

# **YUKON-KUSKOKWIM DELTA Subsistence Regional Advisory Council**



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*Mountain Village, Alaska.*

**Meeting Materials**  
February 23–24, 2011  
Mountain Village

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**YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL**

City of Mountain Village Community Hall

Mountain Village, Alaska

February 23 – 24, 2011

9:00 a.m. – 5:00 p.m.

**PUBLIC COMMENTS:** Public comments are welcomed for each agenda item. Please fill out the green or blue testimony form or be recognized by the Chair. Public testimony time limits may be given by the Chair to provide opportunity for all to testify and to keep on schedule.

**PLEASE NOTE:** The times for the meeting each day, the order of business, and agenda are estimated and are subject to change without notice. Contact any Office of Subsistence Management staff present at the meeting for the current agenda and meeting schedule. Evening sessions are at the call of the Chair.

**AREA CONCERNS:** The Regional Advisory Council arranges its meetings to hear and understand the subsistence concerns of the area where they meet. Please feel free to share your subsistence concerns and knowledge during the meeting. The agenda is an outline for the meeting and is open to the area’s subsistence concerns, whether it is listed or not.

**DRAFT AGENDA**

- 1. **Call to Order** *(Chair)*
- 2. **Roll Call and Establish Quorum** *(Secretary)*..... 4
- 3. **Invocation** *(Local Pastor or Elder)*
- 4. **Welcome Remarks** *(Local official)*
- 5. **Elect Officers**
  - A. Chair *(Coordinator)*
  - B. Vice-chair *(new chair presiding)*
  - C. Secretary *(new chair presiding)*
- 6. **Housekeeping Items and Announcements** *(Coordinator)*
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If you have any questions regarding this agenda or need additional information, please contact Alex Nick, toll free at 1-800-621-5804 ext. 257 or 543-1037; fax your comments to 907-543-4413; or email to alex\_nick@fws.gov

Teleconferencing is available upon request. You must call Alex Nick at 1-800-621-5804 ext 257, 907-543-1037 or the Office of Subsistence Management, at 1-800-478-1456, 786-3888 or 786-3676, at least 72 hours 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 all participants. Please direct all requests for sign language interpreting, Computer Aided Real-time Translation (CART) or other accommodation needs to Alex Nick no later than Tuesday, February 15, 2011. Call 1-800-621-5804 ext 257, fax 907-543-4413, or email alex\_nick@fws.gov

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## REGION 5—Yukon-Kuskokwim Delta Regional Advisory Council

Seat	Yr Apptd <i>Term Expires</i>	Member Name & Community
1	2004 <b>2013</b>	<b>William Frank Brown</b> Eek
2	1997 <b>2013</b>	<b>James Aiagiak Charles</b> Tuntutuliak
3	2010 <b>2013</b>	<b>Noah M. Andrew, Sr.</b> Tuluksak
4	2010 <b>2013</b>	<b>Evan Kus Polty, Sr.</b> Pilot Station
5	1993 <b>2011</b>	<b>Harry O. Wilde Sr.</b> Mountain Village
6	2001 <b>2011</b>	<b>Raymond J. Oney</b> Alakanuk
7	1999 <b>2011</b>	<b>Mary M. Gregory</b> Bethel
8	<b>2011</b>	<b>Vacant</b>
9	1996 <b>2011</b>	<b>Lester Wilde, Sr.</b> Hooper Bay <b>Chair</b>
10	2009 <b>2012</b>	<b>Aloysius B. Unok</b> Kotlik
11	2003 <b>2012</b>	<b>Greg J. Roczicka</b> Bethel <b>Vice-chair</b>
12	2003 <b>2012</b>	<b>Robert E. Aloysius</b> Kalskag <b>Secretary</b>
13	2006 <b>2012</b>	<b>John W. Andrew</b> Kwethluk

Draft  
**Yukon-Kuskokwim Delta Subsistence Regional Advisory Council**  
Minutes from September 30 – October 1, 2010 Meeting  
Bethel Moravian Church Fellowship Hall  
Bethel, Alaska 99559

**Call to Order**

Meeting called to order at 9:00 a.m. by Lester Wilde, Chair.

**Roll Call**

Roll call by Alex Nick, Council Coordinator and a quorum was established.

*Members present*

James Charles, John W. Andrew, Harry Wilde, William F. Brown, Greg Roczicka, Lester Wilde, Paul Manumik, Raymond Oney, Al Unok, Mary Gregory, Elias Kelly

*Meeting Participants*

Agency Staff: George Oviatt of BLM; Spencer Rearden, David Jenkins, Richard Cannon, Larry Buklis, and Alex Nick of OSM; Jerry Berg, Fred Bue, Gary Pupon, Gerald Maschmann, and Crystal Leonetti of FWS; Dayna Green, Holly Carroll, Seth Wilson, Chuck Brazil, Jeff Estensen, and Danielle Ringer of ADF&G

Organization Representatives: Louie Andrew, Orutsarmiut Tribal Council; Kay Larson-Blair, Alaska Native Science and Engineering Program; Bill Alstrom, Yukon River Drainage Fishermen's Assoc.; Joni Sweetman, Bering Sea Fishermen's Association; Moses Owen, Akiak Native Community; Alissa Joseph, Youth of the Yukon-Kuskokwim Generation

Public: Moses Paukan, St. Mary's; Martin Alexie, Mountain Village; Evan K. Polty Sr., Pilot Station; James Nicolai, Akiak

Court Recorder: Meredith Downing of Computer Matrix

**Invocation**

Invocation was provided by James A. Charles.

**Election of Officers**

Mr. Nick, the council coordinator, reminded the Council that at its March 2010 meeting it deferred election of officers to the fall 2010 meeting. He suggested that the Council again defer the election of officers until the February 2011 meeting because newly appointed or reelected members will be seated in November or December 2010. After a brief discussion, Council agreed to hold its election of officers at the February 2011 meeting.

*Motion:* Ms. Gregory moved to defer election of officers until the February 2011 meeting. Mr. Oney seconded the motion. The motion carried.

## **Coordinating Fisheries Committee**

After a brief discussion about the current Coordinating Fisheries Committee (CFC) members representing YKDSRAC, the Chair appointed Mr. Manumik to fill current vacant seat on lower Yukon River CFC.

## **Housekeeping Items and Announcements**

On other housekeeping item, we have received sad news from one of the Council members. Robert Aloysius' father passed away the other night, and for that reason he is unable to attend this meeting. He wants all to keep him and his family in their prayers.

This meeting was scheduled to be held in St. Mary's. Unfortunately, due to some of the government policies not met like CCR registration requirements, that St. Mary's did not comply with during meeting preparations, there was no other choice but to relocate this meeting to Bethel. And for St. Mary's representatives, we apologize for that. Hopefully in the future the Council will be able to meet there.

There are a couple of biological technicians present, Derrick Evan, he's going to be assisting next two days along with Ms. Dara Friday. She's also a student and a bio tech. She will be assisting with meeting materials, copies, and other things that are needed at this meeting. And also, during last winter's meeting we ended up with too many copies of materials, so only 15 copies of all meeting materials that are in the workbook are provided.

## **Welcome Remarks**

Orutsarmiut Tribal Council (ONC) member, Mr. Louie Andrew welcomed everyone to Bethel to hear the concerns and issues being brought up before the Council. He said he would answer questions Council members may have about what ONC does. He welcomed everyone to bring forth their presentations concerning fish and wildlife and natural resources.

Ms. Gregory, speaking as a tribal member of ONC, added that she welcomes and wants to make sure everyone feels at home, especially while being in the Church of which she is a member. If anyone has questions about the Moravian Church building, they should ask her. She is glad the guests are here to work with the Council and to hear the Council's concerns. Ms. Gregory asked people not to be offended when she starts to talk about issues.

Chair Lester Wilde added that he would like to welcome all who came to attend this meeting. The Chair said it's always good to know there are people out there that are concerned enough about the subsistence way of life and are able to attend some of the Council meetings and witness what the Council does to get some of the proposed regulations adopted as part of the regulations. The Council needs help from anyone; every bit of help people can offer while Council is trying to get the subsistence ways to go forward is important, especially when the Council deals with dwindling resources.

## **Review and Adopt Draft Agenda**

Mr. Nick noted that ADF&G requested the Kuskokwim salmon season summary be moved up to item 11. Also ADF&G Subsistence Division from Fairbanks needs to be added on the agenda. Mr. Seth Wilson and Ms. Danielle Ringer will be the presenters for this agenda topic.

The Council reviewed the draft agenda and they discussed and added the following items.

1. Kuskokwim salmon summary, ADF&G item to 16.D.2
2. Brief overview of the Division of Subsistence projects ADF&G Fairbanks to item 14.
3. Item 15 under subsistence wildlife issues, the Yupit of Andreafski Tribal Council, St. Mary's. Item B under item 15, subsistence wildlife issues
4. Under 16. H. tribal representatives, the Kuskokwim Native Association as it is not considered as one of the regional nonprofit tribal organizations should be placed under other organizations
5. Unimak environmental assessment that was recently issued. Although it's not in this region, it speaks specifically to an issue that the Council consistently puts in its annual reports – the failure of the managers to manage their populations to provide for subsistence throughout the state.
6. Tuntutuliak resolution, this is a subsistence wildlife issue.
7. Council wanted Yukon-Kuskokwim Delta Subsistence Regional Advisory Council to discuss this topic under item D.
8. Eek Boundary Change Request. This topic refers to the boundary for Quinhagak /Goodnews River moose hunt area so this topic could be placed and discussed under item 15 E under subsistence wildlife issues.

*Motion:* Ms. Gregory moved to adopt agenda as revised. The motion was seconded by

Mr. Charles. The motion passed.

### **Regional Advisory Council Concerns**

Mr. Charles: The only comment I have now concerns the coordinating fisheries committee. At the Kuskokwim Salmon Management Working Group meetings, in the past we had CFC members attending all the time. Bob Aloysius attended as a CFC member during working group meetings. And we've tried to fit the membership opportunities during that time, but I still served as a CFC member representing this Council. Before that time, Mary Gregory was a CFC alternate member representing Yukon-Kuskokwim Delta Subsistence Regional Advisory Council as a representative for the lower Kuskokwim. I am currently a CFC member too. I think I'm still a CFC member, but I want to clarify this at this time because Robert Aloysius has been attending working group meetings as a CFC member for the Kuskokwim. This Council always needed those people for salmon management working group meetings. We have a lot of meetings throughout the summer. So if I'm still a CFC member and when Robert Aloysius is not attending working group meetings sometimes, who then is representing YKDSRAC? Currently I am an elder representative from lower Kuskokwim River. I seem to have dual seats on the Kuskokwim salmon working group membership. Would that work for the RAC membership on this group? I'm already a member as an elder.

Mr. Andrew: I have a couple of concerns on the salmon fisheries and one on the wildlife issues. This past summer, our village had to meet with the Alaska Department of Fish and Game and the U. S. Fish and Wildlife to close down our river for any king salmon fisheries because maybe it is the second time in a row we had very low numbers showing up on the weir in Kwethluk River which is nearly 50 miles upriver by air. And this is actually the first year we had to close down king salmon fishery in the Kwethluk River. In the past we had to tell our people to pull out their king salmon or large mesh size nets

on the river. And all along the Kuskokwim River, I know we have king salmon returning in low numbers year after year. I don't want to point fingers at other people, because this information I'm conveying originated from my village, and from other people that go out and harvest king salmon. This past summer we had to voluntarily pull out our king salmon nets from the river and restrict gear to a four-inch gear. And the other fishery issue we have is that, every year we see people's set nets and some of those fishers don't bother to check or pick fish from their nets. Other concerns from our region request to do something about predator control. On the lower Kuskokwim area we really do need a predator control because every spring time we've seen some moose kills upriver on the Kwethluk River which are mostly calves. Most of the kills were done by brown bear and a few by black bear. The other predators are wolves and I know kills are by the wolves because I used to go out and see quite a few wolf kills in the area, especially during the years when heavy snow fall occurs and wolves prey on caribou herds. When the wolves go on a killing spree, they'll kill off animals one after another without eating any of the meat and just go after the animal's bladder or something in the animal's rear end. U. S. Fish and Wildlife have not done anything about this yet perhaps because there has not been any proposal to do something about this issue.

Mr. Roczicka: I'm going to follow up a little bit on what John mentioned, is, and clarifying that as far as the predator management that he spoke of and so forth, those are policy issues that actually come down and really points toward the failure of the subsistence management system within this State, in that those come from the East Coast. They come from Washington, D.C. It's not our area managers that have any control on that. It's a policy, and that's the level that we have to deal with it at. And I've never been so disillusioned, frustrated and actually down-right betrayal of the Service in the decision that it made in Unimak, and we'll discuss that further. I just recently talked to the Alaska Federation of Natives (AFN) this morning and yesterday regarding this issue. The Service has yet to respond to the resolution that went forward to the Service asking for direct action from the Secretary, from the U. S. Fish and Wildlife Service. The Service said in just the whole subsistence issue, we're feeling very encouraged by this current administration that sits in the presidency that said that they were going to be very aggressive and assertive in addressing Native issues, but yet they've been essentially non-responsive to AFN directly in trying to address their subsistence concerns, so it's really frustrating, but keep after it.

Mr. Kelly: My only concern is with the fisheries and later on in the agenda I will be giving a presentation for the Pilot Station Traditional Council. So other than that, I don't have any other comments.

Ms. Gregory: First of all, I'd like to be excused this afternoon for a couple of hours. And I agree with Mr. Andrew and Mr. Roczicka about the people that are supposed to be protecting my subsistence way of life. They don't even know what I eat. And we should have people from Alaska or from the villages, you know, be in charge of those regulations and what rules that we make should be adhered to. And my concern is that when I eat, I don't want anybody to tell me what to eat because I never tell you what to eat or where to shop for food.

Mr. Oney: First of all, I'd like to thank the Council and the people, the staff, for putting up with me all these years. Although this may be my last year as a RAC member, I want to thank you and all the board members here. There will always be issues facing our way of life, speaking as a Yup'ik, and that's the reason why I encourage you people out there to participate in this process so that we may hear and address your concerns during this meeting.

Mr. Manumik: For the Lower Yukon River Chinook salmon mesh size, there have been comments made by young fishermen and women who take care of our subsistence caught fish and they are saying that the mesh size that has been approved for use next summer is going to kill off all of the female Chinook salmon that are entering the Yukon River. So they would like to see that mesh size approved by the Board

of Fish not be used for another year. Also some of the younger men commented on that same issue, saying that they are going to be killing off all the female Chinook that are migrating up the Yukon to the spawning areas. And also on the Bering Cisco, women are saying the commercial fisherman is taking our food from our dinner table. So they would like to have some kind of feedback from this Council that could be recommended to the Federal Subsistence Board. I also would like to hear a comment from Al Unok from Kotlik about the status of Bering Cisco in his area.

Mr. Unok: The Alaska Department of Fish and Game closed part of the areas where Bering Cisco is harvested in order to conserve these resources. If same thing is done in your area for some years, that could work. The commercial harvest of whitefish closed for about two years, no whitefish commercial fishing was allowed in the area and the whitefish fish numbers showed some increase this past year. Whitefish numbers have increased because the commercial fisherman cannot commercially harvest them in the area. Does that answer your question?

Mr. L. Wilde: I've got a comment I'd like to make. I went through all these proposals that are coming before us, and one thing I've noticed is that there are a couple proposals that have absolutely no direction to conserving our subsistence fisheries along the Yukon, and it seems that there are a couple proposals that are only there for a type of frustrated vengeance on the part of Lower Yukon proposals. The Council has worked all these years to get our people along the Yukon River together from all the way up from the border on down to the mouth of Yukon River, and these two proposals will have a tendency to draw us apart. I don't think that the Subsistence Council was formed to start fights within the regions. I think what we need to do with those proposals is to knock them down and let the public know that we are here for the good of our people and the subsistence use of our resources in our area. There's no room in the subsistence world for us to be fighting with other groups in our area. I just want to make sure that I put that in front of you, because that's been bothering me all the time that I was going through these proposals.

I missed the last meeting because I was in the hospital. I know that there were a lot of members that were praying for me, and I want to thank you all for your prayers. You can see the results of your prayers because I'm sitting here. Otherwise I would have been six feet underground, except for good fortune and good work of the man upstairs.

### **Yukon River Salmon Post Season Report**

The Yukon River salmon post season report was provided by Gerald Mashmann. The 2010 Chinook and fall chum salmon runs were projected to be below average to average. The summer chum salmon run was projected to be near average, while coho salmon were anticipated to be average.

Because Chinook salmon have performed below expectations in recent years, the US/Canada Yukon River Panel provided funds as it had in 2009 to coordinate a special outreach preparation program during the winter and spring. In May, prior to the start of the salmon fishing activity, ADF&G and U.S. Fish and Wildlife, with input from users, distributed a joint Yukon River salmon fisheries 2010 outlook sheet that described expectations of run strength and management approaches for the coming season. Most subsistence salmon fishermen delayed their fishing effort due to high gas prices and low fish abundance early in the season. Throughout the drainage there were episodes of wet and cold weather and high water events with heavy debris loads which preempted subsistence fishing. As the Chinook salmon migration moved upriver, managers considered reducing fishing time in order to conserve salmon, but found that poor fishing conditions coincided with periods when Chinook salmon were passing through those areas.

Consistent with the preseason management plan, no directed Chinook salmon commercial periods occurred. Directed summer chum commercial fishing periods were opened starting on June 28th and occurred in Districts 1, 2, 4, and 6. The preliminary season total commercial summer chum salmon directed periods in Districts 1, 2, 4 and 6 combined was 9,897 Chinook and 232,888 chum salmon. In-season run strength assessment of Chinook and summer chum salmon was mainly based on the lower river test fisheries at Emmonak and Mountain Village, the Pilot Station and subsistence fishermen catch reports.

The preliminary end of season pilot station sonar estimate was approximately 114,500 Chinook salmon as compared to the 1995 to 2008 average passage of 141,000 salmon. The total Chinook salmon passage at Eagle sonar was 34,600 and the border passage estimate was 33,000. This was below the Canadian spawning escapement goal of 42,500. The preliminary end of season Pilot Station sonar estimate was approximately 1.3 million summer chum as compared to the 1995 to 2008 average passage of 1.6 million fish.

After observing the performance of the summer chum salmon, managers entered the 2010 fall chum season expecting a below average fall chum run around 600,000. Near the midpoint of the fall chum run, the run size projection was on track to be near 400,000, which was well below expectations. To conserve fall chum salmon, all main river districts except Subdistrict 5D were placed on their regulatory windowed schedules. Additionally, one subsistence fishing period was canceled beginning in District 1 and implemented chronologically upriver through Subdistricts 5B and C. Later in the season upriver escapement projects were indicating that restrictions were no longer necessary and the subsistence fishing schedule was relaxed in the rest of the Yukon River mainstem. Although escapement assessment continues, it appears that the drainagewide objective, the Chandalar River, Tanana River and Canadian mainstem fall chum salmon stocks have attained their escapement objectives. The Sheenjek and Fishing Branch rivers may end near or below their goals.

The coho salmon run also had later than average timing with a near average run size for the season. Based on in-season assessment, managers did not open a directed fall chum salmon commercial fishing. Commercial fishing did open late in the season to target coho salmon in Districts 1, 2, and 6. The preliminary Yukon area fall season commercial harvest at this time is approximately 2200 fall chum and 3500 coho salmon.

Management of both the summer and fall seasons was challenging due to the weak and unusually late salmon runs. Many fishermen voluntarily lowered their subsistence harvest goals throughout the area, worked harder than usual, or shifted their harvest to other fish species to provide for household subsistence needs this year. In-season management actions were taken to conserve both Chinook and fall chum salmon. Subsistence fishing periods were canceled during the fall season, sport fishing and personal use fishing were closed in the fall, and some commercial fishing opportunity for summer chum and coho salmon was foregone to further conserve Chinook and fall chum salmon. The end results were that most escapement goals were achieved with some Chinook and fall chum stocks falling short of their goals. The outlook for 2011 will be prepared by ADF&G after escapement information and age composition analysis are completed over the next several months.

Steve Hayes, ADF&G area manager for the Yukon, said that managers do try to get these reports done pretty quickly, but the fall season fishery is going on. Staff is still trying to collect all the data on the projects. ADF&G wants to present the best available data, and this is about the soonest it is available. Some of these numbers are going to change when the final season summaries are out. He further discussed how the fisheries have changed since 1998, the treaty with Canada and the required

escapements, and weather and water conditions. Mr. Hayes also said that ADF&G has to come up with another plan this spring. It may look somewhat similar to 2009 with reduced subsistence time, but staff plans to get input from users.

