

YUKON-KUSKOKWIM DELTA
Subsistence
Regional Advisory Council
Meeting Materials
October 14-15, 2014
Bethel



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On the cover...

The mighty Kuskokwim River ebbs and flows carving its way through Alaska.

Photo courtesy: USFWS.



YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL
Yupit Piciryarait Cultural Center, Bethel
October 14-15, 2014
9:00 a.m. daily

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

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

AGENDA

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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, or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

DRAFT



REGION 5—Yukon-Kuskokwim Delta Regional Advisory Council

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Address
1	2004 2016	William Frank Brown Eek
2	1997 2016	James Aiagiak Charles Tuntutuliak
3	2014 2016	John W. Andrew Kwethluk
4	2014 2016	Michael P. Peters Marshall
5	1996 2014	Lester Wilde, Sr. Hooper Bay Chair
6	2011 2014	Paul J. Manumik, Sr. Nunam Iqua
7	2014 2014	Anthony F. Ulak Scammon Bay
8	1993 2014	Harry O. Wilde Sr. Mountain Village
9	1999 2014	Mary M. Gregory Bethel
10	2012 2015	Raymond J. Oney Alakanuk
11	2003 2015	Greg J. Roczicka Bethel
12	2003 2015	Robert E. Aloysius Kalskag
13	2006 2015	David Bill, Sr. Toksook Bay

YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL
Meeting Minutes

March 5-6, 2014
Bethel
Yupitit Piciryarait Cultural Center

The meeting was called to order at 9:16 a.m., Wednesday, March 5, 2014.

Roll call conducted by Secretary, members present:

Greg Roczicka, Acting Chairman
David Bill
William Brown
James Charles
Raymond J. Oney
Anthony F. Ulak
Harry Wilde, Sr.

Quorum established.

Welcome and introductions

Present:

Kevin Bartley, UAA
Eric Newland, ADF&G
Pippa Kenner, OSM
Pat Petrivelli, BIA
Gerald Maschmann, USFWS
Gene Peltola, OSM ARD
Steve Miller, ADF&G
Henry Lupie, Tuntutuliak and Kuskokwim Working Group
John Nickelas, Kasigluk
Jackson Williams, Akiak
John Riley Sr., Pitka Point
Dave Runfola, ADF&G
Nicholai Alexie, Kwethluk, Inc.
Joe Asuluk, USFWS Bethel
Pat Sampson (translator)
Charlie Charlie (translator)
Donald Rivard, OSM (telephonic)
Palma Ingles, OSM (telephonic)
George Papas, OSM (telephonic)
Fred Bue, USFWS (telephonic)



Andy Aderman, USFWS (telephonic)
Wayne Jenkins, YR DFA (telephonic)
Drew Crawford, ADF&G (telephonic)
Breena Ap-Gar Kurtz, ADF&G (telephonic)
Gene Sandone, YD Fisheries Development Association (telephonic)
Charles Olson, ADF&G (telephonic)
Tim Hammond, BLM (telephonic)
Dan Sharp, BLM (telephonic)
Travis Ellison, ADF&G (telephonic)

Approval of Agenda

Presentations added to the agenda: Gene Sandone, Dan Gilliken (KNA), Jacqueline Cleveland (Quinhagak), Kevin Bartley (UAA),

Agenda as amended was approved on a voice vote.

Election of Officers

Chair –Lester Wilde, by unanimous consent.
Vice Chair – Greg Roczicka, by unanimous consent.
Secretary – Ray Oney, by unanimous consent.

Yukon River CFC Nominations

Greg Oney submitted his name. **pg. 17

Approval of Previous Meeting Minutes

Previous meeting minutes approved unanimously.

Council Reports

Charles: Attended BOG meeting in Kotzebue, will report on proposals during Old Business.

Public and Tribal comments on non-agenda items

Mr. Henry Lupie (Tuntutuliak) discussed the importance of subsistence for their people, and expressed a desire for more public participation at the meeting. Recommended to State and Federal managers the inclusion of tribal input in the management of fish and wildlife as well as the development of a local subsistence commission.

Kevin Bartley (UAA) reported updates on a draft subsistence research project he began in winter 2013, focusing on Western Alaska specifically. The project is in its final stages, and the Council expressed appreciation of the work and is looking forward to reading the final product.

Mary Sattler (Bethel) discussed king salmon and her observations growing up and utilizing the resource in the area. The Tuluksak River and Takotna Rivers were identified as locations where runs are especially at risk. She emphasized the need for conservation if the resource is going to exist for future generations.

Jackson Williams (Akiak) expressed appreciation for the words of the two previous speakers and discussed tribal and community participation in the federal process as well as challenges the recent fishing closures have presented.

Evan Waska discussed subsistence king salmon cultural importance on the Yukon and frustrations the closures bring to local people as well as bycatch in the Bering Sea.

Pat Sampson discussed concerns brought about by invasive species and beaver impact on salmon tributaries.

John Riley discussed effects of the recent fishing closures and gear type restrictions.

Nick Ayapan discussed concerns with salmon bycatch on the Bering Sea, especially regarding flow of information to local people.

Joe Asuluk discussed lack of village and community participation at the RAC meeting as well as higher-level meetings where subsistence way of life is not understood well.

Nicolai Alexie (Kwethluk) discussed the importance of local input on fisheries management.

John Nickelas (Kwethluk) discussed pollution concerns and the need to have representation of local users at all management meetings. He also provided observations of changes that have taken place in the region regarding fisheries and their uses.

Schouvillen Wassilie discussed the need to study tributaries in the headwaters and changes he has observed in fish spawning and migration patterns.

Phillip Peter (Akiak) asked questions from his community regarding upcoming closures.

Board of Game Action Summary

James Charles provided a summary of actions from the January meeting in Kotzebue.

- Proposal 1 to modify Lower Yukon area for moose hunting in 18: no action
- Proposal 2 to modify Lower Yukon area for moose hunting in 18, and to extend the resident season and liberalize the bag limit: no action
- Proposal 3 to modify the season and bag limit for moose in GMU 18, remainder and Lower Yukon area: support
- Proposal 4 to re-authorize the antlerless moose season in Unit 18: no action
- Proposal 5 to open a subsistence musk ox hunt in 18 & 19: no action
- Proposal 6 to remove the upper limit of Nelson Island musk ox registration permit for the winter season: support
- Proposal 7 to shift wolverine season dates in Unit 18: failed



- Proposal 8 and 9 to lengthen the lynx hunting season in Unit 18: failed
- Proposal 10 to modify GMU boundary for Units 18, 19, and 21: failed **Acting Chairman Roczicka provided further clarification on the history of this issue**
- Proposal 11 to prohibit the use of .22 caliber for taking big game, excluding wolves and wolverines: failed

2014 Yukon Fisheries Outlook

Gerald Maschmann and Eric Newland (USFWS) summarized recent trends in commercial and subsistence Chinook harvest and management actions as well as run declines. In reviewing 2013, he mentioned the border passage objective into Canada was not met, along with four of the seven Chinook salmon escapement goals. Preliminary outlook for 2014 appears poor and management will be focused on achieving escapement and a summer chum harvest which minimizes Chinook mortality. Both summer and fall chum are projecting to be above average runs, and managers are expecting to provide both subsistence and commercial harvest opportunities on these fish.

Fisheries Proposals

Gene Sandone discussed two proposals submitted by YRDFA.

- Proposal 371 to allow unrestricted commercial dipnet size to increase the efficiency of this gear type without causing harm to Chinook.
 - Ray Oney moved to support Proposal 317. Seconded by Anthony Ulak. Motion carried unanimously.
- Proposal 377 to allow purse seine use in the Lower Yukon area for commercial fishing for summer chum salmon; allow the use of multi-strand monofilament webbing on the purse seines.
 - Ray Oney moved to support Proposal 377. Seconded by Mr. Bill. Motion carried unanimously.

Eric Newland (ADF&G) provided a summary of Proposal 372 to modify the specifications and operations of a fishwheel in the Yukon area to allow use of a lead. Proposal 373 would remove the exception allowing for a dead Chinook to be taken, but not retained, in the Yukon area Districts 1-3 dipnets and beach seine commercial summer chum fisheries.

- James Charles moved to support Proposal 372. Seconded by Anthony Ulak. Motion passed, 6-1.
- James Charles moved to support Proposal 373. Seconded by Ray Oney. Motion carries unanimously.

Partner's Program Briefing

Rebecca Frye, Kuskokwim Native Association, provided an update on KNA current activities and staff.

Customary and Traditional Use Determinations update

Pippa Kenner, OSM, provided a briefing for the C&T review process and outlined past YKRAC recommendations on the issue.

Fisheries Resource Monitoring Program

Pippa Kenner, OSM, provided an overview of the program and sought input from the Council regarding priority information needs. The Council will review a modified list at the fall 2014 meeting.

New Business

Call for Fisheries Proposals

Donald Rivard (OSM) presented the call for fisheries proposal which is open until March 28th, as well as two special action requests from the Kuskokwim Working Group.

- Motion by Mr. Charles and seconded by Mr. Ray Oney to support the second special action. Motion unanimously approved. (More details on page 208 of transcript.)

The Council also discussed a special action request from the Native Village of Quinhagak

- Motion to support the proposal by Ray Oney. Seconded by Mr. Charles. Motion unanimously approved.

Review and Approve FY2013 Annual Report

No new topics were offered.

Tribal Consultation Implementation Guidelines and Draft ANCSA Consultation Policy

Patricia Petrivelli (BIA) provided an overview on the working group summary.

Outreach

Council Coordinator Alex Nick provided an overview of this issue and the Council noted the vacancies and upcoming expiring terms.

Agency Reports

USFWS

Andy Aderman with the Togiak Refuge provided an update on activities.

Robert Sundown with the YK Delta Refuge provided a staffing and activities update.

OSM

NPS



ADF&G

Travis Ellison provided preliminary subsistence harvest estimates for 2013 and answered questions from the Council and members of the public.

David Runfola provided an update on current research and answered questions from the Council and public.

AVCP

Tim Andrew provided a staffing summary as well as an overview of recently attended meetings.

- Mr. Ray Oney moved to support the idea of a moose harvest extension to March 31st as previously discussed. Seconded by Mr. Charles. Motion supported unanimously.

Future Meeting Dates

Fall – October 14-15 in Bethel

Winter – February 25-26

Closing Comments

Charles: Thanked public participants and staff.

Ulak: Thanks to staff and elders, learning a lot in the first year as a RAC member; we need to work together.

Wilde: Preparing for the day when he can no longer travel to meetings. Appreciate all the work of everyone.

Brown: Thank everyone—working together is the way to get through these difficult issues. The public participation is important to provide broader understanding of the issues.

Bill: We represent our people—and right now our people need help. Thankful for this process.

Oney: Appreciate the travel from the villages—testimony from the public is so important.

Roczicka: Echoed sentiments about public participation. The process can sometimes be frustrating, and appreciation for the staff and their work was also emphasized.

Meeting adjourned.

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

Alex Nick, DFO

USFWS Office of Subsistence Management

Greg Roczicka, Acting Chair

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

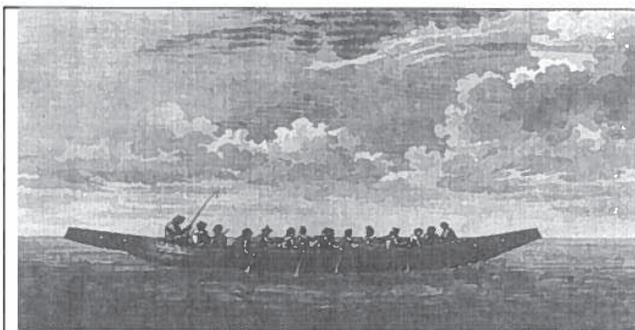
These minutes will be formally considered by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.

DRAFT



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

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



***Southwest Alaska
Subsistence Regional
Advisory Council***

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

RAC SE14012.RL

APR 01 2014

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

Dear Chairman Towarak:

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

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

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

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

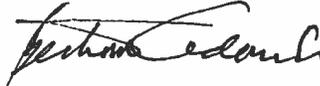


Chairman Towarak

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

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

Gunalchéesh,



Bertrand Adams Sr.,
Chair

Enclosure

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

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

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

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

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

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

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



CURRENT LANGUAGE OF §§ .16 and .17:

§242.16 Customary and traditional use determination process.

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

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

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

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

(d) Current determinations are listed in §242.24.

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

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

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

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

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

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

Southeast Alaska Council's Proposed Language

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

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

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

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

(d) Current determinations are listed in § 100.24

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



Proposal in edited form

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Current determinations are listed in § [100.24](#)

Appendix

Southeast Alaska Council, 2011 Annual Report Topics

Issue 1: Customary and traditional determinations

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

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

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

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

Southeast Alaska Council, 2012 Annual Report Topics

Issue 1: Customary and Traditional Use Determination Recommendation

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

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

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

RURAL REVIEW BRIEFING FOR THE FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCILS

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

Background

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

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

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

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

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

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

Federal Subsistence Board Recommendation

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

§100.15 and §242.15. Rural determination process.

- (a) The Board shall determine which areas or communities in Alaska are nonrural.
- (b) All other communities and areas are therefore rural.

