

# **WESTERN INTERIOR ALASKA Subsistence Regional Advisory Council**



*Alatna River south of the Brooks Range.*

*Carl Johnson*

**Meeting Materials**  
February 25-26, 2014  
Aniak

# What's Inside

## Page

1	Agenda
4	Draft Fall 2013 Meeting Minutes (Dec. & Nov. meetings)
12	Unit Maps
16	Federal Wildlife Proposal WP14-29
27	Federal Wildlife Proposal WP14-30
38	Federal Wildlife Proposal WP14-31
52	Federal Wildlife Proposal WP14-32
63	Customary & Traditional Use Determination Briefing
69	Customary & Traditional Use - Council Action Summaries
73	ANILCA Section 804 Briefing
75	Rural Determination Review - Council Action Summaries
83	Fisheries Resource Monitoring Program Briefing
86	Partners Program Briefing
87	State Fisheries Proposals 71, 72, 72 & 77
93	News Release & Call for Fisheries Proposals
97	Guidance on Annual Reports
99	FY2012 Annual Report Reply
106	Report to Regional Advisory Council on Consultation Policies
108	DRAFT Tribal Consultation Implementation Guidelines
117	DRAFT ANCSA Consultation Policy
120	Nominations Information
123	Gates of the Arctic National Park & Preserve - Update
124	Meeting Calendars
126	2013 Charter

**WESTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL**

Aniak, AK Aniak Community Hall  
February 25-26, 2014 Time TBA

**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.

**AGENDA**

\*Asterisk identifies action item.

**Roll Call and Establish Quorum** (*Secretary*)

**Call to Order** (*Chair*)

**Invocation**

**Welcome and Introductions** (*Chair*)

**Review and Adopt Agenda\*** (*Chair*) ..... 1

**Election of Officers**

Chair (*DFO*)

Vice Chair (*Chair*)

Secretary (*Chair*)

**Review and Approve Previous Meeting Minutes\*** (*Chair*) ..... 4

**Reports**

Council member reports

AC/SRC reports

Chair’s report

**Public and Tribal Comment on Non-Agenda Items** (available each morning)

**Old Business (Chair)**

Wildlife Regulatory Proposals\*

1. WP 14-29 Remove expiration date from FM 2402 hunt for Moose..... 16
2. WP 14-30 Revise horn size restrictions for sheep ..... 27
3. WP 14-31 Establish a community hunt for residents of Nikolai for Sheep..... 38
4. WP 14-32 Redefine the descriptor of the Paradise CUA for Moose ..... 52

Alaska Board of Game Action Summary (*Trevor Fox*)

Customary & Traditional Use Determination – Update..... 63

Rural Determination Process Review – Update ..... 75

Briefing on Fisheries Resource Monitoring Program (*Don Rivard*)..... 83

FSB January 2014 Action Summary

Priority info needs development for 2016

Partner’s Briefing/ Call for Proposals (*Palma Ingles*) ..... 86

KNA Partner’s Program (*Rebecca Frye*)

**New Business (Chair)**

Call for Fisheries Regulatory Proposals\* (*Don Rivard*)..... 87

State Fisheries Proposals 371, 372, 373 & 377 ..... 91

USFWS

Koyukuk/Nowitna National Wildlife Refuge (*Jeremy Havener & Brad Scotton*)

Kanuti National Wildlife Refuge (*Vince Matthews*)

Innoko National Wildlife Refuge (*Jerry Hill*)

Kuskokwim River Fisheries

1. 2013 Summary
2. 2014 Outlook

Yukon River Fisheries(*Gerald Maschmann*)

1. 2013 Summary
2. 2014 Outlook
3. 3 Regulatory State Agenda Change Requests & 1 BOF Emergency Petition

Review and Approve Draft FY2013 Annual Report\* ..... 97

Review and Approve Draft Council Correspondence\*

Tribal Consultation Implementation Guidelines & Draft ANCSA Consultation Policy\* ..... 106

Nominations.....	120
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**Agency Reports**

Special Actions

Galena Moose Special Action

OSM

Updates (*David Jenkins*)

NPS

Gates of the Arctic National Park (*Marcy Okada*) ..... 123

BLM

Central Yukon Resource Management Plan Status Update (*Dave Parker*)

Reakoff Comment Letter

ADF&G

Tribal Governments

Native Organizations

Kuskokwim Native Association (*Dan Gillikin*)

Ambler Mining District Access Project Update (*Maryellen Tuttell, Project Manager*)

U.S. Army Corps of Engineers Donlin Mine Status Update (*Keith Gordon*)

**Future Meeting Dates\***

Confirm date and location of fall 2014 meeting ..... 124

Select date and location of winter 2015 meeting ..... 125

**Closing Comments**

**Adjourn** (*Chair*)

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

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

If you have any questions regarding this agenda or need additional information, please contact Melinda Burke, Council Coordinator at 907-786-3885, [melinda\\_burke@fws.gov](mailto:melinda_burke@fws.gov), or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

**MEETING MINUTES**  
**Western Interior Alaska Subsistence Regional Advisory Council**  
**December 11, 2013**  
**Teleconference**

**Call to Order**

Meeting called to order by Chair Jack Reakoff at 1:00 PM.

**Roll Call and Establish Quorum**

Chairman Jack Reakoff called the roll. WIRAC Council members present: Jack Reakoff, Timothy Gervais, Don Honea, and Pollock Simon Sr., Raymond Collins, Jenny Pelkola, James Walker

**Excused:** Robert Walker, Carl Morgan, Eleanor Yatlin

**Welcome and Introductions**

Chair Reakoff welcomed guests and staff members.

The following personnel and members of the public were in attendance:

**Government Agency Employees**

Patricia Petrivelli	Bureau of Indian Affairs Anchorage
Jeff Adams	U.S. FWS
Jerry Berg	U.S. FWS
Randy Brown	U.S. FWS
Melinda Burke	U.S. FWS OSM
Trevor Fox	U.S. FWS OSM
Jeremy Havener	U.S. FWS Koyukuk/Nowitna NWR
Karen Hyer	U.S. FWS OSM
Palma Ingles	U.S. FWS OSM
David Jenkins	U.S. FWS OSM
Carl Johnson	U.S. FWS OSM
Trent Liebich	U.S. FWS OSM
Vince Matthews	U.S. FWS
Donald Rivard	U.S. FWS OSM

Marcy Okada National Park Service  
Clarence Summers National Park Service

Caroline Brown ADF&G  
Drew Crawford ADF&G  
Kevin Shaberg ADF&G  
Glen Stout ADF&G  
Zack Woofler ADF&G

Steve Kessler U.S. Forest Service

**Tribal Organizations**

**NGOs/Public**

**Review/Approval of Minutes**

Mr. Raymond Collins made a motion to approve the March 5-6 winter 2013 meeting minutes.  
Seconded by Mrs. Jenny Pelkola.  
Motion carried unanimously.

**Review and Adoption of Agenda**

In section B: addition of the Innoko Office in McGrath

Mr. Raymond Collins made a motion to agenda as amended. Seconded by Mrs. Jenny Pelkola.  
Motion carried unanimously.

**Draft 2014 FRMP monitoring plan**

Don Rivard provided an overview of the Draft 2014 Fisheries Resource Monitoring Plan, and went into more detail on the Yukon and Kuskokwim regions.

**Yukon region**

Mr. Raymond Collins made a motion to support the TRC Recommendations. Seconded by Mrs. Jenny Pelkola. Unanimous approval of the motion.

### **Kuskokwim region:**

Western Interior – The Council approved a motion in which its priorities are the same as the YKD Council, and emphasized that the Tatlawiksuk Weir, project 14-302, should also be funded (first project over the 2014 funding guideline).

This is the only stream being monitored in head waters and it is important to have accurate counts and preserve these important runs of fish.

### **Kuskokwim River Working Group Letter**

The Council reviewed and approved draft correspondence relaying Chinook salmon concerns to be transmitted to the Kuskokwim River Working Group.

Motion to approve the letter made by Mr. James Walker. Seconded by Mrs. Jenny Pelkola. Motion carried unanimously.

### **Future Meeting Dates:**

- The Council reconfirmed their February 25-26, 2014 meeting and set the location in Aniak.
- The Council set the dates of October 28-29, 2014 in McGrath

Motion to approve the meeting dates and locations made by Mrs. Jenny Pelkola. Seconded by Mr. Tim Gervais. Unanimous approval of the motion.

### **Federal Wildlife Proposals**

Trevor Fox provided an overview of the Federal Wildlife Proposals.

#### **WP14-01**

DESCRIPTION: Trapping of furbearers

COUNCIL RECOMMENDATION: Oppose

JUSTIFICATION: This motion is addressing a specific issue by the proponent in a specific area; there is no bearing on statewide Federal public lands. If adopted, this action would place a burden on subsistence users. The proposed timeline for checking traps and snares could pose a safety issue, as weather and temperature are deciding factors on when users can make checks on trap lines.

**WP14-22**

DESCRIPTION: Require state registration permits for Caribou

COUNCIL RECOMMENDATION: Support as modified by OSM

JUSTIFICATION: Alignment of federal and state regulations makes it easier on the subsistence user. Local managers can be more responsive to needed openings and closures when necessary.

**WP14-23**

DESCRIPTION: Lengthen the season and remove bull only restriction for Moose

COUNCIL RECOMMENDATION: Support with modification to incorporate WP14-28 into the proposal, to include Unit 18 remainder with the Lower Yukon hunt area with a season of Aug. 1-Mar. 31 and retain language that antlered bulls may only be harvested from Aug. 1-Sept. 30.

JUSTIFICATION: Due to time limitations and scheduling conflicts resulting from the government shutdown in October 2013, the WIRAC is deferring action on this proposal to the YKDRAC.

**WP14-24/25**

DESCRIPTION: Revise the hunt area descriptor for Moose

COUNCIL RECOMMENDATION: Support as modified by OSM

JUSTIFICATION: Due to time limitations and scheduling conflicts resulting from the government shutdown in October 2013, the WIRAC is deferring action on this proposal to the YKDRAC.

**WP14-26**

DESCRIPTION: Require a permit; revise season date; grant closure authority for caribou

COUNCIL RECOMMENDATION: Support as modified by OSM

JUSTIFICATION: This action tracks harvest and is beneficial to the herd; guidelines are more aligned with the State.

**WP14-27**

DESCRIPTION: Establish a new fall season for Moose

COUNCIL RECOMMENDATION: Support as modified by OSM

JUSTIFICATION: Due to time limitations and scheduling conflicts resulting from the government shutdown in October 2013, the WIRAC is deferring action on this proposal to the YKDRAC.

**WP14-28**

DESCRIPTION: Extend season dates and revise harvest limit for moose

COUNCIL RECOMMENDATION: Take no action

JUSTIFICATION: Due to time limitations and scheduling conflicts resulting from the government shutdown in October 2013, the WIRAC is deferring action on this proposal to the YKDRAC.

**WP14-40**

DESCRIPTION: Rescind the requirement of a State registration permit for Brown Bear

COUNCIL RECOMMENDATION: Support as modified by OSM

JUSTIFICATION: This action alleviates a burden of sealing the hide and skull for subsistence users when taking a brown bear.

**MEETING MINUTES**  
**Western Interior Alaska Subsistence Regional Advisory Council**  
**November 6-8, 2013**  
**Alpine Lodge**  
**Fairbanks, Alaska**

**Call to Order**

Meeting called to order by Chair Jack Reakoff at 1:00 PM.

**Roll Call and Establish Quorum**

Chairman Jack Reakoff called the roll. WIRAC Council members present: Jack Reakoff, Timothy Gervais, Don Honea, and Pollock Simon Sr.

**Excused:** James Walker, Carl Morgan, Eleanor Yatlin, Raymond Collins

There were not enough members present for a quorum due to the recent shutdown and subsequent rescheduling of this meeting. The members who were able to be present will still want to proceed. Portions of the agenda such as reports, updates and informational sharing can proceed even with a lack of quorum. It is also important to proceed because of the public hearing set for November 7th regarding the rural determination issue. It is important for the people of the Western Interior region to have the opportunity to comment on this issue and receive more information during the presentation. A one-day teleconference towards the end of the month was discussed and established so voting on action items can take place prior during that call.

**Welcome and Introductions**

Chair Reakoff welcomed guests and staff members.

The following personnel and members of the public were in attendance:

**Government Agency Employees**

Patricia Petrivelli

Bureau of Indian Affairs Anchorage

Jerry Berg	U.S. FWS (via teleconference)
Thomas Doolittle	U.S. FWS YKD (acting)
Ken Harper	U.S. FWS Kenai
Jeremy Havener	U.S. FWS Koyukuk/Nowitna NWR
Jerry Hill	U.S. FWS Innoko NWR
Gerald Maschmann	U.S. FWS
Mike Spindler	U.S. FWS Kanuti NWR
Melinda Burke	U.S. FWS OSM
Donald Rivard	U.S. FWS OSM (via teleconference)
Trevor Fox	U.S. FWS OSM
Andy Flack	U.S. FWS
Trent Liebich	U.S. FWS OSM (via teleconference)
David Jenkins	U.S. FWS OSM
Gene Peltola Jr.	U.S. FWS OSM ARD
Marcy Okada	National Park Service
Clarence Summers	National Park Service
Travis Ellison	ADF&G (via teleconference)
Erin Julianus	ADF&G (via teleconference)
Eric Nolan	ADF&G (via teleconference)
Jennifer Yuhas	ADF&G
Tim Hammond	Bureau of Land Management
Erin Julianus	Bureau of Land Management
Jennifer McMillan	Bureau of Land Management
Dan Sharp	Bureau of Land Management (via teleconference)
<b><u>Tribal Organizations</u></b>	
Dan Gillikan	Kuskokwim Native Association (via teleconference)
Orville Huntington	Tanana Chief's Conference
<b><u>NGOs/Public</u></b>	
Wayne Heimer	Public
Wayne Jenkins	Yukon River Drainage Fisheries Association
Joe Matesi	Public
Stanley Ned	Public (Allakaket)

## **Review of Agenda**

Additional agenda items brought forward:

- Tanana Chief’s Conference was added to the agenda under Item #12 (Native Organization)
- Koyukuk/Nowitna NWR was added under U.S. Fish and Wildlife for their agency report
- Mr. Timothy Gervais requested a discussion regarding the North Pacific Fisheries Management Council December meeting where bycatch will be discussed.

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

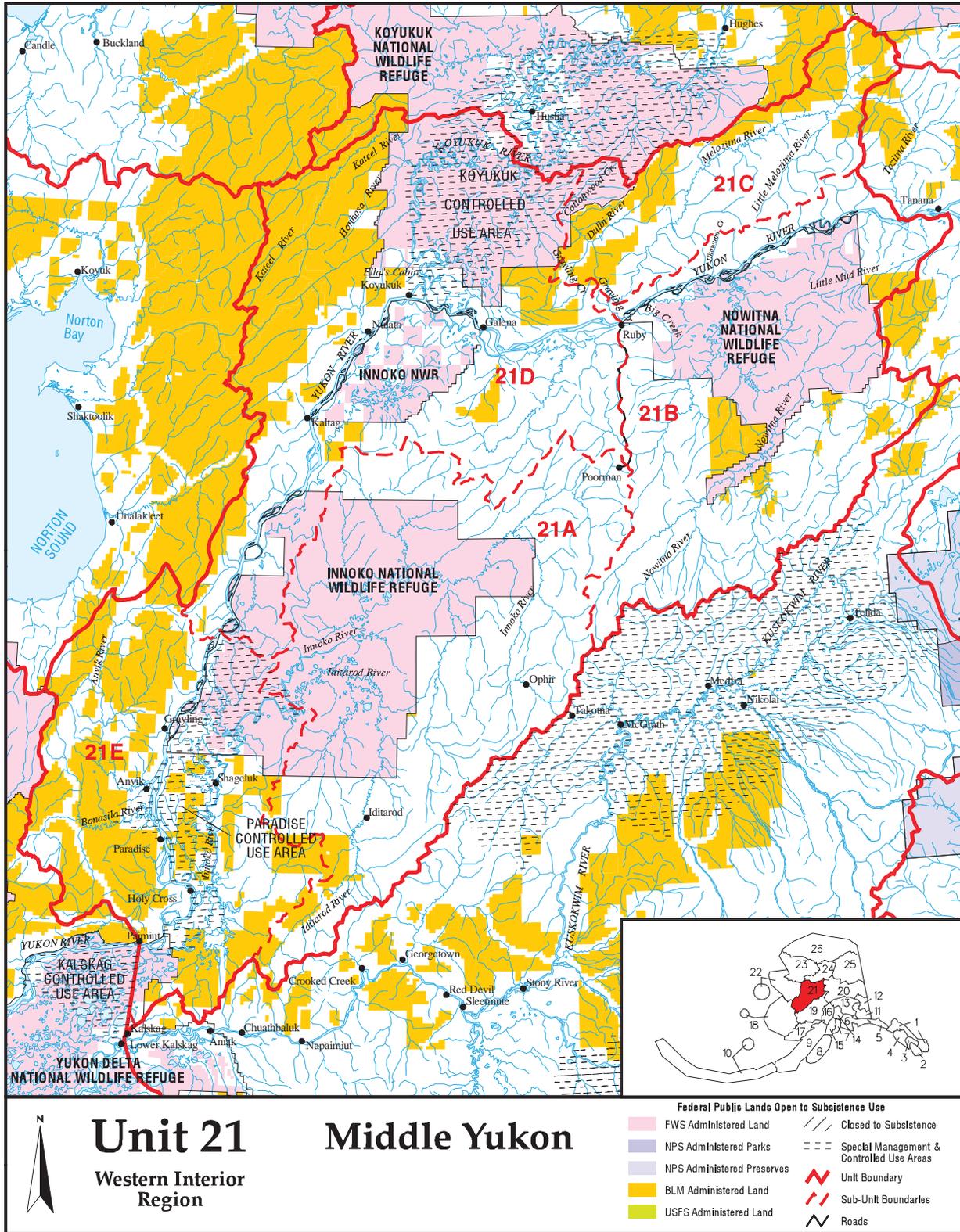
\_\_\_\_\_  
Melinda Hernandez, Designated Federal Officer  
USFWS Office of Subsistence Management

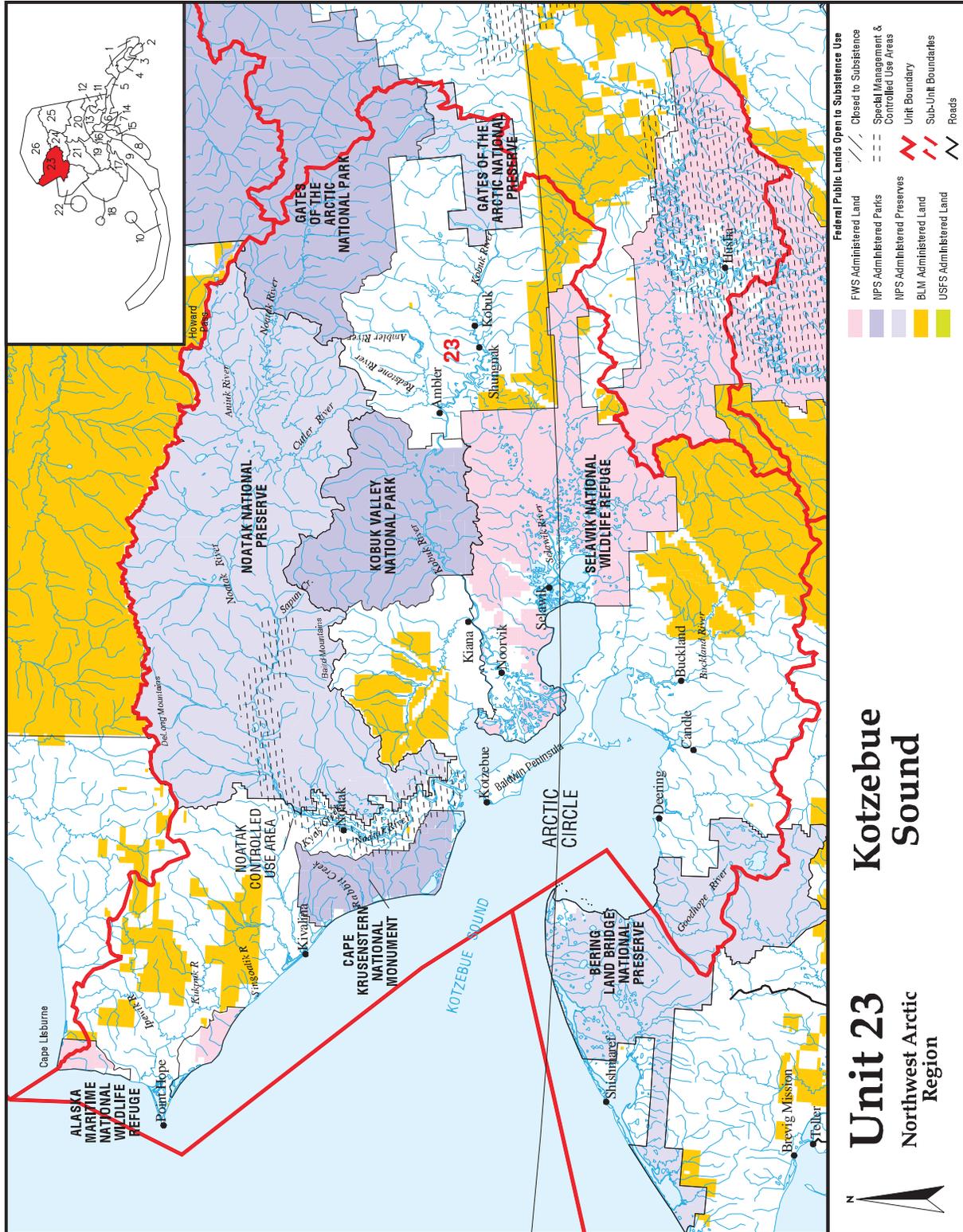
\_\_\_\_\_  
Jack Reakoff, Chair

Western Interior Subsistence Regional Advisory Council

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









**WP14–29 Executive Summary**

<b>General Description</b>	Proposal WP14-29 requests that the Dec. 15–Apr. 15 moose season in a portion of Unit 24B be placed in permanent Federal regulations. The current winter moose season is temporary and set to sunset after June 30, 2014. <i>Submitted by the Western Interior Regional Advisory Council.</i>
<b>Proposed Regulation</b>	<p><b>Unit 24B—Moose</b></p> <p><i>Unit 24B—All drainages of the Koyukuk River downstream from and including the Henshaw Creek drainage—1 antlered bull by Federal registration permit.</i></p> <p><i>Aug. 25–Oct. 1 Dec. 15–Apr. 15 (until Jun. 30, 2014)</i></p> <p><i>Federal public lands in the Kanuti Controlled Use Area, as described in Federal regulations, are closed to taking of moose, except by Federally qualified subsistence users of Unit 24, Koyukuk, and Galena hunting under these regulations.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b>
<b>Western Interior Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>1 Support</b>

**DRAFT STAFF ANALYSIS**  
**WP14-29**

**ISSUES**

Proposal WP14-29, submitted by the Western Interior Regional Advisory Council, requests that the Dec. 15–Apr. 15 moose season in a portion of Unit 24B be placed in permanent Federal regulations. The current winter moose season is temporary and set to sunset after June 30, 2014.

**DISCUSSION**

The proponent states the Federal winter bull moose hunt (FM2402) in Unit 24B is set to sunset at the end of the 2013/2014 regulatory year. The Western Interior Regional Advisory Council feels the hunt should be continued to provide opportunity for Federally qualified subsistence users to harvest bull moose in a portion of Unit 24B. The proponent states that moose are available at a low density in this remote area and travel can be expensive, and the winter season provides Federally qualified subsistence users who did not harvest a bull moose in the fall additional opportunity to harvest an antlered bull while trapping or wood cutting.

**Existing Federal Regulation**

**Unit 24B—Moose**

*Unit 24B—All drainages of the Koyukuk River downstream from and including the Henshaw Creek drainage—1 antlered bull by Federal registration permit.* Aug. 25–Oct. 1  
Dec. 15–Apr. 15  
(until Jun. 30, 2014)

*Federal public lands in the Kanuti Controlled Use Area, as described in Federal regulations, are closed to taking of moose, except by Federally qualified subsistence users of Unit 24, Koyukuk, and Galena hunting under these regulations.*

**Proposed Federal Regulation**

**Unit 24B—Moose**

*Unit 24B—All drainages of the Koyukuk River downstream from and including the Henshaw Creek drainage—1 antlered bull by Federal registration permit.* Aug. 25–Oct. 1  
Dec. 15–Apr. 15  
(until Jun. 30, 2014)

*Federal public lands in the Kanuti Controlled Use Area, as described in Federal regulations, are closed to taking of moose, except by Federally qualified subsistence users of Unit 24, Koyukuk, and Galena hunting under these regulations.*

## Existing State Regulation

### Unit 24B—Moose

*Unit 24B remainder Resident: One bull Harvest ticket Sept. 1–Sept. 25*

OR

*One antlered bull by permit RM833 Dec. 15–Apr. 15  
available online at [http://hunt.  
alaska.gov](http://hunt.alaska.gov) or in person in  
Hughes, Allakaket or Fairbanks  
beginning Dec. 14.*

*Nonresident: One bull with Harvest ticket Sept. 5–Sept. 25  
50-inch antlers or antlers with  
4 or more brow tines on at least  
one side*

## Extent of Federal Public Lands

Federal public lands comprise approximately 59% of Unit 24B, and consist of 38% NPS, 14% FWS, and 7% BLM managed lands (**Map 1**).

## Customary and Traditional Use Determinations

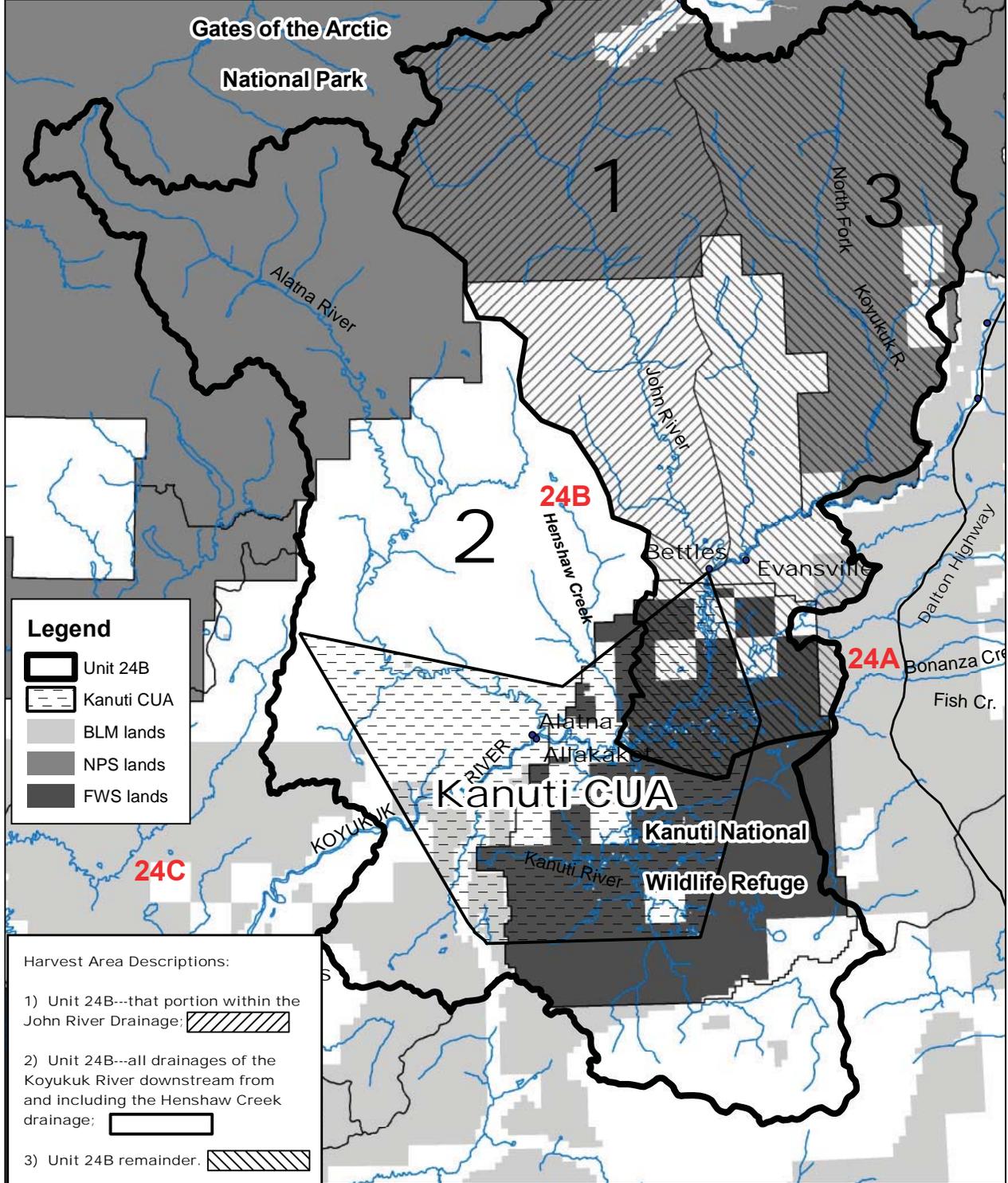
Rural residents of Unit 24, Koyukuk, and Galena have a positive customary and traditional use determination to harvest moose in Unit 24.

