

**NORTHWEST ARCTIC
Subsistence
Regional Advisory Council
Meeting Materials
October 8-9, 2014
Kiana**



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Emma Ramoth (pictured left) and Laura Smith (pictured right) prepare fish for drying in Selawik, Alaska. Photo courtesy: Susan Georgette, USFWS.



NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Community Building, Kiana, AK
 October 8-9, 2014
 9:00 a.m. to 5 p.m. daily

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

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

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OSM

USFWS

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NPS

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Adjourn (*Chair*)

To teleconference into the meeting, call the toll free number: 1-877-638-81654, then when prompted enter the passcode: 9060609

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

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

REGION 8—NORTHWEST ARCTIC REGIONAL ADVISORY COUNCIL

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Address
1	2010 2016	Raymond Stoney Kiana
2	2014 2016	Austin Swan Kivalina
3	2011 2016	Hannah Paniyavluk Loon Selawik
4	2010 2016	Michael Chad Kramer Kotzebue
5	2008 2014	Percy C. Ballot Sr. Buckland
6	2011 2014	Verne J. Cleveland, Sr. Noorvik
7	2006 2014	Walter G. Sampson Kotzebue
8	1999 2015	Enoch A. Shiedt Sr. Kotzebue
9	2014 2016	Enoch L. Mitchel Noatak
10	2012 2015	Calvin D. Moto Deering



Meeting Minutes
NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY
COUNCIL

March 25-26, 2014

Northwest Arctic Heritage Center, Kotzebue

Call to Order

Meeting called to order at 9:15 a.m.

Roll Call and Establish Quorum

Council members present: Percy Ballot Sr., Walter G. Sampson, Hannah Loon, Enoch Shiedt Sr., Raymond Stoney, Verne Cleveland, Michael Kramer

Welcome and Introductions

Chair Shiedt welcomed guests and staff members.

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

Agency Staff Present:

Ken Adkisson	NPS (via teleconference)
Rachel Mason	NPS (via teleconference)
Marcy Okada	NPS (via teleconference)
Karen Hyer	OSM (via teleconference)
Jack Lorrigan	OSM
Chris McKee	OSM (via teleconference)
Merben Cebrian	BLM
Dan Sharp	BLM (via teleconference)
Drew Crawford	ADF&G (via teleconference)
Carmen Daggett	ADF&G
Jennifer Yuhas	ADF&G (via teleconference)
Pat Petrivelli	BIA
Susan Georgette	USFWS
Tina Moran	USFWS
Brittany Sweeney	USFWS
Karmen Monigold	Kotzebue Sound AC

NGOs/Public

Joy Huntington
Maryellen Tuttell

AIDEA
Dowl HKM

Review of Agenda & Previous Meeting Minutes

Additions to the agenda

- under reports: Ambler Mining District, Selawik NWR, BLM Update
- under new business: BOG Proposal 177
- Council also wanted to have a discussion about various issues related to Council appointments, which would be discussed under Nominations.

Council member Sampson expressed concerns about dual management and inaction on a hunting plan recommendation by the Kobuk SRC.

Council unanimously approved agenda as modified. Council approved prior meeting minutes.

Council Reports

Michael Kramer (Kotzebue): Still have problems with aircraft and outside user conflicts. Looking forward to presentation on Ambler mining district, will have lots of questions.

Verne Cleveland (Noorvik): Got a lot of moose last fall, caribou were late. Saw forty bears on the beach within an hour on the river; should be able to take at least two bears. Had some weird weather, 60 above in January, riding snow machines with t-shirts.

Raymond Stoney (Kiana): Had a mild weather, upper 40s, and enjoyed it. Saw well over a hundred wolves. Disturbed by enforcement of new laws that haven't taken effect yet. Need to be able to have more ability to take care of wolf population.

Hannah Loon (Selawik): Gave her report in Inupiat. Enoch translated. Hard getting whitefish this fall because warm weather was spoiling/cooking fish. No snow this fall, which made it harder to get caribou. Enoch noted it is important to give reports in our language; it's easier to say and say things the way you want to.

Walter Sampson (Kotzebue): Gave his report in Inupiat, and then spoke in English. He reiterated how meaningful it is to express one's self in Inupiat. What is being addressed here is just the tip of the iceberg. A lot of things need to be enforced. A good prime example is ANILCA; why is it not being enforced? Does not like the State of Alaska enforcing state laws within Federal lands, noted a recent example of a kid who was cited by the State for taking a wolverine on Federal lands. He then discussed concerns about wanton waste, noting a recent example of an outside hunter abandoning a bag of meat at the airport. He noted hunters need to take care of their meat and need to be respectful and leave meat with local villages if they don't want it.

Percy Ballot (Buckland): Glad to see that there is going to be a discussion on hunting with snow-gos. We are having a celebration of life March 28-30, sharing with kids. Would like to see agencies in the future. We had problems with warm weather and snow like other villages. It's been hard to get caribou, but people have been hunting. Our musk ox have gone to other places. BLM has been running around, but there has not been a report of what they are up to. He thinks that maybe they are checking out old village sites. Did find a coyote this year, don't know what they are doing in our area. We like our wolves and wolverines; we don't want any coyotes around.

Enoch Shiedt (Kotzebue) Good hunt this fall, but it was late. We need to have the Noatak Preserve start to protect our caribou under ANILCA. Need to go through Kotzebue or Kobuk IRA to file a suit to force them to start protecting our caribou. We are a caribou people, we rely on caribou. When sport hunters come into town, they leave with a lot of antlers, but not much meat. There should be more citations for wanton waste. A lot of the donated meat is already spoiled, and that's waste. Encountered a group of guided hunters by Cutler who bragged about using inflatable boats and hauling them and gas out to location where they hunt. They are diverting the caribou. Needs to be more direct involvement of people in communities when drafting regulations. Our bodies start to crave certain foods at certain times of the year. We still depend heavily on our resources.

Raymond commented on the declining caribou. Time to start putting more limits on non-resident hunters near Kivalina, Noatak, and the Squirrel River area. Need to have a proposal on musk ox to put in place grandfather rights on permit draws.

Council recessed for a break; Chair Shiedt called the meeting back to order at 10:45 a.m.

Federal Wildlife Proposals

WP14-41 Chris McKee of OSM gave an overview of the proposal and biological analysis of the muskox population. Rachel Mason with NPS provided an overview of the Section 804 process and the criteria used in 804 analyses. She then provided an overview of the specific 804 analysis conducted for this proposal, noting the focus on the Buckland and Deering communities. Percy Ballot made some comments corroborating many elements of the 804 analysis, but had questions about the level of harvest as reported on Table 1.

Ken Adkisson (NPS) provided information about harvest levels and permits. He also provided 2013 results. For State Tier II, 4 initial permits, all 4 went to Buckland. No Federal permits were issued. Total harvest still only 2 animals. Going into 2014 year, which opens August 1, State issued 4 permits (one to Buckland, 3 to Kotzebue). Several Council members asked questions of Mr. Adkisson.

Council member Loon spoke in Inupiat on the issue. Chair Shiedt asked Sampson to translate, and Sampson noted that there needs to be a translator at the meeting. Chair Shiedt asked Mr.

Adkisson how far people in Buckland and Deering would have to travel to take advantage of a Federal muskox permit.

COUNCIL RECOMMENDATION: Council voted 6-1 to support the proposal. Council member Ballot noted it would be a good opportunity for people of Buckland and Deering to be able to harvest that muskox. Council member Sampson opposed the proposal because it was proposed by NPS.

- Percy Ballot moved to rescind the prior motion, seconded by Kramer. Ballot moved to support WP14-41 as modified by OSM. Ballot noted it would make it easier for land manager to adjust to changes in conditions. Passed on 6-1 vote.

C&T Determinations

Jeff Brooks, OSM, introduced himself to the Council. He gave an overview of the C&T review process to the Council, followed by a briefing on Section 804 analyses. Pet Petrivelli, BIA, responded to a question from member Cleveland as to what was considered a customary and traditional use. Petrivelli noted how the C&T regulations were adopted and highlighted the subsistence priority in ANILCA and how it is implemented through such regulations. Brooks offered further explanation of what customary and traditional means. The Council also discussed customary trade and whether that was connected to C&T. Brooks and Petrivelli attempted to explain the distinction between customary trade and C&T.

Carl Johnson noted that the Southeast Council recently developed a formal proposal and that it will be submitting it through the regulatory process.

Council member Sampson noted that the Federal program should only focus on rural because that is what is required in ANILCA, and that reliance on the State system is a problem as it does not have a rural preference.

There was more discussion on the difference between C&T and Section 804, and the particulars of the Southeast Council's current proposal. There was further discussion on the current status of C&T and how the Council should proceed. Council member Sampson suggested that resources should be provided to allow for more outreach to educate the communities on the issues.

Council briefly discussed the issue and resolved to have a letter drafted that is simple, in layman's terms, explaining what is being asked of the C&T determination review and for it to go out to all city, borough, Tribal (traditional and IRA) governments, ANCSA corporations and Native associations in the region, seeking their input.

Jeff Brooks gave an overview of the current status on the rural determination review. Several Council members provided input on what should determine are rural communities. Kramer noted that prior rural determination should be a strong factor to consider, noted that rural should be based on pre-ANCSA numbers. Ballot suggested eliminating the population threshold entirely,

but Chair Shiedt noted that there still needed to be some sort of threshold. Council members also expressed concern about how the road to the Ambler mining district would impact rural status.

The Council reviewed a draft letter prepared as its formal comments to the Federal Subsistence Board. The Council made additions to the draft letter and voted to submit the letter to the Council. Motion carried 6 in favor, 4 absent.

Ambler Mining District Presentation

Mary Ellen Tuttle representing AIDEA provided an overview of the road portion of the Ambler Mining District. After hearing concerns about increased public access and outside hunting pressure, Governor transferred road project to AIDEA, which would provide for restricting access. AIDEA would take the project through environmental review, and would then work with private industry to develop a finance plan to fund the road construction and develop a plan for paying back costs through user fees. She then discussed various routes and potential impacts on habitat and populations, and also impacts to streams and waterways. She then discussed concerns about the road, such as increased public access, and how those concerns are being addressed through the type of partnership being set up for the road. Plans are to submit permit applications this year, which would then initiate the environmental review and public process.

The Council expressed several concerns about the road, particularly the potential of opening up the road to public access and the impact of the road on caribou movement. Council member Cleveland noted that he helped to build the Red Dog road and how it is not possible to build a one-lane road and how that creates safety concerns. Council member Kramer stressed concerns about impacts to caribou and noting existing impacts as a result of the Red Dog mine road. He spoke at length about concerns about the road and its impact on subsistence. Chair Shiedt raised the question of whether any AIDEA Board of Directors are from the Northwest region. Tuttle noted that AIDEA regulations require that communities in the area support the project. Council member Ballot raised the concern of asbestos dust being generated during road construction and use and related health impacts. There were also questions related to the financial implications of building a road if no mine is developed and another question related to timing of Tribal consultation by Federal agencies. Council member Kramer mentioned the possibility of a railroad alternative. Council member Cleveland noted that with the amount of copper in that area, there is no way they won't develop the mines. Council member Loon asked whether the area Native Corporations supported the road and about public meetings. NANA has stated that it is supportive of starting the NEPA process. Doyon Ltd. has not come out with a formal position. The public meetings are a mixture of open public meetings and meetings with particular elected bodies. A question was asked about where to find things online, and it was noted that a website is currently in development. Council member Ballot invited the presentation group to a Maniilaq board meeting.

