

EASTERN INTERIOR ALASKA Subsistence Regional Advisory Council



USFWS Photo

Snow-covered trees along the Dalton Highway near Yukon Flats National Wildlife Refuge.

Meeting Materials

March 6-7, 2014

Fairbanks

What's Inside

Page

1	Agenda
4	Unit 12 Map
5	WP14-49
18	Unit 20 & 25 Maps
20	WP14-42
40	Customary & Traditional Use Determination Briefing
46	ANILCA Section 804 Briefing
49	Customary & Traditional Use - Council Action Summaries
53	Rural Determination Review - Council Action Summaries
61	Fisheries Resource Monitoring Program Briefing
64	Partners Program Briefing
65	News Release & Call for Fisheries Proposals
67	Call for Fisheries Proposals for 2015-17
69	Guidance on Annual Reports
71	Report to Regional Advisory Council on Consultation Policies
73	DRAFT Tribal Consultation Implementation Guidelines
82	DRAFT ANCSA Consultation Policy
85	Nominations Information
89	February 12, 2014 letter from WIRAC re: late appointments
91	Attachment to WIRAC letter (May 6, 2013 letter re: late appointments)
93	Arctic Network Newsletter (NPS)
96	Meeting Calendars
98	Council 2013 Charter

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Fairbanks, Pikes Waterfront Lodge
March 6, 2014 – 10:00 a.m.-5:30 p.m.
March 7, 2014 – 8:30 a.m.-5:30 p.m.

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

PLEASE NOTE: These are estimated times and the agenda is subject to change.

AGENDA

*Asterisk identifies action item.

Roll Call and Establish Quorum (*Secretary*)

Call to Order (*Chair*)

Invocation

Welcome and Introductions (*Chair*)

Review and Adopt Agenda* (*Chair*) 1

Election of Officers

Chair (*DFO*)

Vice Chair (*Chair*)

Secretary (*Chair*)

Review and Approve Previous Meeting Minutes* (*Chair*)

Reports

Council member reports

Chair's report

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

Old Business (*Chair*)

Wildlife Regulatory Proposals* (Follow up discussion by Council if desired)

Action on deferred proposal WP14-49 Revise season dates for fall season and establish a winter season for caribou in Unit 12..... 5

Clarification Action on Council recommendation for proposal WP14-42 – Establish a Federal subsistence priority and recognize the customary and traditional use of sheep for residents of Units 20E, 25B, and 25C..... 20

Customary & Traditional Use Determination – Update..... 40

Rural Determination Process Review – Update 53

Briefing on Fisheries Resource Monitoring Program 61

Priority Information Needs Development for 2016

Partner’s Briefing / Preview of Call for Proposals 64

New Business (Chair)

Yukon River 2014 Pre-Season Salmon Management Review (*Yukon Fish Management Staff*)

Call for Fisheries Regulatory Proposals*..... 65

Review and Approve Draft FY2013 Annual Report* 69

Tribal Consultation Implementation Guidelines & Draft ANCSA Consultation Policy* 71

Council Nominations Process and Outreach..... 85

Agency Reports

Special Actions (Regional update if applicable)

Office of Subsistence Management

Tribal Governments

Native Organizations

Tanana Chiefs Conference

Yukon River Drainage Fisheries Association – Bering Sea by-catch update

USFWS

Arctic National Wildlife Refuge

Yukon Flats National Wildlife Refuge

Tetlin National Wildlife Refuge

NPS

Yukon-Charley Rivers National Preserve

Wrangell-St. Elias National Park and Preserve

Denali National Park and Preserve

BLM

ADF&G

Army Corps of Engineers – Donlin Mine EIS briefing

Future Meeting Dates*

Confirm date and location of fall 2014 meeting 96

Select date and location of winter 2015 meeting 97

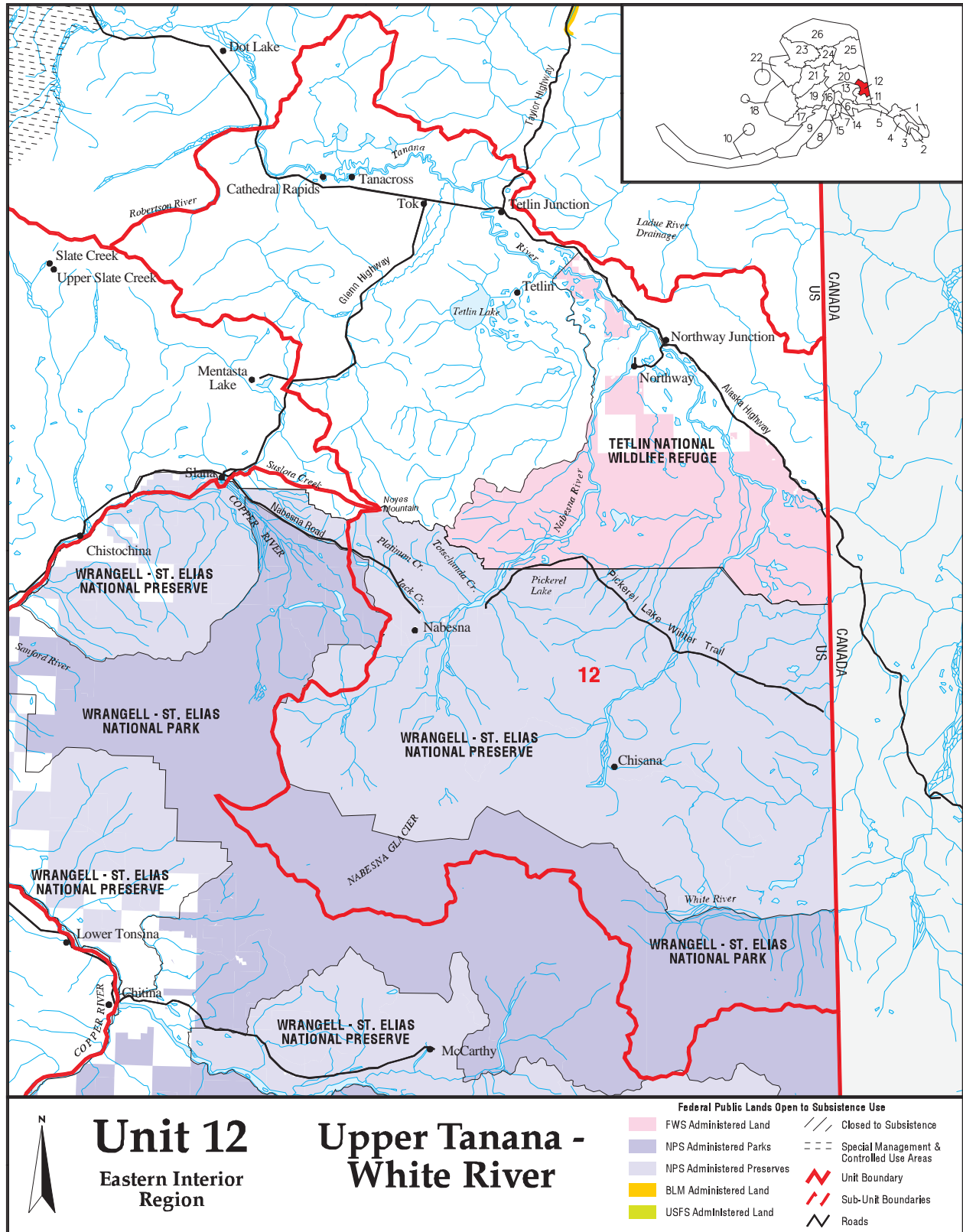
Closing Comments

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 Eva Patton, Council Coordinator at 907-786-3358, eva_patton@fws.gov, or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.



WP14–49 Executive Summary	
General Description	Proposal WP14-49 requests modification of the fall season dates for the Unit 12 caribou hunt that takes place east of the Nabesna River and Nabesna Glacier and south of the winter trail, and also requests the establishment of a winter hunt and a meat on the bone requirement. The proposal requests that the fall season be changed from Sept. 1 – Sept. 30 to Aug. 10 – Sept. 20 and a Feb. 1 – Mar. 31 winter season be established. <i>Submitted by Gilliam Joe.</i>
Proposed Regulation	<p><i>...26(n)(iii) You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of the caribou until you remove the meat from the field or process it for human consumption.</i></p> <p>Unit 12 - Caribou</p> <p><i>Unit 12 – that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border – 1 bull by Federal registration permit only.</i></p> <p><i>Federal public lands are closed to the harvest of caribou except by residents of Chisana, Chistochina, Mentasta, Northway, Tetlin, and Tok.</i></p> <p style="text-align: right;">Sept. 1 – Sept. 30 Aug. 10 – Sept. 20 Feb. 1 – Mar. 31</p>
OSM Preliminary Conclusion	Support Proposal WP14-49 with modification to change the fall season to the dates requested in the proposal, but not establish a winter season, and revise the current delegation of authority to include opening and closing of the winter season
Southcentral Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	1 Support; 1 Oppose; 1 Neutral

**DRAFT STAFF ANALYSIS
WP14-49**

ISSUES

Proposal WP14-49, submitted by Gilliam Joe, requests modification of the fall season dates for the Unit 12 caribou hunt that takes place east of the Nabesna River and Nabesna Glacier and south of the winter trail, and also requests the establishment of a winter hunt and a meat on the bone requirement. The proposal requests that the fall season be changed from Sept. 1 – Sept. 30 to Aug. 10 – Sept. 20 and a Feb. 1 – Mar. 31 winter season be established.

DISCUSSION

The proponent states that the fall season dates should be adjusted to provide Federally qualified users an opportunity to harvest caribou before the rut, as the rut approaches in late September, meat quality declines significantly. Additionally, the proponent states that establishing a winter hunt would give subsistence users more opportunity and easier access to hunt the Chisana caribou herd (CCH) since the affected area is remote and difficult to access without the aid of a snowmachine. The proponent states the area is remote and the meat on the bone requirement will ensure that all the edible meat is removed from the field.

Note: Proposal WP14-45 has been submitted that would add the community of Nebesna and residents of the hunt area to the customary and traditional use determination for caribou in the area of interest.

Existing Federal Regulation

Unit 12 - Caribou

Unit 12 – that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border – 1 bull by Federal registration permit only. Sept. 1 – Sept. 30

Federal public lands are closed to the harvest of caribou except by residents of Chisana, Chistochina, Mentasta, Northway, Tetlin, and Tok.

Proposed Federal Regulation

_.26(n)(iii) You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of the caribou until you remove the meat from the field or process it for human consumption.

Unit 12 - Caribou

Unit 12 – that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border – 1 bull by Federal registration permit only. Sept. ~~1~~**Aug. 10** – Sept. ~~30~~**20**

Federal public lands are closed to the harvest of caribou except by residents of Chisana, Chistochina, Mentasta, Northway, Tetlin, and Tok. Feb .1 – Mar. 31

Existing State Regulation

Unit 12 remainder - Caribou

Residents and nonresidents

No open season

Extent of Federal Public Lands

Unit 12 east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border is approximately 99% Federal public lands, all of which are managed by the Wrangell-St. Elias National Park and Preserve (**Map 1**).

Customary and Traditional Use Determinations

For Unit 12 caribou, the Board has recognized the customary and traditional uses of Unit 12 residents (including Tanacross, Tok, Tetlin, Northway, and Nabesna) and residents of Chistochina, Dot Lake, Healy Lake, and Mentasta Lake.

In 2012, the Board adopted an ANILCA Section 804 determination further limiting who can participate in the hunt to residents of Chisana, Chistochina, Mentasta, Northway, Tetlin, and Tok.

Regulatory History

Because of its small population size, the CCH has never supported a large harvest. Between 1989 and 1994 under State regulations, the harvest limit was 1 bull caribou and the annual harvest ranged between 16–34 animals (Gross 2007). Furthermore, between 1991 and 1994 under Federal regulations, the harvest limit was 1 bull caribou [_.23(n)(12)(ii)]. By 1991, due to declining population numbers the harvest was reduced through voluntary compliance by guides and local hunters. In 1994 the bull portion of the population declined below the ADF&G's management objective and hunting of Chisana caribou was closed by both the Alaska Board of Game and the Federal Subsistence Board. There has been no legal harvest of Chisana caribou in Alaska between 1994 and 2011.

In 1989 and 1990 the reported harvest of Chisana caribou in the Yukon was 18 and 11 animals, respectively (Gross 2007). Gross also reported that the estimated unreported harvest of Chisana caribou between 1989 through 2002 ranged from 1 – 20 animals each year. After 2001, Yukon First Nation members voluntarily stopped harvesting Chisana caribou and there continues to be no legal harvest of Chisana caribou in the Yukon.

In 2010, the State of Alaska Board of Game approved a hunt for residents and nonresidents from September 1 through 30 on the CCH for one bull by drawing permit. The hunt is authorized in the portion of Unit 12 within the White River drainage and that portion within the Chisana River drainage upstream from the winter trail that runs southeast from Pickerel Lake to the Canadian Border (5 AAC 85.025(a)(7)). However, on Federal Public Land the Federal closure supersedes the existing State regulation and thus

Federal public lands are closed to hunting of the CCH under State regulations at this time.

