

SEWARD PENINSULA Federal Subsistence Regional Advisory Council



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Fish camp on the beach of Norton Sound.

Meeting Materials

February 7, 2012

Nome, Alaska

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SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Aurora Inn
Nome, Alaska
February 7, 2012
8:30 a.m. – 5:00 p.m.

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

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

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Agenda

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Teleconferencing is available upon request. Call the Office of Subsistence Management, at 1-800-478-1456, 786-3888, at least five business days prior to the meeting to receive this service. Please state which agenda topic interests you and whether you wish to testify regarding it.

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 the Office of Subsistence Management.

REGION 7—Seward Peninsula Regional Advisory Council

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Community	
1	2007 2013	Anthony Martin Keyes Jr. Wales	
2	1995 2013	Peter Garfield Buck White Mountain	Secretary
3	2010 2013	Louis H. Green Jr. Nome	Vice Chair
4	2010 2013	Tom L. Gray Nome	
5	2011 2014	Reggie Koomakak Barr Brevig Mission	
6	2005 2011	Vacant	
7	2008 2011	Fred D. Eningowuk Shishmaref	
8	1994 2012	Elmer K. Seetot Jr. Brevig Mission	
9	2005 2012	Michael H. Quinn Nome	Chair
10	2010 2012	Timothy Edwin Smith Nome	

DRAFT
Seward Peninsula Subsistence Regional Advisory Council
Minutes of
September 21-22, 2011 Meeting
Aurora Inn
Nome, Alaska

Meeting called to order by Mr. Michael H. Quinn, Acting Chair

Members present

Michael H. Quinn, Acting Chair, Nome
Tom L. Gray, Nome
Tim Smith, Nome
Louis H. Green, Jr., Nome
Peter G. Buck, White Mountain
Fred D. Eningowuk, Shishmaref
Elmer K. Seetot, Jr., Brevig Mission
Anthony M. Keyes, Jr., Wales
Peter P. Martin, Sr., Stebbins

Members absent

Ralph W. Ivanoff, excused

Meeting participants

Alex Nick, Helen Armstrong, Karen Hyer, Paul McKee, OSM;
Jeanette Pomrenke, Ken Adkisson, Fred Tocktoo, Sandy Rabinowitch, NPS;
Patricia Petrivelli, Rose Brady, BIA; Tony Gorn, Letty Hughes, George Pappas, Peter G Kente,
ADF&G; Rose Fosdick, Kawerak; Tina Hile, Court Reporter

Welcome Remarks

Michael Quinn, Chair welcomed everyone to Nome.

Election of Officers

Alex Nick, Council Coordinator chaired election of a Chair. Following members were elected as Council officers for Fiscal Year 2012.

Michael H. Quinn, Chair
Louis H. Green Jr., Vice Chair
Peter G. Buck, Secretary

Review and Adoption of Draft Agenda

Michael Quinn added State Board of Game proposal 23 on the agenda. The proposal deals with a trophy destruction of muskox horns when harvested for subsistence.

Motion

Peter Martin moved to adopt agenda as revised. Seconded by Tom Gray

Motion carried.

Review and Draft Minutes from February 15-16, 2011 Meeting

Mr. Tim Smith stated that there is quite a bit changes needed on the draft minutes because there are substantial errors. After Council discussions, it was decided Tim Smith, Council member, and Alex Nick, Coordinator, should work together and make necessary revisions to the draft minutes from February 2011 and Council review 2nd draft minutes from February 2011 during its winter 2012 meeting.

Motion

Tom Gray made a motion to table draft minutes from February 2011 meeting. Seconded by Anthony Keyes

Motion carried.

Report on September 2011 Tribal Consultation Teleconference

Ms. Patricia Petrivelli gave ANCSA Corporation consultation report. Sandy Robinowitch with NPS was assigned as a lead for ANCSA Corporation consultation with Ms. Patricia Petrivelli assisting. An executive order issued by President Obama requires consultation with ANCSA corporations as well as Tribes. No Tribal representatives called in on the telephone line that was made available for Tribal consultation. The Bureau of Land Management (BLM) was assigned as a lead for tribal consultation. Comments from Tribes during ANCSA corporations will be made available on latter date. Ms. Petrivelli read comments made by those participating on teleconference consultation. Some of the comments were relating to designated hunt permits and provisions. Only three or four people called in to participate. Seward Peninsula Subsistence Regional Advisory Council felt three or four people was not sufficiently representative and there should be efforts to allow more people to be involved in Tribal consultation. Council also wants tribal consultation copies provided to them because they represent interests of their region.

Review of 2012 – 2014 Federal Subsistence Wildlife Proposals

WP12-01

Requirements when selling handicrafts incorporating bear claws.

Motion

Tim Smith **moved to support** WP12-01 seconded by Tom Gray.

Council views this proposal as a first step in the sale of handicrafts. While not perfect, it is a step in the right direction. Issues will most likely arise, but it's important for the process to proceed and adjustments can be made later as needed.

Motion carried by a unanimous vote, 9-0.

WP12-02

Redefine “designated hunter” so that a designated hunter can only hunt for elders or a person who is disabled

Motion

Louis Green **moved to oppose** WP12-02 seconded by Tom Gray.

Council felt that the proposed regulation was too restrictive. They are comfortable with the existing regulation, which reflects customary and traditional use.

Motion carried by a unanimous vote, 9-0.

WP10-02

Bear handicrafts (deferred WP08-05)

Motion

Tom Gray **moved to oppose** WP10-02 seconded by Tim Smith.

Proposal WP12-01 makes this proposal moot. Council also wants subsistence users to benefit from the sale of handicrafts. They also want to send a strong message that they want to allow subsistence users the ability to sell brown bear claw handicrafts.

Motion carried by a unanimous vote, 9-0.

WP12-03

Trapping; requirement to move traps after incidental take of ungulates

Motion

Tim Smith **moved to support** WP12-03 seconded by Elmer Seetot.

The proposal is more restrictive of subsistence users. It is not supported by a biological reason, but based on an isolated incident.

Motion failed by a unanimous vote, 0-9.

WP12-61

Revise harvest limit of 10 wolves

Motion

Tom Gray **moved to oppose** proposal WP12-61 seconded by Peter Martin.

Council noted that there is no conservation concern, thus there is no need to restrict subsistence users. There is no need to align with the State. The harvest of no limit should be continued as there has been no abuse.

Motion carried by a unanimous vote, 9-0.

WP12-42

Revise season dates

Motion

Tim Smith made a motion to adopt WP12-42.

The effect of this proposal is too broad and applies to the whole unit and not to just the Mulchatna Caribou Herd. The Council wants to give deference to the YK Council.

Motion failed, 2-7.

WP12-45/49

Revise season dates and harvest limit/ Revise season and harvest limit
Council took no action on the proposal WP12-49.

Proposal 45

Motion to support Proposal WP12-45 **failed** for a lack of a second.

The Council chose to defer to the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.

Proposal 49

Motion

Tim Smith **moved** to support WP12-49. Seconded by Louis Green.

The increase in the health of the stocks justifies the additional harvest.

Motion carried by a unanimous vote, 9-0.

WP12-47

Limit use of aircraft in controlled use area

Council took no action on WP12-47 because motion to adopt the proposal failed due to lack of a second.

WP12-52

Close sport hunting along the Yukon River.

Council recommendation was to take no action because motion to support Proposal WP12-52 failed for a lack of a second.

Council deferred this proposal to the home region, the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.

WP12-53

Redefine language under Special Provisions for use of motorized vehicles to harvest ungulates.

Motion

Tim Smith **moved** to adopt WP12-53. The motion was seconded by Elmer Seetot Jr.

This regulation would prevent hunters from pursuing wounded animals via motorized vehicles and the Council did not agree with this.

Motion failed by unanimous vote, 9-0.

Fisheries Resource Monitoring Program

The Seward Peninsula Council separated the SST and HM/TEK projects and voted on these projects separately. Following are Council actions on these projects.

Fisheries Project Proposals 12-100, 12-103, and 12-104

Motion

Tim Smith **moved** to support funding for project proposals 12-100, 12-103, and 12-104. Anthony Keyes seconded the motion.

Motion carried by unanimous vote, 9-0.

Fisheries Project Proposals 12-153, 12-154, 12-155

Motion

Tom Gray moved, with a second by Louis Green, to support funding for project proposals 12-153, 12-154, and 12-155.

Council felt there needs to be Seward Peninsula regional fisheries projects to benefit the region. One of the Council members said that he is not generally in support of social science research projects.

Motion carried on a vote of 8-1.

Fisheries Issues

Scott Kent gave an update Council on subsistence fisheries in Nome subdistrict, Salmon Lake, Elim, and Golovin subdistrict. There were approximately 100,000 fish which includes Unalakleet and Shaktoolik Rivers.

Don Rivard gave an update on chum salmon salmon bycatch. When asked when the North Pacific Fishery Management Council will choose alternative Rivard said they probably do that in about a year and final action could be about December 2012.

Following Don Rivard's update on chum salmon bycatch, there was great deal of discussions between Scott Kent and the Council on Norton Sound fisheries issues. When asked why ADF&G

have not allowed Tier II fishery in Norton Sound, Kent responded that he would not recommend Tier II Fishery because of what is happening in Nome district after Tier II Fishery was established.

Agency/ Organization Reports

Office of Subsistence Management

David Jenkins with OSM gave an update on Customary Trade Tri-Council committee meeting. Committee's first meeting was in May 2011 and developed three proposals. During its August 2011 meeting, the committee reviewed its proposals. Council's concern is that in the future there would not be customary trade with relatives who live on the Yukon River. Customary Trade has been going on for over 100 years. Council is very concerned about subsistence food they can trade with cash. In the past there were bundles of dried fish exchanged for cash.

Helen Armstrong gave briefing on tribal consultation. In July 2011 the Federal Subsistence Board approved two protocols, one for the tribes and the other for ANCSA corporations. Next update was Secretarial Review of the Federal Subsistence Management Program; there are some things that are going to happen and some things will be on hold. Next update was addition of two new members to the Federal Subsistence Board who has a direct knowledge about subsistence resources. Board's goal is to seat two new members by January 2012. Next update was on Federal Subsistence Board's deference to the Council, where she noted there are three exceptions to the rule of deference, customary and traditional use determinations, rural determinations, and in-season management. The Board is generally supportive of expanding deference to the Council. The decision on the fishery management issue for example has to be made in short time and there would be limited time for Council consultation and deference. Next update was on Memorandum of Understanding. Ms. Armstrong informed the Council the Board recommended to form committee comprised of State and Federal members. This committee would revise MOU and report back to the Board. Ms. Armstrong updated Council the review of customary and traditional use process, rural determination process, and written policy on FSB executive sessions.

National Park Service

Ken Adkisson with NPS updated Council on cooperative work with the Alaska Department of Fish and Game (ADF&G) for the spring moose survey on the Seward Peninsula. In Kotzebue, NPS also worked with ADF&G and the USFWS for the fall and spring moose survey. NPS has completed work in Northern Seward Peninsula and in Kotzebue on the sampling census for muskox and in collaring muskox. Due to high mortality of collared cows, additional collaring projects need to be done to get large samples of collared cows. Mr. Adkisson also noted that the NPS is developing a new method for developing brown bear population estimates. Draft protocol will be completed in the near future and reviewed, moving towards determining population estimates of brown bear. Mr. Adkisson also discussed work on contaminated sites, notably in the Red Dog mine area but also focusing on freshwater fish. Mr. Adkisson answered a question about draft policy relating to collections of bones, antlers and ivory on NPS managed lands. Draft environmental analyses are being compiled and will be available for public review when completed.