*Public comment by Moses Paukan:* When a windowed fishing schedule is in place, local people are forced to fish for salmon aggressively and some families have a large number of family members and one or two fish cutters. Should family members fish separately for one or two cutters, they harvest 50-80 salmon. It is not possible to cut all of the fish harvested so some of those fish could be wasted as a result. So if windowed fishing schedules could be repealed there would be less aggressive fishing. Another similar subsistence concern is about wildlife hunting. With current hunting regulations local hunters hunt and harvest 10-15 moose per day for each village versus the old days when hunting was only on an as needed basis and there used to be less pressure on animals because hunting was widely spread out. Currently there is wanton waste of meat occurring due to spoilage of meat when it is not taken care of in the field. Another concern is introduction of sport hunting opportunities in the area that contributes to worse situations in the area. Another concern is about fall chums. There are reports of poor fall chum runs coming in at the mouth. Local people were aware that there were abundant numbers of fish in the river because they were out fishing between the mouth of Yukon and Pilot Station. Suggestion is to do away with windowed fishing schedule in the lower Yukon River.

Jeff Estensen, ADF&G area manager, addressed the comments regarding the fall chum this year and reiterated what Mr. Hayes said earlier, that Pilot Station is an index. It's not an exact count. During the season staff is continuously checking how the Pilot numbers line up with other indicators, such as the Lower Yukon test fish at Mountain Village. As the season progresses and the fish start moving upriver, staff start getting information from upriver projects. Indications this year from everything lined up so that it was a good year for operation. The bottom line is that all the information from all the projects lines up and shows that we had a low abundance year for fall chum.

The Council had very lengthy discussions regarding the Yukon River fisheries with Mr. Hayes, Mr. Estes, and Mr. Mashmann.

### **Review of 2010 – 2012 Federal Fisheries Regulatory Change Proposals**

The Council heard summaries of the analyses for each of the Federal fisheries proposals and after its deliberations, provided following recommendations.

**Council opposed proposal FP11-01.** This proposal requests that all gillnets (subsistence and commercial) with greater than 6-inch stretch mesh be restricted to not more than 35 meshes in depth in Federal public waters of the Yukon River drainage – *Submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council.*

**Council opposed proposal FP11-06.** This proposal would restrict the depth of 7.5 inch stretch mesh gillnets to 20 meshes in depth in Yukon River District 4 and 5. *Submitted by the Mountain Village Working Group.*

These two proposals are analyzed together. It does not make sense to restrict mesh depth of gillnets when deep water reaches 70-100 feet. Council concurs with the Office of Subsistence Management analyses and justifications to oppose these two proposals. Windowed fishing schedules are causing an affect on subsistence fishing. If these proposals are adopted, it would cost subsistence salmon fisherman a lot of money to buy new nets.

*Motion:* Mr. Roczicka moved to support proposals FP11-01 and 06. The motion was seconded by Ms. Gregory. The motion failed with 0 supporting, 11 opposing, 0 abstaining, and 1 excused.

**Council opposed proposal FP11-02.** This proposal requests that Federal Public waters of the Yukon River be closed to subsistence and commercial fishing from the river mouth to the Canadian border during the first pulse and second pulse if necessary of the Chinook salmon run. These rolling closures would correspond to the periods of the Chinook salmon migration when stocks returning to Canadian waters constitute the majority of the run. No harvest on these stocks would be allowed for at least 12 years or until such time as this stock's abundance and escapement quality (age/sex/length) is restored to a level that provides sustained yields to support historic commercial and subsistence fisheries. *Submitted by Jack Reakoff.*

Figure 7 in the staff analysis indicates closing subsistence salmon fishing when first pulse arrives may not resolve problems with decrease of run strength. Restriction is not necessary given current regulations in place and inseason management. Women should be interviewed more because they do all the work when salmon are harvested. This proposal seemed that it is only trying to make a point.

*Motion:* Mr. Roczicka moved to support FP11-02. The motion was seconded by Mr. Manumik. The motion failed with 0 support, 9 opposing, 1 abstaining, and 2 excused.

**Council opposed proposal FP11-03.** The proposal requests that Federal public waters of Yukon River Subdistrict 5-D be further subdivided into three Subdistricts to provide managers additional flexibility to more precisely regulate harvest while conserving the Chinook salmon run that spawns in the upper Yukon River. *Submitted by Andrew Firmin*

A Council member suggested that the Council take no action on this proposal. The Council believes what this proposal requests is unnecessary.

*Motion:* Mr. Roczicka moved to support proposal FP11-03. The motion was seconded by Mr. Charles. The motion failed with 0 supporting, 9 opposing, 1 abstaining, and 2 excused.

**Council opposed proposal FP11-04.** The proposal requests the use of fish wheels be prohibited for the harvest of salmon in District 4 and 5 of the Yukon Area, to allow more fish to escape to the spawning grounds. *Submitted by Stanslaus Sheppard of Mountain Village Working Group*

The Council believes this proposal is unproductive and unnecessary. There is no reason to adopt this proposal. Potentially, this proposal would create controversy.

*Public Comment by Ms. Alissa Joseph:* Ms. Joseph was representing the Youth of the Yukon-Kuskokwim Generation. She said that the proposal is only going to cause friction between the Upper and Lower Yukon subsistence fishers and it already started with fisheries. She contacted some people on Facebook, which is the way to communicate with younger generation people, and they already have issues with Upper and Lower Yukon people. So she is trying to clarify issues for them and let them understand exactly how these fisheries work because they're not coming to these meetings themselves as these meetings are very hard for them to understand. It is very important for them to get understanding of exactly what's going on. Ms. Joseph fished personally on those fishwheels back in 2005 when she was living in Anchorage. She would fly up to the upper rivers of the Yukon and fish those fishwheels. To her, fishing with fishwheels is a lot harder than the way people fish down here. They catch fish that are just like how we're given our fish. Whatever's caught in the net, we take when available. Whatever's harvested with their fishwheels, they take what's available. They're not able to move their fishwheels wherever they like based on the currents

and other situations. They have to have them set in a certain spot at a certain time so that they don't get washed out or they don't hit the bottom and ruin their fishwheel. In 2005 they had a lot of problems with ruining the fishwheels based on where they had them set. She and others of the younger generation that she talked to about this proposal said that they didn't want this proposal to go through. And that was both the Upper and Lower Yukon people.

*Motion:* Mr. Roczicka moved to support proposal FP11-04. The motion was seconded by Mr. Oney. The motion failed with 0 supporting, 10 opposing, 0 abstaining, and 2 excused.

**Council opposed proposal FP11-07.** This proposal requests that the use of drift gillnets be prohibited for the harvest of salmon in District 4 and 5 of the Yukon Area, to allow more fish to escape to the spawning grounds. Both Federal and State regulations do not allow the use of drift gillnets for the harvest of salmon in District 5. Therefore, the proposal only applies to the use of drift gillnets for harvest of salmon in Federally-qualified users in the Federal public waters of District 4 (Subdistricts 4A, 4B, and 4C).

*Submitted by Stanslaus Sheppard of Mountain Village Working Group*

Written public comments from the area indicated that there would be some problems if this proposed regulation is adopted. If this proposed regulatory change is adopted, there would be not enough space for subsistence set nets in limited small eddies in the area.

*Motion:* Mr. Roczicka moved to support proposal FP11-07. The motion was seconded by Mr. Charles. The motion failed with 0 supporting, 10 opposing, and 2 excused.

**Council opposed proposal FP11-05.** The proposal requests that the Federal Subsistence Board preclude customary trade of salmon in Yukon River district 4 and 5, and it requests that the Board preclude the use of salmon for dog food in Yukon River District 4 and 5, with the exception of whole Chinook salmon caught incidentally during a subsistence chum salmon fishery in the Koyukuk River drainage after July 10. *Submitted by Stanslaus Sheppard on behalf of the Mountain Village Working Group*

The majority of the written public comments from the affected area oppose this proposal. Area does not have a limit on how many salmon should be harvested for dog food.

FP11-05

*Motion:* Mr. Roczicka moved to support proposal FP11-05. Ms. Gregory seconded the motion. The motion failed with 0 supporting, 11 opposing, and 1 excused.

**Council supported proposal FP11-08 with Modification.** The proposal requests that customary trade in the Yukon River Fisheries Management Area be prohibited in any year when Chinook salmon runs are insufficient to fully satisfy subsistence harvest needs and subsistence fisheries are restricted. As submitted, the prohibition would only affect customary trade between rural residents. *Submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council*

The Council wanted to delete all proposed language under (iii) and replace with the following: ***(iii) Yukon River Fishery Management Area - The total cash value per household of salmon taken within Federal jurisdiction in the Yukon River Fishery Management Area and exchanged in customary trade to rural residents may not exceed \$750.00 annually.***

Council discussed this proposal at length and weighed all the information available from staff and guests during its deliberations on the proposal.

Council supported proposals to prohibit customary trade until salmon numbers reach healthy numbers again. This issue needs to be addressed because for some reason chum salmon numbers are declining in the Yukon River drainage. This is a river wide issue and it is up to the people to conserve salmon numbers. The Council will support this kind of proposal because there are some reports of customary trade abuse within the drainage. In the past, there were much more dogs to feed. Nowadays there are fewer dogs and the Council questioned the need for more salmon for dog food.

*Motion:* Mr. Roczicka moved to support proposal FP11-08. The motion was seconded by Ms. Gregory. The motion passed with 9 supporting, 2 opposing, and 1 excused.

*Motion to Amend:* Mr. Roczicka moved to use the language of the Bristol Bay fisheries management area that's in section (i) but amend it to apply to the Yukon River fisheries and to set a limit of \$750 annually, and also include it for subparagraph (12) that includes other, non-rural, which would make a total of \$1500 per household per year.

*Vote on the Amendment:* The motion passed with 8 supporting, 3 opposing, 1 excused.

**Council supported proposal FP11-09 with Modification** to delete all proposed language under (iii) and replace with the following language:

***Yukon River Fishery Management Area - The total cash value per household of salmon taken within Federal jurisdiction in the Yukon River Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$750.00 annually. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.***

*Motion:* Mr. Roczicka made a motion to support proposal FP11-09. Mr. Oney seconded the motion. The motion passed with 8 supporting, 1 opposing, 1 absent and 1 excused.

*Motion to Amend:* Mr. Roczicka moved to amend the regulatory language in the bold under (3)(a) as discussed on FP11-08 and insert the Yukon fisheries and the \$750 figure as the maximum dollar figure.

During the discussions and deliberations, the Council and audience indicated that there is a need for measurable enforcement tools to address commercial advertisements such as in Craigslist that are escalating under the guise of subsistence customary trade. A dollar limit of up to \$750.00 annually should be placed because there is currently no limit on salmon customary trade. A limit is necessary because what could happen is that once some people find out what the customary trade limit is, they could fish for salmon until their \$750.00 limit is potentially achieved.

*Vote on Proposal as Amended:* The motion passed with 9 supporting, 1 absent, 1 abstaining, and 1 excused.

### **Fisheries Resource Monitoring Program**

Mr. Cannon with the Office of Subsistence Management (OSM) provided information on the Monitoring Program 2012 Priority Information Needs. Mr. David Jenkins with OSM assisted Mr. Cannon.

Nine proposed information needs for the Yukon River subsistence fisheries were identified; eight were identified for the Kuskokwim Region. The Council discussed the Priority Information Needs document as presented, took public testimony, and by unanimous consent advanced the following for consideration:

*Yukon Region*

1. Changes in stocks (salmon and non-salmon) due to gear being used to harvest fish. This item can be addressed by generalizing from an existing priority item.
2. Factor lamprey into non-salmon study priority. This item could be addressed by expanding an existing priority item.
3. Expand work on salmon stocks to include Canada. Such field work in Canada is better directed to the U.S./Canada funding process. However, David Jenkins noted that an aspect of this was an interest by the student testifier of incorporating more current communication networking to better bring Canadian users into a comprehensive management approach, and this could be accomplished via outreach efforts apart from the Monitoring Plan request for proposals.

*Kuskokwim Region*

1. Parallel point from the Yukon Region regarding effects on salmon stocks and users of management plans implemented for Chinook conservation.
2. Parallel point from the Yukon Region regarding quality of salmon escapements.
3. Concern was expressed that some relevant communities are not included in the whitefish harvest and use study in the lower Kuskokwim.

*Motion:* Mr. Roczicka made a motion to endorse the priority information needs as discussed and he asked for unanimous consent. Mr. Oney seconded the motion. The motion passed by unanimous consent.

**Other Fisheries Presentations**

*Survival of Kuskokwim River Salmon*

Ms. Kay Larson-Blair thanked the Council members for allowing her to present her graduate research project from the University of Alaska Fairbanks. Her project was investigating the survival of Kuskokwim River Chinook salmon by incorporating environmental variables, predators and competitors. Ms. Larson-Blair is from Dillingham, Alaska and grew up subsistence fishing, hunting, and berry picking with her family. She worked with the U.S. Fish and Wildlife Service since 2005, and is working toward a master's degree in fisheries. As a hobby she does traditional mask carving and hopes to learn how to speak Yup'ik so she can work with her people a lot easier.

The data used for her study came from the Kuskokwim River run reconstruction developed by Brian Bue and Doug Molyneaux at the Alaska Department of Fish and Game. The data set extends a total of 26 years from 1976 to 2012 with an average annual run of 200,000 to 300,000 Chinook salmon. The annual run is dominated by age classes 4, 5 and 6-year olds Chinook salmon. The variables she selected reflect conditions during those life history stages that potentially affect survival of Chinook salmon. She examined both fresh water and marine variables. Fresh water variables include McGrath winter air temperature and McGrath summer air temperature, because they affect the growth of Chinook salmon and

food availability. Kuskokwim River District was selected and was measured at Crooked Creek to help determine the out-migration of smolt into the Bering Sea. There were a total of seven variables that were selected to represent conditions in the Bering Sea. During their first year at sea, there is a high mortality rate, so variables were selected during the first year. The variables measured for marine environment include Siberian/Alaskan index, winter wind stress, summer wind stress, Arctic oscillation which represented conditions in the Bering Sea. Other variables included Bristol Bay sockeye, Asian chum and Asian pink salmon, because they are in such a high abundance that they are direct competitors and indirect competitors with Kuskokwim Chinook salmon food availability.

For the univariable (ph) analysis, there were a total of 11 variables that came back that were investigated. Only four of the variables came back statistically significant, meaning that they affect survival of Chinook salmon. These included Asian pink salmon, Bristol Bay sockeye, winter wind stress, and Siberian/Alaskan index. There were no freshwater variables that came back and shown to affect survival during the freshwater life stage. She examined a total of 16 models. The model that included Asian pink salmon was found to be the best fit model. And of the other 15 candidate models, only five models shown substantial support and fit the data nearly as well. These models had the variables Asian pink salmon, Bristol Bay sockeye, winter wind stress and Siberian/Alaskan index. All other models were considered less possible and discarded. All six of the final models that she examined explained about roughly 72 to 73 percent of the variability seen in the recruits per spawner, or the survival of Kuskokwim River Chinook salmon. With the inclusion of environmental variables and competitors, we were able to increase the predictive capability and accuracy of our model. One of the largest limiting factors in this study was the small amount of freshwater variables that had complete data sets or which actually existed. Some future research needs that have been identified include gathering local indigenous knowledge which has been passed on through many generations. It would be helpful to gather this information for future reference because local residents have knowledge on how salmon interact with their environment and the animals around them, and it has been passed on for hundreds of years. And another one was to examine Western Alaskan salmon stocks similarities. She talked with other statisticians and biologists and it appears that Nushagak River Chinook may have similar patterns in survival to Kuskokwim River Chinook, which may indicate that there's something occurring in the Bering Sea that's affecting all these salmon stocks.

#### *Alaska Native Science and Engineering Program*

Ms. Alissa Joseph is a college intern who works with Orutsararmiut Native Council (ONC) for the in-season subsistence fisheries program. The places she considers home are Alakanuk, Hooper Bay, and Bethel, because her grandparents are originally from Alakanuk on her mom's side, Hooper Bay on her dad's side, and she went to school in Bethel. Ms. Joseph is getting a degree in civil engineering, majoring in environmental engineering with minors in fisheries management and environmental science. These are the places she worked within the Kuskokwim River for the co-op projects. Ms. Joseph discussed her experience working for ONC from 2009 conducting fish surveys at a camp site upriver around Kalskag fishwheel, and multiple other sites along the river.

#### **Subsistence Wildlife Issues**

Three special action requests were brought to the attention of the Council as follow-up items for the OSM Staff.

1. Tuntatuliak winter moose season. Range of views was expressed by Council members.

2. Eek moose hunt area boundary change. This is a special action request for 2011 and a permanent regulation change proposal to be effective beginning in 2012. Further clarification is needed on specifics.
3. Pilot Station Traditional Council seeks suspension of the 7.5” gillnet mesh size limit for Chinook salmon on the basis of anticipated waste of incidental chum salmon catches. Council passed motion of support.

## **Agency/Organization Reports**

### *Yukon Delta National Wildlife Refuge*

Gene Peltola, Refuge Manager, reported the Refuge issues. Four transporter permits were issued throughout the year, three of which are aircraft and one boat operated. One of the aircraft and the boat operated did not engage in dropping anybody off. This year there were fewer than 40 total clients dropped off on Refuge lands, not on regional or village corporation lands. Those hunters took a total of 18 moose, two black bear, and one wolf. A significant portion of those 40 clients were Federally-qualified users from the area, mainly Bethel.

About two years ago the Refuge received a request to initiate Arctic fox population manipulation, i.e. predator control, on the coast. There are five brant colonies from Nelson Island up to the Askinuk Mountains. The Refuge had addressed predator control with regard to brant and Arctic fox in following the National Environmental Policy Act (NEPA) process, and the Refuge came up with an Environmental Assessment. The original request was to remove Arctic foxes on all the colonies on the Yukon-Kuskokwim Delta for a period of 10 to 15 years. For the Refuge to consider such an action, it had to be biologically and legally justifiable and defensible. Going through that process, the Refuge concluded that population manipulation may be warranted on one colony on Refuge lands, that being Tutakoke just south of Hooper Bay on the south side of the Bay. Another location population of concern is on corporation land or private land at Kokechik Bay on the south side, which happened to be on Sea Lion Corporation lands. A significant number of foxes were taken and most likely staff will be out for a second year based on the Refuge management plan.

### *Togiak Refuge*

A bulletin was provided by the Togiak Refuge and it was in the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council’s work book.

### *Alaska Department of Fish and Game*

Please see page 6, *Yukon River Salmon Postseason Report* above. Upon Council’s request, this report by USFWS and ADF&G was provided before Council take up Yukon River salmon regulatory change proposals.

### *Division of Subsistence — Fairbanks*

Mr. Seth Wilson and Ms. Danielle Ringer with Subsistence Division, ADF&G Fairbanks gave an update on the projects they worked on in the Yukon-Kuskokwim Delta. Part of their program within the Yukon-Kuskokwim Delta region is covered under Ms. Kay Larson-Blair and Ms. Alissa Joseph’s update.

## Regional Council Business

### Future Meetings in 2011

1. Winter 2011: February 23–24 confirmed. Location changed from Bethel to St. Mary's.
2. Fall 2011: September 29–30. Location is to be announced depending on the most proposals under consideration during that time for Yukon-Kuskokwim subregion.

The Council discussed its 2010 Annual Report Topics and brought up following issues.

1. Predator management.
2. Appointment of Tribal Council representatives on the Regional Advisory Councils (not individuals by name, but organization seat on the Council)
3. Other topics from Council members to follow through Alex Nick

### Closing Comments

Ms. Gregory commented that she reapplied for her seat on the Council. She plans to represent elders in the region and to continue fighting on their behalf. She asked everyone to do their part representing and speaking on behalf of people even though tasks are tedious at times. She thanked everyone for coming to Bethel and attend the Council meeting but indicated they should watch what they are doing while attending meetings. When members practice what they say in the meetings a good message is relayed to people and instructs staff to do the same. Living a Yup'ik way of life is very tedious she said. There is lot of work involved and that leads to gaining trust from the people

Mr. Andrew commented and brought up couple of issues. Last summer in his village there were King salmon fishing issues as restrictions were imposed on users. Mr. Andrew would like to see more restrictions in the Kuskokwim River because every year the salmon stocks show a decline in numbers. Mr. Andrew indicated the Council needs to take cautionary approach how recommendations are made on this issue. The local people in Kwethluk are not happy about the Donlin Creek mine. If the Donlin Creek mine becomes an active mine, there is real danger of ruining the whole ecosystem on the Kuskokwim River below the mining site. The local people need to have input on the planning for this mining project.