## Regulatory History

Recent regulatory changes in Unit 24B have been associated with the need to provide additional opportunities for Federally qualified subsistence users to harvest moose. The Alaska Board of Game adopted State Proposal 90A in 2010 to replace an existing Dec. 1–10 moose season with the Dec. 15–Apr. 15 season in Unit 24B, except for the drainages of the Koyukuk River upstream from the Henshaw Creek drainage, excluding the North Fork of the Koyukuk River drainage. However, the newly established winter season was adopted with a stipulation that it would sunset at the end of 2013/2014. The Federal Subsistence Board adopted WP10-67 with modification to expand the Dec. 15–Apr. 15 moose season to all Kanuti NWR and BLM lands of Unit 24B, and that the season would sunset at the end of 2013/2014.

The State previously had a 10-day winter antlerless moose hunt (Mar. 1–10) that included drainages north of the Koyukuk River near Bettles and Evansville, but the hunt was eliminated after the 2000/2001 season. The winter season was eliminated to address low moose densities, in accordance with the Koyukuk River Moose Management Plan (Spindler 2013, pers. comm.). A Mar. 1–10 moose season was in Federal regulations since adopting temporary regulations from the State in 1990 until June 30, 2005. The Mar. 1–10 Federal moose season was changed to a Mar. 1–5 “to-be-announced” bulls-only season when the WP05-13 was adopted with modification by the Federal Subsistence Board in May 2005. This latter hunt applied only to lands on the Kanuti NWR, adjacent BLM lands, and nearby NPS lands. Harvest success during the five-day “to-be-announced” seasons was low due to low moose densities, users being restricted to Federal public lands, and inclement weather. Season extensions were granted by special actions (WSA06-08 and WSA07-09) due to extremely cold weather conditions during the Mar. 1–5 season in 2007 and 2008, respectively. In 2010, a special action (WSA09-15) was adopted to shift

# WP14-29 Unit 24B: Moose Federal Harvest Areas



the five-day season from Mar. 1–5 to Mar. 27–31 in the Kanuti Controlled Use Area to provide harvest opportunity under better weather and daylight conditions.

The Alaska Board of Game and the Federal Subsistence Board (Board) adopted regulations in 2006 (Proposal WP06-36) that subdivided Unit 24 into Subunits A, B, C, and D. The State and Federal boards adopted these changes in response to the complexities of managing wildlife populations in large game management units, such as Unit 24. Following adoptions of the four subunits, which affected the Federal regulations of moose and sheep on Federal public lands, additional changes were required as the subdivision affected hunt area boundaries. Among the changes, the Board adopted regulatory changes for the hunt area descriptions and seasons for moose in the areas now designated as Units 24A, B, C, and D.

In 1990, the Federal Subsistence Board adopted the Kanuti Controlled Use Area (CUA) from State regulations into temporary Federal subsistence regulations. On April 9, 1992, the Federal Subsistence Board adopted Proposal 115 with modification to close Federal public lands within the CUA to all non-Federally qualified users. The closure to non-Federally qualified users was due to conservation concerns related to higher than recommended harvest levels, and to provide continued opportunity for Federally qualified subsistence users on Federal public lands within the Kanuti CUA (FSB 1992). The Alaska Board of Game adopted State Proposal 94 in 2010, which reduced the size of the Kanuti CUA under State regulations. In January 2012, the Board adopted WP12-57 to remove sections of Federal public land near Bettles and Evansville from the winter (Dec. 15–Apr. 15) season to align the winter seasons under State and Federal regulations (FSB 2012). However, the Kanuti CUA boundaries were not changed under Federal regulations. Thus, the boundary of the State CUA is currently out of alignment with Federal regulations. In conjunction with action on WP12-57, the Board adopted WP12-58 with modification to create a Federal registration permit for all Federal public lands contained in all drainages of the Koyukuk River downstream from and including the Henshaw Creek drainage, which included the Kanuti CUA (FSB 2012).

### **Current Events**

The Kanuti National Wildlife Refuge supports the continuation of the winter moose hunt beyond the sunset date.

### **Biological Background**

The Koyukuk River Moose Management Plan 2000–2005 (Management Plan) (ADF&G 2001) set the management goals and objectives for the Koyukuk River moose population. The Management Plan listed biological decision-making factors for managing the moose population along the upper Koyukuk River (upstream of Hughes). The factors prescribed ratios of up to 30-40 bulls:100 cow moose to allow for adequate breeding in the low-density population, and 30-40 calves:100 cows to support population growth (ADF&G 2001).

Population surveys were conducted on the Kanuti National Wildlife Refuge (Refuge) from 1999 to 2011 using the GeoSpatial Population Estimator (GSPE) technique (Kellie and DeLong 2006). Moose population estimates resulting from GSPE surveys on the Refuge have ranged from a low of 588 moose in 2007 to a high of 1,068 in 2010 (**Table 1**). The moose population on the Refuge appears to have been relatively stable at approximately 1,000 estimated moose since 1999, but the population has been at a low density (Craig and Stout 2011). Density estimates in the Refuge ranged from 0.22 to 0.39 moose/mi<sup>2</sup> between 1999 and 2011 (Craig and Stout 2011). The density estimates are typical of Western Interior moose populations, which range from 0.25–2.00 moose/mi<sup>2</sup> (Stout 2008). Population density estimates include all age and sex classes of moose; however, the density of antlered bulls, the harvestable class,

**Table 1.** Summary statistics for moose population estimates (90% confidence intervals) in the Kanuti National Wildlife Refuge Survey Area, Unit 24B, Alaska (Craig and Stout 2012). Surveys were conducted using the GeoSpatial Population Estimator method (Kellie and Delong 2006).

Year	Survey area (mi <sup>2</sup> ) <sup>a</sup>	Units surveyed	Population estimate (90% CI)	Moose density (moose/mi <sup>2</sup> )	Cows	Bulls	Estimated composition ratios		
							Bulls:100 cows	Yearling bulls:100 cows	Calves:100 cows
1999	2,715	108	1,003 (794–1,211)	0.37	542	320	59	4	30
2004	2,710	103	842 (602–1,083)	0.31	403	252	62	9	46
2005	2,710	82	1,025 (581–1,470)	0.38	471	331	70	20	43
2007	2,714	150	588 (463–714)	0.22	276	167	60	13	53
2008	2,715	80	872 (669–1,075)	0.32	432	199	46	14	58
2010	2,714	164	1,068 (946–1,191)	0.39	569	293	51	7	33
2011	2,714	151	797 (644–951)	0.29	388	268	69	10	41

<sup>a</sup> Survey areas vary among years depending on how survey units are delineated.

were estimated at 0.11 and 0.10 bulls/mi<sup>2</sup> in 2010 and 2011, respectively (Craig and Stout 2011, 2012). Population and composition surveys could not be completed in 2012 due to inadequate snow conditions (Spindler 2013, pers. comm.).

Population composition estimates are generated as part of the GSPE surveys. Bull:cow ratios are (46–70 bulls:100 cows) (**Table 1**), which is above the Management Plan’s objectives; however, relatively high bull:cow ratios (30–40 bulls:100 cows) may be required for this low density population to allow for adequate breeding (ADF&G 2001). The bull:cow ratios suggest this population can support current harvest levels. Calf:cow ratios have been above or within the objective for adequate recruitment (30–40 calves:100 cows) in all survey years since 1993 (**Table 1**). However, while the calf ratios meet the management objective, yearling bull:cow ratios have been low during most years and suggests limited recruitment to breeding age.

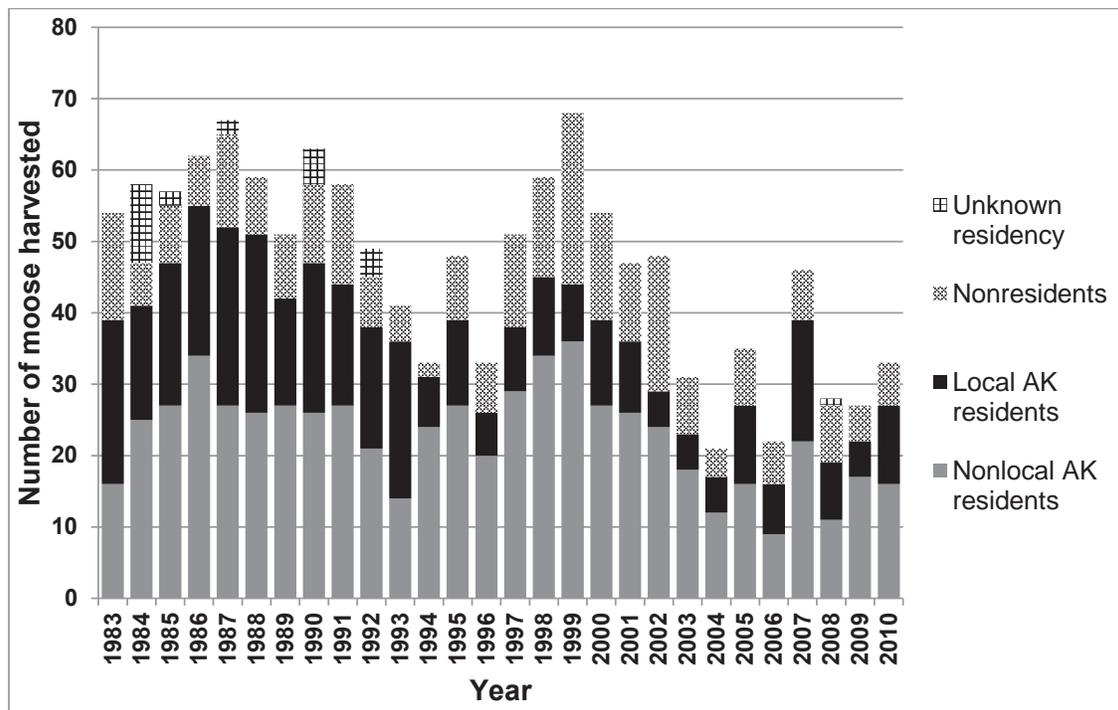
Additional surveys were also conducted on portions of Unit 24B that lie outside of the Refuge boundaries in 2010 and 2011; the Refuge was a subset of the total survey area (Craig and Stout 2011, 2012). In 2011, estimated calf ratios were similar between Refuge land (41 calves:100 cow) and the total survey area (43 calves:100 cows) (Craig and Stout 2012). However, the estimated total bull ratios were lower on the Refuge (69 bulls:100 cows) compared to the total survey area (78 bulls:100 cows) (Craig and Stout 2012).

### Habitat

Habitat studies are limited in Unit 24B; however, habitat does not appear to be limiting the population in the subunit. Biomass of production and browse removal were measured at browse plots in Unit 24B in 2007. The assessment found little brooming of shrub species and that 51% of sampled plants had no evidence of past browsing by moose (Stout 2010). Browse conditions throughout Unit 24 have been described as excellent (Stout 2010), and twinning rates (an indicator of nutritional status) of radio-collared females were high (37%–60%) from 2009 to 2011 (Craig and Stout 2012).

## Harvest History

Moose are an important subsistence resource to residents of communities in Unit 24B. Household surveys in 2002/2003 estimated that 92% of households in Middle Yukon and Koyukuk River communities utilized moose (Brown et al. 2004). In general, harvest levels of moose in Unit 24B (or portions of the unit that would become Unit 24B in 2006) decreased under State regulations beginning in 2003 (Figure 1). The mean annual harvests between 1983–2010 by nonlocal Alaska residents, residents of Unit 24B, and nonresidents were 23, 13, and 10 moose under State regulations, respectively. More recently, the mean reported harvest by nonlocal Alaska residents, residents of Unit 24B, and nonresidents declined to 15, 10, and 6 moose under State regulations between 2006 and 2010, respectively. Annual harvest success for all users hunting under State regulations ranged from 25% to 45% between 2006 and 2010 (OSM 2013).



**Figure 1.** Moose harvested by user group in Unit 24B under State regulations, 1983–2010 (OSM 2013). Local Alaska residents are residents of communities that have a positive customary and traditional use determination under Federal regulations.

Local subsistence users had difficulties harvesting moose, which prompted the establishment of additional seasons or season extensions (see Regulatory History). Approximately 95% of the moose harvested in Unit 24 were harvested during the Sept. 1–25 season under State regulations (Stout 2010). The winter seasons provide harvest opportunities for those subsistence users that were unable to harvest a moose in the fall. Federal moose seasons have been primarily used by residents of Allakaket, while use among residents of Alatna and Bettles/Evansville has been low. Harvest success has been low among all Federally qualified subsistence users attempting to harvest moose during Federal moose seasons in Unit 24B, with an average of 2.4 moose being harvested annually (Table 2). The majority of moose were harvested by residents of Allakaket (12 moose), while residents of Bettles (3 moose) and Alatna (2

**Table 2.** Harvest of moose by Federally qualified subsistence users on Federal public lands in Unit 24B between 2006-2012 (OSM 2013).

Permit	Year <sup>a</sup>	Season	Issued	Used	Unreported <sup>b</sup>	Harvest
FM2401	2006	Mar. 1–5	25	10	1	0
	2007	Mar. 1–5	13	6	7	0
	2008	Mar. 27–31	6	4	1	1
	2009	Mar. 27–31	8	5	1	0
FM2402	2006	Sept. 26–Oct. 1	1	-	1	-
	2007	Sept. 26–Oct. 1	0	-	-	-
	2008	Sept. 26–Oct. 1	0	-	-	-
	2009	Sept. 26–Oct. 1	0	-	-	-
	2010	Sept. 26–Oct. 1, Dec. 15–Apr. 15	16	10	3	1
	2011	Sept. 26–Oct. 1, Dec. 15–Apr. 15	15	10	1	3
	2012	Aug. 25–Oct. 1, Dec. 15–April. 15	8	2	6	0
FM2403	2006	Sept. 26–Oct. 1	46	11	29	2
	2007	Sept. 26–Oct. 1	35	15	14	4
	2008	Sept. 26–Oct. 1	17	13	0	3
	2009	Sept. 26–Oct. 1	15	2	6	0
	2010	Sept. 26–Oct. 1	0	-	-	-
	2011	Sept. 26–Oct. 1	0	-	-	-
	2012	Sept. 26–Oct. 1	11	6	4	3
FM2404	2010	Dec. 15–Apr. 15	8	6	0	0
	2011	Dec. 15–Apr. 15	0	-	-	-

<sup>a</sup> Start of the regulatory year (e.g., 2006 starts 1 July 2006 and ends 30 June 2007).

<sup>b</sup> No harvest report returned.

moose) also harvested moose in Unit 24B under Federal regulations between 2006 and 2012 (OSM 2013). Of moose harvested under Federal regulations, only one moose has been reportedly harvested in a winter season (Mar. 1–5, Mar. 27–31, or Dec. 15–Apr. 15 season) (OSM 2013).

### **Effects of the Proposal**

If this proposal is adopted, the winter moose season would continue to be included in the Federal regulations for a portion of Unit 24B, rather than allowing it to sunset after June 30, 2014. While few moose have been harvested during the Dec. 15–Apr. 15 season, the season does provide additional opportunity for Federally qualified subsistence user who were not able to harvest a moose during the fall season.

Continuing the winter season should not adversely impact the moose population in Unit 24B, as the population has been able to sustain the recent level of harvest and the harvest is restricted to antlered bulls. Moose occur in Unit 24B at a low population density, but the population appears to be stable. Despite extending the winter season from 5- or 10-day seasons to 4 months, harvest has remained low and the population has not declined. With winter seasons, there is often concern regarding cow harvest; however, the harvest is limited to antlered bulls and no cows have been inadvertently harvested under Federal regulations (OSM 2013). The long season also allows users to be more selective when harvesting a moose. Previous educational and enforcement efforts have led to a widespread understanding in the villages that only bulls may be harvested (Spindler 2013, pers. comm.).

### **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP14-29.

#### **Justification**

The winter moose season in Unit 24B has been in Federal regulations since 2010, but is set to sunset after June 30, 2014. The affected season has provided additional opportunity for Federally qualified subsistence users to harvest moose if they were unsuccessful during the fall season. Hunters typically experience low moose encounter rates due to the low density of moose and overall harvest by Federally qualified subsistence users has been low.

There are few conservation concerns with keeping the winter moose season in Federal regulations. No additional population impacts are anticipated as the moose population has been able to sustain the harvest pressure associated with the current fall and winter seasons. Inadvertent harvest of cows is unlikely, as the harvest is restricted to antlered bulls and the long season allows users to be more selective when harvesting moose.

### **LITERATURE CITED**

ADF&G. 2001. Final Koyukuk River Moose Management Plan, 2000-2005. March 2001. Division of Wildlife Conservation, ADF&G. Juneau, AK. 44 pages.

Brown, C.L., R.J. Walker, and S. Vanek. 2004. The 2002–2003 harvest of moose, caribou, and bear in Middle Yukon and Koyukuk River communities. Technical Paper No. 280, Alaska Department of Fish and Game. Juneau, AK.

Craig, T., and G. W. Stout. 2011. Aerial moose survey on and around Kanuti National Wildlife Refuge, November 2010. Unpublished report. Kanuti National Wildlife Refuge, FWS. Fairbanks, AK. 16 pages.

Craig, T., and G. W. Stout. 2012. Aerial moose survey on and around Kanuti National Wildlife Refuge, November 2011. Unpublished report. Kanuti National Wildlife Refuge, FWS. Fairbanks, AK. 19 pages.

FSB. 1992. Transcripts of Federal Subsistence Board proceedings, April 9, 1992. Office of Subsistence Management, FWS. Anchorage, AK.

FSB. 2012. Transcripts of Federal Subsistence Board proceedings, January 19, 2012. Office of Subsistence Management, FWS. Anchorage, AK.

Kellie, K.A., and R.A. DeLong. 2006. Geospatial survey operations manual. ADF&G. Fairbanks, AK, USA.

OSM. 2013. Federal subsistence permit database. Microcomputer database, accessed May 2013.

Spindler, M. 2013. Refuge manager. Personal communication: email. Kanuti NWR, FWS. Fairbanks, AK.

Stout, G. W. 2008. Unit 24 moose. Pages 579-616 in P. Harper, editor. Moose management report of survey and inventory activities 1 July 2005-30 June 2007. ADF&G. Project 1.0. Juneau, AK.

Stout, G. W. 2010. Unit 24 moose. Pages 572-610 in P. Harper, editor. Moose management report of survey and inventory activities 1 July 2007-30 June 2009. ADF&G. Project 1.0. Juneau, AK.

## WRITTEN PUBLIC COMMENTS

**Support Proposal 14-29:** The Western Interior Regional Council understands good and sound game management practices. The effect of spreading the moose hunt will help lessen impact to more heavily used areas, and provide a time when ALL the moose can be kept for use by the people. Keeping the moose frozen provides more food per moose harvested.

*Donald Woodruff, Eagle*

<b>WP14-30 Executive Summary</b>	
<b>General Description</b>	Proposal WP14-30 requests the harvest limit for sheep in Unit 24A, except that portion within the Gates of the Arctic National Park, be changed from 1 ram with 7/8 curl horn or larger to 1 ram under Federal regulations. <i>Submitted by the Western Interior Subsistence Regional Advisory Council,</i>
<b>Proposed Regulation</b>	<p><b>Unit 24—Sheep</b></p> <p><i>Unit 24A and 24B—(Anaktuvuk Pass residents only)—that portion within Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person, no more than 1 of which may be a ewe. July 15 – Dec. 31</i></p> <p><i>Unit 24A and 24B—(excluding Anaktuvuk Pass residents)—that portion within the Gates of the Arctic National Park—3 sheep. Aug. 1–Apr. 30</i></p> <p><i>Unit 24A—except that portion within the Gates of the Arctic National Park—1 ram with <del>7/8-curl or larger horn</del> by Federal registration permit only. Aug. 20–Sept. 30</i></p> <p><i>__26(n)(24)(ii)(A) You may not use firearms, snowmobiles, licensed highway vehicles, or motorized vehicles, except aircraft and boats, in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, and Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife.</i></p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b>
<b>Western Interior Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP14-30

### ISSUES

Proposal WP14-30, submitted by the Western Interior Subsistence Regional Advisory Council, requests the harvest limit for sheep in Unit 24A, except that portion within the Gates of the Arctic National Park, be changed from 1 ram with 7/8 curl horn or larger to 1 ram under Federal regulations.

### DISCUSSION

The proponent states the Federal regulations are not providing a reasonable opportunity to harvest Dall sheep; and the Federal harvest limit should be changed from 1 ram with 7/8 curl or larger to 1 ram, or 1 ram with 1/2 curl or larger, on Federal public lands in Unit 24A, except those portions within the Gates of the Arctic National Park. The proponent believes large numbers of guided and resident sport hunters are taking most of the full curl rams; and several of the 7/8 curl rams accidentally. The proponent states that ram groups are displaced away from valley corridors by an increased number of individuals hunting under State regulations. Rams with 7/8 curl horns are not easily found without the use of aircraft, which Federally qualified subsistence users do not use to locate Dall sheep.

The proponent states the Federal sheep regulation in the affected portion of Unit 24A is one of the most restrictive for Federally qualified subsistence users on Federal public lands in Alaska. State Dall sheep regulations for subsistence hunts in Units 13D, 14A, 14C, portions of 23, portions of 24B, 25A, 26A, and 26C allow the harvest of either 1 ram or 1–3 sheep. Current Federal regulations in Units 9B, 23, 24A, 24B, and 26C have harvest limits of 1 sheep, 1 ram, or 1 ram with 3/4 curl.

### Existing Federal Regulation

#### Unit 24—Sheep

<i>Unit 24A and 24B—(Anaktuvuk Pass residents only)—that portion within Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person, no more than 1 of which may be a ewe.</i>	<i>July 15 – Dec. 31</i>
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<i>Unit 24A and 24B—(excluding Anaktuvuk Pass residents)—that portion within the Gates of the Arctic National Park—3 sheep.</i>	<i>Aug. 1–Apr. 30</i>
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<i>Unit 24A—except that portion within the Gates of the Arctic National Park—1 ram with 7/8-curl or larger horn by Federal registration permit only.</i>	<i>Aug. 20–Sept. 30</i>
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**Note:** That portion of Unit 24A within the Dalton Highway Corridor Management Area has Special Provisions, as follows:

*...26(n)(24)(ii)(A) You may not use firearms, snowmobiles, licensed highway vehicles, or motorized vehicles, except aircraft and boats, in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as fol-*

lows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, and Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife.

**Proposed Federal Regulation**

**Unit 24—Sheep**

Unit 24A and 24B—(Anaktuvuk Pass residents only)—that portion within Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person, no more than 1 of which may be a ewe. July 15 – Dec. 31

Unit 24A and 24B—(excluding Anaktuvuk Pass residents)—that portion within the Gates of the Arctic National Park—3 sheep. Aug. 1–Apr. 30

Unit 24A—except that portion within the Gates of the Arctic National Park—1 ram with 7/8-curl or larger horn by Federal registration permit only. Aug. 20–Sept. 30

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

**Existing State Regulation**

**Unit 24A—Sheep**

Residents and nonresidents: One ram with full-curl horn or larger Harvest ticket Aug. 10–Sept. 20

**Note:** The State has special Dalton Highway Corridor Regulations for Unit 24. They are:

- Within five miles of each side of the Dalton Highway north of the Yukon River, hunting is allowed by certified bowhunters only.
- Licensed highway vehicles are allowed only on publicly maintained roads.
- Any hunter traveling on the Dalton Highway must stop at any check station operated by the Department of Fish and Game within the Dalton Highway Corridor Management Area.

## **Extent of Federal Public Lands**

Federal public lands comprise approximately 73% of Unit 24A, and consist of 60% BLM, 11% NPS, and 2.5% FWS managed lands (**Map 1**).

## **Customary and Traditional Use Determinations**

Rural residents of Unit 24 residing north of the Arctic Circle, Alatna, Allakaket, Hughes, and Huslia have a positive customary and traditional use determination to harvest sheep in Unit 24.

## **Regulatory History**

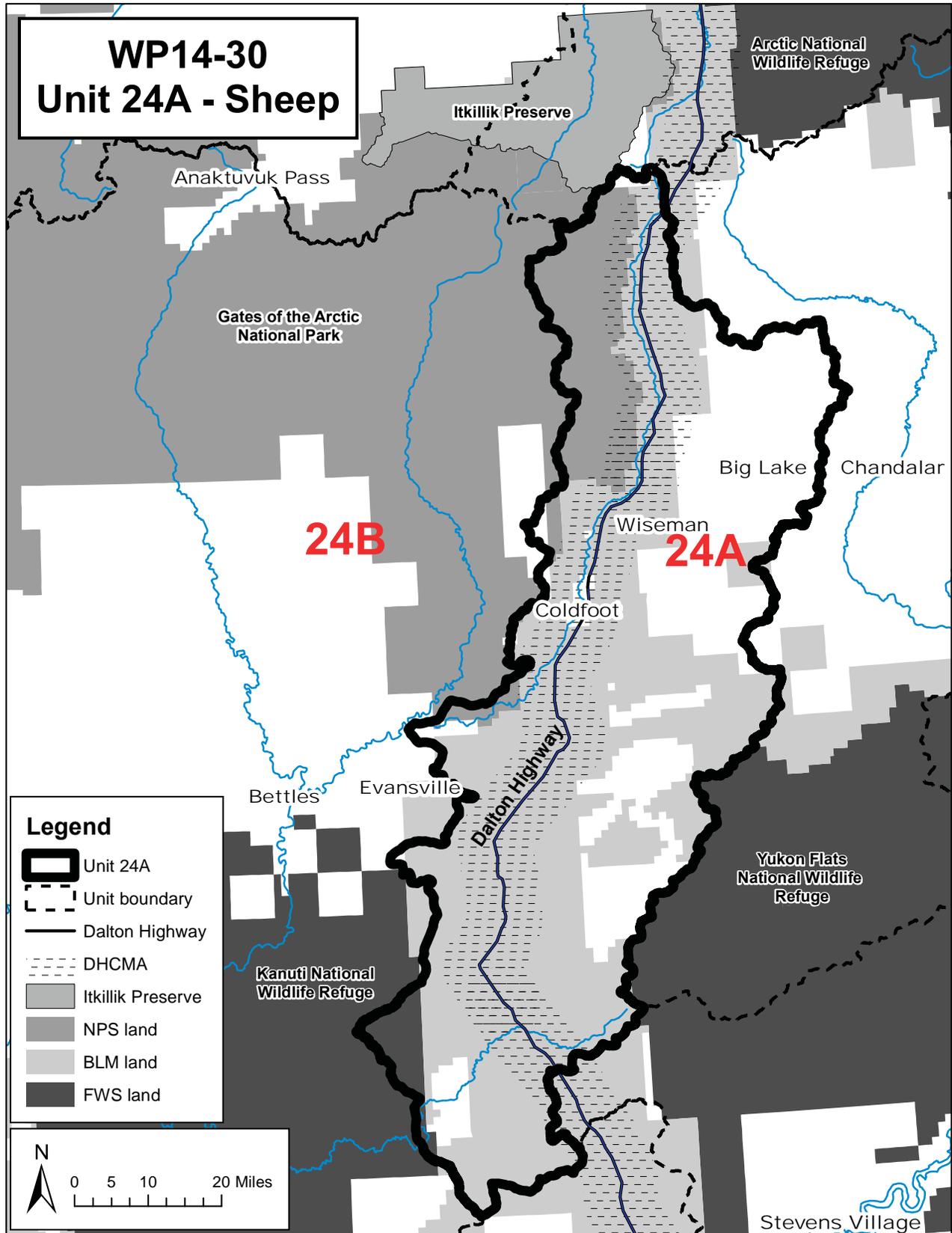
In 1992, the Federal Subsistence Board (Board) adopted Proposal 118 establishing a hunting season for sheep in Unit 24 remainder for one ram with 7/8 curl or larger and a season of Aug. 10–Sept. 20.

