

NORTHWEST ARCTIC Subsistence Regional Advisory Council



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Airplanes on Kotzebue Sound.

Meeting Materials
February 18-19, 2014
Kotzebue

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NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Kotzebue, Northwest Arctic Borough Chambers

February 18-19, 2014

Feb. 18, 1-5 p.m.; Feb. 19, 9 a.m. – 5:00 p.m.

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

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

AGENDA

*Asterisk identifies action item.

Roll Call and Establish Quorum (*Secretary*)

Call to Order (*Chair*)

Welcome and Introductions (*Chair*)

Review and Adopt Agenda* (*Chair*) 1

Review and Approve Previous Meeting Minutes* (*Chair*) 3

Reports

Council member reports

Chair’s report

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

Old Business (*Chair*)

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New Business (*Chair*)

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Agency Reports (10 minutes unless otherwise indicated)

OSM (*Gene Peltola*)

NPS

Gates of the Arctic National Park Update (*Marcy Okada*)

ADF&G

Update/Briefing (*Brandon Saito*)

Project Updates (*Brendan Scanlon*)

Future Meeting Dates*

Confirm date and location of fall 2014 meeting	75
Select date and location of winter 2015 meeting	76

Closing Comments

Adjourn (*Chair*)

To teleconference into the meeting, call the toll free number: 1-877-638-8165, then when prompted enter the passcode: 9060609 ****Please press *6 to mute your telephone to minimize background noise. To unmute and speak, press *6 again. Thank you! ****

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

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

FALL 2013 MEETING MINUTES
Northwest Arctic Alaska Subsistence Regional Advisory Council
August 21-22, 2013
Northwest Arctic Borough Council Chambers
Kotzebue, Alaska

Call to Order

Meeting called to order by Chairman Enoch Shiedt at 9:15 a.m.

Roll Call and Establish Quorum

Mr. Raymond Stoney called the roll. NWARAC Council members present: Raymond Stoney, Hannah Loon, Michael Kramer, Percy Ballot, Verne Cleveland, Calvin Moto, and Enoch Shiedt
Excused: Walter Sampson & Victor Karmun

Invocation

Mr. Willy Goodwin led an invocation to all present at the meeting.

Welcome and Introductions

Chairman Enoch Shiedt welcomed guests and staff members.

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

Government Agency Employees

Bud Cribley	Federal Subsistence Board Member (BLM)
Glen Chen	Bureau of Indian Affairs Anchorage
LeeAnne Ayers	U.S. FWS Kotzebue
Melinda Burke	U.S. FWS OSM DFO
Susan Georgette	U.S. FWS Selawik NWR
Karen Hyer	U.S. FWS OSM (via teleconference)
Carl Johnson	U.S. FWS OSM
Trent Liebich	U.S. FWS OSM (via teleconference)
Chris McKee	U.S. FWS OSM (via teleconference)
Tina Moran	U.S. FWS Selawik NWR
Branden Saits	U.S. FWS Kotzebue
Brittany Sweeney	U.S. FWS Selawik NWR
Ken Adkisson	National Park Service
Willie Goodwin	National Park Service

Frank Hayes National Park Service
Marci Johnson National Park Service
Brad Shults National Park Service
Samantha Shaeffer National Park Service
Clarence Summers National Park Service (via teleconference)

Drew Crawford ADF&G Anchorage (via teleconference)
Nikki Braem ADF&G Kotzebue

John Erlich Bureau of Land Management
Shelly Jacobson Bureau of Land Management

NGOs/Public

Charlie Green Northwest Arctic Borough
Sean Greg Northwest Arctic Borough
Noah Naylor Northwest Arctic Borough
Willie Towksjea Kotzebue Resident

Election of Officers

Hannah Loon nominated Enoch Shiedt for the position of **Chairman**; Mike Kramer seconded the motion. Unanimous approval.

Hannah Loon nominated Raymond Stoney to the position of **Vice-Chair**; Calvin Moto seconded the motion. Unanimous approval.

Calvin Moto nominated Mike Kramer for the position of **Secretary**. Seconded by Hannah Loon. Mike Kramer nominated Hannah Loon for the position of Secretary. Seconded by Enoch Shiedt. Unanimous Approval for Hannah Loon.

Review and Adoption of Agenda

Two discussion items were added:

10 E. Subsistence Resource Commission Appointments

10 F. Council Nominations and communities represented

Mr. Mike Kramer moved to adopt the agenda as amended. Mr. Vern Cleveland seconded the motion. Motion carried unanimously.

Review/Approval of Minutes

Corrections: Pg. 6 of the minutes needs a correction: **WCR12-29** for **Muskox** (replaces sheep)
Name Spellings: Charlie **Gregg** (replaces Green) & Noah **Naylor**

Page 4. **Victor Karmun** (replaces Jack Reakoff) on welcome and introductions

Page 8. **Northwest Arctic** (replaces Western Interior)

Mr. Raymond Stoney made a motion to approve the corrected minutes of the previous meeting. Mr. Vern Cleveland seconded the motion. Motion carried unanimously.

Council Member Reports

Enoch Shiedt (Kotzebue): No caribou have been seen in the area; lots of bears in the summertime. Seal hunting was difficult due to ice conditions.

Raymond Stoney (Kiana): Have not seen any caribou in Kiana since October except for one loner. Bears (grizzly/brown) have continued to be an issues in Kiana, Noorvik, Selawik, and the upper Kobuk. Would like more information on preauthorization to take dangerous bears in the community (Defense of Life and Property clarification). These Council member reports are very interesting and important-members of the Federal Subsistence Board should be present at these meetings to hear these reports.

Verne Cleveland (Noorvik): There was an abundance of caribou in my area all year; the moose seemed to disappear in early August. Lots of bears in the area, plenty of seal and fish also.

Michael Kramer (Kotzebue): Have heard lots of complaints from local people about the bears (cabin ransacking, and being in and near the community). ----- Also heard complaints of the transporter camps and operations and interactions with local residents. Would like to see transporters who are local residents have priority, as they have great respect for area residents and their use. Caribou moved through in the spring-hoping for a good hunt in the falltime. People have been asking about the muskox closure due to wanton waste and I agree with it being closed.

Hannah Loon (Selawik): Selawik has been blessed with having caribou around all year and everyone had an opportunity to hunt. Blueberries were better than salmonberries this year. Good harvest for pikes and whitefish, and there was good weather for drying.