Bureau of Land Management

No report from BLM.

Alaska Department of Fish and Game

Ms. Letty Hughes with ADF&G gave an update and highlighted changes on wildlife report (Council handout). She provided information on State wildlife proposals for GMU 22 to be taken up by BOG in November 2011. In spring of 2011 moose census in Unit 22D and 22E was done. Future moose work is being planned in October 2011 in Unalakleet River, Shaktoolik River and Gosolvia. ADF&G did muskox collaring project in spring of 2011 and there are 22 active collars out in the field. As Ken Adkisson updated, collared cow mortality is about 4-23 percent. Ms. Hughes also reported on composition survey that was done in August 2011. Future muskox surveys will be done in Unit 22C and Unit 22B West. After moose surveys are completed, complete muskox census on the Seward Peninsula will be done. Between Ms. Hughes, George Pappas, and Peter Bente with ADF&G there were quite lengthy discussions about ungulates numbers, seasons, cow/bull ratio of muskox, and subsistence needs of the region's subsistence users.

Mr. Bente provided information on BOG proposal NO. 23, which asks for antler destruction. There were three areas of interest and two places in the state where there were moose in a subsistence hunt where antlers were being cut. The Seward Peninsula muskox hunt where the Department cuts horns in the subsistence hunt antlers and the Seward Peninsula muskox hunt where the Department cuts horns in the subsistence hunt. The Council is concerned should the State choose Tier II hunt Federal management might back off on this issue and Federal hunt permits might not be made available. Council is not supportive of destroying horns and antlers.

Motion

Tim Smith **moved** to oppose Proposal 23 and that the Council write a letter of opposition of this proposal explaining rationale the reasons why Council is opposing the proposal. Motion seconded by Louis Green.

The motion carried by unanimous vote, 9-0.

Council Business

A. 2010 Annual Report Reply

Alex Nick distributed annual replies to the Council..

B. 2011 Annual Report Topics

Alex Nick requested 2011 annual report topics. Council wanted to provide topics on a later date because members have not read 2010 annual reply. Council members suggested that some of the issues brought up by the Council in the transcripts should be drafted and get Chair's approval to add on to the annual report. Council plans to contact and work with Alex Nick and provide issues after Council members review 2010 annual report reply.

Next Meeting Date

Original winter 2012 meeting date was selected by Council to be held on February 28 and 29, 2012 in Nome. (After Council meeting concluded date was changed to one day meeting on February 7, 2012 with Chair's concurrence in Nome, Alaska.)

Fall 2012 meeting date and location is on October 3 and 4, 2012 in Nome, Alaska.

Closing comments

- This is one of the better Council meetings Living a subsistence way of life is going to go on. Subsistence is ongoing and is here to stay.
- Timing for subsistence activities has changed over the years. Subsistence hunters have to adapt to the weather conditions as timing for certain resources has changed with climate change. There are quite a few changes in the coastal areas that need research.
- Subsistence lifestyle at times puts subsistence users on the spot. Native Village of White Mountain wanted on record that the community opposes development of the Pebble Mine.
- Agree with a Council member that this was a good meeting. The meeting was informative and there were good participation. Without the Council, the subsistence program would be nonexistent. Council's efforts are appreciated realizing the Council is comprised of all volunteer members.
- Beavers are now in the coastal areas and local people don't trap beaver. It would benefit younger generations if someone would be willing to go to the coastal villages and teach them how to trap beaver.
- Alaska Department of Fish and Game potentially could teach how to trap wolves, beaver, fox, and other furbearer.
- This was a really productive meeting. There's been tremendous change in subsistence and resources available for harvest and there is a lot less resources now than in the past. Over 400 moose in the region used to be harvested and that's gone. Reindeer produced lot of meat those days. Walrus was fraction of the harvest. Part of the problem is users, fish and wildlife management, well-developed science, and public is not doing anything. Good example is lower Yukon Unit 18 moose. There weren't any moose at one time, now there is moose all over.
- This was an excellent meeting and everybody brought their comments to the table. No one held back as they brought forward their comments gently. If things are taken care of it would take a lot of pressure off of Native village people relating to resources. There are good resources in the region and people would be less apt to move around in their campgrounds. Local people are not a separate group, it's just some people have territorial attitudes.
- Part of the reason why this was a good meeting is because the Council has a good crew. The Chair tried to pay attention to the regulations and procedures and tried to stay within legal aspects of the task the Council has and that's how the meeting is to be conducted.

Adjourn

Motion

Elmer Seetot **moved** to adjourn the meeting. Motion seconded by Anthony Keyes.

Motion carried by unanimous vote, 9-0.

Respectfully Submitted:

Alex Nick, Council Coordinator
USFWS Office of Subsistence Management

I hereby certify these minutes of the September 21-22, 2011, Seward Peninsula Subsistence Regional Advisory Council are true and correct to the best of my knowledge.

Minutes From Previous Meeting

Michael H. Quinn, Acting Chair

Seward Peninsula Subsistence Regional Advisory Council

These minutes will be formally considered by the Regional Advisory Councils at their next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.

For a more detailed report of this meeting, copies of the transcript are available online at <http://alaska.fws.gov/asm/index.cfm> or upon request. Contact Carl Johnson at 1-800-478-1456 or 907-786-3676 or Carl_Johnson@fws.gov.

DRAFT

February 7, 2012

Tim Towarak, Chair
Federal Subsistence Board
U. S. Fish and Wildlife Service
1011 E. Tudor Rd., MS 121
Anchorage, Alaska 99503

Dear Mr. Towarak:

The Seward Peninsula Subsistence Regional Advisory Council hereby submits its FY 2011 Annual Report, as required under Section 805(a)(3) (D) of the Alaska National Interests Lands Conservation Act of December 2, 1980 as amended. The Council understands and supports the importance of addressing fish and wildlife resource topics annually, expressing its concerns, and addressing long term planning needs that are not addressed through the regulatory cycles throughout the year. The Council looks forward to your continued guidance and support on the topics listed below.

The harvest of fish and wildlife resources continues to be the single and most important need for all rural residents of the Seward Peninsula region for survival and economic dependence. With the continuing governmental budget cuts that rural Alaska areas faces annually which results in financial drawbacks of rural economic support and adverse effects on local economies, dependence on fish and wildlife resources for food is even more important and vital to the residents of the Seward Peninsula Region. There is a growing need to continue hunting and fishing to supplement harvesting fish and wildlife for food and for personal and family needs. The seemingly ever-changing Federal and State fish and wildlife harvest regulations play a big part in restricting harvests of fish and wildlife within the Seward Peninsula Region when resources are most needed for food and clothing.

The Council participates in deliberations on issues and topics and has recommended regulatory changes for managing the fish and wildlife resources. The Council is well aware of how these regulatory changes impact the Seward Peninsula Region residents' subsistence activities. Because of its duties and responsibilities, the Council carefully weighs all concerns that are expressed by subsistence stakeholders and other user groups when making its recommendations to the Federal Subsistence Board.

The Council appreciates this opportunity to submit its Fiscal Year 2011 Annual Report. Following are the regional concerns of the Seward Peninsula Subsistence Regional Advisory Council:

Issue 1: Add or Allow Alternate Designated Hunter for Each Recipient

In the Northern Seward Peninsula within Unit 22E and its boundaries, a designated hunt for ungulates on the Federal public lands becomes dangerous at times due to unsafe snowmachine trail conditions. This is why an alternate designated hunter should be allowed who would accompany primary designated hunter when in the field hunting for recipients. Dangerous travel conditions must be considered by the Federal Subsistence Board for wellbeing of hunter and traveler while on the public lands. During the month of November and on to month of December, Bering Sea is usually not frozen solid and is unsafe for traveling on the ice covered

with snow and snowdrift in parts of the Bering Sea shore. Due to tidal activities in confluences and in the small drainages the coastal shore are not safe for snowmachine or off road vehicle travel. Whenever subsistence hunter travels alone while hunting and falls through an open water under the snow, or a hunter is involved in unforeseen snowmachine accident due to unsafe trail conditions, there usually is no one else around for miles to help in the middle of nowhere and miles away from home. This is why consideration to add alternate designated hunter who would be backup and traveling companion for primary designated hunter is needed. Inclement weather conditions change without warning in the Seward Peninsula region within just few minutes. As a result of ever changing weather conditions there is always danger of losing life when accidents occur on public and private lands.

Recommendation: Currently, Federal and State agencies allows one designated hunter per recipient to harvest ungulates. Council hereby recommends the Federal Subsistence Board allow and add a designated hunter who would be required to accompany primary hunter in the field while hunting for one or more recipients. Allowing designated hunter team to hunt for one or more recipients as a team would lessen hunter's potential accidents and fatalities in the field and would heighten public safety on public lands. This also would lessen the cost of any potential fatal accident investigations on the Federal public lands. Council further recommends new and revised designated hunter permit allow only primary designated hunter harvest an animal in the field for recipient(s) unless primary hunter is incapacitated or is disabled in the field. An alternate designated hunter would be allowed to harvest an animal on behalf of the recipient(s) only when primary is unable to do so.

Issue 2: Tame and Stubborn Musk Ox

When Muskoxen animals were introduced in Alaska near established community's backyards in GMU 22, one of the important things was overlooked by those that introduced animals to the area. Muskoxen animal easily becomes tame and is stubborn around human environment and are not afraid to confront anything that is near them when threatened. When muskoxen animals increased in numbers in the recent years, muskox presence expanded toward long established communities and these animals compete on the important subsistence food source such as berries and edible plants. Muskoxen became more and more threat to women and children on berry picking grounds. Berry pickers are not interested in harvesting heavy animals. They are aware they would need to salvage unwanted meat and hides because they travel light as possible with small skiff loads of family members, friends, and camping supplies.

Recommendation: State and Federal fish and wildlife subsistence harvest regulations prohibit harassment of animals and require hunters salvage all of the edible meat when animals are harvested in defense of life and personal property. When wildlife is harvested in defense of life and property, harvest restrictions do require person to salvage animal's meat, hide, and skull. Federal Subsistence Board and State Board of Game need to revisit fish and wildlife harvest restrictions and put qualified subsistence users and others safety from harm by animal behavior on appropriate State and Federally managed public lands as a high priority. Threats by muskox and other animals are ever emerging elsewhere statewide. An incident near community of Russian Mission about a year ago when single dog musher's dogs were killed by a lone muskox is a good example of muskox's unpredictable and stubborn behavior. There is growing uncertainty in the field during summer seasons where there is muskox and other animal presence such as bears. Definitely, the muskox numbers will not be declining in the immediate future instead there will be continued growth in its population numbers. State and Federal wildlife managers need to do something about animal behavior threats to common berry pickers

that do not carry high power rifle in the field. There exist local advisory committees and regional advisory councils who could assist in management strategy to plan muskox control in the field.

Meetings in Fiscal Year 2011

The Council met in Nome, Alaska on February 15-16, 2011. The Council reviewed and made its recommendations on the regional wildlife closures. Council heard agency and local organization reports on the wildlife management and subsistence concerns. The Council called for proposals to change Federal subsistence wildlife regulations. The Council reviewed and finalized its 2010 annual report. Council heard updates on travel procedures; Secretarial program review; Federal Subsistence Board actions items; expansion of the Board; Council deference, memorandum of understanding; customary and traditional use determinations; rural determinations; executive session policy; tribal consultations; salmon bycatch updates on ground fisheries; and other agency and organization reports.

