

# **WESTERN INTERIOR ALASKA Federal Subsistence Regional Advisory Council**



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*Kuskokwim River in winter.*

## **Meeting Materials**

February 29, 2012

McGrath, Alaska

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## Western Interior Alaska Subsistence Regional Advisory Council

Cap'n Snow Center Assembly Room  
 McGrath, Alaska  
 February 29, 2012,  
 8 a.m.–7:30 p.m.

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

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

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

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

If you have any questions regarding this agenda or need additional information, please contact the Office of Subsistence Management.

## REGION 6—WESTERN INTERIOR ALASKA REGIONAL ADVISORY COUNCIL

<b>Seat</b>	<b>Yr Apptd Term Expires</b>	<b>Member Name &amp; Address</b>
<b>1</b>	2001 <b>2013</b>	<b>Robert A. Walker</b> Anvik, Alaska
<b>2</b>	2004 <b>2013</b>	<b>Donald Victor Honea Jr.</b> Ruby, Alaska
<b>3</b>	2010 <b>2013</b>	<b>Pollock Simon Sr.</b> Allakaket, Alaska
<b>4</b>	1993 <b>2014</b>	<b>Raymond L. Collins</b> McGrath, Alaska
<b>5</b>	1993 <b>2014</b>	<b>Jack L. Reakoff</b> Wiseman, Alaska
<b>6</b>	2008 <b>2014</b>	<b>Eleanor S. Yatlin</b> Huslia, Alaska
<b>7</b>	2008 <b>2014</b>	<b>Timothy P. Gervais</b> Ruby, Alaska
<b>8</b>	2007 <b>2012</b>	<b>James L. Walker</b> Holy Cross, Alaska
<b>9</b>	2006 <b>2012</b>	<b>Jenny K. Pelkola</b> Galena, Alaska
<b>10</b>	1997 <b>2012</b>	<b>Carl M. Morgan</b> Aniak, Alaska

**MINUTES**  
**Western Interior Subsistence Regional Advisory Council**  
**October 4-5, 2011**  
**Aniak, Alaska**

**Call to Order**

Meeting called to order by Chair Jack Reakoff.

**Roll Call and Establish Quorum**

Jenny Pelkola called the roll. WIRAC Council members present: Robert Walker, James Walker, Raymond Collins, Jack Reakoff, Jenny Pelkola, Carl Morgan, Eleanor Yatlin and Pollock Simon Sr, **Excused** (weathered into their community of Ruby): Tim Gervais (participated by telephone), Donald Honea Jr

**Invocation**

Mr. Collins led an invocation to all present at the meeting.

**Welcome and Introductions**

Chair Reakoff welcomed guests and staff members.

**Government Agency Employees**

Chuck Ardizzone	U.S. FWS OSM
Fred Bue	U.S. FWS Fairbanks (via teleconference)
Trevor Fox	U.S. FWS OSM
Melinda Hernandez	U.S. FWS OSM
David Jenkins	U.S. FWS OSM
Gerald Maschmann	U.S. FWS Fairbanks
Chris McKee	U.S. FWS OSM (via teleconference)
Keith Ramos	U.S. FWS Koyukuk/Nowitna
Donald Rivard	U.S. FWS OSM (via teleconference)
Vince Mathews	U.S. FWS Kanuti NWR
Bo Sloan	U.S. FWS Innoko NWR Mgr
Jerry Hill	U.S. FWS Innoko NWR
Pat Petrivelli	BIA Anchorage
Gene Virden	BIA Anchorage
Geoff Byersdorf	BLM Anchorage
Merben Cebrian	BLM Fairbanks
George Pappas	ADF&G Fairbanks
David Runfola	ADF&G Fairbanks
Glen Stout	ADF&G (via teleconference)

**Tribal Organizations**

Dave Cannon	Native Village of Napaimute
Aaron Dupuis	Tanana Chief's Conference
LaDonn Robbins	Kuskokwim Native Association-Aniak
Mike Thalhauser	Kuskokwim Native Association-Aniak

**NGOs/Public**

Morgan Adkins	Aniak
Ken Chase	GASH Community AC Chair
Golga Kelila Jr.	Aniak
Wayne Morgan	Aniak Traditional Council
Ray Peterson	Aniak
LaDonn Robbins	Aniak
Elsie Simeon	Aniak Traditional Council

Jason Hale	YRDFA
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**Review and Adoption of Agenda**

Additional agenda items brought forward:

- The Chair Reakoff added an agenda item to “other business” to initiate a letter from the WIRAC to Pete Probasco at the Office of Subsistence Management regarding the Council Coordinator position. Mr. Reakoff emphasized the extreme importance of an engaged and effective Council Coordinator in order for the WIRAC to function well.
- The Kuskokwim Native Association requested to be added onto item #15 (A) for an update of their current fisheries projects.
- Under item #15 (E), David Runfola will present the current research projects in the region.

Mr. Collins moved to adopt the agenda as amended. Mrs. Pelkola seconded the motion. Motion carried unanimously. Meeting agenda adopted as amended.

**Review/Approval of Minutes**

Chair Reakoff provided clarification on the **March 1-2, 2011 Council meeting in Galena**, to provide additional details on the summary minutes.

The chair presented a letter written April 2, 2011 from Virgil L. Umphenour from Hunt Alaska in Fairbanks regarding the transcripts of the Galena meeting. There was a statement made on the record during that meeting that indicated that his guiding operation had left some items behind in Three Day Slough. He wants the record to correctly reflect the inaccuracy of those statements. The council would like to insert Virgil's letter as an addition to the March 1-2, 2011 meeting summary minutes.

Mrs. Pelkola moved to adopt the minutes with the letter from Virgil to be included in the record. Second called by James Walker. Motion carried unanimously.

**Annual Report Response from the Federal Subsistence Board:**

The Chairman indicated he was not fully satisfied with Issue #11. The .804 currently for Unit 19A is using a drawing permit for the Federal hunt. This response did not address promulgation. The request was for promulgation of a Tier II type administration of .804, using .804 of ANILCA as the criteria (the direct dependence on the resource, long standing use of and proximity to the resource). That was the request and the FSB response has not addressed developing those criteria. The Chair would like the issue to be resubmitted as one of our annual report topics.

**Chairs Report:**

- The Chair wrote a letter to BLM regarding guided hunting for Dall sheep in the Dalton Highway Corridor Management area. The Council will review the letters and the issues when it comes up on the agenda.
- The Chair attended the May FSB meeting in Anchorage and was on the teleconference line for the April meeting. In May there was a considerable amount of testimony regarding tribal consultation; the FSB was reviewing chum salmon and Chinook bycatch issues. The chair encouraged the board to go to the minimum and most conservative bycatch numbers. They did adopt a position stressing minimum thresholds with the NPMFMC of bycatch.
- The chair sent a letter to the Office of Subsistence Management regarding staffing issues and is continuing to work with the appropriate staff until vacancies are filled.

No questions from the Council.

**2011 Annual Report Topics:** any annual report topics at this time the council would like to see on our next annual report topics.

- Continuation of information for 2011 on the Yukon regarding the declining size of salmon.
- Mesh size: the importance of mesh size reduction-would reduce impact of passage and maintaining window structure to allow portions to get to spawning destination.
- Re-visit issue #11 from the previous Annual Report (Unit 19A). The WIRAC would like the Federal Subsistence Board to promulgate an .804 using the appropriate criteria to develop a process as another tool the board has to prioritize subsistence users if there is a problem with the resource.
- The WIRAC would like to see more information for 2011 regarding the mesh size reduction coupled with reduced impact to unfished components of passage in the Yukon River and maintaining the windowed structure to allow unfished portions to get through to spawning destinations.
- The Federal Subsistence Board should recognize customary preservation practices as part of customary trade (drying and smoking, jarring, freezing, and conveyance).
- High traffic of jetboats on the Aniak River.