Calvin Moto (Deering): There have been some problems in this region with predators. Lots of wolves and brown bear present around my village. I think this affecting the location of musk ox and the caribou numbers. We have not had any whitefish or herring for years, though the salmon run has been better. Have not seen many rabbit or ptarmigan in the area. It was very hard to hunt last year because of the extreme cold temperatures.

Customary and Traditional Use Determinations

Carl Johnson (OSM) provided a briefing on the Customary and Traditional Use Determination issue.

General Council Comment: If there are going to be changes made, we would like to keep our region separate; we are different than Southeast Alaska. The Council requested more time to take the issue to their communities for discussion and input; they would also like to see all traditional councils and corporations receive the briefing documents.

The Council has requested the vote on this issue to be held during the winter 2014 meeting to allow for community/regional input.

Federal Wildlife Proposals

STATEWIDE:

Proposal WP14-01

DESCRIPTION: Requests the establishment of new statewide provisions for Federal trapping regulations that require trapper identification tags on all traps and snares, and establish a harvest/trapping report form to collect data on non-target species captured in traps and snares.

COUNCIL RECOMMENDATION: **Oppose**

JUSTIFICATION: If adopted, this proposal would be a burden on subsistence users, and is not a necessary action to take in the Northwest Arctic region. Weather conditions can often determine when trappers can check trap lines and safety issues could arise with the proposed 6 day maximum time limit and the requirements would be difficult to follow.

REGIONAL:

Proposal WP 14-40

DESCRIPTION: Requests that the requirement for a State registration permit to harvest brown bears in Unit 23 be eliminated.

COUNCIL RECOMMENDATION: **Support with OSM modification**

JUSTIFICATION: The Council does not see a need to change from the current requirements to hunt brown bears and supports the OSM recommendation to clarify the existing regulation by adding the word "subsistence".

Proposal WP 14-41

DESCRIPTION: Requests that the season and harvest limit for muskox in Unit 23SW be changed to eliminate the cow hunt, and create a continuous season from Aug. 1 to Mar. 15. In addition, it requests that language be added to authorize Federal managers to restrict the number of Federal permits to be issued.

COUNCIL RECOMMENDATION: **Defer**

JUSTIFICATION: The proposal was tabled until the winter 2014 meeting at the request of OSM staff to allow for more time to thoroughly analyze a number of muskox proposals which were submitted during the current regulatory cycle.

Fisheries Resource Monitoring Program:

Trent Liebich (OSM Fisheries) presented the Draft Fisheries Resource Monitoring Plan for 2014 (northern region).

The Council unanimously approved proposal 14-104, Selawik Sheefish, and deferred action on remaining proposals to the respective Subsistence Regional Advisory Councils.

Subsistence Resource Commission Appointments

The Council unanimously reappointed Enoch Shiedt to the Cape Krusenstern SRC and Louie Commack (Ambler) to the Kobuk Valley SRC. Motion by Mr. Percy Ballot; seconded by Mr. Calvin Moto

Rural Determination Process Presentation:

- The Council recommended that the presumptive rural threshold be increased to 11,000.
- The Council suggested that communities not connected to the road system be presumed rural.
- The Council suggested adding additional factors to the “Rural Characteristics” criteria: Spiritual and Cultural reliance on fish & wildlife, availability of local employment, median income of communities.

Misc. Presentations and Updates

- Lee Anne Ayers provided the agency report for the Selawik Refuge office, and also announced her retirement from Federal service as well as several other personnel changes. Current projects

include coastal waterfowl surveys, sheefish counting, water quality work, and participation in the Selawik Culture Camp.

- Willie Towksjea (Kotzebue Resident) expressed concerns about the pipelines in northern Alaska and the effect on caribou migrations and the land.
- Palma Ingles (OSM) provided a presentation on the Partners for Fisheries Monitoring Program.
- Ken Adkisson (NPS) provided a briefing on the Subsistence Resource Commissions.
- Carl Johnson provided a briefing on the Rural Determination Review process.
- Marcy Okada (NPS) provided an updates from the Gates of the Arctic National Park.
- Jim Dau (ADF&G) provided an update on the Western Arctic Caribou Herd and announced that Brandon Saito is replacing Charlotte Westing as the new AB for the region.
- Nikki Braem (ADF&G) provided an update on subsistence surveys taking place in the region.
- John Erlich (BLM-Kotzebue) provided a report on BLM projects and activities in the region.

Confirm Dates and Locations of Future Meetings:

Winter 2014: February 18-19, 2014 in Kotzebue

Fall 2014: October 8-9, location TBD

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, Chairman

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.

DRAFT STAFF ANALYSIS
WP14-41

ISSUES

Proposal WP14-41, submitted by the National Park Service, requests that the season and harvest limit for muskox in Unit 23SW be changed to eliminate the cow hunt and create a continuous season from Aug. 1 to Mar. 15. In addition, it requests that language be added to authorize Federal managers to restrict the number of Federal permits to be issued.

DISCUSSION

The proponent states there are emerging conservation concerns regarding the muskox population on the Seward Peninsula which have led to significant changes in hunt management that are likely to persist into the foreseeable future. The proponent states the current regulations no longer reflect the actual hunt requirements as they have been changed numerous times through State Emergency Orders and Federal Special Actions. The proponent believes the proposed changes are needed to reduce confusion among users and improve management flexibility.

Because this proposal requests that the pool of Federally qualified users be reduced, it requires application of ANILCA Section 804 criteria to establish priority among those with in the customary and traditional use determination to harvest muskox in Unit 23SW. The Board closed the area to non-Federally qualified users in 1995 (Proposal 44). The proponent has determined that the harvest of muskoxen in the area can no longer be managed through a harvest quota alone. Conservation demands that the distribution of Federal permits be limited. There is a small number of muskox available to harvest relative to the number of subsistence users with a customary and traditional use determination to harvest muskox (including residents of Buckland and Deering). The potential for harvest to exceed the harvestable surplus is considered high. A Section 804 analysis is based on the application of three criteria, including customary and direct dependence upon the populations as the mainstay of livelihood, local residency, and the availability of alternative resources; application of this analysis is necessary to determine the Federally qualified users eligible to harvest muskox in the hunt area, Unit 23SW.