Mr. Roczicka stated that he's tired and he will continue to be tired but he is not about to give up doing what he's doing to represent people.

Mr. Unok is concerned about the Council's workbook. He feels that the Council's workbook pages should be labeled to make it easier for members to find what's in it.

Mr. Oney thanked everyone for showing respect by being sober and attending these meetings. He also thanked the staff for all the hard work putting together Council's recommendations.

Mr. Manumik thanked everyone for supporting Yukon River people. He wished that this meeting occurred in St. Mary's so people would have reviewed proposals that affected them and understand what the proposals were. They would understand what would affect them this summer. He also thanked Mr. Elias Kelly for his presentations. The Yukon River people really needed to see what this Council is doing but

the meeting did not happen on the Yukon River. This is the reason why he thanked Council members for voting against some of the proposals that has adverse affect on subsistence salmon users.

Chair Wilde thanked staff and all involved for making it easier for the Council to make its recommendations as it is not always easy to do so. The information staff supplied in the Council's workbook included pertinent information on each of the proposals so Council's recommendations can be made intelligently and to the best ability of the Council. He reminded Council members to cleanup their area and dispose trash.

### **Adjourn**

The Chair adjourned the meeting at 6:40 p.m.

Draft minutes from September 30 through October 1, 2010 was completed by Alex Nick on January 27, 2011

**BOARD ACTION REPORT**  
Federal Subsistence Board Meeting  
January 18–20, 2011

**YUKON-NORTHERN AREA**

**FP11-01**

**Description:** FP11-01 requested that all gillnets with greater than 6-inch stretch mesh be restricted to not more than 35 meshes in depth in Federal public waters of the Yukon River drainage. Submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council.

**Council Recommendation/Justification:**

**Yukon-Kuskokwim Delta** — Oppose FP11-01. It does not make sense to restrict mesh depth when water can be 70–100 feet deep. The Council also opposes the proposals due to the burden to subsistence users because of the cost to alter nets.

**Western Interior Alaska** — Oppose FP11-01. The Council stated that current data shows salmon will swim in various depths in the water column. Weather will also affect the migration pattern of the salmon swimming upriver and fishermen will adapt and fish in different depth of water.

**Seward Peninsula** — Oppose FP11-01. The proposal does not address the issue of concern and would not have much impact other than cost to subsistence users to alter their nets. Also, there is opposition to the proposal from people that would be affected.

**Eastern Interior Alaska** — Took No Action on FP11-01. Action was deferred until the results of a relevant study is completed in 2011 and presented to the Council.

**Board Action/Justification:** Rejected. Reduced depth reduces efficiency, thereby making it more difficult for people to meet their needs. There is a lack of substantial evidence to support such a change; however, if new information becomes available, a new proposal can be submitted. This action follows the recommendation of the Yukon-Kuskokwim Delta, Western Interior Alaska, and Seward Peninsula subsistence regional advisory councils.

**FP11-02**

**Description:** Proposal FP11-02 requested that Federal public waters of the Yukon River be closed to subsistence and commercial fishing from the river mouth to the Canadian border during the first pulse, and second pulse if necessary, of the Chinook salmon run. These rolling closures would correspond to the periods of the Chinook salmon migration when stocks returning to Canadian waters constitute the majority of the run. No harvest on these stocks would be allowed for at least 12 years or until such time as this stock's abundance and escapement quality (age/sex/length) is restored to a level that provides sustained yields to support historic commercial and subsistence fisheries. Submitted by Jack Reakoff.

**Council Recommendation/Justification:**

**Yukon-Kuskokwim Delta** — Oppose. Closing subsistence fishing when the first pulse arrives will not address the problem. Restrictions are not necessary given current regulation and ability of in-season managers.

**Western Interior Alaska** — Support with modification as follows: *(B) Federal public waters of the Yukon River will be closed, or predominantly closed, to the taking of Chinook salmon by all users sequentially from the river mouth to the Canadian border during the first pulse of Chinook salmon, through very short or no openings, using statistical area closures to provide greater protection, to expressly protect the U.S./Canadian Yukon River Panel agreed-upon escapement goal, without negatively impacting conservation of other stocks. This regulation will be in place for four years.* Implementing a closure for 12 years will create an undue hardship and will be too restrictive for rural residents. The Council supports a four year closure to protect the run and to restore it to a level that supports historic commercial and subsistence fisheries.

**Seward Peninsula** — Oppose. This would bring a fragmented management approach to the river and would restrict needed management flexibility. Also, this proposal would prevent subsistence fishers from fishing even if there is a harvestable surplus.

**Eastern Interior Alaska** — Oppose. The proposal is too restrictive. The Council has concerns about managers' ability to effectively execute this proposal, given that early run projections have been overly optimistic of the past four years, and that there are not enough data to confidently ensure the predominant presence of specific stocks in a given pulse in a timely manner. The Council heard some anecdotal observations that the first pulse consists primarily of males, so the Council does not feel confident that implementation of the proposal could enhance passage of females. There are also concerns that implementation of this proposal could put undue pressure on other Yukon River stocks. There are additional concerns that, because it would only apply to Federally managed sections of the river, its overall effectiveness would be diluted while negatively impacting only Federal subsistence fishing opportunities. There is also a concern that prescribed closures could restrict options for in-season managers who already have the tool of emergency closure when warranted.

**Board Action/Justification:** Rejected. Fisheries managers currently have the authority to implement this request so a regulation is not necessary at this time. This action follows the recommendation of the Seward Peninsula, Yukon-Kuskokwim Delta, and Eastern Interior Alaska subsistence regional advisory councils.

**FP11-03**

**Description:** Proposal FP11-03 requested that Federal public waters of Yukon River Subdistrict 5D be further subdivided into three subdistricts to provide managers additional flexibility to more precisely regulate harvest while conserving the Chinook salmon run that spawns in the upper Yukon River. Submitted by Andrew Firmin.

**Council Recommendation/Justification:**

**Yukon-Kuskokwim Delta** — Oppose. The proposal is unnecessary.

**Western Interior Alaska** — Defer. Deferral would allow more local input and submission to the State process while the proposal is considered in the Federal regulatory process.

**Seward Peninsula** — Took No Action. This is an issue that is far removed from the Bering Straits Region and the proposal is better addressed by the people that are affected.

**Eastern Interior Alaska** — Support. The Council believes that this proposal would benefit conservation by targeting closures as needed more effectively than currently, and benefit subsistence users by allowing fishing when fish are available. It aligns with traditionally recognized regional boundaries, which will facilitate enforcement. It is a positive stewardship measure that appears to enjoy the support of the affected subsistence users.

**Board Action/Justification:** Deferred Action. The Board agreed that the area is large and that the intent of the proposal has merit. Deferring action on the proposal will provide time to refine the proposal and garner more public input.

#### **FP11-04**

**Description:** Proposal FP11-04 requested the use of fish wheels be prohibited for the harvest of salmon in Districts 4 and 5 of the Yukon Area, to allow more fish to escape to the spawning grounds. Submitted by the Mountain Village Working Group.

#### **Council Recommendation/Justification:**

**Yukon-Kuskokwim Delta** — Oppose. The proposal is unnecessary, unproductive, and would potentially create controversy.

**Western Interior Alaska** — Oppose. This proposal is counterproductive and does not address Yukon River drainage conservation efforts.

**Seward Peninsula** — Took No Action. This proposal addresses an issue for an area that is far outside the Bering Straits Region. Also, taking away fish wheels from some users is taking away a customary and traditional practice.

**Eastern Interior Alaska** — Oppose. The Council feels strongly that this proposal would negatively impact the subsistence users that rely on this method, and would not be an effective tool to achieve the proponent's objective. The Council recognized the use of fish wheels as a traditional harvest method that generally seems to target the smaller fish, usually males, which tend to travel further from the center of the river. The Council noted that the proposal appeared to be retaliatory and lacked sound rationale, and that there was a robust opposition record from all but the proponent.

**Board Action/Justification:** Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

#### **FP11-05**

**Description:** Proposal FP11-05 requested that the Board preclude customary trade of salmon in Yukon River Districts 4 and 5 and that the Board preclude the use of salmon for dog food in Yukon River Districts 4 and 5, with the exception of whole Chinook salmon caught incidentally during a subsistence chum salmon fishery in the Koyukuk River drainage after July 10. Submitted by the Mountain Village Working Group.

**Council Recommendation/Justification:**

**Yukon-Kuskokwim Delta** — Oppose. Written comments from the affected area oppose the proposal.

**Western Interior Alaska** — Oppose. This proposal is restrictive and targets Districts Y4 and Y5 users.

**Seward Peninsula** — Oppose. If something were to be done, it should be done drainage-wide; this proposal only addresses District 4 and 5. The Council supports limits on significant commercial enterprise, but is opposed to limits on customary trade. Managers should manage and not worry about what people do with the fish after it is legally harvested.

**Eastern Interior Alaska** — Oppose. The Council acknowledges that the use of salmon for dog food is an established traditional subsistence use of salmon, particularly salmon that are not as highly valued by humans for food. The Council considered personal knowledge of the declining numbers of both mushers and dogs in the affected area, and that current trends indicate that salmon is rarely, if ever, the sole source of food for dog teams, resulting in a very limited salmon take for this purpose. The proposal would not accomplish a significant conservation objective.

**Board Action/Justification:** Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

**FP11-06**

**Description:** Proposal FP11-06 requested that the depth of 7.5 inch stretch mesh gillnets be restricted to 20 meshes in depth in Yukon River Districts 4 and 5. Submitted by the Mountain Village Working Group.

**Council Recommendation/Justification:**

**Yukon-Kuskokwim Delta** — Oppose. It does not make sense to restrict mesh depth when water can be 70–100 feet deep. The Council is also opposed to the proposal due to the burden to subsistence users because of the cost to alter nets.

**Western Interior Alaska** — Oppose. Current data shows salmon will swim in various depths in the water column. Weather will also affect the migration pattern of the salmon swimming upriver and fishermen will adapt and fish in different depth of water.

**Seward Peninsula** — Oppose. The proposal does not address the issue of concern and would not have much impact other than cost to subsistence users to alter their nets. There is opposition to the proposal from people that would be affected.

**Eastern Interior Alaska** — Oppose. The Council expressed concerns regarding the accuracy of the data available for analysis of the proposal, and the inherent inequity in targeting certain sections of the river to bear the burden of conservation measures. The Council also considered the unanimous opposition of each community, entity, and individual motivated to write to the Board. Although the Council is interested in exploring the potential benefits of gillnet depth restrictions, having submitted a proposal of its own, it believes more information is necessary to make an informed decision.

**Board Action/Justification:** Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

#### **FP11-07**

**Description:** Proposal FP11-07 requested that the use of drift gillnets be prohibited for the harvest of salmon in Districts 4 and 5 of the Yukon Area, to allow more fish to escape to the spawning grounds. Both Federal and State regulations do not allow the use of drift gillnets for the harvest of salmon in District 5. Therefore, the proposal only applies to the use of drift gillnets for the harvest of salmon by Federally qualified users in the Federal public waters of District 4 (Subdistricts 4A, 4B, and 4C). Submitted by the Mountain Village Working Group.

#### **Council Recommendation/Justification:**

**Yukon-Kuskokwim Delta** — Oppose. Written public comments indicated that there would be a problem if the proposed regulation were adopted. There would not be enough space for subsistence set nets in limited, small areas.

**Western Interior Alaska** — Oppose. Written public comments from the area indicated that there would be some problems if this proposed regulation were adopted. If this proposed regulatory change were adopted, there would not be enough space for subsistence set nets in limited small areas.

**Seward Peninsula** — Took No Action. This proposal addresses an issue far outside the region.

**Eastern Interior Alaska** — Oppose. The Council felt that this was a cross-over proposal from someone outside the region, which would negatively impact primarily the subsistence users of the villages of Galena and Ruby, where an insignificant number of fish have been harvested for subsistence use since this fishery opportunity became available in 2005. There appears to be no real conservation benefit from the proposal. The Council noted that the proponent appears to want to be able to fish with nets, but would deny that opportunity to others and that there was vigorous objection from affected subsistence users.

**Board Action/Justification:** Withdrawn. The Board withdrew this proposal as requested by the proponent and consistent with the recommendations of the Eastern Interior Alaska, Western Interior Alaska, Yukon-Kuskokwim Delta, and Seward Peninsula subsistence regional advisory councils.

#### **FP11-08**

**Description:** Proposal FP11-08 requested that customary trade in the Yukon River Fisheries Management Area be prohibited in any year when Chinook salmon runs are insufficient to fully satisfy subsistence harvest needs and subsistence fisheries are restricted. As submitted, the prohibition would only affect customary trade between rural residents. Submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.

#### **Council Recommendation/Justification:**

**Yukon-Kuskokwim Delta** — Support with modification to delete all proposed language under (iii) and replace with the following: *(iii) Yukon River Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Yukon River Fishery Management Area and exchanged in customary trade to rural residents may not exceed \$750.00 annually.* The Council supports

proposals to prohibit customary trade until salmon runs rebound. This issue needs to be addressed for both Chinook and chum salmon. This is a river-wide issue and it is up to the people to conserve salmon. There are also reports of abuse of customary trade.

**Western Interior Alaska** — Oppose. The Council voted to request the Board to establish a subcommittee to further address the customary trade issue. The subcommittee would be charged to address Yukon River Chinook salmon customary trade regulation development and would consist of participants from each of the three Yukon River regional advisory councils and relevant State fish and game advisory committees. The Council named Robert Walker and Mickey Stickman to serve on this subcommittee, with Ray Collins and Jenny Pelkola named as alternates. The Council also recommended that a second subcommittee be charged to address Yukon River Chinook salmon management for improved escapement abundance and quality, and that this second subcommittee should meet immediately following meetings of the customary trade subcommittee for purposes of efficiency.

**Seward Peninsula** — Took No Action. The Council took no action on FP11-08 but supported the idea of a working group that includes representatives from all three affected regional advisory councils to address this long standing and ongoing issue.

**Eastern Interior Alaska** — Oppose. The Council recognizes the need for conservation measures, but has serious concerns with the potential for this proposal, as written, to negatively impact the ability of subsistence users to obtain enough fish if unable to personally do so, especially elders. There are additional concerns about the proposal's effect of inequity, as lower river users have access to disproportionately larger harvests even when total numbers are low. The Council also noted that trade of processed fish products is already regulated. The Council recommends that the Board establish a subcommittee consisting of representatives of the Eastern Interior Alaska, Western Interior Alaska, and Yukon-Kuskokwim Delta regional advisory councils to consider the customary trade issue on a compressed time frame.

**Board Action/Justification:** Deferred Action. The Board approved a subcommittee of the Eastern Interior Alaska, Western Interior Alaska, and Yukon-Delta subsistence regional advisory councils. The Board stated that the purpose of the subcommittee is to define "significant commercial enterprise" for sales of subsistence caught salmon to other rural residents and to others. The intent is to develop language that will be applied to the entire Yukon River drainage. The Board stipulated that the subcommittee will be comprised of three members of each of the three councils, that the subcommittee should consider starting with a household limit of \$750 per year, that the Solicitor's Office and Law Enforcement will assist with the final language, and that the work will be completed as soon as possible.

The Board's intent is to allow time for subcommittee work and subsequent council recommendations as noted in the current recommendations of the Eastern Interior Alaska, Western Interior Alaska, and Seward Peninsula subsistence regional advisory councils.

## **FP11-09**

**Description:** Proposal FP11-09 requested that the Board limit the customary trade of Chinook salmon in the Yukon River Management Area and require a customary trade recordkeeping form. The proposal also requested that the Board impose a geographic constraint to the customary trade of Chinook salmon caught in the Yukon River Management Area: Such trade, including the delivery of fish to a purchaser, should only occur in the Yukon River Management Area. Submitted by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.

**Council Recommendation/Justification:**

**Yukon-Kuskokwim Delta** — Support with modification to delete all proposed language under (iii) and replace with the following: *(iii) Yukon River Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Yukon River Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed \$750.00 annually. These customary trade sales must be immediately recorded on a customary trade record keeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rests with the seller.* There is a need for measureable enforcement tools to address commercial advertisements that are escalating under the guise of subsistence customary trade. There should be a dollar limit of \$750.00 annually because there is no limit now.

**Western Interior Alaska** — Oppose. The Council voted to request the Board to establish a subcommittee to further address the customary trade issue. The subcommittee charge would be as noted for FP11-08.

**Seward Peninsula** — Oppose. The Council opposed the proposal, but supports the idea of having representatives from the three affected regional advisory councils get together to resolve these long standing contentious issues.

**Eastern Interior Alaska** — Take No Action. Given the desire of the Council to work with the other affected Councils on a subcommittee related to this proposal, the Council felt that a full examination of the proposal is not warranted at this time. It was noted that there is some merit to the proposal objective, but specifics regarding poundage and record keeping requirement were insufficient. The Council also questioned the commitment of managers to enforce the proposal if adopted.

**Board Action/Justification:** No Action. The Board took no action on FP11-09 due to its action on FP11-08.

## CHIGNIK AREA

### FP11-10

**Description:** Proposal FP11-10 requested that all drainages in the Chignik Area be opened to the harvest of salmon by seine, gillnet, spear, and hook and line that may be attached to a rod or pole, or with gear specified on a subsistence fishing permit, except that hook and line gear may not be used in Chignik River. The proposal also would: 1) restrict power purse seine gear from Mensis Point downstream; 2) permit hand seining only in Chignik River and Chignik Lake; 3) permit gillnets to be used only in Chignik River, Chignik Lake, and in the waters of Clark River and Home Creek, from each of their confluences with Chignik Lake to a point one mile upstream; and 4) restrict a gillnet from being staked or anchored or otherwise fixed in a stream slough, or side channel to where it obstructs more than one-half the width of that stream, slough, or side channel. Submitted by the Chignik Lake Traditional Council.

**Council Recommendation/Justification:** Support with modification as presented in the Office of Subsistence Management conclusion. The Bristol Bay Subsistence Regional Advisory Council supports a long standing subsistence fishery and FP11-10 will provide additional harvest opportunities for rural residents of the Chignik Area. Subsistence users have a long established customary and traditional use of salmon in the Black Lake and the tributaries of Black and Chignik lakes. The proposal will allow access, with some restrictions, to areas in all drainages in the Chignik Area to harvest salmon from January 1 to December 31 and allow additional gear types.

**Board Action/Justification:** Adopted with modification. The modified language is as follows:

§\_\_ .27(c) *Subsistence taking of fish: methods, means, and general restrictions*

(4) *Except as otherwise provided for in this section, you may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses.*

(10) *You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless otherwise indicated.*

**§\_\_ .27(i)(8) *Subsistence taking of fish: Chignik Area***

(i) *You may take fish other than salmon, rainbow/steelhead trout, or char at any time, except as may be specified by a subsistence fishing permit. For salmon, Federal subsistence fishing openings, closings and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.*

(ii) *You may not take salmon in the Chignik River, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from July 1 through August 31. You may not take salmon **by gillnet** in Black Lake or any tributary to Black or Chignik Lakes., ~~except those~~ **You may take salmon in the waters of Clark River and Home Creek from their confluence with Chignik Lake upstream 1 mile.***

(A) *In the open waters of **Chignik Lake, Chignik River, Clark River and Home Creek** you may take salmon by gillnet under the authority of a **subsistence fishing State** permit.*

(B) *In the open waters of Clark River and Home Creek you may take salmon by snagging (handline or rod and reel), spear, bow and arrow, or capture by hand without a permit. The daily harvest and possession limits using these methods are 5 per day and 5 in possession.*

(iii) *You may take salmon, trout, and char only under the authority of a subsistence fishing permit **unless otherwise indicated in this section or as noted in the permit conditions.***

(iv) *You must keep a record on your permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later ~~than October 31~~ **than the due date listed on the permit.***

(v) *If you hold a commercial fishing license, you may only subsistence fish for salmon as specified on a ~~State~~ subsistence ~~salmon~~ fishing permit.*

(vi) *You may take salmon by seines, gillnets, rod and reel, or with gear specified on a subsistence fishing permit, except that in Chignik Lake, you may not use purse seines. You may also take salmon without a permit by snagging (by handline or rod and reel), using a spear, bow and arrow, or capturing by bare hand.*

(vii) *You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.*

*(viii) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit.*

The modification is consistent with the Bristol Bay Subsistence Regional Advisory Council's intent and will increase opportunity, clarify regulations, recognize a subsistence use pattern and make legal a long-standing subsistence practice.