Briefing on FRMP

Karen Hyer of OSM provided an overview on the Fisheries Resource Monitoring Program and discussed the Selawik River sheefish project that was provided continuing funding this year, and

touched on other Northern Region projects that were funded. She then previewed when the next call for proposals would be coming out. Chair Shiedt talked about the large monitoring devices attached to fish and suggested using a smaller device. He also suggested that researchers should show the Council the equipment the researchers are going to use before they go into the field so the Council can be comfortable that they are going to use proper equipment. Council member Cleveland talked about a tagged sheefish they caught in Kobuk Lake that was blue and long and thin. He asked if the Selawik project involved transmitters, and Karen Hyer responded that they do not. Sampson noted that studying fish is good and that impacts on fish from beaver are getting to be a problem and asked if there are any plans to conduct research about that. Tina Moran from Selawik NWR noted that they are studying beavers, but nothing quite like that. Hoping that if they can hire a fish biologist, they can start addressing other issues like the beaver issue. Sampson reiterated that beavers are going to be a problem and asked if USFWS could put a bounty on beavers. Tina responded not at this time, but noted that people could trap beavers. Sampson noted that impacts of beaver damming should be on the list of priorities for federal agencies to study and federal agencies should put a bounty on them. Shiedt noted that people in the Interior have reported beaver dams killing off whitefish populations and that he was warned about what could happen if beavers moved into the northwest in large numbers. He added that this should be on a future agenda and that we need to be proactive.

Carmen Daggett spoke about the larger transmitter that Shiedt found, and that that particular transmitter is going to be used on Dolly Varden studies in this area.

Council member Stoney spoke about satellite tagging of fish and questioned whether anyone would want to eat a fish that has been tagged. Shiedt noted that with the one that he had caught, the meat near the wound from the tag had good color and looked good, that it had developed a protective film.

The Council discussed at length the problems associated with growth in the beaver population and made recommendations for research and management action.

- Water contamination has occurred because of beaver damming, which only migrated into the Northwest region beginning in the 90s.
- There is concern about possible impacts to the fisheries in the area.
- Our people should be allowed to trap in the winter and get a better handle on the population. People know how to hunt them and would utilize the meat and the pelt.
- The Council would like to see communities develop proposals to utilize the resource with the assistance of USFWS.

Priority Information Needs

Researching impacts of beaver modifications to habitat was reiterated as a research need. Also discussed was Dolly Varden transiting between Alaska and Siberia, and the need for coordination with Siberian scientists. Ballot expressed interest in studies on other species like herring, smelt, cod – the seals eat these. And there could be studies on pike, which prey on other fish species. Stoney expressed concerns about what impacts are of water and sewer systems, particularly when they freeze, and chemicals associated with operation of such systems. He



spoke of an incident of dumping 5,000 gallons of glycol onto the surface, which flowed into the river. Jeff Brooks discussed with Chair Shiedt about some rainbow trout he and his son caught on the “Aggie” River that had sores, and Shiedt wondered if the fish with sores could infect other healthy fish. Brooks summarized the fish species mentioned and asked if the Council had any concerns about salmon. Chair Shiedt responded no, that it was a commercial fishing issue. Cleveland wondered if there was any spawning of salmon in Hunt River, and Stoney confirmed that there was spawning in the Hunt River.

Jeff Brooks asked about needs for sheefish research in Selawik Lake or if any had already been completed. Hannah Loon confirmed past studies and continued concerns about a recent mudslide. Sheefish are harvested and dried in the springtime.

Michael Kramer mentioned publication “Caribou Trails,” and suggested that all agencies should collaborate and put out a publication highlighting about ongoing research. It would benefit people to know what research is being conducted in their area.

Call for Fisheries Regulatory Proposals

Susan Georgette from Selawik NWR mentioned that she is working with a local to submit a proposal to clarify the regulations regarding the use of gillnet in the harvest of whitefish. Loon discussed her experience with catching whitefish with nets. Shiedt confirmed that people are able to get enough fish with nets. General discussion by the Council focused on the notion that people are already getting their subsistence needs met, so there is no need for regulations. Shiedt noted that the individual merely wanted to make sure he was in compliance and that was probably what was behind his proposal.

Board of Game Proposal 177

Carmen Daggett of ADF&G provided an overview of the history behind Proposal 177, starting with the citation of a man who was chasing a wolverine with his snow machine. She mentioned the regulation under which he was cited, the comments received by the public, and the development of this proposal. She noted that every village and AC in the region commented on the proposal. There was strong representation from people in this region at the Statewide BOG meeting. The BOG discussion led to the creation of the document identified as RC 77 in the supplemental meeting materials. She thanked all of those who spent time and energy to comment on the proposal, noting it will go into regulation on July 1.

Shiedt noted that now there needs to be a similar proposal put forth for Federal lands. Sampson then translated what Daggett said into Inupiat. After translating, he noted that while this would make it legal to hunt wolves and wolverines on snow machine, it is not included in Unit 23. An amendment should be made to the State BOG to address that. This RAC can work with local ACs and communities to put together a proposal relative to what was passed in the State BOG, with the provisions to include Unit 23 on the issue of harassing and herding game, and submit it to the Federal Board.

Daggett noted that while this new regulation will improve opportunity, there will still be inappropriate uses of snow machines that cannot be enforced that need to be self-regulated, that locals need to take action and stop it when they see it.

Kramer noted that he serves on the AC, and noted that they had put a change from “furbearers” to “fur animals,” including bears because there are so many in this unit and so many conflicts. He noted that under current regulations if you have to stop a snow machine and step off when shooting at a bear, that is suicide if you can’t restart your machine if it charges you. Shiedt noted that it seems like there should be a separate proposal on bears for safety, but for now we should focus on the Federal version of Proposal 177.

Daggett added that while ATVs were discussed as possibly being included, the BOG ultimately only approved snowmachine use in the proposal. Sampson noted that what occurred in Kivalina is what really kicked off this proposal, and that the BOG could have pushed this off for another two years, but the broad public testimony and interest helped to get this proposal through faster. Stoney noted it was a good discussion and agreed that Sampson should go on KOTZ and talk about this so that more people know about it. There was also some discussion about general public outreach and education.

Shiedt asked to see what the BOG said about Proposal 177 at the Anchorage meeting.

Draft 2013 Annual Report

Carl Johnson gave an overview of annual report process and provided a summary of the draft report. Chair Shiedt added a discussion of beavers to the annual report. Loon noted that there should be an elder representative to the Council to provide guidance and knowledge of fish and game and cultural and spiritual practices. Chair Shiedt suggested that we should invite an elder to give a talk about particular issues. After being provided a copy of the letter, he went over the four points identified in the letter. He noted that youth involvement is important, and suggested to add beavers to the letter. Add a discussion of health impacts of asbestos dust to the issue regarding the Road to Ambler. Cleveland noted that people do not know much about the Road to Ambler, and he will be traveling to Ambler and other nearby villages to hear from people in those communities about the road. There was some discussion by several members about the Ambler road.

Tribal Consultation Implementation Guidelines & ANCSA Consultation Policy

Jack Lorrigan (OSM) provided an overview of the review process and solicited input from the Council. He noted that other Councils have provided input on the draft policies and noted that one Council indicated that it wanted to have Tribal consultation occur prior to any issue being brought to the Councils. Chair Shiedt noted that the Councils should be consulted prior to the submission of any proposals. Ballot asked a question about the location of where the consultation would occur. He also asked a question about whether Tribes were involved in drafting the guidelines. It was noted that no one from the Northwest Arctic region serves on the working group, and Lorrigan noted the call for nominations process. Chair Shiedt asked if it would be possible to add someone from the region to the working group. There was other discussion regarding the use of teleconference in the consultation process. Lorrigan indicated that he anticipated changes to the document, and noted that the RACs will be involved in shaping the



document for quite a while. Loon noted that it is a guideline for us to start, and there is always room to make changes as necessary. She noted that for many people in the region, the women are the leaders and that Tribal consultation should involve the women. Shiedt asked the Council as to how they wanted to act on it. Stoney noted that it is a good thing as it is now, and that any changes made to it should be written.

Ballot moved to support the implementation guidelines as written, seconded by Stoney. Ballot wanted to make it clear that ANCSA Corporations are not Tribes. Council approved the motion on a 6-0 vote.

Lorrigan provided an overview of the draft ANCSA Corporation consultation policy, including an overview of the process used to create the policy. Ballot moved to support the draft ANCSA Consultation policy, seconded by Loon. Question called, motion carried 6-0.

Discussion on Nominations

Carl Johnson provided an overview of the current nominations and appointment process, and highlighted current problems with the process. Enoch Shiedt noted that it would be helpful to have carryover terms, and that it is bothersome to have to fill out the same application each time. Mike Kramer stressed the need for alternates to be appointed to replace someone from the village as a “piggy back” to another applicant. Vern Cleveland stressed the need for alternates and suggested that with modern technology, it should not be difficult for someone to step in as an alternate.

Agency Reports

OSM

Jeff Brooks provided an overview of the current staffing situation. Chair Shiedt stressed the importance of anthropologist staffing, and it was noted that a waiver had been approved for hiring to proceed on that position. Ballot gave his regards to Gene Peltola, Jr.

NPS

Marcy Okada provided an overview of the Gates of the Arctic National Park & Preserve report. She then went over the Arctic Inventory report. Shiedt shared observations about caribou movements. Mike Kramer asked a question about the number of commercial permits issued for GAAR. He noted he has a Commercial Services seat and likes to receive reports on the number of permits issued. Percy Ballot asked a question about muskox population data. Ken Adkisson, NPS, stepped in and provided additional updates.

USFWS – Selawik NWR

Tina Moran, Acting Deputy Manager, provided a quick overview of staffing changes at the Refuge. She provided a copy of the transporter reports (Special Use Permit Activity Report 2010-2013) and discussed its contents. She answered questions regarding locations where

transporters were landing. Loon thanked USFWS staff for their outreach and education efforts with youth, particularly at the culture camp.

BLM

Dave Parker provided an overview of a printed report, called “Report to the Northwest Arctic Regional Advisory Council,” which provides overviews on planning, recreation, research and other divisions within BLM. He also provided information on fish counts of salmon and Dolly Varden in spawning areas. Ballot noted that the BLM reports never provide any information about the Buckland area and wondered if there are never any guides operating in that area. He referred a report about BLM investigating archaeological sites in the Buckland area. Parker noted that there is a boundary change happening, and that the Anchorage office is going to be taking over management of some areas in the Buckland area and other parts of the Northwest Arctic region. The Council asked several questions about public processes and permits.

ADF&G

Drew Crawford brought up the issue of concern over beaver, and he consulted the Alaska trapping regulations and noted that they are very liberal for Unit 23, with no season limit. As to the discussion on priority research issues and rainbow trout with lesions, he noted that the fish lab in Anchorage would be happy to examine any fish with lesions. They would need to be sent to the lab, fresh and chilled are preferred but frozen could work. Shiedt provided a description of what the lesions looked like. Crawford mentioned he could provide information on how to submit the samples and noted that black fungus had also showed up on some fish species in the area. Kramer asked if there was a new count on the caribou herd, and indicated that he wants to prove that the Red Dog Mine has had an impact on the caribou herd. Carmen Daggett noted that Jim Dow is currently working on the count through photos taken. Cleveland referenced a meeting about the WACH and migration, and noted that they should not drill and blast during the migration. Kramer noted that last fall they were catching Chum at the Kelley River and he could hear backup beeping from vehicles at Red Dog Mine from that distance.

