



Federal Subsistence Board Work Session

August 4-5, 2020
via Teleconference



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**FEDERAL SUBSISTENCE BOARD
WORK SESSION**

August 4 – 5, 2020
9:00AM – until finished (each day)
Teleconference Call-In Number: 1-888-566-1030
Passcode: 3344290

WORK SESSION AGENDA
*** Indicates Action Item**

1. Review and Adopt Agenda*
2. Information Exchange
3. Annual Report Replies (*Katya Wessels*)
4. RFR15-01 briefing (*Jarred Stone*)
5. Deferred Proposal WP20-26 Update (*Robbin La Vine*)
6. Closure Policy* (*Theo Matuskowitz and Lisa Maas*)
7. Non-rural Policy* (*Robbin La Vine*)
8. Individual C&T Process* (*Joshua Ream*)
9. Tribal Consultation Implementation Guidelines revision* (*Orville Lind*)
10. Adjourn

Audio Access Information:
Toll-Free: 1-888-566-1030
Pass Code: 3344290

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Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

OSM 20066.KW

Donald Hernandez, Chair
Southeast Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Hernandez:

This letter responds to the Southeast Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2019 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. Youth Engagement

The Council would like to bring this 2018 Annual Report item back to the Board's attention. The Council feels fortunate to have received public testimony from young people at its recent meetings. Currently, there is a group of high school students in Sitka that take part in a Procedures and Practicum Class, which introduces the Federal Subsistence Management Program (Program) to students. This class teaches students to navigate and participate in the public decision-making process effectively. This class has brought students to this Council's meetings and to the Board meetings for the last five years.

The contributions of young people are valued by the Council, and this type of interaction furnishes the next generation with the tools and experience necessary to be actively involved in the Program. The students practice public testimony, develop analytical skills, thoughts and questions, as well as improve their networking. Opportunities such as this class's interaction with the Program provide youth with a realistic and tangible way of making an impact in preserving the subsistence lifestyle. Below are just a few comments that the Council heard

recently from youth that provide a variety of reasons for the Council to seek avenues and funding to encourage young people to be involved:

“My hope is that all of the amazing benefits of subsistence that I have enjoyed as a youth will still be there after me. We must cherish the source of Alaska’s wealth, taking care of it for our future generations.” (Tava Guillory)

“It feels like we’re too young to be able to create new laws and policies, but what we’re not too young to do is just project our voices and make sure that the people who are making these rules understand that this is something that we care about and our futures are something that we want to be protected.” (Darby Osbourne)

“So far this experience, for me, has been pretty amazing. I’ve learned far more than I thought I ever could in a day. It’s also incredibly rewarding to learn so much from people who care so much about these issues. Seeing this process and witnessing people standing up and trying to change things is so inspiring.” (Cora Dow)

At this past meeting, the U.S. Forest Service and the Alaska Conservation Foundation assisted with funding; however, the Council would like the Board to explore options for the Program to provide consistent funding to this group to ensure its continued existence. The group’s adjunct professor informed the Council of the numerous challenges for obtaining funding and it seems funding is an issue each and every year.

In addition to the Sitka students, a student who attends the Tribal scholars school in Ketchikan, run by the Ketchikan Indian Community, was also able to participate in the last meeting. In addition to providing public testimony on a wildlife proposal, climate change and the proposed Roadless Rule, she shared her personal experience with a persistent bear problem in the area involving bears unable to digest the plastics ingested from unsecured garbage. “As a youth subsistence user, this is my future, bears eating plastic. Deer not doing well. The salmon not doing well. This is going to be the majority of my life . . . I’m going to have to deal with this for a long time because I’m only 15 . . .” (Shania Murphy)

The Council expressed its appreciation and voiced their support and encouragement to students that spoke at the last meeting:

“Listening to you guys, you young ladies speak, made me feel good because you’re doing something that elders aren’t doing, or older people, adults aren’t doing, we’re here because of taking care of this world, subsistence.”

“Your thoughts are very well put together, very directed and I encourage you to keep your eyes open and be there for when we’re not in these seats anymore and you’ll do well. We really appreciate your interest and your dedication and you inspire us . . .”

The Council hopes that the Program can provide some financial assistance to ensure that these opportunities for youth to be engaged in the Federal Subsistence Management Program continue. These future generations have an interest in protecting subsistence resources and should have the opportunity to participate in the Program.

The Council would like a commitment from the Program to make funds available for interested students to participate in these types of worthwhile educational experiences. Providing youth with an opportunity to speak and share their perspectives on current issues is important for considering solutions to problems. This is an investment in developing the leaders of tomorrow and to equip the upcoming generation with the tools and knowledge to protect and secure the subsistence way of life for future generations.

Response:

The Board is eager to support youth in becoming more involved in the Federal Subsistence Management Program process and continues to support OSM's engagement with youth in several ways. Prior to conversion of the April 2020 Board meeting to a teleconference required by COVID-19 pandemic public health and safety mandates, OSM and the US Forest Service (USFS) were actively working with the Sitka Conservation Society to fund travel, housing, and food for several students to attend the Board meeting in Gakona. The Board was disappointed when travel was restricted, and we were not able to meet with students personally. The Board intends to continue supporting student involvement in future meetings.

In addition to student travel, the Board encourages youth engagement through OSM's many partnerships. For over five years, OSM has worked to fund internships and scholarships for Alaska Native Science and Engineering Program (ANSEP) students working on Fisheries Resource Monitoring Program (FRMP) projects. These students engage in Federal research and management projects during the summer and present their work to the appropriate Councils during the fall and winter meeting cycles. Recently, OSM joined forces with the USFS to establish internships on FRMP projects in the Chugach National Forest. OSM has also supported the Orutsararmiut Native Council's summer youth program since 2017. Staff traveled to Bethel to engage with youth from the Yukon-Kuskokwim Delta Region, introducing them to the Program through a mock Regional Advisory Council. The students developed and presented several regulatory proposals to a youth Regional Advisory Council. Because of the COVID-19 travel restrictions in the summer of 2020, OSM focused on programs that would continue to involve the youth in the Federal Subsistence Management Program through ANSEP and the U.S. Fish and Wildlife Service (USFWS) Directorate Fellows Program (DPF). The DPF is an 11-week fellowship working on projects that support USFWS conservation priorities. Eligible students are pursuing degrees in biological science and/or natural resources management (for more information see <https://fws.gov/odiwm/pdf/2020DFPFLYER.pdf>). Staff developed curricula and mentored students from their home villages. Students mentored by OSM staff engaged with community elders, Federal and State land managers, and local subsistence users to develop fisheries research priorities for submission to their Regional Advisory Councils as recommendations for 2022 Priority Information Needs.

The Board appreciates the Council's continued interest in involving the youth in their meetings and we encourage Council members to seek opportunities to engage and educate youth. Anytime your members have a chance to teach youth about subsistence, everyone benefits. It will take the Board, the Councils, and the Federal agencies to prepare youth for future roles as Council members.

2. Funding for Wildlife Research Management Projects

The Council is unsure whether funding or a funding mechanism currently exists for wildlife research management projects for Southeast Alaska. The Council would like to receive more information on the Wildlife Resource Monitoring Program and a status on funding availability. The Council would appreciate information on current funding and any other funding options so that it may share it with organizations who are interested in engaging in wildlife research for the purposes of collecting data for management of subsistence resources in this region.

Response:

The Board's respective agencies appreciate the Council's advice and guidance in prioritizing wildlife monitoring projects to be undertaken. Currently there is no wildlife monitoring program equivalent to the FRMP. "When [in 1999] the Secretaries of the Interior and Agriculture were given responsibility for federal subsistence fisheries management in Alaska under Title VIII of ANILCA, they established a Fisheries Resource Monitoring Program (FRMP) to increase the range of information available for effective fisheries management" (Oversight Hearing on the U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and the National Marine Fisheries Service Budget Request for FY'03).

The good news is that the Alaska Department of Fish and Game has done a commendable job funding and conducting wildlife monitoring in your Council's region, though there continues to be unmet research needs. The Board and agencies are firmly committed to funding wildlife surveys and inventory, subject to funding priorities and yearly agency appropriations. For example, wildlife monitoring projects have been funded in the past by the USDA Forest Service, such as surveys for wolf, deer, and moose populations.

Additionally, we would like to relay the information about the Tribal Wildlife Grants Program administered by the USFWS Wildlife and Sport Fish Restoration Program. This grant opportunity provides funding to federally recognized Tribes for development and implementation of programs that benefit wildlife and their habitat, including species of tribal culture or traditional importance and species that are not hunted or fished. Activities may include, but are not limited to, planning for wildlife and habitat conservation, ongoing and/or new fish and wildlife management actions, fish and wildlife related laboratory and field research, natural history studies, habitat mapping, field surveys and population monitoring, habitat preservation, land acquisition, conservation easements, and outreach efforts (<https://fws.gov/nativeamerican/grants.html>).

Paragraph 809 of ANILCA specifies cooperative agreements with other agencies and organizations as a mechanism to carry out the purposes of Title VIII, including wildlife surveys and research. When appropriate grant opportunities are identified, they will be shared with the Council and other cooperating entities.

3. Staff Representation

In its Annual Reports, since 2017, this Council has shared its concern regarding the lack of consistent technical staff support present at its Council meetings. Although the Board previously assured the Council that “while there have been reductions in Federal travel budgets, the Council can expect continuing biological support at its meetings,” the Council is still distressed by the decline in the physical presence of Federal staff at its meetings.

The Council has provided examples of the challenges created by having less technical staff present at the meetings. During regulatory meetings, the Council feels it is vital to have the staff person who performed the analysis for the proposal present in the room to relay that information and to answer questions. Presentations and responses lose value when relayed over the telephone line. This makes it very difficult for the Council and the public to hear the information and thoroughly engage in the proposal process.

In-person support staff are crucial for the Council to conduct its business efficiently and with the right resources. Council members will often speak with analysts at the meeting and use these conversations to formulate questions to ask on the record regarding specific issues. Analysts participating by phone have limited time and opportunity to discuss subject matter. Limitations placed on the interactions between Council members and subject matter experts does not fulfill the intent of ANILCA.

The Council asks that this request be fully reconsidered in light of the provisions set forth in ANILCA Section 805(b). Council members would like to receive greater level of assistance from in-person staff to provide the technical support needed to conduct the Council’s business.

Response:

The Board agrees that it is important that the Secretaries of the Interior and Agriculture provide “adequate qualified staff” at Council meetings as required by Section 805(b) of ANILCA. Due to safety and health concerns and travel restrictions resulting from the COVID-19 pandemic, some of the 2020 winter Council meetings were held by teleconference. Although not an ideal situation, the Board was impressed by the professional conduct of the Council and staff as they worked through the communication challenges. It was also evident that teleconferences are not a good substitute for in-person meetings. When in-person meetings resume, the Board and Federal agencies will make every effort, as budgets allow, to support the Council with qualified staff to ensure technical expertise is available and face-to-face relationships can be maintained and fostered.