The Council met in Nome, Alaska on September 21-22, 2011 and reviewed 2012 – 2014 Federal wildlife and deferred proposals and provided its recommendations to the Federal Subsistence Board. The Council heard Federal agency reports and other agency and organizations reports. The Council reviewed Fisheries Resource Monitoring Plan for the region and other regions and made its recommendations for funding fisheries projects.

The Council was also represented in other regional and statewide fisheries and subcommittee meetings relating to salmon fisheries issues. Council representatives provided feedback to the Council on the decisions and plans on fisheries management issues.

Should you have any questions regarding the contents of 2011 Annual Report and Council involvements in other fish and wildlife resource meetings, please contact Alex Nick, Council Coordinator, at 907-543-1037. Thank you for your continued support for the Seward Peninsula Subsistence Regional Advisory Council.

Sincerely,

Michael H. Quinn, Chair
Seward Peninsula Subsistence Regional Advisory Council

cc: Federal Subsistence Board
Seward Peninsula Subsistence Regional Advisory Council
Interagency Staff Committee

Federal Subsistence Board DRAFT Tribal Consultation Policy

Briefing Paper for Regional Advisory Council 2012 Winter Meetings

Introduction

The Federal Subsistence Board Workgroup for Tribal Consultation has been meeting, listening, consulting, and discussing the development of this policy since June, 2011. The group realizes the significance of this change – that is, the addition of Tribal Consultation - to the Federal Subsistence Management Program. All members of this workgroup have a strong sense of mission, and come to the table with a positive outlook for strengthening federal-tribal relations.

List of Workgroup members:

Della Trumble, Co-Chair, King Cove
Crystal Leonetti, Co-Chair, US Fish & Wildlife Service
John W. Andrew, Organized Village of Kwethluk
Lillian Petershoare, US Forest Service
Rosemary Ahtuanguaruak, Barrow/Nuiqsut
Jean Gamache, National Park Service
Nancy Swanton, National Park Service
Shawna Larson, Native Village of Chickaloon
Richard Peterson, Organized Village of Kasaan
Pete Probasco/Andrea Medeiros, Office of Subsistence Management
Brenda Takeshorse, Bureau of Land Management
George Carlson Yaska, Jr., Huslia/Fairbanks
Bobby Andrew, Native Village of Ekwok
Glenn Chen/Pat Petrivelli, Bureau of Indian Affairs

Steps Taken to Draft this Policy

May 2011 FSB Working Session - Board assigned the task of writing a protocol to the workgroup. Workgroup was assembled with 7 Tribal and 7 Federal members.

June 2011 – Workgroup met in Anchorage for 2 days, drafted an interim protocol to be used for the fall cycle of Regional Advisory Council meetings. A Tribal Co-chair was named.

July 2011 – The Board, at its work session, adopted the two interim protocols – one for Tribes and one for ANCSA Corporations to be used during the fall cycle of Regional Advisory Council meetings for the wildlife proposals.

July 26, 2011 – Separate letters were sent to Tribes and to ANCSA Corporations the Chair of the FSB regarding consultation on the 2012-2014 Wildlife Proposals and on the development of a long-term consultation protocol.

August – October 2011 – 12 consultation teleconferences were held to consult on the 2012-2014 Wildlife Proposals. Although this was a first-time process, we are positive that there will be more attendance in the future and we will be doing more outreach to increase awareness of this type of

opportunity. There was a wonderful learning experience for both Tribes & ANCSA Corporations, *and* for federal staff. What we learned during these teleconferences helped us draft this policy.

September 30, 2011 – A letter was sent to all Tribes inviting them to an in-person consultation in December, with a new draft version of the protocol.

October 20, 2011 – A consultation with ANCSA Corporations and Tribes was held during the Alaska Federation of Natives annual convention here in Anchorage. It was well attended, and we gained more valuable insight at this meeting.

December 1, 2011 – A consultation with Tribes was held during the BIA Tribal Service Providers Conference in Anchorage. It was attended by at least 300 people (my estimate) and we learned substantially more.

December 6-8, 2011 – the workgroup met in Anchorage to consider all verbal and written direction we received from Tribes and ANCSA corporations.

General Concepts of this Draft Policy

1. The policy should be simple, general, and broad. This reflects the DOI policy. Since it does not prescribe a process on how to consult, we changed the name of it from "protocol" to "policy".
2. There is no need to regurgitate the Department-level policies since we need to follow those anyway. What we attempted with this new policy format, is to utilize the DOI and USDA policies as the base, and focus this policy on Federal Subsistence Management and its unique nature.
3. Keeping this policy simple, general, and broad allows the Board (and Tribes) to remain flexible and adapt to what makes sense for meaningful consultation based on the scope and issues being consulted about.
4. The DOI is drafting a "supplemental consultation policy for ANCSA corporations". The workgroup is mirroring this format, knowing that the DOI has had Department-level Solicitors in agreement on this approach.

Themes of this Draft Policy

- Training – For the Board, Staff, and Tribes and ANCSA Corporations
- Adaptability/Living Document – this document can change based on regular reviews and it allows us to adapt to varying situations.
- “How to” is not included here, but intended to be written after a final policy is adopted

Next Steps and Timeline

1) Further Board direction given to workgroup at the January Board meeting, changes are incorporated into the document in the RAC books.

- 2) Regional Advisory Councils will review and discuss the Policy and provide feedback through staff to the Working Group.
- 3) A letter from the Board to Tribes and Corporations will go out mid-February asking for feedback on the new draft policy.
- 4) Workgroup and Interagency Staff Committee to meet in April (via tele- or video conference) to incorporate any changes from RAC discussions or written feedback from Tribes/Corporations
- 5) Meet with Board members, whichever are available, to discuss new draft prior to the May FSB meeting - including in-depth discussion about implementation guidelines
- 6) Adopt policy at May FSB meeting
- 7) Finalize Implementation Guidelines

Questions for Regional Advisory Councils

- Do you feel this policy is going in the right direction? If not, why not?
- Is there anything else that the workgroup needs to consider?
- Do you feel that Tribes concerns from the consultations *have been or will be* meaningful to the Regional Advisory Council consideration on each topic?

Thank you, Regional Advisory Councils, for your consideration of the Tribal Consultation Policy and any feedback that you might provide.

1 *“Tribes and Alaska Native peoples have been this lands’ first conservationists and first multiple*
2 *use land managers.” - Lillian Petershoare, Workgroup Member, USFS*

3

4

Federal Subsistence Board

5

Tribal Consultation Policy

6

7

Draft: 1/19/2012

8

Preamble

9 The Federal Subsistence Board recognizes that indigenous Tribes of Alaska are spiritually, culturally, and
10 historically connected to the land, the wildlife and the waters. These strong ancestral ties to the land,
11 wildlife and waters are intertwined with indigenous ceremonies such as songs, dances, and potlatches.
12 The customary and traditional way of life has sustained the health, life, safety, and cultures of Alaska
13 Native peoples since time immemorial. To effectively manage the Federal Subsistence Program, the
14 Board will collaborate and partner with Tribes to protect and provide opportunities for continued
15 subsistence uses on public lands.

16 The United States has a unique legal and political relationship with Indian tribal governments, which has
17 been established through and confirmed by the Constitution of the United States, statutes, executive
18 orders, judicial decisions and treaties. In recognition of that special relationship, and pursuant to
19 direction given by the Secretaries of the Interior and Agriculture to implement Executive Order 13175 of
20 November 2000, “Consultation and Coordination with Indian Tribal Governments”, and to meet the
21 requirements of the Presidential Memorandum of November 5, 2009, “Subject: Tribal Consultation”, the
22 Federal Subsistence Board (Board) is developing this Government-to-Government Tribal Consultation
23 Protocol. This Policy affirms the Federal government’s responsibility to engage in regular and
24 meaningful consultation and collaboration with Federally recognized Indian Tribes on matters that may
25 have substantial effects on Alaska Tribes. This Policy also upholds the Congressional mandate to
26 implement the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) of 1990, P.L.
27 66-487, which, with its implementing regulations, defines the roles and responsibilities of the
28 Departments of the Interior and Agriculture in administering subsistence management of fish and
29 wildlife on Federal public lands.

30 Government-to-government consultation undertaken through the Board’s process is a direct two-way
31 communication conducted in good faith to secure meaningful participation in the decision-making
32 process to the full extent allowed by law. The Board will take into consideration the Tribes’ concerns
33 brought forth through the consultation process (as defined in this policy) before making its final
34 decision(s).

1 Two Department level consultation policies provide the foundation for this policy. They are the
2 Department of the Interior's *Policy on Consultation with Indian Tribes (2011)* and the Department of
3 Agriculture's *2010 Action Plan for Consultation and Collaboration*. This policy is consistent with the
4 Department-wide consultation policies, and it expands on them to apply consultation to the Federal
5 subsistence management program.

6 The intent of this policy is to describe a framework whereby the Board and Federally recognized Tribes
7 may consult on ANILCA Title VIII, subsistence matters under the Board's authority.

8 Background

9 The Federal Subsistence Program, as established by the Secretaries of the Interior and Agriculture, is a
10 multi-agency program consisting of five agencies: Bureau of Indian Affairs, Bureau of Land Management,
11 U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service. These agencies and rural
12 subsistence users maintain the opportunity for a subsistence way of life by rural Alaskans on Federal
13 public lands and waters while managing for healthy populations of fish and wildlife. The Federal
14 Subsistence Regional Advisory Councils have a foundational role in the Federal Subsistence Program. By
15 statute the Board must defer to Federal Subsistence Regional Advisory Council recommendations on
16 regulations unless they are: a) not supported by substantial evidence, b) violate recognized principles of
17 fish and wildlife conservation, or c) would be detrimental to the satisfaction of subsistence needs
18 (ANILCA § 805(c)). The Board distinguishes the deference to Federal Subsistence Regional Advisory
19 Councils from the Tribal government-to-government relationship enjoyed by Federally recognized
20 Tribes, and this Policy will not diminish in any way that relationship and the consultation obligations
21 towards Federally recognized Tribes.

22 The Federal Subsistence Management Program regulations can be found in the Code of Federal
23 Regulations (CFR) at 50 CFR 100 and 36 CFR 242. The regulations have four subparts. Subparts A and B
24 are within the sole purview of the Secretaries of the Department of the Interior and Department of
25 Agriculture. Responsibility and decisions relating to the provisions of Subparts C and D are delegated by
26 the Secretaries to the Federal Subsistence Board. Subpart C contains Board Determinations, including
27 rural and customary and traditional use determinations, while subpart D consists of the regulations for
28 taking fish, wildlife and shellfish.

29 Goals

30 With respect to the Federal Subsistence Management Program:

- 31 1. Create and maintain effective relationships with Federally recognized Tribes.
- 32 2. Establish meaningful and timely opportunities for government-to-government consultation.
- 33 3. Be responsive to requests from Federally recognized Tribes to engage in consultation.
- 34 4. Work with Federally recognized Tribes to improve communication, outreach and education.
- 35 5. Acknowledge, respect and use traditional ecological knowledge.
- 36 6. Recognize the importance of coordination, consultation and follow-up between the Federal
37 Subsistence Board and Tribes.

- 1 7. Integrate tribal input effectively into the decision-making process for subsistence management
2 on public lands and waters while maintaining deference to the Federal Subsistence Regional
3 Advisory Councils.

