SEWARD PENINSULA Federal Subsistence Regional Advisory Council

Carl Johnson

Musk ox gathering in a stiff autumn wind on the Seward Peninsula near Nome.

Meeting Materials

October 8–9, 2013

Nome, Alaska

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SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Aurora Inn Conference Room
Nome, Alaska
October 8–9, 2013
8:30 a.m. – 5:00 p.m. each day

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

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

AGENDA

*Asterisk identifies action item.

1. **Roll Call and Establish Quorum** *(Secretary)* 4
2. **Call to Order** *(Chair)*
3. **Welcome and Introductions (***Chair***)**
4. **Review and Adopt Agenda* (***Chair)* 1
5. **Election of Officers**
   - A. Chair (*DFO*)
   - B. Vice Chair (*Chair*)
   - C. Secretary
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D. Rural Determination Review* 135

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2. Questions and Answers.....154

NOTE: Council will recess on first day prior to receiving a briefing on this issue. There will be a public hearing in the evening, at which time the rural determination issue will be briefed to the Council and public. Council will conduct its own deliberations on the issue on second day.

E. Identify Issues for FY2013 Annual Report

11. Agency Reports

A. Office of Subsistence Management 158

1. Budget Update
2. Staffing Update
3. Draft Tribal Consultation Implementation Guidelines (Update)
4. Regulatory Cycle Update
5. Memorandum of Understanding (Update)

B. U.S. Fish and Wildlife Service

C. National Park Service

D. Bureau of Land Management

E. Alaska Department of Fish & Game

F. Native Organizations

12. Future Meeting Dates*..... 172

A. Confirm date and location of winter 2014 meeting on March 18-19, 2014 in Nome, Alaska

B. Select date and location of fall 2014 meeting

13. Closing Comments

14. Adjourn (*Chair*)

To teleconference into the meeting, call the toll free number: 1-866-560-5984, then when prompted enter the passcode: 12960066

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 Alex Nick, Council Coordinator at 907-543-1037, alex_nick@fws.gov or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

REGION 7—Seward Peninsula Alaska Regional Advisory Council

Seat	Yr Apptd *Term Expires*	Member Name & Address	Position
1	***2013***	**Vacant**	
2	1995 ***2013***	**Peter Garfield Buck** White Mountain	**Secretary**
3	2010 ***2013***	**Louis H. Green, Jr.** Nome	**Chair**
4	2010 ***2013***	**Tom L. Gray** Nome	
5	2011 ***2014***	**Reggie Koomakak Barr** Brevig Mission	
6	***2014***	**Vacant**	
7	2008 ***2014***	**Fred D. Eningowuk** Shishmaref	
8	1994 ***2015***	**Elmer K. Seetot, Jr.** Brevig Mission	
9	2012 ***2015***	**Charles Franklin Saccheus** Elim	
10	2010 ***2015***	**Timothy Edwin Smith** Nome	**Vice-Chair**

Seward Peninsula Subsistence Regional Advisory Council
Meeting Minutes
March 20-21, 2013
Aurora Inn
Nome, Alaska

Meeting was called to order at 8:54 a.m. by Louie Green, Chair

Roll call by Peter G. Buck, Secretary

Members Present
Louie Green, Jr.
Tom L. Gray
Elmer K. Seetot, Jr.
Charles Succheus
Peter G. Buck

Members Absent
Reggie K. Barr
Fred D. Eningnowuk

Meeting Participants
Alex Nick, Helen Armstrong, Trevor Fox (online),OSM; Jeanette Pomrenke, Fred Tocktoo, Ken Adkisson, NPS; Patricia Petrivelli, BIA; Tony Gorn, Drew Crawford, Bill Dunker, ADF&G; Tim Smith, Nome; Chuck Wheeler, Nome; Daniel Sharp, BLM (online); Rose Fosdick, Nome

Alex Nick welcomed a new Council member Mr. Charles Succheus from Elim and shared that Mr. Succheus indicated Elim means "a partner" in Yup'ik language. Mr. Nick shared that Mr. Succheus was a prior Seward Peninsula Subsistence Regional Advisory Council member. Mr. Succheus is retired Postmaster and is now local Elim airline agent.

Review of draft Agenda
Agenda topic election of officers was tabled until the second day of meeting because there were not enough members present. Mr. Ken Adkisson added potential Federal regulatory changes on the agenda. Mr. Adkisson proposed four draft proposals he would like Council's review before those proposals are submitted. Mr. Tim Smith requested to add update on salmon enhancements for coming summer and also an update on Area M fisheries.

Mr. Elmer Seetot made a motion to adopt revised agenda. Mr. Peter Buck seconded the motion.

There were no discussions on the motion. Motion passed.

Review of Draft Minutes

The draft minutes were briefly reviewed by the Council members and following action was taken.

Mr. Elmer Seetot made a motion to adopt draft minutes from 3-4, October 2012 as written. Motion was seconded by Mr. Charles Succheus.

A typo in the minutes was noted for correction. Motion passed unanimously.

Election of Officers
This topic was tabled until later in the meeting on the first day.
At the end of the meeting on the second day Council discussed election of officers and decided to table election of officers until its fall 2013 meeting.

Reports

Federal Fisheries Proposals
Ms. Helen Armstrong with Office of Subsistence Management updated Council the Federal Subsistence Board actions on Federal fisheries proposals Council reviewed. The Board adopted all of the fisheries proposals that have an affect on the Seward Peninsula/Norton Sound region. Proposal FP13-01 was reviewed by the Council because Stebbins and St. Michael have customary and traditional use determinations for Yukon River salmon. Big issue at the Board level was customary trade of salmon. FP13-06 was only proposal relating to customary trade issue that was adopted by the Board. The Board adopted tri-councils' customary trade committee recommendation for adoption. All other customary trade proposals were rejected by the Board. A copy of the Federal Subsistence Board Action Report was distributed to the Council as a handout because signed 805c letter was not available at the time meeting preparations were done. The Council discussed customary trade issues that occur in areas such as Fairbanks, Anchorage, including people who are involved in the customary trade. Now customary trade regulations are likely to be put in place, some people who are involved in customary trade could become criminals by violating new regulations. After discussions about customary trade issues in length, Ms. Armstrong informed the Council that 805c letter is a summary of the Federal Subsistence Board actions.

Council Member Reports
Mr. Peter G. Buck from White Mountain reported his community worked on watershed surveys between three to five years and they kept track of the water quality. Parnell's administration is now interested to take over water rights community has. Indian Reorganization Act (IRA) Council wrote a letter stating that the community is opposed to their water rights taken away.

Mr. Elmer Seetot, Jr. reported that he spoke with Kawerak Natural Resource Department regarding wolf predation on the subsistence resources. Local hunters have taken about 12 wolves from the old wolf pack in the area. There is another wolf pack of eight animals moving in to the area. Wolves have killed large numbers of animals like moose and

reindeer in the past. Approximately 20 years ago there were about 20 moose killed by the wolves in Davidson, Kuzitrin, and American Rivers. Area he talked about is about 65 mile by 50 mile wolf range.

Mr. Charles Succheus reported that in historic past there was uranium mining in fireweed Death Valley. Currently Elim IRA Council monitors Tubutulik River the water source for the resources. Tubutulik River drains out to the Norton Sound and mining would have an affect on the fishery resources if uranium mine is open again. Uranium mine will have an affect on fish and wildlife resources and most likely could deplete subsistence resources within the drainage. As it happened in the lower 48 states in New Mexico, elderly people's health could also be adversely affected by the mining operation. Council needs to oppose uranium mining and allow continued monitoring of the water quality in the drainage. If uranium mining is allowed it could lead to cancer outbreak in the area.

Mr. Tom Gray commented wolf predation have been an ongoing issue for a long time. Mr. Gray said reindeer herds are decimated because of the wolf predation on animals and nothing has been done about that. He wanted to know what has been done about similar problems in other areas of the state. Another issue Mr. Gray brought up was a proposal Council previously submitted relating to the subsistence issues. A 20 year commercial fishery escapement goals were set between 2,400 to 7,200 silver salmon. 2,400 fish is used as a minimum and 7,200 fish as a maximum. Escapement goals are intended for the conservation purposes.

Mr. Tim Smith said he attended the Board of Fish meeting in the past. He was not sure if Kawerak supported Council's previous proposal as he missed part of the Board meeting.

Mr. Peter Buck commented subsistence priority needs to be established further in the region. In the past there have been some problems on communications with the resource management agencies.

Ms. Rose Fosdick Director, with the Kawerak Natural Resources informed the Council that she oversees management of the natural resource programs. Kawerak's programs include Eskimo Walrus Commission, Eskimo Heritage Program, Social Science, Subsistence Program, and Reindeer Herders Association. Ms. Fosdick indicated Kawerak is fortunate that its natural resources department is fully staffed. Ms. Fosdick reported Mr. Brandon Ahmasuk was recently hired as a director for subsistence program. Kawerak rarely submits Federal subsistence regulatory change proposals. Kawerak do submit State Board of Fish regulatory change proposals on behalf of the region. Ms. Fosdick reminded Council that there are not many Federally managed lands within the region. Ms. Fosdick stated Kawerak could assist individuals or organizations if necessary submit any regulatory change proposals. Ms. Fosdick updated the Council about other participations her organization was involved with including meetings within the region. There was much discussion between Ms. Fosdick and Council members regarding fisheries issues within the region.

Mr. Charles Succheus reported about the Norton Sound Beluga Whale aerial research/ survey he was involved with. According to Mr. Succeus there were between 17,000 – 25,000 beluga whales counted by use of hand tally and sonar equipment. He indicated sonar counts and tally counts usually come out pretty close in terms of the number results. Mr. Succeus also shared that he personally fishes for beluga whales with use of beluga nets for subsistence. There was a time when he opened up beluga's belly and found out beluga whales eats up to 15 Coho salmon and it appears each fish was swallowed by beluga whale as is.

Council discussed that Coho salmon juvenile eats chum salmon fry and this information has been shared for a quite some time. But some research results have indicated that silver salmon juvenile do not eat chum fry, silver juvenile only eats insects. Only time juvenile Coho may eat chum fry could possibly be is at the time when millions of Coho juvenile and chum fry are released at the same time. It would be misleading to mention silver salmon juveniles do eat chum fry without first doing a study on this issue.

Public and Tribal Comments on Non Agenda Items

Wildlife Closure Reviews

WCR12-09

Mr. Trevor Fox with OSM presented the background of closure review process online and he referred to page 15 of Council's workbook. Closure reviews are conducted in accordance with guidance under Federal Subsistence Board (FSB) closure policy that was adopted by FSB in 2007, a copy is on page 16 of the workbook. Mr. Fox referred to page 20 where closure review WCR12-09 begins and that closure was initiated in 1995 when FSB adopted proposal 42. At that time closure was only for October 1-10 which was a portion of the fall moose season. FSB rescinded October season after a request for reconsideration for Board action was submitted. Part of the action included adding in the closure to Federal public lands during December 1st through January 31st except for the residents of Unit 22A. Surveys indicated moose numbers in central portion of Unit 22A increased since 2003 and is between 450 – 640 moose. Office of Subsistence Management (OSM) recommendation is to maintain status quo. Justification for recommendation is closures in Unit 22A are necessary to continue subsistence uses of the resource. Moose numbers in central Unit 22A has increased since 2003 due to management actions. Closure was partially lifted in 2008 by allowing harvest of moose only by the residents of Unalakleet.

Mr. Tony Gorn with the Alaska Department of Fish and Game provided clarification and additional information about Unit 22A management including state regulations. Portion of the unit has resident and nonresident hunting opportunity while central unit has only resident hunting opportunity. Wildlife conservation has discretionary authority on the management decisions in Unit 22. Mr. Gorn works with Local Advisory Committee and obtains the committee support for decisions on the management issues. In response to Council member's question on wolf predation and what is being done to deal with predators such as wolves, Mr. Gorn staed the department does not spend much time

dealing with predators issues like wolves. Within the Seward Peninsula region, there appears to be increased numbers of wolves than there were in the past. The guidance department staff is given is to not do anything only to do a better job on the radio collar program and to track animals collared. The Council and Mr. Gorn exchanged much information on the resource management issues.

After Council and agency staff exchanged much more information Council took following action.

Mr. Tom Gray made a motion to continue closure WCR12-09. Motion was seconded by Mr. Fred Eningowuk. Motion passed unanimously.

WCR12-29

Mr. Trevor Fox with the Office of Subsistence Management provided analysis for WCR12-29. This closure was initiated in 1995 when proposal 44 was adopted by the Federal Subsistence Board (FSB). Original closure was intended to provide subsistence opportunity for Federally qualified subsistence users. The muskox population numbers in Unit 22 doubled between 1992 and 1998 and numbers leveled off between 2002 and 2007. Muskox management in Unit 22 is guided by the recommendations from the Seward Peninsula Muskox Cooperators Group. Results from 2010 survey indicated muskox numbers have increased in the area. Recent survey done in March 2012 indicated 28 percent decrease from 2010. FSB action created a single permit system rather than separate permits for the National Park Service and the Bureau of Land Management. It also transferred up to six permits to State permit system that was supported by communities of Brevig Mission and Teller. Office of Subsistence Management recommendation is to maintain status quo which is necessary to continue subsistence uses under Section 804 of the Alaska National Interests Lands Conservation Act (ANILCA).

Mr. Tom Gray made a motion to maintain status quo on closure WCR12-29 in Unit 22D muskox hunt. Motion was seconded by Mr. Peter Buck. There was no discussions on the motion. Motion passed unanimously.

Old Business

2012 Annual Report

Council did not discuss its 2012 annual report other than needed action.

Mr. Elmer Seetot made a motion to adopt 2012 annual report. Motion was seconded by Mr. Peter Buck. No discussion on the motion. Motion passed unanimously.

Mr. Drew Crawford reminded Council's comments to the Federal Subsistence Board in January 2013 regarding issue number three of annual report. Council indicated concerns on important salmon habitats not identified and overlooked by fisheries managers. Crawford informed Council the Alaska Department of Fish and Game's website Anadramous Waters Catalogue. Mr. Crawford has been with the department since mid

1970s at which new information on salmon is entered. The primary goal of this website is to streamline access to information for the Department and other agencies staff. People Drew Crawford spoke with recommended studies should be focused on main stem of the rivers and streams because if it is meant to say headwaters they would strike that out and replace it with rivers and streams. Studies could focus on main stem and include its headwaters. Other recommendation for study is not to call it feasibility study because all information needed is in the database.

Fisheries Resource Monitoring Program (FRMP)

Ms. Helen Armstrong informed Council call for FRMP by OSM is in process and proposals deadline is close of business on April 4, 2013. 3.7 million dollars is allocated for this program and this amount may be less due to budgetary reasons. OSM has priority for funding proposed projects and an agency or organization has to submit a proposal for funding and announcement for project funding opportunity has been done. In the past project funding was between 375,000 to 3 million dollars. The process for getting new project funding is every two years and projects could be funded 1-4 years. Project proposals are reviewed by the Technical Review Committee (TRC) comprised of members from Federal and State agencies.
Ms. Karen Hyer informed Council there are not many Federal lands in the region. There is lot of Federal lands being managed by Bureau of Land Management (BLM) but much of it is selected lands not conveyed yet. All project proposals submitted to OSM are evaluated.

There was much discussion between Council members, Ms. Armstrong, and Ms. Hyer regarding potential avenues for submitting fisheries projects for research in spawning streams. Important point was the Office of Subsistence Management (OSM) don't do research or studies. OSM do fund through FRMP priority fisheries research proposals.

Yukon River Drainage Fisheries Association (YRDFA)

The Council worked with Ms. Helen Armstrong to revise a draft resolution on bycatch provided by YRDFA. A similar resolution was adopted by the Council in 2011 recommending 30,000 bycatch cap on chum salmon taken in the Bering Sea and Aleutian Island Pollock fisheries.

After discussing draft resolution Council took following action. Mr. Tom Gray made a motion to adopt the resolution as revised and insert "Norton Sound" in the appropriate sections of the resolution. Mr. Peter Buck seconded the motion. No further discussions on the motion. Motion passed unanimously.

After motion was voted on there was some discussion and clarification about what Council's intent is. After discussed the wording used in the resolution it was agreed upon that it would be better to clean up the wording used before Chair signs it. After further discussions of voting procedures, a Council member asked for roll call vote on motion to adopt resolution.

Results of Council's roll call vote is 6 yes, 0 no.

Briefing on Rural Determinations

Ms. Helen Armstrong presented briefing on rural determinations process. News release was announced in January 2013. ANILCA mandates rural Alaskans be given a priority subsistence uses of fish and wildlife resources on Federally managed public lands. Rural communities are eligible for subsistence priority under ANILCA. A couple of years ago the Secretaries of the Interior and the Agriculture requested the Federal Subsistence Board (FSB) review the rural determination process to make necessary changes on the rural determination process and make recommended changes. FSB is to review population thresholds, rural characteristics, aggregation of communities, timeline, and information sources. Public comments deadline is November 1, 2013.

Important comment by a Council member was whether population threshold is 7,000, 10,000, or 100,000 people in Alaska because of transportation corridors and other factors rural communities in Alaska are still a unique setting. Other comment was Councils could write a letter of support for other Council recommendations.

Call for Proposals

Ms. Helen Armstrong provided information on call for wildlife proposals for subsistence hunting and subsistence trapping. Ms. Armstrong referred to Mr. Ken Adkisson's four draft regulatory change proposals presented to the Council for their information and discussions.

Draft Tribal Consultation Implementation Guidelines

Ms. Helen Armstrong provided information the Federal Subsistence Board reviewed and adopted its tribal consultation policy on March 9, 2012. Ms. Armstrong provided information on tribal consultation implementation guidelines. In fall Council meetings tribal participation on the review of the proposals will occur. There will be tribal and ANCSA corporation consultations prior to fall Council meetings.

Ms. Patricia Petrevelli with Bureau of Indian Affairs provided information on history of what the federal Subsistence Board did on its tribal consultation policy beginning with Executive Order in 1998. Late Senator Ted Stevens introduced legislation in 2003-2004 the Government will consult with the Alaska Native Claims Settlement Act (ANCSA) corporations on the same basis as with the tribes. Although ANCSA corporation consultation policy is still in a draft stage, ANCSA corporation consultations on regulatory change proposals will go forward.

Southeast Regional Advisory Council Letter and Traditional Use Determination

Ms. Helen Armstrong referred to page number where a letter from Southeast Regional Advisory Council is in the workbook including briefing from the Southeast Regional Advisory Council. This will be on fall 2013 Council meeting agenda. In 2009 the Secretary of the Interior in their re view of the Federal Subsistence Management Program requested the Federal Subsistence Board to review the customary and traditional determinations. 9 of 10 Councils indicated that they did not have any issues. Southeast Regional Advisory Council had an issue with the way customary and traditional determinations eight factors are used when Federal regulations are reviewed and adopted. The Southeast Regional Advisory Council identified numbers of ways for resolution of the issue. Council's preferred resolution is to eliminate the customary and traditional use determination regulations and allocate the resources as written in Alaska National Interests Lands Conservation Act in Section 804. Current Federal regulations are based on the eight factors used for customary and traditional use determinations. The Seward Peninsula region may have used of ANILCA Section 804 than any other region. The Southeast Regional Advisory Council is asking support from other Councils before they go forward with their intention to do something about this issue. This issue will also be taken up and discussed in fall 2013 Council meetings.

Agency Reports

Office of Subsistence Management (OSM) Updates
Ms. Helen Armstrong provided OSM updates. OSM is currently operating under continuing resolution, reduced budget, and travel restrictions. Since sequestration was put in place, budget is more reduced. Priority is to support the Councils to hold their meetings.

Mr. Pete Probasco, OSM ARD is migrating to Migratory Birds and is assistant regional director. Ms. Kathy O'Reily-Doyle is acting ARD. Dr. David Jenkins is acting deputy assistant regional director for OSM. Ms. Helen Armstrong is retiring. Ms. Michelle Chivers is retiring. She is Council Coordinator and her position is vacant. Currently there are approximately 10 vacancies at OSM.

As for Council appointments, there is delay in the appointment process and Tim Smith's reappointment is still pending. Council appointments are being delayed at Washington D.C. level. Mr. Pat Pourshot, Assistant to the Secretary based in Anchorage made some contacts in Washington D.C. regarding Council appointments in an effort to speed up the process on Council appointments.

The Federal Subsistence Board heard various regulatory cycle recommendations from the Council on Board meeting dates, fisheries regulatory cycles, and fall meeting window. The Board will address Councils recommendations during its April or May meeting.

The board heard feedback from the Councils on the Memorandum of Understanding (MOU). MOU has been revised and the Board is waiting to hear from the State Fish and

Game Advisory Committees. Most likely the board will act on MOU in its meeting next month.

National Parks Service (NPS)
Ken Adkisson with the National Park Service discussed potential proposals and provided handout that included talking points, background information on biology, definitions of the current regulatory problems on how resource harvests were conducted. That included permitting objectives and possibility of regulatory changes. He provided four draft regulatory change proposals for portions of Unit 22 remainder, 22D in Kuzitrin area, 22D southeast, and 22E. Mr. Adkisson noted a typo in the population figures on the documents he provided. In one of the documents, population estimate was 1,192, correct population figure is 1,992. Currently for whatever reasons there have been significant changes on muskox population figures. The State reacted to those changes and state made some changes in its harvest regulations in late 2011. The Federal harvest regulations are not properly aligned with the State regulations to address changes on muskox population figures. He noted in the back of the Council workbook there are four draft proposals for four hunt subunits the Council need to review. Mr. Adkisson provided a summary of all of the four draft proposals and noted a table that is comparative subsistence allowable harvest levels and he shared harvested numbers of muskox in 2012-2013 seasons including 2013-2014 hunts. In consideration of the fact Council meets only twice a year. The National Park Service need to be flexible while keeping Council updated on these issues.

Mr. Merben Cebrian with the Bureau of Land Management (BLM) indicated that, because this relates to Federal resource management issues other agencies l BLM are also involved with dealing with issues. Mr. Cebrian brought a large wall map which will be put up on the wall. Mr. Cebrian is a new to BLM and he informed Council that BLM will provide its comments on how this issue will be dealt with relating to BLM managed public land.

There was significant information provided by Mr. Tony Gorn with the department relating to the information provided in the past and current information on muskox management in Unit 22. There were some questions by Council members and Mr. Gorn responded to their questions some which related to muskox numbers declines, possible muskox migration out of the unit, predators.

Bureau of Land Management (BLM)
Tom Sparks with BLM updated Council on activities of BLM. Mr. Allen Bittner is new field manager who got on board with BLM. Mr. Merben Cebrian is new employee at Anchorage BLM office and filled vacancy which was vacant for two years. Mr. Geoff Byersdorf who was BLM subsistence coordinator left Alaska and is probably in Montana. Six permits for muskox hunt in Unit 22 was issues, four permits in Unit 22B and two permits in Unit 22D. Mt. Sparks reported a large project done by subsidiary of GCI bringing broad band internet to the bush. He updated Council on environmental assessment that is being done by contractor. He reported on the hunting requirements

including information on tag fee that is no longer required. There were discussions on the issues between agency staff and Council members.

Mr. Merben Cebrian provided information on limited involvement with the concept from the State to provide road to Ambler. BLM was involved permitting gas pipeline, from Prudhoe Bay toward Anchorage as BLM had to write subsistence analysis for that action. Guide program is still under consideration by BLM within BLM managed public lands.

Alaska Department of Fish and Game
Tony Gorn provided much of the pertinent biological information on muskox, moose, and wolf predation during Council review of wildlife closure review. Mr. Gorn also provided fish and wildlife resource information and answered Council's questions on resource management issues.

Native Organizations
Nome Eskimo Community – No one was available to provide a report to the Council

Rose Fosdick with the Kawerak provided information on Kawerak's projects and involvements with other organizations during the discussions of issues on the first day. Ms. Fosdick was not available to give a report on the second day because of other participations on business. See Ms. Fosdick's updates under Council reports.

Future Meetings

Council discussed and reviewed other Council meeting dates and locations while discussing its fall 2013 meeting date and location and took following action.

Mr. Peter Buck made a motion to confirm fall 2013 meeting on October 8-9, 2013. Motion was seconded by Charles Succheus. Motion passed unanimously.

Council and its staff discussed potential conflicts with other Council meeting dates and other activities in the Seward Peninsula region in early to mid-March. After making sure there are not any conflicts with other meeting dates following action was taken.

Mr. Tom Gray made a motion to hold winter 2014 meeting on March 18 and 19, 2013. Motion was seconded by Mr. Peter Buck. Motion passed unanimously.

Closing Comments

- Mr. Tom Gray commented that it is usually a struggle to deal with some tough resource issues. Mr. Gray thanked everyone for coping with Council as they represent subsistence issues for their respective area.

- Mr. Elmer Seetot commented about chum salmon bycatch issues in the Bering Sea and Aleutian Islands. He shared struggles subsistence users have over uses of fish and wildlife subsistence resources in the area. Mr. Seetot shared ancestors' advises not to fight over fish and wildlife resources but the fact is subsistence

users are now competing with commercial and sport user groups. He used an example of Bering Sea gold mining disturbance underneath the surface of the water and what effects gold mining has on salmon fisheries including shark repellent in front of Nome. Mr. Seetot also mentioned effects on salmon fisheries World War I and World War II brought forward in terms of military activities. Some of the contamination caused cancer outbreak in some areas of the state. Many people blame Area M and False Pass fisheries for resource decline but there may be other factors.

- Mr. Charles Succheus commented he is glad that he is back on board with Council membership. Mr. Succheus appreciate dealing with subsistence way of life including harvest of subsistence resource issues. He thanked the National Park Service and other agencies and organization staff for their work.

- Mr. Peter Buck remembered a person by the name of Papa Bunguk who lived a subsistence way of life in the past in Golvin, Kivalina, Kotzebue, and White Mountain area. Mr. Buck is always interested dealing with subsistence resource issues. He likes talking to local people about their subsistence resource issues in order to deal with the issues in his role as a Council member.

- Mr. Fred D. Eningowuk provided his comments and echoe what Mr. Seetot commented on. Mr. Eningowuk stated that sometime in the Yukon River and Norton Sound area local people could not harvest salmon for subsistence use. Mr. Eningowuk lives fortunately in Chukchi Sea because in his area they are not struggling with their way of life as those areas mentioned. The traditional ecological knowledge of elders indicates there will be easy times and hard times while subsistence resources are being harvested. A lot of communities are now experiencing real struggle harvesting what they need for subsistence uses.

- Mr. Louie Green commented Mr. Eningowuk's comments are true because salmon return declines and salmon harvest restrictions are now in place. Caribou were abundant when animals arrived abundantly in mid-1990s and the animals decided to leave the area at one point or another. When caribou left the region they brought along reindeer herds with them. After counting numbers of issues, now musk ox is another resource that is declining in its population numbers. Mr. Green's encouragement is any Council member should be proactive in fish and game issues on other levels not only in the region, including other areas. Mr. Green ask Council members they should bring with them Council membership applications to their villages and advocate for Council membership interests so other people could apply. Mr. Green applauded Mr. Tony Gorn for doing a good job representing the Department while updating Council on resource management issues. He also appreciated other staff for their work.

Adjournment

Mr. Elmer Seetot made a motion to adjourn the meeting. Motion was seconded by Tom Gray.

Motion passed unanimously.

Council meeting was adjourned at 12:39 p.m.

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

_____
Alex Nick, DFO
USFWS Office of Subsistence Management

_____
Louis H. Green, Jr., Chair
Seward Peninsula Subsistence Regional Advisory Council

These minutes will be formally considered by the Seward Peninsula Subsistence Regional Advisory Council at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.

GUIDANCE ON 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 C.F.R. 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.

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

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

U.S. FOREST SERVICE

FWS/OSM 13056.CJ

SEP 11 2013

Louis Green, Chair
Seward Peninsula Alaska Subsistence
Regional Advisory Council
c/o U.S. Fish & Wildlife Service
1011 E. Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Chairman Green:

This letter responds to the Seward Peninsula 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: Fisheries Research Needs in the Seward Peninsula
There are multiple land ownership boundaries in the Seward Peninsula region, making it difficult to identify priority fish and wildlife research needs. The Council has brought up the continuously declining salmon fisheries in the Norton Sound/Seward Peninsula region since the early 1990s. In the Seward Peninsula coastal region, marine fisheries are managed by the State of Alaska up to three miles from the coastal shoreline, then by Federal agencies beyond that line. The North Pacific Fishery Management Council is one of the Federal agencies that manage fisheries in such marine waters. Inland fisheries are managed by multiple landowners and conservation unit land managers on privately owned and public lands. No matter who manages salmon fisheries resources in the Seward Peninsula Region, there is a definite need for salmon fisheries research in the region as part of an effort to enhance salmon returns to all of the salmon spawning streams and habitats.

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Recommendation:
The Council has previously discussed the decline of salmon species that return to the Seward Peninsula Region to spawn. The Council strongly recommends that the Federal Subsistence Board urge its member agencies, namely the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service, to work cooperatively with all interested agencies and organizations to develop a request for proposals on research to identify the causes of salmon declines on the Seward Peninsula, and to fund such research, irrespective of jurisdiction. Funding salmon research in this region is very important to all user groups, because without the necessary data, responsible agencies are incapable of making management decisions that will restore these vital salmon runs.

Response:

The Fisheries Resource Monitoring Program recently accepted and is reviewing fisheries research funding proposals in 2013, for the 2014-15 timeframe. One of the information needs identified was to develop models based on long-term relationships between ocean conditions and production, which could include adult survival for Bering Sea and Gulf of Alaska Chinook salmon stocks to better understand and respond to changes in run abundance. No investigation plans for research on this information need were submitted. The Fisheries Division staff will work with the Council to refine the priority information needs for the next funding opportunity to better reflect the Council's wishes. Proposals for the 2016-17 cycle will be accepted in 2015.

Issue 2: Need for More Moose Opportunity
In the past, sufficient numbers of reindeer provided food for many subsistence users in the region. However, reindeer herds have steadily declined. Following that decline, moose became one of the important parts of the subsistence user's diet. In the1980s, there were sufficient numbers of moose in the Seward Peninsula region, with approximately 400 moose harvested annually by all user groups. In recent years, resource managers have enacted moose hunting closures due to insufficient population numbers for harvest in subunits within Unit 22. These closures have forced subsistence users to seek alternative hunting resources that are not immediately accessible to subsistence hunters. These alternate subsistence resources contribute to heightened stress and unnecessary expenses for subsistence hunters. Thus, the declines of reindeer and moose in parts of Unit 22 have caused hardship due to increasing cost of living due to limited or lack of income in the region.

Recommendation:
The Council recommends that the Federal Subsistence Board work closely with all Federal public lands managers and the State of Alaska to determine the causes of the moose population decline. Hopefully, the decline can be addressed and this important substance food can be restored in the future.

Response:

The Federal Subsistence Board works closely with the Regional Advisory Councils, Federal land managers, and the State of Alaska when considering proposals to change the Federal subsistence regulations for the harvest of fish and wildlife resources on Federal public lands. The Board has adopted numerous regulatory changes to provide increased opportunity for Federally qualified subsistence users to harvest moose in Unit 22. For example, only Federally qualified subsistence users are eligible to harvest moose from Federal public lands in Units 22A and 22E. In 2008, the Board reduced the number of eligible subsistence users for the harvest of moose within the Unalakleet River drainage portion of Unit 22A to local residents, thus enhancing the opportunity for local residents to harvest moose without competition from Federally qualified subsistence users from other areas of Unalakleet.

The Board implements Title VIII of the Alaska National Interest Lands Conservation Act, which includes ensuring that the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be given preference over the taking of such lands of fish and wildlife for other purposes [ANILCA §802(2); 36 CFR §242.10(d)(4)(v) & 50 CFR §100.10(d)(4)(v)]. Any action taken by the Board to provide additional opportunity must be consistent with the conservation of healthy populations of fish and wildlife on national parks and monuments (ANILCA §815.1).

Issue 3: Conduct Inventory of Salmon Spawning Habitats
The Council is aware of salmon that are spawning in non-navigable streams and rivers within the Seward Peninsula Region. Drainages such as Niukluk River and Fish River drainages are identified as two important salmon spawning rivers in the region. The Council is concerned that some important salmon spawning habitats have not been identified or have been overlooked by fishery resource managers. With ever-declining salmon returns to the Seward Peninsula Region, salmon habitats need to be identified so that cooperative fisheries research and study projects can be proposed in the future and effective management of those habitats can occur.

Recommendation:
The Council recommends that the Federal Subsistence Board consider funding a study to identify important salmon spawning habitats in all streams and rivers in the Seward Peninsula Region. The Council further recommends that crossover management boundaries should not prevents further studies, and the Federal Subsistence Board should continue to allow joint studies and research with appropriate land management agencies and/or organizations in the Seward Peninsula Region. Allowing research studies would benefit all of the user groups and future generations.

Response:

The Alaska Department of Fish and Game is responsible for maintaining anadromous waters data as well as revisions to and publication of the Catalog of Waters Important for the Spawning,

Rearing or Migration of Anadromous Fishes ("Catalog") and its associated Atlas. The catalog contains over 17,000 streams, rivers or lakes around the state which have been specified as being important for the spawning, rearing or migration of anadromous fish. It is thought that less than half of the eligible streams, rivers, and lakes are listed. Funding for research could be solicited through the Alaska Sustainable Salmon Fund. Your Council Coordinator can work with you to request that additional drainages be nominated to the Catalog and/or to submit a proposal to the Sustainable Salmon Fund. The enclosed information provides guidance on how and when to nominate streams to the Catalog, and indicates what waterways are currently listed.

Issue 4: Wolf population on the Seward Peninsula
The wolf population on the Seward Peninsula has been increasing. Wolves have harassed reindeer and driven them to low numbers and continue to have impacts on moose populations. Resource managers have said there are not enough wolves to call them a problem, but the struggling moose and reindeer populations suggest otherwise.

Recommendation:
The Council would like resource manages to conduct a study of the wolf population in the Seward Peninsula that includes wolf population estimates as well as the effects of the wolf population on reindeer and moose. We understand that that there are limited Federal Subsistence Management Program funds for conducting wildlife research; however, we would like the State of Alaska, the Bureau of Land Management, and the National Park Service to explore a way to fund such research jointly.

Response:

The Board appreciates the Council's concerns regarding wolves on the Seward Peninsula and their impacts on ungulate populations. The Board does not have the authority to direct Federal land management agencies or the State of Alaska to conduct studies. The Board will forward your concerns to relevant Federal land management agencies and the State of Alaska.

A wildlife resource monitoring program was one of the items mentioned in the Secretarial review as a possible addition to the Federal Subsistence Management Program. In an April 2012 letter to the Secretary of the Interior, the Board prioritized the implementation of wildlife monitoring studies; however, without additional funding, establishing such a program is not likely at this time. The OSM has experienced a declining budget since 2001 and the U.S. Forest Service (USFS) since 2006. Overall Federal budgets are declining and it is not likely that they will increase over the next 3–5 years.

Given the several issues the Council has raised regarding wildlife and fisheries research and management in this annual report, I wish to remind the Council of one opportunity under Title VIII of ANILCA. Under Section 805, the Council is empowered to recommend a "strategy for the management of fish and wildlife populations within the region to accommodate … subsistence uses and needs." This Council could, if it desired, develop a strategic regional management plan and present it to the Board with recommendations on implementing.

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

Sincerely,

Tim Towarak
Chair

Enclosure

cc. Seward Peninsula 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
Alex Nick, Subsistence Council Coordinator, OSM
Administrative Record

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 and eight factor approach is continued, then the regulations should be modified to include specific language for a holistic approach.

Southeast Alaska Subsistence Regional Advisory Council

January 22, 2013

Customary and Traditional Use Determination Recommendation Briefing

Issue:

The Southeast Alaska Subsistence Regional Advisory Council (SESRAC) does not agree that the current process of restricting access to fish and wildlife resources through a customary and traditional use (C&T) determination process was intended in ANILCA.

Although SESRAC recognizes that there are a number of possible solutions, its preferred solution is to eliminate the C&T determination regulations (36 CFR 242.16 and 50 CFR 100.16) and allocate resources as directed in section 804 of ANILCA.

Background:

The current Federal C&T determination regulations, including the eight factors, were adopted from pre-existing State regulations. The Federal program adopted this framework, with some differences, when it was thought that Federal subsistence management would be temporary.

The primary purpose of C&T determinations by the State is to limit the subsistence priority by adopting "negative" determinations for specific fish and wildlife species in specific areas. The C&T determination process is also used to establish non-subsistence use areas where NO species are eligible for subsistence use.

A “positive” C&T determination in State rules recognizes subsistence use and provides residents with a legal protection to engage in priority subsistence activities.

Unlike the State process, in which some lands are excluded from subsistence use (non-subsistence use areas); all Federal lands are available for subsistence use by rural residents.

The Federal program uses the C&T determination process to restrict which rural residents can participate in subsistence. The abundance of fish or wildlife is not the primary factor in deciding which rural residents can participate in subsistence and some residents may be restricted in times of abundance.

The Federal C&T determination process is actually a means of closing an area to some rural residents but there are no provisions for periodic review of this action similar to the review policy on other closures.

A draft policy on C&T determinations was subject to public comment during the fall 2007 Regional Advisory Council meeting window. The Federal Subsistence Board deferred finalization on the policy in March of 2008.

In October of 2009, Secretary of the Interior Ken Salazar announced that there would be "a review of the Federal subsistence program to ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII are being met".

In a detailed report from the U.S. Department of the Interior in September 2010, the Secretary of the Interior with concurrence of the Secretary of Agriculture, directed the subsistence Board to do several tasks.

> The first relevant task was to "review, with RAC input, federal subsistence procedural and structural regulations adopted from the state in order to ensure federal authorities are fully reflected and comply with Title VIII (changes would require new regulations)".
>
> The second relevant task was to "review customary and traditional determination process to provide clear, fair, and effective determinations in accord with Title VIII goals and provisions (changes would require new regulations)".

In a letter to Mr. Tim Towarak in December 2010, Secretary of the Interior Ken Salazar requested that the FSB; "review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes".

In their 2011 Annual Report, the SESRAC suggested that the Board consider modifying current regulations to be more representative of the way people use subsistence resources. The SESRAC suggested the following specific regulatory change:

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

In the Annual Report reply, the Board encouraged the SESRAC to develop recommendations in a proposal format for additional review. The Office of Subsistence Management pledged staff assistance if the Council wished to pursue the matter further.

During the March 2012 meeting in Juneau, an update on the Secretarial Review stated that 9 Councils felt the C&T determination process was adequate and only the SESRAC had comments for changes to the process.

The SESRAC formed a workgroup to review materials and provide a report on the issue during the March 2012 SESRAC meeting and develop a recommendation for consideration by the SESRAC at the September 2012 meeting.

Southeast Council Findings:

An eight factor framework for Federal C&T determination analysis was first adopted by the Alaska Board of Fisheries and is not found in ANILCA.

Although there are clearly some instances where it is appropriate to provide a preference to local residents (for instance, an early start to the moose season in Yakutat), the SESRAC has a history of recommending C&T determinations for a large geographic area.

When necessary, the Federal Subsistence Board can restrict who can harvest a resource 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.

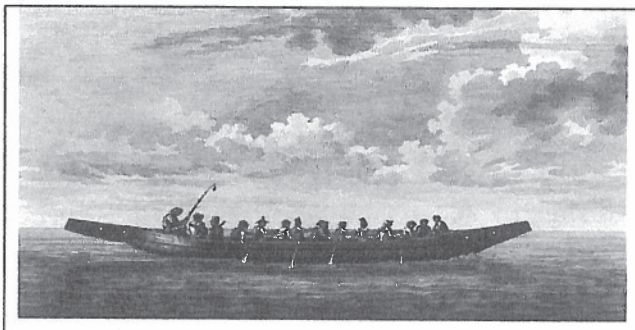
The ANILCA Section 804 process is a management tool that allows seasons on Federal public lands and waters to remain open to all rural residents until there is a need to reduce the pool of eligible harvesters.

Replacing the Federal C&T determination eight factors with ANILCA Section 804 three criteria may be a preferred method of restricting who can harvest a resource.