In 2012, the combined proposals WP10-104 and WP12-65/66 were addressed by the Federal Subsistence Board (Board). WP10-104 requested establishment of a joint Federal/State draw permit for the CCH in Unit 12 with a harvest limit of one bull and a season of Sept. 1 – Sept. 30. WP12-65 requested establishment of a Federal registration hunt for the CCH with a harvest limit of one bull and a season of Aug. 10 – Sept. 30, while WP12-66 requested establishment of a Federal registration hunt with a harvest limit of one bull and a season of Sept. 1 – Sept. 30, with the hunt restricted to Federal public lands in Unit 12 east of the Nabesna River and the Nabesna Glacier. The Board took no action on WP10-104 and WP12-65 and adopted WP12-66 with modification to list the communities allowed to harvest caribou in Unit 12, that portion east of the Nabesna River and Nabesna Glacier, and lands south of the Winter Trail running southeast from Pickerel Lake to the Canadian border: Northway, Mentasta, Tetlin, Tok, Chisana, and Chistochina. The authority to manage the Federal hunt was granted by delegation of authority to the

Wrangell-St. Elias National Park and Preserve Superintendent by letter of delegation from the Board.

Proposal WP12-68, submitted by the Cheesh'na Tribal Council, requested the residents of Chistochina be added to the Unit 12 caribou customary and traditional use determination. The Board adopted the proposal.

Biological Background

A five-year management plan for the CCH has been developed through a cooperative effort between the Government of Yukon, Alaska Department of Fish and Game, White River First Nation, Kluane First Nation, National Park Service and U.S. Fish and Wildlife Service. The plan was finalized in October of 2012 and provides a framework for monitoring the CCH population and criteria for implementing a hunt through 2015. In addition to a stable or increasing population trend, the plan also requires the observed bull:cow ratio be no less than 35 bulls per 100 cows with a three year calf:cow ratio above 15 calves per 100 cows. If the CCH population falls below these guidelines, no harvest will be allowed. If population goals indicate a harvest is sustainable, the plan calls for an annual bulls-only harvest not exceeding 2% of the estimated population, with the harvest being equally distributed among the Yukon and Alaska. Harvest allocation within Alaska would be determined through the respective Federal and State regulatory process (Chisana Caribou Herd Working Group 2012).

The CCH is a small, nonmigratory herd inhabiting eastcentral Alaska and southwestern Yukon, Canada on the Klutlan Plateau and near the headwaters of the White River. Genetic analysis conducted by Zittlau et al. (2000) indicated that the herd is genetically similar to woodland caribou herds and that the genetic distance between the CCH and five other nearby caribou herds was large, suggesting that herd has been distinct for thousands of years. Little is known about CCH population trends prior to the 1960s. The herd was first surveyed in 1977 and has been continuously tracked since 1988. Since this tracking began, the majority of Chisana caribou have been located east of the Nabesna River (Bentzen 2011).

The CCH increased through the 1980s and reached a peak of 1,900 caribou in 1988. Beginning in 1990, the CCH experienced a decline in population size. Concern over the decline led to implementation of an intensive captive rearing program in Canada, conducted between 2003 to 2006 by USGS and the Canadian Wildlife Service. The recovery effort was designed to increase recruitment and calf survival resulting in overall population growth. The radio-collaring program intensified in 2003 as a result of the captive rearing program, and survey methods became more effective, therefore sex and age composition and herd size estimates before and after 2003 are not comparable (**Table 1**). Past declines were attributed to poor calf recruitment and high adult mortality associated with adverse weather conditions, poor habitat and predation (Gross 2007). Results from the 2010 census show the CCH population is stable, with an estimated herd size of 682 caribou (Chisana Caribou Herd Working Group 2012) (**Table 1**). The 3-year

Table 1. Fall sex and age composition of the Chisana Caribou Herd, 2000-2011 (Chisana Caribou Herd Working Group 2012).

Date	Total Bulls:100 Cows	Calves:100 Cows	Calves (%)	Cows (%)	Bulls (%)	Composition Sample Size	Estimated Herd Size
2000 ^a	20	6	5	80	15	412	425
2001 ^a	23	4	3	79	18	356	375
2002 ^a	25	13	10	72	18	258	315
2003 ^b	37	25	15	62	23	603	720
2005 ^b	46	23	14	59	27	646	706
2006 ^b	48	21	13	59	28	628	N/A
2007 ^b	50	13	8	61	30	719	766
2008	44	21	13	61	27	532	N/A
2009	48	15	9	61	30	505	N/A
2010	42	23	14	61	25	622	682
2011	38	16	14	66	25	542	N/A

^a Surveys conducted by ADF&G based on a visual search of the herd range.

^b USGS survey results.

average bull:cow ratio of 43:100 is above the minimum 35:100 ratio stated in the Management Plan. The number of calves in the herd increased in 2010, but decreased again in 2011. The 3-year average calf:cow ratio of 18:100 is above the minimum 15:100 ratio set in the Management Plan. However, no surveys or composition counts were conducted in 2011 due to adverse weather conditions (Putera 2013, pers. comm.), so use of three year old data to make management decisions must be done with caution given the tenuous nature of this herd.

Harvest History

The CCH has historically been an important food source for the Athabascans of Alaska and the First Nations of the Yukon in Canada (Gross 2007). During the early to mid-1900s, the CCH was used as a subsistence food source by the Ahtna and Upper Tanana Athabascans. Although subsistence hunting has declined in recent years, the CCH continues to be an important aspect of Upper Tanana and Ahtna Athabaskan culture. Subsistence use of the CCH declined after 1929. For the last 60 years, few people in Alaska or the Yukon have depended on the CCH as a food source (Bentzen 2011), although First Nation members continued to harvest from the CCH in the Yukon through the 1990s.

In addition to providing an important subsistence resource, in the late 1920s, Chisana caribou became economically important to local hunters as guided hunting became common in the Chisana area. The caribou from the Chisana herd were harvested by nonresident hunters guided by local guides through 1994 when hunting was closed. Primarily five guide/outfitters hunted the herd (4 operated in Alaska and 1 in the Yukon). Bulls were desired by sport hunters because of their large stature. From 1990-1994, 43% of the hunters participating in hunting CCH were nonresidents, who took 58% of the harvest. Local subsistence users accounted for 9% of the harvest during that time period (Gross 2007).

At its January 2012 meeting the Federal Subsistence Board (Board) authorized a limited harvest of the CCH consistent with the herd's management plan. The Board delegated authority to the Wrangell-St. Elias

National Park and Preserve Superintendent to open the season, announce the harvest quota, the number of

permits to be issued and the reporting period, and to close the season. Based on the estimated population size and the guidance in the management plan, the harvest quota for the 2012 was set at seven animals.

The National Park Service met with participating communities and associated tribal governments to ask for their input regarding permit distribution. As a result, a decision was made to allocate two permits to each of the four eligible communities with federally recognized tribal governments (Chistochina, Mentasta Lake, Northway, and Tetlin) with the understanding that all community residents, not just tribal members, would be considered for permit distribution. Any remaining permits would be made available to Tok and Chisana residents on a first come-first served basis. The number of permits was limited to fourteen and the reporting period requirement was set at within three days of harvest. Nine permits were issued and two animals were harvested (Cellarius 2012).

Effects of the Proposal

If this proposal is adopted, it would modify the existing fall hunting season, changing it from Sept. 1 – Sept. 30 to Aug. 10 – Sept. 20 and would also establish a winter season from Feb. 1 – Mar. 31 as well as requiring all edible meat to remain on the bone until out of the field or processed for human consumption. Making the fall season earlier should help alleviate some of the concerns users have about quality of meat later in the fall during the rut, while a meat on the bone requirement will ensure that all edible meat is removed from the field. A winter season would give Federally qualified users better access to the CCH in a remote area through the use of snowmachines and create more hunting opportunities as well.

OSM PRELIMINARY CONCLUSION

Support Proposal WP14-49 **with modification** to change the fall season to the dates requested in the proposal, but not establish a winter season, and revise the current delegation of authority to include opening and closing of the winter season (**Appendix 1**).

The modified regulation should read:

_.26(n)(iii) You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of the caribou until you remove the meat from the field or process it for human consumption.

Unit 12 - Caribou

Unit 12 – that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border – 1 bull by Federal registration permit only. *Aug. 10 – Sept. 20*

Justification

The current data on the CCH indicate a population that is stable. In addition, bull:cow and cow:calf ratios are above the minimum thresholds established in the management plan for the herd. However, the most recent survey data is three years old and management decisions should be conservative in nature. Moving the fall season dates to earlier in the season should satisfy the proponents concerns about quality of meat so close to the rut and having a meat on the bone requirement should help ensure that all edible meat is removed from the field. A winter hunt would be provide easier access to hunters and thus increase hunting success. However, establishment of a winter season is not advisable at this time due to a lack of more recent population data.

LITERATURE CITED

Bentzen, T.W. 2011. Unit 12 caribou. Pages 60-73 *in* P. Harper, editor. Caribou management report of survey and inventory activities 1 July-30 June 2010. ADF&G. Project 3.0. Juneau, AK.

Cellarius, B. 2012. Fall Subsistence Program Report. Wrangell-St. Elias National Park and Preserve. Copper Center, AK. 3pp.

Chisana Caribou Herd Working Group. 2012. Management Plan for the Chisana Caribou Herd; 2010-2015. Government of Yukon, Department of Environment, Whitehorse, YT. 48pp.

Gross, J.A. 2007. Unit 12 caribou. Pages 56-64 *in* Caribou management report of survey and inventory activities 1 July 2004-30 June 2006. ADF&G. Project 3.0. Juneau, AK.

Putera, J. 2013. Wildlife Biologist. Personal communication: phone call. Wrangell-St. Elias National Park and Preserve. Copper Center, AK.

Zittlau, K.J., R. J. Coffin, R. Farnell, G. Kuzyk, and C. Strobeck. 2000. Genetic relationships of the Yukon woodland caribou herds determined by DNA typing. *Rangifer* Special Issue 12:59-62.

Appendix 1

Superintendent Rick Obernesser
 Wrangell-St. Elias National Park and Preserve
 PO Box.439
 Copper Center, Alaska 99573

Dear Superintendent Obernesser:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Wrangell-St. Elias National Park and Preserve Superintendent, to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. Authority is also given to open and close the winter season. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within the Wrangell-St. Elias National Park and Preserve and all Federal Public lands with the range of the Chisana Caribou Herd (CCH).

It is the intent of the Federal Subsistence Board that special actions related to the management of the CCH by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), the Tetlin National Wildlife Refuge and the Eastern Interior and Southcentral Alaska Subsistence Regional Advisory Councils as stipulated in 36 CFR 242.19 and 50 CFR 100.19 and under the guidelines of the Memorandum of Understanding between the Federal Subsistence Board and the State of Alaska. Federal managers are expected to work with State managers and the Council to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. **Delegation:** The Wrangell-St. Elias Superintendent is hereby delegated authority to issue emergency or temporary special actions affecting the CCH on Federal lands as outlined in Scope of Delegation. An emergency action may not exceed 60 days and may not be extended unless the procedures for adoption of a temporary special action have been followed. A temporary special action requires adequate notice and public hearing. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19. Authority is also given to open and close the winter season.
2. **Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6).
3. **Scope of Delegation:** The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26.

You may open the season, announce the harvest quota, the number of permits and the reporting period, and close the season for the CCH.

This delegation to issue special actions may be exercised under the conditions as defined in 36 CFR 242.19(a) and (b)(1) and 50 CFR 100.19(a) and (b)(1).

All other proposed changes to codified regulations including, but not limited to, customary and traditional use determinations, adjustments to methods and means of take, or customary trade, shall be directed to the Federal Subsistence Board.

The Federal lands subject to this delegated authority are those within the Wrangell-St. Elias National Park and Preserve and all Federal Public lands with the range of the Chisana Caribou Herd (CCH).

4. **Effective Period:** This delegation of authority is effective until superseded or rescinded.
5. **Guidelines for Review of Proposed Special Actions:** The Superintendent will use the following guidelines to determine the appropriate course of action when reviewing proposed special actions.
 - A. Does the proposed special action fall within the geographic and regulatory scope of delegation?
 - B. Does the proposed regulation 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 appropriate time in the normal regulatory cycle?
 - C. Does the supporting information in the proposed special action substantiate the need for the action?
 - D. Are the assertions in the proposed special action confirmed by biological information and/or by other affected subsistence users?
 - E. Is the proposed special action supported in the context of historical information on population status and harvests by affected users?
 - F. Is the proposed special action likely to achieve the expected results?
 - G. Have the perspectives of ADF&G managers and the Council been fully considered in the review of the proposed special action?
 - H. Have the potential effects of the proposed special action on all affected users been considered?
 - I. Can public announcement of the proposed special action be made in a timely manner to accomplish the management objective?

