps are exceeded in any year the number of fish per permit will be reduced for the next year*” [Wrangell Fish and Game Advisory Committee Proposal to the Subsistence Board Stikine River Subsistence Fishery (2)]. Limiting the harvest of future years based upon carry-overs from the preceding year would further limit the subsistence priority as outlined in both state and federal regulations.

The proposal seeks to set a time restriction of 4:00 AM until 9:00 PM daily, eliminating overnight fishing. Subsistence users often fish at night because this is when the fish are running. The Tribe opposes the limited fishing hours and believes the time restriction and elimination of overnight fishing is also in violation of State and Federal regulations. The Tribe supports the establishment of reasonable time durations for a net to sit in the water before having to be checked.

The consensus of the two workshops held identified two major concerns regarding the Subsistence Fishery on the Stikine River; unattended nets and waste. The Tribe supports limiting waste and the tending of nets in a timely manner. The Tribe supports the goals of the submitted proposal, “*to discourage predation on fish in the set gillnets and to encourage full accountability of the fish harvested*” [Wrangell Fish and Game Advisory Committee Proposal to the Subsistence Board Stikine River Subsistence Fishery (3)]. The Tribe does not support unattended, rather feels subsistence users need to tend nets in a timely



WRANGELL COOPERATIVE ASSOCIATION

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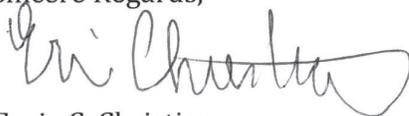
Email: wcatrbe@gmail.com

manner to limit seal predation and waste. There are limited subsistence fishing locations on the Stikine River and the tending of nets would help ensure all subsistence users have equal/fair access to the fishing sites.

The Tribe would like to follow State regulations for personal use, applied to owner identification of gear and net attendance polices. We also request more frequent visits by Federal officials on the river during the fishing season to monitor and enforce compliance of current regulations, such as catch count and gear ownership identification. In addition, the Tribe would like to see systems set in place to collect data on waste. The Tribe supports counting seal predation of fish, but this count should not affect the number of fish that can be caught by the subsistence user.

Gunalchéesh, háw'aa, thank you, for your consideration regarding the management of our resources.

Sincere Regards,



Ernie C. Christian

Vice President
Wrangell Cooperative Association

Petersburg Vessel Owners Association

PO Box 232

Petersburg, AK 99833

Phone & Fax: 907.772.9323

pvoa@gci.net • www.pvoaonline.org

June 11, 2014

Mr. Tim Towerak
Chair, Federal Subsistence Board
Office of Subsistence Management
1011 East Tudor Rd., MS-121
Anchorage, AK 99503

Via email: subsistence@fws.gov

RE: FP 15-13 and FP 15-14: Stikine River Subsistence Chinook, Sockeye, and Coho Regulations and FP 15-17: Fishing District 13, Makhnati Island Herring Regulations

Dear Chair Towerak and Members of the Board,

The Petersburg Vessel Owners Association (PVOA) is a diverse group of commercial fishermen that participate in a variety of fisheries throughout the State of Alaska.

PVOA is in **SUPPORT** of the proposals submitted by both the Petersburg and Wrangell Advisory Committees in regard to the Stikine River fishery, including the 2,000 sockeye cap. We are specifically in support of the need to closely attend nets and prohibit overnight fishing. These two provisions are meant to avoid wastage of fish due to seal consumption as well as dropouts while the nets are unattended. Fishing practices that reduce wastage of fish in fully utilized fisheries should be a primary goal of the Board. We also believe that the US Forest Service should also provide annual estimates of wastage to allow for full accounting of all salmon removals. Wastage in fisheries that are managed under provisions of the Pacific Salmon Treaty may put the Federal government in an awkward conservation negotiating position with Canada.

PVOA is in **OPPOSITION** of proposal FP 15-17 in regard to Makhnati Island herring regulations. We believe that the basic assumption of this proposal, that the Sitka Sound herring stock is depleted is erroneous. We believe that recent spawning biomass and the current commercial harvest regulations have allowed for sufficient opportunity for subsistence harvest of herring eggs.