4

5

Consultation

6 1. Communication

7 Information sharing between Tribes and the Board/Federal staff is encouraged to occur early
8 and often. Communication between the Federal agencies and Tribes will occur in a timely
9 manner to maximize opportunities to provide input to the Board’s decisions. For in-season
10 management decisions, formal consultation is not always possible, but 2-way communication
11 will take place prior to implementing those decisions. When issues are brought by Tribes which
12 the Board does not have jurisdiction, the Board and Federal staff will provide Tribes with contact
13 information for the correct state or Federal agency related to the issue, as well as provide the
14 relevant state or Federal agency the Tribe’s contact information. Information sharing will
15 include but is not limited to sharing of traditional knowledge, research and scientific data.

16 2. Roles and Responsibilities

17 Board members are responsible for implementing this policy and ensuring its effectiveness. The
18 Native Liaison in the Office of Subsistence Management is the key contact for the Board’s
19 consultations with Tribes. The Native Liaison will also assist Federal land managers and Tribes
20 with their consultations, as requested or as needed. Federal land managers and staff have a
21 local relationship with Tribes and will maintain effective communications and coordination.

22 3. Topics for consultation are listed under the definition for “Action with Tribal Implications”.
23 They may also include, but are not limited to:

- 24 • For regulations: (e.g., taking of fish, wildlife and shellfish - harvest amounts, methods
25 and means, cultural and educational permits and funerary/mortuary ceremonies;
26 emergency and temporary special actions; customary and traditional use
27 determinations and customary trade)
- 28 • Policies and guidance documents [Note: this is consistent with page 3 “Definitions” of
29 DOI Policy “Departmental Action with Tribal Implication” and cite USDA policy here.]
- 30 • Budget and priority planning development [Note: this is consistent with page 16 USDA
31 Action Plan for Tribal Consultation and Collaboration (Nov 2009) and page 3
32 “Definitions” of DOI policy – “Departmental Action with Tribal Implication” – specifically
33 “operational activity”.]
- 34 • Agreements (e.g. Cooperative Agreement, Memorandum of Understanding, Funding
35 Agreement)

36

37 4. Timing

1 Timing of consultation will need to be respectful to both the Federal subsistence management
2 cycle and to Tribal timeframes for doing business. Implementing this policy includes providing
3 early notification, methods of notice, availability of Federal analyses, time and place of Federal
4 Subsistence Regional Advisory Council meetings and Board meetings. This is described further in
5 Appendix “A: Federal Subsistence Consultation Implementation Guidelines”. A chart showing
6 the Federal subsistence management cycle is in Appendix “B: Federal Subsistence Management
7 Cycle.”

8 5. Methods

9 No single formula exists for what constitutes appropriate consultation. The planning and
10 implementation of consultation should consider all aspects of the topic under consideration.
11 The Board will be flexible and sensitive to Tribal cultural matters and protocols. Familiarity
12 with and use of Tribes’ constitutions and consultation protocols will help ensure more
13 effective consultation. Consultation may be prompted by a Federally-recognized Tribe or by
14 the Board. Methods for correspondence, meetings, and communication are further
15 described in Appendix “A: Federal Subsistence Consultation Implementation Guidelines.”

16

17 Accountability and Reporting

18 The Board will monitor consultation effectiveness and report information to the Secretaries, pursuant to
19 the Department of the Interior and Department of Agriculture policies. On an annual basis, the Board
20 shall evaluate whether the policy has been implemented and is effective, including progress towards
21 achieving the seven goals outlined in this policy. The Board will actively seek feedback from Tribes on
22 the effectiveness of consultation, and the evaluation will reflect this feedback. The Board shall modify
23 the consultation process to address needed enhancements, as identified through the annual review. The
24 Board will provide Tribes an oral and written summary through the Board meeting process, of the
25 evaluation and changes, if any. This will assist the Board in meeting its obligations to report annually to
26 the Secretaries of the Department of the Interior and Department of Agriculture.

27

28

29 Training

30 The program will adhere to the Department of the Interior and Department of Agriculture consultation
31 policies for training of Federal staff. The Board recognizes the unique traditional values, culture and
32 knowledge Tribes bring to the process and shall incorporate Tribes into the training for the Board and
33 staff. The Federal Subsistence Board will strive to accompany subsistence users to gain direct experience
34 in traditional Alaska Native hunting and fishing activities. In addition, the program will offer Federal
35 Subsistence Management training to Tribes. A list of possible venues to provide training is included in
36 Appendix “C: Venues for Training.”

1

2 **Alaska Native Corporation Consultation**

3 Refer to the supplemental policy for consultation with Alaska Native Claims Settlement Act (ANCSA)
4 corporations.

5

6

7

8

9 Adopted by the Board on _____,

10

Tim Towarak, Chair

11

cc: Secretary of the Interior

12

Secretary of Agriculture

13

Federally Recognized Tribes in Alaska

14

Federal Subsistence Board

15

Office of Subsistence Management

16

Interagency Staff Committee

17

State of Alaska, ADF&G Federal Liaison

Definitions

1

2 Action with Tribal Implications – Any Board regulations, rulemaking, policy, guidance, legislative proposal, grant
3 funding formula changes, or operational activity that may have a substantial effect on an Indian Tribe.

4 ANILCA – Alaska National Interest Lands Conservation Act of 1980. Title VIII of the Act provides for the
5 protection and continuation of subsistence uses of fish and wildlife by rural Alaskans on Federal public lands.

6 ANCSA Corporations – As defined in 43 U.S.C. § 1606, those regional and village corporations formed by
7 Congress through the Act to provide for the settlement of certain land claims of Alaska Natives, approved
8 December 18, 1971, as amended.

9 Consensus Agenda – The Federal Subsistence Board’s consensus agenda is made up of regulatory proposals for
10 which there is agreement among the affected Regional Advisory Councils, a majority of the Interagency Staff
11 Committee members, and the Alaska Department of Fish and Game concerning a proposed regulatory action.
12 Anyone may request that the Board remove a proposal from the consensus agenda and place it on the non-
13 consensus (regular) agenda. The Board votes on the consensus agenda after deliberation and action on all other
14 proposals.

15 Consultation – When the Federal government’s actions and decisions may affect Tribal interests, the process of
16 effective and meaningful government to government communication and coordination between appropriate
17 Federal agency(ies) and Tribes conducted prior to action being taken or implementing decisions that may affect
18 Tribes.

19 Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) – A Presidential
20 Memorandum requiring regular and meaningful consultation and collaboration with Tribal officials in the
21 development of Federal policies that have Tribal implications, to strengthen the United States government-to-
22 government relationships with Indian Tribes, and to reduce the imposition of unfunded mandates upon Indian
23 Tribes.

24 Federal Subsistence Board – The Board administers the subsistence taking and uses of fish and wildlife on public
25 lands, and the related promulgation and signature authority for regulations of subparts C and D. The voting
26 members of the Board are: a Chair, appointed by the Secretary of the Interior with the concurrence of the
27 Secretary of Agriculture; two public members who possess personal knowledge of and direct experience with
28 subsistence uses in rural Alaska to be appointed by the Secretary of the Interior with the concurrence of the
29 Secretary of Agriculture; the Alaska Regional Directors of the U.S. Fish and Wildlife Service, National Park
30 Service, and Bureau of Indian Affairs; the Alaska Regional Forester of the U.S. Forest Service; and, the Alaska
31 State Director, Bureau of Land Management.

32 Federally Recognized Tribe – Any Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that
33 the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized
34 Indian Tribe List Act of 1994, 25 U.S.C. §479a.

35 Interagency Staff Committee – The ISC is made up of senior staff from the National Park Service, U.S. Fish and
36 Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, and USDA Forest Service. The ISC
37 members serve as the primary advisors for their agency’s respective Board member.

38 Office of Subsistence Management – The OSM provides support to the Federal Subsistence Board and the
39 Federal Subsistence Regional Advisory Councils. The staff includes fish and wildlife biologists, cultural
40 anthropologists, technical and administrative staff an Alaska Native liaison and liaisons to the Alaska
41 Department of Fish and Game, and the Alaska Boards of Fish and Game.

1 Regional Advisory Councils – Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) provides a
2 foundational role for the ten Regional Advisory Councils in the development of regulations guiding the taking of
3 fish and wildlife on Federal public lands in Alaska. Council members, a majority of whom are rural subsistence
4 users, are appointed by the Secretary. In making its regulatory decisions, the Board must follow the
5 recommendations of the Regional Advisory Councils unless they are not supported by substantial evidence,
6 violate recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of
7 subsistence needs (805(c) of ANILCA). Deference to the Councils ensures that rural residents have a meaningful
8 role in the management of fish and wildlife and subsistence uses, as envisioned by Congress.

9 Special Action – An out-of-cycle change in the seasons, harvest limits or methods and means of harvest. The two
10 types include: 1) emergency, which are effective for up to 60 days, and 2) temporary, which are effective for the
11 remainder of the regulatory cycle.

12

13

14

15 **List of Appendices and Supplements**

16 APPENDIX A: Federal Subsistence Consultation Implementation Guidelines

17 APPENDIX B: Federal Subsistence Management Cycle

18 APPENDIX C: Venues for FSMP Training

19 Supplemental Policy on Consultation with ANCSA Corporations

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Federal Subsistence Board

Alaska Native Claims Settlement Act (ANCSA) Corporation Consultation Policy

Supplement of the Federal Subsistence Board Tribal Consultation Policy

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

I. Preamble

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

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

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distinction, the Board is committed to fulfilling its ANCSA Corporation consultation obligations by adhering to the framework described in this Policy.

The Department of Interior is in the development stages of the Department-wide Policy on Consultation with ANCSA Corporations [this is slated to be finished in spring or summer 2012 – finalize this sentence at that time] and the U.S. Department of Agriculture has a policy in place for Consultation with Tribes and ANCSA Corporations. The Board will follow the Department-level policies; and for the purpose of Federal Subsistence Management, this policy further clarifies the Federal Subsistence Board’s responsibilities for consultation with ANCSA Corporations.

II. Guiding Principles

The Alaska National Interest Lands Conservation Act (ANILCA) is a law that has a foundation built on conservation. ANILCA Section 802(3) provides direction for interactions with Alaska Native corporations: “except as otherwise provided by this Act or other Federal laws, Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies and other nations.”

IV. Policy

The Board will consult with ANCSA Corporations that own land within or adjacent to boundaries of federal conservation units in which that land or its resources may be affected by regulations enacted by the Board.

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

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Consultation Implementation Guidelines

Guidelines for implementing the Board's policies for consultation with Tribes would provide details about how the policy would be carried out. It might best be developed by a work group comprised of a balanced number of Tribal leaders and Federal staff, similar to the approach taken in developing the consultation policy. It could be comprised of members different from or in addition to those who served on the consultation policy work group. For example, Federal staff on the work group might include representation from the Office of Subsistence Management, Interagency Staff Committee, agency Native Liaisons, local land managers and/or law enforcement. Tribal members of the consultation policy work group mentioned repeatedly that, currently, most consultation occurs with local land managers and local biologists, cultural resource professionals and/or subsistence specialists; thus, a voice from the field would be beneficial in drafting the guidelines. The work group would reflect the broad interests, knowledge and experiences of subsistence users and Federal land managers.

Ideas and suggestions raised during the development of the Tribal consultation policy, as well as experience and information gained through Tribal consultations and Federal staff input should be considered in drafting the implementation guidelines.

