



## Federal Subsistence Board

1011 East Tudor Road, MS 121  
Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

JUL 27 2022

In Reply Refer To  
OSM 22056.KW

Gordon Brower, Chair  
North Slope Subsistence  
Regional Advisory Council  
c/o Office of Subsistence Management  
1101 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6119

Dear Chairman Brower:

This letter responds to the North Slope Subsistence Regional Advisory Council's (Council) fiscal year 2021 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

**1. Request for monitoring of Unit 26C muskox and transboundary management with Canada**

*The Council is very concerned about the continuously low muskox population in Unit 26C. There has not been any subsistence harvest opportunity for muskox in the region for many years. This muskox population range extends across the border between Canada and the eastern side of the Arctic National Wildlife Refuge in the U.S., and muskox move back and forth between the two countries. The Council has heard reports that high rates of muskox harvest occur in Canada and is concerned that overharvest in Canada may be keeping the overall population low. The Council requests information on cross-boundary management of muskox within Arctic National Wildlife Refuge and Canada and would like to explore options for the creation of a joint U.S.-Canada muskox management group similar to the Porcupine Caribou Herd Management Board.*

**Response:**

The Board appreciates your request and the opportunity to respond. We also recognize the complexities of cross boundary management of musk ox that occupy and move freely between

both countries. The Arctic National Wildlife Refuge (Refuge) does not have data on recent population trends for the musk ox population within Unit 26C. The Refuge does not have set population goals for musk ox and does not currently monitor musk ox populations. Formal surveys of musk ox populations have not been completed by the Refuge's biological staff since the early 2000's. Anecdotally, Refuge staff has observed a total of 45-50 musk ox within Unit 26C over the past 4 years including a group of roughly 25-30 near the Canning River.

The Refuge does not have harvest data for musk ox in Canada nor does it know of harvest pressures there. As an initial step, Refuge management and biological staff propose to engage with their Yukon colleagues to obtain current population survey data as well as recent and historical harvest data. These communications will hopefully lead to future collaboration and, if warranted, potential agreements for musk ox conservation and subsequent subsistence harvest in both Alaska and harvest by indigenous peoples in Canada.

## **2. Ongoing concerns about contaminants in subsistence fish within NPR-A**

*The Council remains very concerned about contaminants in subsistence fish within Federal lands of National Petroleum Reserve – Alaska (NPR-A). This is an issue of real distress for the community of Nuiqsut, whose residents continue to find sick and dying fish. Residents now have anxiety about eating fish that have traditionally been essential to their diet and wellbeing. For many years, the Council tried to find a way to monitor contaminants in subsistence fish through the Fisheries Resource Monitoring Program. The Council has been informed that this needs to be done by the land management agencies. Thus, the Council requests that the Bureau of Land Management (BLM) fund this necessary contaminants research. BLM is responsible for the permitting of the past and present industrial activities within NPR-A that are the source of these contaminants. The Council seeks the support of the Federal Subsistence Management Program to ensure that these essential subsistence fisheries resources are protected and that communities get answers about contaminants so that they can safely continue to eat healthy traditional subsistence foods.*

### **Response:**

The Board acknowledges your concerns and forwards the report, "Monitoring Polycyclic Aromatic Hydrocarbons (PAHs) in Sediments of the Colville River and Subsistence Fishes Important to the Community of Nuiqsut" (enclosed) that directly addresses this issue. We hope that you will find this report useful.

## **3. Recognition and support for community harvest and sharing patterns**

*The Council wishes to highlight the importance of traditional community harvest and sharing of subsistence foods. Subsistence communities need to take care of each other and continue to have access to healthy subsistence foods especially during the ongoing hardship of the pandemic. The Council encourages the Federal Subsistence Management Program to recognize and support*

*these traditional sharing practices and ensure easy access to designated hunter permits and community harvest programs.*

**Response:**

The Board recognizes the importance of traditional community harvest and sharing of subsistence foods. We acknowledge that food sharing networks are often a critical resource for those living the subsistence way of life and provide the frameworks for binding together family, communities, and regions. The staff at the Office of Subsistence Management (OSM) incorporate information on traditional community harvests and food sharing in their analyses to illustrate the social, cultural, and economic significance of fish and wildlife resources to those who use them for subsistence. Three Federal Subsistence Management Program processes that rely heavily on this information are customary and traditional use determinations, community harvest systems, and designated hunter permits. This past year, the Board adopted two wildlife proposals that provide more flexibility for subsistence resource users who participate in community harvests and food sharing networks.

The first of these proposals, WP22-01 gave members of communities with community harvest systems the ability to engage in a food sharing network of their choice. Community harvest systems, such as the Anaktuvuk Pass Community Sheep Harvest in Unit 24A and 24B, generally allow members of communities to hold traditional community harvests and have a community harvest limit for all members of the community. While enabling community members to manage harvest limits communally, the Board recognized that this limited other community members from being able to participate in traditional community harvests and food sharing networks outside of their community harvest system. Wildlife Proposal WP22-01 also provided members of communities with community harvest systems with the choice to not participate in the community harvest system. Community members can therefore maintain their individual harvest limits and participate in traditional harvests and food sharing networks of their choosing.