Action:

In January 2013, the SESRAC sent a letter to the other Federal regional advisory councils regarding the deficiencies in the current C&T determination process. This letter asks the other councils to review, during their fall 2013 meetings, whether the process is serving the needs of the residents of their region and report their findings to the SESRAC. If it is the desire of the other councils, a proposal for amending or eliminating current regulations could be developed for consideration by all the councils.

Key Contacts:
Bert Adams, Chair SESRAC – 907-784-3357
Robert Larson – SESRAC Coordinator – 907-772-5930



Southeast Alaska Subsistence Regional Advisory Council

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JAN 11 2013

Mr. Louis H. Green, Jr., Chair
Seward Peninsula Alaska Subsistence
Regional Advisory Council
P.O. Box 1890
Nome, Alaska 99762

Dear Mr. Green:

During the spring of 2011, pursuant to the Secretarial Review of the Federal Subsistence Program, the Federal Subsistence Board (Board) sought input from the Federal Subsistence Regional Advisory Councils (Councils) on the current customary and traditional use determination process. The Board subsequently reported to the Secretaries that 9 of the 10 Councils thought the process was working. The Southeast Alaska Subsistence Regional Advisory Council (SE Council) does not agree that the process is being implemented as intended in the Alaska National Interest Lands Conservation Act (ANILCA). We are asking your Council to review your evaluation of the current customary and traditional use determination process (36 CFR 242.16 and 50 CFR 100.16) and join with us in crafting a petition to the Secretaries to address deficiencies in the current regulations. The SE Council's preferred solution is to eliminate the customary and traditional use determination regulations and allocate resources as directed in Section 804 of ANILCA.

The SE Council has formed a workgroup to assist us in evaluating the current customary and traditional use determination process. The workgroup reviewed the 2007 draft Customary and Traditional Use Determination Policy, the public comments to this policy, the 2011 transcripts from all 10 Council meetings, and the 2012 Board transcripts where each of the Councils' input was summarized. The 2007 draft Customary and Traditional Use Determination Policy and the public comments to this policy are enclosed with this letter.

The SE Council workgroup noted that there were inconsistent briefings in 2011 regarding the input sought from the Councils. Different staff presented different levels of information, and in some instances Councils were led to believe other Councils thought the process was working.

In addition, there was a lack of direction or background information provided to the Councils that would be necessary to formulate an informed opinion. There was no mention or discussions of the strengths and deficiencies of the current customary and traditional use determination process as detailed in the review of the 2007 draft Customary and Traditional Use Determination Policy.

During its March 2011 meeting, the SE Council included the topic in its 2011 Annual Report. The SE Council made the following recommendation to the Board:

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

The current Federal customary and traditional use determination regulations (and the eight factors) were based on pre-existing State regulations. Customary and traditional use determinations are a necessary step in State of Alaska management because only fish and wildlife with a "positive" determination are managed for the subsistence preference and those with a "negative" determination do not have the preference. The decision whether there is or is not a subsistence priority is not necessary under Federal rules because ANILCA already provides rural residents a preference for subsistence uses on Federal public land. 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 SE Council has determined that the Office of Subsistence Management did not give the directive from the Secretaries the due diligence it deserves and the program would benefit from additional evaluation and dialog. We request your Council reconsider its recommendation to the Board on how well the current customary and traditional use process is serving the needs of the residents in your region. The SE Council is interested in either eliminating or improving the process but, since this is a statewide issue, we do not want to propose a solution that is not supported by the other Councils. We encourage your Council to read the briefing paper provided to you by the SE Council at i winter 2013 Council meeting and review the enclosed background information. We would like your Council to consider what would be most beneficial to your region: eliminate customary and traditional use determinations, change the way customary and traditional use determinations are made, or make no change. After reviewing these materials, we

Mr. Louis H. Green, Jr. 3

encourage your Council to include this subject as an agenda action item at its fall 2013 meeting. The Office of Subsistence Management has committed personnel to help in your further consideration of the customary and traditional use process at your fall 2013 meeting.

Please address any questions and report any actions taken regarding this request either directly to me or through Mr. Robert Larson, Council Coordinator, U. S. Forest Service, Box 1328, Petersburg, Alaska 99833, 1-907-772-5930, robertlarson@fs.fed.us.

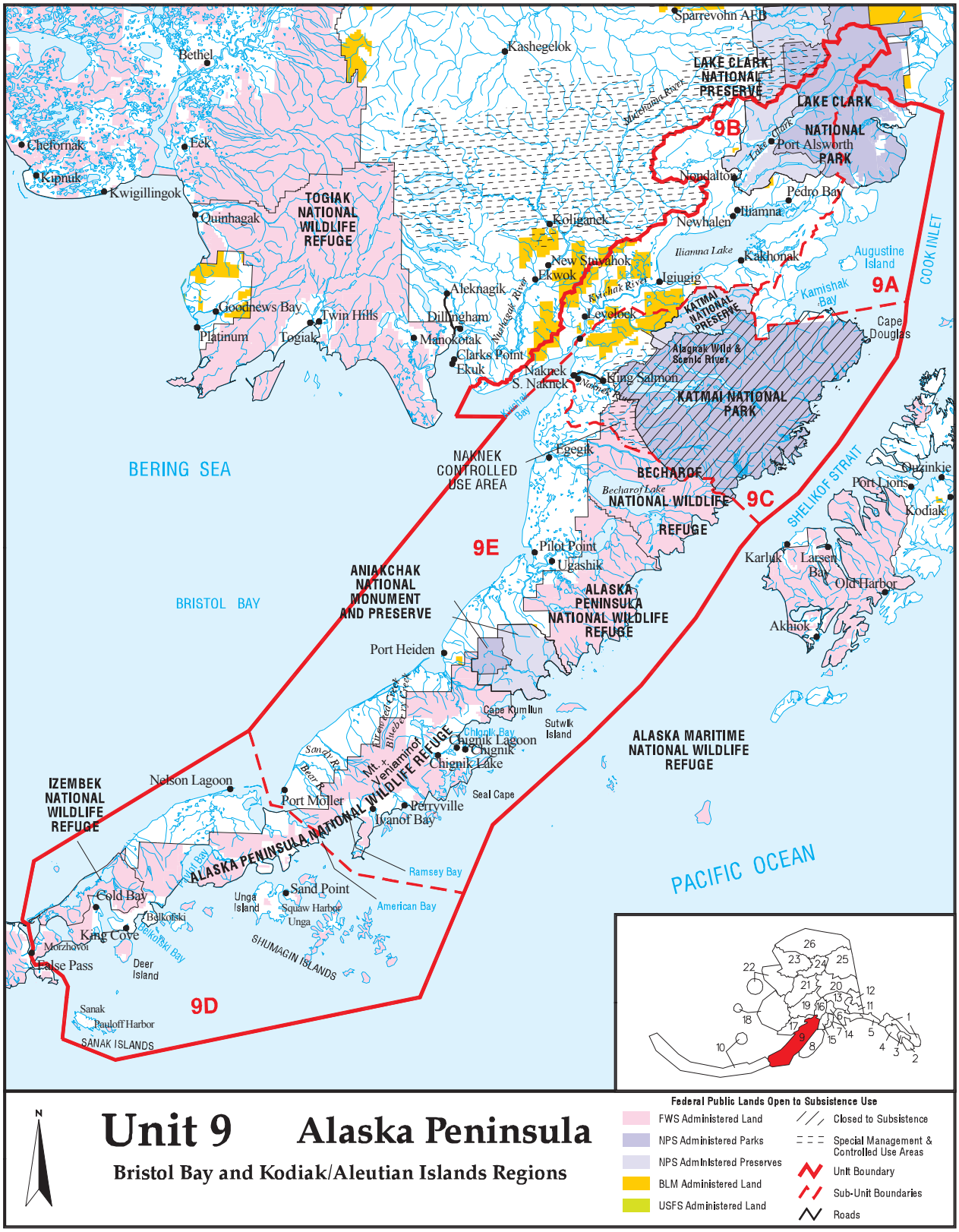
Gunalchéesh (thank you).

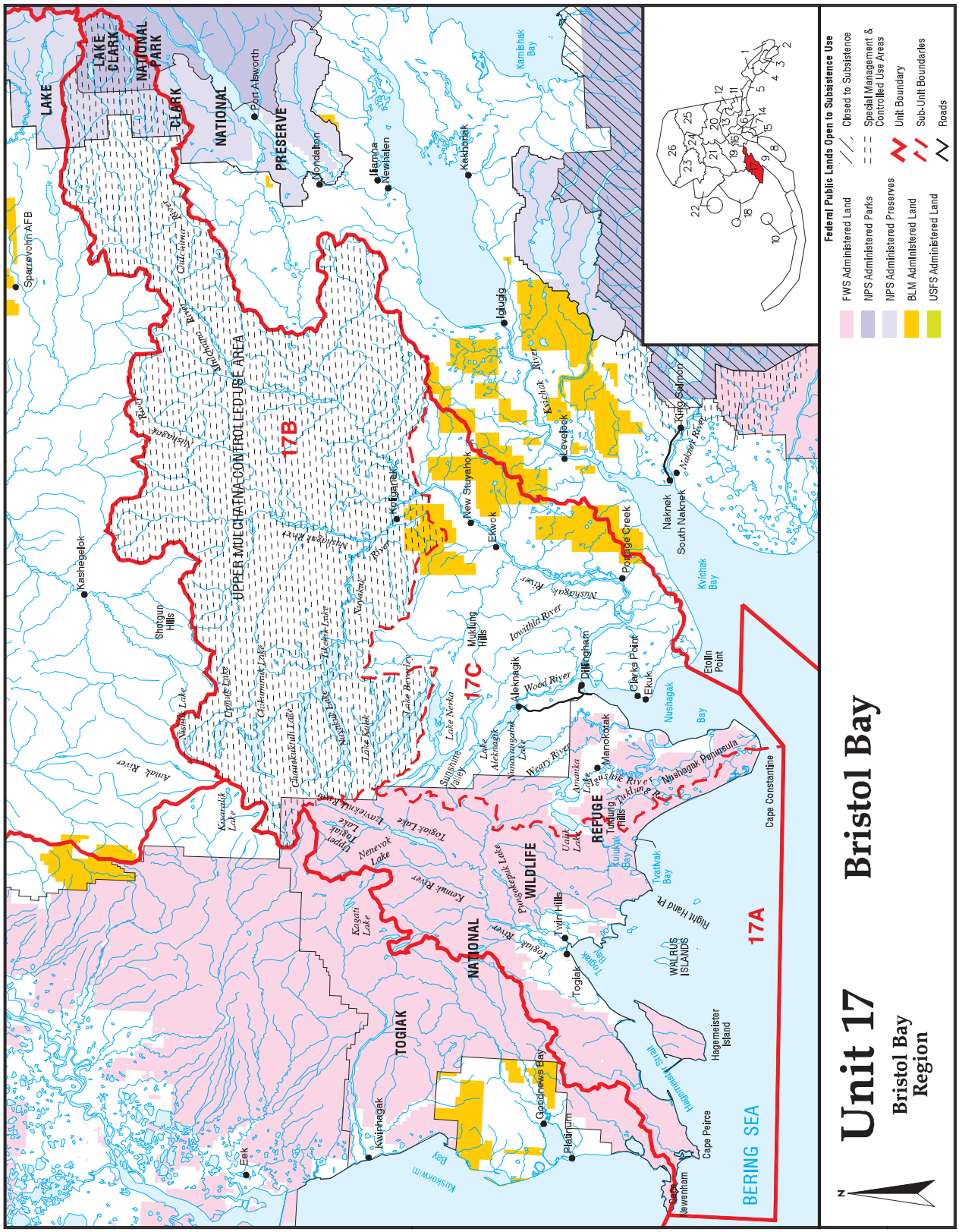
Sincerely,
/S/

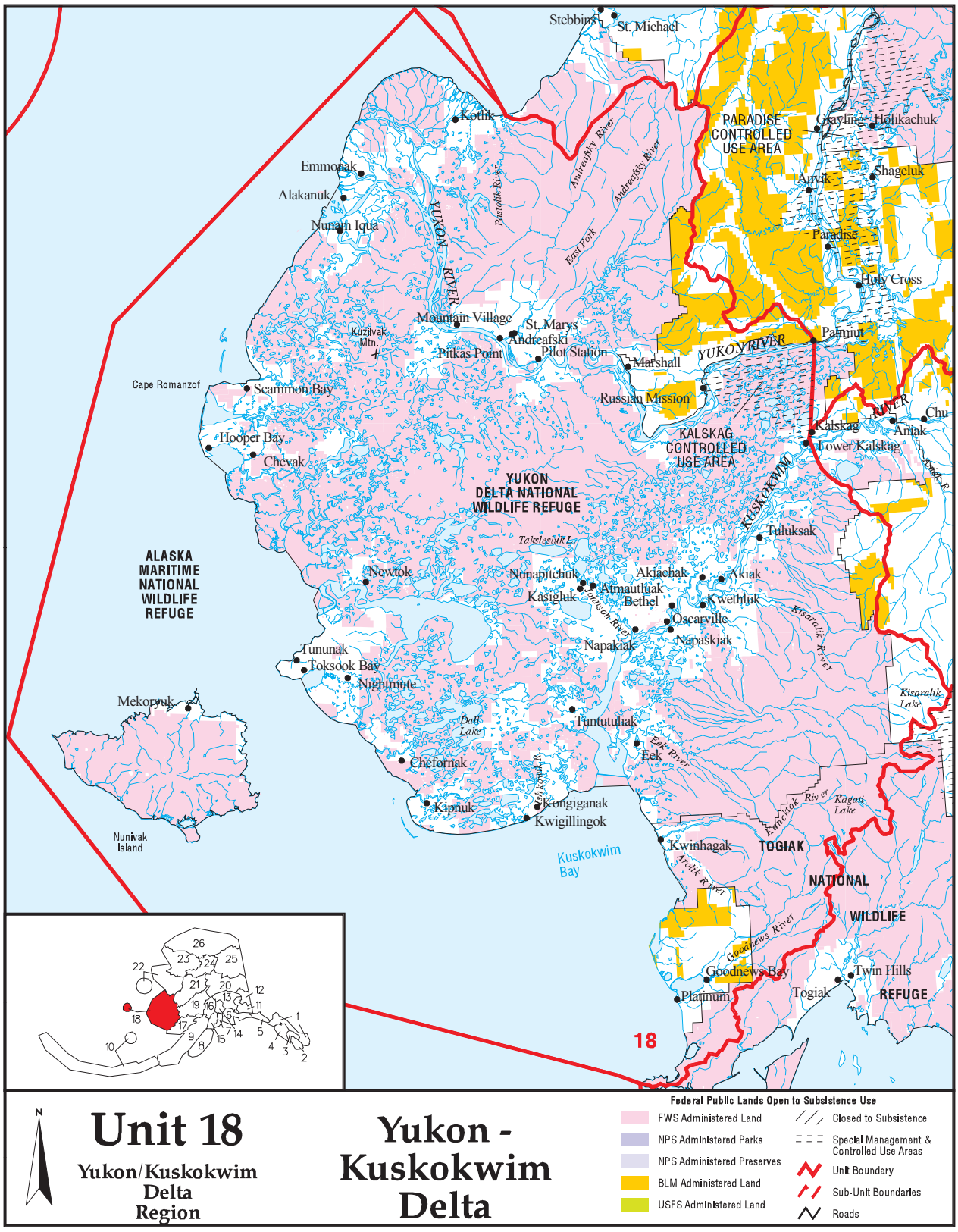
Bertrand Adams Sr., Chair

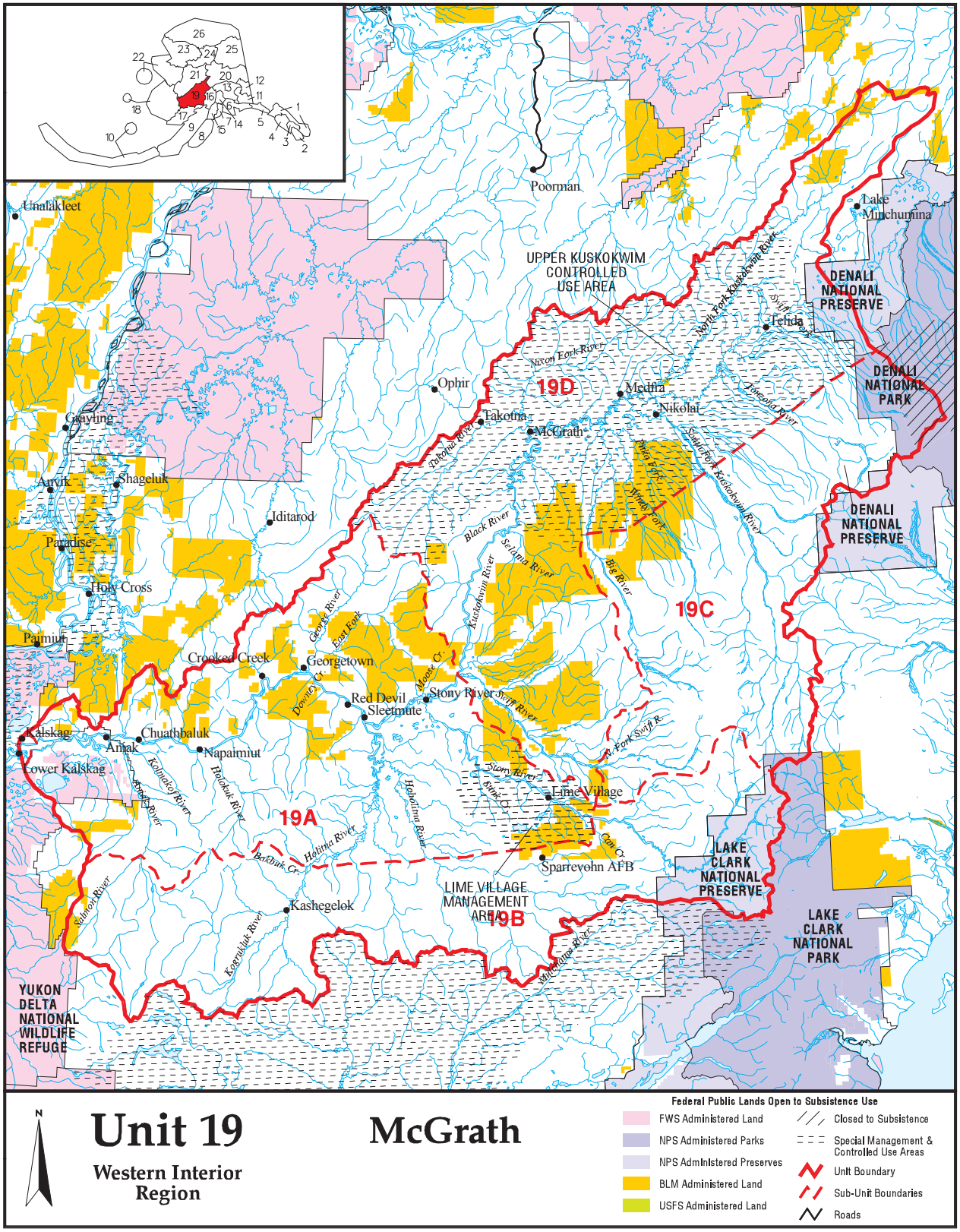
Enclosures

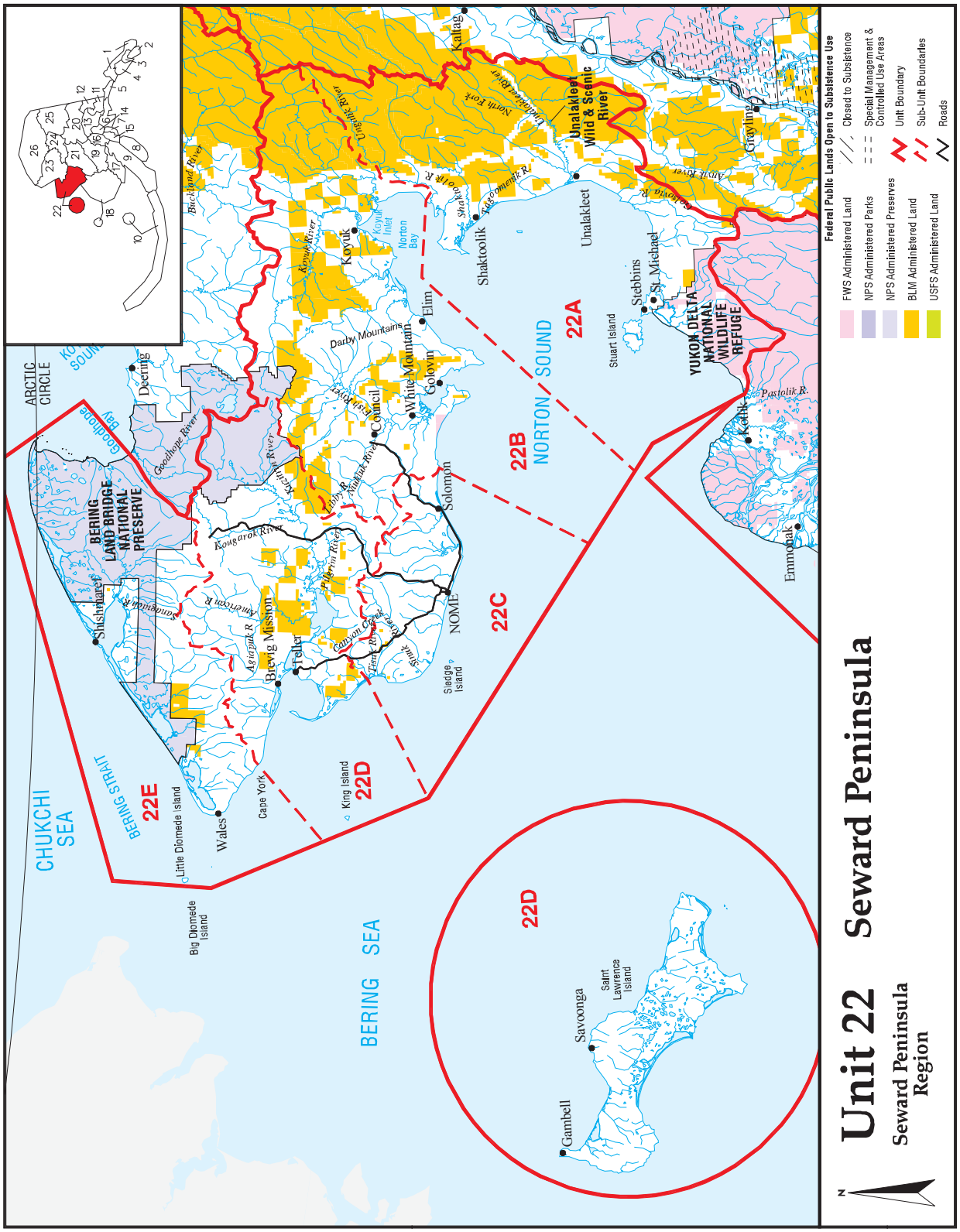
cc: Peter J. Probasco, Assistant Director, OSM
Kathy O'Reilly-Doyle, Deputy Assistant Director, OSM
Federal Subsistence Board
Interagency Staff Committee
Administrative Record


Sparrevohn AFB
Kashegelok
Bethel
LAKE CLARK NATIONAL PRESERVE
LAKE CLARK NATIONAL PARK
Port Alsworth
9B
Chefornak
Eek
Kipnuk
Kwigillingok
Nondalton
Pedro Bay
Iliamna
Newhalen
TOGIAK NATIONAL WILDLIFE REFUGE
Quinhagak
Koliganek
Iliamna Lake
Kakhonak
Augustine Island
New Stuyahok
Ekwok
Igiugig
Aleknagik
Kamishak Bay
9A
COOK INLET
Goodnews Bay
Twin Hills
Dillingham
Levelock
KATMAI NATIONAL PRESERVE
Platinum
Togiak
Manokotak
Cape Douglas
Clarks Point
Ekuk
Alagnak Wild & Scenic River
Naknek
S. Naknek
King Salmon
KATMAI NATIONAL PARK
BERING SEA
NAKNEK CONTROLLED USE AREA
Egegik
BECHAROF NATIONAL WILDLIFE REFUGE
9C
SHELIKOF STRAIT
Ouzinkie
Port Lions
Kodiak
9E
Pilot Point
Ugashik
Karluk
Larsen Bay
Old Harbor
ANIAKCHAK NATIONAL MONUMENT AND PRESERVE
BRISTOL BAY
ALASKA PENINSULA NATIONAL WILDLIFE REFUGE
Akhiok
Port Heiden
Cape Kumliun
Sutwik Island
Chignik Lagoon
Chignik
Chignik Lake
ALASKA MARITIME NATIONAL WILDLIFE REFUGE
IZEMBEK NATIONAL WILDLIFE REFUGE
Nelson Lagoon
Port Moller
Perryville
Seal Cape
Ivanof Bay
ALASKA PENINSULA NATIONAL WILDLIFE REFUGE
Ramsey Bay
PACIFIC OCEAN
Cold Bay
Sand Point
Unga Island
Squaw Harbor
Unga
American Bay
Belkofski
King Cove
Morzhovoi
Belkofski Bay
SHUMAGIN ISLANDS
False Pass
Deer Island
9D
Sanak
Pauloff Harbor
SANAK ISLANDS
N
Unit 9 Alaska Peninsula
Bristol Bay and Kodiak/Aleutian Islands Regions
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads


Unit 17
Bristol Bay
Bristol Bay Region
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads
17A
17B
17C
UPPER MULCHATNA CONTROLLED USE AREA
LAKE CLARK NATIONAL PARK
LAKE CLARK NATIONAL PRESERVE
TOGIAK NATIONAL WILDLIFE REFUGE
BERING SEA
Sparrevohn AFB
Port Alsworth
Nondalton
Iliamna
Newhalen
Kakhonak
Kamishak Bay
Igiugig
Levelock
King Salmon
Naknek
South Naknek
Kvichak Bay
Portage Creek
Ekwok
New Stuyahok
Koliganek
Kashegelok
Shotgun Hills
Mulchatna River
Nushagak River
Iowithla River
Mulchatna River
Chilchitna River
Nushagak River
Nushagak Bay
Etolin Point
Clarks Point
Ekuk
Dillingham
Aleknagik
Wood River
Lake Nerka
Lake Beverley
Lake Kulik
Lake Nuyakuk
Lake Tikchik
Chikumunuk Lake
Upnuk Lake
Nishlik Lake
Aniak River
Kisaralik Lake
Kemuk River
Togiak Lake
Upper Togiak Lake
Nenevok Lake
Kagati Lake
Sunshine Valley
Lake Aleknagik
Nunavaugaluk Lake
Weary River
Amanka Lake
Manokotak
Nushagak Peninsula
Tuklung Hills
Tuklung R.
Kulukak Bay
Tvativak Bay
Right Hand Pt.
Ualik Lake
Pungokepuk Lake
Twin Hills
Togiak
Togiak Bay
WALRUS ISLANDS
Hagemeister Island
Hagemeister Strait
Cape Peirce
Cape Newenham
Goodnews Bay
Platinum
Kwinhagak
Eek
Kuskokwim Bay
Cape Constantine


Stebbins
St. Michael
Kotlik
Emmonak
Alakanuk
Nunam Iqua
YUKON RIVER
Pastolik River
Andreafsky River
East Fork
PARADISE CONTROLLED USE AREA
Grayling
Holikachuk
Anvik
Shageluk
Paradise
Holy Cross
Mountain Village
St. Marys
Andreafski
Kuzilvak Mtn.
Pitkas Point
Pilot Station
Marshall
Parmiut
Cape Romanzof
Scammon Bay
Russian Mission
Hooper Bay
Chevak
KALSKAG CONTROLLED USE AREA
Kalskag
Lower Kalskag
Chu
Aniak
KUSKOKWIM RIVER
YUKON DELTA NATIONAL WILDLIFE REFUGE
Tuluksak
Taksleslik L.
ALASKA MARITIME NATIONAL WILDLIFE REFUGE
Newtok
Nunapitchuk
Akiachak
Akiak
Atmautluak
Kasigluk
Bethel
Kwethluk
Johnson River
Oscarville
Napakiak
Napaskiak
Kisaralik River
Tununak
Toksook Bay
Nightmute
Mekoryuk
Kisaralik Lake
Tuntutuliak
Dall Lake
Eek River
Eek
Chefornak
Kongiganak
Kipnuk
Kwigillingok
Kuskokwim Bay
Kwinhagak
Kuskokwim River
Kagati Lake
TOGIAK NATIONAL WILDLIFE REFUGE
Arolik River
Goodnews River
Goodnews Bay
Platinum
Togiak
Twin Hills
Nunivak Island
18
Unit 18
Yukon/Kuskokwim Delta Region
Yukon - Kuskokwim Delta
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads


Unit 19
Western Interior Region
McGrath
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads
19A
19B
19C
19D
UPPER KUSKOKWIM CONTROLLED USE AREA
LIME VILLAGE MANAGEMENT AREA
DENALI NATIONAL PRESERVE
DENALI NATIONAL PARK
LAKE CLARK NATIONAL PRESERVE
LAKE CLARK NATIONAL PARK
YUKON DELTA NATIONAL WILDLIFE REFUGE
Unalakleet
Poorman
Lake Minchumina
Telida
Ophir
Medfra
Nikolai
Takotna
McGrath
Grayling
Anvik
Shageluk
Iditarod
Paradise
Holy Cross
Paimiut
Crooked Creek
Georgetown
Red Devil
Sleetmute
Stony River
Kalskag
Lower Kalskag
Chuathbaluk
Napaimiut
Aniak
Lime Village
Sparrevohn AFB
Kashegelok
Nixon Fork River
Takotna River
Black River
Selatna River
Kuskokwim River
Big River
Big Fork
Middle Fork
Stony River
Swift River
N. Fork Swift R.
Can Cr.
Moose Cr.
Downey Cr.
George River
East Fork
Holitna River
Hoholitna River
Barbbak Cr.
Kolmakof River
Holokuk River
Eek River
Salmon River
Kogrukluk River
Mud River
Tatlawiksuk River
Shageluk River
Innoko River
Dishna River
Yetna River
Skwentna River
Yuki River
Tonzona River
Nowitna River
Melozitna River
Hogatza River
Koyukuk River
Gisasa River
Hess Cr.
Tozitna River
Tanana River
Kantishna River
Bearpaw River
Toklat River
Sushana River
Nenana River
Teklanika River
Jack River
Savage River
Sanctuary


Unit 22
Seward Peninsula
Seward Peninsula Region
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads
CHUKCHI SEA
BERING SEA
BERING STRAIT
NORTON SOUND
ARCTIC CIRCLE
22A
22B
22C
22D
22E
BERING LAND BRIDGE NATIONAL PRESERVE
YUKON DELTA NATIONAL WILDLIFE REFUGE
Unalakleet Wild & Scenic River
Goodhope Bay
Kotlik
Emmonak
Stebbins
St. Michael
Unalakleet
Shaktoolik
Koyuk
Koyuk Inlet
Norton Bay
Elim
Golovin
White Mountain
Council
Solomon
NOME
Teller
Brevig Mission
Shishmaref
Deering
Wales
Cape York
King Island
Little Diomede Island
Big Diomede Island
Sledge Island
Stuart Island
Savoonga
Gambell
Saint Lawrence Island
Kaltag
Grayling
Pastolik R.
Kougarok River
Goodhope River
Kuzitrin River
Libby R.
Niukluk River
Canyon Creek
Tisuk River
Snuk River
Pilgrim River
Agiapuk R.
American R.
Sanagulak R.
Buckland River
Koyuk River
Darby Mountains
Fish River
Ungalik River
North Fork
Unalakleet River
Shaktoolik R.
Yagoomenik R.
Unalakleet River
Anvik River
Golsovia R.
Pilgrim River
Canyon Creek
Tisuk River
Snuk River

WP14-01 Executive Summary	
General Description	Proposal WP14-01 requests the establishment of new statewide provisions for Federal trapping regulations that require trapper identification tags on all traps and snares, establish a maximum allowable time limit for checking traps, and establish a harvest/ trapping report form to collect data on non-target species captured in traps and snares. *Submitted by Kevin Bopp*.
Proposed Regulation	*§___.26 Subsistence taking of wildlife* *(d) The following methods and means of trapping furbearers for subsistence uses pursuant to the requirements of a trapping license are prohibited* ***or required****, in addition to the prohibitions listed at paragraph (b) of this section.* * * * * ***(7) Traps and snares must be individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number. If a trapper chooses to place a sign at a trap/snaring site rather than tagging individual trap/snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*** ***(8) All traps and snares must be checked within 6 days of setting them and within each 6 days thereafter.*** ***(9) Trappers must record and report all non-targeted species taken and their condition when found. Non-targeted species harvest reports must be turned in within 30 days of the end of the trapping season.***

continued on next page

WP14-01 Executive Summary (continued)	
	~~**Units 1–5—Special Provisions**~~ ~~*Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*~~
OSM Preliminary Conclusion	**Oppose**
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Northwest Arctic Regional Council Recommendation	**Oppose**
Eastern Interior Regional Council Recommendation	
North Slope Regional Council Recommendation	**Oppose**
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**3 Oppose**

DRAFT STAFF ANALYSIS
WP14-01

ISSUES

Proposal WP14-01, submitted by Kevin Bopp, requests the establishment of new statewide provisions for Federal trapping regulations that require trapper identification tags on all traps and snares, establish a maximum allowable time limit for checking traps, and establish a harvest/trapping report form to collect data on non-target species captured in traps and snares.

DISCUSSION

The proponent states the regulatory changes would result in more responsible trappers and trapping. Requiring identification tags with the trapper's name and license number may increase accountability of trappers. Some trappers may be less likely to set traps and snares close to people's homes and high public-use areas, which could ease tension between user groups. The trap checking interval requirement will ensure that animals do not remain in traps or snares too long, which could help ensure furs are found in good condition and increase the likelihood of releasing any captured non-target species. The proponent also recommends that all non-target species caught in traps and snares be recorded on a new harvest report form. Information included on the form would include the species captured, whether the animal was found dead or alive, and whether it was released in good or bad condition. If animals are found dead, the report would also include information on whether the animal was consumed by other animals.

Existing Federal Regulation

No Statewide regulations currently exist that require the marking of traps and snares with identification tags, trap-check intervals, and reporting of non-target species captured in traps and snares.

> **Units 1–5—Special Provisions**
>
> *Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

Proposed Federal Regulation

> *§___.26 Subsistence taking of wildlife*
>
> > *(d) The following methods and means of trapping furbearers for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b) of this section:*
> >
> > *...*

(7) Traps and snares must be individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's Alaska driver's license number or State identification card number. If a trapper chooses to place a sign at a trap/snaring site rather than tagging individual trap/ snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

(8) All traps and snares must be checked within 6 days of setting them and within each 6 days thereafter.

(9) Trappers must record and report all non-targeted species taken and their condition when found. Non-targeted species harvest reports must be turned in within 30 days of the end of the trapping season.

~~**Units 1–5—Special Provisions**~~

~~*Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number. The trapper must use the trapper's Alaska driver's license number or State identification card number as the required permanent identification number. If a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*~~

Existing State Regulation

Units 1–5*—Trappers are prohibited from using a trap or snare unless the trap or snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number; the trapper must use the trapper's Alaska driver's license number or state identification card number as the required permanent identification number; if a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.*

Unit 1C, Gustavus, that portion west of Excursion Inlet, north of Icy Passage*—All traps/snares must be checked within 3 days of setting them and within each 3 days thereafter.*

Units 12 and 20E—*You may not trap within one-quarter mile of any publicly maintained road, by using a snare with a cable diameter of 3/32 inch or larger that is set out of water, unless the snare has been individually marked with a permanent metal tag upon which is stamped or permanently etched the trapper's name and address, or the trapper's permanent identification number, or is set within 50 yards of a sign that lists the trapper's name and address, or the trapper's permanent identification number; the trapper must use the trapper's Alaska driver's license number or state*

identification card number as the required permanent identification number; if a trapper chooses to place a sign at a snaring site rather than tagging individual snares, the sign must be at least 3 inches by 5 inches in size, be clearly visible, and have numbers and letters that are at least one-half inch high and one-eighth inch wide in a color that contrasts with the color of the sign.

***Incidental Catch**—Continuing to take, or attempting to take, furbearers at a site where a moose, caribou, or deer has been taken incidentally is a violation. Any moose, caribou, or deer that dies as a result of being caught in a trap or snare, whether found dead or euthanized, is the property of the state. The trapper who set the trap or snare must salvage the edible meat and surrender it to the state. No trapper may use any part of a moose, caribou or deer caught incidentally in a trap or snare. If such an incidental take occurs, the trapper must move all active traps and snare at least 300 feet from the site for the remainder of the regulatory year.*

Extent of Federal Public Lands

The proposal would apply to all Federal public lands in Alaska. Federal public lands comprise approximately 65% of Alaska and consist of 23% BLM, 21% FWS, 15% NPS, and 6% USFS managed lands.

Customary and Traditional Use Determinations

Customary and traditional use determinations for specific areas and species are found in subpart C of 50 CFR part 100, §___.24(a)(1) and 36 CFR 242 §___.24(a)(1).

Regulatory History

The Alaska Board of Game adopted a marking requirement for traps and snares in Units 1–5 in 2006. Federal regulations were aligned with the State requirements in Units 1–5 when the Federal Subsistence Board adopted Proposal WP12-14 in 2012. The Southeast Alaska Subsistence Regional Advisory Council (Council) supported the proposal due to the benefit of aligning State and Federal regulations and reducing the uncertainty of whether current regulations required traps to be marked. However, the Council expressed concern that there was a lack of evidence as to why traps should be marked under either State or Federal regulations (FWS 2012)

Trapping Background

In an overview of trapping controversies, Andelt et al. (1999; *references therein*) listed recommended trap-check intervals of daily or almost daily for live-capture traps set on land in response to animal welfare concerns; however, daily trap checks would not be practicable in much of Alaska due to the remoteness of areas, length of trap lines, and harsh weather conditions. Some considerations for how often traps should be checked include the intent of the trap (live capture or kill trap), ambient temperatures, and placement of traps, which could allow rodents or scavengers to destroy the pelt (Stanek 1987). Other considerations for trap check schedules includes work schedules, distance to traplines, river ice conditions, price of fuel (Scotton 2013, pers. comm.). The average trapline was 23.1 miles long in 2006/2007, and the longest reported trapline was 250 miles (ADF&G 2010). Trap-checking intervals of two to three days were generally used by trappers near Kaiyuh Flats, Alaska to prevent pelt damage from scavengers, and beaver sets were also checked frequently to prevent any captured beavers from being frozen in the ice (Robert 1984). Trappers from Skwentna, Stevens Village, and Fort Yukon reportedly checked trap lines “once a week or every few days”, but some trappers “waited ten days to two weeks”

(Wolfe 1991:27). During 2010/2011, 79% of trappers from across the state reportedly conducted trapping activities 1–3 days per week (ADF&G 2012a).

Effects of the Proposal

If the proposal is adopted, Federally qualified subsistence users trapping under Federal regulations throughout the State will be required to mark traps and snares with identification tags, check snares and traps every 6 days or less, and record any non-target species caught in traps or snares on a newly established trapping report form. The proposed requirements have the potential to benefit all users by promoting responsible and ethical trapping techniques and practices. However, dramatic differences in land ownership, population concentrations, terrain, and habitats would limit the effectiveness of the proposed statewide regulations. Individual traplines can span across Federal and State managed lands and, therefore, could have different regulatory requirements. Alternatively, Federally qualified subsistence users could simply chose to trap under State regulations and avoid the proposed requirements, as both Federal and State trapping regulations are applicable on Federal public lands, as long as the State regulations are not inconsistent with or superseded by Federal regulations.

In most situations, the requirement to individually mark traps and snares with identification tags would result in inconsistent State and Federal regulations on Federal public lands that would necessitate an outreach effort to avoid confusion among users. Under Federal regulations, traps and snares are required to be marked with identification tags only in Units 1–5, but these marking requirements were adopted to align with State regulations to reduce regulatory complexity (see Regulatory History). Within portions of Unit 15, over 60 percent which lies within Kenai National Wildlife Refuge, and those portions of Unit 7 that are contained within Kenai NWR, a trapping permit is required and a stipulation of Kenai NWR's permit includes the marking of traps and snares. Also, under State regulations, all snares within a ¼ mile of a public road in Units 12 and 20E are required to be marked. Federally qualified subsistence users trapping on Federal public lands outside of these specific areas would be required to mark traps and snares with identification tags that include the trapper's name and license number. However, Federally qualified subsistence users or non-Federally qualified users trapping on Federal public lands would not be required to mark traps and snares under State regulations.