4. Correspondence Policy

The Council was extremely disappointed in the amount of time that it took for its correspondence to go through the review and finalization process at the Office of Subsistence Management (OSM) this past year. The Council requests that the Board review the current Correspondence Policy and revise it to include identifiable levels of accountability and to ensure timely processing.

The Council recognized that the number of OSM administrative staff was limited for the last several months; however, it appeared that the majority of the time spent on moving the correspondence forward was because of the numerous OSM staff required to review the correspondence. The Council submitted eight letters. One of those eight letters was processed timely. The remaining letters took months to complete. In fact, one letter submitted for processing, which was a simple cover letter to transmit another correspondence, took FOUR months to finalize. This is unacceptable. The Council cannot conduct its business and carry out its responsibilities with this level of inadequate support from the Program.

The Council would like to see the Board direct OSM to streamline the correspondence process so that all correspondence is processed within one week. The Council would also like to see parameters regarding oversight be established so that an exorbitant amount of time is not spent re-writing letters unnecessarily. Councils and their coordinators should be given latitude to draft correspondence in a manner reflecting the Council's style and dialect, relaying information in plain language. Correspondence from the Council rarely needs to read like a perfect technical guide and the amount of time spent by OSM personnel to make numerous changes to text has resulted in unconscionable delays. Edits should be limited to spelling, grammar, and legal content only. No substantive changes should be made except to provide consistent messaging from the Program.

The Council would like to see the OSM review process of correspondence more formally outlined. This should include the steps of the process, the personnel involved, and the justifications for each step/personnel oversight. The Council would encourage the Board to then scrutinize the amount of oversight from OSM personnel and request an explanation of why most of this Council's letters took months to complete. The postponement of timely processing of correspondence resulted in a significant delay of the letter to the Secretary of Agriculture, conveying important information that the Council hoped he would have prior to making his decision on the Alaska Roadless Rulemaking Draft Environmental Impact Statement (AKKR DEIS) preferred alternative.

Lastly, the Council would like to see a revised Program Correspondence Policy, incorporating strategic and realistic steps and accountability, within the coming year.

Response:

OSM acknowledges that, at times review of Regional Advisory Council correspondences have been inconsistent with the Board's Subsistence Regional Advisory Council Correspondence Policy dated June 15, 2004. While completion of reviews in a timely fashion is intended, significant delays have occasionally occurred. Some delays resulted from OSM staff shortages. The Board expects that OSM will comply with the terms of the Correspondence Policy and provide timely review of submitted correspondence. OSM and the Board are committed to ensuring that the Councils can correspond freely within the bounds of their charter and that correspondences adhere to regulation and policy.

5. ANILCA Section 810 Hearings

The Council would like to inform the Board that it has submitted substantial comments on the Alaska Roadless Rulemaking issue. The Council has been discussing this issue for several months and it would like to formally inform the Board that it actively advocated for ANILCA Section 810 hearings during the AKKR DEIS period. The Council believed that the proposed rulemaking was a land management plan and, as such, required Section 810 hearings and an analysis related to the outcome of those hearings. This Council has a long history of weighing in on land management plans on the Tongass National Forest and it looks forward to seeing the Section 810 analysis on this matter.

Response:

The Board very much appreciates the hard work and commitment shown by the Council in responding to the needs of subsistence users. The USFS reports that in total, 196 people provided oral testimony at Alaska Roadless Rule subsistence hearings throughout 18 Southeast Alaska communities. Oral testimony was recorded at subsistence hearings and later transcribed by a professional court reporter. Transcripts are available on the Alaska Roadless Rule's project website and the audio files are available upon request. Transcripts were further reviewed to identify common themes of oral testimony to inform the final environmental impact statement, record of decision, and ANILCA Title VIII Section 810 subsistence determination. The USFS will update the Council when the Secretary of Agriculture makes a final decision on the Alaska Roadless Rule.

Hearing	Location	Date	Testifiers
1	Sitka	11/12/19	42
2	Ketchikan	11/05/19	15
3	Hoonah	11/14/19	14
4	Petersburg	11/07/19	13
5	Pelican	12/12/19	13
6	Angoon	11/12/19	11

7	Tenakee Springs	11/05/19	10
8	Hydaburg	11/12/19	10
9	Point Baker	11/19/19	9
10	Gustavus	12/07/19	9
11	Kake	11/22/19	9
12	Wrangell	11/06/19	8
13	Skagway	11/26/19	8
14	Craig	11/06/19	7
15	Haines	12/07/19	6
16	Yakutat	11/05/19	5
17	Kasaan	11/12/19	4
18	Thorne Bay	11/13/19	3
Total			196

6. Board's Response on 2019 Annual Report Item: Subsistence Shrimp

The Council informed the Board, in its last Annual Report, of the testimony received on the State of Alaska's recent restrictions regarding conservation concerns of the shrimp stock in District 13C. This Board's response encouraged the Council to write a letter directly to the Alaska Board of Fisheries to express the concerns that the Council received. The Council wishes to express its appreciation to the Board for providing good constructive guidance and for giving the Council an avenue of recourse. The Council decided to write a letter directly to the Alaska Board of Fisheries conveying the information on this subject that had previously been disclosed to this Board.

Response:

The Board always appreciates the Council's dedication and diligence in addressing concerns of subsistence users and keeping the Board informed.

7. Extra-Territorial Jurisdiction

The Council heard testimony regarding the lack of herring harvests in Sitka Sound for many years. In its last Annual Report, this Council advised the Board that it may see a request for Extra-Territorial Jurisdiction (ETJ) regarding this matter in the future and that the Council would like the Board to process any such petition by following its policy on ETJ matters. The Council received information on the Federal Subsistence Management Program's ETJ procedure, along with an example of an ETJ petition, to provide to those interested in pursuing an ETJ in the Sitka Sound herring matter. The Council would like to thank the Board and Program for these guidelines and information. The Council hopes that the Board and Program will continue to provide assistance throughout this process, as appropriate, should an ETJ petition be received regarding the State's failures to manage this resource and the detrimental impact that it is having on this culturally important subsistence resource.

Response:

The Board always appreciates the Council's dedication and diligence in addressing concerns of subsistence users and keeping the Board informed. The Board stands ready to fulfil its responsibilities, if such a petition is received.

8. Status of Fish and Wildlife Resources in Southeast

Pursuant to ANILCA Title VIII Section 805, this Council recognizes the importance of providing the Board with as much information about its region as possible so that it can make informed regulatory decisions. To that end, this Council has decided to routinely report on the status of fish and wildlife populations and the harvests within the region. Enclosures to this Annual Report entitled "Subsistence Sockeye Harvest and Escapement" and "Wildlife Harvest Summary" provide recent overviews of these subsistence resources.

Response:

Thank you. All information provided by the Council is extremely important for informing Board decisions. We look forward to your reports.

In closing, I want to thank you and your Council for your continued involvement and diligence dedication in matters regarding the Federal Subsistence Management Program. I speak for the entire Board in expressing our appreciation for your efforts and am confident that the Federally qualified subsistence users of the Southeast Alaska Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

cc: Southeast Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Subsistence Policy Coordinator, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor,
Office of Subsistence Management
Acting Wildlife Division Supervisor, Office of Subsistence Management
Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management
Acting Anthropology Division Supervisor, Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
DeAnna Perry, Council Coordinator, U.S. Forrest Service

Katerina Wessels, Council Coordinator, Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record

DRAFT



Federal Subsistence Board

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Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

OSM 20068.KW

Richard Encelewski, Chair
Southcentral Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Encelewski:

This letter responds to the Southcentral Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2019 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. The Board values this opportunity to review the issues concerning your region.

1. Unit 13 Moose and Caribou

The Board has the authority to form a working group to research recurring issues related to hunting moose and caribou on Federal public lands in Unit 13. Over the last several years, the Board has been presented with wildlife proposals, special action requests, and public testimony regarding:

- *Safety concerns resulting in local hunters being displaced*
- *Difficulty in passing on traditional hunting knowledge and customary practices to hunters' children due to safety concerns*
- *Difficulty in successfully harvesting moose and caribou on Federal public lands by Federally qualified subsistence users due to excessive competition from large numbers of non-local hunters*
- *Displacement of moose and caribou from traditional migration corridors*

- *Lack of enforcement*
- *Necessary restrictions to assure conservation of healthy populations*

The conflict between local and non-local hunters has long been an issue in Unit 13 for both moose and caribou. Special action request (WSA19-03) sought to decrease competition between user groups by closing moose and caribou hunting on Unit 13 Federal public lands to non-Federally-qualified users. The Board discussed this special action request at its July 2019 work session. The Office of Subsistence Management supported the request, while the Interagency Staff Committee opposed it. There was extensive discussion concerning moose and caribou hunts in the area and the need for a caribou working group (FSB Transcript, July 19, 2019, pages 7-49). The formation of a working group would provide a forum for subsistence users and the State to come together to try to resolve recurring issues.

The Board rejected special action request WSA19-03. They reasoned that the special action would not solve issues on a permanent basis and wanted to avoid another 'piecemeal approach' to a very complex problem. The Bureau of Land Management (BLM) committed to bringing interested groups and agencies together on a more frequent basis to ascertain if a proposal for the next regular wildlife cycle could result in a more holistic solution. It is the Council's understanding that Board member Dave Schmid recently visited the area to gather additional information on the problem. The Council would like the Board to keep up this momentum in pursuing a solution.

The Council requests organization of a formal working group to develop a wildlife proposal(s) during the next wildlife regulatory cycle. This multi-dimensional effort will attempt to provide a lasting solution to concerns heard for years over hunting caribou and moose in Unit 13.

Response:

The Board commends the Council for seeking ways to find solutions to the issues related to hunting moose and caribou on Federal public lands in Unit 13. According to the regulations, membership in a working group formed by the Council is limited to the Council members only and any working group suggestions will need to be presented to the Council for official recommendation making.

Another option available to the Council is a formation of a formal subcommittee, which allows membership to be expanded to include besides the Council member, for example public representatives, tribal and/or agency (State or Federal) representatives; there are no restrictions on who can become a member. The Federal Advisory Committee Act (FACA) designated Federal officer (DFO) is required to attend the meetings of a subcommittee. However, before making a request to form a subcommittee, the Board urges the Council to reach out to stakeholders, who might be interested in participating in this subcommittee and gauge their interest and potential level of commitment.

The Board recommends that if the Council decides that it wants to form a subcommittee, at the Council's fall 2020 meeting an official request for formation of a FACA subcommittee to address this specific issue is developed. The Council's request should contain a detailed proposal on forming a subcommittee, including its goals and objectives, timelines, frequency of meetings, potential members/stakeholders, and cost estimates. The Board would address this request at its January 2021 regulatory meeting.