Existing Federal Regulation

Unit 23—Muskox

*Unit 23 – south of Kotzebue Sound and west of and Aug.1 – Dec.31
including the Buckland River drainage – 1 bull by
Federal permit or State permit.*

Or

1 muskox by Federal permit or State permit *Jan.1– Mar. 15*
Federal public lands are closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.

Proposed Federal Regulation

Unit 23—Muskox

*Unit 23 – south of Kotzebue Sound and west of and including the Buckland River drainage – 1 bull by Federal permit or State **Tier II permit*** *Aug.1 – ~~Dec.31~~Mar. 15*
~~0~~

~~*1 muskox by Federal permit or State permit*~~ ~~*Jan.1– Mar. 15*~~
~~*Federal public lands are closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas, **the number of Federal permits to be issued**, and any needed closures will be announced by the Superintendent of the Western Arctic National Parklands, in consultation with ADF&G and BLM.*~~

Existing State Regulation

Unit 23 – Muskox

Unit 23 – Seward Peninsula west of and including the Buckland River drainage *Aug.1 – Mar. 15*
Residents, one bull by permit

Extent of Federal Public Lands

Federal public lands comprise approximately 60% of Unit 23SW and consist of 40% Bureau of Land Management managed lands, and 20% National Park Service managed lands (**Unit 23 Map**).

Customary and Traditional Use Determinations

Rural residents of Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage are eligible to hunt muskox in Unit 23 south of Kotzebue Sound and west of and including the Buckland River drainage.

Regulatory History

Proposal 44 (1995) – submitted by the Seward Peninsula Subsistence Regional Advisory Council, requested a Federal registration permit hunt for muskox in Units 22D and 22E. Federal public lands in each subunit were closed to non-subsistence hunting of muskox. The Federal Subsistence Board adopted the proposal with modification, at its April 1995 meeting, to include that portion of Unit 23 including and west of the Buckland River drainage with a season from Sept. 1 – Jan. 31.

Proposal 99-46 – submitted by the Seward Peninsula Subsistence Regional Advisory Council, requested that the Federal muskox season in Unit 23SW be Aug. 1 – Mar. 15 with a harvest limit of one bull by Federal registration or State Tier II permit. The proposal was adopted by the Federal Subsistence Board at its May 1999 meeting.

Proposal WP01-35 – submitted by the Seward Peninsula Muskox Cooperators Group, requested a change in the harvest limit and the harvest quotas for Unit 23SW. The requested harvest limit change was from one bull to one muskox by Federal registration permit or State Tier II permit; however, cows would only be taken during the period Jan. 1 – Mar. 15. The requested harvest quota 8 cows, and the total combined harvest would not exceed 13 animals. The proposal was adopted by the Federal Subsistence Board at its May 2001 meeting.

Proposal WP02-37 – submitted by the Seward Peninsula Subsistence Regional Advisory Council, requested that the Federal subsistence muskox harvest in Unit 23SW be revised such that annual harvest quotas and any needed closures could be announced by the Superintendent of the Western Arctic National Parklands, in consultation with the Alaska Department of Fish and Game and BLM. The proposal was adopted by the Federal Subsistence Board at its May 2002 meeting.

Proposal WP06-55 – submitted by Seward Peninsula Muskoxen Cooperators Group, requested the use of a designated hunter permit for muskoxen in Unit 23SW. The proposal was adopted by the Federal Subsistence Board at its January 2006 meeting.

Proposal WP10-84 – submitted by the Northwest Arctic Regional Advisory Council, requested that the regulation allowing for the harvest of one muskox by Federal permit or State Tier II permit be revised to change the State Tier II permit to a State Tier I subsistence registration permit and to change the harvest during the Aug. 1 – Dec. 31 season to bulls only and allow the harvest of any muskox during the Jan. 1 – Mar. 31 season. The Federal Subsistence Board adopted the proposal with modification at its January 2010 meeting to clarify the regulatory language for the Aug. 1 – Dec. 31 season.

In 2011 the Alaska Board of Game adopted Proposal RC34A making the muskox hunting regulation in Unit 23SW part of a threshold-based hunt regime conditioned on the harvestable surplus available in Units 22B, 22C, 22D, and 23SW of the Seward Peninsula population. The regulatory thresholds for this portion of the population defined conditions for Tier II hunts, Tier I registration hunts and registration/drawing hunts. This change was in response to significant population declines, low bull:cow ratios, and high harvest of mature bulls documented by the Alaska Department of Fish and Game (ADF&G), Bureau of Land Management, US Fish and Wildlife Service, and National Park Service. Based on further population declines indicated by March 2012 population surveys, State Tier II hunts were required in Unit 23 SW for 2012–2013 regulatory year, because the harvestable surplus was below the State of Alaska’s Amounts Necessary for Subsistence (ANS).

Biological Background

Muskox management on the Seward Peninsula has been guided by recommendations from the Seward Peninsula Muskox Cooperators Group. The group is composed of staff from ADF&G, NPS, BLM, USFWS, Bering Straits Native Corporation, Kawerak Inc., Reindeer Herders Association, Northwest Alaska Native Association, residents of Seward Peninsula communities, and representatives from other interested groups or organizations. The following management goals form the basis of the cooperative interagency management plan for Seward Peninsula muskoxen developed from 1992 through 1994 (Nelson 1994) and follow the guidelines of the ADF&G Muskox Management Policies (ADF&G 1980):

- Manage population to allow for continued growth and range expansion of the Seward Peninsula Muskox
- Provide for a limited harvest in a manner consistent with the existing State and Federal laws by following the goals/objectives endorsed by the Seward Peninsula Muskox Cooperators Group and the Seward Peninsula Cooperative Muskox Management Plan
- Manage muskoxen along the Nome road systems of Unit 22B and 22C for viewing, education, and other nonconsumptive uses
- Work with local reindeer herding interests to minimize conflicts between reindeer and muskoxen
- Protect and maintain the habitats and other components of the ecosystem upon which muskoxen depend
- Encourage cooperation and sharing of information among agencies and users of the resource in developing and executing management and research programs

A muskox population estimate conducted in 2010 for Unit 23 SW resulted in an estimate of 175 animals, which was 12% lower than the minimum count in 2007, but within the confidence intervals for the distance

sampling estimate (Westing 2011). Muskox numbers in Unit 23 SW varied between 1995 and 2011 (**Figure 1**). The population has fluctuated between count periods but overall may be relatively stable and the variability in population counts may be a result of movement of animals between Units 22B (the Inglutalik drainage), 22D, 22E, eastern 23 (the Tag River drainage) and 23 SW. While population has declined in the core area, there has also been expansion in peripheral areas. However, there has been a decrease in the number of mature bulls and yearlings throughout the Seward Peninsula, including Unit 23SW. Population composition counts from March 2010 showed 19 mature bulls per 100 cows and 18 yearlings per 100 cows (Westing 2011). However, low bull:cow ratios, coupled with high cow mortality in recent years is a concern (Adkisson 2012, pers. comm.) and recently completed population estimates show a decline of almost 25% for the species on the Seward Peninsula as a whole between 2010 and 2012 (Gorn 2012). Recent research has suggested that selective harvest of mature bulls on the Seward Peninsula may be a driver of reduced population growth and that annual harvest be restricted to less than 10% of the estimated number of mature bulls (Schmidt and Gorn 2013).

