



## Federal Subsistence Board

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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 22077.KW

Nancy Morris Lyon, Chair  
Bristol Bay Subsistence  
Regional Advisory Council  
c/o Office of Subsistence Management  
1101 East Tudor Road, MS 121  
Anchorage, Alaska 99503-6199

Dear Chairwoman Lyon:

This letter responds to the Bristol Bay Subsistence Regional Advisory Council's (Council) Fiscal Year 2020 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 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. Need for Information and Representation from Federal Agencies at the Council Meetings**

*Title VIII of ANILCA established the Federal Subsistence Regional Advisory Councils to advise the Federal Subsistence Board and to provide a public forum for the expression of matters related to subsistence. To have a substantive and well-informed discussion on the subsistence matters and formulate solid recommendations, the Council needs to have access not just to the traditional ecological knowledge and local expertise of area residents, but also to the information on scientific research and surveys conducted by the Federal and State agencies, especially by the local offices and staff of these agencies. The Council is fully aware that some agencies might experience budget and other challenges to keep all critical positions filled and on-going research conducted. However, the Council requests that the Board ensures the full participation of Bristol Bay Region Federal agency staff in the Council's meetings. In particular, the Council would like to see important positions filled at the Federal agencies based out of King Salmon. The participation of these staff is critical in providing representation, expertise, and up to date information for the region.*

**Response:**

The Board understands the importance of Federal agencies filling vacant positions in the local offices, of staff actively participating in Council meetings and discussions, and of staff providing the Council information on scientific research and surveys conducted by the Federal and State agencies and answering the Council's questions. The Board enquired with the U.S. Fish and Wildlife Service (USFWS), National Park Service (NPS), and the Bureau of Land Management (BLM) and received the following responses.

USFWS:

The mammal/big game biologist position at the Alaska Peninsula and Becharof National Wildlife Refuges (NWRs) is in the process of being filled. The Refuge is considering options to fill its vacant avian biologist position. The USFWS and NWRs appreciates the Council being aware that agencies experience budget and other challenges in keeping positions filled and research on-going.

The USFWS agrees with the Council's concerns over continuity and relationships and commends the Refuge Manager, Susan Alexander, at Alaska Peninsula and Becharof National Wildlife Refuges on her consistent participation in Council meetings over the past nine years. Both Ms. Alexander and Bill Smith, the Supervisory Biologist, who also consistently attends the meetings, look forward to introducing the new Mammal Biologist once hired at the upcoming Fall 2022 Council meeting.

NPS:

The vast majority of NPS staff who support the management of Katmai National Park and Preserve, Aniakchak National Monument and Preserve, and the Alagnak Wild River (collectively called Katmai) are stationed in King Salmon, Alaska. Katmai also employs a limited number of staff, currently two, who are stationed in Anchorage, Alaska. In addition to dedicated park staff, Katmai is supported by subject matter expert (SME) staff who work for the NPS Alaska Regional Office, also in Anchorage, Alaska. Should an NPS SME stationed in Anchorage have specific knowledge related to a topic of interest to the Council, Katmai has historically invited them attend Council meetings directly. Examples of SME participation include staff from the NPS Inventory and Monitoring program, who presented on a project monitoring mercury levels found in piscivorous freshwater fish such as lake trout, or staff from the NPS regional subsistence program who inform the Council about ongoing topics involving the Board.

**2. Chinook Salmon Decline**

*Chinook (King) Salmon, an integral part of Alaskan ecosystems and rural Alaskan subsistence way of life, has experienced significant declines all across the State. Despite exceptionally good*

*Sockeye Salmon returns recently in the Bristol Bay Region, the Council remains concerned about the poor numbers of returning King Salmon, especially in the western portion of Bristol Bay, and decreases in the size of returning fish and changing composition of age structure. A study in the Nature Communications journal indicates that the King Salmon body length decreased 8 percent on average over the last three decades<sup>1</sup>. The King and Sockeye runs overlap, thus causing increase in an incidental King Salmon bycatch when Sockeye harvest increases. All of the above combined with effects of climate change have a profound effect on the salmon populations. The situation got worse in 2021 prompting Federal and State managers to close State King Salmon fishing completely (in parts of the state). If King Salmon runs continue to decline and crash, it will undoubtedly have devastating and perhaps deadly effects on the whole fabric of Alaska Native and rural Alaskan ways of life. The Council would like to request that the members of the Board advocate on behalf of Bristol Bay subsistence communities for more comprehensive research of the issue and to come up with some long term solutions at a higher management level before it is too late. The Council also would like to invite representatives of the At Sea Processors Association, the Groundfish Forum, and the North Pacific Fisheries Management Council to at least one 2022 Council meeting for an in-depth discussion on what is being done and what can be done to remedy the situation.*