In 2004, the Board adopted Proposal WP04-57, which requested a shift of the harvest season for sheep in a portion of Unit 24 (that portion within the Dalton Highway Corridor Management Area (DHCMA) except for Gates of the Arctic National Park) from Aug. 10–Sept. 20 to Aug. 20–Sept. 30. The shift of the season provided additional subsistence hunting opportunity after the end of the moose season, recognizing that there would be little to no increase in sheep harvested due to the limited number of qualified hunters, the horn restriction, and the current harvest limit.

In 2006, the Board adopted Proposal WP06-69, submitted by the Alaska Department of Fish and Game (ADF&G), which requested that sheep regulations for Unit 24 be modified to reduce regulatory complexity. Unit 24 had recently been split into subunits under State regulations and the proposal requested incorporating the new unit description into Federal regulations. The regulatory language established the current area descriptor for the Federal hunt in Unit 24A to exclude that portion within Gates of the Arctic National Park and Preserve.

In 2007, Proposal WP07-34 requested that the Federal sheep season be changed from Aug. 20–Sept. 30 to Aug. 10–Sept. 20 for Unit 24A, except that portion within the Gates of the Arctic National Park. The intent of the proposal was to allow all users equal access to affected sheep populations before users hunting under State regulations had disturbed the animals. The proponent stated that access to sheep became more difficult after the animals had been hunted for 10 days under State regulations. The proposal was rejected by the Federal Subsistence Board, following the recommendation of the Western Interior Subsistence Regional Advisory Council. Also in 2007, Proposal WP07-55, requested that Federally qualified subsistence hunters be required to use a bow and arrow to hunt sheep in the DHCMA during the period of time when the State of Alaska had an archery-only season. The proposal was rejected by the Federal Subsistence Board at its May 2007 meeting.

In 2012, Proposal 179, submitted to the Alaska Board of Game, requested the creation of a sheep drawing permit (8 permits) for nonresidents in Units 24A and 26B within the DHCMA (Alaska Board of Game 2012). The proponent stated that within the last two to three years, guided sheep hunts for nonresidents have increased within the DHCMA resulting in serious user conflicts between these hunters and resident hunters. ADF&G had no recommendation on this proposal, because it was viewed as an allocation issue. Additionally ADF&G felt there were no biological concerns for the sheep population within the DHCMA as the population was considered stable and harvest by nonresidents within the DHCMA was low. The proposal was rejected by the Alaska Board of Game.



Special action WSA12-01 requested the harvest limit for sheep in Unit 24A, except that portion within Gates of the Arctic National Park, be modified from one ram with 7/8 curl or larger to one ram with 1/2 curl or larger. The proponent stated that few 7/8 curl rams were available due to harvest pressure and harvest of sublegal rams by non-Federally qualified users hunting under State regulations. The Special Action was approved by the Board in June 2012 because the liberalized harvest limit would likely have little impact on the sheep population due to low Federal harvest rates and the Special Action would be in effect for one season (2012/2013).

### Biological Background

Dall sheep are found throughout the Brooks Range. There were an estimated 13,000 sheep in the eastern Brooks Range in 1985 (Heimer 1985). Populations declined during the 1990s throughout the range, most likely due to a combination of severe winters and increased predation. Sheep populations are thought to have been stable since the late 1990s, but surveys have been sporadic in most areas and populations appear to be below levels observed in the 1980's (Hollis 2011, Caikoski 2011).

Survey data and ongoing research on lamb survival rates for sheep in the central Brooks Range suggest that populations are stable, albeit at lower densities than those observed historically, with good lamb production and adequate numbers of large rams, indicating that rams of 7/8-curl or larger are represented in the population (Hollis 2011, Stout 2012, pers. comm.) In eastern Unit 24A and western Unit 25A, surveys were conducted annually, except 2008, to count sheep within the upper Chandalar River drainage between 2002 and 2009. Minimum counts ranged from 989–1,539 sheep (**Table 1**), but suggest the population remained relatively stable (Caikoski 2011). The source of the variability in counts was unknown, but was most likely related to variation in sheep survival and recruitment, and sheep movement and measurement errors associated with surveys (Caikoski 2011). During aerial surveys, 199–436 sheep were classified as rams, with 31–50 rams (10%-24% of observed rams) having full-curl or larger horns (**Table 1**). Recruitment was variable between 2002 and 2009, with lambs comprising 12%-25% of observed sheep (**Table 1**) or ratios of 18–43 lambs:100 ewe-like sheep (ewes, yearlings, and less than 1/2 curl rams) observed (Caikoski 2011).

**Table 1.** Aerial sheep composition surveys conducted in late June to early July in the upper Chandalar River drainage of eastern Unit 24A and Unit 25A, 2002–2009 (Caikoski 2011).

Year	Ewe-like <sup>a</sup>	Lambs	Rams			Total sheep
			<Full curl	≥Full curl	Unknown <sup>b</sup>	
2002	57%	14%	25%	3%	0%	1,539
2003	63%	12%	21%	3%	1%	989
2004	62%	12%	22%	3%	1%	1,460
2005	58%	19%	18%	4%	0%	1,099
2006	56%	15%	21%	3%	5%	1,517
2007	59%	25%	12%	4%	0%	1,310
2008	-	-	-	-	-	-
2009	59%	19%	19%	2%	0%	1,535

<sup>a</sup> Ewe-like sheep included adult females, plus yearlings and two-year old sheep of both sexes.

<sup>b</sup> Classified as rams, but size class could not be determined.

In July 2012, the BLM collaborated with the ADF&G in a joint survey for sheep in the Central Brooks Range that included both sides of the Dalton Highway in Unit 24A. During surveys, 288 sheep were observed within the DHCMA, including 103 rams (15 full-curl rams, 56 less than full-curl rams, and 34 unclassified rams) (Arthur 2012). Between 2006 and 2010, the NPS counted 37 full curl or larger rams and 70 rams with less than a full curl within the DHCMA portion of Unit 24A (Rattenbury 2012, pers. comm.).

The majority of sheep surveys conducted in the central Brooks Range have occurred within Gates of the Arctic National Park and Preserve (GAAR), including GAAR-wide surveys in 2009 and 2010, and surveys of the Itkillik Preserve in 2005 and 2008–2012. The sheep population within GAAR was estimated to be approximately 11,000–12,000 animals in the early 1980s (Singer 1984). The population was thought to be low in the 1970s, followed by an increase from 1982 to 1987, and then dramatic declines by 1996 and 1997 (Whitten 1997, Brubaker and Whitten 1998). Estimates of the sheep population within GAAR in 2010 showed a population of just over 10,000 animals (Schmidt et al. 2012).

The Itkillik Preserve is in the northeast corner of GAAR and includes the NPS portion of Unit 24A (**Map 1**). From 1983–2008, the sheep population in the Itkillik Preserve of GAAR consisted of 53–80 full curl or larger rams, 224–351 half-curl to less than full-curl rams, 683–1,167 ewe-like individuals, and 276–371 lambs, though these numbers are hard to compare due to different search intensity, aircraft, and coverage between survey efforts (Rattenbury and Lawler 2010). Distance sampling surveys from 2009 to 2012 suggest sheep abundance in the Itkillik Preserve has been stable with estimates ranging from 1,669 to 1,898 sheep (**Table 2**). The percentage of rams with horns greater and less than a full curl represented similar proportions of the estimated population in 2011 and 2012 (**Table 2**). Preliminary estimates from a 2013 survey show as much as a 50% decline in total sheep, low lamb productivity and a decline in the ewe-like category (Rattenbury 2013, pers. comm.). However, estimates of rams with 1/2 curl or larger horns showed little change from 2009–2013 (Rattenbury 2013, pers. comm.).

**Table 2.** Sheep abundance and percentages of age and sex composition estimated via distance sampling surveys conducted during July in the Itkillik Preserve, within Gates of the Arctic National Park and Preserve, 2009–2012 (Rattenbury 2013, pers. comm.).

Year	Ewe-like <sup>a</sup>	Lambs	Rams		Total sheep (95% CI)
			<Full curl	≥Full curl	
2009	-	-	-	-	1,898 (1,421-2,578)
2010	-	-	-	-	1,854 (1,342-2,488)
2011	54%	26%	18%	2%	1,669 (1,339-2,120)
2012	65%	14%	18%	3%	1,706 (1,297-2,285)

<sup>a</sup> Ewe-like sheep included adult females, plus yearlings and two-year old sheep of both sexes.

### Habitat

Habitat quality for sheep is poorly understood in much of the species range (Caikoski 2011). Sheep are found at high elevations with sparse vegetation where predation and competition for forage with other ungulates are reduced (Krausman and Bowyer 2003). Much of the area includes important habitat for Dall sheep including a combination of open alpine ridges, meadows and steep slopes that provide areas of feeding and resting, as well as escape terrain. Unit 24A is used by sheep year-round for summering, wintering, and lambing (Craig and Leonard 2009). During the summer, rams in Areas of Critical

Environmental Concern (ACEC) within the DHCMA were found at high elevations (mean = 1,194 m, SD = 265 m) and elevations did not vary much between locations (Craig and Leonard 2009).

### Harvest History

Harvest in Unit 24A has generally been low, but harvest pressure from non-Federally qualified subsistence users has been increasing in the region. Federally qualified subsistence users have harvested an average of 1.9 sheep per year in all of Unit 24A between 2005 and 2011, with an average of 14 Federal permits issued annually during this time period (**Table 3**); however, there are some indications that Federal harvests are larger than are being reported (WIRAC 2012). State harvest in all of Unit 24A averaged approximately 18 sheep per year during this time same period (**Table 3**). The number of hunters and the harvest of full-curl rams in eastern Unit 24 have increased since 2006 under State regulations. Between 1999/2000 and 2005/2006, an average of 40 hunters reported hunting in the area with an average annual harvest of 15 sheep. Then, between 2006/2007 and 2009/2010, an average of 55 hunters reported hunting the area and an average of 19 sheep were annually harvested (Caikoski 2011) The increased harvest pressure from hunters using State regulations may cause rams to disperse to areas that are more difficult to hunt.

**Table 3.** Federal and State Dall sheep harvest in Unit 24A, 2005-2011 (USFWS 2012, Stout 2012, pers. comm.)

Year	Federal Permits Issued	Federal Harvest	State Permits Issued	State Harvest
2005	14	2	41	16
2006	12	4	55	12
2007	15	3	48	14
2008	17	0	60	27
2009	13	0	53	17
2010	14	3	53	23
2011	15	1	55*	16*

\*Preliminary results

Non-Federally qualified subsistence users hunting in the area have additional requirements that affect their ability to harvest sheep. Within the DHCMA, which includes a portion of Unit 24A, firearm restrictions are in place and all non-Federally qualified sheep harvest is via bow and arrow. Between 2005 and 2012, a total of 32 sheep have been reportedly harvested within the DHCMA by both State and Federal users (**Table 4**). Nonresident users hunting under State regulations are also required to be accompanied by a guide in Unit 24. BLM authorized Special Recreation Permits in 2012 to allow 4 guides to take a total of 12 clients to hunt sheep on BLM managed lands in the affected area. To reduce competition with Federally qualified subsistence users, the permit stipulations restricted hunting away from the west side of the Dalton Highway, which is preferred by Federal users (BLM 2012). Only nonresidents are required to hunt with a guide in the area, and Alaska residents hunting under State regulations are not affected by the BLM permit stipulations.

Little information is available regarding the harvest of sub-legal rams, which was identified as a reason for the lack of 7/8-curl rams available for Federally qualified subsistence users. Dan Dahl, the Alaska State Trooper for the area, reported that two sublegal sheep were known to be harvested in the DHCMA in the fall of 2009; however, he knew of no other illegal harvests that were verified within the DHCMA (Dahl 2013, pers. comm.). Under State regulations, the sheep harvest within the DHCMA is limited to bow hunting, which should reduce the probability of harvesting sublegal rams because of the close

**Table 4.** Federal and State Dall sheep harvest within the DHCMA (Unit 24A, 25A and 26B), 2005-2011 (OSM 2013, Stout 2013, pers. comm.)

Year	Sheep Harvest
2005	0
2006	0
2007	8
2008	7
2009	3
2010	8
2011	2
2012	4*

\*Preliminary results

range required to harvest with that method. Furthermore, nonresident bow hunters are required to use a guide, which should further reduce the chances of sublegal harvest.

**Other Alternative Considered**

In the rationale for submitting the proposal, the proponent stated there is a need to modify the harvest limit in the affected portion of Unit 24A to one ram or one ram with a 1/2-curl or larger horn. The Board also approved the recent emergency special action (WSA12-01) to temporarily modify the harvest limit of one ram with 1/2-curl or larger horn for the 2012/2013 regulatory cycle. Thus, modifying the harvest limit to one ram with 1/2-curl or larger horn was considered in addition to the one ram harvest limit. However, due to low harvest rates by Federally qualified subsistence users within the and the stable sheep population, the proponent’s initial request of a one ram harvest limit seems reasonable.

**Effects of the Proposal**

If this proposal is adopted, it would make a larger segment of the sheep population available for harvest by Federally qualified subsistence users by changing the harvest limit from one ram with 7/8-curl or larger horn to one ram in Unit 24A, except that portion within the Gates of the Arctic National Park. It is not anticipated that the proposed regulations will results in large impacts to the sheep population, but liberalizing the harvest limit could result in a higher annual harvest by Federally qualified subsistence users, as the average annual reported harvest success with the current horn-size restriction was 13% (range: 0% - 33%) 2005 and 2011 for those using the Federal registration permit. In addition, more Federally qualified subsistence users may attempt hunting in the area with the new harvest limit; however, the number of individuals with customary and traditional use determination is limited (*see* Customary and Traditional Use Determination) and there are other hunt areas nearby with more liberal harvest regulations (e.g., Units 24A and 24B—that portion within the Gates of the Arctic National Park has a harvest limit of 3 sheep from Aug. 1–Apr. 30). Spreading the harvest among the ram classes could help protect some of the larger breeding individuals from harvest.

**OSM PRELIMINARY CONCLUSION**

**Support Proposal WP14-30**

**Justification**

Liberalization of the horn requirement from one ram with 7/8-curl or larger horn to one ram will likely result in some impacts to the sheep population, including increased harvest; however, past harvest rates of sheep by Federally qualified subsistence users have been low. Allowing Federally qualified subsistence users to harvest any ram may result in harvest being spread among the different age classes, rather than focusing on larger rams. The sheep population appears to be relatively stable, albeit at densities lower than historical levels, and survey and harvest data indicate that full curl rams continue to be recruited into the population, which is inconsistent with the proponent’s assertion that the 7/8-curl class is missing. However, harvest pressure from non-Federally qualified subsistence users has been increasing and may cause rams to disperse to areas that are less accessible.

## LITERATURE CITED

- Alaska Board of Game. 2012. Transcripts of the Alaska Board of Game meeting, March 5, 2012 in Fairbanks, Alaska.
- Arthur, S. 2012. Brooks range sheep survey. Unpublished memo dated 10 August 2012. ADF&G. Fairbanks, AK. 8 pages.
- BLM. 2012. Issuance of Special Recreation Permit in the Dalton Highway Corridor Management Area Dall Sheep Hunting in GUA 24-02. Programmatic Environmental Assessment DOI-BLM-AK-03000-2012-0013. Central Yukon Field Office, BLM. Fairbanks, AK. 13 pages.
- Brubaker, R. and K. Whitten. 1998. 1996 Dall sheep (*Ovis dalli dalli*) survey, Gates of the Arctic National Park and Preserve, Alaska. Natural Resource Technical Report NPS/AR/NRTR-98/35. U.S. Department of the Interior, National Park Service, Anchorage, AK.
- Caikoski, J. R. 2011. Eastern Unit 24A and Units 25A, 26B, and 26C Dall Sheep. Pages 162-180 in P. Harper, editor. Dall sheep management report of survey and inventory activities 1 July 2007 – 30 June 2010. ADF&G. Project 6.0. Juneau, AK.
- Craig, T., and P. Leonard. 2009. Dall sheep use of areas of critical environmental concern in the utility corridor management area, Alaska. BLM Alaska Open File Report 114 BLM/AK/GI-10/002+6516+F031. U.S. Department of the Interior, Bureau of Land Management. Fairbanks, AK.
- Dahl, D. 2013. Alaska State Trooper. Personal communication: phone conversation. Alaska Department of Public Safety. Glennallen, AK.
- Heimer, W.E. 1985. Population status and management of Dall sheep in Alaska, 1984. Pages 1-15 in M. Hoefs, editor. Wild sheep distribution, abundance, management, and conservation of the sheep of the world and closely related mountain ungulates. Special Report. Northern Wild Sheep and Goat Council. Yukon Wildlife Branch, Whitehorse, Canada.
- Hollis, A.L. 2011. Eastern Unit 23, Western Unit 24, and portions of Unit 26A Dall sheep. Pages 148-161 in P. Harper, editor. Dall sheep management report of survey and inventory activities 1 July 2007-30 June 2010. Alaska Department of Fish and Game. Project 6.0. Juneau, AK.
- Krausman, P.R., and R.T. Bowyer. 2003. Mountain sheep (*Ovis Canadensis* and *O. dalli*). Pages 1095-1115 in G.A. Feldhammer, B.C. Thompson, and J.A. Chapman, editors. Wild Mammals of North America: Biology, Management, and Conservation. Second edition. The Johns Hopkins University Press, Baltimore, MD. 1216 pp.
- OSM. 2013. Federal subsistence permit database. Computer database, accessed June 2013.
- Rattenbury, K.L. 2012. Wildlife Biologist. Personal communication: email: National Park Service, Arctic Inventory and Monitoring Network. Fairbanks, AK.
- Rattenbury, K.L. 2013. Wildlife Biologist. Personal communication: email: National Park Service, Arctic Inventory and Monitoring Network. Fairbanks, AK.
- Rattenbury, K.L., and J.P. Lawler. 2010. 2008 Aerial Dall's sheep survey in the Itkillik Preserve, Gates of the Arctic National Park and Preserve, Alaska. Natural Resource Technical Report NPS/ARC/NRTR-2010/409. National Park Service, Fort Collins, CO.
- Schmidt, J.H., K.L. Rattenbury, J.P. Lawler, and M.C. MacCluskie. 2012. Using distance sampling and hierarchical models to improve estimates of Dall's sheep abundance. *Journal of Wildlife Management* 76:317-327.

Singer, F.J. 1984. Aerial Dall sheep count, 1982, 1983, 1984, Gates of the Arctic National Park and Preserve. Natural Resource Survey and Inventory Report AR-84-2. U.S. Department of the Interior, National Park Service, Anchorage, AK.

Stout, G. 2012. Wildlife Biologist. Personal communication: phone conversation. Alaska Department of Fish and Game. Fairbanks, AK.

Stout, G. 2013. Wildlife Biologist. Personal communication: email. Alaska Department of Fish and Game. Fairbanks, AK.

Whitten, K.R. 1997. Estimating population size and composition of Dall sheep in Alaska: assessment of previously used methods and experimental implementation of new techniques. Federal Aid in Wildlife Restoration Research Final Report, Alaska Department of Fish and Game, Juneau, AK.

WIRAC. 2012. Transcripts of the Western Interior Subsistence Regional Advisory Council proceedings, October 5, 2012 in Aniak, Alaska. Office of Subsistence Management, USFWS. Anchorage, AK.

**WP14–31 Executive Summary**

<p><b>General Description</b></p>	<p>Proposal WP14-31, submitted by the Denali Subsistence Resource Commission, requests that a community winter hunt be established for rural residents of Nikolai for sheep in Unit 19C from Oct. 1–Mar. 30 with a quota of 3 sheep; rams or ewes without lambs only. Additionally, the proposal requests the Denali National Park and Preserve Superintendent have the authority to close the season by emergency order when the sheep population is low.</p> <p>After further discussion with the proponent, it was clarified that the proposal would only affect those portions of Unit 19C within the Denali National Park and Preserve lands that are open to subsistence harvest.</p>
<p><b>Proposed Regulation</b></p>	<p><b>Unit 19—Sheep</b></p> <p><i>1 ram with 7/8 curl or larger</i> <span style="float: right;"><i>Aug. 10–Sept. 20</i></span></p> <p><b><i>Unit 19C—residents of Nikolai only, with a community harvest quota of 3 sheep, rams or ewes without lambs only. Reporting will be by a community reporting system.</i></b> <span style="float: right;"><b><i>Oct. 1–Mar. 30</i></b></span></p> <p><i>___.26(e)(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to § __.10(d)(5)(iii) or as otherwise provided for by this part, an animal taken as part of a community harvest limit counts toward every community member’s harvest limit for that species taken under Federal or State of Alaska regulations.</i></p>

*continued on next page*

**WP14–31 Executive Summary (continued)**

<b>OSM Preliminary Conclusion</b>	<b>Support</b> Proposal WP 14-31 <b>with modification</b> to add a unit-specific stipulation to allow the accumulation of individual and community harvest limits under Federal regulations, so residents of Nikolai who harvest a sheep during the Aug. 10–Sept. 20 Federal season can participate in the community harvest Oct. 1–Mar. 30. Sheep harvested by Nikolai residents in the Aug. 10 – Sept. 20 Federal season would not count against the community harvest quota in the newly established Oct. 1–Mar. 30 community hunt. The Denali National Park and Preserve Superintendent would be given the authority to open and close the community harvest season and set the annual harvest quota for the community hunt on the portions of Unit 19C in the Denali National Park and Preserve, excluding lands within Denali National Park as it existed prior to Dec. 2, 1980, via a delegation of authority letter ( <b>Appendix 1</b> ).
<b>Yukon/Kuskokwim Delta Regional Council Recommendation</b>	
<b>Western Interior Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>1 Support</b>

**DRAFT STAFF ANALYSIS  
WP14-31**

**ISSUES**

Proposal WP14-31, submitted by the Denali Subsistence Resource Commission, requests that a community winter hunt be established for rural residents of Nikolai for sheep in Unit 19C from Oct. 1–Mar. 30 with a quota of 3 sheep; rams or ewes without lambs only. Additionally, the proposal requests the Denali National Park and Preserve Superintendent have the authority to close the season by emergency order when the sheep population is low.

After further discussion with the proponent, it was clarified that the proposal would only affect those portions of Unit 19C within the Denali National Park and Preserve lands that are open to subsistence harvest.

**DISCUSSION**

The proponent states that residents of Nikolai have a long tradition of harvesting sheep in the Alaska Range, but the current season of Aug. 10–Sept. 20 occurs at a time of year when access to the mountains is not possible without aircraft. Residents of Nikolai traditionally hunted by dog sled or snow machine after it snowed. The proponent states that by establishing a winter community harvest, residents can resume their traditional patterns of winter travel and harvest of sheep.

**Existing Federal Regulation**

**Unit 19—Sheep**

*1 ram with 7/8 curl or larger*

*Aug. 10–Sept. 20*

*\_\_\_.26(e)(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to § \_\_\_.10(d)(5)(iii) or as otherwise provided for by this part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for that species taken under Federal or State of Alaska regulations.*

**Proposed Federal Regulation**

**Unit 19—Sheep**

*1 ram with 7/8 curl or larger*

*Aug. 10–Sept. 20*

*Unit 19C—residents of Nikolai only, with a community harvest quota of 3 sheep, rams or ewes without lambs only. Reporting will be by a community reporting system.*

*Oct. 1–Mar. 30*

\_\_\_\_.26(e)(2) *An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to § \_\_\_\_10(d)(5) (iii) or as otherwise provided for by this part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for that species taken under Federal or State of Alaska regulations.*

## **Existing State Regulations**

### **Unit 19 Sheep**

*One ram with full-curl horn or larger*

*Aug. 10–Sept. 20*

State regulations for a community hunt include:

*Seasons for community harvest permits will be the same as those established for other subsistence harvests for that species in the geographic area included in a community harvest hunt area, unless separate community harvest hunt seasons are established. The total bag limit for a community harvest permit will be equal to the sum of the individual participants' bag limits, established for other subsistence harvests for that species in the hunt area or otherwise by the board. Seasons and bag limits may vary within a hunt area according to established subsistence regulations for different game management units or other geographic delineations in a hunt area.*

*Establishment of a community harvest hunt area will not constrain nonsubscribing residents of the community or members of the group from participating in subsistence harvest activities for a species in that hunt area using individual harvest tickets or other state permits authorized by regulation, nor will it require any resident of the community or member of the group eligible to hunt under existing subsistence regulations to subscribe to a community harvest permit.*

## **Extent of Federal Public Lands**

Federal public lands comprise approximately 20% of Unit 19C, and consist of 11% Bureau of Land Management managed lands and 9% National Park Service managed lands (**Unit 19 Map**).

## **Special Requirements for Park Service Lands**

Under the guidelines of Alaska National Interest Lands Conservation Act (ANILCA), National Park Service regulations identify qualified local and subsistence users in the National Parks and Monuments by: 1) identifying resident zone communities which include a significant concentration of people who have customarily and traditionally used subsistence resources on park lands; and 2) identifying and issuing subsistence use (§\_\_\_\_13.440) permits to individuals residing outside the resident zone communities who have a personal or family history of subsistence use.

Federally qualified subsistence users for those portions of Unit 19C within the Denali National Park that are open to subsistence harvest include rural subsistence users of resident zone communities Cantwell, Lake Minchumina, Nikolai and Telida along with sixteen local rural families with subsistence use permits, who do not live within these designated resident zone communities but have traditionally engaged in subsistence activities within the park (NPS 2013).

The use of aircraft to access Denali National Preserve lands for subsistence purposes is permitted. In Denali National Park, airplanes are not permitted for providing access for subsistence taking of fish and wildlife. Subsistence users may not land outside the park, in the preserve, or on private land within the park/preserve boundary, and walk into the park to engage in subsistence hunting or trapping.

### **Customary and Traditional Use Determinations**

All rural residents have a positive customary and traditional use determination for sheep in Unit 19.

### **Regulatory History**

The existing Federal regulation was established in 1990 by the Federal Subsistence Board when the Board adopted the State subsistence regulations for sheep in Unit 19 for the Federal Subsistence Management Program.

The first regulations for sheep in the area were in 1917 when Mount McKinley National Park, now a portion of Denali National Park and Preserve, was established. Charles Sheldon, an early conservationist and hunter, was an advocate for creating a park that would protect wildlife from increasing hunting pressure by commercial hunters that were supplying meat for miners and railroad construction workers. Commercial hunters were also supplying meat for communities in the interior. Sheldon was especially concerned that Dall sheep be protected (NPS 2013).

After Mount McKinley National Park was established, there were provisions that allowed for subsistence hunting by local residents in the Park. These provisions also allowed prospectors and miners to hunt for personal food while they were in the area, but they were not allowed to sell or trade the harvested meat. Starting in 1927, due to continued incidents of poaching, the Park started prohibiting prospectors and miners from hunting.

With the 1980 passage of the ANILCA, the National Park Service lands in Alaska were expanded. Subsistence hunting is permitted in the Denali National Preserve and on lands added to Denali National Park on December 2, 1980.