- J. 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:

- A. The Superintendent will become familiar with the management history of wildlife populations in the region, with the current State and Federal regulations and management plans, and be up-to-date on population and harvest status information.
- B. The Superintendent 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 or not taking an action may be on subsistence users and non-subsistence users. Requests not within the delegated authority of the Superintendent will be forwarded to the Federal Subsistence Board for consideration. The Superintendent will keep a record of all special action requests and their disposition. A copy of documents associated with each record will be provided to the Office of Subsistence Management no later than sixty days after development of the document.
- C. The Superintendent will immediately notify the Federal Subsistence Board through the Assistant Regional Director for the Office of Subsistence Management, U.S. Fish and Wildlife Service, and notify/consult with local ADF&G managers, the Tetlin Wildlife Refuge and the Regional Advisory Council Chairs, and other affected Federal conservation unit managers concerning special actions being considered.
- D. The Superintendent will issue timely decisions. Users, affected State and Federal managers, law enforcement personnel, and the Regional Advisory Council Chairs 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 the Regional Advisory Council Chairs at least six hours before the State action would be effective. If a decision is to take no action, the proponent of the request will be notified immediately.
- E. There may be unusual circumstances under which the Superintendent will determine that he/she should not exercise the authority delegated, but instead request that the Federal Subsistence Board address the special action request. This option should be exercised judiciously and when time allows. Such a decision should not be considered when immediate management actions are necessary for wildlife conservation purposes. The Federal Subsistence Board may also determine that a special action request should not be handled by the delegated official but by the Board itself and rescind the delegated authority for that specific action only.

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 to modify the take of wildlife regulations outside of the regulatory proposal period. A timely management decision, made locally, can optimize the opportunity for users to harvest wildlife and can ensure the continued viability of a wildlife population.

Should you have any questions about this delegation of authority, please feel free to contact the Assistant Regional Director for the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3888.

Sincerely,

Tim Towark
Chair, Federal Subsistence Board

cc: Interagency Staff Committee
Chair, Southcentral Alaska Subsistence Regional Advisory Council
Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
Manager, Tetlin National Wildlife Refuge
Commissioner, Alaska Department of Fish and Game
Regional Director, USFWS
ARD, Office of Subsistence Management

WRITTEN PUBLIC COMMENTS

Support Proposal WP14-49: We support Proposal 14-49 to “modify the season dates for the Unit 12 caribou hunt that takes place east of the Nabesna Road and Glacier and south of the Winter Trail”, with a fall season from August 10th to September 20th and adding a winter season from February 1 to March 31st. Changing the Unit 12 Caribou season dates in this area will provide for subsistence needs. Federally qualified subsistence users will be able to access hunting areas to harvest a caribou during the winter months. Snow machines could be used to hunt with during the winter months to harvest a Unit 12 caribou in this remote, inaccessible area.

Ahtna Inc. Customary and Traditional Use Committee

Neutral Proposal WP14-49: Requests that if the proposal submitted by Gillam Joe recommending an additional winter hunt period is adopted, that the language similar to WP14-45 be added to include all qualified residents of the hunt area in any future hunts.

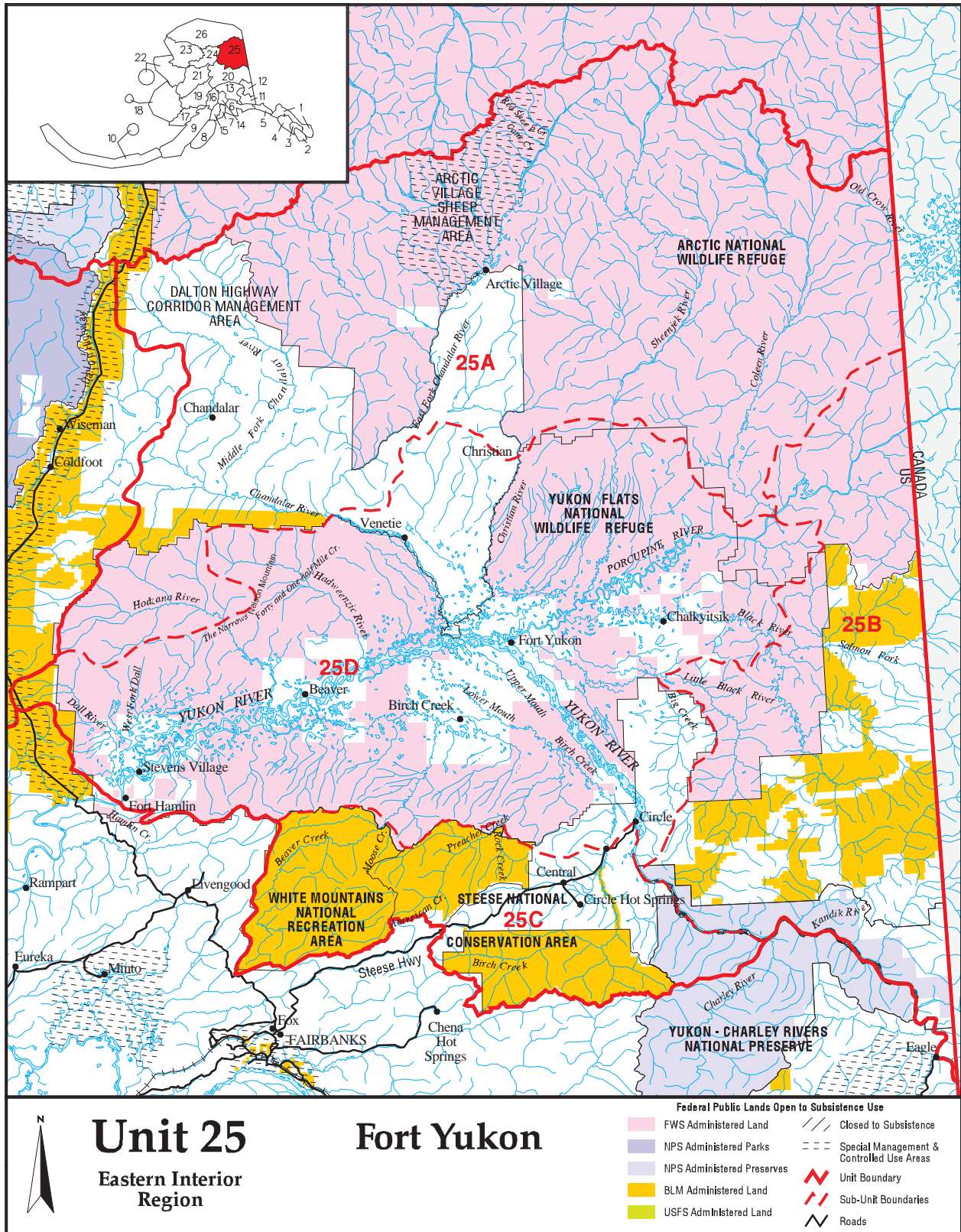
Jessica Braga, Ptarmigan Lake

Oppose Proposal WP14-49: There should not be a Chisana caribou herd harvest for the following concerns:

- With the limited biological data (three years old) the current caribou hunt in Unit 12 should not take place. The lack of recent bull-cow or cow-calf ratios does not support a harvest let alone a proposed winter hunt.
- The past history of poor calf populations, adverse weather conditions, limited winter habitat and calf predation do not support this hunt with limited biological data.
- The continued harvest of Chisana caribou would reduce the current small population that basically stays in a small habitat area.
- There has not been any caribou hunting since 1994 due to declining population. To my knowledge the Yukon Territory Canada First Nation members have stopped the harvest of the Chisana caribou herd due to the small population.
- Harvest information indicates that most of the past harvest was taken by non-residents and only nine percent by subsistence users.
- A proposed winter hunt is questionable with only three year old data on a small herd.
- A hunt will potentially displace the caribou from their limited natural winter habitat and cause more stress.
- If a hunt takes place current survey information is critical to the herd dynamics and future growth.

- If the proposed hunt takes place Ahtna Native members should be given priority for customary and traditional use of the caribou resource similar to First Nation People in the Yukon Territory.

Jim Hannah, retired Chitina District Ranger/Pilot



WP14-42 Executive Summary	
General Description	Proposal WP14-42 requests a customary and traditional use determination for sheep in Units 20E, 25B, and 25C. A related analysis, WP14-43, addresses hunting seasons and harvest limits for sheep. <i>Submitted by the Eastern Interior Subsistence Regional Advisory Council.</i>
Proposed Regulation	<p>Customary and Traditional Use Determinations—Sheep</p> <p><i>Unit 20E All-rural-residents Residents of Units 20E, 25B, and 25C</i></p> <p><i>Unit 25B and 25C No-Federal-subsistence-priority Rural Residents of Units 20E, 25B, and 25C</i></p>
OSM Preliminary Conclusion	<p>Support Proposal WP14-42 with modification.</p> <p><i>Unit 20E All-rural-residents- Rural Residents of Units 20E, 25B, 25C, and Circle, Dot Lake, Healy Lake, Northway, Tanacross, Tetlin, and Tok</i></p> <p><i>Unit 25B No-Federal-subsistence-priority Rural Residents of Units 20E, 25B, 25C, and Chalkyitsik and Circle</i></p> <p><i>Unit 25C No-Federal-subsistence-priority Rural Residents of Units 20E, 25B, 25C</i></p>
Eastern Interior Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	1 Support

DRAFT STAFF ANALYSIS WP14-42

ISSUES

Proposal WP14-42 submitted by the Eastern Interior Subsistence Regional Advisory Council (Council) requests a customary and traditional use determination for sheep in Units 20E, 25B, and 25C. A related analysis, WP14-43, addresses hunting seasons and harvest limits for sheep.

DISCUSSION

Currently, there are no open Federal seasons for sheep in Units 20E, 25B, and 25C. According to the proponent, establishing a subsistence priority for sheep is important to the residents of the area. Residents of local communities have harvested sheep on many of the parcels of Federal public lands in the management units, and Council members are aware of this use through local oral history. The proponent continues that people are looking for alternative resources to Chinook salmon because of the decade-long decline in Chinook salmon stocks in the Yukon River drainage. The Council member who introduced the motion said the intent of the proposal is to open a Federal hunting season in the Yukon-Charley Rivers National Preserve. Subsequently, the Council amended the proposal to include all Federal public lands in the management units.

The Federal Subsistence Board (Board) has never reviewed the customary and traditional uses of sheep in Units 20E, 25B, or 25C. Additionally, Central, Chicken, Eagle City, and Eagle Village are situated in Units 20E, 25B, or 25, and this analysis is the first review of their customary and traditional uses of sheep.

Existing Federal Regulation

Customary and Traditional Use Determinations—Sheep

<i>Unit 20E</i>	<i>All rural residents</i>
<i>Unit 25B and 25C</i>	<i>No Federal subsistence priority</i>

Proposed Federal Regulation

Customary and Traditional Use Determinations—Sheep

<i>Unit 20E</i>	<i>All rural residents Residents of Units 20E, 25B, and 25C</i>
<i>Unit 25B and 25C</i>	<i>No Federal subsistence priority Rural Residents of Units 20E, 25B, and 25C</i>

Extent of Federal Public Lands

Federal public lands in each management unit are described in **Table 1** (see also **Unit 20 Map** and **Unit 25 Map**).

Table 1. Federal public lands in Units 20E, 25B, and 25C.

Management Unit	Percentage Federal Public Lands	Percentage Managed by Each Agency
20E	29%	20% National Park Service 9% Bureau of Land Management
25B	70%	36% Fish and Wildlife Service 26% Bureau of Land Management 8% National Park Service
25C	74%	63% Bureau of Land Management 9% National Park Service 2% Fish and Wildlife Service

Regulatory History

In Unit 20E, *all rural residents* of the state are eligible to hunt sheep under Federal regulations because the Federal Subsistence Board did not adopt a specific customary and traditional use determination. The situation is different in Units 25B and 25C; currently, *no rural residents* are eligible to hunt sheep under Federal regulations because the Board adopted a determination of “no Federal subsistence priority” (72 FR 22961; May 29, 1992).

The proponent requested a customary and traditional use determination for sheep. “Customary and traditional uses” were described in the Alaska National Interest Land Claims Act. The term “subsistence uses” means the *customary and traditional uses* by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.

Eight Factors for Determining Customary and Traditional Uses

A community or area’s customary and traditional use is generally exemplified through eight 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.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration

the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

Specific information on each of the eight factors is not required because a community or area seeking a customary and traditional use determination only has to “generally exhibit” the eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)).

Demographic History

Units 20E, 25B, and 25C encompass upper Yukon River drainages. Han Athabascan territory extended along the Yukon River on both sides of the U.S. and Canadian border, upstream from the Yukon Flats (Crow and Obley 1981). Settlement patterns in the upper Yukon region were heavily impacted by the gold rush in the 1890s that brought tens of thousands of miners. Large numbers of Han and Peel River *Gwich'in* were attracted to the Eagle area and Dawson. Their descendants are the primary residents of Eagle Village. The enforcement of the U.S-Canada boundary since the 1940s has cut them off from much of their hunting and trapping areas in Canada. Eagle City, Chicken, and Central were established as gold mining supply sites, however, most miners had left the area by 1910. Native and non-Natives worked on steamboats, in mines, and in wood chopping camps, as well as on traplines. In the 1970s land auctions attracted new residents to Eagle City, and the construction of the oil pipeline, development of oil and gas in the area, and road construction provided wage employment. Gold miners continue to return to the area seasonally. The communities rely on subsistence resources, government wage employment, such as in firefighting, and other seasonal work, such as mining and handicrafts. The decline of the Fortymile caribou herd has meant the loss of the most significant resource available in the area. Roads have linked Eagle with the Alaska Highway since the 1950s, and the Steese Highway connected Central with Fairbanks in 1927. Additionally, the Yukon River continues to be used as a water “highway” (ADCCED 2013, Caulfield 1979, Crow and Obley 1981, Hosley 1981).

