

SEWARD PENINSULA
Subsistence
Regional Advisory Council
Meeting Materials
October 7-8, 2014
Nome



What's Inside

Page

1	Agenda
3	Roster
4	Winter 2014 Meeting Minutes
16	805(c) Report
23	FSB Annual Report Reply
30	C&T/ANILCA Section 804 Comparison Table
31	Southeast Alaska Subsistence Regional Advisory Council C&T Proposal
38	Rural Review Briefing for the Federal Subsistence Regional Advisory Councils
40	Briefing Provided to FSB on Review of the Rural Determination Process
59	FRMP Briefing
62	Priority Information Needs 2016
71	FP15-01 Barbless Hooks Statewide
76	FP15-02 Providing two 48-hour fishing periods in Yukon River Subdistrict 5C
87	FP15-03 Eliminating drift gillnet for Chinook salmon in Yukon River Subdistrict 5C
100	FP15-03 Appendix A
107	FP15-04 Allowing Federal subsistence users to use set-gillnets to harvest salmon in Yukon River drainage when drift-gillnet salmon fisheries are closed
120	Annual Report Briefing
122	RAC Nominations Briefing
128	WIRAC Letters on Late Appointments
134	Winter 2015 Meeting Calendar
135	Fall 2015 Meeting Calendar
136	Seward Peninsula Council Charter

On the cover...

Rows of salmon are hung in preparation for drying.

Photo courtesy: Dr. Palma Ingles, USFWS.



SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Aurora Inn, Nome
 October 7-8, 2014
 11 a.m. on Oct. 7
 9 a.m. on Oct. 8

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

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

AGENDA

*Asterisk identifies action item.

Roll Call and Establish Quorum (*Secretary*)..... 3

Call to Order (*Chair*)

Welcome and Introductions (*Chair*)

Review and Adopt Agenda* (*Chair*) 1

Review and Approve Previous Meeting Minutes* (*Chair*) 4

Reports

 Council member reports

 805(c) Report 16

 FSB Annual Report Reply 23

 Chair’s report

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

Old Business (*Chair*)

 Customary & Traditional Use Determination – Update (*Pippa Kenner/David Jenkins*)..... 30

 Rural Determination Process Review – Update (*OSM*)..... 38

New Business (*Chair*)

 Priority Information Needs for FRMP* (*Karen Hyer/Trent Liebich*)..... 62

 Fisheries Regulatory Proposal* (*Fisheries*)



Statewide	
FP15-01 (defining fishing hook as with or without barb).....	71
<u>Regional</u>	
FP15-02 (providing two 48-hour fishing periods in Yukon River Subdistrict 5C).....	76
FP15-03 (eliminating drift gillnet for Chinook salmon in Yukon River Districts 1-4)	87
FP15-03 Appendix A.....	100
FP15-04 (allowing Federal subsistence users to use set-gillnets to harvest salmon in the Yukon River drainage when drift-gillnet salmon fisheries are closed)	107
Partners for Fisheries Monitoring Program Strategic Plan (<i>Palma Ingles</i>)	Supp. Handout
Identify Issues for FY2014 Annual Report* (<i>Council Coordinator</i>).....	120
Recommended Changes to Nominations/Appointment Process* (<i>Carl Johnson</i>)	122
All-Council Meeting in Winter 2016 (<i>Council Coordinator</i>)	
All-Chairs Meeting before January 2015 Board Meeting (<i>Council Coordinator</i>)	
Agency Reports	
(Time limit of 15 minutes unless approved in advance)	
OSM	
USFWS	
NPS	
BLM	
ADF&G	
Tribal Governments	
Native Organizations	
Future Meeting Dates*	
Confirm date and location of winter 2015 meeting	134
Select date and location of fall 2015 meeting.....	135
Closing Comments	
Adjourn (<i>Chair</i>)	

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

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

If you have any questions regarding this agenda or need additional information, please contact Robert Larson, Council Coordinator at 907-772-5930, robertlarson@fs.fed.us, or contact the Office of Subsistence Management at 1-800-478-1456 for general inquiries.

REGION 7—Seward Peninsula Regional Advisory Council

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Address
1	2014 2016	Theodore Katcheak Stebbins
2	1995 2016	Peter Buck White Mountain
3	2010 2016	Louis Green, Jr. Nome
4	2010 2016	Tom Gray Nome
5	2011 2014	Reggie Barr Brevig Mission
6	2014 2014	Scott Lockwood St. Michael
7	2008 2014	Fred Eningowuk Shishmaref
8	1994 2015	Elmer Seetot, Jr. Brevig Mission
9	2012 2015	Charles Saccheus Elim
10	2010 2015	Timothy Smith Nome

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL
Meeting Minutes

March 18-19, 2014
Nome
Aurora Inn

The meeting was called to order at 8:57 a.m., Tuesday, March 18, 2014.

Roll call conducted by Secretary, members present:

Louis Green
Reggie Barr
Peter Buck
Fred Eningowuk
Tom Gray
Ted Katcheak
Charles Saccheus
Elmer Seetot
Tim Smith

Quorum established.

Welcome and introductions

Present:

Dan Sharp, BLM (telephonic)
Drew Crawford, ADF&G (telephonic)
Merben Cebrian, BLM
Steve Kessler, USFS
Pat Petrivelli, BIA
Karen Hyer, OSM
Chris McKee, OSM
Ken Adkisson, NPS
Jeanette Koelsch, NPS
Alex Nick, OSM
Austin Ahmasuk, Sitnasuak

Approval of Agenda

Tim Smith asked to add discussion of AFN resolution regarding Chinook salmon bycatch in the Bering Sea. He also asked for an item under New Business to have a discussion regarding ways to increase public participation in meetings.



Tom Gray asked to add an opportunity for public comments at the time Council does closing comments.

Agenda as amended was approved on a voice vote.

Election of Officers

Chair – Louis Green, Jr. by unanimous consent.

Vice Chair – Elmer Seetot was nominated, but declined, nominating Tim Smith, who was elected by unanimous consent.

Secretary – Peter Buck by unanimous consent.

Council Reports

Seetot: Harvested a musk ox on last day of Federal hunt. Snow conditions have been minimal until last week. Teller/Brevig residents have harvested 12-16 wolves.

Katcheak: Mild weather conditions with ice and rain have also been a problem on southern Norton Sound. Happy they have the reindeer herd as a food source or they could be hurting for food. Hopping conditions will improve in future.

Buck: Usually freezes by October 4; this year it didn't freeze until November 15. No snow until recently.

Gray: Echoed comments on weather, noting weather has changed hunting conditions from hunting beluga to caribou. Noted recent success on three Federal musk ox permits, and how families will benefit from that. Reiterated impact of weather conditions on fishing and hunting.

Smith: Subsistence resources continuing to go down, but it's really remarkable how badly things have changed. All populations are declining – except for bears – and no one knows why. No one's salmon runs are healthy. Every year is a disaster. King salmon are recovering on the Snake River because of hatcheries – we could do that here.

Green: We've had salmon problems for 30 years, and we need to get together more and talk about resolutions to our various natural resource problems. People have testified before the Board of Fisheries and the North Pacific Fisheries Management Council; it's been heart wrenching and the State hasn't done anything significant to resolve the issues. For moose, I've seen them out by St. Mary's, but not on the Seward Peninsula. I usually get a moose, and I didn't this year, and that's hurting my family. Our musk ox is down so much we are back to Tier II. Reindeer are down, the Western Arctic Caribou Herd is down. The freezing and rain will probably create starvation problems for animals. Bears and wolves are causing predation problems. Need to come up with ways to enhance salmon and moose populations.

Alex Nick mentioned the need to conduct Council training and orientation. Mr. Buck agreed.

Mr. Katcheak noted that the meeting should be announced on public radio in the future.

Mr. Gray noted the low level of public participation at the meetings.

Chair Green suggested a different meeting room with larger audience seating may be a good idea.

Mr. Seetot noted that maybe low public participation is from people putting their trust in appointed representatives to address resource issues.

Chair Green asked Alex Nick what attendance was like at other Regional Advisory Council meetings, and Mr. Nick noted that attendance was improving at the Yukon-Kuskokwim Delta Council meeting and that he goes on local radio and speaks in Yup'ik to speak about meetings.

Other suggestions included using the Sounding Board on KNOM and engaging local tribes about upcoming meetings. It was also suggested to let the State advisory committees know about upcoming meetings. Discussion then shifted to how Council can get someone from Fisheries Division in ADF&G to meetings, which was addressed by Drew Crawford, ADF&G, who suggested engaging the local Board Support personnel for ADF&G. It was noted there should be more Federal biologists at meetings, as well. One member noted it would be good to have information at meetings about proposed legislation that could impact subsistence resources, like water. It was also noted that even though this is a Federal advisory council, the piecemeal jurisdiction of the region calls for a broader approach. Other ideas were discussed about getting the word out about meetings.

Old Business

Musk Ox Proposals.

Chris McKee, Office of Subsistence Management, introduced the issue. Pat Petrivelli, BIA, provided an overview of ANILCA Section 804 and the process of conducting a Section 804 analysis. McKee then presented the biological analysis for WP14-33. Tony Gorn, ADF&G, responded to biological questions regarding the musk ox herd decline and population status. Council members and staff engaged in discussions about potential causes of mortality. Mr. Seetot discussed the benefits and nuisances associated with musk ox. Ms. Petrivelli then presented the Section 804 analysis for WP14-33, which focused considerably on data showing locations where musk ox have been harvested, historical patterns of musk ox harvest, and what residents have been harvesting. (See pages 28-65 of transcript for full discussion details.) Ms. Petrivelli completed her analysis and the related discussion.

Break for lunch at 12:20 p.m.

Back on record at 1:45 p.m.

Drew Crawford, ADF&G, noted that the State supported the proposal as modified by the Interagency Staff Committee, including having Federal managers determine and restricting the number of Federal permits.

Chair Green continued through the proposal review process. Mr. Gray expressed concerns about engaging in a process of allocating animals and permits.

Ken Adkisson, National Park Service, sought to put things in perspective as this proposal was for one specific hunt area, noting it was a small area and a small number of permits at issue.

Mr. Gray discussed how neither he nor anyone in his family drew a State permit this year. He stressed the importance of musk ox and the need to have as much opportunity as possible between the State and Federal systems. He asked what the permit allocation strategy would be under this proposal. Mr. Adkisson explained how the permit allocation might work in connection with the State system.

Mr. Smith had a clarifying question about removing the delegation language in the regulation, and Mr. Adkisson noted it would be in the form of a letter, but delegated authority would remain with managers.

Meben Cebrian, BLM, noted how BLM handled its permit allocation this year, based on how permits were issued through the Tier II system. Council members inquired as to the total number of Federal permits issued this year and the allocation strategy.

Mr. Buck noted that White Mountain's interest has always been in moose, and while a lot of work has been done on musk ox, nothing had been done on moose and that's more a priority.

Mr. Seetot noted that while the population numbers suggest musk ox are low, they are also transitory. He questioned how much is understood about wolf predation of musk ox, reiterating that they had harvested around 12 wolves in his community and that wolves can be very efficient predators.

Mr. Smith moved to approve proposal as modified on page 32, changing the start of the season from August 1 to September 15. Seconded by Mr. Gray. Motion later amended to start the season on October 1, for a season that starts October 1 and ends on March 15, to include the communities of Council, Golovin, White Mountain, Nome, Teller and Brevig Mission. Motion carried unanimously.

Mr. McKee presented the biological analysis for WP14-35, noting the OSM conclusion was the same as for previous proposal. Ms. Petrivelli presented the Section 804 analysis.

Mr. Smith moved to recommend adoption of the proposal as modified on page 55, with the season change of October 1 to March 15, limiting the communities eligible for harvest to Nome and Teller. Seconded by Mr. Gray. Motion carried unanimously.

Mr. McKee presented the biological analysis for WP14-36. Ms. Petrivelli presented the Section 804 analysis, noting that the only communities eligible would be Wales and Shishmaref. Mr. Barr moved to recommend adoption of the proposal, with modification for a season from October 1 to March 15. Seconded by Mr. Smith.

Mr. Crawford noted that the State supported the proposal as modified by the Interagency Staff Committee, and allowing the Federal manager to determine and restrict number of permits.

Motion to adopt WP14-36 carried unanimously.

Mr. McKee presented the biological analysis for WP14-38, regarding musk ox in Unit 22D Remainder. Ms. Petrivelli presented the Section 804 analysis, noting the harvest should be limited to the residents of Elim, Council, Golovin, Koyuk, White Mountain, Nome, Teller and Brevig Mission.

It was noted that no Tribes consulted on this proposal.

Drew Crawford, ADF&G, noted that the State supported the proposal as modified by the Interagency Staff Committee. Alex Nick noted that there was one written public comment, found on page 80 of the meeting book.

Mr. Smith moved that the proposal be adopted as written on page 96 of the meeting book, with a change that the season would run from October 1 to March 15, and it would read Unit 22D Remainder, 1 bull by Federal permit or State permit. Federal public lands would be closed to the taking of muskox except by Federally qualified subsistence users hunting under these regulations who are residents of Brevig Mission, Elim, Nome, Teller and White Mountain. Mr. Gray seconded the motion. Motion carried unanimously.

There was some discussion to provide support for the Council's choice of what communities would be eligible to hunt when it contradicted the Section 804 analysis presented by staff.

Mr. McKee presented the biological analysis for WP14-39. Ms. Petravelli presented the Section 8054 analysis, and noted what communities have shown more traditional direct dependence on the musk ox. The conclusion was that Elim, Council, Golovin, Koyuk, and White Mountain, all located in Unit 22B, should be provided a subsistence priority over Nome, located in Unit 22C. The Council asked some questions about harvest, which were answered by Mr. Cebrian, BLM.

Mr. Smith moved adopt the modified regulation as shown on Page 116, which would provide for one bull by Federal Unit 22B, one bull by Federal permit or State permit. Federal public lands would be closed to the taking of musk ox except by Federally qualified subsistence users hunting under these regulations. Federal public lands are closed to the harvest of muskox except by Federally qualified subsistence users, and the season would run from October 1 to March. Eligible communities would be Elim, Golovin, Koyuk, White Mountain and Nome. Mr. Gray seconded the motion. Motion carried unanimously.

Mr. Gray then proposed that once a person applies for a permit, there would be a system that randomly generated the permit based on the areas you were eligible to hunt. Mr. Cebrian, BLM, then noted that the letters of delegation could address the method for issuing permits.

Mr. Gray then moved to have the Federal agencies set up a system to issue their permits through an application and drawing process. The motion was seconded by Mr. Smith. Mr. Adkisson,

NPS, cautioned against a one-size fits all approach to permitting, stressing the need for flexibility in permit and management approaches. He then discussed various approaches to issuing permits, including use of Tribal IRA Councils. Mr. Cebrian, BLM, agreed with Mr. Adkisson's cautionary statements. Mr. Gray responded by stressing the need for caution in issuing permits, that it needs to be a fair system. Mr. Smith echoed the concerns. Mr. Adkisson responded to the concerns. The Council members and Federal staff discussed a variety of issues related to permit allocation, geographic distribution and potential pool of applicants, as well as how permits are currently issued for certain areas (like Unit 22E). The motion was ultimately amended to leave Unit 22E out of the impact of the motion. The motion was restated, that it would be a lottery process for distributing the musk ox hunts, but that Unit 22E would be excluded from the lottery system. The motion carried with one abstention.

Off record for March 18.

On record, March 19 at 8:57 a.m.

Alex Nick provided reminders to the Council about travel procedures and per diem. He also asked Council members to confirm their receipt of the 2013 Regional Advisory Council Operations Manual. He also reminded Council members of the contact policy (where outside parties wish to contact Council members).

There was then some discussion about how long it took for sitting Council members to receive their reappointment letters.

Mr. Smith noted that the musk ox management plan is out of date and moved that it be revised and that the Office of Subsistence Management fund the planning process. The motion was seconded by Mr. Eningowuk. Mr. Gray mentioned the musk ox cooperative union, and Mr. Adkisson noted that they were not funded the way the Western Arctic Caribou Herd Working Group is, that costs were borne out of individual agencies. There was a general discussion of what the costs would be to revitalize the musk ox union and fund its meetings. It would also take a lot of planning and agenda development to be successful. Mr. Adkisson then discussed what would be needed to update the musk ox management plan. The motion carried unanimously.

The chair then identified people in the room and asked those on the teleconference line to identify themselves.

Chum Salmon Bycatch

Mr. Smith opened the discussion on chum salmon bycatch, noting the upcoming meeting of the North Pacific Fisheries Management Council and the Council's stated position for a 30,000 cap on chum salmon bycatch. He also noted there is no consistent regional position on the issues, and that we need to start moving on developing a consistent position for the region. He suggested also coordinating with people in the YK Delta region through the Association of Village Council Presidents. Mr. Seetot discussed influence of beaver and status of various salmon populations in his area. Mr. Gray noted that Area M was also a contributing factor beyond the Pollack fleet.

Brandon Ahmasuk, a subsistence worker at Kawerak, joined the discussion, suggesting a hard cap rather than average numbers would be important to pursue. He then discussed the history of the Pollack fishery and impact on Chinook salmon stocks.

Mr. Smith then reiterated that there have been almost 35 bad years with the salmon population, and that we need to start doing something.

The Council engaged in a lengthy discussion about bycatch, salmon populations, and proposed caps on bycatch, predation of salmon stocks, the Wassup Study, as well as the challenges of fragmented jurisdiction. (For full discussion, visit transcript pages 147-169.)

Customary and Traditional Use Determination Review

Karen Hyer, Office of Subsistence Management, read a briefing to the Council on the status of the customary and traditional use determination review. Ms. Petrivelli, BIA, provided additional information regarding what other Councils have suggested in approaches to changing the process of making C&T determinations.

Mr. Gray noted that what is customary and traditional changes over time, noting their own harvest patterns in his area, and expressed concerns about someone “monkeying with” C&T. Ms. Petrivelli noted the desire was to make a system that is more flexible. Mr. Kacheak noted that the current C&T system seems to be working.

Barry Mendenhall, member of the public, offered testimony about traditional trade and noted that there needed to be Federal regulations addressing trade. He discussed various regional trading practices and expressed concern about subsistence activities and tools (like snowmachines, nets, or rifles) being taxed. So he stressed the need to have regulations that reflected and documented traditional trade activities. Mr. Kacheak thanked him for his comments.

Ms. Petrivelli noted that both ANILCA and its regulations already recognize customary trade activities, providing language from the regulations. She then distinguished customary trade from the discussion at hand on customary and traditional use determinations and Section 804 of ANILCA. Mr. Saccheus raised the issue of barter.

Nikki Braem, ADF&G, noted that State regulations recognize barter and discussed the Norton Sound customary trade regulations. She also provided distinctions between barter and customary trade and provided information on how the customary trade regulations were adopted. She also provided clarifying information on the reporting form for engaging in customary trade.

Both Mr. Buck and Chair Green expressed satisfaction with the current C&T process.

Rural Determination Review

Karen Hyer, OSM, provided an overview on the status of the rural determination review.

Fisheries Resource Monitoring Program

Karen Hyer, OSM, provided a briefing on the Fisheries Resource Monitoring Program that provides grant money for fisheries research related to Federal public lands. She noted that in



order to prepare for the next funding cycle, OSM needed to identify the priority research and information needs for each region. She also noted that, in order to ensure that the Council's interests are adequately recorded, they would start the dialogue sooner this year.

Mr. Smith noted that he believed that the highest priority information need is to identify Area M intercept and Pollack trawl fishery bycatch impacts on the chum and Chinook salmon stocks. Mr. Gray noted that the fragmented jurisdiction of the region made it frustratingly difficult to get funding and research. He mentioned dog salmon on the Nome River. Mr. Smith added that we needed a review of how escapement goals are being set by ADF&G. Mr. Barr noted concerns about dwindling population of sockeye and Chinook salmon in the Teller and Brevig Mission area. Mr. Seetot noted that the primary concern for areas outside of Nome has been fish. He also expressed concerns about impacts of mining on fish streams. He also expressed the importance of TEK (traditional ecological knowledge). He noted they have not seek Chinook salmon in the Port Clarence area for some time. He noted that large fall storms may have also adversely impacted the sockeye fry, that sockeye harvest has been smaller.