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

Next Steps

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

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





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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

FWS/OSM 14092.DJ

AUG 15 2014

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

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

Dear Secretaries Jewell and Vilsack:

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

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

Secretaries Jewell and Vilsack

Background

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

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

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

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

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

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

Secretaries Jewell and Vilsack

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

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

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

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

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

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

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

Secretaries Jewell and Vilsack

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

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

Federal Subsistence Board Recommendation

§242.15 and §100.15. Rural determination process.

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

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

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

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

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

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

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

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

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

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

~~(iii) Community infrastructure;~~

~~(iv) Transportation; and~~

~~(v) Educational institutions.~~

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

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

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



Secretaries Jewell and Vilsack

Rationale

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

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

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

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

Next Steps

- The Secretaries may decide to propose a rule to change the current rural determination process, based on the Board's recommendation. The Secretaries would need to act on this recommendation because it affects 36 CFR 242 Subpart B, and 50 CFR 100 Subpart B, which are under Secretarial purview. The public, Regional Advisory Councils, Tribes and Alaska Native corporations would have the opportunity to comment or consult during that rule-making process.
- The Secretaries could then decide to publish a final rule specifying the rural/non rural determination process. The revised process appears in Subpart B of subsistence regulations, under Secretarial authority.
- The Board uses that rule to make rural/non-rural determinations, publishing those determinations in a proposed rule. The public, Regional Advisory Councils, Tribes and Alaska Native corporations would have the opportunity to comment or consult during that rule-making process.
- The Board then publishes a final rule with the revised rural/non-rural determinations. The revised rural/non-rural determinations appear in Subpart C of subsistence regulations, under Board authority.

Secretaries Jewell and Vilsack

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

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

Sincerely,



Tim Towarak
Chair

cc: Federal Subsistence Board

Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
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Administrative Record



Review of the Rural Determination Process

A Briefing for the Federal Subsistence Board

April 15, 2014

Background

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

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

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

Secretarial Review

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

Federal Subsistence Board Review

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

Federal Register Notice

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Opportunities to Participate

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

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

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

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

Summary of Recommendations from Regional Advisory Councils

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

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

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

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

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

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

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

Summary of Public Comments

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

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

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



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

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

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

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

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

Formal Consultations with Tribes and ANCSA Corporations

Three consultations were held telephonically with Tribes and ANCSA corporations on the rural determination process¹.

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

Summary of Tribal Consultation

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

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

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

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

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

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

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

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

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

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

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



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

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

Summary of Consultations with ANCSA Corporations

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

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

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

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

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

Sealaska recommended that the Board look at the distribution systems or the sharing of fish and wildlife that goes on in Native communities. It is anything but an individually-based activity.

Sealaska emphasized that the Federal government is in the position to protect a subsistence way of life and the trust responsibility between the federal government and Alaska Native peoples. It felt the rural characteristics are a crucial definition of a rural community and that the population numbers are an

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

Alternatives to the Current Rural Determination Process

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

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

Next Steps

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



Appendix A

Synthesis of Public Comments on the Rural Determination Process

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

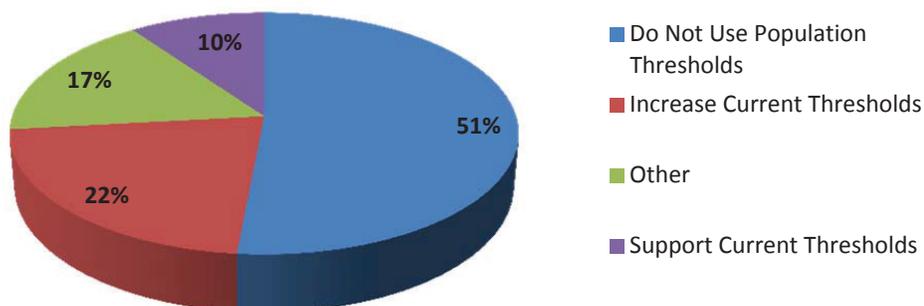
The staff input 496 total public comments into the database; 475 were determined to be substantive. By substantive, we mean comments that meaningfully addressed the rural determination process and made concrete recommendations to the Federal Subsistence Board (Board).

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

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

Population Thresholds

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



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

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

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

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

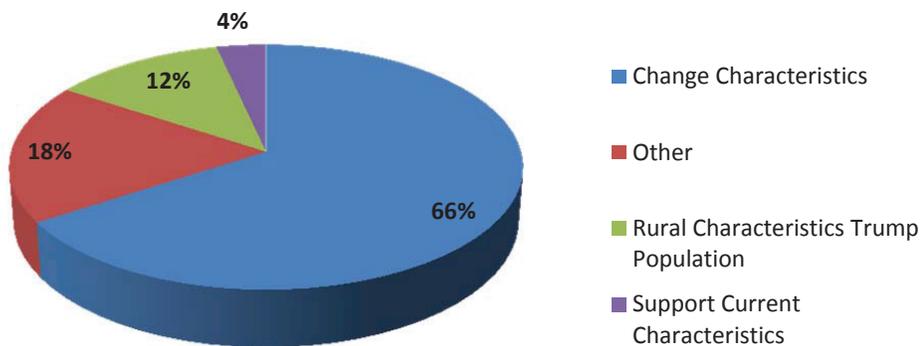


- Adopt and apply the rural development thresholds used by U.S. Department of Agriculture, which range from 2,500 to 50,000.
- Use the Permanent Fund Dividend population numbers.
- Exclude increases in populations due to industrial developments such as mining.
- Enhance monitoring of natural population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

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

Rural Characteristics

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



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

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

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

Other additions to the list of rural characteristics included:

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

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

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

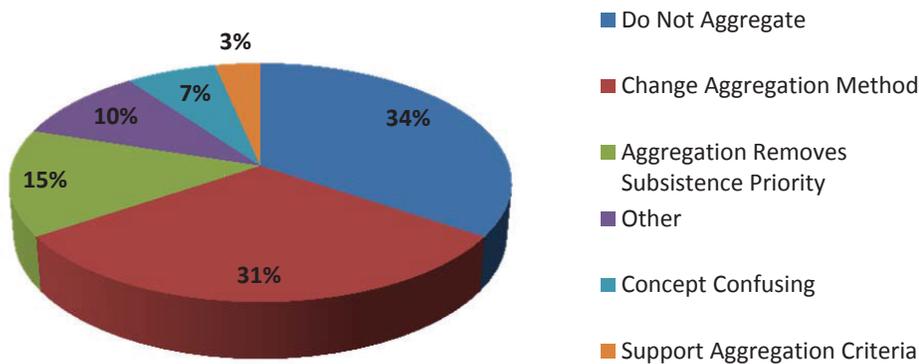
- Weight rural and/or community characteristics as the most important criterion.
- Weight “use of fish and wildlife” as the most important rural characteristic.
- Designate all island communities rural.
- Adapt and use some of the rural characteristics used by the State of Alaska (e.g., extent of sharing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

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



Aggregation of Communities

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



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

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

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

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

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

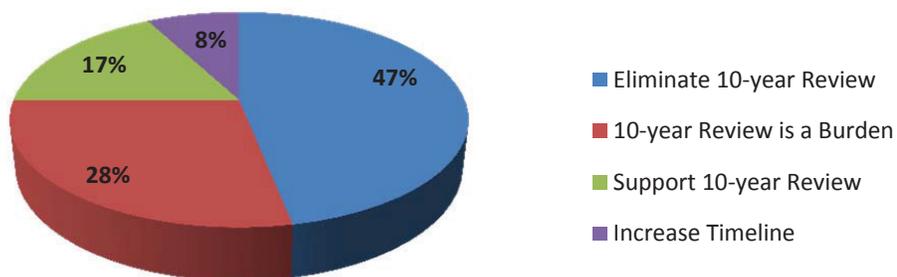
Six comments indicated that some people find the concept of aggregation to be confusing, both in how the concept is applied and the word is defined.

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

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

Timelines

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



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

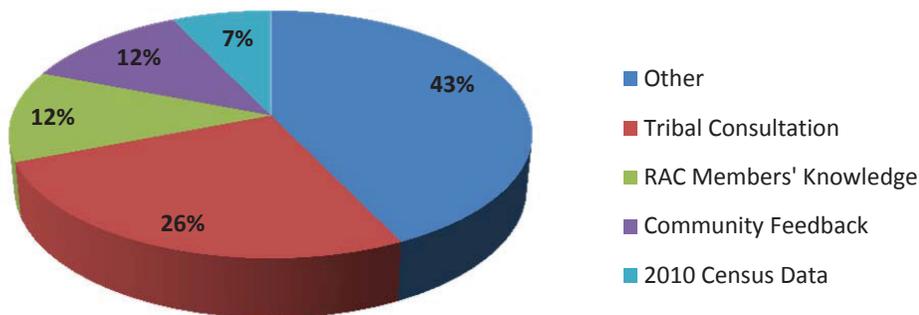
Eleven comments indicated support for doing a 10-year review. In five comments, respondents recommended that the timeline for review be increased (e.g., 15-year intervals, 100-year intervals, review rural determinations only when a community's population exceeds the upper threshold).



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

Information Sources

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



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

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

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

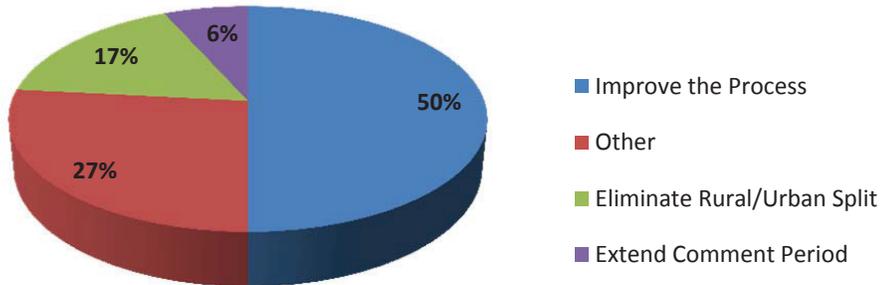
In 18 comments, respondents recommended that the Board use other sources of information such as:

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

Three comments indicated support for using the 2010 Census data.

Other Recommendations

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



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

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



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

In 10 comments, respondents recommended completely eliminating the rural/non-rural dualistic label because it threatens the subsistence priority of many Alaskan communities and the ways of life of many Alaska Native peoples.

In 16 comments, respondents recommended doing something else, including:

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

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

Appendix B. Alternatives for the Rural Determination Process

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



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

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

Fisheries Resource Monitoring Program

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

Overview

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

Funding Regions

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

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

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



Subsistence Resource Concerns

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

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

Funding Cycles

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

Funding Recommendations

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

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

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

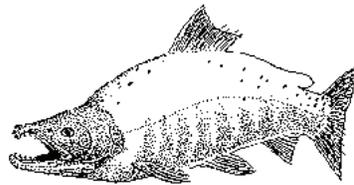
The final funding recommendation is made during the Federal Subsistence Board Meeting when the Board reviews the draft Monitoring Plan and subsequent ranking recommendations made by the Regional Advisory Councils, and Interagency Staff Committee. The funding recommendation made by the Federal Subsistence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



DRAFT

PRIORITY INFORMATION NEEDS

FEDERAL SUBSISTENCE FISHERIES



2016 Fisheries Resource Monitoring Program

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

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

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

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

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

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

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



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

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

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

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

Northern Alaska Region Priority Information Needs

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

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

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

Yukon Region Priority Information Needs

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

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

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



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

Kuskokwim Region Priority Information Needs

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

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

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



Southwest Alaska Region Priority Information Needs

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

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

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

Southcentral Alaska Region Priority Information Needs

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

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

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

Southeast Alaska Region Priority Information Needs

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

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

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

Multi-Regional Priority Information Needs

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



- Changes in subsistence fishery resources and uses, in the context of climate change where relevant, including, but not limited to, fishing seasons, species targeted, fishing locations, fish quality, harvest methods and means, and methods of preservation. Include management implications.
- Effects of the Bering Sea and Gulf of Alaska pollock fishery on Federal Chinook and chum subsistence resources throughout Alaska.
- Changes in subsistence fishery resources, in the context of climate change, including but not limited to fish movement and barriers including permafrost slump, water quality and temperature, draining of tundra lakes, changing patterns of precipitation both snow and rain, changing freeze-up and break-up.
- Develop alternative methods for evaluating Chinook and chum salmon escapement measures (for example, potential egg deposition, sex and size composition of spawners, spawning habitat utilization) in establishing spawning goals and determining the reproductive potential and genetic diversity of spawning escapements.