### **Council Member Report**

Raymond **Collins**-(McGrath): The moose hunt in the McGrath area went well. Most of the land is State land; the herd seems to be building with a good number of breeding cows. The fish came in late, but bigger fish did make it upriver-the closures at the right time do make a difference.

Robert **Walker**: We had a good year for fishing and with the 7.5 inch gear we averaged 5-40 lb fish in larger numbers.

Jenny **Pelkola**: In May I attended and participated in the Customary Trade meeting. I could not attend the August meeting that followed in Fairbanks due to a death in the family. Got to attend a 9-day trip with Jason Hale from (YRDFA) in Canada. On the trip we let fish go, but in Canada they refused to fish so fish could reach spawning grounds. Some of us sacrificed our fishing to let fish get to spawning ground while they stopped fishing altogether even though the resource was there. I have heard a complaint about airboats in the Koyukuk River area. Are those airboats legal? There was still wanton waste occurring in the area. In Galena people were sharing their moose meat. Like Robert, we averaged from 5 to 45 pound fish with the 7.5 mesh.

James **Walker**: Fishing season in Holy Cross is different compared to set netting as in Robert's area. Driftnet fishing saw smaller Chinook salmon than the set netters saw. Fishing was good overall. Most of the people were able to harvest moose without any problems. In previous years, price of gas, etc. were factors. With the 7.5 inch mesh, they were able to catch any size king they wanted. You are able to catch more fish with the 7.5 than with the 8.5 inch mesh.

Carl **Morgan**: People were able to harvest a bit more moose this year in my area. Some say maybe the Tier II system is working, or maybe the migration patterns have changed. Still concerned about the Mulchatna herd-has been seen in this part of the country for a while. The fish were late-the first ones that came in were small. Erosion on the Aniak River is a concern, as it is a major tributary for all salmon species. There is concern from the people about the increased amount of guided traffic and the jet boats in particular.

Tim **Gervais** (via teleconference): On June 9<sup>th</sup>, I testified at the North Pacific Management Council meeting requesting a low amount on the allowable chum bycatch. The advisory panel seemed fairly receptive and there was a substantial amount of others testifying for low bycatch levels. The moose season in 21 B went well and many local people were able to harvest their moose. In regard to fishing, many people (especially those using a gillnet) expressed some issues but it seemed that overall people were able to harvest some king salmon and we met our boundary escapement and biological escapement goals. This will be beneficial for the run in the long-term.

### **ANCSA Tribal Consultation report**

Pat Petrivelli, BIA served as the moderator for the Western Interior Region call on September 27<sup>th</sup> and gave the presentation. Draft summary of teleconference notes were passed around and once reviewed, a final version will be released. The two tribes that participated were Allakaket and Organized Village of Grayling. It seemed that more preparation material was needed. Both regular mail as well as email and internet have their limitations-there will be opportunity to provide input on how the process can be improved. Two consultations were held with ANCSA corporations on September 7<sup>th</sup> and September 15<sup>th</sup>.

The chair Reakoff commented that many people were still participating in hunting and fishing activities when the call was held.

### **Review of the 2012 Fisheries Resource Monitoring Program**

Don Rivard gave the overview of the 2012 Fisheries Resource Monitoring Plan. A total of 32 investigation plans (22 stock status and trend, 10 harvest monitoring and TEK projects) are under consideration for funding. The Technical Review Committee (TRC) recommends funding 29 of these statewide plans. The projects recommended for funding comprise a strong monitoring plan for the region by addressing strategically important information needs based on sound science and by promoting cooperative partnerships.

- **Yukon Region**: 8 priority information needs were previously identified. 15 proposals were initially submitted and after review 6 projects were eventually recommended for funding. The Yukon-Kuskokwim Delta Council has met and concurred with the TRC's recommendations.
  1. Alatna River Inconnu Population Structure
  2. Abundance and Run Timing of Salmon in Henshaw Creek
  3. Anvik River Sonar Project
  4. Kaltag Chinook Salmon Sampling Project
  5. Yukon River Bering Cisco Spawning Origins Telemetry
  6. In-season Management Teleconferences and Harvest Interviews

Motion by James Walker to support the 6 projects recommended for funding from the TRC. Second by Robert Walker. Motion passed unanimously to support the recommendations.

- **Kuskokwim Region**: 16 proposals were initially submitted and after review 7 projects were eventually recommended for funding. The Yukon-Kuskokwim Delta Council has met and concurred with the TRC's recommendations.
  1. Lower Kuskokwim River Chinook Salmon Harvest for Age, Sex and Length
  2. George River Salmon Weir
  3. Takotna River Salmon Escapement Monitoring
  4. Kwethluk River Weir Video Salmon Escapement Enumeration
  5. Highpower Creek Sheefish Status and Upper Kuskokwim River
  6. Kuskokwim River Bering Cisco Spawning Origins
  7. Upper Kuskokwim River Whitefish Climate Change Trends

Motion made by Robert Walker to support the 7 projects recommended for funding from the TRC. Seconded by Ray Collins. Motion passed unanimously to support the recommendations.

- **Multi-Region**: 3 proposals were initially submitted and after review 1 project was eventually recommended for funding. The Yukon-Kuskokwim Delta Council has met and concurred with the TRC's recommendations.
  1. Yukon and Kuskokwim Inconnu or Sheefish Genetic Baseline

Motion made by Ray Collins to support the project recommended for funding from the TRC. Seconded by Jenny Pelkola. Motion passed unanimously to support the recommendation.

- **Future Projects:** The WIRAC would like to see a project with the goal of the development of indices for dropout of Chinook salmon from 6-inch chum gear in directed chum fisheries. Currently, there is no scientific-based number to evaluate if the chum salmon runs increase in the Yukon River

### **WP10-02**

Proposal WP10-02 requested clarification of the existing Federal Subsistence management regulation, governing the use of brown bear claws in handicrafts for sale.

Mr. David Jenkins presented the staff analysis. The Office of Subsistence Management preliminary conclusion: **to take no action.**

Mr. George Pappas provided comments from the ADF&G and they recommend taking no action and plan on withdrawing the proposal.

**MOTION:** Mrs. Jenny Pelkola made a motion to **take no action on Proposal WP10-02.** The motion was seconded by Mr. Carl Morgan. The motion **passed unanimously**, 7-0.

**JUSTIFICATION:** Based on the State's intent to withdraw the proposal.

### **WP10-69**

WP10-69 is for the customary and traditional use determination for moose in Unit 21E for residents of Lower Kalskag, Upper Kalskag, Aniak, and Chuathbaluk.

Mr. David Jenkins presented the staff analysis. The Office of Subsistence Management preliminary conclusion is to support the modified proposal.

Mr. George Pappas from the ADF&G stated that there was official position at the time.

**MOTION:** Mrs. Jenny Pelkola made a motion to **adopt Proposal WP10-69** with modification. The motion was seconded by Mr. Carl Morgan. The motion **passed** unanimously, 9-0.

**JUSTIFICATION:** The Council feels that the addition of four larger communities to the customary and traditional use determination for Unit 21E south of Paimiut Slough would potentially result in over harvest during the winter moose hunt. The council feels strongly that the four new C&T communities should be precluded from winter moose hunting in GMU 21E until such time as regulations are established to maintain biological health. Therefore the Council would like the Innoko Moose Management Plan, Section 1.9 be reviewed regarding GMU winter moose harvest. The Council would like to submit a proposal during the 2013 wildlife cycle requesting that two management zones be established for GMU 21E. The proposal intent is to establish zone 1 (new C&T area as shown in Map 4) and zone 2 (the remainder of GMU 21E) with biologically supported allocations.