Loon noted that she would like to see ADF&G moved up earlier in the agenda.

Future Meeting Dates

Council confirmed fall meeting date of October 8-9 in Kotzebue. Council discussed having the meeting at the Borough or the Heritage Center, and Ballot noted that KOTZ could broadcast from any location in Kotzebue. Council moved and approved the meeting dates and location.

Council selected March 9-10, 2015 for winter meeting dates, to be held in Kotzebue.

Closing comments

Hannah Loon – Thanked all the agency staff for their reports. She noted it was hard on the first day that it was hard to understand initially the information in the reports, but eventually everyone was able to understand. She thanked the staff for their hard work.



Percy Ballot – Thanked everyone for the meeting, enjoyed the discussions. He noted the handout on food security from the North Slope, noting the goal of going to all the regions and finding out what food security means to the local people. It's a good project, not a big budget, but they have gone to several villages and interviewed elders for their traditional knowledge.

Michael Kramer – It's always good to hear the agency reports. The thing that irks him the most is when someone gets busted for doing something that they have done for years. It's unfortunate to fix it after it is already broken, but at least we are getting somewhere. His brother is working with the Borough on subsistence mapping. Patiently waiting for the caribou count. The State needs to make sure that Carmen Daggett sticks around for the whole year because she is a great asset to the AC.

Verne Cleveland – Would like to have the Borough come and do a presentation on their subsistence mapping program.

Raymond Stoney – Thanked staff for a good meeting, specifically made note of the good work done by Carmen Daggett. Noted that subsistence users have been lawbreakers for 500 years, and thankful that new regulation makes them no longer lawbreakers on wolves and wolverine hunting with snowmachines. Thanked Daggett again for her help on that proposal. Need to have youth here at the meeting, they are the ones who are going to be serving next on Councils. Complimented the Chair on the conduct of the meeting.

Enoch Shiedt – We need to look into opening bottom fish and crabbing for commercial fishermen in Kotzebue. Thanked the agencies for doing a good job on the reports. Noted how speaking in laymen terms helps to understand, and once they do they can be sharp on the materials.

Council adjourned at 4:28 p.m.

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

Melinda Burke, Designated Federal Officer
USFWS Office of Subsistence Management

Enoch Shiedt Sr., Chair

Northwest Arctic Subsistence Regional Advisory Council

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



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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

JUL 28 2014

FWS/OSM 14066.MB

Enoch A. Shiedt Sr., Chair
Northwest Arctic Subsistence
Regional Advisory Council
P.O. Box 234
Kotzebue, AK 99752

Dear Mr. Shiedt:

This letter is a report of the Federal Subsistence Board's consensus and non-consensus agenda action items at its April 15, 2014, meeting regarding proposed changes to subsistence wildlife regulations and customary and traditional use determinations. In total, the Board accepted the recommendations of the Subsistence Regional Advisory Councils, in whole or with modifications, in 48 out of the 52 proposals on the agenda. Details of these actions and the Board's deliberations are contained in the meeting transcripts. Copies of the transcripts may be obtained by calling our toll free number, 1-800-478-1456, and are available online at the Federal Subsistence Management Program website at <http://www.doi.gov/subsistence/index.cfm>.

The Board uses a consensus agenda on those proposals where there is agreement among the affected Subsistence Regional Advisory Council(s), a majority of the Interagency Staff Committee, and the Alaska Department of Fish and Game concerning a proposed regulatory action. These proposals were deemed non-controversial and did not require a separate discussion. There was one statewide proposal on the consensus agenda, WP14-01 (trapping), which the Board rejected consistent with the Councils' recommendations. The consensus agenda items for the Northwest Arctic Region were proposals WP 14-40 (Unit 23 brown bear) and WP 14-41 (Unit 23 muskox), which were adopted by the Board consistent with the Council's recommendations. There were no non-consensus agenda items for the Northwest Arctic Region.

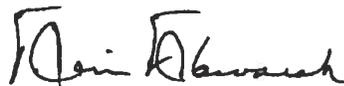
The Federal Subsistence Board appreciates the Northwest Arctic Subsistence Regional Advisory Council's active involvement in and diligence with the regulatory process. The ten Regional Advisory Councils continue to be the foundation of the Federal Subsistence Management Program, and the stewardship shown by the Regional Advisory Council chairs and their representatives at the Board meeting was noteworthy.

Mr. Sheidt

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If you have any questions regarding the summary of the Board's actions, please contact Melinda Burke at (907) 786-3885.

Sincerely,



Tim Towarak
Chair

cc: Federal Subsistence Board
Northwest Arctic Subsistence Regional Advisory Council members
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Melinda Burke, Subsistence Council Coordinator, OSM
Interagency Staff Committee
Administrative Record



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

RAC NWA14028.CJ

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

Dear Mr. Towarak:

The Northwest Arctic Subsistence Regional Advisory Council (Council) appreciates the opportunity to submit this annual report to the Federal Subsistence Board (Board) under the provisions of Section 805(a)(3)(D) and Section 805(c) of the Alaska National Interest Lands Conservation Act (ANILCA). At its public meeting in Kotzebue in August 2013, the Council identified concerns and recommendation for inclusion in its FY 2013 annual report, then finalized and approved the report at its February 2014 meeting in Kotzebue.

1. Concerns about the Road to Ambler

The Council has discussed the proposed road to Ambler in recent meetings, especially in regard to the effect the road will have on the caribou. Although people see the road presenting an opportunity for money and jobs, the risks the road presents to the subsistence resources in the region are not worth it. People in this region want to maintain their rural status and way of life—cheaper groceries and fuel may not compensate for developing the road. If there are any disasters or spills of any kind stemming from the road, it could have a swift and direct impact to the health of resources we depend on such as sheefish and other fish populations. Further, materials regularly used to keep dust down could also run into the rivers and affect the fish. Impacts to the health of our resources will eventually result in adverse impacts to the health of the people in this region. We want the land and resources preserved for our children and grandchildren, and ask the Board to raise this concern to the attention of the Secretaries of the Interior and Agriculture.

2. Transporters

Conflict with transporters in the Northwest Arctic Region is an issue that subsistence users consistently struggle with. Council members have heard from residents that some contacts and interactions they have in the field with transporters and their hunting parties are sometimes



Mr. Towarak

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discourteous. Local people have also reported transporters setting up camps and leaving them in the field when not being used, which is in direct violation of applicable regulations and permits.

This is not typical of all of the transporters in our region. Individuals who live here year-round show great respect to the local people and we feel those local businesses should be given priority when permits are granted. We encourage those members of the Board who are regional directors for the applicable agencies to share this concern with their staff and seek appropriate remedies to this user-conflict issue.

3. Re-emphasize community/youth involvement and communication

The Council feels that more emphasis needs to be placed on local and youth involvement in the Council processes. First, the Council believes it would be very valuable to have a youth from each represented community shadow the Council member to learn about the process. Youth need to be there to hear the decisions being made and to see their elders taking a stand for their subsistence way of life. We have been disappointed at the lack of public involvement at our meetings and it is one reason why we pushed to have Council meetings broadcast on the radio.

Second, clearer language is needed to understand the issues. The Western way of communicating scientific information is difficult and confusing for many people in the region. Language barriers exist for many individuals – especially in the villages. Providing a translation opportunity on the radio would also be helpful for some village elders to understand the process and feel more comfortable with becoming involved and commenting on proposals and important issues.

Finally, conducting meetings in villages and smaller communities increases participation, understanding, and awareness of what we are trying to do in their areas. We would like to see more Council meetings conducted at these locations and would like to see Board members attend those meetings.

4. Late Council Appointments

This Council is extremely disappointed with the official Secretarial appointments coming later and later each cycle. We cannot represent our region well with the possibility of being forced to hold meetings without our full roster present because of months-long administrative delays in Washington, D.C. We suggest adjustments be made to the term appointments so full representation can be present at our meetings, despite future delays in appointments. These delays discourage interest in serving on the Councils, which is extremely detrimental especially when we are working so hard to encourage the younger generation to become aware of and participate in our process.

Thank you for the opportunity for this Council to assist the Federal Subsistence Management Program in meeting its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. We look forward to continuing discussions about the issues and

Mr. Towarak

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concerns of subsistence users of the Northwest Arctic Region. If you have questions about this report, please contact me via Melinda Burke, Subsistence Council Coordinator, with the Office of Subsistence Management (OSM) at 1-800-478-1456 or (907) 786-3885.

Sincerely,



Enoch Attamuk Shiedt, Chair

cc: Federal Subsistence Board
Northwest Arctic Subsistence Regional Advisory Council
Eugene Peltola Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Interagency Staff Committee
Administrative Record





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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



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AUG 06 2014

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Enoch Shiedt, Chair
Northwest Arctic Subsistence
Regional Advisory Council
U.S. Fish & Wildlife Service
Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Chairman Shiedt:

This letter responds to the Northwest Arctic Subsistence Regional Advisory Council's (Council) fiscal year 2013 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Concerns about the Road to Ambler

The Council has discussed the proposed road to Ambler in recent meetings, especially in regard to the effect the road will have on the caribou. Although people see the road presenting an opportunity for money and jobs, the risks the road presents to the subsistence resources in the region are not worth it. People in this region want to maintain their rural status and way of life—cheaper groceries and fuel may not compensate for developing the road. If there are any disasters or spills of any kind stemming from the road, it could have a swift and direct impact to the health of resources we depend on such as sheefish and other fish populations. Further, materials regularly used to keep dust down could also run into the rivers and affect the fish. Impacts to the health of our resources will eventually result in adverse impacts to the health of the people in this region. We want the land and resources preserved for our children and grandchildren, and ask the Board to raise this concern to the attention of the Secretaries of the Interior and Agriculture.

Chairman Shiedt

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Response:

The Federal Subsistence Board (Board) recognizes the Council's concerns about the potential effects of the proposed road from the Dalton Highway to the Ambler Mining District on the fish and caribou populations that are present throughout the area. However, while the decision to build the road is outside the authority of the Board, it is the Board's role (with the Council's advice) to provide a subsistence use priority for Federally-qualified users and raise concerns about subsistence impacts with the Secretaries.

Several State and Federal permitting agencies would be responsible for determining the impacts to fish and wildlife from the "Road to Ambler." Any Federal agency that is the permitting lead for a project is required to conduct an analysis under Section 810 of ANILCA to assess the potential impacts to subsistence uses and resources prior to authorizing certain activities on Federal public lands. As part of the ANILCA Section 810 procedures, the Federal agency must notify the Regional Advisory Council if the activity "would significantly restrict subsistence uses," and, if so, hold a public hearing in the vicinity of the proposed activity. There are not currently any lead or partner agencies for this project, as it is too early in development. The project proponent is the Alaska Industrial Development & Export Authority (AIDEA). It is anticipated that, when the timing requires, the U.S. Army Corps of Engineers will become the lead Federal agency for the project.

This project has not yet initiated the environmental review process under the National Environmental Policy Act (NEPA). When that process is initiated, there will be opportunities for public comment. The Board encourages the Council to make its specific concerns known during the comment period, including, as appropriate, at public hearings. The Office of Subsistence Management (OSM) will facilitate updates to the Council on the status of this proposed development and will ensure updates are provided at each Council meeting in the future.

