



EASTERN INTERIOR ALASKA
SUBSISTENCE REGIONAL
ADVISORY COUNCIL

Meeting Materials

October 25 - 26, 2016
Fort Yukon



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On the cover...

Council member's son is visiting subsistence fishing wheel on the Yukon River.

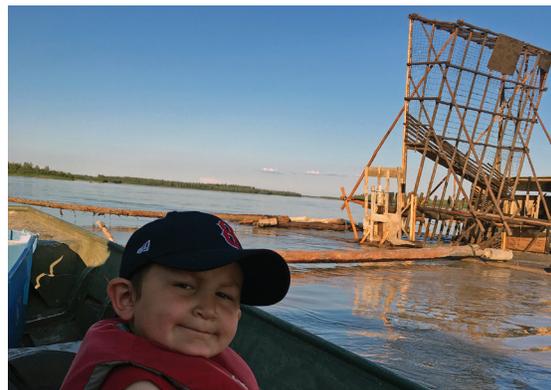


Photo by Andrew Firmin

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EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Gwichyaa Zhee Gwich'in Tribal Hall
Fort Yukon

October 25-26, 2016
9:00 am – 5:00 pm

TELECONFERENCE: call the toll free number: 1-877-407-8065, then when prompted enter the passcode: 8201631.

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

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

AGENDA

*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** (*Chair*)
- 3. Roll Call and Establish Quorum** (*Secretary*).....4
- 4. Welcome and Introductions** (*Chair*)
- 5. Review and Adopt Agenda*** (*Chair*) 1
- 6. Review and Approve Previous Meeting Minutes*** (*Chair*) 5
- 7. Reports**
 - Council Member Reports
 - Chair's Report
- 8. Public and Tribal Comment on Non-Agenda Items** (available each morning)
- 9. Old Business** (*Chair*)
 - a. Draft Nonrural Determination Policy* 18
- 10. New Business** (*Chair*)
 - a. Yukon River 2014 Salmon Season Review (Federal and State inseason managers/ biologists)

b. Yukon River Drainage Fisheries Association projects report (Catherine Moncrieff or Wayne Jenkins)

c. Yukon River Comprehensive Salmon Plan update (State of Alaska, Jill Klein or Maria Wessel)

d. Fisheries Regulatory Proposals*

Regional Proposals:

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g. Identify Issues for 2016 Annual Report* 132

h. Charter Review* 150

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j. Feedback on All Council Meeting

k. State Board of Game Wildlife Proposals Discussion

12. Agency Reports

(Time limit of 15 minutes unless approved in advance)

Tribal Governments

Native Organizations

USFWS

- Arctic National Wildlife Refuge Summary of Activities163
- Yukon Flats National Wildlife Refuge Summary of Activities 174

NPS

- Wrangell-St. Elias National Park and Preserve Summary Report and the Chisana Caribou Herd Hunt Report (Barbara Cellarius)
- Wrangell-St. Elias National Park and Preserve Update on the Park’s Backcountry and Wilderness Stewardship Plan (Barbara Cellarius)
- Yukon-Charley Rivers National Preserve Summary Update (Marcy Okada)

BLM

ADF&G

OSM

13. Future Meeting Dates*

Confirm Winter 2017 meeting date and location	184
Select Fall 2017 meeting date and location	185

14. Closing Comments

15. Adjourn (*Chair*)

To teleconference into the meeting, call the toll free number: 1-877-407-8065, then when prompted enter the passcode: 8201631.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Katerina “Katya” Wessels, 907-786-3885, katerina_wessels@fws.gov, or 800-877-8339 (TTY), by close of business on October 13, 2016.

REGION 9
Eastern Interior Alaska Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community	
1	2001 2016	Susan L. Entsminger Mentasta	Chair
2	2007 2016	Andrew P. Firmin Fort Yukon	Vice-Chair
3	2010 2016	Larry Williams Sr. Venetie	
4	2007 2016	Lester C. Erhart Tanana	
5	2005 2017	William L. Glanz Central	
6	2002 2017	Andrew W. Bassich Eagle	
7	2014 2017	Rhonda O. Pitka Beaver	Secretary
8	2012 2018	Will M. Koehler Delta Junction	
9	2009 2018	Donald A. Woodruff Eagle	
10	2001 2018	Virgil Umphenour North Pole	

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Meeting Minutes
March 10-11, 2016

Location of Meeting:

William A. Egan Civic and Convention Center, Anchorage Alaska

Time and Date of Meeting:

Thursday, March 10, 2016, 8:30 a.m. – 1:30 p.m.

Friday, March 11, 2016, 8:30 a.m. – 1:30 p.m.

Call to Order:

The meeting of the Eastern Interior Alaska Subsistence Regional Advisory Council was called to order Thursday, March 10 at 8:30 a.m. Eva Patton, Council Coordinator, conducted a roll call. All Council members, Andrew Firmin, Rhonda Pitka, Larry Williams, Don Woodruff, Bill Glanz, Andy Bassich, Lester Erhart, Vigil Umphenour, and Sue Entsminger were present except Will Koehler, who had an excused absence. Larry Williams, Sr. provided an invocation. Introductions were made for Council members, staff, and guests.

Attendees:

The following persons attended some portion of the Eastern Interior Council meeting either in person or by teleconference, in addition to the Council members.

Karen Hyer	Anchorage	OSM
Katerina Wessels	Anchorage	OSM
Ruth Gronquist	Fairbanks	BLM
Erin Julianus	Fairbanks	BLM
Sabrina Garcia		ADF&G
Jeremy Mears	Fairbanks	USFWS
Bert Frost	Anchorage	NPS
Ken Chase	McGrath	USFWS
Rosalie Grant	Anchorage	BIA
Barbara Cellarius	Copper Center	NPS
Pollock Simon	Allakeket	public
Gerald Maschmann	Fairbanks	USFWS
Marcy Okada		NPS
Steve Berendzen		USFWS
Karen Linnell		public
Drew Crawford	Anchorage	ADF&G
Bill Wall		public

Bruce Cain
Kenton Moos

Galena

USFWS

Review and Adopt Agenda

The Council approved a motion (9-0) to adopt the Agenda as read with the additions of the USFWS agency fisheries report from Gerald Maschmann and the Fairbanks Fish and Game Advisory Committee petition to the Alaska Board of Fisheries (BOF) to restrict June fishery in Area M from Virgil Umphenour.

Election of Officers

The Council unanimously elected Susan Entsminger as Chair, Andrew Firmin as Vice-chair, and Rhonda Pitka as Secretary.

Review and Approve Previous Meeting Minutes

The Council supported a motion (12-0) to approve the fall 2015 meeting minutes with a correction of the length of Bill Glanz Length of Service Award from 5 to 10 years.

Council Member Reports

Bill Glanz informed the Council that there is general absence of fish and game.

Andy Bassich noted the presence of Fortymile Caribou Herd in Eagle's vicinity and increase in wolf killings of caribou as well as caribou being caught in snares. The trapping season was not very successful.

Lester Erhart reported that it was a very warm winter. Yukon did not freeze up until December and trappers were not able to go out due to thin ice.

Andrew Firmin reported that winter travel was difficult and unsafe due to weather changes. There were only two days when temperature dropped to 30 degrees below zero. This winter the moose was observed closer to town, perhaps hiding from predators (wolves). The trappers were able to harvest wolves just a few miles out of town.

Virgil Umphenour provided an update on the EIRAC [?] proposal to the BOF to raise the threshold on fall Chum Salmon to 600,000. The BOF passed amended proposal, which raised the threshold from 500,000 to 550,000 salmon. Mr. Umphenour also reported that he attended the Refuges meeting on the proposed rule in Fairbanks, however he did not stay for the entire duration of the meeting because the Fairbanks Fish and Game Advisory Council (Fairbanks F&GAC), which Mr. Umphenour chairs, had a scheduled meeting the same night. Wayne Heimers, a retired sheep biologist, stayed for the entire duration of the Refuges proposed rule meeting and later reported to Fairbanks AC that many people at that meeting were in favor of the proposed rule. Furthermore Mr. Umphenour provided a report on the status of Fairbanks F&GAC proposal to the BOF on restricting June fishery in Area M to 3 - 16 hours fishing periods a week. The proposal was amended and then it failed on a 3/4 vote.

Rhonda Pitka reported that extensive use of helicopters for survey near Beaver had an adverse effect on moose hunting. There is interest and need in climate change influence on moose habitat and contaminants

in subsistence food studies. Wolves are abundant and moving closer to big and small towns, such as Beaver and Fort Yukon. Tribal governments have very little information about mining activities and how they are affecting subsistence resources in Chandlar River area. Tribal government would like to see better communication and reporting from the hunting guides that use areas around Venetie. Generally speaking, the salmon run was scares and not enough was harvested for winter.

Larry Williams informed the Council that there were no caribou near Arctic Village almost all winter but then suddenly the Porcupine Caribou Herd changed its migration route and came closer to Venetie and Arctic Village. There was an abundance of martin in the area with one trapper harvesting up to 170 animals. The implementation process of tribal consultations is still very unclear. The people in the communities at the grassroots level have to be better informed on this and have a point of contact to ask questions because government rules affect them directly and they would like to be involved in the process.

Donald Woodruff reiterated to the Council that one good season of Chinook Salmon is not an indication that the run is as strong as it should be and that the conservation of Chinook Salmon is critical. Mr. Woodruff attended the first regional meeting of the Tanana Chiefs Conference (TCC) in a village, and it was very informative. Communications are improving, and Mr. Woodruff encouraged the TCC to participate in the Federal Subsistence process.

Sue Entsminger reported to the Council that at their request she and Virgil Umphenour had represented the RAC at the Dall Sheep Working Group meetings and that the discussion process was poorly organized and not productive. Ms. Entsminger also attended the Subsistence Resource Commission (SRC) for the Wrangel-St. Elias NP&P meeting. The SRC discussed the NPS proposed rule and expressed a strong opposition to the definition of bear bait. In conclusion, Ms. Entsminger noted that the winter was warm.

Public and Tribal Comments on Non-Agenda Items

No public and/or tribal comments

Old Business

Mr. Bert Frost, Regional Director for the Alaska Region of the National Park Service, gave a brief overview on the NPS Subsistence Collections Proposed Rule for the Federal public lands managed by the NPS. Mr. Frost briefly described three different parts in the Proposed Rule, reviewed several terms and their definitions in the rule, such as ‘animal parts,’ a ‘handicraft article,’ ‘and customary trade,’ and discussed customary and traditional determination, permitting, and authorization processes. Mr. Frost also discussed different types of bait that will be prohibited under the Proposed Rule. The rule was published on January 13, 2016 and comment period was scheduled to close on April 12, 2016. In conclusion, Mr. Frost noted that the NPS is still in its decision process on the Proposed Rule and would accept separate comments for all or some of the three parts of the Rule. Some comments that already have been submitted will prompt the language change in the Rule, as for example allow assistance to elders that cannot go into the field themselves to collect craft materials.

The Council noted that the NPS can improve its outreach process and communication in regards to the proposed rules. The issue of collecting and using bird feathers for crafts came up, and Barbara Cellarius

clarified that this Proposed Rule would authorize the collection use of feathers from the birds that are not covered by the Bald and Gold Eagle Protection and the Migratory Bird Treaty Acts.

The Council discussed the potential difficulties with permitting process for subsistence collections outlined in the Proposed Rule. Requiring a permit or any written authorization from the superintendent is unnecessary because collection is limited and is mostly opportunistic. Horn and antlers only last a few years on the tundra since they are eaten by rodents. The Council feels that this regulation is overly strict.

Moreover, the Council made several specific points regarding their opinion on the definition of bait. The Council believes that “slipping in last minute” the language on the use of bait for taking bears undermines the trust and relations between the people in Eastern Interior and the NPS. The bait allowed under the Proposed Rule is not generally and easily available during bear hunting season and would require special storage and transportation. The types of bait proposed do not correspond to bears’ feeding habits, as bears do not usually eat bones, skins, scales, and guts. The proposed types of bait would not work with traditional practices and ways of bear baiting. The allowed types of bait could potentially encourage waste of other animals hunted just for the purposes of obtaining bait.

The Council also questioned the impact that the use of trained raptors have in the national parks in Alaska, and therefore, it questions the necessity of yet another regulation related to this activity.

After the discussion on the NPS proposed regulatory changes, the Council reviewed and unanimously endorsed the letter from the Wrangell St. Elias National Park Subsistence Resource Commission (SRC) to the NPS that contains commentary of the NPS Proposed Rule. The Council stated on the record that the Council's position on the NPS Proposed Rule completely aligns with the Wrangell St. Elias SRC's position expressed in the letter. **Motion to endorse the letter passed 9 to 0 (Motion by Umphenour, second by Woodruff).**

New Business

Fisheries Proposals

Ms. Karen Hyer, OSM, USFWS informed the Council that the call for regulatory proposals for fish and shellfish is out and proposals to change Federal subsistence fishing regulations will be accepted until April 1, 2016. The proposals will go into effect for the regulatory year of 2017 through 2019. She and Gerald Maschmann of USFWS were prepared to hear the Council's proposal ideas and help to develop them.

Mr. Firmin relayed two ideas that came from fishermen in Fort Yukon. The first idea was that instead of closing the whole river in May and letting the fishermen fish in certain area, for example the Y5 or the Y5D, at certain times, allow the opportunity to fish the front runners, also referred to as ‘tricklers,’ and when the main run actually comes then close the river, or leave it to the discretion of in-season management. Fort Yukon is located on the upper river and relies on king salmon [Chinook Salmon] early in the season. If this opportunity is missed then the only other opportunity is Chum Salmon in August or September. Chum Salmon is poor in quality. The second idea was that once the escapement obligations of 55,000 have been met, the fishing should be open 24/7. There are very few fishermen on the upper river to create a large impact. These two proposal ideas are for the Y5D area.

Mr. Bassich suggested the first draft for the proposals. First proposal, “Chinook fishing in 5YD shall be open until just prior to the first pulse arrival.” Second proposal, “In 5YD, once escapement has been met at Eagle sonar, fishing shall be open in 5YD 24/7.” Mr. Bassich expressed his full support for the proposals and also added that on the upper river they are looking for some consistency in the management.

It was agreed that Mr. Hyer would prepare the draft proposal language, which would be reviewed during the continuation of the meeting on Friday, March 11, 2016.

Priority Information Needs for Fisheries Resource Management Program (FRMP)

Ms. Karen Hyer, OSM, USFWS, briefly explained that the reason for seeking out the priority information needs for the Yukon River is to establish the focus and the scope of the research in Eastern Interior region. Ms. Hyer also informed the Council that the new call for funding fisheries research projects will more than likely come out in 2017. The Council members received a handout with the priority information needs that have historically, starting in 2012, been a priority for the Yukon River region. Mr. Hyer asked the Council for any input that it might have at the time of the meeting or over the course of the spring and summer. The finalized list of priorities will be ready for review during the fall Council meeting.

Mr. Bassich indicated that there is a greater number of “jack” Chinook Salmon in the upper reaches of Yukon and they are not being subtracted from the total number of salmon, which in turn affects the quality of escapement. Mr. Bassich suggested that there can be a partnership project between the OSM, USFWS, and ADF&G to explore this issue at Eagle sonar to set harvest information and understand the quality of escapement.

It was mentioned that some the mid-river run timing projects and other fish related questions can be discussed in the afternoon at the Yukon River Salmon Session with three councils involved in the Yukon River management. The question was posed by Mr. Umphenour if there is a possibility to continue fish counting or obtaining Age, Sex, and Length (ASL) reports with the help of specialized Stan’s fish wheel that doesn’t kill the fish. Mr. Maschmann, USFWS, indicated that Tanana Chiefs Conference is interested in continuing this project but it is unlikely that the USFWS would be able to be involved in 2016.

2015 Annual Report

Ms. Eva Patton, OSM, USFWS, gave a brief summary of the Councils annual report.

Issue 1: Closure of the Porcupine River and a request for fall Chum Salmon management

It is important to manage runs in the lower Yukon in a manner that ensures that the upper Yukon would not be closed due to overharvest in the lower reaches or unexpected low runs. People who live remotely on the Porcupine River cannot get closure information easily and timely, and at the same time they rely heavily on fall Chum Salmon. The request has been made for a special permit or allowance for the residents of Porcupine River.

Issue 2: Use of traditional ecological knowledge and tribal consultations in proposal analyses

It is very important to include traditional ecological knowledge in the proposal analysis and consult with the tribes in the communities prior to analyzing both fisheries and wildlife proposals. It was

requested that the OSM works with the Council members and identifies local knowledge holders to incorporate their information into the analysis at the outset.

Issue 3: Importance of tribal consultations, and participation of hunters in Council meetings

Council Member Larry Williams reiterated this concern about ensuring that tribes are contacted on any Federal subsistence fish and wildlife proposals or other activities that would impact the tribes and the communities. The communication should come directly from the Office of Subsistence Management and the Native Liaison. It is important to ensure a way to have local participation at the meetings at a greater level so it is people on the ground, the hunters and the providers for their families, which are providing input to the Council and to the Federal Subsistence process.

Issue 4: Protection of caribou frontrunners

This issue has been raised by this Council and a number of other Councils in the past. It is important to develop a regulation in such way that ensures that the lead caribou are allowed to pass and are not deflected or hunted. Many members of this Council and public testimony had raised the concerns that the herd gets deflected or they lose their way.

Issue 5: Hunter ethics, understanding, and education to eliminate or lessen user conflicts

This is an important issue that the Council had been concerned about for quite some time, which prompted the OSM organize a workshop at the All Council Meeting to generate ideas and options for how to approach education and user conflicts. A letter was drafted that will go in with the annual report that is compiling the Council's input, both from the joint meeting with Western Interior Council and then after this workshop session. This letter will outline a framework of the ideas that were suggested and how it can be supported by the OSM.

Issue 6: Online submission process for Federal subsistence proposals and public comment

This Council and also Western Interior Council had found it very difficult for rural users to use the portal for commenting and getting information on the Federal Register.

Issue 7: Request for Council representatives to participate in resource working groups

Chair Sue Entsminger has served in other capacities when Federal agencies or other agencies were developing regulatory proposals or proposed rules. She suggested to organize a working group or committee to help with the scoping and getting feedback from rural subsistence users that would help inform development of those proposals. It is requested to have some RAC representation on these big initiatives at the outset to help guide subsistence input and recommendations in the process.

Mr. Bassich thanked the OSM for organizing the workshop on hunter education and conflict and reported that the first session was very productive. Mr. Bassich thinks that this issue is important for the whole state, and he expressed appreciation to the OSM for showing commitment to working on the issue.

Motion to adopt the annual report without any changes passed 9 to 0 (Motion by Glanz, second by Firmin).

Tribal Consultation discussion

Mr. Williams made a comment that there needs to be a clear understanding on how the tribal consultation are going to work, how convey the information to the tribes in a manner that they provide a meaningful response. Currently tribal commentary to the proposed policies is very limited. Ms. Patton responded informing the Council that there is a Federal initiative for all Federal agencies to consult government to government with tribes. The Federal Subsistence Program had some Council members and also representatives from tribes and corporations that were part of a working group to develop a process for the Federal Subsistence Program to incorporate tribal consultation in both the Council meeting and also the Federal Subsistence Board meeting.

The OSM reaches out to the tribes directly for tribal consultation when the proposals are being developed. This outreach can be in a form of a phone call, a fax, or an email requesting to call in by teleconference and speak directly with the Federal Subsistence Board member representatives. Often tribes will call in if it's an issue of concern to them. Some proposals don't affect a tribe much or it has a positive effect, or if it comes during a busy time period then the OSM doesn't get tribe participation.

Certainly outreach is a challenge because we are reaching out to all 229 tribes in the state but we are continuing to make those connections. The OSM has a Native Liaison, Orville Lind, who oversees that tribal consultation and who will be leading a discussion during the Tribal Consultation Session at the All Council Meeting.

There is also another opportunity for tribes to consult. We invite people to attend the Council meeting and we want that connection between both tribes and community members because the Council is representing the people in the region. However if a meeting is held in a hub community then it is a challenge for people to travel there. Eastern Interior RAC fall meeting is scheduled for Fort Yukon, so finally after three years this Council will have an opportunity to meet back out in the rural communities again. That is a priority for the OSM, and despite a budget issue the program leaders made a commitment to have at least every other meeting in rural communities.

Tribes also have an opportunity for consultation at the Federal Subsistence Board meetings. The Federal Subsistence Board meeting that will be held in Anchorage on April 11th [sic], and there will be a special session in the morning prior to the public meeting where tribes can call and consult and make recommendations directly with the Board. Reaching out to the tribes is a work in progress and the OSM is seeking your recommendations.

Ms. Pitka also provided a comment on tribal consultations that they were lacking in her area. BIA has a very effective mechanism for reaching out to tribes. Ms. Pitka recommended working with Tanana Chiefs Conference and the Councils of Athabaskan Governments to get information to the people in the region.

Petition from Fairbanks Fish and Game Advisory Committee to the Alaska Board of Fisheries

Mr. Umphenour shared with the Council that Fairbanks Fish and Game Advisory Committee prepared and submitted a petition to the Alaska Board of Fisheries to declare an emergency closure in the Alaska Peninsula Management Area M (Unimak and Shumagin islands) in order to reduce harvest of Chinook Salmon during June fishery. Mr. Umphenour reported that last year more than 44,000 Chinook Salmon were caught in the area over a period of 18 day, although the long-term average harvest was 6,000. Also, Mr.

Umphenour informed the Council about an issue with Chinook Salmon getting infected with ichthyophonous through eating infected herring. In order to clarify the Fairbanks AC position Mr. Umphenour provided the Council with a history of June fishery near Unimak and Shumagin islands, how the fishery got expanded through a sale of driftnet permits, and how the fishery got reduced to three 16-hour periods a week in 2001, and then increased again in 2004 to 88 hours fishing periods with 32 hour closures. Subsequently, Fairbanks AC put in a proposal to the Alaska Board of Fisheries to go back to the 2001 [sic] management plan. The proposal failed on a three-to-four vote.

Mr. Bassich made a suggestion to support Fairbanks AC petition in a separate letter and clarify that the request is to return to “2000-2001 fishing schedule” [sic]. It was agreed that Mr. Bassich, Mr. Umphenour, and Ms. Patton will draft the letter. Mr. Bassich also suggested requesting a further genetic stock ID analysis to be conducted for these fisheries for a three year period.

Motion to support the Fairbanks Fish and Game Advisory Committee petition passed 9 to 0 (Motion by Umphenour, second by Bassich).

Motion to write a letter in support of the Fairbanks Fish and Game Advisory Committee petition and specify that the emergency regulations requested should readopt management plan in effect in 2001/2002/2003 [sic] seasons, passed 9 to 0 (motion by Bassich, second by Glanz).

Board non-rural policy timeline

Ms. Patton provided an updated draft timeline for non-rural determination and summary regarding the process used by the Board to implement the new non-rural determination rule. The Board will work on drafting a guiding policy this summer and will likely have the first draft for the Council’s review during the fall meeting. The Council will be instrumental in making recommendations that will guide the Board in the decision making process.

Agency Reports:

Discussion on the NPS definition of backcountry and wilderness

The Council request clarification of the terms ‘backcountry’ and ‘wilderness,’ which was provided by Ms. Barbara Cellarius, NPS. Under a term ‘wilderness’ the NPS understands ‘Congressionally designated wilderness’ and manages it under the Wilderness Act with some exceptions for subsistence, sport, or recreational users that come from ANILCA (for example, use of motorboats and airplanes are allowed in Wrangel’s wilderness). The term ‘backcountry’ is primarily large parcels of land off the road system. These two categories of land are not managed in the same way. The Council requested a map of Wrangel-St. Elias National Park and Preserve that shows wilderness and backcountry boundaries. Ms. Cellarius provided reference to a weblink that contains a requested map.

Discussion on Lynx studies in Tetlin National Wildlife Refuge

Mr. Firmin informed the Council about the Lynx studies in Tetlin National Wildlife Refuge and that he heard about a road and a cabin that were built specifically for this project and a National Geographic documentary of the project. Mr. Firmin requested a report from the Refuge on this project and the ongoing user conflict [report was tentatively scheduled for Friday, March 11 morning continuation of the meeting].

Yukon Flats National Wildlife Refuge Summary of Fall 2015 Activities Report discussion

The Council raised a number of questions regarding the moose monitoring project, moose survey conducted in the Refuge, and possible relocation of the bison from the Portage Glacier area to Yukon Flats. Mr. Steve Berendzen, Refuge manager, replied to questions about one moose death that resulted from the use of the immobilizing drug and two unknown mortalities and about low (0.35) density of moose per square mile and the health of moose population in the Refuge. The more recent fall survey showed 80 percent increase in moose population, but it is still relatively low compare to some areas. The Refuge is currently conducting a survival study that together with sex and age structure and recruitment will help to determine the status of the entire moose population in the Refuge. The low snow cover had posed an issue for the moose management studies; the 2015 fall was the first fall survey conducted since 2010. Spring surveys are not so reliable in determining sex composition. Currently the USFWS has no plans to relocate the bison from Portage to Yukon Flats. Mr. Ken Chase, Grayling, Anvik, Shageluk, and Holy Cross Advisory Committee Chairman, provided details on the bison that were transported to Innoko area and said that they are hoping to work with other areas in the state to introduce the bison.

The issue of bear baiting was discussed. There are two registered hunting guides on Yukon Flats, one uses bait and the other one is not, otherwise there is no other data beside anecdotal information about bear baiting. Hunters receive baiting permits from the State of Alaska so that data is available and the Council thinks it can be useful.

Yukon River Salmon Session pre-briefing and discussion

Gerald Maschmann, FWS in-season manager for the Yukon, invited the Council to attend the Yukon River Salmon breakout sessions gave the Council pre-Yukon River Session questionnaire requesting that the Council come up with possible scenarios for providing fishing opportunities to the Yukon communities under different scenarios for 2016 Chinook Salmon run (poor run/great run). The other questions were in regard to the local fishermen's opinion on the Chinook Salmon conservation efforts and communication with the managers.

Mr. Firmin indicated that he would like to see the two fisheries proposals that were discussed earlier to be put into regulation. Mr. Firmin recommended, based on his observation of a larger number of "jack" Chinook Salmon towards the end of the season (late June – early August), to open the use of four inch mesh gear to target "jack" fishing. This will allow the fishermen to catch Chinook Salmon, which would be primarily (99%) "jack" salmon. It was also suggested to expand the use of small community fish wheels with certain technical adjustments that would allow only small size fish to be caught. The fish that was caught with the wheel at Fort Yukon provided food for the elders and community potlaches. Another suggestion made was to identify the areas where one can catch multiple species of fish and have different open periods for these. Observations show that Chinook Salmon prefers running along the south bank more than the north bank, so, perhaps, one bank of the river can be open for fishing verses the other.

Mr. Glanz mentioned that although the salmon is on its road to extinction, the fishermen don't fully understand it and complain about the conservation efforts.

The Council also expressed concerns regarding proposed mining developments in the Yukon Territory and potential hydroelectric projects on Yukon River and how it will affect salmon runs.

Joint RAC letter to the Federal Subsistence Board

Ms. Patton reported to the Council that a Joint Councils letter to the Federal Subsistence Board summarizing some of the main concerns and recommendations put forward by all of the Councils had been drafted for their review. The Council agreed with all of the points and was especially supportive of two points: 1) getting youth involved in the subsistence regulatory process and 2) engaging in formal rulemaking and giving deference to the Councils.

Motion to support the Joint All Councils letter to the FSB passed 9 to 0 (Motion by Bassich, second by Pitka).

Yukon-Kuskokwim Delta RAC motion to develop a joint statement to the FSB on the Refuges Proposed Rule

Ms. Patton informed the Council that the Yukon-Kuskokwim Delta RAC passed a motion to develop a joint statement together with the other Federal Subsistence Regional Advisory Councils with similar concerns of opposition to the U.S. Fish and Wildlife Service's proposed rule for predator management on refuges that includes a request that the FSB advocate on behalf of the Councils for withdrawal of the proposed rule. Mr. Woodruff noted that in the closing comments of the All-Council Meeting Joint Session six out of ten councils cited the Refuges proposed rule as their primary concern. The Council commented that in the past there was a sentiment that the Councils' recommendations to different agencies are being ignored and this proposed joint statement can serve as a test case to see if the Federal Subsistence Management Program really works in Alaska. This joint statement will really bring the attention to the entire process and the weight of the Councils in the rulemaking process. In the past even the Council's requests to extend the comment period deadline to allow the Council to discuss the proposed rule at their public meeting got denied at first. Very often the federal processes are very complex and wear common people out. The Council strives to get younger people involved in its work but, however, it is very difficult to continue doing that since it appears that the requests for Council and public's input are very superficial and are not being taken into consideration. When younger generation, which is very busy in general, sees that they are not willing to get involved in the process. Besides, meeting participation poses a large financial liability on the young people, who need to take time off work.

Motion to support YKDRAC motion to develop a joint statement to the FSB passed 9 to 0 (Motion by Bassich, second by Glanz).

Fortymile Caribou hunt closure

Ruth Gronquist. BLM, informed the Council that the State of Alaska closed the Fortymile Caribou hunt, however, the Federal Government lands are still open for this hunt.

Eastern Interior Resource Management Plan

Ms. Gronquist updated the Council on the Eastern Interior Resource Management Plan. The BLM concluded the proposed Resource Management Plan and Final EIS, which were sent for review to the Tribe of Fort Yukon and Chaklyitsik. Governor's consistency 30 day review will follow. When the plan is finalized the BLM will publish notice of availability. The Council expressed dissatisfaction that public hearings had been canceled in Fort Yukon on a short notice and wanted to make sure that they are made aware of

when the comment processes on this is open. Mr. Firmin informed the council that the Tribe of Fort Yukon had hired a lawyer to handle matters related to this plan.

The Copper River-Ahtna Intertribal Resource Conservation District (CRITR) project

Karen Linnell of Chistochina, Executive Director of AHTNA Intertribal Resource Commission, reported on finishing up moose browse habitat treatment and improvement projects on 1,500 acres. Some funding for these projects was received through the USDA conservation innovation grant. The average cost per acre of habitat enhancement can be up to 200-300 dollars but once all project details are fine-tuned the costs can be reduced. The project utilizes Western technology to accomplish traditional habitat management practices – thinning out the forest around the communities for safety and drawing moose closer.

USFWS National Wildlife Refuges Proposed rule

The Council received an update on the Refuges Proposed Rule from Mitch Ellis, Alaska Chief of Refuges. The Council also discussed their points of concern to include in their comment letter and recommended to include excerpts of discussions of the Proposed Rule from the fall 2015 and winter 2016 EIRAC meetings. The Council had a strong opinion that a statewide rule was not appropriate for such diverse state as Alaska, that it would interfere with traditional management systems, upset the predator-prey balance, and would further limit subsistence activities. The Council questioned the integrity of scientific data used to develop the EA and asserted that the existing scientific research and their personal experience do not support limiting predator harvest. The Council expressed their concern that tribal consultations and public outreach was inadequate and insisted that the Proposed Rule undermines ANILA principles. The Council requested that all of their comments from this and previous meeting be summarized and included in the comment letter along with attached meeting excerpts.

In general the Council felt that a comment period extension is order because March 10-11, 2016 meeting was the first time when they were able to discuss the Proposed Rule final language at a public meeting.

The Council opposed the Alaska Refuges statewide regulatory changes in their entirety and did not want to see them put into effect. The Council would like to retain the opportunity for all users to take brown (grizzly) bear over bait and continue to take advantage of the extended wolf and coyote seasons in areas where there is no conservation concern.

Motion to write a letter to extend the comment period on the Refuges Proposed Rule passed 9 to 0 (Motion by Firmin, second by Pitka).

Motion to develop and submit the EIRAC comment letter on the Refuges Proposed Rule for Non-Subsistence Take of Wildlife (Motion by Firmin, second by .

Koyukuk Advisory Committee comment letter on the Refuges Proposed Rule

The Council reviewed and discussed the Koyukuk Advisory Committee comment letter on the Proposed Rule for Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures on the National Wildlife Refuges in Alaska. The Council considered the letter to be very well written and expressed their full support to the position stated in it.

Motion to endorse the Koyukuk Advisory Committee comment letter on the Proposed Rule for Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures on the National Wildlife Refuges in Alaska passed 9 to 0 (Motion by Glanz, second by Firmin).

Fire situation in Koyukuk/Nowitna/Innoko Refuges and moose population discussion

Kention Moos, Refuge manager for Koyukuk/Nowitna and Innoko reported that last year was a very hot fire year with a million acres burned on the three refuges, at the same time it was very successful moose hunting year, especially on the Nowitna River. The fire pattern was more like a mosaic, not a scorched earth burn, which is good for habitat. There are some short-term concerns for the moose population, but in the long-term perspective these fires will have a positive outcome for moose habitat. The number of adult moose is down in the Nowitna area.

Fisheries Proposals – continuation of discussion

Karen Hyer and Gerald Maschmann developed draft language for two EIRAC fisheries proposals and presented it to the Council for clarification of intent. The intent of the EIRAC is to make the Chinook Salmon, available in the Upper River, 5D, that are in the river before the first pulse, to allow more opportunity for subsistence in the area where there no other fish to rely on. Allow opportunity for subsistence after the escapement is met, recognizing at the same time that there is a conservation concern. Ms. Hyer also briefed the Council on the stages of Federal subsistence regulatory process. The in-season managers need to meet the interim management escapement goal of 42,500-55,000 that is negotiated every year by the US and Canadian Yukon River Panel under US-Canada Treaty plus Canada's share of salmon for harvest, after that the fishing can be open on the US side. The discussion of the precise proposals' language ensued.

Future Meeting Dates

The Council confirmed and approved the fall 2016 meeting for October 25th & 26th, 2016, in Fort Yukon.

The Council selected February 7th & 8th, 2017, in Fairbanks as the preferred winter meeting date.

Awards

Mr. Virgil Umphenour was presented with 15 year service award.

Final Comments:

- The meeting was very productive considering short timeframe;
- Outreach sessions and seminars were very educational and beneficial; the hunters outreach and education session had good discussions;
- It is important to recognize Mr. Umphenour and Ms. Entsminger as knowledgeable mentors and great examples for others on the Council. At the same time it is important to engage youth;
- The type of training that was provided at the All Council Meeting is very useful for both, experienced and new RAC members.
- Perhaps, it is possible to incorporate some of this training into regular RAC meetings, which will allow training new members and refresher training for old members. It also would be beneficial to bring speakers to the communities;

- Organizing some type of special training that explains the FSMP and the RAC work and bring this training to local schools would be really beneficial. In order to involve younger generations and to inspire them to do public service, we need to build the interest and it takes time;
- The All Council Meeting was a great opportunity to connect, network, interact, and share knowledge. It would be recommended to get all RACs together every three years;

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

/s/

May 10, 2016

Katerina Wessels, Council Coordinator, USFWS Office of Subsistence Management

May 10, 2016

Susan Entsminger, Chair, Eastern Interior Alaska Subsistence Regional Advisory Council

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

POLICY ON NONRURAL DETERMINATIONS

FEDERAL SUBSISTENCE BOARD

Adopted _____, 2017

PURPOSE

This policy clarifies the internal management of the Federal Subsistence Board (Board) and provides transparency to the public regarding the process of making or changing nonrural determinations of areas or communities for the purpose of identifying rural residents who may harvest fish and wildlife for subsistence uses on Federal public lands in Alaska. This policy is intended 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) declares that, “the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence; the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses” (ANILCA Section 801). Rural status provides the foundation for the subsistence priority on Federal public lands to help ensure the continuation of the subsistence way of life in Alaska. Prior to 2015, implementation of this section and making rural determinations was based on criteria set forth in Subpart B of the Federal subsistence regulations.

In October 2009, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, directed the Board to review the process of rural determinations. On December 31, 2012, the Board initiated a public review of the rural determination process. That public process lasted nearly a year, producing 278 comments from individuals, 137 comments from members of Regional Advisory Councils, 37 comments from Alaska Native entities, and 25 comments from other entities (e.g., city and borough governments). Additionally, the Board engaged in government-to-government consultation with tribes and consultation with Alaska Native Claims Settlement Act (ANCSA) corporations. In general, the comments received indicated a broad dissatisfaction with the rural determination process. Among other comments, respondents indicated the aggregation criteria were perceived as arbitrary, the population thresholds were seen as inadequate to capture the reality of rural Alaska, and the decennial review was widely viewed to be unnecessary.

Based on this information, the Board held a public meeting on April 17, 2014 and decided to recommend a simplification of the process to the Secretaries of the Interior and Agriculture (Secretaries) to address rural status in the Federal Subsistence Management Program. The Board's recommended simplified process would eliminate the criteria from regulation and allow the Board to determine which areas or communities are nonrural in Alaska. All other communities or areas would, therefore, be considered "rural" in relation to the Federal subsistence priority in Alaska.

The Secretaries accepted the Board recommendation and published a Final Rule on November 4, 2015, revising the regulations governing the rural determination process for the Federal Subsistence Management Program in Alaska. The Secretaries removed specific rural determination guidelines and criteria, including requirements regarding population data, the aggregation of communities, and a decennial review. The Board will now make nonrural determinations using a comprehensive approach that may consider such factors as population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material including information provided by the public.

By using a comprehensive approach and not relying on set guidelines and criteria, this new process will enable the Board to be more flexible in making decisions that take into account regional differences found throughout the State. This will also allow for greater input from the Councils, Federally recognized Tribes of Alaska, Alaska Native Corporations, and the public in making nonrural determinations by incorporating the nonrural determination process into the subsistence regulatory schedule which has established comment periods and will allow for multiple opportunities for input. Simultaneously with the Final Rule, the Board published a Direct Final Rule (80 FR 68245; Nov. 4, 2015) (**Appendix B**) establishing the list of nonrural communities, those communities not subject to the Federal subsistence priority on Federal public lands, based on the list of rural communities that predated the 2007 Final Rule (72 FR 25688; May 7, 2007).

As of November 4, 2015, the Board determined all communities and areas in Alaska to be rural in accordance with 36 CFR 242.15 and 50 CFR 100.15 except for the following: Fairbanks North Star Borough; Homer area – including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area – including Juneau, West Juneau, and Douglas; Kenai area – including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area – including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area – including Seward and Moose Pass; Valdez; and Wasilla/Palmer area – including Wasilla, Palmer, Sutton, Big Lake, Houston, and Bodenbergs Butte (36 CFR 242.23 and 50 CFR 100.23).

BOARD AUTHORITIES

- ANILCA 16 U.S.C. 3101, 3126.
- Administrative Procedures Act (APA), 5 U.S.C. 551-559
- 36 CFR 242.15; 50 CFR 100.15
- 36 CFR 242.18(a); 50 CFR 100.18(a)
- 36 CFR 242.23; 50 CFR 100.23

POLICY

The Board will only address changes to the nonrural status of communities or areas when requested in a proposal. Any individual, organization, or community may submit a proposal to designate a community or area as nonrural. Additionally, any individual, organization, or community may request to change an existing nonrural determination by submitting a proposal to the Board to change the status of a community or area back to rural. This policy will outline what will be required of the proponent in the submission of a proposal, the administrative process to address a proposal, a general schedule or timeline, and the public process involved in acting on such proposals.

Process

Making a Nonrural Determination

For proposals seeking a nonrural determination for a community or area, it is the proponent's responsibility to provide the Board with substantive narrative evidence to support their rationale of why the proposed nonrural determination should be considered.

Submitting a Proposal

To file a request, you must submit a written proposal in accordance with the guidance provided in the Federal Register with a call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations. In addition to the threshold requirements set forth below, all proposals must contain the following baseline information:

- Full name and mailing address.
- A statement describing the proposed nonrural determination action requested.
- A detailed description of the community or area to be considered nonrural, including any current boundaries, borders, or distinguishing landmarks, so as to identify what Alaska residents would be affected by the change in rural status;
- Rationale (law, policy, factors, or guidance) for the Board to consider in determining the nonrural status of a community or area;
- A detailed statement of the facts that illustrate that the community or area is nonrural using the rationale stated above; and
- Any additional information supporting the proposed change.

Threshold Requirements

The Board will accept a proposal to designate a community or area as nonrural only if the Board determines that the proposal meets the following threshold requirements:

- Based upon information not previously considered by the Board;
- Provides substantive rationale for determining the nonrural status of a community or area that takes into consideration the unique qualities of the region; and
- Provides substantive information that supports the provided rationale that a community or area is nonrural instead of rural.

Upon receipt of a proposal to designate a community or area as nonrural, the Board shall determine whether the proposal satisfied the threshold requirements outlined above. If the proposal does not, the proponent will be notified in writing. If the proposal does, it will be considered in accordance with the timeline set forth below.

Rescinding a Nonrural Determination

For proposals seeking to have the Board rescind a nonrural determination, a proposal will be accepted if it is:

- Based upon information not previously considered by the Board; or
- Demonstrates that the information used and interpreted by the Board in designating the community as nonrural has changed since the original determination was made.

Proposals seeking to have the Board rescind a nonrural determination must also include the baseline information and meet the threshold requirements outlined above for nonrural proposals.

Limitation on Submission of Proposals to Change from Rural to Nonrural

The Board is aware of the burden placed on rural communities and areas in defending their rural status. If, under this new process, a community's status is maintained as rural after a proposal to change its status to nonrural is either rejected for (i) failure to comply with these guidelines or (ii) is rejected after careful consideration by the Board, no proposals to change that community's or area's status as nonrural shall be accepted until there has been a demonstrated change in that community's rural identity.

Whether or not there has been a "demonstrated change" to the rural identity of an area or community is the burden of the proponent to show by a preponderance of the evidence.

Process Schedule

As authorized in 36 CFR 242.18(a) and 50 CFR 100.18(a), "The Board may establish a rotating schedule for accepting proposals on various sections of subpart C or D regulations over a period of years." To ensure meaningful input from the Councils and allow opportunities for public comment, the Board will only accept nonrural

determination proposals every other year in conjunction with the call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations. If accepted, the proposal will be deliberated during the regulatory Board meeting in the next Fisheries Regulatory cycle. This schedule thus creates a three- year period for proposal review, analysis, Regional Advisory Council input, tribal and ANCSA corporation consultation, public comment, and Board deliberation and decision.

Decision Making

When acting upon proposals to change the nonrural status of a community or area, the Board will:

- Proceed on a case-by-case basis to address each proposal regarding nonrural determinations.
- Base its determination or changes to a determination on information of a reasonable and defensible nature contained within the administrative record.
- Make nonrural determinations based on a comprehensive application of considerations presented in the proposal that have been verified by the Board as accurate.
- Consider recommendations of the appropriate Subsistence Regional Advisory Council.
- Consider comments from the public, including the State of Alaska.
- Engage in government-to-government consultation with affected tribes or consultation with affected ANCSA corporations.
- Implement a final decision on a nonrural determination after compliance with the APA, if the determination is supported and valid.

As part of its decision-making process, the Board may compare information from other, similarly-situated communities or areas if limited information exists for a certain community or area. The Board also has discretion to clarify the geographical extent of the area relevant to the nonrural determination. The Board will look to the Regional Advisory Councils for confirmation that any relevant information brought forth during the nonrural determination process accurately describes the unique characteristics of the affected region. However, deference to the Councils does not apply.

General Process Timeline

Outlined in Table 1 and Table 2

Table 1. General Process Timeline

1. January to March (Even Year) – A proposed rule is published in the Federal Register with the call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations.
2. April to July (Even Year) – Proposals for nonrural determinations are validated by staff. If the proposal is not valid, the proponent will be notified in writing.
3. August to November (Even Year) –Affected Regional Advisory Council(s) reviews the validated proposals and provides their initial recommendations, which should include relevant regional characteristics, at their fall meeting on the record.
4. November to December (Even Year) – Staff will organize Nonrural Determination proposal presentations.
5. January (Odd Year) – At the Board’s Fishery Regulatory meeting, Board will determine if the threshold requirements have been met. If the proposal does not meet the threshold requirements, the proponent will be notified in writing. If the proposal does, it will be considered in accordance with the timeline set forth here.
6. February (Odd Year) to July (Even Year) (18 months) – For proposals that have been determined by the Board to meet the Threshold Requirements, the Board will conduct public hearings in the communities that will be affected by the validated proposals. During this time period, independent of the fall Council meetings, Tribes/ANCSA Corporations may also request formal consultation on the nonrural determination proposals. Following the Council meeting cycle, public hearings, and tribal/ANCSA consultations, staff will prepare a written analysis for each nonrural determination proposal following established guidelines.
7. August to November (Even Year) –The Council(s) will provide recommendations on the draft Nonrural Determination Analyses.
8. November 2018 to December (Even Year) – Staff incorporates Council recommendations and comments into the draft Nonrural Determination Analyses for the Board.
9. January (Odd Year) – At the Board’s Fisheries Regulatory meeting, Staff present the Nonrural Determination Analyses to the Board. The Board makes a final decision on the Nonrural Determination proposals.