### **WP12-01**

Proposal WP12-01 requests modification to the requirements when selling handicrafts incorporating brown bear claws. If adopted, the brown bear hide and/or detached claw must be sealed by an authorized ADF&G representative prior to being sold and a copy of the ADF&G sealing certificate would then accompany the handicraft when sold.

Mr. David Jenkins presented the staff analysis. The Office of Subsistence Management preliminary conclusion: **support** the proposal.

Mr. George Pappas provided comments from the ADF&G and they support this proposal.

The Gates of the Arctic Subsistence Resource Commission supports this proposal.

**MOTION:** Mr. James Walker made a motion to **defer Proposal WP12-01**. The motion was seconded by Mr. Robert Walker. The motion **passed unanimously**, 7-0.

**JUSTIFICATION:** The Council will defer to the Federal Subsistence Board. The Southeast and Kodiak Regional Advisory Councils are the drivers of this issue.

### **WP12-02**

WP 12-02 requested that only people 60 years of age or older, or disabled, be allowed to designate their harvest limit to another person.

Mr. David Jenkins presented the staff analysis. The Office of Subsistence Management preliminary conclusion : **oppose** the proposal.

Mr. George Pappas provided comments from the ADF&G and they recommend **supporting with modification**.

The Kwethluk and Cully Corporations **opposed** the proposal.

**MOTION:** Mr. Ray Collins made a motion to **adopt Proposal WP12-02**. The motion was seconded by Mrs. Jenny Pelkola. The motion **failed unanimously**, 7-0.

**JUSTIFICATION:** This proposal does not meet customary and traditional practices and would be detrimental to subsistence users.

### **WP12-03**

WP12-03 would require trappers to move a trap that incidentally harvests a moose, caribou, or deer at least 300 feet for the remainder of the regulatory year.

Mr. David Jenkins presented the staff analysis. The Office of Subsistence Management preliminary conclusion: **oppose** the proposal.

Mr. George Pappas provided comments from the ADF&G and they recommend **opposing**.

**MOTION:** Mr. Ray Collins made a motion to **adopt Proposal WP12-02**. The motion was seconded by Mr. Carl Morgan. The motion **failed unanimously**, 7-0.

**JUSTIFICATION:** This proposal is not needed. Subsistence users do not target ungulates when trapping.

**WP12 42-53**

These proposals are block proposals for Unit 18.

**MOTION:** Mrs. Jenny Pelkola made a motion to **take no action** on **Proposals WP12 42-53**. The motion was seconded by Mr. Raymond Collins. The motion **passed unanimously**, 8-0.

**JUSTIFICATION:** These proposals are being deferred back to the home Regions.

**WP12-56:**

WP12-56 requests an extension of the fall moose season by seven days (from Sept. 5-Oct. 1 to Sept. 5-Oct. 8) in a portion of Unit 21B.

Mr. Trevor Fox presented the staff analysis. The Office of Subsistence Management preliminary conclusion: **oppose** the proposal.

Mr. George Pappas provided comments from the ADF&G and they recommend **opposing**.

Mr. Ken Chase provided comments from the GASH Advisory Committee and they recommend **opposing**.

**MOTION:** Mrs. Jenny Pelkola made a motion to **adopt Proposal WP12-56**. The motion was seconded by Mr. James Walker. The motion **failed unanimously**, 7-0.

**JUSTIFICATION:** Bull-cow ratio is below management objective; there is already opportunity provided with the extension to October 1. Condition of the moose declines after Oct. 1-the extension is unwarranted.

**WP12-57/58:**

WP12-57/58 sought to align Federal and State hunting boundaries for the winter moose season in Unit 24B and clarify that a State registration permit for moose is allowed on Federally closed lands in the Kanuti Controlled Use Area.

Mr. Trevor Fox presented the staff analysis. The Office of Subsistence Management preliminary conclusion: **oppose** WP 12-57 and **support with modification** WP12-58 to create one Federal registration permit for the fall and winter moose seasons on Kanuti Wildlife Refuge and BLM lands in Unit 24B.

Mr. George Pappas provided comments from the ADF&G and they recommend **supporting** WP12-57 and **opposing** WP12-58.

**MOTION:** Mr. James Walker made a motion to **adopt Proposal WP12-57**. The motion was seconded by Mrs. Jenny Pelkola. The motion **passed** unanimously, 9-0.

**JUSTIFICATION:** Boundary for hunt areas would align with State boundaries. Very low use of season by residents of Bettles and Evansville. Quality of moose may be poor during the winter, but improves after March.

**MOTION:** Mr. Robert Walker made a motion to **adopt the OSM modification WP12-58** to create one Federal registration permit for the fall and winter moose seasons on Kanuit NWR and BLM lands in Unit 24B. The motion was seconded by Mrs. Jenny Pelkola. The motion **passed**, 8-0-1 with one person abstaining.

**JUSTIFICATION:** There is a need for one Federal permit to accommodate both Federal fall and winter hunting opportunity and the proposal provides administrative simplification.

**WP12-59/60:**

WP12-59/60 request revisions to the wolf hunting season in Unit 19B&C.

Mr. Trevor Fox presented the staff analysis. The Office of Subsistence Management preliminary conclusion: **oppose** both proposals.

Mr. George Pappas provided comments from the ADF&G and they recommend **opposing** both proposals.

**MOTION:** Mr. Raymond Collins made a motion to **adopt Proposals WP12-59/60**. The motion was seconded by Mr. James Walker. The motion **failed** unanimously, 8-0.

**JUSTIFICATION:** Subsistence users have discretion when taking resources. This would be unnecessarily cumbersome by misaligning State and Federal regulations. There is no need for the proposed actions; there is no biological concern.

**WP12-69**

WP12-69 requests a change in the customary and traditional use determination for caribou in Unit 25 remainder from all rural residents to residents of Unit 25.

Mr. David Jenkins presented the staff analysis. The Office of Subsistence Management preliminary conclusion: **support with modification** to include residents of both Unit 25 and Unit 24A.

Mr. George Pappas provided comments from the ADF&G and they recommend **supporting** the proposal but makes no recommendation for other areas within Unit 25.

**MOTION:** Mrs. Jenny Pelkola made a motion to **adopt Proposal WP12-69**. The motion was seconded by Mrs. Eleanor Yatlin. An amendment was made to the motion by Mr. Ray Collins to restrict the motion to Unit 25A only for residents of 24A. The motion **passed** unanimously, 8-0.

**JUSTIFICATION:** There are known people who use 25A for caribou that reside in 24A.

**Other Misc. Updates**

Gerald Maschmann from the U.S. Fish and Wildlife Service (Fairbanks) gave the Yukon River Subsistence Post Season Salmon Report.

David Jenkins gave an overview of the Tri-RAC Customary Trade Subcommittee activities to date. The WIRAC unanimously supported the preferred alternative (Customary trade of Yukon River Chinook salmon may only occur between Federally qualified rural residents with a current customary and traditional use determination).

Aaron Dupuis with Tanana Chiefs Conference gave an overview of their activities and projects.

Mike Thalhauser with Kuskokwim Native Association gave an update of projects from 2010 and 2011.

Chuck Ardizzone provided an update on tribal consultation protocols and the Secretarial Review Recommendations including the addition of two new members on the FSB.

**Review and Comments on the Board of Game statewide and Arctic/Interior Proposals**

**Proposal 50-Oppose**

An integral part of the Koyukuk Moose Management Plan is the requirement to destroy the trophy value of the moose. This requirement is under the discretionary authority of the area biologist. This proposal promulgated by the Alaska Board of Game, if adopted, could lead to an inundation of thousands of additional hunters and may cause certain hunts to exceed sustainability. The Council opposed the repeal of this discretionary power that has been granted to the department and feel that it needs to remain in place.

**Proposal 92, 93 and 94-Oppose**

These proposals would unnecessarily restrict trappers in rural Alaska who have an opportunity to take a furbearer legally with a firearm; there is no biological rationale for these proposed restrictions.