The population in the management units was about 256 people living in 130 households according to the 2010 US Census (see **Table 2** below). There was a small number of people living along the Yukon River from Eagle to Circle outside of any organized community. In 1979, about 70% had lived on the river only since 1971, and the number was growing (see Caulfield 1979) .

Table 2. The human population in communities located in Units 20E, 25B, and 25C, 1960–2010.

US CENSUS POPULATION								
Unit of residence	Community	1960	1970	1980	1990	2000	2010	
		Number of people						Number of households
25C	Central	28	26	36	52	134	96	53
20E	Chicken					17	7	5
20E	Eagle City	92	36	110	168	129	86	41
20E	Eagle Village			54	35	68	67	31
Total		120	62	200	255	348	256	130

Blank=not available

Source: ADCCED 2013

Ethnographic Information

Sheep hunting is a well-documented Athabaskan tradition. Descriptions of the knowledge of sheep possessed by Han, Gwich'in, Tanacross, and Upper Tanana Athabascans included the location of mineral licks used by sheep. In the past, sheep were most often caught with babiche (long strips of caribou or moose skin) snares, but hunters sometimes took them with bows and arrows. Men hunted sheep in late summer and early fall when sheep were fat and their meat was in good condition, and to obtain sheepskins for winter. Tallow-rich ribs were favored and eaten fresh. Women dried much of the meat and cached it for later use and made the skins into sleeping blankets or into warm winter pants and coats. Sheep horns were steamed and bent and made into highly-prized spoons and dippers. Descriptions of sheep were repeated in stories and songs. Interior Alaska Athabascans were known to barter and sell the meat of sheep and other animals to feed people from outside of Alaska who were moving into the area. In years when caribou were not available in significant numbers, moose, sheep, and fish were often taken in larger numbers to compensate. In contemporary times, fall continued to be an important sheep hunting season (Caulfield 1979, Haynes and Simeone 2007, Mishler and Simeone 2004, McKennan 1981, Pedersen and Caulfield 1981).

Residents of the management units that are, or are the descendants of people, originally from outside Alaska have relied heavily on the take of wild resources in the area, especially the Charley, Kandik, Nation, Tatonduk, Fortymile and Seventymile rivers in the Yukon-Charley Rivers National Preserve, during the twentieth century (see Caulfield 1979).

Eagle Village Sheep Harvests in Units 20E and 25B

The Yukon River flows from Canada and immediately passes by Eagle Village. Eagle Creek and Tatonduk River (also known as Sheep Creek) leave Canada and flow into the Yukon River here. Conversations with Han elder Sarah Malcolm provided documentary evidence of sheep hunting in the area. She remembered that “as a girl, her family hunted sheep during the fall in the Ogilvie. Today, if people want to hunt sheep they go into the Glacier Mountains located south of Eagle or travel up to Eagle Creek in Unit 25B” (Mishler and Simeone 2004:69–70). “Two families would often travel with dogs to camp near the mouth of the Tatonduk River in the fall to hunt sheep and moose” (Caulfield 1979:19). “Two sheep were taken [at Glacier Mountains] by residents [of Eagle Village] in the fall of 1976. People have also gone up the Charley [River] looking for sheep, although this is not common” (1979: 28). “Sheep come down out of the higher elevation in winter and have been hunted along Mission Creek” (1979:34).

Eagle City Sheep Harvests in Units 20E and 25B

Ethnographic information indicates that subsistence resources used by Eagle City residents included firewood, salmon, moose, bear, sheep, and/or running a trapline in winter. “Eagle people occasionally take Dall sheep, generally from the Glacier Peak area to the west of Eagle. Two sheep were taken there by residents in the fall of 1976. People have also gone up the Charley and Tatonduk Rivers looking for sheep, although this is not as common” (Caulfield 1979:28).

People-Living-along-the-Yukon-River Sheep Harvests in Units 20E and 25B

People living along the river from Circle to Eagle not in an established community in Units 20E, 25B, and 25C were described by Caulfield (1979). “Dall sheep are occasionally taken by river residents from the Charley River and from the Ogilvie Mountains (near Tatonduk River). Two sheep were taken off the Charley River bluffs by river people in 1975, and one Dall sheep has taken from Twin Mountain in the Charley [River drainage] in 1976. Other sheep are occasionally taken from Glacier Peaks near Eagle”

(1979: 49). The “river people” were shown to be heavily reliant on a wide range of subsistence resources.

Chalkyitsik Sheep Harvests in Unit 25B

The Black River Gwich'in (or *Tranjik*) primarily occupied the Black River drainage, Little Black River drainage, and Porcupine River drainage in historical times. They spent fall and winter months at the headwaters of the Black River drainage harvesting moose, caribou, and sheep in the mountainous area, specifically at the head of the Salmon Fork of the Black River. “Hunters traveled upstream to the head of navigation in small canoes, and then proceeded overland to sheep hunting areas” (Caulfield 1983:141). They then moved down river for fishing in the spring and summer months. *Tranjik* settled in the contemporary community of Chalkyitsik. The Black River drainage and Porcupine River drainage, in Unit 25B, continued to be primary subsistence use areas of contemporary Chalkyitsik residents (Van Lanen et al. 2012).

Circle Sheep Harvests in Unit 25B

Residents of Circle were primarily Gwich'in with strong ties to Fort Yukon. They historically hunted sheep from the slopes of Kathul Mountain located on the north side of the Yukon River upriver from Circle (Caulfield 1983). Contemporary Circle residents use primarily both the Yukon Flats National Wildlife Refuge down river, and the Yukon-Charley Rivers National Park upriver to harvest wild resources (Van Lanen et al. 2012).

Dot Lake Village, Healy Lake, Northway, Tanacross, and Tetlin Sheep Harvests in Unit 20E

The historical harvest areas of Tanacross and Upper Tanana Athabascans included the Fortymile River drainage where caribou, moose, and sheep were harvested (Haynes and Simeone 2007). Their descendants reside in the contemporary villages of Dot Lake, Healy Lake, Northway, Tanacross, and Tetlin. Contemporary hunters accessed caribou and moose hunting areas primarily using highway vehicles, boats, and off-road vehicles, including up the Taylor Highway (Holen et al. 2012).

Harvest Reporting Systems

The Alaska Department of Fish and Game and U.S. Fish and Wildlife Service (ADF&G/FWS) maintain a harvest reporting database (FWS 2013). However, complete records were not kept until the mid-1980s, and it is likely that some hunters have not reported their harvests (see the discussions in Van Lanen et al. 2012 and Anderson and Alexander 1992 for an understanding).

There is a State general hunt for sheep in all three units, Units 20E, 25B, and 25C. Additionally, the Alaska Department of Fish and Game distributes draw permits to hunt sheep in the Mount Harper area of Unit 20E (see **Table 3** and **Table 4** for seasons and harvest limits).

Unit 20E Reported Harvest of Sheep

Sheep in Tanana Hills in Unit 20E comprise several small groups separated by unsuitable habitat. Most sheep habitat in the area is remote and difficult to access. Sheep are described as two populations: Mount Harper, requiring a State drawing permit; and Tanana Hills, all other sheep, requiring a State harvest ticket. Most sheep hunters in Unit 20E were residents of the state. No motorized access is allowed in the Glacier Mountain Controlled Use Area, adjacent to Eagle. Most hunters used aircraft (DuBois 2011). In 2012, 273 people applied for the drawing permit to hunt sheep around Mount Harper, and 4 permits were available, a 1% draw rate (ADF&G 2013). Almost all of the sheep harvest reported in Unit 20E occurred through the general hunt.

Table 3. Unit 20E—*State of Alaska* hunting regulations for residents and nonresidents of the state since 2000.

STATE OF ALASKA HUNTING REGULATIONS Unit 20E Sheep			
Regulatory Year	Management Unit	Hunt Type	Harvest Limit/Season
2007–2012 <i>Nonresident hunters must be accompanied by a guide</i>	20D/20E north of the Alaska Hwy; and north and west of the north bank of the Middle Fork of the Fortymile River upstream from and including the Joseph Creek drainage	Draw	1 ram with full-curl horn or larger Aug. 10–Sept. 20
	20 remainder	Harvest Ticket	1 ram with full-curl horn or larger, Aug. 10–Sept. 20
2000–2006 <i>Nonresident hunters must be accompanied by a guide</i>	20E encompassing Mt. Harper south of Joseph Creek and the headwaters of the Charley River	Draw	1 ram with full-curl horn or larger Aug. 10–Sept. 20
	20 remainder	Harvest Ticket	1 ram with full-curl horn or larger Aug. 10–Sept. 20

Table 4. Unit 25B and 25C—*State of Alaska* hunting regulations for residents and nonresidents of the state since 2000.

STATE OF ALASKA HUNTING REGULATIONS Units 25B and 25C Sheep			
Regulatory Year	Hunt Type	Season	Harvest Limit
2000–2012 <i>Nonresident hunters must be accompanied by a guide</i>	Harvest Ticket	Aug. 10–Sept. 20	1 ram with full-curl horn or larger

Table 5 is based on the ADF&G/FWS harvest reporting database and shows that people from all over Alaska have harvested or tried to harvest sheep in Unit 20E since 1983. It is clear that residents of rural communities were responsible for much of the hunting effort (102 of 448 hunters, about 23%) and sheep taken (32 of 149 sheep, about 22%) (see **Table 6**). (It should be noted that Healy Lake does not have a post office and its harvest is not enumerated by the ADF&G/FWS harvest reporting database.)

Additionally, in 2011, the community of Tok harvested an estimated 17 sheep in September based on the results of a household harvest survey. The location of harvest was not reported for each sheep but Tok residents described generally harvesting sheep and caribou from the Taylor Highway north to Eagle and east to the border with Canada (Holen et al. 2012).

Table 5. Unit 20E: the harvest of sheep by residents and nonresidents of Alaska, based on the ADF&G/FWS reporting system, 1983–2010 cumulative.

UNIT 20E SHEEP HARVEST 1983–2010							
Unit of residence	Community	Number of hunters	Number of sheep harvested	Unit of residence	Community	Number of hunters	Number of sheep harvested
	Nonresident	39	27	14C	Eagle River	11	1
	Residency unknown	4	2	14C	Fort Richardson	1	0
1C	Juneau	30	11	15A	Kenai	1	0
1C	Auke Bay	2	1	15A	Nikiski	1	0
1C	Gustavus	7	2	15A	Soldotna	7	3
1D	Haines	1	0	15C	Homer	5	4
3	Wrangell	1	0	15C	Ninilchik	1	0
3	Petersburg	3	2	15C	Anchor Point	1	1
4	Sitka	5	1		Trapper Creek	1	0
6D	Valdez	6	1	16A			
8	Kodiak	3	1	20A	Nenana	2	0
9C	King Salmon	1	0	20B	Ester	1	1
9D	Cold Bay	1	1	20B	Fairbanks	105	32
12	Tok	28	11	20B	North Pole	24	8
13A	Chickaloon	2	1	20B	Two Rivers	5	4
14A	Palmer	5	2	20B	Eielson AFB	14	7
14A	Wasilla	11	1		Fort Wainwright	11	0
14A	Big Lake	2	0	20B	Delta Junction	7	2
14B	Talkeetna	1	0	20D	Fort Greely	1	0
14C	Chugiak	6	1	20E	Eagle	29	11
14C	Anchorage	53	10	25C	Central	5	0
	(continue next column)			25D	Circle	4	0
					TOTAL	448	149

Bold=rural communities.

Source: FWS 2013

Unit 25B Reported Harvest of Sheep

Most sheep hunters in Unit 25B were Alaska residents. Hunting occurred primarily in an area in the southeastern portion of Unit 25B, between the Yukon River and the Canada border. Most of the area is in the Yukon-Charley Rivers National Preserve. All of the reported harvests by Eagle residents in Unit 25B (4 sheep) were taken there (see **Table 7**). The area is adjacent to the communities of Eagle City and Eagle Village.

Table 7 is based on the ADF&G/FWS harvest reporting database and shows that people from all over Alaska have harvested or tried to harvest sheep in Unit 25B since 1983 (FWS 2013). It is clear that residents of rural communities were responsible for much of the hunting effort (25 of 145 hunters, about 17%) and sheep taken (10 of 52 sheep, about 19%) (see **Table 8**).

Table 6. Unit 20E: the harvest of sheep by residents of only *rural* communities, based on the ADF&G/FWS reporting system, 1983–2010 cumulative.