Wildlife & FRMP Cycle	Fishery Cycle	Dates	FSB or Activity	Proposed Nonrural Determination Cycle				
		Council Cycle		Even Years				
Wildlife & FRMP Review Cycle	Fishery Review Cycle	January	FSB FRMP Work Session	1	Nonrural Proposed Rule Jan 2016			
		February	Fishery Proposed Rule Jan- Mar					
		March						
		April	FSB Meeting	2	Proposal Validation			
		July						
		August	Fishery Proposal Review	3	Nonrural Proposal Review by Councils			
		September						
		October						
		November						
	December			Finalize Proposal Presentations for the Board				
	January	FSB Meeting	5	Odd Years - Board determines which proposals meet the Threshold requirements				
	Fishery Review Cycle	Wildlife Review Cycle	February	Wildlife Proposed Rule Jan - Mar	6	Odd to Even Years (18 months) - Public Hearings, tribal/ANCSA Corporation Consultation, and Writing of Nonrural Determination Analyses for proposals that meet the threshold requirements as determined by the Board		
			March					
			April					
		August	Wildlife Proposal & FRMP Project Review	6				
		September						
		October						
		November						
December								
January		FSB FRMP Work Session					Even Years	
February	Fishery Proposed Rule Jan- Mar			1	Nonrural Proposed Rule			
March				2	Proposal Validation			
April	FSB Meeting							
Fishery Review Cycle	Fishery Review Cycle	August	Fishery Proposal Review	7	Even Years Analysis Review	3	Proposal review by Councils	
		September						
		October						
		November						
		December		8	Finalize Nonrural Determination Analyses	4	Finalize Threshold Reports	
January	FSB Meeting	9	Odd Years – Final Board Decision	5	Odd Years – See 5 above			

Table 2. General Process Timeline Comparison with other Cycles

Appendix A – Final Rule – Rural Determination Process

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

[Docket No. FWS-R7-SM-2014-0063;
FXRS12610700000-156-FF07J00000;
FBMS# 4500086287]

RIN 1018-BA62

**Subsistence Management Regulations
for Public Lands in Alaska; Rural
Determination Process**

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

ACTION: Final rule.

SUMMARY: The Secretaries of Agriculture and the Interior are revising the regulations governing the rural determination process for the Federal Subsistence Management Program in Alaska. The Secretaries have removed specific guidelines, including requirements regarding population data, the aggregation of communities, and a decennial review. This change will allow the Federal Subsistence Board (Board) to define which communities or areas of Alaska are nonrural (all other communities and areas would, therefore, be rural). This new process will enable the Board to be more flexible in making decisions and to take into account regional differences found throughout the State. The new process will also allow for greater input from the Subsistence Regional Advisory Councils (Councils), Federally recognized Tribes of Alaska, Alaska Native Corporations, and the public.

DATES: This rule is effective November 4, 2015.

ADDRESSES: This rule and public comments received on the proposed rule may be found on the Internet at www.regulations.gov at Docket No. FWS-R7-SM-2014-0063. Board meeting transcripts are available for review at the Office of Subsistence Management, 1011 East Tudor Road, Mail Stop 121, Anchorage, AK 99503, or on the Office of Subsistence Management Web site (<https://www.doi.gov/subsistence>).

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786-3888 or subsistence@fws.gov. For

questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461 or twhitford@fs.fed.us.

SUPPLEMENTARY INFORMATION:**Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the **Federal Register** on June 29, 1990 (55 FR 27114), and published final regulations in the **Federal Register** on May 29, 1992 (57 FR 22940). The program regulations have subsequently been amended a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1-242.28 and 50 CFR 100.1-100.28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

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

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

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

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

Prior Rulemaking

On November 23, 1990 (55 FR 48877), the Board published a notice in the **Federal Register** explaining the proposed Federal process for making rural determinations, the criteria to be used, and the application of those criteria in preliminary determinations. On December 17, 1990, the Board adopted final rural and nonrural determinations, which were published on January 3, 1991 (56 FR 236). Final programmatic regulations were published on May 29, 1992, with only slight variations in the rural determination process (57 FR 22940). As a result of this rulemaking, Federal subsistence regulations at 36 CFR 242.15 and 50 CFR 100.15 require that the rural or nonrural status of communities or areas be reviewed every 10 years, beginning with the availability of the 2000 census data.

Because some data from the 2000 census was not compiled and available until 2005, the Board published a proposed rule in 2006 to revise the list of nonrural areas recognized by the Board (71 FR 46416, August 14, 2006). The final rule published in the **Federal Register** on May 7, 2007 (72 FR 25688).

Secretarial Review

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

On August 31, 2010, the Secretaries announced the findings of the review, which included several proposed administrative and regulatory reviews and/or revisions to strengthen the Program and make it more responsive to those who rely on it for their subsistence uses. One proposal called

for a review, with Council input, of the rural determination process and, if needed, recommendations for regulatory changes.

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

The Board followed this action with a request for comments and announcement of public meetings (77 FR 77005; December 31, 2012) to receive public, Tribal, and Alaska Native Corporations input on the rural determination process.

Due to a lapse in appropriations on October 1, 2013, and the subsequent closure of the Federal Government, some of the preannounced public meetings and Tribal consultations to receive comments on the rural determination process during the closure were cancelled. The Board decided to extend the comment period to allow for the complete participation from the Councils, public, Tribes, and Corporations to address this issue (78 FR 66885; November 7, 2013).

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

The Secretaries, through the Board, also held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham to solicit comments on the rural determination process. Public testimony was recorded during these hearings. Government-to-government tribal consultations on the rural determination process were held between members of the Board and Federally recognized Tribes of Alaska. Additional consultations were held

between members of the Board and Alaska Native Corporations.

Altogether, the Board received 475 substantive comments from various sources, including individuals, members of the Councils, and other entities or organizations, such as Alaska Native Corporations and borough governments. In general, this information indicated a broad dissatisfaction with the current rural determination process. The aggregation criteria were perceived as arbitrary. The current population thresholds were seen as inadequate to capture the reality of rural Alaska. Additionally, the decennial review was widely viewed to be unnecessary.

Based on this information, the Board at their public meeting held on April 17, 2014, elected to recommend a simplification of the process by determining which areas or communities are nonrural in Alaska; all other communities or areas would, therefore, be rural. The Board would make nonrural determinations using a comprehensive approach that considers population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public. The Board would rely heavily on the recommendations of the Subsistence Regional Advisory Councils.

In summary, based on Council and public comments, Tribal and Alaska Native Corporation consultations, and briefing materials from the Office of Subsistence Management, the Board developed a proposal that simplifies the process of rural determinations and submitted its recommendation to the Secretaries on August 15, 2014.

On November 24, 2014, the Secretaries requested that the Board initiate rulemaking to pursue the regulatory changes recommended by the Board. The Secretaries also requested that the Board obtain Council recommendations and public input, and conduct Tribal and Alaska Native Corporation consultation on the proposed changes. If adopted through the rulemaking process, the current regulations would be revised to remove specific guidelines, including requirements regarding population data, the aggregation of communities, and the decennial review, for making rural determinations.

Public Review and Comment

The Departments published a proposed rule on January 28, 2015 (80 FR 4521), to revise the regulations governing the rural determination

process in subpart B of 36 CFR part 242 and 50 CFR part 100. The proposed rule opened a public comment period, which closed on April 1, 2015. The Departments advertised the proposed rule by mail, radio, newspaper, and social media; comments were submitted via *www.regulations.gov* to Docket No. FWS-R7-SM-2014-0063. During that period, the Councils received public comments on the proposed rule and formulated recommendations to the Board for their respective regions. In addition, 10 separate public meetings were held throughout the State to receive public comments, and several government-to-government consultations addressed the proposed rule. The Councils had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, a Council Chair, or a designated representative, presented each Council's recommendations at the Board's public work session of July 28, 2015.

The 10 Councils provided the following comments and recommendations to the Board on the proposed rule:

Northwest Arctic Subsistence Regional Advisory Council—unanimously supported the proposed rule.

Seward Peninsula Subsistence Regional Advisory Council—unanimously supported the proposed rule.

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council—unanimously supported the proposed rule.

Western Interior Alaska Regional Advisory Council—supported the proposed rule.

North Slope Subsistence Regional Advisory Council—unanimously supported the proposed rule as written.

The Council stated the proposed rule will improve the process and fully supported an expanded role and inclusion of recommendations of the Councils when the Board makes nonrural determinations. The Council wants to be closely involved with the Board when the Board sets policies and criteria for how it makes nonrural determinations under the proposed rule if the rule is approved, and the Council passed a motion to write a letter requesting that the Board involve and consult with the Councils when developing criteria to make nonrural determinations, especially in subject matter that pertains to their specific rural characteristics and personality.

Bristol Bay Subsistence Regional Advisory Council—supported switching the focus of the process from rural to

nonrural determinations. They indicated there should be criteria for establishing what is nonrural to make determinations defensible and justifiable, including determinations of the carrying capacity of the area for sustainable harvest, and governmental entities should not determine what is spiritually and culturally important for a community. They supported eliminating the mandatory decennial; however, they requested a minimum time limit between requests (at least 3 years). They discussed deference and supported the idea but felt it did not go far enough.

Southcentral Alaska Subsistence Regional Advisory Council—supported the proposed rule with modification. They recommended deference be given to the Councils on the nonrural determinations.

Southeast Alaska Subsistence Regional Advisory Council—supported the proposed rule with modification. The Council recommended a modification to the language of the proposed rule: “The Board determines, after considering the report and recommendations of the applicable regional advisory council, which areas or communities in Alaska are non-rural” The Council stated that this modification is necessary to prevent the Board from adopting proposals contrary to the recommendation(s) of a Council and that this change would increase transparency and prevent rural communities from being subject to the whims of proponents.

Kodiak/Aleutians Subsistence Regional Advisory Council—is generally appreciative that the Board has recommended changes to the rural determination process and supported elimination of the decennial review. The Council recommended that the Board implement definitive guidelines for how the Board will make nonrural determinations to avoid subjective interpretations and determinations; that the language of the proposed rule be modified to require the Board to defer to the Councils and to base its justification for not giving deference on defined criteria to avoid ambiguous decisions; that the Board provide program staff with succinct direction for conducting analyses on any proposals to change a community’s status from rural to nonrural; and that the Board develop written policies and guidelines for making nonrural determinations even if there is a lack of criteria in the regulations. The Council is concerned that proposals to change rural status in the region will be frequently submitted from people or entities from outside the region; the Council is opposed to

proposals of this nature from outside its region and recommends that the Board develop guidelines and restrictions for the proposal process that the Board uses to reassess nonrural status.

Eastern Interior Alaska Subsistence Regional Advisory Council—opposed the proposed rule due to the lack of any guiding criteria to determine what is rural or nonrural. They stated the lack of criteria could serve to weaken the rural determination process. They supported greater involvement of the Councils in the Board’s process to make rural/nonrural determinations. This Council was concerned about changes including increasing developments, access pressure on rural subsistence communities and resources, and social conflicts in the Eastern Interior region.

A total of 90 substantive comments were submitted from public meetings, letters, deliberations of the Councils, and those submitted via www.regulations.gov.

- 54 supported the proposed rule;
- 16 neither supported nor opposed the proposed rule;
- 7 supported the proposed rule with modifications;
- 7 neither supported nor opposed the proposed rule and suggested modifications; and
- 6 opposed the proposed rule.

Major comments from all sources are addressed below:

Comment: The Board should provide, in regulatory language, objective criteria, methods, or guidelines for making nonrural determinations.

Response: During the request for public comment (77 FR 77005; December 31, 2012), the overwhelming response from the public was dissatisfaction with the list of regulatory guidelines used to make rural determinations. The Board, at their April 17, 2014, public meeting, stated that if the Secretaries approved the recommended simplification of the rural determination process, the Board would make nonrural determinations using a comprehensive approach that considers, but is not limited to, population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public. The Board also indicated that they would rely heavily on the recommendations of the Subsistence Regional Advisory Councils. The Board, at their July 28, 2015, public work session, directed that a subcommittee be established to draft options (policy or rulemaking) to address future rural determinations. The subcommittee options, once reviewed

by the Board at their January 12, 2016, public meeting will be presented to the Councils for their review and recommendations.

Comment: The Board should give deference to the Regional Advisory Councils on nonrural determinations and place this provision in regulatory language.

Response: The Board expressed during its April 2014 and July 2015 meetings that it intends to rely heavily on the recommendations of the Councils and that Council input will be critical in addressing regional differences in the rural determination process. Because the Board has confirmed that Councils will have a meaningful and important role in the process, a change to the regulatory language is neither warranted nor necessary at the present time.

Comment: Establish a timeframe for how often proposed changes may be submitted.

Response: During previous public comment periods, the decennial review was widely viewed to be unnecessary, and the majority of comments expressed the opinion that there should not be a set timeframe used in this process. The Board has been supportive of eliminating a set timeframe to conduct nonrural determinations. However, this issue may be readdressed in the future if a majority of the Councils support the need to reestablish a nonrural review period.

Comment: Redefine “rural” to allow nonrural residents originally from rural areas to come home and participate in subsistence activities.

Response: ANILCA and its enacting regulations clearly state that you must be an Alaska resident of a rural area or community to take fish or wildlife on public lands. Any change to that definition is beyond the scope of this rulemaking.

Comment: Develop a policy for making nonrural determinations, including guidance on how to analyze proposed changes.

Response: The Board, at their July 28, 2015, public work session, directed that a subcommittee be established to draft options (policy or rulemaking) to address future rural determinations that, once completed, will be presented to the Councils for their review and recommendations.

Comment: Allow rural residents to harvest outside of the areas or communities of residence.

Response: All rural Alaskans may harvest fish and wildlife on public lands unless there is a customary and traditional use determination that identifies the specific community’s or area’s use of particular fish stocks or

wildlife populations or if there is a closure.

Rule Promulgation Process and Related Rulemaking

These final regulations reflect Secretarial review and consideration of Board and Council recommendations, Tribal and Alaska Native Corporations government-to-government tribal consultations, and public comments. The public received extensive opportunity to review and comment on all changes.

Because this rule concerns public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Elsewhere in today's **Federal Register** is a direct final rule by which the Board is revising the list of rural determinations in subpart C of 36 CFR part 242 and 50 CFR part 100. See "Subsistence Management Regulations for Public Lands in Alaska; Rural Determinations, Nonrural List" in Rules and Regulations.

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

The Board has provided extensive opportunity for public input and involvement in compliance with Administrative Procedure Act requirements, including publishing a proposed rule in the **Federal Register**, participation in multiple Council meetings, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists (and has been used by the public) to request reconsideration of the Secretaries' decision on any particular proposal for regulatory change (36 CFR 242.18(b) and 50 CFR 100.18(b)). Therefore, the Secretaries believe that sufficient public notice and opportunity for involvement have been given to affected persons regarding this decision. In addition, because the direct final rule that is mentioned above and is related to this final rule relieves restrictions for many Alaskans by allowing them to participate in the subsistence program activities, we believe that we have good cause, as required by 5 U.S.C. 553(d), to make this rule effective upon publication.

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement that described four

alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

Paperwork Reduction Act

An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018-0075, which expires February 29, 2016.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all

significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value Statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this Program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

Title VIII of ANILCA does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, provided Federally recognized Tribes and Alaska Native corporations opportunities to consult on this rule. Consultation with Alaska Native corporations are based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: “The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.”

The Secretaries, through the Board, provided a variety of opportunities for consultation: Commenting on proposed changes to the existing rule; engaging in dialogue at the Council meetings; engaging in dialogue at the Board’s meetings; and providing input in

person, by mail, email, or phone at any time during the rulemaking process.

On March 23 and 24, 2015, the Board provided Federally recognized Tribes and Alaska Native Corporations a specific opportunity to consult on this rule. Federally recognized Tribes and Alaska Native Corporations were notified by mail and telephone and were given the opportunity to attend in person or via teleconference.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Eugene R. Peltola, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Mary McBurney, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Trevor T. Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, U.S. Forest Service.

Authority

This rule is issued under the authority of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126).

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Secretaries amend 36 CFR part 242 and 50 CFR part 100 as set forth below.

PART II—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart B—Program Structure

■ 2. In subpart B of 36 CFR part 242 and 50 CFR part 100, § 11.15 is revised to read as follows:

§ 11.15 Rural determination process.

(a) The Board determines which areas or communities in Alaska are nonrural. Current determinations are listed at § 11.23.

(b) All other communities and areas are, therefore, rural.

Dated: Oct. 28, 2015.

Sally Jewell,

Secretary of the Interior.

Dated: Sept. 30, 2015.

Beth G. Pendleton,

Regional Forester, USDA – Forest Service.

[FR Doc. 2015–27994 Filed 10–30–15; 8:45 am]

BILLING CODE 3410–11–4333–15–P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[EPA–R04–OAR–2014–0904; FRL–9936–55–Region 4]

Air Plan Approval and Air Quality Designation; TN; Reasonably Available Control Measures and Redesignation for the TN Portion of the Chattanooga 1997 Annual PM_{2.5} Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the portion of a State Implementation Plan (SIP) revision submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), on October 15, 2009, that addresses reasonably available control measures (RACM), including reasonably available control technology (RACT), for the Tennessee portion of the Chattanooga, TN-GA-AL nonattainment area for the 1997 fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS) (hereinafter referred to as the “Chattanooga TN-GA-AL Area” or

Appendix B – Direct Final Rule – Nonrural List

Need for Correction

As published, the final regulations (TD 9728) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the final regulations (TD 9728), that are subject to FR Doc. 2015-18816, are corrected as follows:

1. On page 45866, in the preamble, third column, last sentence of first full paragraph, the language “rules, including section 706(d)(2) and section 706(d)(3).” is corrected to read “rules, including section 704(c), § 1.704-3(a)(6) (reverse section 704(c)), section 706(d)(2), and section 706(d)(3).”

2. On page 45868, in the preamble, first column, fourth line from the bottom of the column, the language “interim closings of its books except at” is corrected to read “interim closing of its books except at”.

3. On page 45871, in the preamble, second column, third line from the bottom of the column, under paragraph heading “*v. Deemed Timing of Variations*,” the language “taxable year was deemed to close at the” is corrected to read “taxable year was deemed to occur at the”.

4. On page 45873, in the preamble, third column, eighth line from the bottom of the column, the language “taxable as of which the recipients of a” is corrected to read “taxable year as of which the recipients of a”.

5. On page 45874, second column, eight lines from the bottom of the column, the following sentence is added to the end of the paragraph: “These final regulations do not override the application of section 704(c), including reverse section 704(c), and therefore the final regulations provide that the rules of section 706 do not apply in making allocations of book items upon a partnership revaluation.”

6. On page 45876, in the preamble, second column, under paragraph heading “*Effective/Applicability Dates*,” fifth line of the first paragraph, the language “of a special rule applicable to § 1.704-” is corrected to read “of a special rule applicable to § 1.706-”.

7. On page 45876, in the preamble, second column, under paragraph heading “*Effective/Applicability Dates*,” third line of the second paragraph, the language “regulations apply to the partnership” is corrected to read “regulations apply to partnership”.

8. On page 45876, in the preamble, third column, fourth line from the top of the column, the language “that was formed prior to April 19, 2009.” is corrected to read “that was formed prior to April 14, 2009.”

9. On page 45877, first column, under paragraph heading “*List of Subjects*,” the fourth line, the language “26 CFR part 2” is corrected to read “26 CFR part 602”.

10. On page 45883, third column, the first line of the signature block, the language “Karen L. Schiller,” is corrected to read “Karen M. Schiller.”

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2015-28014 Filed 11-3-15; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

[Docket No. FWS-R7-SM-2015-0156; FXRS1261070000-156-FF07J00000; FBMS#4500086366]

RIN 1018-BA82

Subsistence Management Regulations for Public Lands in Alaska; Rural Determinations, Nonrural List

AGENCY: Forest Service, Agriculture; Fish and Wildlife Service, Interior.
ACTION: Direct final rule.

SUMMARY: This rule revises the list of nonrural areas in Alaska identified by the Federal Subsistence Board (Board). Only residents of areas that are rural are eligible to participate in the Federal Subsistence Management Program on public lands in Alaska. Based on a Secretarial review of the rural determination process, and the subsequent change in the regulations governing this process, the Board is revising the current nonrural determinations to the list that existed prior to 2007. Accordingly, the community of Saxman and the area of Prudhoe Bay will be removed from the nonrural list. The following areas continue to be nonrural, but their boundaries will return to their original borders: the Kenai Area; the Wasilla/Palmer area; the Homer area; and the Ketchikan area.

DATES: This rule is effective on December 21, 2015 unless we receive significant adverse comments on or before December 4, 2015.

ADDRESSES: You may submit comments by one of the following methods:

- **Electronically:** Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and search for FWS-R7-SM-2015-0156, which is the docket number for this rulemaking.
- **By hard copy:** U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503-6199

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service,

Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786-3888 or subsistence@fws.gov. For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461 or twhitford@fs.fed.us.

SUPPLEMENTARY INFORMATION:**Background**

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program (Program). This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. Only residents of areas identified as rural are eligible to participate in the Program on Federal public lands in Alaska. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, “Parks, Forests, and Public Property,” and Title 50, “Wildlife and Fisheries,” at 36 CFR 242.1-242.28 and 50 CFR 100.1-100.28, respectively.

Consistent with these regulations, the Secretaries established a Federal Subsistence Board (Board) comprising Federal officials and public members to administer the Program. One of the Board’s responsibilities is to determine which communities or areas of the State are rural or nonrural. The Secretaries also divided Alaska into 10 subsistence resource regions, each of which is represented by a Regional Advisory Council (Council). The Council members represent varied geographical, cultural, and user interests within each region. The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a

meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska.

Related Rulemaking

Elsewhere in today's **Federal Register** is a final rule that sets forth a new process by which the Board will make rural determinations ("Subsistence Management Regulations for Public Lands in Alaska; Rural Determination Process"). Please see that rule for background information on how this new process was developed and the extensive Council and public input that was considered. A summary of that information follows:

Until promulgation of the rule mentioned above, Federal subsistence regulations at 36 CFR 242.15 and 50 CFR 100.15 had required that the rural or nonrural status of communities or areas be reviewed every 10 years, beginning with the availability of the 2000 census data. Some data from the 2000 census was not compiled and available until 2005, so the Board published a proposed rule in 2006 to revise the list of nonrural areas recognized by the Board (71 FR 46416, August 14, 2006). The final rule published in the **Federal Register** on May 7, 2007 (72 FR 25688), and changed the rural determination for several communities or areas in Alaska. These communities had 5 years following the date of publication to come into compliance.

The Board met on January 20, 2012, and, among other things, decided to extend the compliance date of its 2007 final rule on rural determinations. A final rule published March 1, 2012 (77 FR 12477), that extended the compliance date until either the rural determination process and findings review were completed or 5 years, whichever came first. The 2007 regulations have remained in titles 36 and 50 of the CFR unchanged since their effective date.

The Board followed that action with a request for comments and announcement of public meetings (77 FR 77005; December 31, 2012) to receive public, Tribal, and Alaska Native Corporations input on the rural determination process. At their fall 2013 meetings, the Councils provided a public forum to hear from residents of their regions, deliberate on the rural determination process, and provide recommendations for changes to the Board. The Board also held hearings in Barrow, Ketchikan, Sitka, Kodiak, Bethel, Anchorage, Fairbanks, Kotzebue, Nome, and Dillingham to solicit comments on the rural determination process, and public testimony was

recorded. Government-to-government tribal consultations on the rural determination process were held between members of the Board and Federally recognized Tribes of Alaska. Additional consultations were held between members of the Board and Alaska Native Corporations.

Altogether, the Board received 475 substantive comments from various sources, including individuals, members of the Councils, and other entities or organizations, such as Alaska Native Corporations and borough governments. In general, this information indicated a broad dissatisfaction with the current rural determination process.

Based on this information, the Board at their public meeting held on April 17, 2014, elected to recommend a simplification of the process by determining which areas or communities are nonrural in Alaska; all other communities or areas would, therefore, be rural. The Board would make nonrural determinations using a comprehensive approach that considers population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public. The Board would rely heavily on the recommendations of the Councils. The Board developed a proposal that simplifies the process of rural determinations and submitted its recommendation to the Secretaries on August 15, 2014.

On November 24, 2014, the Secretaries requested that the Board initiate rulemaking to pursue the regulatory changes recommended by the Board. The Secretaries also requested that the Board obtain Council recommendations and public input, and conduct Tribal and Alaska Native Corporation consultation on the proposed changes.

The Departments published a proposed rule on January 28, 2015 (80 FR 4521), to revise the regulations governing the rural determination process in subpart B of 36 CFR part 242 and 50 CFR part 100. Following a process that involved substantial Council and public input, the Departments published the final rule that may be found elsewhere in today's **Federal Register**.

Direct Final Rule

During that process, the Board went on to address a starting point for nonrural communities and areas. The May 7, 2007 (72 FR 25688), final rule was justified by the Board's January 3,

1991, notice (56 FR 236) adopting final rural and nonrural determinations and the final rule of May 7, 2002 (67 FR 30559), amending 36 CFR 242.23(a) and 50 CFR 100.23(a) to add the Kenai Peninsula communities (Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, Clam Gulch, Anchor Point, Homer, Kachemak City, Fritz Creek, Moose Pass, and Seward) to the list of areas determined to be nonrural. The 2007 rule added the village of Saxman and the area of Prudhoe Bay to the nonrural list and expanded the nonrural boundaries of the Kenai Area; the Wasilla/Palmer area; the Homer area; and the Ketchikan Area.

Since the 2007 final rule (72 FR 25688; May 7, 2007) was contentious, and so many comments were received objecting to the changes imposed by that rule, the Board has decided to return to the rural determinations prior to the 2007 final rule. The Board further decided that the most expedient method to enact their decisions was to publish this direct final rule adopting the pre-2007 nonrural determinations. As a result, the Board has determined the following areas to be nonrural: Fairbanks North Star Borough; Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area—including Juneau, West Juneau, and Douglas; Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area—including Seward and Moose Pass, Valdez, and Wasilla area—including Palmer, Wasilla, Sutton, Big Lake, Houston, and Bodenberg Butte.

These final regulations reflect Board review and consideration of Council recommendations, Tribal and Alaska Native Corporations government-to-government tribal consultations, and public comments. Based on concerns expressed by some of the Councils and members of the public, the Board went on to direct staff to develop options for the Board to consider and for presentation to the Councils, to address future nonrural determinations. These options will be presented to the Board and Chairs of each Council at the January 12, 2016, public meeting.

We are publishing this rule without a prior proposal because we view this action as an administrative action by the Federal Subsistence Board. This rule will be effective, as specified above in DATES, unless we receive significant

adverse comments on or before the deadline set forth in DATES. Significant adverse comments are comments that provide strong justifications why the rule should not be adopted or for changing the rule. If we receive significant adverse comments, we will publish a notice in the **Federal Register** withdrawing this rule before the effective date. If no significant adverse comments are received, we will publish a document in the **Federal Register** confirming the effective date.

Because this rule concerns public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Conformance With Statutory and Regulatory Authorities

Administrative Procedure Act Compliance

In compliance with Administrative Procedure Act, the Board has provided extensive opportunity for public input and involvement in its efforts to improve the rural determination process as described in the related final rule published elsewhere in today's **Federal Register**. In addition, anyone with concerns about this rulemaking action may submit comments as specified in **DATES** and **ADDRESSES**.

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of this rule was conducted in accordance with section 810. That evaluation also supported the Secretaries' determination that the rule will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA section 810(a).

Paperwork Reduction Act

An agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. This rule does not contain any new collections of information that require OMB approval. OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR part 242 and 50 CFR part 100, and assigned OMB Control Number 1018-0075, which expires February 29, 2016.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public

where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value Statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this Program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more

in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the rule does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

The Alaska National Interest Lands Conservation Act, Title VIII, does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, provided Federally recognized Tribes and Alaska Native corporations opportunities to consult on this rule. Consultation with Alaska Native corporations are based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: “The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.”

The Secretaries, through the Board, provided a variety of opportunities for consultation on the rural determination process: commenting on changes under consideration for the existing regulations; engaging in dialogue at the Council meetings; engaging in dialogue at the Board’s meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

Since 2007 multiple opportunities were provided by the Board for Federally recognized Tribes and Alaska Native Corporations to consult on the subject of rural determinations. Federally recognized Tribes and Alaska Native Corporations were notified by mail and telephone and were given the opportunity to attend in person or via teleconference.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these regulations under the guidance of Eugene R. Peltola, Jr. of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Mary McBurney, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;
- Trevor T. Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, U.S. Forest Service.

Authority

This rule is issued under the authority of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126).

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Regulation Promulgation

For the reasons set out in the preamble, the Secretaries amend 36 CFR part 242 and 50 CFR part 100 as set forth below.

PART—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

■ 2. In subpart C of 36 CFR part 242 and 50 CFR part 100, § 1.23 is revised to read as follows:

§ 1.23 Rural determinations.

(a) The Board has determined all communities and areas to be rural in accordance with § 1.15 except the following: Fairbanks North Star Borough; Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area—including Juneau, West Juneau, and Douglas; Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area—including Seward and Moose Pass, Valdez, and Wasilla/Palmer area—including Wasilla, Palmer, Sutton, Big Lake, Houston, and Bodenbergs Butte.

(b) You may obtain maps delineating the boundaries of nonrural areas from the U.S. Fish and Wildlife Service at the Alaska Regional Office address provided at 50 CFR 2.2(g), or on the Web at <https://www.doi.gov/subsistence>.

Dated: September 30, 2015.

Eugene R. Peltola, Jr.,

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

Dated: September 30, 2015.

Thomas Whitford,

Subsistence Program Leader, USDA – Forest Service.

[FR Doc. 2015–27996 Filed 10–30–15; 8:45 am]

BILLING CODE 3410–11–4333–15–P



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

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



FOREST SERVICE

AUG 3 1 2016

FWS/OSM 16070.CJ

Susan Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
HC72 Box 800
Tok, Alaska 99780

Dear Ms. Entsminger:

Enclosed with this letter is a report of the Federal Subsistence Board's non-consensus agenda action items at its April 12-14, 2016 meeting regarding proposed changes to subsistence wildlife regulations and customary and traditional use determinations. In total, the Board accepted the recommendations of the Subsistence Regional Advisory Councils – in whole or with modifications – in 67 of the 69 proposals on the agenda. Details of these actions and the Board's deliberations are contained in the meeting transcripts. Copies of the transcripts may be obtained by calling our toll free number, 1-800-478-1456, and are available online at the Federal Subsistence Management Program website, <https://www.doi.gov/subsistence>.

The Board uses a consensus agenda on those proposals where there is agreement among the affected Subsistence Regional Advisory Council(s), the Interagency Staff Committee, and the Alaska Department of Fish and Game concerning a proposed regulatory action. These proposals were deemed non-controversial and did not require a separate discussion. The consensus agenda items affecting the Eastern Interior Region, including crossover proposals, were proposals WP 16-16 (rejected), WP 16-17 (adopted), WP 16-18 (adopted), WP16-39 (adopted with modification), WP16-55 (adopted), WP 16-56 (adopted), WP 16-57 (adopted), WP 16-60 (adopted with modification), WP16-67 (adopted), WP16-68 (adopted), WP16-69 (adopted), and WP16-70 (rejected). These actions are consistent with the affected Council's recommendations.

Ms. Entsminger

2

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

If you have any questions regarding the summary of the Board's actions, please contact Katerina Wessels, Council Coordinator, at (907) 786-3885.

Sincerely,



Tim Towarak
Chair

Enclosure

cc: Federal Subsistence Board
Eastern Interior Alaska Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Stewart Cogswell, Acting Deputy Assistant Regional Director
Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Interagency Staff Committee
Administrative Record

FEDERAL SUBSISTENCE BOARD NON-CONSENSUS ACTION REPORT

April 12-14, 2016

William A. Egan Civic and Convention Center, Anchorage, Alaska

MULTIREGION CROSSOVER PROPOSALS

Proposal WP 16-20

DESCRIPTION: This proposal, submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council, requested that the harvest limit for sheep in Unit 11 be modified from 1 sheep to 1 ram with a $\frac{3}{4}$ curl horn or larger.

COUNCIL RECOMMENDATIONS:

Eastern Interior Alaska Subsistence Regional Advisory Council – **Support**

Southcentral Alaska Subsistence Regional Advisory Council – **Oppose**

BOARD ACTION: **Adopted with modification**

JUSTIFICATION: The Board unanimously adopted the proposal with modification to limit the harvest of sheep in Unit 11 during the regular season to any ram. This modification was recommended by the Wrangell-St.Elias National Park Subsistence Resource Commission. The Board viewed it as a compromise between the two Regional Advisory Council positions.

This modification would protect the ewe population, which addresses concerns expressed by the Eastern Interior Council, without unnecessarily restricting subsistence users to a limited segment of the ram population, which was a major concern for the Southcentral Council.

The proposal as amended will protect the ewe population while continuing to provide an opportunity for local subsistence users to the harvest of any ram. A harvest allowing any ram will also allow the NPS and the State of Alaska to move forward on the cooperative study to determine whether the survival of young ram is influenced by the removal of a larger portion of the older rams from the population. Implementing a horn restriction at this time would compromise the study design. Once that study has been completed there will be additional information to help inform future decisions regarding the harvest limit for sheep in Unit 11.

This amendment should not create a conservation concern. Recent surveys by the National Park Service and the State of Alaska indicate that the sheep population in Unit 11 is stable. Limiting the harvest of three-quarter curl or larger ram would be unnecessarily restrictive to the satisfaction of subsistence needs.

Proposal WP16-37

DESCRIPTION: This proposal, submitted by Jack Reakoff of Wiseman, requested changes to caribou harvest regulations in Units 21D, 22, 23, 24, 26A, and 26B, including: reduction in harvest limits; shortening bull and cow seasons; creation of new hunt areas and to be announced seasons; and a prohibition on the take of calves and cows with calves.

COUNCIL RECOMMENDATIONS:

Western Interior Subsistence Regional Advisory Council – **Support** for Units 21D and 24; **Support** language in WP16-64 for Unit 26B, **no action taken** for remaining units.

Seward Peninsula Subsistence Regional Advisory Council – **Support with OSM modification** for Unit 22; **no action taken** on all other units.

Northwest Arctic Subsistence Regional Advisory Council – **Support with OSM modification** to mirror regulations recommended in WP16-49, no action taken on all other units.

Eastern Interior Alaska Subsistence Regional Advisory Council – **No action taken**, as the proposal does not affect Eastern Interior region

North Slope Subsistence Regional Advisory Council – **No action taken** based on action on WP16-61/62/63/64 and deference to other affected Regional Advisory Councils to make recommendations in their own region.

BOARD ACTION: Unit 21D – **Adopt with OSM modification**

JUSTIFICATION: The Board unanimously adopted the proposal with the OSM modification, which is consistent with the recommendation of the Western Interior Council for the Unit 21D remainder area and adds management flexibility for the hunt area in the portion of the Unit north of the Yukon River and east of the Koyukuk River. The decline of the Western Arctic Caribou Herd warrants regulatory changes and this will help minimize complexity with recently changed State of Alaska regulations.

BOARD ACTION: Unit 22 – **Adopt with OSM modification**

JUSTIFICATION: The Board unanimously adopted the proposal with the OSM modification, which is generally consistent with the Seward Peninsula Council's recommendation. It reduces complexity by aligning with State of Alaska openings, which does two things. It takes into consideration reindeer herding activities and because of the longer season provides for rural preference. And, finally, it officially addresses the prohibition of taking calves which also aligns with State of Alaska regulations.

BOARD ACTION: Unit 23 – **Adopt with OSM modification**

JUSTIFICATION: The Board unanimously adopted the proposal with the OSM modification. The OSM recommendation is consistent with the recommendation of the Northwest Arctic

Subsistence Regional Advisory Councils. Differing closure dates for the hunt areas also align with the State of Alaska seasons.

BOARD ACTION: Unit 24 – Adopt with OSM modification

JUSTIFICATION: The Board unanimously adopted the proposal with the OSM modification. The OSM modification clarifies the hunt area descriptor for Units 24A remainder and 24B remainder but is otherwise consistent with the recommendation of the Western Interior Council and is mostly consistent with the recommendation of the North Slope Council. The decline of the Western Arctic Caribou Herd warrants the regulatory changes and this will help minimize complexity with recently changed State of Alaska regulations.

BOARD ACTION: Unit 26A – Adopt with OSM modification

JUSTIFICATION: The Board unanimously adopted the proposal with the OSM modification. The closure date for the cow season in hunt area one is later in the OSM modification than in the State of Alaska regulations. Adopting this closure date would make the Federal regulation less restrictive than the State's.

BOARD ACTION: Unit 26B – Adopt with OSM modification

JUSTIFICATION: The Board unanimously adopted the proposal with the OSM modification. The recommended changes will align with the State of Alaska season in the area and not be as restricted. The allowance on calf harvesting recognizes the caribou from the Central Arctic Herd compromise a majority of the region's harvest and it's recognized that the Central Arctic Herd is in a better situation or healthier than the Teshekpuk and Western Arctic Herd.

EASTERN INTERIOR REGIONAL PROPOSALS

Proposal WP 16-58

DESCRIPTION: This proposal, submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council, requested that the wolverine trapping season in Unit 25C be extended from Nov. 1 – Feb. 28 to Nov. 1 – Mar. 31.

COUNCIL RECOMMENDATIONS: **Support**

BOARD ACTION: **Adopted**

JUSTIFICATION: The Board unanimously adopted this proposal, concurring with the Eastern Interior Alaska Subsistence Regional Advisory Council recommendation. The Board stated that adoption of this proposal along with WP16-57 currently on the consensus agenda will simplify Federal subsistence trapping regulations by having consistent Federal season dates for lynx and wolverine in all of Unit 25. While the season extension may result in a slight increase in wolverine harvested under Federal regulations the only ones able to take advantage of the extended season will be limited to a number of Federally qualified trappers. Aligned seasons may also improve reporting of what previously would have been considered incidental take and likely have gone unreported.

FP17-01 Executive Summary	
General Description	Proposal FP17-01, requests a new regulation be made to Subdistrict 5D to allow for harvest of salmon during Federally recognized fisheries closures, once the mid-range of the Canadian Interim Management Escapement Goal (IMEG) and the Total Allowable Catch (TAC) goals for Chinook Salmon are projected to be achieved in the Yukon River at the Eagle sonar site. <i>Submitted by: Eastern Interior Alaska Subsistence Regional Advisory Council.</i>
Proposed Regulation	<p>§ __.27(i)(3) (i) <i>Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.</i></p> <p>(ii) <i>For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.</i></p> <p>(xiii)(B) <i>In Subdistrict 5D you may take salmon for subsistence use once the mid-range of the Canadian interim management escapement goal and the total allowable catch goal are projected to be achieved.</i></p>
OSM Preliminary Conclusion	Support FP17-01 with modification to change the wording in the proposed regulation from “projected to be achieved” to “achieved,” and to specify that the Federal in-season manager is the person to declare when the IMEG and TAC are achieved.
Yukon-Kuskokwim Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	

Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

**DRAFT STAFF ANALYSIS
FP17-01**

ISSUE

Proposal FP17-01, submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council (Council), requests a new regulation be established in Subdistrict 5D to allow harvest of salmon during Federally recognized fisheries closures, once the mid-range of the Canadian Interim Management Escapement Goal (IMEG) and the Total Allowable Catch (TAC) goal for Chinook Salmon are projected to be achieved in the Yukon River at the Eagle sonar site.

DISCUSSION

Subdistrict 5D consists of the Yukon River drainage from the Alaska Department of Fish & Game (ADF&G) regulatory markers located approximately two miles downstream from Waldron Creek upstream to the United States-Canada border. The Federal public waters in this area include Yukon Flats National Wildlife Refuge and the Yukon – Charley Rivers National Preserve. A majority of Subdistrict 5D along the Yukon River is within or adjacent to Federal public lands.

Subsistence fishing on the Yukon River in Subdistrict 5D is open seven days a week with no harvest limit for salmon, unless closed by the in-season managers for conservation purposes. The Council proposes that if an in-season closure for Chinook Salmon is put in place in Subdistrict 5D, the closure will be lifted for Federally qualified subsistence users once the mid-range of the Canadian IMEG (currently 42,500 – 55,000 Chinook) and the TAC goal are projected to be achieved. This proposal, if adopted, would provide an opportunity for Federally qualified subsistence users to harvest both Chinook and fall Chum salmon in Subdistrict 5D when the Federal in-season manager projects the Chinook Salmon passage will reach 48,750 fish at the Eagle sonar site.

The Council's motivation to submit this proposal resulted from the events of the 2015 season, when the IMEG was exceeded (84,015 Chinook Salmon), but the subsistence salmon fishery in Subdistrict 5D remained closed.

Existing Federal Regulation

Yukon-Northern Area – Salmon

50 CFR§100.27 Subsistence taking of fish

§ __.27(i)(3) (i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

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

Proposed Federal Regulation

Yukon-Northern Area – Salmon

50 CFR§100.27 Subsistence taking of fish

§ __.27(i)(3) (i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

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

(xiii)(B) In Subdistrict 5D you may take salmon for subsistence use once the mid-range of the Canadian interim management escapement goal and the total allowable catch goal are projected to be achieved.

Existing State Regulation

Chapter 01. Subsistence Finfish Fishery.

Article 4. Yukon Area.

5 AAC 01.210. Fishing seasons and periods – Yukon Area

(a) Unless restricted in this section, or in 5 AAC 01.220 – 5 ACC 01.249, salmon may be taken in the Yukon Area at any time.

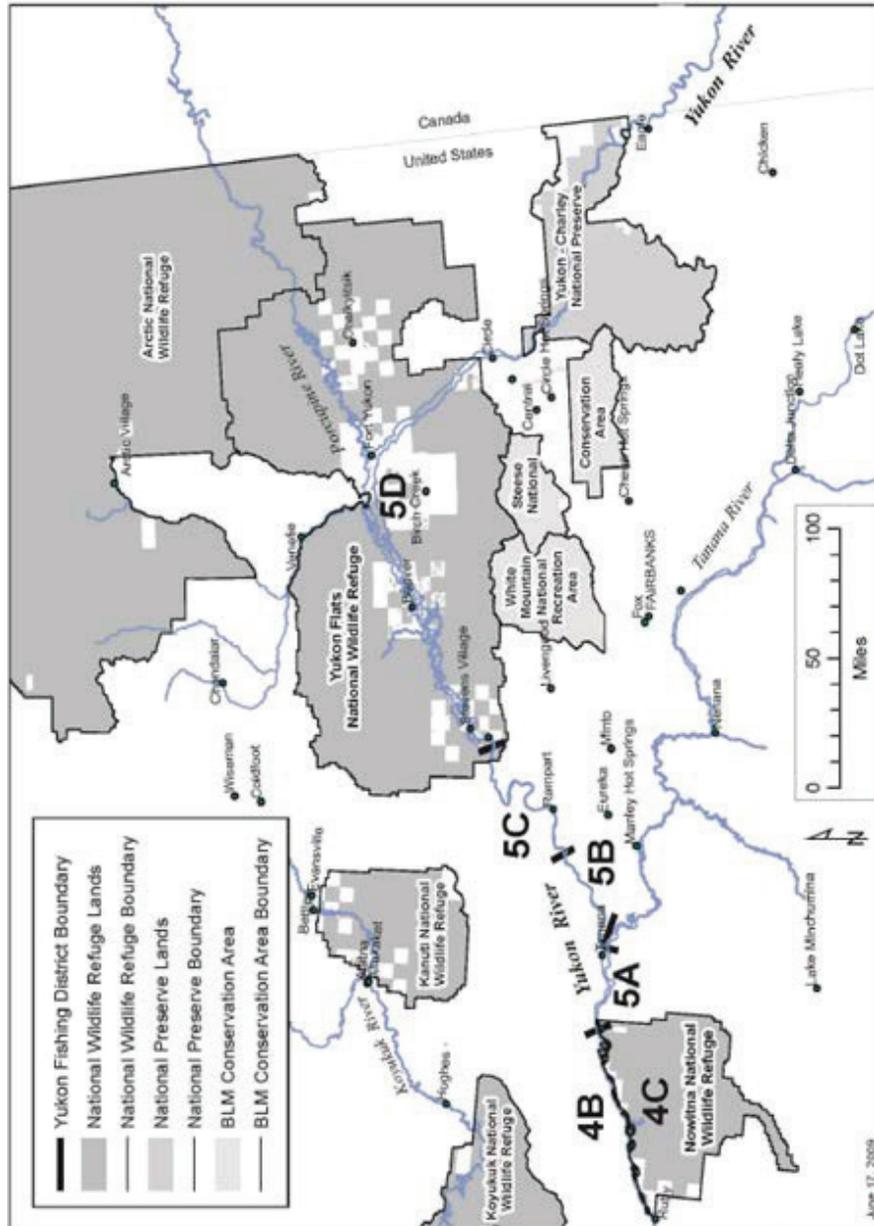
(b) When there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order,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

(1) Coastal District, Koyukuk River, Kantishna River, and Subdistrict 5D: seven days per week.