**Proposal 102-Support**

Disease, primarily pneumonia has caused major (80% to 100% of the total herd in some cases) die-off in wild sheep. These are introduced diseases that are brought by domestic pack goats and llamas.

**Proposal 103-Support**

Felt-soled waders have been identified as the primary vector of transferring invasive species such as whirling disease, mud snails, and zebra mussels. Non-resident hunters come to Alaska from areas where these species exist and could transfer these species to local waterways. The introduction of these mussels and pathogens into our environment is a grave concern.

**Proposal 104-Support**

There is concern of Chronic Wasting Disease being vectored into wild populations within the Western Interior region. This disease would affect moose and caribou if it is extended from Kodiak and other areas of Alaska where ungulate urine is used in hunting. The Council is supportive of this proposal.

**Adjourn on October 5, 2011**

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

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

/s/ Melinda Hernandez

Melinda Hernandez, DFO

# **Federal Subsistence Board DRAFT Tribal Consultation Policy**

## Briefing Paper for Regional Advisory Council 2012 Winter Meetings

### ***Introduction***

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

List of Workgroup members:

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

### ***Steps Taken to Draft this Policy***

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

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

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

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

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

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

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

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

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

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

### ***General Concepts of this Draft Policy***

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

### ***Themes of this Draft Policy***

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

### ***Next Steps and Timeline***

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

2) Regional Advisory Councils will review and discuss the Policy and provide feedback through staff to the Working Group.

3) A letter from the Board to Tribes and Corporations will go out mid-February asking for feedback on the new draft policy.

4) Workgroup and Interagency Staff Committee to meet in April (via tele- or video conference) to incorporate any changes from RAC discussions or written feedback from Tribes/Corporations

5) Meet with Board members, whichever are available, to discuss new draft prior to the May FSB meeting - including in-depth discussion about implementation guidelines

6) Adopt policy at May FSB meeting

7) Finalize Implementation Guidelines

### ***Questions for Regional Advisory Councils***

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

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

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

3

4

## Federal Subsistence Board

5

## Tribal Consultation Policy

6

7

Draft: 1/19/2012

### 8 Preamble

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

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

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

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

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

## 8 Background

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

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

## 29 Goals

30 With respect to the Federal Subsistence Management Program:

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

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

4

## 5       Consultation

### 6       1. Communication

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

### 16      2. Roles and Responsibilities

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

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

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

36

### 37      4. Timing

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

8           5. Methods

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

16

17        **Accountability and Reporting**

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

27

28

29        **Training**

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

1

2 **Alaska Native Corporation Consultation**

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

5

6

7

8

9 Adopted by the Board on \_\_\_\_\_,

\_\_\_\_\_

10

Tim Towarak, Chair

- 11 cc: Secretary of the Interior
- 12 Secretary of Agriculture
- 13 Federally Recognized Tribes in Alaska
- 14 Federal Subsistence Board
- 15 Office of Subsistence Management
- 16 Interagency Staff Committee
- 17 State of Alaska, ADF&G Federal Liaison

## Definitions

1

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

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

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

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

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

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

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

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

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

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

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

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

12

13

14

15 **List of Appendices and Supplements**

16 APPENDIX A: Federal Subsistence Consultation Implementation Guidelines

17 APPENDIX B: Federal Subsistence Management Cycle

18 APPENDIX C: Venues for FSMP Training

19 Supplemental Policy on Consultation with ANCSA Corporations

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**Federal Subsistence Board**  
**Alaska Native Claims Settlement Act (ANCSA) Corporation Consultation**  
**Policy**

*Supplement of the Federal Subsistence Board Tribal Consultation Policy*

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

**I. Preamble**

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

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

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

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

## **II. Guiding Principles**

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

## **IV. Policy**

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

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

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### **Consultation Implementation Guidelines**

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

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

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

Communication

Roles and Responsibilities

Timing

Methods

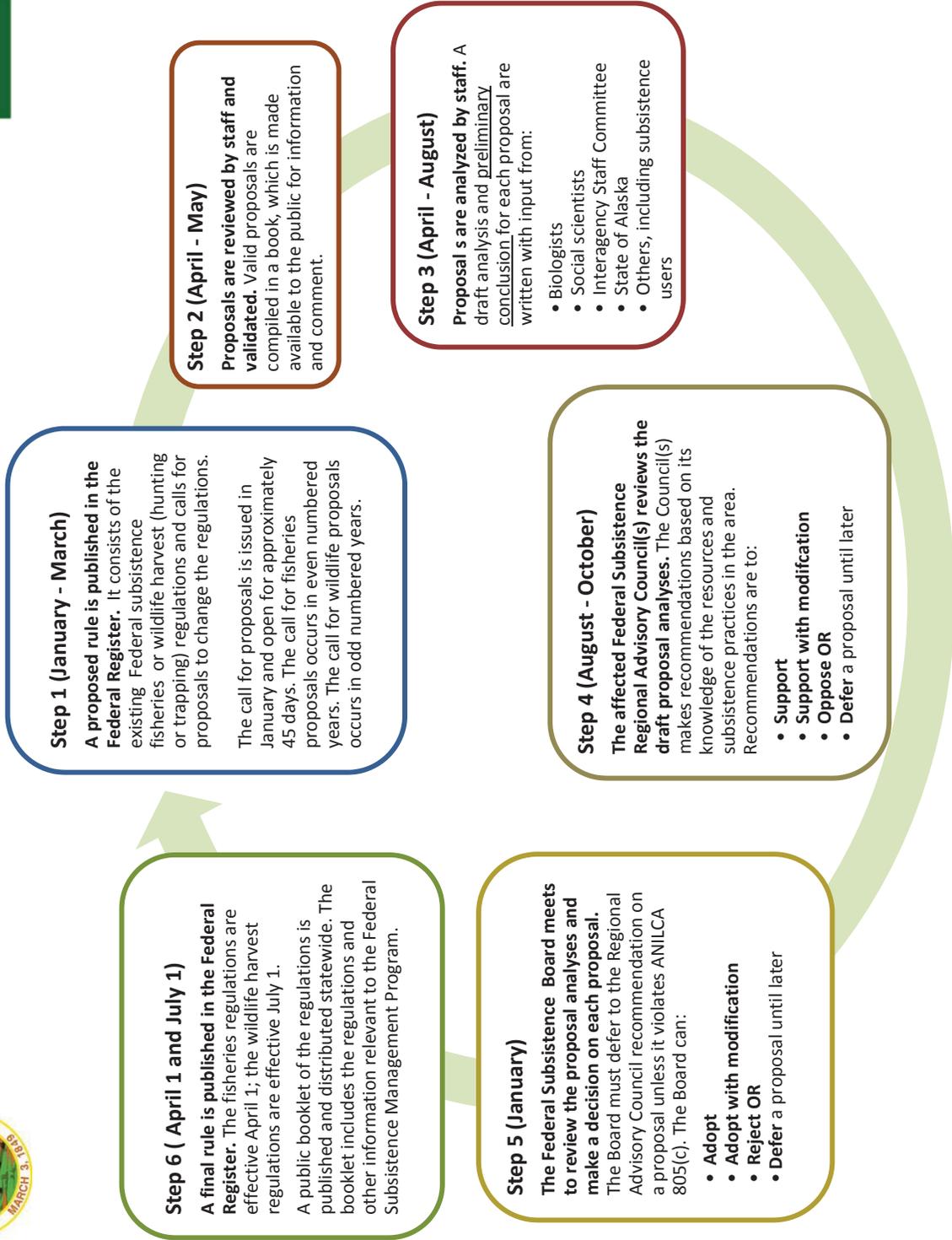
Accountability and Reporting

Training

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



**FEDERAL SUBSISTENCE MANAGEMENT PROGRAM  
REGULATORY PROCESS AT A GLANCE**



**Appendix C: Venues for Training**

Bureau of Indian Affairs Tribal Service Providers Conference

Alaska Forum on the Environment

Alaska Tribal Conference on Environmental Management

Alaska Federation of Natives Annual Convention

Association of Village Council Presidents

Tanana Chiefs Conference

Bristol Bay Native Association

Aleutians Pribilof Islands Association

Cook Inlet Tribal Council

Karawek, Inc.