The requirement to mark traps and snares would also result in additional burden and cost for Federally qualified subsistence users trapping under Federal regulations. Copper tags stamped with a trapper's identification information, including fasteners, cost approximately $26 per 100 tags (including shipping) or less (approximately $15–$20) for "write-your own" tags (FWS 2012). In addition, trappers often trade or borrow equipment from family members or friends, and changes of identification tags on large numbers of traps or snares would require significant effort (Scotton 2013, pers. comm.).

Frequent trap checks are beneficial for animal welfare and can decrease the likelihood of pelt damage of trapped furbearers. The trap check time requirement would also result in inconsistent State and Federal regulations, and would require significant law enforcement and public educational efforts. The requirement could result in human health and safety issues by requiring trappers to check traps during periods of inclement weather, especially in remote units where trap lines are long. The back cover of the State trapping regulations includes a Code of Ethics, reprinted from the Alaska Trappers Manual, which includes checking traps regularly and trapping in the most humane way possible. While the items listed in the Code of Ethics are not regulatory in nature, they provide general guidelines for responsible trapping.

Few requirements for trap check intervals are currently in State or Federal regulations, and those regulations have been put in place in response to specific incidents or in areas with high potential for user

conflict. Under State regulation in Alaska, the only trap check time requirement in regulation is a 72-hour trap check in a small area near Gustavus in Unit 1C under State regulations, which was adopted due to multiple moose being incidentally caught in snares (ADF&G 2012b). A 4-day trap check requirement is required on the more accessible and heavily trapped portions of the Kenai National Wildlife Refuge (Kenai NWR) as a stipulation of the Refuge Special Use Permit in order to increase the potential for safe release of incidentally-caught non-target animals including bald eagles, moose and domestic dogs.

If the proposal is adopted, a new trapping report form would be established to report any non-target species caught under Federal trapping regulations. Trapping reports may provide useful information regarding which non-target species are captured and how often they can be released in good condition. However, some of the information requested for the report form may be difficult to interpret, especially subjective observations such as the condition of trapped animals. In addition, it is unknown what the data from the proposed form would be used for, as there is no indication of any management agency that is requesting information on the incidental capture of non-target species across the state. To limit the capture of non-target species, trappers can review informational sources such as the Best Management Practices for Trapping in the United States, which evaluate traps and trapping systems based on animal welfare, efficiency, selectivity, practicality, and safety (AFWA 2006). Overall, it is in the best interest of trappers to minimize the capture of non-target animals, as those traps or snares become unavailable for capturing target animals.

The new trapping report form for non-target species would require additional time commitments for Federally qualified subsistence users and staff of Federal land management agencies. The time commitment for Federally qualified subsistence users would be minimal, but may be an incentive to simply trap under State regulations where a report is not required. The time commitment for Federal staff could be substantial, as trapping reports from Federal lands across the state may have to be collected and analyzed.

The establishment of a new trapping report form would have to meet the information collection requirements subject to approval by the Office of Management and Budget, 50 CFR § 100.9 [2009], and in accordance with the Paperwork Reduction Act, OMB Control Number 1018-0075.

OSM PRELIMINARY CONCLUSION

Oppose Proposal WP14-01.

Justification

The proposed requirements for individually marking traps and snares, setting maximum trap check intervals, and reporting the incidental harvest of non-target species could lead to more humane trapping methods under Federal regulations; however, these regulatory provisions would not likely be manageable on a statewide basis due to vast differences in land ownership, population concentrations and habitats. Regulations of this nature would be better suited in response to issues on an area-specific basis (e.g., Kenai NWR Refuge Special Use Permit requirements), like similar restrictions currently in State and Federal trapping regulations. Alignment issues would require a substantial increase in law enforcement and public educational efforts, and requiring trappers to check traps during inclement weather could lead to health and safety issues. In many instances, Federally qualified subsistence users may simply trap under State regulations to avoid the additional proposed Federal restrictions.

While the information gathered from a harvest report form of non-target species caught in traps and snares could provide useful information, it would be an unnecessary requirement for Federally qualified

subsistence users. In addition, the report would require additional time commitments for Federally qualified subsistence users and Federal staff that are currently unwarranted. Similar reports would be more useful in areas with specific issues with the capture of non-target species, such as areas with threatened or endangered species or significant user-conflict issues.

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WRITTEN PUBLIC COMMENTS

Oppose Statewide Proposal WP14-01: With kind personal regards to Kevin Bopp, who gave us one of the best lead dogs we ever had, I strongly disagree with this. Trap tags might work for short traplines, but when you run 80 miles of traps, tags for every trap would be very onerous and also subject to loss when an animal is caught. The time limit proposal is utterly unworkable for many people. It usually takes us 10-12 days by dog team to make the round trip of up to 130 miles to check our traps. If we had to check every trap every 6 days, we would have to cut the length of our line in half, which would eliminate the most profitable distant areas, cutting profit more than in half; AND we'd be forced to travel even when it was not safe, eg -60° or blowing in excess of 50 mph. Additionally there are times travel is physically impossible due to flooding, bad ice or other hazards. That's why previously proposed time limits have never been established. This becomes even more unworkable for fly-in pilots for whom travel in weather extremes can quickly prove fatal. Neither of these even actually directly address the mentioned problem of trapping near settlements/highways.

Miki and Julie Collins, Lake Minchumina

Oppose Statewide Proposal WP14-01: We oppose Statewide Proposal WP14-01 to create new regulations for requiring that identification tags be put on traps and snares and that traps and snares be checked every 6 days.
It will be cumbersome, unnecessary and burdensome for federally qualified trappers to have constraints placed upon them to have to put identification tags on snares and traps and to check traps and snares every 6 days. Incidental catch of non-target species and reporting it is good, and should be done voluntarily by trappers. Traps and snares should only be checked if weather conditions are safe to check snares and traps. In rural areas, temperature conditions can be minus forty to fifty for 3 consecutive weeks. It would be unsafe to have regulations in place stating that snares and traps must be checked every six days.

Ahtna Inc. Customary and Traditional Use Committee

Oppose Statewide Proposal WP14-01: The release of live animals from traps is a huge safety issue and is very dangerous. A state wide regulation to mark your traps and check traps on a 6 day schedule is also a safety issue and very dangerous for the trapper. I've trapped the same area for 32 years in the Eastern Interior and a 6 day check would put the trapper in extreme risk at 50 and 60 degrees below when the fur is not moving and also dies very quickly in a trap. Trapper know how often to check their trap in a specific area, they want the fur in the best possible condition. If Mr. Bopp has issues with the trappers in his area he can meet with them at Fish and Game Advisory meetings, Federal Subsistence meeting and City Council meetings in his area. It

is a shame that people who know nothing about trapping want to impose regulations on the whole state.

Donald Woodruff, Eagle

WP14–33 Executive Summary	
General Description	Proposal WP14-33 requests that the season and harvest limit for muskox in Unit 22D within the Kuzitrin River drainage (Unit 22D Kuzitrin) be changed to eliminate the cow hunt. In addition, the proposal requests that language be added to authorize the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal permits to be issued. *Submitted by the National Park Service*.
Proposed Regulation	**Unit 22D—Muskox** *Unit 22D, that portion within the Kuzitrin River drainages—~~1 musk ox~~* ***bull*** *by Federal permit or State* ***Tier II*** *permit; ~~however, cows may only be taken during the period Jan. 1–Mar. 15~~. Federal public lands are closed to the taking of musk ox except for 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 Bering Land Bridge National Preserve in consultation with ADF&G and BLM.* — *Aug. 1–Mar. 15*
OSM Preliminary Conclusion	**Defer** WP14-33 pending 804 analysis
Seward Peninsula Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**None**

WP14-35 Executive Summary	
General Description	Proposal WP14-35 requests that the season and harvest limit for muskox in Unit 22D west of the Tisuk River drainage and Canyon Creek (Unit 22D Southwest) be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued. *Submitted by the Bureau of Land Management.*
Proposed Regulation	**Unit 22D—Muskox** *Unit22D—that portion west of the Tisuk River drainage and Canyon Creek—~~1 musk ox~~* ***bull*** *by Federal permit or State* ***Tier II*** *permit* ***(TX103)****;* *~~however, cows may only be taken during the period Jan. 1–Mar. 15.~~ Annual harvest quotas,* ***the number of permits to be issued****, and any needed closures will be announced by the ~~Superintendent of the Western Arctic National Parklands~~* ***BLM Anchorage Field Manager*** *in consultation with* ***NPS and*** *ADF&G ~~and BLM~~.* *Sept. 1–Mar. 15*
OSM Preliminary Conclusion	**Defer** WP14-35 pending 804 analysis
Seward Peninsula Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**None**

WP14–36 Executive Summary	
General Description	Proposal WP14-36 requests that the season and harvest limit for muskox in Unit 22E be changed to eliminate the cow hunt. In addition, the proposal requests that language be added to authorize the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal permits to be issued. *Submitted by the National Park Service*.
Proposed Regulation	**Unit 22E–Muskox** *Unit 22E–~~1 musk ox~~* ***bull*** *by Federal permit or State permit* ***(RX104)****. 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~~* ***Bering Land Bridge National Preserve*** *in consultation with ADF&G and BLM.* — *Aug. 1–Mar. 15*
OSM Preliminary Conclusion	**Defer** WP14–36 pending 804 analysis
Seward Peninsula Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**None**

WP14–38 Executive Summary	
General Description	Proposal WP14-38 requests that the season and harvest limit for muskox in Unit 22D remainder be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued. *Submitted by the Bureau of Land Management.*
Proposed Regulation	**Unit 22D–Muskox** *Unit 22D, remainder—~~1 musk ox~~ **bull** by Federal permit or State **Tier II** permit **(TX102)**; ~~however, cows may only be taken during the period Jan. 1–Mar. 15.~~ Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas, **the number of permits to be issued,** and any needed closures will be announced by the ~~Superintendent of the Western Arctic National Parklands~~ **BLM Anchorage Field Manager** in consultation with **NPS** and ADF&G ~~and BLM~~.* — *Aug. 1–Mar. 15*
OSM Preliminary Conclusion	**Defer** WP14–38 pending 804 analysis
Seward Peninsula Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**1 Oppose**

WRITTEN PUBLIC COMMENTS

Oppose Proposals 14-38, 14-39, and 14-41: There are many ways to regulate harvest without moving into Tier II regulation – shorter seasons, antler restriction, and harvest quota restrictions. Tier II regulation opens up a huge issue of traditional use that does not serve the people equally.

Donald Woodruff, Eagle

WP14–39 Executive Summary	
General Description	Proposal WP14-39 requests that the season and harvest limit for muskox in Unit 22B be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued. *Submitted by the Bureau of Land Management.*
Proposed Regulation	**Unit 22B–Muskox** *Unit 22B—1bull by Federal permit or State **Tier II** permit. Federal public lands are closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Annual harvest quotas, **the number of permits to be issued,** and any needed closures will be announced by the Anchorage Field ~~Office~~ Manager of the BLM, in consultation with NPS and ADF&G.* — *Aug. 1–Mar. 15*
OSM Preliminary Conclusion	**Defer** WP14–39 pending 804 analysis
Seward Peninsula Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**1 Oppose**

WRITTEN PUBLIC COMMENTS

Oppose Proposals 14-38, 14-39, and 14-41: There are many ways to regulate harvest without moving into Tier II regulation – shorter seasons, antler restriction, and harvest quota restrictions. Tier II regulation opens up a huge issue of traditional use that does not serve the people equally.

Donald Woodruff, Eagle

WP14–22 Executive Summary		
General Description	Wildlife Proposal WP14-22 requests changes to the Federal subsistence caribou hunting regulations in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B. The proposal requests the establishment of permit requirements for all of the units and that the to-be-announced season in Units 17A remainder and 17C remainder be shortened from Aug. 1–Mar. 31 to Aug. 1–Mar. 15. *Submitted by the Bristol Bay Subsistence Regional Advisory Council.*	
Proposed Regulation	**Units 9A, 9B, 9C—Caribou**	
	Unit 9A—2 caribou ***by State registration permit;*** *no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
	Unit 9B—2 caribou ***by State registration permit;*** *no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
	Unit 9C, that portion within the Alagnak River drainage—2 caribou ***by State registration permit;*** *no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
	Units 17A, 17B, 17C—Caribou	
	Unit 17A—all drainages west of Right Hand Point—2 caribou ***by State registration permit;*** *no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31. The season may be closed and harvest limit reduced for the drainages between the Togiak River and Right Hand Point by announcement of the Togiak National Wildlife Refuge Manager.*	*Aug. 1–Mar. 15*
	Units 17A remainder and 17C remainder—selected drainages; a harvest limit of up to 2 caribou ***by State registration permit*** *will be determined at the time the season is announced. Season, harvest limit, and hunt area to be announced by the Togiak National Wildlife Refuge Manager.*	*Season ~~to occur sometime within~~* ***may be announced by the Togiak National Wildlife Refuge Manager between*** *Aug. 1–Mar. ~~31~~****15****.*

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WP014–22 Executive Summary (continued)		
	*Units 17B and 17C—that portion of 17C east of the Wood River and Wood River Lakes—2 caribou **by State registration permit**; no more than 1 caribou may be a bull, and no more than 1 caribou from Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
	Unit 18—Caribou	
	*Unit 18—that portion to the east and south of the Kuskokwim River—2 caribou **by State registration permit;** no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Sept. 30 and Dec. 20–Jan. 31.*	*Aug. 1–Sept. 30 Dec. 20–the last day of Feb.*
	*Unit 18 remainder—2 caribou **by State registration permit;** no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
	Units 19A, 19B—Caribou	
	*Unit 19A—north of the Kuskokwim River—2 caribou **by State registration permit,** no more than 1 caribou may be a bull; no more than 1 caribou may be taken from Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
	*Unit 19A—south of the Kuskokwim River and Unit 19B (excluding rural Alaska residents of Lime Village)—2 caribou **by State registration permit;** no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
OSM Preliminary Conclusion	**Support** Proposal WP14-22 **with modification** to delete regulatory language found in portions of Units 17A and 17C, and issue a delegation of authority letter (Appendix I) to the Togiak National Wildlife Refuge Manager for specific in-season management authorities.	
Bristol Bay Regional Council Recommendation		
Yukon/Kuskokwim Delta Regional Council Recommendation		
Western Interior Regional Council Recommendation		
Interagency Staff Committee Comments		

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WP014–22 Executive Summary (continued)	
ADF&G Comments	
Written Public Comments	**None**

DRAFT STAFF ANALYSIS
WP14-22

ISSUES

Wildlife Proposal WP14-22, submitted by the Bristol Bay Subsistence Regional Advisory Council, requests changes to the Federal subsistence caribou hunting regulations in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B. The proposal requests the establishment of permit requirements for all of the units and that the to-be-announced season in Units 17A remainder and 17C remainder be shortened from Aug. 1–Mar. 31 to Aug. 1–Mar. 15.

DISCUSSION

The proponent states the regulatory changes should be made to align with recent changes to State regulations, which would result in a consistent hunt structure. Requiring Federally qualified subsistence users to use a State registration permit to harvest caribou under Federal regulations would allow managers to better assess hunter harvest.

The proponent states the regulatory changes should reduce confusion about the correct harvest limit regulations on the Mulchatna Caribou Herd. Specifically, the statewide general caribou harvest card contains five harvest tickets, but the present harvest limit for Mulchatna caribou is two caribou. Also, the requirement for a State registration permit would require hunters to report the outcome of their hunting efforts. The proponent states that Federally qualified subsistence users would not be affected by the permit requirement, as most hunters in the range of the Mulchatna Caribou Herd are already familiar with other registration permits and the associated State reporting system.

Note: A similar proposal (WP14-26) requesting to extend the Federal subsistence caribou season in Unit 18, that portion to the east and south of the Kuskokwim River, from Aug. 1–Sept. 30 and Dec. 20–the last day of February to Aug. 1–Mar. 15 with a State and registration permit is being analyzed separately.

Existing Federal Regulation

Note: The existing Federal regulations incorporate the recent Federal Subsistence Board approval of Temporary Special Action WSA13-02 (approved on July 26, 2013), as shown in bold.

Units 9A, 9B, 9C—Caribou	
*Unit 9A—2 caribou **by State registration permit;** no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
*Unit 9B—2 caribou **by State registration permit**; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
*Unit 9C, that portion within the Alagnak River drainage—2 caribou **by State registration permit;** no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*

Units 17A, 17B, 17C—Caribou

*Unit 17A—all drainages west of Right Hand Point—2 caribou **by State registration permit**; no more than1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31. The season may be closed and harvest limit reduced for the drainages between the Togiak River and Right Hand Point by announcement of the Togiak National Wildlife Refuge Manager.*	*Aug. 1–Mar. 15*
*Units 17A remainder and 17C remainder—selected drainages; a harvest limit of up to 2 caribou **by State registration permit** will be determined at the time the season is announced. Season, harvest limit, and hunt area to be announced by the Togiak National Wildlife Refuge Manager.*	*Season **may be announced by the Togiak National Wildlife Refuge Manager between** Aug. 1–Mar. **15***
*Units 17B and 17C—that portion of 17C east of the Wood River and Wood River Lakes—2 caribou **by State registration permit**; no more than 1 caribou may be a bull, and no more than 1 caribou from Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*

Unit 18—Caribou

*Unit 18—that portion to the east and south of the Kuskokwim River—2 caribou **by State registration permit**; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Sept. 30 and Dec. 20–Jan. 31.*	*Aug. 1–Sept. 30 Dec. 20–the last day of Feb.*
*Unit 18 remainder—2 caribou **by State registration permit**; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*

Units 19A, 19B—Caribou

*Unit 19A—north of the Kuskokwim River—2 caribou **by State registration permit**, no more than 1 caribou may be a bull; no more than 1 caribou may be taken from Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
*Unit 19A—south of the Kuskokwim River and Unit 19B (excluding rural Alaska residents of Lime Village)—2 caribou **by State registration permit**; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*

Proposed Federal Regulation

Units 9A, 9B, 9C—Caribou

*Unit 9A—2 caribou **by State registration permit**; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*

*Unit 9B—2 caribou **by State registration permit;** no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
*Unit 9C, that portion within the Alagnak River drainage—2 caribou **by State registration permit;** no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
Units 17A, 17B, 17C—Caribou	
*Unit 17A—all drainages west of Right Hand Point—2 caribou **by State registration permit;** no more than1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31. The season may be closed and harvest limit reduced for the drainages between the Togiak River and Right Hand Point by announcement of the Togiak National Wildlife Refuge Manager.*	*Aug. 1–Mar. 15*
*Units 17A remainder and 17C remainder—selected drainages; a harvest limit of up to 2 caribou **by State registration permit** will be determined at the time the season is announced. Season, harvest limit, and hunt area to be announced by the Togiak National Wildlife Refuge Manager.*	*Season ~~to occur sometime within~~ **may be announced by the Togiak National Wildlife Refuge Manager between** Aug. 1–Mar. ~~31~~**15**.*
*Units 17B and 17C—that portion of 17C east of the Wood River and Wood River Lakes—2 caribou **by State registration permit;** no more than 1 caribou may be a bull, and no more than 1 caribou from Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
Unit 18—Caribou	
*Unit 18—that portion to the east and south of the Kuskokwim River—2 caribou **by State registration permit;** no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Sept. 30 and Dec. 20–Jan. 31.*	*Aug. 1–Sept. 30 Dec. 20–the last day of Feb.*
*Unit 18 remainder—2 caribou **by State registration permit;** no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
Units 19A, 19B—Caribou	
*Unit 19A—north of the Kuskokwim River—2 caribou **by State registration permit,** no more than 1 caribou may be a bull; no more than 1 caribou may be taken from Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
*Unit 19A—south of the Kuskokwim River and Unit 19B (excluding rural Alaska residents of Lime Village)—2 caribou **by State registration permit;** no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*

Existing State Regulation

Unit 9—Caribou			
Unit 9A,Unit 9B, and that portion of Unit 9C within the Alagnak River drainage	*Residents only: Two caribou by permit available online at http://hunt.alaska.gov and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, McGrath, Palmer, Soldotna, and at local license vendors beginning July 17. No more than one bull may be taken; no more than one caribou may be taken from Aug 1–Jan 31*	*RC503*	*Aug. 1–Mar. 15*
Unit 9C, that portion north of the north bank of the Naknek River and south of the Alagnak River drainage	*Residents only: One caribou by permit available online at http://hunt.alaska.gov and in person in King Salmon if a winter season is announced*	*RC504*	*may be announced*
Unit 17—Caribou			
Unit 17A, all drainages that terminate east of Right Hand Point	*Residents only: Two caribou by permit available online at http://hunt.alaska.gov and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, Palmer, Soldotna, and at local license vendors beginning July 17.*	*RC501*	*may be announced*
Unit 17A remainder, Unit 17B, and that portion of Unit 17C east of the east banks of the Wood River, Lake Aleknagik, Agulowak River, Lake Nerka and the Agulukpak River	*Residents only: Two caribou by permit available online at http://hunt.alaska.gov and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, McGrath, Palmer, Soldotna, and at local license vendors beginning July 17. No more than one bull may be taken; no more than one caribou may be taken from Aug 1–Jan 31.*	*RC503*	*Aug. 1–Mar. 15*

Unit 17C remainder	*Residents only: Two caribou by permit available online at http://hunt.alaska.gov and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, Palmer, Soldotna, and at local license vendors beginning July 17.*	*RC501*	*may be announced*
Unit 18—Caribou			
Unit 18	*Residents only: Two caribou by permit available online at http://hunt.alaska.gov and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, McGrath, Palmer, Soldotna, and at local license vendors beginning July 17. No more than one bull may be taken; no more than one caribou may be taken from Aug 1–Jan 31.*	*RC503*	*Aug. 1–Mar. 15*
Unit 19—Caribou			
Unit 19A and Unit 19B	*Residents only: Two caribou by permit available online at http://hunt.alaska.gov and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, McGrath, Palmer, Soldotna, and at local license vendors beginning July 17. No more than one bull may be taken; no more than one caribou may be taken from Aug 1–Jan 31.*	*RC503*	*Aug. 1–Mar. 15*

Extent of Federal Public Lands

Unit 9

Federal public lands comprise approximately 40% of Unit 9A, and consist of 39% NPS and less than 1% of BLM and FWS managed lands. Federal public lands comprise approximately 44% of Unit 9B, and consist of 26% NPS and 18% BLM managed lands. Federal public lands comprise approximately 86% of Unit 9C, and consist of 78% NPS, 4% FWS, and 4% BLM managed lands (**Unit 9 Map**).

Unit 17

Federal public lands comprise approximately 87% of Unit 17A, and consist of 87% FWS and less than 1% of BLM managed lands. Federal public lands comprise approximately 8% of Unit 17B, and consist of

6% NPS, 1.5% BLM, and 1% FWS managed lands. Federal public lands comprise approximately 26% of Unit 17C, and consist of 11% BLM and 15% FWS managed lands (**Unit 17 Map**).

Unit 18

Federal public lands comprise approximately 66% of Unit 18, and consist of 63% FWS and 3% BLM managed lands (**Unit 18 Map**).

Unit 19

Federal public lands comprise approximately 22% of Unit 19A, and consist of 19.5% BLM and 2.5% FWS managed lands. Federal public lands comprise approximately 13% of Unit 19B, and consist of 11% NPS, 2.5% BLM, and less than 1% of FWS managed lands (**Unit 19 Map**).

Customary and Traditional Use Determinations

Unit 9

Residents of Units 9B, 9C, and 17 have a positive customary and traditional use determination to harvest caribou in Units 9A and 9B.

Residents of Units 9B, 9C, 17, and Egegik have a positive customary and traditional use determination to harvest caribou in Unit 9C.

Unit 17

Residents of Goodnews Bay, Platinum, Quinhagak, Eek, Tuntutuliak, and Napakiak have a positive customary and traditional use determination to harvest caribou in Unit 17A, that portion west of the Izavieknik River, Upper Togiak Lake, Togiak Lake, and the main course of the Togiak River.

Residents of Akiak, Akiachak, and Tuluksak have a positive customary and traditional use determination to harvest caribou in Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.

Residents of Kwethluk have a positive customary and traditional use determination to harvest caribou in Units 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.

Residents of Bethel, Goodnews Bay, Platinum, Quinhagak, Eek, Akiak, Akiachak, Tuluksak, Tuntutuliak, and Napakiak have a positive customary and traditional use determination to harvest caribou in Unit 17B, that portion of Togiak National Wildlife Refuge within Unit 17B.

Residents of Units 9B, 17, Lime Village, and Stony River have a positive customary and traditional use determination to harvest caribou in Unit 17 remainder.

Unit 18

Residents of Unit 18, Manokotak, Stebbins, St. Michael, Togiak, Twin Hills, and Upper Kalskag have a positive customary and traditional use determination to harvest caribou in Unit 18.

Unit 19

Residents of Units 19A and19B; Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River; and residents of St. Marys, Marshall, Pilot Station, and Russian Mission have a positive customary and traditional use determination to harvest caribou in Units 19A and 19B.

Regulatory History

State and Federal regulations for the Mulchatna Caribou Herd (MCH) were liberalized during the dramatic population increase that occurred in the 1990s. These regulations provided hunters with the opportunity to harvest additional caribou from the large, increasing population. Numerous modifications were made to the Federal subsistence regulations for various management units as the MCH population increased and expanded into new range. Following the population decline, regulations became more restricted in 2006 and 2007.

In March 2006, the Alaska Board of Game adopted new State regulations to reduce harvest limits within the range of the MCH from five to two caribou. In March 2007, the Alaska Board of Game further restricted the caribou harvest to allow no more than one bull to be taken, and no more than one caribou to be taken from Aug. 1–Jan. 31. In 2007, the Federal Subsistence Board (Board) took similar action and adopted Proposal WP07-23 with modification to reduce the harvest limits in Unit 9B, a portion of Unit 17A, Unit 17B, a portion of Unit 17C, Unit 18, a portion of Unit 19A, and Unit 19B; from five to three caribou due to the large population decline. In March 2009, the Alaska Board of Game eliminated the nonresident harvest on the MCH to ensure subsistence opportunity was being provided.

In 2010, the Bristol Bay Subsistence Regional Advisory Council submitted two proposals, WP10-51 and WP10-53. Proposal WP10-51 requested that the Federal caribou seasons be made consistent in Units 9A, 9B, 17B, a portion of 17C, 18, 19A, and 19B with an Aug. 1–Mar. 31 season. Proposal WP10-53 requested a consistent harvest limit of two caribou, with no more than one bull to be taken and no more than one caribou to be taken Aug. 1–Jan. 31 in Units 9A, 9B, a portion of 9C, 17A, 17B, 17C, 18, 19A, and 19B (excluding Lime Village). The Board adopted proposal WP10-51 with modification to make the season ending date March 15 for all units, including the remainder of Units 17A and 17C, and also adopted WP10-53 as submitted. In addition, Proposal WP10-60, submitted by the Yukon Delta National Wildlife Refuge, requested the harvest limit for caribou in Unit 18 be reduced from three to two caribou. The Board adopted the proposal with modification to include a one-bull restriction and extend the one caribou restriction from Aug. 1–Nov. 30 to Aug. 1–Jan. 31, consistent with the actions taken on WP10-51 and WP10-53.

In 2011, Proposal WP12-42, submitted by the Yukon Delta National Wildlife Refuge, requested that the harvest limit be reduced from two to one caribou and that the harvest season be shortened from Aug. 1–Mar. 15 to a split season of Aug. 1–Sept. 30 and Dec. 20–last day of February in Unit 18. In January 2012, the Board adopted WP12-42 with modification to maintain the two caribou harvest limit, but changed the harvest season to Aug. 1–Sept. 30 and Dec. 20–the last day of February in the portion of Unit 18 south of the Kuskokwim River (FSB 2012). The remainder of Unit 18 retained the Aug. 1–Mar. 15 harvest season. However, Federally qualified subsistence users are still able to harvest caribou from Aug. 1–Mar. 15 throughout Unit 18, including Federal public land, under State regulations.

Wildlife Special Actions WSA11-10/11 were submitted by the Yukon Delta National Wildlife Refuge in February 2012. WSA11-10 requested a reduction in the season for caribou in Unit 18 of two weeks, and WSA11-11called for Federal public lands in Unit 18 south and east of the Kuskokwim River to be closed to the harvest of caribou to all users starting Mar.1, 2012. The Board rejected the special action

requests because it felt current information suggested there was not an emergency situation with the MCH necessitating such an action.

In February 2013, the Alaska Board of Game adopted Proposal 45A which changed the caribou hunt in Units 9A, 9B, portions of 9C, 17, 18, 19A and 19B from a general hunt to a registration hunt, with seasons and harvest limits aligned within the entire range of the MCH. These changes were made to better assess harvest and to better respond to in-season requests to alter season dates and harvest limits, and to help evaluate the response of caribou harvest and population dynamics to ongoing intensive management programs. In July 2013, Federal permit requirements and seasons dates were temporarily aligned with State regulations when the Board approved Temporary Special Action WSA13-02, which requested that a State registration permit be required for Federally qualified subsistence users to harvest caribou in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A and 19B; and shortened the to-be-announced season in Units 17A remainder and 17C remainder from Aug. 1–Mar. 31 to Aug. 1–Mar. 15. Also in 2013, the Association of Village Council Presidents submitted Temporary Special Action WSA13-03 to close Federal public lands to the harvest of caribou, except by Federally qualified subsistence users. The Board rejected the temporary special action because the MCH was at the lower end of the State management objective and population composition data was improving. Additionally, the newly established State registration permit would allow managers to better track harvest and improve in-season management.

Current Events Involving the Species

Between March 5th and March 16th of 2013, 20 tickets were written by U.S. Fish and Wildlife Officers to hunters in the Bethel area for caribou hunting violations. The majority of tickets were written for having no hunting licenses and no harvest tickets. Additional tickets were written for harvesting over the limit of two caribou, and one ticket was written for a chasing violation. Similar numbers of tickets and violations were also given out by State wildlife troopers (Bedingfield 2013, pers. comm.).

Public hearings were held on June 13, 2013 in Dillingham and on June 26, 2013 in Bethel to provide opportunity for members of the public to comment on Temporary Special Action WSA13-02. Public hearings in the affected areas are required prior to taking action on temporary special actions that may be in place for more than 60 days. Most of the public testimony was in support of the special action request to better align with State regulations. However, public comments also included concerns about availability of the new registration permits and requests to close the season to nonresident or non-Federally qualified users. Other comments included the effects of predation on the MCH, if there was a Federal population objective for the MCH, caribou migration routes, and a report of herding caribou with aircraft.

Public hearings were held on July 26, 2013 in Bethel and Dillingham to provide opportunity for members of the public to comment on WSA13-03. Public comments at the Bethel public hearing included five members of the public testifying in support of WSA13-03, and questions were raised regarding the status, management objectives, and data associated with the MCH. Those who supported the closure at the Bethel hearing stated that nonlocal hunters targeted trophy bulls and some wasted meat; local people do not know where the boundaries are between State, Federal, and Corporation lands; and that harvesting bulls is limiting reproduction. Public comments at the Dillingham public hearing included questioning whether the special action is necessary because the MCH may have reached its lowest population level and the herd's range is improving, more consistent use of terms by the Federal Subsistence Management Program, and that the current population level is probably closer to its historic size and high numbers in the 1990s were not sustainable due to available habitat. In addition, one resident from Dillingham submitted a public comment to the Office of Subsistence Management on July 25, 2013 in opposition

to WSA13-03. The individual stated several reasons for opposing the special action, including the high caribou numbers in the 1990s were not normal and the current population level is more similar to historic levels, managers have instituted a State registration permit to better track harvest, the bull:cow and calf:cow ratios are improving, the State has initiated predator control efforts on calving grounds, his personal observations suggesting the range conditions are improving, and potential impacts to users due to the late submission of the special action request.

Biological Background

The MCH ranges across approximately 60,000 square miles, primarily within Units 9B, 9C, 17, 18, and 19. Wintering areas during the 1980s and early 1990s were along the north and west side of Iliamna Lake, north of the Kvichak River, but telemetry data indicated the MCH had been moving to the south and west for wintering (Van Daele and Boudreau 1992 *cited in* Woolington 2007). Starting in the mid-1990s, caribou from the MCH began wintering in Unit 18 south of the Kuskokwim River and in southwestern Unit 19B in increasing numbers. During the winter of 2004/2005, much of the herd wintered in Unit 18, south of the Kuskokwim River, and another large part of the herd wintered in the middle Mulchatna River drainage. During 2005/2006, large numbers of caribou wintered near the lower Kvichak River (Woolington 2009).

The State's management objectives for the MCH have changed as the population's numbers have fluctuated. Prior to 2001, the management objective was to maintain a minimum population of 25,000 adults with a minimum ratio of 35 bulls:100 cows, manage the herd for maximum opportunity to hunt caribou, and manage the herd in a manner that encouraged range expansion west and north of the Nushagak River (Woolington 2001). In 2001, the Alaska Board of Game modified the population objective to maintain a population of 100,000–150,000 caribou (Woolington 2003). Most recently, at the Southcentral/Southeast Alaska Board of Game meeting in 2009, the population objective was reduced to 30,000–80,000 caribou, which was thought to be more realistic for the MCH (ADF&G 2009). The Alaska Board of Game also reduced the harvest objectives from 6,000–15,000 caribou to 2,400–8,000 caribou (ADF&G 2009).

The MCH increased at an average annual rate of 17% between 1981 and 1996, and approximately 28% from 1992 to 1994. Overall heard size peaked in 1996, at approximately 200,000 animals and a peak of 42 bulls:100 cows (Woolington 2007). The dramatic population growth is attributed to mild winters, movements into new unexploited range, low predation, and an estimated annual harvest of less than 5% of the population since the late 1970s (Woolington 2007). Since 1996, the population has declined. The latest photo census, conducted in 2008, provided a minimum count of 30,000 caribou, which is as the low end of the State's population objective (**Table 1**) (Woolington 2012). Preliminary results from a 2012 photo census suggest the population may still be around 30,000 caribou (Yuhas 2013, pers. comm.). Possible signs of stress in the MCH when the population level was high included an outbreak of hoof rot in 1998 and low calf:cow ratios in the fall 1999 (Woolington 2001).

The MCH declined from 1996 to 2008 and estimated bull:cow ratios have been below the management objective since 2001,but recent composition surveys have shown some improvement in the bull:cow ratio (**Table 1**). The proportion of bulls classified as large during recent composition surveys (24%–27% between 2010 and 2012) has increased from lows observed in 2004 (7%) and 2006 (9%) (**Table 1**). In addition, preliminary data shows the number of parturient 2- and 3-year old cows increased in 2013 and calf weights have been good, which suggests the caribou are not nutritionally stressed (Butler 2013, pers. comm.). While the MCH is managed as a single herd, some segments of the population appear to be faring better than others, as estimated bull:cow and calf:cow ratios have been consistently higher in the

Table 1. Mulchatna Caribou Herd composition counts and population estimates, 1974-2012 (Woolington 2012).

Regulatory Year	Total bulls: 100 cows	Calves: 100 cows	Calves (%)	Cows (%)	Small bulls (% of bulls)	Medium bulls (% of bulls)	Large Bulls (% of bulls)	Total bulls (%)	Composition sample size	Minimum estimate of herd size
1974/75	55.0	34.9	18.4	---	---	---	---	---	1,846	
1978/79	50.3	64.5	27.6	---	---	---	---	---	758	
1980/81	31.3	57.1	30.0	---	---	---	---	---	2,250	
1981/82	52.5	45.1	22.8	---	---	---	---	---	1,235	
1986/87	55.9	36.9	19.2	---	---	---	---	---	2,172	
1987/88	68.2	60.1	26.3	---	---	---	---	---	1,858	
1988/89	66.0	53.7	24.4	---	---	---	---	---	536	
1993/94	42.1	44.1	23.7	53.7	---	---	---	22.6	5,907	150,000[a]
1996/97	42.4	34.4	19.5	56.6	49.8	28.5	21.7	24.0	1,727	200,000[a]
1998/99	40.6	33.6	19.3	57.4	27.8	43.7	28.5	23.3	3,086	---[b]
1999/00	30.3	14.1	9.8	69.3	59.9	26.3	13.8	21.0	4,731	175,000[c]
2000/01[e]	37.6	24.3	15.0	61.8	46.6	32.9	20.4	23.2	3,894	---[b]
2001/02	25.2	19.9	13.7	68.9	31.7	50.1	18.3	17.7	5,728	---[b]
2002/03	25.7	28.1	18.3	65.0	57.8	29.7	12.5	16.7	5,734	147,000[d]
2003/04[f]	17.4	25.6	17.9	69.9	36.2	45.3	18.5	12.2	7,821	---[b]
2004/05[g]	21.0	20.0	14.2	71.0	64.2	28.9	6.9	14.9	4,608	85,000[h]
2005/06[i]	13.9	18.1	13.7	75.8	55.3	33.3	11.5	10.6	5,211	---[b]
2006/07[j]	14.9	25.5	18.1	71.3	57.5	33.7	8.9	10.6	2,971	45,000[k]
2007/08[l]	23.0	15.8	11.4	72.1	52.7	36.0	11.3	16.6	3,943	---[b]
2008/09[m]	19.3	23.4	16.4	70.1	46.8	36.1	17.1	13.5	3,728	30,000[n]
2009/10[o]	18.5	31.0	20.7	66.9	39.7	43.9	16.3	12.4	4,595	---[b]
2010/11[p]	16.8	19.5	14.3	73.3	30.0	43.7	26.3	12.4	4,592	---[b]
2011/12[q]	21.7	19.0	13.5	71.1	32.2	41.3	26.5	15.4	5,282	---[b]
2012/13[r]	23.2	29.8	19.5	65.3	38.3	38.1	23.6	15.2	4,853	---[b]

[a] Estimate derived from photo-counts, corrected estimates, subjective estimate of the number of caribou in areas not surveyed, and interpolation between years when aerial photo surveys not conducted.
[b] No current population estimate based on surveys.
[c] Estimate based on photocensus conducted 7/8/1999.
[d] Estimate based on photocensus conducted 6/30/2002.
[e] NOTE: Fall 2000 bull:cow ratio and bull percentages corrected from previous table.
[f] Based on pooling data from surveys conducted 10/11/2003 and 10/14/2003.
[g] Based on pooling data from surveys conducted 10/12/2004 and 10/30/2004.
[h] Estimate based on photocensus conducted 7/7/2004.
[i] Based on pooling data from surveys conducted 10/10/2005 and 10/14/2005.
[j] Based on pooling data from surveys conducted 10/13-14/2006 and 10/22/2006.
[k] Based on photocensus conducted 7/11/2006.
[l] Based on pooling data from surveys conducted 10/7-8/2007 and 10/11/2007.
[m] Based on pooling data from surveys conducted 10/7/2008 and 10/8/2008.
[n] Based on photocensus conducted 7/7/2008.
[o] Based on pooling dated from surveys conducted 10/12/2009 and 10/16/2009.
[p] Based on pooling data from surveys conducted 10/10-11/2010 and 10/13/2010.
[q] Based on pooling data 10/9/2011-10/11/2011.
[r] Based on pooling data from surveys conducted 10/5-10/6/2012.

western portion of the MCH range (**Figures 1 and 2**). Preliminary data shows that calf survival is high in the Kemuk Mountain area (western portion), which has an active intensive management program for wolves, but is lower in the Tundra Lake area (eastern portion) (Butler 2013, pers. comm.). Individuals from eastern and western portions of the MCH range appear to have readily mixed prior to 2007 and 2008, but there has recently been more isolation between caribou in the two areas (Woolington 2011a, 2012).

Habitat

Taylor (1989) reported that the carrying capacity of traditional winter areas of the herd had been exceeded by the mid to late 1980s and that the herd had to utilize other areas to continue its growth. It appears that the MCH has been using these non-traditional winter ranges at an ever increasing rate over the last 25 years. Portions of the herd's range showed signs of heavy use during periods of high caribou abundance, with extensive trailing evident along major travel routes. Woolington (2011b) reported that some of the summer and fall range of the MCH in the Nushagak Hills and elsewhere was trampled and showed signs of heavy grazing, while traditional winter ranges on the north and west sides of Iliamna Lake also showed signs of heavy use despite the fact that few caribou appear to continue to utilize these areas.