The format for the implementation guidelines could follow the format used for the consultation policy. Major headings would mirror those used for the policy:

Communication

Roles and Responsibilities

Timing

Methods

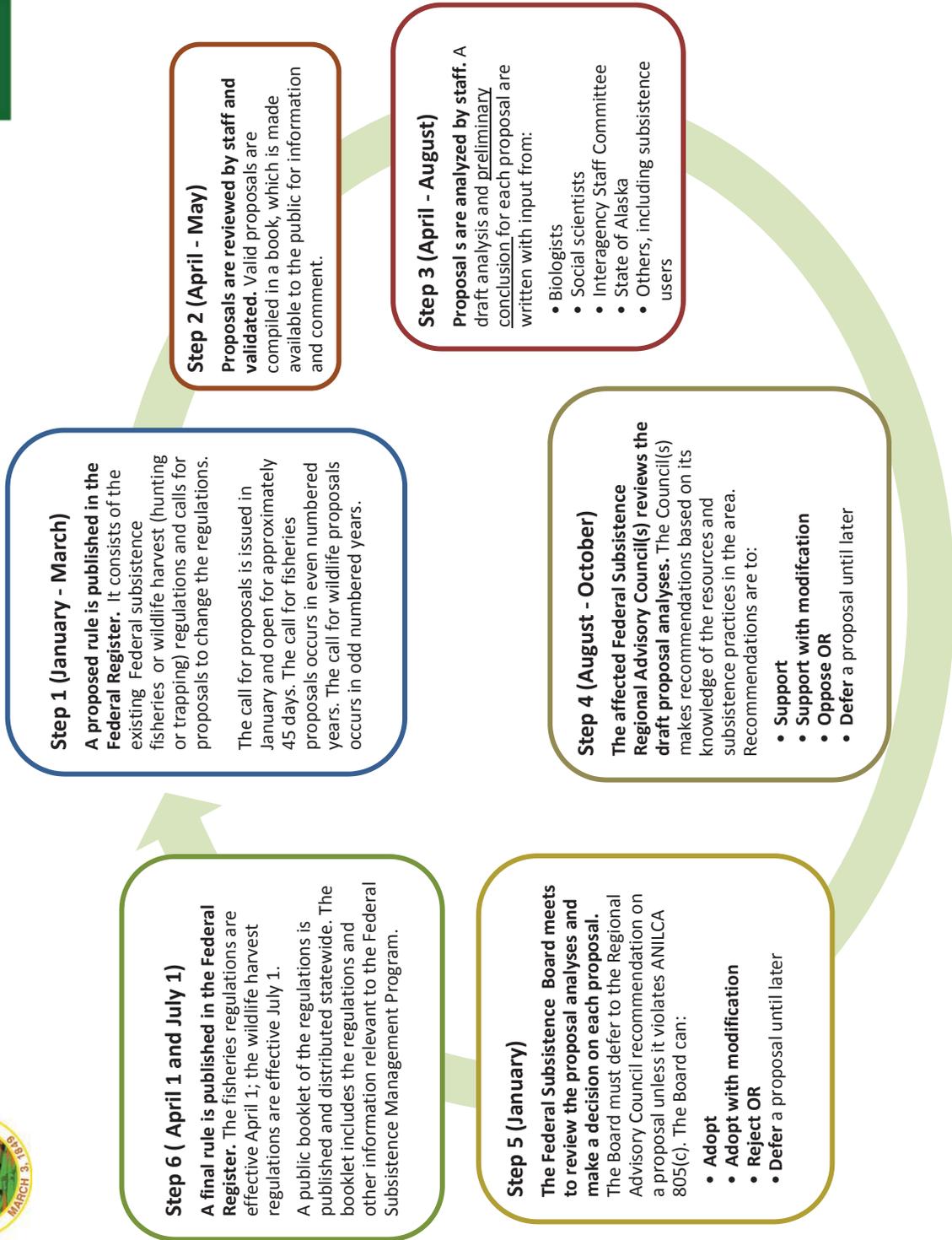
Accountability and Reporting

Training

Note: A list of ideas and recommendations raised during consultations, staff input, and workgroup meetings is being compiled and can be provided upon request.



FEDERAL SUBSISTENCE MANAGEMENT PROGRAM REGULATORY PROCESS AT A GLANCE



Appendix C: Venues for Training

Bureau of Indian Affairs Tribal Service Providers Conference

Alaska Forum on the Environment

Alaska Tribal Conference on Environmental Management

Alaska Federation of Natives Annual Convention

Association of Village Council Presidents

Tanana Chiefs Conference

Bristol Bay Native Association

Aleutians Pribilof Islands Association

Cook Inlet Tribal Council

Karawek, Inc.

Maniilaq Association

Sealaska Heritage Institute

Central Council of Tlingit and Haida Tribal Assembly

Southeast Clan Conference

Arctic Slope Native Association

Chugach Regional Resources Commission

Copper River Native Association

Kodiak Area Native Association

First Alaskans Institute Elders & Youth Conference

Alaska Native Professionals Association



United States Department of the Interior
NATIONAL PARK SERVICE

Alaska Region
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

IN REPLY REFER TO:

L7617(AKRO-EPC)

JAN 25 2012

Dear Interested Citizen, Agency, Tribe, or Organization:

Enclosed for your review is an executive summary briefing of an environmental assessment (EA) in which the National Park Service (NPS) is considering promulgating new regulations to allow subsistence collections and uses of shed or discarded animals parts and plants to make handicrafts for personal or family uses, for barter, or to sell. Collection activities would only be allowed in NPS areas where subsistence is authorized in accordance with Titles II and VIII of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. The EA evaluates the effects of alternatives for managing the collections of plants and inedible animal parts from naturally shed (including natural mortality) or discarded (from hunters) for subsistence uses by qualified local rural residents. The NPS goal is to authorize these uses in a manner to prevent or minimize adverse impacts to other park resources, values, and uses.

The NPS is considering this action because Alaska rural residents asked the NPS to consider allowing these collection activities in ANILCA units with subsistence provisions because NPS national regulations at 36 CFR 2.1 presently prohibit the "Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state any living or dead wildlife or fish, or parts or products thereof, such as antlers or nests."

The EA was completed in accordance with the National Environmental Policy Act of 1969 and the regulations of the Council on Environmental Quality (40 CFR 1508.9).

The comment period for the EA will extend 60 days, beginning February 7, 2012, and ending April 7, 2012. Please send written comments to:

Attn: Bud Rice
National Park Service
240 West 5th Avenue
Anchorage, Alaska 99501

Those of you with Internet access can review the EA online and post your comments using the Planning, Environment, and Public Comment (PEPC) program located on the NPS public comment website at: <http://parkplanning.nps.gov>

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representative of or officials of organizations or businesses, available for public inspection in their entirety.

If you have any questions about the EA or need hard copies, please call Bud Rice at (907) 644-3530 or Sandy Rabinowitch at (907) 644-3596. Thank you for your interest in this project.

Sincerely,

//Signed//

Debora Cooper for
Sue E. Masica
Regional Director, Alaska Region

cc:

Frank Hays, Superintendent, Western Arctic National Parklands
Jeanette Pomrenke, Superintendent, Bering Land Bridge National Preserve
Greg Dudgeon, Superintendent, Gates of the Arctic National Park & Preserve/
Yukon-Charley Rivers National Preserve
Rick Obernesser, Superintendent, Wrangell-St. Elias National Park & Preserve
Paul R. Anderson, Superintendent, Denali National Park & Preserve
Joel Hard, Superintendent, Lake Clark National Park & Preserve
Ralph Moore, Superintendent, Aniakchak National Monument & Preserve/
Katmai National Preserve
Susan Boudreau, Superintendent, Glacier Bay National Preserve

Overview Statement

Bureau:	National Park Service (NPS)
Unit:	Alaska Region
Date:	January 2012
Title:	Subsistence Collections of Shed or Discarded Animal Parts & Plants

Issue: Federally qualified subsistence users have requested the NPS to authorize subsistence collections and uses of shed or discarded animal parts and plants in NPS Alaska Region units for personal and family uses and to make and sell handicrafts. The NPS has a regulation at 36 Code Federal Regulations 2.1 that prohibits the “Possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state: Living or dead wildlife and fish, or their parts or products thereof, such as antlers or nests.” The Alaska National Interest Lands Conservation Act Title VIII authorizes subsistence uses “for making and selling handicraft articles out of nonedible byproducts of wildlife resources taken . . .” The NPS has drafted an environmental assessment (EA) to analyze the impacts of alternatives that would allow subsistence collections and uses of shed or discarded animal parts and plants to make into handicrafts and use for personal or family purposes or to sell. A regulation may be proposed following the public review of the EA and NPS’s decision on how to proceed on the requested action.

Background:

- Two NPS units have regulations allowing subsistence users in Kobuk Valley National Park and Gates of the Arctic National Preserve (Western or Kobuk River Unit) to collect plant materials to make them into handicrafts and sell.
- The NPS Subsistence Management Team has briefed Subsistence Resource Commissions (SRC) repeatedly on progress on the project, and the SRC Chairs were briefed on 10/18/2011.
- Conservation groups were briefed on the potential environmental assessment and regulation in 2010.
- Contact with the State of Alaska has occurred with Jennifer Yuhus (ADFG) and Saunders McNeil (Alaska Department of Commerce, Community, and Economic Development)

Current Status:

- An EA is out for a 60-day public review from February 7 to April 7, 2012.
- The NPS Regional Director identified Alternative D as the Preferred Alternative.
- Draft regulations have been prepared as an appendix to the EA to provide the reviewer with examples of how the regulations might be expressed for each action alternative.

Key Stakeholders Positions of Interested Parties:

- Subsistence groups prefer the least restrictions on collections that could limit materials to make and sell handicrafts.
- Conservation groups are concerned about liberal collections for subsistence uses within NPS areas in Alaska.
- The State of Alaska recognizes that subsistence collections of materials to make and sell handicrafts is a large industry of over \$100 million dollars per year; however, the State has expressed caution over the use of some materials, such as bear claws.

Action Needed:

- Do you need a full copy of the EA for comment and review?
- Which alternative(s) are best for your areas and why?
- How important would it be for your communities to be able to collect nonedible shed or discarded animal parts and plants from NPS areas to make and sell handicrafts?