Your concerns will be forwarded to the Secretaries of the Interior and Agriculture with a request to transmit this information to the Secretary of the Army, who oversees the U.S. Army Corps of Engineers. This Council will be copied on that correspondence.

2. Transporters

Conflict with transporters in the Northwest Arctic Region is an issue that subsistence users consistently struggle with. Council members have heard from residents that some contacts and interactions they have in the field with transporters and their hunting parties are sometimes discourteous. Local people have also reported transporters setting up camps and leaving them in the field when not being used, which is in direct violation of applicable regulations and permits.



Chairman Shiedt

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Response:

Local Federal personnel with refuges and park lands have been made aware of your concerns. They have been working hard to educate transporters that are permitted on Federal lands to help eliminate user conflicts. Additionally, they have been represented in the Unit 23 working group seeking appropriate remedies to the user conflict issue in the region. The Unit 23 Working Group was formed in early 2008 to discuss issues related to fall hunting and to work toward developing solutions that all can support.

The purpose of the Working Group is to find solutions to hunting conflicts that will preserve the Inupiaq values of the region, including opportunities for local hunters to take caribou as needed, while also providing reasonable opportunities for non-local hunters to hunt caribou in the unit. The group makes advisory recommendations to the regulatory agencies and boards that manage hunting, land use and wildlife in Unit 23.

The National Park Service (NPS) in the Western Arctic National Parklands will continue delayed entry stipulations in the 2014/15 Commercial Use Authorizations (CUA) issued for Commercial Transporter Visitor Services to the western portion of the Noatak National Preserve (west of the Kugururok River and Maiyumerak Mountains). CUA holders are authorized to transport non-federally qualified caribou hunters into the western Noatak National Preserve after September 15th or earlier once the caribou migration has been well established through the area.

The NPS is also working with the University of Alaska, Fairbanks to research sports hunter use and Traditional Ecological Knowledge regarding caribou in the Noatak region. The NPS is also working with the Unit 23 Working Group and the Federal Aviation Administration to help provide pilot education about the Unit 23 user conflict. The Commercial Transporter Visitor Services providers have been very cooperative in helping the NPS to implement the delayed entry stipulation. NPS maintains regular communications with the providers during the caribou hunting season.

In Unit 23, a pilot may not transport parts of big game with an aircraft without having in possession, a certificate of successful completion of a department-approved education course regarding big game hunting and meat transportation. However, this provision does not apply to the transportation of parts of big game between state-maintained airports.

As noted on the Unit 23 Pilot Orientation page for the Alaska Department of Fish & Game:

The Unit 23 Pilot Orientation and Quiz were designed to minimize user conflicts among local subsistence hunters, visiting hunters, guides and transporters. The purpose of these materials is to minimize the disturbance that aircraft may impose on the landscape, wildlife, and local people. Educating pilots who are either hunting or transporting hunters about ethics for operating aircraft, establishing camps, and hunting game animals is an important step in decreasing conflicts in [Unit] 23. This orientation deals only with the use of airplanes in off-airfield

Chairman Shiedt

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operations conducted for the purpose of hunting big game animals. It does not address Federal Aviation Administration requirements regarding flight operations.

The regulation behind this policy, 5 AAC 92.003, is enforced by Alaska Wildlife Troopers and by Federal law enforcement officers. Hunting on Federal lands requires hunters to have all necessary licenses and tags required by the State of Alaska. NANA/Purcell security officers enforce trespassing and land use permit requirements on NANA and Borough lands. If an individual becomes aware of a violation of applicable regulations or permits stipulations they should contact law enforcement immediately, so the situation can be resolved in a timely manner.

3. Re-emphasize community/youth involvement and communication

The Council feels that more emphasis needs to be placed on local and youth involvement in the Council processes. First, the Council believes it would be very valuable to have a youth from each represented community shadow the Council member to learn about the process. Youth need to be there to hear the decisions being made and to see their elders taking a stand for their subsistence way of life. We have been disappointed at the lack of public involvement at our meetings and it is one reason why we pushed to have Council meetings broadcast on the radio.

Second, clearer language is needed to understand the issues. The Western way of communicating scientific information is difficult and confusing for many people in the region. Language barriers exist for many individuals – especially in the villages. Providing a translation opportunity on the radio would also be helpful for some village elders to understand the process and feel more comfortable with becoming involved and commenting on proposals and important issues.

Finally, conducting meetings in villages and smaller communities increases participation, understanding, and awareness of what we are trying to do in their areas. We would like to see more Council meetings conducted at these locations and would like to see Board members attend those meetings.

Response:

The Board supports additional youth involvement in the Council processes. This topic has been brought up by other Regional Advisory Councils (Councils) as well. The Board encourages the Councils to explore ways to increase youth participation at Council meetings, such as mentorship programs or having a non-voting seat on the Council for a youth. The funding for such opportunities, under current Federal budget limitations, would likely have to come from third parties. The Board encourages the Councils to discuss such opportunities with staff at OSM, as the Federal Advisory Committee Act permits Councils to define their membership through their charters.



Chairman Shiedt

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Youth and other community members are encouraged to attend the Council meetings in their area. They can also call in to the Council meetings where they can listen to the meeting and make comments during the time allotted for public comment. All of the materials for the Council meetings are available online and we encourage each member of the Council to let people from their communities know when the Council meetings will be taking place, and how to find the meeting materials on the Internet.

The Board agrees that broadcasting Council meetings on the radio is a good way to reach more people. This gives local people and youth a better understanding of the Council process. In a few instances, as time and money allow, staff from OSM, who were attending a Council meeting, have visited local schools to give presentations on subsistence resources and regulatory procedures which helps to involve youth in learning about the resources on which they depend. In order for all of these opportunities to be fulfilled, the Councils are encouraged to coordinate with and assist their Subsistence Council Coordinator at OSM to pursue these outreach opportunities.

The Board agrees that it would be ideal to provide translations at the Council meetings, including translations to be broadcast on local radio. The Board encourages partnerships to do those translations since currently there is not enough funding for OSM to pay for translations for every meeting. Additionally, your concern regarding technical, scientific language being used to present proposal analyses at Council meetings will be forwarded to the Office of Subsistence Management. The Board agrees that proposal analyses should be presented in a way that is meaningful and useful to the public audience.

Finally, several of the Councils have asked for meetings to be held in smaller communities and villages. Due to limited travel funds for Council members and staff, meetings are frequently held in hub communities to keep costs down. However, it may be possible to conduct a meeting from time to time in a non-hub community. Your Subsistence Council Coordinator will work with you to evaluate opportunities to meet in remote villages when Council agenda issues call for it. While we must follow any applicable government requirements (such as those related to use of charter aircraft, for example), OSM will explore options to determine what can be done to accommodate meetings in rural villages to the extent that budget allows. Your Coordinator will need to prepare a cost analysis and obtain approval by the Assistant Regional Director for Subsistence. Any assistance that can be offered by Council members and their communities in organizing such meetings would be greatly appreciated.

4. Late Council Appointments

This Council is extremely disappointed with the official Secretarial appointments coming later and later each cycle. We cannot represent our region well with the possibility of being forced to hold meetings without our full roster present because of months-long administrative delays in Washington, D.C. We suggest adjustments be made to the term appointments so full representation can be present at our meetings, despite future delays in appointments. These delays discourage interest in serving on the Councils, which is extremely detrimental especially

Chairman Shiedt

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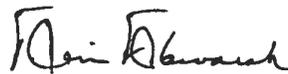
when we are working so hard to encourage the younger generation to become aware of and participate in our process.

Response:

During the fall 2014 meeting cycle, the Board will be requesting Council input on a number of changes the Board is considering to the nominations and appointment process. These changes are designed to alleviate confusion among applicants, ease the administrative burden in executing the nominations process, and improve the likelihood of completing appointments in a timely manner. Among these recommendations is an amendment to the Council charters to provide for carryover appointments. With the Councils' agreement, and approval by the Secretaries, hopefully this charter revision will be in place prior to December 2014, when some terms are set to expire. Other Council member appointment changes would require Secretarial rule-making and additional charter revisions; these changes would not be in effect until at least 2016.

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

Sincerely,



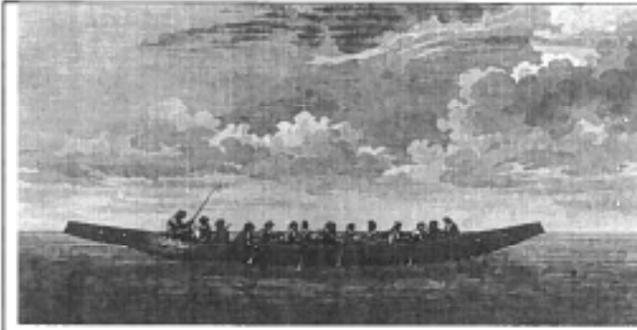
Tim Towarak
Chair

cc: Northwest Arctic Subsistence Regional Advisory Council
Federal Subsistence Board
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Melinda Burke, Subsistence Council Coordinator, OSM
Interagency Staff Committee
Administrative Record



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

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



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

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

RAC SE14012.RL

APR 01 2014

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

Dear Chairman Towarak:

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

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

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

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



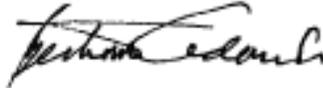
Chairman Towarak

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

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

Gunalchéesh,



Bertrand Adams Sr.,
Chair

Enclosure

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

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

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

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

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

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

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

CURRENT LANGUAGE OF §§ .16 and .17:

§242.16 Customary and traditional use determination process.

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

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

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

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

(d) Current determinations are listed in §242.24.

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

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

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

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

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

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

Southeast Alaska Council's Proposed Language

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

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

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

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

(d) Current determinations are listed in § 100.24

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

Proposal in edited form

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix

Southeast Alaska Council, 2011 Annual Report Topics

Issue 1: Customary and traditional determinations

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

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

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

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

Southeast Alaska Council, 2012 Annual Report Topics

Issue 1: Customary and Traditional Use Determination Recommendation

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

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

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

RURAL REVIEW BRIEFING FOR THE FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCILS

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

Background

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

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

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

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

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

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

Federal Subsistence Board Recommendation

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

§100.15 and §242.15. Rural determination process.

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

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

Next Steps

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

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



Review of the Rural Determination Process

A Briefing for the Federal Subsistence Board

April 15, 2014

Background

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

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

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

Secretarial Review

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

Federal Subsistence Board Review

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

Federal Register Notice

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Opportunities to Participate

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

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

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

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

Summary of Recommendations from Regional Advisory Councils

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

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

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

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

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

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

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

Summary of Public Comments

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

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

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



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

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

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

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

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

Formal Consultations with Tribes and ANCSA Corporations

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

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

Summary of Tribal Consultation

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

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

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

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

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

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

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

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

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

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

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



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

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

Summary of Consultations with ANCSA Corporations

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

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

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

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

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

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

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

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

Alternatives to the Current Rural Determination Process

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

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

Next Steps

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



Appendix A

Synthesis of Public Comments on the Rural Determination Process

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

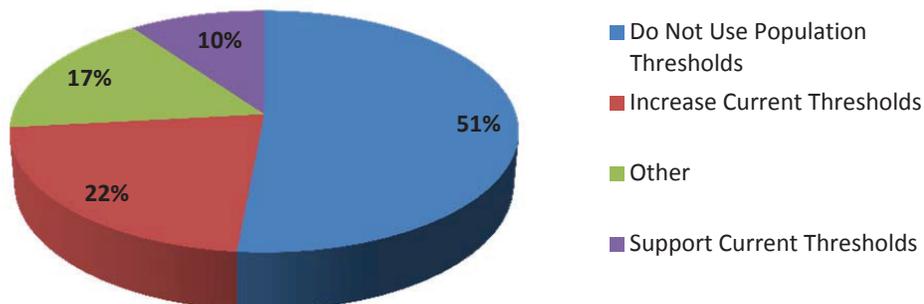
The staff input 496 total public comments into the database; 475 were determined to be substantive. By substantive, we mean comments that meaningfully addressed the rural determination process and made concrete recommendations to the Federal Subsistence Board (Board).