**Response:**

The Board acknowledges the need for more comprehensive research on the Chinook Salmon declines in western regions of Alaska. Size-at-age declines in Chinook Salmon are likely one leading contributor to the poor returns in recent history due to lower fecundity and ultimately reduced production potential of mature adult salmon. Declines in size are thought to be driven by environmental changes, as well as increased competition at sea with highly abundant hatchery salmon. Body size declines could thus be attributed to the reductions in the availability or quality of the food resources (Bigler 1996). Climate change could also have impacts to ectotherm body size by increasing the metabolic and developmental rates (Gardner 2011).

Recent attempts at a multi-national level approach to understanding these changes are underway to assess increasing extreme climate variability and its effects on salmon survival. More than 60 researchers from the USA, Canada, Japan, Russia, and South Korea plan to spend the season conducting the largest ever ecosystem survey of salmon across the North Pacific. The results of this collaborative work will hopefully shed light on possible reasons for the declines in population and size-at-age in recent history. Additionally, the National Oceanic and Atmospheric Administration (NOAA) has endorsed a bill (H.R. 6651) that would create a special task force to investigate the sharp decline in salmon populations in parts of Alaska. As much as 90 million dollars may become available enabling NOAA and the USFWS to work collaboratively to address these issues by identifying the nation's "core centers of salmon abundance" and do more to restore and protect their habitats. This bill would establish a task force of 13 to 19 members to study Pacific salmon trends and to develop a strategy to better manage the species.

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<sup>1</sup> Oke, K.B., Cunningham, C.J., Westley, P.A.H. et al. Recent declines in salmon body size impact ecosystems and fisheries. *Nat Commun* 11, 4155 (2020). <https://doi.org/10.1038/s41467-020-17726-z>

The Board encourages additional stakeholders such as the At Sea Processors Association, Groundfish Forum, and North Pacific Fishery Management Council to come together at a 2022 Council meeting to discuss and share the research currently underway, what research is still needed to better understand these issues, and how to work collaboratively to sustain future runs of adult salmon.

References cited:

Bigler, B. S., Welch, D. W. & Helle, J. H. A review of size trends among North Pacific salmon (*Oncorhynchus* spp.). *Can. J. Fish. Aquat. Sci.* 53, 455–465 (1996).

Gardner, J. L., Peters, A., Kearney, M. R., Joseph, L. & Heinsohn, R. Declining body size: a third universal response to warming? *Trends Ecol. Evol.* 26, 285–291 (2011).

### **3. Chignik Area Fishery**

*The Chignik Area Fishery has been an ongoing concern of the Council and was brought to the Board's attention in the Councils FY-2019 and FY-2020 annual reports. It is the Council's understanding that "in 2021, the Alaska Department of Fish and Game, the U.S. Fish and Wildlife Service, Fisheries and Ecological Services, and the Chignik Intertribal Coalition applied for Fisheries Resource Monitoring Program funds to conduct harvest studies in the local area. Proposals for the Fisheries Resource Monitoring Program are under review now and funding decisions are expected in early 2022."<sup>2</sup> As the Council pointed out in the topic 2 of this report, with the Chinook Salmon fishery completely closed and with Sockeye Salmon fisheries restricted to Federally qualified subsistence users only in 2021, the situation has become even more difficult for Chignik Area residents. The Council remains concerned that without healthy salmon returns the communities of the Chignik area will not be able to survive. The Council advocates for Federal funding of research on declining King Salmon and requests that the Chignik Area Fishery issue remain at the forefront of the Board's attention.*

#### **Response:**

Escapement goals for the Chignik River are based on counts from the Chignik River weir. The USFWS has not conducted any assessment or monitoring projects in the region prior to the cooperative Fisheries Resource Monitoring Program (FRMP) proposal mentioned in the Council request above that started in 2022. The 2022 Sockeye Salmon run size forecasted for the Chignik River is 1.3 million fish with a harvest estimate of approximately 562,000 Sockeye Salmon. The early run escapement estimate is 400,000 fish, and late run escapement estimate is 310,000 fish. Both runs are predicted to meet escapement goals. This forecast is more optimistic than the preseason forecast for 2021. The current biological escapement goals (BEG) and sustainable escapement goals (SEG) for the Chignik River watershed salmon are below.