Contacts:

Sandy Rabinowitch, Project Manager 907-644-3596
Bud Rice, Project NEPA Manager 907-644-3530



Subsistence Collections & Uses of Shed or Discarded Animal Parts and Plants from NPS Areas in Alaska

Public Review Environmental Assessment



National Park Service
U.S. Department of the Interior
Alaska Region

Subsistence Collections & Uses of Shed or Discarded Animal Parts and Plants from NPS Areas in Alaska

Public Review Environmental Assessment

January 2012

Note to Reviewers

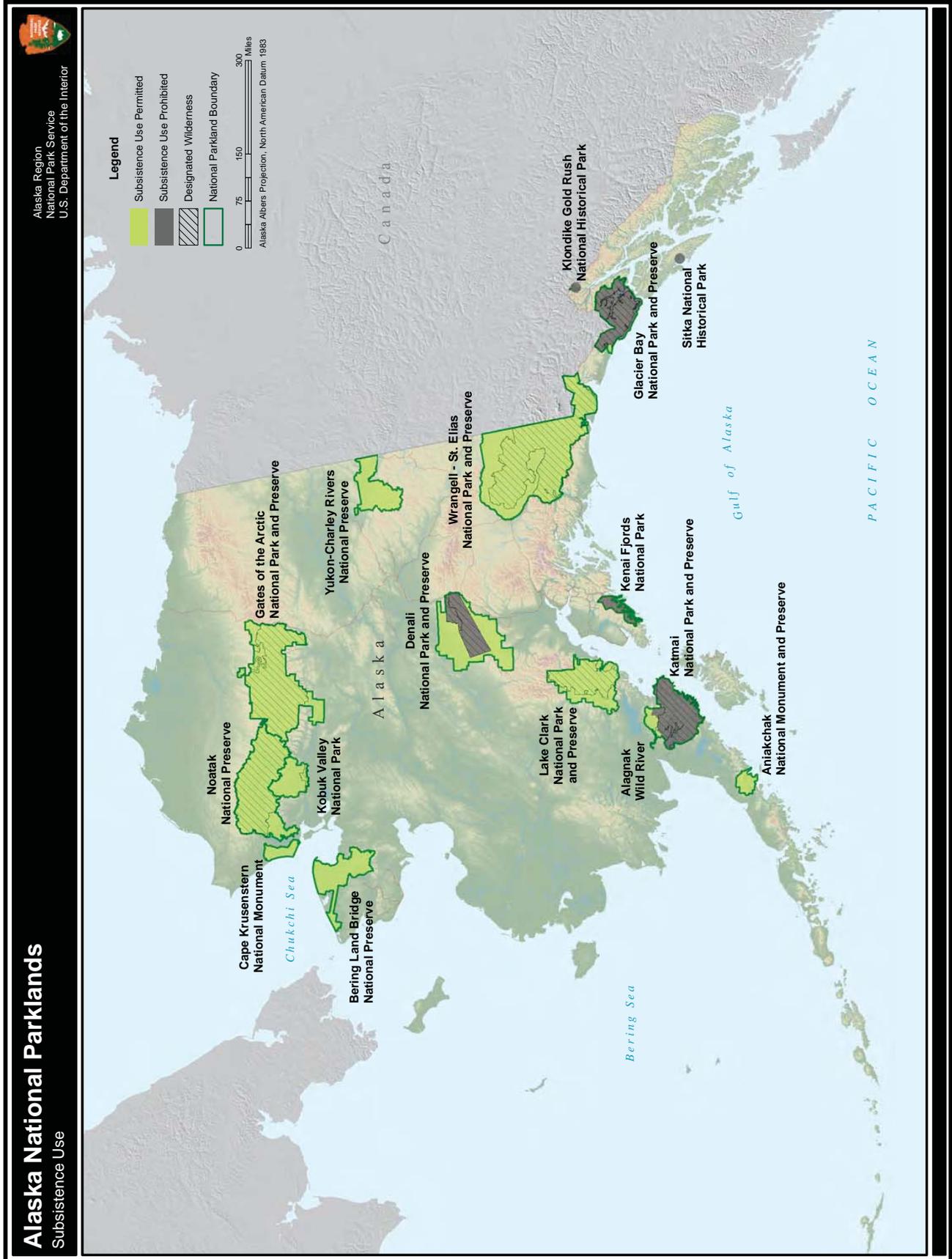
If you wish to comment on this document, you may mail comments to:

Bud Rice
Environmental Protection Specialist
National Park Service
Alaska Regional Office
240 West 5th Avenue
Anchorage, AK 99501

You may also comment online. Go to <http://parkplanning.nps.gov/> and retrieve this document on the web site to provide comments electronically.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee we be able to do so.

Mention by the U.S. Department of the Interior National Park Service of trade names or commercial products do not constitute endorsement or recommendation for use.



**Eastern Interior Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
101 12th Avenue, Room 110
Fairbanks, Alaska 99701
Phone: 1-(907)-456-0277 or 1-800-267-3997
Fax: 1-(907)-456-0208
E-mail: Vince_Mathews@fws.gov**

May 14, 2007

Marcia Blaszak, Regional Director
National Park Service – Alaska
240 West 5th Avenue
Anchorage, Alaska 99501

Subject: Gathering of Shed Antlers on National Park Service Lands

Dear Regional Director Blaszak:

The Eastern Interior Alaska Subsistence Regional Advisory Council (Council) requests the prohibition of collecting antlers or horns, naturally shed or discarded by hunters, on National Park Service (NPS) lands be removed (36 CFR 2.1 (a) (1) (i)). We believe the NPS should allow this collection by Federally qualified subsistence users, as there is a long history of utilizing antlers and horns to make handicrafts, and other items, as an important part of the subsistence way of life in Alaska. We also believe that allowing this collection to occur would not result in any conservation concern (i.e. overharvest), because the making of handicrafts is labor intensive, time consuming and, thus, inherently limits the amount of resource that is sought and utilized at any given time.

Our Council became aware of this prohibition on NPS lands when we were developing our recommendation on Federal subsistence wildlife proposal, WP07-04, a combination of two proposals submitted by our Council and the Upper Tanana/40-Mile Fish and Game Advisory Committee. The proposal requested the Federal Subsistence Board to allow the sale of horns and antlers from goat, sheep, deer, elk, caribou, muskox, and moose that have been naturally shed or removed from the skull of an animal harvested on Federal public lands by Federally qualified subsistence users. It was noted in our Council meeting materials, as well as during the Federal Subsistence Board's deliberation, that shed antlers are not regulated under the Federal Subsistence Management Program. This factored into the Board's decision to adopt the proposal with the modification to address only animals "legally harvested", with clarifying language regarding removal of horns or antlers from the skull.

Thank you for your consideration of our request. The Council looks forward to your response outlining the steps that the National Park Service will be taking to correct this oversight of a

traditional subsistence activity on its lands. For your information, our next public meeting is scheduled for October 16-17, 2007 in Fort Yukon. If you have questions, please contact me directly (1-907-883-2833) or our Regional Coordinator, Vince Mathews. His contact information can be found in our letterhead.

Sincerely,

//Signed//

Sue Entsminger, Chair

cc: Eastern Interior Council members
Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council
Don Rivard, Office of Subsistence Management

As far as item number three above, unfortunately we cannot allow the selling of horns and antlers that have not been made into handicrafts, under customary trade provisions.

NPS staff knowledgeable about this request will attend your next meeting in Ft. Yukon in order to explain this strategy and process in detail.

I look forward to working with you, the Regional Advisory Council, as well as the Subsistence Resource Commissions on this request.

Sincerely,

//Signed//

Marcia Blaszk
Regional Director



**Gates of the Arctic National Park
Subsistence Resource Commission
210 First Avenue
Fairbanks, AK 99701
Tel. (907) 455-0621**

Hunting Program Recommendation 99-01 (#20): Customary Trade

The National Park Service should revise customary trade regulations for Gates of the Arctic National Park and Preserve to better reflect traditional practices of local residents. The Commission recommended regulatory revisions to accommodate the following local customary practices:

- 1) Gathering plant materials for making and selling of handicrafts. These wild renewable materials include, but are not limited to roots, tree bark, wood and lichens. Uses include, but are not limited to making of snowshoes, dogsleds, baskets and various arts and crafts, etc. The materials are harvested in very limited amounts and the practice is not detrimental to park resources.
- 2) Another practice overlooked in National Park Service regulations is the small scale manufacture of handicraft articles from horn, antler and bone which are shed or are from animals that have died naturally or such parts discarded or by other subsistence users. The large-scale sale of these resources should not be allowed. The making of handicrafts is labor intensive, time consuming and inherently limits the amount of resource that is sought and utilized.

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United States Department of the Interior
NATIONAL PARK SERVICE

Alaska Region
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

IN REPLY REFER TO:
N1427 (AKRO – SUBS)

OCT 17 2007

Mr. Pollack Simon, Sr., Chairman
Gates of the Arctic National Park
Subsistence Resource Commission
4175 Geist Road
Fairbanks, Alaska 99709-3420

Dear Mr. Simon:

I am responding to your letter regarding Gates of the Arctic National Park Subsistence Resource Commission (SRC) Hunting Plan Recommendation 99-01 (#20) - Customary Trade on behalf of the Secretary of Interior. Your letter requests the National Park Service develop subsistence regulations to allow limited gathering of plant, horn, antler and bone materials for making and selling handicrafts articles. These recommendations appear consistent with provisions of the Alaska National Interest Lands Conservation Act (ANILCA), including Section 803 which provides for the making and selling of handicraft articles made from these types of materials. Gathering of plant material for handicrafts is already allowed in the Gates of the Arctic National Preserve. Gathering of plant, horn, antler, and bone materials in the park, and the addition of these to the current allowance of plant material in the preserve, will require new regulations.

Your recommendations will be appropriately evaluated through the National Environmental Policy Act (NEPA) process. Depending on the outcome of this evaluation, regulations may then be developed under a formal rule making process. Since these steps may involve input from around the state, the NEPA and the rule making process could take 18-24 months each. Please understand that there are no guarantees as to the outcome of the process, as the process will drive the decisions to be made.

We appreciate your interest in this important subsistence management issue. Thank you for your continued commitment of service to the SRC program. Your questions and comments are welcome and should be directed to the park superintendent at (907) 457-5752.

Sincerely,

//Signed//

Marcia Blaszak
Regional Director

cc:

Carolyn J. Howard, DOI, Office of Executive Secretariat

Judy Gottlieb, Associate Regional Director, Subsistence and Partnerships

Dave Mills, Subsistence Team Manager, Alaska Region

Jack Reakoff, Vice Chair, Gates of the Arctic National Park SRC
Superintendent, Gates of the Arctic National Park and Preserve

Table 2.1 Summary Comparison of the Alternatives

Alternative Element ▼	Alt. A No-Action	Alt. B Broad Eligibility and No Permits	Alt. C Eligibility Restricted by Areas with Discretionary Permits	Alt. D Eligibility Restricted by Areas and Species with Required Permits
Requires promulgation of new regulations	No	Yes	Yes	Yes
Eligible persons for Parks & Monuments:	N/A	People who live in a resident zone or have a Section 13.440 permit	People who live in a resident zone or have a Section 13.440 permit and who have a Federal Subsistence Board Customary & Traditional Use Finding for any wildlife species in each GMU or subunit in the park or monument.	People who live in a resident zone or have a Section 13.440 permit and who have a Federal Subsistence Board Customary & Traditional Use Finding for each wildlife species in each GMU or subunit in the park or monument.
Eligible person for Preserves are:	N/A	People who have a Federal Subsistence Board Customary & Traditional Use Finding for any wildlife species in the Preserve	People who have a Federal Subsistence Board Customary & Traditional Use Finding for any wildlife species in each GMU or subunit of the preserve	People who have a Federal Subsistence Board Customary & Traditional Use Finding for each wildlife species in each GMU or subunit of the preserve
Addresses request to allow collections.	No	Yes	Yes	Yes
Conditions placed on the collection of plant materials to make into handicrafts and sell	Allowed only in 2 units ¹	No	Discretionary (Pending consultation with appropriate SRC and a decision by Superintendent)	Mandatory
Conditions placed on the collection of horns, antlers, and bones for personal/family use or to make into handicrafts and sell	No collections allowed	No, except in emergency situations using closure authority and superintendents compendia; no individual permits to be required	Discretionary (Pending consultation with appropriate SRC and a decision by Superintendent)	Mandatory (Pending consultation with appropriate SRC and a decision by Superintendent)
Permit required	No	No	Discretionary (Pending consultation with appropriate SRC and decision by the Superintendent)	Yes

¹ Existing regulations allow collections of plants to make and sell handicrafts in KOVA and GAAR Preserve Western Unit.