Thank you for the opportunity to comment on these proposals and your consideration of our concerns.

Sincerely,



Brian Lynch
Executive Director



Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

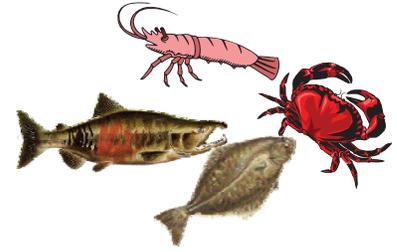
Juneau, AK 99801

Phone: 907-586-6652

Fax: 907-523-1168

Email: seafa@gci.net

Website: <http://www.seafa.org>



June 12, 2014

Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
1011 East Tudor Rd, MS-121
Anchorage, AK 99503

RE: Federal Subsistence 2015-2017 Fisheries Proposals
Sent via email: subsistence@fws.gov

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.

FP15-13 & FP15-14: These proposals submitted by the Petersburg and Wrangell Fish and Game Advisory Committees are so similar that we are addressing them together. SEAFA supports the additional regulations suggested for the federal Stikine Chinook, Sockeye and Coho subsistence salmon fisheries.

First, the addition of an overall cap or guideline harvest of 2,000 sockeye, 400 coho and 125 Chinook is important for the management of the fishery under the international Pacific Salmon Treaty. SEAFA believes for the management of the treaty that it is important to have an overall cap on the amount of fish that can be taken in this fishery so that the fishery by all users can be managed to stay within our treaty quota allowances for Alaska. Since the subsistence fishery does not have real time accounting, an overall cap would allow the State of Alaska fishery managers to better able to manage within the yearly Pacific Salmon Treaty limits. If the fishery grows in the future, the overall fishery caps can be re-evaluated without leaving U.S. fish on the table due to an unknown subsistence harvest in season. Developing in regulation the ability to

adjust the yearly household limits to maintain the catch within the guideline harvest level will help facilitate our obligations under the Pacific Salmon Treaty.

The addition in regulation of attending the nets in the water with the current explosion of marine mammals is consistent with traditional subsistence values to prevent the wastage of salmon due to predation. Establishing hours of operation for the nets to be in the water goes hand in hand with the requirement for the net to be attended.

It is our obligation under the Pacific Salmon Treaty that accurate catch accounting occur in all treaty fisheries and that should include the Stikine subsistence fishery that was bilaterally approved by the Pacific Salmon Commission.

FP15-15: We listened to the discussion of this proposal at the SE RAC meeting and support the proposal for the reasons given during the discussion generating and approving the submittal of this proposal to prevent the use of seines and gillnets within the Klawock River for the conservation of sockeye salmon during July and August. This restriction from the use of gillnets or seines while still allowing other types of subsistence gear to be used in the Klawock River for the harvest of sockeye salmon.

FP15-17: SEAFA opposes proposal FP15-17. The Alaska Board of Fisheries took action during the winter of 2011-2012 and closed an area to commercial fishing that was designated as the high subsistence use area by the subsistence users and tribe members attending the meeting. This proposal is nearly identical to proposals heard by the subsistence board numerous times.

We do not agree with the authors assessment that the Sitka herring stock is depleted based on available ADF&G biological data.

SEAFA does not believe that this proposal has provided any new information to cause the Federal Subsistence Board to take a new action.

Thank you for considering our comments

Sincerely,

A handwritten signature in black ink that reads "Kathy Hansen" followed by a long horizontal flourish.

Kathy Hansen
Executive Director



SOUTHEAST HERRING CONSERVATION ALLIANCE



P.O. BOX 61
Sitka, Alaska 99835
Tel. No. 907-738-5347

June 11, 2014

Federal Subsistence Board
Office of the Subsistence Management
1011 East Tudor Rd., MS 121
Anchorage, AK 99503
Email: subsistence@fws.gov

Re: Oppose Proposal FP 15-17

Dear Chairman Towarak and Federal Subsistence Board members,

Southeast Herring Conservation Alliance (SHCA) opposes Proposal FP 15-17 for the reasons outlined below. This proposal requests the closure of the marine waters near Makhnati Island to non-federal users.