DRAFT

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

continued on next page



North Slope Regional Council Recommendation	
FP15-01 Executive Summary (continued)	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	1

DRAFT STAFF ANALYSIS FP15-01

ISSUES

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

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

DISCUSSION

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

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

Existing Federal Regulations

§ __ 100.14 and § __ 242.14 Relationship to State procedures and regulations

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

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

Proposed Federal Subsistence Regulations

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

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

Existing State Regulation

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

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

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

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

(1) in the Kenai River sport fishery,

(A) the use of bait is prohibited; or

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

Extent of Federal Public Waters

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

Regulatory History

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

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

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

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

Biological Background

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

Current Events

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

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



Other Alternates Considered

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

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

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

Effects of the Proposal

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

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

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

OSM PRELIMINARY CONCLUSION

Support Proposal FP15-01

Justification

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

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

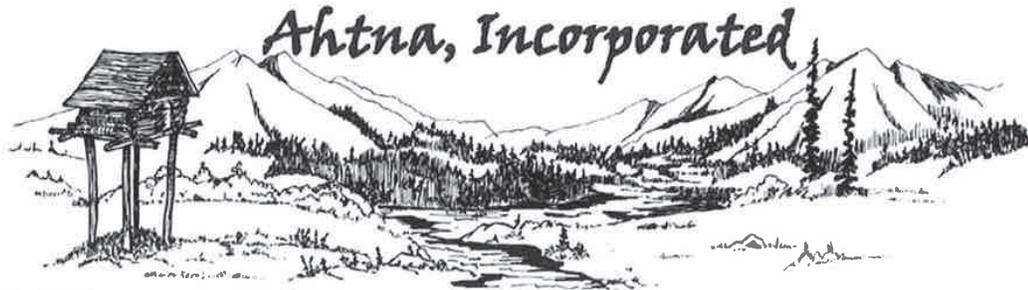
LITERATURE CITED

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

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

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





June 11, 2014

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

To the Federal Subsistence Board:

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

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

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

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

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

Sincerely,

Gloria Stickwan

Gloria Stickwan,
C&T/Environmental Coordinator

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

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

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

DRAFT STAFF ANALYSIS

FP15-02

ISSUE

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

DISCUSSION

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

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

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

Existing Federal Regulation

§100.27(e)(3) Yukon-Northern Area.

...

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

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

...

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



...

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

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

Proposed Federal Regulation

§100.27(e)(3) Yukon-Northern Area.

...

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

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

...

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

...

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

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

...

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

Relevant State Regulations

Article 4. Yukon Area

5 AAC 01.210. Fishing seasons and periods.

...

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

...

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

...

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

...

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

...

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

...

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

...

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

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

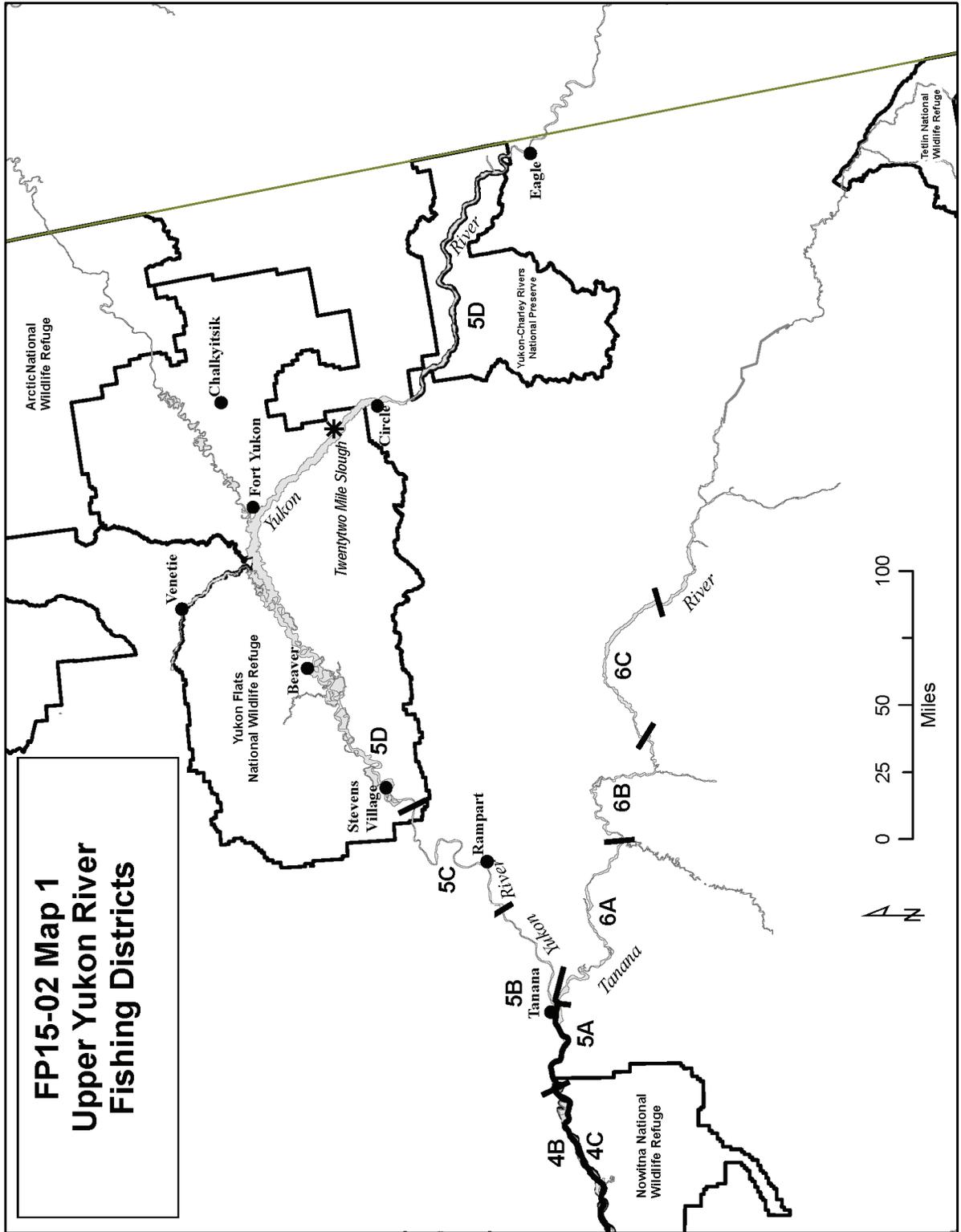
5 AAC 01.230. Subsistence fishing permits

...

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

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





Extent of Federal Public Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are those portions of the Yukon River located within and adjacent to the external boundaries of the Yukon Flats National Wildlife Refuge in Subdistrict 5C. Approximately 6 river miles of Subdistrict 5C occur within Yukon Flats National Wildlife Refuge.

Customary and Traditional Use Determinations

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

Regulatory History

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

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



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

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

Biological Background

Chinook Salmon

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

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

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

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

Summer Chum Salmon

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

Fall Chum Salmon

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

Coho Salmon

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



Harvest History

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

Effects of the Proposal

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

OSM PRELIMINARY CONCLUSION

Oppose FP15-02

Justification

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

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

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

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

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

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

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



DRAFT STAFF ANALYSIS

FP15-03

ISSUE

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

DISCUSSION

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

Existing Federal Regulation

Yukon-Northern Area

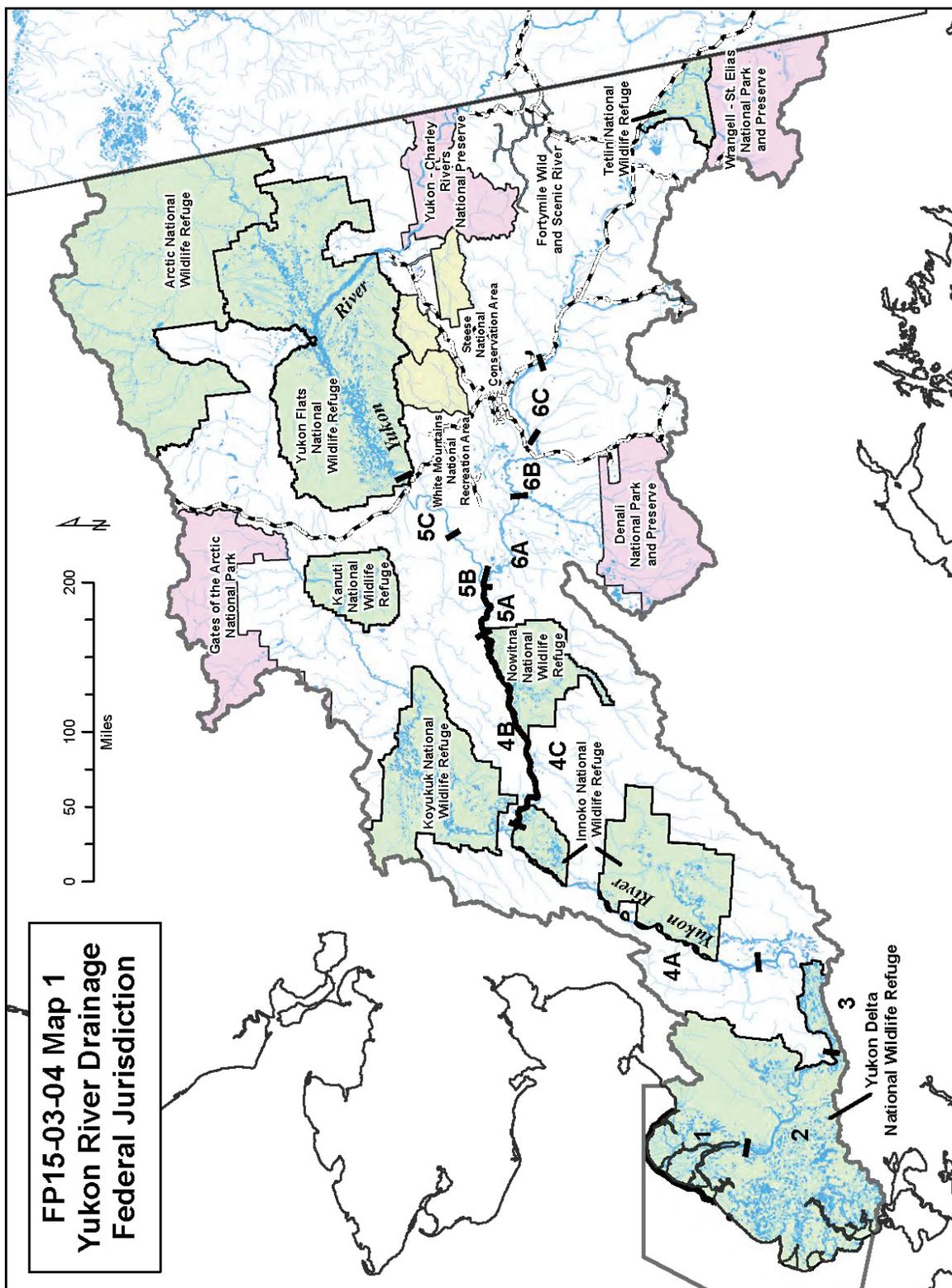
§ __.27(e)(i)(3)(xiii) *You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.*

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

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

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

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



**FP15-03-04 Map 1
Yukon River Drainage
Federal Jurisdiction**



Proposed Federal Regulation

Yukon-Northern Area

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

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

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

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

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

State Regulations

Subsistence Finfish Fishery—Yukon Area

5 AAC 01.220. Lawful gear and gear specifications

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

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

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

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

Extent of Federal Public Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are those portions of the Yukon River located within and adjacent to the external boundaries of the Yukon Delta National Wildlife Refuge in Districts 1, 2 and 3; Innoko National Wildlife Refuge in District 4; Koyukuk National Wildlife Refuge in District 4; Kanuti National Wildlife Refuge in District 4; Nowitna National

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

Customary and Traditional Use Determinations

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

Regulatory History

State of Alaska Regulatory History

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

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

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

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

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

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



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

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

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

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

Federal Regulatory History

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

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

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

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

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

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

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

Gear Used in the Middle and Upper Yukon River

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

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

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

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



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

Biological Background

Chinook Salmon

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

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

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

Summer Chum Salmon

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

Fall Chum Salmon

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

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

Coho Salmon

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

Harvest History – Chinook Salmon

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

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

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

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



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

Current Events - Chinook Salmon

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

Effects of the Proposal

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

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

OSM PRELIMINARY CONCLUSION

Oppose FP15-03.

Justification

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



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

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

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

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

Source: Jallen et al. (2012).

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



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

Federal Subsistence Board

3601 C Street, Suite 1030
Anchorage, Alaska 99503



FOREST SERVICE

FWS/OSM/C:/HolderInSeasonLtr

MAY -3 2002

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

Dear Mr. Holder:

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

Overview

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

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

FEDERAL FISHERIES MANAGEMENT DELEGATION OF AUTHORITY

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

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

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

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

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

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

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

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

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

6. Guidelines for Delegation:

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

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

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

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

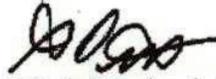
7. Reporting: The Branch Chief must provide to the Federal Subsistence Board a report describing the pre-season coordination efforts, local fisheries management decisions, and post-season evaluation activities for the previous fishing season by November 15.