### **Biological Background**

Knowledge of sheep in the southwestern portion of Denali National Park and Preserve, which includes portions of Units 19C, 16A, and 16B, is lacking (Rattenbury 2013, pers. comm.). Accurate population estimates of sheep in Unit 19C are not available; however, aerial trend surveys have been conducted in the region. Alaska Department of Fish and Game conducted aerial population count and composition surveys annually from 2008 to 2010 in Unit 19 within the Sheep Creek, Jones River, Tonzona, Post, and Windy Fork drainages. The estimated density from the composition counts increased from 1.98 to 2.83 sheep/mi<sup>2</sup> from 2008 to 2010; however, the precision of the estimates is unknown and limits the interpretation of the data (Seavoy 2011). In addition, National Park Service conducted a population composition survey for sheep throughout Denali National Park and Preserve in 2011. Few sheep (28 sheep) were observed within the nine transects located in Unit 19C (Rattenbury 2013, pers. comm.). The results of the composition

data from the Park-wide survey in 2011 were 26.7 lambs/100 ewe-like sheep and 61.8 rams/100 ewe-like sheep within the population (Rattenbury 2013, pers. comm.).

### Harvest History

No specific harvest data is available for the Denali National Park and Preserve lands of Unit 19C. The overall reported sheep harvest throughout Unit 19C averaged 70.4 rams harvested annually between 2005 and 2011 (**Table 1**). Between 2005 and 2009, the majority (33%–51 %) of the sheep harvested under State regulations in the Alaska Range West, which includes portions of Units 9B, 16B, 17B, 19B and 19C, occurred during the first week of the season (August 10–16) (Seavoy 2011). Airplanes were the primary means (82% to 92% of annual reported harvest) of transportation used to harvest sheep in the Alaska Range West region between 2005 and 2009 (Seavoy 2011). Other means of transportation included horses (0% to 9%), off-highway vehicles (3% to 5%), boats (0% to 4%), and highway vehicles (0% to 1%) (Seavoy 2011).

Sporadic household surveys suggest that some Nikolai residents used sheep, but no recent harvest has occurred. In 1984, 3% of Nikolai households reported using sheep but 0% reported attempting to harvest sheep in that year (ADF&G 2013). During the 1980s, most of the meat coming in to Nikolai in was from local guides who would often be given meat by lead non-local hunters following their hunt (Stokes 1985). Household surveys in 2002 provided similar results, with only 3.7% of Nikolai households reportedly using sheep, and no residents harvested a sheep that year (Holen et al. 2006). A more recent survey in 2011 reported higher use, with 15.3% of Nikolai households reportedly using sheep (ADF&G 2013). The 2011 report also found that 11.5% of households attempted to harvest a sheep, but no residents successfully harvested a sheep (ADF&G 2013).

**Table 1.** Reported sheep harvest in Unit 19C under State regulations, 2005–2011 (ADF&G 2013).

Year	Sheep harvested
2005	72
2006	66
2007	64
2008	75
2009	66
2010	68
2011	82

### Cultural Knowledge

Many of the people of the Upper Kuskokwim area, including Nikolai, depend on subsistence foods to feed their families. People harvest salmon, plant resources, and large and small game. They harvest a variety of foods because one food source cannot be counted on. If one resource is not available within a given year, they may rely more heavily on other resources. Traditionally, Athabascans moved around to harvest foods in various areas depending on the season.

Nikolai residents traditionally harvested sheep in the Denali National Park and Preserve area; however, once Mount McKinley National Park was established, local people stopped hunting there (Craver 2013, pers. comm.). Nikolai residents used to rely on caribou and sheep as a primary protein source, but because a portion of the park is or was closed to subsistence harvest they can no longer harvest sheep in their traditional subsistence use areas (Collins 2004). In addition, residents of Nikolai do not have access to sheep in the winter when the sheep are lower on the mountain, because there currently is no harvest season (Collins 2004). Therefore, younger residents cannot learn about traditional ways of hunting during the winter when residents of Nikolai could get there by dogsleds or snow machines. Traditionally, sheep hunts were carried out in the winters when men from the village went to the mountains, including the area now encompassed by Denali National Park and Preserve, and brought back game to the village. The meat was used for winter potlatches for the whole village which would last for several days (Collins 2004).

Sheep meat was highly prized by Nikolai residents (Stokes 1985). Traditionally hunters traveled great distances to hunt sheep in the Alaska Range in the winter when the sheep were at lower elevations (Stokes 1985). Residents of Nikolai hunted sheep in the mountainous areas at the headwaters of the Big River and the Upper Middle, Windy, South, and East forks (Collins 2004, Stokes 1985). In the 1960s, Nikolai residents would travel up the Little Tonzona River to hunt sheep in November when there was enough snow for dog sleds (Stokes 1985). They also hunted in a place called Dry Creek, east of Dillinger River where they hunted both ewes and rams (Collins 2004; Holen et al. 2006). Changes in resource use and restrictive State regulations on sheep hunting have caused a sharp decline in sheep hunting by residents of Nikolai (Holen et al. 2006).

### **Other Alternatives Considered**

An alternative considered to address the proponents request for a community hunt was to establish a cultural and educational permit allowing the harvest of 3 sheep for the community of Nikolai. An organization may apply to the Federal Subsistence Board for a cultural and educational permit to harvest wildlife for a qualifying cultural or educational program. However, customary and educational permit regulations require a qualifying program to have instructors, enrolled students, minimum attendance requirements, and standards for completion of the course. This alternative was not selected because it would add additional stipulations to harvest sheep, and the proposal made no mention of an established cultural or educational program; nor was any interest expressed in currently establishing such a program.

A second alternative considered was to establish a winter season in the affected area for the residents of Nikolai, rather than a winter community hunt. The season would be from Oct. 1–Mar. 30 with a quota of 3 sheep in the portion of Unit 19C within the Denali National Park and Preserve lands that are open to subsistence harvest. Under this scenario, Nikolai residents would be restricted to an individual harvest limit of one ram with 7/8 curl or larger in the fall or one sheep in the newly established winter season, and any harvest would count against the annual quota. The proponent (Denali Subsistence Resource Commission) was contacted for further clarification on the intent of the proposed winter hunt. It was determined that the intent was to allow for the harvest of sheep in the winter that would be shared among the community, not for personal consumption (Collins 2013, pers. comm.). Therefore, this alternative was not selected because it would be contrary to a community hunt where individuals may be part of the group who harvest up to the quota of 3 sheep that are shared by the community.

### **Effects of the Proposal**

If this proposal is adopted, a winter community harvest would be established for residents of Nikolai from Oct. 1–Mar. 30 in the portion of Unit 19C within the Denali National Park and Preserve lands that are open to subsistence activities. Residents of Nikolai would be able to harvest sheep during the winter when the sheep move to lower elevations and they can reach the hunting areas after it snows by snow machine or dog sled. Although individuals can currently hunt for sheep under State or Federal regulations Aug. 10–Sept. 20, sheep are difficult to reach during this time frame without the use of an airplane. The people in this area had a long history of hunting sheep in the Alaska Range during the winter, including portions of the Denali National Park and Preserve lands of Unit 19C.

The intent of the proposal is to establish a winter community hunt for sheep in an area where Nikolai residents traditionally hunted sheep and share the harvest among the community. However, participation in the State or Federal fall hunt in Unit 19 would preclude individuals from participating in the proposed winter community hunt. Federal regulations do not allow for the accumulation of harvest limits between individual (State or Federal) and community hunts, unless an exception is made in unit-specific regulations. State regulations allow users to opt in to State community hunts, but Federal regulations do

not have similar options. Thus, any harvest of a sheep by Nikolai resident during the fall (under State or Federal regulations) or proposed winter season would count towards the community's Federal harvest quota.

The proposed community hunt would likely result in minimal impacts to other users due to the low quota of sheep requested and the limited area of Unit 19C affected by the proposal. In Unit 19C, the majority of NPS managed lands open to Federal subsistence harvest consist of ANILCA additions to the Park, which are only open to those living in Resident Zone Communities (including Nikolai) or rural residents who have a §\_\_13.440 Subsistence Permit. Residents of Nikolai would have more opportunity to harvest sheep than other resident zone communities for Denali National Park, but other qualified communities would not be precluded from making similar requests in the area. Other Federally qualified and non-Federally qualified subsistence users would still be able to harvest sheep in the Denali National Preserve lands under State and Federal regulations, but only during the Aug. 10–Sept. 20 seasons.

The proposed community harvest quota of 3 sheep should not likely cause an adverse impact to the sheep population in the Denali National Park and Preserve lands portions of Unit 19C, as the population appears to be stable and the harvest of 3 sheep should be sustainable. Harvest is also likely limited in the area due to access issues during the current State and Federal sheep seasons and the user restrictions associated with Park areas. This proposal would also add specific language that would authorize Federal managers to close the season hunt if sheep numbers were low enough to be a conservation concern.

## **OSM PRELIMINARY CONCLUSION**

**Support** Proposal WP 14-31 **with modification** to add a unit-specific stipulation to allow the accumulation of individual and community harvest limits under Federal regulations, so residents of Nikolai who harvest a sheep during the Aug. 10–Sept. 20 Federal season can participate in the community harvest Oct. 1–Mar. 30. Sheep harvested by Nikolai residents in the Aug. 10 – Sept. 20 Federal season would not count against the community harvest quota in the newly established Oct. 1–Mar. 30 community hunt. The Denali National Park and Preserve Superintendent would be given the authority to open and close the community harvest season and set the annual harvest quota for the community hunt on the portions of Unit 19C in the Denali National Park and Preserve, excluding lands within Denali National Park as it existed prior to Dec. 2, 1980, via a delegation of authority letter (**Appendix 1**).

The modified regulation should read:

### **Unit 19 – Sheep**

*1 ram with 7/8 curl horn or larger*

*Aug. 10–Sept. 20*

***Unit 19C– that portion within the Denali National Park and Preserve—residents of Nikolai only—no individual harvest limit, but a community harvest quota would be set by the Denali National Park and Preserve Superintendent each year, rams or ewes without lambs only. Reporting will be by a community reporting system.***

***Oct. 1–Mar. 30***

***\_\_26(n)(19)(iii)(C) Individual residents of Nikolai may harvest sheep during the Aug. 10 – Sept. 20 Federal season and not have that animal count against the community harvest limit. Individual residents of Nikolai that harvest a sheep under State regulations may not participate in the community harvest.***

*\_\_\_.26(e)(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to § \_\_\_.10(d)(5)(iii) or as otherwise provided for by this part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for that species taken under Federal or State of Alaska regulations.*

## **Justification**

After further discussion with the proponent, the suggested changes were incorporated consistent with their clarifications for this proposal. The new regulations would allow residents of Nikolai to hold a winter community hunt in the portions of Unit 19C within the Denali National Park and Preserve that are open to subsistence uses from Oct. 1–Mar. 30, when sheep move down to lower elevations and the areas are more accessible by snow machine or dog sled. During the current season, the affected area is difficult to reach without the use of a plane. The newly established community hunt will help Nikolai residents revive the tradition of a community hunt and teach young people in the community about their cultural traditions.

The addition of a unit-specific stipulation will allow residents of Nikolai who harvests a sheep under the Unit 19 Federal sheep season to participate in the winter community hunt. Federal regulations prohibit the accumulation of individual and community harvest limits; however, \_\_\_.26(e)(2) allows for exceptions. Adopting this regulation would set a precedent as it would be the first community harvest regulation under Federal regulations to allow accumulation of harvest limits between a general season and a community harvest season. Historically, the Board has made exceptions to the regulations in other areas, such as designated hunters (e.g. allowing the harvest of additional species and changes to possession limits) and prohibited methods and means (e.g. harvesting moose/caribou from a moving boat). If a resident of Nikolai harvests a sheep under the State regulations, they would not be allowed to harvest sheep under the Federal regulations.

The limited harvest of sheep during the winter season would not likely impact the sheep population or other users. Residents of Nikolai would be restricted to harvesting rams or ewes without lambs, so harvest would not necessarily reduce the larger (7/8-curl and full-curl rams) component of the population that is available to other users during Federal and State harvest seasons. In addition, the hunt area makes up a small portion of Unit 19C, most of which is within Park lands that are restricted to four resident zone communities and rural residents with §\_\_\_.13.440 Subsistence Permits.

Residents of Nikolai would have more opportunity to harvest sheep than other resident zone communities for Denali National Park, but other qualified communities would not be precluded from making similar requests in the area.

## **LITERATURE CITED**

ADF&G. 2013. Wildlife Harvest Database. Internet: <https://secure.wildlife.alaska.gov/index.cfm?fuseaction=harvest.lookup>. Accessed May 5, 2013.

Collins, R. 2004. Dichinanek' Hwt'ana: A History of the people of the Upper Kuskokwim who live in Nikolai and Telida, Alaska.

Collins, R. 2013. Chair. Personal communication: phone. Denali Subsistence Resource Commission. McGrath, AK.

Craver, A. 2013. Subsistence Coordinator, Denali National Park and Preserve. Personal communication: phone. Denali Park, AK.

Holen, D., W. Simeone, and L. Williams. 2006. Wild Resource Harvests and Uses by Residents of Lake Minchumina and Nikolai Alaska, 2001–2002. Division of Subsistence, Alaska Department of Fish and Game. Juneau, AK.

National Park Service. <http://www.nps.gov>. Accessed June 3, 2013.

Rattenbury, K. L. 2013. Wildlife biologist. Personal communication: email. National Park Service, Arctic Inventory and Monitoring Network. Fairbanks, AK.

Seavoy, R. J. 2011. Portions of Units 9B, 16B, 17B, 19B and 19C Dall Sheep. Pages 6–12 in P. Harper, editor. Dall sheep management report of survey and inventory activities 1 July 2007 through 30 June 2009. Project 6.0. Juneau, AK.

State of Alaska. Community and Regional Affairs, <http://www.commerce.state.ak.us>. Accessed June 3, 2013.

Stokes, J. 1985. Natural Resource Utilization of Four Upper Kuskokwim Communities. Division of Subsistence, Alaska Department of Fish and Game. Juneau, AK.

## Appendix 1

Superintendent  
Denali National Park and Preserve  
P.O. Box 9  
Denali Park, AK  
99755-0009

Dear Superintendent,

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Denali National Park and Preserve Superintendent, as approved by the Board, to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within the Denali National Park and Preserve portion of Unit 19C.

It is the intent of the Board that actions related to setting the quota for a winter community hunt for sheep by the residents of Nikolai by the Denali National Park and Preserve Superintendent be coordinated, prior to implementation, with the Denali Subsistence Advisory Commission to the extent possible. Federal managers are expected to work with State managers and the Chair and applicable members of the Council to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

### DELEGATION OF AUTHORITY

- 1. Delegation:** The Superintendent of the Denali National Park and Preserve is hereby delegated the authority to open and close the season, and determine the quota for a winter community hunt for sheep by the residents of Nikolai on lands in the Denali National Park and Preserve portion of Unit 19C.
- 2. Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”
- 3. Scope of Delegation:** The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:
  - To open and close the season and determine the quota for a winter community hunt for sheep by the residents of Nikolai on lands in the Denali National Park and Preserve portion of Unit 19C.

All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, or closures to only non-Federally qualified users shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those within the Denali National Park and Preserve portion of Unit 19C.

**3. Effective Period:** This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

**4. Guidelines for Delegation:** You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected subsistence users and non-subsistence users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management no later than sixty days after development of the document.

You will notify the Office of Subsistence Management and the Denali Subsistence Resource Committee each year regarding the quota for a winter community hunt for sheep by the residents of Nikolai. You will issue decisions in a timely manner.

You may defer a special action request, otherwise covered by this delegation of authority, to the Federal Subsistence Board in instances when the proposed management action will have a significant impact on a large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Federal Subsistence Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

**5. Support Services:** Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, Department of the Interior.

Sincerely,

Tim Towarak  
Chair, Federal Subsistence Board

cc: Assistants to the Board  
Interagency Staff Committee  
Denali Subsistence Resource Commission  
Commissioner, Alaska Department of Fish and Game  
ARD, Office of Subsistence Management  
Administrative Record

DRAFT

## WRITTEN PUBLIC COMMENTS

**Support Proposal 14-31:** The Nikolai people have been deprived of this cultural activity and traditional food source for so long that only older folks even remember doing it. Let's get this passed while they are still able to show the younger generations how to do it properly. The very small number of sheep should not impact the population, especially with the Superintendent's ability to shut it down quickly if need be (without going through a years-long proposal process!).

*Miki and Julie Collins, Lake Minchumina*

<b>WP14-32 Executive Summary</b>	
<b>General Description</b>	<p>Proposal WP14-32 requests a modification of the Paradise Controlled Use Area (Paradise CUA) boundary in Unit 21E under Federal regulations, by extending the eastern boundary two miles along the east bank of the Innoko River and along the east bank of Paimiut Slough. <i>Submitted by Robert Walker of Anvik.</i></p>
<b>Proposed Regulation</b>	<p><b>Unit 21E—Moose</b></p> <p><i>1 moose; however, only bulls may be taken from Aug. 25–Sept. 30. Aug. 25–Sept. 30</i> <span style="float: right;"><i>Aug. 25–Sept. 30</i> <i>Feb. 15–Mar. 15</i></span></p> <p><i>During the Feb. 15 – Mar. 15 season, a Federal registration permit is required. The permit conditions and any needed closures for the winter season will be announced by the Innoko NWR manager after consultation with the ADF&amp;G area biologist and the Chairs of the Western Interior Regional Advisory Council and the Middle Yukon Fish and Game Advisory Committee as stipulated in a letter of delegation. Moose may not be taken within one-half mile of the Innoko or Yukon River during the winter season.</i></p> <p><i>__26(n)(26)(ii)(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River; then northeast to the mouth of the Anvik River; then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, <b>then extending two miles easterly</b> down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, it closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.</i></p>

*continued on next page*

<b>WP14–32 Executive Summary (continued)</b>	
<b>OSM Preliminary Conclusion</b>	<b>Oppose</b>
<b>Yukon/Kuskokwim Delta Regional Council Recommendation</b>	
<b>Western Interior Regional Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>None</b>

## DRAFT STAFF ANALYSIS WP14-32

### ISSUES

Proposal WP14-32, submitted by Robert Walker of Anvik, requests a modification of the Paradise Controlled Use Area (Paradise CUA) boundary in Unit 21E under Federal regulations, by extending the eastern boundary two miles along the east bank of the Innoko River and along the east bank of Paimiut Slough.

### DISCUSSION

The proponent states that transporters and guides are accessing lakes within two miles of the current boundary east of the Innoko River via aircraft to circumvent the present Paradise CUA boundary to hunt moose. The proponent states the Paradise CUA was created to protect resources for the villages of Holy Cross, Anvik, Grayling, and Shageluk, and that the proposed boundary changes would lessen the impact of those hunters on the moose population.

### Existing Federal Regulation

#### Unit 21E—Moose

*1 moose; however, only bulls may be taken from Aug. 25–Sept. 30.*

*Aug. 25–Sept. 30*

*Feb. 15–Mar. 15*

*During the Feb. 15 – Mar. 15 season, a Federal registration permit is required. The permit conditions and any needed closures for the winter season will be announced by the Innoko NWR manager after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and the Middle Yukon Fish and Game Advisory Committee as stipulated in a letter of delegation. Moose may not be taken within one-half mile of the Innoko or Yukon River during the winter season.*

*\_.26(n)(26)(ii)(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, it closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.*

**Proposed Federal Regulation**

**Unit 21E—Moose**

*1 moose; however, only bulls may be taken from Aug. 25–Sept. 30. Aug. 25–Sept. 30  
Feb. 15–Mar. 15*

*During the Feb. 15 – Mar. 15 season, a Federal registration permit is required. The permit conditions and any needed closures for the winter season will be announced by the Innoko NWR manager after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and the Middle Yukon Fish and Game Advisory Committee as stipulated in a letter of delegation. Moose may not be taken within one-half mile of the Innoko or Yukon River during the winter season.*

*\_.26(n)(26)(ii)(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River; then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River; then **extending two miles easterly** down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, it closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.*

**Existing State Regulation**

**Unit 21E—Moose**

<i>Resident: One antlered bull</i>	<i>HT</i>	<i>Sept. 5–25</i>
<i>Nonresident: One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side by permit</i>	<i>DM837/839</i>	<i>Sept. 5 - 25</i>

*Paradise Controlled Use Area: bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough then south along the east bank of Paimiut Slough to its mouth and then to the old village of Paimiut. The area is closed to the use of aircraft for hunting moose, including transportation of any moose hunters, their hunting gear, and/or parts of moose; however, this does not apply to the transportation of moose hunters, their hunting gear, and/or parts of moose by aircraft between publicly owned airports within the controlled use area or the transportation into the area of game meat that has been processed for human consumption.*

### **Extent of Federal Public Lands**

Federal public lands comprise approximately 60% of Unit and consists of 48% BLM and 12% FWS managed lands (**Unit 21 Map**).

### **Customary and Traditional Use Determinations**

Rural residents of Unit 21E, Aniak, Chuathbaluk, Kalskag, Lower Kalskag, and Russian Mission have a positive customary and traditional use determination to harvest moose in Unit 21E south of a line beginning at the western boundary of Unit 21E near the mouth of Paimiut Slough, extending easterly along the south bank of Paimiut Slough to Upper High Bank, and southeasterly in the direction of Molybdenum Mountain to the juncture of Units 19A, 21A, and 21E.

Rural residents of Unit 21E and Russian Mission have a positive customary and traditional use determination to harvest moose in the remainder of Unit 21E.

### **Regulatory History**

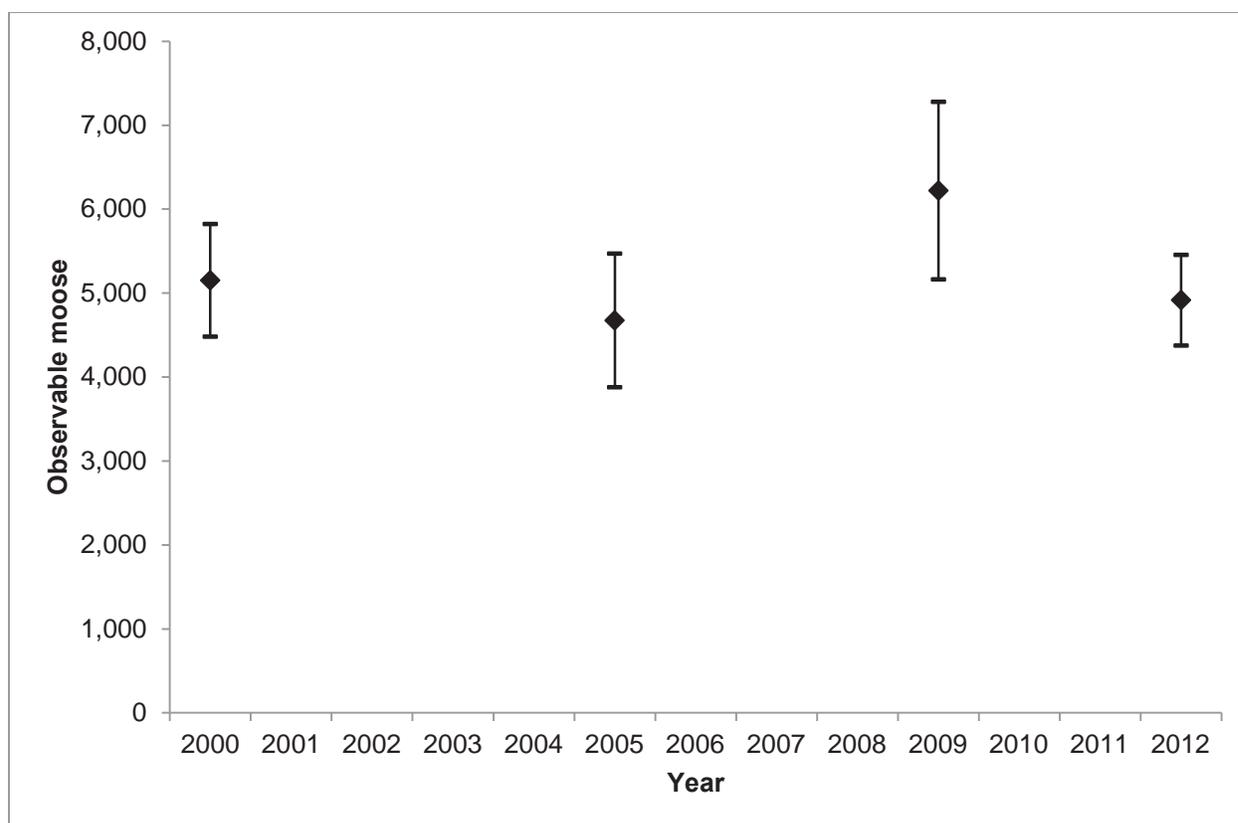
The Paradise CUA is almost entirely within Unit 21E and was established in 1978 by the Alaska Board of Game in response to concerns that hunter success rates favored non-rural users and the total harvest of moose in the area was threatening the population. The Paradise CUA regulations placed a restriction on fly-in hunting for moose, air transport of hunters and hunting-related equipment, and the air transport of moose meat from the field. The Paradise CUA access restriction and the State's moose seasons for Units 21E were adopted by the Federal Subsistence Board (Board) in 1990.

In January 2005, a cooperative moose planning effort called the Yukon-Innoko Moose Management Working Group was launched. The goal of the planning effort was to develop a proactive management plan to help maintain the moose population while also providing for high levels of human consumptive uses of moose in Units 21A and 21E (ADF&G 2006). The working group included representatives of the GASH and Lower Yukon Fish and Game Advisory Committees, the Western Interior and Yukon-

Kuskokwim Delta Regional Advisory Councils, as well as non-local hunters and representatives who had commercial interests associated with hunting in the area. The result of the planning effort was the Yukon-Innoko Moose Management Plan (Management Plan), which was completed in March 2006. The Board endorsed the Management Plan in May 2006 through Resolution 06-01.

### Biological Background

Population estimates have been sporadically conducted using Geospatial Population Estimation (GSPE) Surveys (Kellie and DeLong 2006). The 5,070 mi<sup>2</sup> GSPE survey area included mainly that portion of Unit 21E east of the Yukon River and includes portions of the Innoko and Yukon Delta National Wildlife Refuges, as well as BLM lands. Results from winter surveys in 2000, 2005, 2009, and 2012 suggest that the moose population in Unit 21E is stable, as the 90% confidence intervals for observable moose overlap between survey years (**Figure 1**).



**Figure 1.** Unit 21E population estimates ( $\pm$  90% CI) from Geospatial Population Estimation surveys conducted during March, 2000–2012 (Peirce 2010, 2012).

Four moose composition surveys were conducted in Unit 21E between 2007 and 2011; however, it is important to note that the surveys did not follow a rigid survey design (Peirce 2010). Therefore, variation in the number of observed moose could be attributed to changes in moose abundance or other factors, such as the amount of area searched or search intensity. Bull:cow ratios have generally been high (62–74 bulls:100 cows), although the ratio was lower in 2009 (**Table 1**). However, the low number of bulls in 2009 may be due to differences in survey area, as weather precluded biologists from including an area where high numbers of bull have been observed during previous surveys (Peirce and Seavoy 2010). Calf:cow ratios met the State management objective of 30–40 calves:100 cows in all years surveyed,

except for 2009 (**Table 1**). Twinning surveys showed an increasing trend in twinning rate between 2007 and 2009, but decreased to 32% in the 2013 survey (**Table 2**). There is an ongoing moose collaring study that should help address some of the moose survey data limitations in Unit 21E.