If a subcommittee is approved, the subcommittee could possibly meet via teleconference before the Council's winter 2021 meeting. Any proposal or recommendation developed by the subcommittee would need to be presented, discussed, and approved by the Council during its winter 2021 meetings during the call for wildlife proposals. The Council would then decide whether or not to forward recommendations to the Board.

2. Fisheries Resource Monitoring Project Additions – Copper River Coho Salmon

The Council is pleased to see proposals for monitoring Copper River Sockeye and Chinook Salmon stocks submitted to the Fisheries Resource Monitoring Program for the 2020 cycle. However, the Council noted that there is a need for Copper River Coho Salmon research, and would like to see project proposals for monitoring stock specific escapement and/or run timing.

Response:

The Board is glad to hear that the Council is continuing the work of identifying subsistence fishery data gaps for the area. Having just completed selecting projects for the 2020 Fisheries Resource Management Program (FRMP) cycle, the Councils will take up the charge of identifying regional Priority Information Needs during the fall 2020 meetings and initiate the start of the 2022 FRMP cycle. This would be the opportune time for your Council to make clear that Copper River Coho Salmon research is a priority for this region. While we cannot guarantee that sound project proposals would result from this topic's inclusion as a priority information need, the Board hopes that the program will receive ample interest in research of this nature.

3. Climate Change

Fisheries:

The Council shared its observations and heard public testimony, which included traditional ecological knowledge, about climate change in the region and its effects on fisheries and shellfish. The Council would like to see research carried out that analyzes the impacts to fish and shellfish as a result of climate change and ocean acidification. This would include identifying the cause(s) of stress in salmon and how the fish deal with this stress. Additionally, the Council is interested in identifying the causes of the pathogenic exposure in shellfish (toxic shellfish poisoning). The Council is interested in having presented what, if anything can be done to mitigate the above effects on fish and shellfish stocks.

Specifically, the Council feels that monitoring fish mortality due to heat and the resulting

increased water temperature, the rate of streams drying, run timing, and the depths at which fish are active, are extremely important to gauge the effects of climate change and ocean acidification. The Council thinks this kind of information would be best gained through a Fisheries Resource Monitoring Program project. The Council believes it is imperative to collect baseline information to understand the issues and then be able to adjust fisheries management in response to the changing environment. The Council requests that the program focus on impacts to both salmon and shellfish that are harvested for subsistence and to explore the impacts of climate change and ocean acidification on the overall food web.

Wildlife:

The Council is concerned about the effect of parasites on wildlife populations. The types and numbers of parasites have increased in recent years as the climate continues to change. The Council requests more information on current effects of parasites on wildlife populations and wants to be informed of any management options that may be available to help contain or curtail parasite infestations in the future for those wildlife species abundant in Southcentral Alaska.

Response:

Effects of the changing climate on the freshwater stages of fish life cycles have become evident and were especially notable during the unseasonably warm temperatures experienced across Alaska during the summer of 2019. Research is currently being conducted in the region on this topic. Jon Gerken, with the U.S. Fish and Wildlife Service, Anchorage Fish and Wildlife Conservation Office, has been working with Sue Mauger at Cook Inlet Keeper and Becky Shaftel at University of Alaska Anchorage on a comprehensive stream temperature monitoring project in the Susitna River, *The Influence of Thermal Regimes on the Distribution and Relative Abundance of Juvenile Salmon in the Deshka River*. They have been conducting fine-scale mapping of stream temperatures in the drainage and examining how juvenile and adult salmon use different parts of the system as stream temperatures have varied. They are expanding this work in 2020 to include work in the Gulkana River.

Additionally, the Office of Subsistence Management (OSM) has been funding a water-temperature monitoring program at most of the FRMP project field sites across the state for the past nine years and has recently funded another two-year contract to continue these efforts. The data are collected using standardized methods and are publicly available. A summary of temperature statistics from all sampling sites from 2008 to 2018 or the time period the site was operational is available in the 2020 report *Stream Water Temperatures Associated with Federal Subsistence Fisheries in Alaska* produced by the Aquatic Restoration and Research Institute. OSM can provide copies of this report to the Council at its request and extend an invitation to the Institute to provide a presentation during one of the regular Council meetings on this topic. While there are not currently any FRMP projects examining this topic, the Council may choose to make this a point of focus as a Priority Information Need for the 2022 cycle.

Luca Adelfio of the U.S. Forest Service gave a presentation to the Council on temperature effects at differing stream types in the lower Copper River Delta area during their spring 2020 meeting.

If interested, the Council could speak with their coordinator about continuing to have this type of research presented at their meetings to spur discussion about Priority Information Needs for future FRMP cycles.

The Board also appreciates the Council's concerns about increased parasites in wildlife populations because of climate change. The Alaska Department of Fish and Game maintains a user-friendly website providing overviews of common wildlife diseases and parasites <https://www.adfg.alaska.gov/index.cfm?adfg=disease.main>. Heuffer et al (2013) states warmer temperatures may allow infected animals to survive winters in larger numbers, which could also increase transmission to humans. If the Council would like to hear more specifics on wildlife parasites in Alaska, OSM is happy to invite regional experts to present at an upcoming Council meeting.

Literature Cited:

Hueffer, K., Parkinson, A. J., Gerlach, R., & Berner, J. 2013. Zoonotic infections in Alaska: disease prevalence, potential impact of climate change and recommended actions for earlier disease detection, research, prevention and control. *International journal of circumpolar health*, 72, 10.3402/ijch.v72i0.19562.
<https://doi.org/10.3402/ijch.v72i0.19562>

4. Nonrural Determinations Process

The Council received an update on a rural proposal RP19-01 to change Moose Pass, Alaska, from nonrural to rural status. The proposal is currently moving through the regulatory process. The Council understands that the Board made some changes recently to the nonrural determination process. The Council requests to be informed of the steps the Board expects to take regarding these types of proposals in the future. Currently, the process for nonrural determination takes four years. The Council, as well as members of the public, want to know if there is a faster and more efficient way to process these nonrural determination proposals. Communities deserve a decision on these proposals more quickly than the current four-year determination process provides.

Response:

Thank you for being such an engaged partner in this first Nonrural regulatory cycle under current policy. The Board appreciates that your Council and region are the first to identify challenges with this new policy. We are mindful of this burden and grateful for your feedback.

At the April 2019 meeting, the Board asked staff to revise the Nonrural Policy and Timeline to include a Threshold Requirements Assessment. This was an effort to support the Board and Councils in assessing whether proposals were submitted with all the required information. At the summer 2019 work session, the Board approved edits to the Policy and Timeline, and approved the Threshold Assessment Templates submitted by staff. These edits triggered a review within the Federal Subsistence Management Program and minor administrative edits were suggested. The Board is now scheduled to approve and finalize the most recent iteration of

the Nonrural Policy during its August work session 2020. A copy of the revised Policy will be provided to the Council at its fall meeting.

The Board is tracking public and Council sentiments regarding the extended Nonrural regulatory cycle and the Federal Subsistence Management Program's ability to be responsive. There are a number of reasons why the cycle was designed as a four-year process instead of a two-year or even a three-year timeline. Specifically, the Board wanted to ensure Regional Advisory Councils and the public had substantial opportunity to provide input and guide the process at every stage within the bounds of bi-annual Council meetings. It was intended to be a deliberate and measured timeline considering the impacts of a status change on a community or region.

A full review of the Nonrural Policy and regulatory process will be implemented once this cycle nears completion after Board action on the first Nonrural proposal in January of 2021. The Board will ensure the Council is given adequate notice and will invite Council input on assessing the efficacy of the Nonrural regulatory cycle timeline. Until that time, the Board will continue to follow current policy with the goal of ensuring adequate opportunity for public notification and involvement in a process that could result in such significant outcomes as the ability to participate in the harvest of wild resources as a Federally qualified subsistence user.

5. Executive Order on FACA Committees

The Council was recently provided a copy of the Executive Order on Evaluating and Improving the Utility of Federal Advisory Committees, dated June 14, 2019. The Council is seriously concerned about the impact of this Executive Order on the Program. Although the Council's charter still provides for a 13 member Council, the Council fears that this Executive Order has been used to decrease the number of seats on the subsistence Regional Advisory Councils (Councils), based on the reduction seen in the recent appointment/reappointment process. The Councils have lost vital representation across their regions and this Council is anxious that the loss of representation may continue into the future. This Council would like the Board to send a letter to the Secretaries of Interior and Agriculture regarding this Council's concern about this matter. It is this Council's understanding that all Councils across the State experienced a significant decrease in representation; the Secretaries should be advised of the substantial impact this loss of members will have on the ability of the Councils to accomplish their work. The Councils are statutorily mandated under Title VIII of ANILCA and this Council believes that a lack of representation on the Councils is detrimental to the intent of ANILCA.

Response:

In June 2019, OSM responded to an information request from the Department of Interior on the ten Subsistence Regional Advisory Councils in conjunction with the *Executive Order on Evaluating and Improving the Utility of Federal Advisory Committees*, dated June 14, 2019 (<https://www.whitehouse.gov/presidential-actions/executive-order-evaluating-improving-utility-federal-advisory-committees/>). Specifically, the Executive Order was looking at all Federal Government Advisory Committees across the nation with the goal of reviewing current Advisory

Committees and limiting the establishment of new Advisory Committees. The Executive Order specifically said that “each executive department and agency (agency) shall evaluate the need for each of its current advisory committees established under section 9(a)(2) of FACA [Federal Advisory Committee Act] and those advisory committees established under section 9(a)(1) that are authorized by law but not required by statute (eligible committees).” To the Board’s knowledge, the Executive Order did not intend or direct to decrease the number of seats on the Federal Subsistence Regional Advisory Councils in Alaska.

The Council is absolutely correct when pointing out that the Federal Subsistence Regional Advisory Councils are statutorily mandated under the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), Title VIII, Section 805(a)(3). Specifically, the Councils were established under Public Law 96-487 94 Stat. 2371 (1980). In accordance with this Public Law Title VIII, Section 805 (a) “... one year after the date of enactment of this Act, the Secretary in consultation with the State shall establish—(3) a regional advisory council in each subsistence resource region.” The 1992 Record of Decision on *Subsistence Management for Federal Public Lands in Alaska* established 10 Subsistence Regional Advisory Councils in each subsistence resource region.

The 1992 Record of Decision stipulates that “the number of members on a Council will be determined by the Board and will vary from Region to Region, depending on the number and distribution of subsistence users in the region, the variety of subsistence resources used, and the nature and extent of management issues. To the extent possible, the size of the Council and distribution of the membership within the region will be designed to ensure the maximum participation in the Federal program by local subsistence users.” The Board’s 1993 meeting transcripts indicate that, “The number of members on each Council varies from one council to the other. The size of the Councils was developed from discussions with Regional leaders, former State Council Chairs, State coordinators and Federal personnel.” The charters signed by the Secretary of Interior establish Councils sizes.