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

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

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

Sincerely,

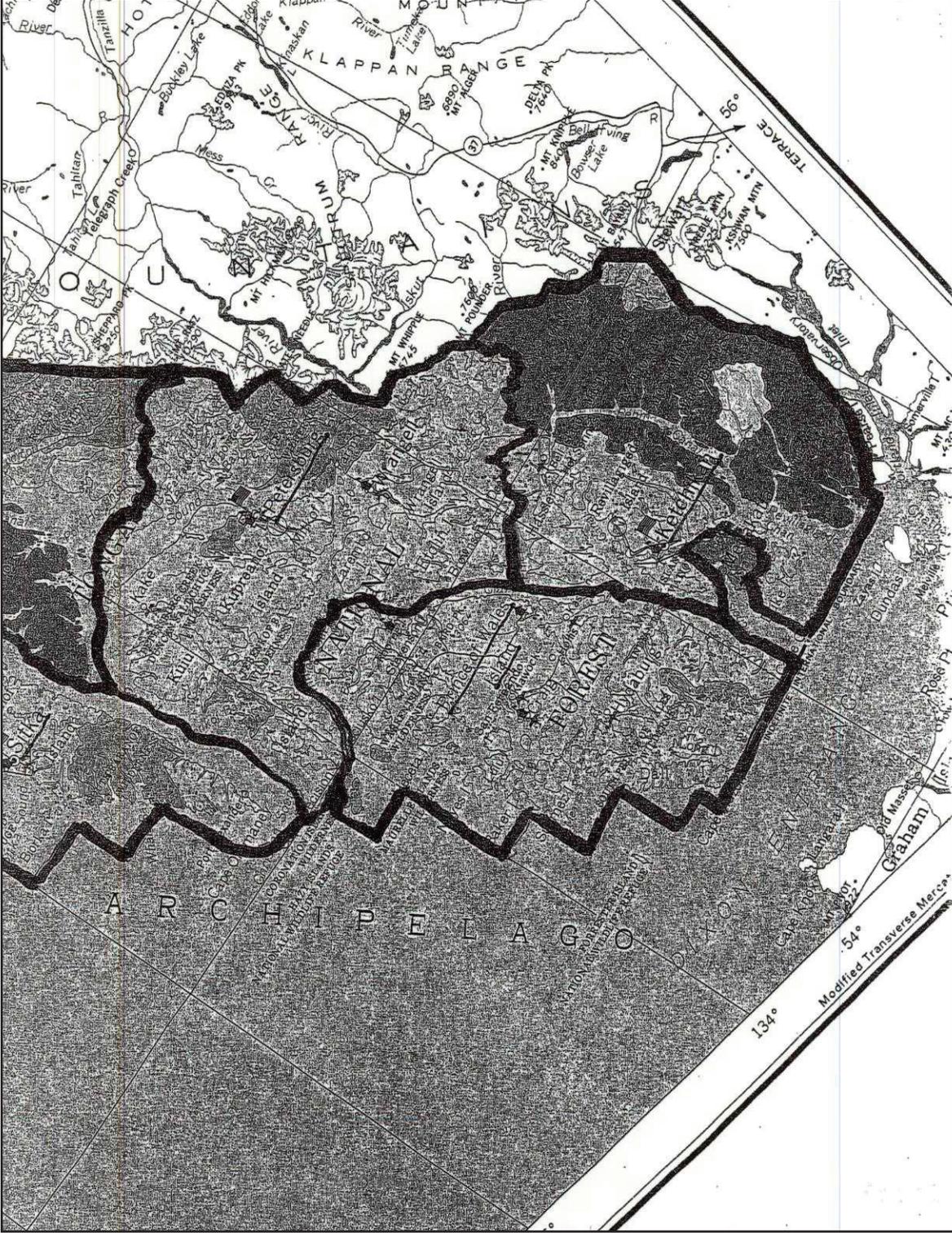


Mitch Demientieff, Chair
Federal Subsistence Board

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

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





FP15-04 Executive Summary

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

DRAFT STAFF ANALYSIS

FP15-04

ISSUE

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

DISCUSSION

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

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

Existing Federal Regulation

Yukon-Northern Area—Salmon

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

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

(B) *[Reserved]*

Proposed Federal Regulation

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



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

(B) ~~[Reserved]~~ ***In the Yukon River drainage, during times of Chinook salmon conservation, managers may restrict drift gill net gear use by time and area, while allowing for set net gear use for subsistence purposes by time and area.***

Other Relevant Federal Regulations

Yukon-Northern Area—Salmon

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

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

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

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

State Regulations

Subsistence Finfish Fishery—Yukon Area

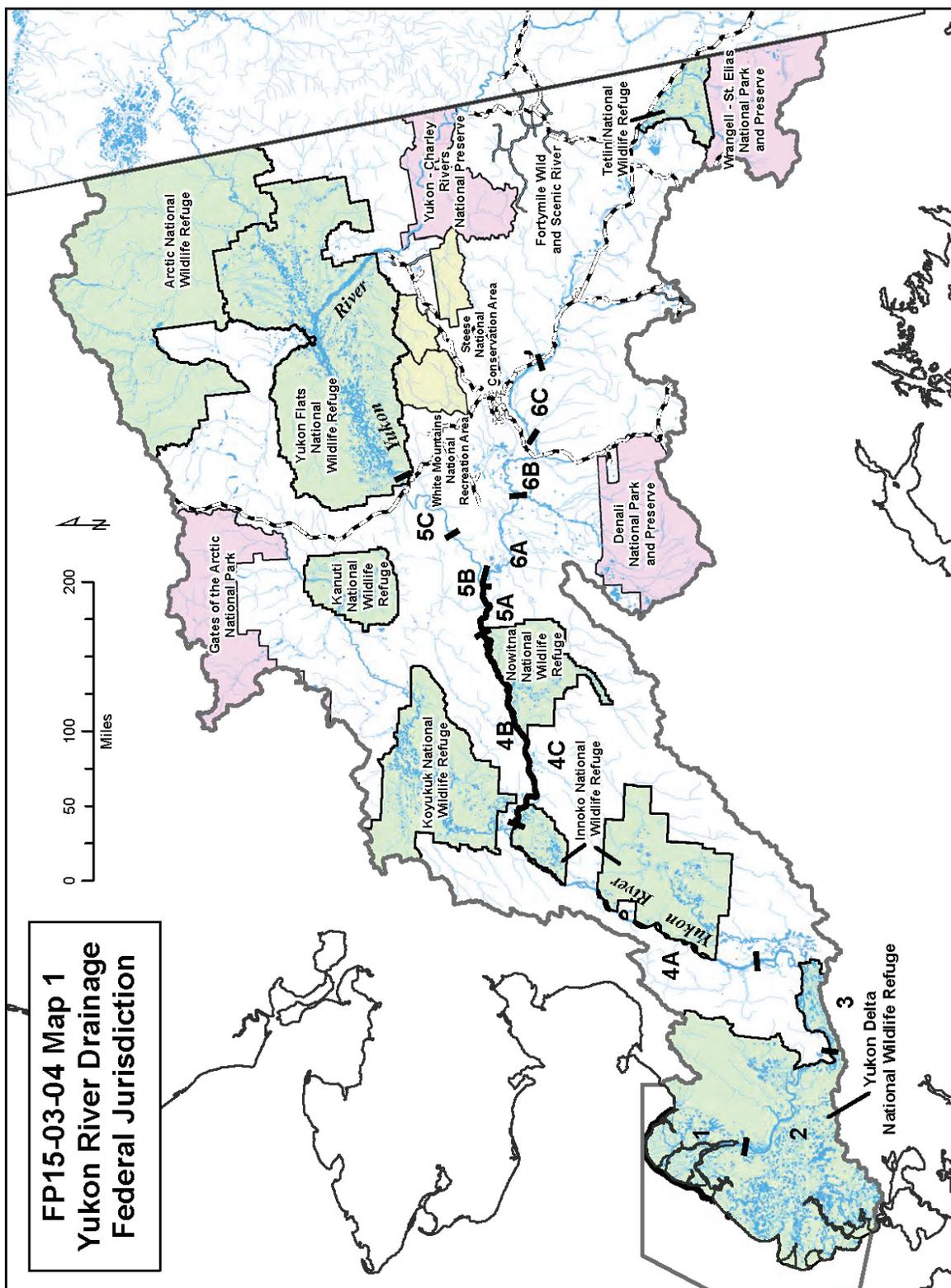
5 AAC 01.220. Lawful gear and gear specifications

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

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

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

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



Extent of Federal Public Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are those portions of the Yukon River located within and adjacent to the external boundaries of the Yukon Delta National Wildlife Refuge in Districts 1, 2 and 3; Innoko National Wildlife Refuge in District 4; Koyukuk National Wildlife Refuge in District 4; Kanuti National Wildlife Refuge in District 4; Nowitna National Wildlife Refuge in Districts 4 and 5; Yukon Flats National Wildlife Refuge in District 5; Arctic National Wildlife Refuge in District 5; Tetlin National Wildlife Refuge in District 6; Yukon-Charlie National Park; Denali National Park in District 6; Gates of the Arctic National Park in District 4; Wrangell-St. Elias National Park in District 6; White Mountains and Steese National Recreation Areas in Districts 5 and 6; and all components of the Wild and Scenic River System located outside the boundaries of National Parks, National Preserves, or National Wildlife Refuges, including segments of the Beaver Creek, Birch Creek, Delta, and Fortymile Wild and Scenic Rivers.

Customary and Traditional Use Determinations

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

Regulatory History

State of Alaska Regulatory History

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

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

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

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

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

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

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

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

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

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

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

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



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

Federal Regulatory History

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

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

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

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

Gear Used in the Middle and Upper Yukon River

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

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

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

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

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

Biological Background

Chinook Salmon

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

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

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

Summer Chum Salmon

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

Fall Chum Salmon

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

Coho Salmon

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

Harvest History

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

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

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

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

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

Current Events - Chinook Salmon

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

Effects of the Proposal

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



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

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

OSM PRELIMINARY CONCLUSION

Take No Action on FP15-04

Justification

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

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

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

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

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

Source: Jallen et al. (2012).

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



FP15-05 Executive Summary

General Description	Proposal FP15-05 requests that the Federal Subsistence Board allow subsistence fishing for all fish species to occur without interruption in the lower section of fishing Subdistrict 1-B, Kuskokwim River, during the month of June. <i>Submitted by Nick Carter.</i>
Proposed Regulation	<i>Kuskokwim Area—Fish</i> <i>§100.27(e)(4)(ii). Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. However, in the lower section of Subdistrict 1-B, subsistence fishing for all species is open continuously during the month of June.</i>
OSM Preliminary Conclusion	Oppose
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	

DRAFT STAFF ANALYSIS FP15-05

ISSUES

Proposal FP15-05, submitted by Nick Carter, requests that the Federal Subsistence Board allow subsistence fishing for all fish species to occur without interruption in the lower section of fishing Subdistrict 1-B, Kuskokwim River, during the month of June.

DISCUSSION

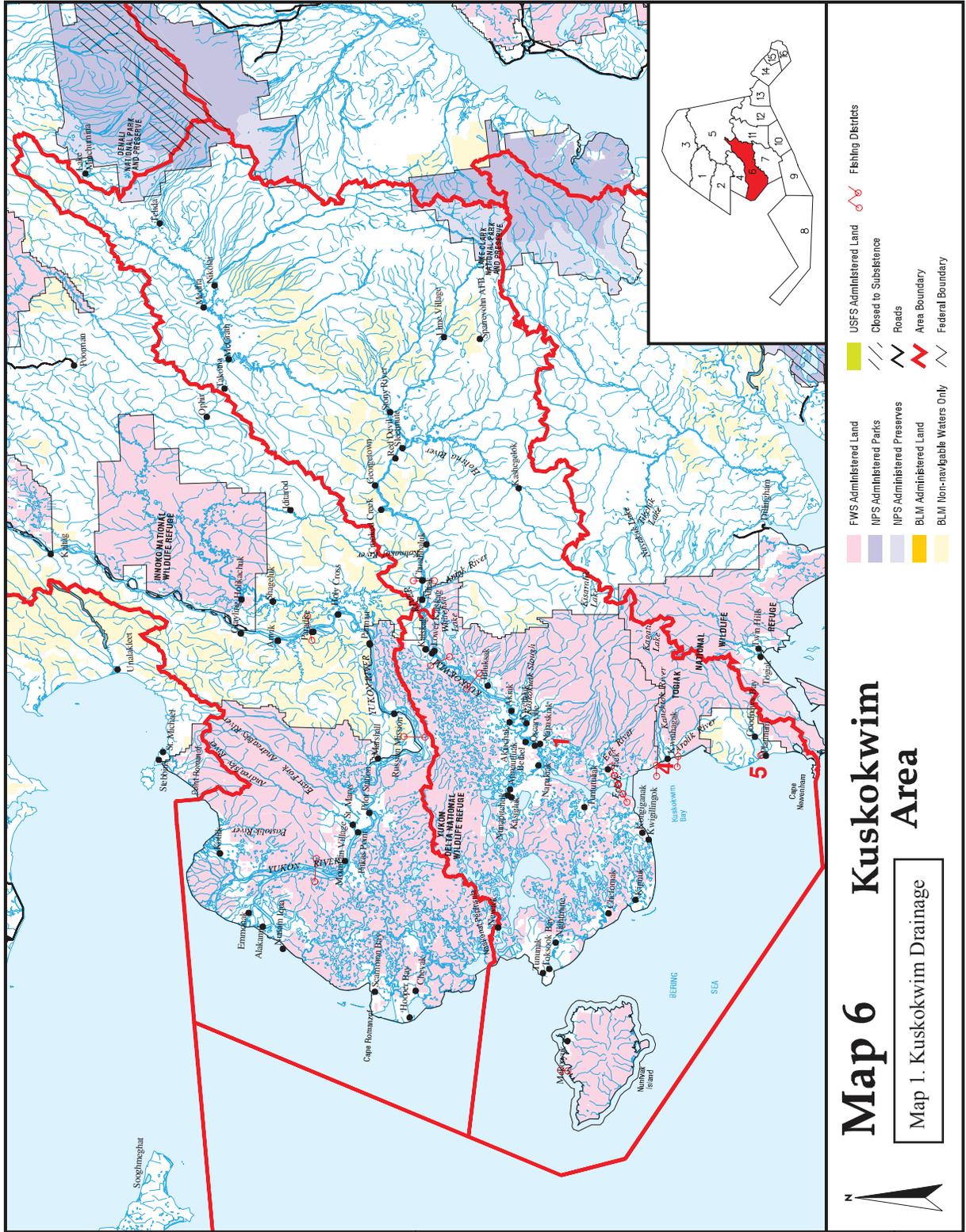
The proponent states that he is making this request because “it is tradition” to be able to fish anytime for any and all fish species in the lower section of Subdistrict 1-B during the month of June.