UNIT 20E SHEEP HARVEST 1983–2010			
Unit of Residence	Rural Community	Number of hunters	Number of sheep harvested
01C	Gustavus	7	2
01D	Haines	1	0
3	Wrangell	1	0
3	Petersburg	3	2
4	Sitka	5	1
8	Kodiak	3	1
09C	King Salmon	1	0
09D	Cold Bay	1	1
12	Tok	28	11
14A	Chickaloon	2	1
14B	Talkeetna	1	0
15C	Ninilchik	1	0
20A	Nenana	2	0
20D	Delta Junction	7	2
20D	Fort Greely	1	0
20E	Eagle	29	11
25C	Central	5	0
25D	Circle	4	0
	TOTAL	102	32

Source: FWS 2013.

Unit 25C Reported Harvest of Sheep

In Unit 25C, most sheep habitat is in the White Mountains area within the White Mountains National Recreational Area, managed by the Bureau of Land Management. Most sheep hunters in the White Mountains were Alaska residents. There are trails and mining roads off the Steese Highway. Since 1988, most of the range has been closed to off-road vehicles, and the majority of successful hunters used planes. Contact with hunters suggests that many hunters who used 4-wheelers and highway vehicles intended mainly to hunt caribou or moose but would take sheep opportunistically (Hollis 2011). The community of Central is located nearby the area.

Table 9 is based on the ADF&G/FWS harvest reporting database and shows that people from all over Alaska have harvested or tried to harvest sheep in Unit 25C since 1983 (FWS 2013). It is clear that residents of rural communities were responsible for a small portion of the hunting effort (34 of 921 hunters, about 4%) and sheep taken (10 of 171 sheep, about 6%) (see **Table 10**).

Summary

Table 11 describes the interior Alaska communities for which an effort to harvest sheep in Units 20E, 25B, or 25C has been documented based in the ADF&G/FWS harvest reporting database and ethnographic descriptions that were described above. There is no available information indicating that the harvests by rural residents of communities outside of interior Alaska should be included in the customary and traditional use determination for sheep. Rural residents from outside of interior Alaska who hunt sheep in Units 20E, 25B, or 25C may be reasonably excluded from a customary and traditional use determination.

Table 7. Unit 25B: the harvest of sheep by residents and nonresidents of Alaska, based on the ADF&G/FWS reporting system, 1983–2010 cumulative.

UNIT 25B SHEEP HARVEST 1983–2010			
Unit of residence	Community	Number of hunters	Number of sheep harvested
	Nonresident	16	10
	Unknown	3	0
01C	Auke Bay	2	1
01C	Douglas	1	0
01C	Gustavus	1	0
01C	Juneau	4	0
04	Sitka	1	0
06D	Valdez	6	6
09D	Cold Bay	1	1
12	Tok	2	2
14A	Palmer	5	2
14A	Wasilla	15	7
14C	Anchorage	26	5
14C	Eagle River	18	4
20B	Fairbanks	22	8
20B	North Pole	2	0
20D	Delta Junction	1	1
20D	Dot Lake	1	0
20E	Eagle	17	4
23	Kotzebue	1	1
TOTAL		145	52

Bold=rural communities.

Source: FWS 2013

Three appendices contain information to help evaluate who is eligible to be included in a customary and traditional use determination for sheep. **Appendix A** describes the customary and traditional use determinations for other resources (brown bear, moose, and caribou) in the management units. **Appendix B** describes customary and traditional use determinations for sheep in surrounding units. **Appendix C** describes the areas used to hunt sheep.

Unit 20E Summary

Most sheep habitat in Unit 20E is remote and difficult to access. Hunting sheep in the Mount Harper area requires a State draw permit that is difficult to get, and motorized vehicles are not allowed in the Glacier Mountain Controlled Use Area. The Glacier Mountain area has been used by nearby Eagle City and Eagle Village; and Dot Lake Village, Healy Lake, Northway, Tanacross, and Tetlin have used tributaries of the Fortymile River to access nearby sheep habitat, as described by residents and documented in ethnographic accounts (Caulfield 1979, Haynes and Simeone 2007, Mishler and Simeone 2004). Hunting records begin in 1983. Most successful hunters were residents of nonrural areas (see **Table 5**) who used airplanes to access sheep habitat (DuBois 2011). The drawing permit hunt and prohibitions against motorized access in some areas likely limited the harvest of sheep by rural residents of the state.

Table 8. Unit 25B: the harvest of sheep by residents of only *rural* communities, based on the ADF&G/FWS reporting system, 1983–2010 cumulative.

UNIT 25B SHEEP HARVEST 1983–2010			
Unit of residence	Rural community	Number of hunters	Number of sheep harvested
01C	Gustavus	1	0
04	Sitka	1	0
09D	Cold Bay	1	1
12	Delta Junction	1	2
12	Tok	2	2
20D	Dot Lake	1	0
20E	Eagle	17	4
23	Kotzebue	1	1
TOTAL		25	10

Source: FWS 2013.

Table 9. Unit 25C: the harvest of sheep by residents and nonresidents of Alaska, based on the ADF&G/FWS reporting system, 1983–2010 cumulative.

UNIT 25C SHEEP HARVEST 1983–2010							
Unit of residence	Community	Number of hunters	Number of sheep harvested	Unit of residence	Community	Number of hunters	Number of sheep harvested
	Nonresident	24	7	15A	Sterling	2	0
	Unknown	8	3	15C	Anchor Point	4	0
01C	Juneau	2	0	15C	Homer	3	0
01D	Haines	1	0	16A	Trapper Creek	1	0
01D	Klukwan	1	1	17C	Dillingham	5	2
04	Sitka	4	2	18	Nunapitchuk	1	1
06D	Valdez	2	0	19A	Chuathbaluk	1	0
08Z	Kodiak	4	1	20A	Anderson	1	0
09B	Port Alsworth	2	0	20A	Nenana	4	0
12	Tok	1	0	20B	Eielson AFB	25	1
13D	Copper Center	1	0	20B	Ester	5	0
14A	Big Lake	2	1	20B	Fairbanks	555	114
14A	Palmer	11	0	20B	Fort Wainwright	42	6
14A	Sutton	1	0	20B	North Pole	119	12
14A	Wasilla	12	1	20B	Salcha	9	0
14C	Anchorage	34	6	20B	Two Rivers	2	0
14C	Chugiak	5	2	20C	Denali National Park Hdqters	1	0
14C	Eagle River	9	3	20E	Eagle	1	1
14C	Fort Richardson	4	2	20F	Rampart	1	0
15A	Kenai	2	1	23	Kotzebue	1	1
15A	Soldotna	4	2	25C	Central	4	1
	(continue next column)			TOTAL		921	171

Bold=rural communities.

Source: FWS 2013

Table 10. Unit 25C: the harvest of sheep by residents of only *rural* communities, based on the ADF&G/FWS reporting system, 1983–2010 cumulative.

UNIT 25C SHEEP HARVEST 1983–2010			
Unit of residence	Rural community	Number of hunters	Number harvested
01D	Haines	1	0
01D	Klukwan	1	1
04	Sitka	4	2
08	Kodiak	4	1
09B	Port Alsworth	2	0
12	Tok	1	0
13D	Copper Center	1	0
17C	Dillingham	5	2
18	Nunapitchuk	1	1
19A	Chuathbaluk	1	0
20A	Anderson	1	0
20A	Nenana	4	0
20C	Denali National Park	1	0
20E	Eagle	1	1
20F	Rampart	1	0
23	Kotzebue	1	1
25C	Central	4	1
TOTAL		34	10

Source: FWS 2013

Table 11 shows the rural interior Alaska communities for which an effort to harvest sheep in Unit 20E has been documented (based on the ADF&G/FWS harvest reporting database and ethnographic descriptions that were described above). They are Northway, Tetlin, and Tok in Unit 12; Nenana in Unit 20A; Dot Lake Village, Delta Junction, Fort Greely, Healy Lake, and Tanacross in 20D; Eagle City and Eagle Village in 20E; Central in 25C; and Circle in 25D.

Unit 25B Summary

Hunting for sheep in Unit 25B occurs primarily in the southeastern portion, which is adjacent to Eagle City and Eagle Village, with a harvest permit. The majority of sheep were taken by nonrural residents of the state (see **Table 7**). The mountainous sheep habitat near the headwaters of the Salmon Fork of the Black River have been used by Chalkyitsik to take sheep. The area of Kathul Mountain has been used by residents of Circle to take sheep (Caulfield 1979). **Table 11** shows the rural interior Alaska communities for which an effort to harvest sheep in Unit 25B has been documented (based in the ADF&G/FWS harvest reporting database and ethnographic descriptions described above). They include Tok in Unit 12; Delta Junction, Dot Lake, and Dot Lake Village in Unit 20D; Eagle City and Eagle Village in Unit 20E; and Chalkyitsik and Circle in Unit 25D.

Unit 25C Summary

Most sheep habitat is in the White Mountains area within the White Mountains National Recreational

Table 11. The rural interior Alaska communities for which an effort to harvest sheep in Units 20E, 25B, or 25C has been documented (based in the ADF&G/FWS harvest reporting database and ethnographic descriptions).

2010 US CENSUS			
Unit of Residence	Community	Number of people	Number of households
Unit 20E			
12	Northway Village	98	30
12	Northway Junction	54	20
12	Tanacross	136	53
12	Tetlin	127	43
12	Tok	1,258	532
20A	Nenana	378	171
20D	Delta Junction	958	377
20D	Dot Lake Village	63	19
20D	Fort Greely	539	236
20D	Healy Lake	13	7
20E	Eagle City	86	41
20E	Eagle Village	67	31
25C	Central	96	53
25D	Circle	104	40
Unit 25B			
12	Tok	1,258	532
20D	Delta Junction	958	377
20D	Dot Lake	13	7
20D	Dot Lake Village	62	19
20E	Eagle City	86	41
20E	Eagle Village	67	31
25D	Chalkyitsik	69	24
25D	Circle	104	40
Unit 25C			
12	Tok	1,258	532
20A	Anderson	246	90
20A	Nenana	378	171
20C	Denali National Park Hdq	unknown	unknown
20E	Eagle City	86	41
20E	Eagle Village	67	31
20F	Rampart	24	10
25C	Central	96	53

Area, and the majority of sheep are taken by nonrural Alaska residents (see **Table 9**). Since 1988, most of the range has been closed to off-road vehicles, and the majority of successful hunters accessed the area by plane (Hollis 2011). The community of Central is adjacent to the area. Customary and traditional takes of sheep have likely been impacted by prohibitions against motorized access. **Table 11** shows the rural interior Alaska communities for which an effort to harvest sheep in Unit 25C has been documented (based in the ADF&G/FWS harvest reporting database and ethnographic descriptions described above). They include Tok in Unit 12; Anderson and Nenana in Unit 20A; Denali National Park Headquarters in Unit 20C; Eagle City and Eagle Village in Unit 20E; Rampart in Unit 20F; and Central in Unit 25C.

Effects of the Proposal

If the proposal is adopted, those eligible to hunt sheep under Federal regulations in Units 25B and 25C would *increase* from *no* rural residents of the state to residents of Units 20E, 25B, and 25C. In contrast, eligibility to hunt sheep under Federal regulations in Unit 20E, would be *reduced* from *all* rural residents of the state, to residents of only Units 20E, 25B, and 25C. This would have no effect on people's eligibility to hunt sheep under State regulations. People could continue to hunt sheep under State regulations.

If this proposal is not adopted, there would continue to be no priority for rural residents of the state to hunt sheep in Units 25B and 25C, and the Board would be unable to adopt Federal hunting seasons. The priority for sheep hunting in Unit 20E would continue to include all rural residents of the state, and the Board could go forward and adopt a hunting season and harvest limit for sheep in Unit 20E.

OSM PRELIMINARY CONCLUSION

Support Proposal WP14-42 with **modification** to recognize the customary and traditional uses of sheep by rural interior Alaska areas for which customary and traditional uses have been documented, based on harvest reporting systems and ethnographic descriptions.

The modified regulation would read:

Customary and Traditional Use Determinations—Sheep

<i>Unit 20E</i>	<i>All rural residents. Rural Residents of Units 20E, 25B, 25C, and Circle, Dot Lake, Healy Lake, Northway, Tanacross, Tetlin, and Tok</i>
<i>Unit 25B</i>	<i>No Federal subsistence priority Rural Residents of Units 20E, 25B, 25C, and Chalkyitsik and Circle</i>
<i>Unit 25C</i>	<i>No Federal subsistence priority Rural Residents of Units 20E, 25B, 25C</i>

Justification

Rural residents of Units 20E, 25B, and 25C exemplify customary and traditional uses of sheep in the Yukon-Charley Rivers National Preserve. Documented evidence in the harvest reporting database from 1983–2010 demonstrated this (see **Table 6**, **Table 8**, and **Table 10**). Additional documentation was presented in ethnographic information.