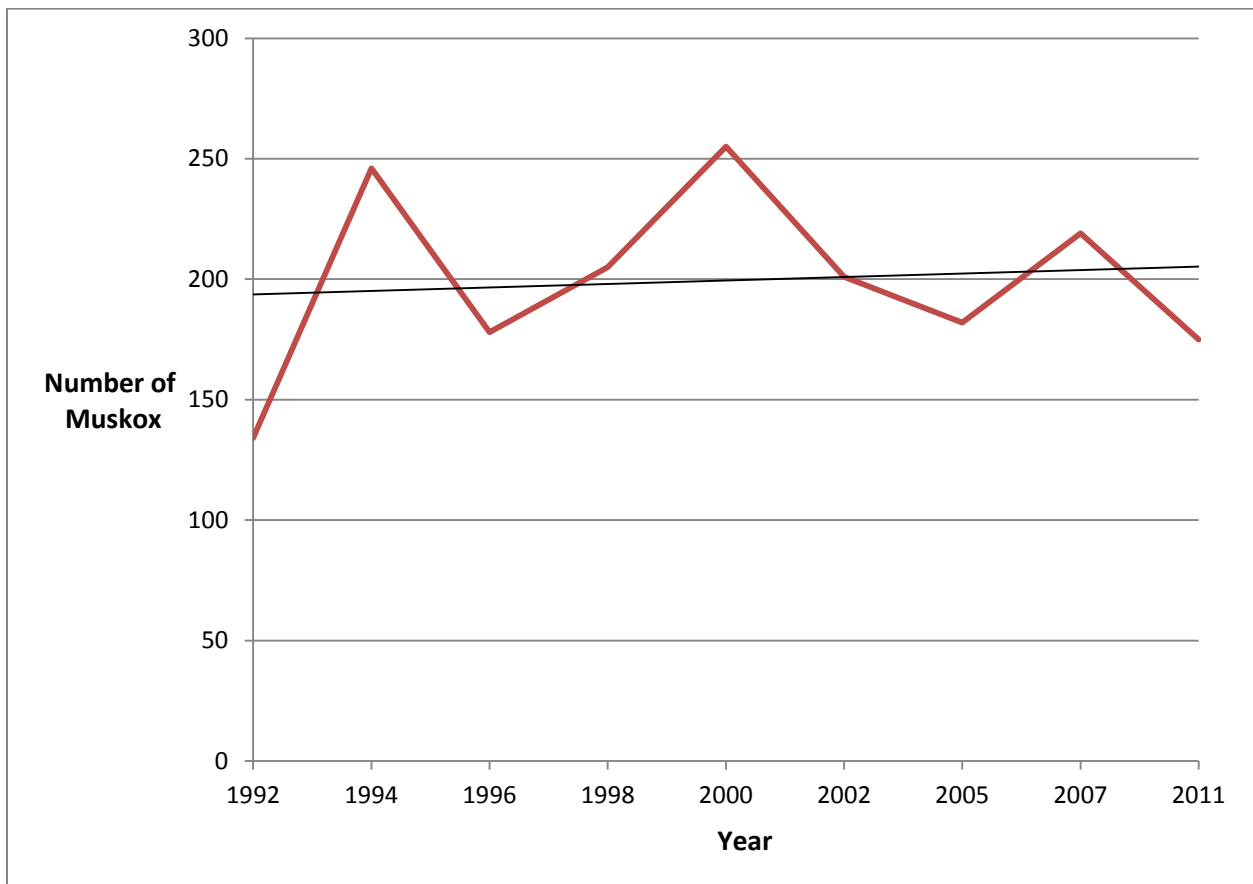


Figure 1. Muskox population estimates for Unit 23SW, 1992-2011 (Gorn 2012).

Harvest History

Harvest in Unit 23SW until 1998 was strictly from Federally qualified users. In 1998, harvest under State Tier II permits was allowed. Harvest increased between 1995 and 2009, but declined in recent years along with the number of permits issued and the harvest quota. There was a marked increase in harvest from 2007–2009 due to the implementation of a State Tier I permit system (RX106), which did not limit the number of permits that were issued (**Table 1**). Emergency orders closing the muskox hunt in Unit 23SW have been issued several times since 2008 (Adkisson 2012, pers. com.). During the 2011-2012 regulatory year, the muskox hunt was closed on January 12th, about two months prior to the season closing date of March 15. In April 2012, it was announced that State Seward Peninsula muskox hunts would be available by State Tier II permits only. This change was made due to significant population declines and because of low bull and yearling numbers, which resulted in the harvestable surplus being below the State of Alaska's Amounts Necessary for Subsistence (Gorn 2012).

Table 1. Muskox harvest history for Unit 23SW, 1995-2011 (Westing 2012, pers. comm., Cebrian 2013, pers. comm, Adkisson 2013, pers. comm.)