The Council then engaged in a discussion of the propriety of having NSEDC (Norton Sound Economic Development Council) operate a fish counting tower for counting sockeye salmon on the Pilgrim River. Mr. Mendenhall expressed concerns and opposition to a proposed resolution to have the ADF&G resume control of that fish counting operation. Mr. Smith noted that he thought the number disparity between escapement and harvest was due to misidentification at the counting tower. He noted he would support a letter to NSEDC and ADF&G noting there is a problem with the counting at the tower. Chair Green noted he supported the notion of ADF&G taking responsibility for management of the weir and asked other Council members for their opinion. Mr. Barr said he would support that position. Mr. Seetot noted he also supported that, disagreeing with State claims that they don't have the staff to run the weir. Mr. Gray noted it might be better to have ADF&G in the room to discuss the issue. Letty Hughes, ADF&G, identified himself (presumably on the teleconference).

The Council recessed for lunch. The meeting resumed at 1:30 p.m.

Karen Hyer, OSM, noted that a resolution had been developed and that it could go to other Regional Advisory Councils for their review and comment.

The Council then engaged in a discussion of a proposal before the Board of Fisheries related to moving the crab pot lines in closer to Nome (currently ten miles off shore). Ms. Hyer noted the Council could submit a letter on it, but was unsure whether there was currently a proposal where the BOF was seeking comment. Drew Crawford, ADF&G, noted that there did not appear to be any current proposals pending on the issue. Mr. Smith then moved to resolve that ADF&G not relax the line limiting summertime commercial fishing in the future. The motion was seconded by Mr. Gray. During discussion, Mr. Crawford brought up a proposal submitted by NSEDC that would only allow summer harvest of red king crab above a certain abundance threshold. Council members and the public then discussed their history of fishing for crab. The Council then clarified that they would wish to send a letter to ADF&G asking them not to relax the crab line in the future, then in three years submit a proposal limiting their emergency authority on that issue.

Mr. Gray moved to submit a letter that would ask ADF&G to not relax the crab line in the future at all. The motion was seconded by Mr. Buck. The motion carried unanimously.

Ms. Hyer returned the Council to its prior discussion of the weir on the Pilgrim River for resolution. Mr. Gray noted that if the problem was how fish were being counted, then there needed to be education on counting fish. Mr. Smith suggested taking a seine net up to the weir, hauling in fish and counting them, then comparing that number to what the tower counted. He suggested the letter should include something about having a quality control program to ensure accurate counting.

New Business

Call for Fisheries Proposals.

Karen Hyer provided an overview of the call for proposals for 2015-17. There was Council discussion on the extent of Federal subsistence fisheries jurisdiction for the region. The discussion concluded with a note that it will be up to individuals to submit proposals.

Review and Approve FY2013 Annual Report

Alex Nick provided an overview of the content of the draft annual report. Mr. Smith noted that the Council's intent was reflected in the draft, but that he had some wording edits to make to the report. He also highlighted some of the specific issues in the report. The Council then discussed with Mr. Nick and Ms. Petrivelli what sort of action the Council should take to affirm its approval of the report. Mr. Smith moved to table approval of the draft annual report until review of a final draft is possible. Mr. Katcheak seconded the motion. The motion carried unanimously.

Tribal Consultation Implementation Guidelines and Draft ANCSA Consultation Policy

Ms. Petrivelli provided an overview of the draft Tribal Consultation Implementation Guidelines and the draft ANCSA Corporation Consultation Policy, noting that the Tribal Consultation Work Group was seeking Council input on both documents. The Council asked how successful the Tribal consultations have been, and Federal staff noted that there had been minimal engagement. Mr. Nick provided insight on how Tribal consultation is conducted in the YK Delta region. Mr. Buck noted favorable experience with Tribal consultations in the past. The Council resolved to make comments on the implementation guideline and ANCSA policy at a later time.

Nominations

Ms. Hyer provided an overview of the process of accepting applications for Regional Advisory Council membership. Chair Green noted that Council members should get the word out.

AVCP Resolution on Bycatch

Mr. Smith provided an overview of a resolution that AVCP submitted at AFN (Alaska Federation of Natives annual conference) last fall, proposing a reduction of the Chinook salmon bycatch by the Pollack fishery to 15,000. He noted that he would like the Council to submit a letter to the Federal Subsistence Board supporting this resolution. The Council seemed in general agreement and support of the request.

Agency Reports

OSM

Ms. Hyer provided an overview of staffing changes at OSM.

NPS

Ken Adkisson provided a report for NPS. First, he provided an overview of recent wildlife surveys, including brown bears, moose, muskoxen, and noted challenges related to weather. He also mentioned some staffing challenges for Bering Land Bridge National Preserve and Western Arctic National Park Lands. He mentioned some staffing support they receive from Gates of the Arctic staff in Fairbanks. Mr. Seetot said that he appreciated all the work that Mr. Adkisson and NPS do for the communities in helping them to apply for and obtain permits.

Mr. Eningowuk asked the status of the oil tanks at the Serpentine Hot Springs. Jeanette Koelsch, NPS, noted that they are looking to move the tanks in April and the area would be remediated.

ADF&G

Letty Hughes provided a harvest management report, first discussing the moose registration hunt for moose in 22B west and 22D Kuzitrin area. She then provided information on the Tier II musk ox hunt in 22E. Mr. Smith asked a question about Unit 22C moose. Ms. Hughes then discussed the recent moose survey for 22D and 22E. She then discussed recent brown bear, moose and wolf harvests. Ms. Hughes concluded her presentation with an overview of some pending State proposals to the Board of Game for the area. Mr. Eningowuk asked if there was any data source on moose other than the registration hunt. Mr. Katcheak asked about census taken for brown bear in Unit 22A. Mr. Eningowuk asked a question about putting a bounty on brown bears, and Ms. Hughes noted there were currently no bounties authorized for predator species. She reminded the Council about taking bears in defense of life and property. Chair Green noted that Mr. Eningowuk was asking if Tribal entities could pay for bounties, and Ms. Hughes noted she didn't know the answer to that. Mr. Buck noted they thought of putting a bounty on a large brown bear that was hanging out by White Mountain last fall. The Council then engaged in a discussion on harvest of brown bears.

Mr. Crawford provided information on how to locate and contact Advisory Committees in the region. He also noted a report on the ADF&G website that is the 2012 annual management report for Norton Sound, Port Clarence and the Kotzebue area. He also provided follow-up information on the Pilgrim River weir project.

Future Meeting Dates

Fall – October 7-8 in Nome

Winter – February 18-19 in Nome

Closing Comments

Smith: Good and productive meeting, wish we had more public participation. Fish and wildlife management in Alaska can't work without public participation.

Eningowuk: Brown bear and musk ox encounters while berry picking, inadequate snow to go harvest caribou.

Mr. Eningowuk asked if Council could rescind its action on WP14-36 and restore original season. Mr. Smith asked Mr. Adkisson about population concerns for musk ox. The Council then engaged in a discussion about the concerns for the season length, opportunities for hunters, the conservation concerns for the musk ox, and the procedural problem with changing the seasons. Mr. Eningowuk then moved to restore the original season for WP14-36, for August 1 to March 15. Then the Council discussed that they needed to move to reconsider the prior motion on that proposal. The Council then reconsidered its prior decision and adopted the motion to restore the original season dates.

Gray: This was a good meeting, a good working group.

Buck: Good meeting, and we learned a lot. They've been monitoring the river at White Mountain for five years, had a scare with House Bill 77 threatening to take over water rights in the state. Thanks to Kawerak for providing information about the bill so they could protect their water rights in White Mountain.

Seetot: Good that we are meeting in the Nome hub, a lot of people live here, and this is where people in the region come or pass through. We do have a problem with public participation, people in villages assume that Council members act to represent their community. We are subsistence food gatherers, we look out for the interests of within and outside of communities we represent.

Katcheak: Appreciate being a member on the Council again after an absence of several years; I have a little more understanding on different species and how they are harvested. I am a reindeer herder by still depend on subsistence animals and fish. Thank you for the opportunity to serve again.

Barr: Good meeting, happy to see lack of red salmon in Teller/Brevig area being discussed.

Saccheus: Good meeting, thanks for reconsidering the season on musk ox, we have accomplished something for our people. Have a good spring.

Green: Thank you for the vote of confidence to place me in the Chair position again. I also appreciate the patience of everyone in the room, relaxing procedures to encourage public participation, and that it may encourage more public participation. Thanks to KNOM for being here. Welcome to the new members. Encourage Council members to reach out to community for applications to the Council.

Meeting adjourned.

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



March 19, 2014

Alex Nick, DFO
USFWS Office of Subsistence Management

Louis Green, Chair
Seward Peninsula Subsistence Regional Advisory Council

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

DRAFT



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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

FWS/OSM 14065.AN

JUL 28 2014

Mr. Louis H. Green, Jr.
Seward Peninsula Subsistence
Regional Advisory Council
P.O. Box 1890
None, Alaska 99762

Dear Mr. Green:

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

The Board uses a consensus agenda on those proposals where there is agreement among the affected Subsistence Regional Advisory Council(s), a majority of the Interagency Staff Committee, and the Alaska Department of Fish and Game concerning a proposed regulatory action. These proposals were deemed non-controversial and did not require a separate discussion. There was one statewide proposal on the consensus agenda, WP14-01 (trapping), which the Board rejected consistent with the Councils' recommendations. The proposals on the consensus agenda for the Seward Peninsula Region were WP14-36 (Unit 22E muskox) and WP14-41 (Unit 23 muskox), which the Board adopted consistent with the Council's recommendations.

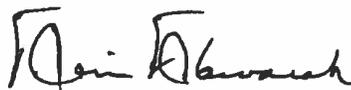
The Federal Subsistence Board appreciates the Seward Peninsula Subsistence Regional Advisory Council's active involvement in and diligence with the regulatory process. The ten Regional Advisory Councils continue to be the foundation of the Federal Subsistence Management Program, and the stewardship shown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

Mr. Green

2

If you have any questions regarding the summary of the Board's actions, please contact Alex Nick, Council Coordinator at (906) 543-1037.

Sincerely,



Tim Towarak
Chair

Enclosure

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



FEDERAL SUBSISTENCE BOARD NON-CONSENSUS ACTION REPORT

April 15-18, 2014
Anchorage, Alaska

SEWARD PENINSULA REGIONAL PROPOSALS

Proposal WP14-33

DESCRIPTION: Proposal was submitted by the National Park Service, requests that the season and harvest limit for muskox in Unit 22D within Kuzitrin River drainage (Unit 22D Kuzitrin) be changed to eliminate the cow hunt. In addition, the proposal requests that language be added to authorize the Superintendent of the Bering Land Bridge National Preserve to restrict the number of Federal registration permits to be issued.

COUNCIL RECOMMENDATION: **Support with OSM modification** based on the Section 804 analysis (identifying communities eligible for the hunt) and to shorten the season by two months (eliminate the Aug. 1 to Oct. 1 period of the season).

BOARD ACTION: **Adopted with modification**

JUSTIFICATION: The Board accepted the modifications recommended by the Council, except for the shortened season. As the public, Tribes and ANCSA Corporations were not provided notice of the Council's recommended shortened season, the Board deemed it procedurally improper to consider that part of the Council's recommendation. Additionally, a shorter Federal muskox season would reduce opportunity for Federally-qualified subsistence hunters to harvest muskox between August 1st and October 1st. As the shorter season may be detrimental to the satisfaction of subsistence needs, ANILCA Section 805(c) compelled the Board to reject that modification. The original season dates of Aug. 1-Mar. 15 were retained.

Proposal WP14-35

DESCRIPTION: This proposal, which was submitted by the Bureau of Land Management, requests that the season and harvest limit for muskox in Unit 22D west of the Tisuk River drainage and Canyon Creek (Unit 22D Southwest) be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued.

COUNCIL RECOMMENDATION: **Support with OSM modification** as well as to add Nome and Teller to those communities included in the Section 804 analysis for that portion of Unit 22D west of the Tisuk River drainage and Canyon Creek and to shorten the season by one month (eliminate the Sept. 1 to Oct. 1 portion of the season).

BOARD ACTION: Adopted with modification

JUSTIFICATION: The Board accepted the modifications recommended by the Council, except for the shortened season. As the public, Tribes and ANCSA Corporations were not provided notice of the Council's recommended shortened season, the Board deemed it procedurally improper to consider that part of the Council's recommendation. Additionally, a shorter Federal muskox season would reduce opportunity for Federally-qualified subsistence hunters to harvest muskox between August 1st and October 1st. As the shorter season may be detrimental to the satisfaction of subsistence needs, ANILCA Section 805(c) compelled the Board to reject that modification. The original season dates of September 1-March 15 were retained.

Proposal WP14-38

DESCRIPTION: This proposal, which was submitted by the Bureau of Land Management, requested that the season and harvest limit for muskox in Unit 22D Remainder be changed to eliminate the cow harvest. In addition, the proposal requests the BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued.

COUNCIL RECOMMENDATION: **Support with OSM's modification** and further modify to add Brevig Mission, Nome, Teller, Elim and White Mountain to the Section 804 priority communities for Unit 22D remainder and start the season on October 1 instead of August 1.

BOARD ACTION: **Adopt with OSM and Council's modifications** with the exception that August 1 start date be retained in the regulation.

JUSTIFICATION: A shorter Federal muskox season would reduce opportunity for Federally-qualified subsistence hunters to harvest muskox between August 1st and October 1st. As the shorter season may be detrimental to the satisfaction of subsistence needs, ANILCA Section 805(c) compelled the Board to reject that modification. The original season dates of Aug. 1-Mar. 15 were retained.

Proposal WP14-39

DESCRIPTION: This proposal, which was submitted by the Bureau of Land Management, requested that the season and harvest limit for muskox in Unit 22B be changed to eliminate the cow hunt. In addition, the proposal requests that BLM Anchorage Field Manager be specified as the Federal manager, and that language be added to authorize the Federal manager to restrict the number of Federal permits to be issued.

COUNCIL RECOMMENDATION: **Support with OSM modification** with the additional modification to start the season on October 1 instead of August 1.



BOARD ACTION: Adopted as modified by the Council with exception of keeping the season start date of Aug. 1.

JUSTIFICATION: A shorter Federal muskox season would reduce opportunity for Federally-qualified subsistence hunters to harvest muskox between August 1st and October 1st. As the shorter season may be detrimental to the satisfaction of subsistence needs, ANILCA Section 805(c) compelled the Board to reject that modification. The original season dates of August 1-March 15 were retained.

MULTIREGION CROSSOVER PROPOSALS

Proposal WP14-22

DESCRIPTION: This proposal, submitted by the Bristol Bay Subsistence Regional Advisory Council, requested the establishment of permit requirements for all of the units, and that the to-be-announced fall season in Unit 17A remainder and 17C remainder be shortened from August 1-March 31 to August 1-March 15.

COUNCIL RECOMMENDATIONS:

Bristol Bay Subsistence Regional Advisory Council – **Support with OSM modification**
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council-**Support with modification**
Western Interior Alaska Subsistence Regional Advisory Council – **Support with OSM modification.**
Seward Peninsula Subsistence Regional Advisory Council- **Support**

BOARD ACTION: Adopt

JUSTIFICATION: The Board adopted Proposal WP14-22 with modification as recommended by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council. The adopted modification, as described in the OSM conclusion for Unit 18 only, allowed a harvest limit of two caribou, and struck the bull restriction language as suggested for WP14-26. The registration hunt on the declining herd will allow for the monitoring of the Mulchatna Caribou Herd. Adaptive management is needed to ensure the conservation of the resource. State registration permit will allow for better harvest tracking and will allow managers to be more responsive to in-season management needs.

Proposal WP14-23

DESCRIPTION: This proposal, submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council, requested an extension of the moose season in Unit 18, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik to Mountain Village and excluding all

Yukon River drainages upriver from Mountain Village, from August 1 to the last day of February, to August 1 to March 31. It also requested removal of the bull-only restriction from August 1-September 30.

COUNCIL RECOMMENDATIONS:

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council-**Support with modification**
Western Interior Alaska Subsistence Regional Advisory Council – **Support with modification**
Seward Peninsula Subsistence Regional Advisory Council- **Support**

BOARD ACTION: Adopted with modification.

JUSTIFICATION: The Board adopted proposal WP14-23 as modified to reflect and clarify similar regulatory harvest changes recently adopted the Alaska Board of Game to allow antlered bull to be harvested from September 1-30; December 1-March 31. This action will simplify the regulations for subsistence users and provide for additional subsistence opportunities to harvest moose.

Proposal WP14-24 and 14-25

DESCRIPTION: WP 14-24, submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council, requested that the boundary for Unit 18, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, west of a line from Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village be changed to include the Kashunuk River and the North Fork of the Andreafsky River.

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

COUNCIL RECOMMENDATIONS:

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council – **Support with OSM modification**
Western Interior Alaska Subsistence Regional Advisory Council – **Support with OSM modification**
Seward Peninsula Subsistence Regional Advisory Council – **Support**

BOARD ACTION: No action taken.

JUSTIFICATION: The proposed regulatory changes were addressed in the Board’s action taken on WP14-23.



Proposal WP14-26

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

COUNCIL RECOMMENDATION:

Bristol Bay Subsistence Regional Advisory Council – **Support with modification**
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council- **Take no action**
Western Interior Alaska Subsistence Regional Advisory Council – **Support with modification**
Seward Peninsula Subsistence Regional Advisory Council- **Take no action**

BOARD ACTION: **No action taken**

JUSTIFICATION: The proposed regulatory changes were addressed in the Board’s action taken on WP14-22.



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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

AUG 06 2014

FWS/OSM 14079.CJ

Louis Green, Chair
Seward Peninsula Subsistence
Regional Advisory Council
U.S. Fish & Wildlife Service
Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Chairman Green:

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

Issue 1: Generally Decreased Abundance and Availability of Fish and Wildlife Populations Important to Subsistence Users in the Seward Peninsula and Norton Sound Region.

The Council previously identified significantly reduced harvest opportunities throughout the Seward Peninsula and Norton Sound region resulting from declining moose, muskox, reindeer and caribou populations. The Council believes predation by brown bears and wolves may be contributing to reduced productivity and survival of these populations.

Recommendation: The Council urges the Board to work with the Alaska Board of Game and State and Federal agencies (the Regional Directors who sit on the Board) to reduce brown bear and wolf populations experimentally in order evaluate the effectiveness of predator reduction strategies as a means of restoring and preserving a sustainable balance between predator and prey populations. The ultimate goal of this effort would be to fulfill the mandate of Title VIII of ANILCA to provide for continued subsistence opportunities by residents of this region.

Chairman Green

2

Response:

The Board acknowledges that the Councils have raised the issue of revisiting predator control on several prior occasions. At the urging of the State of Alaska, the Board addressed the Predator Management Policy during its June 18, 2013 work session in Anchorage. During that meeting, the Board reaffirmed the position stated in its Predator Management Policy, which is based on regulation (36 CFR 242.10(a) and 50 CFR 100.10(a)), that the Federal Board “administers the subsistence taking of wildlife for the non-wasteful harvest of fish and wildlife by Federally qualified rural residents, consistent with the maintenance of healthy populations of harvested resources.” Wildlife management activities other than the subsistence take of fish and wildlife, like predator control and habitat management, are the responsibility of and remain within the authority of the individual management agencies. As such, the Board will forward your concern to the appropriate land managers that are under the supervision of the regional agency directors who serve on the Board.