**Table 1. Fall compositions surveys conducted in Unit 21E, 2007–2011 (Peirce 2012).**

Year	Moose observed	Ratios		
		Bulls:100 cows	Yearling bulls:100 cows	Calves:100 cows
2007	84	74	26	66
2008	186	62	29	37
2009	153	32	21	18
2010	287	61	15	51
2011	201	64	22	47

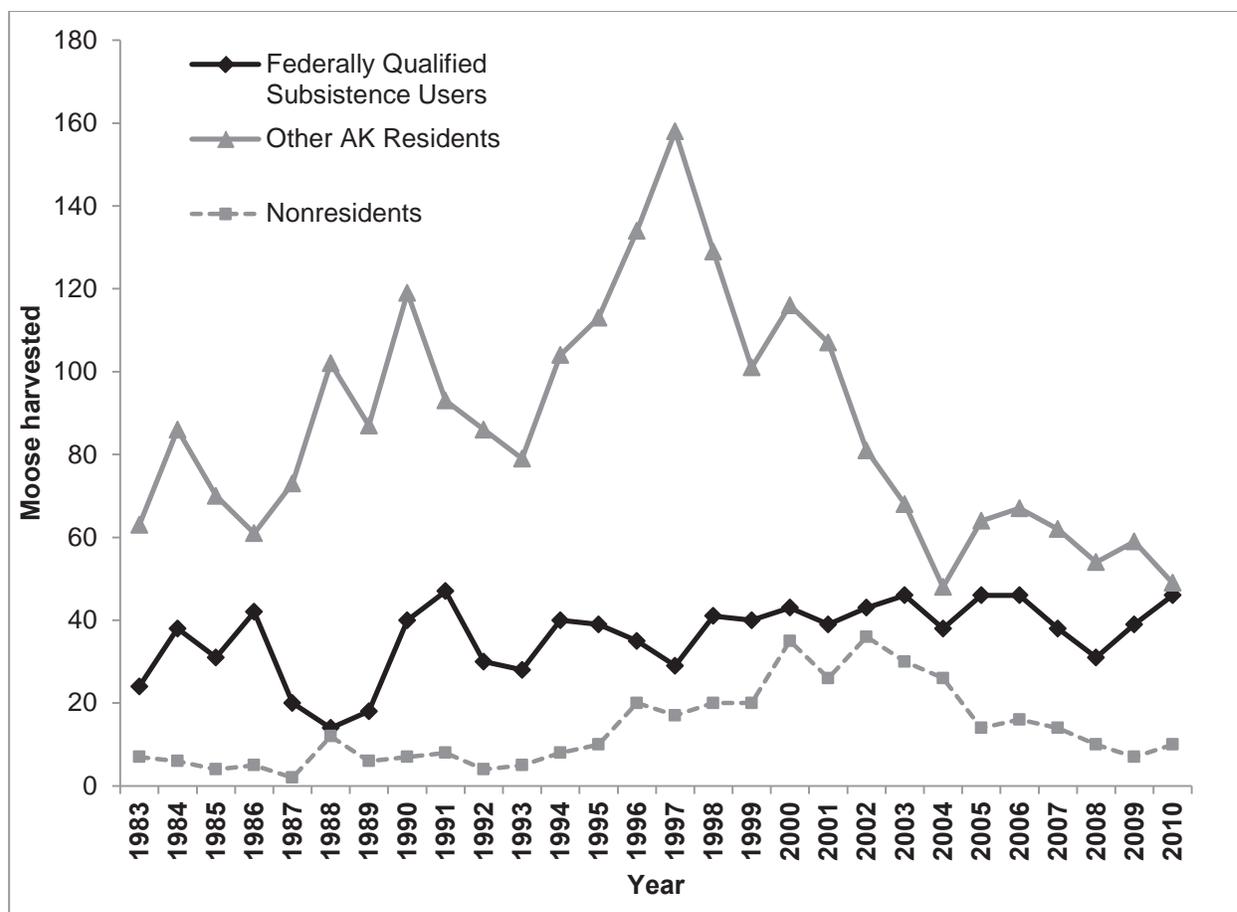
**Table 2. Spring moose twinning surveys conducted in Unit 21E, 2007–2013 (Peirce 2012, Seavoy 2013).**

Year	Total Moose	Cows with 1 calf	Cows with 2-3 calves	Twinning rate (%)
2007	148	18	7	28
2008	194	17	15	47
2009	182	12	12	50
2010	256	32	22	41
2011	-	-	-	-
2012	-	-	-	-
2013	339	38	18	32

## Harvest History

The total reported moose harvest by residents of Grayling, Anvik, Shageluk, Holy Cross (GASH communities) and Russian Mission under State regulations had a slightly increasing trend between 1983 and 2010 (**Figure 2**), and averaged 41 moose between 2000 and 2010 (OSM 2013). Federally qualified subsistence users also harvested 6, 9, and 7 moose during the Federal winter season in 2010, 2011, and 2012; respectively (OSM 2013). During the Federal winter seasons, an average of 46 Federal registration permits were issued (range: 45–48 permits) and 15–27 permits were reportedly used in attempts to harvest moose during 2010–2012 (OSM 2013). Harvest by other residents of Alaska increased between 1983 and 1997, but reported harvest has since declined from 158 moose in 1997 to 49 moose in 2010 (**Figure 2**). The nonresident harvest has generally been low, with recent annual harvests of 7 to 16 moose between 2005 and 2010 (**Figure 2**).

It should be noted that for some parts of Alaska, the ADF&G harvest ticket data do not typically reflect the actual level of harvest, although this data can provide an estimate of harvest trends over time for a particular area. A more accurate reflection of actual harvest for the GASH area communities is available for Unit 21E from two studies that included household surveys of moose harvests for calendar years 2002/2003 and 2003/2004 (Brown et al. 2004; Brown and Koster 2005). Household surveys conducted for 2002/2003 estimated a total harvest by GASH area residents of 133 moose ( $\pm 6\%$  at 95% CI) in Unit 21E with 18 (10 cows) of those moose having been taken during the winter season (Brown et al. 2004).

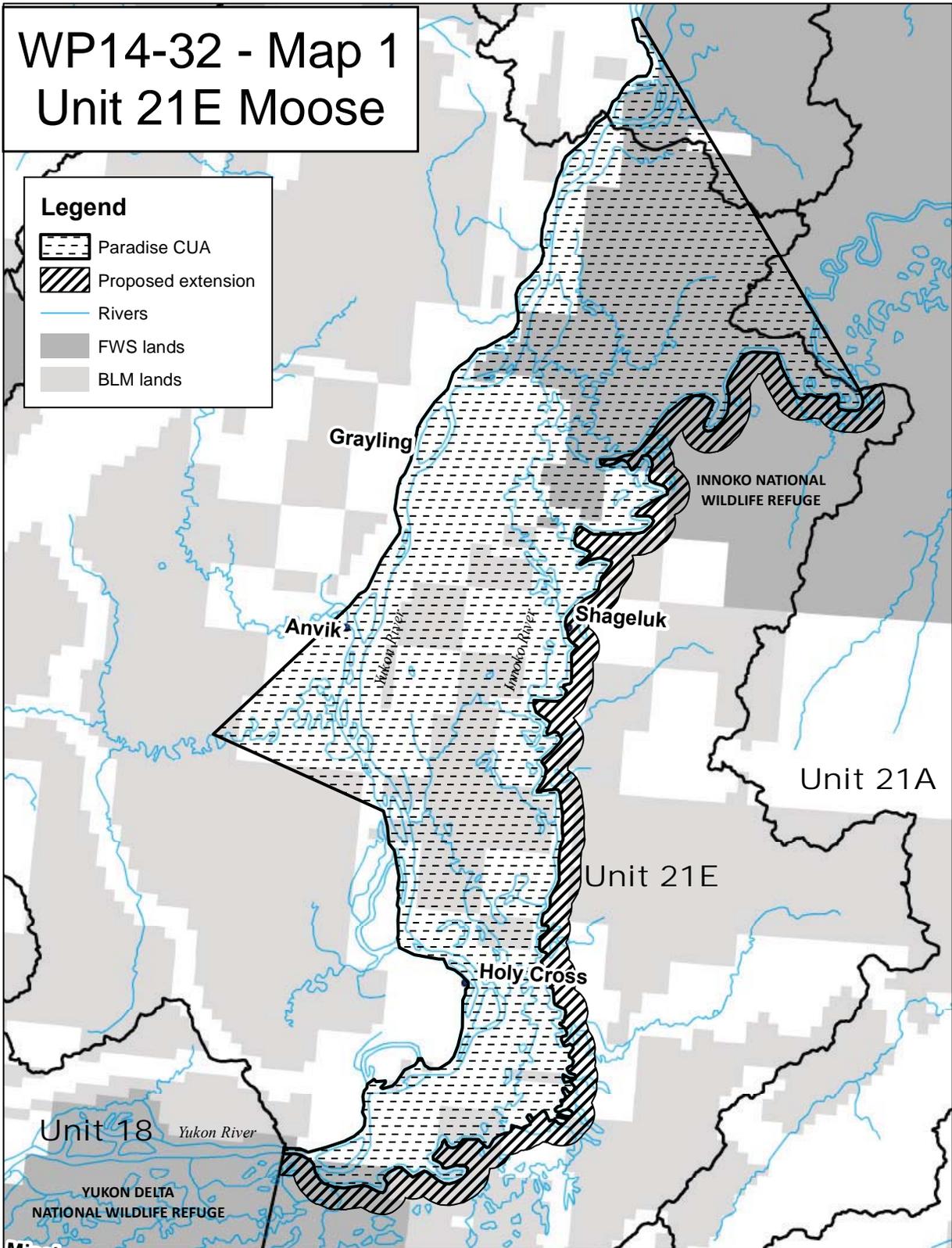


**Figure 2. Reported harvest of moose under State harvest regulations in Unit 21E, by residency; 1983–2010 (OSM 2013). Federally qualified subsistence users were residents of Grayling, Anvik, Shageluk, Holy Cross, and Russian Mission.**

Household surveys conducted for the 2003/2004 calendar year estimated a total harvest by GASH area residents of 118 moose ( $\pm 4\%$  at 95% CI) in Unit 21E with 16 (11 cows) of those moose having been taken during the winter season (Brown and Koster 2005). For these two study years the household survey data suggest that the total annual average moose harvest was much higher than the harvest reported in the harvest ticket database. Household surveys were also conducted in 1990/1991 and the total estimated harvest by GASH area residents was 169 moose in Unit 21E (Wheeler 1993).

### Effects of the Proposal

If this proposal is adopted, the eastern boundary of the Paradise Controlled Use Area would be extended two miles east of the Innoko River under Federal regulations. However, the expanded portion of the controlled use area would not adequately address the proponent's concerns about non-Federally qualified subsistence users accessing lakes within two miles of the present boundary. The area affected by the boundary extension consists of approximately 57% Federal public land, consisting of Innoko National Wildlife Refuge (NWR) and Yukon Delta NWR lands, and BLM managed lands (**Map 1**). Federal regulations would not apply on the remaining 43% of the area that consists of non-Federal land. In addition, Federal regulations only apply to Federally qualified users on Federal public land and would not impact non-Federally qualified subsistence users on Federal public lands within the boundary extension.



area. While the Federal Subsistence Board can technically create or modify controlled use areas under Federal regulations, they cannot modify the State definitions.

The Federal Subsistence Board does not have the authority to control access to Federal public lands; that would be under the purview of individual Federal land management agencies. For example, the Innoko NWR limits the number guides that can operate on the refuge, and guides and transporters must acquire special use permits to operate on refuge managed lands. Currently, Innoko NWR has three guide use areas, of which each can only have one guide operating in that specific area (Hill 2013, pers. comm.). The only authority the Federal Subsistence Board has over other users is to close Federal public lands to hunting. The moose population has been stable and harvest by non-Federally qualified users has declined, so there are no conservation concerns to justify a closure to Federal public lands within the controlled use area. In most instances, controlled use areas are aligned under State and Federal regulations. An example where they do not align is the Kanuti Controlled Use Area of Unit 24B, where the State changed the boundary of the controlled use area in 2010. Access to Federal public lands for hunting moose is still restricted by Federal regulations, but that is due to the closure of Federal public lands within the Kanuti Controlled Use Area, not the controlled use area.

## **OSM PRELIMINARY CONCLUSION**

**Oppose** Proposal WP14–32.

### **Justification**

The proposed modification to the Paradise Controlled Use Area in Unit 21E would not adequately address the proponent’s concerns about non-Federally qualified subsistence users accessing lakes within two miles of the present boundary. The Federal Subsistence Board does not have jurisdiction to control access to Federal public lands. The Board can only restrict other users via closure of Federal public land to hunting, and there are currently no conservation concerns that would justify a Federal closure in the affected area. To be effective in areas of mixed land management jurisdiction, like the affected area, both State and Federal controlled use area provisions need to be in place.

The moose population has been stable, and limited composition data suggests it can sustain current harvest levels. Reported harvest by Federally qualified subsistence users has remained relatively stable, while nonlocal harvest has declined.

## **LITERATURE CITED**

ADF&G 2006. Yukon-Innoko Moose Management Plan for Game Management Subunits 21A and 21E. Prepared by Alaska Department of Fish and Game, Division of Wildlife Conservation in cooperation with the Yukon-Innoko Moose Management Working Group. March 2006. Juneau, AK. 40 pages.

Brown, C.L., R.J. Walker, and S.B. Vanek. 2004. The 2002–2003 harvest of moose, caribou, bear, and wolves in the Lower–Middle Yukon River communities of Grayling, Anvik, Shageluk, and Holly cross. Alaska Department of Fish and Game, Division of Subsistence Tech. Paper No. 281. Juneau, AK. 38 pages.

Brown, C., and D. Koster. 2005. The 2003–2004 harvest of moose, caribou, bear, and wolves in the Lower–Middle Yukon River communities of Grayling, Anvik, Shageluk, and Holy Cross. Alaska Department of Fish and Game, Division of Subsistence Tech. Paper No. 298. Juneau, AK. 46 pages.

Hill, J. 2013. Wildlife biologist. Personal communication: email. Innoko NWR, FWS. McGrath, AK.

Kellie, K. A., and R. A. Delong. 2006. Geospatial survey operations manual. Alaska Department of Fish and Game. Fairbanks, AK.

OSM. 2013. Federal Subsistence Management Program permit database; accessed June 2013.

Peirce, J. M., and R. J. Seavoy. 2010. Units 21A and 21E moose. Pages 429-445 in P. Harper, editor. Moose management report of survey and inventory activities 1 July 2007 – 30 June 2009. Alaska Department of Fish and Game. Project 1.0. Juneau, AK.

Peirce, J. M. 2011. 21E moose GSPE cost estimate and main results. Unpublished memo. Alaska Department of Fish and Game. Fairbanks, AK. 3 pages.

Peirce, J. M. 2012. Units 21A and 21E moose. Moose management report of survey and inventory activities 1 July 2009–30 June 2011. Unpublished report. Alaska Department of Fish and Game. Project 1.0. Juneau, AK.

Seavoy, R. 2013. 21E twinning survey. Unpublished memo. Alaska Department of Fish and Game. Fairbanks, AK. 1 page.

Wheeler, P. 1993. Subsistence economics and the use of fish and game resources in Grayling, Anvik, Shageluk, and Holly cross (Cooperative Agreement #14-16-0007-7739). Tanana Chiefs Conference, Inc. Fairbanks, AK.

## **CUSTOMARY AND TRADITIONAL USE DETERMINATION BRIEFING**

The Federal Subsistence Board, and the Southeast Alaska Subsistence Regional Advisory Council, would like your recommendations on the current customary and traditional use determination process. The Board last asked the Councils a similar question in 2011 as directed by the Secretary of the Interior and the Secretary of Agriculture. All Councils, with the exception of the Southeast Council, indicated that the existing customary and traditional use determination process was working. At the request of the Southeast Council, this additional review is being conducted for your input.

We will briefly describe the history of customary and traditional use determinations, and illustrate the differences between those determinations and an ANILCA Section 804 analysis. We will then ask for Council discussion and recommendations. Our focus is not on *how* customary and traditional use determinations are made, but on *why* they are made. The Southeast Council would like you to recommend, as a Council, to eliminate, amend, or make no changes to the current customary and traditional use determination process.

The Alaska National Interest Lands Conservation Act (ANILCA) does not require customary and traditional use determinations. Customary and traditional use regulations were adopted from the State when the Federal Subsistence Management Program was established in 1990. In the 1992 Record of Decision, the Federal Subsistence Board considered four customary and traditional use options and recommended to the Secretaries of the Interior and Agriculture that State customary and traditional use determinations continue to be used. The State's eight criteria for determining customary and traditional use were subsequently slightly modified for use in Federal regulations. Since the establishment of the Federal Subsistence Management Program, the Board has made some 300 customary and traditional use determinations.

The Board initially adopted the State's customary and traditional use criteria (renaming them "factors"), anticipating the resumption of State management of subsistence on Federal public lands, and intending to "minimize disruption to traditional State regulation and management of fish and wildlife" (55 FR 27188 June, 29, 1990). The State has not resumed subsistence management on Federal public lands, and it appears the Federal Subsistence Management Program will be permanent. (See **Appendix A** for a listing of the eight factors.)

Note that the Board does not use customary and traditional use determinations to restrict amounts of harvest. The Board makes customary and traditional use determinations, relative to particular fish stocks and wildlife populations, in order to recognize a community or area whose residents generally exhibit eight factors of customary and traditional use. The Southeast Council is concerned that the effect is to exclude those Federally qualified rural residents who do not generally exhibit these factors from participating in subsistence harvests in particular areas.

In 2009, Secretary of the Interior Ken Salazar announced a review of the Federal subsistence program. Part of that review focused on customary and traditional use determinations. Specifically, in 2010, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, asked the Board to "Review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes."

All ten Regional Advisory Councils were asked for their perspectives on customary and traditional use determinations during the 2011 winter meeting cycle. Nine Councils did not suggest changes to the

process (see **Appendix B**). The Southeast Council, however, suggested one modification, which was included in its annual report. The modified regulation reads as follows:

§100.16 (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~~ **all species of fish and wildlife that have been traditionally used, in their (past and present) geographic areas**. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

In other words, once a customary and traditional use determination is made for an area, residents in that area would have customary and traditional use for *all* species. There would be no need for customary and traditional use determinations for specific fish stocks and wildlife populations, or on a species-by-species basis.

Subsequently, the Southeast Council formed a workgroup to analyze the customary and traditional use determination process. The Southeast Council workgroup, after conducting an extensive review of Regional Advisory Council transcripts, determined that Councils were not adequately briefed on the Secretaries' request for Council recommendations on the process. The Southeast Council drafted a letter and a briefing document, which were provided to the other Regional Advisory Councils during the 2013 winter meeting cycle; these are included in your meeting materials.

Pursuant to the workgroup findings, the Southeast Council emphasized the following:

The current customary and traditional use determination process is being used to allocate resources between rural residents, often in times of abundance. This is an inappropriate method of deciding which residents can harvest fish or wildlife in an area and may result in unnecessarily restricting subsistence users. The SE Council has a history of generally recommending a broad geographic scale when reviewing proposals for customary and traditional use determinations. Subsistence users primarily harvest resources near their community of residence and there is normally no management reason to restrict use by rural residents from distant communities. If there is a shortage of resources, Section 804 of ANILCA provides direction in the correct method of allocating resources.

The Southeast Council does not support retaining the current customary and traditional use determination process. Instead, the Southeast Council suggests that, when necessary, the Board restrict harvests by applying ANILCA Section 804 criteria:

- Customary and direct dependence upon the populations as the mainstay of livelihood;
- Local residency; and
- The availability of alternative resources.

The Federal Subsistence Board, and also the Southeast Council, would like your recommendations on the current customary and traditional use determination process. Specifically, the Southeast Council would like you to consider whether to

- (1) eliminate customary and traditional use determinations and instead use, when necessary, ANILCA Section 804 criteria,
- (2) change the way such determinations are made, by making area-wide customary and traditional use determinations for all species (not species-by-species or by particular fish stocks and wildlife

populations),

(3) make some other change, or

(4) make no change.

Council input will provide the basis for a briefing to the Federal Subsistence Board in response to the Secretaries' directive to review the customary and traditional use determination process and present recommendations for regulatory change, if needed. The Board could then recommend that the Secretaries eliminate, amend, or make no change to the current customary and traditional use determination process.

## APPENDIX A

For reference, here are the eight factors currently used in Federal regulations for making customary and traditional use determinations (36 CFR 242.16 and 50 CFR100.16):

*(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.*

## APPENDIX B

### **Summary of Winter 2011 Council Comments on the Customary and Traditional Use Determination Process**

*(Note that summaries were drafted by OSM LT members or the Council Coordinator that attended the meetings; see the Council transcripts for details.)*

The **Seward Peninsula Council** is satisfied with the current Federal subsistence customary and traditional use determination process. The Council noted that C&T determinations are important and that the Federal Subsistence Management Program provides ways to modify C&T determinations if needed.

The **Western Interior Council** is satisfied with the process used by the Federal Subsistence Board to make C&T determinations and thinks it works well. The Council felt that the Board is sensitive to local concerns, and there is room for the public to be involved. The Council felt that getting rid of the existing process would be problematic (i.e., what to do with the roughly 300 C&T determinations that have already been made), and inventing a new system could be counterproductive. The Council felt that maintaining the Councils' and AC's involvement in C&T determinations public process is key and the current process does just that.

The **Eastern Interior Council** is comfortable with the existing process and believes that it works well. In most cases there is no need to change the process. One member expressed the thought that the only time the process doesn't work well is when it is used to pit user against user.

The **North Slope Council** was fine with the current C&T process and had no suggestions for changes.

The **Yukon Kuskokwim Delta Council** was fine with the current C&T process, even though one member noted not always agreeing with the determinations.

The **Bristol Bay Council** observed that the C&T process works wonderfully in their region and noted that there is no burning need for change. There was discussion about the closure to hunting and subsistence uses in Katmai National Park.

The **Southcentral Council** is generally satisfied with the process used by the Federal Subsistence Board to make C&T determinations, stating that it is not perfect but it has worked. The Council liked the process because it puts the information on customary and traditional use in front of the Councils and the Board, and that is valuable. The process gives a good understanding of how the rural subsistence process works. The Council felt that it could be tweaked a bit, for example, if you have C&T for a variety of species, you shouldn't have to do a separate C&T finding for every other species – there should be a way to streamline the process. The Council also discussed the disparity of information needed in some parts of the state versus in other parts of the state (i.e., Ninilchik). The Council sees C&T as being inclusive, not exclusive. The Board needs to defer to Councils on their recommendations on C&T. The Council also reminded itself that it could do a better job by building a solid record in support of its decisions.

The **Northwest Arctic Council** discussed this topic at length. In the end, the Council stated that the current process is working and it did not have any recommended changes at this time.

The **Kodiak/Aleutians Subsistence Council** discussed this subject at length. It generally supported the overall process, though had a lot of comments. One Council member stated that he thinks that the process

is good. Sometimes the process is too liberal and other times it is too literal, but it has been improving and overall it is good. Another Council member noted that the method used for making customary and traditional use determinations isn't perfect, but he couldn't think of another way to do it. He added that it would be nice if more concrete words were used, for example, what do "long term use" and "seasonal use" really mean? Another Council member asked about the process with regard to how introduced species fit in, especially with regard to the factor including "long term use". Finally, a Council member noted that we need to ensure that the process works, and that the subsistence priority remains.

The **Southeast Council** is drafting a letter to the Board concerning this issue. The Council noted that the eight factor analysis is a carryover from State of Alaska regulations and recommends that the Federal Subsistence Management Program draft new more suitable Federal regulations which adhere to provisions contained within Section 804 of ANILCA. The Council recommends that:

- The Board give deference to the Council recommendation for customary and traditional use determinations.
- 50 CFR100.16(a) read: "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 stock and wildlife population] **all species of fish and wildlife that they have traditionally used, in their (past and present) geographical areas**".
- If and eight factor approach is continued, then the regulations should be modified to include specific language for a holistic approach.

## Subsistence Regional Council Customary and Traditional Use Determinations – Action Summaries

### Southeast

At their fall meeting the SESRAC tasked the coordinator to work with the ad hoc C&T workgroup to develop a Draft proposal for consideration at the joint Southeast-Southcentral Council meeting in Anchorage on March 11, 2014. The Council also requested the OSM address several questions:

- What are the effects of the draft proposal to eliminate or change current regulations (see SC recommendation below)
- Can there be Region specific regulations
- Are there examples where the C&T process has not been favorable to continuation of subsistence uses e.g. unnecessary allocations through exclusive use in times of plenty
- Is it possible to maintain exclusive uses (Customary and Traditional use determinations) if the regulations are significantly changed or eliminated

During their 2014 fall meeting, the Southcentral Council adopted the following recommendation for amending the current C&T determination regulation.

*The Board shall determine which fish and wildlife have been customarily and traditionally used for subsistence. These determinations shall identify the specific community or area's use of a geographic area for the harvest of fish and wildlife.*

*In recognition of the differences between regions, each region should have the autonomy to write customary and traditional use determinations in the way that it wishes. (Not exact words but close enough to capture the intent)*

The joint council agenda steering committee agreed on the following agenda item:

- Customary Use Determinations, deference to Councils, regional regulations.
  - (a) Briefing from OSM regarding positions of other councils
  - (b) Action: draft regulation to Board based on SE and SC Council previous actions

## **Southcentral**

The council had extensive discussion on Customary and Traditional use. Council members had a number of suggestions on ways to modify C&T use determinations. Bert Adams and Kathy Needham from the Southeast RAC presented their Councils' recommendations on the C&T determination process and requested that the Southcentral RAC have a Joint meeting with the SERAC during the winter meeting cycle to have further discussions about this issue. The SCRAC thought it was a good idea and recommended a joint winter meeting 11-13 March 2014 in Anchorage.

The Council voted to suggest the following language for C&T:

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 a geographic area for the harvest of fish and wildlife.

## **Kodiak-Aleutians**

There are several issues that the Council discussed regarding the current status of C&T determinations. Members indicated that the problem may be of unique concern to the Southeast region, and wondered if the Board could do things differently for that region compared to others. Chair Simeonoff encouraged Tribes to take a more active role in developing and distributing their own wildlife management plans. Several Council members discussed the problems with establishing priorities between communities.

A motion was made to support the C&T process in place as it is, while recognizing the issues and concerns raised by the Southeast Council but not supporting that Council's position. The motion carried.

## **Bristol Bay**

The Council recommended to address this issue again at its winter 2014 public meeting in Naknek. The Council stated that they wish to hear additional testimony or comments from the local native organizations, State Advisory Committees, SRC's and other public entities to bring their comments before the Council. The Council will develop its recommendation to the Federal Subsistence Board after receiving public comments at its winter 2014 public meeting in Naknek.

## **Yukon-Kuskokwim Delta**

Mr. Robert Aloysius made a motion to support Alternative No. 1 that would allow elimination of customary and traditional use determinations and instead use ANILCA Section 804 when it

becomes necessary to conserve fish and wildlife resources. Mr. Greg Roczicka seconded the motion.

The Council is in support of anything that would support local people who crave for taste of their subsistence resources and not label local people criminals. Customary and Traditional use determinations should be based on community's eligibility and needs for the subsistence resources. Subsistence hunters and fisherman travel long distance to harvest what is needed for their family subsistence food supply. Some parts of the area is considered by some people as a third world, only because of their environment and local cultures and traditions.

### **Western Interior**

The Western Interior Council deferred providing formal comment to their winter 2014 meeting where correspondence to the Federal Subsistence Board will be approved.

### **Seward Peninsula**

The intent of Customary and Traditional use determinations is not understood well enough by the users.

Alternative number 1 (proposed by the SERAC) would be a good choice. The patterns of uses of the resources need to be considered when ANILCA Section .804 situation kicks in. Some of the Council members have patterns of use in certain areas including around specific communities.

### **Northwest Arctic**

The Council did not take formal action or make any recommendation on the Customary and Traditional Use Determinations during their fall 2013 meeting cycle. The Council would like the opportunity to disseminate more information and share the newly prepared briefing to their communities, villages, and tribes. The Council plans to make a formal recommendation as a body during the winter 2014 meeting.

### **Eastern Interior**

The Council had extensive discussion about how Customary and Traditional Use is applied and what it would mean to eliminate C&T to use only ANILCA Section .804 analyses. Specifically the Council noted concerns about the species by species approach of the current C&T process when so many subsistence resources are used. Some suggested a general C&T for an area and

need for recognition of the shifting importance of subsistence resources when one species is in decline another becomes more important or shifting species ranges due to environmental change.

Ultimately, the Council voted in favor of maintaining the current system as it is with no changes. The supporting discussion was to keep things simple and if that process was working to some degree now it would be best not to make any big changes that might have unforeseen challenges.