Ethnographic documentation was heavily weighted towards descriptions of Han, Gwich'in, Tanacross, and Upper Tanana Athabascan customary and traditional uses. The Gwich'in community at Chalkyitsik

was shown to rely on the Black River drainage where they harvested sheep (Caulfield 1983). The area continues to be an important harvesting area for wild resources (Van Lanen et al. 2012). The contemporary community of Circle that was settled by Gwich'in was shown to hunt sheep at Kathul Mountain historically (Caulfield 1979), and Circle residents continue to use the Yukon-Charley Rivers National Preserve to harvest sheep and other wild resources (Van Lanen et al. 2012). The contemporary communities of Dot Lake Village, Healy Lake, Northway Village, Tanacross, and Tetlin were settled by Tanacross and Upper Tanana Athabascans who used the Fortymile River drainage to harvest sheep and other resources historically (Haynes and Simeone 2007) and continue to use the area to harvest caribou and moose (Van Lanen et al. 2012). Additionally, some documentation existed that residents not associated with established communities, mostly living along the Yukon River, are also eligible to be considered in the proposed customary and traditional use determinations for sheep. They were known to rely heavily on subsistence harvests that included harvests of sheep in the Yukon-Charley Rivers National Preserve (Caulfield 1979).

All interior Alaska communities larger than 500 residents were represented in the harvest reporting databases except Fort Yukon (see **Table 11**). They were Delta Junction, Fort Greely, Nenana, and Tok. Except for Tok, the reported use by them was minimal, one or two unsuccessful attempts to harvest sheep since 1983 (see **Table 6**, **Table 8**, and **Table 10**). Additionally, minimal use was demonstrated by the smaller communities of Anderson, Rampart, and the Denali National Park Headquarters. Ethnographic descriptions of their subsistence uses in the Yukon-Charley Rivers National Preserve, or on other Federal public lands in Units 20E, 25B, or 25C, were not found, and the analysis conclusion does not include them in the customary and traditional use determinations for sheep in Units 20E, 25B, or 25C.

LITERATURE CITED

- ADCCED (Alaska Department of Commerce, Community, and Economic Development). 2013. Community Information. <http://www.commerce.state.ak.us/cra/DCRAExternal/community>. Accessed April 22, 2013.
- ADF&G. 2013. 2013–2014 Alaska drawing permit hunt supplement. http://www.adfg.alaska.gov/static/license/huntlicense/pdfs/2013-2014_draw_supplement.pdf
- Anderson, D.B., and C.L. Alexander. 1992. Subsistence hunting patterns and compliance with moose harvest reporting requirements in rural interior Alaska. ADF&G, Div. of Subsistence Tech. Paper No. 215. Juneau, AK. 30 pages. <http://www.adfg.alaska.gov/sf/publications/index.cfm?ADFG=addLine.home>
- Caulfield, R. 1979. Subsistence use in and around the proposed Yukon-Charley National Rivers. Cooperative Park Studies Unit, University of Alaska, Fairbanks, AK.
- Caulfield, R. 1983. Subsistence land use in Upper Yukon Porcupine communities, Alaska: *Dinjii Nats'aa Nan Kak Adagwaandaii*. ADF&G Div. of Subsistence Tech. Paper No. 16. Juneau, AK. <http://www.adfg.alaska.gov/sf/publications/index.cfm?ADFG=addLine.home>
- Crow, J.R., and P.R. Obley 1981. Han. Pages 506–513 in J. Helm, editor. Handbook of North American Indians, Vol. 6, Subarctic. Smithsonian Institution, Washington, D.C.
- DuBois, S.D. 2011. Units 20D and 20E Dall sheep. Pages 123–133 in P. Harper, editor. Dall sheep management report of survey and inventory activities 1 July 2007–20 June 2010. ADF&G Project 6.0. Juneau, AK.
- FWS. 2013. Office of Subsistence Management Federal Subsistence Permit System. Anchorage.
- Haynes, T. L. and W. E. Simeone, 2007. Upper Tanana ethnographic overview and assessment, Wrangell St. Elias National Park and Preserve. ADF&G, Div. of Subsistence Tech. Paper No. 325. Juneau, AK. <http://www.adfg.alaska.gov/sf/publications/index.cfm?ADFG=addLine.home>

Holen, D., S.M. Hazell, and D.S. Koster, editors. 2012. Subsistence harvests and uses of wild resources by communities in the eastern interior of Alaska, 2011. ADF&G Div. of Subsistence Tech. Paper No. 372. Juneau, AK. <http://www.adfg.alaska.gov/sf/publications/index.cfm?ADFG=addLine.home>

Hollis, A.L. 2011. Units 20B, 20F, and 25C Dall sheep. Pages 111-122 in P. Harper, editor. Dall sheep management report of survey and inventory activities 1 July 2007–20 June 2010. ADF&G Project 6.0. Juneau, AK.

Hosley, E.H. 1981. Intercultural relations and cultural change in the Alaska Plateau. Pages 546–555 in J. Helm, editor. Handbook of North American Indians, Vol. 6, Subarctic. Smithsonian Institution, Washington, D.C.

McKenna, R.A. 1981. Tanana. Pages 562–576 in J. Helm, editor. Handbook of North American Indians, Vol. 6, Subarctic. Smithsonian Institution, Washington, D.C.

Mishler, C., and W.E. Simeone. 2004. Han: *Hän Hwëch'in*, people of the river. University of Alaska Press, Fairbanks, AK.

Pedersen, P., and R.A. Caulfield. 1981. Some elements of subsistence land and resource use within the range of the porcupine herd in Alaska. ADF&G Div. of Subsistence Tech. Paper No. 3. Juneau, AK. <http://www.adfg.alaska.gov/sf/publications/index.cfm?ADFG=addLine.home>

Stevens, C., and K.B. Maracle. 2011. Subsistence harvest of land mammals, Yukon Flats, Alaska, March 2010–February 2011. Council of Athabascan Tribal Governments, Fort Yukon, AK.

Van Lanen, J.M., C. Stevens, C.L. Brown, K.B. Maracle, and D.S. Koster. 2012. Subsistence land mammal harvests and uses, Yukon Flats, Alaska: 2008–2010 harvest report and ethnographic update. ADF&G Div. of Subsistence Tech. Paper No. 377. Juneau, AK. <http://www.adfg.alaska.gov/sf/publications/index.cfm?ADFG=addLine.home>

APPENDIX A

Appendix A. Existing customary and traditional use determinations for *brown bear*, *moose*, and *caribou*, for rural interior Alaska communities for which an effort to harvest sheep in Units 20E, 25B, or 25C has been documented (based on harvest reporting databases and ethnographic information described in the analysis).

CUSTOMARY AND TRADIITONAL USE DETERMINATIONS				
Unit of residence	Rural community	Brown bear	Moose	Caribou
MANAGEMENT UNIT 20E				
12	Northway	Yes	Yes	Yes
12	Tanacross	Yes	Yes	Yes
12	Tetlin	Yes	Yes	Yes
12	Tok	Yes	Yes	Yes
20A	Nenana			
20D	Delta Junction	Yes		Yes
20D	Dot Lake	Yes	Yes	Yes
20D	Fort Greely			Yes
20D	Healy Lake		Yes	Yes
20E	Eagle		Yes	Yes
25C	Central		Yes	
25D	Circle		Yes	
MANAGEMENT UNIT 25B				
12	Tok		nd	
20D	Delta Junction		nd	
20D	Dot Lake		nd	
20E	Eagle	Yes	nd	
25D	Chalkyitsik	Yes	nd	Yes
25D	Circle	Yes	nd	Yes
MANAGEMENT UNIT 25C				
12	Tok		nd	
20A	Anderson		nd	
20A	Nenana		nd	
20C	Denali National Pk. Hq.		nd	
20E	Eagle	Yes	nd	
20F	Rampart		nd	
25C	Central	Yes	nd	Yes

nd=No customary and traditional use determination. All rural residents are eligible to harvest moose under Federal regulations.

APPENDIX B

Appendix B. Sheep: existing customary and traditional use determinations for *sheep*, rural interior Alaska communities for which an effort to harvest sheep in Units 20E, 25B, or 25C has been documented (based on harvest reporting databases and ethnographic information described in the analysis).

SHEEP		
Unit of residence	Rural community	Customary and traditional use determination for sheep
12	Northway	Units 11 (north of Sanford River) and 12
12	Tanacross	Units 11 (north of Sanford River) and 12
12	Tetlin	Units 11 (north of Sanford River) and 12
12	Tok	Units 11 (north of Sanford River) and 12
20A	Anderson	
20A	Nenana	
20C	Denali National Park Headquarters	
20D	Delta Junction	
20D	Dot Lake	Units 11 (north of Sanford River) and 12
20D	Fort Greely	
20D	Healy Lake	Units 11 (north of Sanford River) and 12
20F	Rampart	
20E	Eagle City	
20E	Eagle City	
25C	Central	
25D	Chalkyitsik	Units 25A, 26A, and 26C
25D	Circle	

APPENDIX C

Appendix C. Sheep hunting areas based on the FWS/ADF&G harvest reporting system, 1983–2010. (Rural interior Alaska communities for which an effort to harvest sheep in Units 20E, 25B, or 25C has been documented, based on harvest reporting databases and ethnographic information described in the analysis.)

SHEEP HARVEST AREAS 1983–2010			
Unit of residence	Community	Management unit hunted	Unit most used
12	Northway and Northway Junction	11	
12	Tanacross	20D	
12	Tetlin	11, 12	
12	Tok	06, 07, 11, 12, 13, 14A, 14B, 14C, 20D, 20E , 20F, 24A, 25A, 25B , 25C , 26B, 26C	11, 12
20A	Anderson	7, 11, 12, 13, 14C, 20A, 20C, 20D, 25C , 26B	20A
20A	Nenana	7, 11, 12, 13, 14, 15B, 15C, 19C, 20A, 20C, 20D, 20E , 24A, 25A, 25C , 26B, 26C	20A
20C	Denali National Park Headquarters	11, 12, 13, 14A, 14C, 19C, 20A, 20C, 20D, 20F, 25A, 25C , 26B	20A
20D	Delta Junction	11, 12, 13, 14A, 14C, 19C, 20A, 20B, 20C, 20D, 20E , 23, 24A, 25A, 25B , 26B, 26C	12, 13, 20A, 20D
20D	Dot Lake and Dot Lake Village	12, 20D, 25B	
20D	Fort Greely	11, 12, 13, 14C, 16B, 20A, 20D, 20E , 24A, 25A, 26A, 26B, 26C	20A, 20D
20D	Healy Lake	Not covered by harvest reporting system	
20F	Rampart	20A, 25C , 26B	
20E	Eagle City and Eagle Village	11, 20E , 25B , 25C	25B
25C	Central	12, 14, 20A, 20E , 25C , 26C	26C
25D	Chalkyitsik	None reported	
25D	Circle	20E , 25A, 26B, 26C	

Bold=Unit in the request.

WRITTEN PUBLIC COMMENTS

Support Proposals WP14-42 and WP14-43: These proposals allow traditional use of the resource by Federally Qualified Subsistence users a long documented tradition since early 1900 by local people.

Donald Woodruff, Eagle

CUSTOMARY AND TRADITIONAL USE DETERMINATION BRIEFING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

populations),

(3) make some other change, or

(4) make no change.

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

APPENDIX A

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

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

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

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

APPENDIX B

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

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

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

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

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

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

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

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

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

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

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

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

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

- The Board give deference to the Council recommendation for customary and traditional use determinations.
- 50 CFR100.16(a) read: "The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of [specific fish stock and wildlife population] **all species of fish and wildlife that they have traditionally used, in their (past and present) geographical areas**".
- If an eight factor approach is continued, then the regulations should be modified to include specific language for a holistic approach.

INFORMATION/ BRIEFING MEMORANDUM ON ANILCA SECTION 804

Federal Subsistence Priority

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

Limiting the Pool of Federally Qualified Subsistence Users

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

1. ANILCA Section 804

Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such priority shall be implemented through appropriate limitations based on the application of the following criteria:

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

2. Code of Federal Regulations [50 C.F.R. §100.17] Determining priorities for subsistence uses among rural Alaska residents.

- (a) Whenever it is necessary to restrict the subsistence taking of fish and wildlife on public lands in order to protect the continued viability of such populations, or to continue subsistence uses, the Board shall establish a priority among the rural Alaska*

residents after considering any recommendation submitted by an appropriate Regional Council.

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

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

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

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

Discussion

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

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

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

Table 1. 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^a	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; (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.

^a Please refer to the RAC operations manual page 84 for language in 50 CFR 100.17.

Subsistence Regional Council Customary and Traditional Use Determinations – Action Summaries

Southeast

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

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

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

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

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

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

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

Southcentral

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

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

Modify 50 CFR 100.16 (a). The regulation should read: "The Board shall determine which fish and wildlife have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of a geographic area for the harvest of fish and wildlife.