## **KODIAK AREA**

### **FP11-11**

**Description:** Proposal FP11-11 requested that the annual harvest limit for king crab in the Kodiak Management Area be changed from six per household to three per household. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

**Council Recommendation/Justification:** Support. This proposal addresses conservation concerns and would continue to provide fishing opportunity for elderly subsistence users from Kodiak city. Only a few crab are taken out of all of Chiniak Bay and there is no information about how many are taken from Womens Bay in particular; however, observations of local fisheries managers are that the population of crab in Womens Bay has remained stable over the years. Womens Bay is one of few crab fishing places on the island that are road accessible and is the most accessible location where elders from Kodiak city can continue to fish.

**Board Action/Justification:** Adopted. The Board considered that this is necessary for conservation and noted that the current situation in Womens Bay is not a major concern to NOAA (the agency that monitors the Womens Bay population). If information received later indicates a significant concern for juvenile king crab in Womens Bay, the Board can address that situation.

### **FP11-12**

**Description:** Proposal FP11-12 requested the Federal subsistence harvest of herring for the Kodiak Management Area be limited to 500 pounds per person annually. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

**Council Recommendation/Justification:** This proposal was withdrawn by the proponent according to Board policy and was not, therefore, addressed by the Board.

### **FP11-13**

**Description:** Proposal FP11-13 requested that no harvest limit be associated with subsistence permits issued to Federally qualified subsistence users who fish for salmon in Federal public waters of the Kodiak Management Area that cannot be accessed from the Kodiak road system, except the Mainland District. It also requested that recording of harvests on all permits be done prior to leaving the fishing site rather than immediately upon landing fish. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

**Council Recommendation/Justification:** Support with modification. The Council modified the proposed regulatory language to remove references to herring, which allows §\_\_.27(i)(9)(iv) to revert to existing regulatory language, and to insert the word "Federal" in paragraph (A) as the descriptor for waters. These

modifications will clarify the regulatory language for the benefit of subsistence users. It is understood that the intent of the proposal was to address salmon annual harvest limits and reporting, but not to deal with herring. The modified regulations should read:

§\_\_ .27(i)(9)(iv) *You must have a subsistence fishing permit for taking salmon, trout, and char for subsistence purposes. You must have a subsistence fishing permit for taking herring and bottomfish for subsistence purposes during the State commercial herring sac roe season from April 15 through June 30.*

*(v) ~~With a subsistence salmon fishing permit you may take 25 salmon plus an additional 25 salmon for each member of your household whose names are listed on the permit. You may obtain an additional permit if you can show that more fish are needed. The annual limit for a subsistence salmon fishing permit holder is as follows:~~*

*(A) In the Federal waters of Kodiak Island, east of the line from Crag Point south to the westernmost point of Saltery Cove, including the waters of Woody and Long islands, and the salt waters bordering this area within one mile of Kodiak Island, excluding the waters bordering Spruce Island, 25 salmon for the permit holder plus an additional 25 salmon for each member of the same household whose names are listed on the permit: an additional permit may be obtained if it can be shown that more fish are needed;*

*(B) In the remainder of the Kodiak Area not described in (A) of this subsection, there is no annual limit.*

*(vi) ~~You must~~ **Subsistence fishermen shall keep a record on your subsistence permit of the number of subsistence fish taken by that subsistence fisherman each year. The number of subsistence fish taken shall be recorded on the reverse side of the permit. ~~You~~ The catch must be complete the recorded prior to leaving the fishing site immediately upon landing subsistence-caught fish, and the permit must be returned to the local representative of the department by February 1 of the year following the year the permit was issued.***

**Board Action/Justification:** Adopted with modification as recommended by the Kodiak/Aleutians Subsistence Regional Advisory Council. This action should help with harvest reporting accuracy and is very similar to action taken by the Alaska Board of Fisheries at its January 2011 meeting. The Board indicated that while some administrative modifications to the wording proposed by the Council might be needed, the intent of the proposal (see Description) would not be changed.

#### **FP11-14**

**Description:** Proposal FP11-14 requested that in the Kodiak Area a Federally qualified user of salmon that is also an owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or sport fishing guide services may not furnish to a client or guest of that enterprise who is not a rural resident of the state, salmon that has been taken under Federal subsistence fishing regulations. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

**Council Recommendation/Justification:** This proposal was withdrawn by the proponent according to Board policy and was not, therefore, addressed by the Board.

## **FP11-15**

**Description:** Proposal FP11-15 requests that Federally qualified subsistence users only be allowed to fish for salmon from 6:00 a.m. until 9:00 p.m. from January 1 through December 31 in Federal Public waters accessible from the Kodiak road system. Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council.

**Council Recommendation/Justification:** This proposal was withdrawn by the proponent according to Board policy and was not, therefore, addressed by the Board.

## **FP11-16/17**

**Description:** Proposal FP11-16, submitted by Michael Douville, requested that the season closing date for the Federal subsistence sockeye salmon fishery in the Klawock River be extended from July 31 to August 15 and that the Monday through Friday fishing schedule be removed. Proposal FP11-17, submitted by the Southeast Alaska Subsistence Regional Advisory Council, requested that the season closing date for the Federal subsistence sockeye salmon fishery in the Klawock River be extended from July 31 to August 7 but retains the Monday through Friday fishing schedule.

### **Council Recommendation/Justification:**

Proposal FP11-16 Support with modification to remove the defined season and fish schedule for subsistence sockeye salmon fishing in the Klawock River drainage from regulation. The modified regulation should read:

*~~§ \_\_\_\_ .27(i)(13)(xiv) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.~~*

The Council determined that this proposal, as modified, would provide additional fishing opportunity for subsistence users and simplify subsistence harvest regulations. The original regulation establishing the season and weekly fishing schedule was developed during a period of time when there was considerable non-local weekend travel to the island. The regulation was developed by the State and incorporated into the Federal program when the Federal government assumed authority for subsistence management of fish. The intent of the regulation was to give local residents an advantage over non-locals. There is not the need to restrict non-local participation in Federal subsistence fisheries. There is not a conservation concern in the Klawock River that requires retaining the current regulation. The Klawock River is the only Federal subsistence sockeye salmon fishery with a defined fishing season and weekly fishing schedule in Southeast Alaska. Deleting the sockeye salmon season and weekly fishing schedule would align the Klawock fishing regulations with other Federal sockeye salmon management systems in the Region. The current rules are largely ineffective in restricting sockeye salmon harvest as current regulations for the Southeast Alaska Area allow for sockeye salmon to be retained outside the designated season and weekly fishing period as incidental harvest while fishing for other species.

Proposal FP11-17. Took no action due to previous action on FP11-16. The Council determined that previous action on FP11-16 provided a superior solution to the issue.

**Board Action/Justification:** Adopted FP11-16 with modification and took no action on FP11-17 due to action taken on FP11-16 as recommended by the Southcentral Alaska Subsistence Regional Advisory Council. There are no conservation concerns so the current regulation is no longer needed. The in-season manager is authorized to take action if needed.

## FP11-18

**Description:** Proposal FP11-18 requested all waters draining into Sections 1C and 1D be closed to the harvest of eulachon. Submitted by the Southeast Alaska Subsistence Regional Advisory Council.

**Council Recommendation/Justification:** Support with modification to clarify the applicable area, and to make explicit that the closure applies to all users. The modified regulation should read:

*§ \_\_.27(i)(13)(ii) You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1C or 1D.*

*§ \_\_.27(i)(13)(xxii) All freshwater streams flowing into Sections 1C and 1D are closed to the harvest of eulachon by all users.*

The Council determined there were no other management actions appropriate for this area after the collapse of the stock. There will likely be no harvestable surplus in the foreseeable future for any user. The Council considered it very unfortunate this action was necessary and felt this was an example where the need for conservation was not recognized early enough for alternative solutions to be implemented.

**Board Action/Justification:** Deferred Action. The Board deferred action until the next fisheries regulatory cycle. While conservation of this stock is a serious issue (there is a severe decline of eulachon and no harvestable surplus), a permanent closure would be detrimental to subsistence users and a deferral is not a threat to the resource. Therefore, time can be taken to confer with the local residents who are most affected.

Management of this fishery can continue by special action during this time. This deferral should allow further study and monitoring of the resource. During this time managers will confer with local residents who are the most affected users.

## FP11-19

**Description:** Proposal FP11-19 requested that the Federal Subsistence Board recognize the customary and traditional uses of all marine species of fish and shellfish within the Federal public waters of District 13 for the residents of the City and Borough of Sitka. Submitted by the Sitka Tribe of Alaska.

This proposal was withdrawn by the proponent according to Board policy and was not, therefore, considered by the Southeast Alaska Subsistence Regional Advisory Council or the Board.

## FP09-05 Deferred

**Description:** Proposal FP09-05 seeks to close the Federal public waters in the Makhnati Island area near Sitka to the harvest of herring and herring spawn except for subsistence harvests by Federally qualified subsistence users. This proposal was deferred by the Federal Subsistence Board in January 2009 for a period not to exceed two years. Submitted by the Sitka Tribe of Alaska.

**Council Recommendation/Justification:** Defer to a time determined by the Board. The Sitka Tribe of Alaska (STA), the original proponent, submitted a letter to the Council requesting that the proposal be deferred once again. This postponement would allow more time for peer review of a STA authored research paper on herring management and population assessment of Sitka Sound herring.

Additionally, STA has started a Herring Research Priority Planning Group which may provide additional recommendations regarding the proposal. The Council also wanted to provide the new Board chair additional time to become engaged in this issue. The Council determined that action on this proposal may be premature at this time because implementation of recommendations contained within the secretarial review may provide different or additional rules or policies appropriate to evaluate the proposal.

**Board Action/Justification:** Deferred Action as recommended by the Southeast Alaska Subsistence Regional Advisory Council. The Board will take up the proposal at or before the next fisheries regulatory meeting in January 2013.

### **FP09-15 Deferred**

**Description:** Proposal FP09-15 requested that a “no Federal subsistence priority” customary and traditional use determination be made for all fish in the Juneau road system area (all waters crossed by or adjacent to roads connected to the City and Borough of the Juneau road system). In January 2009, the Federal Subsistence Board deferred Proposal FP09-15 to allow time to develop an analysis of the customary and traditional uses of fish in Districts 11 and 15. Submitted by the Alaska Department of Fish and Game.

**Council Recommendation/Justification:** Oppose. The Southeast Alaska Subsistence Regional Advisory Council determined that the staff analysis was incomplete and the proposal was unnecessary and detrimental to the continuation of subsistence uses. There is a high degree of certainty that additional information exists regarding the use of this area by residents of various rural communities. The transcripts of the previous meeting contained evidence of subsistence use that was not recognized in the current analysis. The difficulty in documenting historical use is likely due to interruption of traditional activities due to recent regulations. Sport fishing is a subsistence harvest method and the amount of that use should be better described. The Council does not know the outcome of relevant jurisdictional issues currently under consideration by the court in *Katie John II*. In addition, it is likely there will be new and currently unknown rules regarding the evaluation of customary use, as a result of the Secretarial review of the subsistence program. The intent of ANILCA does not require the Council to determine non-subsistence use areas or make a negative customary use determination. The Council agrees that there are management challenges in this area but there are management tools available to Federal managers to provide for conservation and sustainability of these stocks. The Council heard public testimony citing economic factors that bring rural residents to Juneau as transient workers. There should be an opportunity for subsistence harvest of fish for rural residents that are forced by necessity to spend time in Juneau. This proposal is detrimental to the satisfaction of subsistence needs and would be precedent setting. The Council has already rejected two similar proposals in previous years and there should be deference shown to the Council on this issue. There is no evidence to indicate that subsistence fishing in streams on the Juneau road system is inappropriate and no evidence that Federal subsistence fishing regulations are not conservative and sustainable.

**Board Action/Justification:** Rejected. The Office of Subsistence Management opposed this proposal when it was first presented in 2009 and there is insufficient information to support the proposal now. The entire Juneau area is a traditional use area. The ADF&G harvest survey was limited. There should not be any Federal lands where an entire group of animals, such as fish, is closed to subsistence use. This Board action is consistent with the Southeast Alaska Subsistence Regional Advisory Council recommendation.

## **WILDLIFE CLOSURE REVIEW BRIEFING**

As called for in the Closure Policy, the Office of Subsistence Management is reviewing existing wildlife closures to determine whether the original justifications for closure continue to apply. These reviews are being conducted in accordance with guidance found in the Federal Subsistence Board's Policy on Closures to Hunting, Trapping and Fishing on Federal Public Lands and Waters in Alaska, which was adopted in 2007. According to the policy, existing closures will be reviewed on a three-year rotational schedule. All of the closures being reviewed this cycle were last reviewed by the Federal Subsistence Board (Board) in 2006. A summary of the current closure reviews which are applicable to your Regional Advisory Council are provided.

Section 815(3) of ANILCA allows closures when necessary for the conservation of healthy populations of fish and wildlife, and to continue subsistence uses of such populations. The existing closures represent both situations. For example, closures for the hunting of muskox in Unit 22 were adopted because of the relatively low and recovering muskox population; and the Unit 2 deer closure was adopted because rural residents provided substantial evidence that they were unable to meet their subsistence needs because of competition from other users of the resource.

Distribution and abundance of fish and wildlife populations are known to fluctuate based upon a variety of factors such as weather patterns, management actions, habitat changes, predation, harvest activities, and disease. Subsistence use patterns are also known to change over time in response to many factors including resource abundance, human population changes, among others. It is for these reasons that the Board decisions to establish specific closures are revisited periodically.

The Wildlife Closure Reviews contain a brief history of why a closure was implemented, along with a summary of the current resource condition and a preliminary OSM recommendation as to whether the closure should be continued or deleted from the regulations.

Councils are asked to consider the OSM preliminary recommendation and share their views on the issue. Input from the Councils is critical to the development of regulatory proposals needed to address adjustments to regulations. Any regulatory proposals that may result from this review process will be considered through the normal regulatory cycle. The current window for wildlife proposals closes on March 24, 2011. Councils may choose to work with OSM staff to develop a proposal; however proposals addressing these issues can be submitted by anyone.

**POLICY ON CLOSURES TO HUNTING, TRAPPING AND FISHING  
ON FEDERAL PUBLIC LANDS AND WATERS IN ALASKA**

**FEDERAL SUBSISTENCE BOARD**

Adopted August 29, 2007

**PURPOSE**

This policy clarifies the internal management of the Federal Subsistence Board (Board) and provides transparency to the public regarding the process for addressing Federal closures (closures) to hunting, trapping, and fishing on Federal public lands and waters in Alaska. It also provides a process for periodic review of regulatory closures. This policy recognizes the unique status of the Regional Advisory Councils and does not diminish their role in any way. This policy is intended only to clarify existing practices under the current statute and regulations; it does not create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its agencies, officers, or employees, or any other person.

**INTRODUCTION**

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) establishes a priority for the taking of fish and wildlife on Federal public lands and waters for non-wasteful subsistence uses over the taking of fish and wildlife on such lands for other purposes (ANILCA Section 804). When necessary for the conservation of healthy populations of fish and wildlife or to continue subsistence uses of such populations, the Federal Subsistence Board is authorized to restrict or to close the taking of fish and wildlife by subsistence and non-subsistence users on Federal public lands and waters (ANILCA Sections 804 and 815(3)). The Board may also close Federal public lands and waters to any taking of fish and wildlife for reasons of public safety, administration or to assure the continued viability of such population (ANILCA Section 816(b)).

**BOARD AUTHORITIES**

- ANILCA Sections 804, 814, 815(3), and 816.
- 50 CFR Part 100 and 36 CFR Part 242, Section .10(d)(4).

**POLICY**

The decision to close Federal public lands or waters to Federally qualified or non-Federally qualified subsistence users is an important decision that will be made as set forth in Title VIII of ANILCA. The Board will not restrict the taking of fish and wildlife by users on Federal public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife resources, or to continue subsistence uses of those populations, or for public safety or administrative reasons, or "pursuant to other applicable law." Any individual or organization may propose a closure. Proposed closures of Federal public lands and waters will be analyzed to determine whether such restrictions are necessary to assure conservation of healthy populations of fish and wildlife resources or to provide a meaningful preference for qualified subsistence users. The analysis will identify

the availability and effectiveness of other management options that could avoid or minimize the degree of restriction to subsistence and non-subsistence users.

Like other Board decisions, closure actions are subject to change during the yearly regulatory cycle. In addition, closures will be periodically re-evaluated to determine whether the circumstances necessitating the original closure still exist and warrant continuation of the restriction. When a closure is no longer needed, actions to remove it will be initiated as soon as practicable. The Office of Subsistence Management will maintain a list of all closures.

### **Decision Making**

The Board will:

- Proceed on a case - by - case basis to address each particular situation regarding closures. In those cases for which conservation of healthy populations of fish and wildlife resources allows, the Board will authorize non-wasteful subsistence taking.
- Follow the statutory standard of "customary and traditional uses." Need is not the standard. Established use of one species may not be diminished solely because another species is available. These established uses have both physical and cultural components, and each is protected against all unnecessary regulatory interference.
- Base its actions on substantial evidence contained within the administrative record, and on the best available information; complete certainty is not required.
- Consider the recommendations of the Regional Advisory Councils, with due deference (ANILCA § 805 (c)).
- Consider comments and recommendations from the State of Alaska and the public (ANILCA § 816 (b)).

### **Conditions for Establishing or Retaining Closures**

The Board will adopt closures to hunting, trapping or fishing by non-Federally qualified users or Federally qualified subsistence users when one or more of the following conditions are met:

- Closures are necessary for the conservation of healthy populations of fish and wildlife:
  - a) When a fish or wildlife population is not sufficient to provide for both Federally qualified subsistence users and other users, use by non-Federally qualified users may be reduced or prohibited, or
  - b) When a fish or wildlife population is insufficient to sustain all subsistence uses, the available resources shall be apportioned among subsistence users according to their:

- 1) Customary and direct dependence upon the populations as the mainstay of livelihood,
  - 2) Local residency, and
  - 3) Availability of alternative resources, or
- c) When a fish or wildlife population is insufficient to sustain any use, all uses must be prohibited.
- Closures are necessary to ensure the continuation of subsistence uses by Federally qualified subsistence users.
  - Closures are necessary for public safety.
  - Closures are necessary for administrative reasons.
  - Closures are necessary “pursuant to other applicable law.”

### **Considerations in Deciding on Closures**

When acting upon proposals recommending closure of Federal public lands and waters to hunting, trapping, or fishing, the Board may take the following into consideration to the extent feasible:

- The biological history (data set) of the fish stock or wildlife population.
- The extent of affected lands and waters necessary to accomplish the objective of the closure.
- The current status and trend of the fish stock or wildlife population in question.
- The current and historical subsistence and non-subsistence harvest, including descriptions of harvest amounts, effort levels, user groups, and success levels.
- Pertinent traditional ecological knowledge.
- Information provided by the affected Regional Advisory Councils and Alaska Department of Fish and Game.
- Relevant State and Federal management plans and their level of success as well as any relationship to other Federal or State laws or programs.
- Other Federal and State regulatory options that would conserve healthy populations and provide a meaningful preference for subsistence, but would be less restrictive than closures.

- The potential adverse and beneficial impacts of any proposed closure on affected fish and wildlife populations and uses of lands and waters both inside and outside the closed area.
- Other issues that influence the effectiveness and impact of any closure.

### Reviews of Closures

A closure should be removed as soon as practicable when conditions that originally justified the closure have changed to such an extent that the closure is no longer necessary. A Regional Council, a State or Federal agency, or a member of the public may submit, during the normal proposal period, a proposal requesting the opening or closing of an area. A closure may also be implemented, adjusted, or lifted based on a Special Action request according to the criteria in 50 CFR 100.19 and 36 CFR 242.19.

To ensure that closures do not remain in place longer than necessary, all future closures will be reviewed by the Federal Subsistence Board no more than three years from the establishment of the closure and at least every three years thereafter. Existing closures in place at the time this policy is implemented will be reviewed on a three-year rotational schedule, with at least one - third of the closures reviewed each year.

Closure reviews will consist of a written summary of the history and original justification for the closure and a current evaluation of the relevant considerations listed above. Except in some situations which may require immediate action through the Special Action process, closure review analyses will be presented to the affected Regional Council(s) during the normal regulatory proposal process in the form of proposals to retain, modify or rescind individual closures.