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

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

Population Thresholds

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



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

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

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

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

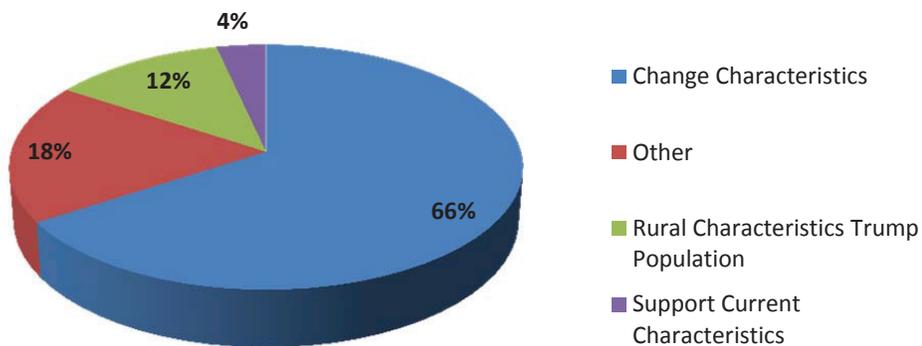


- Adopt and apply the rural development thresholds used by U.S. Department of Agriculture, which range from 2,500 to 50,000.
- Use the Permanent Fund Dividend population numbers.
- Exclude increases in populations due to industrial developments such as mining.
- Enhance monitoring of natural population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

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

Rural Characteristics

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



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

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

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

Other additions to the list of rural characteristics included:

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

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

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

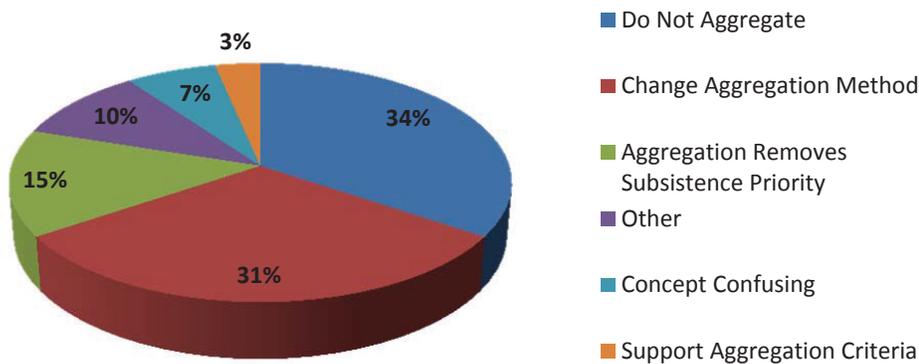
- Weight rural and/or community characteristics as the most important criterion.
- Weight “use of fish and wildlife” as the most important rural characteristic.
- Designate all island communities rural.
- Adapt and use some of the rural characteristics used by the State of Alaska (e.g., extent of sharing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

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



Aggregation of Communities

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



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

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

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

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

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

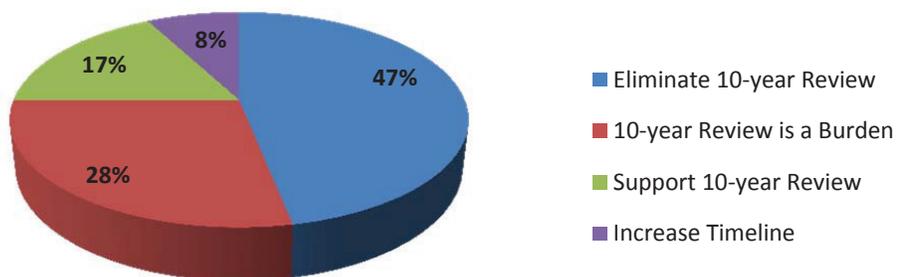
Six comments indicated that some people find the concept of aggregation to be confusing, both in how the concept is applied and the word is defined.

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

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

Timelines

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



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

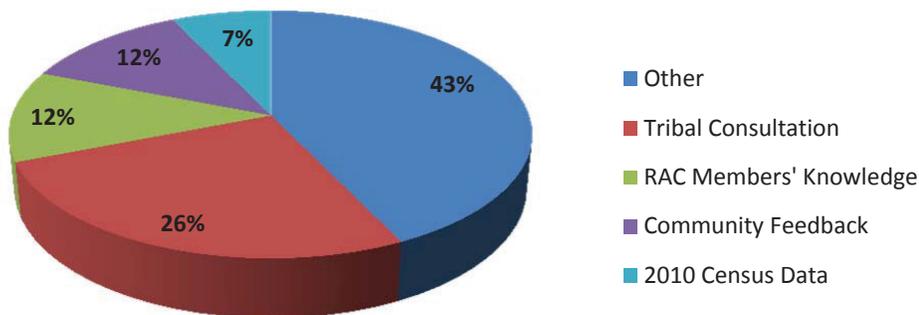
Eleven comments indicated support for doing a 10-year review. In five comments, respondents recommended that the timeline for review be increased (e.g., 15-year intervals, 100-year intervals, review rural determinations only when a community's population exceeds the upper threshold).



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

Information Sources

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



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

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

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

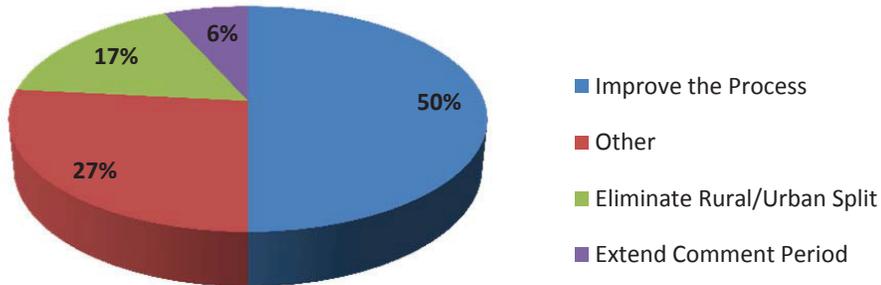
In 18 comments, respondents recommended that the Board use other sources of information such as:

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

Three comments indicated support for using the 2010 Census data.

Other Recommendations

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



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

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



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

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

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

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

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

Appendix B. Alternatives for the Rural Determination Process

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



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

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



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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

FWS/OSM 14092.DJ

AUG 15 2014

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

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

Dear Secretaries Jewell and Vilsack:

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

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



Secretaries Jewell and Vilsack

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Background

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

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

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

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

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

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

Secretaries Jewell and Vilsack

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

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

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

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

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

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

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

Secretaries Jewell and Vilsack

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

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

Federal Subsistence Board Recommendation

§242.15 and §100.15. Rural determination process.

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

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

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

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

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

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

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

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

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

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

~~(iii) Community infrastructure;~~

~~(iv) Transportation; and~~

~~(v) Educational institutions.~~

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

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

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

Secretaries Jewell and Vilsack

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Rationale

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

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

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

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

Next Steps

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



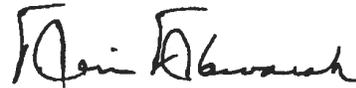
Secretaries Jewell and Vilsack

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

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

Sincerely,



Tim Towarak
Chair

cc: Federal Subsistence Board

Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Eugene R. Peltola, Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Ken Lord, Office of the Solicitor, Alaska Region
Dawn Collingsworth, Office of Legal Counsel, USDA
Administrative Record

Fisheries Resource Monitoring Program

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

Overview

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

Funding Regions

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

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

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



Subsistence Resource Concerns

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

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

Funding Cycles

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

Funding Recommendations

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

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

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

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



DRAFT

PRIORITY INFORMATION NEEDS

FEDERAL SUBSISTENCE FISHERIES



2016 Fisheries Resource Monitoring Program

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

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

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

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

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

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

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



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

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

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

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

Northern Alaska Region Priority Information Needs

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

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

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

Yukon Region Priority Information Needs

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

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

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



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

Kuskokwim Region Priority Information Needs

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

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

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



Southwest Alaska Region Priority Information Needs

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

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

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

Southcentral Alaska Region Priority Information Needs

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

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

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

Southeast Alaska Region Priority Information Needs

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

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

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

Multi-Regional Priority Information Needs

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



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

DRAFT STAFF ANALYSIS
FP15-01

ISSUES

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

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

DISCUSSION

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

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

Existing Federal Regulations

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

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

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



Proposed Federal Subsistence Regulations

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

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

Existing State Regulation

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

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

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

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

(1) in the Kenai River sport fishery,

(A) the use of bait is prohibited; or

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

Extent of Federal Public Waters

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

Regulatory History

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

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

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

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

Biological Background

The previously referenced Alaska Department of Fish and Game staff comments to the Alaska Board of Fishery state the use of barbless hooks does not reduce mortality of released fish by a measurable amount. These staff comments generally indicate the vast body of research conducted on catch and release mortality of fish largely suggest there is no significant difference in mortality rates between using barbed and barbless hooks (ADF&G 2013 A page 281), though some studies support the use of barbless hooks for specific species in some fisheries.

Current Events

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

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



Other Alternates Considered

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

§__25 (a) *Definitions.* The following definitions apply to all regulations contained in this part:

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

Effects of the Proposal

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

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

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

George Pappas(907) 786-3822
Team Field Review

May 30, 2014

OSM PRELIMINARY CONCLUSION

Support Proposal FP15-01

Justification

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

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

LITERATURE CITED

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

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Division of Wildlife Conservation
Doug Vincent-Lang, Director
Kotzebue Area Office
PO Box 689
Kotzebue, AK 99752-0689



Alaska Department of Fish and Game
Cora Campbell, Commissioner
PO Box 115526
Juneau, AK 99811-5526
www.adfg.alaska.gov

PRESS RELEASE

For Immediate Release: August 8, 2014

**CONTACT: Brandon Saito (907-442-1712) or
Toll Free 800-478-3420 (Alaska Only)**

State Closes Sheep Hunting in Units 23 and 26A Due to Severe Population Decline

Kotzebue – Today, the Alaska Department of Fish and Game (ADF&G) issued an emergency order announcement closing sheep hunting in Units 23 and 26(A) due to severe decline in sheep numbers in the contiguous sheep populations of the De Long Mountains, Schwatka Mountains, and state managed lands in Unit 26(A). General season hunts by harvest ticket for residents and nonresidents with full-curl bag limits are closed by this action. Resident registration subsistence permit hunts for any sheep (RS388 and RS389) are closed on August 9, 2014 at 11:59 p.m. Due to the low population status, no harvest of sheep is warranted.

Preliminary 2014 survey results indicate a population decline of 50-75% since 2011. This decline follows on the heels of a 30% decline from 2009-2011. The total number of sheep observed on survey transects in 2014 (n=102 sheep) was 70% lower than the number seen on transects in 2011 (n=330 sheep).