The Board currently has no intent or reason to reduce the number of membership seats on any of the Councils. The Board fully understands the Council’s concern regarding vacant seats. In order to forward a full set of the appointment recommendations to the Secretaries of the Interior and Agriculture for their review and decision, the Board needs to have an ample number of applications and/or nominations from the Southcentral Region. The Board encourages the Council to expand its outreach efforts within their communities and throughout the Region to attract a wider pool of applicants, if the Council wishes to see all seats filled.

However, it is important to note that the Board does not have a final decision over which recommended applicants are appointed on the Councils. After the Board submits its annual appointment recommendations to the Secretaries, the recommended applicants undergo a vetting process administered by the Department of Interior. The Board and/or OSM are not a privy to the vetting information and do not participate in this process. After the vetting process is completed by the Department of Interior, the Secretaries finalize appointments to the Councils.

The Board understands and shares the Councils' concerns that some Council seats were not filled during the 2019 round of appointments. This resulted in the loss of vital representation across the regions. The Board will consider the Council's request to write a letter to the Secretaries of Interior and Agriculture about the Council's concerns. The Board wants to ensure that the Federal Subsistence Regional Advisory Councils in Alaska can continue to fulfill ANILCA's mandate to have direct participation of local people in Federal regulatory decision making.

In closing, the Board thanks you and your Council for your continued involvement and diligence in matters regarding the Federal Subsistence Management Program. The Board appreciates your efforts and is confident that Federally qualified subsistence users of the Southcentral Alaska Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

cc: Southcentral Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Subsistence Policy Coordinator, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor,
Office of Subsistence Management
Acting Wildlife Division Supervisor, Office of Subsistence Management
Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management
Acting Anthropology Division Supervisor, Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
DeAnna Perry, Council Coordinator, U.S. Department of Agriculture Forest Service
Katerina Wessels, Council Coordinator, Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record



Federal Subsistence Board



1011 East Tudor Road, MS 121
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FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

OSM 20071.KW

Della Trumble, Chair
Kodiak/Aleutians Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairwoman Trumble:

This letter responds to the Kodiak/Aleutians Subsistence Regional Advisory Council's (Council) fiscal year 2019 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. **Request for annual surveys of Adak Island caribou**

(Topic #3 in the FY-18 annual report)

The Council requests that the Board support annual surveys of Adak Island caribou and salmon. The last caribou survey for Adak Island was conducted in 2010. Adak Island caribou are an important subsistence resource for Federally qualified subsistence users in the Kodiak/Aleutians Region. Hunting pressure for caribou on Adak Island is high. Updated annual surveys are needed to determine how many caribou remain on Adak Island. The Council also recommends the Board explore the use of drones for conducting these surveys as a possible means to reduce survey costs.

In order to manage the Adak Caribou Herd in a sustainable manner, a management plan is required. The US Fish and Wildlife Service (USFWS), the Alaska Department of Fish and Game (ADF&G), and stakeholders should form a task force that will develop an approach to initiating a management plan for the Adak Caribou Herd, some of which has migrated to Kagalaska

Island. The Alaska Maritime National Wildlife Refuge manager suggested that it would be more expeditious if ADF&G were to take the lead on developing a joint plan. To move forward, the Council requests the Board initiate the development process of a management plan for caribou on Adak Island through outreach efforts and correspondence with interested parties.

Response:

In the summer of 2019, thanks to helicopter support from the Alaska Volcano Observatory, the Alaska Maritime National Wildlife Refuge (NWR) conducted an aerial count of caribou on Adak and Kagalaska Islands. A detailed report of the 2019 survey was provided to the Council in their March 2020 meeting materials. Roughly 1,200 caribou were observed on Adak in 2019, a substantial decline over the peak estimates of roughly 2,800 animals observed in 2005 and 2012, though still much higher than the typical counts of 400 to 600 observed in the 1980s and 1990s. A rapid die-off of an insular ungulate population of this magnitude has been predicted since the early 1990s. Population crashes on island populations have been documented at other sites in Alaska. In each instance, these die-offs have generally been explained by the number of animals exceeding carrying capacity of the range, which damages slow-growing lichens and results in starvation—especially in harsh winters (Williams, J.C. and L. Spitler. 2019. *Aerial survey of barren-ground caribou at Adak and Kagalaska islands, Alaska in 2019*. USFWS. Rep., ANMWR 2019/17. Homer, Alaska). Despite a liberal allowance for harvest under State game regulations (no limit on female harvest, two males August - December), hunting pressure on this confined island has been insufficient to control herd growth.

In 2019, Alaska Maritime NWR employees observed 17 animals on Kagalaska, indicating the beginning of what is likely to be an increasing population. Sport hunting for caribou is legal under State regulations on both islands. Subsistence hunting on Federal land is managed through the Board with local input from the Council. The Kagalaska caribou are inaccessible to all but the most enthusiastic hunters, and their preferred food of lichen is still abundant there. It is important to remember that not only are the caribou valued by local hunters and fly-in hunters alike, they are also non-native and without elimination of this emerging population or other active management over the coming years, the native plant communities on Adak and Kagalaska is likely to be damaged by caribou. The caribou will probably have a population explosion followed by a population bust as they deplete their preferred winter forage of lichens. Federal law currently prohibits the US Fish & Wildlife Service (USFWS) from shooting, removing, or harming caribou on Kagalaska Island, even to prevent the habitat damage and animal welfare concerns, related to a boom and bust event.

The Alaska Maritime NWR does not consider conducting regular surveys of Adak caribou feasible given the logistics, cost, staffing, and lack of a comprehensive caribou management plan. Perhaps, given the circumstances, future surveys may best be conducted by the Alaska Department of Fish and Game (ADF&G) or cooperatively arranged with the USFWS. Drones, as mentioned in the 2018 annual report, are currently not a feasible tool for conducting population estimates given the logistics and large landscape that would need to be surveyed.

The USFWS will continue to work with the ADF&G to monitor the population opportunistically, similar to the survey conducted in 2019.

As noted by the Council, development of a management plan may allow for more thoughtful management of the species. The Alaska Maritime NWR supports the development of a caribou management plan for Adak that reflects the wishes of various interest groups. Roughly 2/3 of Adak Island is Alaska Maritime NWR and 1/3 is Aleut Corporation land. Development of a plan should involve at a minimum ADF&G, the Aleut Corporation, the City of Adak, and the USFWS. Other interest groups may want to be involved, as well. The Alaska Maritime NWR would be more interested to support opportunistic monitoring of caribou, if a well-designed caribou management plan for Adak Island is developed. The plan should include population objectives that consider the needs of Federally qualified subsistence users, non-local hunters, local community, native wildlife, and natural biodiversity, and a way to manage the herd towards that population objective.

The Board will contact ADF&G through OSM and encourage coordination and initiation of a planning process with the Alaska Maritime NWR, Aleut Corporation, the Council, Adak residents, and other interested parties.

The Alaska Maritime NWR would welcome any thoughtful salmon monitoring of Adak streams and suggests the Council develop a Priority Information Need for the Federal Fisheries Resource Monitoring Program to address this issue.

2. Request to maintain Fisheries Resource Monitoring Program (FRMP) full funding
(Topic #6 in the FY-18 annual report)

The Council requests the continuation of full funding for FRMP. The Council emphasizes the importance of FRMP in providing timely information to Federal land managers regarding the population status of subsistence fisheries resources. This data is essential to the management of fisheries and to meet the nutritional needs of Federally qualified subsistence users.

Response:

The Board appreciates the Council's persistence in bringing this issue to our attention in two consecutive annual reports as well as talking about it in great extent during the September 2019 meeting. The Board agrees with the Council that continued FRMP funding is an important goal; however, the Board does not have direct influence over the funds for this program. Program funds come from the budget that the Office of Subsistence Management (OSM) receives on an annual basis from Congress through the Department of the Interior and the USFWS. The Council may choose to inquire further with the Assistant Regional Director of OSM or representative of the USFWS about budget allocations for a more in-depth discussion of the process.

3. **Educational opportunities for Council members**

(Topic #1 in the FY-18 annual report)

Under the current training system, the only training provided to the Council is a 2 hour session for newly-appointed Council members prior to the winter meeting. The rare opportunity to attend extensive training at the 2016 All-Council meeting was very welcome. There is a need for continuing education for Council members including, but not limited to:

- *Producing a summary description of the role of the Regional Advisory Councils in making recommendations to the Board;*
- *Providing an updated Regional Advisory Council Operations Manual for Council Members;*
- *Convening a more in-depth orientation for new members than what is currently provided (the two-day training session provided in Anchorage in 2017 is a great example), and;*
- *Having the Council Coordinators provide formal training classes for the Council.*

Training materials should be appropriate for a variety of learning styles and include the use of web-based (online) and video-based instruction materials.

Response:

The Board recognizes that the Federal regulatory process is complex and that the Council members wish to have diverse educational opportunities and additional outreach materials. The Board also appreciates the Council's persistence in raising this topic for the last two years in its annual report. Moreover, the Board agrees that additional education will help appointed Council members to be better contributors to the regulatory process.

OSM tentatively planned to organize a new Council member training in Anchorage in January 2020, funding permitting; however, it was not able to do so because the Council appointments were not received until the end of February 2020 and only two new Council members were appointed during the 2019 appointment cycle. If more new Council members are appointed during the 2020 appointment cycle, OSM will organize the two-day training session in Anchorage; however, it will depend on the travel restrictions related to the pandemic, funding, and staff availability.

In accordance with the Council's previous request and Board directions, OSM plans to create a one-page summary of the role of Subsistence Regional Advisory Councils in making recommendations to the Board and update the Regional Advisory Council Operations Manual, subject to OSM staff availability.

OSM will review existing training documents and will post them on-line for new and current Council members. Again, due to the staff shortages, creating new video-based instruction materials and creating formal training classes for the Council taught by a Council Coordinator is

not possible at this time. OSM does have several existing informational videos geared towards the public, which may also be of interest to new Council members. The videos cover four different topics and can be found online:

- Becoming involved in a Regional Advisory Council (<https://youtu.be/KwGIafjsf0I>)
- Submitting a proposal (<https://youtu.be/dtiHnuR29Go>)
- Submitting a Special Action Request: (<https://youtu.be/FjmHA6Hp1C0>)
- Submitting a Cultural/Educational Permit (<https://youtu.be/sC3x6hp6Kqo>)

OSM also has a brochure about the Federal Subsistence Management Program, which provides an overview that would be educational to new Council members. The brochure can be found online at <https://www.doi.gov/subsistence/library/history>, or one can request printed copies by contacting OSM at subsistence@fws.gov or (800) 478-1456 or (907) 786-3888.

Council members, both current and new, may want to consider signing up for OSM's email listserve (*an electronic email list that allows for widespread distribution of information to many subsistence users*), which they can do by emailing fws-fsb-subsistence-request@lists.fws.gov. Members of this listserve receive all OSM news releases about upcoming meetings and other news, such as opportunities to submit proposals, provide comments, etc.