Early-run Sockeye Salmon/ Black Lake

BEG = 350,000 – 450,000

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<sup>2</sup> The Federal Subsistence Board FY2020 Annual Report Reply, page 3.

Late-run Sockeye Salmon/ In-river Goal	SEG = 200,000 – 400,000 10,000 in August and 10,000 in September in addition to minimum escapement objectives
Chinook Salmon	BEG = 1,300 – 2,700
Pink Salmon – Even year	SEG = 170,000 – 280,000
Chum Salmon	SEG = 45,000 – 110,000

Chignik River escapement goals for the early-run Sockeye Salmon were not met in 2018, 2019, 2020, and 2021 fishing seasons. The late-run Sockeye Salmon has historically met escapement goals. Chinook Salmon escapement goals were not met in the 2017, 2018, 2020, and 2021 fishing seasons.

In response to the low returns, Federal subsistence closures on Federal waters in the Chignik watershed have occurred since 2013. Chinook Salmon harvest was closed to all users in 2013, 2017, 2018, 2020, and 2021. Early run Sockeye Salmon was closed to all users (except for individuals with a community harvest permit) in 2018 and was restricted to Federally qualified subsistence users only in 2019, 2020, and 2021.

The FRMP proposal submitted by the Alaska Department of Fish and Game (ADF&G), USFWS, and Chignik Intertribal Coalition had three objectives:

1. Collect in-season Federal subsistence harvest data from Chignik Lake resident from mid-June - November using a Chignik Lake local hire.

This objective is specific to understanding how many fish are harvested above the weir after they have been enumerated for escapement.

2. Enumerate all Chinook Salmon that pass through the Chignik River weir during the central 80% of the Chinook Salmon run using video cameras and FishTick software to count individual fish. These counts will be compared to the traditional method of enumerating salmon at the Chignik weir (10-minute expanded counts) to test accuracy.

This objective is specific to increasing the accuracy of the Chinook Salmon count.

3. Extend the operation of the Chignik River weir counting Chinook, Sockeye, and Coho salmon from August 1 to the latest date possible in order to obtain the most accurate estimate of escapement, collect additional ASL samples, and provide the maximum number of observations for statistical comparison. Exact removal date will be determined by tidal height.

This objective is specific to maintaining weir operations, which is the primary assessment project, used in management.

The Board shares the Council's concern that low salmon returns to the Chignik River will affect subsistence fishing opportunity for Federally Qualified users fishing on Federal waters and will continue to collaborate with local tribes, ADF&G, State Advisory Committees, the Alaska Board of Fisheries, the Council, and other stakeholders to address the issue.

#### **4. Bear Predation**

*The Council would like to bring to the Board's attention the recent issue of a growing bear population. Bears have become an increasing concern for subsistence users, especially around the Nushagak area. Several Council members reported seeing high numbers of bears in general, and sows with cubs in particular (in one case a sow had four cubs) in many different areas across the region. Bear numbers are higher than they have ever seen before. According to the Alaska Department of Fish and Game study from summer 2021, only 5 of 65 collared moose calves survived by mid-July, which may indicate increased predation. In addition, the Council has noted uneven salmon returns across the region. The Council is concerned that dwindling salmon returns in some areas will increase bear predation on moose and caribou. Likewise, where salmon returns are high, the Council is concerned those high returns will fuel the growth of the local brown bear populations. There is a potential need for introducing regulatory change requests as it appears that current State regulations are not able to resolve the situation; however, the Council members are hoping to discuss this in more detail with the Fish and Game Advisory Committees.*

#### **Response:**

The Board acknowledges that brown bear populations are a growing issue and the importance of their effects on both humans and other species. The Board also acknowledges the concerns regarding the dwindling salmon returns and the effects this has on both bears and humans.

While the Board does not enact predator control under Federal regulations, the Council could submit proposals to extend Federal seasons or increase harvest limits of bears during the next call for Wildlife Proposals in spring 2023. The Council could also submit proposals to the Alaska Board of Game (BOG) to introduce regulatory change regarding bears under State regulations. The Board encourages the Council to work with their Council Coordinator on the development and submission of any State or Federal regulatory proposals.