All of Subdistrict 1-B is the Federal public waters within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge (**Map 1**).

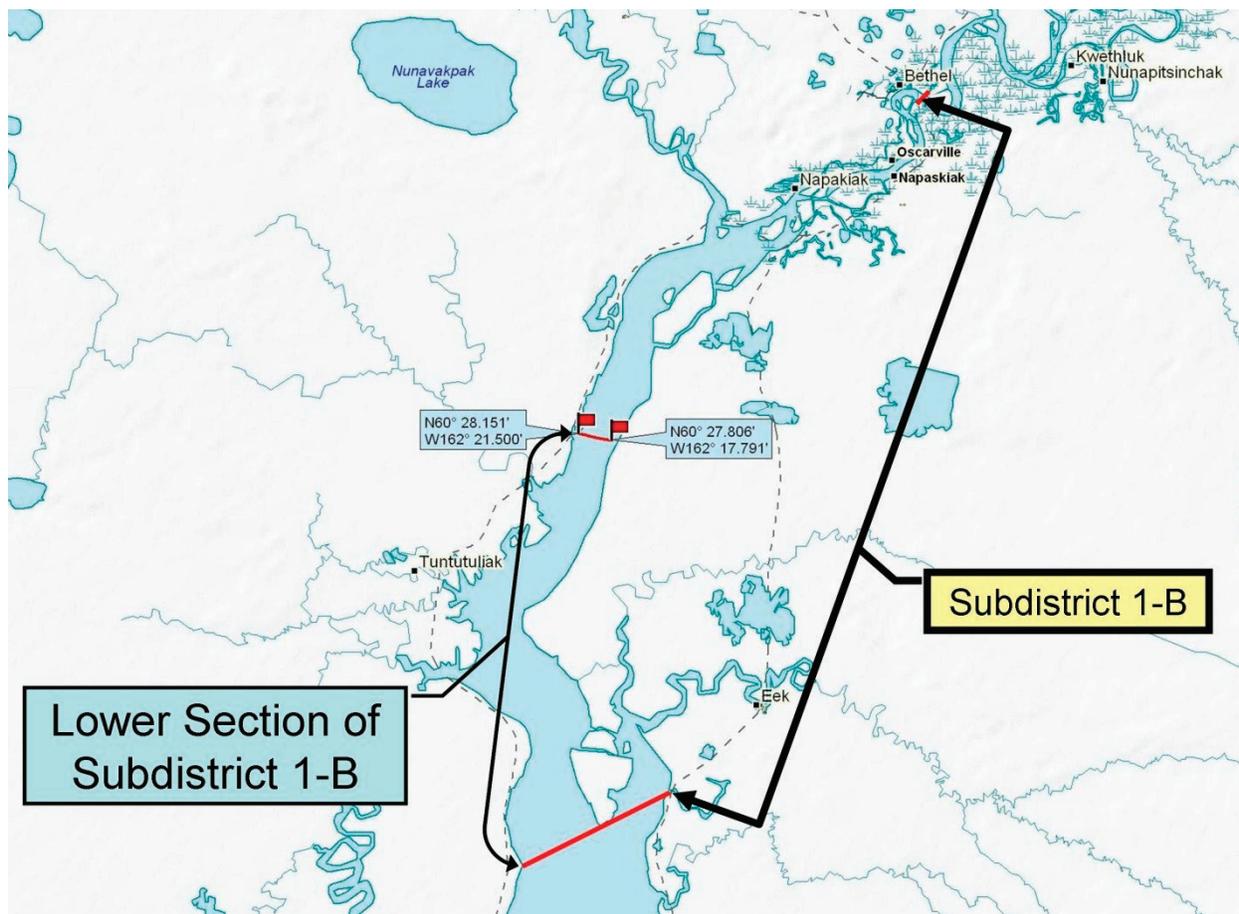
The lower section of Subdistrict 1-B is defined as that portion of District 1 from a line between Alaska Department of Fish and Game regulatory markers located approximately 15 miles downstream of the Johnson River to the lower boundary of District 1, defined as a line from Apokak Slough to the southernmost tip of Eek Island to Popokamiut (**Map 2**).

The implication in this proposal is that the Federal in-season fisheries manager would not have the authority to impose any restrictions during the month of June in the lower section of Subdistrict 1-B, regardless of the run size and/or population estimates of the subsistence fish species targeted for harvest.





Map 2. Fishing Subdistrict 1-B, Kuskokwim River.



Map courtesy of the Alaska Department of Fish and Game, Commercial Fish Division

Existing Federal Regulations

Kuskokwim Area—Fish

§100.27(e)(4)(ii). *Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.*

Proposed Federal Regulation

Kuskokwim Area—Fish

§100.27(e)(4)(ii). *Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. **However, in the lower section of Subdistrict 1-B, subsistence fishing for all species is open continuously during the month of June.***



State of Alaska Regulations

Kuskokwim Area—Subsistence Fishery

5 AAC 01.260. Fishing seasons and periods.

- (a) *Unless otherwise specified in this section, 5 AAC 01.275 or 5 AAC 07.365, finfish, except rainbow trout, may be taken in the Kuskokwim Area at any time. Rainbow trout taken incidentally in other subsistence finfish net fisheries and through the ice are legally taken and may be retained for subsistence purposes.*
- (b) *In the waters of Districts 1 and 2, and those waters of the Kuskokwim River between Districts 1 and 2, salmon may be taken at any time, except that the commissioner may, by emergency order, close the subsistence fishing periods in the waters of Districts 1 and 2 and those waters of the Kuskokwim River between Districts 1 and 2 and reopen those waters to commercial fishing. In Subdistricts 1-A and 1-B, the commissioner may, by emergency order, reopen fishing periods where subsistence fishing will be allowed in portions of waters adjacent to the waters of Subdistricts 1-A or 1-B open to commercial fishing under this subsection.*

5 AAC 07.365. Kuskokwim River Salmon Management Plan (See Appendix A)

Extent of Federal Public Land

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The affected area consists of those waters of the Kuskokwim River drainage that are within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge, including portions of the Kuskokwim Fishery Management Area Districts 1 and 2 (see **Map 1**).

Customary and Traditional Use Determination

Residents of the Kuskokwim Fishery Management Area (except those persons residing on the United States military installations located on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB) have customary and traditional use determination for all salmon in the affected area (Yukon Delta National Wildlife Refuge waters of the lower Kuskokwim River drainage).

Regulatory History

In 2002, the Office of Subsistence Management submitted fisheries regulatory proposal FP03-28 to streamline the Federal Special Action process state-wide. Specifically, in-season Special Actions would be issued only when Federal management actions differ from State management actions. State Emergency Orders would apply to Federal public waters in instances where State and Federal managers are in agreement on subsistence issues. The Federal Subsistence Board adopted FP03-28, with Modification, to utilize this streamline approach for the Yukon and Kuskokwim areas only (FWS 2002).

For the Kuskokwim area, the current regulation first appeared as a special provision in the 2003-2004 Federal Subsistence Fisheries Regulations booklet provided to the public. In all subsequent Federal Subsistence Fisheries Regulations booklets, it has been listed under “Open Season” for salmon.

For the Kuskokwim Area, the default position under State regulations is that, fishing for all species, except Rainbow trout, is open until closed. In addition, the Kuskokwim River salmon species are managed by the Alaska Department of Fish and Game per the *Kuskokwim River Salmon Management Plan* (see Appendix A). This plan was most recently updated in January 2013 by the Alaska Board of Fisheries after much input from Kuskokwim River stakeholders. In summary, fishing restrictions (time, area, and gear types) are put in place based on fish population estimates and run strength.

Federal management of the Kuskokwim River subsistence fisheries follow State of Alaska regulations, including the *Kuskokwim River Salmon Management Plan* (**Appendix A**), unless the Federal Subsistence Board or the Kuskokwim Area Federal In-season manager deem it necessary to issue special actions *to ensure the continued viability of a fish or wildlife population, to continue subsistence uses of fish or wildlife, or for public safety reasons* not provided under State regulations for the subsistence fisheries resources in the affected Federal public waters.

Due to pre-season low run forecasts for Chinook salmon, severe in-season restrictions were imposed on subsistence users during portions of the 2012 and 2014 salmon fishing seasons in order to conserve Chinook salmon.

Biological Background

The request is to have unrestricted fishing during the month of June for all fish species in Subdistrict 1-B. During the month of June, Lower Kuskokwim River subsistence users target Chinook, chum and sockeye salmon for harvest.

Chinook Salmon

Analysis of run timing data at the Bethel Test Fishery site from 2005 to 2014 showed that an average of 77% (range 63-89%) of the total Chinook salmon run passed by this site during the month of June (ADF&G 2014).

Since 2007, the Kuskokwim River Chinook salmon stocks have experienced a multi-year period of low productivity, insufficient to meet escapement levels and provide sufficient subsistence harvest opportunity (Schindler et al. 2013). The average Kuskokwim River Chinook salmon run size from 1976–2013 was 239,000 fish, with the last five years, 2009–2013, averaging only 130,000 fish (**Table 1**). Since 2010, the Chinook salmon runs have been some of the lowest runs on record, with the estimated 2013 run of 94,000 fish, the lowest run ever documented (Elison, Per. Comm. 2014).

Escapement objectives for Chinook salmon have not been met on the Kuskokwim River the past four years (2010-2013).

Prior to the 2012 Chinook salmon fishing season, the Federal and State in-season fisheries managers, in conjunction with the Kuskokwim River Salmon Management Working Group, agreed on managing the subsistence fishery with an escapement goal of 127,000 fish based on the Bethel Test Fishery abundance index. The estimated 2012 total run of 100,000 Chinook salmon in the Kuskokwim River was not only lower than the escapement goal, but turned out to be lowest run on record at the time, dating back to 1976. The 2012 Chinook salmon escapement is estimated to be approximately 76,000 fish (Schaberg and Elison, *in prep*).

In January 2013, the Alaska Board of Fisheries adopted a new Kuskokwim River Salmon Management Plan (5 AAC 07.365), and a new, drainage-wide Sustainable Escapement Goal of 65,000–120,000 Chinook salmon. For the 2013 Chinook salmon fishing season, with this new Sustainable Escapement Goal in place, the In-season fisheries managers, with concurrence from the Working Group, agreed on managing the subsistence fishery with an escapement goal of 85,000 fish. Due to run timing and compression, few restrictions were placed on Chinook salmon subsistence harvest throughout the 2013 fishing season which resulted in the lowest escapement on record. The 2013 Chinook salmon escapement is estimated to be approximately 47,500 fish (Elison, 2014).

Chum Salmon

Analysis of run timing data at the Bethel Test Fishery site from 2005 to 2014 showed that an average of 26% (range 22-41%) of the total chum salmon run passed by this site during the month of June (ADF&G 2014).

There have been no conservation concerns for Kuskokwim River chum salmon the past decade. There are two Sustainable Escapement Goals for chum salmon in the Kuskokwim River drainage. The Kogruklu River has a Sustainable Escapement Goal range of 15,000 to 49,000 fish and the Aniak River has a Sustainable Escapement Goal range of 220,000 to 480,000. These goals were annually achieved or exceeded from 2003 to 2011, with escapement averages during that same time period of 82,813 fish for the Kogruklu River and 643,347 fish for the Aniak; both well above the upper range of their respective Sustainable Escapement Goal (Elison and Tiernan 2013).

Sockeye Salmon

Analysis of run timing data at the Bethel Test Fishery site from 2005 to 2014 showed that an average of 53% (range 36-73%) of the total sockeye salmon run passed by this site during the month of June (ADF&G 2014).

There have been no conservation concerns for Kuskokwim River sockeye salmon the past decade. Since 2010, annual abundance has been average. There is one SEG for sockeye salmon in the Kuskokwim River drainage. The Kogruklu River has a SEG range of 4,400 to 47,000 fish, which was achieved each year between 2003 and 2011. The most recent ten-year escapement average is 21,866 fish for the Kogruklu River, well above the lower range of the SEG (Elison and Tiernan 2013).

Harvest History

Chinook salmon

Historically, the Kuskokwim River has been home to the largest Chinook salmon subsistence fishery in the State of Alaska. From the early 1990s through 2011, the Chinook salmon harvest has averaged approximately 85,000 fish annually (**Table 1**). However, since 2010, the amount of Chinook salmon harvest has trended downward, due to both record low runs and corresponding increased fishing restrictions in some years.