4. **Request for evaluation of the Fisheries Resource Monitoring Program (FRMP) project selection process**

(Topic #2 in the FY-18 annual report)

There needs to be a meaningful way for the Council to have its comments and input taken into consideration during the FRMP project selection process. This Council's prior communications with the Board on the topic of McLees Lake do not appear to have been considered by the FRMP technical committee. The Council believes it has a unique role to establish priorities for its region, as it is not a State or Federal agency representative. The Council understands the present FRMP process is designed to protect the integrity of project selection; however, it ignores the region's needs identified by the Council. The present Technical Review Committee project selection process should not override the Regional Advisory Council's defined research needs for subsistence users in the region. The Council requests that the Board examine this policy or provide some other means to achieve this goal. The Council recommends having a Council member participate in the FRMP project evaluation process as was the practice during the first decade of the FRMP process. The Council requests an evaluation of the FRMP process and presentation of findings to the Council and Board.

The Council at its September 2019 meeting, discussed that Council members be involved in the Technical Review Process when evaluating priority information needs. The Council feels that having Council members involved in the FRMP has not been adequately addressed.

Response:

Board Reply to the Topic #2 in the FY-18 annual report:

*At the Board's request, the Technical Review Committee (TRC) conducted an after-action review of the 2018 Monitoring Program funding cycle (enclosed). Among other items, the Board discussed during their February 2018 work session the role of Regional Advisory Councils in the project selection process. The Board defers to Councils' recommendations on issues concerning the take of fish. Under most circumstances, Council deference does not apply to funding decisions. **All members of the TRC sign a Confidentiality Agreement and a Non-Disclosure Certification as a requirement of Federal cooperative agreement and contracting rules (2 CFR Part 200, Sections 200.112 and 200.113).** The TRC reviews all information in proposal packages. Council members only receive information from proposal packages that are not considered confidential or proprietary. Comments provided by Councils are considered in the award selection process. When there is a tie between proposals, the Assistant Regional Director for the Office of Subsistence Management considers Council comments when making final funding decisions. McLees Lake Sockeye Salmon are an important resource in the Kodiak-Aleutians Region; however, three other proposals ranked higher in the proposal evaluation process. Each of these also addressed priority information needs defined by the Council. **(emphasis added)***

Above is the Board reply to similar questions from the Council in its 2018 Annual Report. The Board acknowledges that the Council seeks a meaningful way to have input into the FRMP project selection process and suggests having a Council member participant; but as noted in the 2018 reply (where the emphasis was added) this is not possible due to requirements under contracting regulations. In the early days of the FRMP, when the program funding review occurred on a yearly basis, there may have been a few cycles where Council members were included during the TRC review stage of the funding process. Considerations of conflicting requirements from the Federal Advisory Committee Act and contracting rules ended non-agency participation in the TRC review process.

In the 2018 FRMP review document (attached to the 2018 reply, a copy can be provided again by a request to your coordinator), noted that budget Department of Interior budget declines beginning in 2014 led to increased competition for funding. As a result in 2016, changes were made to FRMP proposal evaluation to focus on funding projects with the best chance for success. The most significant modification was in how projects were scored and ranked by the TRC (in the 2018 reply above, only the TRC can review the complete proposal). To increase consistency and objectivity in the proposal evaluation process, each of the five equally weighted criteria (strategic priority/priority information need; technical and scientific merit; investigator ability and resources; partnership and capacity building; and cost/benefit) were given a numeric score. Final scores are a summation of all five criteria, which determines a project's overall ranking. The FRMP is a scientifically sound program that balances strategic priorities with partnerships that include capacity building with rural and tribal organizations.

Another change in the 2016 funding cycle emphasized the primary role of the Councils have in developing priority information needs for their regions. Priority information needs set the parameters for the topics of proposals sought for the current funding cycle. Beginning in 2018, volunteers from each of the ten Councils participated in teleconferences with representation from one or more Councils to gather information about priority information needs in their regions' fishery. The results from these meetings were reviewed by the full Councils for their deliberation and final action at public meetings held in the fall.

It is unfortunate that there is the perception that the Board did not consider your prior recommendation about the McLees project, but in 2018 the TRC ranked three other proposals higher than the McLees Lake Sockeye Salmon Project in your region, and because of limited funding, the McLees Lake project was not funded. However, a new and improved proposal was submitted during the 2020 funding cycle for McLees Lake Sockeye and was approved for funding.

5. **Agencies Reports**

(Topic #4 in the FY-18 annual report)

The Council appreciates the written reports that agencies produce for its meetings. However, it is easier for the Council to absorb these reports if they are included in the Council meeting book. Council Coordinators begin their outreach to agencies for reports months in advance of the Council meeting. For the fall 2018 Council meeting, extensive outreach began in July 2018. The majority of agencies responded within 24-48 hours. Several agencies did not provide presentation materials until 24, 48, or 72-hours before the meeting. The Council understands that resource management agency staff are conducting work during the field season. However, a lack of advance production of reports does not provide Council members adequate time to review materials prior to the meeting.

Response:

Again, the Board appreciates your Council's persistence in bringing the topic of Agencies Reports to the attention of the Board. Section 805(b) of ANILCA Title VIII says, "The Secretary shall... make timely distribution of all available relevant technical and scientific support data to the regional advisory councils..." In accordance with this, OSM will continue with its standard practice of sending a request for reports to land management agencies and tribes three months prior to each Council meeting. Each Council Coordinator will then conduct outreach to the regional contacts from each agency and tribe emphasizing the importance of providing reports in advance. The Board asks the Council to recognize that circumstances for preparing reports on time varies. Sometimes field data has yet to be processed; sometimes large workloads, competing priorities, and staff shortages prevent reports from being produced on time. The Board continues to recognize the importance of Councils receiving these reports in advance of meetings to allow time to read and process the information. The Board will continue to reiterate the importance of this request to the agencies and tribes.

6. **Izembek and Kodiak National Wildlife Refuges Resource Information Technicians (RITs)**

RITs serve as critical interpreters of the Refuge's policies and programs to local communities. Currently, the Izembek National Wildlife Refuge does not have an RIT position, and the Council brought the issue to the Board's attention in its FY-2015 annual report. The Board provided its response to the Council dated August 10, 2016:

"The Board passed your issue on to the U.S. Fish and Wildlife Service, Alaska Region Division of Refuges, which provides this response:

The USFWS agrees that the Refuge Information Technicians (RIT) are valuable members of our Refuge team. As a liaison the RIT's help build a stronger connection between local communities and the Refuge. The USFWS looks forward to continuing to promote the RIT program."

The Kodiak National Wildlife Refuge currently does not have an RIT, the position has been vacant for several years, which is detrimental to building strong relationships between the Refuge and the public. The Council urges USFWS to continue their support for the RIT program, as it has proven critical to fostering relationships between Refuges and local communities. Having RIT positions at these refuges would help build strong relationships with the public.

Response:

The Board concurs that RITs are important members of USFWS staff and facilitate the development of strong relationships with the public. Funding for Alaska National Wildlife Refuges has decreased since 2010, ultimately reducing the ability for the USFWS to fill many vacant positions. Kodiak National Wildlife Refuge is currently approved to hire a RIT. The Council's support for RIT positions is appreciated as the USFWS continues to evaluate all options to fill these positions in future years.

7. **Izembek and Kodiak National Wildlife Refuges staffing**

The Council fully supports maintaining a full staff, including Refuge Managers in the Izembek Refuge office in Cold Bay and the Kodiak Refuge office to meet the priority goals of the refuges. The Izembek Refuge Manager's position has not been filled since last vacated. The Council noted that from 2001-2014 the Kodiak Refuge had a Wildlife/Subsistence Biologist who conducted deer and goat research. This position was never refilled either. It would enhance Refuge operations, if the biologist position was filled.

Staff is an imperative resource to the Council, particularly for caribou issues, which is an important subsistence resource for residents of Akutan, False Pass, King Cove, and Sand Point. Staff provides important biological data on the Unimak Caribou Herd. The surveys and

monitoring of the herd provides the Council with important data to develop proposals to change Federal subsistence regulations. The Council encourages the USFWS Regional Director to maintain staffing in the Izembek and Kodiak Refuges. The Council also requests that the refuges continue its dialogue with communities on management and policy issues to keep communities informed of public processes of the refuge mandates.

Response:

The USFWS recently hired Maria Fosado as a Refuge Manager for Izembek National Wildlife Refuge. Maria Fosado most recently served as the Assistant Manager for Big Stone National Wildlife Refuge (NWR) and Wetland Management District in Minnesota (MN). Prior to that she worked at several other MN NWR's including Agassiz NWR, Upper Mississippi River NW&FR, Minnesota Valley NWR, and the Fergus Fall Wetland Management District. Ms. Fosado obtained a B.S. in biology from the College of Saint Benedict and an M.S. in Geographic Information Systems from Saint Mary's University, both in Minnesota. In her spare time she enjoys camping, hiking, paddling, hunting and traveling. Ms. Fosado arrived at the Refuge in June 2020 and has assumed all management responsibilities.

The Board concurs that maintaining adequate staffing levels at Alaska National Wildlife Refuges should be a priority. Funding for Refuges has decreased since 2010 and the hiring process has become more complex and time consuming, ultimately reducing the ability for the USFWS to fill many vacant positions. The Council's support for maintaining staffing levels is appreciated as the USFWS continues to evaluate all options to fill priority vacant positions in future years.

Kodiak NWR recognizes the importance of subsistence resources to the local community and therefore continues to assist with monitoring subsistence resources such as mountain goat and salmon populations. Though the Refuge no longer has a dedicated subsistence biologist position, other staff now complete priority duties formerly conducted by this position.

As noted above, the Kodiak NWR is currently approved to hire a Refuge Information Technician in addition to a Wildlife Refuge Specialist. Both positions will increase Refuge capacity to be able to conduct subsistence related outreach and biological monitoring.

The USFWS is committed to working with the Council, communities, and partners and will continue to conduct outreach using various communication tools to keep constituents engaged and aware of Refuge initiatives, issues, and changes.

8. Access and harvest limits of subsistence salmon

Residents of Adak depend on salmon as part of their subsistence lifestyle. Some residents of Adak might have difficulty obtaining access to salmon fishing sites outside of the community since it requires having a skiff. A permit to harvest 25 salmon and 25 per household member is required. Access to fishing sites becomes cost prohibitive when fishers are only allowed 25

salmon and cost of fuel is six dollars a gallon. Most residents are not requesting a permit for 25 salmon, when travel to a fishing site is located four hours away.

The Council supports a household limit of 250 salmon for residents of Cold Bay. Residents of the Alaska Peninsula are permitted 250 salmon per household; similar permit stipulations should be applied to the residents of Adak.