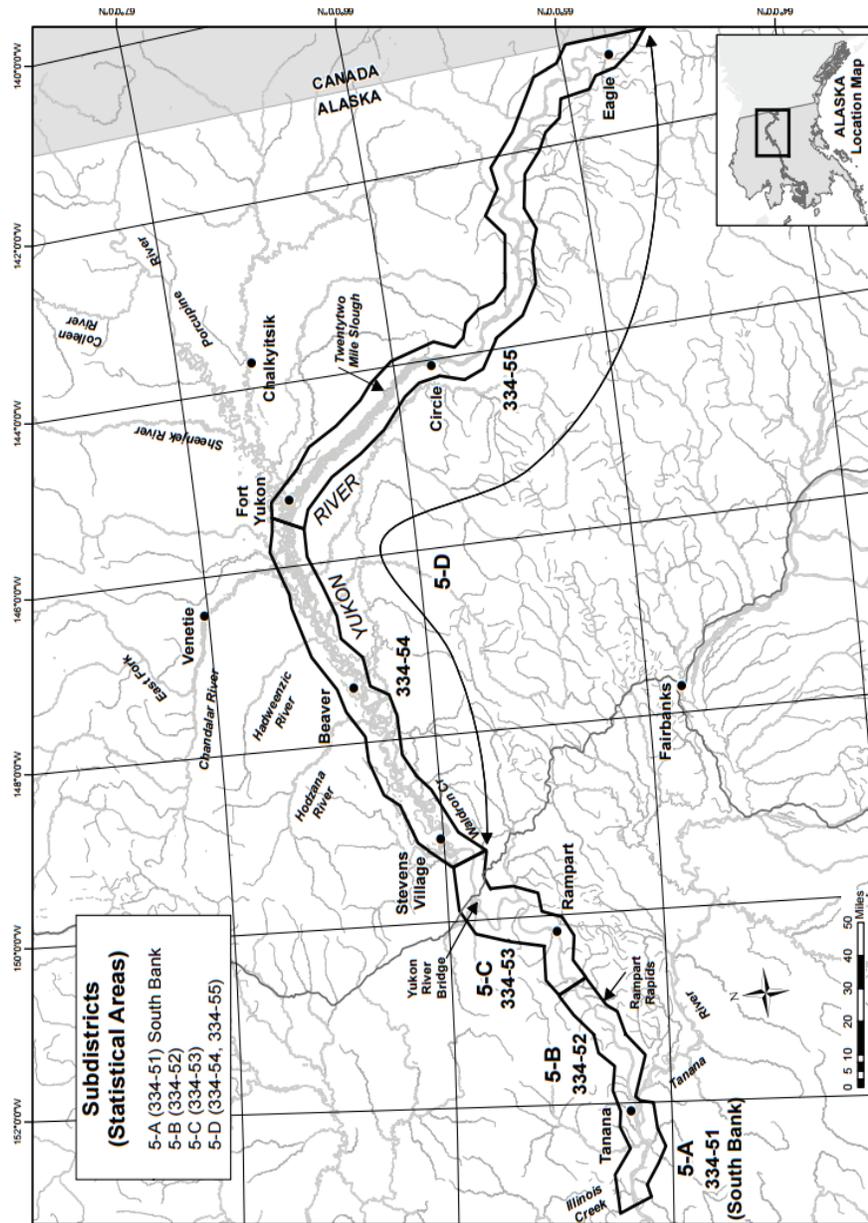
- (c) Notwithstanding the provisions of (A) and (B) of this paragraph, if the commissioner determines it is necessary to ensure that reasonable opportunity for subsistence uses is being provided, the commissioner may, by emergency order, open a subsistence fishing period that may occur during times that are before, during, and after a commercial salmon fishing period.*

Extent of Federal Public Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are those portions of the Yukon River located within, or adjacent to, the external boundaries of the Yukon Flats National Wildlife Refuge and the Yukon – Charley Rivers National Preserve. Subdistrict 5D consists of the Yukon River drainage from the Alaska Department of Fish & Game (ADF&G) regulatory markers located approximately two miles downstream from Waldron Creek upstream to the United States-Canada border (**Map 1 and Map 2**).



Map 1. Area map of Subdistrict 5D and surrounding Federal lands (ADF&G 2016).



Customary and Traditional Use Determinations

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

Cultural Knowledge and Traditional Practices

In the Yukon River drainage, people who are members of Yup'ik Eskimo and *Deg Hit'an*, *Doy Hit'an*, Holikachuk, *Denaakk'e* (Koyukon), *Gwich'in*, *Han*, Tanana, Tanacross, or Upper Tanana Athabaskan cultural groups live in the 61 rural communities with a customary and traditional use determination for Chinook Salmon in the Yukon River (**Table 1**). Settlement patterns since 1900 have been characterized by movement from seasonal camps to permanent settlements located at important harvesting sites, around trading posts and missions, and to send children to school. Others have moved to the area to work in education, government, mining, trade, and other industries (Clark 1981; Fienup-Riordan 1984, 1986; Haynes and Simeone 2007; Hosley 1981; Mishler and Simeone 2004; Nelson 1983; Slobodin 1981; Wolfe and Scott 2010; VanStone 1984; VanStone and Goddard 1981).

Another force of change affecting salmon harvest levels in the upper Yukon River drainage was the use of salmon to feed sled dogs.

The period from 1900 to 1940 encompasses the peak sled dog era in the Yukon River drainage . . . virtually every family maintained a small number of sled dogs In the 1930s airplanes began to replace commercial dog teams for the movement of freight and mail but sled dogs continued to provide the bulk of winter transportation for individuals and families throughout the Yukon River drainage (Andersen and Scott 2010:2–5).

By the 1970s snowmobiles had largely replaced the family dog team. Some people continue to keep dogs. In the upper Yukon River drainage no one reported harvesting Chinook Salmon for dog food in 2009, 2010, or 2011, nor during a survey conducted in 2008 that included the communities of Tanana and Fort Yukon (Andersen and Scott 2010; Jallen, Decker, and Hamazaki 2012; Jallen, Ayers, and Hamazaki 2012; Jallen and Hamazaki 2011). In 2011, an estimated 40,178 salmon were harvested for dog food in the upper Yukon River drainage (from Tanana, in District 5A, to the Canada Border, in Subdistrict 5D). The majority of this harvest was fall Chum Salmon, but smaller amounts of summer Chum Salmon and Coho Salmon were also harvested to feed dogs.

In contrast to villages in the lower and middle river districts, the populations of communities on the upper Yukon River drainage (from Tanana, in Subdistrict 5A, to the Canada border, in Subdistrict 5D) peaked between 1970 and 2000 and has since declined; the population increased by only 1.5% in the 50 years between 1960 and 2010 (**Table 1**, ADCCED 2014). Upper Yukon villages are generally described as culturally affiliated with Koyukon, *Gwich'in*, and *Han* Athabascans (Clark 1981, Hosley 1981, Mishler and Simeone 2004, Nelson 1983, Slobodin 1981, Wolfe and Scott 2010, VanStone and Goddard 1981). The communities of Eagle City, Chicken, and Central were established as gold mining supply sites; however,

most miners had left the area by 1910. Alaska Native and non-Native residents worked on steamboats, in mines, and in wood chopping camps, as well as on traplines. In the 1970s land auctions attracted new residents to Eagle. Gold miners continue to return to the area seasonally. Roads have linked Eagle on the Yukon with the Alaska Highway since the 1950s and, the Steese Highway connected the Yukon River community of Circle with Fairbanks in 1927. The Dalton Highway, or Haul Road, from Livengood to Deadhorse crosses the Yukon River between the communities of Rampart and Stevens Village (Crow and Obley 1981, Hosley 1981).

A significant factor affecting the management of salmon fisheries in the upper Yukon River drainage is the three highway access points. Federal regulations do not affect the State fisheries at the three highway access points because none are located on Federal public lands. The following is a description of salmon fishing patterns of communities that harvest salmon in Subdistrict 5D.

Residents of Eagle and Eagle Village

People rely on large quantities of salmon, including Chinook Salmon, that they harvest from the upper Yukon River drainage in Subdistrict 5D (Jallen, Decker, and Hamazaki 2012). More fall Chum Salmon are harvested than other salmon species. Historically fish, especially salmon, were a vital resource for *Han* people living in the Upper Yukon area encompassing Subdistrict 5D (Mishler and Simeone 2004). Chinook Salmon pass Eagle Village beginning around July 1 and continue through early August. After a short break, the fall Chum Salmon run begins in mid-August and continues to late September. There are fishwheels harvesting salmon from Eagle Village to the Canadian border. “Up until the 1970s, *Han* families usually moved to their fish camps while the salmon were running” (Mishler and Simeone 2004:60). They processed Chinook Salmon for human consumption and Chum Salmon for dog food. They cut salmon fillets into long strips and smoked salmon, kippered and froze salmon, and smoked salmon eggs.

Residents of Chicken

The community of Chicken is located on the Taylor Highway on a tributary of the Fortymile River, about 95 highway miles from Yukon River at the community of Circle. Salmon are not observed in the Fortymile River drainage in Alaska except a few Chum Salmon below the Taylor Highway bridge that crosses the Fortymile River about 46 miles from Chicken. No subsistence harvests of salmon have been reported by Chicken residents (Jallen, Decker, and Hamazaki 2012).

Residents of Beaver, Birch Creek, Circle, Fort Yukon, Venetie, Chalkyitsik, and Arctic Village

Most residents harvest more fall Chum Salmon than other salmon species from the upper Yukon River drainage (Jallen, Decker, and Hamazaki 2012). Five groups, or bands, of *Gwich'in* were centered historically in the Upper Yukon-Porcupine region of Alaska (Slobodin 1981). In 1983, Caulfield described the harvest of fish. “Traditionally fish were one of the most reliable and abundant food resources in the Upper Yukon-Porcupine region, and this fact remains true today . . . Harvest of fish was a major component of the annual cycle for bands” (Caulfield 1983:36).

Salmon are harvested primarily along the Yukon River . . . King salmon arrive at Fort Yukon during the end of June and are generally caught . . . during the early part of July. Chum Salmon arrive in August . . . The most intensive fishing activity for Chums takes place in late August and early September . . . King salmon are extremely oily and are usually cut into strips and hung to dry in smokehouses. King salmon heads are often split, dried, and used in soups . . . Several thousand Chums may be split and dried on racks in the fall for dog food (Caulfield 1983:74).

Additionally, “Chalkyitsik has traditionally been an important fishing site” located on the Salmon Fork of the Black River (Caulfield 1983:127). “The main reason for the . . . settlement was the presence of an abundant source of whitefish which run down the nearby creek during the fall” (Nelson 1973:18). Traditional territory included the Porcupine and Black rivers. Some Chum Salmon were gaffed in the fall at spawning areas.

Residents of Arctic Village generally harvest salmon from the Chandalar River drainage above Venetie (ADF&G 1986; Caulfield 1983; Jallen, Decker, and Hamazaki 2012). Fall Chum Salmon account for the majority of salmon returning to the Chandalar River and begin to arrive in late July or early August. “Summer Chum Salmon, while not as abundant, have been intermittently observed in the Chandalar River. . . While Chinook Salmon are known to spawn in the Chandalar River, their actual abundance is unknown” (Melegari and Osborne 2008:1).

Residents of Central

Central residents harvest some salmon, primarily Chinook Salmon (Jallen, Decker, and Hamazaki 2012). Central is located on the upper reaches of Birch Creek and along the Steese Highway that connects Fairbanks to the community of Circle on the Yukon River, 33 highway miles away. They harvest salmon from the mainstem of the Yukon River. Central was a mining supply site and telegraph maintenance station in the 1890s and early 1900s. Mining activity in the area continues today. Central also provides services to area residents (Hosely 1981; Jallen, Decker, and Hamazaki 2012).

Residents of Stevens Village

People harvest more Chinook or fall Chum salmon than summer Chum or Coho salmon (Jallen, Decker, and Hamazaki 2012). Chinook Salmon are generally available in the area from late June or early July through July and in some years into August. Late-run Chinook Salmon are mixed with summer Chum Salmon. Coho Salmon arrive by September. In 1984, Sumida (1986) wrote that all Chinook Salmon were prepared for human consumption, and only some entrails, backbones, and other discarded parts were fed to dogs. Summer Chum Salmon were used primarily for dog food, some fall Chum Salmon were prepared for human consumption and some were fed to dogs, and most Coho Salmon were used for dog food and some were prepared for human consumption. Most fish camps were located along the Yukon River mainstem from just below the Dalton Highway bridge (about 27 river miles downriver) to several miles above Stevens Village. Chinook Salmon were desired by all households in the community. They were cut, smoked, and dried in strips, frozen, salted, and/or canned. Fish heads and roe were sometimes processed for later use. Summer Chum and Coho salmon were selectively cut for human consumption or

dog food based in part on the quality of the fish, number of dogs, and the number of Chinook Salmon already harvested. Salmon for dog food were handled with less care (Sumida 1986). In 2007, about 40% of Stevens Village households had fish camps where they processed and smoked salmon. Most fishing sites were located downriver from the community about halfway to the Dalton Highway bridge where a few fish camps had seasonal occupants from outside the area. The average use of a particular fish camp site by a family was 51 years. Sled dogs were common in Stevens Village (Wolfe and Scott 2010). Wolfe and Scott (2010) quoted from a Stevens Village resident describing the traditional use area and the impact of the Dalton Highway bridge.

You know all these villages of the Interior originally were separate bands Every band or village had its traditional hunting and fishing ground that the other bands recognized. Traditionally, the Stevens Village people’s traditional use area was forty miles upriver [from the Yukon bridge] halfway to Beaver Village, around Marten Island, then north back to the foothills, south to Hess Creek. On the western edge, the traditional boundary was at the Ray River area, which is now where the Dalton Highway crosses the Yukon. Traditionally, at that Ray River area for a few miles on either side was like an overlap of Rampart people and Stevens Village people.

Now and more contemporary times, with the advent of state fishing regulations and with this road, that traditional type area is not recognized anymore [by outsiders]. You have nonlocal Natives will come in and set up camp right off the road, like you saw last night. In more traditional times, they would ask permission from the tribe of whose area they were in. That’s kind of still a little bit in practice, but not so much, because nowadays people travel, and even Native peoples kind of abide by the state and federal hunting and fishing boundaries and permitting system rather than the traditional form of governance over traditional tribal fishing and hunting boundaries (Wolfe and Scott 2010:28–29).

Residents of Rampart

Rampart is located in District 5C downriver from Subdistrict 5D. People harvest more Chinook and fall Chum salmon than summer Chum or Coho salmon (Jallen, Decker, and Hamazaki 2012). People have fish camps up to the Dalton Highway bridge (in Subdistrict 5D). A stretch of river below the bridge is used by residents of Stevens Village and Rampart. Wolfe and Scott (2010) reported that in 2007 five fish camp families in the area below the bridge were dual residents of Rampart and Fairbanks and four fish camps were occupied by people without connections to the villages.

Table 1. The number of people in the customary and traditional use determination for Chinook Salmon in Subdistrict 5D of the upper Yukon River drainage, by community and Fishery Management District, 1960-2010.

Community	1960	1970	1980	1990	2000	2010	2010 number of households
Tanana city	349	120	388	345	308	246	100

Rampart CDP	49	36	50	68	45	24	10
Stevens Village CDP	102	74	96	102	87	78	26
Beaver CDP	101	101	66	103	84	84	36
Fort Yukon city	701	448	619	580	595	583	246
Chalkyitsik CDP	57	130	100	90	83	69	24
Arctic Village CDP	110	85	111	96	152	152	65
Venetie CDP	107	112	132	182	202	166	61
Birch Creek CDP	32	45	32	42	28	33	17
Circle CDP	41	54	81	73	100	104	40
Chicken CDP	0	0	0	0	17	7	5
Central CDP	28	26	36	52	134	96	53
Eagle Village CDP	0	0	54	35	68	67	31
Eagle city	92	36	110	168	129	86	41
District 5 subtotal	1,769	1,267	1,875	1,936	2,032	1,795	755

CDP=Census Designated Place. Blank cell=information is not available. Source: ADCCED 2014.

Regulatory History

Since 2001, the Yukon River Chinook Salmon stock has been categorized as a “stock of yield concern” by the Alaska Board of Fisheries in accordance with the State’s *Policy for the management of sustainable salmon fisheries*. This designation identifies a chronic inability to maintain expected yields or harvestable surpluses above a stock’s escapement needs despite restrictive management actions. Directed commercial fishing for Yukon River Chinook Salmon has been discontinued since 2007 and subsistence fishing opportunities have become increasingly more restrictive in an effort to conserve Chinook Salmon.

For management purposes, the summer season refers to the fishing associated with Chinook and summer Chum Salmon migrations and the fall season refers to the fishing associated with the fall Chum and Coho salmon migrations. During the fishing season, management is based on preseason projections and in-season run assessments. Since 1995 the main river sonar project at Pilot Station has provided in-season estimates of salmon passage for fisheries management. The level of commercial, subsistence, and personal use harvests can be adjusted through the use of State emergency orders and Federal special actions to manage time, gear, and area of openings and closures. For Chinook Salmon, since 2001 there has been an action plan developed through a public process that includes goals, objectives, and provisions necessary to rebuild Chinook Salmon runs (Munro and Tide 2014).

The Canadian IMEG of 42,500– 55,000 Chinook Salmon is based on the Eagle sonar (**Figure 2**). In order to meet this goal, the passage at the Eagle sonar station must include a minimum of 42,500 fish for escapement, provide for a subsistence harvest in the community of Eagle upstream of the sonar (approximately 1,000–2,000 fish), and incorporate Canadian harvest sharing as dictated in the US/Canada Yukon River Treaty which is typically 20–26% of the TAC (ADF&G 2014a). Subsistence fishers have had very limited opportunities to harvest Chinook Salmon in the Yukon River drainage during recent years of low abundance. The 2014 season was “the most conservatively managed Chinook Salmon season in

recent history” (ADF&G 2014a). For example, District 5 subsistence fishers were not allowed to use greater than 4-inch mesh-size gillnets for up to 45 days in summer 2014 (ADF&G 2015b). Management of the Yukon River salmon fishery is complex due to the (1) inability to determine stock-specific abundance and timing, (2) overlapping multi-species salmon runs, (3) efficiency of methods and means, (4) allocation issues, and (5) the immense size of the Yukon River drainage. Currently the Yukon River fisheries are managed chronologically to protect the main pulse of the Chinook Salmon run. Federal in-season managers look to manage the fisheries in concordance with pre-season management goals for the predicted year. When opportunities arise for subsistence harvest, in-season managers liberalize the fishery to allow more harvest as was observed in 2016. Due to the nature of this type of adaptive management strategy, calls into question whether FP17-01 is warranted or could be effective if the Federal in-season manager has the ultimate discretion to allow liberalizations to be made or restrictions.

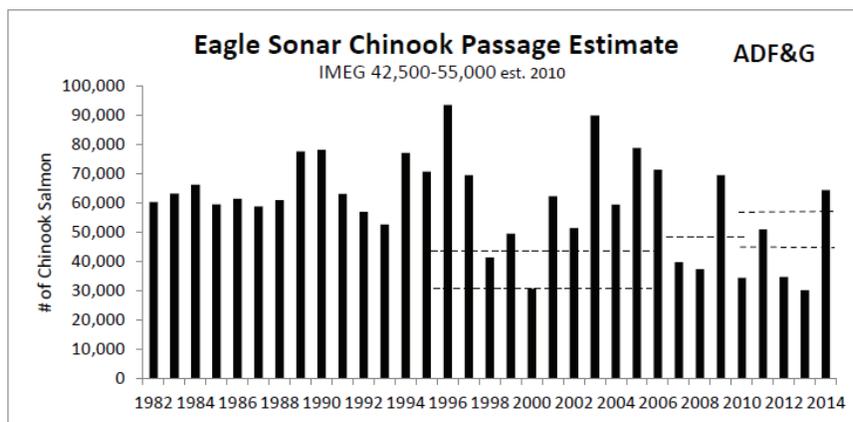


Figure 2. Eagle sonar Chinook passage estimates from 1982-2014 (ADF&G 2014b).

Current Events Involving the Species

The 2013 Chinook Salmon run was one of the poorest runs on record. In response, fishery managers reduced subsistence fishing opportunity to limit harvests to approximately 25% of historical levels. However, even with reduced subsistence harvests, the lower bound of the Canadian IMEG (42,500 – 55,000 fish) was not met and the estimated escapement past the Eagle sonar was 30,752 Chinook Salmon. In 2014 and 2015, the Chinook Salmon fishery was also managed conservatively. Chinook Salmon escapement into Canada exceeded the upper bound of the Canadian IMEG both years, at 63,462 and 84,015 fish, respectively. The 2016 drainage-wide Chinook Salmon outlook is for a run size of 130,000 to 175,000 fish past the Pilot Station sonar site (Figure 3; ADF&G 2016b). The preseason forecast for the Yukon River main stem Chinook Salmon return is predicted to be below-average and in this regard, a conservative management approach will likely be required in order to achieve the IMEG (JTC 2016).

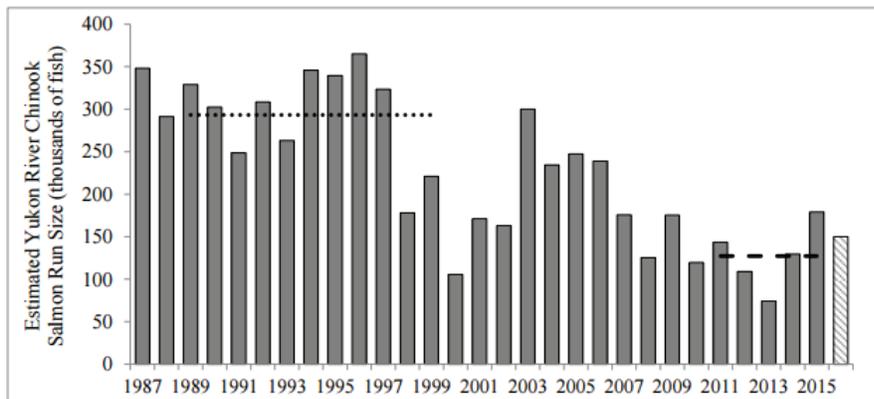


Figure 3. The 2016 dashed bar represents the approximate midpoint of the projected outlook range of 130,000 to 175,000 Chinook salmon at Pilot Station sonar. The dotted line represents the historical average run size and the dashed line is the recent 5 – year average run size (ADF&G 2016).

As the 2016 season started, in-season fisheries managers proceeded to manage the Chinook fishery with caution and acted in a conservative manner in which they described in their 2016 forecast management plan. As the season progressed and the sonar escapement at Eagle was predicted to be met, in-season fisheries managers began to liberalize the fisheries to increase opportunities for subsistence purposes.

During the early 2016 season, ADF&G and the U.S. Fish and Wildlife Service (USFWS) presented a news release with specific management actions for Subdistrict 5D to restrict gear size of gillnets during specific times. ADF&G management actions for Subdistrict 5D were as follows (**Table 3**):

Table 3. News releases of the in-season management actions for the 2016 season.

<u>Area of 5D</u>	<u>Date</u>	<u>Action</u>	<u>Season</u>	<u>Methods</u>	<u>New Release</u>
LOWER	31-May	Open 24 hrs a day	Seven days / week	Fish wheels or gillnets with mesh 7.5 inches or smaller	(NR #7)
MIDDLE					
UPPER					
LOWER	19-Jun	Open 24 hrs a day	Seven days / week	Fish wheels or gillnets with mesh 6 inches or smaller	(NR #17)
MIDDLE	22-Jun	Open 24 hrs a day			(NR # 27)
UPPER	24-Jun	Open 24 hrs a day			(NR # 27)
LOWER	28-Jun	CLOSE			(NR #29)
MIDDLE	1-Jul	CLOSE			(NR #29)
UPPER	3-Jul	CLOSE			(NR #55)

Continued from previous page.

LOWER	11-Jul		One 12-hour period	Fish wheels or gill-nets mesh size 6 inches or smaller	(NR #55)
MIDDLE	13-Jul				(NR #55)
UPPER	15-Jul				(NR #55)
LOWER	17-Jul		One 24-hour period	Fish wheels or gill-nets mesh size 6 inches or smaller	(NR #60)
MIDDLE	17-Jul				(NR #60)
UPPER	15-Jul		One 36-hour period		(NR #60)
LOWER	20-Jul		3.5 day period	Fish wheels or gill-nets mesh size 6 inches or smaller	(NR #61)
MIDDLE	20-Jul				(NR #61)
UPPER	20-Jul				(NR #61)
5D	19-Jul		4.5 day	Fish wheels or gill-nets mesh size 6 inches or smaller	(NR # 64)
5D	24-Jul	Open 24 hrs a day	One 24-hour period	Fish wheels or gill-nets mesh size 7.5-inch or smaller	(NR # 65)
5D	25-Jul	Open 24 hrs a day	Seven days / week	Fish wheels or gill-nets mesh size 6 inches or smaller	(NR # 65)
5D	26-Jul	Open 24 hrs a day	Seven days / week	Fish wheels or gill-nets mesh size 7.5-inch or smaller	(NR #67)

Biological Background

Recent analyses indicate that Yukon River Chinook Salmon stocks appear to be in the 8th year of a multi-year period of low productivity. Historically, the Yukon River Chinook Salmon stocks show periods of above-average abundance (1982-1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013). The minimum spawning escapement target was not achieved in 5 of the past 9 years (Department of Fisheries and Oceans Canada 2016). Presently, the Chinook Salmon escapement at the Eagle sonar site (68,010 fish 8/4/2016) has met the Canadian IMEG and opportunities for subsistence have been provided thru in-season management actions. During 2012 and 2013 the Eagle sonar escapement experienced the lowest returning adults in history (**Table 4**). It is expected that the progeny of the 2012 and 2013 year class will be weak due to low escapement. If this is a true, the expected run strength of the 2017 thru 2019 year class might be weak and management will likely remain cautionary.

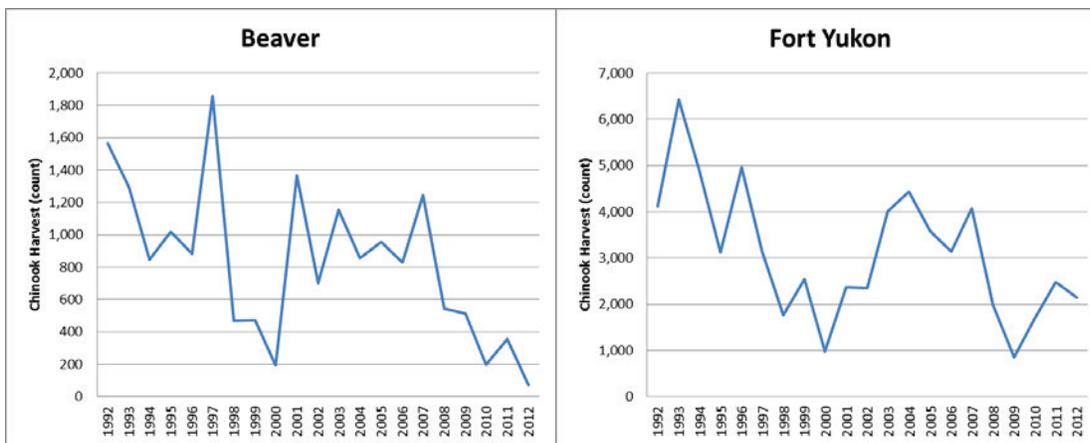
Table 4. Eagle sonar Chinook Salmon escapement for the past four years (2012 – 2015).

Cumulative 2015	Cumulative 2014	Cumulative 2013	Cumulative 2012
84,015	63,462	30,725	34,747

Harvest History

Chinook Salmon subsistence harvests average approximately 50,000 fish annually in the Alaskan portion of the Yukon River from 1989 - 1997. However, subsistence harvest levels of Chinook Salmon have declined since 1997 due to declining run abundance and resultant harvest restrictions. In recent years, subsistence fishing has increasingly targeted other species of fish. In order to allow continued subsistence opportunity throughout the season, subsistence fishing activity has been managed to avoid Chinook and allow the harvest of other fish species.

The Yukon River drainage in District 5 includes the communities of Stevens Village, Birch Creek, Beaver, Fort Yukon, Circle, Central, Eagle, Venetie and Chalkyitsik. District 5 harvested an estimated 5-year average (2001–2005) of 13,969 Chinook Salmon annually and 2006 – 2010 averaged 11,252 Chinook Salmon (Jallen et al. 2012). This pattern coincided with a decrease in the other 6 Yukon River management districts. In District 5, only 18% of the surveyed subsistence households responded that their Chinook Salmon needs (76% to 100%) were met, the lowest of any U.S. Yukon River district (Jallen et al. 2012). Declines in harvest of Chinook Salmon have been noticeably observed in four communities (Fort Yukon, Beaver, Circle, and Eagle) of Subdistrict 5D (**Figure 3**). The preliminary harvest estimates of Chinook, Chum (both summer and fall), and Coho salmon were below the State’s amounts necessary for subsistence levels (JTC 2016). The estimated 16 – year harvest of Chinook Salmon for the following communities; (Beaver 983 fish, Circle 1,045 fish, Eagle 1,722 fish, and Fort Yukon 3,495 fish). From 1992 to 2007, the communities of Stevens Village, Birch Creek, Beaver, Fort Yukon, Circle, Eagle, and Venetie harvested an estimated 20% of all the Alaskan villages subsistence Chinook harvest (Fall et al. 2012).



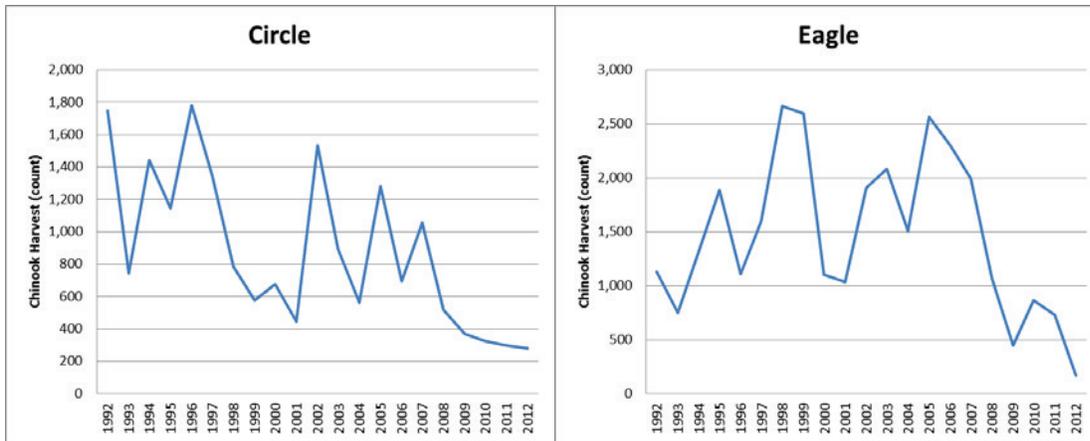


Figure 3. 20 year trends of four communities Chinook Salmon harvest in Subdistrict 5D.

Commercial harvest

Commercial fishing has been closed since 2007 for Chinook Salmon and there is not an anticipated fishery for 2016 on the Yukon River in Subdistrict 5D. Currently, there is one permit holder for commercial fishing in Subdistrict 5D (Firmin 2016).

Effects of the Proposal

If FP17-01 were adopted, Federally qualified subsistence users would be allowed to harvest salmon during closures when the Federal in-season managers project that the midrange of the Canadian IMEG and the TAC goal are projected to be achieved. In-season managers use a variety of tools to assess the abundance of salmon in the Yukon River, however the estimates do come with uncertainty. Adoption of FP17-01 would ensure timely access to harvest fish in the event the in-season managers delay opportunities. Due to the large size of Subdistrict 5D, run timing is critical for the lower Subdistrict 5D to have opportunities to fish when the Canadian obligations have been achieved. The harvest in Subdistrict 5D has shown to be relatively low in the past and should not significantly impact the population of either Chinook Salmon or fall Chum Salmon if this regulation were adopted. The communities of Eagle, Fort Yukon, Circle, and Beaver have all shown declines in harvest and providing an ensured opportunity to harvest salmon could benefit all of the communities within Subdistrict 5D. It is also likely that an increase in participation from the subsistence users could develop due achieving the “target” with fulfilling Canadian obligations and having a known benchmark to begin fishing.

If FP17-01 were not to be adopted, it is likely that the declining trend of harvest among communities in Subdistrict 5D would persist. Subsistence harvesters might be less inclined to put in the effort to build and assemble fish wheels when waiting for the in-season manager’s decision to open the fishery. Jallen et al. has shown through previous harvest surveys that subsistence needs are rarely met for District 5.

Federal in-season managers would still retain the management actions in a chronological fashion as they have done in the past. Eagle sonar estimates are gathered daily and when the Canadian IMEG has been achieved, it is known almost instantaneously. This information can be relayed via teleconference and it is likely that the fishery for Subdistrict 5D be opened shortly after the Federal in-season manager announces the mid-range of the Canadian IMEG and TAC have been achieved.

OSM PRELIMINARY CONCLUSION

Support Proposal FP17-01 **with modification** to change the wording in the proposed regulation from “projected to be achieved” to “achieved,” and to specify that the Federal in-season manager is the person to declare when the IMEG and TAC are achieved.

The modified regulation should read:

Yukon-Northern Area – Salmon

50 CFR§100.27 Subsistence taking of fish

§ __.27(i)(3) (i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

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

*(xiii)(B) In Subdistrict 5D, **during in-season subsistence fisheries closures**, you may take salmon for subsistence use once the mid-range of the Canadian interim management escapement goal and the total allowable catch goal are projected to be **achieved, and announced by the Federal in-season manager**.*

Justification

Adoption of this proposal with modification could result in additional harvest opportunity for Federally qualified subsistence users in Subdistrict 5D in times of Chinook Salmon conservation. Estimates of in-season run strength usually have a high degree of uncertainty, so it would be prudent to wait until the Eagle sonar counts achieve the mid-range of the IMEG and TAC, before lifting the closure to Federally qualified subsistence users. As was observed in the 2016 season the in-season fisheries managers closely monitored and regulated the fishery until the IMEG was predicted to be met. At that point, the fishery was liberalized to further provide more subsistence opportunity for subsistence purposes drawing in the question if the FP17-01 regulatory proposal is needed if the in-season managers plan to open the fishery when the IMEG and TAC is predicted to be met. The primary cause of concern from the Council is to have ensured opportunity as soon as the Canadian obligations have been fulfilled. Some years such as 2015, the

Canadian obligations were met. However the fishery remained closed, which prompted concern about the continued access to the fishery in future years when the Canadian obligations are met.

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FP17-02 Executive Summary	
General Description	Proposal FP17-02, requests a new regulation be made to Subdistrict 5D to allow for harvest of early-run Chinook Salmon until arrival of the first pulse of Chinook Salmon. This would allow access to a small number of early-run Chinook Salmon while still protecting the main Chinook Salmon run. <i>Submitted by: Eastern Interior Alaska Subsistence Regional Advisory Council.</i>
Proposed Regulation	§ __.27(i)(3) (i) <i>Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.</i> (ii) <i>For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.</i> (xiii) <i>In Subdistrict 5D you may take early-run salmon migrating up river before the first pulse of Chinook Salmon.</i>
OSM Preliminary Conclusion	Support FP17-02
Yukon-Kuskokwim Delta Regional Council Recommendation	
Western Interior Alaska Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	
Eastern Interior Alaska Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

**DRAFT STAFF ANALYSIS
FP17-02**

ISSUE

Proposal FP17-02 submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council (Council), requests Federally qualified subsistence users in Subdistrict 5D be allowed harvest of early arriving Chinook Salmon until subsistence fishing is closed to protect the first pulse of Chinook Salmon. This would allow Federally qualified subsistence users in portions of Subdistrict 5D access to a small number of Chinook Salmon while still protecting the main Chinook Salmon run.

DISCUSSION

Subsistence fishing on the Yukon River in Subdistrict 5D is open 7 days a week with no harvest limit for salmon, unless closed by the inseason managers for conservation purposes. On June 19th 2016, as the Chinook Salmon run began to build, the lower portion of Subdistrict 5D was restricted to fishing on the early segment of the run with 6-inch or smaller mesh size gillnets and fish wheels (ADF&G 2016a). On June 28th, 2016, subsistence fishing was closed to subsistence salmon fishing with gillnets and fish wheels to protect Chinook Salmon in the lower portion of Subdistrict 5D and followed sequentially to the middle and upper portions as the migration progressed upstream.

Few summer Chum Salmon migrate as far upriver as District 5 therefore, any subsistence opportunity provided would likely target Chinook Salmon, the majority of which are of Canadian-origin. Because few alternative fish species are available for subsistence harvest during the summer season, District 5 often experiences the most restrictive management measures. In an effort to increase harvest opportunity for Federally qualified subsistence users in Subdistrict 5D, the Council proposed allowing harvest of the early arriving Chinook Salmon. Federally qualified subsistence users would be able to harvest the early arriving Chinook Salmon until the first pulse of Chinook Salmon arrived in Subdistrict 5D which is often protected by a fishing closure. Local knowledge defines a pulse of salmon as an aggregate of fish entering the river and traveling upstream together (Bue 2016, pers. comm.). These aggregates of fish usually begin their river migration as a result of changing environmental condition such as tide and wind near the mouth of the river. The aggregates usually represent a mixed of fish that are bound for multiple streams, as they migrate upriver they cause an increase in the fish counts at the escapement projects. Closures to protect the first pulse of Chinook Salmon are not required for Subdistrict by regulation.

Existing Federal Regulation

Yukon-Northern Area –Salmon

*50 CFR§100.27 Subsistence taking of fish Year round
§ ____.27(i)(3) (i) Unless otherwise re-*

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

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

Proposed Federal Regulation

Yukon-Northern Area –Salmon

50 CFR§100.27 Subsistence taking of fish § __.27(i)(3) (i) Unless otherwise restricted in this section, you may take fish in the Yukon-Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section.

Year round

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

(xiii) In Subdistrict 5D you may take early-run salmon migrating up river before the first pulse of Chinook Salmon.

Existing State Regulation

Chapter 01. Subsistence Finfish Fishery.

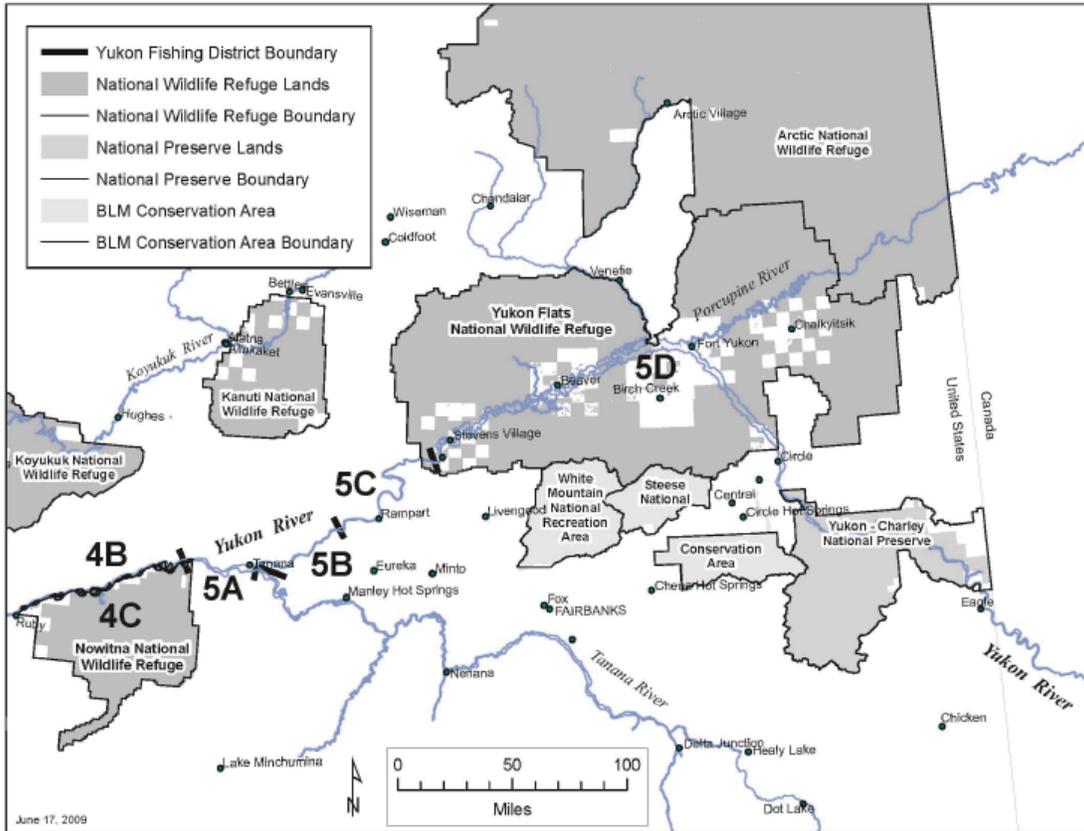
Article 4. Yukon Area.

5 AAC 01.210. Fishing seasons and periods.

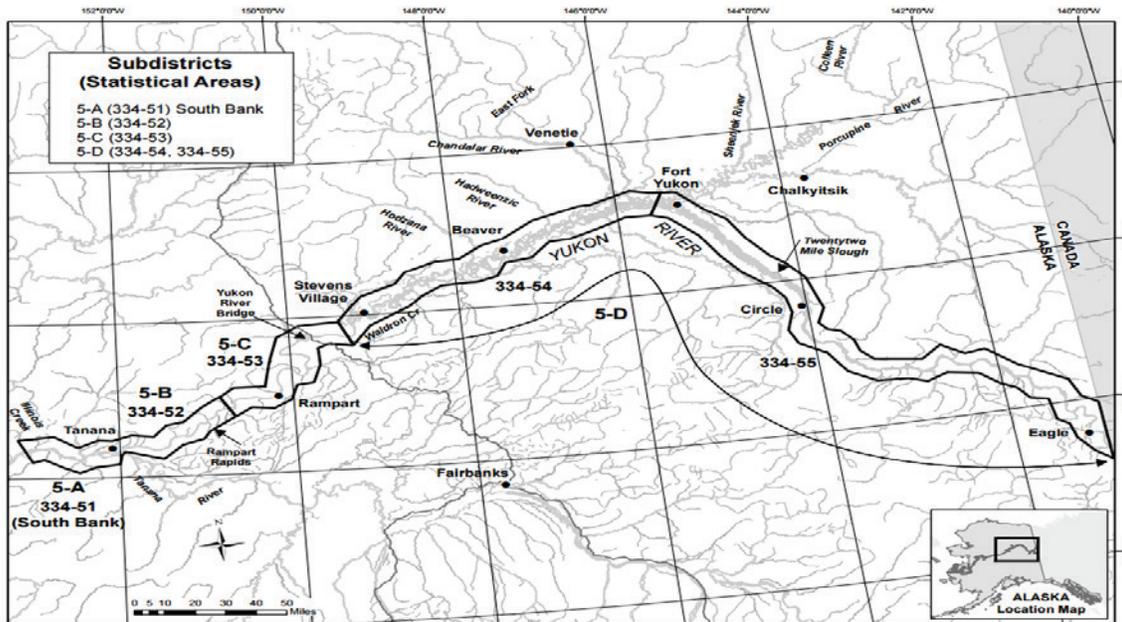
- (a) Unless restricted in this section, or in 5 AAC 01.220 – 5 ACC 01.249, salmon may be taken in the Yukon Area at any time.*
- (b) When there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indicators indicate it is necessary for conservation purposes. The fishing periods for subsistence salmon fishing in the Yukon River drainage will be established by emergency order as follow:
 - (1) Coastal District, Koyukuk River, Kantishna River, and Sub-district 5D: seven days per week.**

Extent of Federal Public Waters

The area addressed by this proposal includes all Federal public waters of the Yukon River. Federal public waters of the Yukon River watershed include all navigable and non-navigable waters, located within and adjacent to the exterior boundaries of the Innoko, Kanuti, Koyukuk, Nowitna, Tetlin, Yukon Flats, Yukon Delta National Wildlife Refuges (NWR); the Arctic NWR; the Denali Preserve; the 1980 additions to the Denali Park; the gates of the Arctic National Park and Preserve; the Wrangell–St. Elias National Park and Preserve; Yukon-Charley Rivers National Preserve; the Steese National Conservation Area; the White Mountain National Recreation Area, and Preserve, and those segments of the Wild and Scenic River system, of the Yukon River drainage, located outside the boundaries of these Federal Conservation System Units (i.e., portions of Beaver and Birch Creeks and the Delta, and the Fortymile Rivers). The area addressed by this proposal includes all Federal public waters of the Yukon River drainage in Subdistrict 5D, approximately from the village of Stevens Village upstream to the Canadian border. For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. (**Map 1 and Map 2**)



Map 1. Area map of Subdistrict 5D and surrounding Federal lands (ADF&G 2016d).



Map 2. Area map of Subdistrict 5D with local communities (ADF&G 2016d).

Customary and Traditional Use Determinations

For salmon other than Fall Chum Salmon, residents of the Yukon River drainage, and the community of Stebbins have a positive customary and traditional use determination. For freshwater fish (other than salmon) residents of the Yukon Northern Area have a positive customary and tradition use determination within the Yukon River Drainage.

Regulatory History

Since 2001, the Yukon River Chinook Salmon stock has been categorized as a “stock of yield concern” by the Alaska Board of Fisheries in accordance with the *Policy for the management of sustainable salmon fisheries* (5 AAC 39.222). This designation identifies a chronic inability to maintain expected yields or harvestable surpluses above a stock’s escapement needs despite restrictive management actions. Directed commercial fishing for Yukon River Chinook Salmon has been discontinued since 2007 and subsistence fishing opportunities have become increasingly more restrictive in an effort to conserve Chinook Salmon.