Issue 2: Resource Management Jurisdictions Affecting Fish and Wildlife Resources in the Seward Peninsula and Norton Sound Region

The Council recognizes that the majority of land and inland waters in the Seward Peninsula and Norton Sound region are managed by the State of Alaska. Land and waters managed by the State are important for the taking of fish and wildlife for subsistence use, along with commercial, sport and personal use. The migratory ranges of many of the fish and wildlife species that are harvested for these uses span areas of land managed by several State and Federal agencies.

One of most important ongoing issues for the Council is the persistent, long term declines in western Alaska salmon stocks and the concurrent decrease in salmon harvesting opportunity for all users. The causes of these declines are poorly understood. Understanding salmon ecology requires a comprehensive approach to research throughout the migratory range of the salmon populations independent of land ownership patterns and agency jurisdictions. Currently, some Federal research funding programs are limited to studies conducted on Federal public lands.

Recommendation: The Council recommends the State and Federal fish and wildlife resource management agencies work cooperatively in managing fish and wildlife resources in the Seward Peninsula and Norton Sound regions. The Board, the Alaska Boards of Fisheries and Game and the North Pacific Fishery Management Council should establish methods for communicating regularly and effectively in order to set regulations for comprehensive management of fish and wildlife populations throughout their ranges.

Additionally, Federal funds should be made available for research studies of fish and wildlife populations in the Seward Peninsula and Norton Sound region wherever they occur, independent of land ownership; particularly because funds for research are becoming increasingly limited.



Response:

Some of the coordination you desire currently does occur, but at the staffing level, not the agency director level. For example, OSM staff regularly attend meetings of the North Pacific Fisheries Management Council to monitor the activities of the NPFMC. Communication does occur at the agency level, but typically in the form of a letter, like recent letters that the Board has sent to the NPFMC. There are several examples of working groups that have been established that provided for coordinated management efforts of specific populations, such as the Unit 23 Caribou Working Group, the Unit 17 Moose Working Group and the Fortymile Caribou Working Group. While good examples of cross-jurisdictional cooperative management efforts, these efforts require the initiative of an organization or group of individuals to get started, as well as funding.

Currently, the Fisheries Resource Monitoring Plan is the Federal Subsistence Board's sole vehicle for funding biological research and monitoring projects, and exclusively for fisheries. The projects funded through the Fisheries Resource Monitoring Program must have a direct association to a subsistence fishery within a Federal conservation unit. This program has funded many projects where the fisheries do not occur in Federal public waters, but the information is linked to Federal public lands and provides information for Federal Subsistence Management decisions. In the past the Federal Subsistence Board has discussed developing wildlife research and monitoring projects with the Regional Advisory Councils. Given stable or declining Federal budgets, if any Council wanted money dedicated to wildlife research and monitoring, it would likely decrease the amount of funding available for fisheries research and monitoring. Many of the Regional Advisory Councils have expressed concern about decreasing funding allocated to fisheries projects.

In addition to the Fisheries Resource Monitoring Program, the Arctic-Yukon-Kuskokwim Sustainable Salmon Initiative (AYK SSI) could be a potential source for additional research. The AYK SSI is a proactive science-based program working cooperatively to identify and address the critical salmon research needs facing this region. The AYK SSI is the largest example of co-management of research-funding addressing salmon within the Pacific Rim and one of the largest programs of its kind in North America. If you want to pursue this as a potential option, make sure to communicate your request to your Subsistence Council Coordinator.

Issue 3: Extraterritorial Jurisdiction – Fisheries Management

Seward Peninsula and Norton Sound region salmon stocks important to Federally qualified subsistence users are taken as bycatch in Federally managed groundfish trawl fisheries and intercepted in targeted mixed-stock commercial and subsistence salmon fisheries managed by the State of Alaska at locations many miles from their spawning grounds. The impacts of these

Chairman Green

4

harvests on individual salmon stocks and local subsistence harvesting opportunities are unknown and, because of its magnitude, the bycatch has the potential to adversely affect salmon stocks and harvest.

Recommendation: The Council recommends that the Secretaries exert extraterritorial jurisdiction to reduce bycatch and intercept fisheries harvests on Seward Peninsula and Norton Sound salmon stocks in order to preserve and sustain the subsistence salmon harvest opportunities for Federally qualified subsistence users in the region.

Response:

As you correctly noted, management of the Bering Sea groundfish trawl fishery is outside the Board's jurisdiction. The Federal Subsistence Board's jurisdiction in the Norton Sound-Port Clarence Area is limited, with the only actively managed Federal Subsistence Fishery being the Unalakleet River. But it is the Secretaries, not the Board, that would exert extraterritorial jurisdiction. Extraterritorial jurisdiction is the way for the Federal government to reach into and exert management authority on non-Federal lands and waters, where activities on those lands and waters are impacting subsistence on Federal public lands.

There are two previous examples where parties petitioned the Secretaries to exercise extraterritorial jurisdiction – Area M and Angoon. In 2004, Secretary of the Interior Gale Norton declined to exercise extraterritorial jurisdiction in Area M, noting “a high threshold for justification would have to be met before a decision to extend jurisdiction beyond Federal lands is made” and that the Federal government would not interfere with State management “unless there is a clear demonstration that the State's action constitutes a substantial and impermissible interference with a federally protected right.” As for the Angoon petition, which was filed in 2012, the Secretaries have deferred action for three years to allow for development of a local solution through mediation by a neutral third party.

The Board has established a procedure entitled Procedures Addressing Petitions for Secretarial Extension of Jurisdiction for the Implementation of a Federal Subsistence Priority. If any party wished to see the Secretaries exert extraterritorial jurisdiction, they would have to follow the procedures set forth in that document (**enclosure**).

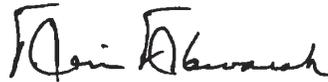


Chairman Green

5

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

Sincerely,



Tim Towarak
Chair

Enclosure

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

FEDERAL SUBSISTENCE BOARD PROCEDURES ADDRESSING PETITIONS FOR SECRETARIAL EXTENSION OF JURISDICTION FOR THE IMPLEMENTATION OF A FEDERAL SUBSISTENCE PRIORITY

The US Code Title 5 Section 553(e); 7 CFR 1.28; and 43 CFR 14 allow citizens to petition the Secretaries of the Interior and Agriculture (Secretaries). The Secretaries will accept for consideration petitions to exert authority over hunting, fishing, or trapping activities occurring on non-Federal lands when such petitions indicate that those activities may be interfering with subsistence hunting, fishing, or trapping on the Federal public lands and waters to such an extent as to result in a failure to provide the subsistence priority as specified in Title VIII of the Alaska National Interest Lands Conservation Act.

The Secretaries carefully review each case and use a very high threshold when making their decision whether to extend Federal jurisdiction. Petitioners should submit sufficient facts and/or analytic standards to document both the failure to maintain a subsistence priority and how the failure relates to activities occurring off of Federal lands.

The Federal Subsistence Management Regulations for Public Lands in Alaska (36 CFR Part 242 and 50 CFR Part 100, §____.10) clarify that the Secretaries have not delegated the authority to restrict or eliminate activities occurring on non-Federal lands to the Federal Subsistence Board (Board). However, §____.10(d)(4)(xvii) of those regulations gives the Board the authority to evaluate whether activities on non-Federal lands may interfere with subsistence activities on Federal public lands or waters, to consult with the State of Alaska, the Regional Councils, and other Federal agencies, and to make recommendations to the Secretaries.

The Board will utilize the following procedures and any additional directions provided by the Secretaries when developing recommendations on a request for extension of Federal jurisdiction.

PROCEDURES

1. Petitions should be addressed to the Secretaries of the Interior and Agriculture as follows:

Secretary of the Interior and Secretary of Agriculture
c/o Chair, Federal Subsistence Board
U.S. Fish and Wildlife Service, Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, AK 99503-6199

2. Each petition must clearly identify the affected subsistence activity, the Federal public lands or waters where that activity occurs, and how the subsistence priority has been harmed so as to result in a failure. Each petition should present substantial evidence demonstrating that the failure of the subsistence priority is specifically due to a hunting, fishing, or trapping activity that is occurring off of Federal public lands or waters. The information should describe what the interfering activity is, where and when it is taking place, and how it is causing the failure of the subsistence priority on the Federal public lands and waters.

3. Each petition should describe the desired result from Secretarial extension of jurisdiction and propose Federal regulations which would accommodate the subsistence priority.

4. The Board, upon receipt of such a petition, will forward the petition to the Secretaries, notify the State of Alaska and affected Regional Council(s), and may issue a notice to the general public of the request for extension of Federal jurisdiction.

5. If the Secretaries believe that public comment on the issue or extensive analysis will aid in consideration of the petition, they may request the Federal Subsistence Board to hold public meetings to solicit comments and to develop a more detailed analysis of the issue.

6. If directed to do so by the Secretaries, the Board and staff may conduct additional research and assemble information that assists in a thorough analysis. In developing their recommendation to the Secretaries, the Board may meet in public session and accept testimony on the petition.

7. Following review of all information, staff analyses, and public comments, the Board will forward their confidential recommendation to the Secretaries.

Following receipt of a recommendation from the Board, the Secretaries will promptly notify the petitioners of their final decision relative to the petition. A Secretarial decision constitutes the final administrative remedy for any petition.

Approved by the Federal Subsistence Board on July 18, 2005.



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

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



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

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

RAC SE14012.RL

APR 01 2014

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

Dear Chairman Towarak:

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

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

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

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



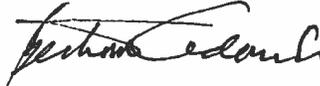
Chairman Towarak

2

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

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

Gunalchéesh,



Bertrand Adams Sr.,
Chair

Enclosure

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

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

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

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

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

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

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



CURRENT LANGUAGE OF §§ .16 and .17:

§242.16 Customary and traditional use determination process.

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

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

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

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

(d) Current determinations are listed in §242.24.

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

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

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

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

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

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

Southeast Alaska Council's Proposed Language

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

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

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

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

(d) Current determinations are listed in § 100.24

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



Proposal in edited form

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

(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence **within a geographic area**. ~~These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations.~~

When it is necessary to restrict the taking of fish and wildlife, and other renewable resources to assurance continued viability of a fish or wildlife population, a priority for the taking of such population for non-wasteful subsistence uses shall be implemented based on the application of the following criteria; customary and direct dependence upon the populations as the mainstay of livelihood; local residency; and the availability of alternative resources. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

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

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

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

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

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

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

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

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

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

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

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

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

Appendix

Southeast Alaska Council, 2011 Annual Report Topics

Issue 1: Customary and traditional determinations

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

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

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

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

Southeast Alaska Council, 2012 Annual Report Topics

Issue 1: Customary and Traditional Use Determination Recommendation

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

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

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

RURAL REVIEW BRIEFING FOR THE FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCILS

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

Background

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

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

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

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

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

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

Federal Subsistence Board Recommendation

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

§100.15 and §242.15. Rural determination process.

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

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

Next Steps

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

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



Review of the Rural Determination Process

A Briefing for the Federal Subsistence Board

April 15, 2014

Background

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

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

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

Secretarial Review

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

Federal Subsistence Board Review

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

Federal Register Notice

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

Opportunities to Participate

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

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

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

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

Summary of Recommendations from Regional Advisory Councils

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

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

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

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

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

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

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

Summary of Public Comments

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

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

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

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

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

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

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

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

Formal Consultations with Tribes and ANCSA Corporations

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

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

Summary of Tribal Consultation

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

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

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

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

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

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

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

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

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

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

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



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

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

Summary of Consultations with ANCSA Corporations

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

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

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

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

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

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

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

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

Alternatives to the Current Rural Determination Process

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

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

Next Steps

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



Appendix A

Synthesis of Public Comments on the Rural Determination Process

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

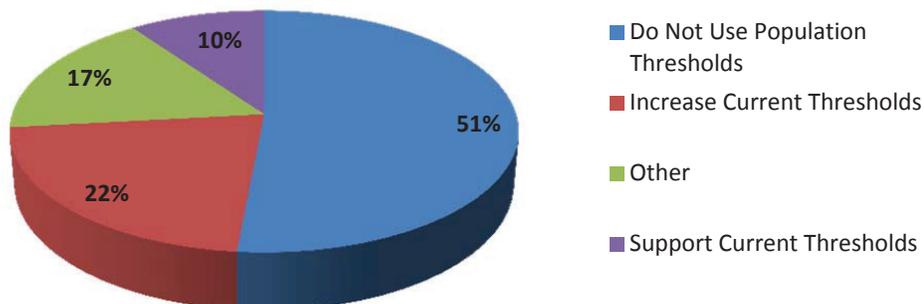
The staff input 496 total public comments into the database; 475 were determined to be substantive. By substantive, we mean comments that meaningfully addressed the rural determination process and made concrete recommendations to the Federal Subsistence Board (Board).

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

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

Population Thresholds

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



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

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

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

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

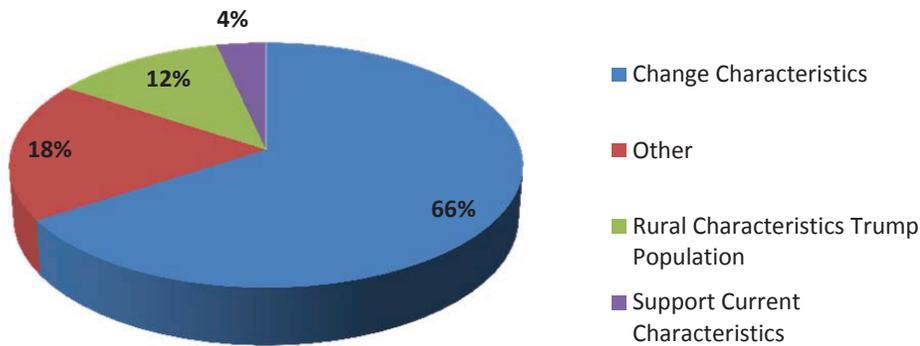


- Adopt and apply the rural development thresholds used by U.S. Department of Agriculture, which range from 2,500 to 50,000.
- Use the Permanent Fund Dividend population numbers.
- Exclude increases in populations due to industrial developments such as mining.
- Enhance monitoring of natural population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

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

Rural Characteristics

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



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

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

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

Other additions to the list of rural characteristics included:

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

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

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

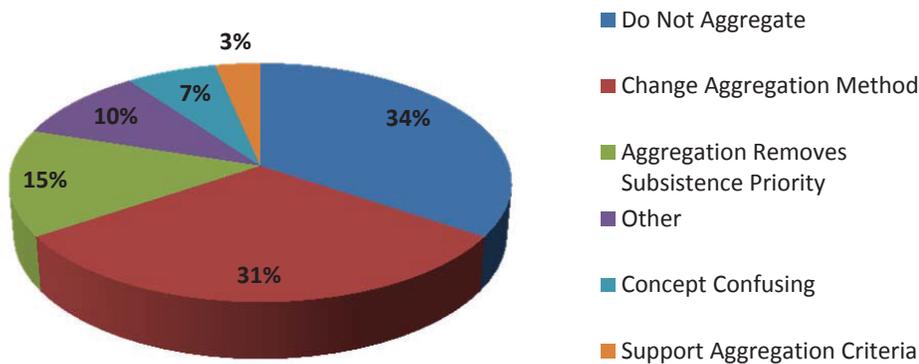
- Weight rural and/or community characteristics as the most important criterion.
- Weight “use of fish and wildlife” as the most important rural characteristic.
- Designate all island communities rural.
- Adapt and use some of the rural characteristics used by the State of Alaska (e.g., extent of sharing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

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



Aggregation of Communities

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



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

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

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

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

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

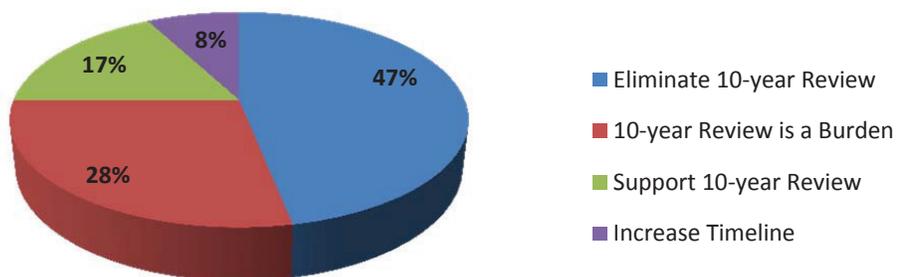
Six comments indicated that some people find the concept of aggregation to be confusing, both in how the concept is applied and the word is defined.

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

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

Timelines

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



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

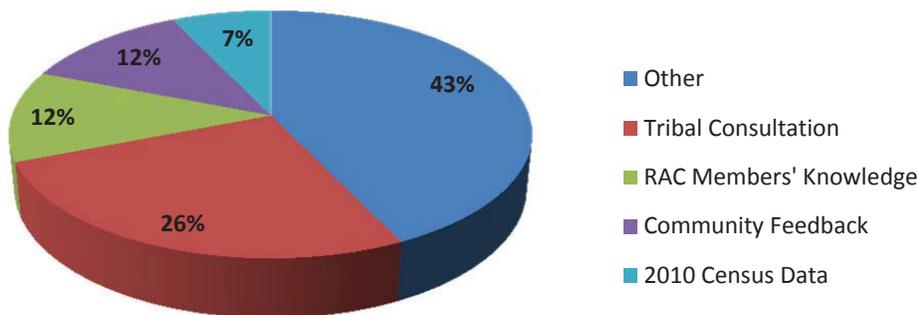
Eleven comments indicated support for doing a 10-year review. In five comments, respondents recommended that the timeline for review be increased (e.g., 15-year intervals, 100-year intervals, review rural determinations only when a community's population exceeds the upper threshold).



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

Information Sources

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



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

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

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

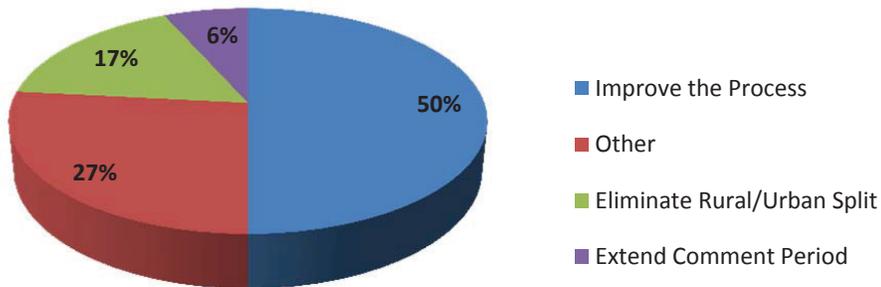
In 18 comments, respondents recommended that the Board use other sources of information such as:

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

Three comments indicated support for using the 2010 Census data.

Other Recommendations

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



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

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



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

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

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

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

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

Appendix B. Alternatives for the Rural Determination Process

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



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

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

Fisheries Resource Monitoring Program

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

Overview

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

Funding Regions

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

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

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



Subsistence Resource Concerns

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

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

Funding Cycles

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

Funding Recommendations

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

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

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

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



DRAFT

PRIORITY INFORMATION NEEDS

FEDERAL SUBSISTENCE FISHERIES



2016 Fisheries Resource Monitoring Program

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

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

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

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

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

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

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



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

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

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

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

Northern Alaska Region Priority Information Needs

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

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

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

Yukon Region Priority Information Needs

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

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

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



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

Kuskokwim Region Priority Information Needs

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

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

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



Southwest Alaska Region Priority Information Needs

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

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

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

Southcentral Alaska Region Priority Information Needs

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

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

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

Southeast Alaska Region Priority Information Needs

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

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

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

Multi-Regional Priority Information Needs

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



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

DRAFT STAFF ANALYSIS

FP15-01

ISSUES

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

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

DISCUSSION

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

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

Existing Federal Regulations

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

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

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

Proposed Federal Subsistence Regulations

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

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

Existing State Regulation

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

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

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

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

(1) in the Kenai River sport fishery,

(A) the use of bait is prohibited; or

(B) the use of bait and retention of king salmon are prohibited, and only one unbaited, barbless, single-hook, artificial lure, as described in 5 AAC 57.121(1)(J), may be used when sport fishing for king salmon;

Extent of Federal Public Waters

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

Regulatory History

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

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

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

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

Biological Background

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

Current Events

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

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



Other Alternates Considered

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

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

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

Effects of the Proposal

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

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

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

OSM PRELIMINARY CONCLUSION

Support Proposal FP15-01

Justification

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

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

LITERATURE CITED

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

ADF&G, 2013 A. Alaska Department of Fish and Game staff comments on commercial, personal use, sport, guided sport, and subsistence finfish regulatory proposals, committee of the whole-groups 1-6 for the Upper Cook Inlet Management Area, Alaska Board of Fisheries meeting Anchorage, Alaska, January 31-February 12, 2014. Alaska Department of Fish and Game, Regional Information Report No. 2A13-04, Anchorage.