The Board also supports discussion between the Council and the State Advisory Committees.

#### **5. Shore Bird Die Off**

*The Council is concerned about continuing sea bird die off. Sea birds are one of the important subsistence resources in the Bristol Bay Region. In 2019, 9,200 dead birds (mostly short-tailed shearwaters) were found along the shores of Bristol Bay; in most cases birds appeared starved to death. The sea bird mortalities in the region continued in 2021. The Council members*

*observed that a majority of the deaths happen in the fall towards the end of the salmon season. The Council requests to receive the most recent research information and reports on these die off events and what if anything can be done to address it.*

**Response:**

The Board recognizes the Council's concerns about continuing sea bird mortalities and requested the most recent report from the USFWS. The 2021 Alaska Seabird Update is enclosed for the Council's information.

**6. Consolidation of Teleconference and MS Teams Video Conferencing**

*Currently the Council meetings are conducted primarily via audio teleconference with an option to join the meeting for visual information via Microsoft Teams. It works for some Council members who have computers and a cell phone or landline phones right next to it, but this parallel set up creates some confusion at times. The Council is requesting that the Board direct OSM to research the possibility of consolidating both audio and video portions of the meeting into one platform, for example such as Microsoft Teams, and still be able have an official recording of the meeting by court reporter.*

**Response:**

Thank you for bringing this request to the Board's attention. It is important to provide easy access to participation in the meetings to all Council members and public. It is possible for OSM to organize a meeting on Microsoft Teams or similar platform that incorporates the audio and video portions of the meeting into one and still be able to officially transcribe meetings. However, combining an in-person meeting with a video conference and court reporter recording in a hybrid meeting presents several challenges. First, hybrid meetings as described by the Council are only possible when meetings can be held in an exclusively virtual environment. Second, many remote meeting locations in Alaska will provide a host of technical challenges to hold hybrid meetings, including poor internet connectivity, low bandwidth, unreliable telephone lines, etc. The Board and OSM remain hopeful that in-person meetings will resume in the fall 2022 and we can return to the organization of meetings the way they were prior to the pandemic.

**7. Thank you to OSM Staff and Need to Fill the Council Coordinator Position**

*The Council would like to express its gratitude to its former Council Coordinator, Donald Mike, who retired in the summer 2021. We thank the Office of Subsistence Management for providing such a fantastic coordinator, we cannot say enough good things about Mr. Mike's work on behalf of the Council. The Council also thanks Robbin La Vine, Subsistence Policy Coordinator, for stepping in and doing a great job facilitating the meeting, and Katya Wessels, Council Coordination Division Supervisor, for all of the assistance with organizing and running the meeting. The Council hopes that the Office of Subsistence Management will be able to hire a*

*replacement Coordinator very soon and that the new Coordinator is familiar with the Bristol Bay Region and will be able to help the Council to move forward.*

**Response:**

The Board appreciates the Council's recognition of your former Council Coordinator Donald Mike and his outstanding service, as well as the recognition of Robbin La Vine and Katya Wessels' excellent work. The Board is pleased with OSM's highly professional and dedicated employees who help the Board to fulfill the mandates of ANILCA and promote productive collaborations among rural subsistence and commercial/sport users.

The Board is also happy to report that OSM was able to hire five new Subsistence Council Coordinators to fill vacant positions. Leigh Honig, one of the newly hired Coordinators, was assigned to your Council. Ms. Honig came to OSM from ADF&G, where she had 10 years of experience working with the Division of Wildlife Conservation as a hunt administrator, supervising the Region IV Information Center, and assisting the Alaska Board of Game process. Through her career, Ms. Honig developed great working relationships with rural communities and is passionate about natural resource policy development and working with the stakeholder groups to develop policies and regulations. The Board is looking forward to a productive and positive relationship between the Council and your new Coordinator, Ms. Honig.

**8. Need to Fill All Vacant Seats on the Council**

*This ten-member Council currently has four vacant seats, which does not provide for adequate representation of all parts of the region on the Council. The Council requests the Federal Subsistence Program support in filling the vacant seats and maintaining the Council's membership. The Council especially needs representation from the Togiak area and also from either Southern Bristol Bay and/or Chignik area.*

**Response:**

The Board shares the Council's concerns regarding the vacancies on the Council and agrees that it will be difficult for just six members to represent the entire Bristol Bay Subsistence Region. A wide representation of subsistence and commercial/sport users across the region ensures the Board receives solid recommendations on regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within the region.