Management of the Yukon River salmon fishery is complex due to the (1) inability to determine stock-specific abundance and timing, (2) overlapping multi-species salmon runs, (3) efficiency of methods and means, (4) allocation issues, and (5) the immense size of the Yukon River drainage. The 2014 season was “the most conservatively managed Chinook Salmon season in recent history” (ADF&G 2014a). The management strategies implement in 2014 have continued to be in place through 2016 to conserve Chinook Salmon (ADF&G 2016). Once Chinook Salmon began travel through the fishing districts, closures were initiated. The closure would be implemented in fishing districts based on the migratory timing of the salmon. In 2016, the southern portion of the Coastal District was restricted to 6-inch mesh gillnets when Chinook entered the river. The northern portion of the Coastal District and Districts 1 through 4 and Subdistricts 5A, 5B and 5C were closed to gillnets as the first Chinook salmon migrated upriver. The Districts were reopened with dipnets, beach seines, and live-release fishwheels to ensure the live release of Chinook salmon. As Chinook Salmon entered Subdistrict 5D gillnets were restricted to 6-inch. Once Chinook Salmon began travel through the fishing districts, closures were initiated. The closure would be implemented in fishing districts based on the migratory timing of the salmon. During subsistence salmon fishing closures, non-salmon species were harvested by using 4-inch or smaller mesh size gillnets and targeting of Chinook Salmon was not allowed. Subsistence restrictions would be relaxed after the Chinook Salmon run has passed through each section of the river. Finally, sport fishing for Chinook Salmon was closed in the U.S. portion of the Yukon River drainage.

The Canadian Interim Management Escapement Goal of 42,500– 55,000 Chinook Salmon is based on the Eagle sonar program. In order to meet this goal, the passage at the Eagle sonar station must include a minimum of 42,500 fish for the Canadian escapement, plus provide for a subsistence harvest in upstream of the sonar (approximately 1,000–2,000 fish), and incorporate Canadian harvest sharing as dictated in the US/Canada Yukon River Treaty. Few summer Chum Salmon migrate as far upriver as Subdistrict 5 therefore, any subsistence opportunity provided would likely target Chinook Salmon, the majority of which are of Canadian-origin. Subsistence fishers have had very limited opportunities to harvest Chinook Salmon in the Yukon River drainage during years of low abundance.

While the 2016 Yukon River Chinook Salmon run is forecasted to be stronger than previous years, managers predicted a below average return (ADF&G 2016a). It was likely that conservation measures would be necessary to meet the IMEG of 42,000-55,000 Chinook Salmon. The 2016 drainage-wide Chinook Salmon forecast was for a run size of 130,000 to 175,000 fish. The upper end of this range was similar in size to the run observed in 2015 and would likely require subsistence harvest restrictions in order to assure escapement objectives are met. The first Chinook Salmon were caught in the Lower Yukon Test Fishery on May 17 and May 23 indicating that the 2016 Chinook Salmon run had begun entering the river (ADF&G 2016c). As Chinook Salmon move into District 5D, fishing remained open to allow harvest of the early Chinook Salmon ticklers (ADF&G 2016b). However, gillnet mesh size was restricted to no larger than 6-inches in an effort to conserve the larger bodied female component of the run. As the first pulse of Chinook Salmon move up the drainage, subsistence salmon fishing was closed under both State and Federal management actions to protect the migrating Chinook Salmon. The sport and commercial fisheries for Chinook Salmon were closed through the U.S. portion of the Yukon River drainage, excluding the Tanana River drainage. Restrictions for the Tanana Rivers drainage sport fishery were announced in early June.

Biological Background

Recent analyses indicate that Yukon River Chinook Salmon stocks appear to be in the 8th year of a multi-year period of low productivity. Historically, the Yukon River Chinook Salmon stocks show periods of above-average abundance (1982-1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013). Conservation efforts have been on going to help protect the fishery from further declines.

The 2016 drainage-wide Chinook Salmon outlook is for a run size of 130,000 to 175,000 fish. The upper ends of this range is similar in size to the run observed in 2015 and will require subsistence harvest restrictions in order to assure minimum escapement objectives are met. As in recent years, initial management will be based on the expectation that the 2016 Chinook Salmon run size will likely be near the lower end of this range. Although an optimistic projection, historically the estimated projection is still considered below average (JTC 2016).

Harvest History

Chinook Salmon subsistence harvests have been approximately 50,000 fish annually in the Alaskan portion of the Yukon River over the past 20 years. However, subsistence harvest levels of Chinook Salmon have declined since 1997 due to declining run abundance and resultant harvest restrictions. In recent years, subsistence fishing has increasingly targeted non-Chinook Salmon and other species such as whitefish. In order to allow continued subsistence opportunity throughout the season, subsistence fishing activity has been managed to avoid Chinook Salmon and allow the harvest of other fish species. Yukon River drainage District 5 includes the communities of Tanana, Rampart, Steven Village, Birch Creek, Beaver, Fort Yukon, Circle, Central, Eagle, Venetie and Chalkyitsik. District 5 harvested an estimated 5-year average (2001–2005) of 13,969 Chinook Salmon annually and 2006 – 2010 averaged 11,252 (Jallen et al. 2012). A decrease occurred in all 6 management districts. Household harvest surveys are not done with residents of Rampart, Circle, Central, Eagle, Manley, Minto, Nenana, and Healy. Instead, all Alaska residents fishing in these areas must obtain a State subsistence or personal use permit.

Cultural Knowledge and Traditional Practices

People who are members of Yup'ik Eskimo and *Deg Hit'an*, *Doy Hit'an*, Holikachuk, *Denaakk'e* (Koyukon), *Gwich'in*, *Han*, Tanana, Tanacross, or Upper Tanana Athabaskan cultural groups live in the 61 rural communities and have a customary and traditional use determination for Chinook Salmon in the District 5D of the Yukon River drainage in Alaska (**Table 1**). Settlement patterns since 1900 have been characterized by movement from nomadism to permanent settlements at important harvesting sites, around trading posts, and to send children to school. Others have moved to the area to work in education, government, mining, trade, and other industries (Clark 1981; Fienup-Riordan 1984, 1986; Haynes and Simeone 2007; Hosley 1981; Mishler and Simeone 2004; Nelson 1983; Slobodin 1981; Wolfe and Scott 2010; VanStone 1984; VanStone and Goddard 1981).

A major force of change affecting salmon harvest levels in the upper Yukon River drainage was the use of salmon to feed sled dogs described below.

The period from 1900 to 1940 encompasses the peak sled dog era in the Yukon River drainage . . . virtually every family maintained a small number of sled dogs In the 1930s airplanes began to replace commercial dog teams for the movement of freight and mail but sled dogs continued to provide the bulk of winter transportation for individuals and families throughout the Yukon River drainage (Andersen and Scott 2010:2–5).

By the 1970s snowmobiles had largely replaced the family dog team. Some people continue to keep dogs. In the upper Yukon River drainage no one reported harvesting Chinook Salmon for dog food in 2009, 2010, or 2011, nor during a survey conducted in 2008 that included the communities of Tanana and Fort Yukon (Andersen and Scott 2010; Jallen, Decker, and Hamazaki 2012; Jallen, Ayers, and Hamazaki 2012; Jallen and Hamazaki 2011). In 2011, an estimated 40,178 salmon were harvested for dog food in the upper Yukon River drainage (from Tanana, in District 5A, to the Canada Border, in District 5D). The

majority was fall Chum Salmon. Smaller amounts of summer Chum Salmon and Coho Salmon were also harvested to feed dogs.

In contrast to the lower and middle, the population in only the upper Yukon River (from Tanana, in District 5A, to the Canada border, in District 5D) drainage peaked between 1970 and 2000 and has since declined; the population increased by only 1.5% in the 50 years between 1960 and 2010 (**Table X**, ADCCED 2014). Villages are generally described as culturally affiliated with Koyukon, Gwich'in, and Han Athabascans (Clark 1981, Hosley 1981, Mishler and Simeone 2004, Nelson 1983, Slobodin 1981, Wolfe and Scott 2010, VanStone and Goddard 1981). Eagle City, Chicken, and Central were established as gold mining supply sites; however, most miners had left the area by 1910. Native and non-Natives worked on steamboats, in mines, and in wood chopping camps, as well as on traplines. In the 1970s land auctions attracted new residents to Eagle City. Gold miners continue to return to the area seasonally. Roads have linked Eagle with the Alaska Highway since the 1950s, the Steese Highway connected Central with Fairbanks in 1927, and the Dalton Highway (Haul Road) from Fairbanks crosses the Yukon River between the communities of Rampart and Stevens Village (Crow and Obley 1981, Hosley 1981).

A significant factor affecting the management of salmon fisheries in the upper Yukon River drainage is the three highway access points, described above. Federal regulations do not affect the State fisheries at the three highway access points because none are located on Federal public lands. The following is a description of salmon fishing patterns of communities that harvest salmon in District 5D.

Residents of Eagle and Eagle Village

People rely on large quantities of salmon, including Chinook Salmon, that they harvest from the upper Yukon River drainage in District 5D (Jallen, Decker, and Hamazaki 2012). More fall Chum Salmon are harvested than other salmon species. Historically fish, especially salmon, were a vital resource for Han people living in the Upper Yukon area encompassing District 5D (Mishler and Simeone 2004). Chinook Salmon pass Eagle Village around July 1 and continue for about a month. After a short break, the fall Chum Salmon run begins in mid-August and continues to late September. There are fishwheels harvesting salmon from Eagle Village to the Canadian border. "Up until the 1970s, Han families usually moved to their fish camps while the salmon were running" (Mishler and Simeone 2004:60). They processed Chinook Salmon for human consumption and Chum Salmon for dog food. They cut salmon fillets into long strips and smoked salmon, kippered and froze salmon, and smoked salmon fish eggs.

Residents of Chicken

The community of Chicken is situated on the Taylor Highway on a tributary of the Fortymile River and about 95 highway miles from Yukon River at the community of Circle. Salmon are not observed in the Fortymile River drainage in Alaska except a few Chum Salmon below the Taylor Highway bridge that crosses the Fortymile River about 46 miles from Chicken. No subsistence harvests of salmon have been reported by Chicken residents (Jallen, Decker, and Hamazaki 2012).

Residents of Beaver, Birch Creek, Circle, Fort Yukon, Venetie, Chalkyitsik, and Arctic Village

Most residents harvest more fall Chum Salmon than other salmon species from the upper Yukon River drainage (Jallen, Decker, and Hamazaki 2012). Five groups, or bands, of Gwich'in were centered historically in the Upper Yukon-Porcupine region of Alaska (Slobodin 1981). In 1983, Caulfield described the harvest of fish. "Traditionally fish were one of the most reliable and abundant food resources in the Upper Yukon-Porcupine region, and this fact remains true today . . . Harvest of fish was a major component of the annual cycle for bands" (Caulfield 1983:36).

Salmon are harvested primarily along the Yukon River . . . King salmon arrive at Fort Yukon during the end of June and are generally caught . . . during the early part of July. Chum Salmon arrive in August . . . The most intensive fishing activity for Chums takes place in late August and early September . . . King salmon are extremely oily and are usually cut into strips and hung to dry in smokehouses. King salmon heads are often split, dried, and used in soups . . . Several thousand Chums may be split and dried on racks in the fall for dog food (Caulfield 1983:74).

Additionally, "Chalkyitsik has traditionally been an important fishing site" located on the Salmon Fork of the Black River (Caulfield 1983:127). "The main reason for the . . . settlement was the presence of abundant source of whitefish which run down the nearby creek during the fall" (Nelson 1973:18). Traditional territory included the Porcupine and Black rivers. Some Chum Salmon were gaffed in the fall at spawning areas.

Residents of Arctic Village generally harvest salmon from the Chandalar River drainage above Venetie (ADF&G 1986; Caulfield 1983; Jallen, Decker, and Hamazaki 2012). Fall Chum Salmon account for the majority of salmon returning to the Chandalar River and begin to arrive in late July or early August. "Summer Chum Salmon, while not as abundant, have been intermittently observed in the Chandalar River. . . While Chinook Salmon are known to spawn in the Chandalar River, their actual abundance is unknown" (Melegari and Osborne 2008:1).

Residents of Central

Central residents harvest some salmon, primarily Chinook Salmon (Jallen, Decker, and Hamazaki 2012). Central is located on the upper reaches of Birch Creek and along the Steese Highway that connects Fairbanks to the community of Circle on the Yukon River, 33 highway miles away. They harvest salmon from the mainstem of the Yukon River, probably at Circle. Central was a mining supply site and telegraph maintenance station in the 1890s and early 1900s. Mining activity in the area continues today. Central also provides services to area residents (Hosely 1981; Jallen, Decker, and Hamazaki 2012).

Residents of Stevens Village

People harvest more Chinook or fall Chum Salmon than summer Chum or Coho Salmon (Jallen, Decker, and Hamazaki 2012). Chinook Salmon are generally available in the area from late June or early July through July and in some years into August. Late run Chinook Salmon are mixed with summer Chum

Salmon. Coho Salmon arrive by September. In 1984 Sumida (1986) wrote that all Chinook Salmon were prepared for human consumption, and only some entrails, backbones, and other discarded parts were fed to dogs. Summer Chum Salmon were used primarily for dog food, some fall Chum Salmon were prepared for human consumption and some were fed to dogs, and most Coho Salmon were used for dog food and some were prepared for human consumption. Most fish camps were located along the Yukon River mainstem from just below the Dalton Highway bridge (about 27 river miles downriver) to several miles above Stevens Village. Chinook Salmon were desired by all households in the community. They were cut, smoked, and dried in strips, frozen, salted, and/or canned. Fish heads and roe were sometimes processed for later use. Summer Chum and Coho Salmon were selectively cut for human consumption or dog food based in part on the quality of the fish, number of dogs, and the number of Chinook Salmon already harvested. Salmon for dog food were handled with less care (Sumida 1986). In 2007, about 40% of Stevens Village households had fish camps where they processed and smoked salmon. Most fishing sites were located downriver from the community about halfway to the Dalton Highway bridge where a few fish camps had seasonal occupants from outside the area. The average use of a particular fish camp by a family was 51 years. Sled dogs were common in Stevens Village (Wolfe and Scott 2010). Wolfe and Scott (2010) quoted from a Stevens Village resident describing the traditional use area and the impact of the Dalton Highway bridge.

You know all these villages of the Interior originally were separate bands Every band or village had its traditional hunting and fishing ground that the other bands recognized. Traditionally, the Stevens Village people's traditional use area was forty miles upriver [from the Yukon bridge] halfway to Beaver Village, around Marten Island, then north back to the foothills, south to Hess Creek. On the western edge, the traditional boundary was at the Ray River area, which is now where the Dalton Highway crosses the Yukon. Traditionally, at that Ray River area for a few miles on either side was like an overlap of Rampart people and Stevens Village people.

Now and more contemporary times, with the advent of state fishing regulations and with this road, that traditional type area is not recognized anymore [by outsiders]. You have nonlocal Natives will come in and set up camp right off the road, like you saw last night. In more traditional times, they would ask permission from the tribe of whose area they were in. That's kind of still a little bit in practice, but not so much, because nowadays people travel, and even Native peoples kind of abide by the state and federal hunting and fishing boundaries and permitting system rather than the traditional form of governance over traditional tribal fishing and hunting boundaries (Wolfe and Scott 2010:28–29).

Residents of Rampart

Rampart is located in District 5C downriver from District 5D. People harvest more Chinook and fall Chum Salmon than summer Chum or Coho Salmon (Jallen, Decker, and Hamazaki 2012). People have fish camps up to the Dalton Highway bridge (in District 5D). A stretch of river below the bridge is used by residents of Stevens Village and Rampart. Wolfe and

Table 1. The number of people in the customary and traditional use determination for Chinook Salmon in District 5D of the upper Yukon River drainage, by community and Fishery Management District, 1960-2010.

U.S. CENSUS POPULATION							
Community	1960	1970	1980	1990	2000	2010	2010 number of households
Stebbins city	158	231	331	400	547	556	134
Outside drainage subtotal	158	231	331	400	547	556	134
Alakanuk city	278	265	522	544	652	677	160
Nunam Iqua city	125	125	103	109	164	187	43
Emmonak city	358	439	567	642	767	762	185
Kotlik city	57	228	293	461	591	577	128
District 1 subtotal	818	1,057	1,485	1,756	2,174	2,203	516
Mountain Village city	300	419	583	674	755	813	184
Pitkas Point CDP	28	70	88	135	125	109	31
Saint Marys city	260	384	382	441	500	507	151
Pilot Station city	219	290	325	463	550	568	121
Marshall city	166	175	262	273	349	414	100
District 2 subtotal	973	1,338	1,640	1,986	2,279	2,411	587
Russian Mission city	102	146	169	246	296	312	73
Holy Cross city	256	199	241	277	227	178	64
Shageluk city	155	167	131	139	129	83	36
District 3 subtotal	513	512	541	662	652	573	173
Anvik city	120	83	114	82	104	85	33
Grayling city	0	139	209	208	194	194	55
Kaltag city	165	206	247	240	230	190	70
Nulato CDP	183	308	350	359	336	264	92
Koyukuk city	128	124	98	126	101	96	42
Huslia city	168	159	188	207	293	275	91
Hughes city	69	85	73	54	78	77	31
Allakaket city	115	174	163	170	97	105	44
Alatna CDP				31	35	37	12
Bettles city	77	57	49	36	43	12	9
Evansville CDP	77	57	45	33	28	15	12
Wiseman CDP	0	0	8	33	21	14	5
Coldfoot CDP					13	10	6
Galena city	261	302	765	833	675	470	190
Ruby city	179	145	197	170	188	166	62
District 4 subtotal	1,542	1,839	2,506	2,582	2,436	2,010	754
Tanana city	349	120	388	345	308	246	100
Rampart CDP	49	36	50	68	45	24	10
Stevens Village CDP	102	74	96	102	87	78	26
Beaver CDP	101	101	66	103	84	84	36
Fort Yukon city	701	448	619	580	595	583	246
Chalkyitsik CDP	57	130	100	90	83	69	24

Continued on next page

Table 1. Continued from previous page

U.S. CENSUS POPULATION							
Community	1960	1970	1980	1990	2000	2010	2010 number of households
Arctic Village CDP	110	85	111	96	152	152	65
Venetie CDP	107	112	132	182	202	166	61
Birch Creek CDP	32	45	32	42	28	33	17
Circle CDP	41	54	81	73	100	104	40
Chicken CDP	0	0	0	0	17	7	5
Central CDP	28	26	36	52	134	96	53
Eagle Village CDP	0	0	54	35	68	67	31
Eagle city	92	36	110	168	129	86	41
District 5 subtotal	1,769	1,267	1,875	1,936	2,032	1,795	755
Livengood CDP					29	13	7
Manley CDP	72	34	61	96	72	89	41
Minto CDP	161	168	153	218	258	210	65
Whitstone CDP						97	22
Nenana city	286	362	470	393	402	378	171
Four Mile Road CDP					38	49	14
Healy CDP	67	79	334	487	1,000	1,021	434
McKinley Park CDP	0	0	60	171	142	185	109
Anderson city	341	362	517	628	367	246	90
Ferry CDP				56	29	33	17
Lake MinChumina CDP	0	0	22	32	32	13	6
Cantwell CDP	85	62	89	147	222	219	104
Delta Junction city	0	703	945	652	840	958	377
Fort Greely CDP	0	1,820	1,635	1,299	461	539	236
Deltana CDP					1,570	2,251	784
Healy Lake CDP	0	0	33	47	37	13	7
Big Delta CDP	0	0	285	400	749	591	206
Dry Creek CDP	0	0	0	106	128	94	29
Dot Lake CDP	56	42	67	70	19	13	7
Dot Lake Village CDP					38	62	19
Tanacross CDP	102	84	117	106	140	136	53
Tetlin CDP	122	114	107	87	117	127	43
Tok CDP	129	214	589	935	1,393	1,258	532
Northway CDP	196	40	73	123	95	71	27
Northway Jct. CDP	0	0	0	88	72	54	20
Northway Village CDP						98	
Alcan border CDP	0	0	0	27	21	33	16
Nabesna CDP						5	3
District 6 subtotal	1,617	4,084	5,557	6,168	8,271	8,856	3,439
TOTAL	7,390	10,328	13,935	15,490	18,391	18,404	6,358

CDP=Census Designated Place.

Black cell=information is not available.

Source: ADCCED 2014.

Effects of the Proposal

If FP17-02 were adopted, it would give Federally qualified subsistence users in Subdistrict 5D the ability to harvest early arriving Chinook Salmon, migrating through portions Subdistrict 5D, without action from the Federal inseason manager, provided a surplus is available for harvest. In times of low Chinook Salmon abundance, when conservation actions are required, the inseason manager may still impose a subsistence fishing schedule and/or gear restrictions through Federal Special Actions. Since 2014, Federally qualified subsistence users have been allowed to harvest the earliest returning Chinook Salmon with gear restrictions. Once the first pulse of Chinook Salmon arrived in the subdistrict, the inseason manager issued a closure to protect the salmon pulse. If this proposal were adopted, the Federally qualified subsistence users in Subdistrict 5D would have that same opportunity as they have had in recent years without a Federal Special Action.

OSM PRELIMINARY CONCLUSION

Support Proposal FP17-02

Justification

Adoption of this proposal would result in continued opportunity for Federally qualified subsistence users in portions of Subdistrict 5D adjacent to Federal Management Units to harvest the earliest returning Yukon River Chinook Salmon. Since 2014, Federally qualified subsistence users were allowed to harvest Chinook Salmon until the inseason manager closed the district to protect the first pulse of Chinook Salmon. Adoption of this proposal would provide a preference to Federally qualified subsistence users to continue harvesting the earliest Chinook Salmon arriving in Subdistrict 5D without a Federal Special Action when the remaining waters not adjacent to Federal Management Units are closed.

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FP17-03 Executive Summary	
General Description	Proposal FP17-03 is a request to allow subsistence drift gillnet fishing for Chum Salmon in the lower portion of the Yukon River Subdistrict 4A annually between Jun. 10 and Aug. 2. <i>Submitted by: Western Interior Alaska Subsistence Regional Advisory Council.</i>
Proposed Regulation	<p><i>50CFR§100.27 Subsistence Taking of Fish</i></p> <p><i>(e)(3) Yukon-Northern Area</i></p> <p><i>(xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:</i></p> <p><i>(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2.</i></p> <p><i>(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, unless closed by the Federal In-season Manager; from June 10 through August 2, the Federal In-season Manager may open fishing periods during which Chum salmon may be taken by drift gillnets.</i></p>
OSM Preliminary Conclusion	Support Proposal FP17-03 with modification to include the proposed changes to the upper section of Yukon River Subdistrict 4A as well.
Western Interior Alaska Regional Council Recommendation	
Yukon Kuskokwim Delta Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	

Eastern Interior Alaska Regional Council Recommendation	
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Council recommendation and Federal Board action on the proposal.
ADF&G Comments	
Written Public Comments	None

**DRAFT STAFF ANALYSIS
FP17-03**

ISSUE

Proposal FP17-03, submitted by the Western Interior Alaska Subsistence Regional Advisory Council, seeks to allow subsistence drift gillnet fishing for Chum Salmon in the lower portion of the Yukon River Subdistrict 4A annually between June 10 and August 2.

DISCUSSION

The proponent's intent is to amend the current Federal regulations to match that of the State regulations for Subdistrict 4A downstream of the mouth of Stink Creek. The proposed change would make State and Federal regulations consistent by allowing Federally qualified subsistence users to have the same subsistence opportunities for targeting summer Chum Salmon with drift gillnets during times of Chinook Salmon conservation. The Federal in-season manager can already modify gear, time, and area, while the State manager has authority over time and area, but not gear.

Existing Federal Regulation

Yukon-Northern Area—Salmon

50CFR§100.27 Subsistence Taking of Fish

(e)(3) Yukon-Northern Area

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

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

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

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

Proposed Federal Regulation

Yukon-Northern Area—Salmon

50CFR§100.27 Subsistence Taking of Fish

(e)(3) Yukon-Northern Area

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

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

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

*(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, **unless closed by the Federal In-season Manager; from June 10 through August 2, the Federal In-season Manager may open fishing periods during which Chum salmon may be taken by drift gillnets.***

Existing State Regulation

Yukon Area—Subsistence Finfish Fishery

Chapter 01. Subsistence Finfish Fishery.

Article 4. Yukon Area.

5 AAC 01.220. Lawful gear and gear specifications

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

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

(1) In Subdistrict 4A upstream from the mouth of Stink Creek,

(A) king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;

(B) from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets; and

(C) chum salmon may be taken by drift gillnets after August 2

(2) In Subdistrict 4A downstream from the mouth of Stink Creek

(A) king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;

(B) from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets;

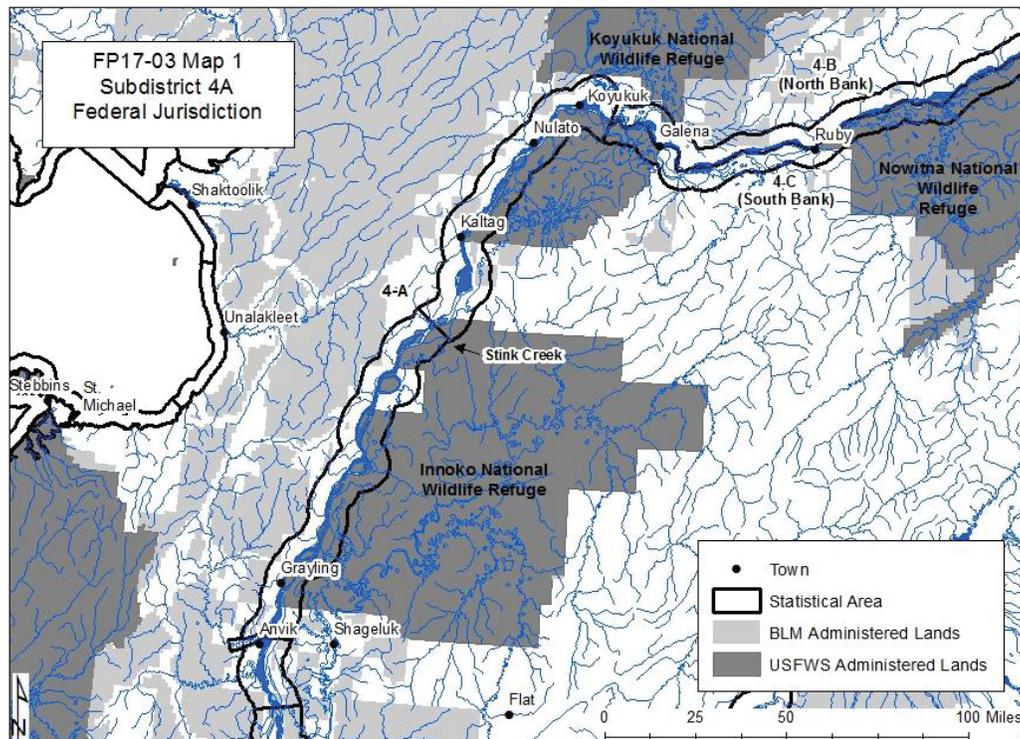
(3) A person may not operate a drift gillnet that is more than 150 feet in length during the seasons described in (1) and (2) of this subsection.

Extent of Federal Public Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are those portions of the Yukon River located adjacent to Innoko National Wildlife Refuge in District 4, specifically State of Alaska Subdistrict 4A.

Per 5 AAC 05.200, Subdistrict 4A consists of that portion of the Yukon River drainage from an ADF&G regulatory marker at the mouth of an unnamed slough three-fourths of a mile downstream from Old Paradise Village upstream to the tip of Cone Point (**Map 1**).

Communities located in the lower section of Subdistrict 4A include Anvik and Grayling; while the upstream communities include Kaltag, Nulato, Koyukuk, and Galena.



Customary and Traditional Use Determinations

Residents of the Yukon River drainage have a customary and traditional use determination for all salmon in Subdistrict 4A of the Yukon River drainage

Regulatory History

State of Alaska Regulatory History

Historically, Subdistrict 4A has had relatively minor State subsistence regulation changes compared to other subdistricts in the surrounding area. Outlined below is a brief summary of State regulatory changes and thoughts pertaining to the use of drift gillnets in Subdistrict 4A.

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

In 1981, drift gillnets were again allowed for subsistence Chinook Salmon harvest in Subdistrict 4A upstream from the mouth of Stink Creek.

In 1994, the Alaska Board of Fisheries questioned the need for drift gillnets to provide for adequate subsistence opportunity. State staff comments suggested that at that time it did not appear necessary (ADF&G 2001). The Alaska Board of Fisheries stated that the Alaska Department of Fish and Game could allow increased time for subsistence fishing with other gear types by Emergency Order, as an alternative, if subsistence needs were not being met. No Alaska Board of Fisheries action was taken.

During the 1995 season, the remainder of Subdistrict 4A, below Stink Creek, was reopened to the use of drift gillnets for subsistence Chinook Salmon harvest.

In March 2015, the Alaska Board of Fisheries adopted a new regulation that allowed the use of drift gillnets to harvest summer Chum Salmon for subsistence purposes during times of Chinook conservation from June 10 through August 2, by emergency order, in the upper portion of Subdistrict 4A [5 AAC 01.220(e)(1)].

In January 2016, the Alaska Board of Fisheries adopted the same regulations [5 AAC 01.220 (e) (2)] in the lower portion of the Subdistrict 4A.

Federal Regulatory History

Federal regulatory history in Subdistrict 4A is limited and, until recently, has mirrored State regulatory changes in the area.

Since October 1999, Federal subsistence management regulations for the Yukon-Northern Area stipulated that, unless otherwise restricted, rural residents may take salmon in the Yukon-Northern Area at any time by gillnet, beach seine, fish wheel, or rod and reel unless exceptions are noted.

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

Currently, Federal regulations in both the upper and lower portions of Subdistrict 4A are not consistent with State regulations adopted by the Alaska Board of Fisheries in March 2015 and January 2016. This proposal seeks to alleviate this difference for the downstream section of Subdistrict 4A.

Biological Background

Chinook Salmon

Recent analyses indicate that Yukon River Chinook Salmon stocks appear to be in the 8th year of a multi-year period of low productivity. Historically, the stocks show periods of above-average abundance (1982-

1997) and periods of below-average abundance (1998 onwards), as well as periods of generally higher productivity (brood years 1993 and earlier) mixed with years of low productivity (brood years 1994-1996 and 2002-2005; Schindler et al. 2013).

The 2014 run was expected to be the smallest on record, with a projected size of 64,000-121,000 fish. Despite initial concerns, the cumulative passage estimate at the mainstem Yukon River sonar project in Pilot Station was approximately 138,000±17,000 (90% CI) fish (**Figure 1**). The passage estimate was still below the historical average of 143,000 fish and below the average of 195,800 fish for years with early run timing. Even with below average run sizes, all escapement goals that could be assessed were achieved (JTC 2015).

The 2015 projected run size was 118,000-140,000 fish, which was once again below average but higher than the previous year's projection. Cumulative passage estimates at the sonar station in Pilot Station were approximately 116,000±30,000 fish (90% CI) (**Figure 1**). As with the previous year, this number was still below the historical average. All escapement goals were again met (JTC 2016).

The 2016 run outlook is a below-average run of 130,000–176,000 fish (**Figure 1**) (JTC 2016). As of July 17, the cumulative Chinook Salmon passage at the sonar project near Pilot Station was approximately 175,000 fish. Preliminary run timing dates suggest the 2016 Chinook salmon run was up to four days earlier than the historical average run timing (ADFG News Release)

Summer Chum Salmon

Summer Chum Salmon runs in the Yukon River have provided a harvestable surplus in each of the last 13 years, 2003-2015. In 2014, the projected outlooks were for a run size of approximately 1.3-1.5 million fish, while the 2015 projection was approximately 1.8-2.4 million fish.

In 2014, approximately 1.9 million ±100,000 (90% CI) fish passed the Yukon River sonar project at Pilot Station, which was identical to the historical median for the project. In 2015, the passage estimate at Pilot Station dropped slightly to 1.4 million ±100,000 (90% CI) (**Figure 2**). Most tributaries experienced average to above-average escapement in 2015, with the exception of the Anvik and Salcha rivers, which had below-average escapements (JTC 2015, JTC 2016). The 2016 projections are slightly lower than the 2015 total run size estimate of 1.8 million summer Chum Salmon. The 2016 run is anticipated to provide for escapements, normal subsistence harvest, and a surplus for commercial harvest (JTC 2015, JTC 2016). As of July 17, the cumulative summer Chum Salmon passage at the sonar project near Pilot Station is approximately 1,900,000 fish, which is above the historical cumulative median of 1,700,000 fish for this data. The escapement goal of at least 40,000 summer Chum Salmon at the East Fork Andreafsky River weir was achieved on July 10. Summer Chum Salmon passage estimates at the Gisasa and Henshaw creek weirs are well above average for this date; however summer Chum Salmon passage at the Anvik sonar project is below average for this date (ADFG News Release).

Harvest History

Chinook Salmon

The 2014 Chinook Salmon subsistence harvest of 2,720 fish was the lowest on record for the Alaska portion of the Yukon River drainage. Harvest increased slightly to approximately 6,640 Chinook Salmon in 2015 (**Figure 3**). Although the increase looks large when comparing successive years, both of these harvest numbers are still well below the 5-year subsistence harvest average (2011-2015) of 17,774 fish and well below the 2006-2010 average of 44,308 (JTC 2015, JTC 2016) .

Subdistrict 4A's harvest trends appear to follow the same trajectory as the Yukon River, with severely declining harvest after 2010. The subdistrict's subsistence harvest comprised around 19% of the total subsistence harvest from the Yukon River, until 2014 when the subdistrict's harvest plummeted to 2% (**Figure 3, Figure 4**) On average, the communities surrounding the upstream section of Subdistrict 4A tends to harvest a larger portion compared to the downstream section (Estensen et al. 2015) (**Table 1**).

Summer Chum Salmon

In 2014, subsistence users in the Alaska portion of the Yukon River harvested 74,240 summer Chum Salmon. Preliminary 2015 estimates show a marked decrease, with only 62,803 fish harvested (**Figure 5**). In both years subsistence harvest was below the recent 5-year average of 82,098 fish (JTC 2015, JTC 2016).

Subsistence harvest in the communities surrounding Subdistrict 4A has historically averaged around 7% of the total Yukon River harvest. The subdistrict's harvest trends follow the total Yukon River harvest very well (**Figure 5, Figure 6**). Since 2004, communities surrounding the upstream section in Subdistrict 4A tend to have slightly larger subsistence harvest than the downstream section. (Estensen et al. 2015; **Table 2**).

Cultural Knowledge and Traditional Practices

The use and importance of salmon and other non-salmon species for Yukon River communities has been documented through oral histories and harvest surveys conducted in the area. Historically, many Yukon communities followed a semi-nomadic, subsistence lifestyle, spending time at seasonal camps, migrating with the resources and harvesting various species of fish, along with hunting and gathering subsistence resources. Humans have lived in the Yukon area for over 10,000 years and fishing was a family and community activity, deeply ingrained in to the cultures of the people in this area. People traditionally used weirs and fish traps, and nets made of animal sinew and willow bark and more recently employed set nets along with fish wheels for salmon at their fish camps. Multi-generational family groups would travel to seasonal camps to harvest fish and wildlife. Although fewer young people spend time at seasonal camps now due to employment, school, and other responsibilities, subsistence fishing continues to be important for communities up and down the river. According to surveys, many older people recalled whole families spending long hours at their fish camps, harvesting, processing, and preserving fish. Children learned about subsistence activities from their elders at fish camp (Brown, Koster, and Koontz 2010; Brown and Godduhn 2015).

Customary trade of fish is an important part of continuing trade networks in rural areas of Alaska. Salmon fishing takes place in the summer and timing is based on the runs for various species. Local residents also use nets under the ice to fish for pike, whitefish, or sheefish in the spring before breakup. Communities have used various types of nets and fish wheels to harvest fish through the generations. Fish wheels are used less now than they were in the past when people were catching more fish to feed sled dogs, but are still used in some areas, mainly to catch fish for human consumption (Brown, Koster, and Koontz 2010). Chum salmon, once primarily used for dog food, was caught using nets set from the shore but is now consumed by people in the US and overseas. As more village runways were built, increasing air travel, and more snow machines were brought to the villages, the dependency on sled dogs was reduced, reducing the need for harvesting fish to feed dogs (Brown, Koster, and Koontz 2015).

Salmon is considered the most reliable and significant subsistence resource on the Lower Yukon River. Salmon has always been an important part of the culture, economically and socially, and the knowledge of how to catch, process, and preserve fish has been passed down from generation to generation. Before contact by outsiders dried fish was regularly traded between Yukon villages along with other commodities such as furs and sea mammal products (Wolfe 1981).

Yukon River residents are dependent on the harvest of salmon, especially Chinook Salmon, for both subsistence and commercial uses. Some people in places like Nulato, for example, became more interested in the cash earned from commercial fishing than in spending time at their fish camps for subsistence fishing. Starting in the late 1990s, Chinook Salmon began to decline so people harvested more summer and fall Chum Salmon along with other subsistence resources (Brown and Godduhn 2015).

In the 1960s, people started using gillnets to drift fish for salmon for personal and commercial use. Today fishing still plays an important cultural role in the communities along the lower and middle Yukon River, and the knowledge of how and when to fish is still passed down from generation to generation.

Effects of the Proposal

Adopting this proposal as submitted will allow Federally qualified subsistence users located in the lower portions of Subdistrict 4A the opportunity to harvest summer Chum Salmon with drift gillnets during times of Chinook Salmon conservation. This would provide more harvest opportunity for the affected communities when summer Chum Salmon are abundant and harvest of Chinook Salmon is limited. It also gives discretion to the Federal in-season manager, who can control the opening and closing of the driftnet harvest, based on the best-available data of salmon runs and timing in the area. Effects on summer Chum Salmon and Chinook Salmon are negligible as the State already allows drift gillnets in Subdistrict 4A during times of Chinook Salmon conservation.

Although increased opportunities of subsistence harvest for Federally qualified users is a large part of what this document covers, the crux of the proposal is to fix the inconsistency between State and Federal regulations pertaining to Subdistrict 4A. Currently, Federal regulations in both the upper and lower portions of Subdistrict 4A are not consistent with State regulations recently adopted by the Alaska Board of Fisheries. If adopted, this proposal would make State and Federal management consistent in the downstream area, but does not alter the upstream area consistency.

In discussions with the Subsistence Specialist for the Koyukuk/Nowitna/Innoko National Wildlife Refuge, it was noted that some local Federally qualified subsistence users in the lower section of Subdistrict 4A would prefer to have the same regulations as the upper section of Subdistrict 4A, which would allow Federally qualified subsistence users to utilize drift gillnets to harvest Chum Salmon after August 2. The reasoning behind this is that Chum Salmon arriving before August 2 can be of good quality, but a majority of them are pretty close to spawning. As the current regulations exist, fishermen can only use set nets, which have very limited quality locations. As local fishermen see it, the extension of the drift gillnet fishing season matching the upper section of Subdistrict 4A would grant them increased harvest opportunities for quality fish other than Chinook Salmon during times of Chinook conservation (Havener 2016, pers. comm.).

OSM PRELIMINARY CONCLUSION

Support Proposal FP17-03 **with modification** to include the proposed changes to the upper section of Subdistrict 4A.

The modified regulation should read:

Yukon-Northern Area—Salmon

50CFR§100.27 Subsistence Taking of Fish

(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

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

*(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2, **unless closed by Federal Special Action; from June 10 through August 2, the Federal In-season Manager may open fishing periods during which Chum Salmon may be taken by drift gillnets.***

*(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, **unless closed by Federal Special Action; from June 10 through August 2, the Federal In-season Manager may open fishing periods during***

which Chum Salmon may be taken by drift gillnets.

Justification

Adoption of this proposal will provide more harvest opportunity for Federally qualified subsistence users in the affected communities to meet their subsistence salmon needs during times of Chinook Salmon conservation and when summer Chum Salmon concurrently abundant.

Adding the same regulations as the downstream section of Subdistrict 4A to the upstream section of sub-district 4A would make Federal and State regulations consistent. It would also provide managers the ability to enact separate restrictions to the subdistrict areas should the need arise.

While the suggested modifications would address the upper section of Subdistrict 4A, it is important to note that although State and Federal regulations will mirror each other, there will still remain a discrepancy amongst regulations in the upper and lower sections of the subdistrict. The upper area of the subdistrict allows Chum Salmon harvest via gillnet after August 2, while the lower area does not.

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Table 1. Chinook Salmon subsistence harvest totals from communities downstream and upstream of the mouth of Stink Creek, as estimated from postseason survey, returned permits and test fishery projects, Yukon Area, 2004-2015. The totals from downstream are from the communities of Anvik and Grayling, while the totals from upstream are from Kaltag, Nulato, Koyukuk, and Galena (Estensen et al. 2015).

Year	Downstream	Upstream	Subdistrict 4A	Yukon Total
2004	3,457	10,551	10,672	53,675
2005	3,084	9,376	9,602	52,561
2006	2,660	8,755	9,102	47,710
2007	2,821	7,209	7,557	53,976
2008	3,194	6,398	7,000	43,694
2009	1,929	5,873	6,771	32,900
2010	3,191	8,404	8,679	43,259
2011	2,426	6,809	8,932	40,211
2012	1,516	4,657	7,127	28,311
2013	347	2,123	2,123	10,991
2014	3	63	63	2,718
2015	N/A	N/A	N/A	6,640

Table 2. Summer Chum Salmon subsistence harvest totals from communities downstream and upstream of the mouth of Stink Creek, as estimated from postseason survey, returned permits and test fishery projects, Yukon Area, 2004-2015. The totals from downstream are from the communities of Anvik and Grayling, while the totals from upstream are from Kaltag, Nulato, Koyukuk, and Galena (Estensen et al. 2015).

Year	Downstream	Upstream	Subdistrict 4A	Yukon Total
2004	1,916	2,836	4,752	69,672
2005	1,377	1,522	2,899	78,902
2006	1,312	2,864	4,176	90,907
2007	1,031	2,596	3,627	76,805
2008	5,891	2,031	7,922	68,394
2009	1,000	3,246	4,246	67,742
2010	1,706	3,279	4,985	65,948
2011	2,063	2,572	4,635	77,715
2012	1,058	4,713	5,771	103,751
2013	3,987	1,986	5,973	91,979
2014	1,448	5,106	6,554	74,240
2015	N/A	N/A	N/A	62,803

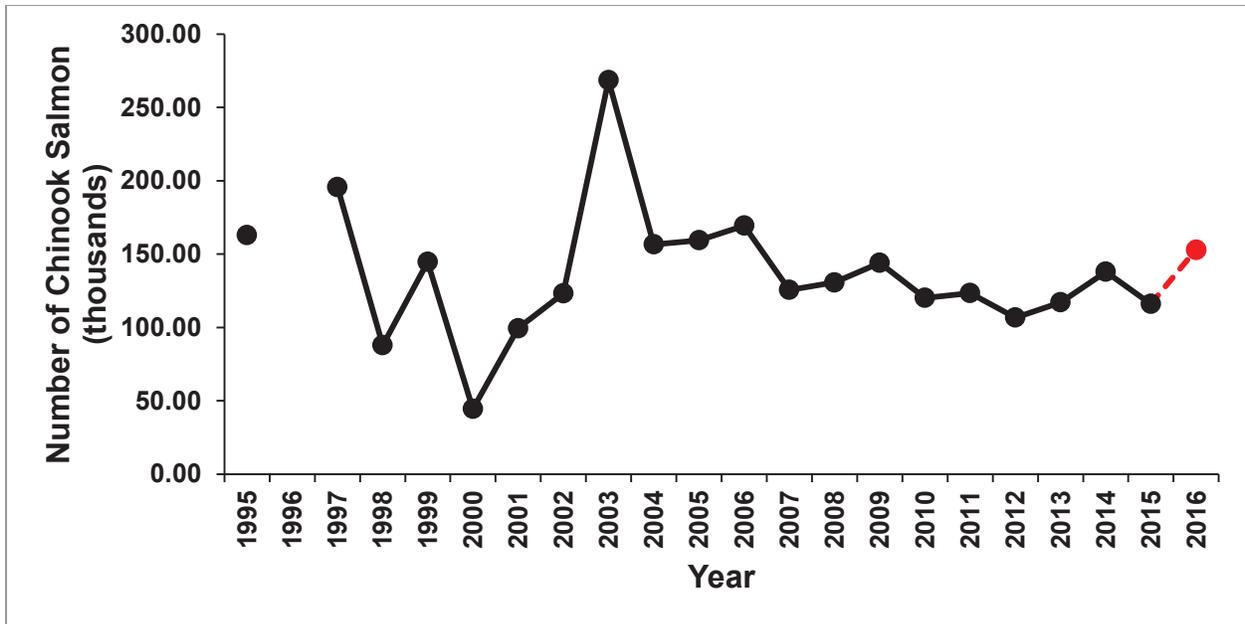


Figure 1. Chinook Salmon passage estimates based on the mainstem Yukon River sonar near Pilot Station, Yukon River drainage, 1995 and 1997-2015, with 2016 projection (JTC 2016, Appendix A2.). Red dashed line indicates the 2016 Chinook salmon passage outlook.