Table 2.2 Summary Impacts of the Alternatives

Alternative Impact Topic	Alt. A No-Action	Alt. B Broad Eligibility & No Permits	Alt. C Eligibility Limited to Areas & Discretionary Permits	Alt. D Eligibility Limited to Areas and Species with Permits
Subsistence	Minor adverse impact on subsistence gathering and uses	Minor beneficial impact on subsistence gathering and uses	Minor beneficial impact on subsistence gathering and uses, but more restrictive than alternative B with reduced collections areas and discretionary permits	Minor beneficial impact on subsistence gathering and uses, but more restrictive than alternatives B & C with limited collections areas and mandatory permits
Local Rural Economic Conditions	Minor adverse effects on subset of 75,000 local rural residents	Minor beneficial effects on a subset of 75,000 local rural residents	Minor beneficial effects on a slightly smaller subset of 75,000 local rural residents than for alternative B	Minor beneficial effects on a smaller and more local subset of 75,000 rural residents than alt's B & C
Cultural Resources	Minor adverse impact to ethnographic resources	Minor adverse impacts with minor positive effects on ethnographic resources	Minor adverse impacts with minor positive effects on ethnographic resources	Minor adverse impacts with minor positive effects on ethnographic resources
Vegetation	No effects	Minor adverse effects	Minor adverse effects, but less effect than in alternative B due to more restrictive collection areas and discretionary permitting.	Minor adverse effects, but fewer effects than in alternatives B & C due to more restrictions on collections.
Wildlife and Habitat	No effects	Minor adverse effects	Minor adverse effects, but slightly less than with alternative B	Minor adverse effects, but slightly less than alternatives B and C
Recreation and Scenic Values	No effects	Minor adverse effects	Minor adverse effects	Minor adverse effects
Wilderness	No effects	Minor adverse effects	Minor adverse effects	Minor adverse effects

Table 3.3 Rural Residents in GMUs with C&T for antlered or horned species and wolves by Preserve

Species/ Preserve	Caribou	Moose	Deer	Sheep	Mt. Goat	Muskox	Wolf
ANIA	Residents of 9B, 9C, 9E, 17, Nelson Lagoon & Sand Point	Residents of 9A, B, C, & E					Residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
BELA	In <u>GMU 22</u> , residents of 21D, 22, 23, and 24; In <u>GMU 23</u> , residents of 21D, 22, 23, 24 (Wiseman), 26A, and Galena	In <u>GMU 22</u> , residents of GMU 22; in <u>GMU 23</u> , residents of GMU 23.				In <u>GMU 22B</u> west of Darby Mtns, residents of 22B & 22C; in <u>GMU 22D</u> , residents of 22 B –E, but not St. Lawrence Is.; in <u>GMU 22E</u> , residents of 22 E, but not Little Diomedes Is.	In <u>GMU 22</u> residents of 21D (N & W of Yukon River), 22, 23, and Kotlik; in <u>GMU 23</u> residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
DENA	In <u>GMU 16B</u> , all rural residents; in <u>GMU 19C</u> , Village, McGrath, Nicholai, and Telida; in <u>GMU 19D</u> , residents of 19D, Lime Village, Sleetmute, and Stony River; in <u>GMU 20C</u> , residents of 20C east of Teklanika River, in Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenana, Nikolai, Tanana, Telida and between MP 216-239 and 300-309 of Parks Hwy; no	In <u>GMU 16B</u> , residents of 16B; in <u>GMU 19C</u> , residents of 19; in <u>GMU 19D</u> , residents of 19 and Lake Minchumina; in <u>GMU 20C</u> , residents of 20C (not in DENA) and Cantwell, Manley, Minto, Nenana, Nikolai, Tanana, Telida, McKinley Village, and between MP 216-		In <u>GMU 16B</u> , no subsistence priority; in <u>GMU 19</u> , all rural residents.			In <u>GMUs 16</u> , 19, & 20, residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon

Species/ Preserve	Caribou	Moose	Deer	Sheep	Mt. Goat	Muskox	Wolf
GAAR	substance for NPS residents at DENA HQ. In <u>GMU 23</u> , residents of 21D (west of Koyukuk & Yukon rivers), 22, 23, Wiseman, 26A, & Galena; in <u>GMU 24</u> , residents of 24, Anaktuvuk Pass, Galena, & Anaktuvuk Pass, Galena, Koyukuk; in <u>GMU 26</u> , residents of 26, Anaktuvuk Pass, and Point Hope (not Prudhoe Bay workers)	239 and 300-309 of Parks Hwy. In <u>GMU 23</u> , residents of 23; in <u>GMU 24</u> , residents of 24, Anaktuvuk Pass, Galena, & Koyukuk; in <u>GMU 26</u> , residents of 26, Anaktuvuk Pass, and Point Hope (not Prudhoe Bay workers)		In <u>GMU 23</u> , residents of 23; in <u>GMU 24</u> , residents of 24 residing north of the Arctic Circle, Anaktuvuk Pass, Allakaket, Alatna, Hughes, & Huslia; in <u>GMU 26A</u> , residents of 26, Anaktuvuk Pass & Point Hope; in <u>GMU 26B</u> , residents of 26, Anaktuvuk Pass, Point Hope, & Wiseman.			In <u>GMUs 23, 24, & 26</u> , residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
GLBA		Residents of 5A	Rural residents of Yakutat		Residents of 5A		Residents of 5A
KATM	Residents of 9B, 9C, 17, and Egegik	Residents of 9A, 9B, 9C, & 9E					Residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
LACL	In <u>GMU 9B</u> , residents of 9B, 9C, & 17; in <u>GMU 17B</u> , residents of 9B, Lime Village, and Stony River; in <u>GMU 19B</u> , residents of 19A, 19B, 18 upstream of and including Johnson River, St. Marys, Marshall, Pilot Station, & Russian Mission	In <u>GMU 9B</u> , residents of 9A, 9B, 9C, & 9E; in <u>GMU 17B</u> , residents of 17, Nondalton, Levelock, Goodnews Bay, and Platinum; in <u>GMU 19B</u> , residents of 19A, 19B, 18 upstream of and including		In <u>GMU 9B</u> , residents of Iliamna, Newhalen, Nondalton, Pedro Bay, & Port Alsworth; in <u>GMU 17B</u> , all rural residents.			In <u>GMUs 9, 17, & 19</u> , residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon

Species/ Preserve	Caribou	Moose	Deer	Sheep	Mt. Goat	Muskox	Wolf
NOAT	Residents of 21D, 22, 23, 23 (Wiseman), 26A & Galena	Johnson River, St. Marys, Marshall, Pilot Station, & Russian Mission Residents of 23		Residents of 23 north of Arctic Circle & Point Lay		Residents of 23	Residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
WRST	In GMU 11 north of Sanford River, residents of 11, 12, 13A-D, Healy Lake, Chickaloon, & Dot Lake; in remainder GMU 11, residents of 11, 13A-D & Chickaloon; in GMU 12, residents of 12, Dot Lake, Chistochina, Gakona, Mentasta Lake, & Slana.	In GMU 5, residents of 5; in GMU 6, residents of 5A, 6A-C; in GMU 11 north of Sanford River, residents of 11, 12, 13A-D, Healy Lake, Chickaloon, & Dot Lake; in remainder GMU 11, residents of 11, 13A-D & Chickaloon; in GMU 12, residents of 11, Chitina, Gakona, Glennallen, Chistochina, Helay Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/ South Wrangell/ South Park, Tazlina, Tonsina, Nabesna Road MP 0-46 and McCarthy Road MP 0-62. In remainder GMU 11, residents of 11, 13A-D & Chickaloon; in GMU 12, residents of 12, 13A-D, Chickaloon, Dot Lake, and Healy Lake (see manual for details)	In GMU 5B, residents of Yakutat; in GMU 6, all rural residents.	In GMU 11 north of Sanford R., residents in GMU 12, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/ South Wrangell/ South Park, Tazlina, Tonsina, Nabesna Road MP 0-46 and McCarthy Road MP 0-62. In remainder GMU 11, residents of Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Helay Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/ South Wrangell/ South Park, Tazlina, Tonsina, Nabesna Road MP 0-46 and McCarthy Road MP 0-62. In GMU 12, residents in GMU 12, Chistochina, Mentasta, Dot Lake, and Healy Lake.	In GMU 5B, residents of 5B; in GMU 6A, residents of 5A, 6C, Chenega Bay, and Tatitlek; in GMU 11, residents of 11, Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Slana, Tazlina, Tonsina, & Dot Lake.		In GMU 5B, all residents of 5A; in GMU 6A, residents of 5A, 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon; in GMU 11 & 12, residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon

YUCH	In GMU 20E, rural residents of 12, 20D & E	In GMU 20E, rural residents of 20E, 12 (north of WRST Preserve), Circle, Central, Dot Lake, Healy Lake, and Mentasta Lake.					In GMUs 20E & 25 B&C, residents of 6, 9, 10 (Unimak Is. Only), 11-13, 16-26, & Chickaloon
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Table 3.29 Distribution of wildlife with horns and antlers by NPS units in Alaska

SPECIES PARK	Moose	Caribou	Deer	Dall's Sheep	Mt. Goat	Muskox	Bison
Alagnak	X	X					
Aniakchak	X	X					
Bering Land Bridge	X	X				X	
Cape Krusenstern	X	X		X		X	
Denali	X	X		X	X		
Gates of the Arctic	X	X		X		X	
Glacier Bay	X		X		X		
Katmai	X	X					
Kobuk Valley	X	X		X		X	
Lake Clark	X	X		X			
Noatak	X	X		X		X	
Wrangell-St. Elias	X		X	X	X		X
Yukon-Charley	X	X		X		X	

APPENDIX A ALTERNATIVE REVISED REGULATIONS

[Note: The subsistence regulations for Alaska in 36 CFR Part 13, Subpart F amend in part the NPS general system-wide regulations and the Alaska general region-wide regulations (see 36 CFR 13.2(c)). For that reason, the likely location of the suggested revisions below is in Subpart F between 13.400 and 13.495.]

No Action Alternative

Alternative A:

No Change – The current restrictions on the collection and use of plants and shed or discarded wildlife parts for subsistence use by local rural residents would remain unchanged.

Action Alternatives

Alternative B - Collections Unlimited and No Permits:

13.4xx

(a) Local rural residents may collect shed or discarded wildlife parts and plant materials not otherwise regulated in this Part for:

- (1) personal or family use and barter, or
- (2) the making and selling of handicraft articles

(b) For purposes of this section *handicraft* is a finished product in which the shape and appearance of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(d) For purposes of this section the definition of *local rural resident* in 13.420(1), (2) includes for preserves federally qualified subsistence users eligible to take any wildlife species within the preserve in accordance with regulations adopted by the Federal Subsistence Board.

(e) Optional (prohibition is also in 2.1): Collection of horns, antlers, bones, and plants is prohibited except as authorized by this section or 2.1 of this chapter.

Alternative C –Collections Limited by Areas and Discretionary Permits (NPS Preferred):

13.4xx

(a) In accordance with conditions established by the superintendent, local rural residents may collect shed or discarded wildlife parts and plant material not otherwise regulated in this Part for:

- (1) personal or family use and barter, or
- (2) the making and selling of handicraft articles.

(b) Violating conditions established by the superintendent is prohibited.

*Subsistence Collections of Shed or Discarded Animal Parts and Plants – Internal Review Draft EA
NPS Alaska Region August 17, 2011*

(c) For purposes of this section *handicraft* is a finished product in which the shape and appears of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(d) For purposes of this section the definition of *local rural resident* in 13.420(1), (2) includes for preserves federally qualified subsistence users eligible to take any wildlife species within the applicable GMU in the preserve in accordance with regulations adopted by the Federal Subsistence Board.