ADF&G, 2013 B. Alaska Department of Fish and Game staff comments on commercial, personal use, sport, guided sport, and subsistence finfish regulatory proposals, Committees D, E, F, G for the Upper Cook Inlet Management Area, Alaska Board of Fisheries meeting Anchorage, Alaska, January 31-February 12, 2014. Alaska Department of Fish and Game, Regional Information Report No. 2A13-05, Anchorage.



DRAFT STAFF ANALYSIS

FP15-02

ISSUE

Proposal FP15-02, submitted by the Rampart Village Council, requests at least two 48-hour fishing periods per week in Yukon River Subdistrict 5C.

DISCUSSION

The proponent states that the community of Rampart, situated in Subdistrict 5C (Map 1), relies year round on fish that is harvested for subsistence in the summer. By allowing at least two 48-hour fishing periods per week, there will be more food for Rampart families, and winter living will be easier because of food security. Further, the proponent anticipates that every subsistence user in the community would support this proposal.

It should be noted that there is never a complete closure to all subsistence fishing in the area. State regulations currently allow for two 48 hour fishing periods per week for salmon in Subdistricts 5A, 5B, and 5C. However, for salmon, in recent years the regular fishing schedule consisting of two 48-hour weekly periods was closed for long periods in June and July in order to protect Chinook salmon. The majority of Chinook salmon typically move upstream of Subdistrict 5C by late July.

Federal public waters in Subdistrict 5C are limited to about 6 miles of the Yukon River, approximately 60 miles upriver from Rampart.

Existing Federal Regulation

§100.27(e)(3) Yukon-Northern Area.

...

(i) *Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (a)(3) of this section.*

(ii) *For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.*

...

(iv) *During any State commercial salmon fishing season closure of greater than 5 days in duration, you may not take salmon during the following periods in the following districts:*

...

(B) In District 5, excluding the Tanana River drainage and Subdistrict 5D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

Proposed Federal Regulation

§100.27(a)(3) Yukon-Northern Area.

...

(i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (a)(3) of this section.

(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

...

(iv) During any State commercial salmon fishing season closure of greater than 5 days in duration, you may not take salmon during the following periods in the following districts:

...

(B) In District 5, excluding the Tanana River drainage and Subdistrict 5D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

...

(xxii) In Subdistrict 5C, there will be a minimum of two 48-hour subsistence fishing periods per week between June 1 to October 1.

Relevant State Regulations

Article 4. Yukon Area

5 AAC 01.210. Fishing seasons and periods.

...



(b) When there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indicators indicate it is necessary for conservation purposes. The fishing periods for subsistence salmon fishing in the Yukon River drainage will be established by emergency order as follows:

...

(3) District 4, Subdistricts 5-A, 5-B, and 5-C; two 48-hour fishing periods per week;

...

(c) When there are commercial salmon fishing periods, in the following locations, in addition to subsistence fishing periods opened by emergency order, salmon may be taken for subsistence during commercial salmon fishing periods, except that salmon may not be taken for subsistence during the 24 hours immediately before the opening of the commercial salmon fishing season:

...

(2) District 5, excluding the Tazimina River drainage and Subdistrict 5-D;

...

(d) During the commercial salmon fishing season when the department announces a commercial fishing closure that will last longer than five days, salmon may not be taken for subsistence during the following periods in the following districts:

...

(2) in District 5, excluding the Tazimina River drainage and Subdistrict 5-D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

...

(g) The commissioner may establish, by emergency order, additional subsistence salmon fishing periods in Subdistricts 4-B and 4-C and Districts 5 and 6 to compensate for any lost fishing opportunities due to reductions in commercial salmon fishing time.

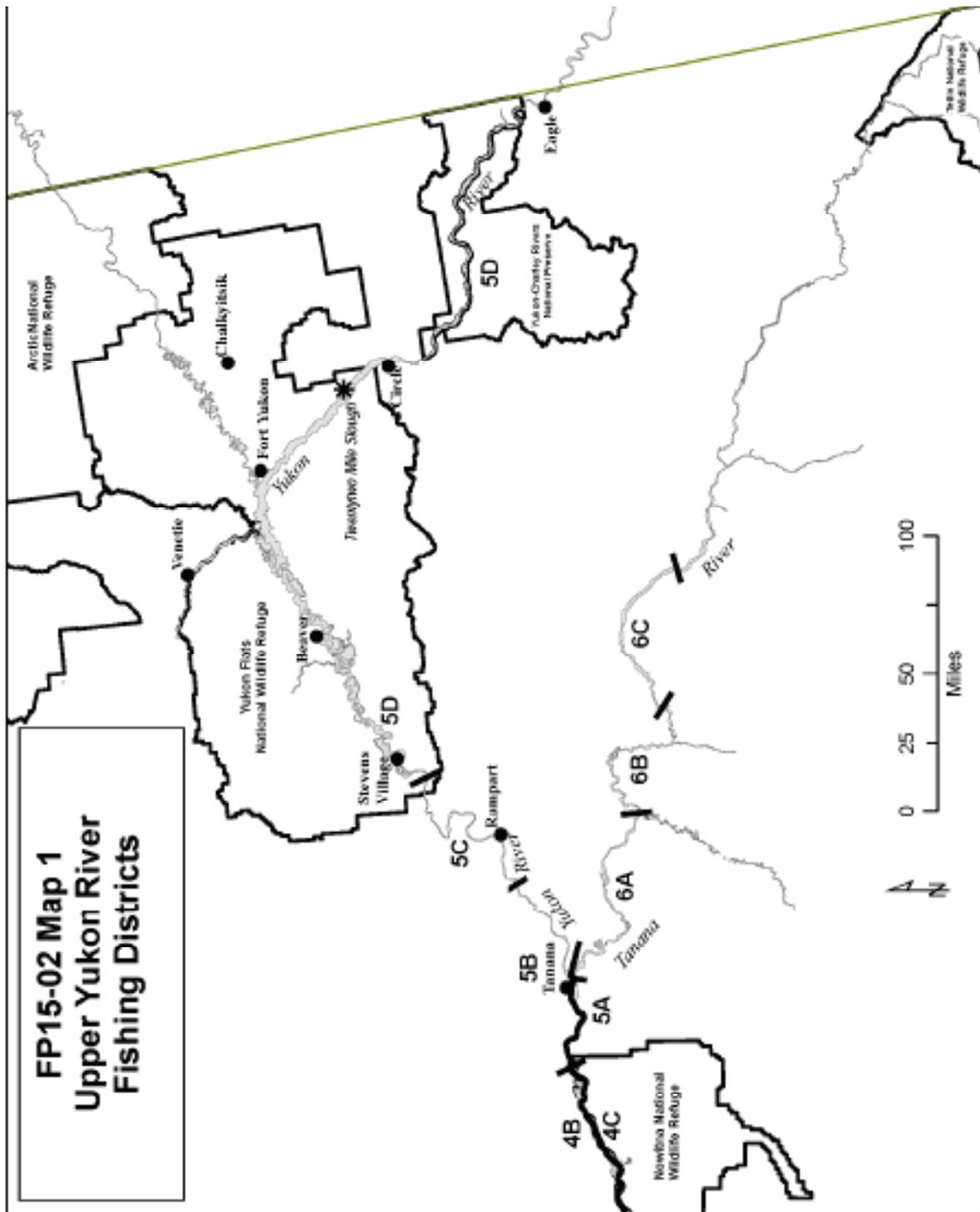
(h) Except as provided in 5 AAC 01.225, and except as may be provided by the terms of a subsistence fishing permit, there is no closed season on fish other than salmon.

5 AAC 01.230. Subsistence fishing permits

...

(b) A subsistence fishing permit is required as follows:

(1) for the Yukon River drainage upstream from the westernmost tip of Garnet Island to the mouth of the Dall River;



Extent of Federal Public Waters

For purposes of this discussion, the phrase "Federal public waters" is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are those portions of the Yukon River located within and adjacent to the external boundaries of the Yukon Flats National Wildlife Refuge in Subdistrict 5C. Approximately 6 river miles of Subdistrict 5C occur within Yukon Flats National Wildlife Refuge.

Customary and Traditional Use Determinations

For salmon other than fall chum salmon, residents of the Yukon River drainage, and the community of Stebbins have a customary and traditional use determination. For fall chum salmon, residents of the Yukon River drainage, and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak have a customary and traditional use determination.

Regulatory History

Since 2001, the subsistence salmon fishery has operated on a schedule established by the Alaska Board of Fisheries and implemented by the Alaska department of fish and game, which is chronologically consistent with migratory timing as the run progresses upstream. Subsistence fishing is open 7 days per week until the schedule is established. The subsistence salmon fishing schedule is based on current or past fishing schedules and provides reasonable opportunity for subsistence salmon fishing during years of normal to below average runs. The objectives of the schedule are to 1) reduce harvest early in the run when there is a higher level of uncertainty, 2) spread the harvest throughout the run to reduce harvest impacts on any particular component of the run, and 3) distribute subsistence fishing opportunity among all users during years of low salmon runs (ADF&G 2013a). By regulation, fall season management begins in District 1 after July 15. State regulations currently allow for two 48 hour fishing periods per week in Subdistricts 5A, 5B, and 5C. Subsistence fishing schedules are announced in joint news releases from the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service.

In 2013, a subsistence fishing period was cancelled in District 1 and the northern portion of the Coastal District beginning June 20, and closures were similarly implemented in upriver districts chronologically to reduce harvest of Chinook salmon as they migrated upriver. Subdistricts 4-A and 5-D were subdivided into smaller areas to improve management precision and flexibility to ensure full protection of Chinook salmon when the reduced subsistence fishing schedule was implemented. As the 2013 Chinook salmon run progressed, inseason projections indicated that the run was very weak and would likely be insufficient to meet all escapement objectives. Each of the subsequent three pulses of Chinook salmon were protected by subsistence fishing closures as they migrated through districts 1-5. Very limited fishing opportunity was provided in between pulses to allow harvest of chum salmon and other species. During these open subsistence fishing periods, gillnets continued to be restricted to 6-inch or smaller mesh size and in the upper river districts, the use of fish wheels was allowed with the stipulation that all Chinook salmon were to be release unharmed. In District 5, where relatively few summer chum salmon were available, subsistence fishing time was reduced even further to avoid offering opportunity that would primarily

target Chinook salmon. The most reductions in subsistence fishing opportunity occurred in Subdistrict 5-D, where additional closures were necessary to increase Chinook salmon passage into Canada in an attempt to meet the Canadian Interim Management Escapement Goal (IMEG) for the Canadian stock (ADF&G 2013a). All districts and subdistricts returned to their regulatory subsistence fishing schedules commensurate with switching over to fall management based on timing of fish migrating up river. In addition, upon switching to fall season management, subsistence fishermen were allowed to use up to 7.5 inch mesh gear. The schedules were as follows: commercial fishing continued in Districts 1 and 2 and subsistence fishing was open 7 days a week except for 12 hours before, during, and 12 hours after commercial openings. District 3 also went to a 7 day a week schedule because no commercial periods were to be announced. The Inuvik River opened to 7 days a week on July 14. The entire District 4 was on a 5 day per week schedule by August 4. Subdistricts 5-A, 5-B, and 5-C went to a 5 day per week schedule effective August 6 (commercial salmon fishing periods were announced in Subdistricts 5-B and 5-C throughout the fall season), and District 6 remained on their two 42-hour periods per week for the entire fall season. The Koyukuk River went to 7 days per week on July 26 and the Old Minto area went to their 5 day per week schedule on August 2. Finally, the entire Subdistrict 5-D was returned to a 7 days per week schedule by August 14 (ADF&G 2013b).

During the 2014 summer season subsistence fishing for salmon in Subdistrict 5C was closed for the majority of June and July. On June 7, 2014, subsistence fishing for salmon in Subdistrict 5C was closed to gillnets with a mesh size greater than 4 inches in order to protect Chinook salmon. On June 30, 2014, use of 4-inch or smaller mesh size gillnets in Subdistrict 5C was closed until further notice. On July 7, 2014, subsistence fishing for non-salmon species using 4-inch or smaller mesh size gillnets re-opened in Subdistrict 5C. On July 22, 2014, the subsistence fishery for salmon returned to its regular fishing schedule consisting of two 48-hour periods per week. On July 29, 2014 subsistence fishing using a 7.5-inch or less mesh size gillnet re-opened in Subdistrict 5C. August 5, 2014 subsistence fishing in subdistrict 5C was liberalized to a 5-day per week schedule allowing the use of fish wheels or gillnets with a mesh size of 7.5 inches or smaller.

Biological Background

Chinook Salmon

Recent analyses indicate that Yukon River Chinook salmon stocks appear to be in the 6th year of a multi-year period of low productivity. However, available data on Yukon River Chinook salmon stocks show periods of above-average abundance (1982-1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013).

In 2013, Chinook salmon escapement goals for some tributaries of the Yukon River including the West Fork Andreafsky, Nulato, and Sakha Rivers were achieved. However, the escapement goals for the East Fork Andreafsky, Anvik and Chena Rivers were not met. The cumulative count on the Gisasa River was below average. High water conditions on the Chena River precluded counting for much of the season. Preliminary Chinook salmon border passage based on the Eagle sonar was estimated at 30,401 which is



below the lower end border passage goal of 42,500 Chinook salmon. These numbers, however, are subject to change with postseason data analysis (ADF&G 2013a).

The Chinook salmon return to the Yukon River in 2014 was expected to be extremely poor and likely insufficient to meet all escapement goals. The outlook was for a run size range of 64,000 to 121,000 Chinook salmon. The 2014 Chinook run on the Yukon River was estimated to be 137,000 based on counts taken at the Pilot Station sonar as of June 30, 2014. The upper end of the border passage agreement of 55,000 Chinook salmon was met on approximately July 27 based on Eagle sonar counts.

Summer Chum Salmon

Summer chum salmon runs in the Yukon River have provided for harvestable surplus in each of the last 10 years, 2003-2013. In 2013 most tributaries producing summer chum salmon experienced above average escapement. The East Fork Andreafsky River Sustainable Escapement Goal and Anvik River Biological Escapement Goal were achieved and counts at the Gizea and Henshaw rivers were above average. Salcha River and Chena River escapements, as assessed by tower counts, were above their historical medians. Yukon River summer chum salmon runs generally exhibit strong run size correlations among adjacent years and it should be noted that poor runs have resulted from large escapements (ADF&G 2013a). Similar to the past few years, actual harvest of summer chum has been affected by fishing restrictions implemented in response to poor Chinook salmon runs.

Fall Chum Salmon

Calculating total Yukon River fall chum run size post season is based on individually monitored spawning escapements including estimated U.S. and Canadian harvests. Escapements were monitored in the Chandalar and Sheenjek Rivers, and the Canadian mainstem rivers using sonar, and in Fishing Branch River with a weir. Assessment of Tanana River stocks is based on either genetic apportionment of Pilot Station counts (both summer and fall Tanana River stocks passing after July 19) or the Delta River escapement and its relationship to the Tanana River mark-recapture estimates (ADF&G 2011). The preliminary 2013 run size estimate was greater than 1.1 million fall chum. Harvestable surplus of fall chum has been available the past 10 years (2003-2013).

Coho Salmon

There are few coho salmon spawning escapement assessment projects in the Yukon River drainage. The Delta Clearwater River has the only established escapement goal for coho salmon, a Sustainable Escapement Goal of 5,200-17,000 fish (ADF&G 2011). A coho salmon index developed for the Yukon River from 1995 to 2012 (excluding 1996 and 2009) suggests that the average run size is 197,000 fish while the average escapement is 145,000 fish. The preliminary 2013 coho run size estimate is 137,000 and the escapement is estimated to be 51,000 fish (ADF&G 2013b). Harvestable surplus of coho salmon has been available for the past 10 years (2003 - 2013).

Harvest History

The community of Rampart consisted of 68 people in 1990, 45 people in 2000, and 24 people in 2010, according to the U.S. Census (ADCCED 2014). Many were of Koyukon Athabascan heritage. Residents of Rampart harvested a 20-year (1991–2010) average of 3,075 salmon annually (Table I). The overall harvest of salmon has declined over the past 20 years, due in part to a decreasing population. The harvests of all species of salmon have declined. The most recent year for which information is available is 2011 (Jalles et al. 2012). In 2011, four Rampart households received State subsistence or personal use permits and reported harvesting 201 Chinook, 67 summer chum, and 340 fall chum salmon. For the Rampart Area, in 2011, the State issued a total of 29 subsistence and personal use permits (Permit SR). People reported harvesting 1,586 Chinook, 429 summer chum, 768 fall chum, and one coho salmon on the permits. The Haul Road Bridge is located 57 river miles upriver from the community of Rampart and approximately 5 miles downstream of the Federal waters of Subdistrict 5C. In the Haul Road Bridge Area, in 2011, people obtained 74 permits (Permit SY) and reported harvesting 1,552 Chinook, 1,139, summer chum, 1,828 fall chum, and 1 coho salmon. Residents of Stevens Village obtained 5 of the Haul Road Bridge Area permits in 2011. Most of the Rampart Area (SR) and Haul Road Bridge Area (SY) permits were issued to people from outside the area.

Effects of the Proposal

If this proposal is adopted it would likely increase the opportunity for subsistence users to harvest salmon and/or other fish species during times of conservation. Continued harvest of salmon or other fishes during times of conservation when restrictions are necessary could result in insufficient numbers of fish for spawning and thereby threaten the continuance of subsistence uses of overharvested salmon or other fish species in the future.

OSM PRELIMINARY CONCLUSION

Oppose FP15-02

Justification

For the Yukon area, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for subsistence taking of fish under State issued emergency orders unless superseded by Federal Special Action or regulation. State regulations currently allow for two 48 hour fishing periods per week in Subdistricts 5A, 5B, and 5C. **Beginning the first week of August in both 2013 and 2014 seasons, subsistence fishing schedules have been liberalized to at least a 5-day per week schedule allowing the use of fish wheels or gillnets with a mesh size of 7.5 inches or smaller.** However, as cited in regulation, the commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indicators indicate it is necessary for conservation purposes. Fishery managers have the ability to manage both time and area and liberalize or restrict fishing



opportunities based on the abundance of salmon that enter the river. The proposed regulatory change would likely increase the level of harvest of salmon or other fishes during times of conservation and thereby reduce the likelihood of meeting spawning needs. Failure to provide sufficient numbers of salmon or other fish species for spawning could threaten the continuance of subsistence uses of salmon or other fishes in the Yukon River in the future.

LITERATURE CITED

ADCCHD (Alaska Department of Commerce, Community, and Economic Development). 2014. Community Database Online. <<http://commerce.alaska.gov/cra/DCRAHExternal/>>, accessed July 1. Division of Community and Regional Affairs, Juneau.