Kodiak-Aleutians

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

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

Bristol Bay

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

Yukon-Kuskokwim Delta

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

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

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

Western Interior

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

Seward Peninsula

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

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

Northwest Arctic

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

Eastern Interior

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

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

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

North Slope

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

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

Southeast

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

Southcentral

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

Overall Comments:

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

Timelines:

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

Population Thresholds:

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

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

Information Sources:

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

Kodiak-Aleutians

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

Aggregation

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

Population Thresholds

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

Rural Characteristics

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

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

- Impact of weather on transportation to and from the community

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

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

Timing of Review

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

Information Resources

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

Other Issues

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

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

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

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

Population Threshold with three categories of population:

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

Our suggested thoughts:

Population Threshold:

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

Rural characteristics:

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

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

Aggregation of communities:

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

Timelines:

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

Information sources:

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

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

Bristol Bay

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

Timelines:

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

Population Thresholds:

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

Information Sources:

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

Yukon-Kuskokwim Delta

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

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

Aggregation:

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

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

Information sources:

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

Western Interior

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

Seward Peninsula

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

Northwest Arctic

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

Eastern Interior

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

Population threshold:

The Council decided by consensus to maintain the current population thresholds

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

Rural characteristics:

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

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

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

Aggregation:

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

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

Timeline:

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

Information sources:

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

North Slope

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

Fisheries Resource Monitoring Program

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

Overview

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

Funding Regions

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

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

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

Subsistence Resource Concerns

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

In the coming year there will be at least two opportunities for Regional Advisory Councils and other stakeholders to discuss subsistence fishery resource concerns for their Monitoring Program funding regions. These discussions will occur at each of the winter 2014 and fall 2015 Regional Advisory Councils meetings. Resource concerns identified during these discussions will be used to direct the request for proposals for studies on subsistence fisheries during the 2016 funding cycle.

Funding Cycles

Every two years the Monitoring Program requests proposals for studies on subsistence issues such as subsistence harvest (Harvest Monitoring), traditional knowledge of subsistence resources (Traditional Ecological Knowledge), and the populations of subsistence fish resources (Stock Status and Trends). The most recent funding cycle for the Monitoring Program occurred in 2014. The request for proposals was announced in spring of 2013 and funding decisions were made in winter of 2014. Projects selected to receive funding in 2014 will last from one to four years depending on the duration of the proposed study. The next funding cycle will begin with a request for proposals in spring of 2015 and funding decisions (Monitoring Plan) announced in 2016.

Funding Recommendations

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

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

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

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

The Partners for Fisheries Monitoring
Call for Funding 2016-2019

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

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

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

Timeline:

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

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

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



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



Forest Service

Federal Subsistence Board News Release

For Immediate Release:

January 13, 2014

Contact:

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

Call for Proposals to Change Federal Subsistence Fish and Shellfish Regulations

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

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

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

Submit proposals:

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

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

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

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

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

-###-



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

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

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

.....

Submit proposals:

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

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

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

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



2015–2017 Federal Subsistence Fish and Shellfish Proposal

(Attach additional pages as needed).

Name: _____

Organization: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

**Submit proposals by
March 28, 2014**

Questions?

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

E-mail: subsistence@fws.gov

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

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

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

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

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

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.

Report to Federal Subsistence Regional Advisory Councils on

1. Tribal Consultation Draft Implementation Guidelines

2. Draft ANCSA Consultation Policy

January 24, 2014

From the Federal Subsistence Board's Consultation Workgroup

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

Draft Implementation Guidelines Summary

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

Draft ANCSA Corporation Consultation Policy Summary

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

Workgroup members

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

IMPLEMENTATION GUIDELINES

for the

Federal Subsistence Board Government-to-Government Tribal Consultation Policy

INTRODUCTION

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

Tribal consultation will be regularly scheduled twice each year:

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

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

CONTENTS

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

MEETING PROTOCOLS

1. Timing:

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

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

A lead Board member shall be selected who will conclude the consultation with a summary of the consultation discussion.
7. **Information Availability:**
 - a. Pre- and post-meeting materials and teleconference information will be displayed on the Federal Subsistence Management Program’s website.
 - b. A written summary of consultations will be provided to RACs and Tribes by email, fax, or mail as appropriate.
8. **Follow-up to Participating Tribes:**

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

9. Consultation Meetings Requested by Tribes:

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

REGULATORY CYCLE TIMELINE AND ROLES AND RESPONSIBILITIES

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

Tribes must be given the opportunity to consult throughout the Federal Subsistence Management process when a “departmental action with tribal implications¹” is taken. A regulatory proposal is potentially a departmental action with substantial direct effect on an Indian Tribe. As information becomes available which changes the recommendations or potential decision on a proposal, affected Tribes will be notified.

WHO SHOULD PARTICIPATE IN GOVERNMENT-TO-GOVERNMENT CONSULTATION

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

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

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

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

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

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

RESPONSIBLE LEAD ACTION

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

OSM

Sends a return receipt letter to Tribes:

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

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

OSM

Sends public notice to all Tribes announcing all RAC meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OTHER REGULATORY ACTIONS NOT COVERED UNDER REGULATORY PROCESS

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

IN-SEASON MANAGEMENT AND SPECIAL ACTIONS

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

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

NON-REGULATORY ISSUES

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

TRAINING

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

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

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

ACCOUNTABILITY, REPORTING, AND INFORMATION MANAGEMENT

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

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

DRAFT

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

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

I. Preamble

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

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

II. Guiding Principles

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

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

III. Policy

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

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

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

DRAFT

Federal Subsistence Regional Advisory Council

MEMBERSHIP INFORMATION

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

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

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

Council Membership

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

Council Responsibilities:

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

Membership Criteria Who Qualifies?

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

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

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

2014 Application Timeline

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

Federal Subsistence Regional Council Coordinators

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

Southeast Alaska, Region 1:

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

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

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

Kodiak/Aleutians, Region 3:

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

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

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

Yukon-Kuskokwim Delta, Region 5 /

Seward Peninsula, Region 7:

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

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

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

Federal Subsistence Board

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

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

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

Number of Regional Advisory Council Applications Received Each Year

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

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

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

Western Interior Alaska Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road, MS 121
Anchorage, AK 99503
Phone: (907) 786-3888, Fax (907) 786-3898
Toll Free: 1-800-478-1456

RAC 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.

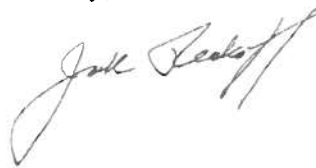
All of the Councils are dealing with an extremely late completion of the annual Secretarial Appointment process to fill Council seats. The delay also happened last year, and this Council sent a letter to you expressing concerns about the problem (see enclosure). This year's delay is even worse than last 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

appointments do not continue. We suggest our Council charters be amended to allow for a member to continue serving until official Secretarial Appointments are made.

It is an important role for this Council, and others, to assist the Federal Subsistence Program in meeting its charge of protecting subsistence resources and uses of these resources on public lands and waters in Alaska. We cannot fulfill our role when timely appointments to fill vacant seats are not given a priority. If you have questions about this letter, please contact me via Melinda Burke, Subsistence Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3885.

Sincerely,



Jack Reakoff, Chair

Enclosure

cc: Tom Vilsack, Secretary of Agriculture, USDA
Laura Marquez, White House Liaison
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Geoff Haskett, Regional Director, USFWS Region 7
Eugene R. Peltola Jr., Assistant Regional Director, OSM
Karen Hyer, Acting Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Federal Subsistence Board
Interagency Staff Committee
Western Interior Alaska Subsistence Regional Advisory Council
Administrative Record

**Western Interior Alaska Subsistence Regional Advisory Council
c/o U.S. Fish and Wildlife Service
1011 East Tudor Road, MS 121
Anchorage, AK 99503
Phone: (907) 786-3888, Fax (907) 786-3898
Toll Free: 1-800-478-1456**

RAC WII3014.MH

MAY 06 2013

Honorable Sally Jewel
Secretary of Interior
U.S. Department of the Interior
Office of the Secretary
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewel:

The Western Interior Alaska Subsistence Advisory Council (Council) is one of the ten regional councils formed under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act (FACA). Section 805 of ANILCA and the Council's charter establish its authority to initiate, review, and evaluate regulations, policies, management plans, and other matters related to subsistence on Federal public lands and waters within the Western Interior Alaska region. The Council provides a forum for discussion and recommendations for subsistence fish and wildlife management in the region.

The Council met in Galena, Alaska, on March 5-6, 2013, and conducted a public meeting regarding subsistence issues. Among the topics discussed at this meeting were the very late Secretarial appointments to the Regional Subsistence Advisory Councils as well as the currently vacant Assistant Regional Director position since the departure of Peter J. Probasco at the Office of Subsistence Management (OSM).

Our way of life and the extreme weather common to our region are just two of the factors that make it necessary for the Council to plan well in advance for travel (personal and Council) as well as seasonal food gathering activities. The extremely late appointments create tremendous difficulties for individuals to plan in advance for travel and Council commitments. Further, our support staff needs sufficient time to plan for the very complicated logistical arrangements necessary for travel to and from rural Alaska communities. This year's delay was significantly longer than we have experienced in the past. Two of our incumbent council members did not hear about their appointment status until less than two weeks before our most recent scheduled gathering. Shockingly, it is my understanding that there remains at least one Council that has not

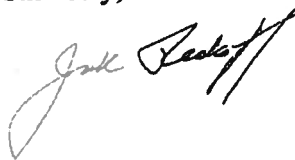
received word of a member's reappointment, amounting to a nearly four-month delay. Such delays are unacceptable to our statutory "meaningful role" in Federal subsistence management of fish and wildlife. Steps need to be taken as soon as possible so that delays in these very important and critical appointments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



Arctic Network Newsletter

Alaska Region Inventory & Monitoring Program

National Park Service



Arctic Network Inventory and Monitoring

Program (ARCN) Our mission is to collect scientifically sound information through natural resource monitoring to contribute to park management and facilitate park preservation for future generations. We work in Bering Land Bridge National Preserve (BELA), Cape Krusenstern National Monument (CAKR), Gates of the Arctic National Park and Preserve (GAAR), Kobuk Valley National Park (KOVA), and Noatak National Preserve (NOAT).

Our Network is Alaska's 5 northern National Parks



In this issue

Dall's Sheep, Itkillik population decline 2

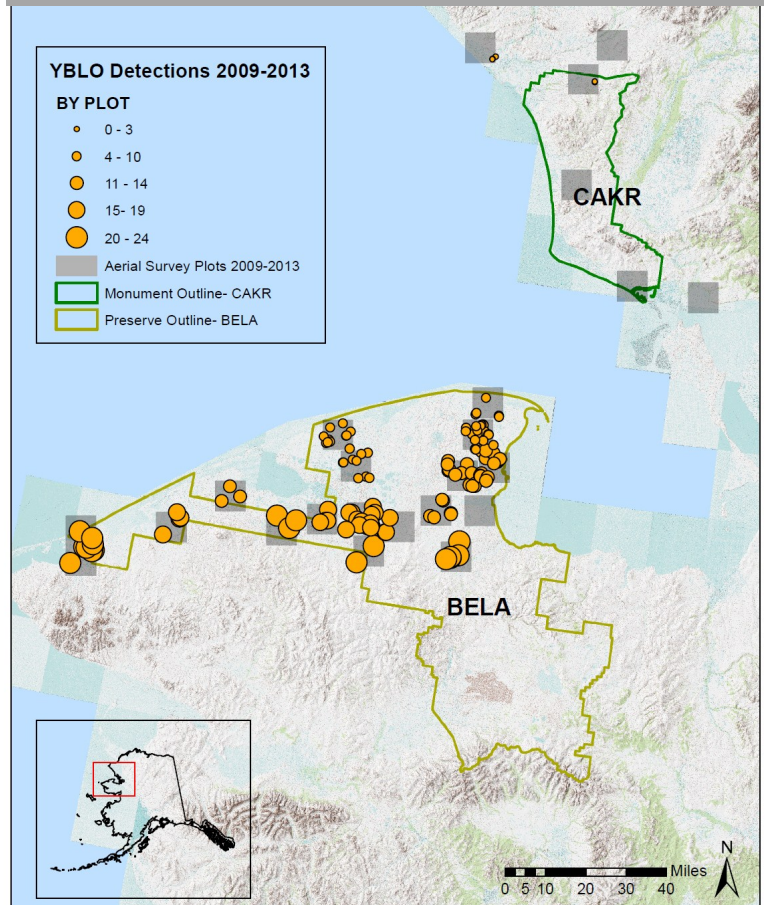
Managing healthy muskox populations 3

Other Acronyms used: USFWS— US Fish and Wildlife Service, ADF&G— Alaska Department of Fish and Game

Considering yellow-billed loon

conservation— Last summer, ARCN completed its fifth year of breeding population surveys and contaminants sampling for yellow-billed loons on the Seward Peninsula in Bering Land Bridge National Preserve (BELA), assisted by USFWS. Results from the aerial surveys (right) and contaminants sampling will be considered, with data from other breeding populations—occurring mostly in the National Petroleum Reserve-Alaska—in the upcoming decision for listing the birds under the Endangered Species Act (ESA). After the 2004 petition for listing the species, USFWS published a 12-month finding on March 25, 2009 concluding there was sufficient information to designate the yellow-billed loon as a candidate for listing under the ESA (74 FR 12932). Each year since then, USFWS has assessed the species' status, including population trends, historic and current distribution, and current threats to their survival. As part of a settlement agreement, USFWS is required to submit a proposed rule to the Federal Register by September 30, 2014 to either list the yellow-billed loon as endangered or threatened, or as not-warranted—lifting its candidate designation. ARCN partners with Bureau of Land Management, USFWS, and Wildlife Conservation Society to share information about loon ecology and conservation with communities in northern Alaska. Please contact Melanie_Flamme@nps.gov, 907.455.0627 for more information.