The estimated 2010 subsistence harvest was 66,000 Chinook salmon and the 2011 estimated subsistence harvest was 59,000 Chinook salmon (**Table 1**). The estimated 2012 subsistence Chinook salmon harvest of 24,000 fish was the lowest on record. This occurred as a result of the lowest run size to date at the time, in conjunction with significant restrictions on Chinook salmon fishing throughout the 2012 fishing season. In 2013, subsistence users harvested an estimated 46,500 fish; almost twice as much as the previous year, but still well below the long-term average of 85,000 fish (Elison 2014).

Chum salmon

Average subsistence harvest from 1990 to 2011 was approximately 70,000 chum salmon. The subsistence harvest was 46,143 and 49,717 chum salmon in 2010 and 2011, respectively (Elison, et. al. 2012). The estimated subsistence harvest for 2012 was 79,513 fish (Sheldon, et. al. 2014), much higher than most recent years. This is likely due to mesh-size restriction of 6-inch or smaller to conserve Chinook salmon, and possibly increased harvest effort for chum salmon due to restrictions to the Chinook salmon fishery during the 2012 fishing season.

Sockeye salmon

Kuskokwim River sockeye salmon are targeted in subsistence and commercial fisheries. Average annual subsistence harvest from 1990 to 2011 was approximately 43,000 fish. The subsistence harvest was 38,120 fish in 2010 and 40,207 fish in 2011 (Elison, et. al. 2012). The estimated subsistence harvest for 2012 was 47,231 fish (Sheldon, et. al. 2014).

Effects of the Proposal

Fishing restrictions (time, area, and gear types) are put in place based on fish population estimates and/or run strength, and are utilized to ensure continued viability of a species and/or to address conservation concerns.

If this proposal were adopted, all Federally-qualified subsistence users in the Kuskokwim Management Area would be eligible and allowed to take all fish species during the month of June in the lower section of Subdistrict 1-B of the Kuskokwim River 24 hours per day, 7 days per week, regardless of the run size and/or population estimate of each fish species. This could lead to serious conservation concerns for those species that are experiencing weak run sizes, such as Kuskokwim River Chinook salmon stocks



have since 2010. Also, if this proposal were adopted, the lower section of Subdistrict 1-B would likely have to be under Federal management for the month of June, while the rest of the river would be under State management. This could lead to confusion on the part of subsistence users.

Adoption of this proposal would remove the Federal in-season manager's authority to regulate and/or manage the Federal subsistence fisheries during the month of June in the lower section of Subdistrict 1-B of the Kuskokwim River. This could lead, at times, to severer restrictions being imposed upriver in order to ensure continued viability of a species and/or to address conservation concerns.

Adoption of this proposal could also lead to public safety concerns, as it is likely that many more subsistence fishermen than normal would congregate during the month of June in the lower section of Subdistrict 1-B of the Kuskokwim River to take advantage of unrestricted fishing.

OSM PRELIMINARY CONCLUSION

Oppose FP15-05

Justification

Fishing restrictions (time, area, and gear types) are put in place based on fish population estimates and/or run strength, and are utilized to ensure continued viability of a species and/or to address conservation concerns. Fisheries managers need to be allowed the flexibility to impose restrictions if and when necessary, based on these biological parameters. To allow unrestricted fishing in the lower section of Subdistrict 1-B during the month of June would likely be detrimental, at a minimum, to the conservation of Chinook salmon stocks throughout the Kuskokwim River basin.

In addition, it is essential that the Federal In-season manager retain his/her authority and flexibility to manage all sections of Federal public waters of the Kuskokwim area based on in-season assessments of the run strengths of all subsistence fish species.

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Table 1. Kuskokwim River Chinook salmon estimated total run, escapement, and harvest, 1976-2013 (Elison 2012)

Year	Estimated		Harvest				Total
	Total Run	Escapement	Subsistence	Commercial	Sport	Test Fish	
1976	233,967	143,420	58,606	30,735		1,206	90,547
1977	295,559	201,852	56,580	35,830	33	1,264	93,707
1978	264,775	180,853	36,720	45,641	116	1,445	83,922
1979	253,990	157,688	56,283	38,966	74	979	96,302
1980	300,573	203,605	59,892	35,881	162	1,033	96,968
1981	389,791	279,392	61,329	47,663	189	1,218	110,399
1982	187,354	80,353	58,018	48,234	207	542	107,001
1983	166,333	84,188	47,412	33,174	420	1,139	82,145
1984	188,238	99,062	56,930	31,742	273	231	89,176
1985	176,292	94,365	43,874	37,889	85	79	81,927
1986	129,168	58,556	51,019	19,414	49	130	70,612
1987	193,465	89,222	67,325	36,179	355	384	104,243
1988	207,818	80,055	70,943	55,716	528	576	127,763
1989	241,857	115,704	81,175	43,217	1,218	543	126,153
1990	264,802	100,614	109,778	53,504	394	512	164,188
1991	218,705	105,589	74,820	37,778	401	117	113,116
1992	284,840	153,573	82,648	46,872	367	1,380	131,267
1993	270,295	169,816	87,674	9,735	587	2,483	100,479
1994	365,246	242,616	103,343	16,211	1,139	1,937	122,630
1995	360,513	225,595	102,110	30,846	541	1,421	134,918
1996	302,605	197,092	96,415	7,419	1,432	247	105,513
1997	303,190	211,247	79,382	10,441	1,788	332	91,943
1998	213,879	113,627	81,219	17,359	1,464	210	100,252
1999	189,939	112,082	72,775	4,705	279	98	77,857
2000	136,676	65,180	70,883	444	105	64	71,496
2001	223,707	145,232	78,009	90	290	86	78,475
2002	246,297	164,635	80,983	72	319	288	81,662
2003	248,883	180,687	67,228	158	401	409	68,196
2004	388,136	287,178	97,110	2,300	857	691	100,958
2005	366,608	275,598	85,097	4,784	572	557	91,010
2006	307,671	214,004	90,094	2,777	444	352	93,667
2007	273,044	174,943	96,139	179	1,478	305	98,101
2008	237,070	128,978	98,099	8,865	708	420	108,092
2009	204,741	118,478	78,225	6,664	904	470	86,263
2010	118,504	49,073	66,053	2,732	354	292	69,431
2011	132,651	72,097	58,836	748	633	337	60,554
2012 ¹	100,818	76,000	24,000	400	0	418	24,818
2013 ²	94,680	47,500	46,500	419	0	261	47,180
Historic Average	239,018	144,730	71,935	21,205	518	644	94,288
2004-2013 (10yr)	222,392	144,385	74,015	2,987	595	410	78,007
2009-2013 (5yr)	130,279	72,630	54,723	2,193	378	356	57,649

¹Elison 2014²Schaberg et al, *in prep*

APPENDIX A

5 AAC 07.365. Kuskokwim River Salmon Management Plan

- (a) *The purpose of this management plan is to provide guidelines for management of the Kuskokwim River salmon fisheries that result in the sustained yield of salmon stock large enough to meet escapement goals, amounts reasonably necessary for subsistence uses and for nonsubsistence fisheries. The department shall use the best available data, including pre-season and in-season run projections, test fishing indices, age and sex composition, harvest reports, passage escapement estimates, and recognized uncertainty, to assess run abundance for the purpose of implementing this plan.*
- (b) *It is the intent of the Board of Fisheries that the Kuskokwim River salmon stocks shall be managed in a conservative manner consistent with the Policy for the Management of Sustainable Salmon Fisheries under 5 AAC 39.222 to meet escapement goals and the subsistence priority.*
- (c) *In the king salmon fishery,*
- 1) *when the projected escapement of king salmon is below the drainagewide escapement goal range, the commissioner, by emergency order, close the commercial, sport and subsistence king salmon fisheries;*
 - 2) *when the projected escapement of king salmon is within the drainagewide escapement goal range, the commissioner shall open and close fishing periods, by emergency order as follows:*
 - A. *to the extent practicable, at least one fishing period per week will be opened for a directed subsistence king salmon fishery to provide harvest opportunity on surplus king salmon in excess of escapement needs, except that when surplus king salmon in excess of the drainagewide escapement goal is limited, the commissioner may, by emergency order, close the subsistence fishery and immediately reopen a subsistence fishery during which*
 - i. *king salmon may be taken only by persons 60 years of age or older, and*
 - ii. *a person authorized to take king salmon under (i) of this paragraph may not authorize a proxy to take or attempt to take king salmon under AS 16.05.405 or 5 AAC 01.011, but the participant may be assisted by family members within the second degree of kindred; in this sub-subparagraph, “within the second degree of kindred” has the same meaning given in 5 AAC 92.990(a);*
 - B. *fishing may be opened for commercial and sport fisheries to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs;*
 - 3) *when the projected escapement of king salmon exceeds the drainagewide escapement goal range, the*
 - A. *directed king salmon fishery will be open seven days per week; and*
 - B. *commercial and sport fisheries will be managed to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs.*
- (d) *In the subsistence fishery, in the Kuskokwim River drainage, in the waters of the mainstem of the river and other salmon spawning tributaries, unless otherwise specified by the department,*



- 1) *The subsistence salmon net and fish wheel fisheries will be open seven days per week, except that if the commissioner determines it is necessary in order to achieve escapement goals, the commissioner may alter fishing periods, by emergency order, based on run abundance;*
 - 2) *Is addition to gear specifications and operations provisions of 5 AAC 01.270(n), when the commissioner determines that it is necessary to conserve king salmon to achieve escapement goals, the commissioner may, by emergency order, close the subsistence fishery and immediately reopen the fishery during which the gillnet mesh size may not exceed four inches until sockeye and chum abundance exceeds the king salmon abundance;*
 - 3) *actions to conserve king salmon may be applied to the entire Kuskokwim River, its sections, or tributaries, consistent with harvest trends and variability in abundance of king salmon available for harvest as the run progresses upstream;*
 - 4) *the commissioner may alter the subsistence hook and line bag and possession limits specified in 5 ACC 01.295, by emergency order, if the commissioner determines that inseason information indicates it is necessary for conservation purposes.*
- (e) *In the commercial fishery,*
- 1) *The guideline harvest level for king salmon and sockeye salmon is as follows:*
 - A. *0 – 50,000 king salmon*
 - B. *0 – 50,000 sockeye salmon*
 - 2) *Only the waters of District 1 may be opened during the first commercial salmon fishing period;*
 - 3) *The commissioner shall open and close the Kuskokwim River commercial salmon fishery, by emergency order, if inseason information indicates a run strength that is large enough to provide for a harvestable surplus and a reasonable opportunity for subsistence uses and for nonsubsistence fisheries.*
 - 4) *The department shall provide, to the extent practicable, at least 24 hours advance notice of the opening of Districts 1 and 2 commercial fishing periods;*
 - 5) *Districts 1 and 2 commercial fishing periods are from 12:00 p.m. through 6:00p.m.; when longer fishing periods are allowed, the extra time is to be divided before 12:00 p.m. and after 6:00 p.m.;*
 - 6) *The department shall manage the commercial fishery to ensure there is no significant impact on escapement or allocations of salmon species as a result of incidental harvest in commercial fisheries directed at other salmon species;*
 - 7) *In June and when king salmon are abundant, the department shall manage the commercial salmon fishery conservatively to ensure king salmon escapement goals are achieved and reasonable opportunity for subsistence uses is provided in consideration of harvest trends and abundance of king salmon available for the subsistence fishery as follows:*
 - A. *when the projected escapement of king salmon is within the drainagewide escapement goal range,*
 - i. *the first opening may not occur until after June 23;*
 - ii. *only the waters of Subdistrict 1-B may be opened during the first commercial fishing period;*
 - iii. *at least 72 hours must pass between the first Subdistrict 1-B opening and the first Subdistrict 1-A opening;*
 - B. *when the projected escapement of king salmon exceeds the drainagewide escapement goal range, the commercial fishery will be managed to provide harvest opportunity on surplus king salmon in excess of escapement and subsistence needs;*

- 8) *when chum salmon abundance exceeds king salmon relative abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on chum salmon run strength;*
 - 9) *when coho salmon abundance exceeds king salmon relative abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on coho salmon run strength;*
 - 10) *A person may not sell salmon roe taken in Districts 1 and 2.*
- (f) *In the sport fishery,*
- 1) *if the commissioner restricts the fishery, by emergency order, for conservation purposes, the restrictions must be based on the level of abundance;*
 - 2) *in the Aniak River drainage, the king salmon fishery is open from May 1 through July 25, with a bag and possession limit of two fish, 20 inches or greater in length, with an annual limit of two fish, 20 inches or greater in length; the sockeye, pink, chum, and coho salmon fisheries are open year round, with a combined daily bag and possession limit of three fish, of which no more than two fish may be king salmon;*
 - 3) *actions to conserve king salmon will only be implemented when king salmon are present, consistent with migratory timing as the run progresses upstream.*



FP15-06/07 Executive Summary	
General Description	<p>Proposal FP15-06 and proposal FP15-07 request that dip nets be authorized as legal gear for the harvest of salmon in the Kuskokwim River drainage. Additionally, FP15-07 requests inclusion of the following provision: “All king [Chinook] salmon captured with a dip net must be immediately released back to the water.” Since both proposals seek similar regulatory action, they are consolidated and analyzed together. <i>Proposal FP15-06 submitted by the Yukon Delta National Wildlife Refuge, and Proposal FP15-07 submitted by Lisa Feyereisen.</i></p>
Proposed Regulation	<p>FP15-06 - Kuskokwim Area—Fish</p> <p><i>§ __.27(e)(4)(ix). You may only take salmon by gillnet, beach seine, fish wheel, dip net or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.</i></p> <p>FP15-07 - Kuskokwim Area—Fish</p> <p><i>§ __.27(e)(4)(ix). You may only take salmon by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay. You may also take salmon by dip net in the Kuskokwim River drainage with the provision that all king [Chinook] salmon captured with a dip net must be immediately released back to the water.</i></p>
OSM Preliminary Conclusion	Support FP15-06; Take No Action FP15-07
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	

DRAFT STAFF ANALYSIS FP15-06 / FP15-07

ISSUES

Proposal FP15-06 submitted by the Yukon Delta National Wildlife Refuge, and proposal FP15-07 submitted by Lisa Feyereisen, request that dip nets be authorized as legal gear for the harvest of salmon in the Kuskokwim River drainage. Additionally, FP15-07 requests inclusion of the following provision: “All king [Chinook] salmon captured with a dip net must be immediately released back to the water.” Since both proposals seek similar regulatory action, they are consolidated and analyzed together.