AID&G. 2011. Alaska Department of Fish and Game. 2011 Preliminary Yukon River Fall Season Summary. News Release, Nov 7, 2011. Website:

http://www.adfg.alaska.gov/static/fishing/PDFs/commercial/2011_yukonriver_falleason_summary.pdf

AID&G. 2013a. Alaska Department of Fish and Game. 2013 Preliminary Yukon River Summer Season Summary. News Release, October 7, 2013. Website:

<http://www.adfg.alaska.gov/static/applications/dcfnnewsrelease/369991357.pdf>

AID&G. 2013b. Alaska Department of Fish and Game. 2013 Yukon River Fall Season Summary. News Release, November 27, 2013. Website: <http://www.adfg.alaska.gov/static/applications/dcfnnewsrelease/375437276.pdf>

AID&G. 2014. Summer Announcements Nos. 5, 15, 22, and 36. Fishery News Releases and Announcements. Division of Commercial Salmon Fisheries. Yukon Management Area.

http://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareayukon_salmon#/static/applications/dcfnnewsrelease/36307447.pdf, accessed August 1, 2014.

Jollen, D. M., S. K. S. Decker, and T. Hamazaki. 2012. Subsistence and personal use salmon harvests in the Alaska portion of the Yukon River drainage, 2011. Alaska Department of Fish and Game, Fishery Data Series No. 12-72, Anchorage.

Schindler, D., C. Krueger, P. Risson, M. Bradford, B. Clark, J. Conitz, K. Housud, M. Jones, J. Murphy, K. Myers, M. Schaeffer, B. Volk, and J. Winton. 2013. Arctic-Yukon-Kuskokwim Chinook Salmon Research Action Plan: Evidence of Decline of Chinook Salmon Populations and Recommendations for Future Research. Prepared for the AYK Sustainable Salmon Initiative (Anchorage, AK). v + 70 pp.

Whitmore, C., D. J. Bergstrom, F. M. Anderson, G. Sandrine, J. Wilcock, L. H. Barton, and D. Mesier. 1990. Annual management report Yukon area, 1988. Alaska Department of Fish and Game, Division of Commercial Fisheries, Regional Information Report 1A90-28, Anchorage.

http://www.adfg.alaska.gov/index.cfm?adfg=commercialbyareayukon_salmon#/static/applications/dcfnnewsrelease/412541829.pdf



Year	Number of fish harvested ^a				
	Chinook	Summer chum	Fall chum	Coho	Total
1989	3,177	28	2,472	87	5,762
1990	1,481	58	10,818	591	12,948
1991	888	20	5,801	58	6,867
1992	2,802	4,484	5,701	75	13,072
1993	1,958	1,488	3,272	38	6,755
1994	1,354	558	1,007	98	3,019
1995	1,481	1,188	1,403	0	4,072
1998	1,751	1,188	886	5	3,830
1997	2,203	738	645	34	3,620
1998	885	19	100	20	1,024
1999	2,018	60	4,824	128	6,828
2000	847	47	0	0	894
2001	1,857	0	183	0	2,040
2002	852	14	0	0	866
2003	1,411	8	365	0	1,785
2004	287	103	0	0	390
2005	411	315	358	10	1,094
2008	428	135	250	0	814
2007	250	25	250	50	575
2008	138	27	1,000	0	1,163
2009	528	112	1,000	0	1,640
2010	282	181	735	24	1,182
2011	201	67	340	0	608
1991 to 2000 average	1,827	978	2,345	48	4,995
2001 to 2010 average	842	80	414	8	1,155
1991 to 2010 average	1,134	534	1,380	27	3,075

Source: Jallen et al. (2012) and Whitmore et al. (1990)

^a From 1988 to 2003, salmon harvests were estimated based on household harvest surveys. From 2004 to 2011, salmon harvests were reported on State subsistence harvest permits.

DRAFT STAFF ANALYSIS

FP15-03

ISSUE

Proposal FP15-03, submitted by the Eastern Interior Regional Advisory Council, requests the elimination of the use of drift gillnet fishing gear for the targeting of Chinook salmon in Yukon River Districts 1–4 (Map 1).

DISCUSSION

This proposed regulatory change is intended to eliminate the use of drift nets for the targeting of Chinook salmon in the Yukon River. The proponent states that escapement goals have not been met for Chinook salmon in recent years and this change in regulation should improve overall Chinook salmon escapement throughout much of the Yukon River drainage.

Existing Federal Regulation

Yukon-Northern Area

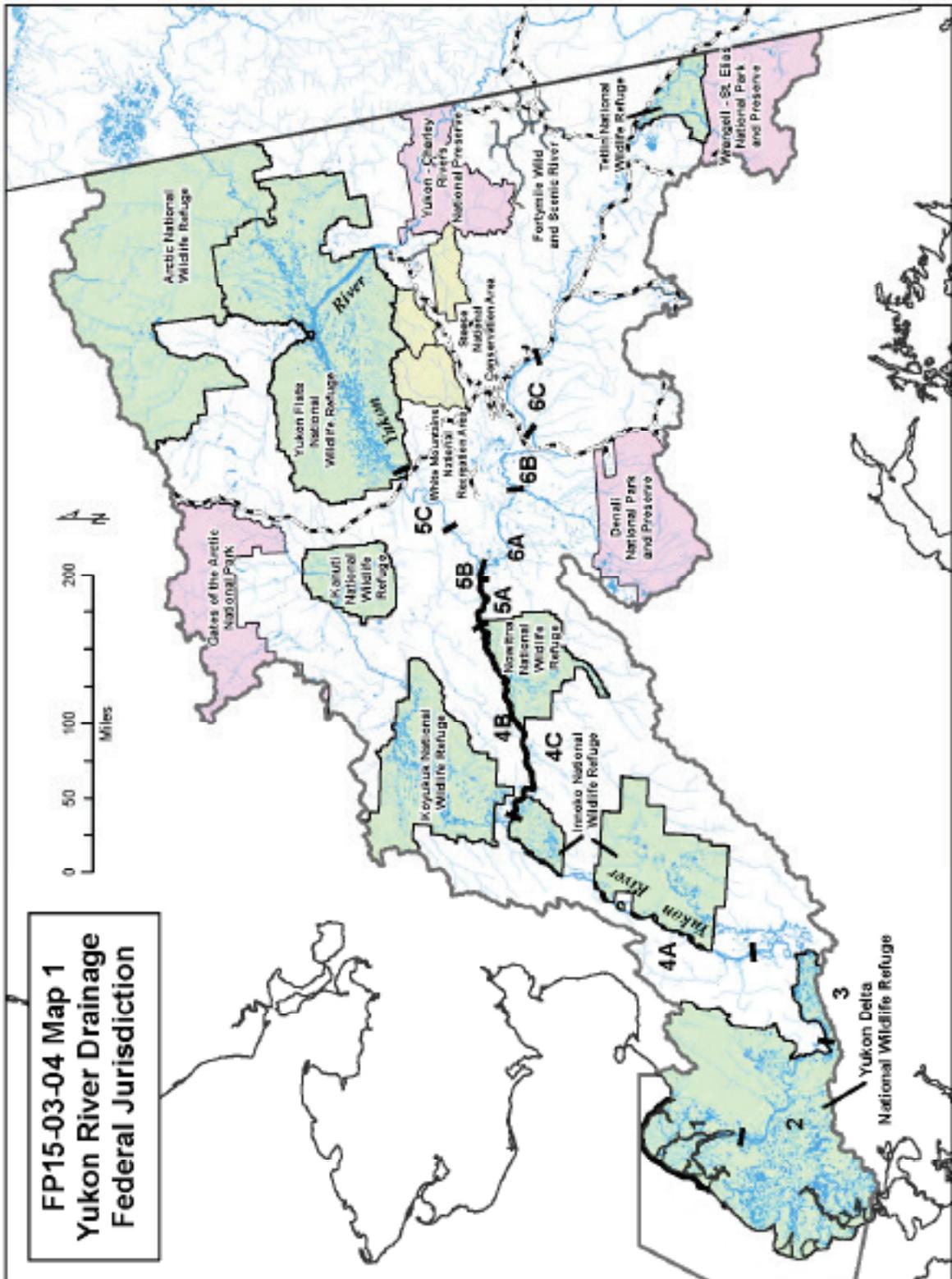
§ __.27(e)(i)(3)(ziii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.

(v) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:

(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14.

(C) In the Yukon River mainstem, Subdistricts 4B and 4C you may take Chinook salmon during the weekly subsistence fishing opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.



Proposed Federal Regulations

Yukon-Northern Area

~~§ 27(a)(3)(iii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.~~

~~(iv) In Districts 1, 2, 3, 4, 5, and 6, you may not take Chinook salmon for subsistence purposes by drift gillnets, except as follows:~~

~~(A) In Districts 1, 2, and 3, you may take salmon other than Chinook salmon by drift gillnets. In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;~~

~~(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14;~~

~~(C) In the Yukon River mainstem, Subdistricts 4B and 4C, you may take Chinook salmon during the weekly subsistence fishing, spawning(s) by drift gillnets no more than 150 feet long and no more than 35 meters deep, from June 10 through July 14;~~

State Regulations

Subsistence Finfish Fishery—Yukon Area

5 AAC 01.220. Lawful gear and gear specifications

~~(a) Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, subject to the restrictions set out in this section, 5 AAC 01.210, and 5 AAC 01.225–5 AAC 01.249.~~

~~(a) In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:~~

~~(1) in Subdistrict 4-A upstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14, and chum salmon may be taken by drift gillnets after August 2;~~

~~(2) in Subdistrict 4-A downstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14;~~

Extent of Federal Public Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are those portions of the Yukon River located within and adjacent to the external boundaries of the Yukon Delta National Wildlife Refuge in Districts 1, 2 and 3; Innoko National Wildlife Refuge in District 4; Koyukuk National Wildlife Refuge in District 4; Kanuti National Wildlife Refuge in District 4; Nuvwitsa National



Wildlife Refuge in Districts 4 and 5; Yukon Flats National Wildlife Refuge in District 5; Arctic National Wildlife Refuge in District 5; Tetlin National Wildlife Refuge in District 6; Yukon-Charlie National Park; Denali National Park in District 6; Gates of the Arctic National Park in District 4; Wrangell-St. Elias National Park in District 6; White Mountains and Steese National Recreation Areas in Districts 5 and 6; and all components of the Wild and Scenic River System located outside the boundaries of National Parks, National Preserves, or National Wildlife Refuges, including segments of the Beaver Creek, Birch Creek, Delta, and Fortymile Wild and Scenic Rivers.

Customary and Traditional Use Determinations

All rural residents of the Yukon River drainage and the community of Stebbins have a customary and traditional use determination for Chinook salmon in the Yukon River drainage.

Regulatory History

State of Alaska Regulatory History

In November 1973, the Alaska Board of Fisheries prohibited the use of drift gillnets for commercial fishing in the Yukon River upstream of the confluence with the Bonanza River. This action was based on the assessment that drift gillnet use was historically low in the middle and upper Yukon River drainage and the need to prevent possible gear conflicts in the future (ADF&G 2001).

In December 1976, the Alaska Board of Fisheries prohibited the use of drift gillnets for subsistence fishing in the middle and upper Yukon Areas (Districts 4-6). The Alaska Board of Fisheries discussions at that time indicated that the possible increase in the use of drift gillnets could seriously impact both the conservation and allocation of middle and upper Yukon River salmon stocks, which were being harvested at maximum levels (ADF&G 2001). Subsistence users were allowed to continue using drift gillnets throughout the Yukon River drainage until the 1977 season.

In 1981, drift gillnets were again allowed for subsistence salmon fishing in Subdistrict 4-A upstream from Stink Creek.

In 1994, the Alaska Board of Fisheries questioned the need for drift gillnets to provide for adequate subsistence opportunity. State staff comments suggested that at that time it did not appear necessary (ADF&G 2001). The Alaska Board of Fisheries stated that the Alaska Department of Fish and Game could allow increased time for subsistence fishing with other gear types by Emergency Order, as an alternative, if subsistence needs were not being met.

In 1995, the remainder of Subdistrict 4-A, below Stink Creek, was reopened to the use of drift gillnets for subsistence fishing.

In January 2001 and 2004, the Alaska Board of Fisheries denied requests for the use of drift gillnets in Subdistrict 4-B based on concerns of increased harvests and considered the proposals to be a new and expanding fishery that could target a stock of yield concern. Yukon River Chinook and fall chum salmon

were designated as stocks of “yield concern”¹ in the fall of 2000. Summer chum salmon were designated as a stock of “management concern”².

In February 2007, the Alaska Board of Fisheries rejected a proposal to prohibit subsistence and commercial gillnets over 6.0-inch stretch mesh.

In March 2007, the Fairbanks Fish and Game Advisory Committee submitted an agenda change request to the Alaska Board of Fisheries requesting that it take emergency action to restrict the maximum mesh size of subsistence and commercial gillnets to 7.5-inch mesh in the Yukon River. During its October 9–11, 2007 work session, the Alaska Board of Fisheries stated that this issue was thoroughly discussed at its January/February 2007 Arctic-Yukon-Kuskokwim meeting and rejected the agenda change request (ADF&G 2007).

The Alaska Board of Fisheries met again in January 2010 to consider regulatory proposals to reduce exploitation rates, gillnet mesh size and depth to address long standing conservation concerns about decreasing trends in size and productivity of Yukon River Chinook salmon. Proposal 90 requested a prohibition of gillnets with greater than 6.0-inch stretch mesh for the Yukon River commercial and subsistence fisheries. The Alaska Board of Fisheries amended Proposal 90 and adopted regulations that limit the maximum gillnet mesh size for Yukon River commercial and subsistence fisheries to 7.5-inch stretch mesh, effective in 2011 allowing a one year phase-in period for fishermen (ADG&G 2010). In addition, the Alaska Board of Fisheries amended Proposal 94 that addressed window closure schedules and adopted a regulation that gave ADF&G managers emergency order authority to sequentially close fisheries to allow pulses (large numbers of migrating fish) to migrate with little or no exploitation (not fished) through all fisheries to their spawning grounds. Fishermen and ADF&G managers reported that this strategy had worked well during 2009 to increase the numbers and quality of escapement (larger, older female fish) reaching spawning streams (ADF&G 2010).

Federal Regulatory History

Since October 1999, Federal regulations for the Yukon-Northern Area stipulated that, unless otherwise restricted, rural residents may take salmon in the Yukon-Northern Area at any time by gillnet, beach seine, fish wheel, or rod and reel unless exceptions are noted. In Subdistricts 4-B, 4-C and District 5, subsistence regulations have mirrored those of the State, stipulating that fishers may not take salmon

¹ Yield concern: a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses, above a stock’s escapement needs. “Chronic inability” refers to the continuing or anticipated inability to meet expected yields over a four to five year period, which is roughly equivalent to the generation time of most salmon species. “Expected yields” refers to levels at or near the lower range of the recent historic harvests if they are deemed sustainable. A yield concern is less severe than a management concern, which refers to a stock that fails to consistently achieve biological escapement or optimal escapement goals (ADF&G and BOF 2000).

² Management concern: a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a stock within the bounds of the SEG, BEG, OBG, or other specific management objectives for the fishery. “Chronic inability” means the continuing or anticipated inability to meet escapement objectives over a four to five year period, which is roughly equivalent to the generation time of most salmon species. A management concern is not as severe as a conservation concern, which refers to a stock that fails to consistently meet its sustained escapement threshold (SET) (ADF&G and BOF 2000).



using drift gillnets. A less restrictive proposal (FP04-05) to allow the use of drift gillnets in the lower 16 miles of Subdistricts 4-B and 4-C was submitted to the Federal Subsistence Board in 2003. The Federal Subsistence Board rejected that proposal based on conservation concerns. However, there were many points discussed on both sides of the issue during that Federal Subsistence Board meeting. The proponent was encouraged to work with State and Federal staff and subsistence users to craft another proposal with some adjustments that may help address some of the conservation concerns (FSB 2003).

In 2002 the Federal Subsistence Board delegated some of its authority to manage Yukon River drainage subsistence salmon fisheries to the Branch Chief for Subsistence Fisheries, U.S. Fish and Wildlife Service, in Fairbanks, Alaska (Appendix A). The Federal Subsistence Board's delegation allows the Federal manager to open or close Federal subsistence fishing periods or areas provided under codified regulations, and to specify methods and means.

In 2004, fishery proposal FP05-04, submitted by the Western Interior Subsistence Regional Advisory Council, requested that drift gillnets be allowed in Subdistricts 4-B, 4-C and District 5 of the Yukon River. This gear would be restricted both in depth and length, not to exceed 35 meshes in depth and 150 feet in length. The use of drift gillnets would only be allowed during two-36-hour periods within the current subsistence fishing schedules or periods in Subdistricts 4-B, 4-C, and District 5. This proposal was adopted with modification to exclude chum salmon and to include a requirement for a registration permit (FSB 2005).

In 2013, fishery proposal FP13-01, submitted by the Koyukuk National Wildlife Refuge, requested the removal of the Federal subsistence permit requirement for the Chinook salmon drift gillnet fishery for Yukon River Subdistricts 4B and 4C. This proposal was adopted (FSB 2013).

Gear Used in the Middle and Upper Yukon River

Loyens (1966) describes the importance of salmon to the people of the Yukon River as "the staple in the native food supply...and that fishing was the most important subsistence activity" and it remains highly important today. Among salmon, Chinook salmon are foremost in importance for most people, followed by chum and coho salmon (Pope 1979).

Historically, the primary salmon fishing gear types were fish traps used together with fish fences, gillnets, and dip nets prior to the introduction of fish wheels around the turn of the century (Loyens 1966). Around 1910, people along the Yukon began to use the fish wheel almost exclusively in the middle and upper river areas, establishing large camps on the Yukon River (McFadyen Clark 1981).

Drift gillnets were historically used by the Deg Hit'an and Koyukuk Athabaskan people in the middle Yukon as an alternative to fish traps or dip nets (Wheeler 2004 pers. comm., and Osgood 1940). Drift gillnets were primarily used to catch Chinook salmon and were deployed from a canoe or suspended between two canoes on the main river. During the 1950s drift gillnets became more common, facilitated in part by the introduction of power motors.

Drift gillnets have been used by some residents of Galena for many years. When drift gillnets were again allowed in the upper portion of Subdistrict 4-A in 1981, fishers from Galena began making the 16-mile trip downstream to drift for Chinook salmon. Typically, unrelated individuals fish together during the

evenings for several hours at a time (Marcotte 1990). This method of salmon fishing can be effective for catching Chinook and fall chum salmon with economy of effort since separate trips are not needed to reset or pull gear at the beginning and ends of the open fishing periods (Marcotte 1990).

Biological Background

Chinook Salmon

Recent analyses indicate that Yukon River Chinook salmon stocks appear to be in the 6th year of a multi-year period of low productivity. However, available data on Yukon River Chinook salmon stocks show periods of above-average abundance (1982-1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013).

In 2013, Chinook salmon escapement goals for some tributaries of the Yukon River including the West Fork Andrusfky, Nulato, and Salcha Rivers were achieved. However, the escapement goals for the East Fork Andrusfky, Anvik and Chena Rivers were not met. The cumulative count on the Gisasa River was below average. High water conditions on the Chena River precluded counting for much of the season. Preliminary Chinook salmon border passage based on the Eagle sonar was estimated at 30,401 which is below the lower end border passage goal of 42,500 Chinook salmon. These numbers, however, are subject to change with postseason data analysis (ADF&G 2013a).

The Chinook salmon return to the Yukon River in 2014 was expected to be extremely poor and likely insufficient to meet all escapement goals. The outlook was for a run size range of 64,000 to 121,000 Chinook salmon. The 2014 Chinook run on the Yukon River was estimated to be 137,000 based on counts taken at the Pilot Station sonar as of June 30, 2014. The upper end of the border passage agreement of 55,000 Chinook salmon was met on approximately July 27 based on Eagle sonar counts.