*/S/ Mike R. Fleagle*

Chair, Federal Subsistence Board

*/S/ Thomas O. Melius*

Board Member, U.S. Fish and Wildlife Service

*/S/ Niles Cesar*

Board Member, Bureau of Indian Affairs

*/S/ Denny Bschor*

Board Member, U.S. Forest Service

*/S/ Marcia Blaszak*

Board Member, National Park Service

*/S/ T. P. Lonnie*

Board Member, Bureau of Land Management

**FEDERAL WILDLIFE CLOSURE REVIEW  
WCR10-39**

**Closure Location:** Moose — Eastern portion of Unit 19A.

**Current Federal Regulation:**

*Unit 19A , north of the Kuskokwim River, upstream from (but excluding) the George River drainage, and south of the Kuskokwim River upstream from (and including) the Downey Creek drainage, not including the Lime Village Management Area.* *No Federal open season*

*Federal public lands are closed to the harvest of moose.*

**Closure Dates:** Federal public lands are closed to the taking of moose year round.

**Current State Regulation:**

**Unit 19A remainder — Moose**

*Residents and Nonresidents:* *no open season*

**Regulatory Year Initiated:** 2007

**Proposal number of initial closure and any subsequent proposals:** In 2006, through a Wildlife Special Action (WSA06-01), Federal public lands were temporarily closed to moose hunting within the affected area. In 2007, the Federal Subsistence Board adopted Proposal WP07-35 to permanently close Federal public lands to moose hunting within the affected area.

**Justification for original closure (Section 815(3) criteria):** The Federal closure was established for conservation of moose within the affected area (Section 815(3)). Results from a 2005 survey conducted in Unit 19A revealed that the moose population upstream of the George River drainage was in critical status. In response to this concern and the need for more conservative management, the Federal Subsistence Board established the closure area in 2007.

**Regional Advisory Council recommendation for original closure:**

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (YKDRAC) — Support with modification to protect the resource.

Western Interior Alaska Subsistence Regional Advisory Council (WIRAC) — Support with modification to protect the moose populations.

Both the YKDRAC and WIRAC supported the federal closure in Unit 19A (the affected area) with a modification to delegate authority to the refuge manager to annually establish the harvest quota and number of drawing permits for Unit 19A remainder.

**State recommendation for original closure:** Support due to ongoing conservation concerns. The Alaska Board of Game closed State managed lands in Unit 19A remainder at its March 2006 meeting.

**Other significant comments presented when the Board adopted the original closure:** None.

**Current resource abundance related to management objective:** The Alaska Department of Fish and Game (ADF&G) management objectives for Unit 19A include: Achieve a population of 7,600–9,300 moose; maintain a fall posthunt bull:cow ratio of 20–30 bulls:100 cows and calf:cow ratio of 30–40 calves:100 cows; and maintain no fewer than 20% calves in late winter surveys. The most current (2008) population estimate for the affected area within Unit 19A is 1,225–2,181 moose with a density of 0.44 moose/mi<sup>2</sup>. Although these data only refer to the affected area within Unit 19A and the ADF&G management objective is for all of Unit 19A, the population estimate and densities indicate that the population is not meeting the population objective (Seavoy 2008). To reach the population objective the moose density in the affected area would have to be approximately 0.75–0.93 moose/mi<sup>2</sup> (Seavoy 2008).

Composition counts from 2007 indicated there were 35 bulls:100 cows, 45 calves:100 cows, and 25% calves, which are within the management objectives for the population.

**Resource population trend:** Although the population is below the management objective, moose numbers appear to be increasing. In spring 2005, an ADF&G survey of the entire area south of the Kuskokwim River in Unit 19A indicated a density of 0.28 moose/mile<sup>2</sup> (Lenart 2006, pers. comm.; Seavoy 2008). In spring 2008, an ADF&G survey of the eastern portion of Unit 19A south of the Kuskokwim River (a portion of what was surveyed in spring 2005) indicated a density of 0.44 moose/mile<sup>2</sup> (Lenart 2006, pers. comm., Seavoy 2008). A Fall 2007 composition count indicated a high twinning rate (64%), high fall calf:cow ratio (45 calves:100 cows), and high number of May yearlings (31%) (Seavoy 2008). Wolf control may have helped this population increase (Seavoy 2008). Although the 2005 and 2008 spring survey results represent a 61% increase in density, the affected population continues to exist in very low density (Lenart 2006, pers. comm.)

Prior to moose population density estimates, composition surveys were used for several decades as the primary means of assessing population status (**Table 1**). The lowest bull:cow and calf:cow ratios along with the lowest numbers of moose observed per hour were observed in regulatory year 2001–2002. However, recent survey data (regulatory year 2007–2008) has indicated composition at 35 bulls:100 cows and 45 calves:100 cows, indicating the population could be increasing.

Based on browse surveys in Unit 19A during April 2006 there was an estimate of 8% biomass consumption by moose, which is a relatively low removal rate for Interior Alaska (Boertje et al. 2007 cited in Seavoy 2008). Moose in Unit 19A may not be limited by forage (Boertje et al. 2007 cited in Seavoy 2008). High twinning rates help support this assessment (Seavoy 2008). Studies in Unit 19 have found that the primary cause of moose calf mortality was predation by black bears, grizzly bears, and wolves (Keech 2006 cited in Seavoy 2008) and wolf control and bear relocation appeared to increase yearling moose survival (Seavoy 2008).

**Harvest trend and/or hunting effort:** Prior to the Federal and State closure, the reported moose harvest ranged between 14 moose in 2002 to 39 moose in 2004 and 2005 (**Table 2**).

## OSM PRELIMINARY CONCLUSION

- maintain status quo**  
 **initiate proposal to modify or eliminate the closure**  
 **other recommendation**

**Table 1.** Holitna–Hoholitna (Eastern portion of Unit 19A within affected area) trend count area within Unit 19A fall aerial moose composition (Seavoy 2008).

Regulatory Year	Bulls:100 cows	Calves:100 cows	Percent calves	Number of Moose	Moose/hr
1987–1988	22	72	36	140	85
1988–1989	31	56	30	343	95
1989–1990	24	55	30	528	163
1990–1991	26	52	29	475	162
1991–1992	–	–	–	–	–
1992–1993	31	63	32	542	169
1993–1994	–	–	–	–	–
1994–1995	14	42	27	778	251
1995–1996	–	–	–	–	–
1996–1997	22	50	29	502	152
1997–1998	14	34	23	371	169
1998–1999	–	–	–	–	–
1999–2000	–	–	–	–	–
2000–2001	–	–	–	–	–
2001–2002	6	8	7	196	59
2002–2003	–	–	–	–	–
2003–2004	–	–	–	–	–
2004–2005	–	–	–	–	–
2005–2006	8	24	–	307	–
2006–2007	–	–	–	–	–
2007–2008	35	45	25	200	65

**Table 2.** Reported moose harvest for the eastern portion of Unit 19A, 2000–2005 (ADF&G 2010).

Year	Reported Harvest
2000	38
2001	30
2002	14
2003	19
2004	39
2005	39

**Justification:** Although the 2008 trend count area survey results improvement from years 2001–2002 and 2005–2006, the density of moose still remains low and the population of moose has not rebounded to meet management objectives. A continuation of a Federal closure on moose hunting is necessary for the conservation of a healthy population (Section 815(3)). Opening Federal public lands within the affected area to moose hunting at this time is premature, as the population needs to grow from 0.44 moose/mi<sup>2</sup> to roughly 0.75–0.93 moose/mi<sup>2</sup> to meet management objectives.

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## **BERING SEA POLLOCK FISHERY CHUM SALMON BYCATCH UPDATE**

The North Pacific Fishery Management Council (NPFMC) is currently evaluating measures to limit chum salmon bycatch in the Bering Sea commercial pollock fishery. During its meeting in Seattle in early February 2011, the NPFMC is scheduled to conduct a preliminary review of an impact analysis written by staff, which includes several management alternatives. Subsequent steps, leading to new management measures and/or regulations, are listed below:

### **Recent and Upcoming Actions**

- **June–December 2010:** Preparation by NPFMC staff of the analysis for preliminary review.
- **Early February 2011 in Seattle:** NPFMC review of preliminary data/analysis.
- **February–March 2011:** NPFMC members and staff plan to attend 4 Federal Subsistence Regional Advisory Council meetings (YKD, EI, WI, BB), give presentations on the proposed chum salmon bycatch management measures and solicit public comments.
- Preparation by NPFMC staff of revised analysis.
- **June 2011 in Nome:** NPFMC to select the preliminary preferred alternative, which must be within the range of alternatives analyzed.
- **October or December 2011 in Anchorage:** NPFMC final action to select final preferred alternative, which will be provided to the Secretary of Commerce for decision. Rule making process will follow.
- **January 2012 (tentative):** Chum salmon management measures implemented in the Bering Sea pollock fishery.

See attached materials from the NPFMC for more details.

**June 2010 Council motion:**

*The Council moves the following suite of alternatives for preliminary analysis of chum salmon bycatch management measures.*

**C-1(b) Bering Sea Chum Salmon Bycatch**

**Alternative 1 – Status Quo**

Alternative 1 retains the current program of the Chum Salmon Savings Area (SSA) closures triggered by separate non-CDQ and CDQ caps with the fleet’s exemption to these closures per regulations for Amendment 84 and as modified by the Amendment 91 Chinook bycatch action.

**Alternative 2 – Hard Cap**

Component 1: Hard Cap Formulation (with CDQ allocation of 10.7%)

- a) 50,000
- b) 75,000
- c) 125,000
- d) 200,000
- e) 300,000
- f) 353,000

Component 2: Sector Allocation

Use blend of CDQ/CDQ partner bycatch numbers for historical average calculations.

- a) No sector allocation
- b) Allocations to Inshore, Catcher Processor, Mothership, and CDQ
  - 1) Pro-rata to pollock AFA pollock sector allocation
  - 2) Historical average
    - i. 2007-2009
    - ii. 2005-2009
    - iii. 2000-2009
    - iv. 1997-2009
  - 3) Allocation based on 75% pro-rata and 25% historical
  - 4) Allocation based on 50% pro-rata and 50% historical
  - 5) Allocation based on 25% pro-rata and 75% historical

For Analysis:

CDQ	Inshore CV	Mothership	Offshore CPS
3.4%	81.5%	4.0%	11.1%
6.7%	63.3%	6.5%	23.6% <sup>1</sup>
10.7%	44.77%	8.77%	35.76%

Suboption: Allocate 10.7% to CDQ, remainder divided among other sectors (**see table above**).

Component 3: Sector Transfer

- a) No transfers or rollovers
- b) Allow NMFS-approved transfers between sectors

Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:

<sup>1</sup> Note the actual midpoint is CDQ = 7.05%, CV 63.14%, Mothership 6.39%, CP 23.43% . However as noted by staff during Council deliberation numbers reflected in the table are an existing option as the historical average from 2005-2009 allocated 50:50 pro-rata AFA to historical average by section.

- 1) 50%
- 2) 70%
- 3) 90%
- c) Allow NMFS to roll-over unused bycatch allocation to sectors that are still fishing

**Component 4: Cooperative Provision**

- a) Allow allocation at the co-op level for the inshore sector, and apply transfer rules (Component 3) at the co-op level for the inshore sector.  
Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
  - 1) 50%
  - 2) 70%
  - 3) 90%
- b) Allow NMFS to rollover unused bycatch allocation to inshore cooperatives that are still fishing.

**Alternative 3 – Trigger Closure**

**Component 1: Trigger Cap Formulation**

- Cap level
- a) 25,000
  - b) 50,000
  - c) 75,000
  - d) 125,000
  - e) 200,000

Application of Trigger Caps

- a) Apply trigger to all chum bycatch
- b) Apply trigger to all chum bycatch between specific dates

Trigger limit application:

Two options for application of trigger caps for area closure options (applied to caps under consideration)

- 1- Cumulative monthly proportion of cap (left-side of table below)
- 2- Cumulative monthly proportion AND monthly limit (left and right sides of table together. Note monthly limit should evaluate +/- 25% of distribution below)

Option of cumulative versus monthly limit for trigger area closures (assuming a trigger cap of 100,000 fish). Monthly limit based on minimum of monthly cumulative value and 150% of monthly historical proportion.

Month	Cumulative		Monthly limit	
	Cumulative Proportion	Monthly Cumulative	Monthly proportion	Monthly limit
June	10.8%	10,800	10.8%	10,800
July	31.5%	31,500	20.7%	31,050
August	63.6%	63,600	32.1%	48,150
September	92.3%	92,300	28.6%	42,900
October	100.0%	100,000	7.7%	11,550

**Component 2: Sector allocation**

Use blend of CDQ/CDQ partner bycatch numbers for historical average calculations.

- a) No sector allocation
- b) Allocations to Inshore, Catcher Processor, Mothership, and CDQ
  - 1) Pro-rata to pollock AFA pollock sector allocation
  - 2) Historical average
    - i. 2007-2009
    - ii. 2005-2009
    - iii. 2000-2009
    - iv. 1997-2009
  - 3) Allocation based on 75% pro-rata and 25% historical
  - 4) Allocation based on 50% pro-rata and 50% historical
  - 5) Allocation based on 25% pro-rata and 75% historical

For Analysis:

CDQ	Inshore CV	Mothership	Offshore CPS
3.4%	81.5%	4.0%	11.1%
6.7%	63.3%	6.5%	23.6% <sup>2</sup>
10.7%	44.77%	8.77%	35.76%

Suboption: Allocate 10.7% to CDQ, remainder divided among other sectors.

**Component 3: Cooperative Provisions**

- a) Allow allocation at the co-op level for the inshore sector, and apply transfer rules (Component 3) at the co-op level for the inshore sector.
  - Suboption: Limit transfers to the following percentage of salmon that is available to the transferring entity at the time of transfer:
    - 1) 50%
    - 2) 70%
    - 3) 90%
- b) Allow NMFS to roll-over unused bycatch allocation to cooperatives that are still fishing

**Component 4: Area and Timing Options**

Groupings of ADFG area closures by month that represent 40%, 50%, 60% of historical bycatch. The analysis should include quantitative analysis of the 50% closure options and qualitative analysis of the 40% and 60% closure options.

**Component 5: Timing Option – Dates of Area Closure**

- a) Trigger closure when the overall cap level specified under Component 1(a) was attained
- b) Discrete small closures would close when a cap was attained and would close for the time period corresponding to periods of high historical bycatch

**Component 6** Rolling Hot Spot (RHS) system – Similar to status quo (with RHS system in regulation), participants in a vessel-level (platform level for Mothership fleet) RHS would be exempt from regulatory triggered closure below.

- 1. A large area trigger closure (encompassing 80% of historical bycatch).

<sup>2</sup> Note the actual midpoint is CDQ = 7.05%, CV 63.14%, Mothership 6.39%, CP 23.43% . However as noted by staff during Council deliberation numbers reflected in the table are an existing option as the historical average from 2005-2009 allocated 50:50 pro-rata AFA to historical average by section.

Sub-option: RHS regulations would contain an ICA provision that the regulatory trigger closure (as adopted in Component 4 apply to participants with a rate in excess of 200% of the Base Rate

In constructing an ICA under this component, the following aspects should be considered:

- Closures that would address timing & location of bycatch of Western AK chum stocks.

In addition, include the following items in the initial review analysis:

1. Analyze discrete area approach normalized across years (i.e. proportion of salmon caught in an area in a year rather than numbers of salmon);
2. Discuss how Component 6 would be applied;
3. In depth description of the rolling hot spot regulations (Amendment 84), focusing on parameters that could be adjusted if the Council found a need to refine the program to meet objectives under Component 7. Specifically analyze:
  - a. the base rate within the RHS program;
  - b. the options for revising the tier system within the RHS program;
  - c. the Council's options for revising the fine structure within the RHS program. Analysis should include a discussion of the meaningfulness of fines, including histograms of number and magnitude of fines over time as well as a comparison of penalties under the RHS program to agency penalties and enforcement actions for violating area closures.
4. Discussion from NMFS of catch accounting for specific caps for discrete areas, and area aggregations described in Component 5 and for areas within those footprints that may have other shapes that could be defined by geographic coordinates [Component 6(c)] Discussion from NMFS on the ability to trigger a regulatory closure based on relative bycatch within a season (with respect to catch accounting system and enforcement limitations) considering changes in bycatch monitoring under Amendment 91.
5. Contrast a regulatory closure system (Components 5 and 6) to the ICA closure system (Component 7) including data limitations, enforcement, potential level of accountability (i.e., fleet-wide, sector, cooperative, or vessel level).
6. Examine differences between high bycatch years (i.e. 2005) and other years to see what contributes to high rates (i.e. timing/location, including fleet behavior and environmental conditions).
7. Examine past area closures and potential impacts of those closures on historical distribution of bycatch and on bycatch rates (qualitative); include 2008 and 2009 data and contrast bycatch distribution under VRHS versus the Chum Salmon Savings Area.

**NOTICE: Chum Salmon Bycatch in the Bering Sea Pollock Fishery**

**The North Pacific Fishery Management Council is  
Evaluating Measures to Limit Chum Salmon  
Bycatch in the Bering Sea Pollock Fishery**

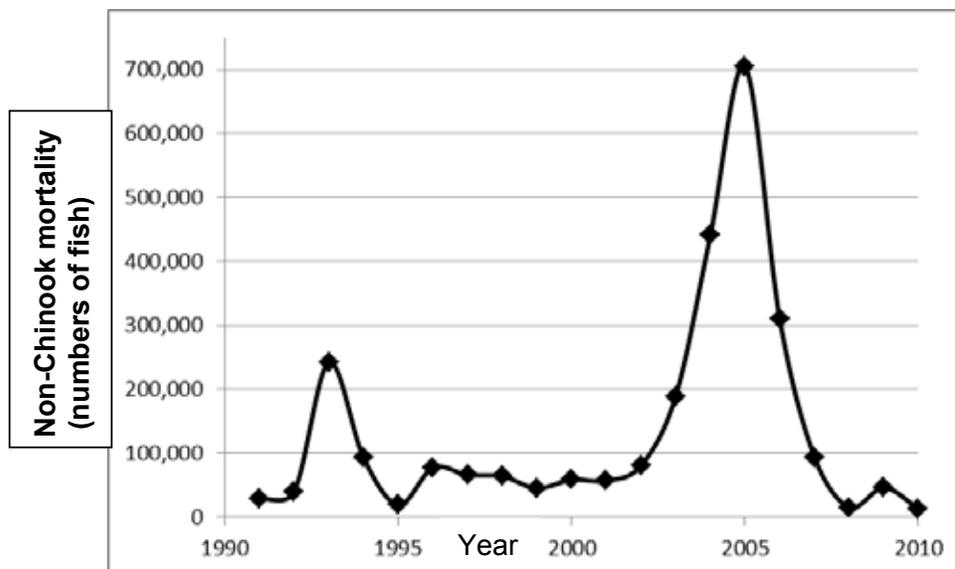


Salmon and pollock are both important fisheries for Alaska. Salmon support large and critically important subsistence, commercial, and recreational fisheries throughout Alaska and elsewhere, and are the basis of a cultural tradition in many parts of the state. At the same time, the commercial pollock fishery produces significant revenue for participants in the fishery, the State of Alaska, and other states. In addition, participation in the fishery (through royalties and employment) is important for the western Alaska Community Development Quota communities.

Salmon are caught unintentionally in the Bering Sea pollock trawl fishery, and may not be kept by regulation. Despite bycatch control measures implemented in the pollock fishery since the mid-1990s, chum (non-Chinook) salmon bycatch reached a historic high of 704,590 in 2005 (see figure below). Levels since that time have been lower, most recently 13,300 in 2010. Current fishery regulations attempt to control bycatch through fixed area closures, triggered by a cap of 42,000 chum salmon. These are areas with historically high chum salmon bycatch. However, current regulations include an exemption to these fixed area closures for vessels that participate in a program that requires more frequently adjusted closures for vessels with high bycatch rates. The North Pacific Fishery Management Council (Council) is required by the Magnuson-Stevens Fishery Conservation and Management Act to balance minimizing salmon bycatch, to the extent practicable, with allowing full harvest of the pollock total allowable catch.

**Current trends in non-Chinook (chum) salmon bycatch**

Salmon bycatch in the groundfish fisheries is grouped as Chinook bycatch and non-Chinook bycatch (comprised of chum, sockeye, pink, and silver salmon species). Over 99% of non-Chinook bycatch is comprised of chum salmon. Chum bycatch in the Bering Sea pollock fishery from 1991 - 2010 is shown below. Chum bycatch is taken almost entirely in the summer/fall ('B') pollock fishery.