Yellow-billed Loon Distribution in BELA 2009 - 2013



Dall's sheep numbers down after long winter

Last winter and spring appear to have been hard on

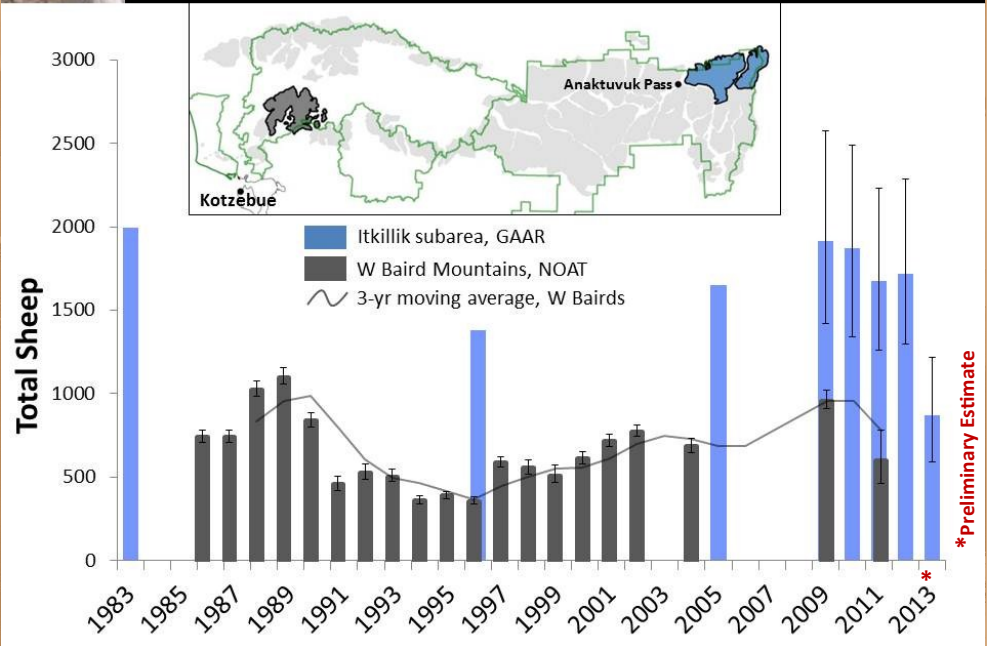
Dall's sheep in the rugged mountains of the Itkillik subarea of northeastern GAAR. Their numbers from 2005-2012 were stable (~1700-1900 total sheep), and not different from counts in the early 1980s. However, preliminary estimates from the 2013 survey show as much as a 50% decline in total numbers and ewe-like sheep (ewes, yearlings, < 1/2 curl rams) and very low lamb productivity. Numbers of rams with greater than 1/2 curl horns show little change from 2009-2013. We presented these results last September at a community meeting in Anaktuvuk Pass.

Other surveys conducted by ADF&G, BLM and USFWS in the Brooks Range, Alaska Range and Kenai Peninsula also show declines in total sheep and/or lambs in 2013. The long winter and very cold May are considered contributing factors to low lamb productivity across the state and higher winter mortality of adult ewes and yearlings in the Itkillik. We expect, and local observations indicate, similar trends in the

Baird and DeLong Mountains, NOAT. Weather postponed the Baird Mountain survey in 2013, but the 2011 estimate already showed 30% fewer sheep there compared with 2009. Prior to 2013, surveys conducted in ARCN and CAKN parks showed Dall's sheep numbers had recovered from the large-scale decline of the 1990s. We plan to survey the Itkillik subarea and NOAT in 2014.



ARCN Dall's sheep numbers



To read more about the surveys, Schmidt, J. H., and K.L. Rattenbury. 2013. Reducing effort while improving inference: Estimating Dall's sheep abundance and composition in small areas. *Journal of Wildlife Management*. 77:1048-1058.

The Power of Pellets— Fresh and frozen fecal pellets of Dall's sheep can provide information about their diet, genetics, parasites and hormone levels. We are monitoring sheep diet composition and quality because these factors influence productivity and recruitment in sheep populations, and vegetation communities

(forage availability and quality) may change drastically with climate change. Pellets collected from the upper Itkillik River valley in April 2012 and 2013 are currently being analyzed for winter diet composition. We are working with the USGS Alaska Science Center to identify individual sheep sampled and to compare genetics with other sheep populations elsewhere in Alaska parks. For more information, contact kumi_rattenbury@nps.gov, 907.455.0673.

Thank you to volunteer
Monty Garrouette!

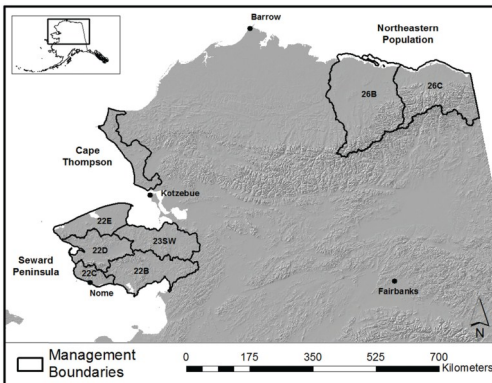


ARCN parks are home to approximately 12-13% of the world's Dall's sheep. Dall's sheep can consume between 50-120 species of vegetation, primarily forbs, grasses, and sedges during summer.

Managing for healthy muskoxen populations: Reconsidering male-biased harvest management.

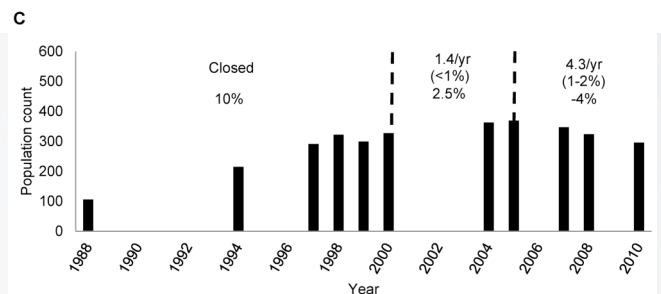
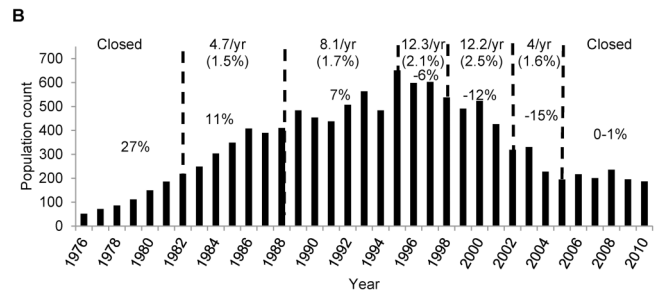
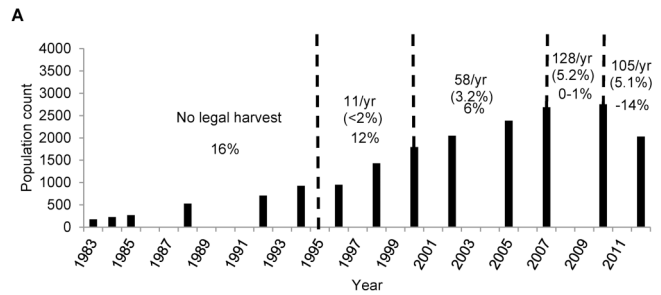
Harvest of large, mature male muskoxen appears to affect Alaska's muskox populations. A recent publication by NPS Biometrician Josh Schmidt and ADF&G Area Biologist Tony Gorn, showed that mature bull to adult cow ratios declined 4-12% year and short-yearling to adult cow ratios— or recruitment of young into the population— declined 8-9% year in most heavily harvested areas from 2002-2012. Growth rates of all three Alaska mainland, muskox populations (Seward Peninsula, Cape Thompson, Northeastern) decreased disproportionately after in-

creased harvest of bulls and calf to cow ratios declined in the Northeastern population as bull harvest increased. rates, health, and survival is needed to fully understand the declines in harvested populations. Until more is known, male-biased harvest regimes should receive careful consideration in managing muskox populations.



creased harvest of bulls and calf to cow ratios declined in the Northeastern population as bull harvest increased.

Periods of population decline followed harvest of large males, possibly as a consequence of predation. Muskoxen live in social groups of mixed sex and age individuals— a structure that is important for warding off predators. When threatened, large mature bulls tend to place themselves between the perceived threat and the rest of the group that forms an outward facing circle. Another possibility is a lack of large, mature males in herds, may reduce recruitment since younger and smaller males may be unable to maintain a harem. Additional research on birth



Population counts for the Seward Peninsula (A), Northeastern (B) and Cape Thompson (C) muskox populations in Alaska. Dashed lines delineate periods with substantial changes in harvest. Values indicate the average number of bulls harvested annually during each period, the average annual overall harvest rate as a proportion of the total population (in parentheses), and the exponential rate of growth during each period. In <http://www.plosone.org/article/info:doi/10.1371/journal.pone.0067493>



Photo courtesy of Quintin Slade



ARCN works with ADF&G to conduct population surveys and group composition surveys. Population counts are conducted from fixed-wing aircraft, and prior to 2010 were flown over all known muskoxen habitat. Now transect lines spaced at 4.8 km intervals are flown to cover Game Management Units.



Helicopters are used to survey sex and age composition of muskox groups during March and April, before calving. Contact Jim Lawler, jim_lawler@nps.gov, 907.455.0624 for more information.

Engaging Alaska's youth in yellow-billed loon conservation: Youth videography in Bering Land Bridge National Preserve.



Eighteen year-old Max Dan (left) of Anchorage and 14 year-old Sam Tocktoo (below) of Shishmaref travelled to BELA last June to film NPS monitoring activities for yellow-billed loons. Both students were part of a collaborative project with NPS, Alaska Geographic, Wildlife Conservation Society, and Alaska Teen Media Institute (ATMI) focused on engaging youth in long-term monitoring efforts of yellow-billed loons (an ARCN vital sign) in BELA through video storytelling. Unfortunately, the late thaw of lakes on the Seward Peninsula and poor weather in Kotzebue hampered the pair's videography efforts. Despite these limitations, the pair produced a story in just four days at ATMI using footage

Max collected in Kotzebue and from a Cessna 206. Max and Sam are hoping for another chance to film yellow-billed loons in order to communicate the species conservation status and challenges. Check out their story about trying to film nesting yellow-billed loons in BELA at <http://youtu.be/EbRmNLWNvAc> and Spirit of Youth interview at <http://www.spiritofyouth.org/mediaradio/882013114828AM~~Track08.mp3>. For more information, contact Melanie Flamme (melanie_flamme@nps.gov, 907.455.0627) or Stacia Backensto (stacia_backensto@nps.gov, 907.455.0669).



Arctic Network
National Park Service
4175 Geist Road
Fairbanks, Alaska 99709
<http://science.nature.nps.gov/im/units/arcn/>



Science for the stewardship of Arctic Parklands
Arctic Network Newsletter
October 2013 - April 2014



Check us out on YouTube, Facebook, and Twitter



Fall 2014 Regional Advisory Council Meeting Calendar

August–October 2014 current as of 2/4/2014
Meeting dates and locations are subject to change.

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

Winter 2015 Regional Advisory Council Meeting Calendar

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

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 8</i>	<i>Feb. 9</i> <i>Window Opens</i>	<i>Feb. 10</i>	<i>Feb. 11</i>	<i>Feb. 12</i>	<i>Feb. 13</i>	<i>Feb. 14</i>
<i>Feb. 15</i>	<i>Feb. 16</i> HOLIDAY	<i>Feb. 17</i>	<i>Feb. 18</i>	<i>Feb. 19</i>	<i>Feb. 20</i>	<i>Feb. 21</i>
<i>Feb. 22</i>	<i>Feb. 23</i>	<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>
<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>
<i>Mar. 8</i>	<i>Mar. 9</i>	<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>	<i>Mar. 13</i>	<i>Mar. 14</i>
<i>Mar. 15</i>	<i>Mar. 16</i>	<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i> <i>Window Closes</i>	<i>Mar. 21</i>

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

Eastern Interior Alaska Subsistence Regional Advisory Council

Charter

- 1. Committee's Official Designation.** The Council's official designation is the Eastern Interior Alaska Subsistence Regional Advisory Council (Council).
- 2. Authority.** The Council is reestablished by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3115 (1988)) Title VIII, and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2.
- 3. Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
- 4. Description of Duties.** The Council possesses the authority to perform the following duties:
 - a. Recommend the initiation of, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the Region.
 - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.
 - c. Encourage local and regional participation in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the Region for subsistence uses.
 - d. Prepare an annual report to the Secretary containing the following:
 - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region.
 - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.
 - (3) A recommended strategy for the management of fish and wildlife

populations within the Region to accommodate such subsistence uses and needs.

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

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

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

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

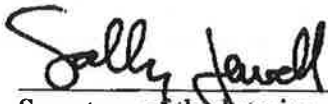
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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

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

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

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


Secretary of the Interior

NOV 25 2013

Date Signed

DEC 03 2013

Date Filed