Summer Chum Salmon

Summer chum salmon runs in the Yukon River have provided for harvestable surpluses in each of the last 10 years, 2003-2013. In 2013 most tributaries producing summer chum salmon experienced above average escapement. The East Fork Andrusfky River Sustainable Escapement Goal and Anvik River Biological Escapement Goal were achieved and counts at the Gisasa and Henshaw rivers were above average. Salcha River and Chena River escapements, as assessed by tower counts, were above their historical medians. Yukon River summer chum salmon runs generally exhibit strong run size correlations among adjacent years and it should be noted that poor runs have resulted from large escapements (ADF&G 2013a). Similar to the past few years, actual harvest of summer chum has been affected by fishing restrictions implemented in response to poor Chinook salmon runs.

Fall Chum Salmon

Calculating total Yukon River fall chum run size post season is based on individually monitored spawning escapements including estimated U.S. and Canadian harvests. Escapements were monitored in



the Chandalar and Sheenjek Rivers, and the Canadian mainstem rivers using smolt, and in Fishing Branch River with a weir. Assessment of Tanana River stocks is based on either genetic apportionment of Pilot Station counts (both summer and fall Tanana River stocks passing after July 19) or the Delta River escapement and its relationship to the Tanana River mark-recapture estimates (ADF&G 2011). The preliminary 2013 run size estimate was greater than 1.1 million fall chum. Harvestable surplus of fall chum has been available the past 10 years (2003–2013).

Coho Salmon

There are few coho salmon spawning escapement assessment projects in the Yukon River drainage. The Delta Clearwater River has the only established escapement goal for coho salmon, a Sustainable Escapement Goal of 5,200–17,000 fish (ADF&G 2011). A coho salmon index developed for the Yukon River from 1995 to 2012 (excluding 1996 and 2009) suggests that the average run size is 197,000 fish while the average escapement is 145,000 fish. The preliminary 2013 coho run size estimate is 137,000 and the escapement is estimated to be 51,000 fish (ADF&G 2013b). Harvestable surplus of coho salmon has been available for the past 10 years (2003 – 2013).

Harvest History – Chinook Salmon

Chinook salmon subsistence harvests have been approximately 50,000 fish annually in the Alaskan portion of the Yukon River over the past 20 years. However, subsistence harvest levels of Chinook salmon have declined since 2007 due to declining run abundance and resultant harvest restrictions. In recent years, subsistence fishing has increasingly targeted non-Chinook salmon species such as whitefish. In order to allow continued subsistence opportunity throughout the season, subsistence fishing activity has been managed to avoid Chinook and allow the harvest of other fish species.

Most rural residents of the Yukon River drainage (minus the Tanana River) live in 39 villages (see Table 1). They harvested an estimated 10-year average (2001–2010) of 45,597 Chinook salmon annually. The harvest has decreased 15% between the 2001–2005 five-year average (49,067 fish) and the 2006–2010 five-year average (42,128 fish; Table 2; Jallen et al. 2012). A similar decrease occurred in all 6 management districts. According to preliminary results, in 2012, 26,065 Chinook salmon were harvested by rural residents of the Yukon River drainage, and 11,000 Chinook salmon were harvested in 2013 (JTC 2013 and 2014).

In 2011, based on household harvest surveys, 4 communities (Pitkas Point, St. Mary's, Pilot Station, and Kaltag) were estimated to harvest 100% of their Chinook salmon by drift gillnets. Seven communities (Huslia, Hughes, Allakaket, Alatna, Stevens Village, Birch Creek, and Venetie) were estimated to harvest 100% of their Chinook salmon by set gillnets. Fish wheels were only used to harvest Chinook salmon in 4 communities: Ruby (68% of Chinook salmon harvested by the community), Tanana (51%), Beaver (20%), and Pt. Yukon (74%).

Household harvest surveys are not done with residents of Rampart, Circle, Central, Eagle, Manley, Mintu, Nenana, and Healy. Instead, these residents must obtain a State subsistence or personal use permit. Two communities (Rampart and Healy) reported harvesting 100% of their salmon with set gillnets.

Households in the other 6 communities reported using set gillnets or fish wheels as their primary gear to harvest salmon. Primary gear was determined by the larger number of salmon harvested by gear types in the household (Jallen et al. 2012).

Current Events - Chinook Salmon

Directed commercial fishing for Yukon River Chinook salmon has been discontinued since 2007 and subsistence fishing opportunities have become increasingly restrictive in an effort to conserve Chinook salmon. In 2013, fishery managers reduced subsistence fishing opportunity to limit harvests to approximately 25% of historical levels. However, even with reduced subsistence harvests, most escapement objectives were not met. The 2013 Chinook salmon run was one of the poorest runs on record. The Chinook salmon return to the Yukon River in 2014 was expected to be extremely poor and likely insufficient to meet all escapement goals. Fishermen throughout the drainage were advised ahead of the season to not expect fishing opportunity to harvest Chinook salmon and to consider using other more abundant fish resources available to them to supplement their subsistence needs. The 2014 season began with no subsistence, sport, or commercial fisheries anticipated for Chinook salmon in the U.S. portion of the Yukon River drainage. Subsistence fishing opportunities for species other than Chinook salmon were available throughout the 2014 season and the majority of subsistence fishing restrictions that occurred were during June and July to protect Chinook salmon as they moved upriver to spawning areas.

Effects of the Proposal

If this proposal were adopted, it would remove drift gillnets as a gear type for the Federal subsistence harvest of Chinook salmon in Yukon River Districts 1-4 and could reduce the fishing efficiency for harvesting Chinook salmon in the U.S. portion of the Yukon River in these Districts. Eliminating the use of drift nets for the targeting of Chinook salmon in Yukon River Districts 1-4 could benefit Chinook salmon during times of conservation concerns, if it effectively reduced harvest efficiency to the extent that it reduced overall harvest. However, the elimination of this gear type could also be a detriment to subsistence users whose harvest of Chinook salmon, during years of strong Chinook salmon runs, may be more effective with the use of drift nets.

State regulations allow the taking of salmon with drift gillnets in state waters within districts 1-4. Therefore, Federally qualified users fishing under state regulations could still utilize gillnets.



OSM PRELIMINARY CONCLUSION

Oppose FP15-03.

Justification

This proposal would remove a fishing gear option that is currently relied upon by one segment of the fishing community and would not affect the fishing practice of others. Additionally, if the intention is to reduce the harvest of Chinook salmon during times of conservation need, this could be achieved through existing regulatory authorities that allow in-season managers to open or close Federal subsistence fishing periods or areas provided under codified regulations, and to specify methods and means (Appendix A).

LITERATURE CITED

ADF&G. 2001. Staff comments on subsistence, personal use, sport, guided sport, and commercial finfish regulatory proposals. Alaska Board of Fisheries meeting (Anchorage) for the Bristol Bay, AYK, and Alaska Peninsula/Aleutians Islands Finfish Areas. January 9 – February 2, 2001. page 235.

ADF&G. 2011. Alaska Department of Fish and Game. 2011 Preliminary Yukon River Fall Season Summary. News Release, Nov 7, 2011. Website:

http://www.adfg.alaska.gov/static/fishing/PDFs/commercial/2011_yukonriver_fallsession_summary.pdf

ADF&G. 2013a. Alaska Department of Fish and Game. 2013 Preliminary Yukon River Summer Season Summary. News Release, October 7, 2013. Website:

<http://www.adfg.alaska.gov/static/applications/tk/fnewsrelease/369991357.pdf>

ADF&G. 2013b. Alaska Department of Fish and Game. 2013 Yukon River Fall Season Summary. News Release, November 27, 2013. Website:

<http://www.adfg.alaska.gov/static/applications/tk/fnewsrelease/376437276.pdf>

FSR. 2003. Transcripts of the Federal Subsistence Board proceedings, December 9, 2003 in Anchorage Alaska. Office of Subsistence Management, FWS. Anchorage, AK.

FSR. 2005. Transcripts of the Federal Subsistence Board proceedings, January 18, 2005 in Anchorage Alaska. Office of Subsistence Management, FWS. Anchorage, AK.

FSR. 20013. Transcripts of the Federal Subsistence Board proceedings, January 24, 2013 in Anchorage Alaska. Office of Subsistence Management, FWS. Anchorage, AK.

Jallen, D. M., S. K. S. Decker, and T. Haminski. 2012. Subsistence and personal use salmon harvests in the Alaska portion of the Yukon River drainage, 2011. Alaska Department of Fish and Game, Fishery Data Series No. 12-72, Anchorage.

JTC (Joint Technical Committee of the Yukon River US/Canada Panel). 2013. Yukon River salmon 2012 season summary and 2013 season outlook. ADF&G, Division of Commercial Fisheries, Regional Information Report 3A13-02, Anchorage.

JTC (Joint Technical Committee of the Yukon River US/Canada Panel). 2014. Yukon River salmon 2013 season summary and 2014 season outlook. Alaska Department of Fish and Game, Division of Commercial Fisheries, Regional Information Report 3A14-01, Anchorage.

Loyens, W. 1966. The changing culture of the Nulatu Koryukon Indians. Ph.D. Dissertation. University of Wisconsin. University Microfilms. Ann Arbor, Michigan.

Murotte, J. R. 1990. Subsistence harvest of fish and wildlife by residents of Galena, Alaska 1985-86. Technical Paper No. 155. Alaska Department of Fish and Game, Division of Subsistence. Juneau, Alaska. page 56.

McPadyen Clark, A. 1981. Koryukon. In handbook of North American Indians. Subarctic. J. Helm Volume Editor.



Smithsonian, Washington, D.C.

Gogood, C. B. 1940. Ingalik material culture. Yale University Publications in Anthropology. No. 22. New Haven, Connecticut.

Page, Douglas. 1979. The Upper Yukon and other freshwater salmon fisheries: findings, conclusions, and recommendations. Prepared for the Eleventh Alaska Legislature. Anchorage.

Schindler, D., C. Krueger, P. Riesen, M. Bradford, B. Clark, J. Conite, K. Howard, M. Jones, J. Murphy, K. Myers, M. Schusterell, B. Volk, and J. Winton. Arctic-Yukon-Kuskokwim Chinook Salmon Research Action Plan: Evidence of Decline of Chinook Salmon Populations and Recommendations for Future Research. Prepared for the AYC Sustainable Salmon Initiative (Anchorage, AK). v+ 70 pp.

U. S. Fish and Wildlife Service. 1955. Progress report No. 1A special report on the salmon resources of the Yukon River basin (above Camas) Yukon Territory, Canada. Juneau, Alaska. Page 11.

Wheeler, P. 2004. Anthropologist. Office of Subsistence Management, Fisheries Information Services, Anchorage, AK. Personal Communication.

Table 1. Rural residents of the Yukon River drainage, by community and management district.

YUKON RIVER DRAINAGE					
FISHING MANAGEMENT DISTRICT/COMMUNITY					
District 1	District 2	District 3	District 4	District 5	District 6
Nunam Iqaa	Mountain Village	Russian Mission	Amik	Tanana	Manley
Alakanuk	Pitkas Point	Holly Cross	Guying	Rampart	Minto
Emmonak	St. Mary's	Shagekut	Kallag	Steven Village	Nenana
Kotik	Pilot Station		Nulato	Birch Creek	Healy
	Marshall		Koyukuk	Beaver	
			Galena	Fort Yukon	
			Ruby	Circle	
			Huslia	Central	
			Hughes	Eagle	
			Allakuliel	Veneta	
			Alatna	Chalkyitsik	
			Bettles		

Table 2. The harvest of Chinook salmon by Federally qualified subsistence users, Yukon River drainage, by district, 1988 to 2011

FEDERAL							
CHINOOK SALMON HARVEST—YUKON RIVER DRAINAGE							
Year	Number of fish harvested ^a						
	District 1	District 2	District 3	District 4	District 5	District 6	Total
2001	7,090	13,442	6,361	10,152	12,441	2,138	51,624
2002	5,003	8,954	4,130	9,458	11,034	908	40,087
2003	6,332	9,688	5,002	12,771	17,250	1,753	52,796
2004	5,890	9,724	4,748	16,288	13,869	938	51,229
2005	5,058	9,158	5,131	13,984	14,840	857	49,028
2006	5,122	8,038	5,374	12,022	13,740	1,104	45,401
2007	6,050	10,553	4,851	11,831	16,855	1,308	51,057
2008	6,163	8,828	5,855	10,618	9,728	497	41,689
2009	4,125	6,135	2,824	9,514	7,408	888	30,895
2010	5,856	8,678	4,290	12,888	8,727	1,052	41,499
2011	6,255	8,068	4,134	9,863	8,007	1,037	37,365
2001 to 2005 average	5,832	10,168	5,076	12,522	13,909	1,318	49,057
2006 to 2010 average	5,465	8,448	4,821	11,375	11,252	970	42,128

Source: Jallen et al. (2012).

Note: Does not include the Coastal District, does not include harvests from State personal use permits, does not include harvest by Fairbanks State subsistence permit holders.





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

Federal Subsistence Board

3601 C Street, Suite 1030
Anchorage, Alaska 99503



FOREST SERVICE

FWS/OSM/C:/HolderInSeasonLtr

MAY -3 2002

Mr. Russ Holder, Branch Chief for Subsistence Fisheries
U. S. Fish & Wildlife Service
Fairbanks Fishery Resources Office
101 12th Avenue, Room 222
Fairbanks, Alaska 99701

Dear Mr. Holder:

This letter delegates specific regulatory authority from the Federal Subsistence Board to you as Branch Chief for Subsistence Fisheries to issue special actions when necessary to assure the conservation of healthy fish stocks and to provide for subsistence uses of fish in Federal waters subject to ANILCA Title VIII (Federal waters) in the Yukon River Drainage, including the Arctic National Wildlife Refuge.

Overview

Federal managers are responsible for local management of subsistence fishing by qualified rural residents in Federal waters; this includes the authority to restrict all uses in Federal waters if necessary to conserve healthy fish stocks or to provide for subsistence uses in Federal waters. State managers are responsible for in-season management of State subsistence, commercial, recreational, and personal use fisheries in all waters.

It is the intent of the Federal Subsistence Board that subsistence fisheries management by Federal officials be coordinated with the Alaska Department of Fish and Game and involve Regional Advisory Council representatives to conserve healthy fish stocks while providing for subsistence uses. Federal managers are expected to cooperate with State managers and minimize disruption to resource users and existing agency programs, as agreed to under the Interim Memorandum of Agreement for Coordinated Fisheries and Wildlife Management for Subsistence Uses on Federal Public Lands in Alaska.

Page 1 of 5

FEDERAL FISHERIES MANAGEMENT DELEGATION OF AUTHORITY

1. **Delegation:** The Branch Chief for Subsistence Fisheries is hereby delegated authority to issue emergency regulations (special actions) affecting fisheries in Federal waters as outlined under **3. Scope of Delegation.**
2. **Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which states: “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”
3. **Scope of Delegation:** The regulatory authority hereby delegated is limited to the issuance of emergency special actions as defined by 36 CFR 242.19(d) and 50 CFR 100.19(d). Such an emergency action may not exceed 60 days, and may not be extended. This delegation permits you to open or close Federal subsistence fishing periods or areas provided under codified regulations. It also permits you to specify methods and means; to specify permit requirements; and to set harvest and possession limits for Federal subsistence fisheries. This delegation also permits you to close and re-open Federal waters to non-subsistence fishing, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed fisheries. This delegation may be exercised only when it is necessary to conserve fish stocks or to continue subsistence uses.

All other proposed changes to codified regulations, such as customary and traditional use determinations, shall be directed to the Federal Subsistence Board.

The Federal waters subject to this delegated authority are those within the Yukon River Drainage, including the Arctic National Wildlife Refuge (as described in the Subsistence Management Regulations for the Harvest of Fish and Shellfish on Federal Public Lands and Waters in Alaska). The Branch Chief will coordinate all local fishery decisions with all affected Federal land managers.

4. **Effective Period:** This delegation of authority is effective until superseded or rescinded.
5. **Criteria for Review of Proposed Special Actions:** The Branch Chief will use the following considerations to determine the appropriate course of action when reviewing proposed special actions.

1. Does the proposed special action fall within the geographic and regulatory scope of delegation?

2. Does the proposed special action need to be implemented immediately as a special action, or can the desired conservation or subsistence use goal be addressed by deferring the issue to the annual regulatory cycle?
3. Does the supporting information in the proposed special action substantiate the need for the action?
4. Are the assertions in the proposed special action confirmed by available current biological information and/or by other affected subsistence users?
5. Is the proposed special action supported in the context of available historical information on stock status and harvests by affected users?
6. Is the proposed special action likely to achieve the expected results?
7. Have the perspectives of ADF&G managers and Regional Advisory Council representatives been fully considered in the review of the proposed special action?
8. Have the potential impacts of the proposed special action on all affected subsistence users within the drainage been considered?
9. Can public announcement of the proposed special action be made in a timely manner to accomplish the management objective?
10. After evaluating all information and weighing the merits of the special action against other actions, including no action, is the special action reasonable, rational and responsible?

6. Guidelines for Delegation:

1. The Branch Chief will become familiar with the management history of the fisheries in the region, with the current State and Federal regulations and management plans, and be up-to-date on stock and harvest status information.
2. The Branch Chief will review special action requests or situations that may require a special action and all supporting information to determine (1) if the request/situation falls within the scope of authority, (2) if significant conservation problems or subsistence harvest concerns are indicated, and (3) what the consequences of taking an action may be on potentially affected subsistence users and non-subsistence users. Requests not within the delegated authority of the Branch Chief will be forwarded to the Federal Subsistence Board for consideration. The Branch Chief will keep a record of all special action requests and their disposition.

3. The Branch Chief will immediately notify the Federal Subsistence Board through Tom Boyd, Assistant Regional Director for Subsistence, U.S. Fish and Wildlife Service, and notify/consult with local ADF&G managers, Regional Advisory Council members, and other affected Federal conservation unit managers concerning special actions being considered.

4. The Branch Chief will issue timely decisions. Users, affected State and Federal managers, law enforcement personnel, and Regional Advisory Council representatives should be notified before the effective date/time of decisions. If an action is to supersede a State action not yet in effect, the decision will be communicated to affected users, State and Federal managers, and Regional Advisory Council representatives at least 6 hours before the State action would be effective. If a decision is to take no action, the requestor will be notified immediately.

5. There may be unusual circumstances under which the Branch Chief will determine that he/she should not exercise the authority delegated, but instead request that the Federal Subsistence Board should handle the special action request. In a similar vein, the Federal Subsistence Board may determine that a special action request should not be handled by the delegated official but by the Board itself (i.e. rescind the delegated authority for that specific action only). These options should be exercised judiciously and may only be initiated where sufficient time allows. Such decisions should not be considered where immediate management actions are necessary for fisheries conservation purposes.

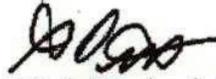
7. Reporting: The Branch Chief must provide to the Federal Subsistence Board a report describing the pre-season coordination efforts, local fisheries management decisions, and post-season evaluation activities for the previous fishing season by November 15.

8. Support Services: Administrative support for local fisheries management activities of the Branch Chief will be provided by the Office of Subsistence Management, U. S. Fish and Wildlife Service, Department of the Interior.

This delegation of authority will provide subsistence users in the region a local point of contact and will facilitate a local liaison with State managers and other user groups. Timely local management decisions optimize the opportunity for users to harvest fish when and where they are available, without jeopardizing spawning escapement goals for specific stocks.

Should you have any questions about this delegation of authority, please feel free to contact Mr. Thomas H. Boyd, Assistant Regional Director for Subsistence, U. S. Fish and Wildlife Service, Office of Subsistence Management at toll-free 1-800-478-1456 or (907) 786-3888.