**Non-Chinook salmon bycatch in the Bering Sea pollock trawl fishery, 1991 - 2010**

Note: 1991 - 1993 values do not include CDQ fisheries. 2010 data is preliminary.

## NOTICE: Chum Salmon Bycatch in the Bering Sea Pollock Fishery

### The Council is considering whether new measures are needed to limit chum salmon bycatch

The Council is beginning the process of considering modifying management measures to limit chum salmon bycatch in the Bering Sea pollock trawl fishery. The current range of alternatives is on the Council website: [http://www.fakr.noaa.gov/npfmc/current\\_issues/bycatch/Chumbycatchmotion610.pdf](http://www.fakr.noaa.gov/npfmc/current_issues/bycatch/Chumbycatchmotion610.pdf). Measures currently under consideration include:

- caps on the amount of chum salmon bycatch allowed in the pollock fisheries, that when reached, would prevent further harvest of pollock
  - limits under consideration range from annual caps of 50,000 to 353,000 chum salmon (overall for the pollock fishery or divided by processing sector with options for transferable bycatch allocations among sectors or components of sectors).
- Rolling closure of areas where high chum salmon bycatch has historically occurred

### Next steps & schedule for action

The Council reviewed a discussion paper in June 2010 on area closure options, as well as the full suite of alternatives for analysis. The Council modified the suite of alternatives at that meeting. The preliminary impact analysis of the current alternatives is scheduled for review at the February 2011 Council meeting, with the draft analysis released to the public in mid-January. The Council's initial review of a comprehensive analysis is scheduled for its June 2011 meeting, in Nome.

The Council's Rural Community Outreach Committee identified this action as an important project for outreach efforts to rural communities. An outreach plan has been developed for the proposed action, available here: [http://www.fakr.noaa.gov/npfmc/current\\_issues/bycatch/ChumOutreach1010.pdf](http://www.fakr.noaa.gov/npfmc/current_issues/bycatch/ChumOutreach1010.pdf). The outreach plan includes attending several regional meetings in rural Alaska, in order to explain the proposed action, provide preliminary analysis, and receive direct feedback from rural communities. The majority of these meetings will occur in early 2011. The current analytical schedule is as follows:

<i>May 4, 2010</i>	<i>Community teleconference, prior to Council final review of alternatives.</i>
<i>June 7 – 15, 2010</i>	<i>Council meeting, Sitka. Council review and opportunity to revise alternatives prior to preliminary analysis; review of expanded discussion paper on area closure options; report on community teleconference.</i>
<i>December 2010</i>	<i>Presentation to Yukon River Panel (Anchorage)</i>
<i>June – Dec 2010</i>	<i>Preparation of preliminary review analysis.</i>
<i>Mid-Jan 2011</i>	<i>Preliminary review draft analysis available.</i>
<i>February 2011</i>	<i>Council meeting, Seattle. Council preliminary review of impact analysis.</i>
<i>Feb – March 2011</i>	<i>Rural community outreach meetings on Council preliminary review draft. Potentially 7 regional meetings.</i>
<i>Feb - April 2011</i>	<i>Preparation of revised analysis for initial review.</i>
<i>May 2011</i>	<i>Initial review draft analysis available.</i>
<i>June 2011</i>	<i>Council meeting, Nome. Council initial review of analysis; review of outreach report; Council selection of preliminary preferred alternative.</i>
<i>Oct or Dec 2011</i>	<i>Council meeting, Anchorage. Council takes final action, selects final preferred alternative.</i>

## **NOTICE: Chum Salmon Bycatch in the Bering Sea Pollock Fishery**

### **Outreach meetings:**

The general components of the outreach plan for the proposed action on chum salmon bycatch in the Bering Sea pollock fisheries include: direct mailings to stakeholders; community outreach meetings; additional outreach (statewide teleconference, radio/newspaper, press releases); and documentation of rural outreach meeting results. The entire outreach plan is provided on the Council website.

The approach for community outreach meetings is to work with established community representatives and Native entities within the affected regions and attend annual or recurring regional meetings, in order to reach a broad group of stakeholders. The timing is such that outreach would occur prior to the Council's selection of a preliminary preferred alternative (tentatively scheduled for June 2011 in Nome). This would allow the public to review and provide comments directly on the preliminary impact analysis, such that changes could be made prior to completion of the final analysis, and allow the Council to receive community input prior to its selection of a preliminary preferred alternative.

In sum, through coordination with the meeting sponsors, the Council has been offered time on the agenda of each of the following regional meetings. All of these meetings are open to the public. The lead Council staff analyst and at least two Council members are scheduled to attend.

<b>Yukon River Panel</b>	<b>Dec 6 - 9, 2010; Anchorage</b>
<b>Yukon River Drainage Fisheries Assn annual meeting</b>	<b>Feb 14 – 17, 2011; Mountain Village</b>
<b>Yukon-Kuskokwim Delta Regional Advisory Council</b>	<b>Feb 23 – 24, 2011; Mountain Village</b>
<b>Bering Strait Regional Conference (Tentative)</b>	<b>Feb 22 – 24, 2011; Nome</b>
<b>Eastern Interior Regional Advisory Council</b>	<b>March 3 – 4, 2011; Fairbanks</b>
<b>Western Interior Regional Advisory Council</b>	<b>March 1 – 2, 2011; Galena</b>
<b>Bristol Bay Regional Advisory Council</b>	<b>March 9 – 10, 2011; Naknek</b>
<b>Tanana Chiefs Conference annual meeting</b>	<b>Mar 15 – 19, 2011; Fairbanks</b>
<b>North Pacific Fishery Management Council meeting</b>	<b>June 6 – 14, 2011; Nome</b>

## **GULF OF ALASKA GROUND FISH FISHERIES CHINOOK SALMON BYCATCH UPDATE**

During its December 2010 meeting, the North Pacific Fishery Management Council (NPFMC) identified concerns about Chinook salmon bycatch taken in the Gulf of Alaska (GOA) groundfish fisheries, and directed its staff to initiate two analyses to implement short- and long-term salmon bycatch control measures. In the short-term, focused measures for expedited review and rulemaking have been initiated for the GOA pollock fishery. A longer-term amendment package will address comprehensive salmon bycatch management in the GOA trawl fisheries. A summary of the alternatives:

### **Western/Central GOA pollock fishery analysis — expedited track**

**Alternative 1:** Status quo

**Alternative 2:** Establish Chinook salmon bycatch limit for the directed pollock fishery (hard cap, by regulatory area) and increase observer coverage on vessels under 60 feet

**Alternative 3:** Require membership in a mandatory salmon bycatch control cooperative in order to fish in the directed pollock fishery

### **GOA trawl fisheries analysis — regular track**

**Alternative 1:** Status quo

**Alternative 2:** Establish a Chinook salmon bycatch limit for the non-pollock trawl fisheries (hard cap, may be apportioned by area and/or directed fishery)

**Alternative 3:** Require membership in a mandatory salmon bycatch control cooperative in order to fish in all Western/Central GOA trawl fisheries

**Alternative 4:** Require full retention of all salmon in all western/central GOA trawl fisheries (includes an option to require electronic monitoring or observers to monitor for discards)

The limit range of Chinook salmon bycatch to be analyzed for the directed pollock fishery includes 15,000, or 22,500, or 30,000 fish, applied to the Western/Central GOA fisheries as a whole. For the non-pollock fisheries, the Chinook salmon bycatch limit range to be analyzed is 5,000, or 7,500, or 10,000 fish.

### **Upcoming Actions**

- **Early February in Seattle:** NPFMC to review workplan and timetable.
- **March/April in Anchorage:** The NPFMC is scheduled to conduct an initial review of the analysis for the Western/Central GOA pollock fishery.
- **June 2011 (tentative) in Nome:** NPFMC final action to select final management measures for the Western/Central GOA pollock fishery.

- The public is invited to provide input and comments at either or both the March and June meetings.
- A draft of the analysis will be made available on the NPFMC website (<http://www.fakr.noaa.gov/npfmc/>) at least two weeks before each meeting.
- If the NPFMC takes final action in June, the National Marine Fishery Service will then proceed to rulemaking, and the new management measures would be implemented, at the earliest in mid-2012, in time for the fall pollock fishing season in 2012. For the longer term, more comprehensive bycatch management package for the GOA trawl fisheries, NPFMC staff will begin work on that analysis once they are finished with the pollock fishery analysis, sometime in fall 2011.

See the following pages for the full NPFMC motion.

### C-5 GOA Chinook salmon bycatch

#### Council motion

*The Council adopts the following problem statement and moves the following alternatives for initial review.*

#### **Problem statement:**

*Chinook salmon bycatch taken incidentally in GOA groundfish fisheries is a concern, and no salmon bycatch control measures have been implemented to date. Current observer coverage levels and protocols in some GOA groundfish trawl fisheries raise concerns about bycatch estimates and may limit sampling opportunities. Limited information is available on the origin of Chinook salmon taken as bycatch in the GOA; it is thought that the harvests include stocks from Asia, Alaska, British Columbia, and lower-48 origin. Despite management actions by the State of Alaska to reduce Chinook salmon mortality in sport, commercial, and subsistence fisheries, minimum Chinook salmon escapement goals in some river systems have not been achieved in recent years. In addition, the level of GOA Chinook salmon bycatch in 2010 has exceeded the incidental take amount in the Biological Opinion for endangered Chinook salmon stocks. The sharp increase in 2010 Chinook bycatch levels in the GOA fisheries require implementing short-term and long-term management measures to reduce salmon bycatch to the extent practicable under National Standard 9 of the Magnuson-Stevens Act. In the short term, measures focused on the GOA pollock fisheries are expected to provide the greatest savings. In the long term, comprehensive salmon bycatch management in the GOA is needed.*

#### **Alternatives for expedited review and rule making:**

The below alternatives apply to directed pollock trawl fisheries in the Central and Western GOA.

Alternative 1: Status quo.

Alternative 2: Chinook salmon Prohibited Species Catch (PSC) limit and increased monitoring.

Component 1: 30,000 Chinook salmon PSC limit (hard cap).

Option: Apportion limit between Central and Western GOA

- a) proportional to the pollock TAC.
- b) proportional to historic average bycatch rate of Chinook salmon (5 or 10-year average).
- c) proportional to historic average bycatch number of Chinook salmon (5 or 10-year average).

Component 2: Expanded observer coverage.

Extend existing 30% observer coverage requirements for vessels 60'-125' to trawl vessels less than 60' directed fishing for pollock in the Central or Western GOA.

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Alternative 3: Mandatory salmon bycatch control cooperative membership.

In order to fish in the Central or Western GOA pollock fisheries a vessel must be a member of a salmon bycatch control cooperative for the area where they are participating. Cooperative formation will be annual with a minimum threshold (number of licenses).

Cooperative contractual agreements would include a requirement for vessels to retain all salmon bycatch until vessel or plant observers have an opportunity to determine the number of salmon and collect any scientific data or biological samples. Cooperative contractual agreements would also include measures to control Chinook salmon bycatch, ensure compliance with the contractual full retention requirement, promote gear innovation, salmon hotspot reporting, and monitoring individual vessel bycatch performance.

Annual cooperative reports to the Council would include the contractual agreements and successes and failures for salmon bycatch controls by season and calendar year.

The Council requests staff explore options related to the following aspects of mandatory cooperative formation:

- Minimum number of licenses required to promote meaningful exchange of information and cooperation to avoid bycatch under the current directed fishery management structure. (Minimum threshold for cooperative formation should be set to ensure all eligible licenses have a reasonable opportunity to participate).
- Options to ensure participants outside of a bycatch control cooperative would be subject to regulatory bycatch controls if it is determined mandatory cooperative membership is not possible.
- Appropriate contract elements and reporting requirements.

**Alternatives for regular review and rule making track:**

The below alternatives apply to non-pollock trawl fisheries in the Central and Western GOA.

Alternative 1: Status quo.

Alternative 2: 10,000 Chinook salmon PSC limit (hard cap).

Option 1: Apportion limit between Central and Western GOA.

Option 2: Apportion limit by directed fishery.

Applies to both options: Apportion proportional to historic average bycatch of Chinook salmon (5 or 10-year average).

Alternative 3: Mandatory salmon bycatch control cooperative membership.

In order to fish in the Central or Western GOA trawl fisheries a vessel must be a member of a salmon bycatch control cooperative for the area where they are participating. Cooperative formation will be annual with a minimum threshold (number of licenses).

Cooperative contractual agreements would include measures to control Chinook salmon bycatch, promote gear innovation, salmon hotspot reporting, and monitoring individual vessel bycatch

December 12, 2010

performance. Annual cooperative reports to the Council would include the contractual agreements and successes and failures for salmon bycatch controls by season and calendar year.

The below alternatives applies to all trawl fisheries in the Central and Western GOA.

Alternative 4: Full retention of salmon.

Vessels will retain all salmon bycatch until the number of salmon has been determined by the vessel or plant observer and the observer's collection of any scientific data or biological samples from the salmon has been completed.

Option: Deploy electronic monitoring or observers to monitor for discards in order to validate salmon census data for use in catch accounting.

The Council also requests staff to provide the following:

- Chinook salmon bycatch rate data for each GOA groundfish fishery by month and area.
- Correlation between bycatch rates and time of day (based on observer data or anecdotal information).
- Correlation between bycatch rates and time of year (based on observer data or anecdotal information).
- Information on the flexibility under Steller sea lion measures to adjust season dates.
- Current trip limit management and implications of lowering GOA pollock trip limits.
- Information on current excluder use, effectiveness of salmon excluders, and deployment of excluders on smaller trawl vessels.
- A discussion of potential benefits, with respect to available bycatch measures and salmon savings, of a cooperative management structure for the GOA pollock fisheries. The discussion should assume a cooperative program for the Central and Western GOA directed pollock catcher vessels. Licenses qualifying for the program would annually form cooperatives that would receive allocations based on the catch histories of members. Catcher vessel cooperatives would be required to associate with a shore-based processor in the GOA, but members may change cooperatives and cooperatives may change processor associations annually without penalty.

UNITED STATES DEPARTMENT OF THE INTERIOR  
YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

CHARTER

1. **Official Designation:** Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.
2. **Objectives and Scope of Activity:** The objective of the Council is to provide an administrative structure that enables residents of the region who have personal knowledge of local conditions and requirements to have a meaningful role in the management of fish and wildlife and of subsistence uses of those resources on public lands in the region.
3. **Period of Time Necessary for the Council's Activities and Termination Date:** The Council is expected to exist into the foreseeable future. Its continuation is, however, subject to rechartering every biennial anniversary of the Alaska National Interest Lands Conservation Act of December 2, 1980. The Council will take no action unless the charter filing requirements of section 9 of the Federal Advisory Committee Act have been met.
4. **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.
5. **Support Services:** The U.S. Fish and Wildlife Service, Department of the Interior, provides administrative support for the activities of the Council.
6. **Duties of the Council:** The Council possesses the authority to perform the following duties:
  - a. Initiate, review and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the region.
  - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the region.
  - c. Encourage local and regional participation in the decision making process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses.
  - d. Prepare an annual report to the Secretary containing the following:
    - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the region.
    - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the region.

(3) A recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs.

(4) Recommendations concerning policies, standards, guidelines and regulations to implement the strategy.

e. Make recommendations on determinations of customary and traditional use of subsistence resources.

f. Make recommendations on determinations of rural status.

g. Provide recommendations on the establishment and membership of Federal local advisory committees.

The Council will perform its duties in conformity with the Regional Advisory Council Operations Manual.

7. **Estimated Operating Costs:** Annual operating costs of the Council are estimated at \$200,000, which includes one and one-half person-years of staff support.

8. **Meetings:** The Council may meet twice each year at the call of the Council, Council Chair, Federal Subsistence Board Chair, or Designated Federal Officer with the advance approval of the Federal Subsistence Board Chair and the Designated Federal Officer, who will also approve the agenda.

9. **Membership:** The Council's membership is as follows:

Thirteen 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 a diversity of interests is represented, the Department of the Interior will comply with the requirements of the Federal Advisory Committee Act, Section 5(b)(2) as expressed by the U. S. District Court in *Safari Club International versus Demientieff* in the amended order dated August 7, 2006.

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

**Vacancy:** Whenever a vacancy occurs among Council members appointed under paragraph 9, the Secretary will appoint an individual in accordance with paragraph 9 to fill that vacancy for the remainder of the applicable term.

**Terms of Office:** Except as provided herein, each member of the Council will serve a 3-year term with the term ending on December 2 of the appropriate year unless a member of the Council resigns prior to the expiration of the 3-year term or he/she is removed for cause by the Secretary upon recommendation of the Federal Subsistence Board. Members will be notified of their appointment in writing. If resigning prior to the expiration of a term, members will provide a written resignation.

**Election of Officers:** Council members will elect a Chair, a Vice-Chair, and a Secretary for a 1-year term.

**Removal of Members:** If a Council member appointed under paragraph 9 has two consecutive unexcused absences of regularly scheduled meetings, the Chair of the Federal Subsistence Board may recommend that the Secretary of the Interior with the concurrence of the Secretary of Agriculture remove that individual. A member may also be removed due to misconduct.

**Compensation:** Members of the Council will receive no compensation as members. Members will, however, be allowed travel expenses, including per diem, in the same manner as persons employed intermittently in government service are allowed such expenses under 5 U.S.C. 5703.

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

11. **Designated Federal Officer or Employee:** Pursuant to Section 10(e) of the Federal Advisory Committee Act, the Designated Federal Officer will be the Federal Regional Coordinator or such other Federal employee as may be designated by the Assistant Regional Director - Subsistence, Region 7, U.S. Fish and Wildlife Service.

12. **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)).

/s/ Ken Salazar

Secretary of the Interior



NOV 20 2009

Date Signed

DEC 3 2009

Date Filed

## **UPDATE ON TRAVEL PROCEDURES**

### **Travel Arrangements**

All Federal agencies are required to make all travel arrangements through the Travel Control Center. All council member travel arrangements must be made by OSM staff. If you amend your travel yourself, you will not receive any per diem for travel time after the amended ticket is issued and you may be liable for the cost of airfare.

Therefore, any changes to your travel absolutely must be made through your coordinator. If you are unable to contact your coordinator, call Durand Tyler at 907-786-3888 or 1-800-478-1456 or Ann Wilkinson at 907-786-3676.

### **Travel Vouchers**

The U.S. Fish and Wildlife Service nationwide is preparing to initiate new software for the Federal financial and business management system at the start of fiscal year 2012 (October 1, 2011), which will extend the time when OSM cannot make purchases or payments. There are two ways this might affect you directly: 1) Members who make a last minute decision to attend a council meeting may not receive a travel advance, and 2) travel vouchers for the fall 2011 council meetings will be delayed.



THE SECRETARY OF THE INTERIOR  
WASHINGTON

DEC 17 2010

Mr. Tim Towarak  
Chair, Federal Subsistence Board

Dear Mr. Towarak:

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

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

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

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

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

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

An identical letter is being sent to Mr. Tim Towarek, Chair, Federal Subsistence Board.

Sincerely,

*/S/ Ken Salazar*

**Ken Salazar**

**Enclosure**



OFFICE OF THE SECRETARY  
**U.S. Department  
of the Interior**

www.doi.gov

# News Release

## Tim Towarak Appointed Chairman of Alaska's Federal Subsistence Board; Will Lead Board Revitalization Initiative

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### Comprehensive Review of Subsistence Program Calls for Board Action to Strengthen Rural Representation, Regional Advisory Councils

08/31/2010

Contact: Kate Kelly (DOI) 202-208-6416  
USDA Office of Communications 202-270-4623

**ANCHORAGE** – Secretary of the Interior Ken Salazar and Secretary of Agriculture Tom Vilsack today announced the appointment of Tim Towarak as the Chair of the Federal Subsistence Board in Alaska. Towarak, an Alaska Native and a life-long resident of the rural village of Unalakleet, Alaska, is president of the Bering Straits Native Corporation and co-chair of the Alaska Federation of Natives.

“Tim has participated in subsistence activities all his life and has demonstrated a keen understanding of the needs of rural residents of Alaska as well as the workings of government and the private sectors,” said Secretary Salazar, whose department recently completed a review of the subsistence program management. “With his experience and understanding, he is uniquely qualified to lead the Board in carrying out improvements that will strengthen its role in managing fish and wildlife on the public lands in Alaska.”