### **North Slope**

The Council had extensive discussion and elected to take no action at this time, pending further information on the process, pitfalls, advantages, and alternatives to the current Customary and Traditional Use determinations process. The Council also wants time to consult with their communities on the information that was just provided at their fall 2013 meeting. The Council requested an analysis from OSM staff on how C&T has been used in the North Slope region and examples comparing C&T and ANILCA Section .804 analyses in place for the North Slope region. The Council wants to have continuing discussion and would like the requested analysis and further information presented at the winter 2014 meeting.

### **Federal Subsistence Priority**

In order to qualify for the Federal subsistence priority, subsistence users in Alaska must cross two thresholds: the statutory threshold of “rural” residency, as articulated in the Alaska National Interest Lands Conservation Act (ANILCA), and the regulatory threshold of a “customary and traditional use” determination, as articulated in regulations implementing ANILCA. If the Board has made no customary and traditional use determination for a species in a particular area, then all rural residents are eligible to harvest under Federal regulations.

### **Limiting the Pool of Federally Qualified Subsistence Users**

The purpose of this briefing is to describe what happens when a fish and wildlife population in a particular area is not sufficient to allow for all subsistence users to harvest it. When that happens, the Board and the Secretaries of the Interior and Agriculture are forced by circumstances to choose among qualified rural residents who are eligible to fish or hunt from that depressed population. In such a case, Congress laid out a specific scheme to be followed. That scheme is found in Section 804 of ANILCA, and it requires the Board to make a determination based on three criteria. Note that an ANILCA Section 804 determination assumes that Federal public lands or waters have been or will be closed to non-Federally qualified users before restrictions are imposed on Federally qualified subsistence users.

#### **1. ANILCA Section 804**

*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:*

- (1) customary and direct dependence upon the populations as the mainstay of livelihood;*
- (2) local residency; and*
- (3) the availability of alternative resources.*

#### **2. Code of Federal Regulations [50 C.F.R. §100.17] 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.*

## **Discussion**

Once a limited pool of qualified users is identified, based on an analysis of the above three criteria and informed by recommendations from the relevant Regional Advisory Council, other management actions are taken to ensure subsistence opportunities are available within the confines of specific conservation concerns. In other words, an analysis based on Section 804 does not allocate resources among those within the limited pool of users; it simply identifies that pool of users.

The Federal system has not developed regulatory definitions of “customary and direct dependence,” “local residency,” or “alternative resources.” The lack of specific definitions allows Section 804 analyses to remain flexible and responsive to particular environmental and cultural circumstances. In recent years, however, the program has treated the “availability of alternative resources” to mean alternative *subsistence* resources rather than resources such as cash or store-bought products.

Since 2000, the Federal Subsistence Board has heard one request for a Section 804 determination triggered by a limited deer population, two requests triggered by a limited caribou population, and eleven requests triggered by limited moose populations. The Board is scheduled to hear seven Section 804 determination requests at its April 2014 public meeting, six focused on a limited musk ox population and one on a limited moose population.

## **Rural Determination Review** **Regional Advisory Council Action Summaries**

### **Southeast**

- Regional councils should have deference in deciding which communities are rural. The Councils are the most appropriate groups to determine the characteristics of a rural community in their own region then evaluate the rural status criteria for all communities for their region.
- Saxman is a rural community. The intent of ANILCA, Title VIII was to continue a way of life that existed before ANILCA was written. The community of Saxman existed before ANILCA was written. The residents of Saxman maintain a subsistence way-of-life that existed before ANILCA was written and their rights under the law must be recognized and retained.
- Reliance on subsistence resources, history of use and cultural ties to resources are critical to fulfilling the traditional values of a rural subsistence lifestyle. The criteria must include consideration of social and cultural characteristics that allow the Board to determine that communities like Saxman remain rural.
- A presumed rural determination population threshold is not necessary or appropriate for the Southeast Alaska region.
- Aggregation or grouping of communities is arbitrary and does not lend itself to an objective or rational rural determination process. Communities can be in close geographic proximity yet still retain separate and distinct characteristics.
- There should be no review or changes to a community's rural status unless there is a significant change to the characteristics of a community. The review process can result in unnecessary financial hardships to a community.

### **Southcentral**

The Council offers the following comments/recommendation for your consideration on the Rural Determination Process.

#### **Overall Comments:**

- The recent shutdown of the Federal government has caused a delay in the public comment period. The Council strongly urges the Board to extend deadline on the comment period.
- The Council suggests that the Federal Subsistence Board consider criteria for determining why a subsistence priority can be taken away, rather than criteria of who can have a subsistence priority.
- Why should rural users defend themselves from the Federal government? The Regional Advisory Councils and the public should be in control (management actions i.e., be decision maker).

#### **Timelines:**

Why is it necessary to conduct the rural review every 10-years? Decisions should be left in place unless there are significant changes in a community's status that warrants reconsideration by the Council and the Board.

### **Population Thresholds:**

The 2,500 population threshold should still be used – communities under the criteria should remain rural.

The 2,500 – 7,000 population threshold is a grey area, (and should be analyzed to clearly define rural/non-rural for the purposes of subsistence uses)

### **Information Sources:**

The current U.S. Census is not working for the Bristol Bay region for determining rural/non-rural. Information is coming from outside influences, but (information) should be coming from grass roots sources, such as Native Tribes, Alaska Native Organizations etc.

### **Kodiak-Aleutians**

The Council voted to incorporate all public comments received at the fall 2013 Council meeting and the Rural Determination public hearing as its own comments. The following is a summary of those comments. In addition, the Council also incorporated as its own a set of talking points prepared by the Kodiak Rural Roundtable in preparation for the hearing, a copy of which is included after this summary.

### **Aggregation**

Aggregating communities together for the purpose of counting population is not appropriate. Social and communal integration among communities is part of the subsistence way of life; to use that to count population and thus deem an area “non-rural” punishes communities for living a traditional way of life. Aggregation of communities should be completely eliminated.

### **Population Thresholds**

Population should not be a primary factor in the Board's consideration. Transient workers should not be included in the community population count, but are considered if included in the population data source (i.e., counting military personnel during a census). The current population thresholds are arbitrary and too low in many instances. The presumed non-rural population threshold should be set at 25,000.

### **Rural Characteristics**

It was noted that the rural characteristic factors should be given more weight than population. The criteria need to be consistent and not subject to bias. Geographic remoteness should be a primary factor in determining the rural characteristics of a community. Island and archipelago communities are incredibly remote by their very nature and should be deemed automatically rural. For specific guidance on this issue, the Board should examine the “frontier” standards recently adopted by U.S. Department of Health & Human Services. (*See 77 FR 214*)

Other characteristics the Board should consider in identifying rural communities should include:

- Impact of weather on transportation to and from the community

- How supplies are delivered to the community (barge versus road system, for example)
- Cost of living
- Median income of the community
- The reason why people choose to live there
- External development forces that bring extra infrastructure and personnel into the community
- Proximity to fish and wildlife resources
- Use of fish and wildlife should not be considered, but access to those resources should be.
- Percentage of sharing among community members

It was also noted that the Board should examine the 12 criteria currently used by the State of Alaska in determining rural status.

### **Timing of Review**

There is no basis in Title VIII of ANILCA to conduct a decennial review. Once a community is determined rural, it should remain rural unless a significant change in population warrants review. A “significant change” should be defined as a 25% change from the last rural determination. The population of Kodiak has increased only 4% since the inception of the Federal Subsistence Management Program. Reviewing the rural status of a community every ten years causes a lot of frustration, pain, confusion, turmoil and anxiety for the communities undergoing review.

### **Information Resources**

The Permanent Fund Dividend database should be utilized in counting residents of communities, as it will provide a more accurate picture of the number of long term residents. Additionally, the Board could and should rely on Tribal population databases where available.

### **Other Issues**

Outside of these criteria currently used by the Board, there were other issues raised in the public meetings that warrant consideration. In many instances, people have moved away from their villages in order to seek work, but still own homes in their villages and return there to engage in subsistence activities. People should not be punished with losing their status as federally qualified subsistence users simply because they had to make this difficult choice to earn more income for their families.

In closing, the Council and the public could not express enough how importance subsistence is to the way of life for the Kodiak community. People have grown up living a subsistence way of life; it is part of their culture. They chose to live there because it provides them access to the resources that allow them to maintain that way of life. The Kodiak Archipelago has been and always will be rural because of its remote, isolated location.

**Kodiak Rural Subsistence Roundtable**  
**Suggested Talking Points for federal subsistence board rural determination**  
**Criteria public comment period:**

On 9/24, @ 7pm at the KI, the Federal Subsistence Board will receive comment on these “**criteria for rural determination**”:

**Population Threshold** with three categories of population:

- Population **under 2,500** is considered **rural**
- Population **between 2,500 & 7,000** is considered **rural** or **non rural** depending on **community characteristics**
- Population **over 7,000** is considered **non-rural**, unless there are significant characteristics of a **rural nature**
- **Rural characteristics** – considering the following:
  - **Use of fish & wildlife**
  - **Development & diversity of economy**
  - **Community infrastructure**
  - **Transportation**
  - **Educational institutions**
- **Aggregation of communities** – focusing on how communities & areas are connected to each other using the following:
  - If communities are **economically, socially & communally integrated**, they will be **considered** in the **aggregate** to determine rural or non-rural status with this criteria:
    - **30% or more working people commute** from one community to another;
    - People **share a common high school attendance area**; and
    - Are communities in **proximity & road-accessible** to one another?
- **Timelines** – Board review rural or non-rural status **every 10 years**, or **out of cycle** in **special circumstances**. Should the Board change this time of review?
- **Information sources** – most recent census conducted by the **U.S. Census Bureau** as **updated** by the **Alaska Department of Labor**. Should the board use the census data or something else?

**Our suggested thoughts:**

**Population Threshold:**

Regardless of any suggested population threshold, **this criterion shouldn't be the primary factor in determining a community rural!**

**Rural characteristics:**

A rural island subsistence hub definition should be a primary criterion that would preempt population threshold; under this criterion, population wouldn't be a consideration, but **geographic remoteness would be the primary factor.**

The current 5 characteristics that are used to determine a community rural are not adequate. The Board should be looking to use characteristics that are consistent with the State of Alaska so there is no conflict and inconsistency in determining rural/non-rural. If the Board adopts the 12 criteria that the State of Alaska currently uses, this process would be consistent and those criteria are more applicable to Alaskan communities. One example would be; the State of Alaska criterion #6 discusses the variety of fish and game used by people in the community. Kodiak has a substantial availability of resources and is within imminent proximity to those who use those resources. These resources have been able to sustain our residents for more than 7000 years. This factor is more important in defining our rural community's culture than the number of people residing here.

**Aggregation of communities:**

Aggregation of communities should only apply to communities that are physically connected to urban centers. Aggregation should not be used to combine rural communities in an effort to increase their population and determine them non-rural.

**Timelines:**

The board should not review community's rural determination every ten years. Once a community is determined rural it should remain rural unless there is a significant increase in population; such as a 25% increase in full-time residents.

**Information sources:**

In determining which data sources to use, the Board should consider being consistent in the use and definition of rural vs. non-rural. USDA and the Department of Health and Human Services who regularly provide services to rural communities and have extensively reviewed and determined communities to be rural, frontier, Island and non-rural.

*These talking points have been provided by:  
"Kodiak Rural Subsistence Roundtable"  
Including participation from Tribal Organizations, Fish and Game Advisory Committee,  
Pacific Islanders, Kodiak Island Borough, KRAC, Guides, Outfitters,  
Hunters and Fisherman.  
Providing information for an ethnically diverse community*

## **Bristol Bay**

The Bristol Bay Subsistence Regional Advisory Council provided formal comments/recommendations at its fall 2013 meeting.

### **Timelines:**

Why is it necessary to conduct the rural review every 10-years? Decisions should be left in place unless there are significant changes in a community's status that warrants reconsideration by the Council and the Board.

### **Population Thresholds:**

The 2,500 population threshold should still be used – communities under the criteria should remain rural. The 2,500 – 7,000 population threshold is a grey area, (and should be analyzed to clearly define rural/non-rural for the purposes of subsistence uses)

### **Information Sources:**

The current U.S. Census is not working for the Bristol Bay region for determining rural/non-rural. Information is coming from outside influences, but (information) should be coming from grass roots sources, such as Native Tribes, Alaska Native Organizations etc.

## **Yukon-Kuskokwim Delta**

The Council sees room for variance in the current population threshold. In areas which demonstrate strong rural characteristics, population should not be considered.

The Council also feels that the rural characteristics, use of fish and wildlife and economic development, diversity, infrastructure, transportation, and educational institutions, are all good criteria to consider.

### **Aggregation:**

The Yukon-Kuskokwim Delta Regional Advisory Council feels that grouping of communities is not practical in this region because of the population size of a community such as Bethel.

**Timeline:** The 10 year review timeline should be changed to consideration when needed under special circumstances that trigger a review of population size or evaluation of other rural criteria.

### **Information sources:**

The U.S. Census could be used but it is important to also consider other rural characteristics and data such as percentage of the population that is dependent on the subsistence resources that are in the area and use of fish and wildlife resources for subsistence.

## **Western Interior**

The Western Interior Council deferred providing formal comment to their winter 2014 meeting where correspondence to the Federal Subsistence Board will be approved.

## **Seward Peninsula**

The population threshold should be raised from 7,000 to 20,000 when communities are being considered to become non-rural.

## **Northwest Arctic**

The Council requested more time to gather feedback from the region and submit formal comments. Formal comments will be crafted at its winter 2014 meeting.

## **Eastern Interior**

The Council made recommendations on each of the rural criteria as follows:

### **Population threshold:**

The Council decided by consensus to maintain the current population thresholds

The Council then concurred with the Wrangell St- Elias Subsistence Resource Commission (SRC) to change the population assessment process from every 10 years to just an initial assessment and then any needed further assessment if triggered by an unusual event or extenuating circumstances, such as a long term population trend up or down or spike in population. Further the Council concurred that the population assessment should be measured using a five-year running average to avoid evaluating a community on a temporary population flux such as during pipeline or road development. This would avoid a determination being made on temporary extreme high or low of boom/bust cycle.

### **Rural characteristics:**

The Council agreed by consensus to remove education institutions from the list currently considered under rural characteristics noting that whether it be a local school, boarding school or university satellite campus that the staffing of those educational institutions is usually made up of a largely transient population. The council also agrees that some infrastructure is for temporary use – such as mining development or the example of the DEW line site and should be evaluated carefully as to what it actually brought for long term services to the community.

The Council agreed by consensus to add subsistence related activities such as gardening, gathering and canning of foods to put away for family and community for the year was indicative of a rural characteristic.

The Council concurred with the SRC that National Park Service resident zone communities should also be added as a rural characteristic, noting that there are 7 National Parks in Alaska that have recognized “resident zone” communities that have access to subsistence activities in the parks and are also evaluated based on long-term patterns of subsistence activity in the area.

### **Aggregation:**

The Council agreed by consensus to eliminate aggregation of communities as a criteria for rural status and discussed that each community has its own unique rural characteristics and subsistence patterns and should not be arbitrarily lumped with others simply due to proximity or being located on a road system. The Council heard public testimony and stressed that being

located on or near a road should not be a criteria for rural determination in since the road itself does not define the rural nature and subsistence activities of a community.

**Timeline:**

The Council agreed by consensus to eliminate the 10 year review cycle and move to a baseline population census and then as needed if triggered by extenuating circumstances as discussed for population thresholds above.

**Information sources:**

The Council agreed by consensus to include other information sources such as local government data, school attendance numbers, property ownership taxes, permanent fund data, harvest data may all be useful sources of information to determine population and residence.

**North Slope**

The Council took no action at this time. The Council was concerned that more information was needed before making a recommendation to the Federal Subsistence Board, stressing that the public only received a briefing the night before and the Council had no opportunity to consult with their communities and tribes prior to their meeting. The Council stated they would go back to their communities and consult with them on the Rural information and encourage public comments be submitted by the November 1 deadline but were concerned they were not given sufficient opportunity to deliberate and comment as a Council. The Council wishes to continue the discussion at the winter 2014 meeting and deferred formal comment until then.

## 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 2014 and fall 2015 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 spring of 2015 and funding decisions (Monitoring Plan) announced in 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.

**The Partners for Fisheries Monitoring**  
Call for Funding 2016-2019

The Office of Subsistence Management (OSM), Partners for Fisheries Monitoring Program invites proposals from eligible applicants for funding to support fishery biologist, anthropologist, and educator positions in their organization. Proposals from all geographic areas throughout Alaska will be considered; however, direct involvement in OSM's funded Fisheries Resource Monitoring Program projects is mandatory. Organizations that have the necessary technical and administrative abilities and resources to ensure successful completion of programs may submit proposals. Eligible applicants include: Regional Native Non-Profit Organizations, Federally recognized Tribal Governments and Native Corporations, and other non-profit organizations.

OSM will develop cooperative agreements to support these positions. Proposals may focus exclusively on supporting fishery biologist, anthropologists, or educator positions as principal and/ or co-investigators, or a combination of all or any of them, as long as they are coordinated with project(s) within the Fisheries Resource Monitoring Program. Positions may be full or part-time within a calendar year. Requests for funding for fishery biologist, anthropologists, or educator positions may be up to four years, but must not exceed the duration of projects approved under the Monitoring Program. \$150,000 was the maximum yearly award for the last call for proposals.

The Partner hired will live in the community where the funded organization has their base. Partners work to ensure that the highest priority Federal subsistence information needs are addressed by developing and implementing projects in the Fisheries Resource Monitoring Program (Monitoring Program) and/ or implementing rural student education and internship programs for these projects. They work directly with constituent communities to disseminate information regarding fisheries research and to answer questions regarding subsistence fisheries resources. They communicate project results to various audiences such as regional organizations and their members, the Federal Subsistence Board, Regional Advisory Councils, and government agencies.

**Timeline:**

The next call for proposals: November 2014 (exact date to be announced).

Proposal due date to OSM: May 2015 (exact date to be announced).

For more information contact Dr. Palma Ingles, Partners Program Coordinator, 907-786-3870. Email: palma\_ingles@fws.gov



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



## Federal Subsistence Board News Release

### For Immediate Release:

January 13, 2014

### Contact:

George Pappas  
(907) 786-3822 or (800) 478-1456  
George\_Pappas@fws.gov

### Call for Proposals to Change Federal Subsistence Fish and Shellfish Regulations

The Federal Subsistence Board is accepting proposals through March 28, 2014, to change Federal regulations for the subsistence harvest of fish and shellfish for the 2015-2017 regulatory years (April 1, 2015-March 31, 2017).

The Board will consider proposals to change Federal fishing seasons, harvest limits, methods of harvest, and customary and traditional use determinations. The Board will also accept proposals for individual customary and traditional use determinations from residents of national park and national monument resident zone communities, or those who already hold a Section 13.440 subsistence use permit.

Federal public lands include national wildlife refuges; national parks, monuments and preserves; national forests; national wild and scenic rivers; and national conservation and recreation areas. Federal public lands also include Bureau of Land Management areas that are not part of the national conservation system. Federal subsistence regulations do not apply on State of Alaska lands, private lands, military lands, Native allotments, or Federal lands selected by the State of Alaska or Native corporations.

### Submit proposals:

- **By mail or hand delivery**  
Federal Subsistence Board  
Office of Subsistence Management -- Attn: Theo Matuskowitz  
1011 East Tudor Road, MS-121  
Anchorage, AK 99503
- **At any Federal Subsistence Regional Advisory Council meeting**  
See the Meetings and Deadlines page of the Federal Subsistence Management Program's website for dates and locations of Council meetings.  
<http://www.doi.gov/subsistence/index.cfm>

- **On the Web at <http://www.regulations.gov>**

Search for FWS-R7-SM-2013-0065, which is the docket number for this proposed rule.

You may call the Office of Subsistence Management at 1-800-478-1456 or email [subsistence@fws.gov](mailto:subsistence@fws.gov) with your questions.

Additional information on the Federal Subsistence Management Program can be found at <http://www.doi.gov/subsistence/index.cfm>

-###-



# Call for 2015-2017 Federal Subsistence Fish and Shellfish Regulatory Proposals

The Office of Subsistence Management is accepting proposals through March 28, 2014 to change Federal regulations for the subsistence harvest of fish and shellfish on Federal public lands. Proposed changes are for April 1, 2015 through March 31, 2017.

Please submit the information on the back side of this page to propose changes to harvest limits, season dates, methods and means of harvest, or customary and traditional use determinations. Submit a separate proposal for each change you propose. If you live in a resident zone community of a national park or national monument, or if you already hold a Section 13.440 subsistence use permit issued by a National Park Service superintendent, you may apply for an individual customary and traditional use determination.

.....

## Submit proposals:

- ▶ **By mail or hand delivery**  
Federal Subsistence Board  
Office of Subsistence Management  
Attn: Theo Matuskowitz  
1011 E. Tudor Rd., MS-121  
Anchorage, AK 99503
- ▶ **At any Federal Subsistence Regional Advisory Council meeting**
- ▶ **On the Web at <http://www.regulations.gov>**  
Search for FWS-R7-SM-2013-0065

**Questions?** Call (800) 478-1456 or (907) 786-3888

All proposals and comments, including personal information provided, are posted on the Web at <http://www.regulations.gov>

Federal Subsistence Board  
Office of Subsistence Management  
1011 E. Tudor Rd., MS-121  
Anchorage, AK 99503



# 2015–2017 Federal Subsistence Fish and Shellfish Proposal

(Attach additional pages as needed).

Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Submit proposals by  
March 28, 2014**

**Questions?**

**Call:** (800) 478-1456 or (907) 786-3888

**E-mail:** subsistence@fws.gov

**Information on submitting proposals is also available on the Office of Subsistence Management website: <http://www.doi.gov/subsistence/index.cfm>**

**This proposal suggests a change to** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> <b>Harvest season</b> | <input type="checkbox"/> <b>Method and means of harvest</b>                 |
| <input type="checkbox"/> <b>Harvest limit</b>  | <input type="checkbox"/> <b>Customary and traditional use determination</b> |

- 1 What regulation do you wish to change?** Include management unit number and species. Quote the current regulation if known. If you are proposing a new regulation, please state “new regulation.”
- 2 How should the new regulation read?** Write the regulation the way you would like to see it written.
- 3 Why should this regulation change be made?**
- 4 What impact will this change have on fish or shellfish populations?**
- 5 How will this change affect subsistence uses?**
- 6 How will this change affect other uses, i.e., sport/recreational and commercial?**

— Please attach any additional information that would support your proposal. —

(b) Notwithstanding (a) of this section or any other provision of this chapter, during times when the commissioner determines it necessary for conservation of the resource, to avoid waste of a bycatch species, to prevent overharvest of a bycatch species, or to facilitate consistency of state and federal regulations for a species, the commissioner may close and reopen fishing seasons to provide for changes to groundfish bycatch levels, as provided in this subsection. The commissioner may, by emergency order, close a directed groundfish season and immediately reopen a season during which a CFEC permit holder may have on board at the time of delivery a bycatch level of another groundfish species, established by the commissioner and stated in the emergency order, of up to 20 percent, by weight, of the directed groundfish species on board the vessel at the time of delivery. Regarding a directed halibut fishery, the commissioner may, by emergency order, close and immediately reopen the fishing season for a bycatch groundfish species during which a CFEC halibut permit holder may have on board a bycatch level of that groundfish species, established by the commissioner and stated in the emergency order, of up to 20 percent, by weight, of the halibut on board the vessel at the time of delivery. If a CFEC permit holder has on board the permit holder's vessel fish taken in more than one directed fishery for which a bycatch level has been established under this subsection, each applicable bycatch level percentage is applied to the weight of the fish taken in the applicable directed fishery and the resulting amounts are added together to determine the total weight of the bycatch species that may be on board the vessel at the time of delivery.

**WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?**

Current statewide groundfish possession and landing requirements specify that a vessel may not have onboard a bycatch level of another groundfish species, exceeding a specified percentage of the directed groundfish species or halibut onboard the vessel. This proposal seeks to amend statewide groundfish possession and landing requirements (5 AAC 28.070(b)) so that the retainable bycatch level of a groundfish species is assessed at the time of landing. This will allow a fisherman to exceed the specified retainable groundfish bycatch level during a fishing trip provided the amount of retained groundfish bycatch species does not exceed the amount of directed groundfish or halibut onboard the vessel at the time of landing.

**PROPOSED BY:** Petersburg Vessel Owners Association. *(formerly ACR 1)*

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**PROPOSAL 371 – 5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan.**

Remove dip net size restrictions for Yukon Area districts 1–3 commercial summer chum salmon fisheries, as follows:

5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan.

(k)(1)(A) up to four dip nets; in this subsection, "dip net" is a bag-shaped net supported on all sides by a rigid frame, in which no portion of the bag is constructed of webbing that exceeds a stretched measurement of 4.5 inches, the frame is attached to a single rigid handle, and is operated by hand [, AS A DIP NET IS DEFINED IN 5 AAC 39.105];

**WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?**

Current regulations authorizing the use of dip nets prescribes dip net size under 5 AAC 39.105(24). This regulation contemplates dip netting in a personal use fishery, with the size of the dip net

limited to an opening no greater than five feet at any measurement. The proposers argue the use of dip nets in a commercial fishery capacity are unlike personal use. The Yukon River is a much larger, less congested area than personal use dip net areas and the scale of fishery is much larger than personal use. These factors combine to argue for no limits to the size of the dip net.

The addition of dip nets as legal commercial gear was to selectively harvest summer chum salmon and maximize harvest of this species while minimizing or eliminating king salmon mortality during the summer chum salmon fishery. Allowing an unrestricted dip net opening may allow fishermen to substantially increase the number of chum salmon harvested (compared to 2013), thereby utilizing more of the large available surplus observed in recent years and prevent potential negative impacts on chum salmon production.

**PROPOSED BY:** Yukon Delta Fisheries Development Association. *(formerly ACR 3)*

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**PROPOSAL 372** – 5 AAC 05.333. **Fish wheel specifications and operations.** Modify the specifications and operations of a commercial fish wheel in the Yukon Area to allow the use of a lead, as follows:

5 AAC 05.333. Fish wheel specifications and operations. **(a)** Fish wheel baskets must be stopped from rotating in the water during periods closed to commercial and subsistence fishing. The fish wheel registrant is responsible for the operation of the fish wheel.

**(b) A lead may be used with a commercial fish wheel operated under this section.**

**(c) In this section, "lead" is a length of net or fencing employed for guiding fish into a fish wheel.**

**WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?**  
Leads are an effective method for guiding salmon into fish wheels and commonly used in subsistence fishing. 5 AAC 01.010(a)(4) provides authorization for the use of leads in subsistence fish wheel operations. Modifying existing commercial fishing regulations to allow the use of leads would improve operations and create consistency between subsistence and commercial fishing regulations.

**PROPOSED BY:** Virgil Umphenour. *(formerly ACR 7)*

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**PROPOSAL 373** – 5 AAC 05.362. **Yukon River Summer Chum Salmon Management Plan.** Remove the exception allowing for a dead king salmon to be taken, but not retained, in the Yukon Area districts 1–3 dip net and beach seine commercial summer chum salmon fisheries, as follows:

5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan

(k)(2) all king salmon caught in dip net and beach seine gear must be **released** [RETURNED] immediately **and returned** to the water **unharmd** [ALIVE, EXCEPT THAT A DEAD KING SALMON MAY BE TAKEN BUT MAY NOT BE RETAINED; THE DEAD KING SALMON MUST BE RECORDED ON A FISH TICKET AND FORFEITED TO THE STATE].

Delete that portion of this regulation that states "...except that a dead king salmon may be taken but may not be retained; the dead king salmon must be recorded on a fish ticket and forfeited to the state." This would make the regulation similar to subsistence fishing regulations in 5 AAC 01.220(n)(3) and would be consistent with other fisheries requiring live release of all king salmon caught in dip nets.

**WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?** This regulation was adopted in January 2013. However, after this summer's fishery, it was discovered that this regulation provided an unforeseen loophole that poses an enforcement problem. Under current regulations, some fishermen may illegally harvest king salmon while commercial fishing with beach seine and dip net gear, and claim to enforcement officers the king salmon were severely injured or killed when caught and they intend to forfeit these fish to the state. It is difficult, if not impossible, to implement requirements or processes that ensure any dead king salmon would always be forfeited to the state. Additionally, given observations from dip net fisheries in other areas of the state, as well as the results of the dip net and beach seine commercial activity in the Yukon River this season, it is highly unlikely for king salmon to incur severe injury or mortality when caught with beach seines or dip nets. Encouraging and enforcing the practice of returning king salmon immediately to the water unharmed can be best achieved by removing language that allows taking of king salmon. To continue commercial fishing for summer chum salmon with beach seine and dip net gear, regulations need to emphasize and ensure all king salmon are released alive.