Response:

The Adak area subsistence fishery occurs primarily in marine waters under the State of Alaska subsistence fishing regulations (5 AAC 01.380). Currently, State regulations allow the holder of a subsistence salmon fishing permit in the Adak area to take no more than 25 salmon, plus an additional 25 salmon for each member of the same household. The Board suggests that the Council should consider submitting a proposal to the Alaska Board of Fisheries to change this harvest limit. The next Board of Fisheries meeting cycle that will address finfish regulations on the Alaska Peninsula, Aleutian Islands, and Chignik areas will occur in 2021–2022. The proposal deadline is April 9, 2021. The Alaska Board of Fisheries will meet on February 18–23, 2022 to consider these proposals.

9. Bering Sea Community Conference

During the summer of 2020, the community of Unalaska is hosting the Coastal Communities Forum for all Bering Sea communities and Tribes. The host will extend invitations to all Federal partners to participate, including the Office of Subsistence Management. The invitations to attend will also be extended to the Council members. The Council is seeking funding to attend the conference and/or recommendations of any funding sources that the Council can apply for.

Response:

Thank you for letting us know about the Coastal Communities Forum in Unalaska. The Board supports your Council's request to participate in the Forum and interest in continuing education and development. OSM's and other Federal agency partners' ability to help depends on availability of funding.

In Alaska, activities and forums this summer are all being impacted by the COVID-19 pandemic. State and community requirements are restricting travel. Overall effects of this health crisis will determine future participation in conferences such as the Coastal Community Forum and other educational opportunities, as well as possible funding assistance.

10. Sea Otters impacts on subsistence resources in the region

The Council emphasizes that the impacts of sea otters on subsistence resources in the region, particularly throughout the Kodiak Archipelago, continue to be a concern. The Council recognizes that marine mammals' management is outside of the Board's authority; however,

local communities, Tribes, and the Council believe sea otters are negatively impacting shellfish resources, which do fall under the Board's jurisdiction. Locals are regularly reporting increasing numbers of sea otters, including in areas where sightings were previously rare.

The Council formed a working group to begin a dialogue with impacted communities and user groups, and to look for alternative ways to manage the growing population of sea otters. The working group will need the Board's support and funding to make the working group effective.

Response:

The USFWS Marine Mammal program remains engaged and available to help the Council to understand the current status and management of Alaska's sea otter populations. In November of 2019, a member of the recently established Council's working group was invited to attend a sea otter steering committee meeting to help expand the Council's understanding of sea otter management. The final workshop report should be completed in July 2020 and will be available to the Council.

The Board acknowledges the Council's interest in continuing the sea otter working group; however, we want you to know that according to the regulations membership in this type of working group is limited to the Council members only. If your Council desires to engage various partners and agencies in identifying potential solutions to sea otter and shellfish management concerns, the Board recommends that you reach out to these stakeholders to gauge their interest and consider forming a subcommittee. Subcommittee membership can be comprised of, for example public representatives, Council members, Tribes and/or State representatives; there are no restrictions on who can become a member. The Federal Advisory Committee Act designated Federal officer (DFO) is required to attend the meetings of the subcommittee, and the subcommittee must report their findings and suggestions to the Council for official recommendations making. To form a subcommittee the Council with the assistance of their Coordinator will need to develop a request for the Board's review and decision. The Council's request should contain a detailed proposal on forming a subcommittee, including its goals and objectives, timelines, frequency of meetings, potential members/stakeholders, and cost estimates. The Board would address this request at one of its meeting.

Alternately, the Council members may participate in the sea otter working groups formed by other agencies or entities. The following agencies and entities are all engaged with various sea otter monitoring projects and may provide insights to help develop strategies to deal with sea otter and shellfish issues: National Oceanic Atmospheric Administration, Alaska Department of Fish and Game, University of Alaska Marine Biology Department, US Fish and Wildlife Service, National Park Service, and US Forest Service.

The following paragraphs provide updates on the status and management of sea otters in Alaska as provided by the USFWS Marine Mammals Management Branch.

Southeast Sea Otter Stakeholder Workshop

In addition to the concerns raised on Kodiak, sea otter population growth is a subject of interest to a variety of stakeholders in Southeast Alaska. In the fall of 2019, the Service worked with a steering committee consisting of Federal and State managers, sea otter researchers, commercial fisheries, and tribal representatives, to organize and host a stakeholder workshop. The purpose of the workshop was to create a forum for stakeholders to review and discuss information about sea otter biology and management issues and to share recommendations to address resource conflict issues. The USFWS appreciates that representatives from Kodiak were able to attend this workshop and provide their input. Participants were presented with information concerning the biology and ecology of sea otters; the status and trend of sea otters in Southeast Alaska; subsistence use of sea otters by Alaska Natives; and the status of impacted subsistence and commercial shellfish (presentations are available at the webpage <https://www.seaotterstakeholders.com>). Breakout sessions were held at the workshop on a number of subjects, including management options under the Marine Mammals Protection Act; the respective roles of Federal and State managers; co-management options for the subsistence use of sea otters; and the identification of information and research needs to inform management decisions. Based on recommendations generated at the workshop, the steering committee is in the process of drafting a report that identifies potential management and collaborative actions that could be taken in the future. The report should be available to the public in July 2020.

Population size and trends

In 2014, the USFWS conducted aerial surveys for sea otters around Kodiak Island, generating a population estimate of 13,274 sea otters. Densities were highest in the straits between Kodiak, Raspberry, and Afognak Islands and the bays along western coast. Very few otters were observed on the east side of the island. The population estimate from 2014 was similar to an estimate conducted in 1989 at 13,536 (SE 1,199) using a helicopter based platform (Cobb M. 2018. Northern sea otter (*Enhydra lutris*) abundance and distribution on the Kodiak Archipelago. Refuge Report 2018. Kodiak National Wildlife Refuge, U.S. Fish and Wildlife Service, Kodiak, AK). Kodiak NWR leads skiff-based bird and marine mammal surveys around Kodiak Island. For more information about these surveys contact Bill Pyle (bill_pyle@fws.gov) at Kodiak NWR.

Interactions with fisheries around Kodiak Island

In 2014, a joint study was conducted by ADF&G and the USFWS to document the presence of sea otter gear interactions and/or bycatch with crab pots around Kodiak. Although sea otters were observed in the vicinity of fishing gear, the study did not document any sea otter bycatch, interactions of sea otters with fishing gear, and interactions of sea otters with the crab gear/pots (Worton, C., Nesvacil, K., Tschersich, P., Baer, R., & Gill, V. 2014. *Dungeness pot survey and spatial monitoring of sea otter bycatch in Ugak Bay, the Trinity Islands, and Alitak Bay in the Kodiak Area*, 2014. (Issue 16)).

<http://www.adfg.alaska.gov/FedAidPDFs/ROP.CF.4K.2014.25.pdf>).

Current Management Structure and Practices

Management authority and structure for sea otters in Alaska is provided by the Marine Mammal Protection Act of 1972 (MMPA). The MMPA established a general moratorium—with few

exceptions—on the “taking” of all marine mammals in U.S. waters, thus limiting options for managing sea otter numbers in ways that account for their impacts on commercial and subsistence fisheries and other species. One of the exceptions the MMPA does provide for is continued Alaska Native harvest of sea otters for the purpose of subsistence and the manufacture of traditional native handicrafts. In addition to the formal management structure, some small-scale informal management has occurred where Alaska Native tribes have focused harvest efforts and thus reduced sea otter abundance in locally important shellfish areas near their communities. In addition to the MMPA, and although locally abundant, sea otters from Kodiak belong to the Southwest stock of northern sea otters, which is listed as threatened under the Endangered Species Act (ESA). The ESA also provides for Alaska Natives to harvest sea otters from the listed Southwest Alaska stock, if such taking is for subsistence purposes and is not accomplished in a wasteful manner.

Endangered Species Act—5 year Review

Under the ESA the USFWS is required to review the status of listed species at least once every five years to evaluate whether they should be delisted, reclassified, or retain current classification. The USFWS initiated a 5-year review this past fall and are on track to finish the review by the end of 2020. The USFWS posted a notice in the Federal Register in November 2019, requesting submission of any new information on the listed stock. The USFWS also reached out to tribal entities and the State of Alaska seeking their input. The USFWS is in the process of developing a Species Status Assessment (SSA) for use as an analytical framework. The SSA will summarize all new information on population status and trends, as well as any new information concerning emerging threats to sea otters. The SSA report will undergo independent peer review and will be used to help inform the decision on whether a change in status is appropriate for the listed stock.

11. Request to share National Oceanic and Atmospheric Administration Alaska Fisheries Science Center research findings in the Gulf of Alaska and Bering Sea with all ten Subsistence Regional Advisory Councils

The National Oceanic and Atmospheric Administration (NOAA) Alaska Fisheries Science Center, Ellen Yasumiishi, PhD, Research Fishery Biologist, presented to the Council reports on the agency’s completed surveys, sea temperatures, feeding conditions, salmon survival, and implications of a marine heat wave in the Gulf of Alaska, as well as the Bering Sea ecosystem. The presentation was well received by the Council. The Council suggests that the Board recommend presenting this NOAA information to all ten Subsistence Regional Advisory Councils.

Response:

Request for scientific data and research was the most frequent topic in FY-2018 Subsistence Regional Advisory Councils Annual Reports. Therefore, the Board thanks the Council for being proactive and recommending NOAA’s presentation *Gulf of Alaska Ecosystem Status Report* to all ten Councils. The report contains some valuable new research on many topics of interest to

the Councils (this report is available upon request by mail or email subsistence@fws.gov). The Board will direct OSM to poll Council chairs on each region’s level of interest in receiving such a presentation and at which meeting—the fall 2020 or winter 2021—it would be best to present. OSM reached out to NOAA and received an indication that a member of the Ecosystems Status Report team would be happy to share their work with the Councils. NOAA potentially will be able to cater their report specifically to the subsistence region they are presenting in, depending on the research issues of interest to the Council.

12. Regional Advisory Councils Appointments and Vacant Seats

The Council requests clarification on how the alternate appointment process will work to fill vacancies on the Council. The Council currently has two vacant seats; will these be able to be filled with alternates or full members during the 2020 year? Based on information received at the Council’s March 2020 meeting, the Kodiak/Aleutians Region currently has no approved/vetted alternate members. Based on the vetting process, it seems the alternates would not be available until around December 2020. The Council would like to know how many applications were received in the last nomination cycle and how many names were forwarded to the Secretaries of the Interior and Agriculture for appointment.

After reviewing the number of members serving on each of the Councils in 2019 and comparing it with the number of members serving after the latest round of appointments, it becomes evident that each Council membership was effectively reduced (the numbers are listed below for reference). If reduction in membership is being considered for all Councils, the Kodiak/Aleutians Council would like to know the reasons and discuss how this impacts the Council and the subsistence resource users in the region.