Secretary Vilsack commended Towarak, saying “We are confident Tim can lead the Board’s revitalization initiative. The federal subsistence management program embodies key USDA roles and priorities, including sustaining livelihoods of rural families, ensuring access to healthy and affordable food, providing jobs in rural communities, sustaining culture and traditional ways of life, and strengthening relationships with Alaska Native tribes.”

The Federal Subsistence Board manages the fish and wildlife harvest for rural residents who depend on these resources for their lives and livelihoods. The board includes the Alaska Directors for the Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, the Bureau of Land Management, and the Alaska Regional Forester for the Department of Agriculture’s Forest Service. The Board works through Regional Advisory Councils.

The program review proposed several administrative and regulatory changes to strengthen the program and make it more responsive to the concerns of those who rely on it for their subsistence needs. One proposal calls for adding two rural Alaskans to the Board, which allows additional regional representation and increases stakeholder input in the decision-making process. This change would be open to public comment through the rule-making process.

The Secretaries also are asking the new Chair and the Board to ensure that the Regional Advisory Councils are given the full authorities in the rule-making process that they are granted in the Alaska National Interest Lands Conservation Act (ANILCA), and that the board take on greater responsibilities for budget preparation as well as hiring and evaluating the director of the Office of Subsistence Management.

*Secretarial Review of the Subsistence Management Program*

The Board also is being requested to evaluate the Memorandum of Understanding (MOU) it negotiated in 2008 with the State of Alaska to ensure it does not constrain federal subsistence management responsibilities. This evaluation will include all parties, including the Regional Advisory Councils.

Reviewers also received recommendations for statutory changes to better meet the goals of ANILCA and the Alaska Native Claims Settlement Act. While these proposals are acknowledged, they fall outside the authorities of the Secretaries but will be forwarded to concerned Members of Congress and the relevant committees with oversight of the statutes.

Additional changes to the subsistence program may follow. Secretary Salazar has asked his Policy, Management and Budget team at Interior to conduct a professional management review of the Office of Subsistence Management to ensure that the organizational structure created nearly 20 years ago, and the budgets they live with, meet the increasingly complex research and management demands that have accrued through nearly two decades of court decisions and resource allocation challenges.

Additionally, the USDA Forest Service's Washington Office recently reviewed its Alaska Region's portion of the program. Recommendations based on that review are being evaluated and will be integrated with Interior's findings for consideration by both Departments.

Under Title VIII of ANILCA, rural residents of Alaska are given priority for subsistence uses of fish and wildlife on federal lands. The State of Alaska managed for the rural resident subsistence priority until a 1989 Alaska Supreme Court decision ruled the priority conflicted with the state's constitution. The Interior and Agriculture departments began managing the subsistence priority for wildlife on federal lands in 1992. Six years later, following a federal court ruling, federal management for subsistence fisheries in certain waters within or adjacent to federal lands was added to the responsibilities of the Interior and Agriculture departments.

The federal subsistence management structure was crafted as a temporary DOI/USDA program to meet the requirements of ANILCA until the state could amend its constitution and comply with Title VIII of that law. This DOI/USDA review was predicated on the assumption that the state is no longer attempting to regain management authority for the ANILCA subsistence priority, and that federal management will continue for the foreseeable future.

###

**BRIEFING  
ON  
MEMORANDUM OF UNDERSTANDING**

In his letter to the Federal Subsistence Board following the program review, the Secretary specifically directed the Federal Subsistence Board to review the Memorandum of Understanding (MOU) with the Regional Advisory Councils, and determine either the need for the MOU or the need for potential changes to clarify Federal authorities in regard to the subsistence program. Consistent with that direction, the Federal Subsistence Board is seeking input from the Regional Councils on the MOU during the winter 2011 meeting cycle.

**BACKGROUND**

When the Federal subsistence program expanded into subsistence fisheries management in 1999, both Federal and State entities believed that a Memorandum of Agreement (MOA) would help with the coordination of subsistence management between Federal and State Programs. As a result, an MOA was negotiated between a state and federal team that included Regional Advisory Council representatives. It was initialed by all parties in April 2000. The 2008 MOU, which is based in large part on the MOA, was developed by a team of state and federal officials over a period of about one year and was signed in December 2008. FACA concerns precluded RAC members from being on the development team.

The purpose of the MOU "...is to provide a foundation and direction for coordinated interagency fish and wildlife management for subsistence uses on Federal public lands..." while allowing the Federal and State agencies to continue to act in accordance with their respective statutory authorities. Signatories include the Chair of the Federal Subsistence Board and its members, consisting of the Alaska Regional and State Directors of BLM, BIA, NPS, USFWS, and USDA Forest Service); the Commissioner of the Alaska Department of Fish and Game, and the Chairs of the Alaska Board of Fisheries and the Alaska Board of Game.

**KEY POINTS**

- The MOU helps to address the necessity of having some degree of communication and coordination between the State and Federal governments in order to aid in effective management of fish and wildlife resources in Alaska.
- Several sections of Title VIII expressly require the Secretaries to communicate and/or consult with State representatives on certain issues relating to subsistence uses by rural Alaskans (e.g., ANILCA §§ 802(3), 805(a), 810(a), 812, and 816(b)).
- The MOU was carefully reviewed by the Federal team and legal counsel to ensure that provisions of Federal law and the Board's obligations to rural residents as defined in Title VIII of ANILCA continue to be maintained.
- The body of the MOU contains several references to State law, prompting some observers to express concern that in signing the MOU, the Board undermined its obligation under Title VIII to provide for a subsistence priority for rural Alaskans on Federal public lands.

- However, the Board's authority, charge, and obligation to rural residents come only from Title VIII and any other applicable federal statutes: the MOU will not, and cannot, change that.
- Three protocols targeted at specific issues were developed under the guidance of the MOA/ MOU: *Subsistence Management Information sharing Protocol, April 2002, Yukon River Drainage Subsistence Salmon Fishery Management Protocol, April 2002, and the Memorandum of Understanding: Review and Development of Scientifically Based Salmon Escapement Goals, June 2005. These protocols facilitate management, as well as the exchange and sharing of data between the Federal and State agencies.*
- Other key guiding principles of the MOU include: avoiding duplication of research, monitoring, and management; involving subsistence and other users in fish and wildlife management planning efforts; and promoting clear and enforceable hunting, fishing and trapping regulations.

#### **ACTION NEEDED**

- Regional Councils and State Advisory Committees are being asked to review the MOU and offer specific comments about the wording of the document and how it might be improved. Regional Council and State Advisory Committee members are welcome to offer their general opinion of the MOU as well.

#### **NEXT STEPS**

- The Federal Subsistence Board's review period is now open and will go until May 1, 2011.
- The Federal Subsistence Board will review all comments in the summer of 2011 and determine what the next steps should be. Because the MOU involves other parties, there will need to be discussion with those parties also.

Submit comments to:  
Gary Goldberg  
Office of Subsistence Management  
1011 East Tudor Road  
Anchorage, AK 99503

or

via E-mail to  
Gary\_Goldberg@fws.gov\_

or

via fax at 907-786-3898

## MEMORANDUM OF UNDERSTANDING

for

Coordinated Interagency Fish and Wildlife Management for Subsistence Uses on Federal  
Public Lands in Alaska

between the

Federal Subsistence Board

(U.S. Fish and Wildlife Service, U.S. Forest Service, National Park Service, Bureau of  
Land Management, Bureau of Indian Affairs, and Secretarial appointed Chair)

and

State of Alaska

(Alaska Department of Fish and Game (ADF&G) and Alaska Board of Fisheries and  
Alaska Board of Game (State Boards))

### **I. PREAMBLE**

This Memorandum of Understanding (MOU) between the Federal Subsistence Board and the State of Alaska establishes guidelines to coordinate in managing subsistence uses of fish and wildlife resources on Federal public lands in Alaska.

WHEREAS, the State of Alaska, under its laws and regulations, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the State of Alaska on the sustained yield principle, subject to preferences among beneficial uses, such as providing a priority for subsistence harvest and use of fish and wildlife (where such uses are customary and traditional), and implements its program through the State Boards and the ADF&G, providing for public participation through Advisory Committees authorized in the State's laws and regulations (Alaska Statutes Title 16; Alaska Administrative Code Title 5) and through Alaska Administrative Procedure Act;

WHEREAS, the Secretaries of Agriculture and the Interior (Secretaries), by authority of the Alaska National Interest Lands Conservation Act (ANILCA) and other laws of Congress, regulations, and policies, are responsible for ensuring that the taking on Federal public lands of fish and wildlife for nonwasteful subsistence uses, as defined in ANILCA §803, shall be accorded priority over the taking on such lands of fish and wildlife for other purposes as provided for in ANILCA §804; and that the Secretaries are responsible for protecting and providing the opportunity for rural residents of Alaska to engage in a subsistence way of life on Federal public lands in Alaska, consistent with the conservation of healthy populations of fish and wildlife; and these lands are defined in ANILCA §102 and Federal regulation (36 CFR Part 242 and 50 CFR Part 100); and that the Secretaries implement this priority through the Federal Subsistence Board, providing for public participation through Regional Advisory Councils authorized by ANILCA §805 and Federal regulations (above); and,

WHEREAS, ANILCA, Title VIII, authorizes the Secretaries to enter into cooperative agreements in order to accomplish the purposes and policies of Title VIII, and the State of Alaska and the Federal Subsistence Board believe it is in the best interests of the fish and wildlife resources and the public to enter into this Memorandum of Understanding;

THEREFORE, the signatories endorse coordination of State and Federal regulatory processes and the collection and exchange of data and information relative to fish and wildlife populations and their use necessary for subsistence management on Federal public lands. This MOU forms the basis for such cooperation and coordination among the parties with regard to subsistence management of fish and wildlife resources on Federal public lands.

## **II. PURPOSES**

The purpose of this MOU is to provide a foundation and direction for coordinated interagency fish and wildlife management for subsistence uses on Federal public lands, consistent with specific State and Federal authorities as stated above, that will protect and promote the sustained health of fish and wildlife populations, ensure conservation and stability in fish and wildlife management, and include meaningful public involvement. The signatories hereby enter this MOU to establish guidelines for subsequent agreements and protocols to implement coordinated management of fish and wildlife resources used for subsistence purposes on Federal public lands in Alaska.

## **III. GUIDING PRINCIPLES**

- 1) Ensure conservation of fish and wildlife resources while providing for continued uses of fish and wildlife, including a priority for subsistence uses, through interagency subsistence management and regulatory programs that promote coordination, cooperation, and exchange of information between State and Federal agencies, regulatory bodies, Regional Advisory Councils and/or State Advisory Committees, state and local organizations, tribes and/or other Alaska Native organizations, and other entities;
- 2) Use the best available scientific and cultural information and local traditional knowledge for decisions regarding fish and wildlife management for subsistence uses on Federal public lands;
- 3) Avoid duplication in research, monitoring, and management;
- 4) Involve subsistence and other users in the fisheries and wildlife management planning processes;
- 5) Promote stability in fish and wildlife management and minimize unnecessary disruption to subsistence and other uses of fish and wildlife resources; and
- 6) Promote clear and enforceable hunting, fishing, and trapping regulations.

**IV. THE FEDERAL SUBSISTENCE BOARD AND STATE OF ALASKA  
MUTUALLY AGREE:**

- 1) To cooperate and coordinate their respective research, monitoring, regulatory, and management actions to help ensure the conservation of fish and wildlife populations for subsistence use on federal public lands.
- 2) To recognize that State and Federal historical and current harvest and population data and information and cultural information are important components of successful implementation of Federal responsibilities under ANILCA Title VIII.
- 3) To provide a priority for subsistence uses of fish and wildlife resources and to allow for other uses of fish and wildlife resources when harvestable surpluses are sufficient, consistent with ANILCA and Alaska Statute 16.05.258.
- 4) To recognize that cooperative funding agreements implementing the provisions of this MOU may be negotiated when necessary and as authorized by ANILCA §809 and other appropriate statutory authorities. Federal funding agreements for cooperative research and monitoring studies of subsistence resources with organizations representing local subsistence users and others will be an important component of information gathering and management programs.
- 5) To recognize that State and Federal scientific standards for conservation of fish and wildlife populations are generally compatible. When differences interpreting data are identified, the involved agencies should appoint representatives to seek resolution of the differences.
- 6) To cooperatively pursue the development of information to clarify state and federal regulations for the public.
- 7) To recognize that the signatories may establish protocols or other procedures that address data collection and information management, data analysis and review, in-season fisheries and wildlife management, and other key activities and issues jointly agreed upon that affect subsistence uses on Federal public lands. (See Appendix)
- 8) To provide an opportunity, through interagency Federal-State technical committees, for appropriate scientific staff, along with Regional Advisory Council and/or State Advisory Committee representatives, subsistence users, and other members of the public to discuss and review data analyses associated with proposal analyses and resource and harvest assessment and monitoring.
- 9) To designate liaisons for policy communications and, as appropriate, to identify local agency representatives for efficient day-to-day communication, field operations, and data retrieval between State and Federal programs.
- 10) To provide adequate opportunity for the appropriate Federal and State agencies to review analyses and justifications associated with special actions and emergency orders affecting subsistence uses on Federal public lands, prior to implementing such actions. Where possible and as required, State and Federal agencies will provide advance notice to

Regional Advisory Council and/or State Advisory Committee representatives and other interested members of the public before issuing special actions or emergency orders. Where conservation of the resource or continuation of subsistence uses is of immediate concern, the review shall not delay timely management action.

11) To cooperatively review existing and proposed State fish and wildlife management plans and Federal subsistence management plans that affect subsistence uses on Federal public lands, providing an opportunity for Regional Advisory Council and/or State Advisory Committee representatives and other public to participate. Consider State fish and wildlife management plans as the initial basis for any management actions so long as they provide for subsistence priorities under State and Federal law. Procedures for management plan reviews and revisions will be developed by the respective Federal and State Boards in a protocol.

12) To use the State's harvest reporting and assessment systems supplemented by information from other sources to monitor subsistence uses of fish and wildlife resources on Federal public lands. In some cases, Federal subsistence seasons, harvest limits, or data needs may necessitate separate Federal subsistence permits and harvest reports.

13) To ensure that local residents and other users will have meaningful involvement in subsistence wildlife and fisheries regulatory processes that affect subsistence uses on Federal public lands.

## **V. GENERAL PROVISIONS**

1) No member of, or Delegate to, Congress shall be admitted to any share or part of this document, or to any benefit that may arise therefrom.

2) This MOU is complementary to and is not intended to replace, except as specifically regards Federal responsibility for subsistence uses of fish and wildlife on Federal public lands, the Master Memoranda of Understanding between the individual Federal agencies and ADF&G. Supplemental protocols to this document may be developed to promote further interaction and coordination among the parties.

3) Nothing herein is intended to conflict with Federal, State, or local laws or regulations.

4) Policy and position statements relating specifically to this MOU may be made only by mutual consent of the parties.

5) Nothing in this MOU is intended to enlarge or diminish each party's existing responsibilities and authorities, if any, for management of fish and wildlife.

6) Upon signing, the parties shall each designate an individual and an alternate to serve as the principal contact or liaison for implementation of this MOU.

7) This MOU becomes effective upon signing by all signatories and will remain in force until such time as the Secretary of the Interior determines that the State of Alaska has implemented a subsistence management program in compliance with Title VIII of

ANILCA, or, signatories terminate their participation in this MOU by providing 60 days written notice. Termination of participation by one signatory has no impact on this MOU's effectiveness between the remaining signatories.

8) The signatories will meet annually, or more frequently if necessary, to review coordinated programs established under this MOU and to consider modifications to this MOU that would further improve interagency working relationships. Documentation of the review and consideration of any modifications within the scope of this understanding shall be made by mutual consent of the signatories, in writing, signed and dated by all parties. If no review is conducted, this MOU will expire 5 years after the most recent review was conducted.

9) Nothing in this document shall be construed as obligating the signatories to expend funds or involving the United States or the State of Alaska in any contract or other obligations for the future payment of money, except as may be negotiated in future cooperative funding agreements.

10) This MOU establishes guidelines and mutual management goals by which the signatories shall coordinate, but does not create legally enforceable obligations or rights.

11) This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement, contribution of funds, or transfer of anything of value between the parties to this MOU will be handled in accordance with applicable laws, regulations, and procedures.

12) This MOU does not restrict the signatories from participating in similar agreements with other public or private agencies, organizations, and individuals.

**SIGNATORIES**

In WITNESS WHEREOF, the parties hereto have executed this MOU as of the last date written below.

/S/ Denby Lloyd

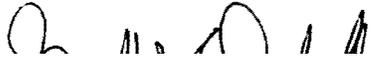
\_\_\_\_\_  
Commissioner  
Alaska Department of Fish and Game  
Date: 7 Nov. 08

/S/ John Jenson

\_\_\_\_\_  
Chair  
Alaska Board of Fisheries  
Date: Nov 3 2008

/S/ Cliff Judkin

\_\_\_\_\_  
Chair  
Alaska Board of Game  
Date: 11/09/08

  
/S/ Geoff Haskett

\_\_\_\_\_  
Regional Director  
U.S. Fish and Wildlife Service  
Date:

/S/ Denny Bschor

\_\_\_\_\_  
Regional Forester  
U.S. Forest Service  
Date: 12/17/08

/S/ Sue Masica

\_\_\_\_\_  
Regional Director  
National Park Service  
Date: 12.12.08

/S/ T. P. Lonnie

\_\_\_\_\_  
State Director  
Bureau of Land Management  
Date: 12-18-08

/S/ Niles Cesar

*Regional* ~~Area~~ Director  
\_\_\_\_\_  
Bureau of Indian Affairs  
Date: 12-15-08

/S/ Mike R. Fleagle

\_\_\_\_\_  
Chair  
Federal Subsistence Board  
Date: 12/5/08

## APPENDIX

### SCOPE FOR PROTOCOLS AND/OR PROCEDURES

- 1) Joint technical committees or workgroups may be appointed to develop protocols and/or procedures.
- 2) Individual protocols and/or procedures should:
  - a. Be developed by an interagency committee. The committee shall involve, as appropriate, Regional Advisory Council and/or State Advisory Committee representatives and other State/Federal regional or technical experts.
  - b. Identify the subject or topic of the protocol and provide justification.
  - c. Identify the parties to the protocol.
  - d. Identify the process to be used for implementing the protocol.
  - e. Provide for appropriate involvement of Regional Advisory Council and/or State Advisory Committees, tribes and/or other Alaska Native organizations, governmental organizations, and other affected members of the public when implementing protocols.
  - f. Specify technical committee or workgroup memberships.
  - g. Develop a timeline to complete tasks.
  - h. Identify funding obligations of the parties.
  - i. Define the mechanism to be used for review and evaluation.
- 3) Protocols or procedures require concurrence by the signatories of this MOU prior to implementation.



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

**Federal Subsistence Board**

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



U.S. FOREST SERVICE

FWS/OSM 10089

December 21, 2010

[REDACTED]  
[REDACTED]  
[REDACTED], Anchorage, Alaska 99503

Dear [REDACTED]:

Consistent with the Secretaries of the Interior and Agriculture's renewed emphasis on respectful relationships with tribes, the Federal Subsistence Board would like to enhance our government-to-government consultation with tribes. This letter explains the process that the Federal Board intends to pursue. Because of the central role of the Regional Advisory Councils, we want to ensure that you, as a Council member, are kept informed throughout this process, and that you have the opportunity to participate meaningfully as we move forward.

As a Council member you know that Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) provides a foundational role for the ten Regional Advisory Councils in the development of regulations guiding the taking of fish and wildlife on Federal public lands in Alaska. In making its regulatory decisions, the Federal Board must follow the recommendations of the Regional Advisory Councils unless they are not supported by substantial evidence, violate recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs (805(c) of ANILCA). Deference to the Councils ensures that rural residents have a meaningful role in the management of fish and wildlife and subsistence uses, as envisioned by Congress. To date, because of the foundational role of Councils in the Federal program, as well as the requirement by statute that the Board defer to the Councils' recommendations, the Federal Board has not explicitly consulted with tribes during the development of regulations.

With regard to the soon-to-be-expiring fisheries regulations, the Federal Board is requesting immediate input so that the rural subsistence-fishing priority can continue after March 31, 2011. The process for developing fisheries regulations has been underway for ten months, beginning with publication in the Federal Register on January 15, 2010, of a proposed rule to continue the regulations for another two years. In response to the proposed rule, the Program received 19 proposals to change regulations. The proposals were then analyzed by Federal staff, and the relevant analyses were reviewed by Regional Advisory Councils during public meetings in their respective regions this past fall. At each Regional Council meeting the Councils heard testimony on the proposals and through a deliberative process provided recommendations to the Federal Board on relevant proposals.