Year	Federal Permits Issued	FX 116 Harvest	Tier II Permits Issued	Tier II TX106 Harvest	*DX106 Harvest	*DX106 Permits Issued	*RX106 Harvest	*RX106 Permits Issued	Total Harvest	Total Permits Issued	Quota
1995	7	6							6	7	7
1996	9	3							3	9	9
1997	6	1							1	6	6
1998	8	2	2	1					3	10	8
1999	8	0	2	1					1	10	10
2000	4	1	8	5					6	12	12
2001	6	3	11	6					9	17	13
2002	3	0	9	9					9	12	10
2003	6	2	10	1					3	16	10
2004	5	1	12	6					7	17	10
2005	2	1	8	3					4	10	9
2006	3	1	13	3					4	16	15
2007	6	1	26	10					11	32	18
2008	5	0			0	2	16	49	16	56	18
2009					1	2	17	52	18	54	18
2010							7	25	7	25	8
2011							7	25	7	25	7
2012	8	0	4	0							

Section 804 Analysis

Section 804 of ANILCA mandates that the taking on Federal 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. Section 804 further requires that 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 a priority shall be implemented through appropriate limitations based on the application of three criteria, including customary and direct dependence upon the populations as the mainstay of livelihood, local residency, and the availability of alternative resources. A Section 804 analysis was developed for this proposal due to the small number of muskox anticipated to be available for harvest and the relatively large number of subsistence users with the customary and traditional use determination to harvest muskox in the hunt area, Unit 23SW.

Section 804 of ANILCA provides a subsistence priority for the taking of fish and wildlife on Federally administered lands and waters. A subsistence priority will be implemented through appropriate limitations whenever it is necessary to restrict the taking of populations of fish and wildlife on these lands for subsistence uses. These limitations are based on the application of three criteria: 1) customary and direct dependence upon the populations as the mainstay of livelihood; 2) local residency; and 3) the availability of alternative resources.

The two communities in the customary and traditional use determination are Buckland and Deering. In 2010, the population of the two villages was 538 people in 142 households (**Table 2**). The villages lie within the hunt area. The following paragraphs address the criteria as they relate to each of the villages.

1. Customary and Direct Dependence upon the Populations as a Mainstay of Livelihood

The residents of Buckland and Deering depend on a variety of wild resources. Extensive sharing and distribution among families in both communities makes it impossible to determine which individuals are most dependent on resources.

Muskoxen were reintroduced to the area in the 1970s, and since that time they have been hunted increasingly for meat and qiviut (wool). While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families.

Table 3 shows subsistence harvest data for Buckland residents' use and harvest of large land mammals in 2009 and for Deering residents' subsistence harvest of large land mammals in 2007. A similar proportion of households from each village attempted to harvest muskox, but 12.9 percent of Deering households used muskox, while 7.1 percent of Buckland households did so. Both villages used caribou much more than any other land mammal. The per capita harvest of muskoxen was 5.2 pounds in Buckland in 2009 and 5.9 pounds in Deering in 2007. However, both of the villages had harvested and used at least one muskox.

2. Local Residency

Both of the villages of Buckland and Deering are located in Unit 23SW, the hunt area. They are in equal proximity to the resource and equally situated to hunt alternative populations of muskox. Of the 108 animals harvested in the subunit between 1995 and 2010, 74 or 69 percent were harvested by Buckland or Deering residents (**Tables 1 and 4**).

3. Availability of Alternative Resources

Local residents depend on a variety of resources as part of a regular pattern of subsistence harvesting. Since being re-introduced in 1970, muskoxen have been harvested regularly. While muskox is not a major source of food in relation to other subsistence resources, it has become more important within some families.

Few harvest opportunities exist for muskoxen other than those in Unit 23SW. If they are unable to hunt muskoxen, residents of these communities have alternative resources in other land mammals, sea mammals, fish, and birds. As discussed above under factor 1, Customary and Direct Dependence, **Table 3** shows the most recent year of subsistence harvest data based on household harvest surveys for use and harvest of large land mammals for those communities with a customary and traditional determination for muskoxen in Unit 23SW, Buckland and Deering. Both communities took much more caribou than any other land mammal.

Marine mammals made up a larger portion of the subsistence harvests than land mammals in Deering, but a smaller portion in Buckland in the years subsistence harvest surveys were conducted (**Table 5**). The Deering harvest of all land mammals was 188.8 pounds per capita in 1994, while the community's harvest of all marine mammals was 220.3 pounds per capita. The Buckland per capita harvest of land mammals in 2003 was 246 pounds, and its harvest of marine mammals was 123 pounds, only half that of land mammals.

In both Buckland and Deering, salmon and other finfish are important subsistence resources. The salmon harvest in Deering in 1994 was 170.9 pounds per person, while Buckland's harvest of salmon in 2003 was 59 pounds per person. The harvest of all finfish (including salmon) in Deering in 1994 amounted to 227.6 pounds per capita, and in Buckland it was 155 pounds per capita (**Table 5**).

Summary of Section 804 Analysis

The two villages of Buckland and Deering are equally situated regarding hunting muskox in Unit 23SW. People living in Buckland and Deering are eligible to hunt muskox in Unit 23SW.

The National Park Service, Bering Land Bridge National Preserve, and the Bureau of Land Management are the Federal agencies responsible for distributing Federal permits for the muskox hunt in Unit 23SW. Federal managers will consult with ADF&G to determine the number of Federal permits to be distributed

Table 2. Human population of villages in the customary and traditional use determination for muskox in Unit 23 SW.

Community	US Census						
	1960	1970	1980	1990	2000	2010	
	Number of People						Number of Households
Buckland	87	104	177	318	406	416	98
Deering	95	85	150	157	136	122	44
Total	182	189	327	475	542	538	142

Table 3. Use and harvest of large land mammals in Buckland, 2009 and Deering, 2007 (ADF&G Community Subsistence Harvest Information System).

Buckland, 2009						
	% used	% attempt	% harvest	% gave	% received	lbs per capita
Brown bear	2.8	4.8	2.9	0	0	0.5
Caribou	67.1	67.1	64.3	45.8	44.3	168.0
Moose	21.4	28.6	8.6	8.6	12.9	9.5
Muskox	7.1	10.0	4.3	4.3	4.3	5.2
Deering, 2007						
Brown bear	3.2	3.2	3.2	3.2	3.2	0.9
Caribou	87.1	54.8	45.2	54.8	74.2	161.6
Moose	9.7	6.4	0	3.2	9.7	0
Muskox	12.9	9.7	3.2	6.5	9.7	5.9

Table 4. The harvest of muskox by residents of Buckland and Deering, 1995-2010 cumulative.

Muskox 1995-2010			
Unit of Harvest	Number of Permits Issued	Number of Hunters	Number of Muskox Killed
Buckland			
22D	2	2	2
22E	1	0	0
23SW	97	45	31
Total	100	47	33
Deering			
22E	1	1	1
23SW	84	50	40
Total	85	51	41

Table 5. Use and harvest of land mammals, marine mammals and fish in Buckland and Deering (ADF&G Community Subsistence Harvest Information System).