Maniilaq Association

Sealaska Heritage Institute

Central Council of Tlingit and Haida Tribal Assembly

Southeast Clan Conference

Arctic Slope Native Association

Chugach Regional Resources Commission

Copper River Native Association

Kodiak Area Native Association

First Alaskans Institute Elders & Youth Conference

Alaska Native Professionals Association



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**

Alaska Region  
240 West 5<sup>th</sup> Avenue, Room 114  
Anchorage, Alaska 99501

IN REPLY REFER TO:

L7617(AKRO-EPC)

JAN 25 2012

Dear Interested Citizen, Agency, Tribe, or Organization:

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

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

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

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

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

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

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

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

Sincerely,

//Signed//

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

cc:

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

## Overview Statement

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

---

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

### Background:

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

### Current Status:

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

### Key Stakeholders Positions of Interested Parties:

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

**Action Needed:**

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

**Contacts:**

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

National Park Service  
U.S. Department of the Interior

Alaska Region



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

### *Public Review Environmental Assessment*



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

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

### *Public Review Environmental Assessment*

January 2012

#### Note to Reviewers

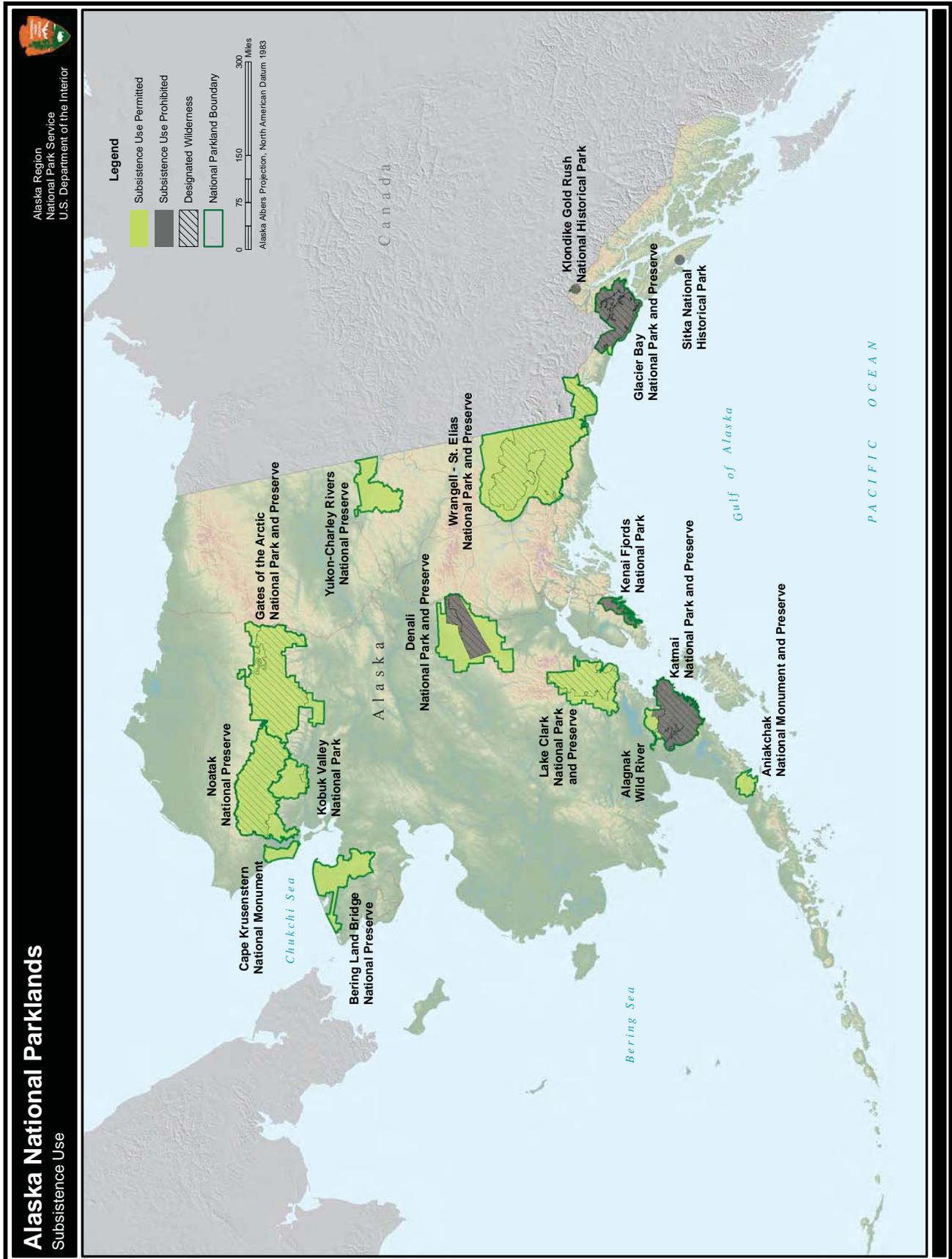
If you wish to comment on this document, you may mail comments to:

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

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**Eastern Interior Alaska Subsistence  
Regional Advisory Council**

**c/o Office of Subsistence Management**

**101 12th Avenue, Room 110**

**Fairbanks, Alaska 99701**

**Phone: 1-(907)-456-0277 or 1-800-267-3997**

**Fax: 1-(907)-456-0208**

**E-mail: Vince\_Mathews@fws.gov**

May 14, 2007

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

**Subject: Gathering of Shed Antlers on National Park Service Lands**

Dear Regional Director Blaszak:

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

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

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

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

Sincerely,

//Signed//

Sue Entsminger, Chair

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



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

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

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

Sincerely,

//Signed//

Marcia Blaszk  
Regional Director



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

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

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

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



## United States Department of the Interior

### NATIONAL PARK SERVICE

Alaska Region  
240 West 5<sup>th</sup> Avenue, Room 114  
Anchorage, Alaska 99501

IN REPLY REFER TO:

N1427 (AKRO – SUBS)

OCT 17 2007

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

Dear Mr. Simon:

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

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

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

Sincerely,

//Signed//

Marcia Blaszak /  
Regional Director

cc:

Carolyn J. Howard, DOI, Office of Executive Secretariat  
Judy Gottlieb, Associate Regional Director, Subsistence and Partnerships  
Dave Mills, Subsistence Team Manager, Alaska Region  
Jack Reakoff, Vice Chair, Gates of the Arctic National Park SRC  
Superintendent, Gates of the Arctic National Park and Preserve

Table 2.1 Summary Comparison of the Alternatives

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

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

**Table 2.2 Summary Impacts of the Alternatives**

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

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

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

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

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

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

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

## APPENDIX A ALTERNATIVE REVISED REGULATIONS

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

### No Action Alternative

#### **Alternative A:**

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

### Action Alternatives

#### **Alternative B - Collections Unlimited and No Permits:**

13.4xx

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

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

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

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

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

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

13.4xx

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

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

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

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

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

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

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

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

13.4xx

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

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

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

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

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

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

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

## Appendix C

### Possible Management Conditions for Collections

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

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

June 15, 2011

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

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

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

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

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

Sincerely,

//Signed//

---

Pollock Simon Sr., Gates of the Arctic SRC Chair

//Signed//

Jack Reakoff, Gates of the Arctic SRC Vice-Chair

*SRC Proposal Regarding Per Diem*

Cc.