[REDACTED]

The Federal Board is scheduled to act on these recommendations at its January 18-21, 2011, meeting in Anchorage. As the existing regulations expire on March 31, 2011, the new regulations must be in place by April 1, 2011. If Federal regulations expire before new regulations are in place, the ANILCA rural priority would lapse and state regulations would guide subsistence take on Federal lands. In light of the need for expediency, the Federal Subsistence Board has invited tribes to an in-person consultation session with the Board and the ten Regional Advisory Council chairs on January 18<sup>th</sup>, the first day of our meeting. Recognizing that it could be difficult for people to travel to that session in Anchorage, we have made provisions for telephonic consultation as well as the incorporation of written input (see enclosure). The Federal Board will consider this input during its deliberations at the January 18-21 meeting. We recognize that this approach may fall short of how tribes would like to consult with Federal officials on subsistence; however, it is our hope that by inviting input in this manner concerns will be addressed for this immediate Board action on fishery proposals.

To ensure more comprehensive and effective future tribal involvement, we also intend to develop a tribal consultation protocol. Towards that end, we have invited tribes to an initial meeting with the Board and Regional Council Chairs to begin discussions on how best to structure future tribal consultation working with the Board and the Regional Councils. This winter we will also discuss with Regional Councils how they envision tribal government-to-government consultation should occur. The meeting with tribes will be held on January 21, 2011, at the Egan Center, beginning at 9:00 AM. Again, we will provide an opportunity for telephonic participation (see enclosed) or comments or suggestions may be sent to the Board (see enclosure for mailing address).

Based on input and the discussions at the meeting on January 21<sup>st</sup>, and later with the Regional Advisory Councils, the Federal Board will develop a draft approach to tribal consultation. We will share that approach with tribes and Regional Councils prior to finalizing our process. For further information, please contact Gary Goldberg, Subsistence Policy Coordinator at the Office of Subsistence Management, at 1-800-478-1456.

In closing, I appreciate your interest in and service to the Federal Subsistence Program.

Sincerely,

*/S/ Tim Towarak*

Tim Towarak, Chair  
Federal Subsistence Board

## **SUMMARY OF THE JANUARY 5, 2011 FEDERAL SUBSISTENCE BOARD EXECUTIVE SESSION**

- The Federal Subsistence Board held an executive session on Wednesday, January 5, 2011 at which it discussed possible follow-up work on six items that came out of the Secretarial Review of the Federal Subsistence Management Program.
- FSB Members (or their alternates) in attendance at the January 5, 2011 meeting included:
  - Tim Towarak, Chair
  - Sue Masica, NPS
  - Julia Dougan, BLM
  - Kristin K'eit and Gene Virden, BIA
  - Larry Bell, FWS
  - Beth Pendleton, USDA, FS.
- Staff in attendance included:
  - Keith Goltz and Ken Lord, SOL; Jim Ustaciewski, OGC;
  - Pete Probasco, Polly Wheeler, Gary Golberg and Larry Buklis, OSM
  - Nancy Swanton, Sandy Rabinowitch, and Dave Mills, NPS
  - Jerry Berg and Crystal Leonetti, FWS;
  - Glenn Chen and Pat Petrivelli, BIA
  - Dan Sharp, BLM
  - Steve Kessler, USDA FS.
- Pat Pourchot, Special Assistant for Alaska, Secretary of the Interior was also in attendance.

No formal action was taken at the meeting. The Board discussed six items from the Secretarial review, including:

- Developing a proposed regulation to increase the membership on the Federal Subsistence Board to include two additional public members representing subsistence users.
  - OSM and Pat Pourchot developed a proposed rule, it will be published in the Federal Register in mid-February, with a 60 day public comments period.
- As a matter of policy, expand deference to appropriate Regional Advisory Council (RAC) recommendations in addition to the “takings” decisions of the Board provided for under Section 805(c) of ANILCA, subject to the three exceptions found in that Section.
  - The FSB will generally defer to Regional Councils on C&T, but likely not on rural, as the Courts have ruled that rural is an absolute term. The FSB has not yet decided on whether or not it will defer to RACs on the rural process.
- Review, with Regional Council 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.
  - The MOU is being presented to all Councils at the winter 2011 meetings for their review and comment.
- Review, with Regional Advisory Council input, the customary and traditional (C&T) use determination process and present recommendations for regulatory changes.

- RACs are being asked for their general perspectives on the C&T process. That is, are they okay with it, and if not, what in their view should be changed.
- Review, with Regional Advisory Council input, the rural/nonrural determination process and present recommendations for regulatory changes.
  - The FSB will be holding a work session on this process on April 6. No further action will be taken until after that meeting.
- Review the Board's written policy on executive sessions and minimize the use of executive sessions to those specifically prescribed.
  - The Board will minimize the use of executive sessions. It also intends to add a sentence to its guidelines, stating that formal report-outs will be provided following executive sessions. This document represents the first such "report out."

Action Item from Secretarial Review	Status	Next Steps	RAC Involvement
<b>Expand FSB membership</b>			
	Requires change to subpart B regulations	Anticipate publication of draft regulation during spring 2011	Will be asked for comment at Winter 2011 meetings
	Draft has been prepared	FSB will make recommendation to Secretaries in May 2011	
		Nominees will not be solicited until regulations finalized, likely in 2011	
<b>Expand deference to RACS:</b>			
<b>C&amp;T</b>	FSB generally supportive of expanding deference to RACs on C&T; policy and/or possible rulemaking need to be pursued	Develop interim policy (following 805(c)) for deference on C&T	Circulate draft for comment - Fall 2011
		Determine appropriate mechanism (policy, rulemaking/advance notice of intent) for formalizing intent on C&T	
<b>Rural Determinations</b>	The Courts have found that rural is an absolute term meaning "sparsely populated," and not subject to interpretation, therefore deference regarding rural determinations would be inappropriate.	Focus on process and criteria for rural/nonrural determinations	RAC chairs invited to April 6, 2011 meeting to understand 2000 census process

Action Item from Secretarial Review	Status	Next Steps	RAC Involvement
<b>Expand deference to RACS (Continued)</b>			
<i>In-Season management</i>	No change for in-season management, will defer as time and conservation allow	Revise inseason delegation of authority letters as needed and provide copies to RACs	Discuss communications improvements/enhancements that flow from delegation of authority letters  Close loop if concerns are raised and notify FSB with concerns
<b>Review MOU</b>			
	Overview/briefing at winter 2011 RAC meetings	Receive feedback by May 1, 2011  FSB to review comments during summer 2011  FSB to discuss changes with State  Any proposed changes will be brought before the RACs in Fall 2011	Review and discuss MOU at Winter 2011 meetings  Provide comments to FSB by May 1, 2011
<b>Review C&amp;T determination process</b>			
	Seek input from RACs as to what changes, if any, are needed  Explore and develop possible options for changes	Receive RAC input  Refine options (if any) during Summer 2011  Options presented to RACs in Fall 2011	Broad discussion on C&T process at Winter 2011 meetings  If needed, review and develop options at Fall 2011 meetings

Action Item from Secretarial Review	Status	Next Steps	RAC Involvement
<b>Review rural/nonrural process</b>			
	Educational work session on April 6, 2011	Need to examine process for considering changes to rural determinations process	Invite RAC chairs to April 6, 2011 work session

## **OVERVIEW OF THE ALASKA MIGRATORY BIRD CO-MANAGEMENT COUNCIL**

**By:** Fred Armstrong, Executive Director, Alaska Migratory Bird Co-Management Council (AMBCC)

### **Introduction**

The Migratory Bird Treaty Act was amended to allow the Federal government to regulate an otherwise closed season between March 10 and September 1. The AMBCC was created to provide regulatory recommendations to the Service Regulations Committee.

### **Background**

The AMBCC consists of Alaska Natives, State of Alaska and U.S. Fish & Wildlife Service representatives that meet and act on regional regulations. Current partners include:

State of Alaska	Bristol Bay Native Association
Aleutian/Pribilof Islands Association	Copper River Native Association
Association of Village Council Presidents	Kawerak Inc.
Chugach Regional Resource Commission	Tanana Chiefs Conference
Sun'aq Tribe of Kodiak	North Slope Borough
Maniilaq Association	

The council recommends regulations based on the customary and traditional lifestyle of indigenous inhabitants located in eligible areas of the state defined in the amendments protocol. The season runs from April 2–August 31 of each year with a 30 day closure prescribed for each region during the principle nesting season. An open and closed list of birds is also published annually as well as methods and means prohibitions.

The public can submit proposals during the open period of November 1 through December 15 annually. The AMBCC acts on regional and statewide proposals at their April regulatory meeting of each year.

All hunters ages 16 and over must have in possession a federal duck stamp when hunting waterfowl.

Law Enforcement will actively enforce all migratory bird regulations promulgated for the spring and summer season in Alaska.

Visit <http://alaska.fws.gov/ambcc/index.htm> to view the current regulations for the subsistence harvest of migratory birds and find more information on the AMBCC.

**Alaska Migratory Bird Co-Management Council**  
(Updated September 2010)

**Association of Village Council Presidents**

Myron Naneng  
Tel: Wk 907/543-7300; Fax: 907/543-3596  
Email: mnaneng@avcp.org

**Bristol Bay Native Association**

Molly Chythlook  
Tel: 907/842-5257; Fax: 907,842-5932  
Email: mchythlook@bbna.com

**Chugach Regional Resources Commission**

Patrick Norman  
Tel: 907/284-2227  
Email: pnormanvc@hotmail.com

**Copper River Native Association**

Joeneal Hicks  
Tel: 907/822-3503; Fax: 907/822-5179  
Email: jhicksHTSS@cvinternet.net

**Kawerak, Inc.**

Sandra Tahbone  
Tel: 907/443-4265; Fax: 907/443-4452  
Email: stahbone@kawerak.org

**Southeast Inter-tribal Fish & Wildlife  
Commission**

Matt Kookesh  
Tel: 907/463-7124; Fax: 907/463-7124  
Email: mkookesh@gci.net

**Aleutian/Pribilof Islands Assoc.**

Peter Devine  
Tel: 907/383-5616; Fax: 907/383-5814

**Sun'aq Tribe of Kodiak**

Olga Rowland  
Tel: 907/286-2215; Fax: 907/286-2275  
Email: kodiakducks@hotmail.com

**Maniilaq Assoc.**

Enoch Shiedt  
Tel: 907/442-7673; Fax: 907/786-7678  
Email: enoch.shiedt@maniilaq.org

**North Slope Borough**

Taqulik Hepa  
Tel: 907/852-0350; Fax: 907/852-0351  
Email: taqulik.hepa@north-slope.org

**Tanana Chiefs Conference**

Randy Mayo  
Tel: 907/978-1670; Fax: 907/895-1877  
Email: stevensvillage@hotmail.com

**U.S. Fish & Wildlife Service**

Doug Alcorn  
Tel: 907/786-3491; Fax: 907/465-6142  
Email: doug\_alcorn@fws.gov

**Alaska Department of Fish & Game**

Dale Rabe  
Tel: 907/465-4190; Fax: 907/465-6145  
Email: dale.rabe@alaska.gov

## Proposal Form

The Alaska Migratory Bird Co-Management Council  
***Proposed Change for 2012 Alaska Subsistence Spring/Summer  
Migratory Bird Harvest Regulations***

All proposals received by the AMBCC office will be sent to the affected regional management body for their consideration and recommendation. Recommendations will be forwarded to the statewide body for consideration and action. To ensure success of your proposal, please plan on attending your local regional management body meeting to present data or information on your proposal. Proposals received without adequate information may be deferred or rejected.

Proposed by: \_\_\_\_\_

Name: \_\_\_\_\_

Organization/Affiliation: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

**What problem or issue are you trying to address?** (Clearly state the problem to be solved or a situation that should be corrected.)

**How should the new regulation read?** (Indicate if it is a change to season dates, species of bird/eggs open to hunting, area open to hunting, methods and means, or harvest limits)

**To what geographic area does this regulation apply?** (Is it a statewide, regional, or local regulation? If it pertains to a local area, please describe where it applies.)

**What impact will this regulation have on migratory bird populations?**

**How will this regulation affect subsistence users?**

**Why should this regulation be adopted?**

**Please attach any additional information that supports your proposal.**

## Fall 2011 Regional Advisory Council Meeting Calendar

*August 22–October 14, 2011 current as of 10/29/10*

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 21	Aug. 22 WINDOW OPENS	Aug. 23 NWA—TBA NS—TBA	Aug. 24	Aug. 25	Aug. 26	Aug. 27
Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1	Sept. 2	Sept. 3
Sept. 4	Sept. 5 HOLIDAY	Sept. 6	Sept. 7 KA—Cold Bay or King Cove	Sept. 8	Sept. 9	Sept. 10
Sept. 11	Sept. 12	Sept. 13	Sept. 14	Sept. 15	Sept. 16	Sept. 17
Sept. 18	Sept. 19	Sept. 20	Sept. 21 SP—Nome	Sept. 22	Sept. 23	Sept. 24
Sept. 25	Sept. 26	Sept. 27	Sept. 28	Sept. 29	Sept. 30 END OF FY2011	Oct. 1
		SE—Wrangell		YKD—TBA		
Oct. 2	Oct. 3 SC—Cantwell	Oct. 4	Oct. 5	Oct. 6	Oct. 7	Oct. 8
		WI—Aniak				
Oct. 9	Oct. 10 HOLIDAY	Oct. 11	Oct. 12	Oct. 13	Oct. 14 WINDOW CLOSES	Oct. 15
		EI—Tanana		BB—Dillingham		

# Winter 2012 Regional Advisory Council Meeting Calendar

*February–March 2012 current as of 01/28/11*

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 12</i>	<i>Feb. 13</i> <i>Window Opens</i>	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>	<i>Feb. 17</i>	<i>Feb. 18</i>
<i>Feb. 19</i>	<i>Feb. 20</i> <b>HOLIDAY</b>	<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>Feb. 29</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>Mar. 23</i> <i>Window Closes</i>	<i>Mar. 24</i>



# 2011 Yukon River Chinook Salmon Rebuilding Initiative

Yukon River Chinook salmon are important to all users in the Yukon Area. Unfortunately, they have experienced a drop in production. Current run sizes are about half of historic levels, making it difficult to meet escapement goals and provide for subsistence uses on the river. Harvests have been greatly reduced since 2000 (Figure 1). Despite good parent year escapements in 2007, 2008, and 2010, runs were below expectations and escapement goals into Canada were not met (Figure 2). Preliminary analyses suggest the 2011 Yukon River Chinook salmon run will again be below average to poor. Due to poor production in recent years, it is likely the 2011 Chinook run may not be sufficient to fully support subsistence needs.

Over half of the Yukon River Chinook salmon that are harvested in Alaska are Canadian-origin. Therefore, it is very important to keep Canadian as well as Alaska stocks healthy. Conservation of fisheries resources by all users is extremely important for ensuring future salmon runs. It is now prudent to enter the 2011 season with the expectation that conservation measures will be required in an effort to meet escapement goals and share the available subsistence harvest.

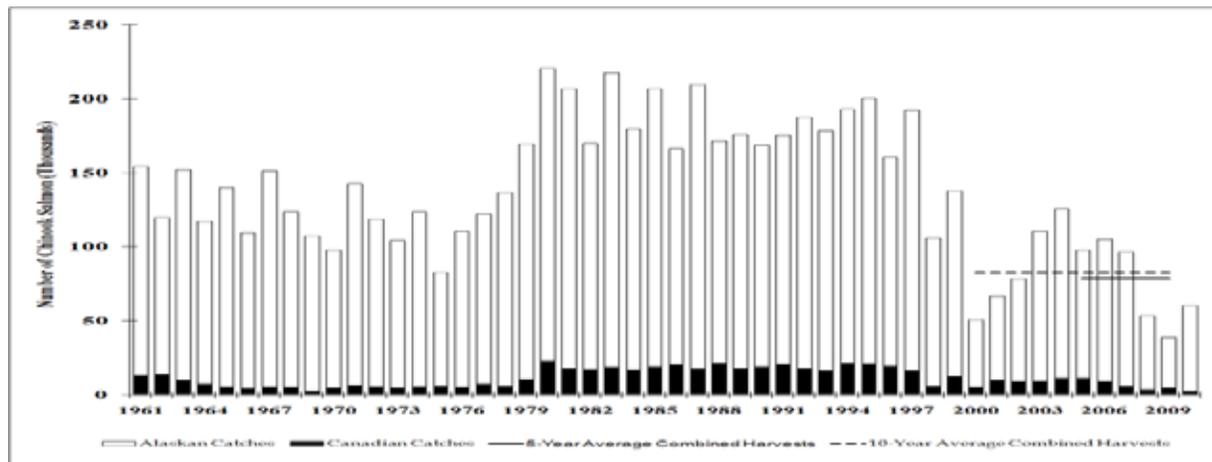


Figure 1. Total utilization of Chinook salmon, Yukon River, 1961-2010. 2010 data are preliminary.

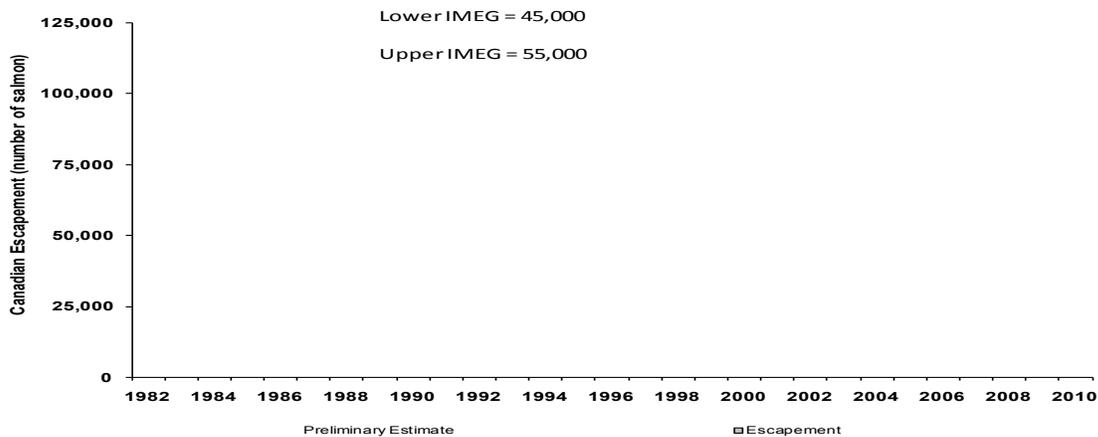


Figure 2. The estimated number of Chinook salmon reaching spawning grounds in the Canadian portion of the mainstem Yukon River drainage, 1982-2010. The dotted and dashed lines represent the 2010 interim escapement goal range (IMEG).



## **2011 Yukon River Chinook Salmon Rebuilding Initiative**



It is necessary for all users to help in meeting escapement goals. In recent years, Canadian fishermen have voluntarily reduced their subsistence harvest, sometimes by more than 50%, in order to allow fish to reach the spawning grounds (Figure 1). During these low runs, it is necessary for all users to look at the amount they harvest and determine how they can help ensure adequate Chinook salmon escapement.

Given the users' concerns over the future of Yukon River Chinook salmon runs, it is necessary to develop a management plan focused on rebuilding the stocks. The initial objectives of the plan would be to achieve escapement goals in the Alaska portion of the drainage and meet escapement and harvest sharing commitments to Canada. Furthermore, this plan must provide for subsistence use of Chinook salmon in the Alaska portion of the drainage and management of overlapping summer chum salmon fisheries.

Yukon River fisheries managers need your assistance developing options and management strategies for 2011 that will assist in getting fish to the spawning grounds should the Chinook salmon run be similar to the poor runs of 2007, 2008, and 2010. Because of the trend of low productivity, it is anticipated that a conservative rebuilding plan will be in place for the next few years.

During the winter and spring, State and Federal fisheries managers will attend several meetings to inform fishermen and user groups of the 2011 outlook, and to receive input on management options for the 2011 fishing season. Yukon River fisheries managers are soliciting practical ideas for reducing Chinook salmon harvests from resource users on the river. All people who depend on Yukon River salmon have a role in protecting these special fish for future generations.

**For additional information:**

**ADF&G:** Steve Hayes in Anchorage 907-267-2383

**USFWS:** Fred Bue in Fairbanks 907-455-1849