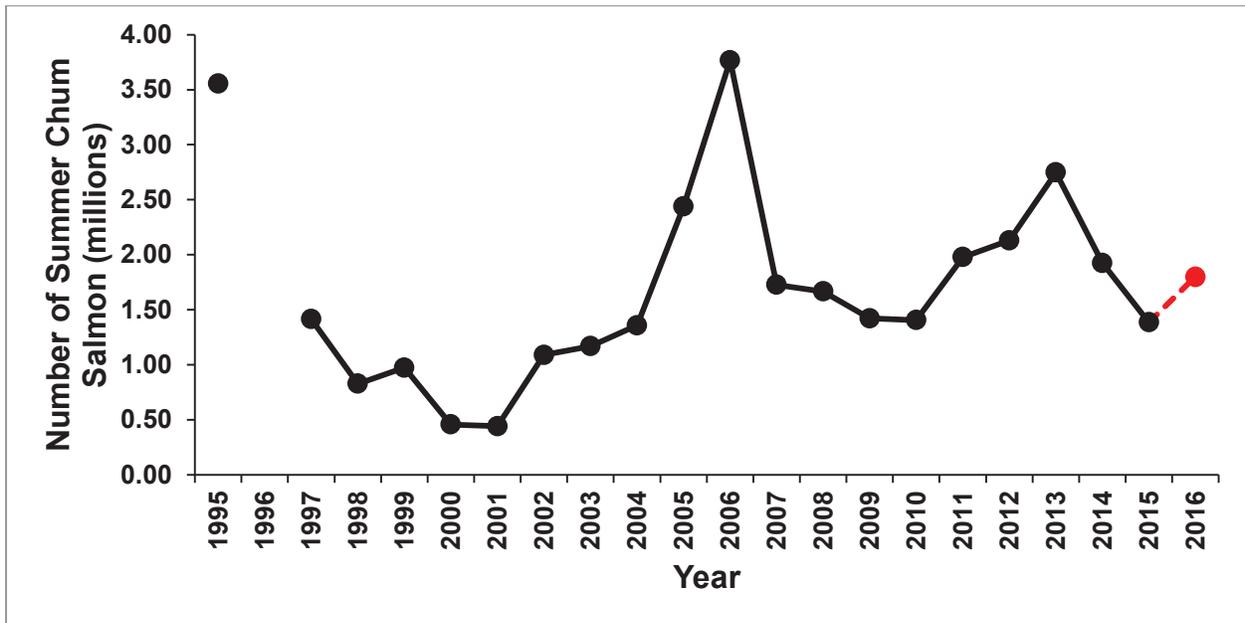


Figure 2. Summer Chum Salmon passage estimates based on the mainstem Yukon River sonar near Pilot Station, Yukon River drainage, 1995 and 1997-2015, with 2016 projection (JTC 2016, Appendix A2.). Red dashed line indicates the 2016 Summer Chum salmon passage outlook.

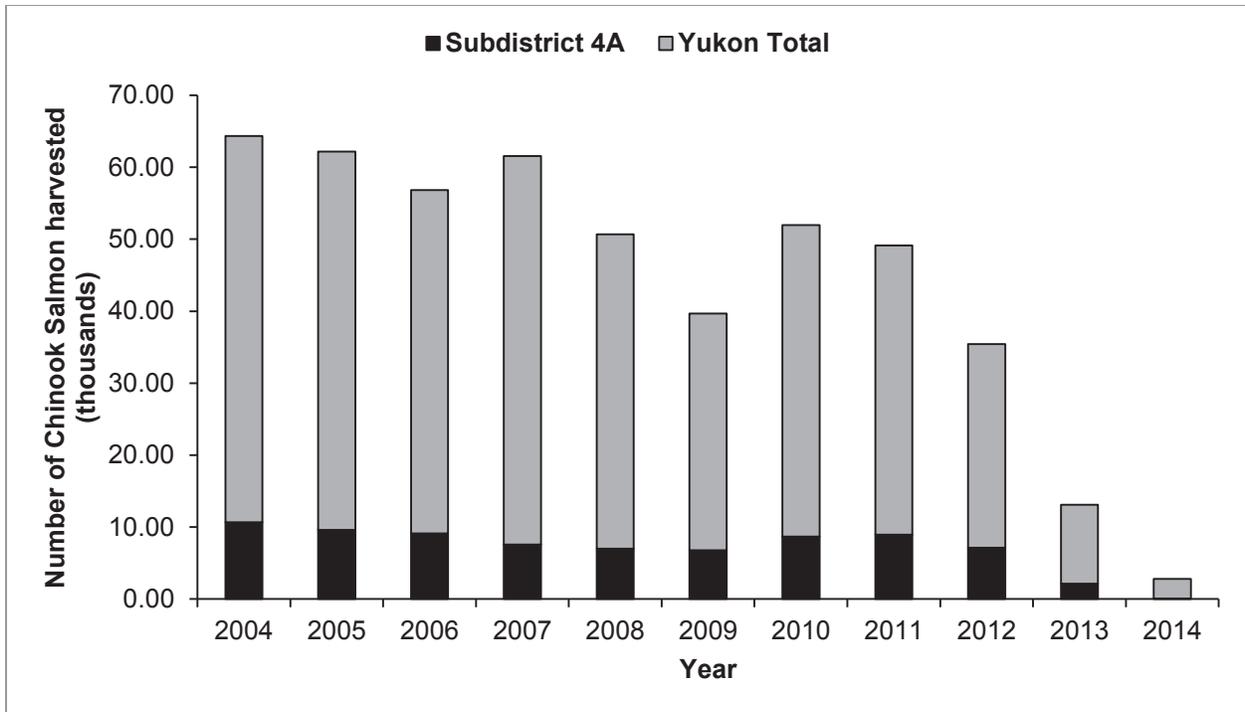


Figure 3. Comparison of Chinook Salmon subsistence harvest in communities surrounding Subdistrict 4A and the Yukon River from 2004 to 2014 (Estensen et al. 2015).

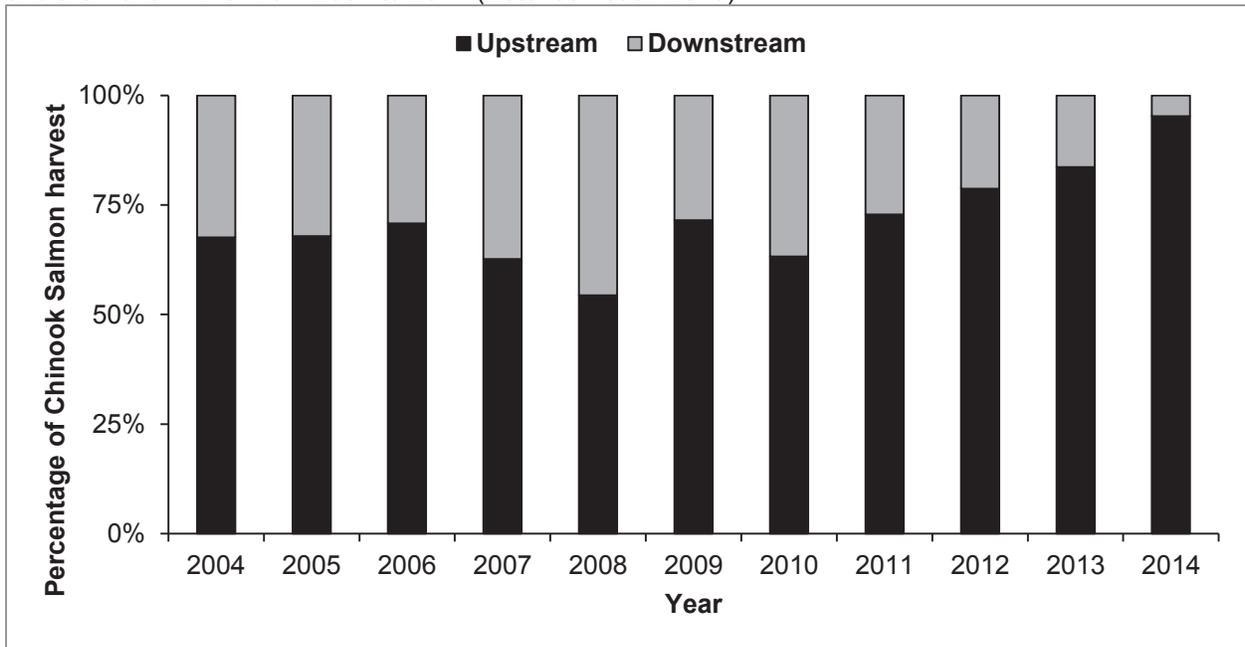


Figure 4. Comparison of upstream and downstream Chinook Salmon subsistence harvest in communities surrounding Subdistrict 4A from 2004-2014 (Estensen et al. 2015).

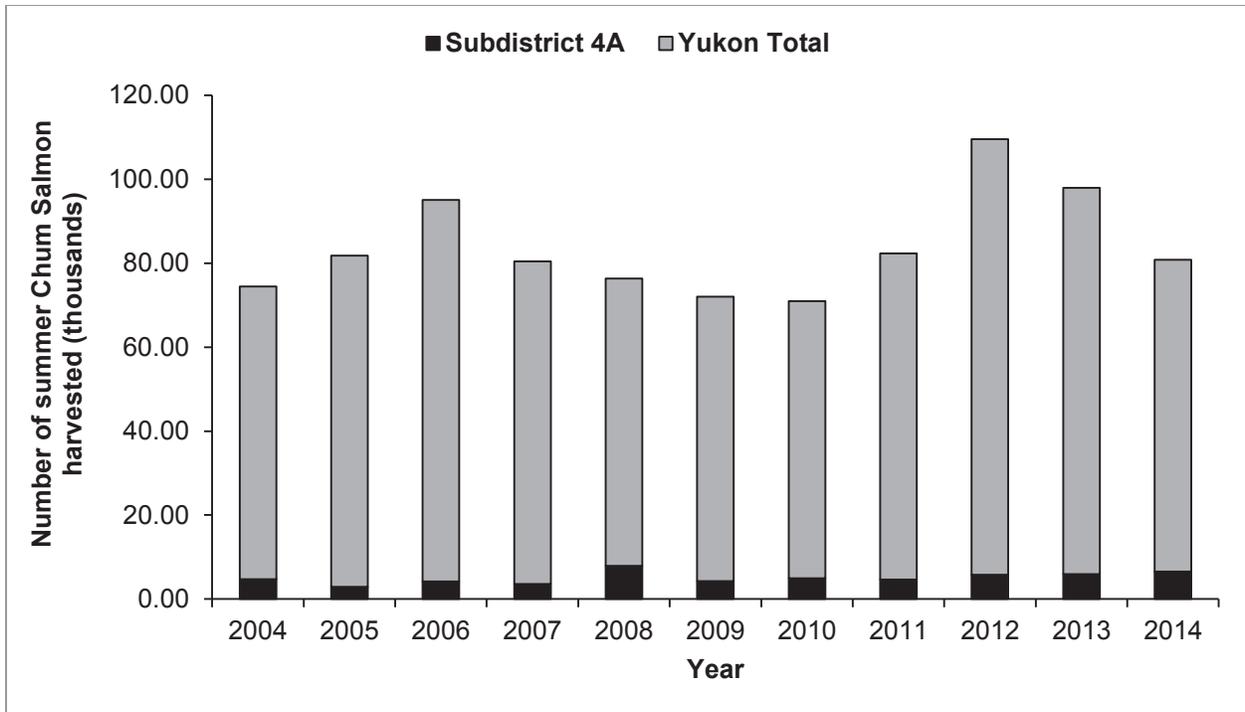


Figure 5. Comparison of summer Chum Salmon subsistence harvest in communities surrounding Subdistrict 4A and the Yukon River from 2004 to 2014 (Estensen et al. 2015).

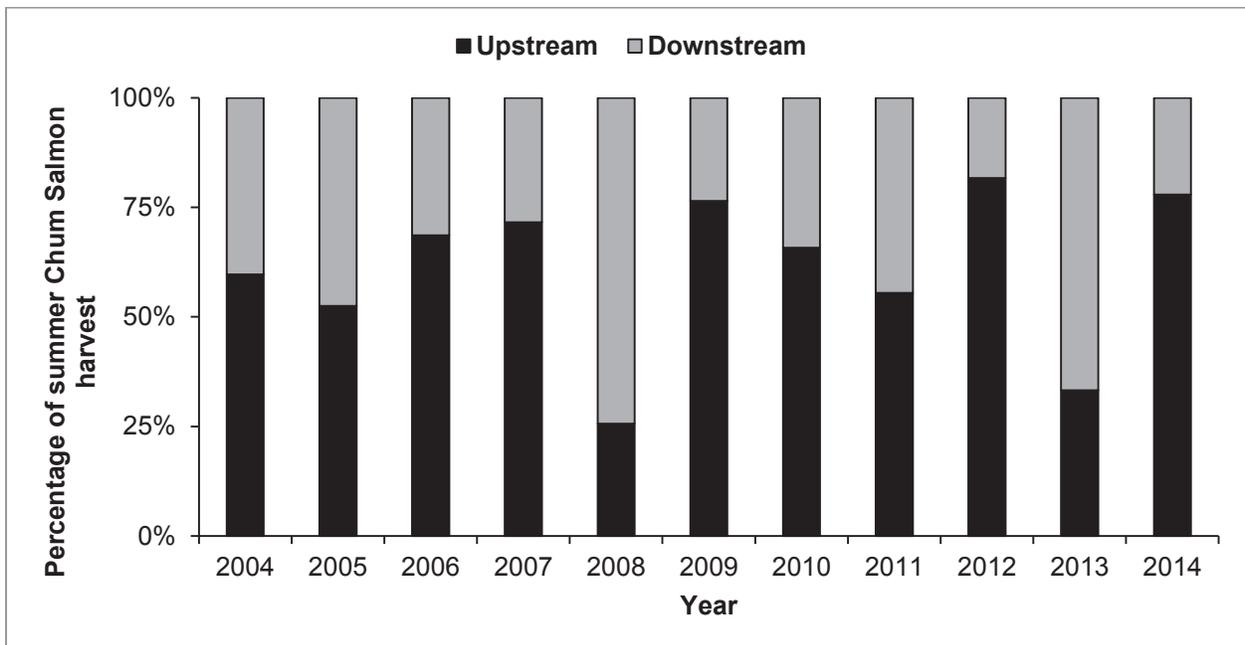


Figure 6. Comparison of upstream and downstream summer Chum Salmon subsistence harvest in communities surrounding Subdistrict 4A from 2004-2014 (Estensen et al. 2015).

FP17-04 Executive Summary	
General Description	<p>Proposal FP17-04, requests increased gillnet obstruction of Racetrack Slough of the Koyukuk River and sloughs of the Huslia River drainage between ice out and June 15.</p> <p><i>Submitted by: Western Interior Alaska Subsistence Regional Advisory Council.</i></p>
Proposed Regulation	<p>§ __.27(e)(3)(ii) <i>For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.</i></p> <p><i>(e)(3)(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:</i></p> <p><i>(F) In Racetrack Slough on the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of the set gillnet may not be closer than 20 feet from the opposite bank, unless closed by Federal special action.</i></p>
OSM Preliminary Conclusion	Support Proposal FP17-04
Western Interior Alaska Regional Advisory Council Recommendation	
Yukon/Kuskokwim Delta Regional Advisory Council Recommendation	
Seward Peninsula Regional Advisory Council Recommendation	
Northwest Arctic Regional Advisory Council Recommendation	
Eastern Interior Alaska Regional Advisory Council Recommendation	
North Slope Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	

**DRAFT STAFF ANALYSIS
FP17-04**

ISSUES

Proposal FP17-04, submitted by the Western Interior Alaska Subsistence Regional Advisory Council (Council), requests that the Federal Subsistence Board allow an increase in the portion of Racetrack Slough on the Koyukuk River and sloughs of the Huslia River drainage that may be covered with a gillnet to provide more subsistence harvest opportunity for Northern Pike between ice out and June 15.

DISCUSSION

The Council submitted this proposal to be more consistent with State regulations approved by the Alaska Board of Fisheries in January 2016 (State Proposal 144 with modified language adopted from RC 57). The proposed regulatory changes would provide more subsistence harvest opportunity for Northern Pike in Racetrack Slough on the Koyukuk River and sloughs of the Huslia River drainage (**Map 1**), primarily residents of Huslia. Federal subsistence regulations currently allow for a fishery at this time; however, gillnets may not obstruct more than one-half of the width of any stream.

Existing Federal Regulation

§ ____.27 *Subsistence taking of fish.*

(b)(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.

(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(e)(3)(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

Proposed Federal Regulation

§ ____.27 *Subsistence taking of fish.*

(b)(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.

(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska

Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(e)(3)(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

(F) In Racetrack Slough on the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of the set gillnet may not be closer than 20 feet from the opposite bank, unless closed by Federal special action.

Existing State Regulation

5 AAC 01.220. Lawful gear and gear specifications. – Yukon Area

(f) Unless otherwise specified in this section, fish other than salmon and halibut may be taken only by set gillnet, drift gillnet, beach seine, fish wheel, longline, fyke net, dip net, jigging gear, spear, a hook and line attached to a rod or pole, handline, or lead, subject to the following restrictions, which also apply to subsistence salmon fishing:

(4) a gillnet may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream; a stationary fishing device may not obstruct more than one-half the width of any salmon stream and any channel or side channel of a salmon stream, except that in Racetrack Slough off of the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of the gillnet may not be closer than 20 feet from the opposite bank, unless closed by emergency order;

Extent of Federal Public Waters

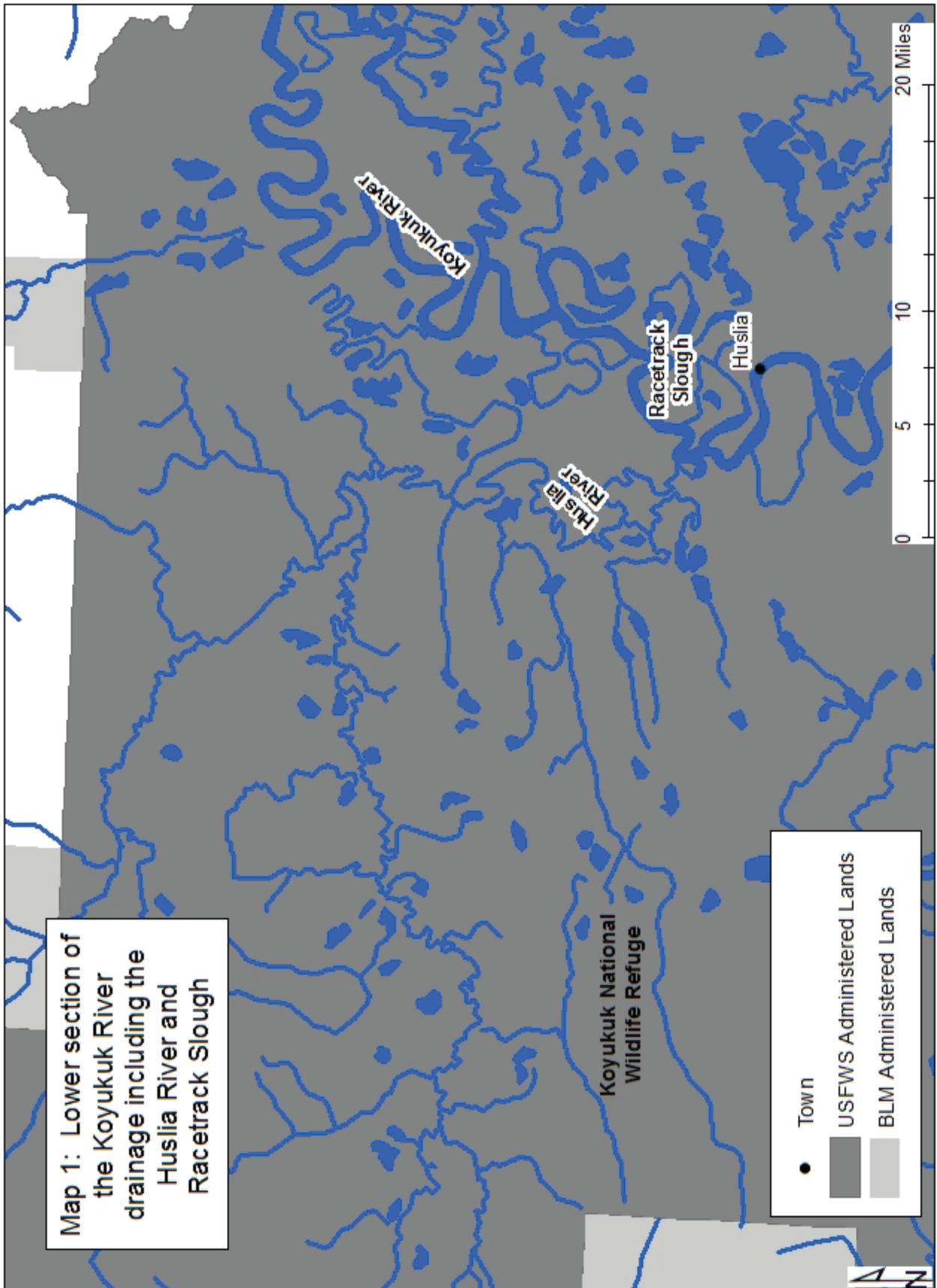
For the purpose of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. The Federal public waters addressed by this proposal are Racetrack Slough on the Koyukuk River (**Map 1**), as well as those portions of the Huslia River located within, or adjacent to, the external boundaries of the Koyukuk National Wildlife Refuge (**Map 2**).

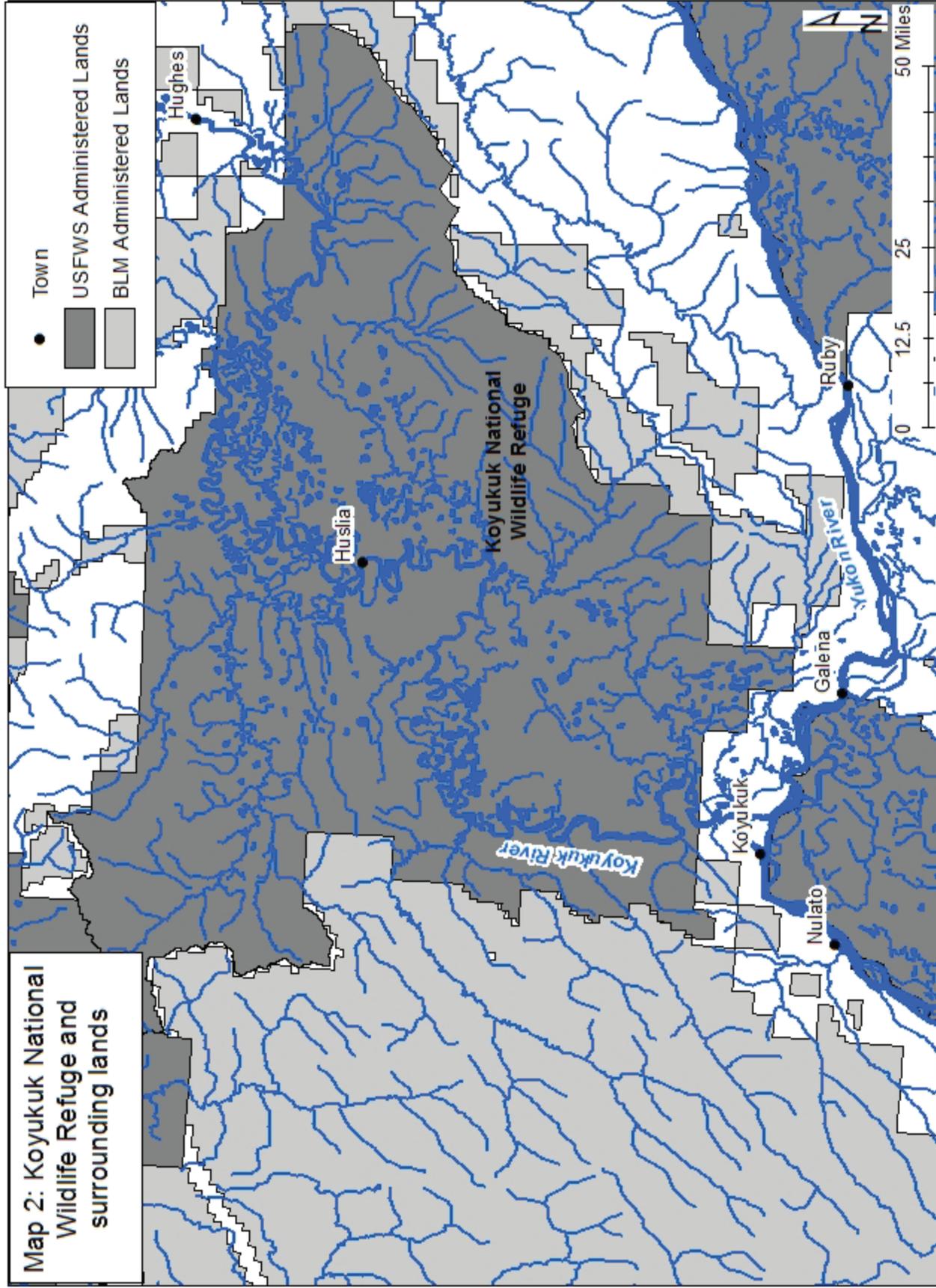
Customary and Traditional Use Determinations

Residents of the Yukon-Northern Area have a customary and traditional use determination for all freshwater fish, other than salmon.

Regulatory History

Federal subsistence fishing in the Koyukuk River for freshwater species (other than salmon) including Sheefish, whitefish, lamprey, Burbot, Longnose Sucker, Arctic Grayling, Northern Pike, char, and Alaska





Blackfish is open year-round with no harvest limits. Stationary fishing gear may not obstruct more than one-half the width of any stream.

Subsistence fishing under State regulations in the Koyukuk River is open with 7.5 inch or smaller mesh size gillnets, 24 hours per day, seven days per week before June 15. These regulations restrict gillnets to obstructing not more than one-half of the width of any fish stream and any channel or side channel of a fish stream for this region. These regulations have been recently updated, however, to provide an exception for Racetrack Slough on the Koyukuk River and sloughs of the Huslia River, allowing for gillnet obstruction of all but 20 feet of a stream or channel between ice out and June 15.

This proposal was submitted to make Federal regulations more consistent with State of Alaska regulations approved by the Alaska Board of Fisheries (State Proposal 144 with modified language adopted from RC 57) at the Arctic/Yukon/Kuskokwim Finfish meeting held January 12-16, 2016.

Biological Background

Northern Pike *Esox lucius* is a freshwater fish found throughout the northern hemisphere, including the Yukon River drainage. They are opportunistic feeders that prefer soft-rayed fish such as whitefish as prey, but will consume other fish species depending on what is available (Eklöv & Hamrin 1989). They will also consume smaller pike, as well as other animals including waterfowl, frogs, insects, and small mammals like mice and shrews (Morrow 1980).

Little is known of the population numbers for Northern Pike in the region covered by this proposal. They would likely be migrating to spawning locations during the time period, which are typically shallow weedy areas (McPhail and Lindsay 1970). The species is susceptible to overharvest, which can lead to early maturation (Diana 1983) and stunting (Diana 1987).

While Northern Pike are the main targeted species identified in this proposal, other species are also present in this area and may also be captured between ice out and June 15. Surveys in the North Fork Huslia River and Billy Hawk Creek (both in the Huslia River drainage) found Broad Whitefish, Humpback Whitefish, Round Whitefish, Arctic Grayling, Longnose Sucker, and Burbot to be present (Wiswar 1994). Species present in the greater Koyukuk River drainage after mid-summer include Sheefish (Alt 1978), Chum Salmon (Wiswar 1994), Chinook Salmon, Coho Salmon, and Sockeye Salmon (Johnson and Litchfield 2015). Rates of incidental capture of other species of fish when targeting Northern Pike are unknown at this time, and may be dependent upon the mesh-size of nets in use during the time period and location specified in this request.

The proposal would revise the methods and means for this specific area through June 15, with the intent of switching back to standard regulations prior the arrival of salmon in the area. Run timing for Chinook and Chum Salmon at the Gisasa River Weir, which is on a tributary approximately 90 km upriver from the mouth of the Koyukuk River, indicates that salmon would not be in the area covered under this proposal during the time period in question. Between the years 1995 and 2013, the earliest returns to the Gisasa weir of Chinook and Chum Salmon was June 20 and June 16, respectively (Carlson 2014). The waters that

would be impacted by this proposal are approximately 300 km upriver from the mouth of the Koyukuk River, and therefore would have an even later date of return for these species.

Harvest Histories

Subsistence

Northern Pike is an important subsistence resource for the community of Huslia, generally ranking only behind summer Chum Salmon, fall Chum Salmon, and large whitefish in number harvested (Marcotte 1986; Jallen et al. 2015). Subsistence harvests of Northern Pike by Huslia residents averaged 1,209 fish per year (range of 94 – 5,191 fish) between 1993 and 2015 (Jallen 2016, pers. comm.).

Sport Fishing

There are no directed sport fisheries in this area, but there are a substantial number of guided moose hunters in the fall and some degree of sport fishing for Northern Pike and Arctic Grayling associated with those users (Viavant 2016, pers. comm.). For the years 1996 to 2014, harvests of Northern Pike in the Huslia River were only reported in 1997 (N=103), while catches were reported in both 1997 (N=687) and 2011 (N=35) in the Alaska Sport Fishing Survey Database (2016). No harvests were reported by this statewide survey for any other years.

Commercial Fishing

No commercial fishing takes place in this portion of the Yukon River drainage.

Cultural Knowledge and Traditional Practices

Huslia is an Athabaskan village which had a population of 274 in 2014 (City-Data.com 2016). The village is located within the Koyukuk National Wildlife Refuge on the north bank of the Koyukuk River, about 290 air miles west of Fairbanks and 170 miles by river from Galena and is dependent on subsistence resources. The current residents are descendants of Koyukon Athabascans who lived between the south fork of the Koyukuk River and the Kateel River and who hunted and fished near present day Huslia. In the mid-1800s Russian explorers made contact with their Athabaskan ancestors approximately 50 miles downriver from Huslia. The community moved to their current location in 1949 because where they were located was prone to flooding and the ground was swampy. The first school was established there in 1950, followed by a post office and an airport in 1952. During this time families began to settle permanently in Huslia. The city was incorporated in 1969 (Tananachiefs.org 2016).

According to a report based on research done by Marcotte in 1983, people in Huslia harvested a variety of fish along with other subsistence resources. Fish nets were used for Sheefish and whitefish, starting in early May. Chinook and Chum Salmon were caught in set nets starting in June. Pike were caught along with Arctic Grayling and Longnose Suckers June through October (Marcotte 1986). In 1983, 28 households reported harvesting pike with the mean household harvest of 69.5 pounds for a total community

harvest of 1,947 fish. Residents reported harvesting fish in various locations near Huslia and processing fish at their fish camps which were often on their Native allotments (Marcotte 1986).

Effects of the Proposal

If FP17-04 were adopted, Federally qualified subsistence users would be allowed to use gillnets to obstruct all but 20 feet of a channel between ice out and June 15 for Racetrack Slough on the Koyukuk River and sloughs of the Huslia River drainage. This would allow Federally qualified subsistence users the same opportunities as subsistence users under State of Alaska regulations. There would likely be an increase the harvest of Northern Pike and other resident fish species during this time period.

Adoption of this proposal would likely increase the rate of capture of Northern Pike and other fish species, as well as incidental capture of other animals such as ducks and small mammals. The Federal in-season fisheries manager has expressed some concern about the unknown impacts of this regulatory change, should it take place, and has suggested the use of a post-season harvest survey or registration permit to better understand use patterns and harvests (Bue 2016, pers. comm.).

If FP17-04 were not adopted, there would continue to be an inconsistency between State and Federal subsistence regulations for this area, and Federally qualified subsistence users would be held to the regional regulation allowing for obstruction of no more than one-half of a stream. This would also increase enforcement or management complexity.

OSM PRELIMINARY CONCLUSION

Support Proposal FP17-14.

Justification

Adoption of this proposal would result in additional opportunity for Federally qualified subsistence users in Racetrack Slough on the Koyukuk River and the sloughs of the Huslia River drainage. The Alaska Board of Fisheries recently authorized these same changes for this region under State of Alaska regulations. The timeline for this gear change under the proposal would curtail this activity prior the arrival of salmon into these systems.

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FP17-11 Executive Summary	
General Description	<p>Proposal FP17-11, requests that the residents of Dry Creek be added to the customary and traditional use determination for salmon in the Glennallen subdistrict of the Upper Copper River District.</p> <p><i>Submitted by the Dry Creek Community Corporation.</i></p>
Proposed Regulation	<p>Unit—Glennallen Subdistrict of the Upper Copper River District— Salmon</p> <p><i>Residents of the Prince William Sound Area and residents of Cantwell, Chickaloon, Chisana, Dot Lake, Dry Creek, Healy Lake, Northway, Tanacross, Tetlin, Tok, and those individuals living along the Alaska Highway from the U.S./Canada border to Dot Lake, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.</i></p>
OSM Preliminary Conclusion	Support Proposal FP17-11.
Southcentral Regional Advisory Council Recommendation	
Eastern Interior Alaska Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	1 Oppose

**DRAFT STAFF ANALYSIS
FP17-11**

ISSUE

Proposal FP17-11, submitted by the Dry Creek Community Corporation, requests that the residents of Dry Creek be added to the customary and traditional use determination for salmon in the Glennallen subdistrict of the Upper Copper River District.

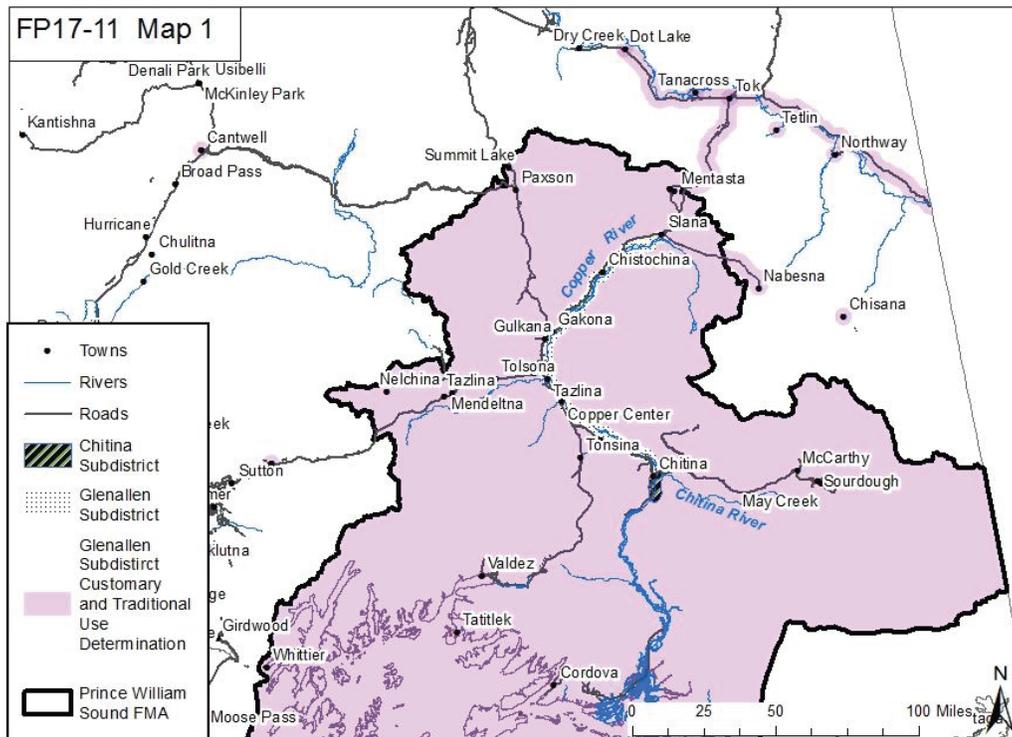
DISCUSSION

The Dry Creek Community Corporation is requesting the community of Dry Creek be added to the customary and traditional use determination for salmon in the Glennallen Subdistrict of the Upper Copper River District. The proponent states that residents of Dry Creek have harvested Copper River salmon for over forty years and are “well within the radius of those villages who are allowed to fish on Federal Land on the upper Copper River” (**Map 1**). In the past, harvest of Copper River salmon usually took place under a State subsistence permit at Chitina above the bridge by fish wheel, but in recent years the course of the Kotsina River changed, making access to the wheel site difficult and dangerous.

Existing Federal Regulation

**Unit—Glennallen Subdistrict of the Upper Copper River
District— Salmon**

Residents of the Prince William Sound Area and residents of Cantwell, Chickaloon, Chisana, Dot Lake, Healy Lake, Northway, Tanacross, Tetlin, Tok, and those individuals living along the Alaska Highway from the U.S./Canada border to Dot Lake, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.



Map 1. Includes all communities with C&T for Salmon in the Glennallen Subdistrict as well as the location of Dry Creek.

Proposed Federal Regulation

**Unit—Glennallen Subdistrict of the Upper Copper River
District— Salmon**

*Residents of the Prince William Sound Area and residents of Cantwell, Chickaloon, Chisana, Dot Lake, **Dry Creek**, Healy Lake, Northway, Tanacross, Tetlin, Tok, and those individuals living along the Alaska Highway from the U.S./Canada border to Dot Lake, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.*

Extent of Federal Public Lands/Waters

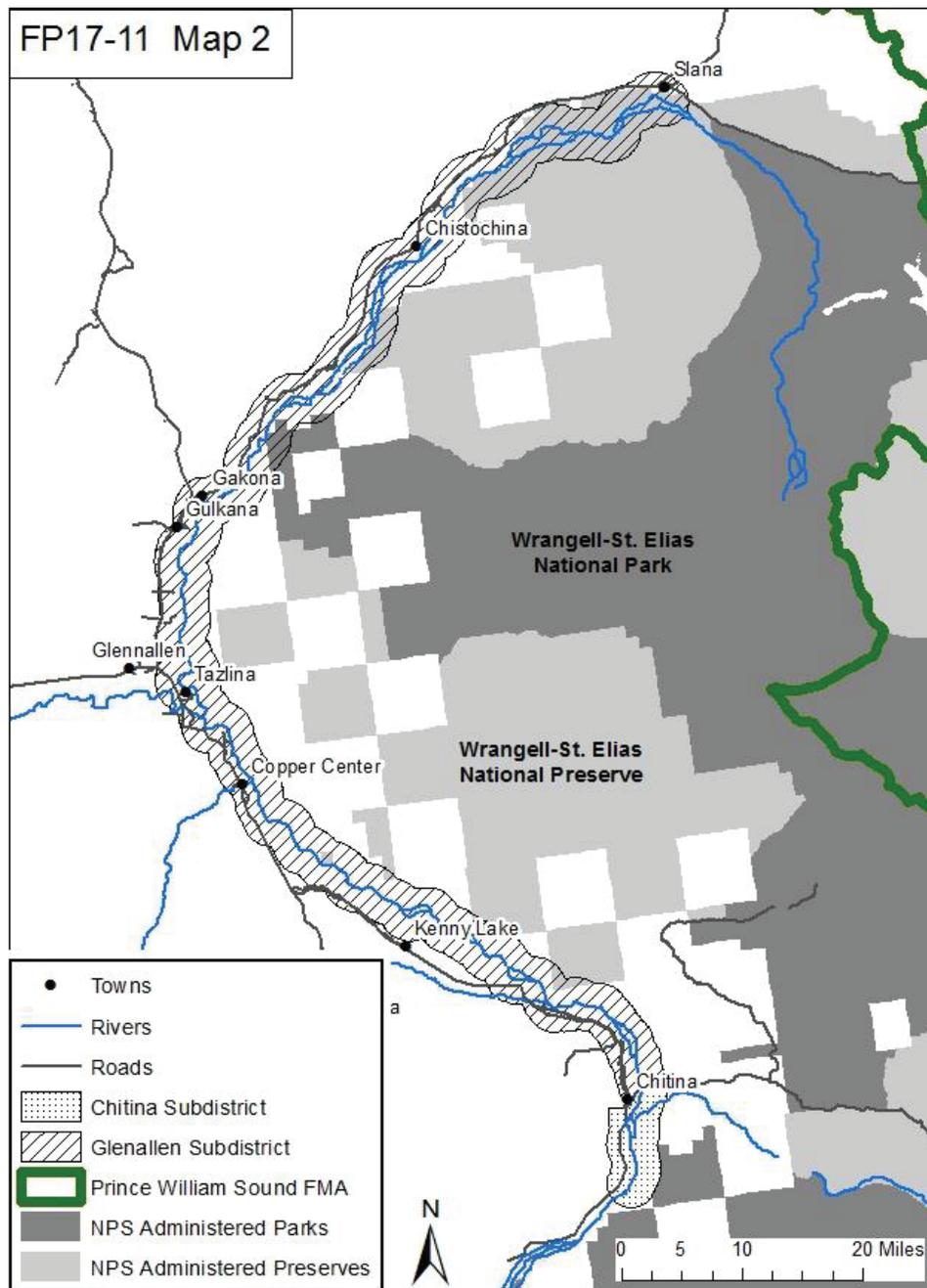
For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 50 CFR 100.3(b). Federal public waters of the Copper River include all waters within the exterior boundaries of the Wrangell-St. Elias National Park and Preserve and the Chugach National Forest, and inland waters adjacent to these exterior boundaries. The Upper Copper River District is comprised of the Chitina Subdistrict and the Glennallen Subdistrict. The Chitina Subdistrict consists of all waters of the mainstem Copper River downstream of the southern edge of the Chitina-McCarthy Road Bridge to an east-west line crossing the Copper River approximately 200 yards upstream of Haley Creek, a distance of approximately 10 miles. The Glennallen Subdistrict consists of all waters of the mainstem Copper River from the lower edge of the mouth of the Slana River to the downstream edge of the Chitina-McCarthy Road Bridge, a distance of approximately 120 miles (**Map 2**).

Regulatory History

On October 1, 1999, Federal subsistence fishery management adopted the State subsistence fishery regulations. At that time, the State recognized the Glennallen Subdistrict as a subsistence fishery and classified the Chitina Subdistrict as a personal use fishery. In Federal regulations, residents of the Prince William Sound Area were listed as having customary and traditional use of salmon in the Glennallen subdistrict only. In December 2000, the Federal Subsistence Board (Board) made additional customary and traditional use determinations in the Glennallen subdistrict to include residents of Healy Lake, Dot Lake, Northway, Tanacross, Tetlin, Tok, and those individuals living along the Alaska Highway from the Alaskan/Canadian border to Dot Lake, and along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.

In December 2000, the Board also adopted Proposal FP01-15 which established a customary and traditional use determination for salmon in the Chitina Subdistrict. This action opened the Chitina Subdistrict for subsistence harvest of salmon by Chitina, Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta, and Tazlina. The Board also adopted a modified version of Proposal FP01-16, submitted by the Copper River Native Association, which defined seasonal harvest limits as requested, and created a Federal subsistence fishing season from May 15 to Sept. 30.

In 2001, the Board adopted Proposal FP02-17 submitted by the Wrangell-St. Elias National Park Subsistence Resource Commission, requesting changes to the regulations in addition to a review of eligible subsistence fishers for the district. This proposal was divided into two separate proposals. Proposal FP02-17a added Chisana and Cantwell to the customary and traditional use determination for salmon in the Glennallen Subdistrict, and Chisana to the customary and traditional use determination for salmon in the Chitina Subdistrict. Proposal FP02-17b allowed those with customary and traditional use determination for salmon in the Chitina Subdistrict and/or those with customary and traditional use for salmon in the Glennallen Subdistrict to obtain a permit for each Subdistrict in the same year. Additionally, Proposal FP02-17b ensured the combined harvests from both districts would not exceed the harvest limit set for the Glennallen District, and allowed for multiple gear types to be specified on each



Map 2. Glennallen and Chitina Subdistricts – Demonstrates the Glennallen and Chitina Subdistricts of the Copper River, and the Batzulnetas fishery.

permit. During the same regulatory cycle, the Board adopted Proposal FP02-20 which allowed those households with a Batzulnetas subsistence salmon permit to be issued an additional permit for both Chitina and Glennallen Subdistricts in the same year.

In 2004, the Chickaloon Village Traditional Council submitted Proposals FP05-14 which requested that Chickaloon be added to the Chitina Subdistrict customary and traditional use determination for salmon, and FP05-15 requesting Chickaloon be added to the Glennallen Subdistrict. The Board adopted the proposals adding Chickaloon to the customary and traditional use determination for salmon in the Chitina and Glennallen Subdistricts as of the 2005 regulatory year.

Community Characteristics

Dry Creek is a Census Designated Place (CDP) located along the Alaska Highway in the Upper Tanana watershed north of Tok. Its southeastern border shares a boundary with the Dot Lake CDP and the Deltana CDP begins approximately five highway miles to the northwest. The most recent Federal census found 94 residents living within the Dry Creek CDP in 2010 (U.S. Census Bureau 2011). While conducting comprehensive subsistence surveys in 2012, the Alaska Department of Fish and Game, Division of Subsistence, verified 91 year-round residents living in a total of 30 households (Holen, Hazel & Koster 2012). In key respondent interviews conducted in 2012, residents of the Dry Creek corporate community recalled a population high of about 200 residents in the 1980s (Holen, Hazel & Koster 2012). At the time research was being conducted, the Division of Subsistence found the population had remained relatively stable over the previous 20 years.