**PROPOSED BY:** Alaska Department of Fish and Game. *(formerly ACR 9)*

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**PROPOSAL 374 – 5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.** Modify the time period the Nushagak River single-hook regulation is in effect from year-round to May 1–July 31, as follows:

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

(g)(6) **from May 1 – July 31**, only one single-hook, artificial lure or one single hook may be used, except as provided in (4) of this subsection.

**WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?**  
5 AAC 67.022(g)(6) was established to protect king salmon. As currently crafted, 5 AAC 67.022(g)(6) effectively requires single hook and no bait for all fishing on the Nushagak drainage for the entire year. The impact of this regulation now applies to all species for the entire year. Establishing a time period of May 1–July 31, and clarifying it applies to king salmon, will clarify implementation of this regulatory change.

**PROPOSED BY:** Nushagak Fish and Game Advisory Committee. *(formerly ACR 12)*

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**PROPOSAL 375 – 5 AAC 06.331. Gillnet specifications and operations.** Remedy a navigational obstruction in Ugashik River set gillnet salmon fishery, as follows:

5 AAC 06.331

(m)(8) in the Ugashik District, in that portion of the east bank of the Ugashik River from a point at 57° 30.74' N. lat., 157° 24.10' W. long. to 57° 32.27' N. lat., 157° 24.36' W. long., no part of a set gillnet may be more than 600 feet from the east bank 18-foot high tide mark[, EXCEPT THAT A SET GILLNET MAY EXTEND TO 1,000 FEET FROM THE HIGH TIDE MARK IF

(A) NOTWITHSTANDING THE PROVISIONS OF (i) OF THIS SECTION, THE SHOREWARD END OF THE SET GILLNET, IS AT LEAST 400 FEET FROM THE 18-FOOT HIGH TIDE MARK;

(B) THE ANCHORING DEVICES FOR THE SET GILLNET ARE NOT MORE THAN 100 FEET FROM THE SET GILLNET; AND

(C) THE SET GILLNET IS NOT ATTACHED TO A RUNNING LINE CONNECTED TO THE BEACH].

**WHAT IS THE ISSUE YOU WOULD LIKE THE BOARD TO ADDRESS AND WHY?**

Regulation 5 AAC 06.331(m)(8), adopted in 2012, did not remedy navigational obstruction as intended and proved difficult to enforce. That regulation allowed set gillnet gear to be deployed up to 1,000 feet from shore in the Ugashik River. During the 2013 season, it became apparent that, in certain configurations, use of the full 1,000 feet continues to obstruct navigation in the Ugashik River. This stems from an unanticipated interpretation of the regulation. The 2012 regulation did not identify which bank was referenced for distance measures associated with anchoring and shoreward end of nets. This unintentionally allowed for net configurations closer to the west bank, spanning more of the channel. The regulation also unintentionally allowed gear deployment offshore of a permit holders' own gear, which served to further obstruct navigation.

**PROPOSED BY:** Alaska Department of Fish and Game. *(formerly ACR 10)*

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*Proposal 377 is a board-generated proposal created by the board at its December 2013 Lower Cook Inlet Firfish meeting. This proposal will be considered at the Statewide King and Tanner Crab (except Southeast/Yakutat) Meeting, March 17–21, 2014, Anchorage, Alaska.*

**PROPOSAL 377 – 5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan.**

Authorize use of purse seine gear for commercial harvest of Yukon River summer chum salmon in districts 1–3 during times of king salmon conservation; secondarily, the proposal asks for consideration of allowing monofilament purse seine web in this fishery as follows:

5 AAC 05.362(k) is amended to read:

(k) In Districts 1 – 3, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the commercial gillnet fishing season and immediately reopen a fishing season during which

(1) a permit holder may fish with

(A) up to four dip nets, as a dip net is defined in 5 AAC 39.105;

(B) beach seine gear, with mesh size that does not exceed four inches stretched measure;

**(C) purse seine gear (INSERT ANY PURSE SEINE LENGTH, DEPTH, AND MESH SIZE SPECIFICATIONS, AND ANY EXCEPTIONS TO GENERAL PROVISIONS IN 5 AAC 39.260); notwithstanding 5 AAC 39.170, a purse seine used under this subsection may consist of monofilament web; and**

(2) all king salmon caught in dip net and [BEACH] seine gear must be returned immediately to the water alive, except that a dead king salmon may be taken but may not be retained; the dead king salmon must be recorded on a fish ticket and forfeited to the state.

**What is the issue you would like the board to address and why?** Harvest of surplus Yukon River summer chum salmon has been greatly reduced during recent years because of the need to minimize incidental harvest of king salmon during poor king salmon runs. In January 2013, the board adopted new regulations in an effort to allow for the selective harvest of surplus summer chum salmon while minimizing the impact on king salmon. By emergency order, during times of king salmon conservation, commercial permit holders may use dip net and beach seine gear to harvest summer chum salmon and are required to release king salmon alive. Additionally, commercial gillnets may be restricted to five and one half inch or smaller mesh size, not exceeding 30 meshes in depth.

Despite the marked improvement in commercial summer chum salmon harvest using dip net gear (approximately 189,000 summer chum salmon were harvested in districts 1 and 2 by dip net), there was a foregone commercial harvest of approximately one million summer chum salmon in 2013. This foregone summer chum salmon harvest resulted in a very large escapement that may negatively impact future yield of summer chum salmon. In addition, the king salmon run in 2014 may be so low that commercial gillnet fishing opportunity in the Yukon Area will be further reduced. The inability to capitalize on the available surplus of summer chum salmon will likely continue because of the inefficiency of the current selective harvest gear. In 2013, few, if any, beach seine sites were available because of typical high river water levels during June.

Preliminary feasibility work using purse seine gear and monofilament webbing to selectively harvest chum salmon was conducted by Yukon Delta Fisheries Development Association in July and August

2013 after most of the king salmon run had passed. Therefore, releasing king salmon from this gear type was not fully tested. However, methods for fishing purse seines of 50 fathoms in length and 3.5-inch mesh inriver with small skiffs were developed to catch chum salmon, which could be released. There was incidental mortality of small non-target fish species, such as Bering cisco and small pink salmon that had been gilled in this mesh size. Purse seine gear may assist in increasing harvest of summer chum salmon while minimizing or eliminating king salmon mortality during the summer chum salmon fishery. This could reduce forgone commercial chum salmon harvests, and reduce the potential negative impacts on chum salmon production in the future.

Currently, the use of monofilament purse seine web is prohibited under 5 AAC 39.170. Light-weight monofilament web would facilitate the use of purse seines by the relatively small boats used in this fishery and would also have the additional advantage of a smaller mesh size (possibly 2 inches or smaller) so that the risk of gilling non-target fish species, such as Bering cisco and pink salmon, could be reduced.

Any effort to provide additional commercial summer chum harvest opportunity must first and foremost ensure continued conservation of Yukon River king salmon, which is a stock of concern.

**PROPOSED BY:** Alaska Board of Fisheries from an emergency petition request by Yukon Delta Fisheries Development Association.

# 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.



U.S. FISH and WILDLIFE SERVICE  
BUREAU of LAND MANAGEMENT  
NATIONAL PARK SERVICE  
BUREAU of INDIAN AFFAIRS  
FWS/OSM 13055.CJ

## Federal Subsistence Board

1011 E. Tudor Rd., MS 121  
Anchorage, Alaska 99503-6199



U.S. FOREST SERVICE

SEP 11 2013

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

Dear Chairman Reakoff:

This letter responds to the Western Interior Alaska Subsistence Regional Advisory Council's (Council) 2012 Annual Report as approved at its winter 2013 meeting. The Secretaries of the Interior and Agriculture have delegated the responsibility to respond to these reports to the Federal Subsistence Board (Board). The Board appreciates your effort in developing the Annual Report and values the opportunity to review the issues brought forward concerning your region. Annual Reports allow the Board to become more aware of the issues that fall outside of the regulatory process and affect subsistence users in your region.

The Board has reviewed your Annual Report and offers the following responses:

### **Issue 1: Lack of a rural subsistence representative on the North Pacific Fisheries Management Council**

*The Council is concerned about the lack of rural or subsistence representation on the North Pacific Fisheries Management Council (NPFMC). It was an appalling oversight that the management of salmon in maritime waters outside of Alaska was excluded from Title VIII of ANILCA and the Federal Subsistence Management Program. Even though the NPFMC is not part of the subsistence program, it needs to be responsive to the needs of Federal subsistence users in order for the mandates of Title VIII of ANILCA to be fulfilled.*

*The Pollock industry wields too much influence on appointments to the NPFMC, as illustrated by a recent incident where one of the Governor's appointees was replaced by a Pollock industry executive. This undue influence almost guarantees that the Pollock industry's adverse impacts on salmon will never be curtailed. The next time the Magnuson-Stevens Act is updated, the law needs to be amended in order to mandate that a seat be reserved on the NPFMC for a rural subsistence user. The Council therefore requests that the Board and its members take whatever steps are necessary to influence that outcome.*

**Response:**

The Board understands the Council's viewpoint on the issue of having rural or subsistence representation on the North Pacific Fisheries Management Council (NPFMC). However, membership on the NPFMC is determined by Congress. It is not within the Board's scope of authority or responsibility to advocate for, or request changes to, laws passed by Congress. The Council is also prohibited by law from sending any correspondence to any member of Congress advocating for any such changes. However, individuals may send letters to their Congressional delegation requesting a change in the law, so long as they are submitting such comments as private citizens and not as members of the Council. Senator Mark Begich held a public hearing on July 3 related to the Magnuson-Stevens Act. The law is currently set to expire on September 30, 2013, so any individual comments should be submitted well before that time in order to be considered.

**Issue 2: Western Arctic Caribou Herd Working Group (WACHWG) April 2012 Letter**

*The WACHWG membership is comprised of individuals from a vast area, including Federal Subsistence Regional Advisory Council members, as well as Federal and State agencies whose purpose is to ensure the conservation of the Western Arctic Caribou Herd. The Council wants to make the Board aware of some very important issues identified by the WACHWG in a recent letter to Alaska Governor Sean Parnell (enclosed). The letter outlined concerns regarding various proposed roads through herd migration routes, which could potentially be disruptive to caribou migration and negatively impact rural users who depend on this resource.*

*The WACHWG is requesting that the State of Alaska fund a Community Health Impacts Assessment to identify potential impacts of these proposed roads on people and their communities within the range of the Western Arctic Caribou Herd. The Council maintains that no decision should be made regarding whether or not to build these roads until that Assessment is completed with public input from affected communities, and the final results of the Assessment are provided to potentially affected communities.*

**Response:**

The Board supports the Council's involvement in the Western Arctic Caribou Working Group, and appreciates you sharing your concerns regarding the potential impacts of proposed roads is on the Western Arctic Caribou Herd and Federally qualified subsistence users. Your concerns will be brought to the attention of the Secretaries of the Interior and Agriculture under the direction provided in the Secretarial Review.

**Issue 3: Chinook salmon**

*The Council is very concerned regarding the continued trend of Chinook salmon runs to meet escapement goals and subsistence needs on the Yukon and Kuskokwim Rivers. The Council encourages the Board to dialogue with NPFMC in order to develop specific strategies to protect Chinook and chum salmon passage in the Bering Sea. This Council firmly believes that*

*conservation methods of the in-river user groups have been exhausted and that further exploration of the bycatch harvest and activities on the Bering Sea must be discussed.*

**Response:**

The Board and the U.S. Fish & Wildlife Service Alaska Regional Director were fully engaged in the NPFMC regulatory process when Bering Sea/Aleutian Islands Chinook salmon bycatch limits were under consideration in 2007–2009, including the Board Chair testifying for a lower limit (29,323) than what was ultimately implemented (60,000) under Amendment 91. The Board often raises issues of concern to subsistence uses on Federal public lands with other Federal agencies during their regulatory processes. The Council may send a letter to the NPMFC expressing its concerns, with assistance by OSM staff. For your information, the Board has sent letters to the NPFMC regarding bycatch (enclosure). According to guidance by the Secretary of the Interior as part of the Secretarial Review, which directs the Board to inform the Secretaries when “non-Department rule-making entities develop regulations that may adversely affect subsistence users,” the Board will bring this issue to the attention of the Secretaries.

In closing, I want to thank you and your Council for their continued involvement and diligence in matters regarding the Federal Subsistence Management Program. I would also like to specifically thank Jack Reakoff and Raymond Collins for their 20 years of service to the Federal Subsistence Management Program as members of this Council. I speak for the entire Board in expressing our appreciation for your efforts and our confidence that the subsistence users of the Western Interior Region are well represented through your work.

Sincerely,



Tim Towarak  
Chair

Enclosure

- cc. Western Interior Alaska Subsistence Regional Advisory Council  
Federal Subsistence Board  
Interagency Staff Committee  
Gene Peltola, Jr., Assistant Regional Director, OSM  
Kathleen M. O'Reilly-Doyle, Deputy Assistant Regional Director, OSM  
Carl Johnson, Council Coordination Division Chief, OSM  
Melinda Burke, Subsistence Council Coordinator, OSM  
Administrative Record



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

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



FWS/OSM11056/TT

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

MAY 20 2011

Dear Mr. Olson:

The Federal Subsistence Board (Board) is taking this opportunity to provide its comments and recommendation on chum salmon bycatch in the Bering Sea/Aleutian Islands (BSAI) commercial pollock fishery as the North Pacific Fishery Management Council (NPFMC) prepares to select a preliminary preferred alternative at its June 2011 meeting in Nome, Alaska. The Board, comprised of the Regional Directors of the U.S. Fish and Wildlife Service, the Bureau of Indian Affairs, the National Park Service, the Bureau of Land Management and the USDA Forest Service, and a Chair appointed by the Secretaries of the Interior and Agriculture, provides subsistence fishing opportunities in Federal public waters in Alaska under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA).

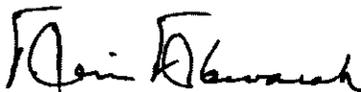
Bycatch is of concern to the Board and the affected Regional Advisory Councils because Western Alaska chum salmon stocks are important subsistence resources for Federally-qualified subsistence users in the Norton Sound, Yukon, Kuskokwim, and Bristol Bay areas. Along the Yukon and Kuskokwim rivers alone, there are 6,800 households in 80 villages. Chum salmon make a significant contribution to the way of life of western and interior Alaska's subsistence users, families and communities. The recent fall chum salmon runs in the Yukon River are of particular concern. In both 2009 and 2010, subsistence harvest was restricted due to poor, lower than average size runs and/or to ensure passage into Canada to meet escapement goals.

At its May 2011 public meeting the Board reviewed, discussed and heard public testimony on the various alternatives under consideration in the NPFMC's revised *Bering Sea non-Chinook (Chum) Salmon Bycatch Management Measures*, dated February 2011. **The Board recommends that a hard cap of 50,000, with a trigger cap of 25,000 chum salmon be adopted.** Once the trigger cap is reached, conservation measures would be implemented to assist the pollock fishery fleet to avoid reaching the hard cap. This alternative would provide a better opportunity for increased numbers of chum salmon to reach Western and Interior Alaska rivers to meet spawning escapement and provide for subsistence uses.

It also comes closest to the stipulation in the U.S./Canada Yukon River Salmon Agreement, signed in 2002, which requires the United States to increase in-river returns of Yukon River origin salmon by reducing marine catches and bycatches of Yukon River salmon. The 50,000 level represents a meaningful reduction in the 1997-2001 average of 58,000 chum salmon bycatch, just prior to the signing of the U.S./Canada Yukon River Salmon Agreement. This five-year period is also the same period utilized by the Board for its recommendation to the NPFMC on BSAI Chinook salmon bycatch in April 2009.

The Board appreciates the outreach efforts that NPFMC members and staff conducted on this issue by attending the February/March 2011 meetings of the Yukon-Kuskokwim Delta, Western Interior, Eastern Interior and Bristol Bay Subsistence Regional Advisory Councils. If the Board can be of further assistance, please contact Peter J. Probasco, Assistant Regional Director, Office of Subsistence Management, at (907) 786-3888. The Board will continue to monitor developments on this important issue and looks forward to the results of your efforts to significantly reduce chum salmon bycatch in the BSAI pollock fishery.

Sincerely,



Tim Towarak  
Chair, Federal Subsistence Board

cc: Federal Subsistence Board members

Gene Virden, Acting Regional Director - Bureau of Indian Affairs

Bud Cribley, State Director - Bureau of Land Management

Sue Masica, Regional Director - National Park Service

Geoff Haskett, Regional Director - U.S. Fish and Wildlife Service

Beth Pendleton, Regional Forester - USDA Forest Service

Pat Pourchot, Department of the Interior, Alaska

Peter J. Probasco, Office of Subsistence Management

Lester Wilde, Chair, Yukon-Kuskokwim Delta Regional Advisory Council

Jack Reakoff, Chair, Western Interior Alaska Regional Advisory Council

Sue Entsminger, Chair, Eastern Interior Alaska Regional Advisory Council

Molly Chythlook, Chair, Bristol Bay Regional Advisory Council

Weaver Ivanoff, Chair, Seward Peninsula Regional Advisory Council

Cora J. Campbell, Commissioner, Alaska Department of Fish and Game

James W. Balsiger, Administrator, Alaska Region, National Marine Fisheries Service

David Balton, Deputy Assistant Secretary, Oceans and Fisheries, U.S. Department of State



U.S. FISH and WILDLIFE SERVICE  
BUREAU of LAND MANAGEMENT  
NATIONAL PARK SERVICE  
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**Federal Subsistence Board**  
1011 E. Tudor Rd., MS 121  
Anchorage, Alaska 99503-6199



FWS/OSM11057/TT

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

MAY 20 2011

Dear Mr. Olson:

The Federal Subsistence Board (Board) appreciates the opportunity to provide its comments on the initial review draft of the *Environmental Assessment/ Regulatory Impact Review/ Initial Regulatory Flexibility Analysis for Amendment 90 to the Fishery Management Plan for Groundfish of the Gulf of Alaska, Chinook Salmon Bycatch in the Gulf of Alaska pollock Fishery (EA)*, dated March 2011, and the North Pacific Fishery Management Council's (NPFMC) preliminary preferred alternative. The Board, comprised of the Regional Directors of the U.S. Fish and Wildlife Service, the Bureau of Indian Affairs, the National Park Service, the Bureau of Land Management and the USDA Forest Service, and a Chair appointed by the Secretaries of the Interior and Agriculture, provides subsistence fishing opportunities in Federal public waters in Alaska under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA).

Bycatch is of concern to the Board and the affected Regional Advisory Councils because the Chinook salmon stocks listed in Table 63, page 124 of the EA, are important subsistence resources for Federally-qualified subsistence users in several areas of the state, including Southeast Alaska, Prince William Sound, Cook Inlet and Kodiak Island.

The Board urges the National Marine Fisheries Service and North Pacific Fishery Management Council to significantly reduce the amount of Chinook salmon bycatch in the GOA pollock fishery. Several Chinook salmon runs, most likely impacted by the GOA pollock fishery, were rated as "poor" to "below average" in 2010, as pointed out in Table 63, page 124 of the EA. The Chinook salmon runs on Kodiak Island are of particular concern. In 2010, Chinook salmon escapement in the Karluk River was below the escapement goal range for the fourth consecutive year and the subsistence fishery was closed the entire season. This was the third consecutive year that restrictions to the Chinook salmon subsistence fishery were necessary. In January 2011, the Alaska Board of Fisheries designated Karluk River Chinook salmon a stock of concern. In the nearby Ayakulik River, the lower end of the Chinook salmon escapement goal was achieved in 2010, however escapement goals were not met in 2006-2009.

The Board believes that the proposed hard cap of 22,500 in the Preliminary Preferred Alternative does not represent a meaningful reduction in Chinook salmon bycatch, as it is higher than the 2003-2010 bycatch average of approximately 19,000 Chinook shown in Table 4, page 21. Therefore, **the Board recommends that a hard cap of 15,000 be adopted.** This alternative would provide a better opportunity for increased numbers of Chinook salmon to reach affected rivers to help achieve escapement goals and provide for subsistence uses. In addition, the option of allowing a 25% "overage provision" one out of every three years should be eliminated, as it appears to be incongruent with the Council's stated goal to reduce bycatch. The Board also recommends that the NPFMC recognize the importance of subsistence in the Problem Statement and more fully discuss the status of the Chinook salmon stocks most likely impacted by the GOA pollock fishery.

Thank you for this opportunity to provide our comments and recommendations on this important subsistence issue. If the Board can be of further assistance, please contact Peter J. Probasco, Assistant Regional Director, Office of Subsistence Management, at (907) 786-3888. The Board will continue to monitor developments on this issue and looks forward to the results of your efforts to significantly reduce Chinook salmon bycatch in the GOA pollock fishery.

Sincerely,



Tim Towarak  
Chair, Federal Subsistence Board

cc: Federal Subsistence Board members  
Gene Virden, Acting Regional Director - Bureau of Indian Affairs  
Bud Cribley, State Director - Bureau of Land Management  
Sue Masica, Regional Director - National Park Service  
Geoff Haskett, Regional Director - U.S. Fish and Wildlife Service  
Beth Pendleton, Regional Forester - USDA Forest Service  
Pat Pourchot, Department of the Interior, Alaska  
Peter J. Probasco, Office of Subsistence Management  
Speridon Simeonoff, Chair, Kodiak/Aleutians Regional Advisory Council  
Ralph Lohse, Chair, Southcentral Alaska Regional Advisory Council  
Bert Adams, Chair, Southeast Alaska Regional Advisory Council  
Cora J. Campbell, Commissioner, Alaska Department of Fish and Game  
James W. Balsiger, Administrator, Alaska Region, National Marine Fisheries Service

# **Report to Federal Subsistence Regional Advisory Councils on**

## **1. Tribal Consultation Draft Implementation Guidelines**

## **2. Draft ANCSA Consultation Policy**

**January 24, 2014**

From the Federal Subsistence Board's Consultation Workgroup

**Requesting Regional Advisory Council Feedback** on these two documents; while simultaneously seeking feedback from federally recognized Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations.

### ***Draft Implementation Guidelines Summary***

- The guidelines are intended to provide federal staff additional guidance on the Federal Subsistence Board's Tribal Consultation Policy.
- It includes
  - when consultations should be regularly offered,
  - meeting protocols including
    - meeting flow,
    - room setup suggestions,
    - topics for consultation,
    - preparation and follow-up for the meetings,
  - communication and collaboration with Tribes throughout the regulatory cycle,
  - training guidance and topics for federal staff and the Board,
  - reporting on consultation,
  - and how to make changes to the policy or guidance as needed or requested.

### ***Draft ANCSA Corporation Consultation Policy Summary***

- This policy is adapted from the DOI Policy on Consultation with ANCSA Corporations
- It includes a preamble, guiding principles and policy
- For your awareness, please read the policy section
- This draft policy has been improved upon by the workgroup, which now has representatives from village and regional ANCSA corporations, thereby adding to the meaning of this policy for the Board. It was originally drafted in December 2011.

## **Workgroup members**

- Rosemary Ahtuanguaruak, Co-Chair, Barrow/Nuiqsut
- Crystal Leonetti, Co-Chair, US Fish & Wildlife Service
- John W. Andrew, Organized Village of Kwethluk
- Lillian Petershoare, US Forest Service
- Della Trumble, Agdaagux Tribe of King Cove, King Cove Village Corporation
- Jean Gamache, National Park Service
- Richard Peterson, Organized Village of Kasaan
- Jack Lorrigan, Office of Subsistence Management
- Brenda Takeshorse, Bureau of Land Management
- Bobby Andrew, Native Village of Ekwok
- Glenn Chen, Bureau of Indian Affairs
- Charles Ekak, Olgoonik Corporation of Wainwright
- Cliff Adams, Beaver Kwit'chin Corporation
- Gloria Stickwan, Ahtna, Inc.
- Roy Ashenfelter, Bering Straits Native Corporation
- Chief Gary Harrison, Chickaloon Native Village
- Edward Rexford, Native Village of Kaktovik
- Michael Stickman, Nulato Tribal Council

# IMPLEMENTATION GUIDELINES

*for the*

## *Federal Subsistence Board Government-to-Government Tribal Consultation Policy*

### INTRODUCTION

This document provides federal staff additional guidance on the Federal Subsistence Management Program's Tribal Consultation Policy. Refer to the *Federal Subsistence Board Government-to-Government Tribal Consultation Policy* for a broad scope including goals of the policy; consultation communication, roles and responsibilities, topics, timing, and methods; accountability and reporting; and training.

Tribal consultation will be regularly scheduled twice each year:

- 1) before the fall Regional Advisory Council (RAC) meetings, and
- 2) before the spring Federal Subsistence Board (Board) meetings.

Additional consultations may be initiated by the Board and consultation is also available to tribal governments at any time on regulatory or non-regulatory topics as the need arises.

### CONTENTS

Meeting Protocols	Page 1
Regulatory Cycle Timeline and Roles and Responsibilities	Page 3
Other Regulatory Actions Not Covered Under Regulatory Process	Page 6
In-Season Management and Special Actions	Page 6
Non-Regulatory Issues	Page 6
Training	Page 6
Accountability, Reporting, and Information Management	Page 8

### MEETING PROTOCOLS

#### **1. Timing:**

- a. During the Meeting
  - i. Intend to not rush through the consultation
- b. When to hold the meetings
  - i. Before RAC Meetings: hold one or more teleconferences (depending on number of proposals) at least two weeks before RAC meetings begin.
  - ii. At Board Meetings: consultation should begin prior to the start of the regular Board meeting. The regular Board meeting then begins after the consultation meeting is complete.

2. **Introductions:** Board member and tribal government representative introductions.  
All representatives will state for the purpose of this consultation: who they officially represent, and what their role is during the consultation (e.g. “I am Geoff Haskett, a member of the Federal Subsistence Board, and for the purpose of this government-to-government consultation, I am representing the U.S. Fish and Wildlife Service. My role is to listen, ask questions, and gain an understanding of Tribal perspectives so that I can fully consider those perspectives in my actions as a decision-maker for the U.S. Fish and Wildlife Service.”).
3. **Room Setup:**
  - a. At in-person meetings, room should be configured in such a way that Board members and Tribal Government representatives are seated equally at the table. Consider chairs placed in a circle with or without tables. This will differentiate between the room configurations during the public process.
  - b. Board members and Tribal representatives should be dispersed around the table.
  - c. One or more people will be designated note-takers and notes will be made available to all participants as soon as they are typed and reviewed after the meeting.
4. **Topics:**
  - a. Topics to be consulted on can be determined by either Tribes or Board members, and do not need to be determined nor agreed upon in advance, but known topics shall be announced one week ahead of the consultation (e.g.: proposals, rural determination process, OSM budget, etc.)
  - b. The Board Chair should ask, “What other topics should we be consulting on?”
  - c. For topics not within the purview of the Board, Tribes will be referred to a federal liaison who can help them determine how that topic can be addressed.
  - d. For topics that need further consultation on any topic, the OSM Native Liaison will arrange follow-up consultation.
5. **Briefings:**
  - a. Briefing materials, such as those given to Board members should be made available to all Tribal governments one week, or earlier as they’re available, before the consultation.
  - b. Tribes who are interested are encouraged to send in briefing materials one week before the consultation to the OSM Native Liaison for their topics of interest; these will be provided to the Board.
6. **Board Member Summary:**  
A lead Board member shall be selected who will conclude the consultation with a summary of the consultation discussion.
7. **Information Availability:**
  - a. Pre- and post-meeting materials and teleconference information will be displayed on the Federal Subsistence Management Program’s website.
  - b. A written summary of consultations will be provided to RACs and Tribes by email, fax, or mail as appropriate.
8. **Follow-up to Participating Tribes:**

A letter from the Chair will be sent to participating Tribes expressing appreciation for their participation and explanation of how their input was utilized and the decision that was made. These letters may be archived on the OSM website.