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



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

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

1. Develop a proposed regulation to increase the membership on the Federal Subsistence Board to include two additional public members representing subsistence users.
  - **Status:** A final rule was published in the Federal Register on September 12, 2011.
  - Applications/nominations for the two seats were accepted by the Secretary's Office.
2. Final rule has been published, candidates interviewed and final selections in progress. When the appointment letters were reviewed by the Solicitor's Office in D.C., concerns were raised regarding whether or not the addition of two public members to the Federal Subsistence Board would give rise to any legal vulnerability under the Federal Advisory Committee Act (FACA). After further review and internal discussion, the Solicitor's Office concluded that the Board is an operational committee that is not subject to the requirements of FACA. We have not been told of any other legal concerns that would prevent the letters from moving forward.
  - We anticipate the announcement of the selectees by the Secretaries prior to the end of January.
3. Review, with RAC input, the December 2008 Memorandum of Understanding (MOU) with the State to determine either the need for the MOU or the need for potential changes to clarify Federal authorities in regard to the subsistence program.
  - **Status:** The MOU was provided to all ten Regional Advisory Councils for comment during the winter 2011 meeting cycle. Council comments were summarized and reviewed by the Board in summer 2011. The Board proposed to the State that a joint workgroup be re-established to address the changes recommended by the councils.
  - The State accepted the Board's proposal to form a joint MOU workgroup. The work group has had several meetings, and will report back to the Board with proposed changes by May 2012.
4. Review, with RAC input, the rural determination process and present recommendations for regulatory changes.
  - **Status:** The Board held a several executive and work sessions in 2011 to learn about the rural process, and is continuing to develop and review potential courses of
  - At its January 2012 public meeting the Board discussed the rural determination process and the decennial rural determination review. The board directed staff to publish a proposed rule to solicit comments from the public on the rural determination process and the current rural/nonrural determinations. In addition, based on its decision and the Secretarial program review, the Board directed staff to publish a direct final rule to extend the compliance date of the May 2007 final rule on rural determinations until the current review is complete or for five years, whichever comes first.

## OFFICE OF SUBSISTENCE MANAGEMENT STAFF CHANGES

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

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

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

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



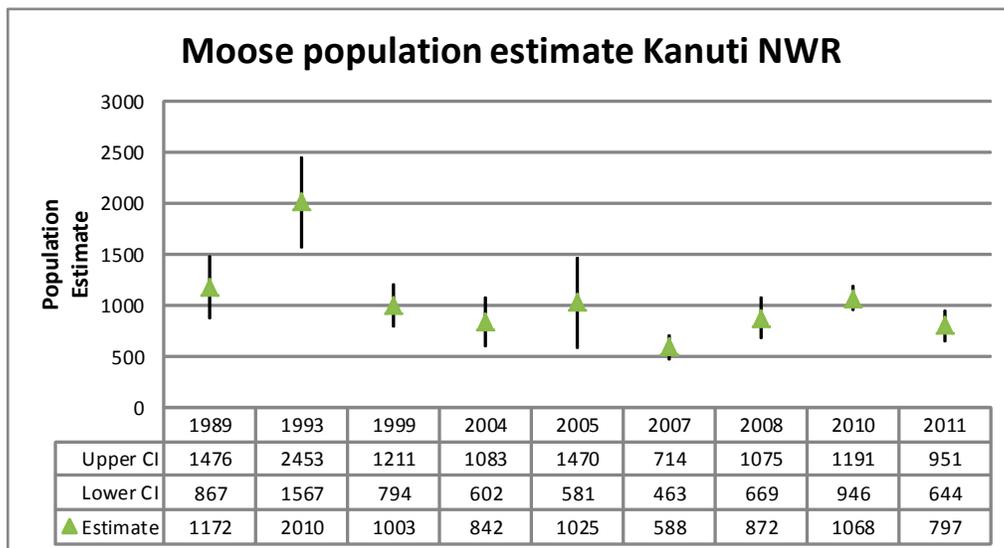
**Kanuti National Wildlife Refuge’s Report for the Western Interior Regional Subsistence Advisory Council – February 2012**

**Moose**

*Population surveys*

Kanuti National Wildlife Refuge (NWR) participated in a multi-agency effort to estimate the moose population over a large part of GMU 24B in November 2011. This GeoSpatial Population Estimator (GSPE) survey was completed by Kanuti NWR, the Alaska Department of Fish and Game (ADF&G), and the Bureau of Land Management (BLM). In addition to surveying the Kanuti NWR area that has been covered in past years, we included portions of State, BLM and private lands west of the Refuge in the 2011 study area. The entire survey area totaled 701 sample units (3,736 mi<sup>2</sup>) of which 151 survey units (about 5.3 mi<sup>2</sup> each) were flown intensively. A total of 119 of these units were on, or adjacent to, the Kanuti NWR (Table 1).

Conditions during the survey were mostly “excellent” to “good” which resulted in a relatively precise moose population estimate (797 ±153.5 moose, 90% C.I.; Figure 1). The 2011 results reveal that there has been little change in this moose population in the past decade. In fact, the confidence intervals for the 2011 GSPE estimate overlap the results for each survey completed since 1999. Even though the moose population estimate still has a relatively high bull/cow ratio (> 69 bulls/100 cows), and the calf:cow ratio was somewhat improved in 2011, there is no evidence the moose population has increased in size.



*Figure 1. Moose population estimates for Kanuti National Wildlife Refuge survey area, Alaska, 1989–2011. Error bars represent 90% confidence intervals (narrower bars indicate a higher level of precision; when error bars overlap among years, the estimates are not statistically different).*

**Table 2. Summary Statistics for 9 moose population estimates (90% Confidence Interval), in the Kanuti NWR Survey Area, Game Management Unit 24B, Alaska. Surveys conducted in 1989 and 1993 employed the Gasaway method while subsequent surveys were conducted using the GeoSpatial Population Estimator method.**

	1989	1993	1999	2004	2005	2007	2008	2010	2011
Survey Area (sq. miles) <sup>1</sup>	2,615	2,644	2,715	2,710	2,710	2,714	2,715	2,714	2,714
Units Surveyed	Not applicable <sup>2</sup>	Not applicable <sup>2</sup>	108	103	82	150	80	164	151
Population Estimate (Range of Estimate)	1,172 (867 - 1,476)	2,010 (1,567 - 2,453)	1,003 (794 - 1,211)	842 (602 - 1,083)	1,025 (581 - 1,470)	588 (463- 714)	872 (669 - 1,075)	1,068 (946-1,191)	797 (644- 951)
Standard Error	Not available	Not available	127	146	270	76	124	74.5	93
Moose Density (moose/sq. mi)	0.45	0.76	0.37	0.31	0.38	0.22	0.32	0.39	0.29
Estimated Cows	Not Available	Not Available	542	403	471	276	432	569	388
Estimated Bulls	Not Available	Not Available	320	252	331	167	199	293	268
Bulls:100 Cows	64	61	59	62	70	60	46	51	69
Yearling Bulls:100 Cows	4	8	4	9	20	13	14	7	10
Calves:100 Cows	17	33	30	46	43	53	58	33	41

<sup>1</sup>Survey areas vary among years depending on how survey units were delineated

<sup>2</sup>Survey units varied in shape and size and are not comparable to units used in subsequent surveys

*Radio Telemetry update with 2011 addition of VHF & GPS collars*

Kanuti NWR, Gates of the Arctic National Park and Preserve, the Alaska Department of Fish and Game (ADF&G), and the Bureau of Land Management cooperatively radio-collared 58 moose in Game Management Units (GMU) 24A and 24B in March 2008, 28 of which were located on and immediately adjacent to Kanuti refuge. Collared moose were tracked once a month through 2010, usually around the first of the month. In 2011 we reduced the tracking effort in response to a declining budget. In the first 1.5 years of the study, the number of collars working on Kanuti declined from 28 to 22 due to moose mortalities. This resulted in a 6.5% adult mortality rate, typical for Interior Alaska according to the literature. Six more collars were deployed on the Refuge in late October 2009, to restore the number of collared moose to 28. In 2010, Kanuti NWR purchased 8 GPS radio collars for this moose study. ADF&G placed these, and 10 new VHF collars, on cow moose on the Refuge in April 2011. Since that time, more moose have died and some collars have failed, so there are now a total of 39 radio-collars still working on, or near, the Refuge. We hope the data we acquire from the radio collars will help improve our understanding of habitat use by, and movements of, moose on the Refuge.