Sheep populations in the western Brooks Range within Units 23 and 26(A) experienced severe winter conditions in 2013-2014. Starvation and loss of protective habitat resulting from ground-fast ice have contributed to increased declines of sheep populations in the De Long Mountains and Schwatka Mountains. Previous declines during 2009–2011, low reproductive potential, and poor lamb production over a multi-year period have significantly reduced the number of sheep in Units 23 and 26(A). Other contributing factors may include predation, disease, range deterioration from when sheep numbers were higher, and large numbers of migratory caribou competing for, and impacting, sheep forage habitat at lower elevations.

Similar sheep season closures applying to federal subsistence hunting have been recommended by federal managers, and at the time of this release are under consideration by the federal program.

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STAFF ANALYSIS
TEMPORARY SPECIAL ACTION
WSA14-03

ISSUE

Temporary Special Action WSA14-03, submitted by the National Park Service, requests that the 2014/2015 season for sheep be closed in Unit 23 and Unit 26A – that portion west of Howard Pass and the Etivluk River (DeLong Mountains).

DISCUSSION

The proponent states that preliminary results from the most recent sheep surveys by the National Park Service (NPS), in coordination with the Alaska Department of Fish and Game (ADF&G), indicate that the sheep population in the Western Arctic National Parklands (WEAR) has declined approximately 70% since 2011. This overall decline is likely greater than when a full State and Federal closure was implemented from 1991-1997 in the DeLong and Baird Mountains following a 50% decline in adult sheep.

The proponent believes that the large decline in the overall population, the low numbers of rams in the population, and the very low recruitment rate of lambs all suggest that any harvest could be detrimental to the overall population, could prolong or worsen the current decline, and hamper recovery. The proponent feels that immediate action is needed to close these hunts given that the Federal hunt opened August 10th, 2014. The State of Alaska has already closed its drawing hunt for sheep in GMU 23 and 26A – the DeLong Mountains area (DS384), and as of July 9, closed its subsistence registration hunts (RS388) in those areas, the subsistence registration hunt (RS389) in Unit 23 –the Schwatka Mountains and 26A west of the Etivluk River, and the general hunt in the Schwatka Mountains.

The applicable Federal regulations are found in 50 CFR 100.19(b) (Temporary Special Actions) and state that:

“...After adequate notice and public hearing, the Board may temporarily close or open public lands for the taking of fish and wildlife for subsistence uses, or modify the requirements for subsistence take, or close public lands for the taking of fish and wildlife for nonsubsistence uses, or restrict take for nonsubsistence uses.”

Existing Federal Regulation

Unit 23— Sheep

Units 23 south of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Cutler and Redstone *Aug. 10 – Apr. 30*



Rivers (Baird Mountains) —1 sheep by Federal registration permit (FS2301). The total allowable harvest of sheep is 21, of which 15 may be rams and 6 may be ewes.

Federal public lands are closed to the taking of sheep except by Federally qualified subsistence users.

If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce early closure.

Units 23 north of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Aniuk River (DeLong Mountains) —1 sheep by Federal registration permit (FS2304). The total allowable harvest of sheep for the DeLong Mountains is 8, of which 5 may be rams and 3 may be ewes.

Aug. 10 – Apr. 30

If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce early closure.

Unit 23 remainder (Schwatka Mountains) – 1 ram with 7/8 curl horn or larger

Aug. 10 – Sept. 20

Unit 23 remainder (Schwatka Mountains) – 1 sheep

Oct. 1 – Apr. 30

Unit 26— Sheep

Unit 26A – that portion west of Howard Pass and the Etivluk River (DeLong Mountains) – 1 sheep by Federal registration permit (FS2607). The total allowable harvest of sheep for the DeLong Mountains is 8, of which 5 may be rams and 3 may be ewes.

Aug. 10 – Apr. 30

If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce early closure.

Proposed Federal Regulation

Unit 23— Sheep

Units 23 south of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Cutler and Redstone

No Federal open

~~Rivers (Baird Mountains) — 1 sheep by Federal registration permit (FS2301). The total allowable harvest of sheep is 21, of which 15 may be rams and 6 may be ewes.~~

~~Federal public lands are closed to the taking of sheep except by Federally qualified subsistence users.~~

~~season Aug. 10—Apr. 30~~

~~If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce early closure.~~

~~Units 23 north of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Aniak River (DeLong Mountains) — 1 sheep by Federal registration permit (FS2304). The total allowable harvest of sheep for the DeLong Mountains is 8, of which 5 may be rams and 3 may be ewes.~~

~~No Federal open~~

~~season Aug. 10—Apr. 30~~

~~If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce early closure.~~

~~Unit 23 remainder (Schwatka Mountains) — 1 ram with 7/8 curl horn or larger~~

~~No Federal open~~

~~season Aug. 10—Sept. 20~~

~~Unit 23 remainder (Schwatka Mountains) — 1 sheep~~

~~No Federal open~~

~~season Oct. 1—Apr. 30~~

Unit 26— Sheep

~~Unit 26A — that portion west of Howard Pass and the Etivluk River (DeLong Mountains) — 1 sheep by Federal registration permit (FS2607). The total allowable harvest of sheep for the DeLong Mountains is 8, of which 5 may be rams and 3 may be ewes.~~

~~No Federal open~~

~~season Aug. 10—Apr. 30~~

~~If the allowable harvest levels are reached before the regular season closing date, the Superintendent of the Western Arctic National Parklands will announce early closure.~~



Existing State Regulation*

Unit 23 – Sheep

Unit 23 – north of Rabbit Creek, Kiyak Creek and the Noatak River, and west of Aniuk River (DeLong Mountains) **Resident Hunters:** One sheep by permit, available in person at license vendors within Unit 23 or ADF&G in Barrow. No aircraft use allowed RS388 *Aug. 10 – Apr. 30*

Nonresident Hunters *No open season*

Unit 23 – south of Rabbit Creek, Kiyak Creek and Noatak River, and west of Cutler and Redstone Rivers (Baird Mountains) **Resident and Nonresident Hunters** *No open season*

Unit 23 – remainder (Schwatka Mountains) **Resident Hunters:** Three sheep by permit, available in person at license vendors in Unit 23 or ADF&G in Barrow. No aircraft use allowed. RS389 *Aug. 1 – Apr. 30*

Or

One ram with full-curl horn or larger *Harvest Ticket* *Aug. 10 – Sept. 20*

Nonresident Hunters: *One ram with full-curl horn or larger* *Harvest Ticket* *Aug. 10 – Sept. 20*

Unit 26 - Sheep

Unit 26A – west of Etivluk River (DeLong) **Resident Hunters:** One sheep by permit available in person at Barrow RS388 *Aug. 10 – Apr. 30*

Mountains)

*ADF&G or license
vendors within Unit 23.
No aircraft use allowed*

Nonresident Hunters:

No open season

***All hunts under State regulations have been closed as of August 9, 2014.**

Extent of Federal Public Lands

Federal public lands comprise approximately 69% of Unit 23 and consists of 42% National Park Service managed lands, 18% Bureau of Land Management managed lands, and 9% US Fish and Wildlife Service managed lands (**Map 1**).

Federal public lands comprise approximately 73% of Unit 26A and consists of 66% Bureau of Land Management managed lands, 7% National Park Service managed lands, and 0.1% US Fish and Wildlife Service managed lands (**Map 1**).

Customary and Traditional Use Determinations

All residents of Unit 23 north of the Arctic Circle and Point Lay have a positive customary and traditional use determination for sheep in Unit 23.

All residents of Unit 26, Anaktuvuk Pass, and Point Hope have a positive customary and traditional use determination for sheep in Unit 26A.

Regulatory History

The use of State registration permits for sheep hunting in the Baird and DeLong Mountains was established in 1982. Declining sheep populations during the late 1980's prompted a series of State harvest closures. The initial Federal subsistence hunting regulations in 1991 were established by adopting the existing State regulations of one ram with 7/8 curl in the fall hunt and one sheep with a harvest quota of 30 animals in the winter hunt. However, in 1991, low sheep numbers in the Baird Mountains prompted State emergency hunt closures, which continued through 1997. In 1993, season restrictions (full curl rams only) were enacted by the ADF&G in the DeLong Mountains, with emergency closures following in 1995-1997. In 1991 and 1992, special actions adopted by the Federal Subsistence Board (Board) closed the sheep harvest south and east of the Noatak River (Baird Mountains), which was repeated by special actions through 1997/98 (FWS 1991, 1992, 1993, 1994). In 1993, the Board shortened the subsistence harvest season in the DeLong Mountains by special action, and subsequently closed the season by special action in 1994, and repeated the closures through 1997/98 (FWS 1993, 1994).

The Alaska Board of Game (BOG) met in November 1997, revisiting the sheep issue in Unit 23. The western portion was re-described dividing it into the Baird and DeLong Mountain



ranges. Subsistence needs were investigated by the State and determined to be 1-9 sheep for the DeLong Mountains and 18-47 sheep for the Baird Mountains. Based on that information and the fact that the surveys showed the first increase in sheep numbers in several years, the BOG preliminarily decided to not close the 1998/99 State season by Emergency Order and proceed with a Tier I harvest of 20 sheep in the Baird Mountains and a combination hunt (9 Tier I and 11 drawing permits) in the DeLong Mountains, with the final decision based on the results of the 1998 sheep surveys. Both State seasons were scheduled to run August 10-April 30.

In July 1998, the Board approved a special action adopting the State's sheep harvest zones in Unit 23 (Baird, DeLong, and Schwatka Mountains), closing Federal lands to non-Federally qualified sheep hunters in the Baird and DeLong Mountains, and setting up an August-April season for one full-curl ram (maximum of 20 for each mountain range). The DeLong Mountain harvest quota was divided with ADF&G, providing half for their use through registration permits. In May 1999, the Board adopted the special action changes into the permanent regulations with the addition of allowing the Superintendent of the Western Arctic National Parklands to annually announce the harvest quota and divide the harvest into two seasons (fall and winter).

In May 2002, the Board adopted the WP02-39, which implemented regulations for sheep harvest in Units 23 and 26(A), including the requirement for trophy destruction of the harvested sheep horns. This proposal for trophy destruction was made at the request of the Northwest Arctic Regional Advisory Council in response to two individuals taking three of the five permits allotted. It was stated that one hunter was only interested in the trophy horns.

In 2004, the Board adopted Proposal WP04-72/73 with modification to eliminate the trophy destruction requirement, and adopt a mixed-sex hunt with fixed quotas.

Designated Hunter Permit System

The Board adopted Proposal 48, which instituted a designated hunter permit system in 1995. At the March 1999 meeting of the Northwest Arctic Council in Kiana, the Council requested that Proposal 48 be modified to also include a designated hunter provision. The Board adopted the designated hunter provision for sheep in the Baird and DeLong Mountains in Unit 23 in May 1999. In 2002, Proposal WP02-38, submitted by the Northwest Arctic Subsistence Regional Advisory Council, requested that the designated hunter permit system be discontinued. The Board denied this request and chose instead to implement the destruction of the horns for trophy value as a way to address the problems of one hunter taking too many of the sheep. The Board felt that removing the designated hunter permit system would have a detrimental effect on subsistence users.