As of 2012, the majority of Dry Creek residents belonged to an intentional faith-based communal settlement called the Living Word Ministry with additional households outside the community but still within the boundaries of the CDP. Of the 30 households identified as year-round residents within the CDP, 25 were occupied by members of the intentional community and five were occupied by surrounding neighbors (Holen, Hazel, & Koster 2012). Despite the distinction between the intentional community and its neighbors, residents express a sense of unity and cohesion and often come together to share labor, recreation, and to address area-wide concerns.

The community of Dry Creek was established in 1973 by four families from the contiguous United States who came to Alaska with the intention of living communally off the land and local wild resources. At the time of their arrival few if any members had experience with subsistence farming or hunting and virtually no experience homesteading in such an extreme northern climate. They had come to Alaska to learn, and to provide for themselves and their growing community. They acquired land through the State of Alaska's "Open to Entry" land offering program. The parcel was rough, wooded, and with no amenities aside from a few log cabins. As more people joined the original founders, families doubled up in the cramped cabins until more structures were built. By 1975 the community had grown to about 88 residents, all of whom helped to homestead the property and build homes and common structures; the most important of which was the large community building called "the tabernacle."

The community building serves as the center of communal life for Dry Creek. The large log-hewn structure is a church, kitchen, dining hall, mail room, common room, nursery and, at one time, the school house. In the early days, all meals were prepared and eaten in the community building. By 2012, and long after all residents had their own cabins and houses with kitchens, lunch and supper were still being served in the dining area (with the exception of Wednesday evenings and Saturdays, when residents were expected to eat meals in their own homes). In addition to communal meals, the community kitchen serves as the location for the processing of key resources like moose, caribou, and salmon, and where community grown foods are processed as well. Dry Creek makes its own dairy products like butter, cheese, and yogurt from dairy cows kept on the land.

The intentional community of Dry Creek has a number of enterprises that provided residents with wage employment and community resources. Logging and Milling Associates, LLC is a community-owned mill that produces lumber and milling by-products for resident projects and buildings as well as for sale across the state. S&K farms boards the domestic animals of others as well as Dry Creek farm animals. The farms have extended acres of hay, oats and barley, grazing lands and pastures, and approximately 40 acres of trees that are selectively harvested for mill needs. During 2012, according to ADF&G, many community residents were occupied with various tasks in settlement up-keep and administration including working the gardens, tending animals, teaching in the school house or overseeing the communal meals and meetings; only a few residents were actually employed outside of Dry Creek (Holen, Hazel, & Koster 2012).

Eight Factors for Determining Customary and Traditional Use

A community or area's customary and traditional use is generally exemplified through the following eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area. It should be noted that not all eight factors need to be addressed in order for a community to have a recognized customary and traditional use of a resource.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration

the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16 (b)).

The research used to inform the following analysis was taken from the only comprehensive subsistence survey conducted in the Dry Creek CDP for the 2011 harvest year (Holen, Hazel, & Koster 2012). Standard forms of tracking harvest under the State sport, subsistence, or personal use permitting systems do not work for Dry Creek as the community mail address is located in Delta Junction.

The residents of the Dry Creek CDP *have a long-term, consistent pattern of Copper River salmon use* extending back to the early 1970s, soon after the founding of the intentional community. During the initial stages of homesteading, the early families established ties with Sapa, another faith-based community from the Copper River Basin, which is located within the Kenny Lake CDP. Long-time Dry Creek residents recall first using a fish wheel on the Copper River very near Sapa. At that time, a large group of men and women traveled to the wheel together to harvest, process, and can fish on the banks of the river. After Dry Creek's community house was built, the community's *means of handling, preparing, preserving, and storing fish* changed somewhat. Salmon are now harvested with only preliminary processing (heading, gutting, and filleting) conducted at the wheel site. The remainder are brought back to Dry Creek where freezing and canning are completed. When the harvesters return with the fish, most able-bodied members of the community put aside their immediate work until all the fish are processed and the community kitchen is cleaned. Both at the wheel and back in the kitchen, knowledge of harvesting and processing is shared from one generation to the next. Over the years, the fish wheel remained the preferred and most *efficient method* of harvest for Dry Creek.

In 2011, Dry Creek harvested approximately 358 salmon, most of which were Sockeye Salmon. Dry Creek harvesters usually make one trip down to the fish wheel at Chitina and try on average to harvest at least 300 salmon a season. In 2011, the first trip yielded poor results and so a second trip was made resulting in what residents reported was a slightly larger harvest in comparison to other years (Holen, Hazel, & Koster 2012:525). Because of Dry Creek's unique pattern of processing salmon as a group and preparing and sharing salmon for community meals, all households demonstrated what ADF&G estimated as high use of the salmon resource; 100%. For context, other eastern interior Tanana Valley communities surveyed for the same study demonstrated salmon use per household at 100% for Dot Lake, 69% for Tok, and 67% household use of salmon in Healy Lake (Holen, Hazel, & Koster 2012)

Residents of Dry Creek have a consistent *pattern of use that has recurred in specific seasons over the course of many years*. Subsistence activities are focused on the harvest of key wild resources during the most productive months of summer and fall for efficient and productive efforts intended to provide for all community members. In an average year, residents will make one or two trips to the Copper River to harvest salmon, travel to Valdez once a year to deep-sea fish for halibut, and organize hunting trips for moose and caribou. Neighbors and other residents of the Dry Creek CDP will occasionally join the intentional community residents in their hunting efforts. Not all attending the hunt actually harvest an animal, but all are present to help with the preliminary processing in the field and the transport of meat back to the community. Most Dry Creek CDP households also participate in the harvest and processing of

wild plants and berries, separate from those resources grown in the community gardens or at home. Additionally, households may hunt for migratory waterfowl in the spring or upland gamebirds year-round, or hunt and trap for small game and furbearers in season or fish on local lakes throughout the year. These last efforts are primarily for individual household use and are not considered major contributors to the community at large or the shared meals in the tabernacle. Most critical for, and unique to this community in the region, is the use of horses to access the Macomb Plateau controlled use area where they harvest moose and caribou.

Dry Creek's seasonal round of harvest activities also demonstrates *a pattern of use which relates to reliance upon a diversity of fish and wildlife resources of the area*. In 2011, Dry Creek households used an average of approximately 11 wild harvested resources with at least one household using a maximum of 33 different resources total. The top resources harvested by edible weight included moose at 92 lb per person, Sockeye Salmon (17 lb), caribou (14 lb), low-bush cranberry (8 lb), and Rainbow Trout at 2 lb per person, among others (Holen, Hazel, & Koster 2012:494-500). The total estimated amount of wild foods harvested by Dry Creek in 2011 was 12,767 lb, or about 140 lb per person. As noted in the paragraph above, most of these resources were harvested locally, with community members traveling the farthest to harvest salmon and deep-sea fish.

The *pattern of sharing and distribution* of wild resources in Dry Creek is quite distinctive. The majority of wild resources are harvested and processed communally and shared daily through community meals. In addition to community meals, the distribution of all cooperatively harvested and grown foods to every family and household is essential for community survival. All households participate in some stage of food production, whether hunting, gathering, gardening, animal husbandry, or the various efforts of food processing, preservation and storage. These products of communal labor are stored in the shared facilities and made available for residents to use in their own homes as well as in the preparation of shared daily meals in the community building. Residents take turns preparing meals in the community kitchen for all members. It is during shared meals that moose, salmon, and wild berries are eaten most regularly. Residents of the intentional community as well as Dry Creek CDP neighbors, also cook wild foods harvested on their own or with others in their own homes. In this way, sharing and receiving is seen as intrinsic to the community, and something that almost everyone does in some way, whether or not they actually harvested the food themselves.

Effects of the Proposal

If the Board adopts this proposal, the community of Dry Creek would have an opportunity to harvest salmon under Federal subsistence management regulations on inland waters within or adjacent to Federal public lands in the Copper River watershed. Residents would have access to other fish wheels in Federal waters along the Copper River such as a fish wheel in Slana, which is significantly closer to Dry Creek, in addition to their traditional harvest location of Chitina above the bridge. Regardless of location or the type of regulations under which the community would fish, the average annual community harvest of 300 to 500 fish would likely not change.

If the Board does not recognize the customary and traditional use of Copper River salmon by the rural residents of Dry Creek, the community would not be able to fish in Slana, but would continue to harvest under State regulations at Chitina above the bridge.

OSM PRELIMINARY CONCLUSION

Support Proposal FP17-11.

Justification

Dry Creek has a recognizable long-term pattern of harvesting salmon in the Copper River watershed, extending back over 40 years, with unique patterns of processing, sharing, and distribution. Salmon is the second most harvested resource in the community and residents rely heavily upon salmon to meet their subsistence needs. The amount of salmon harvested from the Copper River by Dry Creek would likely remain unchanged; however, the rural residents of Dry Creek would be given greater opportunity to harvest salmon under Federal subsistence management regulations on inland waters within or adjacent to Federal public lands that are closer to their community.

LITERATURE CITED

Holen, D., S. M. Hazell, and D. S. Koster, editors. 2012. Subsistence harvests and uses of wild resources by communities in the eastern Interior of Alaska. Alaska Department of Fish and Game, Division of Subsistence Technical Paper No. 372. Anchorage, Alaska.

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<http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>

Appendix A – Public Comment on FP17-11

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Our Culture Unites Us; Our Land Sustains Us; Our People are Prosperous

May 5, 2016

Federal Subsistence Board
ATTN: Theo Matuskowitz
Office of Subsistence Management
1011 E. Tudor Road, MS-121
Anchorage, Alaska 99503-6199

Dear Mr. Matuskowitz:

We, the Ahtna Tene Nene' C&T Committee, are opposed to FP17-11 to include residents of Dry Creek to have a positive Customary and Traditional Use Determination for Salmon in the Glennallen Subdistrict and Chitina Subdistrict of the Upper Copper River District.

Customary and traditional uses of Salmon, in which a long term, continuous, re-occurring pattern of use has not occurred, the community of Dry Creek does not meet criteria for C&T uses and should not be granted a positive C&T Determination for Salmon in the Glennallen Subdistrict and Chitina Subdistrict of the Upper Copper River District.

In FP17-11, fishing in the Upper Copper River District and Kotsina River has only occurred in the last few years, **the proposal states, "In recent years the subsistence harvest has occurred primarily at Chitina, and "in recent years the Kotsina Rivermaking access to the fish wheels very difficult and also dangerous.**

Over the last 40 years, residents who live in the Living Word Ministry settlement **may have** received Salmon from SAPA, a disbanded religious settlement in Kenny Lake, but that does not constitute meeting the requirements for C&T criteria. They also **may have** helped SAPA with preserving Salmon, but that does not mean that they have practiced C&T from year to year, nor does it mean that have passed on knowledge or stories about fishing in the Upper Copper River District.

It is our understanding that Living Word Ministry Inc. submitted FP17-11 on behalf of the community of Dry Creek. WP17-11 was submitted by Dry Creek Community Corporation.

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According to ADFG's report, entitled, *Subsistence Harvests and Uses of Wild Resources by Communities in the Eastern Interior of Alaska*, 2011, four families settled at Living Word Ministry Inc. in 1973, through land granted SOA Open to Entry land offering program. It is a religious settlement that was established in 1973 by 4 families.

Most religious organizations take sabbatical leave for one to three years to raise monies for their livelihood. They usually leave and return after several years. Customary and traditional uses cannot be practiced in a continuous method over several years and skills cannot be handed down from generation to generation if residents are leaving off and on to the lower forty-eight states to raise monies to support their families.

Living Word Ministry settlement began with 4 families and has increased in membership over the years. The question is whether these 88 residents who now live in this settlement are descendants of the original 4 families. **Is this settlement an evolving settlement in which "corporate residents" come and leave the settlement every few years?**

And do they have customary and traditional use patterns of the resources that is consistent, long term, and re-occurring in specific seasons for numerous years. Are they handing down fishing and hunting skills, knowledge, lores and values from generation to generation?

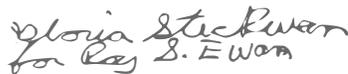
If the residents are leaving and moving back to an area, and new members are moving into the Living Word Ministry settlement, the community of Dry Creek does not meet the criteria of C&T uses and patterns of fish and wildlife resources, and do not qualify to have a positive C&T Determination for Salmon in the Upper Copper River District. Residents of a religious settlement that is made up of residents who stay for a few years and move elsewhere do not meet C&T patterns and uses of fish and wildlife resources.

As FP17-11 states only in "recent years has Dry Creek Community fished in the Upper Copper River District! The community of Dry Creek have not harvested Salmon in the Upper Copper River District continuously for many years. They have not practiced C&T uses in a continuous generational to generational pattern in which skills, lore's and stories are passed on. They have not fished continuously in the Upper Copper River in a re-occurring seasons.

We have a concern that residents of Dry Creek community will be trespassing on Ahtna, Inc. and other private lands in the Chitina Subdistrict areas and Glennallen Subdistrict areas. Access to the Copper River to place a fish wheel or to have a fishing site to the fish wheel in the Copper River is minimal. Trespass on Ahtna, Inc. lands is an ongoing concern to Ahtna, Inc., trespass occurs continuously during the fishing and hunting season.

We oppose a positive C&T Determination for Salmon in the Upper Copper River District to residents of Dry Creek. We do not agree that they have re-occurring patterns and uses of Salmon that is continuous, re-occurring seasonally from year to year, passing on of knowledge, skills, lore's, and stories of Salmon uses in the Upper Copper River District.

Sincerely,

A handwritten signature in cursive script that reads "Gloria Steckman for Roy S. Ewan".

Roy S. Ewan, Chairperson

FISHERIES RESOURCE MONITORING PROGRAM EASTERN INTERIOR ALASKA OVERVIEW

BACKGROUND

Beginning in 1999, the Federal government assumed expanded management responsibility for subsistence fisheries on Federal public lands in Alaska under the authority of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). Expanded subsistence fisheries management introduced substantial new informational needs for the Federal system. Section 812 of ANILCA directs the Departments of the Interior and Agriculture, cooperating with the State of Alaska and other Federal agencies, to undertake research on fish and wildlife and subsistence uses on Federal public lands. To increase the quantity and quality of information available for management of subsistence fisheries, the Fisheries Resource Monitoring Program (Monitoring Program) was established within the Office of Subsistence Management (OSM). The Monitoring Program was envisioned as a collaborative interagency, interdisciplinary approach to enhance existing fisheries research and monitoring, and effectively communicate information needed for subsistence fisheries management on Federal public lands.

To implement the Monitoring Program, a collaborative approach is utilized in which five Federal agencies (U.S. Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, and U.S. Forest Service) work with the Alaska Department of Fish and Game, Regional Advisory Councils, Alaska Native Organizations, and other organizations. An interagency Technical Review Committee provides scientific evaluation of project proposals submitted for funding consideration. The Regional Advisory Councils provide strategic priorities and recommendations, and public comment is invited. The Interagency Staff Committee also provides recommendations. The Federal Subsistence Board takes into consideration recommendations and comments from the process, and forwards the successful proposals on to the Assistant Regional Director of OSM for final approval and funding.

During each biennial funding cycle, the Monitoring Program budget funds ongoing multi-year projects (2, 3 or 4 years) as well as new projects. Budget guidelines are established by geographic region (**Table 1**). The regional guidelines were developed by the Federal Subsistence Board using six criteria that included level of risk to species, level of threat to conservation units, amount of subsistence needs not being met, amount of information available to support subsistence management, importance of a species to subsistence harvest and level of user concerns with subsistence harvest. Budget guidelines provide an initial target for planning; however they are not final allocations and will be adjusted annually as needed.

Table 1. Regional allocation guideline for Fisheries Resource Monitoring Funds.

Region	Department of Interior Funds	Department of Agriculture Funds
Northern	17%	0%
Yukon	29%	0%
Kuskokwim	29%	0%
Southwest	15%	0%
Southcentral	5%	33%
Southeast	0%	67%
Inter-regional	5%	0%

Two primary types of research projects are solicited for the Monitoring Program including Harvest Monitoring/Traditional Ecological Knowledge (HMTEK) and Stock, Status and Trends (SST), although projects that combine these approaches are also encouraged. Definitions of the two project types are listed below:

- **Stock Status and Trends Studies (SST)** - These projects address abundance, composition, timing, behavior, or status of fish populations that sustain subsistence fisheries with linkage to Federal public lands.
- **Harvest Monitoring and Traditional Ecological Knowledge (HMTEK)** -These projects address assessment of subsistence fisheries including quantification of harvest and effort, and description and assessment of fishing and use patterns.

PRIORITY INFORMATION NEEDS

OSM staff works with the Regional Advisory Councils, Federal and State fishery managers and land managers to ensure the Monitoring Program focuses on the highest priority information needs for management of Federal subsistence fisheries. Input from the Regional Advisory Councils is used to develop the Priority Information Needs by identify issues of local concerns and knowledge gaps related to subsistence fisheries. The Priority Information Needs provide a framework for evaluating and selecting project proposals. Successful project proposal selection may not be limited to the identified Priority Information Needs but project proposals not addressing a priority information need must include compelling justification with respect to strategic importance.

PROJECT EVALUATION PROCESS

In the current climate of increasing conservation concerns and subsistence needs, it is imperative that the Monitoring Program prioritizes high quality projects that address critical subsistence questions. Projects are selected for funding through an evaluation and review process that is designed to advance projects that are strategically important for the Federal Subsistence Program, technically sound, administratively competent, promote partnerships and capacity building, and are cost effective.

Five criteria are used to evaluate project proposals:

1. **Strategic Priority** - Studies must be responsive to identified issues and priority information needs. All projects must have a direct linkage to Federal public lands and/or waters to be eligible for funding under the Monitoring Program.
2. **Technical-Scientific Merit** - Technical quality of the study design must meet accepted standards for information collection, compilation, analysis, and reporting.

3. **Investigator Ability and Resources** - Investigators must demonstrate that they are capable of successfully completing the proposed study by providing information on the ability (training, education, and experience) and resources (technical and administrative) they possess to conduct the work.
4. **Partnership-Capacity Building** - Partnerships and capacity building are priorities of the Monitoring Program. ANILCA mandates that rural residents be afforded a meaningful role in the management of Federal subsistence fisheries. Investigators are requested to include a strategy for integrating local capacity development in their investigation plans.
5. **Cost Benefit** – Each proposal is evaluated for “best value” and overall project costs.

PROJECTS FUNDED UNDER THE MONTORING PROGRAM

Since the inception of the Monitoring Program in 2000, 115 projects have been funded in the Eastern Interior Area including six new projects operating during 2016 (**Table 2**).

Table 3. Fisheries Resource Monitoring Program projects funded in the Yukon River Drainage from 2000-2016.

Project Number	Project Title	Project Cost
00-003	Effects of <i>Ichthyophonus</i> on Chinook Salmon	\$83,281
00-004	Humpback Whitefish/Beaver Interactions	\$43,000
00-005	Tanana Upper Kantishna River Fish Wheel	\$23,000
00-006	Traditional Ecological Knowledge Beaver/Whitefish Interactions	\$39,600
00-018	Pilot Station Sonar Upgrade	\$411,096
00-021	Dall River Northern Pike	\$24,000
00-023	Upper Tanana River Humpback Whitefish	\$60,000
00-024	Pilot Station Sonar Technician Support	\$29,700
00-025	Henshaw Creek Salmon Weir	\$60,000
00-026	Circle and Eagle Salmon and Other Fish TEK	\$30,000
01-003	Old John Lake TEK of Subsistence Harvests and Fish	\$51,950
01-011	Arctic Village Freshwater Fish Subsistence Survey	\$32,300
01-014	Yukon River Salmon Management Teleconferences	\$10,500
01-015	Yukon River Salmon TEK	\$52,507
01-018	Pilot Station Sonar Technician Support	\$20,400
01-026	East Fork Andreafski River Salmon Weir	\$102,600
01-029	Nulato River Salmon Weir	\$94,275
01-032	Rampart Rapids Tagging Study	\$300,000
01-038	Kateel River Salmon Weir	\$246,230
01-048	Innoko River Drainage Weir Survey	\$5,900
01-050	Kaltag Chinook Salmon Age-Sex-Length Sampling	\$1,225
01-052	Whitefish Lake Humpback and Broad Whitefish	\$409,731

01-053	Tuluksak River Salmon Weir	\$464,465
01-058	East Fork Andreafski Weir Panel Replacement	\$50,000
01-100	Koyukuk Non-salmon Fish TEK and Subsistence Uses	\$205,102
01-122	Lower Yukon River Salmon Drift Test Fishing	\$359,106
01-140	Yukon Flats Northern Pike	\$410,400
01-177	Rampart Rapids Extension	\$553,300
01-197	Rampart Rapids Summer CPUE Video	\$64,250
01-199	Tanana Fisheries Conservation Outreach	\$12,000
01-200	Effects of <i>Ichthyophonus</i> on Chinook Salmon	\$89,147
01-211	Upper Yukon, Porcupine, and Black River Salmon TEK	\$68,938
02-006	Arctic Village Freshwater Fish Subsistence	\$48,300
02-009	Pilot Station Sonar Technician Support	\$20,000
02-011	Rampart Rapids Fall Chum Handling/Mortality	\$90,000
02-037	Lower Yukon River Non-salmon Harvest Monitoring	\$268,546
02-084	Old John Lake Oral History and TEK of Subsistence	\$26,500
02-121	Yukon River Chinook Salmon Genetics	\$555,360
02-122	Yukon River Chinook and Chum Salmon In-season Subsistence	\$12,228
03-009	Tozitna River Salmon Weir	\$81,000
03-013	Gisasa River Salmon Weir	\$221,033
03-015	Phenotypic Characterization of Chinook Salmon Subsistence Harvests	\$17,894
03-034	East Fork Andreafski River Salmon Weir	\$163,170
03-038	Yukon River Sub-district 5-A Test Fishwheel	\$90,000
04-206	Tozitna River Salmon Weir	\$198,000
04-208	East Fork Andreafski River Salmon Weir	\$254,300
04-209	Gisasa River Salmon Weir	\$248,581
04-211	Henshaw Creek Salmon Weir	\$192,958
04-217	Rampart Rapids Fall Chum Salmon Abundance	\$916,769
04-228	Yukon River Chum Salmon Genetic Stock Identification	\$163,800
04-229	Lower Yukon River Salmon Drift Test Fishing	\$177,500
04-231	Yukon River Chinook Salmon Telemetry	\$807,871
04-234	Kaltag Chinook Salmon Age-Sex-Length Sampling	\$9,000
04-251	Fort Yukon Traditional Ecological Knowledge Camp	\$109,318
04-253	Upper Tanana Subsistence Fisheries Traditional Ecological Knowledge	\$197,707
04-255	Yukon River Salmon Fishery Traditional Ecological Knowledge	\$49,993
04-256	Tanana Conservation Outreach	\$111,226
04-263	Yukon River Salmon Management Teleconferences	\$117,780
04-265	Yukon River TEK of Customary Trade of Subsistence Fish	\$77,853
04-268	Hooper Bay Subsistence Monitoring	\$108,620
04-269	Kanuti NWR Whitefish TEK and Radio Telemetry	\$228,050
05-203	Yukon River Coho Salmon Genetics	\$49,920
05-208	Anvik River Salmon Sonar Enumeration	\$175,922
05-210	Tanana River Fall Chum Salmon Abundance	\$586,691
05-211	Henshaw Creek Salmon Weir	\$275,228

05-254	Yukon River Salmon In-season Subsistence Harvest Monitoring	\$94,000
06-205	Yukon River Chum Salmon Mixed Stock Analysis	\$273,600
06-252	Yukon Flats Non-salmon Traditional Ecological Knowledge	\$208,957
06-253	Middle Yukon River Non-salmon TEK and Harvest	\$150,660
07-202	East Fork Andreafski River Salmon Weir	\$436,137
07-204	Lower Yukon River Salmon Drift Test Fishing	\$160,460
07-206	Innoko River Inconnu Radio Telemetry	\$183,082
07-207	Gisasa River Salmon Weir	\$385,594
07-208	Tozitna River Salmon Weir	\$34,047
07-209	Yukon River Salmon Management Teleconferences	\$15,000
07-210	Validation of DNA Gender Test Chinook Salmon	\$18,980
07-211	Kaltag Chinook Salmon Age-Sex-Length Sampling	\$3,500
07-253	Yukon River Salmon Harvest Patterns	\$324,917
07-302	Kuskokwim River Chum Salmon Run Reconstruction	\$105,913
08-200	Kaltag Chinook Salmon Age-Sex-Length Sampling	\$15,750
08-201	Henshaw Creek Salmon Weir	\$185,597
08-202	Anvik River Salmon Sonar Enumeration	\$289,143
08-206	Yukon and Kuskokwim Coregonid Strategic Plan	\$295,464
08-250	Use of Subsistence Fish to Feed Sled Dogs	\$74,841
08-253	Yukon River Teleconferences and In-season Management	\$67,900
10-200	Yukon River Chinook Salmon Run Reconstruction	\$150,407
10-201	Yukon River Chinook Salmon ASL Data	\$66,500
10-202	East Fork Andreafski River Salmon Assessment	\$599,216
10-205	Yukon River Chum Salmon Mixed Stock Analysis	\$499,032
10-206	Nulato River Salmon Weir	\$21,390
10-207	Gisasa River Chinook and Summer Chum Salmon Assessment	\$536,247
10-209	Yukon Delta Bering Cisco Mixed-Stock Analysis	\$151,861
10-250	Yukon Climate Change Impacts on Subsistence Fisheries	\$169,823
12-200	Alatna River Inconnu Population Structure	\$32,547
12-202	Henshaw Creek Salmon Weir	\$268,359
12-203	Chinook Salmon Ultrasound Evaluation of Reproductive Biology	\$342,009
12-204	Anvik River Sonar	\$190,409
12-205	Kaltag Chinook Salmon Sampling	\$16,000
12-207	Yukon River Bering Cisco Spawning Origins Telemetry Investigation	\$158,100
12-251	In-season Salmon Harvest Teleconferences	\$225,000
14-201	Gisasa River Salmon Weir Videography Integration	\$24,850
14-202	East Fork Andreafski River Chinook and Summer Chum Abundance	\$590,551
14-203	Gisasa River Chinook and Summer Chum Abundance and Run Timing	\$536,305
14-206	Yukon River Coho Salmon Microsatellite Baseline	\$58,520
14-207	Yukon River Chum Salmon Mixed Stock Analysis	\$599,870
14-208	Koyukuk River Chum Salmon Radio Telemetry	\$301,397
14-209	Henshaw Creek Abundance and Run Timing of Adult Salmon	\$214,312
14-252	Lower Yukon River Whitefish Harvest Monitoring and TEK	\$458,771

Fisheries Resource Monitoring Program Summary

14-253	Upper Yukon River Customary Trade	\$281,237
16-203	Upper Yukon Flats Bering Cisco Spawning Abundance	\$361,930
16-204	Henshaw Creek Weir Adult Salmon Abundance and Run Timing	\$637,035
16-205	Upper Yukon and Upper Tanana Rivers Burbot Population Assessment	\$103,947
16-251	Yukon Burbot Life/History Characterization and Subsistence Uses	\$387,850
16-255	Yukon River In-season Community Surveyor Program	\$282,661
16-256	Yukon River In-season Salmon Management Teleconferences	\$74,015
	Total	\$22,722,814

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(11 Aug 2016)

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, USDA Forest Service, National Park Service, Bureau of
Land Management, Bureau of Indian Affairs, and Secretarial Appointees)

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 management of subsistence uses of fish and wildlife resources on Federal public lands in Alaska.

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 of fish and wildlife for nonwasteful subsistence uses on Federal public lands, as discussed in ANILCA §802(2) and 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 recognized scientific principles; and that these lands are defined in ANILCA §102 and Federal regulation (36 CFR Part 242 and 50 CFR Part 100); and that the Secretaries primarily implement this priority through the Federal Subsistence Board, providing for public participation through Regional Advisory Councils and Subsistence Resource Commissions as authorized by ANILCA §805 and §808 and Federal regulations (above); and,

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

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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; 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 Federal Subsistence Board and the State of Alaska 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 Federal and State 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. PURPOSE

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 Federal and State authorities as stated above, that will protect and promote the sustained health of fish and wildlife populations, ensure conservation of healthy populations and stability in fish and wildlife management, and include meaningful public involvement. The signatories hereby enter this MOU to accomplish this purpose and 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 Federal and State agencies, regulatory bodies, Regional Advisory Councils, Subsistence Resource Commissions, State Advisory Committees, state and local organizations, tribes and/or other Alaska Native organizations, and other entities;
- 2) Recognize that wildlife management activities on Federal public lands, other than the subsistence take and use of fish and wildlife remain within the authority of the individual land management agencies.
- 3) Use the best available information, including scientific, cultural and local knowledge and knowledge of customary and traditional uses, for decisions regarding fish and wildlife management for subsistence uses on Federal public lands;

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- 4) Avoid duplication in research, monitoring, and management;
- 5) Involve subsistence and other users in the fisheries and wildlife management planning processes;
- 6) Promote stability in fish and wildlife management and minimize unnecessary disruption to subsistence and other uses of fish and wildlife resources; and
- 7) 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 fish and wildlife population data and information, including local knowledge of customary and traditional uses, are important components of successful implementation of Federal responsibilities under ANILCA Title VIII.
- 3) To recognize a Federal priority for rural residents on Federal public lands for subsistence uses of fish and wildlife resources. Additionally, to allow for other uses of fish and wildlife resources when harvestable surpluses are sufficient, consistent with ANILCA and Alaska Statute 16.05.
- 4) To recognize that cooperative funding agreements implementing the provisions of this MOU 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 are, and will continue to be, an important component of information gathering and management programs.
- 5) To recognize that Federal and State 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 Federal and State regulations for the public.
- 7) To recognize that the signatories 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)

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- 8) To have Federal and State staff work cooperatively with Regional Advisory Councils, Subsistence Resource Commissions, State Advisory Committees, tribes and other stakeholders, as appropriate, to review data analyses associated with regulatory proposals, harvest assessment and monitoring studies, and subsistence resource management.
- 9) To designate liaisons for policy and program communications and coordination between the Federal and State 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, Federal and State agencies will provide advance notice to Regional Advisory Council, Subsistence Resource Commission, and/or State Advisory Committee representatives, tribes 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 develop as needed, Federal subsistence management plans and State fish and wildlife management plans that affect subsistence uses on Federal public lands. Provide an opportunity for Regional Advisory Council, Subsistence Resource Commission and/or State Advisory Committee representatives, tribes and other public to participate in the review. Consider Federal, State and cooperative fish and wildlife management plans as the initial basis for any management actions so long as they provide for subsistence priorities. 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 necessitate separate Federal subsistence permits and harvest reports.
- 13) To ensure that local residents, tribes 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 from it.
- 2) This MOU is complementary to and is not intended to replace the Master Memoranda of Understanding between the individual Federal agencies and ADF&G, with the exception of specific Federal responsibilities for subsistence uses of fish and wildlife on

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Federal public lands. 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) Nothing in this MOU enlarges or diminishes each party's existing responsibilities and authorities.
- 5) 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.
- 6) 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.
- 7) Regional Advisory Councils, Subsistence Resource Commissions and State Advisory Committees will be asked annually to provide comments to the signatories concerning Federal/State coordination. The signatories will meet annually or more frequently if necessary, to review coordinated programs established under this MOU, to consider Regional Advisory Council, Subsistence Resource Commission and State Advisory Committee comments, and to consider modifications to this MOU that would further improve interagency working relationships. Any modifications of this MOU shall be made by mutual consent of the signatories, in writing, signed and dated by all parties.
- 8) 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.
- 9) This MOU establishes guidelines and mutual management goals by which the signatories shall coordinate, but does not create legally enforceable obligations or rights.
- 10) This MOU does not restrict the signatories from participating in similar agreements with other public or private agencies, tribes, organizations, and individuals.

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SIGNATORIES

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

Commissioner
Alaska Department of Fish and Game
Date:

Chair of the Federal Subsistence Board
Date:

Chair
Alaska Board of Fisheries
Date:

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

Chair
Alaska Board of Game
Date:

Regional Forester
USDA Forest Service
Date:

Regional Director
National Park Service
Date:

State Director
Bureau of Land Management
Date:

Regional Director
Bureau of Indian Affairs
Date:

Member of the Federal Subsistence Board
Date:

Member of the Federal Subsistence Board
Date:

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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, Subsistence Resource Commissions and/or State Advisory Committee representatives and other Federal/State 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 Councils, Subsistence Resource Commissions 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 land agencies party to the specific protocols as appropriate and prior to implementation.

ANNUAL REPORTS

Background

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

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

Report Content

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

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

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

Report Clarity

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

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

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

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

Report Format

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

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



Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503



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

FOREST SERVICE

FWS/OSM 16083.CJ

SEP 14 2016

Sue Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
c/o U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Chairwoman Entsminger:

This letter responds to the Eastern Interior Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2015 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Fall chum management on the Porcupine River

The Council believes that fall Chum Salmon should be managed more carefully so that the commercial fisheries harvest on the lower Yukon River does not reach levels that will adversely impact subsistence needs and compromise escapement goals. This year subsistence harvest of fall Chum was closed on the upper Yukon River and rural residents in this area did not have any harvest of fall Chum due to the run return not being as strong as forecasted prior to the prosecution of the commercial fishery.

While the Council appreciated the efforts of managers to meet with affected communities to discuss this subsistence fishery closure, there are rural residents who live remotely on the Porcupine River who depend extensively on fall Chum for subsistence but were not consulted about the closure. Council members who live in the area noted it caused great hardship for these remote residents who were unable to harvest fall Chum. Fall Chum is an important

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subsistence food, whether to feed families, provide food for dog teams, or use for bait on trap lines; few other resources are available at their remote residences as a replacement. The Council recommends that, at a minimum, if fall Chum Salmon is closed to subsistence harvest again in the future that some sort of permit system be in place whereby the remote residents could still have some small harvest to provide for basic needs. The Council notes that if the few people who live remotely on the Porcupine and other tributaries to the Yukon were granted permits to fish in time of conservation closures, it would help them greatly but likely not affect the overall escapement by their harvest of what might amount to just a few hundred fish at most.

Response:

The Board recognizes the need to help protect subsistence users through ANILCA Title VIII. Delegation of authority to a Federal In-Season Manager is established pursuant to 36 C.F.R. 242.10(d)(6) and 30 C.F.R. 100.10(d)(6), which states, “The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.” It is the intent of the Board that subsistence management by Federal officials be coordinated with the Alaska Department of Fish and Game (ADF&G) and involves Regional Advisory Council representatives to conserve healthy fish and wildlife populations while providing for subsistence uses. Currently the best way for subsistence users to modify or change current regulations governing fall Chum Salmon is to submit a regulatory proposal. During this process the proponent recommends either changing a current regulation or proposing a new regulation to be adopted. This process allows subsistence users a chance to voice their ideas on regulations to further allow more opportunity for subsistence uses. Additionally, for more immediate action, people can also submit special action requests. Limiting harvest to residents of specific communities would also require a Section 804 analysis. Information flyers are enclosed that can be shared with your communities on how to submit proposals and special action requests.

The Board recognizes the need to allow more opportunity for the Eastern Interior users to harvest more fall Chum Salmon in their region. The Board recognizes that during restrictive times, closures are necessary for the preservation of certain stocks of fish. This limits the opportunity for subsistence users to harvest much needed food resources for themselves, dogs, and bait for trapping. If the Council or the public wishes to expand opportunity for the small villages in your region to harvest more fall Chum Salmon, then pursuing either special actions or regulatory proposals as suggested above would be available options.

2. Inclusion of Traditional Ecological Knowledge in proposal analyses

The Council has observed that few of the wildlife proposal analyses that were reviewed this year included much information on local or Traditional Ecological Knowledge. The Council feels consultation with rural communities and affected subsistence hunters and fishers would greatly inform regulatory proposal analyses and ensure the subsistence users’ knowledge of the local

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area and resources were incorporated into consideration of all options and effects of the proposal. Importantly, local subsistence hunters will have ongoing observations and experience with the resources and the environment, as well as interaction of other aspects such as social and cultural elements of the harvest, timing, travel and access to hunt areas, preparation and preservation of the fish or meat, and interaction with other subsistence resources.

The Council suggests that the tribes and communities affected by the proposal should be engaged earlier as part of the analysis process rather than conducting tribal consultation after the analysis is complete. The Council also recommends that analysts call upon Council members who are knowledgeable about the resource and incorporate their information into the analysis. Also Council members can often recommend key contacts in their community or region who may be interested in contributing their knowledge to help inform the analysis. The Council feels these efforts to connect with the subsistence users themselves will better inform the analyses and lead to more effective, responsive regulations as well as serve to better engage rural residents in the Federal Subsistence Management Program and public process.

Response:

The Board recognizes the importance of traditional ecological knowledge (TEK) in proposal analyses and the value of this knowledge in the decision making process. Federal staff also recognizes the critical role of traditional ecological knowledge in analyses. Federal analysts strive to provide a thorough discussion of social and cultural information, which may include TEK in all analyses. All regulatory analyses are supported by written reports containing sociocultural information concerning the harvest and use of wild resources by rural communities. These analyses are still in draft form when submitted to the Councils for review. Additionally, as you are aware, Federal staff rely on Regional Advisory Councils and local subsistence users to provide sociocultural information that may not be available in written reports. During the year, staff attend and participate in meetings concerning rural communities and uses of wild resources throughout the state. This ongoing involvement helps ensure that Federal staff are familiar with emerging and ongoing regulatory issues, including knowledge held by local subsistence users. Additionally, staff hear and take note of public comments provided at Council meetings. This information is also incorporated into the final versions of the proposal analyses that are presented to the Board.

The Board will continue to encourage Federal staff and Council Coordinators to assist Regional Advisory Councils in seeking information from knowledgeable people within local communities and facilitating discussions regarding regulatory issues and other topics of concern to subsistence users. The Board appreciates and welcomes the Council's feedback about additional opportunities and mechanisms to more meaningfully engage with traditional knowledge in the future.

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The Board is also committed to meaningful tribal consultation. This process itself is designed as a forum for dialogue about a myriad of issues, including traditional ecological knowledge and other forms of sociocultural knowledge. Opportunity for tribal consultation about regulatory proposals occurs before proposal analyses are finalized. Non-confidential information provided through tribal consultation is incorporated into analyses before they are submitted to Regional Advisory Councils or the Board so that this information can inform recommendations and decision making. Additional opportunities for tribal consultation are provided throughout the regulatory process, including at Council and Board meetings.

3. Tribal Consultation and Active Participation of Hunters in Council meetings

The Council has reviewed and heard reports on the Federal Subsistence Board's Tribal Consultation Policy and process and is pleased there is an effort to communicate and consult with tribes on Federal subsistence regulatory proposals and policies that affect their communities. However, the Council has not seen the results of this consultation at the Regional Advisory Council meetings. The Council is concerned that no tribal comments or recommendations were received for many wildlife proposals that would have been of interest to the tribes in the region.

Additionally, the Council sees little opportunity for tribal participation at the Council meetings when the meetings are often held in Fairbanks due to ongoing budget restrictions for holding meetings outside of regional hubs. Teleconference is not an effective means of communicating with rural communities or tribes. The Council wishes to directly engage with the communities it represents. We strongly recommend holding Council meetings in rural communities to get to the "grassroots" and provide opportunity for the subsistence hunters and fishers themselves to participate in the process. The Federal Subsistence Management Program is, after all, described as a "bottom-up program." Tribal representatives would have an opportunity to participate with the Council directly in person as well when meetings are held in their community or region as often tribes do not have funds to support travel costs to attend meetings when held in the regional hub.

The Council notes that in the past, when the meetings were held in a rural community, there was a very different level of participation with subsistence hunters, fishers, families, elders and youth, all being able to contribute and inform the Council's decision making. Overall, meeting in the rural communities would make the Federal Subsistence Management Program more accessible to the people it serves and build greater understanding about subsistence as well as provide an opportunity to consult directly with the Tribal Council.

The Council suggests it is better to connect with tribes for consultation by calling them directly and not assuming that an outreach email or fax has been received. Timing of the consultation is important to ensure it does not overlap with important subsistence and other community

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activities. The Council further suggest as noted in subject number two of this report that consultation with tribes occur in advance of the proposal analysis process so that information or recommendations may be considered for inclusion in the analysis.

Response:

Staff have reported with concern to the Board that there has been little participation in tribal consultation. The Tribal Consultation Implementation Guidelines provide for an annual review, which is coordinated by the OSM Native Liaison. The Board welcomes any suggestions on that process and encourages you to communicate with the Native Liaison those suggestions. During the All Council meeting it was also suggested by the OSM Native Liaison that assistance with the input of new tribal leaders could help to improve updates. Additionally, improvements have been recently made to the tribal contacts database that will hopefully expedite any changes to contact information.

The issue of increased tribal participation at meetings and holding meetings in more remote locations is definitely related. As the Council is aware, the Federal government in general and this program in particular, has been limited by Congressional budget allocations. With the limited budget, and for the foreseeable future, Council meetings must be restricted to hub communities. Hub communities are identified in the enclosed memorandum. However, every 2-3 years, a Council may request to meet in a non-hub community. Through the Council Coordinator, the Council must provide a cost comparison between the hub community and the desired non-hub community location, plus a written justification and rationale for meeting in that location. Even when the Councils cannot meet in non-hub communities, every opportunity is provided for tribes to participate telephonically. The Board welcomes the Council to provide suggestions to the OSM Native Liaison and its Council Coordinator on how to increase tribal participation at Council meetings.

As for the Council's other suggestions, staff at OSM such as the Native Liaison and Council Coordinators do attempt to follow up initial email or fax contact with phone calls to ensure that the invitations for consultation have been received. It has also been considered to engage in information-sharing earlier in the proposal process in order to possibly incorporate tribal input into proposal analyses.

4. Protection of caribou front runners: "let the leaders pass" – solutions sought

The Council remains concerned about disturbance to caribou and alteration of migration patterns as a result of hunters taking the lead caribou. The overall concern is that caribou are being scattered or dispersed when hunters get in front of the herd and shoot the frontrunners. Based on the experience of Council members and local observations throughout the state, if lead caribou that know the way are shot, it may cause the rest of the herd to stray from their normal

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migration path. The concern is for the health of the herd and also the hardship on local communities if the herd is scattered or pushed farther from their usual migration routes, requiring local hunters to travel much farther to find the herd.

The Council is aware that this issue is a common concern for other regions and herds across the state as well as on the Canadian migration portion of the Porcupine Caribou Herd. Protecting the lead caribou would benefit the caribou as well as support local hunters and communities.

The Council has brought this concern to the Federal Subsistence Board before, but would like to seek specific support on how to address this issue. As noted further below, the Council would like a commitment from the Federal Subsistence Management Program to help initiate a collaborative hunter outreach and education program which could also include building awareness on the importance of not hunting, disturbing, or deflecting the front of the herd. Further, the Council would like support from Office of Subsistence Management staff to explore regulatory proposal options that may be able to address the concern through hunt restrictions during the caribou migration or other possible avenues to protect the lead caribou on their migratory path.

Response:

As the Council mentioned, allowing lead caribou to establish migration routes without hunting disturbance is a continuing issue across the state. The request to help initiate a hunter outreach and education program for this issue is addressed below.

The Board recommends that the Council identify specific problem areas. While this issue occurs across the state, each situation presents unique challenges and opportunities (i.e. amount and type of Federal public lands, road access, river access, hunting pressure and harvest, hunting season dates, caribou herd population status and migration patterns, interspersed of Federal public, private, and state lands, etc.). While one broad, sweeping solution would be the simplest, the Board believes this issue is best addressed on a case by case basis.

The Council could also specify the user group to whom any hunt restrictions should apply as regulatory options depend on user group. Actions taken by the Board would only apply to Federally qualified subsistence users on Federal public lands, except for instances where the Board would close hunting to non-Federally qualified users pursuant to its Closure Policy. The Council may need to submit proposals to the Alaska Board of Game in order to affect all hunters and all lands.

The Board also recommends that the Council consult directly with Federal and State land managers. In Unit 23, the National Park Service established a 'delayed entry zone' in the Noatak National Preserve. Within the delayed entry zone, transporters can only transport non-Federally qualified caribou hunters after September 15. The purpose of this zone is to allow a sufficient number of caribou to cross the Noatak River, establishing migration routes and to allow local

hunters the first opportunity to harvest caribou in that area. Other management actions used to address this issue include the State's controlled use area around Anaktuvuk Pass and the Noatak Controlled Use Areas along the Noatak River. One possible approach would be to develop a multi-region working group, working with your Council Coordinator to identify other regions that would be interested in participating and developing recommendations. Another could be to conduct a one-day workshop in connection with another resource management meeting to brainstorm and discuss various options, such as occurred during the All Council meeting.

5. Hunter ethics and education to reduce user conflict and promote understanding

The Council has heard many proposals and extensive public discussion over the years that focus on user conflicts among various resource users. The Council feels education and outreach initiatives should be developed to generate better understanding between user groups that hunt and fish common resources on Federal public lands. Proactively providing information may help avoid conflicts that stem from activity in sensitive cultural areas, Alaska Native lands, or lack of awareness of local etiquette and values when outsiders engage in hunting and fishing near rural communities or in traditional hunting areas. The Council would like to see the Federal Subsistence Management Program and its Federal land managers make an effort to develop educational initiatives in collaboration with the State where needed for known conflict/problem areas identified through the Regional Advisory Council meetings or Tribal consultation process. Fostering understanding and respect may help greatly in co-management efforts and reduce stress experienced by some due to conflicts around hunting and fishing activities.