Sincerely,



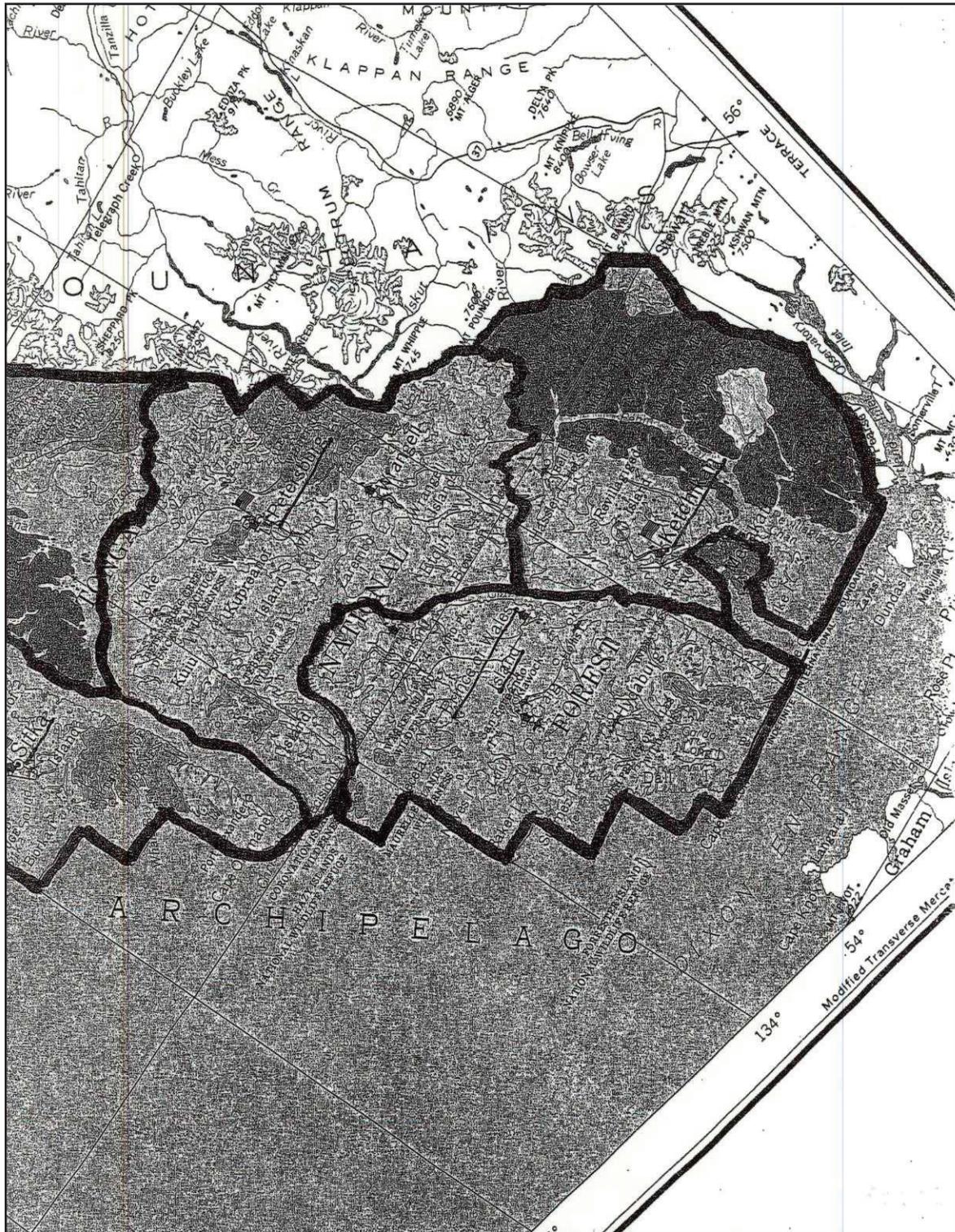
Mitch Demientieff, Chair
Federal Subsistence Board

Attachment: Map of the Yukon River Drainage, including the Arctic NWR

cc: Members of the Federal Subsistence Board
Mr. Harry Wilde, Sr., Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Mr. John Hanson, Member, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Mr. Ronald Sam, Chair, Western Interior Subsistence Regional Advisory Council
Mr. Benedict Jones, Member, Western Interior Subsistence Regional Advisory Council
Mr. Mickey Stickman, Member, Western Interior Subsistence Regional Advisory Council
Mr. Gerald Nicholia, Sr., Chair, Eastern Interior Subsistence Regional Advisory Council
Mr. Craig Fleener, Member, Eastern Interior Subsistence Regional Advisory Council
Mr. Dave Mills, Superintendent, Gates of the Arctic National Park and Preserve and Yukon-Charley Rivers National Preserve
Mr. Michael Rearden, Manager, Yukon Delta National Wildlife Refuge
Mr. Steve Martin, Superintendent, Denali National Park and Preserve
Mr. Bill Schaff, Manager, Innoko National Wildlife Refuge
Mr. Eugene Williams, Manager, Koyukuk/Nowitna National Wildlife Refuge
Mr. Bob Schulz, Manager, Kanuti National Wildlife Refuge
Mr. Ted Heuer, Manager, Yukon Flats National Wildlife Refuge
Mr. Edward Merritt, Manager, Tetlin National Wildlife Refuge
Mr. Richard Voss, Manager, Arctic National Wildlife Refuge
Mr. Greg Siekaniec, Manager, Alaska Maritime National Wildlife Refuge
Mr. Stanley Pruszanski, Assistant Regional Director - Law Enforcement, U.S. Fish and Wildlife Service
Mr. Robert Schneider, Field Manager, Bureau of Land Management, Northern District Office (Steese National Conservation Areas and White Mountain National Recreation Area)
Mr. Frank Rue, Commissioner, Alaska Department of Fish and Game
Mr. Thomas H. Boyd, FWS Office of Subsistence Management

Page 5 of 5





DRAFT STAFF ANALYSIS

FP15-04

ISSUE

Proposal FP15-04, submitted by the Eastern Interior Regional Advisory Council, seeks to allow Federal subsistence users to continue using set-gillnets to harvest salmon in the Yukon River drainage (Map 1) when drift-gillnet salmon fisheries are closed.

DISCUSSION

The proponent's intent is to give the Federal manager the authority to independently differentiate between gear types by allowing set and/or drift gillnets during fishing periods and in areas targeting summer chum salmon, while at the same time allowing only set gillnets during fishing periods in areas targeting Chinook salmon or during times of Chinook salmon conservation. According to the proponent, this proposal would provide for some subsistence harvest of chum salmon while reducing impacts to Chinook salmon by fishing close to shore with set nets where Chinook salmon are less likely to be abundant and, if present, are usually smaller jacks. The use of set nets in place of drift nets may improve the quality of Chinook salmon escapement due to the incidental harvest of Chinook salmon being located closer to shore where smaller Chinook salmon tend to run. Avoiding mid-river deep drifts, which the proponent states tend to catch larger more fecund Chinook salmon, should improve escapement for larger more fecund Chinook salmon.

The in-season manager currently has the delegated authority (see Appendix A in FP15-03) to manage gear types in a manner consistent with the proposed action.

Existing Federal Regulations

Yukon-Northern Area—Salmon

§ __.27(e)(3)(xiii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.

(A) In the Yukon River drainage, you may not take salmon for subsistence fishing using gillnets with stretched mesh larger than 7.5 inches.

(B) [Reserved]

Proposed Federal Regulations

§ __.27(e)(3)(xiii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to restrictions set forth in this section.

- (A) In the Yukon River drainage, you may not take salmon for subsistence fishing using gillnets with stretched mesh larger than 7.5 inches.*
- (B) [Repealed] In the Yukon River drainage, during times of Chinook salmon conservation, managers may restrict drift gill net gear use by time and area, while allowing for set net gear use for subsistence purposes by time and area.*

Other Relevant Federal Regulations

Yukon-Northern Area—Salmon

§ 27(a)(3) (xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:

(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14;

(C) In the Yukon River mainstem, Subdistricts 4B and 4C you may take Chinook salmon during the weekly subsistence fishing opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.

State Regulations

Subsistence Finfish Fishery—Yukon Area

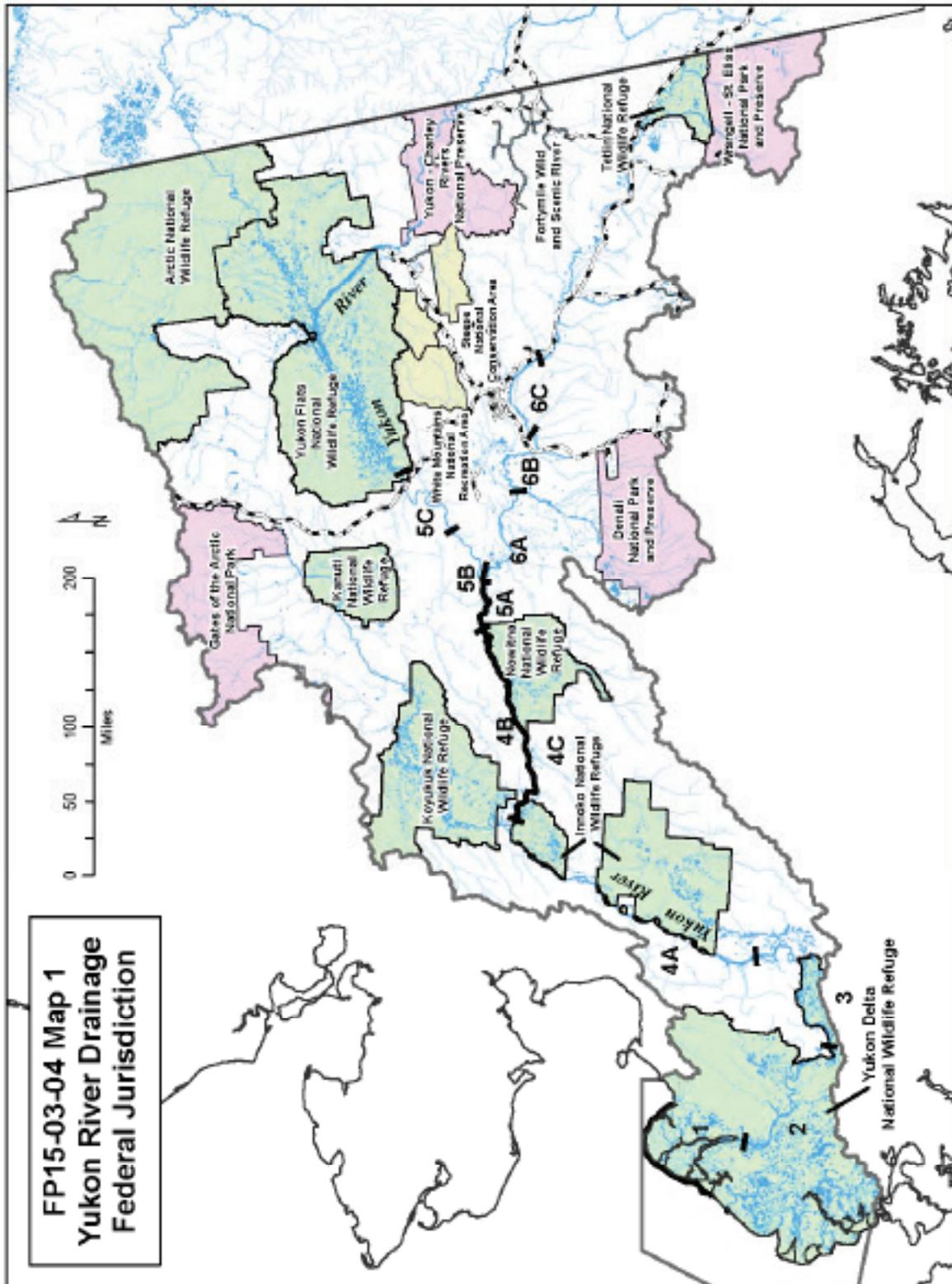
5 AAC 01.220. Lawful gear and gear specifications

(a) Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, subject to the restrictions set out in this section, 5 AAC 01.210, and 5 AAC 01.225–5 AAC 01.249.

(a) In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:

(1) in Subdistrict 4-A upstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14, and chum salmon may be taken by drift gillnets after August 2;

(2) in Subdistrict 4-A downstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14;



Extent of Federal Public Waters

For purposes of this discussion, the phrase "Federal public waters" is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are those portions of the Yukon River located within and adjacent to the external boundaries of the Yukon Delta National Wildlife Refuge in Districts 1, 2 and 3; Inuvik National Wildlife Refuge in District 4; Koyukuk National Wildlife Refuge in District 4; Kanuti National Wildlife Refuge in District 4; Noowina National Wildlife Refuge in Districts 4 and 5; Yukon Flats National Wildlife Refuge in District 5; Arctic National Wildlife Refuge in District 5; Tetlin National Wildlife Refuge in District 6; Yukon-Charley National Park; Denali National Park in District 6; Gates of the Arctic National Park in District 4; Wrangell-St. Elias National Park in District 6; White Mountains and Steese National Recreation Areas in Districts 5 and 6; and all components of the Wild and Scenic River System located outside the boundaries of National Parks, National Preserves, or National Wildlife Refuges, including segments of the Beaver Creek, Birch Creek, Delta, and Fortymile Wild and Scenic Rivers.

Customary and Traditional Use Determinations

For salmon other than fall chum salmon, residents of the Yukon River drainage and the community of Stebbins have a customary and traditional use determination in the Yukon River drainage. For fall chum salmon, residents of the Yukon River drainage and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak have a customary and traditional use determination in the Yukon River drainage. For freshwater fish (other than salmon) residents of the Yukon Northern Area have a customary and traditional use determination within the Yukon River drainage.

Regulatory History

State of Alaska Regulatory History

In November 1973, the Alaska Board of Fisheries prohibited the use of drift gillnets for commercial fishing in the Yukon River upstream of the confluence with the Bonanza River. This action was based on the assessment that drift gillnet use was historically low in the middle and upper Yukon River drainage and the need to prevent possible gear conflicts in the future (ADF&G 2001).

In December 1976, the Alaska Board of Fisheries prohibited the use of drift gillnets for subsistence fishing in the middle and upper Yukon Areas (Districts 4-6). The Alaska Board of Fisheries discussions at that time indicated that the possible increase in the use of drift gillnets could seriously impact both the conservation and allocation of middle and upper Yukon River salmon stocks, which were being harvested at maximum levels (ADF&G 2001). Subsistence users were allowed to continue using drift gillnets throughout the Yukon River drainage until the 1977 season.

In 1981, drift gillnets were again allowed for subsistence salmon fishing in Subdistrict 4-A upstream from Sink Creek.

In 1994, the Alaska Board of Fisheries questioned the need for drift gillnets to provide for adequate subsistence opportunity. State staff comments suggested that at that time it did not appear necessary

(ADF&G 2001). The Alaska Board of Fisheries stated that the Alaska Department of Fish and Game could allow increased time for subsistence fishing with other gear types by Emergency Order, as an alternative, if subsistence needs were not being met.

In 1995, the remainder of Subdistrict 4-A, below Stink Creek, was reopened to the use of drift gillnets for subsistence fishing.

In January 2001 and 2004, the Alaska Board of Fisheries denied requests for the use of drift gillnets in Subdistrict 4-B based on concerns of increased harvests and considered the proposals to be a new and expanding fishery that could target a stock of yield concern. Yukon River Chinook and fall chum salmon were designated as stocks of “yield concern”¹ in the fall of 2000. Summer chum salmon were designated as a stock of “management concern”².

In February 2007, the Alaska Board of Fisheries rejected a proposal to prohibit subsistence and commercial gillnets over 6.0-inch stretch mesh.

In March 2007, the Fairbanks Fish and Game Advisory Committee submitted an agenda change request to the Alaska Board of Fisheries requesting that it take emergency action to restrict the maximum mesh size of subsistence and commercial gillnets to 7.5-inch mesh in the Yukon River. During its October 9–11, 2007 work session, the Alaska Board of Fisheries stated that this issue was thoroughly discussed at its January/February 2007 Arctic-Yukon-Kuskokwim meeting and rejected the agenda change request (ADF&G 2007).

The Alaska Board of Fisheries met again in January 2010 to consider regulatory proposals to reduce exploitation rates, gillnet mesh size and depth to address long standing conservation concerns about decreasing trends in size and productivity of Yukon River Chinook salmon. Proposal 90 requested a prohibition of gillnets with greater than 6.0-inch stretch mesh for the Yukon River commercial and subsistence fisheries. The Alaska Board of Fisheries amended Proposal 90 and adopted regulations that limit the maximum gillnet mesh size for Yukon River commercial and subsistence fisheries to 7.5-inch stretch mesh, effective in 2011 allowing a one year phase-in period for fishermen (ADG&G 2010). In addition, the Alaska Board of Fisheries amended Proposal 94 that addressed window closure schedules and adopted a regulation that gave ADF&G managers emergency order authority to sequentially close fisheries to allow pukes (large numbers of migrating fish) to migrate with little or no exploitation (not fished) through all fisheries to their spawning grounds. Fishermen and ADF&G managers reported that

¹ Yield concern: a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses, above a stock’s escapement needs. “Chronic inability” refers to the continuing or anticipated inability to meet expected yields over a four to five year period, which is roughly equivalent to the generation time of most salmon species. “Expected yields” refers to levels at or near the lower range of the recent historic harvests if they are deemed sustainable. A yield concern is less severe than a management concern, which refers to a stock that fails to consistently achieve biological escapement or optimal escapement goals (ADF&G and BOF 2000).

² Management concern: a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a stock within the bounds of the SEG, BEG, OBG, or other specific management objectives for the fishery. “Chronic inability” means the continuing or anticipated inability to meet escapement objectives over a four to five year period, which is roughly equivalent to the generation time of most salmon species. A management concern is not as severe as a conservation concern, which refers to a stock that fails to consistently meet its sustained escapement threshold (SET) (ADF&G and BOF 2000).



this strategy had worked well during 2009 to increase the numbers and quality of escapement (larger, older female fish) reaching spawning streams (ADF&G 2010).

Federal Regulatory History

Since October 1999, Federal regulations for the Yukon-Northern Area stipulated that, unless otherwise restricted, rural residents may take salmon in the Yukon-Northern Area at any time by gillnet, beach seine, fish wheel, or rod and reel unless exceptions are noted. In Subdistricts 4-B, 4-C and District 5, subsistence regulations have mirrored those of the State, stipulating that fishers may not take salmon using drift gillnets. A less restrictive proposal (FP04-05) to allow the use of drift gillnets in the lower 16 miles of Subdistricts 4-B and 4-C was submitted to the Federal Subsistence Board in 2003. The Federal Subsistence Board rejected that proposal based on conservation concerns. However, there were many points discussed on both sides of the issue during that Federal Subsistence Board meeting. The proponent was encouraged to work with State and Federal staff and subsistence users to craft another proposal with some adjustments that may help address some of the conservation concerns (FSB 2003).

In 2002 the Federal Subsistence Board delegated some of its authority to manage Yukon River drainage subsistence salmon fisheries to the Branch Chief for Subsistence Fisheries, U.S. Fish and Wildlife Service, in Fairbanks, Alaska (see Appendix A in FP15-03). The Federal Subsistence Board's delegation allows the Federal manager to open or close Federal subsistence fishing periods or areas provided under codified regulations, and to specify methods and means.

In 2004, fishery proposal FP05-04, submitted by the Western Interior Subsistence Regional Advisory Council, requested that drift gillnets be allowed in Subdistricts 4-B, 4-C and District 5 of the Yukon River. This gear would be restricted both in depth and length, not to exceed 35 meshes in depth and 150 feet in length. The use of drift gillnets would only be allowed during two-36-hour periods within the current subsistence fishing schedules or periods in Subdistricts 4-B, 4-C, and District 5. This proposal was adopted with modification to exclude chum salmon and to include a requirement for a registration permit (FSB 2005).