**9. Consultation Meetings Requested by Tribes:**

- a. If a consultation meeting is requested by a Tribe(s), two Board members – one representing the nearest land managing agency, and the nearest public member will participate in that meeting. Other Board members can join if they wish.
- b. Consultation meeting may take place in the Tribal community or by teleconference.
- c. Meeting notes (see 3.c.) will be provided to the entire Board upon completion.

## REGULATORY CYCLE TIMELINE AND ROLES AND RESPONSIBILITIES

The Board is committed to providing Federally Recognized Tribes with opportunities to be meaningfully involved in the wildlife and fisheries regulatory process. On an annual basis, the Board accepts proposals to change wildlife or fisheries regulations on seasons, harvest limits, methods and means and customary and traditional use determinations. In some instances, regulations are modified in-season, and that is typically accomplished through in-season or special actions taken by either the Board or the relevant land manager. The Board will provide Tribes with the opportunity to consult on the regulatory process, which includes proposal development and review, proposal analysis and review, and decision making by the Board.

Tribes must be given the opportunity to consult throughout the Federal Subsistence Management process when a “departmental action with tribal implications<sup>1</sup>” is taken. A regulatory proposal is potentially a departmental action with substantial direct effect on an Indian Tribe. As information becomes available which changes the recommendations or potential decision on a proposal, affected Tribes will be notified.

### WHO SHOULD PARTICIPATE IN GOVERNMENT-TO-GOVERNMENT CONSULTATION

Tribal Officials are elected or appointed Tribal leaders or officials designated in writing by a federally recognized Tribe to participate in government-to-government consultations. Federal Officials are those individuals who are knowledgeable about the matters at hand, are authorized to speak for the agency and/or Board, and exercises delegated authority in the disposition and implementation of a federal action.

<sup>1</sup> Department of the Interior Policy on Tribal Consultation definition of “Departmental Action with Tribal Implications” is: Any Departmental regulation, rulemaking, policy, guidance, legislative proposal, grant funding formula changes, or operational activity that may have a substantial direct effect on an Indian Tribe on matters including, but not limited to:

1. Tribal cultural practices, lands, resources, or access to traditional areas of cultural or religious importance on federally managed lands;
2. The ability of an Indian Tribe to govern or provide services to its members;
3. An Indian Tribe’s formal relationship with the Department; or
4. The consideration of the Department’s trust responsibilities to Indian Tribes.

This, however, does not include matters that are in litigation or in settlement negotiations, or matters for which a court order limits the Department’s discretion to engage in consultation.

REGULATORY PROCESS OUTLINED BELOW CORRESPOND TO THE STEPS IN THE BOARD'S TRIBAL CONSULTATION POLICY *APPENDIX B: FEDERAL SUBSISTENCE MANAGEMENT PROGRAM ANNUAL REGULATORY PROCESS AT A GLANCE.*

**Step 1.A.: Call for Proposals (January – March):** This step is where changes to fish or wildlife harvesting regulations can be offered such as seasons, harvest limits, methods and means and customary and traditional use determinations. The Office of Subsistence Management (OSM) staff or land managers can assist Tribes in developing proposals.

**RESPONSIBLE LEAD      ACTION**

Federal Agencies      Contacts representatives of affected Tribes, prior to federal agency submitting regulatory proposals.

OSM

Sends a return receipt letter to Tribes:

- announcing the call for proposals and describing what this means;
- providing an overview and timeline of the annual Federal Subsistence Regulatory process;
- providing name and contact information for OSM staff who can provide assistance in reviewing and developing proposals;

**Step 1.B.: Federal Subsistence Regional Advisory Council (RAC) Meetings: (Winter Meetings February-March):** During these meetings, the RACs develop proposals to change subsistence regulations. The Tribes have the opportunity to work with the RACs to draft proposals.

OSM

Sends public notice to all Tribes announcing all RAC meetings.

- If available, teleconference information is included in announcements and posted to the Federal Subsistence Management Program's website.

Arranges teleconference line for RAC meeting(s) so Tribes can participate in the RAC meetings. Tribes may discuss proposals with the RACs and relevant federal staff.

Posts meeting materials on the Federal Subsistence Management Program's website so Tribes can review the materials.

Coordinates with Interagency Staff Committee (ISC) and Tribal representatives to draft summary reports on Tribal Consultations (if any have taken place since the fall RAC meetings). These written summaries are provided to the RACs. Tribal representatives are encouraged to share in the delivery of this report.

**Step 2-3: Review of Regulatory Proposals (April-May)** Once the Proposals are received by OSM, they are compiled into a book that includes all proposals from throughout Alaska. Tribes will have the opportunity to review the proposals. Consultation will also be made available to Tribes on deferred proposals.

OSM Sends Tribes the proposal book with a link to the Federal Subsistence Management Program website, and a description of the process schedule. Name and contact information for OSM staff will be included in the proposal book.

Coordinates with appropriate Federal staff to notify Tribes if a particular proposal might impact them.

If Tribe(s) is interested in consulting at this step, they may contact an agency official and discuss course of action through phone calls, emails, internet communication, and other methods.

Prepare draft analyses on proposals to make available to Tribes before consultations.

**STEP 3: Proposal Analysis (April – August):** Each of these proposals will be analyzed by agency staff to determine their effects on the resource, other resources, rural subsistence users, other users, etc.

OSM Draft analyses will be made available to Tribes one month prior to RAC meetings.

**TRIBAL CONSULTATION OCCURS:** One or more teleconference(s) will be scheduled to provide consultation open to all Tribes to discuss all proposals.

**Step 4: Federal Subsistence Regional Advisory Council (RAC) Meetings (Fall meetings August - October):** During these meetings, RACs develop recommendations on the proposal based on their review of the analysis, their knowledge of the resources and subsistence practices in the area, testimony received during the meeting, Tribal input and staff analysis.

OSM Sends public notice to all Tribes announcing all RAC meetings, including teleconference information if available.

Contacts local media (newspaper, radio, TV) to provide meeting announcement and agendas.

Arranges teleconference line for RAC meeting(s) so that Tribes can participate. Tribes may discuss proposals with the RACs, and appropriate federal staff.

Posts pre- and post-meeting materials and teleconference information on the Federal Subsistence Management Program's website so that the Tribes can review the materials.

Coordinates reports on prior Tribal consultations during the regulatory cycle to the

RACs, and encourages Tribal representatives to share in delivery of this report.

A written summary of relevant consultations will be provided to RACs and Tribes by email, fax, or mail as appropriate.

**Step 5: Federal Subsistence Board Regulatory Meeting (Winter):** This is where the Board reviews the staff analyses, considers recommendations provided by the RACs, comments provided by the State, consults with Tribes, and makes a decision as to whether to adopt, reject, defer, or take no action on each proposed change to the subsistence regulations. **TRIBAL CONSULTATION OCCURS BEFORE THE BOARD MEETING.**

OSM Sends meeting announcement to Tribes, including teleconference call information.

Posts meeting materials on the Federal Subsistence Management Program’s website so that Tribes can review the materials before the meeting. During the meeting, OSM staff and/or Tribal representatives will report on the results of prior Tribal consultations.

Following the meeting, OSM will send notification on meeting results to the Tribes. Tribes who consulted on proposals will be notified of the outcome by telephone.

## OTHER REGULATORY ACTIONS NOT COVERED UNDER REGULATORY PROCESS

Tribal consultation will also be offered on proposals which are deferred or not carried through the normal regulatory process.

## IN-SEASON MANAGEMENT AND SPECIAL ACTIONS

Special actions include emergency and temporary special actions. Because the regulatory process occurs on a bi-annual basis (fish one year, wildlife the next), sometimes issues come up that require immediate action; these actions may be taken as needed to address harvest regulations outside of the normal regulatory process.

In-season management actions and decisions on Special Action requests usually require a quick turnaround time and consultation may not be possible; however, in-season and land managers will make every effort to consult with Tribes that are directly affected by a potential action prior to taking action. Regular public meeting requirements are followed for special actions that would be in effect for 60 days or longer. Affected Tribes will be notified of actions taken. Federal field staff are encouraged to work with Tribes in their area and distribute Tribal consultation information.

## NON-REGULATORY ISSUES

For non-regulatory issues, the Board's process for consultation with Tribes will be followed when needed.

## TRAINING

The Board's policy directs that the Federal Subsistence Management Program follow the Department of the Interior and Agriculture's policies for training of Federal staff.

1. OSM staff will work with the ISC to develop training modules on the subsistence regulatory process, customary & traditional use determinations, rural versus non rural criteria, proposal development, Tribal consultation, and the federal budget process. Additionally, OSM staff will work with the ISC, agency Tribal liaisons, and others such as Tribal elders to develop a training module that federal staff can deliver at regional Tribal meetings (see Appendix C of the FSB's Tribal Consultation Policy) and to interested Tribal councils.
2. These trainings will be open to other entities responsible for management of subsistence resources, such as marine mammals, migratory birds, halibut, etc.
3. Board members should make every opportunity to directly participate in or observe subsistence activities.
4. It is recommended that Board members, OSM, ISC, & Federal Land Management Staff directly involved in Tribal consultation as part of their work responsibilities attend regional cross-cultural training to learn the unique communication and cultural protocols of the Tribes with which they interact.
5. Recommended Training Topics for Federal Staff and Tribal Citizens
  - a. Alaska Native identity, language, cultures, traditions, history, and differences
  - b. Alaska Native perspectives on natural resource management
  - c. Customary and Traditional relationship to land, water, and wildlife
  - d. Effects of colonialism on Alaska Native peoples
  - e. Alaska National Interest Lands Conservation Act subsistence provisions
  - f. Natural resource law, especially pertaining to fisheries and wildlife management and conservation
  - g. Federal subsistence regulations
  - h. Federal subsistence regulatory process
    - a. Special actions

- b. In-season management
- c. Customary and traditional use determinations
- i. Rural Determination process and implications
- j. Jurisdiction ( Tribal /Federal Government/ State of Alaska)
- k. Relevant information about Tribe(s), including sovereignty, history of Tribal interactions with the United States government, Tribal constitutions, and traditional knowledge
- l. Foundations of the government-to-government relationship and trust responsibility within Federal Indian law as expressed through the U.S. Constitution, U.S. Code, Supreme Court decisions, and executive actions.
- m. Tribal and Federal consultation policies
- n. Wildlife and fisheries monitoring, including the Fisheries Resource Monitoring Program
- o. Opportunities for co-management or shared stewardship
- p. Leadership transition protocols so that the tribal leaders and the agency staff are clear about 1) how authority gets transferred (who are the successors & timelines) and 2) next steps in moving a project forward (outgoing official documents project accomplishments and next steps in a letter to his supervisor and copies the relevant tribal leaders).
- q. Communication etiquette and protocols

## ACCOUNTABILITY, REPORTING, AND INFORMATION MANAGEMENT

1. **Tribal Contact Information:**
  - a. Department of the Interior (DOI) employees will utilize the DOI Tribal Consultation SharePoint site contact list.  
<https://connect.doi.gov/os/Portal/nat/SitePages/Home.aspx>
  - b. U.S. Department of Agriculture (USDA) employees will utilize the Forest Service contact database. [web address]
2. **Tracking Consultations:**
  - a. The Alaska Region of the Forest Service has a tribal consultation database to track Forest Service and tribal consultations.
  - b. Office of Subsistence Management and DOI employees shall utilize the DOI Tribal Consultation SharePoint site database to track and record consultations.
3. **Report on Consultations**
  - a. Report annually as required by DOI and USDA consultation policies.

- b. The OSM Native Liaison provides a summary report annually to the Board on Federal Subsistence Management Program consultations; noting any feedback received from Tribes regarding the policies and the implementation of them; and any other follow-up actions or accomplishments. The OSM report on the Board's consultations with Tribes shall be posted on the OSM web site.
- 4. **Review of the Tribal Consultation Policy:**
  - a. Annually, the Consultation Workgroup, OSM Native Liaison, land managers, and ISC should assess the effectiveness of the Tribal Consultation Policy and implementation guidelines. The Workgroup will report to the Board at its annual winter meeting.
- 5. **Follow-up to Consultations at the Federal Subsistence Board Meeting:**
  - a. OSM is responsible to follow up on action items from Tribal Consultations at Federal Subsistence Board meetings.
  - b. Post-Board meeting follow-up includes notification to Tribes of Board actions.

DRAFT

*\*Note to reviewer: This supplemental policy for consultation with ANCSA corporations is adapted from the DOI Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations. Where it said “Department”, it was changed to say “Board” or “Department” was deleted. Where ANILCA or FSMP provisions required extra explanation for this policy, it was added and is indicated as additions in italics.*

## **Federal Subsistence Board Policy on Consultation with Alaska Native Claims Settlement Act (ANCSA) Corporations**

### **I. Preamble**

*The Federal Subsistence Board (Board) distinguishes the federal relationship to ANCSA Corporations from the Tribal government-to-government relationship enjoyed by any federally recognized Indian Tribe, and this Policy will not diminish in any way that relationship and the consultation obligations towards federally recognized Indian Tribes. Recognizing the distinction, the Board is committed to fulfilling its ANCSA Corporation consultation obligations by adhering to the framework described in this Policy.*

*The Department of the Interior has a Policy on Consultation with ANCSA Corporations and the U.S. Department of Agriculture has an Action Plan on Consultation and Collaboration with Tribes, which includes consultation with ANCSA corporations. The Board will follow the Department-level policies; and for the purpose of Federal Subsistence Management, this policy further clarifies the Federal Subsistence Board’s responsibilities for consultation with ANCSA Corporations.*

## **II. Guiding Principles**

In compliance with Congressional direction, this Policy creates a framework for consulting with ANCSA Corporations. Congress required that the Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native Corporations on the same basis as Indian Tribes under Executive Order Number 13175. Pub. L. No. 108-199 as amended by Pub. L. No. 108-447. Pursuant to the Alaska Native Claims Settlement Act (ANCSA) of 1971, ANCSA Corporations were established to provide for the economic and social needs, including the health, education and welfare of their Native shareholders. ANCSA also extinguished aboriginal hunting and fishing rights.

*Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) states, “except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies and other nations.”*

## **III. Policy**

*The Board will consult with ANCSA Corporations that own land within or adjacent to lands subject to the jurisdiction of the Federal subsistence program (see 36 CFR242.3 and 50 CFR 100.3) when those corporate lands or its resources may be affected by regulations enacted by the Board.*

*ANCSA Corporations may also initiate consultation with the Board at any time by contacting the Office of Subsistence Management Native Liaison.*

*Provisions described in the Federal Subsistence Board Tribal Consultation Policy sections entitled Consultation, Training, and Accountability and Reporting shall apply to the Federal Subsistence Board Policy on Consultation with ANCSA Corporations, with adjustments as necessary to account for the unique status, structure and interests of ANCSA Corporations as appropriate or allowable.*

DRAFT

# Federal Subsistence Regional Advisory Council

## MEMBERSHIP INFORMATION

Membership applications or nominations for seats on the 10 Federal Subsistence Regional Advisory Councils are being accepted now through **March 21, 2014**.

The Regional Advisory Councils provide advice and recommendations to the Federal Subsistence Board about subsistence hunting, trapping, and fishing issues on Federal public lands. Membership on the Councils is one way for the public to become involved in the Federal subsistence regulatory process.

Each Council has either 10 or 13 members, and membership includes representatives of subsistence use and commercial/sport use.

### **Council Membership**

Regional Advisory Council members are usually appointed to three-year terms. The Councils meet at least twice a year; once in the fall (August through October) and once in the winter (February or March). While Council members are not paid for their volunteer service, their transportation and lodging are pre-paid and per diem is provided for food and other expenses under Federal travel guidelines.

### **Council Responsibilities:**

- **Review and make recommendations to the Federal Subsistence Board** on proposals for regulations, policies, management plans, and other subsistence-related issues;
- **Develop proposals that provide for the subsistence harvest of fish and wildlife;**
- **Encourage and promote local participation** in the decision-making process affecting subsistence harvests on Federal public lands;
- **Make recommendations on customary and traditional use determinations** of subsistence resources; and,
- **Appoint members** to National Park Subsistence Resource Commissions

### **Membership Criteria Who Qualifies?**

- ✓ RESIDENT of the region member represents
- ✓ RESOURCE KNOWLEDGE – Knowledge of the region's fish and wildlife resources
- ✓ SUBSISTENCE USES – Knowledge of the region's subsistence uses, customs, and traditions
- ✓ OTHER USES – Knowledge of the region's sport, commercial, and other uses
- ✓ LEADERSHIP SKILLS – Leadership and experience with local and regional organizations
- ✓ COMMUNICATION SKILLS – Ability to communicate effectively
- ✓ AVAILABILITY – Willingness to travel to attend two or more Regional Advisory Council meetings each year (usually in October and February) and occasionally attend Federal Subsistence Board meetings.

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*“Sharing common values and developing solutions to resource problems helps to bridge cultures by developing trust and respect through active communication and compromise. Our meetings allow warm renewal of decades of friendships and acquaintances.... Basically, membership on a Regional Advisory Council comes down to a lot of hard work, mutual respect, willingness to compromise, and a sense of humor. As a result, one develops the ultimate satisfaction of being able to help folks you care about.”*

*-Pat Holmes, Council member,  
Kodiak/Aleutians Regional Advisory Council*

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## 2014 Application Timeline

<b>March 21</b>	<b>Deadline for submitting membership applications and nominations.</b>
<b>Mar.-May.</b>	<b>Regional panels conduct interviews.</b>
<b>Aug.</b>	<b>Federal Subsistence Board reviews panel reports and develops recommendations.</b>
<b>Sept.-Dec.</b>	<b>Secretaries of the Interior and Agriculture review recommendations and appoint members to the Regional Advisory Councils.</b>

## Federal Subsistence Regional Council Coordinators

Federal Subsistence Regional Advisory Council coordinators facilitate the work of the Regional Advisory Councils and serve as the primary contacts for the Councils.

### **Southeast Alaska, Region 1:**

Robert Larson, Petersburg  
(907) 772-5930; fax: (907) 772-5995  
e-mail: robertlarson@fs.fed.us

### **Southcentral Alaska, Region 2 / Bristol Bay, Region 4:**

Donald Mike, Anchorage  
(800) 478-1456 or (907) 786-3629; fax: 786-3898  
e-mail: donald\_mike@fws.gov

### **Kodiak/Aleutians, Region 3:**

Carl Johnson, Anchorage  
(800) 478-1456 or (907) 786-3676; fax: 786-3898  
e-mail: carl\_johnson@fws.gov

### **Western Interior Alaska, Region 6 / Northwest Arctic, Region 8:**

Melinda Hernandez, Anchorage  
(800) 478-1456 or (907) 786-3885; fax: 786-3898  
e-mail: melinda\_hernandez@fws.gov

### **Yukon-Kuskokwim Delta, Region 5 /**

#### **Seward Peninsula, Region 7:**

Alex Nick, Bethel  
(800) 621-5804 or (907) 543-1037; fax: 543-4413  
e-mail: alex\_nick@fws.gov

### **Eastern Interior Alaska, Region 9 / North Slope, Region 10:**

Eva Patton, Anchorage  
(800) 478-1456 or (907) 786-3358; fax: 786-3898  
e-mail: eva\_patton@fws.gov

## Federal Subsistence Board

The Federal Subsistence Board oversees the Federal Subsistence Management Program. The Board members include Alaska heads of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and U.S. Forest Service. The Board's chair is a representative of the Secretaries of the Interior and Agriculture. In 2012, the Secretaries added two seats for representatives of rural Alaska subsistence users. Federal Subsistence Regional Advisory Councils and State of Alaska representatives play active roles in Board deliberations.

**For more information on the nominations process and for a full application packet, go to:**

**<http://www.doi.gov/subsistence/councils/application/index.cfm>**

**Number of Regional Advisory Council Applications Received Each Year**

	<i>SE</i>	<i>SC</i>	<i>KA</i>	<i>BB</i>	<i>YK</i>	<i>WI</i>	<i>SP</i>	<i>NW</i>	<i>EI</i>	<i>NS</i>	<b>TOTAL</b>
<b>1995</b>											104
<b>1996</b>	13	18	11	10	19	11	20	11	10	5	128
<b>1997</b>	18	11	11	7	8	7	7	4	11	4	88
<b>1998</b>	13	10	15	8	18	11	9	9	7	8	108
<b>1999</b>	17	15	7	12	16	7	7	5	7	6	99
<b>2000</b>	17	13	13	9	15	9	8	3	20	8	114
<b>2001</b>	20	11	9	5	16	14	3	4	11	5	98
<b>2002</b>	19	16	8	8	13	8	7	5	14	9	107
<b>2003</b>	17	17	4	10	13	9	5	7	7	5	96
<b>2004</b>	14	16	10	7	16	8	7	8	6	8	100
<b>2005</b>	7	7	5	3	7	4	9	5	6	5	58
<b>2006</b>	10	8	1	5	9	3	5	9	7	3	60
<b>2007</b>	17	16	8	9	17	6	5	2	12	3	95
<b>2008</b>	9	8	5	8	12	7	7	4	3	4	67
<b>2009</b>	12	12	4	3	11	5	2	6	7	2	64*
<b>2010</b>	15	14	6	7	6	6	2	8	8	3	75*
<b>2011</b>	15	9	7	7	12	6	8	4	7	5	81
<b>2012</b>	11	10	7	7	11	5	4	5	4	3	67
<b>2013</b>	13	7	5	5	12	5	6	6	11	4	74*

**NOTE:** No information is available for the years 1993 and 1994.

\* Too few applications were received in the initial application period so a second call for applications was published. This number is the total of both application periods open that cycle.

Compiled by Marcy Okada, Subsistence Program Manager, Gates of the Arctic National Park and Preserve,  
(907) 455-0639, [Marcy\\_Okada@nps.gov](mailto:Marcy_Okada@nps.gov)

## **Caribou**

The Western Arctic Caribou Herd is continuing to decline and the 2013 census results are due out this spring. Adult cow mortality has been higher than expected and high human harvest of cows could deepen this decline. The very cold spring observed in 2013 did not delay the spring migration substantially.

For more information, contact Kyle Joly, 907.455.0626, [kyle\\_joly@nps.gov](mailto:kyle_joly@nps.gov)

## **Moose**

The field component of the Koyukuk Moose Collaring project is over and biologists are currently analyzing the data and writing up the results. Almost all of the collars have been removed from moose collared in Gates of the Arctic.

For more information, contact Kyle Joly, 907.455.0626, [kyle\\_joly@nps.gov](mailto:kyle_joly@nps.gov)

## **Subsistence Updates**

The Gates of the Arctic National Park Subsistence Resource Commission (SRC) held a meeting on November 5 and 6, 2013 in Fairbanks. SRC members provided input on Federal wildlife regulatory proposals and Board of Game wildlife proposals, as well as the BLM Central Yukon management plan. There was ample discussion on the Ambler Mining District Access Project and SRC members shared their concerns about potential negative impacts to subsistence resources. National Park Service staff provided natural and cultural resource updates and the latest information on the NPS Native Affairs program was also shared.

## **Education and Outreach**

Gates of the Arctic National Park and Preserve recently hired Maria Berger as our new education specialist. Prior to NPS, Maria worked for the USFWS in Barrow as their environmental education specialist. Maria will be helping Gates of the Arctic with rural school education programs, primarily educational activities related to wilderness, outdoor activities, and conservation.

# Fall 2014 Regional Advisory Council Meeting Calendar

August–October 2014 current as of 2/4/2014

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Aug. 17</i>	<i>Aug. 18</i>  WINDOW OPENS	<i>Aug. 19</i>	<i>Aug. 20</i>	<i>Aug. 21</i>	<i>Aug. 22</i>	<i>Aug. 23</i>
		<b>NS—TBD</b>				
<i>Aug. 24</i>	<i>Aug. 25</i>	<i>Aug. 26</i>	<i>Aug. 27</i>	<i>Aug. 28</i>	<i>Aug. 29</i>	<i>Aug. 30</i>
<i>Aug. 31</i>	<i>Sept. 1</i>	<i>Sept. 2</i>	<i>Sept. 3</i>	<i>Sept. 4</i>	<i>Sept. 5</i>	<i>Sept. 6</i>
<i>Sept. 7</i>	<i>Sept. 8</i>  HOLIDAY	<i>Sept. 9</i>	<i>Sept. 10</i>	<i>Sept. 11</i>	<i>Sept. 12</i>	<i>Sept. 13</i>
		<b>KA—King Cove/Cold Bay</b>				
<i>Sept. 14</i>	<i>Sept. 15</i>	<i>Sept. 16</i>	<i>Sept. 17</i>	<i>Sept. 18</i>	<i>Sept. 19</i>	<i>Sept. 20</i>
<i>Sept. 21</i>	<i>Sept. 22</i>	<i>Sept. 23</i>	<i>Sept. 24</i>	<i>Sept. 25</i>	<i>Sept. 26</i>	<i>Sept. 27</i>
		<b>SE—Sitka</b>				
<i>Sept. 28</i>	<i>Sept. 29</i>	<i>Sept. 30</i> <i>End of</i> <i>Fiscal Year</i>	<i>Oct. 1</i>	<i>Oct. 2</i>	<i>Oct. 3</i>	<i>Oct. 4</i>
<i>Oct. 5</i>	<i>Oct. 6</i>	<i>Oct. 7</i>	<i>Oct. 8</i>	<i>Oct. 9</i>	<i>Oct. 10</i>	<i>Oct. 11</i>
		<b>SP—Nome</b>				
			<b>NWA—TBD</b>			
<i>Oct. 12</i>	<i>Oct. 13</i>	<i>Oct. 14</i>	<i>Oct. 15</i>	<i>Oct. 16</i>	<i>Oct. 17</i>	<i>Oct. 18</i>
		<b>SC - Kenai Peninsula</b>				
		<b>YKD—Bethel</b>				
					<i>WINDOW CLOSES</i>	
<i>Oct. 19</i>	<i>Oct. 20</i>	<i>Oct. 21</i>	<i>Oct. 22</i>	<i>Oct. 23</i>	<i>Oct. 24</i>	<i>Oct. 25</i>
		<b>BB - Dillingham</b>				
			<b>EI - TBD</b>			
<i>Oct. 26</i>	<i>Oct. 27</i>	<i>Oct. 28</i>	<i>Oct. 29</i>	<i>Oct. 30</i>	<i>Oct. 31</i>	<i>Nov. 1</i>
		<b>WI - McGrath</b>				

# Winter 2015 Regional Advisory Council Meeting Calendar

*February–March 2015 current as of 2/18/2014*

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>	<i>Feb. 11</i>	<i>Feb. 12</i>	<i>Feb. 13</i>	<i>Feb. 14</i>
<i>Feb. 15</i>	<i>Feb. 16</i> <b>HOLIDAY</b>	<i>Feb. 17</i>	<i>Feb. 18</i>	<i>Feb. 19</i>	<i>Feb. 20</i>	<i>Feb. 21</i>
<i>Feb. 22</i>	<i>Feb. 23</i>	<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>
<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>
<i>Mar. 8</i>	<i>Mar. 9</i>	<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>	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i> <i>Window Closes</i>	<i>Mar. 21</i>

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

**Western Interior Alaska Subsistence Regional Advisory Council**

**Charter**

- 1. Committee's Official Designation.** The Council's official designation is the Western Interior 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 Gates of the Arctic National Park Subsistence Resource Commission in accordance with Section 808 of Alaska National Interest Lands Conservation Act (ANILCA).
  - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
  - g. Make recommendations on determinations of rural status.
  - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
  6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
  7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$160,000, including all direct and indirect expenses and 1.15 staff years.
  8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
    - Approve or call all of the advisory committee's and subcommittees' meetings,
    - Prepare and approve all meeting agendas,
    - Attend all committee and subcommittee meetings,
    - Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
    - Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will terminate 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

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

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

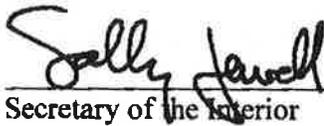
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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

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

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

14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, shall be handled in accordance with General Records Schedule 26, Item 2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

  
Secretary of the Interior

NOV 25 2013

Date Signed

DEC 03 2013

Date Filed