Species	% used	% attempt	% harvest	# animals	total lbs	lbs per capita
Buckland, 2003 (pop 408) - data from Magdanz et al 2011						
All land mammals	94	75	69		100,433	246
All marine mammals	80	35	37		50,041	123
Salmon	65	41	39		23,962	59
All finfish	95	84	75		63,061	155
Deering, 1994 (pop 148)						
All land mammals	94.6	67.6	64.9	239	27,937	188.8
All marine mammals	91.9	48.6	48.6	113	32,603	220.3
Seals	91.9	48.6	48.6	112	31,687	214.1

Walrus	10.8	2.7	2.7	1	916	6.2
All finfish	100	83.8	83.8		33,681	227.6
Salmon	94.6	75.7	75.7		27,000	170.9
Non-salmon fish	100	78.4	78.4		6680	42.3

each year, and then will consult with the communities of Buckland and Deering. Since both communities are equally well situated to hunt muskoxen in Unit 23SW, the recommendation is to follow the wishes of the community as to how they want to distribute the permits.

Effects of the Proposal

If adopted, this proposal would eliminate the harvest of cows and create a continuous season from Aug. 1 to Mar. 15. In addition, it would add specific language that would authorize Federal managers to restrict the number of Federal permits that could be issued. Eliminating the cow season will help rebuild the muskox population on the Seward Peninsula by increasing reproductive capacity of the herd. Allowing Federal managers to limit the number of Federal permits will help prevent the overharvest of a declining muskox population through management of the stable population in Unit 23SW. Changing of the season dates will align Federal and State regulations, thereby reducing regulatory complexity for Federal users.

Federally qualified subsistence users currently have the opportunity to harvest muskox through State Tier II permits, which are valid on Federal closed lands under Federal regulations. In many cases, these Tier II permits provide more harvest opportunity because the majority of lands in the hunt area are managed by the State. Since Deering and Buckland are equally situated with respect to the muskoxen population, both communities will need to work cooperatively to determine the distribution of permits.

OSM PRELIMINARY CONCLUSION

Support Proposal WP14-41 **with modification** to delete the regulatory language found in the Unit 23 muskox regulations and delegate authority to close the season, determine annual quotas and the number of permits to be issued via a delegation of authority letter only. The regulation would read:

Unit 23—Muskox

Unit 23 – south of Kotzebue Sound and west of and including the Buckland River drainage – 1 bull by Federal permit or State ~~Tier II~~ permit
~~0*~~

~~*1 muskox by Federal permit or State permit Jan. 1–Mar. 15
Federal public lands are closed to the taking of
muskox except by Federally qualified subsistence
users hunting under these regulations. Annual
harvest quotas, **the number of Federal permits to be
issued**, and any needed closures will be announced
by the Superintendent of the Western Arctic National
Parklands, in consultation with ADF&G and BLM.*~~

Justification

The muskox population within the Seward Peninsula has declined significantly since 2010. While the population within Unit 23SW appears to be relatively stable despite some oscillations, there appears to be a decrease in mature bulls and yearlings throughout the Seward Peninsula, including Unit 23SW. The muskox hunt in Unit 23SW was a State Tier I hunt 2008-2011 and was closed early by State of Alaska Emergency Order after harvest quotas were reached. In 2012, the State changed from a Tier I to Tier II permitting system in Unit 23 SW, in response to significant declines in the population across the Seward Peninsula. Elimination of the cow harvest and limiting the number of permits will help rebuild the muskox population on the Seward Peninsula through proper management of the population in Unit 23SW and prevent overharvest.

The proposed season changes will serve to align Federal and State regulations, which will help reduce regulatory complexity for Federal users. Creation of a delegation of authority letter for the Federal land manager will serve to clarify regulations and allow for hunt management flexibility through in season adjustment of hunt parameters. Eliminating the language specifying the use of a State Tier II permit will allow managers to adjust hunt parameters without the need to make adjustments through the regulatory process.

Allowing the Federal manager to limit the number of Federal permits in the Unit 23SW hunt area could lead to issues regarding the equitable allocation of permits among Federally qualified subsistence users. Federally qualified subsistence users are provided more harvest opportunity through State Tier II permits which are valid on Federal public lands, including closed Federal lands. However, Federal permits can provide opportunity for Federally qualified subsistence users who did not receive a State Tier II permit to harvest a muskox. The Federal land manager should develop an equitable, transparent means of allocating available permits among Federally qualified subsistence users. The Section 804 analysis does not present the means to distinguish among the communities with customary and traditional determination for muskox in Unit 23SW for subsistence priority, so permits will need to be allocated among all Federally qualified subsistence users. The Board could recommend an allocation strategy to the Superintendent of the Western Arctic Parklands such as working with the communities for an equitable distribution or a drawing permit.

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CUSTOMARY AND TRADITIONAL USE DETERMINATION BRIEFING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

populations),

(3) make some other change, or

(4) make no change.

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

APPENDIX A

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

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

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

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

APPENDIX B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subsistence Regional Council Customary and Traditional Use Determinations – Action Summaries

Southeast

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

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

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

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

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

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

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

Southcentral

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

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

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

Kodiak-Aleutians

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

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

Bristol Bay

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

Yukon-Kuskokwim Delta

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

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

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

Western Interior

The Western Interior Council deferred providing formal comment to their winter 2013 meeting where correspondence to the Federal Subsistence Board will be approved.

Seward Peninsula

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

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

Northwest Arctic

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

Eastern Interior

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

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

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

North Slope

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

Federal Subsistence Priority

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

Limiting the Pool of Federally Qualified Subsistence Users

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

1. ANILCA Section 804

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

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

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

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

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

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

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

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

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

Discussion

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

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

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

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

Southeast

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

Southcentral

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

Overall Comments:

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

Timelines:

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

Population Thresholds:

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

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

Information Sources:

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

Kodiak-Aleutians

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

Aggregation

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

Population Thresholds

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

Rural Characteristics

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

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

- Impact of weather on transportation to and from the community

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

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

Timing of Review

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

Information Resources

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

Other Issues

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

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

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

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

Population Threshold with three categories of population:

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

Our suggested thoughts:

Population Threshold:

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

Rural characteristics:

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

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

Aggregation of communities:

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

Timelines:

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

Information sources:

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

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

Bristol Bay

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

Timelines:

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

Population Thresholds:

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

Information Sources:

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

Yukon-Kuskokwim Delta

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

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

Aggregation:

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

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

Information sources:

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

Western Interior

The Western Interior Council deferred providing formal comment to their winter 2013 meeting where correspondence to the Federal Subsistence Board will be approved.