Harvest History

Reported caribou harvest by all users in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B has declined from 3,924 caribou in 2000/2001 to 450 caribou in 2010/2011 (**Table 2**). However, a significant amount of unreported harvest has likely occurred (Woolington 2011b). Annual reported harvest by Federally qualified subsistence users increased between 2000 and 2005, but has since declined (**Table 2**). Reported harvest by non-Federally qualified users (nonlocal Alaska residents and nonresidents) significantly declined between 2000 and 2010 (**Table 2**). Nonresident seasons were closed in State regulations in 2009 in the affected areas.

Until recently, most of the harvest has occurred in August and September (66% in 2004/2005 and 47% in 2005/2006) (Woolington 2011b). Since 2007/2008, an increasing percentage of the total annual harvest has occurred during February and March (54% in 2007/2008, 55% in 2008/2009, and 42% in 2009/2010) (Woolington 2011b).

Effects of the Proposal

If this proposal is adopted, the permit requirements and season dates Federal subsistence caribou regulations in Units 9A, 9B, 9C, 17A, 17B, 17C, and 19A, and 19B would be aligned with the recently modified State regulations, which require a State registration permit to harvest caribou. Federal permit requirements would be aligned with State regulation in Unit 18, but seasons in the portion of Unit 18 east and south of the Kuskokwim River would remain misaligned due to the Federal split season (Aug. 1–Sept. 30 and Dec. 20–last day of Feb.); however, WP14-26 requests a continuous season that would align with other State seasons throughout the range of the MCH. The affected areas consist of Federal and non-Federal lands, and requiring a State registration permit under Federal and State regulations would reduce regulatory complexity for all users and law enforcement officers. The State registration permit may also reduce confusion regarding harvest limits with the current general harvest tickets, as mentioned by the proponent. The requirement for a State registration permit would likely have a minimal impact on Federally qualified subsistence users, as the process for obtaining a registration permit is similar to obtaining a harvest ticket. State registration permits can be obtained at license vendors or online. Similar permits requirements already occur with Federal moose regulations in Units 9A, 9B, 9C, 17 and 18.

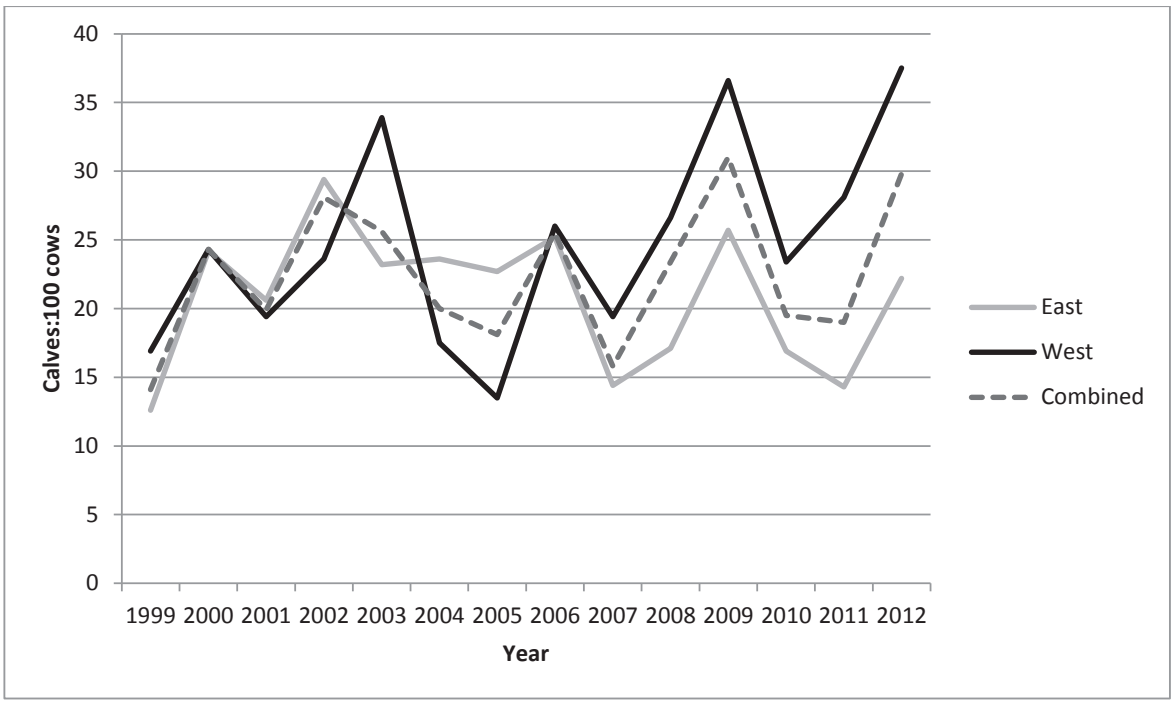

Figure 1. Calf:cow ratio estimates for the Mulchatna Caribou Herd during fall (October) population composition surveys (Woolington 2012). Surveys were conducted on the east (Unit 17B and the eastern portion of Unit 19B) and west (Unit 18 and the western portion of Unit 19B) sides of the herd's range. Combined composition data also includes survey data from Units 19A and 17C and a small group of caribou in the upper Tikchik River basin.

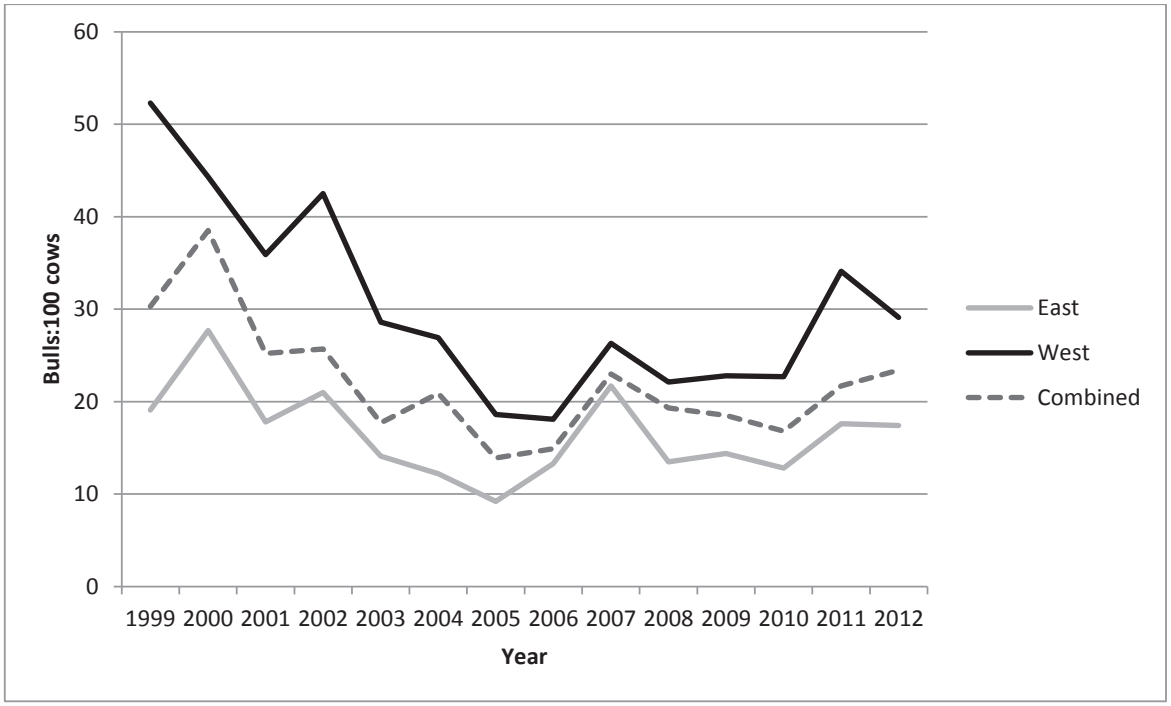

Figure 2. Bull:cow ratio estimates for the Mulchatna Caribou Herd during fall (October) population composition surveys (Woolington 2012). Surveys were conducted on the east (Unit 17B and the eastern portion of Unit 19B) and west (Unit 18 and the western portion of Unit 19B) sides of the herd's range. Combined composition data also includes survey data from Units 19A and 17C and a small group of caribou in the upper Tikchik River basin.

Table 2. Reported harvest of caribou and sex composition of the harvest by Federally qualified subsistence users and non-Federally qualified users in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B using State harvest tickets, 2000–2010 (OSM 2013). Federally qualified subsistence users are residents of communities with a positive customary and traditional use determination for the respective Federal hunt areas.

	Federally qualified subsistence users			Nonlocal residents			Nonresidents		
		Percent of harvest			Percent of harvest			Percent of harvest	
Year	Harvest	Bulls	Cows	Harvest	Bulls	Cows	Harvest	Bulls	Cows
2000	431	67%	31%	1,462	67%	32%	2,031	93%	6%
2001	645	60%	39%	1,512	56%	43%	1,659	91%	8%
2002	352	64%	34%	1,061	58%	42%	1,284	89%	10%
2003	795	54%	44%	1,227	48%	51%	1,076	91%	8%
2004	601	60%	39%	914	34%	66%	778	78%	21%
2005	835	52%	47%	713	30%	69%	488	67%	33%
2006	423	59%	41%	264	44%	56%	275	62%	36%
2007	403	58%	41%	104	48%	49%	128	63%	36%
2008	257	58%	41%	74	45%	55%	58	66%	34%
2009	247	69%	28%	63	62%	38%	0	0%	0%
2010	381	53%	46%	69	45%	55%	0	0%	0%

The use of a State registration permit would allow managers to better track harvest, be more responsive to in-season management needs, and allow harvest opportunity for Federally qualified subsistence users to be maximized. The State registration permit has a requirement to report harvest within 5 days taking a caribou, whereas the general harvest tickets have a requirement to report harvest within 15 of taking the bag limit or the close of the season. Harvest reporting is an important aspect of harvest management, especially with fluctuating populations like the Mulchatna Caribou Herd, and reporting would likely improve as reporting rates are higher with registration permits.

The Federal to-be-announced season in the Units 17A remainder and 17C remainder would be reduced by up to 16 days, from Aug. 1–Mar. 31 to Aug. 1–Mar. 15. The proposed change would align the potential Federal caribou season with other areas within the range of the Mulchatna Caribou Herd.

OSM PRELIMINARY CONCLUSION

Support Proposal WP14-22 **with modification** to delete regulatory language found in portions of Units 17A and 17C, and issue a delegation of authority letter (**Appendix I)** to the Togiak National Wildlife Refuge Manager for specific in-season management authorities. In Unit 17A within all drainages west of Right Hand Point, delegate the authority to open and close the season and set the harvest limit, including any sex restrictions (e.g., bulls only). In Unit 17A remainder and Unit 17C remainder, delegate the authority to open and close the season, set the harvest limit, and identify the hunt area for the may-be-announced season.

The modified regulation should read:

Units 9A, 9B, 9C—Caribou	
*Unit 9A—2 caribou **by State registration permit**; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
*Unit 9B—2 caribou **by State registration permit**; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
*Unit 9C, that portion within the Alagnak River drainage—2 caribou **by State registration permit**; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
Units 17A, 17B, 17C—Caribou	
*Unit 17A—all drainages west of Right Hand Point—2 caribou **by State registration permit**; no more than1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1–Jan. 31.* ~~The season may be closed and harvest limit reduced for the drainages between the Togiak River and Right Hand Point by announcement of the Togiak National Wildlife Refuge Manager.~~	*Aug. 1–Mar. 15*
*Units 17A remainder and 17C remainder—selected drainages; a harvest limit of up to 2 caribou **by State registration permit** will be determined at the time the season is announced.* ~~Season, harvest limit, and hunt area to be announced by the Togiak National Wildlife Refuge Manager.~~	*Season ~~to occur sometime~~ **may be announced** within Aug. 1–Mar. ~~31~~**15**.*

*Units 17B and 17C—that portion of 17C east of the Wood River and Wood River Lakes—2 caribou **by State registration permit**; no more than 1 caribou may be a bull, and no more than 1 caribou from Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
Unit 18—Caribou	
*Unit 18—that portion to the east and south of the Kuskokwim River—2 caribou **by State registration permit**; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Sept. 30 and Dec. 20–Jan. 31.*	*Aug. 1–Sept. 30 Dec. 20–the last day of Feb.*
*Unit 18 remainder—2 caribou **by State registration permit**; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
Units 19A, 19B—Caribou	
*Unit 19A—north of the Kuskokwim River—2 caribou **by State registration permit**, no more than 1 caribou may be a bull; no more than 1 caribou may be taken from Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*
*Unit 19A—south of the Kuskokwim River and Unit 19B (excluding rural Alaska residents of Lime Village)—2 caribou **by State registration permit**; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1–Jan. 31.*	*Aug. 1–Mar. 15*

Justification

The population level of the Mulchatna Caribou Herd continues to be low, and harvest of the herd has declined since 2003. More adaptive management is needed to ensure conservation of the resource. Changing from a general harvest ticket to a State registration permit will allow for better harvest tracking due to reporting requirements. Better harvest tracking would allow managers to be more responsive to in-season management needs. The new permit requirement would also align State and Federal caribou regulations, which will help reduce regulatory complexity for all users and law enforcement. Shortening the potential season dates for the may-be-announced caribou season in Units 17A remainder and 17C remainder will reduce regulatory complexity by aligning season dates within the range of the Mulchatna Caribou Herd. The creation of a delegation of authority letter for portions of Unit 17A and 17C will serve to clarify regulations for in-season management. Recent illegal hunting issues in the Bethel area highlight the importance of a registration hunt to help prevent potential localized overharvest.

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Susanna Henry, Refuge Manager
Togiak National Wildlife Refuge
P.O. Box 270 MS 569
Dillingham, Alaska 99576

Dear Ms. Henry:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Manager of the Togiak National Wildlife Refuge, as approved by the Board, to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within all drainages west of Right Hand Point in Unit 17A and Units 17A remainder and 17C remainder as it applies to caribou on these lands.

It is the intent of the Board that actions related to management of caribou by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), the Bureau of Land Management, and the Chair of the Bristol Bay Subsistence Regional Advisory Council (Council) to the extent possible. Federal managers are expected to work with State and Federal managers and the Chair and applicable members of the Council to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Togiak National Wildlife Refuge Manager is hereby delegated authority to issue emergency or temporary special actions affecting caribou on Federal lands as outlined under the Scope of Delegation of this section. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

2. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: "The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board."

3. Scope of Delegation: The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To open and close the season and set the harvest limit for caribou on Federal public lands in Unit 17A—all drainages west of Right Hand Point.

- To open and close the season, set the harvest limit (including any sex restrictions), and identify the hunt area for the may-be-announced season in Unit 17A remainder and 17C remainder.

This delegation may be exercised only when it is necessary to conserve the caribou population or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, or closures to only non-Federally qualified users shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those within Unit 17A—all drainages west of Right Hand Point, and those portions within Units 17A remainder and 17C remainder.

3. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

4. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management no later than sixty days after development of the document.

You will notify the Office of Subsistence Management and coordinate with local ADF&G managers, the Bureau of land Management, and the Chair of the Bristol Bay Subsistence Regional Advisory Council regarding special actions under consideration. You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, the Office of Subsistence Management, affected State and Federal managers, law enforcement personnel, and Council representatives. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, the Office of Subsistence Management, affected State and Federal Managers, and the local Council representatives at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately.

You may defer a special action request, otherwise covered by this delegation of authority, to the Federal Subsistence Board in instances when the proposed management action will have a significant impact on a

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large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Federal Subsistence Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

5. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, Department of the Interior.

Sincerely,

Tim Towarak
Chair, Federal Subsistence Board

cc: Assistants to the Board
Interagency Staff Committee
Chair, Bristol Bay Subsistence Regional Advisory Council
Commissioner, Alaska Department of Fish and Game
Coordinator, Bristol Bay Subsistence Regional Advisory Council
Subsistence Liaison, Alaska Department of Fish and Game
ARD, Office of Subsistence Management
Administrative Record

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WP14-23 Executive Summary	
General Description	Proposal WP14-23 requests an extension of the moose season in Unit 18, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village, from Aug. 1 to the last day of February, to Aug. 1 to Mar. 31. It also requests removal of the bull-only restriction from Aug. 1-Sept. 30. *Submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council,*
Proposed Regulation	***Unit 18 — Moose*** *Unit 18 – That portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village—2 moose, ~~only one of which may be antlered. Antlered bulls may only be harvested from Aug. 1 through Sept. 30~~.* *Aug. 1–~~the last day of February.~~**Mar. 31***
OSM Preliminary Conclusion	**Support**
Yukon/Kuskokwim Delta Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**1 Support**

DRAFT STAFF ANALYSIS
WP14-23

ISSUES

Proposal WP14-23, submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council, requests an extension of the moose season in Unit 18, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village, from Aug. 1 to the last day of February, to Aug. 1 to Mar. 31. It also requests removal of the bull-only restriction from Aug. 1-Sept. 30.

DISCUSSION

The proponent states that the moose population in Unit 18 is growing quickly and that people are concerned about the population becoming too abundant and crashing. The proponent feels that an extension of the hunting season will allow for more opportunity to harvest moose in the Lower Yukon portion of Unit 18 while allowing for higher cow harvest will help to keep the moose population from exceeding the carrying capacity of the area.

Existing Federal Regulation

Unit 18 — Moose	
Unit 18 – That portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village—2 moose, only one of which may be antlered. Antlered bulls may only be harvested from Aug. 1 through Sept. 30.	*Aug. 1–the last day of February.*

Proposed Federal Regulation

Unit 18 — Moose	
Unit 18 – That portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village—2 moose~~, only one of which may be antlered. Antlered bulls may only be harvested from Aug. 1 through Sept. 30.~~	*Aug. 1~~–the last day of February.~~**Mar. 31***

Existing State Regulation

Unit 18 - Moose

Residents, two moose only one of which may be an antlered bull, taking of cows accompanied by calves or calves is prohibited.	*Aug.1 – Sept. 30*
Or	
Two antlerless moose	*Oct. 1 – Feb. 28*
Nonresidents, one antlered bull	*Sept. 1 – Sept. 30*

Extent of Federal Public Lands

Federal public lands comprise approximately 66% of Unit 18 and consist of 63% US Fish and Wildlife Service managed lands and 3% Bureau of Land Management managed lands (**Map 1**).

Customary and Traditional Use Determinations

Rural residents of Unit 18, Upper Kalskag, Aniak and Chuathbaluk have a positive customary and traditional determination for moose in Unit 18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream (but excluding) the Tuluksak drainage.

Rural residents of Unit 18, St. Michael, Stebbins, and Upper Kalskag have a positive customary and traditional determination for moose in Unit 18, that portion north of a line from Cape Romanzof to Kuzilvak Mountain to Mountain Village, and all drainages north of the Yukon River downstream from Marshall.

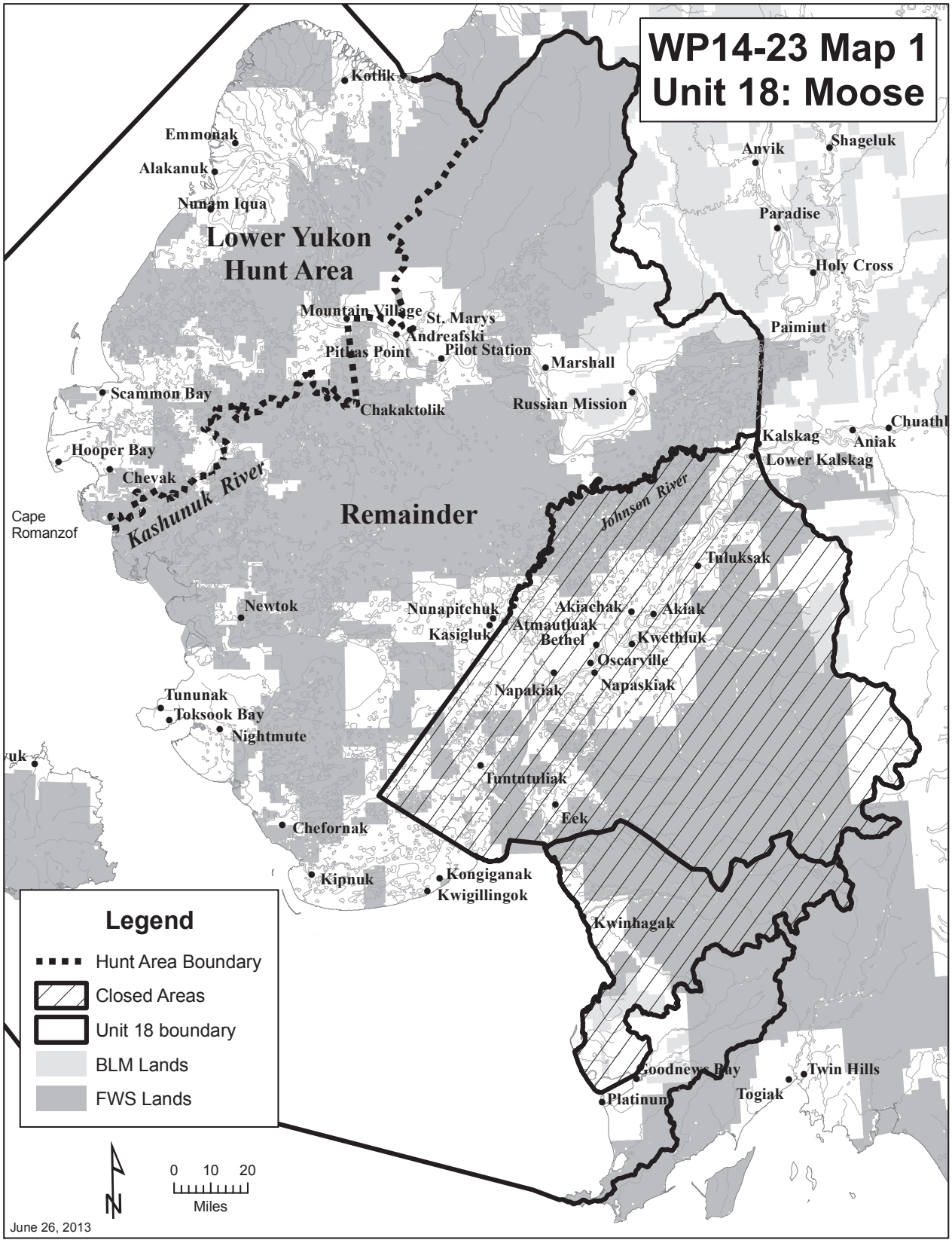
Rural residents of Unit 18 and Upper Kalskag have a positive customary and traditional determination for moose in Unit 18 remainder.

Regulatory History

In November 2005, the Alaska Board of Game adopted Proposal 4 in response to the rapid growth of the lower Yukon moose population. Action taken on the proposal modified the State harvest limit by allowing the harvest of antlered bulls only and established a winter season for antlered bulls and calves. During its November 2007 meeting, the Alaska Board of Game adopted Proposal 6, which lengthened the fall moose season for the lower Yukon and remainder areas of Unit 18 by 21 days and lengthened the winter season in the lower Yukon by 10 days.

At its March 2009 meeting, the Alaska Board of Game adopted Proposal 228, which liberalized the State harvest limit from antlered bulls to any moose for the Dec. 20–Jan. 20 season in the lower Yukon area of Unit 18. The Board stated that the affected moose population increased to a size that it could support the harvest of cows.

At its November 12, 2009 work session, the Federal Subsistence Board adopted Special Action WSA08-13, submitted by Scammon Bay Traditional Council, which requested the harvest limit in the lower Yukon area of Unit 18 be increased to two moose per regulatory year, with one allowed in the fall and one in the winter.


WP14-23 Map 1
Unit 18: Moose
Kotlik
Emmonak
Alakanuk
Nunam Iqua
Lower Yukon
Hunt Area
Mountain Village
St. Marys
Andreafski
Pitkas Point
Pilot Station
Marshall
Russian Mission
Scammon Bay
Chakaktolik
Hooper Bay
Chevak
Kashunuk River
Cape
Romanzof
Remainder
Anvik
Shageluk
Paradise
Holy Cross
Paimiut
Kalskag
Aniak
Lower Kalskag
Johnson River
Tuluksak
Newtok
Nunapitchuk
Akiachak
Akiak
Atmautluak
Kasigluk
Bethel
Kwethluk
Oscarville
Napakiak
Napaskiak
Tununak
Toksook Bay
Nightmute
Tuntutuliak
Eek
Chefornak
Kipnuk
Kongiganak
Kwigillingok
Kwinhagak
Goodnews Bay
Platinum
Togiak
Twin Hills
Legend
Hunt Area Boundary
Closed Areas
Unit 18 boundary
BLM Lands
FWS Lands
N
0 10 20
Miles
June 26, 2013

The Alaska Board of Game, at its November 13−16, 2009 meeting, adopted new regulations to extend the winter season from Jan. 20 to Feb. 28 and move the boundary between the lower Yukon and the remainder areas, south to a more discernible geographic land mark.

WP10-56, submitted by the Yukon Delta National Wildlife Refuge, requested that the harvest limit in the lower Yukon area of Unit 18 (that portion north and west of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village) be changed to two moose per regulatory year. Hunters would be allowed to harvest one antlered bull in the fall season and one moose in the winter season. Hunters that did not harvest a moose in the fall would be allowed to harvest two moose during the winter season. The proposal also delegated authority to the Yukon Delta National Wildlife Refuge manager to restrict the season, if needed, after consultation with the Alaska Department of Fish and Game. The proposal was supported by the Federal Subsistence Board with modification to extend the winter season to February 28.

WP10-57, submitted by the Yukon Delta National Wildlife Refuge, requested a change in a portion of the regulatory boundary description for Unit 18, north and west of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, and excluding all Yukon River drainages upriver from Mountain Village. This area is referred to as the lower Yukon hunt area. The proposal was supported by the Federal Subsistence Board with modification to remove the Cape Romanzof to Kusilvak Mountain section and replace with a descriptor for the Kashunuk River drainage.

WP12-49, submitted by the Yukon Delta National Wildlife Refuge, requested the moose hunting season in Unit 18, that portion north and west of the Kashunak River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village be revised from fall and winter dates (Aug. 10 - Sept.30 and Dec. 20 - Feb. 28) to Aug. 1 through the last day of February. The harvest limit would be two moose, only one of which may be antlered. The harvest of an antlered bull would be limited to the dates of Aug. 1 – Sept. 30. The proposal was adopted with modification by the Federal Subsistence Board at its January 2012 meeting to allow for the harvest of an antlered bull starting on Aug. 1 instead of Sept. 1.

Biological Background

In February 2008, the Yukon Delta National Wildlife Refuge and Alaska Department of Fish and Game conducted cooperative moose surveys in portions of Unit 18, including the furthest down river survey unit along the main stem of the Yukon River corridor from Mountain Village to Kotlik. The mid-point of the moose population estimate for this area was 2,828 moose when using traditional survey methods and 3,320 moose when a Sightability Correction Factor (SCF) was incorporated in the 2008 analysis (USFWS 2008). Using the SCF population estimate on the lower Yukon River (from Mountain Village to Emmonak), the resulting moose density estimate was 2.8 moose/mi.^{2}. The affected area has experienced rapid population growth since the end of the moratorium in 1994 **(Figure 1)** with an average annual growth rate of 27% for the period of 1994–2008. Population composition data for lower Yukon moose collected in 2011 showed 30 bulls per 100 cows and 69 calves per 100 cows, with 55% of cows having calves (Rearden 2013, pers. comm.). This data most likely reflects a growing population since the 2008 surveys.

Habitat

The Alaska Department of Fish and Game estimates a minimum of 8000 mi^2 of moose habitat within Unit 18. Approximately 4500 mi^2 of this habitat occurs along riparian zones of the Yukon River. Islands and

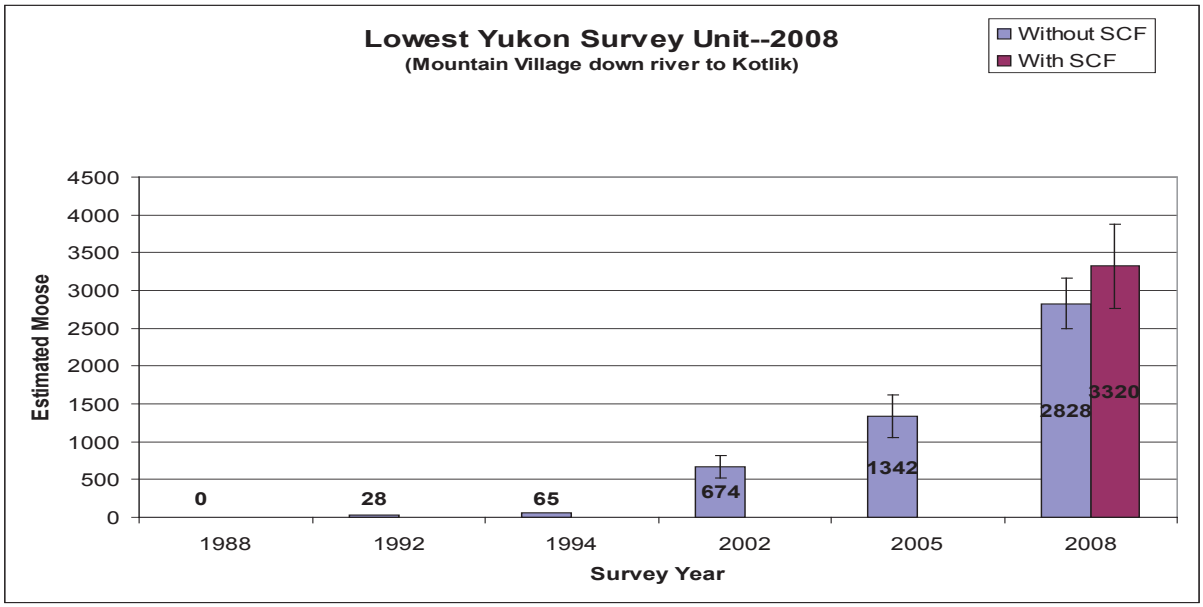


Figure 1. Moose population survey results from the lowest survey unit along the main stem of the Yukon River, 1988-2008 (USFWS 2008).

adjacent sloughs along the Yukon River from Paimiut to Mountain Village represent the most productive habitat for moose in the unit (Perry 2010).

At the Federal Subsistence Board work session in November 2009, Mr. Gene Peltola, Refuge Manager of Yukon Delta National Wildlife Refuge, testified that if moose density continues to increase in the lower Yukon area of Unit 18, there is a risk that the population will exceed the carrying capacity of the habitat and experience a decline. Mr. Peltola stated that over the last three years there have been reports of localized calf and yearling die offs and this past winter reports of dead adult moose on the Yukon main stem. In addition, he stated that the refuge would prefer a proactive management approach because of the significance of the moose population to lower Yukon residents (FSB 2009).

Harvest History

Hunter success has increased since 2005 in the lower Yukon area of Unit 18 during the fall and winter seasons (**Table 1**). From 2005 to 2010, the average annual reported fall and winter moose harvest was 152 and 34 moose respectively. Even with the "any moose" harvest limit provided during the 2009 season, the total reported winter harvest remains lower than anticipated. Harvest information is typically collected through harvest ticket or registration permit reports submitted by users, which may undercount harvest (Anderson and Alexander 1992). Overall, the reported moose harvest for the area shows an increasing trend.

Effects of the Proposal

If this proposal is adopted it would provide additional harvest opportunities for Federally qualified subsistence users by lengthening the season by one month and eliminating the bull only restriction between Aug.1 and Sept. 30. Given the rapidly increasing moose population in the lower Yukon River portion of Unit 18, this proposal would help limit the growth of the population by reducing recruitment rates via a targeted harvest of cows. Such a reduction may also help prevent habitat degradation along the lower Yukon that could lead to a population crash if left unchecked.

Table 1. Fall and winter moose harvest in Unit 18, 2000-2009 (Perry 2010).

Regulatory Year	Fall Harvest	Winter Harvest	Unknown Harvest	Total Harvest
2000-2001	166	5	4	175
2001-2002	140	9	13	162
2002-2003	202	10	11	223
2003-2004	220	13	0	233
2004-2005	189	36	1	226
2005-2006	253	64	0	317
2006-2007	256	70	4	330
2007-2008	370	86	2	458
2008-2009	350	81	11	442

OSM PRELIMINARY CONCLUSION

Support Proposal WP14-23.

Justification

The Federal Subsistence Board has adopted increasingly more liberal hunting regulations in Unit 18 in response to the growing moose population in the area. This proposal would lengthen the season by one month and allow the harvest of any moose for the whole season providing increased harvest opportunities for Federally qualified users. Moose densities along the lower Yukon River are high and additional harvest should not have a negative impact on the population. This proposal could help to reduce moose densities in the area, which should help to prevent habitat degradation that could lead to a population crash.

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WRITTEN PUBLIC COMMENTS

Support Proposal 14-23: The people using the resource know Best the conditions of the herd and possible over-grazing of an area, a possible crash of the moose population is a very real and serious issue

Donald Woodruff, Eagle

WP14-24/25 Executive Summary	
General Description	Proposal WP14-24 requests that the boundary for Unit 18, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village be changed to include the Kashunuk River and the North Fork of the Andreafsky River. *Submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council* Proposal WP14-25 requests that the boundary for Unit 18, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village be revised to include the south bank of the Kashunuk River for its entire length. It would also liberalize moose harvest for a small area upriver of Mountain Village that would be included in the lower Yukon hunt area instead of Unit 18 remainder. *Submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council,*
Proposed Regulation	**WP14-24** **Unit 18—Moose** *Unit 18—That portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to ~~the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village~~* ***the Yukon River, then north of the Yukon River downstream to, and including the North Fork of the Andreafsky River drainage****—2 moose, only one of which may be antlered. Antlered bulls may only be harvested from Aug. 1 through Sept. 30.* — *Aug. 1 – the last day of February*
Proposed Regulation	**WP14-25** **Unit 18—Moose**

continued on next page

WP14-24/25 Executive Summary (continued)		
	Unit 18—That portion north and west of the Kashunuk River ~~including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village~~ ***continuing upriver along a line ½ mile south and east of, and paralleling a line along the southerly bank of the Kashunuk River to the confluence of the south bank of Driftwood Slough, continuing upriver to the confluence of the Yukon river, across, ending the ½ mile buffer, then following the north bank of the Yukon River to Pitkas Point and excluding all Yukon River drainages upriver from Pitkas Point—****2 moose, only one of which may be antlered. Antlered bulls may only be harvested from Aug. 1 through Sept. 30.*	*Aug. 1 – the last day of February*
OSM Preliminary Conclusion	**Support** Proposals WP14-24 and WP14-25 **with modification** to combine the regulatory language to make a single area descriptor.	
Yukon/Kuskokwim Delta Regional Council Recommendation		
Seward Peninsula Regional Council Recommendation		
Western Interior Regional Council Recommendation		
Interagency Staff Committee Comments		
ADF&G Comments		
Written Public Comments	**1 Support**	

DRAFT STAFF ANALYSIS
WP14-24/25

ISSUES

Proposal WP14-24, submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council, requests that the boundary for Unit 18, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village be changed to include the Kashunuk River and the North Fork of the Andreafsky River (**Map 1**).

Proposal WP14-25, submitted by the Asa'Carsarmiut Tribal Council, requests that the boundary for Unit 18, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village be revised to include the south bank of the Kashunuk River for its entire length. It would also liberalize moose harvest for a small area upriver of Mountain Village that would be included in the lower Yukon hunt area instead of Unit 18 remainder (**Map 1**).

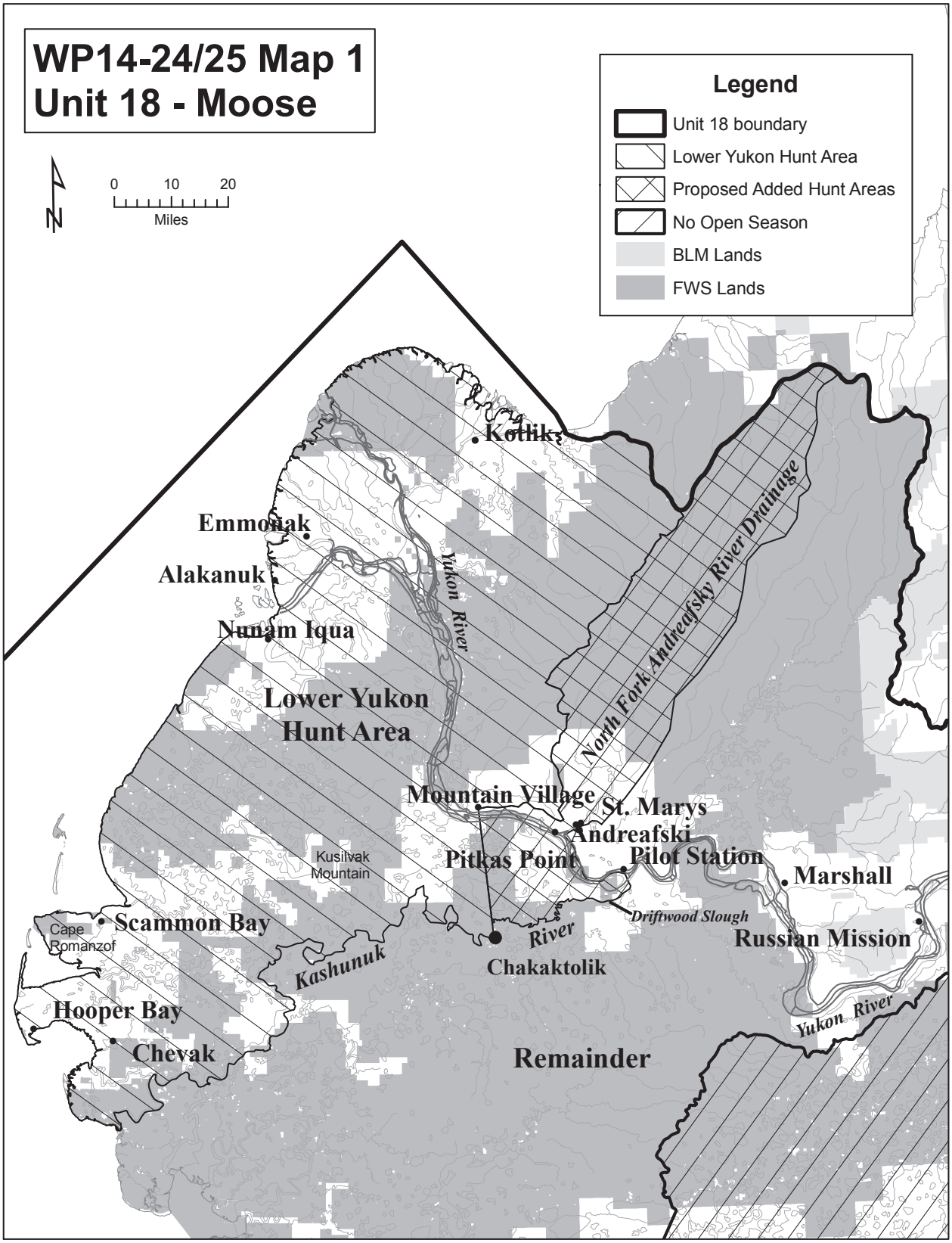
DISCUSSION

The proponent for Proposal WP14-24 states that the requested boundary change should be made so that recognizable landmarks are used to designated Unit borders. It was suggested that using a drainage for a boundary line was more ideal than using straight line designations since most subsistence users either do not have a GPS needed to locate such a line or do not know how to use one.

The proponent for Proposal WP14-25 states that requested boundary change would serve to clear up user concerns about which bank of the Kashunuk River is legal for the taking of moose and that using the entire length of the Kashunuk instead of straight line GPS points would make navigation easier for subsistence users that do not own a GPS.