DISCUSSION

The proponent of FP15-06 states that “...the Kuskokwim [River] Salmon Management Working group and the State of Alaska successfully petitioned the Alaska Board of Fisheries to implement dip nets as a legal gear type in the Kuskokwim management area for the 2014 salmon fishing season. This proposal if passed would make permanent the allowance of dip nets in the Kuskokwim management area [under Federal regulations].”

The proponent for FP15-07 states that “...dip nets will likely only be used when restrictions for king salmon are implemented; consequently, the harvest of chum and sockeye salmon with dip nets will be much lower than in typical years when gill nets are the preferred method, because dip nets are a very inefficient means of fishing.”

Existing Federal Regulations

Kuskokwim Area—Fish

§ __.27(e)(4)(ix). *You may only take salmon by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.*

Subsistence taking of fish, wildlife, and shellfish: general regulations.

§ __.25(a) - *Definitions. Dip net means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed 5 feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.*

Proposed Federal Regulation – FP15-06

Kuskokwim Area—Fish

§ __.27(e)(4)(ix). *You may only take salmon by gillnet, beach seine, fish wheel, **dip net** or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.*

Proposed Federal Regulation – FP15-07

Kuskokwim Area—Fish

§ __.27(e)(4)(ix). *You may only take salmon by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay. **You may also take salmon by dip net in the Kuskokwim River drainage with the provision that all king [Chinook] salmon captured with a dip net must be immediately released back to the water.***

State of Alaska Regulations

Kuskokwim Area—Subsistence Fishery

5 AAC 01.270. Lawful gear and gear specifications and operation

(a) *Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, or fish wheel subject to the restrictions set out in this section and 5 AAC 01.275, except that salmon may also be taken by spear in the Holitna River drainage, Kanektok River drainage, Arolik River drainage, and the drainage of Goodnews Bay.*

5 AAC 07.365(d)(2) (part of the Kuskokwim River Salmon Management Plan)

(C) *a person may fish for salmon with a dip net, as defined in 5 AAC 39.105, and all king salmon caught by a dip net must be returned immediately to the water unharmed; This is an emergency regulation, effective date of April 18, 2014, with an expiration date of August 15, 2014 unless made “permanent” by the adopting agency.*

5 AAC 39.105 (d)(24). Types of legal gear - Definition of Dip Net

... a dip net is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Extent of Federal Public Land

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The affected area consists of those waters of the Kuskokwim River drainage that are within and adjacent to the exterior boundaries of the Yukon Delta National Wildlife Refuge, including portions of the Kuskokwim Fishery Management Area Districts 1 and 2. These waters are generally known as the lower Kuskokwim River drainage, from the mouth of the Kuskokwim River upriver to, and including, about 30 miles of the lower portion of the Aniak River (see **Map 1**).

Customary and Traditional Use Determination

Residents of the Kuskokwim Fishery Management Area (except those persons residing on the United States military installations located on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB) have customary and traditional use determination for all salmon in the affected area (Refuge waters of the lower Kuskokwim River drainage).

Regulatory History

The current Federal regulation has been in place since 2000, when the Federal Government provided a subsistence priority in the management of subsistence fisheries in Federal public waters, and adopted State of Alaska regulations as a starting point.

In February 2014, the Kuskokwim River Salmon Management Working Group (Working Group) submitted Fishery Special Action Request FSA14-01, requesting that the Federal Subsistence Board (Board) to add dip nets as legal gear for the harvest of salmon in the Kuskokwim River drainage for the 2014 subsistence salmon fishing season, with an effective start date of May 24, 2014. Part of the request included the following provision: “All king [Chinook] salmon caught with a dip net must be released alive to the water.” The Board adopted FSA14-01, with a modification that all Chinook salmon caught with a dip net must be released *immediately* to the water, and to leave the effective date to the discretion of the in-season manager (FSB 2014).

Concurrent with its special action request to the Board, the Working Group also submitted an emergency petition to the Alaska Board of Fisheries to add dip nets as legal gear for the taking of salmon other than Chinook salmon in the Kuskokwim Area during times of Chinook salmon conservation. State of Alaska regulations only allowed for the use of gillnets, fish wheels, beach seines, and hook and line attached to a rod or pole for the harvest of salmon in the Kuskokwim River drainage.

The Alaska Board of Fisheries met in March 2014 and approved the use of dip nets to harvest salmon in the Kuskokwim River drainage during the 2014 salmon fishing season. In conjunction with approving the emergency petition, the Alaska Board of Fisheries also gave the Commissioner of the Alaska Department of Fish and Game the authority to make this regulation permanent (Alaska Board of Fisheries 2014).



Biological Background

Run Size

Since 2007, the Kuskokwim River Chinook salmon stocks have experienced a multi-year period of low productivity, insufficient to meet escapement levels and provide sufficient subsistence harvest opportunity (Schindler et al. 2013). The average Kuskokwim River Chinook salmon run size from 1976–2013 was 239,000 fish, with the last five years, 2009–2013, averaging only 130,000 fish (**Table 1**). Since 2010, the Chinook salmon runs have been some of the lowest runs on record, with the estimated 2013 run of 94,000 fish, the lowest run ever documented (Elison 2014, Pers. Comm.).

Escapement

Escapement goals for Chinook salmon were not met for the years 2010, 2011, 2012 and 2013.

Prior to the 2012 Chinook salmon fishing season, the Federal and State in-season fisheries managers, in conjunction with the Kuskokwim River Salmon Management Working Group, agreed on managing the subsistence fishery with an escapement goal of 127,000 fish based on the Bethel Test Fishery abundance index. The estimated 2012 total run of 100,000 Chinook salmon in the Kuskokwim River was not only lower than the escapement goal, but turned out to be lowest run on record at the time, dating back to 1976. The 2012 Chinook salmon escapement is estimated to be approximately 76,000 fish (Schaberg et. al, *in prep*).

In January 2013, the Alaska Board of Fisheries adopted a new Kuskokwim River Salmon Management Plan (5 AAC 07.365), and a new, drainage-wide Sustainable Escapement Goal (SEG) of 65,000–120,000 Chinook salmon. For the 2013 Chinook salmon fishing season, with this new SEG in place, the In-season fisheries managers, with concurrence from the Working Group, agreed on managing the subsistence fishery with an escapement goal of 85,000 fish. Due to run timing and compression, few restrictions were placed on Chinook salmon subsistence harvest throughout the 2013 fishing season which resulted in the lowest escapement on record. The 2013 Chinook salmon escapement is estimated to be approximately 47,500 fish (Elison, 2014).

Historical Use of Dip Nets in the Kuskokwim River drainage

Historically, people living in the Kuskokwim River drainage harvested fishes using methods including gillnets, fish spears, fish traps, fish wheels, and dip nets (Ikuta et al. 2013, Jacobson 1984, Kilbuck 1988, Oswald 1959, VanStone 1984). Currently, people use dip nets to harvest fish, where allowed, at particular times and places when dip nets provide an advantage over other methods. People commonly report using dip nets to take smelts during springtime runs or to harvest whitefishes from behind fence-like weirs for example. The Yup'ik Eskimo Dictionary defines a *qalu* as a dip net, and further provides an example of its use, *Kusquqvagmiut canglartut qusuurnek qalunek aturluteng*, or “Kuskokwim people catch smelt using dip nets.”

Local fishers have also used dip nets to take salmon in the past. For example, in the mid-1800s, Zagoskin (1967) observed people using dip nets to harvest salmon, “The bag-nets, that is, nets mounted on a hoop, are a sort of shallow bag with a pole for a handle and are used exclusively for taking king salmon when they first appear traveling upriver in the deep water in midstream. The hoop is up to 4 feet in diameter and the pole as much as 1.5 *sazhens* [10-1/2 feet] long. The bag-nets may be floated in the same way as other nets.” In 2009, several elders from the lower Kuskokwim River recalled that in their youth, salmon were harvested primarily with dip nets and set nets. The elders explained that they traditionally used dip nets because the Kuskokwim River was narrower than it is now near their fish camps, salmon were more abundant, and they could take salmon in dip nets in near shore water (Ikuta et al. 2013).

Harvest History

Historically, the Kuskokwim River has been home to the largest Chinook salmon subsistence fishery in the State of Alaska. From the early 1990s through 2011, the Chinook salmon harvest has averaged approximately 85,000 fish annually (**Table 1**). However, since 2010, the amount of Chinook salmon harvest has trended downward, due to both record low runs and corresponding increased fishing restrictions in some years.

The estimated 2010 subsistence harvest was 66,000 Chinook salmon and the 2011 estimated subsistence harvest was 59,000 Chinook salmon (**Table 1**). The estimated 2012 subsistence Chinook salmon harvest of 24,000 fish was the lowest on record. This occurred as a result of the lowest run size to date at the time, in conjunction with significant restrictions on Chinook salmon fishing throughout the 2012 fishing season. In 2013, subsistence users harvested an estimated 46,500 fish; almost twice as much as the previous year, but still well below the long-term average of 85,000 fish (Elison 2014, Pers. Comm.).

Effects of the Proposal

If this proposal is adopted, Federally-qualified subsistence users would be allowed to utilize dip nets to harvest salmon within and adjacent to the boundaries of the Yukon Delta National Wildlife Refuge. This addition could broaden fishers’ opportunity to provide for their families by allowing them to attempt to harvest salmon when gillnet restrictions are in place.

The Federal Subsistence Board and the Alaska Board of Fisheries authorized dip nets as a legal gear type in the Kuskokwim Management Area for the 2014 subsistence salmon fishing season. These proposals, if adopted by the Board, would add dip nets as a legal gear type for the harvest of salmon in the Kuskokwim Management Area in Federal subsistence salmon fishing regulations.

The provision requested in FP15-07, “All king [Chinook] salmon captured with a dip net must be immediately released back to the water,” is unnecessary. The in-season manager has the authority to implement that provision, if necessary, such as in times of Chinook salmon conservation.

It is expected that there will be minimal, if any, negative affects to Chinook salmon caught in a dip net and then immediately released.

OSM PRELIMINARY CONCLUSION

Support FP15-06; **Take no action** on FP15-07.

Justification

Dip nets have been utilized historically to harvest salmon in the Kuskokwim River drainage and are currently a legal gear type to harvest non-salmon species of fish.

The Federal Subsistence Board authorized the use of dip nets to harvest salmon in the Kuskokwim River drainage for the 2014 fishing season under a special action. The Alaska Board of Fisheries recently authorized the use of dip nets to harvest salmon in the Kuskokwim River drainage under State of Alaska regulations.

The provision requested in FP15-07, “All king [Chinook] salmon captured with a dip net must be immediately released back to the water,” is unnecessary. The in-season manager has the authority to implement that provision, if necessary, such as in times of Chinook salmon conservation.