Seward Peninsula

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

Northwest Arctic

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

Eastern Interior

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

Population threshold:

The Council decided by consensus to maintain the current population thresholds

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

Rural characteristics:

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

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

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

Aggregation:

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

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

Timeline:

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

Information sources:

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

North Slope

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

Fisheries Resource Monitoring Program

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

Overview

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

Funding Regions

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

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

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

Subsistence Resource Concerns

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

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

Funding Cycles

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

Funding Recommendations

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

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

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

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

The Partners for Fisheries Monitoring
Call for Funding 2016-2019

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

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

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

Timeline:

The next call for proposals: November 2014 (exact date to be announced).
Proposal due date to OSM: May 2015 (exact date to be announced).

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



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



Federal Subsistence Board News Release

For Immediate Release:

January 13, 2014

Contact:

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

Call for Proposals to Change Federal Subsistence Fish and Shellfish Regulations

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

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

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

Submit proposals:

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

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

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

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

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

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

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

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

.....

Submit proposals:

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

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

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

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



2015–2017 Federal Subsistence Fish and Shellfish Proposal

(Attach additional pages as needed).

Name: _____

Organization: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

**Submit proposals by
March 28, 2014**

Questions?

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

E-mail: subsistence@fws.gov

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

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

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

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

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

ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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

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

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

Report Format

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

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



U.S. FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS
FWS/OSM 13057.CJ

Federal Subsistence Board
1011 E. Tudor Rd., MS 121
Anchorage, Alaska 99503-6199



AUG 19 2013

Enoch A. Shiedt, Sr., Chair
Northwest Arctic Alaska Subsistence
Regional Advisory Council
c/o U.S. Fish & Wildlife Service
1011 East Tudor Road MS 121
Anchorage, Alaska 99503

Dear Chairman Shiedt:

This letter responds to the Northwest Arctic Subsistence Regional Advisory Council's (Council) 2012 Annual Report as approved at its winter 2013 meeting. The Secretaries of the Interior and Agriculture have delegated the responsibility to respond to these reports to the Federal Subsistence Board (Board). The Board appreciates your effort in developing the Annual Report and values the opportunity to review the issues brought forward concerning your region. Annual Reports allow the Board to become more aware of the issues that fall outside of the regulatory process and affect subsistence users in your region.

The Board has reviewed your Annual Report and offers the following responses:

Issue 1: Requested meeting in Kiana

In recent meetings, the Council has expressed strong interest in holding a future meeting in Kiana, a non-hub community. The Council has never been informed of a cost analysis conducted or of any follow up discussion with Office of Subsistence Management (OSM) leadership regarding this request. The Council feels it has an obligation to make this process available to the public, despite the budget and travel constraints that currently exist, which compel Council meetings to take place in hub communities within the given regions.

Kiana is located in a central and high traffic area for much of the caribou hunting which takes place in the region. Decisions made regarding this resource heavily impact the community. The residents of Kiana need to be given an opportunity to voice their concerns to the Council regarding these important subsistence issues. Raymond Stoney, Council member from Kiana, has relayed strong interest and eagerness on the part of his community to host a Council meeting in the near future. Mr. Stoney is willing to work with the Council Coordinator in advance to obtain whatever information is needed in researching lodging and venue options for a cost analysis to be submitted to OSM leadership.

Response:

It had been the intention of the Office of Subsistence Management to facilitate a Council meeting in Kiana for fall 2013. Your Council Coordinator had been working on a cost analysis for a meeting to take place in Kiana and will work with the member from Kiana to strategize on logistics and arrangements to make that location possible. However, subsequent issues within the Federal Subsistence Management Program necessitated a change.

The Federal Subsistence Board, based on direction from the Secretaries of the Interior and Agriculture, began a review of the rural determination process to ask the public about the appropriate ways to determine which communities are considered to be rural under the Federal Subsistence Management Program. The Board recognizes the importance of this issue for several communities throughout the state, including Kotzebue, Sitka, Saxman, Bethel, and Dillingham, among others. Due to limited funding, it was necessary for OSM to schedule public hearings on the rural determination process at the same communities and during the same time period as the ten Regional Advisory Councils so as to maximize public input on the rural determination process.

Given the concern of people in your region regarding the rural determination issue, your Council agreed to hold the fall 2013 meeting in Kotzebue instead of Kiana in order to maximize the opportunity for Northwest Arctic Region residents to participate in a public meeting on the rural determination issue and express their ideas and concerns. A letter has been sent to the City of Kiana explaining this decision and that it will be considered for future meetings (see enclosed).

Issue 2: One-day Council meetings

The Council is concerned about the one-day meeting trend for our region. Our most recent agenda did not contain any Federal or State regulatory proposals to review and appeared fairly thin. We were informed that a one-day meeting would be held in place of our originally scheduled two-day meeting due to the agenda size and also to cut down on overall costs. Despite a "light" agenda, the meeting still felt rushed through several presentations and pressure was felt to keep things moving along. One day is simply an insufficient amount of time for this Council to conduct its business.

Further, Federal and State staff members are often rushing to catch flights before the conclusion of the meetings and this gathering was no exception. It is important to the Council for all of the interested and affected parties to be present and for important dialogue and exchange of information to be taking place right up until adjournment. The critical issues being discussed are vital to the way of life of the people of this region and state. The Council is made up of volunteers who often sacrifice heavily to be present at these meetings, often missing out on key subsistence activities. With budget and travel being so extremely limited for all entities, we need to ensure that scheduled meetings are fully taken advantage of, so communication can flow as smoothly as possible in these rare instances when we are all in the same room.

Response:

The Board appreciates the Council's volunteer time and effort spent on these important matters and acknowledges the hard work that takes place at these meetings. We understand that a one day meeting puts strain on the group and we will do our best to avoid one day meetings in the future.

Issue 3: Council Terms and Youth Involvement

This Council feels that a longer term for the Regional Advisory Councils members should be implemented, especially since the appointment process is so lengthy and is often delayed. Further, an alternate being available the week of scheduled meetings would be helpful to maintain quorums, if delays or scheduling conflicts occur.