Existing Federal Regulation

Unit 18—Moose	
Unit 18—That portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upr ver from Mountain Village—2 moose, only one of which may be antlered. Antlered bulls may only be harvested from Aug. 1 through Sept. 30.	*Aug. 1 – the last day of February*


WP14-24/25 Map 1
Unit 18 - Moose
Legend
Unit 18 boundary
Lower Yukon Hunt Area
Proposed Added Hunt Areas
No Open Season
BLM Lands
FWS Lands
N
0 10 20
Miles
Kotlik
Emmonak
Alakanuk
Nunam Iqua
Yukon River
North Fork Andreafsky River Drainage
Lower Yukon
Hunt Area
Mountain Village
St. Marys
Andreafski
Pilot Station
Pitkas Point
Kusilvak
Mountain
Marshall
Driftwood Slough
Russian Mission
Scammon Bay
Cape
Romanzof
Kashunuk
River
Chakaktolik
Hooper Bay
Chevak
Yukon River
Remainder

Proposed Federal Regulation

WP14-24

Unit 18—Moose

Unit 18—That portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to ~~the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village~~ ***the Yukon River, then north of the Yukon River downstream to, and including the North Fork of the Andreafsky River drainage-*** *2 moose, only one of which may be antlered. Antlered bulls may only be harvested from Aug. 1 through Sept. 30.*	*Aug. 1 – the last day of February*

WP14-25

Unit 18—Moose

Unit 18—That portion north and west of the Kashunuk River ~~including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village~~ ***continuing upriver along a line ½ mile south and east of, and paralleling a line along the southerly bank of the Kashunuk River to the confluence of the south bank of Driftwood Slough, continuing upriver to the confluence of the Yukon river, across, ending the ½ mile buffer, then following the north bank of the Yukon River to Pitkas Point and excluding all Yukon River drainages upriver from Pitkas Point-*** *2 moose, only one of which may be antlered. Antlered bulls may only be harvested from Aug. 1 through Sept. 30.*	*Aug. 1 – the last day of February*

Existing State Regulation

Unit 18—Moose

Unit 18 – Lower Yukon Area, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village, excluding all Yukon River drainages upriver from Mountain Village.	*Aug. 1 – Sept.30*
Residents – two moose, only one of which may be an antlered bull, taking cows accompanied by calves is prohibited	
OR	
Two antlerless moose	*Oct.1 – Feb.28*
Nonresidents, one antlered bull	*Sept.1 – Sept.30*

Extent of Federal Public Lands

Federal public lands comprise approximately 66% of Unit 18 and consist of 63% US Fish and Wildlife Service managed lands and 3% Bureau of Land Management managed lands (**Unit 18 Map**).

Customary and Traditional Use Determinations

Rural residents of Unit 18, Upper Kalskag, Aniak and Chuathbaluk have a positive customary and traditional determination for moose in Unit 18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream (but excluding) the Tuluksak drainage.

Rural residents of Unit 18, St. Michael, Stebbins, and Upper Kalskag have a positive customary and traditional determination for moose in Unit 18, that portion north of a line from Cape Romanzof to Kuzilvak Mountain to Mountain Village, and all drainages north of the Yukon River downstream from Marshall.

Rural residents of Unit 18 and Upper Kalskag have a positive customary and traditional determination for moose in Unit 18 remainder.

Regulatory History

The Alaska Board of Game, at its Nov. 13−16, 2009 meeting, adopted new regulations to extend the winter season from Jan. 20 to Feb. 28 and move the boundary between the lower Yukon and the remainder areas, south to a 57, submitted by the Yukon Delta National Wildlife Refuge, requested a change in a portion of the regulatory boundary description for Unit 18, north and west of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, and excluding all Yukon River drainages upriver from Mountain Village. This area is referred to as the lower Yukon hunt area. The proposal was supported by the Federal Subsistence Board with modification to remove the Cape Romanzof to Kusilvak Mountain section and replace with a descriptor for the Kashunuk River drainage.

Biological Background

In February 2008, the Yukon Delta National Wildlife Refuge and Alaska Department of Fish and Game conducted cooperative moose surveys in portions of Unit 18, including the furthest down river survey unit along the main stem of the Yukon River corridor from Mountain Village to Kotlik. The mid-point of the moose population estimate for this area was 2,828 moose when using traditional survey methods and 3,320 moose when a Sightability Correction Factor (SCF) was incorporated in the 2008 analysis (USFWS 2008). Using the SCF population estimate on the lower Yukon River (from Mountain Village to Emmonak), the resulting moose density estimate was 2.8 moose/mi.^{2}. The affected area has experienced rapid population growth since the end of the moratorium in 1994 (**Figure 1)** with an average annual growth rate of 27% for the period of 1994–2008. Population composition data for lower Yukon moose collected in 2011 showed 30 bulls per 100 cows and 69 calves per 100 cows, with 55% of cows having calves (Rearden 2011, pers. comm.). This data most likely reflects a growing population since the 2008 surveys.

The Andreafsky survey area has been flown sporadically since 1995. Survey results between 1995 and 2012 have shown an increasing population with an estimate of 3170 moose with a SCF incorporated into the analysis (Rearden 2013, pers. comm.). Using the SCF population estimate on the Andreafsky survey area gives a resulting moose density estimate of 1.9 moose/mi.^{2} and a population that has grown substantially since 2002 (**Figure 2)**.

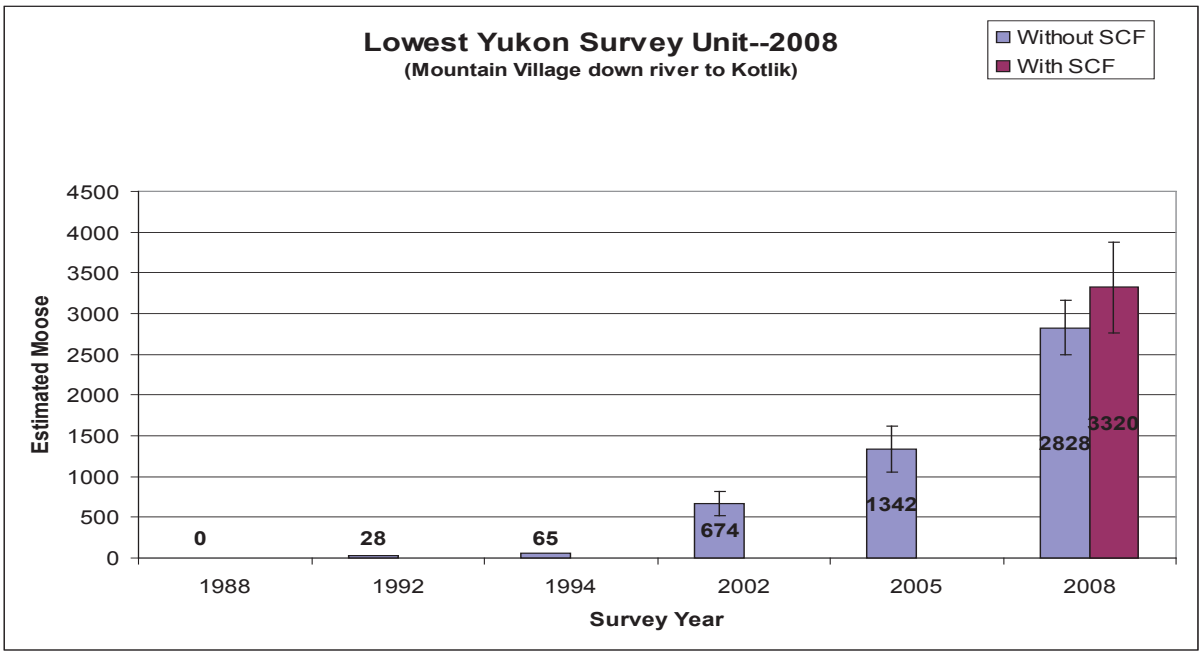


Figure 1. Moose population survey results from the lowest survey unit along the main stem of the Yukon River, 1988-2008 (USFWS 2008).

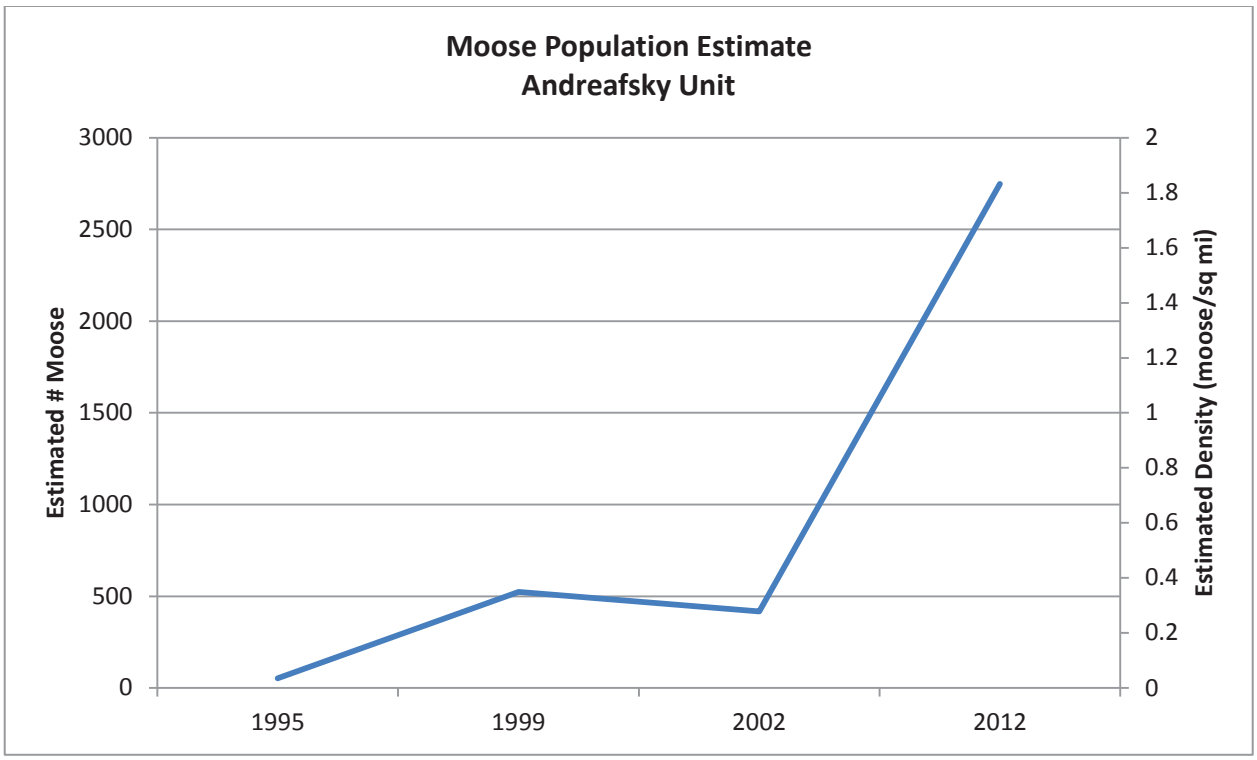


Figure 2. Andreafsky Moose population 1995-2012 (Rearden, pers. comm. 2013).

Habitat

At the Federal Subsistence Board work session in November 2009, Mr. Gene Peltola, Refuge Manager of Yukon Delta National Wildlife Refuge, testified that if moose density continues to increase in the lower Yukon area of Unit 18, there is a risk that the population will exceed the carrying capacity of the habitat and experience a decline. Mr. Peltola stated that over the last three years there have been reports of localized calf and yearling die offs and this past winter reports of dead adult moose on the Yukon main stem. In addition, he stated that the refuge would prefer a proactive management approach because of the significance of the moose population to lower Yukon residents (FSB 2009). Given the quickly growing population within the Andreafsky survey area, similar habitat concerns should also be addressed.

Harvest History

Moose harvest has increased steadily in Unit 18 and local demand for moose meat is high (Perry 2010). In 2000, total harvest was 175 moose and in 2009 total harvest was 442 moose (**Table 1**). The majority of harvest takes place in the fall, with the majority of moose being harvested by Unit 18 residents. More than 90% of moose harvested in Unit 18 comes from the Yukon River drainage, with the remainder being taken in the Kanektok, Goodnews, and Kuskokwim River drainages (Perry 2010).

Table 1. Fall and winter moose harvest in Unit 18, 2000-2009 (Perry 2010).

Regulatory Year	Fall Harvest	Winter Harvest	Unknown Harvest	Total Harvest
2000-2001	166	5	4	175
2001-2002	140	9	13	162
2002-2003	202	10	11	223
2003-2004	220	13	0	233
2004-2005	189	36	1	226
2005-2006	253	64	0	317
2006-2007	256	70	4	330
2007-2008	370	86	2	458
2008-2009	350	81	11	442

Effects of the Proposal

If Proposals WP14-24 and WP14-25 are adopted, it could lead to an increase in moose harvested from the expanded hunt area. Currently, the harvest limit in Unit 18 remainder is one moose with a split season with a fall season ending on Sept. 30 and a winter season beginning on Dec. 20. If adopted, the proposals would increase the harvest limit to 2 moose, with one continuous season from Aug.1 to the last day of February, adding approximately 80 days of hunting. However, if the proposals are adopted, the hunt area boundaries will no longer be aligned under State and Federal regulations, which will add to the regulatory complexity in the unit. If adopted, this proposal would increase the size of the lower Yukon hunt area and remove a portion from the Unit 18 remainder hunt area.

The moose populations in the Andreafsky survey area indicate a growing moose population which could likely withstand the potential increase in harvest. In addition, using well known land marks such as river boundaries should help to minimize confusion for Federally qualified users when hunting in the expanded

hunt area. The use of point to point locations for hunt boundary areas makes the use of a GPS necessary in order to ensure that hunters are in the correct hunt area. Since most local users do not possess or know how to use a GPS, the use of drainages for boundary lines is more practical.

OSM PRELIMINARY CONCLUSION

Support Proposals WP14-24 and WP14-25 **with modification** to combine the regulatory language to make a single area descriptor.

The modified regulation would read:

Unit 18 – Moose	
That portion north and west of the Kashunuk River continuing upriver along a line a ½ mile south and east of, and paralleling a line along the southerly bank of the Kashunuk River to the confluence of the south bank of Driftwood Slough, continuing upriver to the confluence of the Yukon river, across, continuing the ½ mile buffer, then following the north bank of the Yukon River to the North Fork of the Andreafsky River drainage.	*Aug. 1 – the last day of February*

Justification

Moose populations in Unit 18 have increased substantially in recent years. Both the lower Yukon and Andreafsky survey areas have experienced rapid growth of the moose population in the last 10 years. The proposed hunt area expansion could lead to an increase in moose harvest and additional subsistence hunting opportunities. The growing moose population in the affected area should be able to withstand the increased harvest pressure, as some populations along the Yukon having the potential to exceed carrying capacity. Hunting regulations in Unit 18 have been increasingly liberalized to reflect the growing moose population. Furthermore, the use of river boundaries rather than straight lines will help to minimize hunter confusion since few Federally qualified users own a GPS. However, adoption of this proposal would result in misalignment of State and Federal hunt area boundaries, which could lead to regulatory complexity for users.

LITERATURE CITED

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Perry, P. 2010. Unit 18 moose management report. Pages 271-285 in P. Harper, editor. Moose management report of survey and inventory activities 1 July 2007-30 June 2009. Alaska Department of Fish and Game. Project 1.0. Juneau, AK.

Rearden, S. 2013. Wildlife Biologist. Personal communication: email. Yukon Delta National Wildlife Refuge. Bethel, AK.

Rearden, S. 2011. Wildlife Biologist. Personal communication: email. Yukon Delta National Wildlife Refuge. Bethel, AK.

USFWS. 2008. Moose briefing document. Presented to the Yukon-Kuskokwim Federal Subsistence Regional Advisory Council. Bethel, AK. Yukon Delta National Wildlife Refuge. Bethel, AK. 1pg.

WRITTEN PUBLIC COMMENTS

Support Proposal 14-24: Like proposal WP14-23 this proposal will help the local hunters access to defined area that have traditionally been landmarks, the use of GPS is not Customary and Traditional methods of travel and hunting for the people.

Donald Woodruff, Eagle

WP14-26 Executive Summary	
General Description	Proposal WP14-26 requests that for Unit 18 - that portion to the east and south of the Kuskokwim River, the caribou hunt be changed to require a joint State/Federal registration permit; the 1 bull harvest restriction be eliminated and the split season be eliminated and a continuous season from Aug.1 to Mar. 15th be established. Additionally, the proponent asks that the Yukon Delta National Wildlife manager be given delegated authority to close or re-open Federal public lands to all users for this hunt if needed for conservation concerns after consultation with the Alaska Department of Fish and Game (ADF&G), the Togiak National Wildlife Refuge manager, and the chair of the Yukon-Kuskokwim Delta Regional Advisory Council. *Submitted by the Yukon Delta National Wildlife Refuge,.*
Proposed Regulation	**Unit 18—Caribou** *Unit 18- that portion to the east and south of the Kuskokwim River-2 caribou* ***by a joint ADF&G and Federal registration permit.*** *~~; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1-Sept. 30 and Dec. 20-Jan. 31.~~* — *Aug. 1-~~Sept. 30~~Mar. 15* ***Through a letter of delegation: The Yukon Delta National Wildlife manager has the authority to close or re-open Federal public lands to all users for this hunt if necessary for conservation concerns, after consultation with ADF&G, the Togiak National Wildlife Refuge manager, and the chair of the Yukon-Kuskowkwi****m Delta Regional Advisory Council.* — *~~Dec. 20-the last day of Feb~~.*
OSM Preliminary Conclusion	**Support** Proposal WP14-26 **with modification** to administer the hunt via a State registration permit only, retain the harvest limit restrictions, and delegate authority to open or close the season via a delegation of authority letter only.
Yukon/Kuskokwim Delta Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Western Interior Regional Council Recommendation	

continued on next page

WP14-26 Executive Summary (continued)	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**None**

DRAFT STAFF ANALYSIS
WP14-26

ISSUES

Proposal WP14-26, submitted by the Yukon Delta National Wildlife Refuge, requests that for Unit 18 - that portion to the east and south of the Kuskokwim River, the caribou hunt be changed to require a joint State/Federal registration permit; the 1 bull harvest restriction be eliminated and the split season be eliminated and a continuous season from Aug.1 to Mar. 15th be established. Additionally, the proponent asks that the Yukon Delta National Wildlife manager be given delegated authority to close or re-open Federal public lands to all users for this hunt if needed for conservation concerns after consultation with the Alaska Department of Fish and Game (ADF&G), the Togiak National Wildlife Refuge manager, and the chair of the Yukon-Kuskokwim Delta Regional Advisory Council.

DISCUSSION

The proponent requests a change in the hunt structure and season dates in order to align Federal subsistence regulations with recent changes made to State regulations for the Mulchatna Caribou Herd (MCH). The changes modify the hunt from a general hunt to a registration hunt. The proponent states that a registration hunt will allow for better end of season harvest estimates and make it easier for Federal subsistence hunters to harvest caribou. The proponent also states that since the MCH population is near the bottom of its management objective, a registration hunt would allow Federal managers to close Federal public lands to all users to prevent localized overharvest.

After further discussion with the proponent, it was determined that this hunt should be administered via a State registration permit and not by a joint State/Federal permit as written in the original proposal. Furthermore, it was the intent of the proponent to align regulations with the State season and to also work with the State on possible changes to the harvest limit so that hunters could harvest two caribou without having to be concerned about taking two bulls after they have shed antlers in late winter.

Note: Another proposal, submitted by the Bristol Bay Regional Advisory Council for the 2014 -2016 regulatory cycle, requests the requirement of a State registration permit for the MCH in Units 9A, 9B, 9C, 17A, 17A remainder, 17C remainder, 17B, a portion of Unit 18, Unit 18 remainder, and portions of Unit 19A. It also requests a shortening of the season in Units 17A remainder and 17C remainder from Aug. 1 – Mar. 31 to Aug. 1–Mar. 15.

Existing Federal Regulation

Unit 18—Caribou

Unit 18- that portion to the east and south of the Kuskokwim River- 2 caribou; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1-Sept. 30 and Dec. 20-Jan. 31.	*Aug.1- Sept. 30* *Dec. 20 - the last day of Feb.*

Proposed Federal Regulation

Unit 18–Caribou	
Unit 18- that portion to the east and south of the Kuskokwim River-2 caribou ***by a joint ADF&G and Federal registration permit.*** *~~; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1-Sept. 30 and Dec. 20-Jan. 31.~~*	*Aug. 1~~-Sept. 30~~****Mar. 15***
Through a letter of delegation: The Yukon Delta National Wildlife manager has the authority to close or re-open Federal public lands to all users for this hunt if necessary for conservation concerns, after consultation with ADF&G, the Togiak National Wildlife Refuge manager, and the chair of the Yukon-Kuskowkwim Delta Regional Advisory Council.	*~~Dec. 20-the last day of Feb.~~*

Existing State Regulation

Unit 18 – Caribou	
Residents – two caribou by registration permit; however no more than 1 bull may be taken and no more than 1 caribou may be taken from Aug. 1- Jan. 31.[*]	*Aug. 1- Mar. 15*
[*]*This regulation was passed by the Alaska Board of Game in February 2013 and will be effective 1 July 2013.*	

Extent of Federal Public Lands

Federal public lands comprise approximately 66% of Unit 18 and consist of 63% US Fish and Wildlife Service managed lands and 3% Bureau of Land Management managed lands (**Unit 18 map**).

Customary and Traditional Use Determinations

Rural residents of Unit 18, St. Michael, Stebbins, Togiak, Twin Hills, Upper Kalskag, and Manokotak have a positive customary and traditional determination for caribou in Unit 18.

Regulatory History

State and Federal regulations for the MCH were liberalized during the dramatic population increase that occurred in the 1990s. These regulations provided abundant hunting opportunities. Numerous modifications were made to the Federal regulations for various management units as the MCH population increased and as it expanded into new range. Following the population decline, regulations became more restrictive in 2006 and 2007.

In March 2006, the Alaska Board of Game adopted new regulations to reduce harvest limits within the range of the MCH from five to two caribou. In March 2007, the Alaska Board of Game further restricted the caribou harvest to allow no more than one bull to be taken, and no more than one caribou to be taken Aug. 1–Jan. 31.

In 2007, the Federal Subsistence Board (Board) adopted Proposal WP07-23 with modification to reduce the harvest limits in Unit 9B, a portion of Unit17A, Unit 17B, a portion of Unit 17C, Unit 18, a portion of Unit 19A, and Unit 19B, from five caribou to three due to the large population decline.

In March 2009, the Alaska Board of Game eliminated nonresident harvest on the MCH due to the harvestable surplus being lower than the amount necessary for subsistence.

In 2010, Proposal WP10-51 submitted by the Bristol Bay Subsistence Regional Advisory Council, requested that the caribou season in Units 9A, 9B, 17B, a portion of 17C, 18, 19A, and 19B be changed from Aug. 1–Mar. 15 to Aug. 1–Mar. 31, extending the existing season by 16 days. The Board adopted the proposal with modification to make the season ending date Mar. 15 for all units. In addition, Proposal WP10-60 submitted by the Yukon Delta National Wildlife Refuge, requested that the harvest limit for caribou in Unit 18 be reduced from three to two. The Federal Subsistence Board adopted the proposal with modification to include a 1-bull restriction and extend the 1-caribou restriction from Aug. 1 – Nov. 30 to Aug.1 –Jan. 31.

In 2011, Proposal WP12-42 was submitted by the Yukon Delta National Wildlife Refuge, requested a reduction in the harvest limit from two to one caribou and a reduction in the season by approximately three months in Unit 18. The Board adopted the proposal at its January 2012 meeting with modification to maintain the harvest limit of two caribou, eliminate the March portion of the season, and limit the impact on the MCH to east of the Kuskokwim River.

Wildlife Special Action WSA11-10/11 submitted by the Yukon Delta National Wildlife Refuge in February of 2012, requested a reduction in the season for caribou in Unit 18 of two weeks and called for Federal public lands in Unit 18 south and east of the Kuskokwim River to be closed to the harvest of caribou to all users starting Mar.1, 2012. The Board rejected the Special Action request because it felt current information suggested there was not an emergency situation with the MCH necessitating such an action.

In February 2013, the Alaska Board of Game adopted Proposal 45A which changed the caribou hunt in Units 9A, 9B, portions of 9C, 17, 18, 19A and 19B from a general hunt to a registration hunt, with seasons and harvest limits aligned within the entire range of the MCH. These changes were made to better assess harvest and to better respond to in-season requests to alter season dates and harvest limits.

Current Events Involving the Species

Between Mar. 5th and Mar. 16th of 2013, 20 tickets were written by US Fish and Wildlife Service officers to hunters in the Bethel area for caribou hunting violations. The majority of tickets were written for having no hunting licenses and no harvest tickets. Additional tickets were written for harvesting over the limit of two caribou and one ticket was written for a chasing violation. Similar numbers of tickets and violations were also given out by State wildlife troopers (Bedingfield 2013, pers. comm.).

Biological Background

The State's management objectives for the MCH were to maintain a population of 100,000-150,000 with a minimum bull:cow ratio of 35:100 and to maximize opportunity to hunt caribou (Woolington 2009). However, at the Feb. 27 - Mar. 9, 2009 southcentral/southeast meeting in Anchorage, the Alaska Board of Game reduced the population objective to 30,000-80,000 caribou, citing that these numbers were more realistic for this herd (ADF&G 2009, Woolington 2011b). The Alaska Board of Game also reduced harvest objectives from 6,000-15,000 to 2,400-8,000 during this meeting (ADF&G 2009). The latest

photocensus provided a minimum estimate of 30,000 caribou, near the minimum population objective (**Table 1**) (Woolington 2012). Since 2001, bull:cow ratios have been estimated at less than 35:100 which is below the management objective for the herd (**Table 1**).

The MCH increased at an average annual rate of 17% between 1981 and 1996 and approximately 28% from 1992-1994, though this latter increase was likely an artifact of more precise survey techniques. Overall herd size peaked in 1996, at approximately 200,000 animals with a peak bull:cow ratio of 42:100 (Woolington 2011b). The dramatic population growth is attributed to mild winters, movements onto new unexploited range, low predation, and an estimated annual harvest of less than 5% of the population since the late 1970s (Woolington 2011b). Since 1996, the population, bull:cow ratio, and calf:cow ratio have declined significantly (**Table 1**). Preliminary results from a 2012 photo census suggest the population may still be around 30,000 caribou (Yuhas 2013, pers. comm.). The specific reasons for the population declines are poorly understood but are most likely a combination of factors including deteriorating range conditions, disease, predation, and weather events (Woolington 2011b).

The MCH declined from 1996 to 2008 and estimated bull:cow ratios have been below the management objective since 2001, but recent composition surveys have shown some improvement in the bull:cow ratios. The proportion of bulls classified as large during recent composition surveys (24%–27% between 2010 and 2012) has increased from lows observed in 2004 (7%) and 2006 (9%). In addition, preliminary data shows the number of parturient 2- and 3-year old cows increased in 2013 and calf weights have been good, which suggests the caribou are not nutritionally stressed (Butler 2013, pers. comm.). While the MCH is managed as a single herd, some segments of the population appear to be faring better than others, as estimated bull:cow and calf:cow ratios have been consistently higher in the western portion of the MCH range. Preliminary data shows that calf survival is high in the Kemuk Mountain area (western portion), which has an active intensive management program for wolves, but is lower in the Tundra Lake area (eastern portion) (Butler 2013, pers. comm.). Individuals from eastern and western portions of the MCH range appear to have readily mixed prior to 2007 and 2008, but there has recently been more isolation between caribou in the two areas (Woolington 2011a, 2012).

The MCH ranges across approximately 60,000 square miles, primarily within Units 9B, 9C, 17, 18, and 19. Wintering areas during the 1980s and early 1990s were along the north and west side of Iliamna Lake, north of Kvichak River, but telemetry data indicated the MCH had been moving to the south and west for wintering (Van Daele and Boudreau 1992). Starting in the mid-1990s, caribou from the MCH began wintering in Unit 18 south of the Kuskokwim River and in southwestern Unit 19B in increasing numbers. During the winter of 2004/05, much of the herd wintered in Unit 18, south of the Kuskokwim River, and another large part of the herd wintered in the middle Mulchatna drainage. During 2005/06, large numbers wintered near the lower Kvichak River (Woolington 2009), while during the winter of 2008/09 a large part of the herd wintered in Unit18 south of the Kuskokwim River with the rest of the herd in the lower Nushagak and Kvichak drainages (Woolington 2011b).

Habitat

Portions of the herds range are showing signs of heavy use with extensive trailing evident along major travel routes. Woolington (2011b) reported that some of the summer and fall range of the MCH in the Nushagak Hills and elsewhere was trampled and showing signs of heavy grazing, while traditional winter ranges on the north and west sides of Iliamna Lake also showed signs of heavy use despite the fact that few caribou appear to continue to utilize these areas.

Table 1. Mulchatna Caribou Herd composition counts and population estimates, 1974-2011 (Woolington 2012).

Regulatory Year	Total bulls: 100 cows	Calves: 100 cows	Calves (%)	Cows (%)	Small bulls (% of bulls)	Medium bulls (% of bulls)	Large Bulls (% of bulls)	Total bulls (%)	Composition sample size	Minimum estimate of herd size
1974/75	55.0	34.9	18.4	---	---	---	---	---	1,846	
1978/79	50.3	64.5	27.6	---	---	---	---	---	758	
1980/81	31.3	57.1	30.0	---	---	---	---	---	2,250	
1981/82	52.5	45.1	22.8	---	---	---	---	---	1,235	
1986/87	55.9	36.9	19.2	---	---	---	---	---	2,172	
1987/88	68.2	60.1	26.3	---	---	---	---	---	1,858	
1988/89	66.0	53.7	24.4	---	---	---	---	---	536	
1993/94	42.1	44.1	23.7	53.7	---	---	---	22.6	5,907	150,000[a]
1996/97	42.4	34.4	19.5	56.6	49.8	28.5	21.7	24.0	1,727	200,000[a]
1998/99	40.6	33.6	19.3	57.4	27.8	43.7	28.5	23.3	3,086	---[b]
1999/00	30.3	14.1	9.8	69.3	59.9	26.3	13.8	21.0	4,731	175,000[c]
2000/01[e]	37.6	24.3	15.0	61.8	46.6	32.9	20.4	23.2	3,894	---[b]
2001/02	25.2	19.9	13.7	68.9	31.7	50.1	18.3	17.7	5,728	---[b]
2002/03	25.7	28.1	18.3	65.0	57.8	29.7	12.5	16.7	5,734	147,000[d]
2003/04[f]	17.4	25.6	17.9	69.9	36.2	45.3	18.5	12.2	7,821	---[b]
2004/05[g]	21.0	20.0	14.2	71.0	64.2	28.9	6.9	14.9	4,608	85,000[h]
2005/06[i]	13.9	18.1	13.7	75.8	55.3	33.3	11.5	10.6	5,211	---[b]
2006/07[j]	14.9	25.5	18.1	71.3	57.5	33.7	8.9	10.6	2,971	45,000[k]
2007/08[l]	23.0	15.8	11.4	72.1	52.7	36.0	11.3	16.6	3,943	---[b]
2008/09[m]	19.3	23.4	16.4	70.1	46.8	36.1	17.1	13.5	3,728	30,000[n]
2009/10[o]	18.5	31.0	20.7	66.9	39.7	43.9	16.3	12.4	4,595	---[b]
2010/11[p]	16.8	19.5	14.3	73.3	30.0	43.7	26.3	12.4	4,592	---[b]
2011/2012[q]	21.7	19.0	13.5	71.1	32.2	41.3	26.5	15.4	5,282	---[b]
2012/2013[r]	23.2	29.8	19.5	65.3	38.3	38.1	23.6	15.2	4,853	---[b]

[a] Estimate derived from photo-counts, corrected estimates, subjective estimate of the number of caribou in areas not surveyed, and interpolation between years when aerial photo surveys not conducted.
[b] No current population estimate based on surveys.
[c] Estimate based on photocensus conducted July 8, 1999.
[d] Estimate based on photocensus conducted June 30, 2002.
[e] NOTE: Fall 2000 bull:cow ratio and bull percentages corrected from previous table.
[f] Based on pooling data from surveys conducted 10/11/2003 and 10/14/2003.
[g] Based on pooling data from surveys conducted 10/12/2004 and 10/30/2004.
[h] Estimate based on photocensus conducted July 7, 2004.
[i] Based on pooling data from surveys conducted 10/10/2005 and 10/14/2005.
[j] Based on pooling data from surveys conducted 10/13-14/2006 and 10/22/2006.
[k] Based on photocensus conducted July 11,2006.
[l] Based on pooling data from surveys conducted 10/7-8/2007 and 10/11/2007.
[m] Based on pooling data from surveys conducted 10/7/2008 and 10/8/2008.
[n] Based on photocensus conducted July 7, 2008.
[o] Based on pooling dated from surveys conducted 10/12/2009 and 10/16/2009.
[p] Based on pooling data from surveys conducted 10/10-11/2010 and 10/13/2010.
[q] Based on pooling date from surveys conducted 10/9-11/2011.
[r] Based on pooling date from surveys conducted 10/5-6/2012

Harvest History

Harvest on the MCH continues to decline. Total reported MCH harvest was 2,175 in 2005, but had declined to 309 by 2010. The harvest of males was as high as 86% in 1991/92, but decreased to 48% of the reported harvest in 2005/06. Bulls accounted for two thirds of the harvest in 2009/10 (Woolington 2011b).

In past years, most of the harvest occurred in August and September (47% in 2005/06 and 51% in 2006/07) (Woolington 2009), with the majority of harvest occurring close to villages on State lands. In recent years, February and March have accounted for a high amount of the harvest: 55% in 2008/09 and 42% in 2009/2010 (Woolington 2011b). Reported harvest during the other nine months has always been relatively low. Between 1991 and 2010, harvest in July accounted for less than 0.2% of the total annual harvest; October, November, December and January accounted for less than 8%; and April accounted for less than 9% (Woolington 2011b). It should be noted, however, that these data only account for the reported harvest and some harvest may be occurring that is unreported.

In Unit 18, harvest by both Federally and non-Federally qualified hunters has generally declined since 2003, when the reported harvest for the unit was at the highest, with the exception of 2010, the last year for which data is available (**Table 2)**.

Table 2. Unit 18 reported caribou harvest, 2000-2009 (USFWS 2013).

Year	Federally qualified hunters	Non-Federally qualified hunters	Total
2000	121	17	138
2001	309	81	390
2002	145	113	258
2003	435	309	744
2004	295	179	474
2005	372	160	532
2006	234	90	324
2007	329	51	380
2008	211	40	251
2009	196	29	225
2010	336	26	362

Effects of the Proposal

If this proposal is adopted, a joint State/Federal registration permit would be required; the 1 bull harvest restriction would be eliminated and the split season would be eliminated establishing a continuous season from Aug.1 to Mar. 15th. Additionally, the proposal would give delegated authority to the Yukon Delta National Wildlife Refuge manager to close or re-open this hunt if necessary for conservation concerns. These changes would align Federal subsistence regulations with recent changes made to State regulations for the MCH, thereby reducing regulatory complexity for hunters. The use of a registration permit would allow managers to better track harvest, be more responsive to in-season management needs and allow harvest opportunity for subsistence users to be maximized. The State registration permit has a requirement to report harvest within 5 days taking a caribou, whereas the general harvest tickets have a requirement to report harvest within 15 of taking the bag limit or the close of the season. Harvest

reporting is an important aspect of harvest management, especially with fluctuating populations like the Mulchatna Caribou Herd, and reporting would likely improve as reporting rates are higher with registration permits.

OSM PRELIMINARY CONCLUSION

Support Proposal WP14-26 **with modification** to administer the hunt via a State registration permit only, retain the harvest limit restrictions, and delegate authority to open or close the season via a delegation of authority letter only (**Appendix 1**). The modified regulation would read:

Unit 18—Caribou	
Unit 18- that portion to the east and south of the Kuskokwim River-2 caribou ***by State*** ~~***a joint ADF&G and Federal***~~ ***registration permit.*** *; no more than 1 caribou may be a bull; no more than 1 caribou may be taken Aug. 1-****Jan. 31*** ~~*and Dec. 20-Jan. 31*~~*.*	*Aug. 1*~~*-Sept. 30*~~***Mar. 15***
~~***Through a letter of delegation: The Yukon Delta National Wildlife manager has the authority to close or re-open Federal public lands to all users for this hunt if necessary for conservation concerns, after consultation with ADF&G, the Togiak National Wildlife Refuge manager, and the chair of the Yukon-Kuskowkwim Delta Regional Advisory Council.***~~	*Dec. 20-the last day of Feb.*

Justification

The MCH continues to be at the low end of its management objective and harvest of the herd has been in decline since 2003. More adaptive management is needed to ensure conservation of the resource. Switching from a general harvest to a registration hunt and giving delegated authority to the Yukon Delta National Wildlife manager to close or re-open a hunt will allow for better tracking of harvest and allow managers to be more responsive to in-season management needs, while also maximizing harvest opportunities for subsistence users. In addition, alignment of hunting dates between Federal and State regulations will help reduce regulatory complexity for hunters. Recent illegal hunting issues in the Bethel area highlight the importance of a registration hunt in helping to prevent potential localized overharvest. Creation of a delegation of authority letter will allow for hunt management flexibility through in season adjustment to close and reopen Federal Public lands for this hunt. Retention of the harvest limit restrictions is needed to keep regulations consistent throughout the range of the MCH.

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Appendix 1

Refuge Manager
Yukon Delta National Wildlife Refuge
P.O. Box 346
Bethel, Alaska 99559

Dear Mr. Peltola:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Yukon Delta National Wildlife Refuge Manager, as approved by the Board, to issue emergency special actions if necessary to ensure the continued viability of a wildlife population, to continue subsistence uses of wildlife, or for reasons of public safety; or temporary special actions if the proposed temporary change will not interfere with the conservation of healthy wildlife populations, will not be detrimental to the long-term subsistence use of wildlife resources, and is not an unnecessary restriction on non-subsistence users. This delegation only applies to the Federal public lands subject to ANILCA Title VIII within Unit 18, that portion to the east and south of the Kuskokwim River, as it applies to caribou on these lands.

It is the intent of the Board that actions related to management of caribou by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), and the Chair of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council) to the extent possible. Federal managers are expected to work with State managers and the Chair and applicable members of the Council to minimize disruption to resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Manager of the Yukon Delta National Wildlife Refuge is hereby delegated authority to issue emergency or temporary special actions affecting caribou on Federal lands as outlined under 3. Scope of Delegation of this section. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

2. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: "The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board."

3. Scope of Delegation: The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To open or close the season for caribou on Federal public lands in Unit 18, that portion to the east and south of the Kuskokwim River. You may also close Federal Public Lands

to the take of these species by all users.

This delegation may be exercised only when it is necessary to conserve the caribou population or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, adjustments to methods and means of take, or closures to only non-Federally qualified users shall be directed to the Federal Subsistence Board.

The Federal public lands subject to this delegated authority are those within Unit 18 that portion to the east and south of the Kuskokwim River.

3. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

4. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected subsistence users and non-subsistence users. Requests not within your delegated authority will be forwarded to the Federal Subsistence Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in the Office of Subsistence Management no later than sixty days after development of the document.

You will notify the Office of Subsistence Management and coordinate with local ADF&G managers, the Togiak National Wildlife Refuge manager, and the Chair of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council regarding special actions under consideration. You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, the Office of Subsistence Management, affected State and Federal managers, law enforcement personnel, and Council representatives. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, the Office of Subsistence Management, affected State and Federal Managers, and the local Council representatives at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately.

You may defer a special action request, otherwise covered by this delegation of authority, to the Federal Subsistence Board in instances when the proposed management action will have a significant impact on a large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are

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necessary for conservation purposes. The Federal Subsistence Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

5. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management, U.S. Fish & Wildlife Service, Department of the Interior.

Sincerely,

Tim Towarak
Chair, Federal Subsistence Board

cc: Assistants to the Board
Interagency Staff Committee
Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Commissioner, Alaska Department of Fish and Game
Coordinator, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Subsistence Liaison, Alaska Department of Fish and Game
ARD, Office of Subsistence Management
Administrative Record

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DRAFT 2014 FISHERIES RESOURCE MONITORING PLAN

INTRODUCTION

BACKGROUND

Since 1999, under the authority of Title VIII of ANILCA, the Federal government has managed subsistence fisheries on Federal public lands in Alaska. Subsistence fisheries management requires substantial informational needs. Section 812 of ANILCA directs the Departments of the Interior and Agriculture, cooperating with the State of Alaska and other Federal agencies, to undertake research on fish and wildlife and subsistence uses on Federal public lands. To increase the quantity and quality of information available for management of subsistence fisheries, the Fisheries Resource Monitoring Program (Monitoring Program) was established within the Office of Subsistence Management. The Monitoring Program was envisioned as a collaborative, interagency, and interdisciplinary approach to support fisheries research for subsistence fisheries management on Federal public lands.