(e) Optional (prohibition is also in 2.1): Collection of horns, antlers, bones, and plants is prohibited except as authorized by this section or 2.1 of this chapter.

Alternative D – Collections Limited by Area and Species with Permits:

13.4xx

(a) The superintendent may issue local rural residents a permit for the collection of shed or discarded wildlife parts and plant material not otherwise regulated in this Part for:

- (1) personal or family use, or
- (2) the making and selling of handicraft articles.

(b) Violating permit conditions established by the superintendent is prohibited.

(c) For purposes of this section *handicraft* is a finished product in which the shape and appears of the natural material has been substantially changed by the skillful use of hands, such as sewing, carving, etching, scrimshawing, painting, or other means, and which has substantially greater monetary and aesthetic value than the unaltered natural material alone.

(d) For purposes of this section the definition of *local rural resident* in 13.420(1), (2) includes for preserves federally qualified subsistence users eligible to take any wildlife species within the applicable GMU in the preserve in accordance with regulations adopted by the Federal Subsistence Board.

(e) For all local rural residents of parks, monuments, and preserves, collection of shed or discarded wildlife parts is limited to such wildlife parts for which the collecting local rural resident has a Customary and Traditional (C&T) use determination by the Federal Subsistence Board for that species of wildlife in that location.

(f) Optional (prohibition is also in 2.1): Collection of horns, antlers, bones, and plants is prohibited except as authorized by this section or 2.1 of this chapter.

Appendix C

Possible Management Conditions for Collections

- 1.) A report of materials collected will be submitted by the collector at the end of the collection period.
- 2.) A collector may designate another qualified person to collect for them under specific conditions.
- 3.) The use of collected horns, antlers, bones and other animal parts or plants may be made into handicrafts (as defined by (36 CFR 13.xxx) (the intention is to use the same definition as the Federal Subsistence Board and State of Alaska definition) and sold, bartered or traded as part of customary trade.
- 4.) Horns or antlers may not be attached to any part of the skull or made to represent a big game trophy.
- 5.) Collections are limited to (__Number annually) (__Number per day) (__Number in possession) (__Number of pounds daily, annually or in possession).
- 6.) The following areas: _____, in (park, monument or preserve) are closed to collecting during the specified time period.
- 7.) Sales, by the collector may not constitute a significant commercial enterprise.
- 8.) The sale of raw/un-worked material is prohibited.

**GATES OF THE ARCTIC NATIONAL PARK
SUBSISTENCE RESOURCE COMMISSION
c/o 4175 Geist Road
Fairbanks, AK. 99709
(907) 455-0631 or FAX (907) 455-0601**

June 15, 2011

**Gates of the Arctic Subsistence Resource Commission
Hunting Plan Recommendation 11-01**

A recommendation that requests an increase in the per diem rate for State of Alaska Subsistence Resource Commissions and Federal Regional Advisory Councils.

The Gates of the Arctic Subsistence Resource Commission (SRC) proposes Hunting Plan Recommendation 11-01, which states that there should be an increase in the per diem rate for all Subsistence Resource Commissions, as well as Federal Regional Advisory Councils. ANILCA Title VIII sec. 808 mandates the establishment of an SRC for each of the national parks where subsistence uses are allowed. The formal involvement of SRCs includes sharing information about traditional subsistence activities and the resources found on federal lands, specifically National Park Service lands. It is integral to the SRC and the management of parklands that well-qualified people serve on the commission, people with a strong knowledge base of the subsistence way of life and the fish and wildlife populations upon which they rely. In order to maintain and fulfill the mandate set forth by ANILCA, it is important to attract and/or retain suitable people who are interested in serving as commission members.

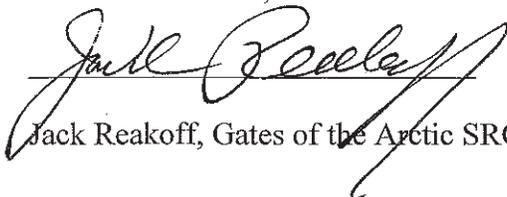
It should also be considered that the cost of living in Alaska is substantially higher than the lower 48. The Gates of the Arctic SRC would like the amount of the Alaska per diem to be set at a rate that reflects the exorbitant costs residents experience in order to live in Alaska. The SRC is requesting at this time an increase in per diem rates so that they reflect the actual costs of living in both urban and rural Alaskan communities.

Recommendation 11-01 would reinforce the commitment the Federal government has taken in upholding the ANILCA mandate related to the formation of Subsistence Resource Commissions and Regional Advisory Councils.

Sincerely,



Pollock Simon Sr., Gates of the Arctic SRC Chair



Jack Reakoff, Gates of the Arctic SRC Vice-Chair

Cc.

- Secretary of Interior & Pat Pourchot, Special Assistant for Alaska Affairs
- All Regional Advisory Councils in Alaska
- All NPS Subsistence Resource Commissions



Pollock Simon, Sr. (Chairperson), Jack Reakoff (Vice-Chairperson), Levi Cleveland, Taquik Hepa, Tim Fickus, Rachel Riley, Louie Commack, James Nageak, and Chris Zwoinski

Status Report on Selected Secretarial Recommendations to the Federal Subsistence Management Program

1. Develop a proposed regulation to increase the membership on the Federal Subsistence Board to include two additional public members representing subsistence users.
 - **Status:** A final rule was published in the Federal Register on September 12, 2011.
 - Applications/nominations for the two seats were accepted by the Secretary's Office.
2. Final rule has been published, candidates interviewed and final selections in progress. When the appointment letters were reviewed by the Solicitor's Office in D.C., concerns were raised regarding whether or not the addition of two public members to the Federal Subsistence Board would give rise to any legal vulnerability under the Federal Advisory Committee Act (FACA). After further review and internal discussion, the Solicitor's Office concluded that the Board is an operational committee that is not subject to the requirements of FACA. We have not been told of any other legal concerns that would prevent the letters from moving forward.
 - We anticipate the announcement of the selectees by the Secretaries prior to the end of January.
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.
 - **Status:** The MOU was provided to all ten Regional Advisory Councils for comment during the winter 2011 meeting cycle. Council comments were summarized and reviewed by the Board in summer 2011. The Board proposed to the State that a joint workgroup be re-established to address the changes recommended by the councils.
 - The State accepted the Board's proposal to form a joint MOU workgroup. The work group has had several meetings, and will report back to the Board with proposed changes by May 2012.
4. Review, with RAC input, the rural determination process and present recommendations for regulatory changes.
 - **Status:** The Board held a several executive and work sessions in 2011 to learn about the rural process, and is continuing to develop and review potential courses of
 - At its January 2012 public meeting the Board discussed the rural determination process and the decennial rural determination review. The board directed staff to publish a proposed rule to solicit comments from the public on the rural determination process and the current rural/nonrural determinations. In addition, based on its decision and the Secretarial program review, the Board directed staff to publish a direct final rule to extend the compliance date of the May 2007 final rule on rural determinations until the current review is complete or for five years, whichever comes first.

OFFICE OF SUBSISTENCE MANAGEMENT STAFF CHANGES

In 2011, the Office of Subsistence management had a high number of staff retirements, staff leaving to take positions in other areas of the US Fish and Wildlife Service or positions with other government organizations.

- **Council Coordinator** – Barbara Atoruk (Council Coordinator for North Slope, and Northwest Arctic RAC's) retired. Currently recruiting to fill this position.
- **Council Coordinator** – KJ Mushovic (Council coordinator for Eastern Interior and Southcentral RAC's) left taking another position with Bureau of Land Management in Alaska. Currently Melinda Hernandez from the US Forest Service has been detailed to act as one of our Council Coordinators (Council Coordinator for Western and Eastern Interior RAC's). We are currently recruiting to fill this position on a permanent basis.
- **Native Liaison** – Carl Jack retired. Currently working with personnel to finalize recruitment paperwork for this position.
- **Fisheries Division Chief** – Larry Buklis left taking another position with the US Fish and Wildlife Service in Washington State. Stephen Fried was selected as the new Division Chief.
- **Fisheries Biologist** – This position is vacant as the result of Stephen Fried's promotion to Fisheries Division Chief. The recruitment process has been initiated.
- **Fisheries Biologist** – Richard Cannon retired. Currently working with personnel to finalize recruitment paperwork for this position.
- **Fisheries SCEP Student** – Kay Larson-Blair returned to OSM as a SCEP Student.
- **Fisheries SCEP Student** – Stephanie Meggars started as a new SCEP Student.
- **State Liaison for Fisheries** – Rod Campbell retired. Applications for this position have been received. The final selection for this position has not been made.
- **Wildlife Biologist** – Coleen Brown left taking another position with the Department of Transportation in Colorado. The recruitment process has been initiated.
- **Administrative Support Assistant** – Ron Babb resigned from his position. Recruitment has taken place for this position. A selection has been made and will be finalized by the end of January 2012.
- **Policy Coordinator** – Gary Goldberg took another position with the US Fish and Wildlife Service in Alaska. David Jenkins, anthropologist, is currently acting in this position.
- **Council Coordination Division Chief** – Ann Wilkinson retired. Carl Johnson has been selected as the new Council Coordination Division Chief.
- **Deputy Assistant Regional Director** – Polly Wheeler accepted a position as Deputy Chief of Refuges – Alaska Region for the US Fish and Wildlife Service. Chuck Ardizzone, the Wild-

life Division Chief, is currently acting in this position. Kathleen M. O'Reilly-Doyle has been selected as the new Deputy Assistant Regional Director as should start in her new position sometime in April 2012.

- **Purchasing Agent** – Darcy Herring took another position with Department of Defense. Currently working with personnel to finalize recruitment paperwork for this position.
- **Budget Analyst** – Amber Wagner left OSM. Durand Tyler was selected as the new Budget Analyst.
- **Administrative Assistant** – Durand Tyler vacated the Administrative Assistant position. Glenn Westdahl was selected to replace him.
- **Subsistence Outreach Coordinator** – The Publications Specialist position was combined with the Public Affairs position. Former Publications Specialist Andrea Medeiros was selected to fill this new position.
- **Supervisory Secretary** – Verna Miller left OSM. Anita Roberts was selected as the new Supervisory Secretary.

Fall 2012 Regional Advisory Council Meeting Calendar

August 20–October 12, 2012 current as of 10/26/11

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 12	Aug. 13	Aug. 14	Aug. 15	Aug. 16	Aug. 17	Aug. 18
		NS—TBA				
Aug. 19	Aug. 20 WINDOW OPENS	Aug. 21	Aug. 22	Aug. 23	Aug. 24	Aug. 25
		NWA—TBA				
Aug. 26	Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1
Sept. 2	Sept. 3 HOLIDAY	Sept. 4	Sept. 5	Sept. 6	Sept. 7	Sept. 8
			KA—Sand Point			
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
			SE—Sitka			
Sept. 30 END OF FY2012	Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5	Oct. 6
		SC—TBA		SP—Nome		
Oct. 7	Oct. 8 HOLIDAY	Oct. 9	Oct. 10	Oct. 11	Oct. 12	Oct. 13
			YKD—Quinhagak		WINDOW CLOSES	
			WI—Aniak			
Oct. 14	Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19	Oct. 20
		EI—Central				

BB—Has not yet identified meeting dates and location.

Winter 2012 Regional Advisory Council Meeting Calendar

February–March 2013 current as of 01/25/12

Meeting dates and locations are subject to change.

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

**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