This Council would also like to see more youth involvement with our Councils and representation at our meetings. A youth seat or representative for each community or seat in the region would be a great connection to make with future applicants and Council members. Some of these youth are already involved in hunting and need to be aware of policies and processes involved with Federal and State regulations. Beginning early on educating and getting youth engaged in the process will benefit youth, their communities, and future generations.

Response:

The Office of Subsistence Management is preparing a proposal to make several changes to the Council membership nominations and appointment process. The Office of Subsistence Management is planning on providing details on the proposal to the Councils during the winter 2014 meeting cycle for their review and comment. Any changes will require amending the charters and making changes to Secretarial regulations, both of which must be done through Secretarial action. It will take several years to complete any such changes. The Board encourages all Councils to work with their local community to involve youth in their meetings. Your Council Coordinator can assist you in coordinating youth involvement in Council meetings.

Thank you so much for your suggestion of youth involvement with the Regional Subsistence Advisory Council process. This topic has been brought up by other Councils as well as staff, and the Board is in full agreement that youth education and awareness of this process is vital. 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

Chairman Shiedt

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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,

A handwritten signature in black ink, appearing to read "Tim Towarak". The signature is fluid and cursive, with the first name being more prominent.

Tim Towarak
Chair

Enclosure

cc. Northwest Arctic Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Interagency Staff Committee
Gene Peltola, Jr., Assistant Regional Director, OSM
Kathleen M. O'Reilly-Doyle, Deputy Assistant Regional Director, OSM
Carl Johnson, Council Coordination Division Chief, OSM
Melinda Burke, Subsistence Council Coordinator, OSM
Administrative Record

Northwest Arctic Alaska Subsistence Regional Advisory Council

c/o U.S. Fish and 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

JUN 21 2013

RAC NWA13041.MH

Mr. Raymond Stoney
P.O. Box 69
Kiana, Alaska 99749

Dear Mr. Stoney:

It was the intention of the Northwest Arctic Regional Advisory Council to meet in your community, Kiana, for its fall 2013 meeting and we were seeking approval to do so. The Council was recently made aware that public hearings are being scheduled in the communities where the Subsistence Regional Advisory Councils are meeting to receive public testimony on the Federal Subsistence Management Program's rural determinations process. Only residents of communities or areas determined to be rural by the Federal Subsistence Board are eligible to harvest fish and wildlife resources on Federal public lands under Federal subsistence regulations. The hearings are an important opportunity for the public to express their ideas and shape how the Federal Subsistence Board determines which communities or areas are rural. In order to maximize the opportunity for public participation in our meeting and the hearing on this important issue, the Council has decided to hold its meeting in Kotzebue. The meeting will take place Aug. 21-22 at the Northwest Arctic Borough Chambers. The call-in number for teleconference access is: 1-877-638-8165 (passcode: 9060609) and we encourage all communities, entities, tribes, and individuals to participate.

I understand that the community of Kiana has been anxious to host the Northwest Arctic Subsistence Regional Advisory Council for quite some time. We hope to hold one of our future meetings in your community. We look forward to continuing discussions about the issues and concerns of subsistence users of the Northwest Arctic Region. If you have questions about

Mr. Stoney

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this letter, please contact me via Melinda Hernandez Burke, Regional Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3885.

Sincerely,



Enoch Attamuk Shiedt
Chair

cc: Kathleen M. O'Reilly-Doyle, Acting Assistant Regional Director-OSM
David Jenkins, Acting Deputy Assistant Regional Director-OMS
Northwest Arctic Alaska Subsistence Regional Advisory Council
Kiana Traditional Council
City of Kiana, Alaska
Administrative Record

Federal Subsistence Regional Advisory Council

MEMBERSHIP INFORMATION

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

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

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

Council Membership

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

Council Responsibilities:

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

Membership Criteria Who Qualifies?

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

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

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

2014 Application Timeline

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

Federal Subsistence Regional Council Coordinators

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

Southeast Alaska, Region 1:

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

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

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

Kodiak/Aleutians, Region 3:

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

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

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

Yukon-Kuskokwim Delta, Region 5 /

Seward Peninsula, Region 7:

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

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

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

Federal Subsistence Board

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

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

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

Number of Regional Advisory Council Applications Received Each Year

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

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

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

Report to Federal Subsistence Regional Advisory Councils on

1. Tribal Consultation Draft Implementation Guidelines

2. Draft ANCSA Consultation Policy

January 24, 2014

From the Federal Subsistence Board's Consultation Workgroup

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

Draft Implementation Guidelines Summary

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

Draft ANCSA Corporation Consultation Policy Summary

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

Workgroup members

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

IMPLEMENTATION GUIDELINES

for the

Federal Subsistence Board Government-to-Government Tribal Consultation Policy

INTRODUCTION

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

Tribal consultation will be regularly scheduled twice each year:

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

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

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MEETING PROTOCOLS

1. Timing:

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

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

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

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

9. Consultation Meetings Requested by Tribes:

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

REGULATORY CYCLE TIMELINE AND ROLES AND RESPONSIBILITIES

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

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

WHO SHOULD PARTICIPATE IN GOVERNMENT-TO-GOVERNMENT CONSULTATION

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

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

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

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

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

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

RESPONSIBLE LEAD ACTION

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

OSM

Sends a return receipt letter to Tribes:

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

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

OSM

Sends public notice to all Tribes announcing all RAC meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OTHER REGULATORY ACTIONS NOT COVERED UNDER REGULATORY PROCESS

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

IN-SEASON MANAGEMENT AND SPECIAL ACTIONS

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

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

NON-REGULATORY ISSUES

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

TRAINING

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

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

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

ACCOUNTABILITY, REPORTING, AND INFORMATION MANAGEMENT

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

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

DRAFT

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

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

I. Preamble

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

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

II. Guiding Principles

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

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

III. Policy

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

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

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

DRAFT

Fall 2014 Regional Advisory Council Meeting Calendar

August–October 2014 current as of 12/11/13

Meeting dates and locations are subject to change.

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

Winter 2015 Regional Advisory Council Meeting Calendar

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

Meeting dates and locations are subject to change.

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

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

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.

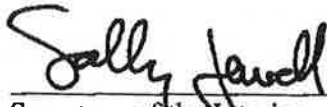
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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