Biennially, the Office of Subsistence Management announces a funding opportunity for projects addressing subsistence fisheries on Federal public lands. The 2014 Funding Opportunity was focused on priority information needs developed either by strategic planning efforts or by expert opinion, followed by review and comment by the Subsistence Regional Advisory Councils. The Monitoring Program is administered by region, and strategic plans sponsored by this program were developed by workgroups of fisheries managers, researchers, Federal Subsistence Regional Advisory Councils' members, and other stakeholders for three of the six regions: Southeast, Southcentral (excluding Cook Inlet Area), and Southwest Alaska. These plans identify prioritized information needs for each major subsistence fishery and can be viewed on, or downloaded from, the Office of Subsistence Management's website: http://alaska.fws.gov/asm/index.cfml. Independent strategic plans were completed for the Yukon and Kuskokwim regions for salmon in 2005. For the Northern Region and the Cook Inlet Area, assessments of priority information needs were developed from the expert opinions of the Regional Advisory Councils, the Technical Review Committee, Federal and State managers, and staff from the Office of Subsistence Management. A strategic plan for research on whitefish species in the Yukon and Kuskokwim River drainages was completed in spring 2011 as a result of Monitoring Program project 08-206.

Cumulative effects of climate change will likely affect subsistence fishery resources, their uses, and how these resources are managed. Therefore, all investigators were asked to consider examining or discussing climate change effects as part of their project. Investigators conducting long-term projects were encouraged to participate in a standardized air and water temperature monitoring program for which the Office of Subsistence Management will provide calibrated temperature loggers and associated equipment, analysis and reporting services, and access to a temperature database. The Office of Subsistence Management has also specifically requested projects that would focus on effects of climate change on subsistence fishery resources and uses, and that would describe management implications.

> *The mission of the Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands, for rural Alaskans, through a multidisciplinary, collaborative program.*

To implement the Monitoring Program, a collaborative approach is utilized in which five Federal agencies (Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, and U.S. Forest Service) work with the Alaska Department of Fish and Game, Regional Advisory Councils, Alaska Native organizations, and other organizations. An interagency Technical Review Committee provides scientific evaluation of investigation plans. The Regional Advisory Councils provide

review and recommendations, and public comment is invited. The Interagency Staff Committee also provides recommendations. The Federal Subsistence Board takes into consideration recommendations and comments from the process, and approves the final monitoring plan.

PROJECT EVALUATION PROCESS

The Technical Review Committee evaluates investigation plans and makes recommendations for funding. The committee is co-chaired by the Fisheries and Anthropology Division Chiefs, Office of Subsistence Management, and is composed of representatives from each of the five Federal agencies and three representatives from the Alaska Department of Fish and Game. Fisheries and Anthropology staff from the Office of Subsistence Management provide support for the committee.

Four factors are used to evaluate studies:

1. **Strategic Priority**

   Proposed projects should address the following and must meet the first criteria to be eligible for Federal subsistence funding.

   Federal Jurisdiction—Issue or information needs addressed in projects must have a direct association to a subsistence fishery within a Federal conservation unit as defined in legislation, regulation, and plans.

   Conservation Mandate—Risk to the conservation of species and populations that support subsistence fisheries, and risk to conservation unit purposes as defined in legislation, regulation, and plans.

   Allocation Priority—Risk of failure to provide a priority to subsistence uses.

   Data Gaps—Amount of information available to support subsistence management (i.e., higher priority given where a lack of information exists).

   Role of Resource—Contribution of a species to a subsistence harvest (e.g., number of villages affected, pounds of fish harvested, miles of river) and qualitative significance (e.g., cultural value, unique seasonal role).

   Local Concern—Level of user concerns over subsistence harvests (e.g., upstream vs. downstream allocation, effects of recreational use, changes in fish abundance, and population characteristics).

2. **Technical-Scientific Merit**

   The proposed projects must meet accepted standards for design, information collection, compilation, analysis, and reporting. Projects should have clear study objectives, an appropriate sampling design, correct statistical analysis, a realistic schedule and budget, and appropriate products, including written reports. Projects must not duplicate work already being done.

3. **Investigator Ability and Resources**

   Investigators must have the ability and resources to successfully complete the proposed work. Ability will be evaluated in terms of education and training, related work experience, publications, reports, presentations, and past or ongoing work on Monitoring Program studies. Resources

will be considered in terms of office and laboratory facilities (if relevant), technical and logistic support, and personnel and budget administration.

4. **Partnership-Capacity Building**

   Partnerships and capacity building are priorities of the Monitoring Program. ANILCA mandates that the Federal government provide rural residents a meaningful role in the management of subsistence fisheries, and the Monitoring Program offers tremendous opportunities for partnerships and participation of local residents in monitoring and research. Investigators are requested to include a strategy for integrating local capacity development in their investigation plans. Investigators must complete appropriate consultations with local villages and communities in the area where the project is to be conducted. Letters of support from local organizations add to the strength of a proposal. Investigators and their organizations should demonstrate their ability to maintain effective local relationships and commitment to capacity building.

POLICY AND FUNDING GUIDELINES

Several policies have been developed to aid in implementing funding.

- Projects of up to four years duration may be considered in any year's monitoring plan.
- Studies must be non-duplicative with existing projects.
- Most Monitoring Program funding is dedicated to non-Federal agencies.
- Activities not eligible for funding under the Monitoring Program include: a) habitat protection, restoration, and enhancement; b) hatchery propagation, restoration, enhancement, and supplementation; c) contaminant assessment, evaluation, and monitoring; and d) projects where the primary objective is capacity building (e.g., science camps, technician training, intern programs). These activities would most appropriately be addressed by the land management agencies.
- When long-term projects can no longer be funded by agencies, and the project provides direct information for Federal subsistence fisheries management, the Monitoring Program may fund up to 50% of the project cost.

Finances and Guideline Model for Funding

The Monitoring Program was first implemented in 2000, with an initial allocation of $5 million. Since 2001, a total of $6.25 million has been annually allocated for the Monitoring Program. In 2010, the total funding was reduced to $6.05 million. The Department of the Interior, through the U.S. Fish and Wildlife Service, has provided $4.25 million. The Department of Agriculture, through the U.S. Forest Service, has historically provided $1.80 million annually, but amount of 2014 funds available through the U.S. Forest Service for projects is uncertain. If the Department of Agriculture funding is not provided, none of the project investigation plans submitted for the Southeast Region would be funded.

The Monitoring Program budget funds continuations of existing projects (year-2, 3 or 4 of multi-year projects), and new projects in the biennial year. The Office of Subsistence Management issued funding opportunities on an annual basis until 2008, and then shifted to a biennial basis. Therefore, the next funding opportunity after 2014 will be in 2016. Budget guidelines are established by geographic region and data type, and for 2014, $3.7 million is projected to be available for new project starts. Investigation Plans are solicited according to the following two data types:

5. **Stock Status and Trends Studies (SST)**.

   These projects address abundance, composition, timing, behavior, or status of fish populations that sustain subsistence fisheries with linkage to Federal public lands. The budget guideline for this category is two-thirds of available funding.

6. **Harvest Monitoring and Traditional Ecological Knowledge (HM-TEK).**

   These projects address assessment of subsistence fisheries including quantification of harvest and effort, and description and assessment of fishing and use patterns. The budget guideline for this category is one-third of available funding.

2014 FISHERIES RESOURCE MONITORING PLAN

For 2014, a total of 56 investigation plans were received for consideration for funding (**Table 1**). Of these, 43 are SST projects and 13 are HM-TEK projects. The Technical Review Committee recommends funding 40 of these investigation plans.

Table 1. Number of Investigation Plans received for funding consideration in 2014, and number of recommended for funding by the Technical Review Committee. Data types are stock status and trends (SST), and harvest monitoring and traditional ecological knowledge (HM-TEK).

	Investigation Plans			Techincal Review Committee		
Geographic Region	SST	HMTEK	Total	SST	HMTEK	Total
Northern Alaska	4	1	5	3	0	3
Yukon	9	3	12	7	2	9
Kuskokwim	8	6	14	6	5	11
Southwest Alaska	2	1	3	2	0	2
Southcentral Alaska	7	2	9	3	0	3
Southeast Alaska	12	0	12	11	0	11
Multiregional	1	0	1	1	0	1
Total	43	13	56	33	7	40

Total funding available from the Department of the Interior, through the U.S. Fish and Wildlife Service, for new projects in 2014 is $3.7 million. Currently, the amount of funding available from the Department of Agriculture, through the U.S. Forest Service, is unknown. The proposed cost of funding all 56 projects submitted would be $6.6 million. The 40 investigation plans recommended for funding by the Technical Review Committee have a total cost of $4.8 million. In making its recommendations, the committee weighed the importance of funding new projects in 2014 with the knowledge that the next request for proposals will be issued in 2016. As has been done in past years, any unallocated Monitoring Program

funds from the current year will be used to fund subsequent years of new and ongoing projects so that more of the funds available in 2016 can be used to fund new projects.

The 2014 draft Monitoring Plan recommended by the Technical Review Committee would provide 21% of the funding to Alaska Native organizations, 29% to State agencies, 43% to Federal agencies, and 7% to other non-government organizations.

Northern Alaska Region Overview

Issues and Information Needs

The 2014 Funding Opportunity for the Northern Region identified three priorities:

- Baseline and ongoing harvest assessment and monitoring of subsistence fisheries in the Northwest Arctic and North Slope regions to supplement available information.
- Historic trends and variability in harvest locations, harvests and uses of non-salmon fish, particularly for North Slope communities.
- Iñupiaq natural history of fish, land use, place name mapping, species distribution, and methods for and timing of harvests, and Iñupiaq natural history of fish.

Projects Funded Under the Fisheries Resource Monitoring Program

Since the inception of the Monitoring Program in 2000, 38 projects have been funded in the Northern Region; five are funded through 2014 (**Tables 1 and 2**). Two of these projects concern sheefish assessment in the Kobuk and Selawik river drainages (projects 12-100 and 12-103), one concerns Dolly Varden assessment in the Noatak River (project 12-104), one concerns local harvest information of non-salmon fishes in northwest Alaska (project 12-153), and one concerns TEK and harvest monitoring of emerging North Slope salmon fisheries (project 12-154).

Investigation Plans Forwarded for Funding

Five investigation plans for research in the Northern Region were submitted to the Office of Subsistence Management in response to the 2014 Funding Opportunity. In June 2013, the Technical Review Committee reviewed the investigation plans and recommended three investigation plans for funding. Detailed budgets submitted with each investigation plan allowed identification of funds requested by Alaska Native, State, Federal, and other organizations; funds that would be used to hire local residents; and matching funds from investigating agencies and organizations (**Tables 3 and 4**).

Available Funds

Federal Subsistence Board guidelines direct initial distribution of funds among regions and data types. While regional budget guidelines provide an initial target for planning, they are not rigid allocations. Upon further review and evaluation, the Technical Review Committee, Regional Advisory Councils, Interagency Staff Committee and the Federal Subsistence Board have the opportunity to address the highest priority projects across regions. For 2014, approximately $629,000 is available for funding new project in the Northern Alaska Region.

Recommendations for Funding

The mission of the Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands for rural Alaskans through a multidisciplinary, collaborative program. It is the responsibility of the Technical Review Committee to develop the strongest possible monitoring plan for each region and across the entire state. After reviewing the five investigation plans, the Technical Review Committee recommended funding three of the proposed projects (**Table 5**):

14-101	Unalakleet River Chinook Salmon Escapement Assessment	$115,023
14-103	Beaufort Sea Dolly Varden Dispersal Pattern	$156,222
14-104	Selawik River Sheefish Age Structure and Spawning Abundance	$ 0
	Total	$271,200

The three projects recommended for funding by the Technical Review Committee comprise a strong Monitoring Plan for the region by addressing strategically important information needs based on sound science and by promoting cooperative partnerships. Each project submitted for funding in the Northern Alaska Region in 2014 is summarized below (see Executive Summaries for more details on all projects).

14-101 Unalakleet River Chinook Salmon Escapement Assessment. Fund The Unalakleet River supports the largest Chinook salmon subsistence fishery within Norton Sound. A decline in abundance over the last several years has resulted in a decline in subsistence harvests. This project supports a continuing effort to monitor Unalakleet River Chinook salmon with a floating weir. Monitoring of the Unalakleet River Chinook salmon began in 2010. The results from this project would provide Chinook salmon inseason daily passage estimates and run timing. This information aids Federal and State fishery managers in making timely decisions. In addition**,** the proposed work provides managers with information to characterize spawner/recruit relationships and develop an escapement goal for Unalakleet River Chinook salmon.

14-102 North Slope Climate Change. Do Not Fund This project proposes a prospective experiment to describe the effects of warming under a climate change scenario. This project addresses the 2014 priority information need of exploring changes in subsistence fishery resources in the context of climate change. The North Slope of Alaska, including the National Petroleum Reserve Alaska, Arctic National Wildlife Refuge and Gates of the Arctic National Park, contain extensive lake ecosystems supporting substantial subsistence fisheries which are sensitive to climate change. The investigator proposes establishing two lakes as control and two lakes to receive a warming treatment, then measuring and quantifying changes in the primary, secondary and fish production. The sample size in both the control and the treatment is small n=2. Inferences to be made from this experiment are ambitious for such a small sample size, a larger sample size would result in a more precise estimate. In addition, during warming periods the uplands warm as well as the lakes. It is unclear how results from just warming the water would be interpreting in an overall environmental context.

14-103 Beaufort Sea Dolly Varden Dispersal Pattern. Fund While this project does not address a specific priority information need in Northern Alaska, Dolly Varden are listed as a general priority for all three Northern Councils in the 2014 Priority Information Needs document. The investigators plan describes using PSAT tags to document marine movement and feeding habitat locations of Dolly Varden in the Beaufort Sea. Since Dolly Varden populations have complex life histories and migration patterns, methods to identify populations or stocks are needed to assess the status of this important resource. The tags will provide information about duration of river residency, timing of ocean entry, swimming speed while transitioning to feeding areas, and duration of summer feeding. Information gained from this project will allow fishery managers to evaluate the important summer feeding areas for the Dolly Varden populations and possible human impact.

14-104 Selawik River Sheefish Age Structure and Spawning Abundance. Fund This investigation

plan requests continued funding for Monitoring Program project 12-100 to study the effect of a permafrost slump located about 40 km upstream from the sheefish spawning area in the Selawik River. In 2004, the permafrost slump began emitting large amounts of sediment into the river. In 2010, the investigators began monitor the annual abundance and age structure of the Selawik River sheefish spawning population to determine if the sediment emitted from the permafrost slump resulted in an identifiable impact to the sheefish population over time. The proposed work is technically sound and addresses an important subsistence sheefish fishery associated with Selawik National Wildlife Refuge. This project builds upon several Monitoring Plan projects (02-020, 02-040, 03-016 and 04-101). Investigators have successfully completed two years of work funded through Monitoring Plan project 12-100. They have collected age structure data for both the Selawik and Kobuk river sheefish populations. In 2011 and 2012, they successfully sampled sheefish using DIDSON sonar to enumerate abundance. Currently, the investigators are funded to collect four years of data, funding this project would add three more years of data.

14-151 Kotzebue Sound Whitefish Ecology and Seasonal Dynamics. Fund As written, this investigation plan should not be funded at this time. Although this proposal attempted to address three 2014 priority needs for the Northern region, it needs a more systematic and thoughtful approach. The study objectives and methods need to be better explained and clearly detailed. A professional anthropologist or social scientist is needed, particularly to oversee objective 1. The proposal is directly linked to subsistence resources in three Federal conservation units, and whitefish are an important subsistence resource for the people living in the communities of this region. If adequately revised and submitted in the future, this study would build on previous work and has potential to help managers and scientists better understand the relationship between whitefish and the coastal communities in the rural Kotzebue area. If adequately revised and submitted in the future, this study could increase local capacity and partnering by providing rural people with meaningful roles in research and new ways to learn about and get involved with subsistence research and management.

Table 1. Summary of Fisheries Resource Monitoring Program projects completed in Northern Alaska since 2000. Abbreviations used for investigators are: ADFG=Alaska Department of Fish and Game, AJ=Anore Jones, AKP=City of Anaktuvuk Pass, KI=Kawarek Inc., KIC=Kaktovik Inupiat Corp., MQ=Maniilaq, NPS=National Park Service, NVK=Native Village of Kotzebue, NVU=Native Village of Unalakleet, NSB=North Slope Borough, STB=Stebbins IRA, UAF=University Alaska Fairbanks, USFWS=U.S. Fish and Wildlife Service, and USGS=U.S. Geological Survey.

Project Number		Project Title	Investigators
		North Slope	
00-002		Eastern NS Dolly Varden Spawning and Over-wintering Assessment	ADFG, USFWS
01-113		Eastern NS Dolly Varden Genetic Stock ID Stock Assessment	ADFG, USFWS
01-101		Eastern NS (Kaktovik) Subsistence Fish Harvest Assessment	ADFG, KIC
02-050		NS (Anaktuvuk Pass) Subsistence Fish Harvest Assessment	ADFG, NSB, AKP
03-012		SST of Arctic Cisco and Dolly Varden in Kaktovik Lagoons	USFWS
04-103		North Slope Dolly Varden Sonar Feasibility	USFWS
06-108		North Slope Dolly Varden Aerial Monitoring	ADFG
07-105	[a]	North Slope Dolly Varden Genetic Baseline Completion	USFWS
07-107	[a]	Hulahula River Dolly Varden Sonar Enumeration	USFWS
		Northwest Arctic	
00-001		Northwestern Dolly Varden and Arctic Char Stock Identification	ADFG, USFWS
00-020		Hotham Inlet Kotzebue Winter Subsistence Sheefish Harvest	ADFG
01-136		Northwestern Alaska Dolly Varden Genetic Diversity	ADFG, USFWS
01-137		Northwestern Alaska Dolly Varden Spawning Stock Assessment	ADFG
02-023		Qaluich Nigingnaqtuat: Fish That We Eat	AJ
02-040		Kotzebue Sound Whitefish Traditional Knowledge	ADFG, MQ
03-016		Selawik River Harvest ID, Spring and Fall Subsistence Fisheries	USFWS
04-101		Selawik River Inconnu Spawning Abundance	USFWS
04-102	[a]	Selawik Refuge Whitefish Migration and Habitat Use	USFWS
04-109	[a]	Wulik River Dolly Varden Wintering Stocks	USFWS
04-157		Exploring Approaches to Sustainable Fisheries Harvest Assessment	ADFG, MQ
07-151		Northwest Alaska Subsistence Fish Harvest Patterns and Trends	ADFG, MQ
08-103		Kobuk River Sheefish Spawning and Run Timing	ADFG, USFWS
10-100	[a]	Selawik Drainage Sheefish Winter Movement Patterns	UAF, USGS, USFWS, NVK
10-102	[a]	Unalakleet River Chinook Salmon Abundance Estimate	ADFG, NPS, BLM
10-104	[a]	Hotham Inlet Kotzebue Winter Subsistence Sheefish Harvest	USFWS
10-152		Climate Change and Subsistence Fisheries in Northwest Alaska	UAF
		Seward Peninsula	
01-224		Nome Sub-district Subsistence Salmon Survey	ADFG, KI
02-020		Pikmiktalik River Salmon Site Surveys and Enumeration	USFWS, NPS, STB, KI
04-105		Pikmiktalik River Chum and Coho Salmon Enumeration	KI
04-151		Customary Trade of Fish in the Seward Peninsula Area	ADFG, KI
05-101		Unalakleet River Coho Salmon Distribution and Abundance	ADFG, NVU
06-101		Pikmiktalik River Chum and Coho Salmon Enumeration	KI
10-151		Local Ecological Knowledge of Non-Salmon Fish in the Bering Strait	KI

[a] Final Report in preparation.

Table 2. Summary of ongoing 2014 projects funded under the Fisheries Resource Monitoring Program in Northern Alaska. Abbreviations used for investigators are: ADFG=Alaska Department of Fish and Game, MQ=Maniilaq, NPS=National Park Service, SWCA=SWCA Inc., and USFWS=U.S. Fish and Wildlife Service, .

Project Number	Project Title	Investigators	Budget ($1000) 2014	Budget ($1000) 2015
	Stock Status and Trends			
12-100	Selawik River Sheefish Spawning Abundance and Age Structure	USFWS	$90.7	$0.0
12-103	Kobuk River Sheefish Spawning Frequency, Location, and Run Timing	ADFG, USFWS	$13.8	$13.8
12-104	Noatak River Dolly Varden Evaluation of Overwintering Populations	ADFG, NPS	$142.4	$76.2
	Harvest Monitoring and Traditional Ecological Knowledge			
12-153	NW Ak Key Subsistence Fisheries Harvest Monitoring Program	ADFG, MQ	$117.4	$119.8
12-154	NS Salmon Fishery HMTEK	ADFG	$42.3	$44.8

Table 3. Northern Alaska project costs, by organization (Alaska Native, State, Federal, other), for investigation plans submitted to the Fisheries Resource Monitoring Program for funding consideration in 2014.

Project Number	Title	Budget ($1000s) Alaska Native	State	Federal	Other
	Stock Status and Trends				
14-101	Unalakleet R Chinook Salmon Escapement Assessment	$38.9	$76.1		
14-102	NS Climate Change Arctic Fishes and Lake Ecosystems				$184.1
14-103	Beaufort Sea Dolly Varden Dispersal Pattersn				$156.2
14-104	Selawik R Inconnu Spawning Population Abundance			$0.0	
	Harvest Monitoring and Traditional Ecological Knowledge				
14-151	Kotzebue Sound Whitefish Ecology and Seasonal Dynamics	$40.0			$160.2

Table 4. Northern Alaska local hire and matching funds for investigation plans submitted to the Fisheries Resource Monitoring Program for funding consideration in 2014. Abbreviations used are: ADFG=Alaska Department of Fish and Game, UAF=University of Alaska, Fairbanks, USFWS=U.S. Fish and Wildlife Service, USU=Utah State University, and WCS=Wildlife Conservation Society.

Project Number	Lead Organization	Title	Funding ($1000s) Local Hire	Matching
		Stock Status and Trends		
14-101	ADFG	Unalakleet R Chinook Salmon Escapement Assessment	$36.5	$61.3
14-102	USU	NS Climate Change Arctic Fishes and Lake Ecosystems	$0.0	$24.4
14-103	UAF	Beaufort Sea Dolly Varden Dispersal Pattersn	$2.0	$0.0
14-104	USFWS	Selawik R Inconnu Spawning Population Abundance	$0.0	$10.0
		Harvest Monitoring and Traditional Ecological Knowledge		
14-151	WCS	Kotzebue Sound Whitefish Ecology and Seasonal Dynamics	$11.0	$35.0

Table 5. Funding recommendations by the Technical Review Committee (TRC) for Northern Alaska 2014 Fisheries Resource Monitoring Program.

Project Number	Title	TRC	Requested Budget ($1000) 2014	2015	2016	2017
	Stock Status and Trends					
14-101	Unalakleet R Chinook Salmon Escapement Assessment	YES	$115.0	$117.3	$119.7	$122.3
14-102	NS Climate Change Arctic Fishes and Lake Ecosystems	NO	$184.1	$148.9	$151.6	$169.0
14-103	Beaufort Sea Dolly Varden Dispersal Pattersn	YES	$156.2	$158.3	$83.7	$0.0
14-104	Selawik R Inconnu Spawning Population Abundance	YES	$0.0	$144.7	$146.1	$68.8
	Harvest Monitoring and Traditional Ecological Knowledge					
14-151	Kotzebue Sound Whitefish Ecology and Seasonal Dynamics	NO	$200.2	$178.2	$177.4	$194.8
	Total		$655.5	$747.4	$678.5	$554.9
	Funding Guideline		$629.0			
	TRC Recommendation		$271.2	$420.3	$349.5	$191.1

EXECUTIVE SUMMARY

Project Number: 14-101

Title: Unalakleet River Chinook Salmon Assessment Continuation

Geographic Region: Unalakleet Wild River

Data Type: Stock Status and Trends (SST)

Principal Investigator: Scott M. Kent, Assistant Area Management Biologist, Alaska Dept. of Fish & Game (ADF&G) Division of Commercial Fisheries

Co-Investigators: Merlyn Schelske, United States Bureau of Land Management (BLM), and Wes Jones, Norton Sound Economic Development (NSEDC).

Project Cost:

2014	2015	2016	2017	TOTAL
$115,013	$117,322	$119,731	$122,250	$474,316

Recommendation: Fund

Issue: This proposal seeks funding to continue operating a 320-ft resistance board floating weir on the mainstem of the Unalakleet River from mid-June to mid-August. Since 2010, the weir has been used to fill important data gaps by monitoring the magnitude and age structure of the Chinook salmon *Onchorhynchus tshawytscha* spawning escapement. This has included the collection of age, sex, and length (ASL) data for the long term goals of establishing biological spawning goals and examining trends in relation to environmental changes and harvest practices.

The Unalakleet River Chinook salmon run supports the largest subsistence fishery in Norton Sound and constitutes the northernmost Chinook salmon population of significant size in Alaska. Past radiotelemetry studies revealed that 47–66% of Chinook salmon that return to the Unalakleet River drainage, spawn within the upper mainstem of the Unalakleet River watershed within the Federally-designated Wild and Scenic portion (Wuttig 1999; Joy and Reed *In Prep*). However, Chinook salmon returns to the Unalakleet River have declined precipitously since 2000, eliciting tremendous concern by subsistence users on the river. Existing sustainable escapement goals on the North River tributary have only been reached half the time since 1999 despite management measures aimed at conserving Chinook salmon (Kent and Bergstrom 2012). As a result, Unalakleet River Chinook salmon were designated a stock of yield concern in 2004 by the Alaska Board of Fisheries (board); the board reaffirmed this classification in 2007, 2010, and 2013. Beginning in 2009, the Federal Subsistence Board also took action by prohibiting all fishing for Chinook salmon in the Wild and Scenic corridor of the Unalakleet River to all users.

The mainstem weir escapement and ASL data are used to manage Chinook salmon subsistence and sport fisheries, develop outlooks of run abundance for subsequent years, evaluate brood year productivity, and evaluate effects of harvest practices on the spawning escapement. Concurrent operation of the mainstem weir and North River tower has also led to three years of accurate drainagewide escapement counts and has provided a means to examine historical estimates of drainagewide escapement indexed from North River tower counts and radiotelemetry (Wuttig 1999; Joy and Reed *in prep*). Construction of a comprehensive database integrating North River and

Unalakleet River mainstem escapement, harvest, and ASL data has also been initiated. However, several more years of these data must be compiled before meaningful recruit-per-spawner analyses can be conducted and a scientifically defensible escapement goal established. Thus, long-term operation of the Unalakleet River weir is critical in order to develop a drainagewide escapement goal, and possibly elucidate primary causes for the nearly 15-year pattern of diminishing runs. More importantly, accomplishing these latter two objectives provides the best opportunity for restoring the Unalakleet River Chinook salmon stock to historic abundance levels and consequently, ensuring customary levels of subsistence harvests are reached.

Objectives:

1. Determine daily and total Chinook salmon escapement from mid-June to mid-August.
2. Describe the timing of the Unalakleet River mainstem Chinook salmon escapement.
3. Estimate the ASL composition of the annual Unalakleet River mainstem Chinook salmon spawning escapement such that 95% confidence intervals of age composition will be no wider than ±10% (α=0.05, d=0.10).

Methods: This proposal seeks funding to continue to operate a 320 ft resistance board floating weir on the mainstem of the Unalakleet River for the 2014–2017 field seasons. The weir was constructed in Unalakleet in 2010 following methods described by Stewart (2002) and Tobin (1994) and successfully operated through 2012. The weir site (63°53.32′N, 160°29.41′W) is located approximately 22 rkm upstream from the mouth of the Unalakleet River. Weir operations will occur from mid-June until mid-August in order to fully enumerate the Unalakleet River mainstem Chinook salmon escapement. In addition to timely and accurate escapement counts, the floating weir and integral live trap platform will continue to facilitate collection of large annual sample sizes of unbiased ASL data from the mainstem Chinook salmon spawning escapement. Age class information representative of the entire Chinook salmon run is needed to conduct recruits-per-spawner (R/S) analyses that characterize productivity through time and to develop scientifically defensible escapement goals.

Inseason estimates of Chinook salmon escapements will be available to state and federal fishery managers for evaluating Chinook salmon run strength and timing. Accurate ASL data will also allow managers to assess the impacts of harvest practices on the quality and quantity of the spawning escapement. Long-term datasets compiled of escapement, age data, and harvest information will be used to reconstruct the total run and develop scientifically defensible drainagewide Chinook salmon escapement goals. This will lead to better informed management of the Unalakleet River Chinook salmon subsistence fishery.

Partnerships/Capacity Building: Requested funding is for ADF&G, Native Village of Unalakleet, (NVU), and NSEDC to support one crew leader fishery biologist 1 (ADF&G), one NVU fisheries technician, and one NSEDC fisheries technician. Technicians trained by ADF&G, NSEDC, and BLM staff will be responsible for the bulk of field work. The proposed project would continue to seek local hires to promote involvement of resource users in the fisheries management and assessment process, and partnership with NVU and NSEDC encourages even greater local involvement and capacity building in the Unalakleet area. ADF&G, BLM, and NSEDC are providing matching funds towards the Unalakleet River weir in the form of biologist and technician time for weir installation, operation, and removal (BLM and NSEDC), project operational planning, personnel supervision, operations oversight (ADF&G), and data analysis and report writing (ADF&G). ADF&G and NSEDC are also providing matching funds by operating the North River tower project for the 2014–2017 field seasons.

EXECUTIVE SUMMARY

Project Number: 14-102

Title: Climate change and subsistence fisheries: quantifying the direct effects of climatic warming on arctic fishes and lake ecosystems using whole-lake manipulations on the Alaska North Slope

Geographic Region: Northern Alaska

Information Type: Stock status and trends (SST)

Investigators: Phaedra Budy; Unit Leader, US Geological Survey-Utah Cooperative Fish and Wildlife Research Unit/Professor, Department of Watershed Sciences, Utah State University, Principal Investigator; 5210 Old Main Hill, Logan, UT, 84322; Phone: (435)-797-7564, phaedra.budy@usu.edu, FAX: (435)-797-4025, DUNS: 072984355

Stephen Klobucar; Ph.D. student, Department of Watershed Sciences, Utah State University; 5210 Old Main Hill, Logan, UT, 84322; Phone: (608)-289-5687, stephen.klobucar@gmail.com, FAX: (435)-797-4025

Project Cost:

2014	2015	2016	2017	TOTAL
$184,104	$148,937	$151,603	$168,967	$653,611

Recommendation: Do Not Fund

Issue Addressed: Arctic ecosystems are already warming as a result of global climate change. Understanding the direct impacts on system productivity (e.g., harvestable fishes) as a result of this warming is essential to adapt and efficiently manage these systems. In particular, the Alaska North Slope (including the National Petroleum Reserve Alaska, Arctic National Wildlife Refuge Wilderness Area and Gates of the Arctic National Park and Preserve), contains extensive lake ecosystems which are not only sensitive to climatic warming, but also comprise important and valuable subsistence fisheries for Alaska Natives. However, our ability to detect and quantify specific biological responses (e.g., fish growth and survival) in these fisheries is currently limited to modeled scenarios and observational studies in uncontrolled environments. A much greater and active understanding is required and of paramount importance in order to adapt management as these North Slope fisheries are subjected to climatic warming. By implementing a controlled, system-level experimental manipulation, we will directly measure and quantify the potential effects of climate change on critical fish populations and overall system productivity in lakes representative of North Slope subsistence fisheries. Our results will 1) quantify changes in whole-lake production (primary, secondary, fish) as a result of climate change, 2) address the sustainability and guide management of important subsistence fisheries for Alaska Natives, and 3) provide empirical data to test current model predictions across other systems and regions. Implications of this research are of paramount importance. Our current model predictions indicate that if primary and secondary production does not increase with the warming climate, lakes, such as those that support subsistence fisheries on the North Slope, could experience extinctions of fish populations (Budy and Luecke, 2013). Alternatively, if production at lower trophic levels increase, fish production and growth could increase as well, allowing for better and more sustainable subsistence fisheries.

Objectives:

1. Identify lake systems representative of regional subsistence fisheries and quantify current and historical trends in system productivity
2. Experimentally extend growing season via whole-lake manipulation to simulate climate change
3. Measure and quantify changes in primary, secondary, and fish production in experimental systems
4. Estimate overwinter survival and measure growth of important fish species; compare with historical data for average length growing seasons
5. Measure bioenergetic inputs (fish growth, fish diet, water temperature) and compare outputs with previous simulations derived from climate change models
6. Calibrate existing models to match observed changes in fish production

Methods: We will implement a large-scale experimental manipulation of arctic lakes (within Toolik Lake Research Natural Area) with three distinct phases:

1. We will select two control lakes and two experimental lakes and monitor production at all trophic levels (e.g., primary production, fish growth), along with a suite of abiotic limnological factors (e.g., temperature, dissolved oxygen). We will census long-term aerial imagery files to determine the historical range of ice-off-on-dates on adjacent locations throughout the landscape (Objective I). Combining long-term data and existing bioenergetics models, we will estimate growth and production of trophic levels within the study lakes.

1. We will test predictions from the initial phase by implementing an ecosystem level, experimental manipulation to simulate climatic warming (Objective II). For designated experimental lakes, we will deploy developed lake warming equipment to extend the growing season by at least 15 days. Thus, we will replicate effects of climatic warming which have already been observed across the northern hemisphere. The control lakes will not be altered. We will again monitor production and limnological factors for the control and experimental lakes as in the initial phase (Objectives III, V).

1. We will allow natural ice conditions to return to the experimental lakes and the control lakes will remain unchanged. Again, we will monitor response variables as in the initial and implementation phase. We will investigate if any changes in trophic production (e.g., fish growth) are manifested in the following year, or if winter conditions bring the levels of production back to pre-manipulation conditions (Objective IV). We will analyze the experimental outcomes in regards to our model predictions (Objective VI).

Capacity Building: We will develop a series of interactive presentations that will engage native communities and subsistence fisherman in understanding the scientific background and methods of fisheries and aquatic science as they relate to climate change and Native subsistence culture. However, we will not be limited to the presentation of aquatic science. When applicable, we will invite other scientists from Toolik Research Station to present on topics ranging from permafrost to small mammals and birds, within the context of climate change and subsistence.

Specifically we will travel to and engage citizens of all ages and backgrounds in the community of Anaktuvuk Pass. For children, we will work with local teachers to develop hands-on educational demonstrations that will allow students to learn about general biology and ecology including fish and water basics such as life cycles and life history. We will provide projects and handouts, which can be built upon as our educational series progresses. Children will also be able to view organisms (e.g., zooplankton) and fish parts (e.g., otoliths) through microscopes, and we will use various engaging

multimedia techniques (e.g., observing feeding strategies of fishes through underwater video recordings or real time demonstrations). Older students, if interested, would be given the opportunity to spend a day on-site at our study lakes to assist with data collection and learn the scientific process. For adults and elders, we will present short, interactive lectures. Our presentations will begin by covering basics of fish ecology and climate change for the lay person and evolve based on our interactions with community members, likely towards the futures of management and resources in a changing climate. Furthermore, we would initiate an annual field trip to Toolik Research Station. Again, children would get hands on experiences, and in this setting be to learn and practice laboratory and computer skills (e.g., filter chlorophyll from water, examine fish diets). Interested citizens from Anaktuvuk Pass could visit our actual study lakes and view the manipulation in progress, and we would provide real-time updates on our progress and findings. In closing each of these on and off-site events, we would have an informal discussion and social gathering during which we could answer questions while simultaneous engaging and learning about Native livelihoods in respect to fishing, subsistence, and life in general.

EXECUTIVE SUMMARY

Project Number: OSM Project 14-103

Title: Dispersal patterns and summer ocean distribution of adult Dolly Varden in the Beaufort Sea using satellite telemetry

Geographic Region: Northern Region

Data Type: Stock Status and Trends

Principle Investigator: Andrew Seitz, Assistant Professor, UAF-SFOS

Co-Investigator: Brendan Scanlon, Fishery Biologist, ADF&G-SFD

Collaborator: Randy Brown, Fishery Biologist, US FWS-FES

Project Cost:

2014	2015	2016	Total
$156,222	$158,333	$83,662	$398,217

Recommendation: Fund

Issues: Fisheries managers have long recognized the importance of Dolly Varden to subsistence users on the North Slope. The number of Dolly Varden harvested for subsistence purposes is largely undocumented in northern Alaska, but it is known that residents of villages in this region rely heavily upon this fish species. For example, in Kaktovik, fishers harvested 15,388 pounds of fish for subsistence from 2000–2002, of which 12,297 pounds (80%) was Dolly Varden, equating to approximately 96 pounds of Dolly Varden harvested each year per household. Dolly Varden are captured at river mouths and lagoons with gill nets or beach seines during open water periods, and with hook and line during winter ice fishing.

To understand the biology and ecology of this anadromous fish species that overwinters in rivers and feeds in the summer in the ocean, managers and biologists have conducted periodic aerial survey indices to monitor overwintering abundance dating back to 1971. Most of the surveys have been conducted on overwintering aggregations in the Ivishak River, with occasional surveys conducted on other rivers. A variety of other projects have also been conducted on Dolly Varden during their freshwater phase.

In contrast to the information that is available about Dolly Varden during their freshwater phase, fisheries managers have little direct information about the summer ocean ecology and distribution of Dolly Varden that overwinter in North Slope rivers. This information is important to evaluate the potential effects of habitat perturbations and climatic change, which ultimately may be important for understanding population dynamics and the effects of regulatory proposals and actions on this species.

Developments in satellite telemetry now provide an opportunity to examine the movements of fish as well as their depth and temperature preferences while in saltwater without having to recapture the study organism. In the past, pop-up satellite archival transmitting (PSAT) tags have been used to study the movements of relatively large fishes, however, as the size of the tags has become smaller, PSAT tags have been successfully used to describe movements of smaller fishes such as the striped bass *Morone saxatilis*.

More recently, PSAT tags have been used successfully by the investigators of this proposed project to examine the summer oceanic movements and behavior of Dolly Varden that overwinter in northwest Alaska. Specifically, the tags provided information about duration of river residency, timing of ocean entry, swimming speed while transiting to feeding areas, duration of summer feeding, and depth-specific information about transit and feeding behaviors.

Therefore, we propose to use PSAT tags to provide baseline information about the oceanic habits, distribution and migration patterns of Dolly Varden that are found just after ice-out in the Kaktovik area and spend their summers in the Beaufort Sea.

Objectives: The objectives of this proposed project are:

1. Describe baseline ecological information about Dolly Varden tagged in the lagoons near Kaktovik, Alaska, including:
    a. Timing of outmigration to the Beaufort Sea
    b. Summer dispersal
    c. Temporal and spatial distribution
    d. Depth and temperature occupancy
2. Describe temporal and spatial distribution in relation to areas where human activities such as shipping and hydrocarbon extraction are taking place to provide information to the public, biological resource managers and marine gas and oil resource managers to better understand potential interactions among Dolly Varden and human activities in the Beaufort Sea.

Methods: PSAT tags will be used to examine the marine movement and distribution of Dolly Varden that occur in the lagoon system near Kaktovik, AK in the spring. PSAT tags are a fisheries-independent means of studying fish, which is extremely important because there are no large-scale fisheries in the Beaufort Sea in the summer in which to capture Dolly Varden, therefore there is no financially efficient and logistically reasonable alternative to obtaining Dolly Varden migration and distribution data.