*Federal Subsistence Moose Hunting Season*

Special March winter subsistence hunts were offered on Kanuti NWR in 2007, 2008, 2009, and 2010 in response to the low numbers of moose harvested by local rural residents (Table 2). They were limited five-day hunts where weather may have influenced hunter participation and success. Data for these March hunts are found in Table 3. In March 2010 the Alaska Board of Game approved an expanded four-month winter hunt of December 15 – April 15 for one antlered bull moose. This hunt was first conducted December 2010 – April 2011. It was established both in State and Federal regulations on lands within Unit 24B downstream from, and including, the Henshaw Creek drainage and all of Unit 24C. A separate Federal subsistence winter hunt was established for Kanuti NWR and BLM lands that are within the Koyukuk River drainage upstream of, and including, the Henshaw Creek drainage. For the 2010 Federal seasons (Sept. 26 – Oct. 1 and Dec. 15 – Apr. 15) see Table 4 for hunter participation and harvest.

**Table 2. Preliminary summary of moose hunting activity reported by Allakaket and Alatna residents, according to State harvest ticket records, during fall general hunts.**

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Moose										
harvested	6*	5*	5*	6*	12	12	18	14	6	12

\*We suspect reporting compliance in earlier years, 2001–2004, was low but are confident in results for the six most recent years based on telephone polls made by a contracted local resident. No moose were reported harvested in December in recent years.

In response to an ADFG proposal, in January 2012 the Federal Subsistence Board voted to align the federal winter hunt regulations with the state winter season eliminating the federal winter season on federal public lands in drainages of the Koyukuk River, upstream from Henshaw Creek. The area affected is mainly near the villages of Bettles and Evansville. This change was made primarily to simplify the regulations, and also to restrict non-local hunters (hunting under State regulations) from accessing the Bettles area *via* the winter road. The regulation change also had the effect of reducing opportunity for Bettles and Evansville residents to hunt near their village and for Alatna, and Allakaket residents to hunt northeast of their villages, upstream of the confluence with South Fork, along the South Fork and Fish Creek areas, in particular. The joint State-Federal winter hunt requires a state permit for state and private lands and there will be a single federal permit for the federal August 25 – October 1 fall season and the December 15 – April 15 winter season. Both state and federal winter seasons were adopted with a

four-year sunset clause to assess the impact on the moose population. The 2011 hunter participation and harvest in state and federal winter seasons is not available at this time because the hunts are ongoing.

**Table 3. Reported moose hunting activity during Federal subsistence hunts for Federal lands in Unit 24B, March 2007, 2008, 2009, and 2010 based on permit returns and telephone interviews.**

Year	2007	2008	2009	2010
Season dates	March 1–5, 20–24	March 1–5, 8–10	March 27–31	March 27–31
Total of number Federal permits issued	27	13	6	8
Hunters that did not report	0	0	0	1
Hunters that actually hunted	10	9	2	5
Range in hunting days	1–10	1–5	1–3	1–5
Average days hunted per hunter that went afield	3.8	2.6	2.0	3.1
Number of moose harvested	0	0	1	0

**Table 4. Reported moose hunting activity for the Federal subsistence hunts in Unit 24B on Refuge and BLM lands in 2010.**

Seasons & Permit number	Permits Issued	Number Hunted	Days Hunted	Harvest
Sept. 26 – Oct. 1 & Dec. 15 – Apr. 15 (FM2402)	16	9	54	0*

\*One bull moose taken by a person cited for hunting without a license or permit

## Habitat Inventory

Kanuti National Wildlife Refuge’s first establishing purpose in ANILCA guides refuge management to “conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, white-fronted geese and other waterfowl and migratory birds, moose, caribou . . . , and furbearers.” A rigorous, comprehensive identification of Kanuti NWR’s major terrestrial resources is a step toward addressing the conservation of these resources. In 2004 we initiated a biological inventory program designed to catalog the Refuge’s diversity of breeding birds, terrestrial habitats, invertebrates, fire history, and recent fire severity. This work entails going to established “mini-grids”, each comprised of 12 study plots that are 0.5 km apart. At these study plots we collect information on the plant species present, the vegetation cover, tree ages, evidence of fire, and many physiographic characteristics. We are currently analyzing data collected at 15 “lowland” sites and plan to write a report detailing our findings this year. There are still 46 other sites on Kanuti NWR that we have not visited. However, we are unsure if we will have the budget to continue this work in the future.

## Large Shorebird Study near Kanuti Lake update

Wildlife Biologist Chris Harwood presented findings from summer 2011’s fieldwork on Whimbrels breeding near Kanuti Lake Cabin at the annual meeting of the Alaska Shorebird Group in Anchorage in December. Whimbrels breed in small numbers near Kanuti Lake. We know that these Whimbrels may winter from Mexico to Chile, South America. Fieldwork for the project continues in summer 2012.

## Forest Raptor Survey

The purpose of our study was to develop a method to monitor nesting northern goshawks and other forest-dwelling hawks on Kanuti NWR using broadcast calls. Because Kanuti NWR has no roads, the conventional methods of playing hawk calls along transects by walking or driving in wheeled vehicles, is not an option. However, several rivers on the Refuge are “floatable” and provide passage though the landscape via boats. In summer 2011 we established a “transect” line along the Kanuti River which we traveled *via* boat using a US Forest Service protocol to survey northern goshawks. We stopped at predetermined calling stations (approximately every 200 meters) broadcasted calls, and listened for responses. This was not a random sampling scheme and did not result in a true inventory. However, the economic and physical constraints of working in this challenging environment dictate how surveys can be conducted. We elicited responses from northern goshawks at 4 of 80 calling stations between the Kanuti Cabin and Kanuti Canyon. In addition to surveying for forest raptors, we recorded 56 other species of wildlife on this 3-day survey. In summer 2012, we plan to conduct another river survey to refine the techniques developed in 2011.

## Fire Management

Periodic rain and the lack of extended hot, dry spells kept wildfire activity in Alaska low in 2011 in both the number of fires and the acreage burned. A total of 32 fires burned 30,527 acres on Fish and Wildlife Service lands in Alaska, the lowest total acreage in ten years. Statewide, 515 fires burned 293,018 acres, well below the average yearly total of approximately one million acres.

A July 8 lightning storm was responsible for three fire starts over the next few days on the Kanuti Refuge, and a fourth fire that started on Doyon land and moved on to the Refuge. All of the fires started in the Modified management option after the July 3 conversion date. No allotments, cabins, or other values were threatened; and no action was taken on any of the fires. All four fires were declared out by August 3 after burning a total of only 508 acres (339 FWS acres).

**Table 5. 2011 Kanuti NWR Fire Data Summary.**

2011 Kanuti NWR Fire Data Summary										
Seq #	DOI	Start Date	Prot	Ign Owner	Fire Name	Refuge	Cause	Action	Total Acres	FWS Acres
454	F6XE	8-Jul	M	FWS	Fish Creek	KNWR	L	No	0.1	0.1
456	F6XR	8-Jul	M	FWS	Chalatna Creek	KNWR	L	No	1.5	1.5
460	F60W	9-Jul	M	NCA	Fickett Creek	KNWR	L	No	486.6	317.5
473	F67S	11-Jul	M	FWS	Hulgothen	KNWR	L	No	20.0	20.0
<b>Totals</b>									<b>508.2</b>	<b>339.1</b>

## Water Resources

### *Stream Gages*

USFWS's Water Resources Branch continued to monitor stream flow and other variables at 8 stream gages in 2011. The gages are installed on rivers and creeks within or near Kanuti Refuge including along the main stem Koyukuk, South Fork Koyukuk, Kanuti, and Kilolitna rivers, as well as Fish, Henshaw, and Holonada creeks. Monitoring began in 2009 and will continue for at least six years.