Designated hunter permits are distributed by the NPS in their Kotzebue office to anyone who qualifies. To qualify, the person must be a rural resident of Unit 23 from any of the

communities north of the Arctic Circle (all communities in Unit 23 except Deering and Buckland). In addition, the person must have a hunting license and a permit to hunt sheep. There is no limit to the number of sheep permits distributed. The hunt is closed once the quota has been reached.

Current Events

The NPS, in coordination with ADF&G, recently completed surveys of the sheep population in the affected area (the larger part of WEAR) in July of 2014. Preliminary estimates indicate a 70% population decline across WEAR from the previous survey (2011). Specifically, there has been an estimated 80% decline in the DeLong Mountains (southern WEAR) between 2011 and 2014. In 2011, the estimated sheep population in WEAR as a whole was 2,809 total sheep (95% CI 2361-3379) with an estimated 1946 sheep (95% CI 1593-2397) in the DeLong Mountains and 587 sheep (95% CI 457-762) in the western Baird Mountains (Schmidt and Rattenbury 2013). Sheep abundance in the western Baird Mountains was already in decline in 2011, dropping 30% between 2009 and 2011. This overall decline is likely greater than when a full State and Federal closure was implemented from 1991-1997 in the DeLong and Baird Mountains following a 50% decline in adult sheep (Shults 2004). Surveys in Gates of the Arctic National Park and Preserve, BLM land, and State land in the eastern Brooks Range also show significantly declining numbers in 2014.

Preliminary survey results also indicate very low lamb to ewe-like ratios and very low recruitment rates in 2014. The point estimates for lambs per 100 ewe-like sheep are down 90% from 2011 to 2014 (estimates are 3:100 in WEAR as a whole, 4:100 in the DeLong Mountains and 2:100 in the western Baird Mountains) (National Park Service 2014, unpublished data.). This is consistent with low lamb productivity indicated in surveys in Gates of the Arctic National Park and Preserve, BLM land and State land in the eastern Brooks Range, which show low lamb productivity for at least the second year in a row, and where low lamb productivity in 2013 was attributed in part to the long and cold 2012-2013 winter and record cold temperatures in May 2013, among other factors (National Park Service 2014, unpublished data.).

Large rams (full-curl or greater and double-broomed) have also declined in WEAR between 2011 and 2014 with large ram to ewe-like ratios down 75% across WEAR, 60% in the DeLong Mountains and 65% in the western Baird Mountains. While the ratios of less than full-curl rams to ewe-like sheep appear to be stable or increasing that inflation is actually due to the loss of ewes. The number of full-curl rams in the population in WEAR was on the low end compared with other populations in Alaska's NPS units in 2011, and this decline indicates there are very few to no large rams available for harvest in WEAR (National Park Service 2014, unpublished data.).

On August 8th, 2014, the State of Alaska issued an Emergency Order closing sheep seasons in Units 23 and 26A for all resident and nonresident hunters. This was done in response to



severe declines in sheep numbers in the Delong and Schwatka Mountains. The State initially issued no permits for its drawing hunt (DS384) in 2014 and the hunt was closed by emergency order later that year (Saito 2014, pers. comm.).

A public hearing was held on August 14th, 2014 in Kotzebue to provide opportunity for members of the public to comment on WSA14-03. Public hearings in the affected area are required prior to taking action on special actions that may be in place for more than 60 days (i.e. Temporary Special Actions). All of the public testimony was in support of the special action request to close the Federal sheep season in Units 23 and 26A since everyone acknowledged that the drastic population declines in the area necessitate quick action. Some wanted to know the possible reasons for the decline in sheep numbers, while others were curious if the NPS was planning on doing sheep surveys more often than every three years. Several people at the meeting mentioned how climate change was affecting not only sheep but almost every aspect of subsistence. Bud Rice with the NPS mentioned how automated weather stations had been setup in both Gates of the Arctic National Park and Preserve and WEAR and how these stations had been recording unusually warm weather with rain events during the winter months in areas where it has been 30-50 below zero traditionally. This special action request was on an accelerated time frame, which limited the ability of Federal staff to incorporate comments from local users into the analysis, but in the future, the inclusion of Traditional Ecological Knowledge could play a critical role in the review process.

Biological Background

The Dall's sheep in Units 23 and 26A are at the northwestern margin of their range in Alaska and because of this, they are more prone to stochastic weather events affecting their populations than sheep in areas with more abundant habitat and stable range conditions (Shults 2004, Westing 2011). In addition, predation by wolves and the presence of caribou from the large Western Arctic herd and their influence on food availability may also be playing a role in the affected area.

Sheep densities in Units 23 and 26A are low compared to other areas of the State (Singer 1984). Severe winters in the 1990s resulted in high natural mortality, dramatically reduced sheep numbers in the area, and caused the closure of the general and subsistence hunt between 1991 and 1995 (Shults 2004). Sheep hunting in the Baird Mountains has been administered by the NPS since 1995.

ADF&G management objectives for sheep in Units 23 and 26A have been to monitor sheep with the NPS within each area at least once every 3 years to detect changes in population status. In addition, monitoring of harvest through harvest tickets, permits, and community-based harvest surveys and other methods are also used (Westing 2011).

NPS objectives for Dall's sheep include monitoring Dall's sheep abundance and sex-age composition across WEAR and Gates of the Arctic National Park and Preserve (GAAR) by

conducting surveys every five years across these parklands and every other year in the western Baird Mountains subarea of WEAR and the Itkillik subarea of GAAR every other year (Lawler et al. 2009).

Harvest History

Currently, the sheep harvest in Unit 23 is divided into a drawing hunt (DS384 – DeLong Mountains), two subsistence registration hunts (RS388 – DeLong Mountains and RS389 – Schwatka Mountains) under State regulations and registration hunts (FS2301 – Baird Mountains and FS2304 – DeLong Mountains) under Federal regulations. There is no State hunt in the Baird Mountains. For Unit 26A, there is a State subsistence registration hunt (RS388) and a Federal subsistence registration hunt (FS2607). Between 2004 and 2014, the average annual sheep harvest was 23 animals in Units 23 and 26A (**Table 1**) under both State and Federal regulations. Harvest ranged from a low of 17 in 2012/2013, to a high of 31 in 2010. The majority of harvest came from Federal registration hunts FS2301 and FS2304 in Unit 23.

Table 1. State and Federal sheep harvest in Unit 23 and Unit 26A, 2004-2014 (ADF&G 2014OSM 2014, Johnson 2014, pers. comm.).

Year	State General Harvest	DS384*	RS388	RS389	FS2301** and FS2304	Total Harvest
2004	4	8	1	0	15	28
2005	1	3	0	2	14	20
2006	6	4	1	0	8	19
2007	4	8	0	0	8	20
2008	2	10	2	0	8	22
2009	4	6	3	0	12	25
2010	5	5	5	0	16	31
2011	5	3	1		17	26
2012	4	3			10	17
2013	0	2			15	17
2014	N/A	N/A				

*Closed by emergency order in 2014.

**Federal hunt RS2607 has not been utilized since soon after its inception, therefore it is not included in this table (Adkisson 2014, pers. comm.).

Effects of the Special Action

If this special action is approved, all sheep hunting under Federal regulations will be closed in Units 23 and 26A. This would necessarily limit harvest opportunities for Federally qualified users. Since the State has already closed their resident and nonresident seasons as well, sheep hunting in the two units will be closed at least for the current regulatory year until sheep populations recover to levels that can support a harvest.

Recent drastic declines in sheep numbers in the affected area by as much as 70% necessitate



the closure proposed in this special action. Large declines in the overall population, the low numbers of rams available for harvest and an apparent low recruitment of lambs would make any harvest detrimental to the population.

OSM Conclusion

Support Special Action request WSA14-03.

OSM Recommendation

Since 2011, sheep populations have declined between 50-70% in the area affected by this special action. In addition to the decline in the overall population, low numbers of rams, and the apparent very low recruitment rate all suggest that any harvest could be detrimental to the population, could prolong or worsen the current decline, and hamper recovery. The State has already responded to this population concern by closing all resident and nonresident hunting under their regulations for the 2014/2015 season. Closure of sheep hunting under Federal regulations in Units 23 and 26A is necessary to assure the continued viability of the population as mandated under ANILCA Section 816.

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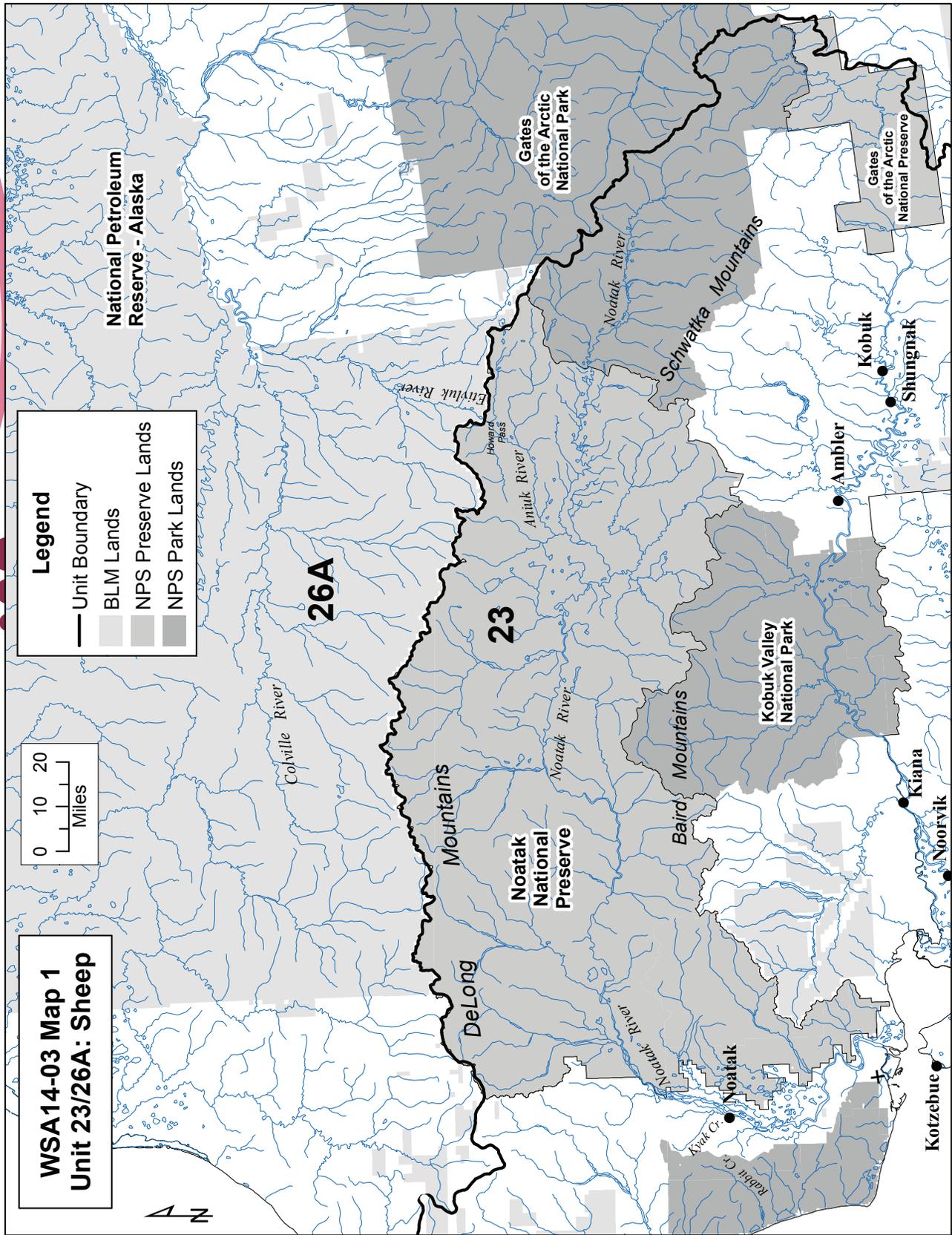
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ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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