<i>Council</i>	<i>number of seats</i>	<i>2019 seated members</i>	<i>2020 seated members</i>
<i>SEARAC</i>	<i>13</i>	<i>13</i>	<i>10</i>
<i>SCRAC</i>	<i>13</i>	<i>11</i>	<i>9</i>
<i>KARAC</i>	<i>10</i>	<i>10</i>	<i>8</i>
<i>BBRAC</i>	<i>10</i>	<i>10</i>	<i>8</i>
<i>YKDRAC</i>	<i>13</i>	<i>11</i>	<i>9</i>
<i>WIRAC</i>	<i>10</i>	<i>9</i>	<i>7</i>
<i>SPRAC</i>	<i>10</i>	<i>9</i>	<i>8</i>
<i>NWARAC</i>	<i>10</i>	<i>8</i>	<i>7</i>
<i>EIRAC</i>	<i>10</i>	<i>9</i>	<i>8</i>
<i>NSRAC</i>	<i>10</i>	<i>7</i>	<i>7</i>

Response:

In 2019, the ten Subsistence Regional Advisory Councils (Councils) conducted the biennial charter reviews, and the Western Interior Alaska Subsistence Regional Advisory Council put in a charter change request to the Board recommending to add alternative members to the Council.

The Board supported identifying alternates through the regular nomination process to fill interim vacated Council seats should they occur.

The Board submitted their recommendation to the Secretaries of Interior and Agriculture to amend the language in all ten Councils charters to include a provision for alternate members. The Secretaries approved the Board's recommendation and the following language was added:

Alternate members may be appointed to the Council to fill vacancies if they occur out of cycle. An alternate member must be approved and appointed by the Secretary before attending the meeting as a representative. The term for an appointed alternate member will be the same as the term of the member whose vacancy is being filled.

An interim vacated Council seat can occur due to a variety of reasons that include but are not limited to the following: an appointed applicant declines his/her appointment, moves out of the region, or passes away after the Secretaries already made their yearly appointments to the Councils. As a result, prior to the charter language change, the seat would have remained vacant throughout an entire year, leaving subsistence regions underrepresented. With the new provision in place, the Board suggests that whenever possible the Council nominations panels identify qualified alternates from the pool of applicants and present names to the Board. After review, the Board might recommend that the Secretaries appoint them as alternate member(s).

After the Secretaries appoint an alternate member(s), this member remains "in reserve" and will engage in the Council's business only if a seat becomes permanently vacant for the reasons stated above. An alternate member cannot replace a sitting Council member during a meeting if that Council member is sick or otherwise unavailable to attend the meeting. Under the new provision, alternate members do not become available until around December 2020, as noted by the Council.

During the 2019 Regional Advisory Councils appointment cycle, the Board received 63 applications from ten subsistence regions, which is below the ten-year average of 76 applications per year (Enclosure 1). Two applicants withdrew their applications prior to the beginning of the review process. The Board recommended 52 applicants to the Secretaries of the Interior and Agriculture for appointment.

The 1992 Record of Decision for *Subsistence Management for Federal Public Lands in Alaska* stipulates that "the number of members on a Council will be determined by the Board and will vary from Region to Region, depending on the number and distribution of subsistence users in the region, the variety of subsistence resources used, and the nature and extent of management issues. To the extent possible, the size of the Council and distribution of the membership within the region will be designed to ensure the maximum participation in the Federal program by local subsistence users." The 1993 Board meeting transcripts state, "The number of members on each Council varies from one council to the other. The size of the councils was developed from discussions with Regional leaders, former State Council Chairs, State coordinators and Federal

personnel. The size is now established for each Council by the Charters, which have been approved in Washington as of this time.”

The Board currently has no intent or reason to reduce the number of seats on any of the Councils. However, it is important to note that the Board does not have a final decision over which recommended applicants are appointed on the Councils. After the Board submits its annual appointment recommendations to the Secretaries, the recommended applicants undergo a vetting process administered by the Department of Interior. The Board and/or OSM are not privy to the vetting information and do not participate in this process. The Secretaries finalize their appointments to the Councils after the completion of the vetting process and agreement from the Department of Interior.

The Board understands and shares the Council’s concerns that some Councils seats were not filled during the 2019 round of appointments, resulting in a loss of vital representation across the regions.

In closing, I want to thank you and your Council for your 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 am confident that Federally qualified subsistence users of the Kodiak Aleutian Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Kodiak Aleutian Subsistence Regional Advisory Council
Federal Subsistence Board
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Subsistence Policy Coordinator, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor,
Office of Subsistence Management
Acting Wildlife Division Supervisor, Office of Subsistence Management
Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management
Acting Anthropology Division Supervisor, Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
Donald Mike, Council Coordinator, Office of Subsistence Management
Katerina Wessels, Council Coordinator, Office of Subsistence Management
Interagency Staff Committee

Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record

DRAFT

Number of Regional Advisory Council Applications Received Each Year

	<i>SE</i>	<i>SC</i>	<i>KA</i>	<i>BB</i>	<i>YK</i>	<i>WI</i>	<i>SP</i>	<i>NW</i>	<i>EI</i>	<i>NS</i>	TOTAL
1996	13	18	11	10	19	11	20	11	10	5	128
1997	18	11	11	7	8	7	7	4	11	4	88
1998	13	10	15	8	18	11	9	9	7	8	108
1999	17	15	7	12	16	7	7	5	7	6	99
2000	17	13	13	9	15	9	8	3	20	8	114
2001	20	11	9	5	16	14	3	4	11	5	98
2002	19	16	8	8	13	8	7	5	14	9	107
2003	17	17	4	10	13	9	5	7	7	5	96
2004	14	16	10	7	16	8	7	8	6	8	100
2005	7	7	5	3	7	4	9	5	6	5	58
2006	10	8	1	5	9	3	5	9	7	3	60
2007	17	16	8	9	17	6	5	2	12	3	95
2008	9	8	5	8	12	7	7	4	3	4	67
2009	12	12	4	3	11	5	2	6	7	2	64
2010	15	14	6	7	6	6	2	8	8	3	75
2011	15	9	7	7	12	6	8	4	7	5	81
2012	11	10	7	7	11	5	4	5	4	3	67
2013	13	7	5	5	12	5	6	6	11	4	74
2014	7	7	4	4	12	5	6	3	7	4	59
2015	10	6	6	7	17	11	8	3	3	5	76
2016	8	7	7	7	7	3	5	5	6	6	61
2017	4	9	5	6	7	8	4	11	10	3	68
2018	10	8	3	5	15	3	4	7	9	8	72
2019	6	12	3	5	12	4	3	5	8	5	63



Federal Subsistence Board



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

FOREST SERVICE

OSM 20074.KW

Nancy Morris Lyon, Chair
Bristol Bay Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairwoman Lyon:

This letter responds to the Bristol Bay Subsistence Regional Advisory Council's (Council) Fiscal Year 2019 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 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. Climate Change

Council members have discussed climate change within their respective regions and said that the summer season has been hotter than normal, affecting river and stream levels. These in turn, affect the environment that the finfish and wildlife populations inhabit. The Council requests that the Board ensures cooperating agencies develop investigative plans that examine how recent changes in the environment affect the finfish and wildlife populations within their range and habitats.

Response:

The Board shares the Council's concern over the impact of climate change, and especially warming summer temperatures, on fish and wildlife habitats in the Bristol Bay Region. Your Council is not alone in identifying climate change as a pressing challenge to subsistence practices. Within the last six years, nine of the ten Federal Regional Advisory Councils have

communicated their alarm about changing seasonal conditions on fish and wildlife resources in their annual reports to the Board.

During 2019, other Regional Advisory Councils also flagged the effects of warmer temperatures and lower water levels on fish runs as a key concern requiring greater documentation and investigation. For example, the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council stated that low, warm waters correlated with observations of dead salmon, whitefish, and smolt along both the Yukon and Kuskokwim rivers. The Eastern Interior Alaska Subsistence Regional Advisory Council reported that warmer summer waters resulted in salmon die-offs in their region. The Eastern Interior Council also expressed concern about “how this is going to affect the fry in the river and what the long-term effects to the runs will be.”

The Board encourages cooperating land-management agencies to develop investigative plans that examine how recent changes in the environment affect fish and wildlife populations. Your Council has the ability to shape research pertaining to Bristol Bay subsistence fisheries by developing Priority Information Needs (PINs) for the Fisheries Resource Monitoring Program (FRMP). During the fall 2020 meeting the Council will work with the Office of Subsistence Management (OSM) on finalizing PINs for the FRMP. The effect of warming water on subsistence fisheries in the Bristol Bay Region could, for example, be included in the PINs. When researchers from cooperating agencies, the State, and academia submit proposals to OSM for FRMP funding, their acceptance is influenced in part by the degree that they respond to the PINs established by the Regional Advisory Councils.

OSM will possibly consider holding another All-Council meeting during 2022 meeting cycle, assuming adequate funding and staffing are available, and the Councils may decide to elevate climate change, along with its effects on subsistence practices, as a key issue at this meeting. The way in which the Federal Subsistence Management regulatory system can facilitate and support adaptations to climate change would also be a theme worthy of presentations and discussion at this state-wide meeting.

2. Chignik Area Fishery

For the past several years, poor returns of Sockeye Salmon have resulted in closures to subsistence fishing for rural residents in the Chignik area. The Council requests that Federal and State managers begin investigating why the Sockeye Salmon are returning in low numbers. Investigation should include assessing the influence of climate change on spawning beds and marine water environments and developing management plans for the fishery.

Response:

OSM and the Federal Subsistence Fisheries Management staff/program are aware of the recent conservation driven restrictions to subsistence users in the Chignik and Perryville communities. The recent inability to meet Sockeye and Chinook salmon escapement needs with little or no

exploitation has caused major concern with all users and fisheries managers. The Federal in-season manager, with the authority delegated by the Board has, in the last few years, committed to conducting outreach to the subsistence users in the Chignik Management Area for management advice and preseason planning, as well as to begin the process of investigating fisheries research opportunities and funding sources.

Your Council has prioritized research of Sockeye Salmon (and secondarily Chinook Salmon) as a need in the Chignik watershed. OSM presented the FRMP as a way to generate interest in new research for the area to the Chignik Area and Bristol Bay regional organizations, as well as to the newly formed Chignik Intertribal Coalition.

OSM will work closely with residents of the Chignik area, Alaska Department of Fish and Game (ADF&G), and University of Washington Fisheries Research Institute in assisting applicants through the grant application process; specifically, in research investigating freshwater components that may affect salmon returns, which may affect returning yield. A better understanding of factors caused by climate variance that impact the Chignik River watershed would assist with more accurate predictions of future returns. A more comprehensive understanding of Chignik salmon returns would help in updating fisheries management plans to reflect contemporary conditions.