During fieldwork in the summers of 2014 and 2015, we propose to externally attach PSAT tags to 15 large (>55 cm) Dolly Varden each year. While externally attached to a fish, the tags measure and record temperature, pressure, and ambient light intensity (for daily geolocation estimates), detach from the fish on a preprogrammed date, "pop-up" to the surface, and transmit the archived data to Argos satellites, which will then be retrieved by the project investigators. While transmitting, the location of the PSAT tag is determined by passing satellites. The pop-up dates will be staggered throughout July and August, with all tags programmed to release before the fish purportedly reenter freshwater in September, as these tags need at least 5 ppt saltwater for the release mechanism to function. Oceanic dispersal and behavior of Dolly Varden from the lagoon near Kaktovik will be inferred from PSAT tag end locations, and depth, temperature and ambient light data.

Based on past PSAT tag experiments conducted by the investigators of this proposed project, combined with the short duration that these Dolly Varden will carry the tags (<10 weeks), it is anticipated that data recovery from the deployed tags will be >80%.

Partnerships and Capacity Building: Prior to starting the project, traditional local knowledge of Dolly Varden movements, timing, and capture methods and locations will be solicited from the Kaktovik IRA, North Slope RAC, North Slope Borough Wildlife Department and members of the public. Consultation with the Kaktovik IRA will be conducted to describe the project objectives and to inform fishers about

returning tags if they are recaptured prior to their scheduled pop-up date. Additionally, a letter of support will be solicited from the North Slope RAC at their Fall/Winter 2013 meeting in Barrow. During tagging fieldwork, a portion of the requested funds will provide a honorarium for a locally-hired technician from the village of Kaktovik to assist with fish capture and tag deployment for approximately one week each year. After the tags have popped-up and reported their data each year, annual educational outreach trips to Kaktovik to describe project results and updates will be conducted to give presentations to the public and school classes. These trips will be scheduled to coincide with the annual meeting of the Kaktovik IRA, to whom we will also give an outreach presentation. Additionally, a project investigator will attend a Federal RAC meeting held in Barrow annually to describe project results and updates. Finally, as interest and resources allow, presentations may be made at other regional villages and schools, such as Barrow, Nuiqsut, and Atqasuk and project results will be presented at State Advisory Committees, and in regional newspapers and radio shows.

Executive Summary

Project Number: 14-104

Title: Selawik River Inconnu Spawning Population Abundance and Age Structure Evaluation

Geographic Region: Northwest Alaska

Data Type: Stock Status and Trends

Principal Investigator: Raymond Hander

U.S. Fish and Wildlife Service

Co-Investigators: Randy J. Brown, USFWS

Cost:

2014	2015	2016	2017	TOTAL
$0	$144,654	$146,144	$68,791	$359,589

Recommendation: Fund

Issue Addressed: The Selawik National Wildlife Refuge (Refuge) has a congressional mandate through ANILCA to conserve inconnu (sheefish) *Stenodus leucichthys* populations. This project is a continuance to two priority issues identified for the Northern Region in the 2012 Fisheries Resource Monitoring Program: "spawning distribution, timing, and stock structure of Selawik River whitefish species"; and "identify and characterize critical factors affecting population dynamics of Selawik River inconnu". This project benefits from information provided by FRMP projects12-100 (in progress), 04-101, 03-016, 02-040, and 02-020.

There are two known populations of inconnu in Northwest Alaska, one that spawns in the upper Kobuk River and another that spawns in the upper Selawik River. Both populations are subject to intensive fisheries throughout the region. A large permafrost thaw slump (slump) located about 40 km upstream from the inconnu spawning area on the Selawik River began emitting large amounts of sediment into the river in 2004. Since then the normally clear Selawik River has flowed extraordinarily turbid during the summer months transporting huge quantities of sediment downstream, potentially destroying the habitat for stream-spawning fish. Similar slumps in the upper Yukon River drainage have been emitting sediment into the Stewart River for over 40 years so we must assume that the Selawik River slump will continue for the foreseeable future. Habitat qualities of the inconnu spawning area in the Selawik River have undoubtedly changed because of the dramatically increased sediment exposure. These changes will probably reduce the proportion of fertilized eggs that develop successfully and produce young. If production is reduced but not eliminated the inconnu population would be expected to decline over time. If production is eliminated the population would be expected to become extinct as existing fish gradually die off, or possibly to become established in another suitable location. The increased sediment in the upper Selawik River is an environmental factor that may have a profound effect on the inconnu population that spawns there.

Objectives:

1. Collect inconnu age structure data from male inconnu from the Selawik and Kobuk River spawning populations in 2014, 2015, and 2016;

2. Identify possible recruitment failures and missing age classes based on Chi-square test of six age class bins;
3. Determine the spawning population abundance of Selawik River inconnu in 2014, 2015, and 2016; and
4. Determine whether age structure and spawning population abundance data support the null hypothesis that sediment deposition from the slump has not affected inconnu recruitment.

Project Design based on FRMP 12-100 preliminary findings:

This project will involve three distinct components that together will reveal whether the Selawik River thaw slump is affecting recruitment of the inconnu population in the drainage. The first component will be a series of annual age distribution profiles of spawning male inconnu collected from the Selawik River spawning area. We have chosen to focus on males because they will provide the recruitment data we are seeking without reducing the number of fertilized eggs on the spawning grounds each year. These pre-slump age distribution profiles will serve as baselines for comparison with later profiles. The second component will be a series of annual age distribution profiles of spawning male and female inconnu from the Kobuk River population. The Alaska Department of Fish and Game operates an annual chum salmon *Oncorhynchus keta* test fishery on the Kobuk River near the community of Kiana during July and August. They have agreed to sample the inconnu they capture during that test fishery and provide those biological data and age structures for this project. We initially thought that if recruitment failure was observed in both sample collections, it would indicate an effect in their shared rearing environment and not necessarily in the Selawik River spawning area. And, if recruitment failure is observed only in the Selawik River sample collection it would indicate an effect from the Selawik River spawning area. However, given the age distributions observed for both populations in 2011 and 2012, in which both populations appear to have experienced several years of poor recruitment, we modified our statement to read; if recruitment success is observed in both sample collections it would indicate no negative slump effect on spawning success. And if recruitment success is observed only in the Kobuk River sample it would indicate a negative slump effect on spawning success the Selawik River spawning area. The third component of the project will be a series of annual spawning population abundance estimates for the Selawik River inconnu population. Age distribution data are proportional to abundance so one could see identical profiles from a population at radically different spawner abundance levels. The age distribution profiles from the Kobuk and Selawik rivers show a dominance of older inconnu with fewer younger age recruits. A significant increase in recruitment to the spawning population should eventually be reflected in an increase in abundance. The combination of spawner abundance and age structure data provides a robust means of assessing changes in spawning population dynamics.

Partnerships and Capacity Building: Residents of Selawik will continue to be sought for assistance with local knowledge, collecting otoliths, overseeing inconnu carcass processing, and transportation and logistical support. Specific training to address project specific sampling procedures and protocols will be conducted for individuals prior to initiating sampling. In the 2011 pilot study year and 2012 there were five to seven Selawik residents plus the Selawik IRA that interacted with the project to help make it a success. The FFWFO has worked with Selawik residents or the NVOS organization for about 27 years.

EXECUTIVE SUMMARY

Project Number: 14-151

Title: Kotzebue Sound Whitefish Ecology and Seasonal Dynamics.

Geographic Region: Northern Region.

Information Type: Stock status and trends (SST), Harvest monitoring (HM), and Cultural knowledge and traditional ecological knowledge (CK/TEK) information.

Principle Investigator: Dr. Martin Robards, Wildlife Conservation Society

Co-Investigators: Alex Whiting, Native Village of Kotzebue; Dr. Mark Wipfli, University of Alaska, Fairbanks; Dr. James Lawler, National Park Service

Project Cost:

2014	2015	2016	2017	TOTAL
$200,185	$178,168	$177,378	$194,770	$750,501

Recommendation: Do Not Fund

Issue: Despite the importance of whitefish for coastal communities in northwest Alaska, mangers lack much of the critical data necessary to understand trends in subsistence use, fish habitats, or long-term changes in whitefish health and condition. Increased coastal erosion as a result of climate change may profoundly alter the coastal subsistence fisheries for whitefish, because new dynamics of lagoon breaching will alter overwintering patterns. Furthermore, local fishermen have observed the loss of "countless numbers" of whitefish in Kotzebue Sound, lending credence for the need to better understand the factors driving such perceived declines (Whiting et al., 2001:32). This project will foster a better understanding of the long-term sustainability of the Kotzebue Sound coastal whitefish fisheries and help disentangle the role of climate change impacts, such as from increased coastal erosion, from other potential factors reducing fish catches (e.g., prey availability).

We propose to document seasonal dynamics of whitefish in and around 5 coastal lagoons in the southern Chukchi Sea known to offer habitat for whitefish –Krusenstern, Aqulaaq, Sisualik, Espenberg, and Cowpack, and the fishery catches of 5 communities: Kivalina, Kotzebue, Deering, Shishmaref, and Wales. Irrespective of climate change, this is an increasingly important task, given the rapid escalation in development activities that raise the risks of oil spills or coastal modification; including, maritime transport supporting oil and gas activities in the northern Chukchi Sea, consideration of deep-water ports in the northern Bering Sea, and international shipping along the Northern Sea Route. As Admiral Ostebo (US Coast Guard) emphasized at a recent hearing with Senator Begich, shipping presents some of the greatest risks to the environment in northern Alaska, and the southern Chukchi Sea is at the epicenter of that risk.

Our proposed project responds directly to high priority areas identified for the Northern Alaska Region in the Priority Information Needs for Federal Subsistence Fisheries guidance document (Office of Subsistence Management, USFWS, December, 2012), including the need to a) relate effects of climate change on subsistence fishery resources, and b) the need for baseline and ongoing harvest assessment

and monitoring of subsistence fisheries. We will conduct an interdisciplinary project based on a close collaboration between the Wildlife Conservation Society, the Native Village of Kotzebue, University of Alaska, Fairbanks, and National Park Service. To accomplish our research, we will work with a full-time graduate student or post-doctoral researcher to combine ethnographic data, harvest monitoring, traditional ecological knowledge, and biological/ecological data that will help answer the following overarching research question: ***What are the seasonal and spatial dynamics, and health of coastal whitefish fisheries in the Kotzebue Area?***

Objectives:

Objective 1: Assess seasonal and inter-annual variability of contemporary whitefish use in coastal communities between Wales and Kivalina.

Objective 2: Establish seasonal patterns and ecology of coastal lagoon use by whitefish between Wales and Kivalina.

Objective 3: Establish indicators of whitefish health and abundance that can be used for long-term monitoring.

Methods:

Objective 1: We will synthesize information on whitefish use from current harvest surveys that have been conducted by Kawerak Inc., the Native Village of Kotzebue, and others. Where necessary, we will supplement this information with new interviews that are consistent with existing survey tools, including new research in the villages of Kivalina and Deering.

Objective 2: We will collect physical and biological data in June, July, August, September, and March using a calibrated sonde; under-ice deepwater fish habitat with an EM-31; and fish with beach seines (not March), fyke nets (not March), and gillnets. Fish will be subsampled from catches and analyzed for species composition and further analysis (see below)

Objective 3: A subsample of up to 30 whitefish of each species will be collected from each lagoon in each sampling period for assessment of a) growth rates, b) diet, and c) proximate composition. Based on these analyses we will establish indicators for long-term changes in growth rate, body composition, and diet for whitefish and indicate the statistical power of detecting change over decadal time scales.

Partnerships and Capacity Building:

This project will:

Provide information of value to resource managers and subsistence fishermen in Kotzebue concerning stocks of whitefish and forage species in the lagoons of Kotzebue Sound. This information will inform outreach materials identified as important to Kotzebue residents telling the “Story of the Lagoons.” These materials will be developed in such a manner that they can be easily adapted for the Kawerak Inc. region on the Seward Peninsula.

Develop a long-term program to describe and monitor the subsistence whitefish fishery that can be used by tribal and federal resource managers, those needing to plan for accident mitigation in the case of oil-spills (USCG), or those seeking to understand and track natural resources on federal lands (NPS). In

particular, this effort will promote tribal collaborations in the development of the NPS lagoon vital sign – a multi-decadal monitoring program to assess long-term changes in coastal lagoons in the Arctic Network (ARCN) National Park Service Units. Data from this program will then be able to dovetail with, and expand the capacity of other efforts by tribal fishery managers.

Place the ecology of Kotzebue Sound coastal lagoons in the context of other efforts along the northern Chukchi and Beaufort sea coasts (e.g., Boswell and colleagues through their North Pacific Research Board support) to support the most comprehensive assessment of lagoon ecology, including whitefish dynamics throughout the entire northern subsistence fishery region (i.e., including the North Slope). Consequently this project will support tribal capacity building for whitefish fishery management across the North Slope Borough, Northwest Arctic Borough, and the Kawerak Inc. regions.

Provide part-time employment for residents in Kotzebue and Shishmaref for help with logistics and expert-consultation with under-ice fishing. Honorariums will be provided for all interviews in Kivalina, Kotzebue, Deering, Shishmaref, and Wales.

Develop a report focused on how to implement a local response for potential industrial accidents that best protects lagoon fisheries.

THE PARTNERS FOR FISHERIES MONITORING PROGRAM

The Partners for Fisheries Monitoring Program is a competitive grant program funded by the U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM). The program was created to build community involvement in subsistence fisheries research and management. Grants funded through the Partners Program provide up to four years of funding for the employment of social scientists, biologists, and educators within Tribal and rural organizations. The social scientists, biologists, and educators live in the community where the Partner organization is based, and are responsible for development and implementation of locally focused subsistence fisheries research, and educational programs.

Currently, the Partners Program funds four biologists and one resource specialist in five Native organizations. Each one serves as an investigator on a Fisheries Research Monitoring Program (FRMP) project. These projects are designed to provide information used to help manage Federal subsistence fisheries on Federal public lands. The FRMP projects also provide an opportunity for local youth to become involved with fisheries research through internships and summer camps. The internships provide an opportunity for locals to work as seasonal fisheries technicians learning how to run field projects focused on collecting information used for fisheries management. The science camps provide opportunities for students to work with village elders to learn traditional skills and to work with biologists on fisheries monitoring projects. Since inception the program has sponsored more than 250 high school and college interns. Many of these interns have gone on to pursue education and employment in Alaska fisheries research and management in Federal, State, Native and non-profit organizations.

The Partners Program has been successful in helping bridge subsistence knowledge and local expertise with fisheries management. OSM relies on the Partners Program biologists and resource specialist to communicate local subsistence fisheries concerns. These concerns are used in development of priority information needs, providing a guide for the Fisheries Resource Monitoring Program. The Partners Program biologists and resource specialist live in rural communities where they witness the interaction between the subsistence user and their resources. They serve as a local contact where subsistence users can provide current and traditional information about local fish stocks, suggest future research needs, and discuss Federal subsistence fishing regulations. The partnerships generated through this program have strengthened the common goal of maintaining subsistence fisheries for future generations.

The Partners Program provides an important link between the Federal Subsistence Program and rural Alaskans wanting to become more involved in Federal Subsistence Fisheries research and management. The next opportunity for funding is scheduled to be announced in the fall of 2014.

For additional information about how a Tribal or rural organization can seek funding through the Partners for Fisheries Monitoring Program, contact Partners Program Coordinator, Dr. Palma Ingles, palma_ingles@fws.gov, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, MS 121, Anchorage, AK 99503-6199, phone: 907-786-3870.

CURRENT PARTNERS

BRISTOL BAY NATIVE ASSOCIATION
Box 310
Dillingham, AK 99576
907-842-5257, fax 842-5932

Fishery Biologist: Danielle Stickman, dstickman@bbna.com

FRMP Project:
- Whitefish trends in Lake Clark and Iliamna Lake

KUSKOKWIM NATIVE ASSOCIATION
Box 127
Aniak, AK 99557
907-675-4384; fax 675-4387

Fishery Biologist: Rebecca Frye, rebecca.frye@knafish.org

Fisheries Program Director: Dan Gillikin, dgillikin@knafish.org

FRMP Projects:
- Abundance and Run Timing of Adult Salmon in George River
- Location, Migration Timing, and Description of Kuskokwim River Bering Cisco Spawning Origins

TANANA CHIEFS CONFERENCE
121 1st Avenue, Suite 600
Fairbanks, AK 99701
907-452-8251, ex. 3318; fax 459-3852

Fishery Biologist: Brian McKenna brian.mckenna@tananachiefs.org

FRMP Project:
- Abundance and Run Timing of Adult Salmon in Henshaw Creek

NATIVE VILLAGE OF EYAK
Box 1388
Cordova, AK 99574
907- 424-7738; fax 907- 424-7739

Fishery Biologist: John Whisse, john@eyak-nsn.gov

FRMP Project:
- Chinook salmon population monitoring on the Copper River
- Feasibility of remote streambed RFID readers for long-term salmon Copper River

ORUTSARARMIUT NATIVE COUNCIL
Box 927
Bethel, AK 99559
907- 543-2608; fax 907- 543-2639

Fisheries Resource Specialist: Roberta Chavez rchavez@nativecouncil.org

FRMP Project:
- Lower Kuskokwim Chinook Harvest Age Sex and Length Composition

BRIEFING ON THE REVIEW OF THE RURAL DETERMINATION PROCESS

Title VIII of the 1980 Alaska National Interest Lands Conservation Act (ANILCA) provides a subsistence priority for rural Alaska residents for harvesting fish and wildlife resources on Federal public lands. Only residents of communities or areas determined to be rural are eligible under Federal subsistence regulations for the subsistence priority. The Secretaries of the Interior and Agriculture are responsible for the process by which the rural determinations are made. The Federal Subsistence Board uses the Secretaries' process to make the rural determinations.

On December 17, 2010, the Secretaries of the Interior and Agriculture directed the Federal Subsistence Board to conduct a review of the rural determination process and develop recommendations to the Secretaries on how to improve the process (Attachment 1).

The Federal Subsistence Board initiated a review of the rural determination process on December 31, 2012 with the publication of a Federal Register Notice (Attachments 2 and 3) requesting comments on the following components of the process: population thresholds, rural characteristics, aggregation of communities, timelines and information sources. All ideas on how to improve the rural determination process that are consistent with ANILCA Title VIII and 9th Circuit Court of Appeals case law associated with the definition of rural will be considered. The deadline to submit comments is November 1, 2013.

In addition to soliciting written public comments, the Federal Subsistence Board is holding hearings in key locations throughout the State to provide opportunities for the public to learn more about the rural determination process and provide testimony. The Federal Subsistence Board has provided Federally recognized Tribes and Alaska Native Claims Settlement Act (ANCSA) corporations with the opportunity to consult prior to the start of the Federal Subsistence Regional Advisory Council meeting window. During the fall 2013 meetings, the ten Federal Subsistence Regional Advisory Councils are to review the rural determination process and formulate recommendations for the Board. See the Current Schedule of Forums for Public Comments for a list of all meetings and hearings to be held (Attachment 4).

The Federal Subsistence Board will meet April 15–17, 2014 in Anchorage to review all the comments it received during the comment period. The Board will then make recommendations to the Secretaries of the Interior and Agriculture on possible changes to improve the process. These recommendations will be based in large part on the Federal Subsistence Regional Advisory Councils' recommendations, results of Tribal and ANCSA corporation consultations, and public comments. See the Steps in the Rural Determination Process for the review schedule (Attachment 5)

If the Secretaries decide to make changes to the rural determination process, a proposed rule and another comment period will be published in the Federal Register as required by the Administrative Procedure Act.

Following the completion of the review of the rural determination process, the Federal Subsistence Board will conduct a public review of the current rural determinations.

Attachment 1

DOI News

Secretary Letter on Federal Subsistence Board Implementation

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01/07/2011

December 17, 2010

Mr. Tim Towarak
Chair, Federal Subsistence Board
P. O. Box 89
Unalakleet, Alaska 99684

Dear Mr. Towarak:

First, I want to thank you for your service on the Federal Subsistence Board (FSB). I recognize that your work represents a significant commitment of time and energy to a task that is complex and often controversial.

Under the terms of the Title VIII of ANILCA, we have a duty to provide an effective program that serves rural residents of Alaska. In October 2009, at the Alaska Federation of Natives convention, I announced a review of the Federal subsistence program to ensure that the program is best serving rural Alaskans and that the letter and spirit of Title VIII are being met. That review, conducted through my Alaska Affairs office, included meetings with stakeholder groups and individuals throughout Alaska as well as Federal, State, and local officials. Following an analysis of the wide variety of comments, concerns, and suggestions expressed, a number of recommendations for programmatic changes were presented for consideration. On August 31, 2010, Secretary of Agriculture Tom Vilsack and I announced our decision to pursue a number of those recommendations to provide a more responsive, more effective subsistence program. A copy of the press release is enclosed for your information.

A number of these proposed actions are best accomplished by the FSB. With concurrence of the Secretary of Agriculture, I respectfully request that the FSB initiate the following actions at the earliest practical time:

1. Develop a proposed regulation to increase the membership on the FSB to include two additional public members representing subsistence users;
2. As a matter of policy, expand deference to appropriate Regional Advisory Council (RAC) recommendations in addition to “takings” decisions of the Board provided for under Section 805(c) of ANILCA, subject to the three exceptions found in that Section;
3. Review, with RAC input, the December 2008 Memorandum of Understanding (MOU) with the State to determine either the need for the MOU or the need for potential changes to clarify federal authorities in regard to the subsistence program;
4. Review, with RAC input, and present recommendations for changes to Federal subsistence procedural and structural regulations (Parts A&B of the CFRs) adopted from

the State in order to ensure Federal authorities are fully reflected and in accord with subsistence priorities provided for in Title VIII;

5. Review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes;
6. Review, with RAC input, rural/nonrural determination process and present recommendations for regulatory changes;
7. Review the Board's written policy on executive sessions and minimize the use of executive sessions to those cases specifically prescribed;
8. At the request of the Director of the Fish and Wildlife Service and under Departmental procedures, review and submit recommendations for Departmental consideration of the annual budget for the Federal subsistence program;
9. Ensure the Secretaries are informed when non-Department rule-making entities develop regulations that may adversely affect subsistence users;
10. To the extent practicable, utilize contracting and use of ANILCA Section 809 cooperative agreements with local tribes and other entities in the Board's review and approval of proposals for fulfilling subsistence program elements; and
11. Prepare and submit a status report on these actions to me, with a copy to the Secretary of Agriculture, within a year of this letter.

Again, thank you for your service. I look forward to further recommendations the FSB may have to strengthen our subsistence management program.

An identical letter is being sent to Ms. Beth Pendelton, Alaska Regional Forester.

Sincerely,

/s/ Ken Salazar

Ken Salazar

Enclosure

<< Previous
Secretary's Memorandum to Fish and Wildlife Service Director Implementing Subsistence Review

Next >>
Proposed rule to revise the regulations concerning the composition of the Federal Subsistence Board

location and hours of the reading room). You may also request paper copies of the data standards by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 20th day of December, 2012. .

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012–31401 Filed 12–28–12; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–SM–2012–N248;FXFR133 50700640–134–FF07J00000]

Subsistence Management Program for Public Lands in Alaska; Rural Determination Process

AGENCIES: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: Federal subsistence regulations require that the rural or nonrural status of communities or areas be reviewed every 10 years. In 2009, the Secretary of the Interior initiated a review of the Federal Subsistence Management Program. An ensuing directive was for the Federal Subsistence Board (Board) to review its process for determining the rural and nonrural status of communities. As a result, the Board has initiated a review of the rural determination process and is requesting comments from the public. These comments will be used by the Board, coordinating with the Secretaries of the Interior and Agriculture, to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

DATES: *Comments:* Comments on this notice must be received or postmarked by November 1, 2013.

Public meetings: The Federal Subsistence Regional Advisory Councils will hold public meetings to receive comments and make recommendations to the Federal Subsistence Board on this notice on several dates between August 19 and October 30, 2013. See Public Meetings under **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

ADDRESSES: *Comments:* Comments on this notice must be received or postmarked by November 1, 2013. You may submit comments by one of the following methods:

- *Electronically:* Comments addressing this notice may be sent to *subsistence@fws.gov.*
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503–6199, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings.

Comments received will be available for public review during public meetings held by the Board on this issue. This generally means that any personal information you provide us will be available during public review.

Public meetings: See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings. If the Board decides additional meetings are required, public announcements will be made that provide meeting dates and locations.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Peter J. Probasco, Office of Subsistence Management; (907) 786–3888; or *subsistence@fws.gov.* For questions specific to National Forest System lands, contact Steve Kessler, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743–9461; or *skessler@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This Program provides a priority for taking of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to implement this Program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations in the **Federal Register** on May 29, 1992 (57 FR 22940). The Secretaries have amended these regulations a number of times. Because this Program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, ''Parks, Forests, and Public Property,'' and Title 50, ''Wildlife and Fisheries,'' at 36 CFR 242.1–28 and 50 CFR 100.1–28, respectively. The regulations contain the following subparts: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Federal Subsistence Board

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair, appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, U.S. National Park Service;
- The Alaska State Director, U.S. Bureau of Land Management;
- The Alaska Regional Director, U.S. Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council. The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

Public Meetings

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing subsistence issues and making recommendations to the Board. The Federal Subsistence Board, through the Councils, will hold public meetings to accept comments on this notice during the fall meeting cycle. You may present comments on this notice during those meetings at the following locations in Alaska, on the following dates:

Attachment 2

Region 1—Southeast Regional Council	Petersburg	September 24, 2013.
Region 2—Southcentral Regional Council	Copper Center	October 2, 2013.
Region 3—Kodiak/Aleutians Regional Council	Cold Bay	September 24, 2013.
Region 4—Bristol Bay Regional Council	Dillingham	October 29, 2013.
Region 5—Yukon–Kuskokwim Delta Regional Council	St. Marys	September 25, 2013.
Region 6—Western Interior Regional Council	Fairbanks	October 8, 2013.
Region 7—Seward Peninsula Regional Council	Nome	October 8, 2013.
Region 8—Northwest Arctic Regional Council	Kiana	August 21, 2013.
Region 9—Eastern Interior Regional Council	Fairbanks	October 16, 2013.
Region 10—North Slope Regional Council	Barrow	August 19, 2013.

A notice will be published of specific dates, times, and meeting locations in local and statewide newspapers, and on the Web at *http://alaska.fws.gov/asm/index.cfml,* prior to these meetings. Locations and dates may change based on weather or local circumstances.

Tribal Consultation and Comment

As expressed in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 75 FR 60810 (October 1, 2010). Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides 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 No. 13175.''

The Alaska National Interest Lands Conservation Act, Title VIII (16 U.S.C. 3111–3126), does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members and Alaska Native corporations are affected by subsistence regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult. The Board provides a variety of opportunities for consultation: engaging in dialogue at the Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, or by mail, email, or phone at any time during the comment period.

The Board will engage in outreach efforts for this notice, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board will commit to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations to prior to the adoption of any changes in policy or regulation concerning the rural determination process.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and endeavor to address their concerns.

Purpose of This Notice

In accordance with § __.10(d)(4)(ii), one of the responsibilities given to the Federal Subsistence Board is to determine which communities or areas of the State are rural or nonrural. Only residents of areas identified as rural are eligible to participate in the Federal Subsistence Management Program on Federal public lands in Alaska.

The Board determines if a community or area is rural in accordance with established guidelines set forth in § __.15(a). The Board reviews rural determinations on a 10-year cycle and may review determinations out-of-cycle in special circumstances. The Board conducts rulemaking to determine if the list at § __.23(a), which defines the rural/nonrural status of communities and/or areas, needs revision. Residents would have five years to comply with a rural to nonrural change. A change from nonrural to rural would be effective 30 days after publication of the rule.

On May 7, 2007, the Board published a final rule, ''Subsistence Management Regulations for Public Lands in Alaska, Subpart C; Nonrural Determinations'' (72 FR 25688). This rule revised the list of nonrural areas identified by the Board. The Board changed Adak's status to rural, added Prudhoe Bay to the list of nonrural areas, and adjusted the boundaries of the following nonrural areas: the Kenai Area; the Wasilla/Palmer Area, including Point McKenzie; the Homer Area, including Fritz Creek East (except Voznesenka) and the North Fork Road area; and the Ketchikan Area, including Saxman and portions of Gravina Island. The effective date was June 6, 2007, with a 5-year compliance date of May 7, 2012.

On October 23, 2009, Secretary of the Interior Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska; Secretary of Agriculture Vilsack later concurred with this course of action. The review focused on how the Program is meeting the purposes and subsistence provisions of Title VIII of ANILCA, and how the Program is serving rural subsistence users as envisioned when it began in the early 1990s.

On August 31, 2010, the Secretaries announced the findings of the review, which included several proposed administrative and regulatory reviews and/or revisions to strengthen the Program and make it more responsive to those who rely on it for their subsistence uses. One proposal called for a review, with Council input, of the rural and nonrural determination process and, if needed, recommendations for regulatory changes.

On January 20, 2012, the Board met to consider the Secretarial directive, consider the Council's recommendations, and review all public, Tribal, and Native Corporation comments on the initial review of the rural determinations process. After discussion and careful review, the Board voted unanimously to initiate a review of the rural determination process and the 2010 decennial review. Consequently, based on that action, the Board found that it was in the public's best interest to extend the compliance date of its 2007 final rule (72 FR 25688; May 7, 2007) on rural and nonrural determinations until after the review of the rural determination process and decennial review are complete or in 5 years, whichever comes first. The Board has already published a final rule (77 FR 12477; March 1, 2012) extending the compliance date.

Request for Input

To comply with the Secretarial directives and the Federal subsistence regulations, the Federal Subsistence Board is proceeding with a review of the rural determination process. As part of the Secretaries' commitment to open

Attachment 2

government and in accordance with Executive Order 13563, the Board requests input from the public on the rural determination process and regulations, and ways to improve them for the benefit of rural Alaskans.

The Board has identified the following components in the process for review: Population thresholds, rural characteristics, aggregation of communities, timelines, and information sources. We describe these components below and include questions for public consideration and comment.

Population thresholds. The Federal Subsistence Board currently uses several guidelines to determine whether a specific area of Alaska is rural. One guideline sets population thresholds. A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature. In 2008, the Board recommended to the Secretaries that the upper population threshold be changed to 11,000. The Secretaries have taken no action on this recommendation.

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

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

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

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

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

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

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

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

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

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

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

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

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

This notice announces to the public, including rural Alaska residents, Federally recognized Tribes of Alaska, and Alaska Native corporations, the request for comments on the Federal Subsistence Program's rural determination process. These comments will be used by the Board to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process, which may include, where the Board has authority, proposed regulatory action(s) or in areas where the Secretaries maintain purview, recommended courses of action.

Dated: December 5, 2012.

Peter J. Probasco,

Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.

Dated: December 6, 2012.

Steve Kessler,

Subsistence Program Leader, USDA–Forest Service.

[FR Doc. 2012–31359 Filed 12–28–12; 8:45 am]

BILLING CODE 3410–11–P ; 4310–55–P

DEPARTMENT OF AGRICULTURE

Forest Service

Transfer of Land to the Department of Interior

AGENCY: Forest Service, USDA.

ACTION: Notice of Land Transfer.

SUMMARY: Approximately 353.63 acres of National Forest System lands are transferred to the jurisdiction of the Secretary of Interior pursuant to the Hoopa-Yurok Settlement Act (Pub. L. 100–580; 102 Stat. 2924 (1988)). Transfer of Jurisdiction of Certain National Forest System Lands in California to the Department of the Interior for the benefit of the Yurok Tribe.

DATES: This notice becomes effective December 31, 2012.

FOR FURTHER INFORMATION CONTACT: Louisa Herrera, National Title Program Manager, (202) 205–1255, Lands and Realty Management.

SUPPLEMENTARY INFORMATION: The Hoopa-Yurok Settlement Act (Pub. L. 100–580;102; Stat. 2924 (1988)), hereafter ''Act'', provides at section 2(c) that, subject to valid existing rights, certain enumerated National Forest System lands shall be ''held in trust by the United States for the benefit of the Yurok Tribe and shall be part of the Yurok Reservation'' (102 Stat. 2926). A condition precedent to such lands being held in trust is adoption of a resolution of the Interim Council of the Yurok Tribe as provided in section 2(c)(4) of the Act (102 Stat. 2926).

On March 21, 2007, the Yurok Tribal Council enacted Resolution No. 07–037, waiving certain claims and consenting to uses of tribal funds pursuant to the Act. The Department of the Interior has determined that the resolution meets the requirements of section 2(c)(4) of the Act, and that determination has been accepted by the Department of Agriculture.

Therefore, the conditions of transfer having been met, subject to valid existing rights, administrative jurisdiction over the following Federally

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

Federal Subsistence Board
News Release

Forest Service

For Immediate Release:
January 14, 2013

Contact:
Andrea Medeiros
(907) 786-3674 or (800) 478-1456
andrea_medeiros@fws.gov

Federal Subsistence Board Seeks Comments on Rural Determinations Process

The Federal Subsistence Board (Board) is seeking comments on the process used to determine which Alaska communities are rural for purposes of the Federal Subsistence Program. A notice requesting comment by November 1, 2013 was published in the Federal Register (FWS–R7–SM–2012–N248) on December 31, 2012.

The Alaska National Interest Lands Conservation Act (ANILCA) mandates that rural Alaskans be given a priority for subsistence uses of fish and wildlife on Federal public lands. The Board conducts a periodic review of rural determinations. Only communities or areas that are found to be rural are eligible for the subsistence priority under ANILCA.

Following a Secretarial review of the Federal Subsistence Management Program, the Secretaries of the Departments of the Interior and Agriculture tasked the Board to review the rural determination process and recommend changes. The Board has identified the following components of the rural determinations process to be a part of this review: population thresholds, rural characteristics, aggregation of communities, timelines, and information sources. Descriptions of these components and associated questions for public consideration and comment are provided below. Comments will be used by the Board to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

Population thresholds. A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature.

1. Are these population threshold guidelines useful for determining whether a specific area of Alaska is rural?
2. If they are not, please provide population size(s) to distinguish between rural and nonrural areas, and the reasons for the population size you believe more accurately reflects rural and nonrural areas in Alaska.

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

3. Are these characteristics useful for determining whether a specific area of Alaska is rural?
4. If they are not, please provide a list of characteristics that better define or enhance rural and nonrural status.

Aggregation of communities. The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are: 1) Do 30 percent or more of the working people commute from one community to another? 2) Do they share a common high school attendance area? and 3) Are the communities in proximity and road-accessible to one another?

5. Are these aggregation criteria useful in determining rural and nonrural status?
6. If they are not, please provide a list of criteria that better specify how communities may be integrated economically, socially, and communally for the purposes of determining rural and nonrural status.

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

7. Should the Board review rural determinations on a 10-year cycle? If so, why? If not, why not?

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

8. Do you have any additional sources you think would be beneficial to use?
9. In addition to the preceding questions, do you have any additional comments on how to make the rural determination process more effective?

Submit written comments by one of the following methods:

Mail: Federal Subsistence Board
Office of Subsistence Management – Attn: Theo Matuskowitz
1011 East Tudor Road, MS-121
Anchorage, AK 99503

E-mail: subsistence@fws.gov

Hand delivery to Designated Federal Official at any Federal Subsistence Regional Advisory Council meeting. See the Meetings and Deadlines page of the Federal

Subsistence Management Program's website, http://alaska.fws.gov/asm/deadline.cfml, for dates and locations of Council meetings.

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

Information on the Federal Subsistence Management Program can be found at http://alaska.fws.gov/asm/index.cfml.

-###-

Scheduled Forums for Public Comments

**telephonic access will be provided to these events*

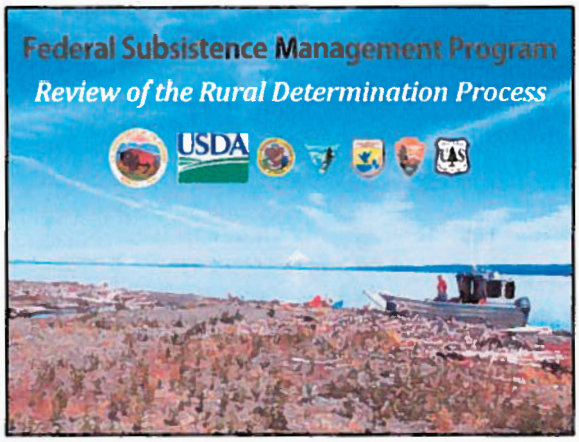
Forum	Meeting Date	Location
***Regional Advisory Council Meetings**		
North Slope	Aug. 20-21, 2013	Barrow
Northwest Arctic	Aug. 21-22, 2013	Kotzebue
Southeast	Sept. 24-26, 2013	Ketchikan
Kodiak/Aleutians	Sept. 24-25, 2013	Kodiak
Yukon-Kuskokwim Delta	Oct. 2-3, 2013	Bethel
Southcentral	Oct. 2-3, 2013	Copper Center
Western Interior	Oct. 8-9, 2013	Fairbanks
Seward Peninsula	Oct. 8-9, 2013	Nome
Eastern Interior	Oct. 16-17, 2013	Fairbanks
Bristol Bay	Oct. 29-30, 2013	Dillingham
***Hearings** (evening)		
North Slope	Aug. 20, 2013	Barrow
Northwest Arctic	Aug. 21, 2013	Kotzebue
Southeast	Sept. 24, 2013	Ketchikan
Kodiak/Aleutians	Sept. 24, 2013	Kodiak
Yukon-Kuskokwim Delta	Oct. 2, 2013	Bethel
Southcentral	Oct. 2, 2013	Copper Center
Western Interior	Oct. 8, 2013	Fairbanks
Seward Peninsula	Oct. 8, 2013	Nome
Eastern Interior	Oct. 16, 2013	Fairbanks
Bristol Bay	Oct. 29, 2013	Dillingham
***Tribal Consultations**		
First	Aug. 14, 2013	USFWS Regional Headquarters, Anchorage
Second	Sept. 11, 2013	USFWS Regional Headquarters, Anchorage

Forum	Meeting Date	Location
***ANCSA Corporation Consultations**		
First	Aug. 14, 2013	USFWS Regional Headquarters, Anchorage
Second	Sept. 11, 2013	USFWS Regional Headquarters, Anchorage
AFN Youth and Elders	Oct. 2013	Fairbanks
AFN Convention Booth	Oct. 2013	Fairbanks

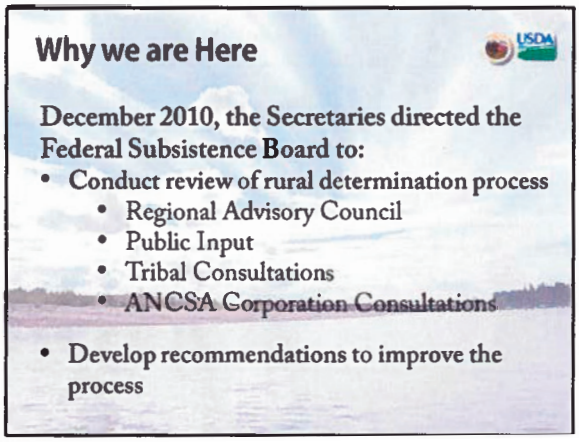
Steps in the Review of the Rural Determination Process

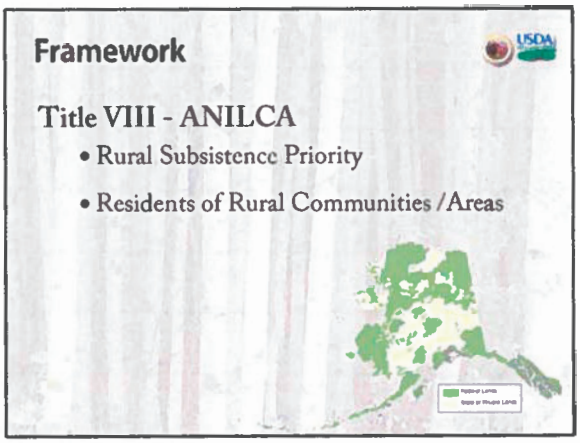
Step		Start Date	End Date
1	**Publish notice requesting comments**	Dec. 31, 2012	Nov. 1, 2013
2	**Subsistence Regional Advisory Councils formulate recommendations. Tribal and ANCSA corporations are consulted and public hearings are held.**	Aug. 20, 2013	Oct. 17, 2013
3	Analysis of comments	Nov. 1, 2013	Mar. 2014
4	**Federal Subsistence Board review of comments and staff analysis. Draft recommendations to the Secretaries on possible changes to improve the process.**	Apr. 2014	Apr. 2014
5	Proposed rule drafted (based on Secretarial direction)	Apr. 2014	Jun. 2014
6	**Publish proposed rule and accept comments**	Jul. 2014	Oct. 2014
7	Analysis of comments	Sept. 2014	Nov. 2014
8	**Federal Subsistence Board review of comments and staff analysis. Draft recommendations to the Secretaries.**	Jan. 2015	Jan. 2015
9	Draft and publish final rule (based on Secretarial direction)	Feb. 2015	Apr. 2015

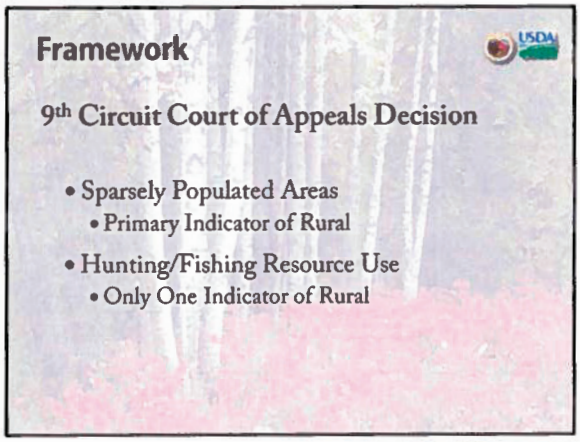
Following the completion of the review of the rural determination process, the Federal Subsistence Board will conduct a public review of the current rural determinations. The Federal Subsistence Board will follow steps that are similar to those used in the review of the rural determination process (See table above). The Federal Subsistence Board's goal is to have a final rule of rural determinations by February 2017.