The Council possesses a diverse membership and may be able to assist in developing approaches to education and outreach initiatives. The Council suggests that possible solutions include providing education materials in the Federal and State fish and wildlife regulatory books and/or education flyers that can be distributed along with relevant hunting permits. Information could include maps of Alaska Native lands, local cultural information by region, and notations regarding local etiquette, such as donation of meat to local communities and elders. Contact information for more details or questions could also be provided.

The Council met with the Western Interior Alaska Subsistence Regional Advisory Council during the winter 2015 meeting cycle and worked jointly to develop ideas and solutions to address these user conflict issues. The Council also discussed these potential collaborative options with Alaska Department of Fish and Game representatives at the same meeting and has been pursuing avenues that could be facilitated by Council member involvement in other resource advisory groups. The Council has also drafted a letter outlining several suggestions, which is enclosed with this report. To have an effective education and outreach program will require the collaboration and support of the Federal Subsistence Management Program. The Councils seeks feedback and confirmation from the Federal Subsistence Management Program on what type of programmatic, technical, and monetary resources the program may be able to contribute to the effort and a plan for possible next steps in order to proceed.

Chairwoman Entsminger

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Response:

The Board appreciates the Council's continued ideas and collaborative efforts to develop an education and outreach program that can reduce hunter conflicts in the region. Such a program could particularly help local hunters in rural areas who rely heavily on fish and wildlife resources for subsistence. The Board recognizes that this is a critical concern not only for your Council but several other Councils, including Western Interior.

Member Andy Bassich from Eagle effectively captured and presented the Council's concerns during a facilitated Outreach Challenges session held at the All Council's Meeting in March. The ideas and suggestions from the session will provide a baseline for the development of an OSM outreach strategy to reduce user conflicts and educate local and visiting hunters. A pilot project would be carried out in the Eastern Interior region to test the strategy. Karen Deatherage and Katerina Wessels are OSM council coordinators who have extensive outreach and communications background. They will both be working to initiate a pilot outreach program to address the concerns of Council on this matter. The Board fully supports this effort and looks forward to a successful program.

6. Online submission process for Federal proposals and public comment

As noted previously, the Council held a joint meeting with the Western Interior Alaska Subsistence Regional Advisory Council in winter 2015 and concurs with their expressed frustration on the difficulty to find, navigate, and submit comments or proposals through the Regulations.gov portal. It is very difficult to locate this new system and correct submission portal, as well as links to it through the Federal Subsistence Management Program website. Additionally Regulations.gov is not a satisfactory avenue for submittal due to the bandwidth limitations in rural Alaska and is not accessible or user friendly for many of the individuals, communities, and tribes that are required to utilize it to submit public comments.

The Council requests a standardized, easily downloadable and fillable form to be developed in accordance with Office of Management and Budget requirements that can then be emailed in. An online link that is simple and straightforward to use would also be helpful. A rural user should have the ability to download, complete, and submit in a straightforward, accessible, and comprehensible manner. It is imperative that when rural residents have an opportunity to comment on or submit a proposal on subsistence regulations that affect rural residents specifically, that regular access to internet and slow bandwidth in rural Alaska is not an impediment.

Chairwoman Entsminger

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Response:

The E-Government Act of 2002 requires all Federal agencies to use www.regulations.gov for the submission of comments/proposals for rulemaking. Based on the understanding of limited infrastructure in rural Alaska, the Federal Subsistence Management Program requested waivers to this rule. The Office of Management and Budget (OMB) decided that while the program would still be required to use the www.regulations.gov site, it would also be allowed to accept comments via mail and in-person at Regional Advisory Council meetings. OSM was directed by the OMB to remove the downloadable form that was previously on the program's webpage. The Subsistence Outreach Coordinator for OSM has produced an informational flier that takes a person through the steps to enter a comment or proposal into www.regulations.gov (enclosed). This flyer has been disseminated through various public outreach events and is available on the Federal Subsistence Management Program website.

7. Request for Council representative to participate in resource working groups

The Council requests to have a representative from the Regional Advisory Councils to serve as a point of contact and work with any future planning groups for large Federal policy or program initiatives that affect subsistence. Council members have been involved in similar pre-planning discussions through other working groups and it has been a very positive process to have dialog and share input that helped to fine tune policy and understand the interaction with subsistence. For example, members of the Council who serve on National Park Service Subsistence Resource Commissions have been involved in pre-scoping management discussions. A member of the North Slope Subsistence Regional Advisory Council served on the Tribal Consultation Working Group in helping to develop the Board's Tribal Consultation Policy and related Implementation Guidelines. The Council feels wide-reaching policy initiatives would benefit from Regional Advisory Council participation as part of the scoping process, help build understanding through discussion, and it would also serve to keep the Councils informed so that they are aware and engaged before a new policy is formally proposed.

Response:

Regional Advisory Council members either serve on or participate in various resource management working groups related to subsistence. These currently include the Western Arctic Caribou Working Group, the Kuskokwim River Salmon Management Working Group, and the Dall Sheep Working Group. There are not presently any federal working groups related to subsistence management or resources; however, two Councils (Western Interior and Yukon-Kuskokwim Delta) will soon be forming a joint subcommittee to participate in the Kuskokwim River Partnership Project, which involves the Intertribal Fisheries Commission and the U.S. Fish and Wildlife Service. As participation in these groups flows from Council membership, the Office of Subsistence Management provides travel funding and logistical support to Council members who attend.

Chairwoman Entsminger

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As for scoping of specific agency program or rule making initiatives, the Regional Advisory Councils recently have been involved in the process. Both the National Park Service and the U.S. Fish and Wildlife Service engaged in scoping outreach to all affected Regional Advisory Councils as part of developing their proposed rules related to predator management. How each agency conducts its pre-scoping management is at the discretion of the agency. The Tribal Consultation Working Group you mention was a Board-initiated process, so the Board was able to determine the membership of the group. It continued to rely on that group for the formation of its Alaska Native Claims Settlement Act Consultation Policy and its Tribal Consultation Implementation Guidelines. The Board can, however, encourage other agencies to involve Councils early in the process to the degree possible.

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

Sincerely,



Tim Towarak
Chair

Enclosures

- cc: Eastern Interior Alaska Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Stewart Cogswell, Acting Deputy Assistant Regional Director
Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management
Federal Subsistence Board
Interagency Staff Committee
Administrative Record



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

Federal Subsistence Board Informational Flyer



Forest Service

Contact: Deborah Coble
(907) 786-3880 or (800) 478-1456
deborah_coble@fws.gov

How to Submit a Proposal to Change Federal Subsistence Regulations

Alaska residents and subsistence users are an integral part of the Federal regulatory process. Any person or group can submit proposals to change Federal subsistence regulations, comment on proposals, or testify at meetings. By becoming involved in the process, subsistence users assist with effective management of subsistence activities and ensure consideration of traditional and local knowledge in subsistence management decisions. Subsistence users also provide valuable wildlife harvest information.

A call for proposals to change Federal subsistence fishing regulations is issued in January of even-numbered years and odd-numbered years for wildlife. The period during which proposals are accepted is no less than 30 calendar days. Proposals must be submitted in writing within this time frame.

You may propose changes to Federal subsistence season dates, harvest limits, methods and means of harvest, and customary and traditional use determinations.

What your proposal should contain:

There is no form to submit your proposal to change Federal subsistence regulations. Include the following information in your proposal submission (you may submit as many as you like):

- Your name and contact information (address, phone, fax, or E-mail address)
- Your organization (if applicable).
- What regulations you wish to change. Include management unit number and species. Quote the current regulation if known. If you are proposing a new regulation, please state, “new regulation.”
- Write the regulation the way you would like to see it written in the regulations.
- Explain why this regulation change should be made.
- You should provide any additional information that you believe will help the Federal Subsistence Board (Board) in evaluating the proposed change.

You may submit your proposals by:

1. By mail or hand delivery to:
Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
1011 E. Tudor Rd., MS-121
Anchorage, AK 99503
2. At any Federal Subsistence Regional Advisory Council meeting (A schedule will be published in the Federal Register and be announced statewide, bi-annually, prior to the meeting cycles)
3. On the Web at <http://www.regulations.gov>

Submit a separate proposal for each proposed change; however, do not submit the same proposal by different accepted methods listed above. To cite which regulation(s) you want to change, you may reference [50 CFR 100](#) or [36 CFR 242](#) or the proposed regulations published in the Federal Register: <http://www.gpoaccess.gov/fr/index.html>. All proposals and comments, including personal information, are posted on the Web at <http://www.regulations.gov>.

For the proposal processing timeline and additional information contact the Office of Subsistence Management at (800) 478-1456/ (907) 786-3888 or go to <http://www.doi.gov/subsistence/proposal/submit.cfm>.

How a proposal to change Federal subsistence regulations is processed:

1. Once a proposal to change Federal subsistence regulations is received by the Board, the U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM) validates the proposal, assigns a proposal number and lead analyst.
2. The proposals are compiled into a book for statewide distribution and posted online at the Program website. The proposals are also sent out the applicable Councils and the Alaska Department of Fish and Game (ADF&G) and the Interagency Staff Committee (ISC) for review. The period during which comments are accepted is no less than 45 calendar days. Comments must be submitted within this time frame.
3. The lead analyst works with appropriate agencies and proponents to develop an analysis on the proposal.
4. The analysis is sent to the Councils, ADF&G and the ISC for comments and recommendations to the Board. The public is welcome and encouraged to provide comments directly to the Councils and the Board at their meetings. The final analysis contains all of the comments and recommendations received by interested/affected parties. This packet of information is then presented to the Board for action.
5. The decision to adopt, adopt with modification, defer or reject the proposal is then made by the Board. The public is provided the opportunity to provide comment directly to the Board prior to the Board's final decision.
6. The final rule is published in the Federal Register and a public regulations booklet is created and distributed statewide and on the Program's website.

A step-by-step guide to submitting your proposal on www.regulations.gov:

1. Connect to www.regulations.gov – there is no password or username required.
2. In the white space provided in the large blue box, type in the document number listed in the news release or available on the program webpage, (for example: FWS-R7-SM2014-0062) and select the light blue “Search” button to the right.

3. Search results will populate and may have more than one result. Make sure the Proposed Rule you select is by the U.S. Fish and Wildlife Service (FWS) and **not** by the U.S. Forest Service (FS).
4. Select the proposed rule and in the upper right select the blue box that says, “Comment Now!”
5. Enter your comments in the “Comment” box.
6. Upload your files by selecting “Choose files” (this is optional).
7. Enter your first and last name in the spaces provided.
8. Select the appropriate checkbox stating whether or not you are providing the information directly or submitting on behalf of a third party.
9. Fill out the contact information in the drop down section as requested.
10. Select, “Continue.” You will be given an opportunity to review your submission.
11. If everything appears correct, click the box at the bottom that states, “I read and understand the statement above,” and select the box, “Submit Comment.” A receipt will be provided to you. Keep this as proof of submission.
12. If everything does not appear as you would like it to, select, “Edit” to make any necessary changes and then go through the previous step again to “Submit Comment.”

Missing out on the latest Federal subsistence issues? If you’d like to receive emails and notifications on the Federal Subsistence Management Program you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov. Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence/index.cfm or by visiting www.facebook.com/subsistencealaska.



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

Federal Subsistence Board Informational Flyer



Forest Service

Contact: Deborah Coble
(907) 786-3880 or (800) 478-1456
Deborah_coble@fws.gov

How to submit a Special Action Request to the Federal Subsistence Board

The regulatory cycle for changes to fish/shellfish and wildlife regulations take place every two years. A call for proposals to change fishing regulations is issued in January of even numbered years and odd numbered years for wildlife. A Special Action Request is an out-of-cycle change in a season, harvest limit, or method of harvest. Special Actions are taken when unusual situations arise, such as a significant change in resource abundance that could not reasonably have been anticipated. The Federal Subsistence Board may take a Special Action to restrict, close, open, or reopen the taking of fish and wildlife on Federal public lands and waters. Such actions are taken to ensure the continued viability of a particular fish or wildlife population, to ensure continued subsistence use, or for reasons of public safety. These guidelines and requirements can be found in [36 CFR 242.19](#) and [50 CFR 100.19](#).

To submit a Special Action request, please provide the following information:

- Name
- Address
- Telephone number
- Fax number (if applicable)
- E-mail address
- Organization (if applicable)
- Describe the action you are requesting; reference the current regulations you wish to change
- List if there have been unusual or significant changes in resource abundance or unusual conditions affecting harvest opportunities that could not reasonably have been anticipated and that potentially could have significant adverse effects on the health of fish and wildlife populations or subsistence users
- State if requested action is to ensure the continued viability of a fish or wildlife population, to continue subsistence uses of fish or wildlife, or for public safety reasons
- State the extenuating circumstances that necessitate a regulatory change before the next regulatory review

How a Special Action request is processed:

1. A Special Action that is 60 days or less in duration is an emergency special action. A special action lasting 61 days or more is a temporary special action.

2. Special Actions are assigned to an analyst who works with the requestor and field staff to develop a recommendation to the Federal Subsistence Board.
3. The analysis and recommendation is presented to the Interagency Staff Committee (ISC), the affected Regional Advisory Council (Council) chair(s), and the Alaska Department of Fish and Game (ADF&G).
4. If the request is a temporary special action, a public meeting is held in the affected area(s) to allow for public comment.
5. If the timing of a regularly scheduled Council meeting permits without incurring undue delay, the Board **may** seek Council recommendations on proposed Emergency Special Actions.
6. If timing of a regularly scheduled Council meeting permits without incurring undue delay, the Board **will** seek Council recommendations on proposed Temporary Special Actions.
7. Prior to taking any action the Board (or ISC) will consult with ADF&G and the chairs of the affected Councils.
8. If there is unanimous consent of the ISC, the Assistant Regional Director for the Office of Subsistence Management may approve the request.
9. If there is not unanimous consent of the ISC the analysis goes to the Board. The decision to adopt, adopt with modification or reject is then made by the Board.
10. Once a decision is made, a response letter, and a copy of the complete analysis and recommendations, is sent to the requesting proponent with a copy sent to the affected Council chair(s), State Federal Liaison Team Lead and Federal and State law enforcement.
11. If needed, the OSM subsistence outreach coordinator or the Federal agency requesting the Special Action will prepare a news release.

Submit your request by:

Mail:

Office of Subsistence Management
Attn: Subsistence Policy Coordinator
1011 East Tudor Road, Mail Stop 121
Anchorage, Alaska 99503

Fax: (907) 786-3898

E-mail: subsistence@fws.gov

The Federal Subsistence Management Program website link to this information may be found here:
http://www.doi.gov/subsistence/proposal/special_action/index.cfm

Missing out on the latest Federal subsistence issues? If you'd like to receive emails and notifications on the Federal Subsistence Management Program you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov. Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence/index.cfm or by visiting www.facebook.com/subsistencealaska.

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

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

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

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

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

PROCEDURES

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

Secretary of the Interior and Secretary of Agriculture
c/o Chair, Federal Subsistence Board
U.S. Fish and Wildlife Service, Office of Subsistence
Management 1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

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

Eastern Interior Alaska Subsistence Regional Advisory Council

Charter

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

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.
 - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
 - e. Appoint one member to the Wrangell-St. Elias National Park Subsistence Resource Commission and one member to the Denali National Park Subsistence Resource Commission in accordance with Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA).
 - f. Make recommendations on determinations of customary and traditional use of subsistence resources.
 - g. Make recommendations on determinations of rural status.
 - h. Provide recommendations on the establishment and membership of Federal local advisory committees.
5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
 6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
 7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$160,000, including all direct and indirect expenses and 1.15 staff years.
 8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
 - Approve or call all of the advisory committee's and subcommittees' meetings,
 - Prepare and approve all meeting agendas,
 - Attend all committee and subcommittee meetings,
 - Adjourn any meeting when the DFO determines adjournment to be in the public interest, and
 - Chair meetings when directed to do so by the official to whom the advisory committee reports.

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

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

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

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

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

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

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

14. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Council Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, shall be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



Secretary of the Interior

NOV 20 2015

Date Signed

DEC 03 2015

Date Filed



36836

Federal Register / Vol. 81, No. 110 / Wednesday, June 8, 2016 / Proposed Rules

applicants by the proposed priority would be limited to paperwork burden related to preparing an application for a discretionary grant program that is using the priority in its competition. Because the costs of carrying out activities would be paid for with program funds, the costs of implementation would not be a burden for any eligible applicants, including small entities.

Regulatory Flexibility Act

Certification: For these reasons as well, the Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Intergovernmental Review: Some of the programs affected by this proposed priority are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

John B. King, Jr.,

Secretary of Education.

[FR Doc. 2016-13456 Filed 6-7-16; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

[Docket No. FWS-R7-SM-2015-0159; FXRS1261070000167-FF07J00000; FBMS# 4500088147]

RIN 1018-BB22

Subsistence Management Regulations for Public Lands in Alaska—Applicability and Scope; Tongass National Forest Submerged Lands

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

ACTION: Proposed rule.

SUMMARY: The U.S. District Court for Alaska in its October 17, 2011, order in *Peratrovich et al. v. United States and the State of Alaska*, 3:92-cv-0734-HRH (D. Alaska), enjoined the United States “to promptly initiate regulatory proceedings for the purpose of implementing the subsistence provisions in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) with respect to submerged public lands within Tongass National Forest” and directed entry of judgment. To comply with the order, the Federal Subsistence Board (Board) must initiate a regulatory proceeding to identify those submerged lands within the Tongass National Forest that did not pass to the State of Alaska at statehood and, therefore, remain Federal public lands subject to the subsistence provisions of ANILCA.

Following the Court’s decision, the Bureau of Land Management (BLM) and the USDA–Forest Service (USDA–FS) started a review of hundreds of potential pre-statehood (January 3, 1959) withdrawals in the marine waters of the Tongass National Forest. In April and October of 2015, BLM submitted initial lists of submerged public lands to the Board. This proposed rule would add those submerged parcels to the subsistence regulations to ensure compliance with the Court order. Additional listings will be published as BLM and the USDA–FS continue their review of pre-statehood withdrawals.

DATES: *Public comments:* Comments on this proposed rule must be received or postmarked by August 8, 2016.

Public meetings: The Federal Subsistence Regional Advisory Councils

(Councils) will hold public meetings to receive comments on this proposed rule on several dates between September 28 and November 2, 2016, and make recommendations to the Federal Subsistence Board. The Board will discuss and evaluate proposed regulatory changes during a public meeting in Anchorage, AK, in January 2017. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

ADDRESSES: *Public meetings:* The Federal Subsistence Board and the Federal Subsistence Regional Advisory Councils’ public meetings will be held at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

Public comments: You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and search for FWS-R7-SM-2015-0159, which is the docket number for this rulemaking.

- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503-6199.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Review Process section below for more information).

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Eugene R. Peltola, Jr., Office of Subsistence Management; (907) 786-3888 or subsistence@fws.gov. For questions specific to National Forest System lands, contact Thomas Whitford, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743-9461 or twhitford@fs.fed.us.

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of ANILCA (16 U.S.C. 3111-3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out this program in the **Federal Register** on June 29, 1990 (55 FR 27114), and published final regulations in the **Federal Register**

on May 29, 1992 (57 FR 22940). The program regulations have subsequently been amended a number of times. Because this program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, "Parks, Forests, and Public Property," and Title 50, "Wildlife and Fisheries," at 36 CFR 242.1–242.28 and 50 CFR 100.1–100.28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

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

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

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

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

Public Review Process—Comments and Public Meetings

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing this proposed rule and making recommendations for the final rule. The Federal Subsistence Board, through the Councils, will hold public meetings on this proposed rule at the

following locations in Alaska, on the following dates:

- Region 1—Southeast Regional Council, Petersburg, October 4, 2016
- Region 2—Southcentral Regional Council, Anchorage, October 18, 2016
- Region 3—Kodiak/Aleutians Regional Council, Cold Bay, September 28, 2016
- Region 4—Bristol Bay Regional Council, Dillingham, October 26, 2016
- Region 5—Yukon-Kuskokwim Delta Regional Council, Bethel, October 12, 2016
- Region 6—Western Interior Regional Council, McGrath, October 11, 2016
- Region 7—Seward Peninsula Regional Council, Nome, November 1, 2016
- Region 8—Northwest Arctic Regional Council, Selawik, October 5, 2016
- Region 9—Eastern Interior Regional Council, Fort Yukon, October 25, 2016
- Region 10—North Slope Regional Council, Barrow, November 1, 2016

A public notice of specific dates, times, and meeting locations will be published in local and statewide newspapers prior to each meeting. Locations and dates may change based on weather or local circumstances. The Regional Advisory Council's agenda determines the length of each Council meeting based on workload.

The Board will discuss and evaluate submitted comments and public testimony on this proposed rule during a public meeting scheduled for January 2017 in Anchorage, Alaska. The Federal Subsistence Regional Advisory Council Chairs, or their designated representatives, will present their respective Councils' recommendations at the Board meeting. Additional public testimony may be provided to the Board on this proposed rule at that time. At that public meeting, the Board will deliberate and make final recommendations to the Secretaries on this proposed rule.

You may submit written comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. If you submit a comment via <http://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on <http://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we

used in preparing this proposed rule, will be available for public inspection on <http://www.regulations.gov>, or by appointment, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays, at: USFWS, Office of Subsistence Management, 1011 East Tudor Road, Anchorage, AK 99503.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to these meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Deborah Coble, 907-786-3880, subsistence@fws.gov, or 800-877-8339 (TTY), seven business days prior to the meeting you would like to attend.

Tribal Consultation and Comment

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

The Alaska National Interest Lands Conservation Act does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members are affected by subsistence fishing, hunting, and trapping regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule.

The Board will engage in outreach efforts for this proposed rule, including a notification letter, to ensure that Tribes and Alaska Native corporations are advised of the mechanisms by which they can participate. The Board provides a variety of opportunities for consultation: Proposing changes to the existing rule; commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Advisory Council meetings; engaging in dialogue

at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process. The Board will commit to efficiently and adequately providing an opportunity to Tribes and Alaska Native corporations for consultation in regard to subsistence rulemaking.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and address their concerns as much as practicable.

Jurisdictional Background and Perspective

The *Peratrovich* case dates back to 1992 and has a long and involved procedural history. The plaintiffs in that litigation raised the question of which marine waters in the Tongass National Forest, if any, are subject to the jurisdiction of the Federal Subsistence Management Program. In its May 31, 2011, order, the U.S. District Court for Alaska (Court) stated that "it is the duty of the Secretaries [Agriculture & Interior] to identify any submerged lands (and the marine waters overlying them) within the Tongass National Forest to which the United States holds title." It also stated that, if such title exists, it "creates an interest in [the overlying] waters sufficient to make those marine waters public lands for purposes of [the subsistence provisions] of ANILCA."

Most of the marine waters within the Tongass National Forest were not initially identified in the regulations as public lands subject to the subsistence priority based upon a determination that the submerged lands were State lands, and later through reliance upon a disclaimer of interest filed by the United States in *Alaska v. United States*, No. 128 Orig., 546 U.S. 413 (2006). In that case, the State of Alaska had sought to quiet title to all lands underlying marine waters in southeast Alaska, which includes most of the Tongass National Forest. Ultimately, the United States disclaimed ownership to most of the submerged lands in the Tongass National Forest. The Supreme Court accepted the disclaimer by the United States to title to the marine waters within the Tongass National Forest, excepting from that disclaimer several classes of submerged public lands that generally involve small tracts. *Alaska v. United States*, 546 U.S. at 415.

When the United States took over the subsistence program in Alaska in 1990, the Departments of the Interior and Agriculture stated in response to comments on the scope of the program during promulgation of the interim

regulations that "the United States generally does not hold title to navigable waters and thus navigable waters generally are not included within the definition of public lands" (55 FR 27115; June 29, 1990). That position was changed in 1999 when the subsistence priority was extended to waters subject to a Federal reserved water right following the *Katie John* litigation. The Board identified certain submerged marine lands that did not pass to the State and, therefore, where the subsistence priority applied. However, the Board did not attempt to identify each and every small parcel of submerged public lands and thereby marine water possibly subject to the Federal Subsistence Management Program because of the potentially overwhelming administrative burden. Instead the Board invited the public to petition to have submerged marine lands included. Over the years, several small areas of submerged marine lands in the Tongass National Forest have been identified as public lands subject to the subsistence priority.

In its May 31, 2011, order, the Court stated that the petition process was not sufficient and found that "concerns about costs and management problems simply cannot trump the congressional policy that the subsistence lifestyle of rural Alaskans be preserved as to public lands." The Court acknowledged in its order that inventorying all these lands could be an expensive undertaking, but that it is a burden "necessitated by the 'complicated regulatory scheme' which has resulted from the inability of the State of Alaska to implement Title VIII of ANILCA." The Court then "enjoined" the United States "to promptly initiate regulatory proceedings for the purpose of implementing the subsistence provisions in Title VIII of ANILCA with respect to submerged public lands within Tongass National Forest" and directed entry of judgment.

The BLM and USDA-FS started a time- and resource-consuming review of hundreds of potential pre-statehood (January 3, 1959) withdrawals in the marine waters of the Tongass National Forest. Both agencies are reviewing their records to identify dock sites, log transfer sites, and other areas that may not have passed to the State at statehood. The review process is ongoing and expected to take quite some time.

Developing the Applicability and Scope; Tongass National Forest Submerged Lands Proposed Regulations

In April and October of 2015, BLM submitted initial listings of parcels of

submerged public lands to the Board. This proposed rule will add those listings to the subsistence regulations to ensure compliance with the Court's order. Additional listings will be published as BLM and USDA-FS continue their reviews of pre-statehood withdrawals. In addition, this proposed rule would make nonsubstantive changes to 36 CFR 242.3 and 50 CFR 100.3 to correct errors, such as misspellings and punctuation errors, which occur in the existing regulations.

Because this proposed rule concerns public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Compliance With Statutory and Regulatory Authorities

National Environmental Policy Act

A Draft Environmental Impact Statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The Final Environmental Impact Statement (FEIS) was published on February 28, 1992. The Record of Decision (ROD) on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (Alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a Finding of No Significant Impact.

Section 810 of ANILCA

An ANILCA § 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final § 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Federal Subsistence Management

Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of the subsistence program regulations was conducted in accordance with § 810. This evaluation also supported the Secretaries' determination that the regulations will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA § 810(a).

Paperwork Reduction Act of 1995 (PRA)

This proposed rule does not contain any new collections of information that require Office of Management and Budget (OMB) approval under the PRA (44 U.S.C. 3501 *et seq.*) OMB has reviewed and approved the collections of information associated with the subsistence regulations at 36 CFR 242 and 50 CFR 100, and assigned OMB Control Number 1018-0075. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Regulatory Planning and Review (Executive Order 12866)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this proposed rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires

preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, the resources to be harvested under this proposed rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that two million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of \$3.00 per pound, this amount would equate to about \$6 million in food value statewide. Based upon the amounts and values cited above, the Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Small Business Regulatory Enforcement Fairness Act

Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this proposed rule is not a major rule. It will not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Executive Order 12630

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these proposed regulations have no potential takings of private property implications as defined by Executive Order 12630.

Unfunded Mandates Reform Act

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this proposed rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

Executive Order 12988

The Secretaries have determined that these proposed regulations meet the applicable standards provided in §§ 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

Executive Order 13132

In accordance with Executive Order 13132, the proposed rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

Executive Order 13175

The Alaska National Interest Lands Conservation Act, Title VIII, does not provide specific rights to tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult on this proposed rule. Consultation with Alaska Native corporations are based on Public Law 108-199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108-447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175."

The Secretaries, through the Board, will provide a variety of opportunities for consultation: commenting on proposed changes to the existing rule; engaging in dialogue at the Regional Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, by mail, email, or phone at any time during the rulemaking process.

Executive Order 13211

This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. However, this proposed rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no Statement of Energy Effects is required.

Drafting Information

Theo Matuskowitz drafted these proposed regulations under the guidance of Gene Peltola of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional assistance was provided by:

- Daniel Sharp, Alaska State Office, Bureau of Land Management;
- Mary McBurney, Alaska Regional Office, National Park Service;
- Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs;

- Trevor Fox, Alaska Regional Office, U.S. Fish and Wildlife Service; and
- Thomas Whitford, Alaska Regional Office, USDA—Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Proposed Regulation Promulgation

For the reasons set out in the preamble, the Secretaries propose to amend 36 CFR part 242 and 50 CFR part 100 as set forth below.

PART—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

- 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart A—General Provisions

- 2. In subpart A of 36 CFR part 242 and 50 CFR part 100, amend § 3 as follows:
 - a. In paragraph (a), remove the word “or” and in its place add the word “of” and remove the word “poortion” and in its place add the word “portion”;
 - b. In paragraph (b)(1)(iii), remove the word “A” and in its place add the word “All”;
 - c. In paragraph (b)(1)(v), remove the word “Latitute” and in its place add the word “Latitude”;
 - d. In paragraph (b)(2), remove “70 10’” and in its place add “70°10’” and remove “145 51’” and in its place add “145°51’”;
 - e. In paragraph (b)(3), remove the word “cape” and in its place add the word “Cape”, remove the word “Latitute” and in its place add the word “Latitude”, and remove “161 46’” and in its place add “161°46’”; and
 - f. Revise paragraph (b)(5) to read as set forth below:

§ 3 Applicability and scope.

* * * * *

- (5) Southeastern Alaska, including the:

(i) Makhnati Island Area: Land and waters beginning at the southern point of Fruit Island, 57°02'35" north latitude, 135°21'07" west longitude as shown on

United States Coast and Geodetic Survey Chart No. 8244, May 21, 1941; from the point of beginning, by metes and bounds; S. 58° W., 2,500 feet, to the southern point of Nepovorotni Rocks; S. 83° W., 5,600 feet, on a line passing through the southern point of a small island lying about 150 feet south of Makhnati Island; N. 6° W., 4,200 feet, on a line passing through the western point of a small island lying about 150 feet west of Makhnati Island, to the northwestern point of Signal Island; N. 24° E., 3,000 feet, to a point, 57°03'15" north latitude, 134°23'07" west longitude; East, 2,900 feet, to a point in course No. 45 in meanders of U.S. Survey No. 1496, on west side of Japonski Island; southeasterly, with the meanders of Japonski Island, U.S. Survey No. 1,496 to angle point No. 35, on the southwestern point of Japonski Island; S. 60° E., 3,300 feet, along the boundary line of Naval reservation described in Executive Order No. 8216, July 25, 1939, to the point of beginning, and that part of Sitka Bay lying south of Japonski Island and west of the main channel, but not including Aleutski Island as revoked in Public Land Order 925, October 27, 1953, described by metes and bounds as follows: Beginning at the southeast point of Japonski Island at angle point No. 7 of the meanders of U.S. Survey No. 1496; thence east approximately 12.00 chains to the center of the main channel; thence S. 45° E. along the main channel approximately 20.00 chains; thence S. 45° W. approximately 9.00 chains to the southeastern point of Aleutski Island; thence S. 79° W. approximately 40.00 chains to the southern point of Fruit Island; thence N. 60° W. approximately 50.00 chains to the southwestern point of Japonski Island at angle point No. 35 of U.S. Survey No. 1496; thence easterly with the meanders of Japonski Island to the point of beginning including Charcoal, Harbor, Alice, Love, and Fruit islands and a number of smaller unnamed islands.

(ii) Tongass National Forest:

(A) Beacon Point, Frederick Sound, and Kupreanof Island are shown on the U.S. Coast and Geodetic Survey Chart No. 8210—Sheet No. 16. The reference location is marked as 57 south, 79 east, CRM, SEC 8, U.S. Survey No. 1604. The point begins on the low-water line at N. 63° W., true and approximately 1,520 feet from Beacon Point beacon; thence due south true 1,520 feet; thence true East 1,800 feet, more or less to an intersection with a low-water line; thence following, is the low-water line round the point to point of the beginning (Approx. Long. 133°00' W. Lat. 56°56¼' N.).

(B) Bushy Island and Snow Passage are shown on the U.S. Coast and Geodetic Survey Chart, labeled No. 8160—Sheet No. 12. The reference location is marked as 64 south, 80 east, CRM, SEC. 31/32 on the map labeled, USS 1607. The point begins on a low-water line about ¼ nautical miles and southwesterly from the northwest point of the island, from which a left tangent to an island that is 300 yards in diameter and 100 yards offshore, bears the location—N. 60° W., true; thence S. 60° E., true and more or less 2,000 feet to an intersection with a low-water line on the easterly side of the island; thence forward along the winding of the low-water line northwesterly and southwesterly to the point of the beginning, including all adjacent rocks and reefs not covered at low water (Approx. Long. 132°58' W. Lat. 56°16½' N.).

(C) Cape Strait, Frederick Sound, and Kupreanof Island are shown on the U.S. Coast and Geodetic Survey Chart No. 8210—Sheet No. 16. The reference location is marked as 56 south, 77478 east, CRM, on the map labeled as USS 1011. It begins at a point on a low-water line that is westerly from the lighthouse and distant 1,520 feet in a direct line from the center of the concrete pier upon which the light tower is erected; thence South 45° E., true by 1,520 feet; thence east true by 1,520 feet, more or less to an intersection with the low-water line; thence north-westerly and westerly, following the windings of the low-water line to the point of beginning (Approx. Long. 133°05' W. Lat. 57°00' N.).

(D) Point Colpoys and Sumner Strait are shown on the U.S. Coast and Geodetic Survey Chart No. 8160—Prince of Wales Island—Sheet No. 12. The reference location is marked as 64 south, 78 east, CRM, SECs. 10, 11, 12 on the map labeled as USS 1634. Location is north of a true east-and-west line running across the point to 1,520 feet true south from the high-water line at the northernmost extremity. Map includes all adjacent rocks and ledges not covered at low water and also includes two rocks wash about 1¼ nautical miles east and South and 75° East, respectively, from the aforementioned point (Approx. Long. 133°12' W. Lat. 56°20' N.).

(E) Vank Island and Stikine Strait are shown on the U.S. Coast and Geodetic Survey Chart No. 8160—Sheet No. 18. Located at 62 south, 82 east, CRM, SEC 34, on the map labeled as USS 1648. This part of the island is lying south of a true east-and-west line that is drawn across the island from low water to low water. Island is 760 feet due North from

the center of the concrete pier upon which the structure for the light is erected (Approx. Long. 132°35' W. Lat. 56°27' N.).

(F) High Point, and Woronkofski Island, Alaska, are shown on the U.S. Coast and Geodetic Survey Chart No. 8160—Sheet No. 18. The location begins at a point on low water at the head of the first bight easterly of the point and about 1/8 nautical mile distant therefrom; thence south true 1,520 feet; thence west true 1,100 feet, more or less to an intersection with the low-water line; thence northerly and easterly, following the windings of the low-water line to point of the beginning (Approx. Long. 132°33' W. Lat. 56°24' N.).

(G) Key Reef and Clarence Strait are shown on the U.S. Coast and Geodetic Survey Chart No. 8160—Sheet No. 11. The reef lies 1 3/4 miles S. 80° E., true, from Bluff Island and becomes awash at extreme high water. Chart includes all adjacent ledges and rocks not covered at low water (Approx. Long. 132°50' W. Lat. 56°10' N.).

(H) Low Point and Zarembo Island, Alaska, are shown on U.S. Coast and Geodetic Survey Chart No. 8160—Sheet No. 22. The location begins at a point on a low-water line that is 760 feet in a direct line, easterly, from the center of Low Point Beacon. The position is located on a point of shoreline about 1 mile easterly from Low Point; thence S. 35° W true 760 feet; thence N. 800 feet and W. 760 feet, more or less, to an intersection with the low-water line to the point of beginning (Approx. Long. 132°55 1/2' W. Lat. 56°27 1/2' N.).

(I) McNamara Point and Zarembo Island, Alaska, are shown on U.S. Coast and Geodetic Survey Chart No. 8160—Sheet No. 25. Location begins at a point on a low-water line that is 1,520 feet in a direct line, northerly, from McNamara Point Beacon—a slatted tripod structure; thence true east 1,520 feet; thence true south, more or less, 2,500 feet to an intersection with the low-water line; thence northwesterly and northerly following the windings of the low-water line to the point of the beginning (Approx. Long. 133°04' W. Lat. 56°20' N.).

(J) Mountain Point and Wrangell Narrows, Alaska, are shown on the U.S. Coast and Geodetic Survey Chart No. 8170—Sheet No. 27. The location begins at a point on a low-water line southerly from the center of Mountain Point Beacon and distant there from 1,520 feet in a direct line; thence true west 1,520 feet; thence true north, more or less, 3,480 feet to an intersection with the low-water line; thence southeasterly and southerly following the windings of the low-water line to the point of the

beginning (Approx. Long. 132°57 1/2' W. Lat. 56°44' N.).

(K) Angle Point, Revillagigedo Channel, and Bold Island are shown on the U.S. Coast and Geodetic Survey Chart No. 8075—Sheet No. 3. The reference location is marked as 76 south, 92 east, CRM, USS 1603. The location begins at a point on a low-water line abreast of the lighthouse on Angle Point, the southwestern extremity of Bold Island; thence easterly along the low-water line to a point that is 3,040 feet in a straight line from the beginning point; thence N. 30° W. True 3,040 feet; thence true west to an intersection with the low-water line, 3,000 feet, more or less; thence southeasterly along the low-water line to the point of the beginning (Approx. Long. 131°26' W. Lat. 55°14' N.).

(L) Cape Chacon, Dixon Entrance, and Prince of Wales Island are shown on the U.S. Coast and Geodetic Survey Chart No. 8074—Sheet No. 29. The reference location is marked as 83 south, 89 and 90 east, CRM, USS 1608. The location begins at a point at the low-water mark on the shore line of Dixon Entrance from which the southern extremity of Cape Chacon bears south 64° true East and approximately 3/4 nautical miles; thence N. 45° true East and about 1 nautical mile, more or less, to an intersection with a low-water line on the shore of Clarence Strait; thence southerly, following the meanderings of the low-water line of the shore, to and around Cape Chacon, and continuing to the point of the beginning. Reference includes all adjacent islands, islets, rocks, and reefs that are not covered at the low-water line (Approx. Long. 132° W. Lat. 54°42' N.).

(M) Lewis Reef and Tongass Narrows are shown on the U.S. Coast and Geodetic Survey Chart No. 8094—Sheet No. 71. The reference location is marked as 75 south, 90 east, CRM, SEC 9. The area point begins at the reef off of Lewis Point and partly bare at low water. This part of the reef is not covered at low water and lies on the northeast side of a true northwest-and-southeast line that is located 300 feet true southwest from the center of the concrete pier of Lewis Reef Light (Approx. Long. 131°44 1/2' W. Lat. 55°22'25" N.).

(N) Lyman Point and Clarence Strait are shown on the U.S. Coast and Geodetic Survey, Chart No. 8076—Sheet No. 8. The reference location is marked as 73 south, 86 east, CRM, SEC 13, on a map labeled as USS 2174 TRC. It begins at a point at the low-water mark. The aforementioned point is 300 feet in a direct line easterly from Lyman Point light; thence due south 300 feet; thence due west to a low-water mark 400 feet,

more or less; thence following the winding of the low-water mark to place of beginning (Approx. Long. 132°18' W. Lat. 35°35' N.).

(O) Narrow Point, Clarence Strait, and Prince of Wales Island are shown on the U.S. Coast and Geodetic Survey Chart No. 8100—Sheet No. 9. The reference location is marked as 70 south, 84 east, CRM, on a map labeled as USS 1628. The point begins at a point on a low-water line about 1 nautical mile southerly from Narrow Point Light, from which point a left tangent to a high-water line of an islet about 500 yards in diameter and about 300 yards off shore, bears south 30° true East; thence north 30° W., true 7,600 feet; thence N. 60° E., 3,200 feet, more or less to an intersection with a low-water line; thence southeasterly, southerly, and southwesterly, following the winding of the low-water line to the point of the beginning. The map includes all adjacent rocks not covered at low water (Approx. Long. 132°28' W. Lat. 55°47 1/2' N.).

(P) Niblack Point, Cleveland Peninsula, and Clarence Strait, Alaska, are shown on the U.S. coast and Geodetic Survey Chart No. 8102—Sheet No. 6, which is the same sheet used for Caamano Point. The location begins at a point on a low-water line from which Niblack Point Beacon, a tripod anchored to three concrete piers, bears southeasterly and is 1,520 feet in a direct line; thence true northeast 1,520 feet; thence true southeast 3,040 feet; thence true southwest at 600 feet, more or less, to an intersection with a low-water line; thence northwesterly following the windings of the low-water line to the point of the beginning (Approx. Long. 132°07' W. Lat. 55°33' N.).

(Q) Rosa Reef and Tongass Narrows are shown on the U.S. Coast and Geodetic Survey Chart No. 8094—Sheet No. 71. The reference location is marked as 74 south, 90 east, CRM, SEC 31. That part of the reef is not covered at low water and lies east of a true north-and-south line, located 600 feet true west from the center of the concrete pier of Rosa Reef Light. The reef is covered at high water (Approx. Long. 131°48' W. Lat. 55°24'15" N.).

(R) Ship Island and Clarence Strait are shown on the U.S. Coast and Geodetic Survey Chart No. 8100—Sheet No. 9. The reference location is marked as south, 8 east, CRM, SEC 27. The point begins as a small island on the northwesterly side of the Clarence Strait, about 10 nautical miles northwesterly from Caamano Point and 1/4 mile off the shore of Cleveland Peninsula. The sheet includes all

adjacent islets and rocks not connected to the main shore and not covered at low water (Approx. Long. 132°12' W. Lat. 55°36' N.).

(S) Spire Island Reef and Revillagigedo Channel are shown on the U.S. Coast and Geodetic Survey Chart No. 8075—Sheet No. 3. The reference location is marked as 76 south, 92 east, CRM, SEC 19. The detached reef, covered at high water and partly bare at low water, is located northeast of Spire Island. Spire Island Light is located on the reef and consists of small houses and lanterns surmounting a concrete pier. See chart for “Angle Pt.” (Approx. Long. 131°30' W. Lat. 55°16' N.).

(T) Surprise Point and Nakat Inlet are shown on the U.S. Coast and Geodetic Survey Chart No. 8051—Sheet No. 1. The reference location is marked as 80 south, 89 east, CRM. This point lies north of a true east-and-west line. The true east-and-west line lies 3,040 feet true south from the northernmost extremity of the point together with adjacent rocks and islets (Approx. Long. 130°44' W. Lat. 54°49' N.).

(U) Caamano Point, Cleveland Peninsula, and Clarence Strait, Alaska, are shown on the U.S. Coast and Geodetic Survey Chart No. 8102—Sheet No. 6. Location consists of everything apart of the extreme south end of the Cleveland Peninsula lying on a south side of a true east-and-west line that is drawn across the point at a distance of 800 feet true north from the southernmost point of the low-water line. This includes off-lying rocks and islets that are not covered at low water (Approx. Long. 131°59' W. Lat. 55°30' N.).

(V) Meyers Chuck and Clarence Strait, Alaska, are shown on the U.S. and Geodetic Survey Chart No. 8124—Sheet No. 26. The small island is about 150 yards in diameter and located about 200 yards northwest of Meyers Island (Approx. Long. 132°16' W. Lat. 55°44½' N.).

(W) Round Island and Cordova Bay, Alaska, are shown on the U.S. coast and Geodetic Survey Chart No. 8145—Sheet No. 36. The Southwestern Island of the group is about 700 yards long, including off-lying rocks and reefs that are not covered at low water (Approx. Long. 132°30½' W. Lat. 54°46½' N.).

(X) Mary Island begins at a point that is placed at a low-water mark. The aforementioned point is southward 500 feet from a crosscut on the side of a large rock on the second point below Point Winslow and Mary Island; thence due west ¾ mile, statute; thence due north to a low-water mark; thence following the winding of the low water

to the place of the beginning (Approx. Long. 131°11'00" W. Lat. 55°05'55" N.).

(Y) Tree Point starts a point of a low-water mark. The aforementioned point is southerly ½ mile from extreme westerly point of a low-water mark on Tree Point, on the Alaska Mainland; thence due true east, ¾ mile; thence due north 1 mile; thence due west to a low-water mark; thence following the winding of the low-water mark to the place of the beginning (Approx. Long. 130°57'44" W. Lat. 54°48'27" N.).

* * * * *

Dated: May 31, 2016.

Dated: February 17, 2016.

Sally Jewell,

Secretary of the Interior.

Beth G. Pendleton,

Regional Forester USDA—Forest Service.

[FR Doc. 2016–13374 Filed 6–7–16; 8:45 am]

BILLING CODE 3410–11–4333–1P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0247; FRL–9947–40–Region 4]

Air Plan Approval; South Carolina; Prong 4—2008 Ozone, 2010 NO₂, SO₂, and 2012 PM_{2.5}

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to conditionally approve the portions of revisions to the South Carolina State Implementation Plan (SIP), submitted by the South Carolina Department of Health and Environmental Control (SC DHEC), addressing the Clean Air Act (CAA or Act) visibility transport (prong 4) infrastructure SIP requirements for the 2008 8-hour Ozone, 2010 1-hour Nitrogen Dioxide (NO₂), 2010 1-hour Sulfur Dioxide (SO₂), and 2012 annual Fine Particulate Matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, commonly referred to as an “infrastructure SIP.” Specifically, EPA is proposing to conditionally approve the prong 4 portions of South Carolina’s July 17, 2008, 8-hour Ozone infrastructure SIP submission; April 30, 2014, 2010 1-hour NO₂ infrastructure SIP submission; May 8, 2014, 2010 1-hour SO₂ infrastructure SIP submission; and December 18, 2015,

2012 annual PM_{2.5} infrastructure SIP submission. All other applicable infrastructure requirements for these SIP submissions have been or will be addressed in separate rulemakings.