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

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

Report Format

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

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

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

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

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

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

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

Recommendations

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

Change Terms and Possibly Appointment Cycle

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



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

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

4-year annual cycle

Advantages

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

Disadvantages

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

4-year biennial cycle

Advantages

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

Disadvantages

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

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

Formally Appoint Alternates to the Council

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

Advantages

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

Disadvantages

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

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

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

Carry-Over Terms

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

Advantages

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

Disadvantages

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

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



Youth Involvement in Councils

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

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

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

**Nominations under Annual Cycle
4-Year Cycle**

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

Two-Year Estimation Line

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

Schedule

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



**Nominations under Proposed Biennial Cycle
4-Year Glimpse**

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

Two-Year Bottom Line

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

Schedule

- Panel Reports due - end of April
- ESC meeting - late May, early June
- RSB meeting - late June, early July
- Surrounding packet and concurrence - late July
- Packet to Secretary - late July

Western Interior Alaska Subsistence Regional Advisory Council

**c/o U.S. Fish & Wildlife Service
1011 East Tudor Road MS 121
Anchorage, Alaska 99503
Phone: (907) 787-3888, Fax: (907) 786-3898
Toll Free: 1-800-478-1456**

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MAY 28 2014

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

Dear Mr. Towarak:

In recent meetings, the Western Interior Alaska Subsistence Regional Advisory Council has been very active in discussions regarding the late Secretarial appointments to the Councils, which have become a recurring theme in our annual reports and correspondence. This year's appointment cycle was completed nearly six months late.

I recently attended the Federal Subsistence Board meeting in Anchorage April 15-17, 2014 and was very encouraged by the discussion and dialogue and some of the great suggestions that were presented to improve the process. I understand that many of the modifications will take a substantial amount of time to implement.

We appreciate the hard work of Office of Subsistence Management (OSM) staff and Pat Pourchot, Special Assistant to the Secretary for Alaska Affairs, who have been continuing to pursue solutions to this problem. The Council looks forward to reviewing the suggested changes to timelines and processes at the fall meeting cycle. No official announcements can be made regarding who has been appointed until all vetting has been completed for all ten Councils. Frustrations and negative impacts to our Councils and processes were exacerbated tremendously in the most recent round of meetings. We feel this is unacceptable and encourage action to ensure this does not happen again.

As discussed at the Board meeting, all Council charters should be amended as soon as possible to allow for individuals to continue serving beyond the expiration date of their terms, until replaced or reappointed (similar to the National Park Service Subsistence Resource Commissions).

Mr. Towarak

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Amending the Council charters will prevent some of the challenges and issues these late appointments have created. We encourage OSM and the Board to take whatever action necessary to begin this process immediately.

Thank you for the opportunity to assist the Federal Subsistence Management Program to meet its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Western Interior Region. If you have questions about this letter, please contact me via Melinda Burke, Regional Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3885.

Sincerely,



Jack Reakoff, Chair

cc: Federal Subsistence Board
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Eugene Peltola Jr., Assistant Regional Director, OSM
Chuck Ardizzone, Deputy Assistant Regional Director, OSM
David Jenkins, Policy Coordinator, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Western Interior Alaska Subsistence Regional Advisory Council
Chairs, Subsistence Regional Advisory Councils
Interagency Staff Committee
Administrative Record

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

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FEB 12 2014

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

Dear Secretary Jewell:

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

All of the Councils are dealing with an extremely late completion of the annual Secretarial Appointment process to fill Council seats. The delay also happened last year, and this Council sent a letter to you expressing concerns about the problem (see enclosure). This year's delay is even worse than last year, making each year progressively later in completing official appointments. Terms expired on December 2, 2013 for three seats on our Council. It is now February 11, less than 3 weeks before our winter meeting—we only just received word on February 6, 2014 on appointments for two seats and the question remains as to who will be appointed to fill the third seat.

The delay in appointments has had a negative effect on the planning and execution of important and extensive work which must be completed in a timely manner prior to our meetings. Further, these delays have discouraged applicants and future applicants from serving on the Council. This is a disastrous consequence given the steady decrease in the number of applications in recent years. Our Council wishes to re-emphasize that steps must be taken to ensure delays in



Secretary Jewell

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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
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Toll Free: 1-800-478-1456

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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



Secretary Jewell

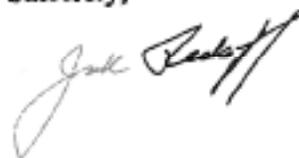
received word of a member's reappointment, amounting to a nearly four-month delay. Such delays are unacceptable to our statutory "meaningful role" in Federal subsistence management of fish and wildlife. Steps need to be taken as soon as possible so that delays in these very important and critical appointments do not happen again.

In the future, this Council would appreciate correspondence from the Office of Subsistence Management if these delays persist. Incumbent applicants must be informed of the status of appointments if they are expected to prepare for coming meetings and allow time in their schedules for travel. Old appointments expire in early December, which is when the announcement for appointments to those vacant seats is anticipated. New applicants may assume they have not been appointed if no official notice is sent about the delay. This could affect their ability to travel to their meetings, as lead time is necessary for the proper authorizations as well as clearing their personal calendars for Council duties.

The recent high number of retirements, budget issues, sequestration, and hiring freeze has caused great concern among the Council regarding the leadership and workload of OSM. The permanent hiring of a new Assistant Regional Director is a critical action which this Council feels needs to happen as soon as possible. This Council would be willing to correspond and provide any supporting language to make this happen soon, despite the current hiring freeze.

Thank you for the opportunity for this Council to assist the Federal Subsistence Management Program to meet its charge of protecting subsistence resources and uses of our resources on Federal public lands and waters. We look forward to continuing discussions about the issues and concerns of subsistence users of the Western Interior Region. If you have questions about this correspondence, please contact me via Melinda Hernandez, Subsistence Council Coordinator with OSM, at (907) 786-3885.

Sincerely,



Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council

cc: Kathleen M. O'Reilly-Doyle, Acting Assistant Regional Director, OSM
David Jenkins, Acting Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Melinda Hernandez, Council Coordinator, OSM
Pat Pourchot, Special Assistant for Alaska Affairs, DOI
Federal Subsistence Board
Western Interior Regional Advisory Council
Administrative Record

Winter 2015 Regional Advisory Council Meeting Calendar

February–March 2015 current as of 4/2/2014

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> <i>HOLIDAY</i>	<i>Feb. 17</i>	<i>Feb. 18</i> SC — Anchorage	<i>Feb. 19</i> SP — Nome	<i>Feb. 20</i>	<i>Feb. 21</i>
<i>Feb. 22</i>	<i>Feb. 23</i>	<i>Feb. 24</i> BB — Naknek	<i>Feb. 25</i> YKD — Bethel	<i>Feb. 26</i>	<i>Feb. 27</i>	<i>Feb. 28</i>
<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i> WI — Fairbanks	<i>Mar. 4</i> EI — Fairbanks	<i>Mar. 5</i>	<i>Mar. 6</i>	<i>Mar. 7</i>
<i>Mar. 8</i>	<i>Mar. 9</i> NWA — Kotzebue	<i>Mar. 10</i>	<i>Mar. 11</i> K/A — Old Harbor	<i>Mar. 12</i>	<i>Mar. 13</i>	<i>Mar. 14</i>
<i>Mar. 15</i>	<i>Mar. 16</i>	<i>Mar. 17</i> SE — Yakutat	<i>Mar. 18</i>	<i>Mar. 19</i>	<i>Mar. 20</i> <i>Window Closes</i>	<i>Mar. 21</i>



Fall 2015 Regional Advisory Council Meeting Calendar

August–November 2015

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Aug. 16</i>	<i>Aug. 17</i> WINDOW OPENS	<i>Aug. 18</i>	<i>Aug. 19</i>	<i>Aug. 20</i>	<i>Aug. 21</i>	<i>Aug. 22</i>
<i>Aug. 23</i>	<i>Aug. 24</i>	<i>Aug. 25</i>	<i>Aug. 26</i>	<i>Aug. 27</i>	<i>Aug. 28</i>	<i>Aug. 29</i>
<i>Aug. 30</i>	<i>Aug. 31</i>	<i>Sept. 1</i>	<i>Sept. 2</i>	<i>Sept. 3</i>	<i>Sept. 4</i>	<i>Sept. 5</i>
<i>Sept. 6</i>	<i>Sept. 7</i> HOLIDAY	<i>Sept. 8</i>	<i>Sept. 9</i>	<i>Sept. 10</i>	<i>Sept. 11</i>	<i>Sept. 12</i>
<i>Sept. 13</i>	<i>Sept. 14</i>	<i>Sept. 15</i>	<i>Sept. 16</i>	<i>Sept. 17</i>	<i>Sept. 18</i>	<i>Sept. 19</i>
<i>Sept. 20</i>	<i>Sept. 21</i>	<i>Sept. 22</i>	<i>Sept. 23</i>	<i>Sept. 24</i>	<i>Sept. 25</i>	<i>Sept. 26</i>
<i>Sept. 27</i>	<i>Sept. 28</i>	<i>Sept. 29</i>	<i>Sept. 30</i> <i>End of Fiscal Year</i>	<i>Oct. 1</i>	<i>Oct. 2</i>	<i>Oct. 3</i>
<i>Oct. 4</i>	<i>Oct. 5</i>	<i>Oct. 6</i>	<i>Oct. 7</i>	<i>Oct. 8</i>	<i>Oct. 9</i>	<i>Oct. 10</i>
<i>Oct. 11</i>	<i>Oct. 12</i>	<i>Oct. 13</i>	<i>Oct. 14</i>	<i>Oct. 15</i>	<i>Oct. 16</i>	<i>Oct. 17</i>
<i>Oct. 18</i>	<i>Oct. 19</i>	<i>Oct. 20</i>	<i>Oct. 21</i>	<i>Oct. 22</i>	<i>Oct. 23</i>	<i>Oct. 24</i>
<i>Oct. 25</i>	<i>Oct. 26</i>	<i>Oct. 27</i>	<i>Oct. 28</i>	<i>Oct. 29</i>	<i>Oct. 30</i>	<i>Oct. 31</i>
<i>Nov. 1</i>	<i>Nov. 2</i>	<i>Nov. 3</i>	<i>Nov. 4</i>	<i>Nov. 5</i>	<i>Nov. 6</i> WINDOW CLOSES	<i>Nov. 7</i>

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

Northwest Arctic Subsistence Regional Advisory Council

Charter

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



- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.
 - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
 - e. Appoint three members to each of the Cape Krusenstern National Monument and the Kobuk Valley National Park Subsistence Resource Commissions and one member to the Gates of the Arctic National Park Subsistence Resource Commission in accordance with Section 808 of 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 \$140,000, including all direct and indirect expenses and 0.9 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.

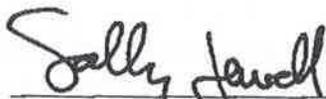
Council members will elect a Chair, a Vice-Chair, and a Secretary for a 1-year term.

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