The second wildlife proposal, WP22-02, builds on WP22-01 by allowing more subsistence users to utilize designated hunters. Previously, regulations did not allow members of a community operating with a community harvest system to have a designated hunter. Again, the Board realized that this restricted community members from being able to participate in traditional food sharing networks outside of their community harvest system. After WP22-01 provided opportunity for community members to not participate in a community harvest system, WP22-02 enabled these members to have a designated hunter. This proposal gives more opportunities for Federally qualified subsistence resource users to engage in the food sharing network that best meets their needs.

The Board looks forward to future proposals like these that better incorporate traditional food sharing into regulations. The Board encourages the Council to work with their Council Coordinator on the development of any regulatory proposals addressing easier access to community harvest systems in the North Slope Region.

Lastly, OSM has staff that are available to assist in issues regarding Designated Hunter Permits. Since these are Federal permits, they must be issued by one of the Federal field offices in your area, the issuance of Federal permits cannot be delegated to village, Tribal, or State representatives. Sometimes, if time and staff are available, you may coordinate with those Federal field offices to send staff to communities to issue permits. We recommend you contact your Council Coordinator to assist you in these efforts. We also have staff that can educate and explain the issues regarding Designated Hunter permits. OSM is currently restricted from travel due to COVID precautions and cannot send staff to villages to give these presentations at this time, but we have already conducted several training sessions via teleconference that were well received by the public and expect able to resume travel at some point in the near future.

- To gain assistance and find out if it is possible to have a field staff member visit your community to issue permits please contact:
  - For Bureau of Land Management – Nichelle (Shelly) Jones, District Manager, Arctic District Office, njones@blm.gov or (907) 474-2310
  - For National Park Service – Marcy Okada, Subsistence Coordinator, Gates of the Arctic National Park and Preserve, marcy\_okada@nps.gov or (907) 455-0639
  - For U.S. Fish and Wildlife Service – Nathan Hawkaluk, acting Refuge Manager, Arctic National Wildlife Refuge, nathan\_hawkaluk@fws.gov or (907) 456-0549
- To set up a date/time for training/presentations regarding Designated Hunter Permits please contact OSM Permit Specialist, Derek Hildreth (derek\_hildreth@fws.gov or (907) 382-1253).

**4. Request for the Federal Subsistence Board to further consider continuation of subsistence uses and that substantial evidence include local and traditional knowledge when taking action on proposals**

*“Supported by substantial evidence” is one of the top criteria the Board considers in its decision making on regulatory proposals and special action requests. The Council has observed that the expertise of local and traditional knowledge is often not considered along with western science when identifying “substantial evidence.” Rural and indigenous communities have direct experience and observations that span life lived on the land throughout the year and throughout a knowledge handed down across generations. Traditional knowledge and the observations and experiences of subsistence resource users are as substantial as western science. The Council requests that the Board better incorporate local and traditional knowledge in its decision making.*

*The Council also requests the Board give greater consideration for “continuation of subsistence uses” in its decision making as well. Subsistence priority cannot be achieved without access to subsistence resources. Actions from non-subsistence resource users may deflect animals away*

*from rural communities, change migration patterns and timing, and have other effects that prevent subsistence resource users from accessing fish or wildlife populations.*

**Response:**

The Board acknowledges the Council's frustration regarding full incorporation of Traditional Ecological Knowledge (TEK) and strives to continue improving in this area. The Board understands the value of TEK and considers it alongside Western science. For example, in the recent case of wildlife special action WSA21-01a, a closure was supported based both on local testimony and TEK and photocensus surveys of the Western Arctic Caribou Herd; these two forms of evidence reinforced one another.

Further progress can still be made in bringing these two knowledge systems together within more analyses and decisions. The OSM's Anthropology Division is now fully staffed, which will contribute towards this goal. Further, when the Board relies on TEK in its decision-making, as it often does, it can explicitly acknowledge this use on the record.

One challenge faced by OSM in incorporating TEK is that our analysts do not conduct primary research and thus must rely on published literature, the record of Council and public testimony, and Tribal and Alaska Native Claims Settlement Act corporation consultations. This is one of the many reasons that we rely on you, the Council, to inform consideration of proposals and special action requests.

The Board understands that an inability to access resources alters traditional subsistence patterns. Access is affected by changes in the location of wildlife during key harvest times. The location of wildlife may be affected by multiple factors, including human activity and changing climate conditions. During its March 30, 2022 meeting on WSA21-01, the Board approved the special action request with modification to provide for the continuation of subsistence uses of the Western Arctic Caribou Herd, as well as for its conservation. In its justification, the Board noted that "The partial closure targets the areas of highest user conflicts and minimizes potential disruptions to caribou migration."

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

Sincerely,



Anthony Christianson  
Chair

Chairman Brower

6

Enclosure

cc: North Slope Subsistence Regional Advisory Council  
Federal Subsistence Board  
Office of Subsistence Management  
Interagency Staff Committee  
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game  
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game  
Administrative Record