In 2013, fishery proposal FP13-01, submitted by the Koyukuk National Wildlife Refuge, requested the removal of the Federal subsistence permit requirement for the Chinook salmon drift gillnet fishery for Yukon River Subdistricts 4B and 4C. This proposal was adopted (FSB 2013).

Gear Used in the Middle and Upper Yukon River

Loyens (1966) describes the importance of salmon to the people of the Yukon River as "the staple in the native food supply...and that fishing was the most important subsistence activity" and it remains highly important today. Among salmon, Chinook salmon are foremost in importance for most people, followed by chum and coho salmon (Pope 1979).

Historically, the primary salmon fishing gear types were fish traps used together with fish fences, gillnets, and dip nets prior to the introduction of fish wheels around the turn of the century (Loyens 1966). Around 1910, people along the Yukon began to use the fish wheel almost exclusively in the middle and upper river areas, establishing large camps on the Yukon River (McFadyen Clark 1981).

Drift gillnets were historically used by the Deg Hit'an and Koyukon Athabaskan people in the middle Yukon as an alternative to fish traps or dip nets (Wheeler 2004 pers. comm., and Osgood 1940). Drift gillnets were primarily used to catch Chinook salmon and were deployed from a canoe or suspended between two canoes on the main river. During the 1950s drift gillnets became more common, facilitated in part by the introduction of power motors.

Drift gillnets have been used by some residents of Galena for many years. When drift gillnets were again allowed in the upper portion of Subdistrict 4-A in 1981, fishers from Galena began making the 16-mile trip downstream to drift for Chinook salmon. Typically, unrelated individuals fish together during the evenings for several hours at a time (Marcotte 1990). This method of salmon fishing can be effective for catching Chinook and fall chum salmon with economy of effort since separate trips are not needed to reset or pull gear at the beginning and ends of the open fishing periods (Marcotte 1990).

Drift gillnet use in the upper Yukon River, above District 4, has not been well documented and is likely to have been at very low levels when allowed. However, there has been some reported use of drift gillnets as far upstream as the Teslin River in Canada, just below the highway bridge at Johnson's Crossing (USFWS 1956). There have also been verbal reports from elders and Regional Council members of people using drift gillnets in the Alaskan portion of the middle and upper Yukon River for subsistence fishing prior to the restrictions going into place for this gear type.

Biological Background

Chinook Salmon

Recent analyses indicate that Yukon River Chinook salmon stocks appear to be in the 6th year of a multi-year period of low productivity. However, available data on Yukon River Chinook salmon stocks show periods of above-average abundance (1982-1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013).

In 2013, Chinook salmon escapement goals for some tributaries of the Yukon River including the West Fork Andreafsky, Nulato, and Sakha Rivers were achieved. However, the escapement goals for the East Fork Andreafsky, Anvik and Chena Rivers were not met. The cumulative count on the Gizeza River was below average. High water conditions on the Chena River precluded counting for much of the season. Preliminary Chinook salmon border passage based on the Eagle sonar was estimated at 30,401 which is below the lower end border passage goal of 42,500 Chinook salmon. These numbers, however, are subject to change with postseason data analysis (ADF&G 2013a).

The Chinook salmon return to the Yukon River in 2014 was expected to be extremely poor and likely insufficient to meet all escapement goals. The outlook was for a run size range of 64,000 to 121,000 Chinook salmon. The 2014 Chinook run on the Yukon River was estimated to be 137,000 based on counts taken at the Pilot Station sonar as of June 30, 2014. The upper end of the border passage agreement of 55,000 Chinook salmon was met on approximately July 27 based on Eagle sonar counts.



Summer Chum Salmon

Summer chum salmon runs in the Yukon River have provided for harvestable surpluses in each of the last 10 years, 2003-2013. In 2013 most tributaries producing summer chum salmon experienced above average escapement. The East Fork Andreafsky River Sustainable Escapement Goal and Anvik River Biological Escapement Goal were achieved and counts at the Gizea and Henshaw rivers were above average. Salcha River and Chena River escapements, as assessed by tower counts, were above their historical medians. Yukon River summer chum salmon runs generally exhibit strong run size correlations among adjacent years and it should be noted that poor runs have resulted from large escapements (ADF&G 2013a). Similar to the past few years, actual harvest of summer chum has been affected by fishing restrictions implemented in response to poor Chinook salmon runs.

Fall Chum Salmon

Calculating total Yukon River fall chum run size post season is based on individually monitored spawning escapements including estimated U.S. and Canadian harvests. Escapements were monitored in the Chandalar and Shesnek Rivers, and the Canadian mainstem rivers using sonar, and in Fishing Branch River with a weir. Assessment of Tanana River stocks is based on either genetic apportionment of Pilot Station counts (both summer and fall Tanana River stocks passing after July 19) or the Delta River escapement and its relationship to the Tanana River mark-recapture estimates (ADF&G 2011). The preliminary 2013 run size estimate was greater than 1.1 million fall chum. Harvestable surplus of fall chum has been available the past 10 years (2003-2013).

Coho Salmon

There are few coho salmon spawning escapement assessment projects in the Yukon River drainage. The Delta Clearwater River has the only established escapement goal for coho salmon, a Sustainable Escapement Goal of 5,200-17,000 fish (ADF&G 2011). A coho salmon index developed for the Yukon River from 1995 to 2012 (excluding 1996 and 2009) suggests that the average run size is 197,000 fish while the average escapement is 145,000 fish. The preliminary 2013 coho run size estimate is 137,000 and the escapement is estimated to be 51,000 fish (ADF&G 2013b). Harvestable surplus of coho salmon has been available for the past 10 years (2003 - 2013).

Harvest History

Chinook salmon subsistence harvests have been approximately 50,000 fish annually in the Alaskan portion of the Yukon River over the past 20 years. However, subsistence harvest levels of Chinook salmon have declined since 2007 due to declining run abundance and resultant harvest restrictions. In recent years, subsistence fishing has increasingly targeted non-Chinook salmon species such as whitefish. In order to allow continued subsistence opportunity throughout the season, subsistence fishing activity has been managed to avoid Chinook and allow the harvest of other fish species.

Most rural residents of the Yukon River drainage (minus the Tanana River) live in 39 villages (see Table 1). They harvested an estimated 10-year average (2001–2010) of 45,597 Chinook salmon annually. The harvest has decreased 15% between the 2001–2005 five-year average (49,067 fish) and the 2006–2010 five-year average (42,128 fish; Table 2; Jallen et al. 2012). A similar decrease occurred in all 6 management districts. According to preliminary results, in 2012, 26,065 Chinook salmon were harvested by rural residents of the Yukon River drainage, and 11,000 Chinook salmon were harvested in 2013 (JTC 2013 and 2014).

In 2011, based on household harvest surveys, 4 communities (Pitkas Point, St. Mary's, Pilot Station, and Kaltag) were estimated to harvest 100% of their Chinook salmon by drift gillnets. Seven communities (Huslia, Hughes, Allakaket, Alatna, Stevens Village, Birch Creek, and Venetie) were estimated to harvest 100% of their Chinook salmon by set gillnets. Fish wheels were only used to harvest Chinook salmon in 4 communities: Ruby (68% of Chinook salmon harvested by the community), Tanana (51%), Beaver (20%), and Pt. Yukon (74%).

Household harvest surveys are not done with residents of Rampart, Circle, Central, Eagle, Manley, Mintz, Nenana, and Healy. Instead, these residents must obtain a State subsistence or personal use permit. Two communities (Rampart and Healy) reported harvesting 100% of their salmon with set gillnets. Households in the other 6 communities reported using set gillnets or fish wheels as their primary gear to harvest salmon. Primary gear was determined by the larger number of salmon harvested by gear types in the household (Jallen et al. 2012).

Current Events - Chinook Salmon

Directed commercial fishing for Yukon River Chinook salmon has been discontinued since 2007 and subsistence fishing opportunities have become increasingly more restrictive in an effort to conserve Chinook salmon. In 2013, fishery managers reduced subsistence fishing opportunity to limit harvests to approximately 25% of historical levels. However, even with very reduced subsistence harvests, most escapement objectives were not met. The 2013 Chinook salmon run was one of the poorest runs on record. The Chinook salmon return to the Yukon River in 2014 was expected to be extremely poor and likely insufficient to meet all escapement goals. Fishermen throughout the drainage were advised ahead of the season to not expect fishing opportunity to harvest Chinook salmon and to consider using other more abundant fish resources available to them to supplement their subsistence needs. The 2014 season began with no subsistence, sport, or commercial fisheries anticipated for Chinook salmon in the U.S. portion of the Yukon River drainage. Subsistence fishing opportunities for species other than Chinook salmon were available throughout the 2014 season and the majority of subsistence fishing restrictions that occurred were during June and July to protect Chinook salmon as they moved upriver to spawning areas.

Effects of the Proposal

If this proposal is adopted it would be anticipated to reduce the fishing efficiency for harvesting salmon in the Yukon River. By allowing only set gillnets during fishing periods in areas targeting Chinook salmon or during times of Chinook salmon conservation, this proposal would remove a fishing gear option that is



currently relied upon by one segment of the fishing community and would not affect the fishing practice of others. Without a shift in allocation, the fishery manager would be required to judge how new variable combinations of time and area without use of drift gillnets might offset the previous observed harvest performance when drift gillnets were utilized.

According to the proponent, this proposal would provide for some subsistence harvest of chin salmon while reducing impacts to Chinook salmon by only fishing close to shore with set nets where Chinook salmon are less likely to be abundant and are usually smaller jacks. The use of set nets in place of drift nets may improve the quality of Chinook salmon escapement due to the incidental harvest of Chinook salmon being located closer to shore where smaller Chinook salmon tend to run. Avoiding mid-river deep drifts, which the proponent states tend to catch larger more fecund Chinook salmon, should improve escapement for larger more fecund Chinook salmon.

OSM PRELIMINARY CONCLUSION

Take No Action on FP15-04

Justification

The proposed action is not needed as the delegated authorities granted to Federal in-season managers by the Board (see Appendix A in FP15-03) already allow what the proponent is asking for. It applies to waters within the Yukon River Drainage and permits the opening or closing of Federal subsistence fishing periods, areas, specification of methods and means, permit requirements, and setting of harvest and possession limits for Federal subsistence fisheries. This delegation may be exercised only when it is necessary to conserve fish stocks or to continue subsistence uses.

LITERATURE CITED

ADF&G. 2001. Staff comments on subsistence, personal use, sport, guided sport, and commercial finfish regulatory proposals. Alaska Board of Fisheries meeting (Anchorage) for the Bristol Bay, AYK, and Alaska Peninsula/Aleutians Islands Pinfish Areas. January 9 – February 2, 2001. page 235.

ADF&G. 2011. Alaska Department of Fish and Game. 2011 Preliminary Yukon River Fall Season Summary. News Release, Nov 7, 2011. Website:
http://www.adfg.alaska.gov/static/fishing/PDFs/commercial/2011_yukonriver_fallsalmon_summary.pdf

ADF&G. 2013a. Alaska Department of Fish and Game. 2013 Preliminary Yukon River Summer Season Summary. News Release, October 7, 2013. Website:
<http://www.adfg.alaska.gov/static/applications/dk-faewsrelease/369991357.pdf>

ADF&G. 2013b. Alaska Department of Fish and Game. 2013 Yukon River Fall Season Summary. News Release, November 27, 2013. Website:
<http://www.adfg.alaska.gov/static/applications/dk-faewsrelease/376437276.pdf>

FSR. 2003. Transcripts of the Federal Subsistence Board proceedings, December 9, 2003 in Anchorage Alaska. Office of Subsistence Management, FWS. Anchorage, AK.

FSR. 2005. Transcripts of the Federal Subsistence Board proceedings, January 18, 2005 in Anchorage Alaska. Office of Subsistence Management, FWS. Anchorage, AK.

FSR. 2013. Transcripts of the Federal Subsistence Board proceedings, January 24, 2013 in Anchorage Alaska. Office of Subsistence Management, FWS. Anchorage, AK.

Isken, D. M., S. K. S. Decker, and T. Hamasaki. 2012. Subsistence and personal use salmon harvests in the Alaska portion of the Yukon River drainage, 2011. Alaska Department of Fish and Game, Fishery Data Series No. 12-72, Anchorage.

JTC (Joint Technical Committee of the Yukon River US/Canada Panel). 2013. Yukon River salmon 2012 season summary and 2013 season outlook. ADF&G, Division of Commercial Fisheries, Regional Information Report 3A13-02, Anchorage.

JTC (Joint Technical Committee of the Yukon River US/Canada Panel). 2014. Yukon River salmon 2013 season summary and 2014 season outlook. Alaska Department of Fish and Game, Division of Commercial Fisheries, Regional Information Report 3A14-01, Anchorage.

Loyens, W. 1966. The changing culture of the Nukto Koyukon Indians. Ph.D. Dissertation. University of Wisconsin. University Microfilms. Ann Arbor, Michigan.

Murphy, J. R. 1990. Subsistence harvest of fish and wildlife by residents of Galena, Alaska 1945-86. Technical Paper No. 155. Alaska Department of Fish and Game, Division of Subsistence. Juneau, Alaska. page 58.

McPadyen Clark, A. 1981. Koyukon. In handbook of North American Indians. Subarctic. I. Helm Volume Editor. Smithsonian. Washington, D.C.



FP15-04 (allowing Federal subsistence users to use set-gillnets to harvest salmon in the Yukon River drainage when drift-gillnet salmon fisheries are closed)

Gregg, C. B. 1940. Inupik material culture. Yale University Publications in Anthropology. No. 22. New Haven, Connecticut.

Pope, Douglas. 1979. The Upper Yukon and other freshwater salmon fisheries: findings, conclusions, and recommendations. Prepared for the Eleventh Alaska Legislature. Anchorage.

Schindler, D., C. Krueger, P. Biscoe, M. Bradford, B. Clark, J. Coote, K. Howard, M. Jones, J. Murphy, K. Myers, M. Schesureff, B. Volk, and J. Winton. Arctic-Yukon-Kuskokwim Chinook Salmon Research Action Plan: Evidence of Decline of Chinook Salmon Populations and Recommendations for Future Research. Prepared for the AYK Sustainable Salmon Initiative (Anchorage, AK). v + 70 pp.

U. S. Fish and Wildlife Service. 1956. Progress report No. 1A special report on the salmon resources of the Yukon River basin (above Camas) Yukon Territory, Canada. Juneau, Alaska. Page 11.

Wheeler, P. 2004. Anthropologist. Office of Subsistence Management, Fisheries Information Services, Anchorage, AK. Personal Communication.

Table 1. Rural residents of the Yukon River drainage, by community and management district.

YUKON RIVER DRAINAGE					
FISHING MANAGEMENT DISTRICT/COMMUNITY					
District 1	District 2	District 3	District 4	District 5	District 6
Nunam Iqua	Mountain Village	Russian Mission	Arnuk	Tanana	Manley
Alakanuk	Pitmeas Point	Holly Cross	Goyling	Rampart	Minto
Emmonak	St. Mary's	Shagekuk	Kaitag	Sleaven Village	Nenana
Kotlik	Pilot Station		Nulato	Birch Creek	Healy
	Marshall		Koyukuk	Beaver	
			Galena	Fort Yukon	
			Ruby	Circle	
			Huslia	Central	
			Hughes	Eagle	
			Allakotrel	Venetie	
			Alatna	Chalkyitsik	
			Bettles		

Table 2. The harvest of Chinook salmon by Federally qualified subsistence users, Yukon River drainage, by district, 1988 to 2011

FEDERAL							
CHINOOK SALMON HARVEST—YUKON RIVER DRAINAGE							
Year	Number of fish harvested ^a						
	District 1	District 2	District 3	District 4	District 5	District 6	Total
2001	7,088	13,442	6,381	10,152	12,441	2,138	51,621
2002	5,803	8,854	4,130	8,456	11,634	808	40,684
2003	6,332	8,888	5,002	12,771	17,258	1,753	52,785
2004	5,880	8,724	4,748	18,288	13,888	838	51,228
2005	5,058	8,156	5,131	13,884	14,840	857	48,008
2006	5,122	8,038	5,374	12,022	13,740	1,104	45,401
2007	6,058	10,553	4,851	11,831	16,655	1,308	51,057
2008	6,183	8,826	5,855	10,619	9,728	487	41,688
2009	4,125	8,135	2,924	8,514	7,408	888	30,985
2010	5,858	8,676	4,288	12,888	8,727	1,052	41,488
2011	6,255	8,088	4,134	8,883	8,007	1,037	37,385
2001 to 2005 average	5,982	10,188	5,078	12,522	13,988	1,318	48,087
2006 to 2010 average	5,485	8,446	4,821	11,375	11,252	870	42,128

Source: Jallen et al. (2012).

Note: Does not include the Coastal District, does not include harvests from State personal use permits, does not include harvest by Fairbanks State subsistence permit holders.



ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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

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

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

Report Format

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

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



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

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

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

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

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

Recommendations

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

Change Terms and Possibly Appointment Cycle

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

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

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

4-year annual cycle

Advantages

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

Disadvantages

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

4-year biennial cycle

Advantages

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

Disadvantages

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

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

Formally Appoint Alternates to the Council

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

Advantages

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

Disadvantages

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



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

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

Carry-Over Terms

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

Advantages

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

Disadvantages

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

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

Youth Involvement in Councils

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

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

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

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

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

Two-Year Bottom Line

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

Schedule

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

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

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

Two-Year Bottom Line

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

Schedule

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



Western Interior Alaska Subsistence Regional Advisory Council

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

RAC W114032.MH

MAY 28 2014

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

Dear Mr. Towarak:

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

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

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

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

Mr. Towarak

2

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

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

Sincerely,



Jack Reakoff, Chair

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



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

RAC WI14003.MH

FEB 12 2014

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

Dear Secretary Jewell:

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

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

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

Secretary Jewell

2

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

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

Sincerely,



Jack Reakoff, Chair

Enclosure

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



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

RAC WII3014.MH

MAY 06 2013

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

Dear Secretary Jewel:

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

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

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

Secretary Jewell

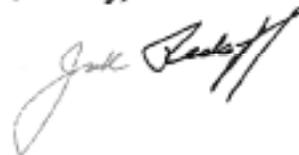
received word of a member's reappointment, amounting to a nearly four-month delay. Such delays are unacceptable to our statutory "meaningful role" in Federal subsistence management of fish and wildlife. Steps need to be taken as soon as possible so that delays in these very important and critical appointments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

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

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

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

Sincerely,



Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council

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

Winter 2015 Regional Advisory Council Meeting Calendar

February–March 2015 current as of 8/20/2014

Meeting dates and locations are subject to change.

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

Fall 2015 Regional Advisory Council Meeting Calendar

August–November 2015

Meeting dates and locations are subject to change.

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



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

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 decisionmaking process affecting the taking of fish and wildlife on the public lands within the Region for subsistence uses.
 - d. Prepare an annual report to the Secretary containing the following:
 - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region.
 - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.
 - (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.

- (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
 - e. 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 \$120,000, including all direct and indirect expenses and 1.0 staff years.
8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
 - Approve or call all of the advisory committee's and subcommittees' meetings,
 - Prepare and approve all meeting agendas,
 - Attend all committee and subcommittee meetings,
 - Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
 - Chair meetings when directed to do so by the official to whom the advisory committee reports.
9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will terminate 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.



- 12. Membership and Designation.** The Council's membership is composed of representative members as follows:

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

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

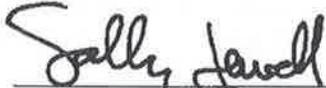
Members will be appointed for 3-year terms. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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

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

- 13. Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any specific party matter in which the member has a direct financial interest in a lease, license, permit, contract, claim, agreement, or related litigation with the Department.
- 14. Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, shall be handled in accordance with General Records Schedule 26, Item 2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.


Secretary of the Interior

NOV 25 2013

Date Signed

DEC 03 2013

Date Filed