DATES: Comments must be received on or before July 8, 2016.

ADDRESSES: Submit your comments, identified by Docket ID No EPA–R04–OAR–2016–0247 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT:

Sean Lakeman of the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Lakeman can be reached by telephone at (404) 562–9043 or via electronic mail at lakeman.sean@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) of the CAA are to be submitted by states within three years after promulgation of a new or revised NAAQS to provide for the implementation, maintenance, and enforcement of the new or revised NAAQS. EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of sections 110(a)(1) and 110(a)(2) as “infrastructure SIP” submissions. Sections 110(a)(1) and (2) require states to address basic SIP elements such as the requirements for monitoring, basic program requirements, and legal



THE STATE
of ALASKA
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF MINING, LAND AND WATER

DIRECTOR'S OFFICE

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Anchorage, AK 99501-3576

Phone: 907.269.8600

Fax: 907.269.8904

August 8, 2016

US Fish and Wildlife Service
Office of Subsistence Management
1011 East Tudor Road
MS 121
Attn: Theo Matuskowitz
Anchorage, AK 99503-6199

VIA ELECTRONICALLY & US MAIL

Re: Docket No. FWS-R7-SM-2015-0159

Dear Mr. Matuskowitz:

The State of Alaska reviewed the June 8, 2016 Federal Register Notice regarding the proposed rule to add certain submerged parcels of land to the subsistence management regulations for public lands in Alaska as indicated by the above-mentioned docket number. The proposed rule intends to identify and add the following submerged lands as "lands within the Tongass National Forest that did not pass to the State of Alaska at Statehood" and, therefore, are subject to the subsistence provisions of ANILCA:

(5) Southeastern Alaska, including the:

(i) Makhnati Island Area: Land and waters beginning at the southern point of Fruit Island, 57°02'35" north latitude, 135°21'07" west longitude as shown on United States Coast and Geodetic Survey Chart No. 8244, May 21, 1941; from the point of beginning, by metes and bounds; S. 58° W., 2,500 feet, to the southern point of Nepovorotni Rocks; S. 83° W., 5,600 feet, on a line passing through the southern point of a small island lying about 150 feet south of Makhnati Island; N. 6° W., 4,200 feet, on a line passing through the western point of a small island lying about 150 feet west of Makhnati Island, to the northwestern point of Signal Island; N. 24° E., 3,000 feet, to a point, 57°03'15" north latitude, 134°23'07" west longitude; East, 2,900 feet, to a point in course No. 45 in meanders of U.S. Survey No. 1496, on west side of Japonski Island; southeasterly, with the meanders of Japonski Island, U.S. Survey No. 1,496 to angle point No. 35, on the southwestern point of Japonski Island; S. 60° E., 3,300 feet, along the boundary line of Naval reservation described in Executive Order No. 8216, July 25, 1939, to the point of beginning, and that part of Sitka Bay lying south of Japonski Island and west of the main channel, but not including Aleutski Island as revoked in Public Land Order 925, October 27, 1953, described by metes and bounds as follows: Beginning at the southeast point of Japonski Island at angle point No. 7 of the meanders of U.S. Survey No. 1496; thence east approximately 12.00 chains to the center of the main channel; thence S. 45° E. along the main channel approximately 20.00 chains; thence S. 45° W. approximately 9.00 chains to the southeastern point of Aleutski Island; thence S. 79° W. approximately 40.00 chains to the southern point of Fruit Island; thence N. 60° W. approximately 50.00 chains to the southwestern point of Japonski Island at angle point No. 35 of U.S. Survey No.

Docket No. FWS-R7-SM-2015-0159
USFWS Letter of Objection
August 8, 2016
Page 2

1496; thence easterly with the meanders of Japonski Island to the point of beginning including Charcoal, Harbor, Alice, Love, and Fruit islands and a number of smaller unnamed islands.

The State of Alaska objects to the inclusion of these above-described lands as being identified as remaining in Federal public ownership. Title to the above-described lands has already passed to and is held by the State of Alaska by virtue of the Patent issued February 15, 1968 as Patent No. 50-68-0194 and by virtue of the Patent issued May 11, 1990 as Patent No. 50-90-0267. These lands are no longer part of the federal public domain. Rather, they are state-owned lands, managed and controlled by the State of Alaska.

The State of Alaska does not oppose or object to the inclusion of the remainder of lands identified as Federal public lands subject to the subsistence provisions of ANILCA.

Thank you for your consideration.

Sincerely,



Kristin A. Hess
Division Operations Manager
State of Alaska
Department of Natural Resources
Division of Mining, Land & Water



Summary of Activities

Arctic National Wildlife Refuge



**Prepared for Eastern Interior Regional Advisory Council
August 2016**



Arctic National Wildlife Refuge
907/456 0250 800/362 4546
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➤ ***Research and Monitoring***

Caribou:

Management of the Porcupine Caribou Herd is a cooperative effort involving:

- 2 federal governments
- 3 state or territorial governments
- 8 native land claim agreements
- 5 national parks, preserves, or refuges
- 1 territorial park
- 2 special management areas
- Local residents of several small communities in Alaska and Canada

Management is coordinated by the International Porcupine Caribou Board, consisting of representatives from Canadian and U.S. national governments, Yukon and Northwest Territories provincial governments, the State of Alaska, and local citizens from Alaska and Canada. The International Board generally meets twice per year; the most recent meeting was held in November 2015 in Yellowknife, NWT. Biologists from the responsible agencies also work together through the Porcupine Caribou Technical Committee, which reports to the International Board.

Examples of work being done include:

- Capture and radio-collaring caribou: mainly done in March each year by YTG, with assistance from USFWS and ADF&G.
- Purchase of radio-collars: funding provided by multiple agencies, primarily (in recent years) by Inuvialuit Final Agreement funds (Canada).
- Radio-tracking and costs of satellite data processing: mainly USFWS with assistance from YTG and others.
- Annual estimates of calving distribution and success: ADF&G
- Photo census (every 2 – 5 years): ADF&G with assistance from USFWS and others.
- Harvest summaries: YTG, NWT, ADF&G, with assistance from local communities.
- Body condition monitoring: YTG with assistance from local communities.

After declining slowly during the 1990s and early 2000s, the Porcupine Caribou Herd has been increasing for several years. The 2010 census estimated herd size at 169,000 and the 2013 census found 197,000 caribou, which is the highest population yet recorded for this herd. Staff from the

Alaska Department of Fish and Game prepared for an aerial photo census in early July 2016. However, the caribou were never concentrated enough for a good census. Another attempt at a census will be made next year.

During the winter of 2015-2016 caribou were concentrated in 3 main areas, including:

- Southern Brooks Range of Alaska, mostly west of Arctic Village, extending north and west of Chandalar Lake.
- Ogilve River basin of Yukon Territory
- Richardson Mountains along the border of Yukon and Northwest Territories.

Spring migration began during late April, and proceeded rapidly through May. Caribou from Alaska mainly moved east into Yukon Territory, joining with caribou moving north from the Ogilve Mountains. These caribou then moved north to the coast, then west into Alaska. Caribou from the Richardson Mountains were mostly bulls. They moved generally northwestward to the coast, then west into Alaska (Figure 1).

Calving was spread across a wide stretch of coastal plain, from the northeastern Yukon into the Arctic National Wildlife Refuge. As in 2015, much of the calving this year occurred on the Refuge, although many caribou calved on the Yukon coastal plain as well. Details of calving rates and distributions will be provided by the Alaska Department of Fish and Game later this summer.

Post calving aggregations occurred on the Alaskan coastal plain, near the the Katakturuk and Hulahula Rivers. This area was used frequently by this herd during the late 1980s and early 1990s, but has seen relatively less use during the past 10 years. Large numbers of caribou gathered along the upper Sadlerochit River and near the Neruokpuk Lakes in late June before moving south and then east through the Brooks Range in early July. By July 15 many caribou had reached the Canadian border, and they continued east along the northern edge of Old Crow Flats to the Richardson Mountains. In early August, several collared caribou began moving back westward toward the Alaska/Canada border.

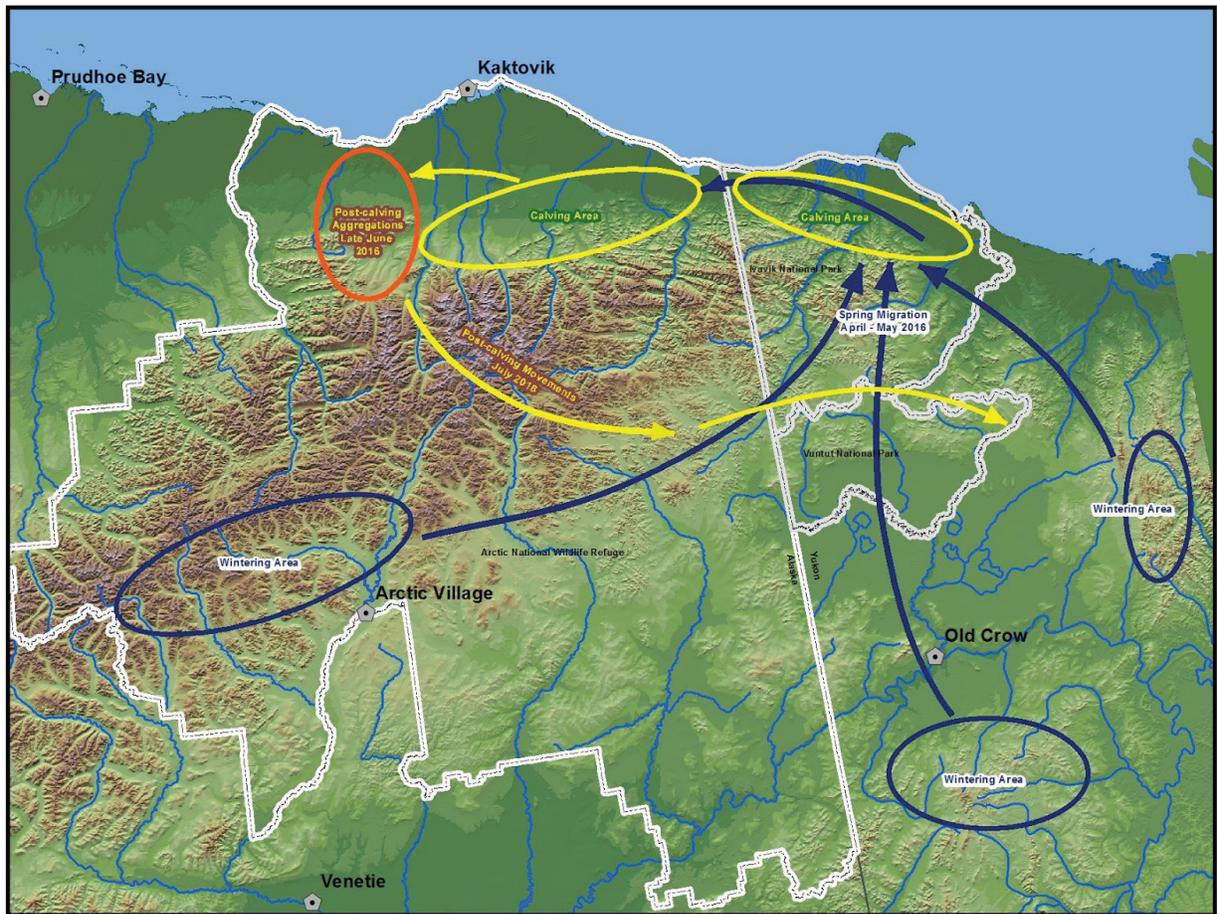


Figure 1. Distribution and movements of the Porcupine Caribou Herd, January - July 2016. This figure is a generalized depiction based on information provided by the Alaska Department of Fish and Game, Yukon Department of Environment, and U.S. Fish and Wildlife Service.

Long-term changes in caribou distribution and abundance in the Alaskan Arctic:

For several years, Arctic Refuge personnel have been providing assistance to Dr. Josh Miller of the University of Cincinnati on a study of changes in relative abundance of arctic caribou during the past >800 years. The study examines the abundance and ages of caribou antlers and bones collected on the arctic tundra. These objects may persist in the cold, arctic environment for centuries. Dr. Miller has developed protocols for determining ages of these samples based on predictable patterns of weathering and accumulation of lichens, mosses, and other material, calibrated to ages estimated by radiocarbon dating techniques. This year, Refuge staff traveled to the Jago River to collect 170 samples of antlers that had been located by Dr. Miller on a previous

trip. Dr. Miller will use this information to investigate how long term changes in climate patterns might influence distributions of the large arctic caribou herds.

Moose:

North Slope, GMU 26C

FWS staff conducted a moose survey within North Slope river drainages of Game Management Unit 26C during April 2016. River corridors were flown to cover all available moose habitat. Rivers included in the survey were the Sadlerochit, Hulahula, Okpilak, Okpirourak, Jago, Aichilik, Egaksrak, Ekaluakat, and lower Kongakut.

We observed 42 moose within the entire area surveyed, including 9 short-yearlings, 2 of which were a set of twins. Most moose were observed in the upper tributaries of the Kongakut River drainage. Last year we counted a total of 36 moose in the survey area, 5 of which were short yearlings. These results suggest that calf or short-yearling survival is relatively low in this system, but it was higher during the past 2 years than during 2014 when no young of the year were observed.

The FWS requested a Special Action to the Federal Subsistence Board to close moose hunting in GMU 26C for the 2015/2016 regulatory year. The season is now closed and because the population remains lower than our long-term average (~50 moose) we recommend that it remain closed until the moose population improves in this region.

Because of the continued low population and closure of the moose hunt in this area, we plan to survey these drainages again during April 2017.

South Side of Brooks Range, GMU 25A

Data from recent surveys indicate a stable population of moose in this area since 2000. Thus, no survey was attempted during 2016. If funds are available, we will survey this area again in April 2017.

Muskoxen:

No survey was conducted for muskoxen in the Refuge during 2016. A small group (approximately 18 to 20) was observed along the lower Kongakut River in summer 2015 and a group of 6 (including one radiocollared muskox) was seen by Canadian biologists just west of the international border during March 2016. However, these groups are thought to be found more

usually in Canada. No visitors or FWS staff reported observing muskoxen in the Refuge this summer.

Sheep:

Traditional ground-based estimates of Dall's sheep sex and age composition were not conducted during 2016. Instead, FWS and National Park Service biologists collaborated on a trial of an aerial transect survey covering approximately 4,000 square miles (10,117 sq. km) in the center of the Refuge. The survey area included the Hulahula River watershed on the north side of the Brooks Range and the Arctic Village Sheep Management Area on the south side, both of which have been surveyed during previous years. During July 9-13, we surveyed 115 transects, each 15 km long. We observed a total of 283 sheep in 52 groups. Most groups were small, although a few large groups of ewes and lambs were seen in the upper Hulahula drainage (Figure 3). These data will be used to estimate total sheep abundance in this area; results will be available later this fall. Overall, sheep abundance seems to be low compared to numbers seen in the past, but similar to levels observed during the last few years.



Figure 3. Dall's sheep ewes and lambs observed during an aerial survey within the Arctic National Wildlife Refuge, July 2016.

Pacific Common Eider on Beaufort Sea Barrier Islands:

The Pacific common eider declined by 50–90% between 1957 to 1992 and has since stabilized at these reduced numbers. It is a FWS Bird of Management Concern and Tier 1 Priority Species. Across their range, COEI are an important subsistence species, contributing to food security in many communities. Although Pacific COEI has declined throughout their range, those breeding on barrier islands in the Beaufort and Chukchi Seas are especially susceptible to climate-mediated factors and effects from development.

Pilot work conducted in 2014 suggested the population of eiders nesting on Refuge barrier islands may be increasing in some areas and decreasing at others, possibly in response to human disturbance, changes in predator communities, and overwash and reshaping of islands due to climate-induced increases in storm surges. So in 2015, Arctic Refuge staff, in partnership with the University of Alaska Fairbanks and the Wildlife Conservation Society, began a multi-year study to determine demographics and limiting factors of Pacific Common Eider along the Beaufort and Chukchi Sea coasts.

From June 8-August 25, 4-5 Refuge staff conducted an inventory of nesting waterbirds on barrier islands between the Staines River and Canadian border. As part of this work, we captured eider for banding and disease surveillance and placed cameras at some nests to monitor predation. Data are still being analyzed, but early results suggest nests were more concentrated in small colonies than occurred in 2003/04 and 1976 surveys; glaucous gulls, arctic fox, and golden eagle are depredating nests; and 78% of birds had heavy *E. coli* burdens in the GI and based on antigen subtyping and genetic characterization, ~10% of the strains are pathogenic.



Figure 6. Common Eider survey, Beaufort Sea barrier island.

➤ *Public Use Management*

Staff continues to work together with area residents in a variety of ways to help keep habitat healthy, and to convey important messages about issues affecting communities to the Refuge visitors and businesses who serve them.

Commercial Permits:

Arctic Refuge is required to regulate the businesses that bring clients onto the Refuge and that guide clients during their stays. In 2016, the Refuge issued 19 permits for air operator businesses, 23 permits for recreational guide businesses, 19 polar bear viewing guide and/or boat operator businesses, and 11 hunting guide businesses. Interest in commercial polar bear viewing continues to increase. In response, the Refuge will begin evaluating options for future management. We will be seeking input from local communities and stakeholders later this fall.

Law Enforcement:

2016 law enforcement efforts will include sheep and moose patrols. Efforts will be made to educate hunters and guides in the field during ground checks while ensuring hunter compliance with the state and federal regulations.

Education and Outreach:

Staff attended tribal/village meetings in Arctic Village and Venetie; and provided environmental education activities. Visitors stopping at the Arctic Village visitor contact station were given orientations to the Refuge, brochures, maps, and information about the local area.



Figure 8. Students in Arctic Village learned about waterfowl before working on entries for annual the Migratory Bird Calendar contest.

Arctic Borderlands:

Refuge staff have been working with Arctic Borderlands to collect traditional knowledge from local residents for about 15 years now. This year, approximately 20 surveys were conducted by Mildred Allen, the local community monitor for Arctic Borderlands. To receive a copy of the 2015 annual report, contact Joanne Bryant (907) 455-1834, or joanne_bryant@fws.gov.

Artist-In-Residence visits Arctic Village:

Artist Lindsay Carron of Los Angeles, California, worked with youth in early August. She taught painting techniques to youth and community members created a mural which is now on display at the visitor center. Lindsay was selected as Arctic Refuge's 2016 Voices of Wilderness Artist-in-residence.



Figure 10. Students in Arctic Village gather together to create a mural on canvas.

Youth Conservation Crew (YCC):

The Refuge supported another YCC crew in Arctic Village this summer. Three crew members began on June 1, 2016 and finished on July 1, 2016. The YCC program focuses on developing skills that will help participants when they move into the workforce, attend college or technical schools, or other professional training.



Figure 11. A YCC member hangs handmade spruce tree feeders outside of the Arctic Village Visitor Center.

Facebook:

Arctic National Wildlife Refuge has a Facebook page:

<https://www.facebook.com/arcticonationalwildliferefuge>

The page is updated weekly containing interesting information about events and happenings on the Refuge.



YUKON FLATS NATIONAL WILDLIFE REFUGE

Summary of Activities - Fall 2016

(Revised August 2016) prepared for the Eastern Interior Regional Advisory Council



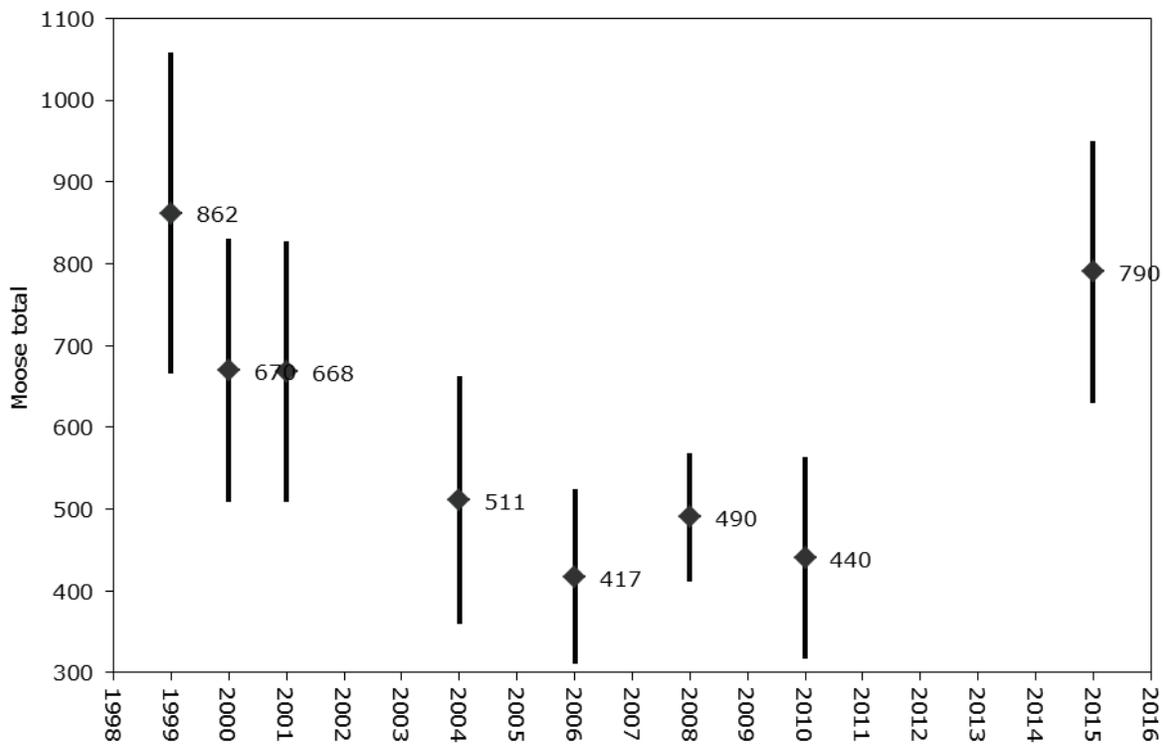
The Yukon Flats Basin is world renowned as one of the most important breeding grounds for waterfowl in North America. It also provides critical subsistence resources to over 1,200 Yukon Flats residents. Thus, the Yukon Flats Refuge focuses on monitoring the population status of animal's and their habitats important from both a local and national perspective. Special emphasis is also placed on species that may have declining populations. Following is a summary of completed and ongoing refuge projects, and special events for 2015/2016.

Moose Survey – November 2015



A moose population survey was conducted on the Yukon Flats in November 2015. This was the first fall survey since 2010 due to a lack of snow in early winter that caused surveys in 2012-2014 to be cancelled. The estimate for the 2,269 mi² survey area in the western Yukon Flats (Alaska Game Management Unit [GMU]

25D) was 790 total observable moose (95% CI; 600-980). Density of moose was 0.35/mi² or 0.13/km². The population was comprised of an estimated 609 adults (95% CI; 460-759) and 191 calves (126-256). The estimate of total observable moose increased from 2010 to 2015. Improved calf survival may have contributed to the population increase in some recent years. It was unlikely that public harvest of wolves and bears contributed, as harvest intensity was light. Thus, moose density increased in the presence of lightly harvested wolf and bear populations, suggesting that the dynamics of this low density population may sometimes be more complex than previously thought.



Estimated observable fall moose total (with 90% confidence interval) for the western Yukon Flats. Note: confidence intervals for 2010 and 2015 totals do not overlap.

Aerial scoter and scaup surveys – 2015 and 2016



The 15th annual aerial survey to monitor scoter and scaup populations on the Yukon Flats was conducted 5-12 June, 2015. These data are currently being analyzed; below we present the data from

the 2015 survey which was conducted 6-9 June, 2015. White-winged scoters accounted for 99%, and surf scoters accounted for the other scoter species observed in 2015. The number of white-winged scoters estimated in the study area (10,102) during the breeding season was lower than the previous thirteen-year mean (2001-2005 and 2007-2013) of 15,403. No black scoters were observed in 2015. The scaup monitoring index for 2015 was 22,457, which was lower than the average index value for 2002 – 2013 (26,689). Pacific loons and trumpeter swans were counted opportunistically. In 2015, a monitoring index for Pacific loons was estimated at 1,573, which was not significantly different than the 7 year average from 2007 – 2013 (1,714). The trumpeter swan population index was 1,601 birds in 2015, which was inflated compared to the historical average due to an observation of 50 swans.



Aerial loon surveys – 2016

Aerial surveys have indicated the Yukon Flats is an important breeding area for Pacific loons (*Gavia pacifica*) and common loons (*G. immer*). Loons have been surveyed during waterfowl breeding pair surveys conducted by the Division of Migratory Birds since 1953, and more intensive loon surveys have been conducted by the Yukon Flats Refuge since 1984

(1988, 1999 – 2003, 2006). The 19th annual aerial survey to monitor loon populations on the Yukon Flats was conducted in 2016. These data are currently being analyzed.



Eagle surveys on the Black and Hodzana rivers

Bald eagles steeply declined by the mid-20th century due to egg shell thinning from DDT, widespread habitat loss, and harvest (legal and illegal). Bald and golden eagles are both birds of management concern by the U.S. Fish and Wildlife Service.

Inventorying and monitoring bald eagle nests and foraging sites will not only provide information on their local densities, trends, and habitat use, but will also provide a database needed for responsible management.

The refuge initiated a bald eagle “sticknest” survey in 2014 on the Chandalar, Porcupine and Black rivers to begin collecting locations of raptor nests (eagles and hawks) and measuring production of young along major river corridors in the Yukon Flats. In 2016 surveys were repeated on the Black River and completed on the Hodzana River. Data analysis is pending.

Coarse woody debris work on Chandalar and Black Rivers



Have you ever considered the fate of all the wood that is grown on the Yukon Flats? Wood is harvested, burned, swept away in floods, buried in silt, consumed by insects and animals, the list goes on. Another important function of wood is its ability to be stored as carbon beneath the soil surface. The refuge initiated a project in 2014 with Colorado State University to inventory the amounts of woody debris found in our Yukon Flats stream systems. Goals of the project are to record wood blockages in our stream systems, better understand how wood obstructions influence river

channel connectivity and flooding and learn how wood is stored as carbon in stream systems. The Dall River and Preacher Creek were inventoried in 2014 and the Black and Chandalar rivers were surveyed in 2015. Additionally the Yukon River was sampled between Circle and the Dalton Highway Bridge. In total, the project sampled up to 700 river miles in the Yukon Flats.

Scaup brood production survey



A lesser scaup brood production survey was conducted for the third consecutive year at Canvasback Lake, Plot F (25 miles northeast of Beaver), Echoing Lake, and Track Lake (23 miles north of Fort Yukon) during late July. The wetlands in these lake complexes each contain at least one lake large enough to safely operate a float plane on. Broods of Scaup and other waterbirds were counted by 4 teams of 2 observers. Counts used a double observer approach and the method differed based on wetland size. 2016 data are being entered as of mid-August and we anticipate a progress report completed

by late winter 2017. Preliminary observations were about half as many duck broods in 2016 versus 2014 or 2015.

Moose – Mapping potential foraging habitat



The Yukon Flats Refuge and Koyukuk/Nowitna/Innoko Refuge have partnered with the U.S. Geological Survey to develop a willow map that when complete will show where willow habitats (and thus potential moose foraging areas) occur on and off the river and in some upland areas. Over the last two summers staff have mapped willow and non-willow stands (like birch and cottonwood) from the air (fixed-wing and helicopter) and collected vegetation data on the ground to help improve the map as well as get a relative

idea of browse availability among stands. With this information we are especially interested in how Yukon Flats willow stand species composition, structure and relative abundance, and relative forage abundance, compare to those stands at the Koyukuk/Nowitna/Innoko Refuge where moose numbers are higher overall. A final map will be released in 2017.

Moose monitoring



A long term moose monitoring effort was initiated in 2013 by the U.S. Fish and Wildlife Service and Alaska Department of Fish and Game in Game Management Unit 25D West, Yukon Flats National Wildlife Refuge. The purpose of this effort is to measure health indices such as calf production and recruitment, partition and twinning rates, age at first reproduction, short yearling (10-month-old) weights, and survival of females and their offspring, indicators of the nutritional health of this low density moose population. From November 4-12,

2013, 38 female moose were captured and radio collared along the Yukon River near Beaver, Alaska and southward to the White Mountains. Radio tracking flights were conducted monthly and weekly during calving. Calf production and fall recruitment during 2014 was 78.4 and 50.0 per 100 females, respectively. Twinning rate was 19.9%. None of the 3 2-year old females were observed with calves. Over-winter survival for calves was 66.7%. During 2015, calf production was much higher with 128.1 calves per hundred cows and a twinning rate of 53.8. Calf production was lower in 2016 with 81.5 calves per hundred cows and a twinning rate of 46.7%. However, with an early leaf-out, sightability was lower and we were unable to determine production for several of the cows. One 16 year old cow gave birth to twins in 2016. A total of 13 radio collared females have died since capture, November 2013, with 25 remaining on the air as of August 17, 2016. Cause of mortality include: 1 capture mortality, 4 wolves and 1 bear predation, 1 hunter kill and 6 unknown. Adult survival for the 1st year was 97.3%, 86.5% for the 2nd year and 81.8% for the 3rd year, for an average 88.4% since capture. One cow which died in May 2016 was 19 years old. Annual home range estimate using MCP averaged 369 km², which exceeded other moose populations throughout their range. Of 502 locations thru 2015, 45.6% were in the Yukon River floodplain, 31.7% river terrace, 13.3 % uplands and 9.4% mountains. Of all the locations, 29.5% were located within burns. Radio collared females appeared to be mostly non-migratory. However, more relocations over multiple years are necessary to make inferences related to home range and distribution.

Sheep survey

Dall's sheep occurs on the southern Refuge boundary near Mount Schwatka. In mid to late July the Refuge collaborated with BLM and ADFG to estimate the presence of Dall's sheep in the White Mountains. A total of 74 sheep were observed in the Schwatka and Victoria mountain regions, including 52 ewe-like and 7 lambs (14 lambs:100 ewe-like). Ram total numbers were



15, with 2 classified full-curl. These are the lowest numbers of observed sheep ever recorded for these areas. Sheep populations are generally depressed across northern Alaska; the reason for the decline is not well understood but weather is thought to be a factor. 2016 fire season

2016 was a very active fire season across Alaska with over 5 million total acres burning across the state. Below average precipitation and above average temperatures in May and June set the stage and when a period of unusually high lightning activity occurred between June 19 and June 22, the second busiest Alaska fire season ever recorded was off and running.

The Yukon Flats NWR saw 11 fires start within the refuge border this season, burning a total of 190,125 acres, of which 140,076 acres were FWS owned land. Of these 11 fires, 9 were located within the Limited fire management option and were monitored throughout the summer. 2 fires fell within Modified fire management option, with the Chahalie Lake the only fire to receive any suppression actions. As of 9/16, there were no human caused fires this year on the Yukon Flats NWR.

Invasive plant control work



The Yukon River is a major conduit for the spread of invasive species such as white sweet clover that may negatively impact moose and salmon habitats. The refuge partnered with the Fairbanks Soil and Water Conservation District, Gwichyaa Zhee Gwich'in Tribal Council and Tanana Chiefs Conference, to survey, map and control white-sweet clover during July-August 2016.

Elodea, a highly invasive aquatic plant, has not been found on the Yukon Flats Refuge but it is present in Chena Slough, Chena River and Chena Lake in Fairbanks and was discovered in Tolchaket Slough near Nenana on the Tanana River in 2015. Refuge staff is working with the Fairbanks Fish and Wildlife Field Office, the Fairbanks Soil and Water Conservation District and Alaska DNR to prepare an environmental assessment to analyze the use of herbicides and other means to eradicate Elodea from the infested waterbodies.

Salmon spawning assessment



The salmon stocks in the Chandalar River support vital subsistence and commercial fisheries, and provide the largest stock of fall chum salmon in the Yukon River drainage. This valuable stock is monitored annually using sonar by the Fairbanks Fish and Wildlife Field Office (FFWFO). Fish passage past the sonar site in 2014 was approximately 214,000 chum salmon which is 12% above the long term average. 2015 data have not yet been analyzed.

Trail camera monitoring



Furbearers are an important resource for trappers. However, little monitoring of furbearers has occurred on the Yukon Flats. In an attempt to address this data gap, trail cameras are being deployed across the Refuge. As of mid-August, 9 cameras had been deployed by staff, with plans to deploy 10 more before winter sets in.

Prior testing during winters 2014 and 2015 indicated that the cameras could operate down to low temperatures, with photos taken at -43 degree Celsius (-45 degrees Fahrenheit), and the batteries could last until spring. Cameras have captured numerous pictures of foxes, lynx, wolverine, marten, snowshoe hare, mink, and moose, both during the day and at night. In addition, cameras were timed to record two photos per day that documented temperature, onset of snow, snow depth (with the aid of a snow stake), large wind events that drifted snow, and in the future will be used to document snow melt in an effort to monitor phenology of winter break-up. The cameras work day and night and can allow biologists to learn about previously unseen aspects of life on the Refuge. Refuge staff also expects presentation of trail camera pictures will be a hot topic at public meetings.

Hyperspectral Imaging



The Refuge is collaborating with the University of Alaska Fairbanks (UAF) in testing out the use of a new tool to collect high resolution aerial photography. The instrument is called HySpex, and when mounted in the port hole of an aircraft, is capable of collecting high resolution spectral images. Most cameras can detect the primary colors, red, green and blue but this instrument can differentiate over 150 different spectral bands. In early September 2015 photography was collected over Yukon Flats wetlands

between Beaver and Birch Creek in an effort to better describe lakes and plant communities. UAF expects to have analysis of these data completed by June 2017.

Moose management meeting



The refuge participated in a moose management meeting in Fort Yukon on April 1. The Council

of Athabascan Tribal Governments (CATG) organized the meeting which was funded through the Annual Funding Agreement between USFWS and CATG. The meeting was well attended by representatives from all the Yukon Flats Villages, the Refuge and Alaska Department of Fish and Game. One objective of the meeting was to discuss strategies to achieve goals and objectives of the 2002 Yukon Flats Cooperative Moose Management Plan. CATG is currently summarizing the meeting notes.

Fort Yukon Open House 2016



Refuge staff in collaboration with the Fairbanks Fish and Wildlife Field Office and the Gwichyaa Zhee Gwich'in Tribal Council, sponsored the annual Refuge open house on July 6 in Fort Yukon. The gathering included a BBQ, an informal opportunity to ask refuge staff about ongoing refuge projects, and targeting the bull's eye at the archery range. There was a variety of youth craft-educational activities including animal silhouette painting (see picture). The open house was well received by Fort Yukon residents.

Council of Athabascan Tribal Governments (CATG) Cultural Camp



Julie Mahler of CATG hosted a cultural camp this summer at her cabin on the Porcupine River. Youth from Beaver, Fort Yukon, Venetie and Chalkyitsik attended this partnership camp between CATG and Yukon Flats Refuge. Youth learned outdoor survival skills, traditional ways of harvesting, preparing, and preserving wild resources, and had daily Gwich'in story/language hour with a local Native elder, Freda Joseph. Refuge staff provided an archery experience and a 'can-jo' jam session. Youth built and played their can-jo banjos (see picture) . Thanks for all your hard work, Julie!

Arctic Village Camp Goonzhii – Science & Traditional Knowledge

The Arctic Village Camp Goonzhii was held from August 30 to September 2, 2016. Students learned to collect and/or capture and prepare harvested wild resources. Yukon Flats staff, Sheila Dufford, Wildlife Biologist, and Mimi Thomas, Wildlife Officer, provided archery instruction. In other sessions, students learned to snare rabbits and set traps for fur fearing animals; test water quality and identify aquatic bugs and learn to do traditional arts, crafts, and draw migratory birds. In the evening, native food was served and dances taught at a potlach. Retired Refuge Interpreter Paul Williams, Sr. shared his knowledge and skill in building a dog sled.



Trumpeter Swan Surveys



Trumpeter swan surveys have been conducted on the Yukon Flats since 1968; monitoring generally occurs every 5 years. Swan populations in Alaska have been growing steadily over this time period with annual increases of about 5-10%. Refuge staff conducted surveys in late August; data analysis is pending.

Camp Nahshii



Wildlife Biologists Sheila Dufford and Mark Bertram presented global positioning system, small mammal trapping and archery activities to over 60 youth at Camp Nahshii July 13 and 14. Staff contributes annually to this culture camp which served the youth in the greater Yukon Flats region.

To access Yukon Flats Refuge events please join us on Facebook at:

<https://www.facebook.com/YukonFlatsNationalWildlifeRefuge>

Winter 2017 Regional Advisory Council Meeting Calendar

February-March 2017

Meeting dates and locations are subject to change.

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

Fall 2017 Regional Advisory Council Meeting Calendar

August - November 2017

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 20	Aug. 21 Window Opens	Aug. 22	Aug. 23	Aug. 24	Aug. 25	Aug. 26
Aug. 27	Aug. 28	Aug. 29	Aug. 30	Aug. 31	Sept. 1	Sept. 2
Sept. 3	Sept. 4 LABOR DAY HOLIDAY	Sept. 5	Sept. 6	Sept. 7	Sept. 8	Sept. 9
Sept. 10	Sept. 11	Sept. 12	Sept. 13	Sept. 14	Sept. 15	Sept. 16
Sept. 17	Sept. 18	Sept. 19 KARAC - Cold Bay		Sept. 20	Sept. 21	Sept. 22
Sept. 24	Sept. 25	Sept. 26	Sept. 27	Sept. 28	Sept. 29	Sept. 30
Oct. 1	Oct. 2	Oct. 3	Oct. 4	Oct. 5	Oct. 6	Oct. 7
Oct. 8	Oct. 9 COLUMBUS DAY HOLIDAY	Oct. 10	Oct. 11	Oct. 12	Oct. 13	Oct. 14
Oct. 15	Oct. 16	Oct. 17	Oct. 18	Oct. 19 AFN - Anchorage		
Oct. 22	Oct. 23	Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28
Oct. 29	Oct. 30	Oct. 31	Nov. 1	Nov. 2	Nov. 3	Nov. 4
Nov. 5	Nov. 6	Nov. 7	Nov. 8	Nov. 9	Nov. 10 Window Closes VETERANS DAY HOLIDAY	Nov. 11

Subsistence Regional Advisory Councils

U.S. Fish and Wildlife Service
c/o Office of Subsistence Management
1011 East Tudor Road M/S 121
Anchorage, Alaska 99503

RAC 15083.RL

AUG 25 2016

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

Dear Chairman Towarak:

The ten Federal Subsistence Regional Advisory Councils (Councils) appreciated the opportunity to meet in Anchorage for a joint session on March 7-8, 2016. The meeting was extremely informative, and the Council members were unanimous in finding value in hearing summary reports from each Council. While there were numerous concerns that were specific to each region, it was very enlightening to hear there were several subsistence concerns that were common to all regions.

The Councils would like to inform the Federal Subsistence Board (Board) of the issues that resonated with each of the Councils. Although many of these issues have been brought up previously by individual Councils in their annual reports, we would like to take this opportunity to jointly bring these requests to the Board as a collective voice:

1. We request the Board seek an increase in funding to meet the programmatic requirements of operating as a Regional Advisory Council. Reduced program funding has made it difficult for us to do our business. One example is our inability to regularly meet in the remote communities we are appointed to represent. We are currently restricted to hub communities, with only occasional opportunities to meet in non-hub communities.
2. We request the Board seek an increase in funding for conducting fish and wildlife population assessments and monitoring. The data collected in these projects are essential for us to continue to make recommendations on managing these resources appropriately. Initiate funding for a wildlife resource monitoring program was identified as an issue of concern during the Secretarial Review, but has not been acted upon due to lack of funding.
3. We request the Board seek an avenue for having a designated subsistence seat on the North Pacific Fisheries Management Council. The representative for such a seat

Chairman Towarak

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should have experience on a Council. The Councils have expressed this recently to the Board, asking that the Board forward the request to the Secretary of Commerce. The response, however, did not address the underlying concern.

4. We request the Board develop a program that will allow each of the ten Councils a mechanism to engage youth in the subsistence regulatory process. This would be in line with the Secretary of the Interior's implementation of a Play Learn Serve and Work Program, oriented toward developing youth programs. The Secretary specifically created a position in Alaska to facilitate implementation of that program.
5. We request the Board engage in formal rulemaking that includes giving deference to the Councils not only in taking of fish and wildlife, but also for other regulatory issues affecting subsistence users in our regions such as non-rural and customary and traditional use determinations. While this is currently the policy of the Board, there is no assurance that a future Board would implement policy unless it is clear in regulation.
6. The identification of priority information needs is the basis for soliciting fisheries projects for the Fisheries Resource Monitoring Program. The Councils appreciate recent efforts to make the development of those priorities more accessible and successful. The Councils request the Board to continue to support the provision of adequate technical support that will enable us to make meaningful recommendations.
7. Bringing all the Councils together allows the effective sharing of information between council members and allows the councils to identify common concerns for big picture issues. The Councils request the Board engage the Office of Subsistence Management to allow the periodic planning of joint council meetings. It is the recommendation of the Councils that such joint sessions occur at least once every five years.

In summary, we feel the joint Council meeting was very successful and will enable Council members the experiences and training necessary for us to be more effective and productive members of our Councils. We have made new friends and established contacts within the greater subsistence management community that will allow us to communicate more effectively among ourselves and with the staff. Thank for your making this opportunity available to us.

Sincerely,



Michael Bangs, Chair
Southeast Alaska Subsistence
Regional Advisory Council

Chairman Towarak

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Richard G. Encelewski, Chair
Southcentral Alaska Subsistence
Regional Advisory Council



Speridon M. Simeonoff, Chair
Kodiak/Aleutians Subsistence
Regional Advisory Council



Molly Chythlook, Chair
Bristol Bay Subsistence
Regional Advisory Council



Lester Wilde, Sr., Chair
Yukon-Kuskokwim Delta Subsistence
Regional Advisory Council



Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council



Louis Green, Chair
Seward Peninsula Subsistence
Regional Advisory Council



Raymond Stony, Chair
Northwest Arctic Subsistence
Regional Advisory Council

Chairman Towarak

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Sue Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council



Rosemary Ahtuanguaruak, Acting Chair
North Slope Subsistence
Regional Advisory Council

cc: Federal Subsistence Board
Southeast Alaska Subsistence Regional Advisory Council
Southcentral Alaska Subsistence Regional Advisory Council
Kodiak/Aleutians Subsistence Regional Advisory Council
Bristol Bay Subsistence Regional Advisory Council
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Western Interior Alaska Subsistence Regional Advisory Council
Seward Peninsula Subsistence Regional Advisory Council
Northwest Arctic Subsistence Regional Advisory Council
Eastern Interior Alaska Subsistence Regional Advisory Council
North Slope Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Stewart Cogswell, Acting Deputy Assistant Regional Director,
Office of Subsistence Management
Carl Johnson, Council Coordination Division Chief, Office of Subsistence Management
Chris Mckee, Wildlife Division Chief, Office of Subsistence Management
Mitch Ellis, Director of Refuges, Alaska Region, U.S. Fish and Wildlife Service
Interagency Staff Committee
Administrative Record



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Rd.
Anchorage, Alaska 99503



IN REPLY REFER TO:
FWS/R7/NWRS0054

August 3, 2016

Subject: Notification of Published Federal Regulations for Alaska National Wildlife Refuges:
Non-subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National
Wildlife Refuges in Alaska

Dear Regional Advisory Council Coordinators and Chairs:

The United States Fish and Wildlife Service has published final regulations in the Federal Register for National Wildlife Refuges (refuges) in Alaska that clarify when predator control will be authorized on refuges, limits allowable practices for the non-subsistence take of predators on refuges, and updates existing refuge regulations for closures and restrictions. The rule was developed in response to public interest and concern about predator control and recent liberalization of predator harvest within the State of Alaska.

General (sport) hunting remains a priority public use on refuges in Alaska. Also under the Alaska National Interest Lands Conservation Act (ANILCA), all refuges in Alaska are mandated to provide the opportunity for continued subsistence use by rural Alaska residents in a manner consistent with the purposes of the refuges and the conservation of healthy fish and wildlife populations. The final rule does not change Federal subsistence regulations (36 CFR 242 and 50 CFR 100) or restrict taking of fish or wildlife for subsistence uses under Federal subsistence regulations. The Service will continue to support sustainable harvest of fish and wildlife, including predators. We thank you for your engagement and input received during our comment period (1/8/2016 to 4/7/2016) and we are available to clarify any questions you may have about the new regulations.

The final rule, environmental assessment, Finding of No Significant Impact (FONSI), and other informative materials will be available from our website (http://www.fws.gov/alaska/nwr/ak_sp_hunt_regs.htm).

If you would like to meet with someone to discuss the final rule, please contact myself at 907-786-3667 (mitch_ellis@fws.gov).

Sincerely,

Mitch Ellis
Chief of Refuges - Alaska
National Wildlife Refuge System

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www.facebook.com/subsistencealaska