In March 2012, the State of Alaska Board of Fish closed an area in Whiting Harbor and near Makhnati Island to commercial fishing in recognition of subsistence users. Half of the area requested in proposal FP 15-17 is now closed due to the 2012 Board of Fish action. In addition, the Alaska Board of Fish closed a much larger area that is contiguous with the Makhnati area requested in FP 15-17. This area delineated in attachment B of the proposer, continues north along Kasiana and Middle Islands, where the vast majority of subsistence herring egg harvest occurs, including the 30,000 to 40,000 pounds collected by SHCA and provided to the community of Sitka each year. The Makhnati area is rarely used for collection of herring eggs on branches and therefore not the true purpose of this proposal.

Contrary to the first point in #3, **first paragraph**, the Makhnati area is not where herring spawn in many years and closing it could have a detrimental effect on subsistence harvest by shifting fishing effort toward more important and heavily used subsistence harvest beaches. Reasonable opportunity has been demonstrated the past six years when traditional harvesters working with SCHA boats have harvested 20,000 to 70,000 pounds of herring eggs on branches. Greater effort would yield even larger harvests. Harvests beyond 40,000 pounds satiate the demand we have experienced each year at Eliason Harbor in Sitka; the balance of the eggs collected has been transported to outlining communities from Hoonah to Wrangell. Currently ADF&G manages the fishery in such a way to conduct openings away from or outside the 'Core Area' for subsistence and Makhnati is not in the Core Area.

Page 1 of 4 | SHCA Opposition to Proposal FP15-17, June 12, 2014

Paragraph 2 in the section #3: It is true the subsistence survey numbers have not met the ANS number as pointed out by the proposer. There are two serious problems with the 'numbers' used and SHCA's efforts can shed considerable light. The ANS range referenced is 136,000 to 227,000 pounds of herring eggs on branch weight. These weights were not arrived at by actual weight and measures. They are not based on valid scientific or mathematical calculations. Second, the weights harvested each year are based on a survey, not measurement.

In 2009, when SCHA launched its effort to help provide herring eggs to the community of Sitka and learn more about harvesting eggs, we worked with several local egg gatherers that had a long history of working with 'big boat' herring egg harvesters – Enloe, Hamilton, Skeek, Kerr, and others. The SHCA effort differed in one distinct fashion, it employed State certified scales, a strict protocol of weighing methodology, data collection, and data entry including when sets were made, where made, and when harvested. An interesting finding is the traditional harvesters who had been participating in egg collection for 30 and 40 years, estimated the weights as they had always done, but not checked against actual scale weighing. The estimated weight or guesses were found to be 2.5 to 3.5 times the empirical weights. Every branch with herring eggs collected is first weighed at point of harvest from the ocean prior to distribution to the community.

Therefore, it is evident, as in commercial fisheries or sport fisheries that to get valid data there needs to be a systematic protocol if you are to establish defensible regulatory thresholds, and account for actual annual harvests. Even the years cited that the ANS was met are doubtful.

The empirical data derived from herring egg collection using an industrial boat demonstrates that on average it takes a single hemlock tree with a minimum 4 inch bole to yield a thousand pounds of eggs. Weights are not taken until all branches with eggs are cut from the tree bole, with no branch larger than ½" diameter included in the weight measurement. In order to harvest 100,000 pounds it takes a hundred large trees set in correct locations. The participation necessary to yield a hundred thousand pounds or more is not occurring. ADF&G's Subsistence surveys demonstrate a year after year trend of declining participation. This decline was noted as far back as 1985 by researchers Gemelch and Gemelch.

Paragraph 2, last sentence: "destined to repeat itself..." Destiny is not management and this comment by the author is hyperbole. The previous sentence states that the ANS was met 50% of the time in the past thirteen years. The primary reason the 'ANS number' hasn't been met is the number isn't real as referenced above. Further, in SHCA's experience in the past six years if 30,000 to 40,000 pounds of herring eggs are delivered to the dock in Sitka there will be hundreds of visitors that partake in the distribution, but the final few thousand pounds will be difficult to distribute due to meeting the communities needs.