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Table 1. Kuskokwim River Chinook salmon estimated total run, escapement, and harvest, 1976-2013 (Elison, et. al. 2012)

Year	Estimated		Harvest				Total
	Total Run	Escapement	Subsistence	Commercial	Sport	Test Fish	
1976	233,967	143,420	58,606	30,735		1,206	90,547
1977	295,559	201,852	56,580	35,830	33	1,264	93,707
1978	264,775	180,853	36,720	45,641	116	1,445	83,922
1979	253,990	157,688	56,283	38,966	74	979	96,302
1980	300,573	203,605	59,892	35,881	162	1,033	96,968
1981	389,791	279,392	61,329	47,663	189	1,218	110,399
1982	187,354	80,353	58,018	48,234	207	542	107,001
1983	166,333	84,188	47,412	33,174	420	1,139	82,145
1984	188,238	99,062	56,930	31,742	273	231	89,176
1985	176,292	94,365	43,874	37,889	85	79	81,927
1986	129,168	58,556	51,019	19,414	49	130	70,612
1987	193,465	89,222	67,325	36,179	355	384	104,243
1988	207,818	80,055	70,943	55,716	528	576	127,763
1989	241,857	115,704	81,175	43,217	1,218	543	126,153
1990	264,802	100,614	109,778	53,504	394	512	164,188
1991	218,705	105,589	74,820	37,778	401	117	113,116
1992	284,840	153,573	82,648	46,872	367	1,380	131,267
1993	270,295	169,816	87,674	9,735	587	2,483	100,479
1994	365,246	242,616	103,343	16,211	1,139	1,937	122,630
1995	360,513	225,595	102,110	30,846	541	1,421	134,918
1996	302,605	197,092	96,415	7,419	1,432	247	105,513
1997	303,190	211,247	79,382	10,441	1,788	332	91,943
1998	213,879	113,627	81,219	17,359	1,464	210	100,252
1999	189,939	112,082	72,775	4,705	279	98	77,857
2000	136,676	65,180	70,883	444	105	64	71,496
2001	223,707	145,232	78,009	90	290	86	78,475
2002	246,297	164,635	80,983	72	319	288	81,662
2003	248,883	180,687	67,228	158	401	409	68,196
2004	388,136	287,178	97,110	2,300	857	691	100,958
2005	366,608	275,598	85,097	4,784	572	557	91,010
2006	307,671	214,004	90,094	2,777	444	352	93,667
2007	273,044	174,943	96,139	179	1,478	305	98,101
2008	237,070	128,978	98,099	8,865	708	420	108,092
2009	204,741	118,478	78,225	6,664	904	470	86,263
2010	118,504	49,073	66,053	2,732	354	292	69,431
2011	132,651	72,097	58,836	748	633	337	60,554
2012 ¹	100,818	76,000	24,000	400	0	418	24,818
2013 ²	94,680	47,500	46,500	419	0	261	47,180
Historic Average	239,018	144,730	71,935	21,205	518	644	94,288
2004-2013 (10yr)	222,392	144,385	74,015	2,987	595	410	78,007
2009-2013 (5yr)	130,279	72,630	54,723	2,193	378	356	57,649

¹Elison 2014²Schaberg et al, *in prep*

**Partnerships to Build Capacity: A Vision Forward for the
Partners for Fisheries Monitoring Program
The Office of Subsistence Management
Regional Advisory Council Review Draft**

Purpose

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

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

Mission

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

Background and History

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

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

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

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

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

Current Program Activities

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

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



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

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

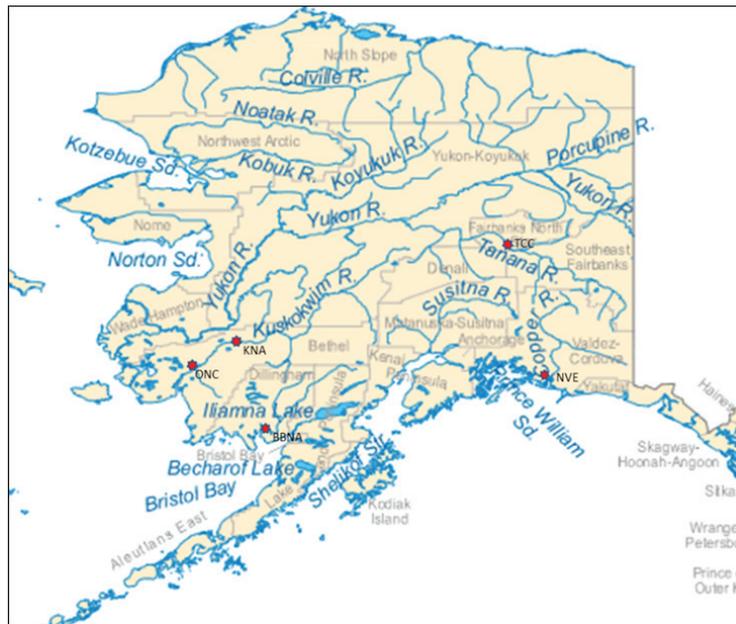


Figure 1. Location of current partnering organizations in Alaska.

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

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

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

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

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

Drafting the Strategic Plan

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

Planning Issues

1. To date there is minimal incorporation of traditional knowledge with modern management leaving some stakeholders feeling marginalized and creating distrust of management's motivations and actions. Even among fisheries scientists and managers within and between agencies there is disagreement about the best approach to conservation, and the interpretation of data. How can the Partners Program help resolve different beliefs in, and approaches to fundamental conservation principles, reducing the complexities of stakeholder involvement and increasing the effectiveness of subsistence management?
2. The regional advisory councils are responsible for informing local communities about the Federal Subsistence Program and the actions of the Federal Subsistence Board. Partners are in an ideal position to help members of the Regional Advisory Councils by informing communities about subsistence management actions and policies. How can the Partners Program improve communication and outreach so that information flows better between the Federal Subsistence Program and rural subsistence users?
3. Meaningful engagement and communication between Regional Advisory Councils, the Federal Subsistence Program, and Partners in the Partners Program need to be encouraged to ensure the Regional Advisory Councils' input and knowledge are incorporated into the activities of the Partners Program.



4. How long should any one agency or organization be allowed to obtain funding to participate in the Partners Program? Should there be a time limit on how long a program can be funded? Should funding be phased out over several years?
5. How can the Partners Program work with communities to provide information concerning emerging issues such as increased reliance on subsistence foods, loss of fisheries stocks, and climate change in their region?
6. There are opportunities for rural students to become involved with fisheries monitoring through paid summer internships, working at various fisheries projects across the state. Partners can also assist with outreach and mentoring students who seek professional careers in resource management. How can the Partners mentor youth so that they will become more engaged in the conservation of fisheries, fisheries monitoring, and the subsistence regulations process?

Preliminary Goals

1. Develop and maintain credibility and open communication with partners in resource conservation, management, and monitoring, including all stakeholders.
2. Provide outreach and education to facilitate working together with stakeholders to better include their knowledge in the decision making process.
3. Strengthen existing or develop new collaborative management relationships between stakeholders.
4. Provide and promote opportunities for youth awareness and engagement in monitoring, conservation, and management of subsistence resources.
5. Make collaborative management more effective by developing a greater understanding of different approaches to conservation principles.
6. Develop a strategy for funding Partners' Organizations that addresses identified regional subsistence management needs and build local capacity to participate in management decisions regarding subsistence harvests.
7. Develop strategies to increase visibility, accountability, and share successes of the program within U.S. Fish and Wildlife and other funding agencies.

Next Steps

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

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

Strategic Plan Team

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DRAFT



ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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

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

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

Report Format

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

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



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

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

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

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

- Under the current system, the application period opens in the fall, with appointments from the prior appointment cycle being announced in December. The overlap between appointment periods has led to individuals applying again before hearing the results from the prior cycle, not knowing whether or not they have been selected for appointment.
- Under the current appointment process, alternates are identified and vetted in D.C., but not appointed. They are also not notified that they have been identified as an alternate. This leads to delays in having alternates appointed to fill vacancies. With recent examples, the most rapid appointment of an alternate to replace an unexpected vacancy has been two months.
- The number of applicants for the open seats on the Councils has been decreasing. In the first ten years of the program, there was an average of 104 applications per year; in the last ten years, that annual average has dropped to 70 – a 33% reduction in applicants.

Recommendations

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

Change Terms and Possibly Appointment Cycle

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

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

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

4-year annual cycle

Advantages

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

Disadvantages

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

4-year biennial cycle

Advantages

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

Disadvantages

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

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

Formally Appoint Alternates to the Council

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

Advantages

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

Disadvantages

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



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

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

Carry-Over Terms

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

Advantages

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

Disadvantages

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

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

Youth Involvement in Councils

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

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

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



Nominations under Annual Cycle
4-Year Glimpse

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

Two-Year Bottom Line

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

Schedule

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

Nominations under Proposed Biennial Cycle
4-Year Glimpse

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

Two-Year Bottom Line

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

Schedule

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



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

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

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

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

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

Question/Answer:

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

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

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

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

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

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

QUESTION/ANSWER

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

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

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

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

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

Question/Answer

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



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

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

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

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

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

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

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

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



2014 Yukon River Salmon Fisheries Chinook Salmon Conservation Management Strategies



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

Proposed Management Strategies

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

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



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

Table 1:

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

Table 2:

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

Common answers to (1/2/3)

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

Common answers to (4/5)

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

NPFMC: An update on Bering Sea Salmon bycatch: Diana Stram, NPFMC and Art

Nelson, Gering Sea Fish Association

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

Meeting Conclusions and Preparing for the 2014 salmon season management

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

Review:

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



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

QUESTION/ANSWER

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

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



YR DFA International Salmon Summit

Fairbanks, AK Apr. 9-10, 2014

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

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

Day 1 AGENDA

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

Welcomes:

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

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

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

QUESTION/ANSWER

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

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



McDonald's have a fish farm for their fish. Is it the right move to stop fishing? Pollock fisherman need to be dealt with.

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

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

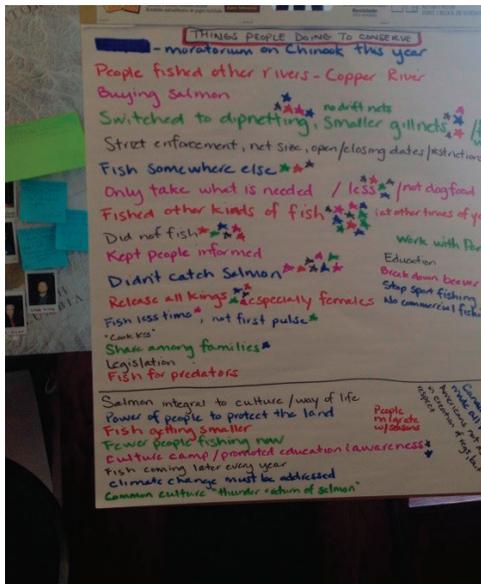
- We have regulated our salmon for the past 15 years. Have not fished in the past 2 years, with the exception of some ceremonial take (show the salmon we are still connected to them). There are some people who fish the salmon
- Question posed to the entire group: last time they fished salmon?
 - 10 years,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

QUESTION/ANSWER:

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

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

Group Drainage Mapping Exercise



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

How did you/your community conserve Chinook?

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



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

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

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

Day 2 AGENDA:

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

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

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

Threats to Healthy Salmon Stocks

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

Solutions discussed

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

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

(access): restoring access to areas through projects

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

Harvest Data Collection

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

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

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

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

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

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

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

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

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



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

Youth and Culture

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

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

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

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

Salmon Management

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

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

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

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

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

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

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

Traditional Knowledge

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



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

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

Stock Restoration

Definition of SR?

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

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

Ideas and Future Efforts:

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

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

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

KEY THEMES/STATEMENTS/QUESTIONS:

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



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

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

QUESTIONS TO ALL AT END:

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



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

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

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



Western Interior Alaska Subsistence Regional Advisory Council

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

RAC WI14032.MH

MAY 28 2014

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

Dear Mr. Towarak:

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

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

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

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

Mr. Towarak

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

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

Sincerely,



Jack Reakoff, Chair

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



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Toll Free: 1-800-478-1456

RAC WI14003.MH

FEB 12 2014

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

Dear Secretary Jewell:

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

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

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

Secretary Jewell

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

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

Sincerely,



Jack Reakoff, Chair

Enclosure

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

MAY 06 2013

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

Dear Secretary Jewel:

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

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

Secretary Jewell

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

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

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

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

Sincerely,



Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council

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



Winter 2015 Regional Advisory Council Meeting Calendar

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

Meeting dates and locations are subject to change.

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

Fall 2015 Regional Advisory Council Meeting Calendar

August–November 2015

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Aug. 16</i>	<i>Aug. 17</i> WINDOW OPENS	<i>Aug. 18</i>	<i>Aug. 19</i>	<i>Aug. 20</i>	<i>Aug. 21</i>	<i>Aug. 22</i>
<i>Aug. 23</i>	<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> HOLIDAY	<i>Sept. 8</i>	<i>Sept. 9</i>	<i>Sept. 10</i>	<i>Sept. 11</i>	<i>Sept. 12</i>
<i>Sept. 13</i>	<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>
					K/A—Adak	
<i>Sept. 27</i>	<i>Sept. 28</i>	<i>Sept. 29</i>	<i>Sept. 30</i> <i>End of 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>	<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>	<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>	<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>	<i>Nov. 2</i>	<i>Nov. 3</i> NS—Kaktovik (tent.)	<i>Nov. 4</i>	<i>Nov. 5</i>	<i>Nov. 6</i> WINDOW CLOSES	<i>Nov. 7</i>



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

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Yukon-Kuskokwim Delta 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. **Make recommendations on determinations of customary and traditional use of subsistence resources.**
 - f. **Make recommendations on determinations of rural status.**
 - g. **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:

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

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

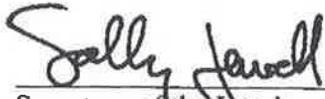
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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

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

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any specific party matter in which the member has a direct financial interest in a lease, license, permit, contract, claim, agreement, or related litigation with the Department.
14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

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


Secretary of the Interior

NOV 25 2013

Date Signed

DEC 03 2013

Date Filed