Data from the Koyukuk River stream gage below the John River at Old Bettles is available now in real time through GOES telemetry. The USFWS Koyukuk River gage and Slate Creek at Coldfoot (operated by USGS) are the only two live stream gage sites available for the entire Koyukuk River drainage. The USFWS Water Resources Branch has partnered with the National Weather Service to provide the public with data through the web site: <http://water.weather.gov/ahps2/hydrograph.php?wfo=pafg3&gage=kbja2&view=1,1,1,1,1,1,1,1%22>. Currently, the water level information is available on a 15 minute frequency. Flow data is expected to become available starting at ice breakup in 2012. This site is also available to the public at the NWS Alaska Pacific River Forecast Center web page map of Alaska gages at: <http://water.weather.gov/ahps2/index.php?wfo=pafg3>

### *Stream studies*

Beginning in summer 2011, Kanuti Refuge and USFWS Water Resources Branch partnered with the University of Alaska Environment and Natural Resources Institute to study water quality and flow conditions on three representative rivers (Kanuti, South Fork Koyukuk, and Kanuti-Kilolitna Rivers) located within the Kanuti National Wildlife Refuge. Water quality data including physical parameters (conductivity, pH, dissolved oxygen, alkalinity, and continuous water temperature record), chemical characteristics (major ions, nutrients, and trace metals), and aquatic macroinvertebrate and diatom (algae) samples are measured or sampled at the sites. Continuous flow data will be collected for the length of the project. Aquatic and adjacent terrestrial habitats will also be documented. Understanding the intricate relations of the physical, chemical, and biological components of streams help scientists and resource managers manage rivers to maintain healthy aquatic ecosystems. Baseline water quality data are especially important in light of anticipated climate warming and the recent increase in mining activity in tributaries upstream of the refuge boundary.

### *Salmon survey*

In July of 2010 and 2011, USFWS Water Resources Branch and USFWS Fisheries and Habitat Restoration Branch cooperatively surveyed six streams of Kanuti NWR for the presence or absence of Chinook and summer chum salmon. The 2011 surveys looked at reaches up in the basins with higher gradients compared to the reaches surveyed in 2010. The extended survey in 2011 provided no new evidence of spawning or migrating

Chinook, or summer chum salmon. However, the Alaska Anadromous Waters Catalog (AWC) documents the presence of Chinook salmon in Kanuti Kilolitna River, and spawning Chinook and chum salmon in Fish Creek.



## United States Department of the Interior NATIONAL PARK SERVICE

Wrangell-St. Elias National Park & Preserve  
Mile 106.8 Richardson Hwy. P.O. Box 439  
Copper Center, AK 99573-0439  
907 822 5234 Fax 907 822 7216

January 18, 2012

Dear Interested Party:

Alaska Regional Director Sue Masica has signed a Record of Decision (ROD) that approves a management plan for Off-Road Vehicles (ORVs) and trails in the Nabesna District of Wrangell-St. Elias National Park and Preserve. National Park Service (NPS) agreed to endeavor to complete the Environmental Impact Statement/management plan and decision by December 31, 2011, pursuant to a settlement agreement from a 2006 lawsuit by National Parks Conservation Association, Alaska Center for the Environment and the Wilderness Society.

The ROD provides for the following:

- Improvement of nine trails in order to maintain one alignment and prevent resource impacts associated with degraded trails. Improvements will consist of constructed re-routes and hardening of existing trails utilizing gravel or porous pavement panels such as Geoblock.
- Recreational ORV use will be permitted on trails in the National Preserve that are in a maintainable condition. At this time, that includes the Trail Creek and Lost Creek trails. After improvements, recreational ORV use will also be permitted on the Reeve Field trail, Soda Lake trail, Caribou Creek trail, and Suslota trail.
- ORV use by federally qualified subsistence users will continue to be allowed on trails in the national park and national preserve. The use will be subject to monitoring and management actions to ensure that resource impacts associated with unimproved trails in the area do not expand.
- The use of ORVs for accessing private inholdings within the Nabesna District will be managed consistent with ANILCA Section 1110(b), implementing regulations at Title 43 CFR 36.10(e)(1), and the NPS Alaska Region's **Interim User's Guide to Accessing Inholdings in National Park System Units in Alaska**.
- Construction of 20 miles of new non-motorized trails.

The Record of Decision was signed by NPS Regional Director Sue Masica only after careful consideration of management alternatives and environmental effects displayed in the Draft and Final Environmental Impact Statements (EIS). The decisions identified in the ROD represent a combination of alternatives 4 and 5 analyzed in the Draft EIS and best meet the objectives identified in the EIS. The ROD is responsive to public comment received on the EIS and presents a balanced approach. According to analysis presented in the EIS, trail improvement that eliminates trail braiding and associated impacts will result in the following resource benefits:

- Recovery of 374 acres of impacted soils, 375 acres of impacted wetlands, and 656 acres of impacted vegetation.
- Proposed trail improvements would bridge, harden, or eliminate 22 out of 22 ORV stream crossings identified in the EIS as non-functional.

The EIS estimates the cost of all trail improvements at \$4.3 million. In order to stretch trail improvement dollars, NPS will be looking for trail improvement partners and will be considering the use of volunteers for trail repair and maintenance. Tentative funding for 2012 is positive and should enable NPS to make needed repairs on the Soda Lake and Caribou Creek trails and get started on the Copper Lake trail.

The Record of Decision can be viewed or downloaded from the Wrangell-St. Elias National Park and Preserve website at <http://www.nps.gov/wrst> or at the NPS Planning, Environment and Public Comment website at <http://parkplanning.nps.gov>. Questions regarding the Record of Decision may be directed to Bruce Rogers at 907-822-7276.

Sincerely,

*//Signed//* 

Rick Obernesser, Superintendent  
Wrangell-St. Elias National Park & Preserve

## Fall 2012 Regional Advisory Council Meeting Calendar

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

Meeting dates and locations are subject to change.

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

BB—Has not yet identified meeting dates and location.

## Winter 2012 Regional Advisory Council Meeting Calendar

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

Meeting dates and locations are subject to change.

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

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

**Western Interior Alaska Subsistence Regional Advisory Council**

**Charter**

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

- (3) A recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs.
    - (4) Recommendations concerning policies, standards, guidelines and regulations to implement the strategy.
  - e. Appoint one member to the Gates of the Arctic National Park Subsistence Resource Commission in accordance with Section 808 of Alaska National Interest Lands Conservation Act (ANILCA).
  - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
  - g. Make recommendations on determinations of rural status.
  - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
  6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
  7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$150,000, including all direct and indirect expenses and .75 staff years.
  8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
    - Approve or call all of the advisory committee's and subcommittees' meetings,
    - Prepare and approve all meeting agendas,
    - Attend all committee and subcommittee meetings,
    - Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
    - Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will terminate 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

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

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

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

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

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

13. **Ethics Responsibilities of Members.** No Council or subcommittee member may participate in any specific party matter in which the member has a direct financial interest in a lease, license, permit, contract, claim, agreement, or related litigation with the Department.

- 14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
  
- 15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, must be handled in accordance with General Records Schedule 26, Item 2, or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

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Secretary of the Interior

DEC - 2 2011

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Date Signed

DEC 03 2011

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Date Filed