Paragraph 3, "significantly smaller closure area..." Contrary to the proposer's statement, ADF&G staff did not support any area for closure, the record shows they were neutral. The smaller area was a political compromise that the Board of Fish supported on a split vote. It is true FP 15-17 would augment the area of closure but it would not increase subsistence harvest. The core area of Middle Island, Kasiana, and Crow Pass are the areas that consistently produce large quantities of herring eggs on branches because

that is the area where herring have consistently spawned year after year since the 1960s and before. The issue is not the area or the commercial fishery, the issue is low participation. It requires significant effort by many, many participants to harvest over a hundred thousand pounds of herring eggs.

Paragraph 4, “former population levels” There was likely a larger herring population in southeast Alaska one hundred and two hundred years ago. The herring reduction plants (1930s) and high seas foreign fleets (1950s & 60s) were estimated to have taken 130,000 tons annually. Herring populations certainly benefited from industrial whaling in the 18th and 19th centuries when humpbacks and other baleen whales, primary predators, were nearly driven to extinction.

However, we don't manage populations based on their size centuries in the past. Similarly, deer populations continue to have a harvest management plan even though there is good evidence populations were larger prior to logging in the sixties to the eighties. No one is suggesting we cease deer harvest until the old growth returns. Rather, State and Federal managers, manage existing populations on a sustained yield basis. Finally, the Sitka Sound herring population in the mid 1970s was on the order of 5,000 tons and has grown consistently through the years. Currently the population biomass is in the 80,000 ton range or sixteen times the 1970s biomass.

Point 4., paragraph 1 “would only have positive impact on rebuilding the depleted...” The Sitka Sound herring population is not depleted and has shown consistent growth. The ADF&G survey data available in numerous reports, contradict this statement. SHCA's herring eggs on branch harvest data also contradict the statement. Herring eggs have been plentiful in the core area in years when there were commercial harvests (2009 when SHCA collected 70,321 lbs) in the core area and years when there were not (2014 when 41,466 lbs were collected by SHCA).

Point 6., paragraph 1 “impact on sport fishers by increasing prey...” Certainly there is a predator-prey dynamic between herring and Chinook, coho, and halibut. Herring also consume Chinook fry, it goes both ways and generally the State or the Feds do not manage for a single species. To be consistent the proposer might want to consider that sea otters, which Sitka Tribe of Alaska is proposing to kill at a greater harvest rate than current management allows, are responsible for significantly increasing herring spawning habitat in Sitka Sound. The USFWS has called sea otters a keystone species. We believe that is incorrect but the moniker is in their literature. Removal of ocean grazers (urchins in particular) by sea otters in the past twenty years may be contributing to the increase in herring biomass.

The Sitka Sound herring stock remains healthy and robust, and there is no reason or benefit to preclude the herring fishery from the Makhnati area beyond what is already closed. Subsistence needs are being met as evidenced by delivery of herring eggs to the dock in Sitka during 2009, 2010, 2012, 2013, and 2014; seasons when some 30,000 to 40,000 pounds of weighed and measured herring eggs were provided. Each year eggs were delivered to the dock until community members stopped coming. It is important to note that eggs were provided to supplement what individual harvesters gathered on their own, or to people who could not harvest for themselves. Herring eggs on hemlock branches were distributed to anyone that wanted them and denied to no one.

Proposal FP 15-17 is nearly identical to proposal FP 09-05 which has been heard numerous times. We agree with ADF&G's comments of December 2, 2008 and updated on August 31, 2010, pages 122 – 124 in the FSB proposal comment document. No new information has been provided that justifies closing the Makhnati Island area; and therefore the proposal should be denied and no changes made to the federal waters.

Please contact me if you have comments or questions.

Best regards,



Chip Treinen,
President SHCA



Alaska Department of Fish and Game
Comments to Regional Advisory Council

Fisheries Proposal FP13-19: Revise Stikine River sockeye salmon harvest limits.