However, the Board cannot make recommendations to the Secretaries of Interior and Agriculture regarding the Council appointments without a sufficient number of applications from the region. This year is the third year in a row when the Bristol Bay Region doesn't have enough applications to fill all seats. In the 2020 appointment year, the Council had six seats open for the Secretarial appointments, but the Board received only three applications from the Bristol Bay Region. This situation occurred again in the 2021 appointment year with six vacant seats but only three applications. Five seats will be open on the Council for the Secretarial appointments



in December of 2022; however, only three applications were received.

Every year OSM conducts extensive outreach soliciting applications in the Bristol Bay Region and throughout the State during the application period, which is open on average for five to six months. Extensive outreach is conducted through a variety of media outlets, including, but not limited to newspaper, radio, internet, Facebook, and public conferences. Applications are mailed and emailed to individuals, agencies, and organizations. Additionally, in the 2022 appointment year, the OSM staff made special announcements regarding the open application period during the fall 2021 and winter 2022 Council meetings and notified Council members at their winter 2022 meeting on the number of applications received for their region.

OSM will continue conducting comprehensive application outreach throughout the region and the targeted outreach through your newly hired Council Coordinator, Ms. Honig. She will be able to work directly with communities in the Togiak, Southern Bristol Bay, and/or Chignik areas to solicit applications from subsistence users.

## **9. ANILCA vs Agency Specific Regulations**

*The Council wants to follow up on the issue regarding how the Federal Subsistence Board makes its decisions on regulatory proposals when agency-specific regulations are in conflict with ANILCA. This issue was raised for the first time in the Council's FY-2019 Annual Report. For example, ANILCA § 811(b) permits the use of snowmobiles for subsistence purposes. Multiple existing Federal agency regulations are in conflict with ANILCA regarding subsistence hunting of caribou, wolves, and wolverine.*

*In its FY-2019 Annual Report reply the Federal Subsistence Board replied that it concluded "that it would ask the Secretary of the Interior to provide a policy on resolving issues when laws are in conflict." Furthermore, the Federal Subsistence Board said, "Currently, several Board members (BLM, FWS, and NPS) are raising this issue with the Secretary's representative. Your Council will be notified as soon as we know more." The Council inquires if the Federal Subsistence Board received an aforementioned policy from the Secretary of the Interior or if any other information was received from the Secretary's representative? The Council seeks an explanation and reasoning behind how the Board currently votes and how it makes the decision when existing Federal regulations conflict with ANILCA.*

### **Response:**

Since the FY-2019 Annual Report and Board reply were presented to your Council in 2020, the Federal Subsistence Management Program experienced the turnover of both the Interagency Staff Committee Members and Board members in three of the five Federal agencies; specifically, the BLM, the USFWS, and the NPS. In addition, the Administration has changed. As new staff and Board members continue to become familiar with this issue, we will rely on Title VIII of ANILCA to direct Board authority and action.

Board members implement Title VIII through the Federal Subsistence Management Program within their respective Federal agencies and rural leaders in the case of the public members. All Board members are tasked with ensuring a Federal subsistence priority consistent with sound management principals and the conservation of healthy populations of fish and wildlife.

Section 811 of ANILCA addresses *access* for subsistence purposes. Specifically, “the Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable *access* to subsistence resources on the public lands”. Further, section 811(b) identifies the appropriate use of motorized vehicles, including snowmachines, for subsistence purposes, subject to reasonable regulation. Section 811(b) begins “Notwithstanding any other provision of this Act or other law...,” which indicates that Congress was cognizant that existing laws and regulations might need to be considered when implementing Title VIII of ANILCA. Ensuring and safeguarding surface transportation traditionally employed for subsistence purposes is not in conflict with any agency specific regulations. Conflicts *may* exist when Board members struggle to balance the dual charge of providing opportunity for continuation of the subsistence way of life and sound resource management principles for the conservation of healthy fish and wildlife populations. In these cases, each Board member strives to fully implement their obligations under Title VIII to the full extent of the law.

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 Federally qualified subsistence users of the Bristol Bay Region are well represented through your work.

Sincerely,



Anthony Christianson  
Chair

Enclosure

cc: Bristol Bay 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