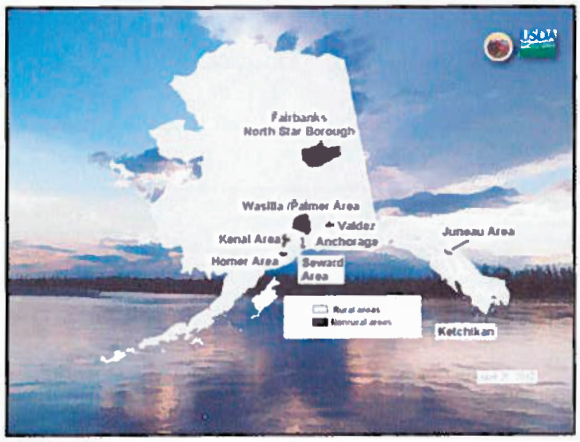

Federal Subsistence Management Program
Review of the Rural Determination Process
USDA

Presentation Overview
USDA
1. Why we are here
2. Framework
3. Current Process
4. The Questions to Address
5. Resources
6. How you can Provide Comments


Why we are Here
USDA
December 2010, the Secretaries directed the Federal Subsistence Board to:
• Conduct review of rural determination process
• Regional Advisory Council
• Public Input
• Tribal Consultations
• ANCSA Corporation Consultations
• Develop recommendations to improve the process


Framework
Title VIII - ANILCA
• Rural Subsistence Priority
• Residents of Rural Communities /Areas


Framework
9th Circuit Court of Appeals Decision
• Sparsely Populated Areas
• Primary Indicator of Rural
• Hunting/Fishing Resource Use
• Only One Indicator of Rural


Fairbanks
North Star Borough
Wasilla /Palmer Area
Valdez
Kenai Area
Anchorage
Homer Area
Seward
Area
Juneau Area
Ketchikan

Current Process

Overview of Criteria

1. Grouping (Aggregation) of Communities
2. Population Threshold
3. Rural Characteristics
4. Timelines
5. Information Sources

Current Process

1. Grouping of Communities

- **Economic, Social, Communal Integration**
  - Do 30% or more working people commute from one community to another?
  - Do they share a common high school attendance area?
  - Are the communities in proximity and road accessible to one another?

Questions

Are these grouping (aggregation) criteria useful for determining rural and nonrural status?

- If not, please provide ideas on how to better indicate how communities are integrated for the purposes of determining rural and nonrural status.

Current Process

2. Population Threshold

- Below 2,500
  - Presumed Rural
- Between 2,500 and 7,000
  - No Presumption-Rural Characteristics Applied
- Above 7,000
  - Presumed Non-rural

Questions

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

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

Current Process

3. Rural Characteristics

- Use of Fish and Wildlife
- Economic Development and Diversity
- Infrastructure
- Transportation
- Educational Institutions

Questions

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

- If they are not, please provide a list of characteristics that better define rural and nonrural status.

Current Process

4. Timelines

- 10-year Cycle
- Out of Cycle in Special Circumstances

5. Information Sources

- Recent Census Population Data
- Census Information Varies Decade to Decade

Questions

Should the Board review rural determinations on a 10-year cycle? If so, why and if not, why not?

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

Questions

Do you have any additional comments on how to make the rural determination process more effective?

Resources

Available to You

Web Site-
http://www.doi.gov/subsistence/library/policies/rural-determination.cfm

Email
- subsistence@fws.gov

Phone
- 800-478-1456

All resources are located on our web site and on the handouts available here in the room.

Please pick up copies.

How you can Provide Comments

Testimony –

- Regional Advisory Council meetings, for RAC consideration
- Public Hearings, to inform Federal Subsistence Board

Electronically - by email at subsistence@fws.gov

U.S. mail / hand deliver - to U.S. Fish and Wildlife Service, Office of Subsistence Management, 1011 Tudor Road-MS121, Anchorage, Alaska 99503

Hand Deliver - to Designated Federal Official, or Council Coordinator, attending any of Regional Advisory Council or Federal Subsistence Board public meetings

Rural Determination Process Review Q&As

OVERVIEW

1. Why is the rural determination process review important to Alaskans?

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.

2. Why is the Federal Subsistence Board reviewing the rural determination Process?

On October 23, 2009, Secretary of the Interior Ken Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska, and on August 31, 2010, Secretary Salazar, along with Secretary of Agriculture Tom Vilsack, made several recommendations to the Federal Subsistence Board to improve the program. One recommendation called for a review of the rural determination process and, if needed, regulatory change. The Federal Subsistence Board voted unanimously to initiate a review of the rural determination process (process review). In the meantime, the Board found that it was in the public interest to suspend the results of its May 7, 2007 rural determinations until after this current review of the rural determination process is complete and new rural determinations are made, or for 5 years, whichever comes first.

3. Who is participating in the process review and what roles are each playing?

The public is encouraged to participate in the rural determination process review by learning about the current process, commenting on it, and suggesting new ideas for a better, future process. The public is invited to testify in person at public hearings or provide written comments. The Regional Advisory Councils, Tribes, and Alaska Native Claims Settlement Act corporations may also provide comments or make recommendations to the Federal Subsistence Board. The Federal Subsistence Board will evaluate all the comments and present recommendations to the Secretaries of the Interior and Agriculture, who will decide the outcome of the process review.

4. What is the overall timeline?

The rural determination process review will occur between December 31, 2012 and the spring of 2015. The Federal Subsistence Board's goal is to conduct the new rural determinations review by February, 2017.

EXISTING RURAL DETERMINATION PROCESS

5. What is the existing process for determining rural communities (or non-rural areas)?

The Federal Subsistence Board uses the rural determination process described in the Final Rule published in the Federal Register on May 7, 2007. The Federal Subsistence Board considered all of the following in making rural determinations:

- **Population thresholds**. A community or area with a population below 2,500 will be

considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature.

- **Rural characteristics.** The Board recognizes that population alone is not the only indicator of rural or nonrural status. Other characteristics the Board considers include, but are not limited to, the following: use of fish and wildlife; development and diversity of the economy; community infrastructure; transportation; and educational institutions.

- **Aggregation of communities.** The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are: 1) Do 30 percent or more of the working people commute from one community to another? 2) Do they share a common high school attendance area? and 3) Are the communities in proximity and road-accessible to one another?

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

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

6. When were the most recent rural determinations made and what were they?

The Final Rule on the current rural determinations was published in the Federal Register on May 7, 2007. The Federal Subsistence Board determined all communities and areas to be rural except:

(1) Anchorage, Municipality of;
(2) Fairbanks North Star Borough;
(3) Homer area—including Homer, Anchor Point, North Fork Road area, Kachemak City, and the Fritz Creek East area (not including Voznesenka);
(4) Juneau area—including Juneau, West Juneau, and Douglas;
(5) Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifonsky, Kasilof, and Clam Gulch;
(6) Ketchikan area—including all parts of the road system connected to the City of Ketchikan including Saxman, Pennock Island and parts of Gravina Island;
(7) Prudhoe Bay;
(8) Seward area—including Seward and Moose Pass;
(9) Valdez; and
(10) Wasilla/Palmer area—including Wasilla, Palmer, Sutton, Big Lake, Houston, Point MacKenzie, and Bodenburg Butte.

**Note that all changes made by the Board in 2007, except for changing Adak's determi-

nation from non-rural to rural, have been put on hold by the Board pending the outcome of the process review and new rural determinations. (See Question #1 for more detail).

"PROCESS" REVIEW (CURRENTLY UNDERWAY)

7. Are there any legal considerations I should be aware of when making my comments?

Yes. All ideas on how to improve the rural determination process that are consistent with ANILCA Title VIII and 9th Circuit Court of Appeals case law associated with the definition of rural will be considered. In *Kenaitze v. State of Alaska*, 860 F.2d 312 (1988), the 9th Court provided useful guidance regarding the meaning of the term "rural" as it is used in Title VIII of ANILCA:

Regarding the definition of "rural," the Court said, "The term rural is not difficult to understand; it is not a term of art. It is a standard word in the English language commonly understood to refer to areas of the country that are sparsely populated, where the economy centers on agriculture and ranching."

Based on this definition, the Court struck down the State of Alaska's approach to defining rural areas. The State's definition of "rural" included only those areas dominated by subsistence fishing and hunting, while excluding areas dominated primarily by a cash economy even if a substantial portion of that area›s residents engaged in subsistence activities. In making this decision, the Court said that «Congress did not limit the benefits of [Title VIII] to areas dominated by a subsistence economy. Instead, it wrote broadly, giving the statutory priority to all subsistence users residing in rural areas.»

8. What is the timeline for the process review?

- The rural determination process review began on December 31, 2012, with the publication of a Federal Register Notice requesting comments.
- Between August 20 and October 17, 2013 the Subsistence Regional Advisory Councils will meet and formulate comments for the Federal Subsistence Board. Public hearings, conducted by the Federal Subsistence Board, will be held in conjunction with each of these meetings to gather public comments.
- The deadline to submit all comments is November 1, 2013.
- By April, 2014 the Federal Subsistence Board will draft recommendations for the Secretaries of the Interior and Agriculture on possible changes to the process.
- The Secretaries will then publish a proposed rule in the Federal Register, opening a comment period, and by the spring of 2015 will publish a final rule.

9. Where can I find the Federal Register Notice that asks for input into the process?

It is available online at http://alaska.fws.gov/asm/rural.cfml In addition, the public can call 1 (800) 478-1456to request a hard copy.

10. When and where can I provide official input into the process review?

By November 1, 2013 comments must be received in any of the following ways:

- *Electronically:* sent to *subsistence@fws.gov.*
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503– 6199,
- *Hand delivery* to the Designated Federal Official attending any of the Regional Advisory Council public meetings or Federal Subsistence Board public hearings, or
- *By testifying* at public hearings held in conjunction with the Fall 2013 Regional Advisory Council meetings and in a few additional communities. The hearing schedule can be found at http://alaska.fws.gov/asm/deadline.cfml

11. How can I make my comments most useful to the Board?

Comments, and rationale for those comments, should address the following components of the current rural determination process: population thresholds, rural characteristics, aggregation of communities, timelines and information sources. All ideas on how to improve the rural determination process consistent with ANILCA Title VIII and the 9th Circuit Court of Appeals case law associated with the definition of rural will be considered.

12. Will the fall of 2013 be the only time I can comment on the process review?

No. If the Secretaries decide to make changes to the rural determination process, a proposed rule will be published in the Federal Register followed by another open comment period.

13. What will the Board do with my comments?

After the November 1, 2013 comment deadline, the Federal Subsistence Board will review and analyze all the comments it received during the comment period. The Board will make recommendations to the Secretaries of the Interior and Agriculture on possible changes to improve the rural determination process.

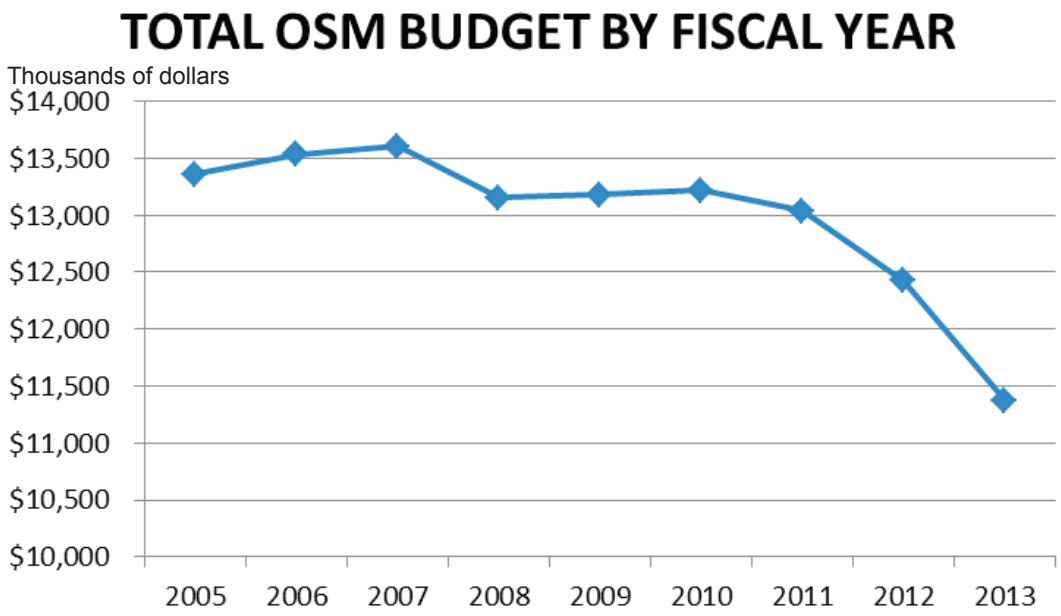
14. Who can I contact if I have questions?

Individuals can call David Jenkins, Office of Subsistence Management, at 907-786-3688 or email david_jenkins@fws.gov

OFFICE OF SUBSISTENCE MANAGEMENT BRIEFINGS

Budget Update

The Office of Subsistence Management (OSM) has experienced a declining budget and level of staffing (see below). The overall OSM budget is subject to the same 6.7% cut that all Federal agencies are experiencing as a result of sequestration — the automatic spending cuts put in place by Congress and effective January this year. The budget picture for FY2014 is not entirely clear, but we anticipate further reductions. OSM will continue to provide the Regional Advisory Councils with budget briefings to help them develop a better understanding of proposed cuts and how they may affect the Federal Subsistence Management Program. Travel outside of the normal Council meetings will continue to be limited. Also, due to budget cuts and the Federal sequestration, the funding to support the State Liaison Position has been cut.



Staffing Update

Arrivals

Gene Peltola, Jr. has been selected to serve as the Assistant Regional Director for OSM. Gene most recently served as the Refuge Manager for the Yukon Delta National Wildlife Refuge in Bethel for 5 years and was the In-Season Manager on the Kuskokwim River. Prior to that, he was the Northern Zone Officer for Refuge Law Enforcement. He has a total of 29 years of service in the U.S. Fish & Wildlife Service.

Jeff Brooks has been selected to work as a Social Scientist in the Anthropology Division. He previously worked for the National Wildlife Refuge System in Alaska in the Division of Conservation Planning and Policy as a social scientist. Jeff served as the lead planner for the recently published Comprehensive Conservation Plan for the Selawik National Wildlife Refuge.

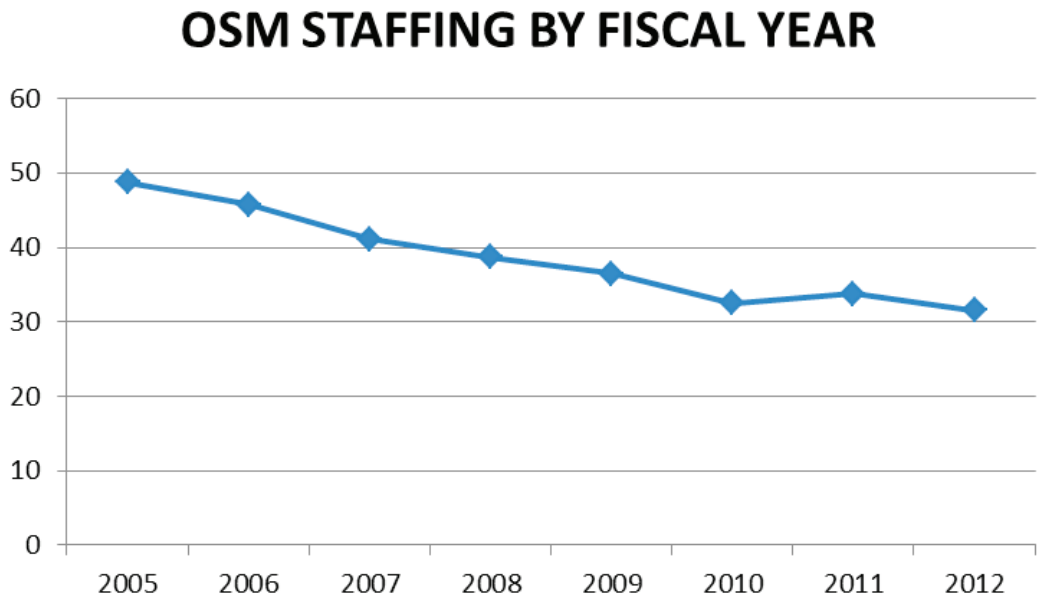
Derek Hildreth has been selected as the new Permit Specialist, replacing Michelle Chivers in that position. He previously worked in the Anchorage Field Office for the U.S. Fish & Wildlife Service in Fisheries.

Departures

Helen Armstrong has retired from employment with the U.S. Fish & Wildlife Service. Under current budget restrictions, any new hires must be approved before any recruitment can begin. At this time, OSM has not been authorized to recruit for hiring a replacement Anthropology Division Chief. The position is currently vacant and OSM is exploring options for fulfilling these responsibilities.

Stephen Fried retired from employment with the U.S. Fish & Wildlife Service. OSM has been authorized to seek a replacement Fisheries Division Chief.

Andrea Medeiros, who has been at OSM for over twelve years and is currently the Subsistence Outreach Coordinator, will be leaving OSM to take a position with External Affairs for Region 7 U.S. Fish & Wildlife Service. Her position will become vacant and OSM is exploring options for fulfilling these responsibilities.



Tribal Consultation Update

The Tribal Consultation Implementation Guidelines are in their final draft form and the Federal Subsistence Board will review them at its work session in August. The Tribal Consultation workgroup consists of a varied group of Federal staff, Tribal members and members from Alaska Native Claims Settlement Act (ANCSA) Corporations. Once the implementation guidelines have been accepted by the Board, the workgroup will focus its attention on crafting the ANCSA Consultation Policy and Implementation Guidelines.

Regulatory Cycle Update

At the fall 2012 Regional Advisory Council meetings, the Board asked all 10 Councils for input on regulatory cycle schedules. Eight of ten Councils recommended that the Board meeting to make determinations on wildlife proposals occur in the spring rather than in January. In response, the Board scheduled their next meeting to make determinations on wildlife proposals for April 15-17, 2014. With future wildlife Board meetings occurring in the spring, the fall Council meeting window for wildlife proposal years will be extended into early November. The Board has not yet made a decision concerning dates for their meeting in 2015 to address the next round of fisheries proposals.

THE STATE of ALASKA
GOVERNOR SEAN PARNELL

Department of Fish and Game

DIVISION OF WILDLIFE CONSERVATION
Headquarters Office

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1255 West 8th Street
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Main: 907.465.4190
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RECEIVED
MAY 23 2013

May 20, 2013

Tim Towarak, Chair
Federal Subsistence Board
1011 East Tudor Road
Anchorage, AK 99503-6119

Dear Tim,

Few places in the world retain a stronger connection to hunting, gathering, and eating well from the land than Alaska. Indeed, the need for meaningful wildlife harvest opportunities here cannot be overstated, which is why I'm sharing my concerns over a National Park Service (NPS) management approach that has great potential to reduce these opportunities on park and preserve units statewide.

In 2010, NPS began preempting Alaska state hunting regulations on national preserve lands during its annual compendium review process. It has continued these preemptions in its 2013 compendia. While all users are affected, these closures are especially likely to affect Alaskans who depend on hunting for sustenance. Each year, the Alaska Department of Fish and Game has provided written comments opposing the proposed closures as biologically unnecessary. In essence, our concerns are based upon inadequate justification provided by NPS, including the lack of clear, identifiable criteria used to demonstrate a cause-and-effect relationship between preempted state regulations and an actual impact to park resources or values. Additionally, conservation concerns have not been shown to exist in instances where state regulations have been preempted.

This year, the department developed a series of questions aimed at clarification and increased understanding of how closures proposed and extended by NPS fit into the wildlife management framework created by Congress, including in the Alaska National Interest Lands Conservation Act (ANILCA). The NPS response was disappointing as the majority of our most pressing inquiries were referred to as previously "asked and answered," without explanation. For example:

> *The State commented that the relationship between the Organic Act, Redwoods Amendments, ANILCA, and NPS Management Policies are not clear. The Service believes this has been adequately explained on multiple occasions, including the determinations of need, written correspondence, in-person meetings, and other publicly available documents (including NPS Management Policies).*

The NPS has yet to directly respond to the department regarding these questions. Additionally, NPS policy statements regarding wildlife harvest included:

> *Whether labeled **predator control, intensive management, abundance-based management** or another term, the practical effects of manipulating one population to affect another **are contrary to the NPS legal and policy framework** as discussed in the determinations of need.* (Emphasis added.)
>
> *Increasingly, State authorizations seek to manipulate [wildlife] populations in the interest of **reallocating prey from predators to humans, a practice which is outside the legal and policy framework applicable to NPS areas.*** (Emphasis added.)
>
> *It is outside of NPS legal and policy framework to reallocate prey species from predators to humans; **nor is the NPS charged with managing to "support a high level of human harvest."*** (Emphasis added.)

The department is continuing to try to resolve these issues with the NPS national office, and I am optimistic we can reach a mutually satisfactory understanding in the near future. In the meantime, the department will continue to do our best to provide meaningful wildlife harvest opportunities across Alaska and it is our hope that the NPS will assist us to ensure Alaskans can fish, hunt, trap, and subsist as they have since long before passage of ANILCA.

Tim, please share these concerns with the Federal Subsistence Board (Board). Additionally, I encourage you to review the department's comments and the full response provided by NPS to better understand this issue and our concerns. These are available on the department's webpage at *http://www.adfg.alaska.gov/index.cfm?adfg=ongoingissues.npscompendium*. Alternatively, please contact Andrew Levi at (907) 267-2242 to receive a paper copy by mail.

In closing, thank you, and all members of the Board for your continued service. Your steadfast commitment to Alaska's wildlife resources and those who depend on them does not go unnoticed.

Sincerely,
/S/

Douglas Vincent-Lang
Director

Distribution: Alaska Board of Game
Federal Subsistence Board
Federal Subsistence Regional Advisory Councils
Fish and Game Advisory Committees
Subsistence Resource Commissions

Federal Subsistence Board

Work Session

June 18, 2013

Briefing Paper Regarding Alaska Board of Game Letter (Chairman Spraker) to Federal Subsistence Board (Chairman Towarak): Dated: April 26, 2013

Chairman Spraker's letter encourages the Board to begin the process of modifying the application of the Federal Subsistence Board's predator management policy. He also suggests that each federal agency apply the policy consistently.

The Federal subsistence program was established in a final rule effective on July 1, 1992 with regulations 36 CFR 242 and 50 CFR 100 published in the Federal Register 57 FR 22940; May 29, 1992. The Secretaries of the Interior and Agriculture established the Board and these regulations assigned it specific responsibilities. These authorities are fully listed in Subpart B __.10, which read in part:

> *The Secretary of the Interior and Secretary of Agriculture hereby establish a Federal Subsistence Board and assign it responsibility for administering the subsistence taking and uses of fish and wildlife on public lands, and the related promulgation and signature authority for regulations in subparts C and D of this part.*

Preceding publication of these regulations the Departments of the Interior and Agriculture completed an Environmental Impact Statement (EIS) which considered numerous topics. Some topics were not analyzed and thus not included within the program. The Final EIS, Volume I, Chapter I, Section G *Issues Not Addressed In This EIS says:*

> *Issue: Should predators be controlled and vegetation manipulated to increase wildlife populations? Concerns were expressed about the role and habitat manipulations projects and predator control program in the FSMP and the impacts of those actions on subsistence species. Habitat manipulation projects and predator control programs are the responsibility of each land management agency and are beyond the scope of this document. Each such project or program is subject to both NEPA documentation and ANILCA Section 810 Compliance.*

After much public discussion in the early 2000s the Board adopted a concise policy statement in accordance with the aforementioned regulations and programmatic EIS. See *Predator Management Policy Federal Subsistence Board.* Among other things the policy reiterates that,

Predator control and habitat management are the responsibly of and remain within the authority of the individual management agencies.

In summary, The Secretaries' programmatic EIS and the Board's regulations did not include this aspect of wildlife management in the program. The EIS specifically left this task to the individual agencies and stated that they remained subject to both National Environmental Policy Act (NEPA) documentation and ANILCA §810 evaluation. Any agency undertaking either of these activities need to complete both NEPA compliance (either and EA or EIS) and an ANILCA §810 evaluation. The powers and duties of the Board, listed in §__.10 (d) do not include predator management nor habitat manipulation and the Board is not delegated the authority to modify this section (Subpart B) of these regulations. The Secretaries have retained authority to approve changes to Subpart A and B regulations.

As to each agency's application of law, regulation and policy agencies are required to act in a manner consistent with their agency's mandates and other federal law. Agency mandates often differ as described in a letter from the Secretary of the Interior to the Eastern Interior Subsistence Regional Advisory Council in December 2006.

Attachments:

- Letter; Chairman Spraker to Chairman Towarak; April 26, 2013
- *Predator Management Policy Federal Subsistence Board,* Adopted May 20, 2004
- Letter: Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks to Chairman Eastern Interior Alaska Subsistence Regional Advisory Council Gerald Nicholia, December 19, 2006

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

TAKE PRIDE IN AMERICA

DEC 19 2006

Mr. Gerald Nicholia, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
101 12th Avenue, Room 110
Fairbanks, Alaska 99701

Dear Mr. Nicholia:

Thank you for your letter of September 22, 2006, to Secretary Dirk Kempthorne requesting that the process to implement an intensive management program with the State of Alaska, Department of Fish and Game on Federal public lands within the Eastern Interior Region of Alaska, be started immediately. I have been asked to respond to you directly.

I take the responsibility, as mandated in the Alaska National Interests Lands Conservation Act (ANILCA), of protecting the opportunity for continued subsistence uses in Alaska seriously; as well as that of conserving the nation's fish and wildlife and other natural resources on Alaska's Federal public lands, as directed by ANILCA and other Federal statutes. Each of the Department of the Interior (DOI) land management agencies within your region manage the resources entrusted to them according to these statutory mandates and the implementing regulations and policies. Consistent with these mandates, the DOI agencies will address your concerns.

I understand that staff from the Bureau of Land Management, National Park Service, and U.S. Fish and Wildlife Service (Service) gave presentations to your council at its October 2006 meeting in Delta Junction. They explained the legal requirements and policy guidelines each agency follows when considering requests for intensive management, including predator control. In addition, your council was provided written responses from the Refuge Managers of the Arctic, Yukon Flats, and Tetlin National Wildlife Refuges to your request to the Service Regional Director to initiate studies leading to control of predators of moose and caribou on these refuges.

Each DOI land management agency has differing legal requirements and policy guidelines regarding intensive management, including predator control, which are summarized below:

Bureau of Land Management (BLM)
The BLM manages its Alaska lands primarily under the Federal Land Policy and Management Act of 1976 and ANILCA. While the agency manages land uses and habitat on its lands, management of fish and wildlife on BLM lands is conducted by the State of Alaska, consistent with the traditional role of the State in managing resident species of fish and wildlife. Essentially, predator control activities by the State of Alaska may take place on BLM lands, as long as they do not conflict with on-going or anticipated BLM authorized actions. The BLM views predator control as a State function and the agency neither supports nor condemns the predator control methods approved by the Alaska Board of Game.

U.S. Fish and Wildlife Service (Service)
The Service manages the national wildlife refuges in Alaska under the mandates of ANILCA and the Refuge Administration Act. There is nothing in ANILCA, or other applicable federal laws, regulations and policies, nor in the refuge comprehensive conservation plans, which specifically precludes predator control on national wildlife refuges in Alaska. However, these laws, regulations and policies do require comprehensive analyses prior to considering a predator control program to ensure that the action is both appropriate and biologically justified. The following are some of the general prerequisites for considering predator control on Alaska refuges.

Foremost, management actions must be biologically justified and used in a prudent and ecologically sound manner to conform to the agency's Policy on Maintaining the Biological Integrity, Diversity, and Environmental Health of the National Wildlife Refuge System (System). This policy requires that the agency 1) *identify the refuge purpose(s), legislative responsibilities, refuge role within the ecosystem, and System mission;* 2) *assess the current status of biological integrity, diversity, and environmental health through baseline... surveys and studies...;* 3) *assess historic conditions and compare them to the current condition ... This will provide a benchmark... for the relative intactness of ecosystem functions and processes; and* 4) *consider the refuge's importance to refuge, ecosystem, national and international landscape scales of biological integrity, diversity, and environmental health....* A thorough evaluation must be given to substantiate intended benefits of the control efforts, and alternatives to direct control must be evaluated, attempted, and exhausted as a practical means of achieving management objectives.

Because predator control of wolves and/or bears on national wildlife refuges is highly controversial, it would be considered a major Federal action subject to National Environmental Policy Act (NEPA) requirements which would include preparation of an environmental impact statement (EIS) or, at a minimum, an environmental assessment

(EA). As part of an EIS or EA, the Service would evaluate predator control in the context of the purposes of the refuge and in consideration of the biological integrity policy. Additionally, the agency would evaluate the effects of the proposed predator control on subsistence uses and needs, as required by Section 810 of ANILCA. Section 810 requirements would be incorporated into the NEPA process and documents.

In addition, if predator control is proposed to be carried out on a refuge by an agency or others not acting as agents of the Service, the refuge manager must find the proposed control program to be consistent with the Service compatibility regulations implementing the Refuge Administration Act. These regulations require that permitted uses of the refuge be compatible with the purposes of the refuge, the mission of the national wildlife refuge system, and the resource management objectives identified in the refuge comprehensive conservation plans.

Be assured that the Service is giving serious consideration to the concerns you have raised relating to the effects of predation on subsistence uses. By copy of this letter I am requesting that the Service's staff in Alaska to explore available options to conduct the studies necessary to fully evaluate the need for and potential benefits of predator reductions to refuge resources and subsistence users, as well as alternatives to direct agency-conducted reduction of predators. In this evaluation, the Service will closely coordinate and, where possible, cooperate with the State of Alaska in its efforts to provide sustainable, harvestable surpluses for subsistence use.

National Park Service (NPS)

The NPS lands in Alaska are managed according to ANILCA and the underlying 1916 Organic Act, which established and continues to guide NPS management. The ANILCA, per sections 802(1), 808(6) and 815(1)(3), established a standard of "conservation of healthy populations" for wildlife management in Alaska's parks, monuments, and preserves. The legislative history to ANILCA clearly expresses congressional intent in regards to intensive management, including predator control. On page 171 of Senate Report 96-413, November 1979, it states:

In authorizing subsistence uses within National Parks, Monuments, Preserves, and National recreation Areas, it is the intent of the Committee that certain traditional National Park Service management values be maintained. It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utility of natural resources. Rather, the National Park System concept requires implementation of management policies which strive to maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem, and the Committee intends that that concept be maintained... Accordingly, the Committee does not expect the National Park Service to engage in habitat manipulation or control of other species for the purpose of maintaining subsistence uses within the National Park System units.

The same report goes on to state (pages 232-233):

The Committee recognizes that the management policies and legal authorities of the National Park System and the National Wildlife Refuge System may require different interpretations and application of the "healthy population" concept consistent with management objectives of each system. Accordingly, the Committee recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management program affecting ecological relationships, population dynamics, and manipulations of the components of the ecosystem.

As you can see, the Congress understood and expected that the policies of the NPS were to play a significant role in interpreting how the mandate for "conservation of healthy populations" is carried out.

One of the first major actions the Secretary completed was a long and thorough review of draft NPS management policies. On August 31, 2006, the Secretary was satisfied that the policies were appropriate and struck the correct balance for NPS guidance. Those policies contain several sections (in Chapter 4) that relate to your request. In all, those sections direct the NPS to, in a manner consistent with ANILCA and its Senate history, maintain the natural population fluctuations and processes that influence the dynamics of individual plant and animal populations within their ecosystems. Section 4.4.3, *Harvest of Plants and Animals by the Public*, directly deals with the issues you have raised. Among other things, that section states: *The (National Park) Service does not engage in activities to reduce the number of native species for the purpose of increasing the number of harvest species (i.e. predator control), nor does the (National Park) Service permit others to do so on land managed by the National Park Service.*

To summarize, undertaking intensive management practices, including predator control activities as conducted by the State of Alaska, is not allowed on NPS lands.

I hope this brief summary of the DOI agencies' legal frameworks for considering predator control on their respective lands is helpful to your council's understanding of the constraints they must conform to in addressing your concerns. I would encourage your council to continue to work closely with the Federal agencies and the State in developing management options to ameliorate, to the extent possible, the adverse effects of predation on wildlife resources utilized by subsistence users. In addition to seeking predator reduction programs on Federal lands which are consistent with the legal and policy mandates of the land managing agencies, opportunities for predator management on lands under State jurisdiction should be explored, as appropriate. Additionally, the council may be able to encourage increased harvests of predators by local residents under current State hunting and trapping regulations where applicable.

Mr. Gerald Nicholia

5

In closing, I support and applaud your efforts to ensure that subsistence uses and way of life in Alaska are protected. I appreciate your council's continuing contribution to the Federal Subsistence Program and your diligence in representing the interests of subsistence users in your region. If you have any further questions, please feel free to contact me at (202) 208-5347.

Sincerely,

Acting Assistant Secretary for Fish and Wildlife and Parks

PREDATOR MANAGEMENT POLICY
FEDERAL SUBSISTENCE BOARD

Adopted by the Federal Subsistence Board on
May 20, 2004

The Federal Subsistence Board recognizes that predators are an important component of Alaska's dynamic ecosystems, beneficial to maintaining balance, health, and diversity within associated wildlife populations and habitats. Furthermore, the Board recognizes the traditional Alaska Native cultural beliefs and values associated with wolves, bears and other predatory species, and the impact that predators can have on ungulate populations valued by subsistence users. In addition, the Board recognizes that predator control may be an appropriate management tool on some Federal public lands for restoring prey populations to provide for subsistence needs where predation has reduced or held prey populations at levels significantly below historical levels of abundance.

As authorized by the Secretaries of Interior and Agriculture [50 CFR Part 100.10 (USDI) and 36 CFR Part 242.10 (USDA)], the Board administers the subsistence taking and uses of fish and wildlife on Federal public lands through regulations that provide for the non-wasteful harvest of fish and wildlife by Federally qualified rural residents, consistent with the maintenance of healthy populations of harvested resources. Such subsistence taking and uses are *"... for direct personal or family consumption ..."* (Section 803 of ANILCA). Wildlife management activities on Federal public lands other than the subsistence take and use of fish and wildlife, such as predator control and habitat management, are the responsibility of and remain within the authority of the individual land management agencies.

Accordingly, the Board will:

A Consider all Federal proposals to regulate seasons and dates, methods and means, harvest limits, and customary & traditional use determinations for the subsistence take of fish and wildlife. The Board will ensure that the effect of its decisions is to provide for subsistence take and use of the subject species. The Board will also take into account approved population objectives, management plans, customary and traditional uses, and recognized principles of fish and wildlife management.

B Direct the Office of Subsistence Management to provide proponents of predator control proposals (all Federal proposals that specifically indicate that the reason for the proposed regulation(s) is to reduce the predator population to benefit prey populations), with procedures for submitting the proposal to the appropriate agency. Where predators have been determined to be a major contributing factor in the significant reduction of ungulate populations important for subsistence use, or in the chronic suppression of such populations at low densities, the Board will endorse timely, affirmative and effective action consistent with each respective agency's policies and management objectives, to reduce predator populations and

allow affected ungulate populations to recover. The Board will monitor actions taken by the agency to address such concerns, and will provide appropriate support where necessary to ensure the continuation of subsistence harvest opportunities.

Ensure that the appropriate Regional Council(s) is informed of predator control proposals by having them printed in the Proposal Booklet and presented to the Council at the next appropriate Council meeting, along with other rejected proposals that address concerns which are outside the authorities of the Federal Subsistence Board.

Winter 2014 Regional Advisory Council Meeting Calendar

February–March 2014 current as of 07/11/13

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb. 9	*Feb. 10* *Window Opens*	*Feb. 11*	*Feb. 12*	*Feb. 13*	*Feb. 14*	*Feb. 15*
		BB—Naknek	**NS—Barrow**			
Feb. 16	*Feb. 17* ***HOLIDAY***	*Feb. 18*	*Feb. 19*	*Feb. 20*	*Feb. 21*	*Feb. 22*
		NWA—Kotzebue				
Feb. 23	*Feb. 24*	*Feb. 25*	*Feb. 26*	*Feb. 27*	*Feb. 28*	*Mar. 1*
		WI— TBD	**EI—Fairbanks**			
Mar. 2	*Mar. 3*	*Mar. 4*	*Mar. 5*	*Mar. 6*	*Mar. 7*	*Mar. 8*
			YKD—Bethel			
Mar. 9	*Mar. 10*	*Mar. 11*	*Mar. 12*	*Mar. 13*	*Mar. 14*	*Mar. 15*
		SE & SC Joint Meeting—Anchorage				
Mar. 16	*Mar. 17*	*Mar. 18*	*Mar. 19*	*Mar. 20*	*Mar. 21* *Window Closes*	*Mar. 22*
		SP—Nome		**K/A—Kodiak**		

Fall 2014 Regional Advisory Council Meeting Calendar

August–October 2014 current as of 09/11/13

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* **HOLIDAY**	*Sept. 2*	*Sept. 3*	*Sept. 4*	*Sept. 5*	*Sept. 6*
Sept. 7	*Sept. 8*	*Sept. 9*	*Sept. 10*	*Sept. 11*	*Sept. 12*	*Sept. 13*
Sept. 14	*Sept. 15*	*Sept. 16*	*Sept. 17*	*Sept. 18*	*Sept. 19*	*Sept. 20*
Sept. 21	*Sept. 22*	*Sept. 23*	*Sept. 24*	*Sept. 25*	*Sept. 26*	*Sept. 27*
Sept. 28	*Sept. 29*	*Sept. 30* END OF FY2014	*Oct. 1*	*Oct. 2*	*Oct. 3*	*Oct. 4*
Oct. 5	*Oct. 6*	*Oct. 7*	*Oct. 8*	*Oct. 9*	*Oct. 10*	*Oct. 11*
			NWA—TBD			
Oct. 12	*Oct. 13*	*Oct. 14*	*Oct. 15*	*Oct. 16*	*Oct. 17* WINDOW CLOSES	*Oct. 18*

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

Seward Peninsula Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Seward Peninsula 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 decision making 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. Make recommendations on determinations of customary and traditional use of subsistence resources.

f. Make recommendations on determinations of rural status.

g. 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 $100,000, including all direct and indirect expenses and .75 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 may 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 purposes of compiling information or 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, must be handled in accordance with General Records Schedule 26, Item 2, or 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.

//Signed//

Secretary of the Interior

DEC - 2 2011

Date Signed

DEC 03 2011

Date Filed

- 4 -