Introduction: This Southeast Alaska Subsistence Regional Advisory Council proposal would increase the total annual guideline harvest level for Stikine River sockeye salmon from 600 sockeye salmon to 2,000 sockeye salmon.

The proponent stated this change is needed because the original sockeye salmon guideline harvest levels (GHLs) were based on estimated parameters for this new fishery. The level of participation and harvest were unknown. Since its inception, the Stikine River subsistence sockeye fishery has had greater participation and much higher harvests than anticipated. Increasing the GHL to reflect actual and anticipated harvests of Stikine River sockeye salmon is recommended.

Hilsinger (2005)¹ reported the U.S. and Canada reached an agreement in February 2004 to allow subsistence fishing for sockeye salmon in lower Stikine River. The terms of the fishery included a 600 fish maximum harvest limit, a July 1–31 season, and fishing in the mainstem Stikine River. The sockeye salmon harvest limit adopted by the Transboundary River Panel (TBR) was based on results of a January 2003 analysis by the USFWS and USFS. The agreement also required all proposed regulatory changes to the fishery to be reviewed by the bilateral TBR and be approved by the Pacific Salmon Commission (PSC).

Impact on Subsistence Users: If this proposal is adopted, federal subsistence users would be able to harvest 1,400 more Stikine River sockeye salmon per year than the current total annual GHL of 600 sockeye salmon. However, in reality the annual Stikine River federal subsistence sockeye salmon harvest would not change much since the 600 fish GHL has been exceeded in each of the last three years (e.g., 792, 1653, and 1735 fish harvests for 2009, 2010, and 2011, respectively).

With a current total annual guideline harvest level of 600 Stikine River sockeye salmon and an annual limit of 40 sockeye salmon per household, one can calculate the original number of users expected to participate in this subsistence salmon fishery was around 15.

If the annual limit of 40 sockeye salmon per household remains the same, the proposed total annual GHL of 2,000 Stikine River sockeye salmon could potentially be shared by up to 50 subsistence salmon users.

Impact on Other Users: If the total annual GHL for Stikine River subsistence sockeye salmon fishery is increased 2,000 fish, there would potentially be 1,400 fewer sockeye salmon available to other users (e.g., commercial, traditional food).

¹ Hilsinger, J. 2005. 2006 Federal fisheries subsistence proposals ADF&G staff comments. Alaska Department of Fish and Game, Division of Commercial Fisheries, Subsistence Liaison Team, Anchorage.

ADF&G Comments on FP13-19
July 17, 2012, Page 2 of 2

Opportunity Provided by State: Salmon may be harvested under state regulations throughout the majority of the Southeast Alaska area, including a liberal subsistence fishery. Fish may be taken by gear listed in 5 AAC 01.010(2), except as may be restricted under the terms of a subsistence fishing permit. Under state regulations, subsistence is the priority consumptive use. Therefore, state subsistence fishing opportunity is directly linked to abundance and is not restricted unless run size is inadequate to meet escapement needs.

Conservation Issues: None at this time.

Enforcement Issues: None noted at this time.

Jurisdiction Issues: The February 2004 agreement reached with Canada that allowed a sockeye salmon subsistence fishing in the U.S. portion of the lower Stikine River also required that any proposed regulatory changes to the fishery (e.g., increase harvest limit) would need to be reviewed by the bilateral TBR and be approved by the PSC.

Other Issues: The next bilateral meeting of the TBR at which Stikine River subsistence fishery regulatory changes could be considered, is scheduled for the week of January 14, 2013 in Vancouver, BC.

Recommendation: **Defer**, pending consideration by the TBR and the PSC.



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

Southeast Alaska Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Southeast Alaska Subsistence Regional Advisory (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 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 \$175,000, 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 is subject to biennial review and will terminate 2 years from the date the charter is filed, unless prior to that date, the Charter is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.

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

Thirteen 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 nine of the members (70 percent) represent subsistence interests within the Region and four 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.

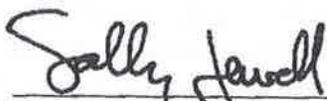
Council members will elect a Chair, a Vice-Chair, and a Secretary for a 1-year term.

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