Unfortunately, currently the Council has no representatives from Chignik area communities. The Board and the Council often rely on local and traditional knowledge to advise their decisions; however, making an informed decision becomes increasingly difficult when this knowledge is not readily available. Over the past two years, OSM stepped up its efforts in trying to recruit Council members from the Chignik Area. In June 2019, Native Liaison Orville Lind and State Liaison George Pappas, both with OSM, and Federal in-season manager Jon Gerken of USFWS traveled to Chignik Bay and Chignik Lagoon. During their visit, they introduced the Federal Subsistence Management Program to the local communities and provided information on the in-season manager's roles and responsibilities and on the process of applying for community harvest permit. Additionally, OSM staff provided information on Regional Advisory Council roles and responsibilities, the Council application process, and the FRMP, as well as listened to the local concerns.

In 2020, OSM planned to return to the Native village of Chignik Lake that was not reached during 2019 trip, but the travel was cancelled due to Covid-19 restrictions. However, OSM continues contacts that were established with five communities and the Chignik Inter-tribal Coalition via teleconferencing and discussing status of salmon returns to the region. OSM continues to diligently work with the communities in the Chignik Area providing subsistence opportunities to Federally qualified subsistence users when possible.

3. Finfish

With climate change being a major topic of concern, the Council is worried about the outmigration of all salmon species. The Council requests that a study be initiated on the outmigration of salmon and on effects of the Bering Sea blob on the lifecycle of salmon.

Response:

The Board shares the Council's concerns for salmon in this changing environment. The near historic low Sockeye Salmon returns of 2018 in the Copper River, at Chignik, and at several Kodiak systems, and extreme high temperatures in 2019, indicate that the standard freshwater drivers (for example, adult return numbers, age make-up of the adult returns, stream water temperature, etc.) that are monitored for our understanding salmon production of these systems may need to be revised. The Council has the ability to direct research into this topic through development of PINs for the FRMP. Should the Council choose to do so, it could create PINs related to salmon production monitoring for the next FRMP cycle.

There is ongoing research across Alaska, and beyond, looking into the effects of climate change on fish and fisheries by State, Federal, university, and other investigators. If inclined, your Council can request that OSM staff invite researchers to present information on these topics at future Council meetings.

4. Mulchatna Caribou/Moose

The Mulchatna Caribou Herd is an important subsistence resource for Bristol Bay residents. Recently, the population has been declining within its range. The Office of Subsistence Management (OSM) presented to the Council a special action request (WSA19-07) to decrease the harvest limit from 2 caribou to 1 caribou. The Council had an opportunity to provide comments on WSA19-07.

The Council encourages local agencies to collaborate and address the declining population of the herd by conducting baseline studies on the caribou and moose populations and their habitats within the Bristol Bay Region. The baseline studies would be a reference for understanding how climate change has affected caribou and moose populations and their ranges, including diseases associated with these populations. Collaborators should also investigate subsistence community harvest areas through traditional ecological knowledge projects for all land mammals. Results of these studies can be compared with the 1980s studies to determine how recent climate change has affected caribou and moose populations, and the communities using these resources.

Response:

The Board recognizes your Council's interest in and concern for the caribou and moose populations of your region and understands that coordinated efforts among local agencies is key

to thorough and accurate monitoring of wildlife for subsistence management and conservation. State and Federal agencies have a long history of engaging in cooperative monitoring of both moose and caribou populations within the Bristol Bay area and beyond since the mid-1980s. Monitoring of both species includes calf production, population, and fall sex and age composition surveys, and annual adult female survival estimates.

A number of monitoring projects of the Mulchatna Caribou Herd are underway this year. ADF&G is the primary lead for organizing and conducting the majority of these projects, including animal capture and collaring. An aerial photocensus is planned for mid-June to mid-July 2020, and Togiak National Wildlife Refuge (Togiak Refuge) staff will participate if allowed to fly (Aderman 2020). The Togiak and Yukon Delta National Wildlife Refuges continue to provide Argos satellite collars and subsequent location data to monitor herd distribution and to increase the efficiency of the other monitoring projects. Additionally, the Togiak Refuge, ADF&G, and Bureau of Land Management are preparing a study plan to quantify and qualify caribou habitat throughout the range of the Mulchatna Caribou Herd at multiple points in time to understand change in carrying capacity; they are currently in the process of seeking funding (Aderman 2020). The Board is also aware that the development of a working group involving stakeholders to help inform management about the Mulchatna Caribou Herd is a priority for your Council, as well as local natural resource management agencies. The Yukon-Kuskokwim Delta and Western Interior Alaska Subsistence Regional Advisory Councils expressed interest in a similar working group as well.

The Togiak Refuge is the lead for monitoring projects on the Nushagak Peninsula Caribou Herd. During the 2019-2020 season, hunters participating in Federal Subsistence Hunt (FC1702) reported harvesting 306 caribou (166 cows, 140 bulls, and 9 of unknown sex) including 11 caribou (4 cows and 7 bulls) reported in the RC501 hunt. Caribou were not captured for radio collaring and calving surveys were not conducted in 2020 due to restrictions on flying because of Covid-19. An aerial photo-census is planned from mid-June to mid-July 2020 (Aderman 2020).

Togiak Refuge conducted a Geospatial Population Estimate (GSPE) of moose in Unit 17A in October 2019; the results are forthcoming; ADF&G conducted a GSPE moose survey in Unit 17C in February 2020 (Aderman 2020). Moose radio collar and calving surveys were not conducted in Spring 2020 due to restrictions on flying because of Covid-19.

The Board recognizes the value and deep historical perspective of traditional ecological knowledge in understanding environmental change and its impact on the subsistence way of life. We would like to bring to your attention a recent ethnographic research project that focused on local and traditional knowledge of the Mulchatna Caribou Herd. Study communities included Bethel, Dillingham, Eek, Ekwok, Igiugig, Koliganek, Kwethluk, Lime Village, Napaimute, New Stuyahok, Nondalton, Stony River, and Togiak (Van Lanen, Gayle Neufeld, and McDevitt 2018). While ADF&G was the lead, this was a collaborative effort that included research partners from the Bristol Bay Native Association and Lake Clark National Park and Preserve. This project collected over five decades of local knowledge documenting the process of

ecological change and their impacts on the Mulchatna Caribou Herd. If your Council has not already been briefed on the findings, the Board encourages you to invite the principal investigator to present an overview of the project at your next meeting.

Finally, the Board encourages your Council to strengthen partnerships and information sharing by continuing to invite researchers to report their project findings and activities at your meetings. The Board appreciates your diligence in tracking these important issues and providing insightful and important guidance on the careful management of your subsistence resources.

Literature Cited

Aderman, A. 2020. Wildlife Biologist. Togiak National Wildlife Refuge. Personal communication: email.

Van Lanen, James M., Gayle Neufeld, and Chris McDevitt. 2018. Traditional Ecological Knowledge of the Mulchatna Caribou Herd: Phenology, Habitat Change Subsistence Use, and Related Species Interactions in Game Management Units 9B – C, 17, 18, and 19 A-C Alaska. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 441, Anchorage.

5. Invasive Species

The Council is concerned about invasive species, plants and insects, which are inadvertently introduced to the region. The Council requests an investigation to develop survey or study methods on invasive species in the region. The Council is uncertain how invasive species affect caribou and moose populations and other subsistence resources.

Response:

Land managers in the region, including the US Fish and Wildlife Service, National Park Service, and Alaska Department of Natural Resources are actively conducting surveys to locate invasive plant infestations and conducting control actions as needed.

To gain additional information or to report a possible invasive terrestrial and aquatic plant in the Bristol Bay area, you can go to the Alaska Exotic Plant Information Clearinghouse (AKEPIC). The AKEPIC hosts a mapping tool (<https://aknhp.uaa.alaska.edu/apps/akepic/#map?lg=f37ef462-d080-11e3-a36b-00219bfe5678>) that shows the known distribution of various invasive plants; there is also a reporting tool (<https://accs.uaa.alaska.edu/invasive-species/submit-data-to-akepic/>). People can also download the Alaska Weeds ID app (<https://apps.bugwood.org/apps/alaska/>) to identify and report invasive plants.

If there is a concern about a possible invasive animal, the information can be reported to the local land manager or through the ADF&G Invasive Species Reporter (<http://www.adfg.alaska.gov/index.cfm?adfg=invasivespeciesreporter.main>).

Federal and State agencies encourage people to monitor for and report locations of invasive species. The following highlights potential invasive threats to aquatic and terrestrial habitats and provides general background information on how invasive species can spread. The Council is encouraged to actively engage in outreach to local communities about how to reduce the potential to introduce invasive species, and how to identify and report them.

Salmon and their habitats are particularly susceptible to negative impacts from the introduction and establishment of invasive or non-native plants and animals. Invasive species often spread aggressively and may quickly become difficult and costly to manage and control. Invasions can lead to the loss of biological diversity, barriers to fish passage, altered water chemistry, changes to food webs, affect stream temperatures, and change habitat structure. Invasive species can also introduce diseases and parasites. Invasive species are introduced by human activity and can spread by human activity or natural forces like wind, water, and native species. Fishing waders, boots, nets, ropes, and other gear can transport invasive species into remote areas, including tiny organisms such as the parasite *Myxobolus cerebralis* that causes Whirling Disease, which can damage the nerves and spines of several fish species (e.g., rainbow trout). New Zealand mudsnails (*Potamopyrgus antipodarum*) can rob streams of food for juvenile salmonids. A single angler can devastate an entire fishery with contaminated gear. Float planes, boats, and trailers are also a significant carrier of invasive species with the potential to spread throughout remote Alaska.

Alaska currently has far fewer problems related to invasive species than the Lower Forty-eight, though the most intact and pristine ecosystems in Southwest Alaska are susceptible to invasion. Further, the warming climate may provide a more hospitable environment for invasive species, increasing the risk of future invasions. Baseline surveys have shown that in Dillingham, Aleknagik, King Salmon, and Naknak, invasive terrestrial plants, such as Orange Hawkweed, Yellow Toadflax, and Oxeye Daisy, have taken hold along the road systems. Similar invasions exist for communities, road systems, and air strips in more remote areas. Riparian and aquatic plants, like reed canary grass and Elodea have not yet been found in the region but may show up in the future. If allowed to spread, these species can out-compete native plants to form dense mats that alter nutrient inputs to streams, impede water flow, and make spawning habitat unreachable. Elodea has been found in and has been (or is currently being) eradicated in several floatplane bases and popular lakes in Anchorage, western Kenai Peninsula, and western Susitna River Valley. These waterbodies are common jumping off points for visitors to the Bristol Bay area. Everyone should be on the lookout for this and other plants and animals (see enclosure) that do not look like something you are used to seeing in your favorite fishing and hunting areas.

6. Predator and Prey Relations

The caribou and moose populations are important subsistence resources for rural residents of the Bristol Bay Region. The Council requests a presentation on predator-prey relationships for caribou and moose and spring mortality of caribou and moose calves by bears.

Response:

The Board encourages the Council to work with their Council Coordinator to arrange for presentations on predator prey relationships at future Council meetings. The following agencies and institutions could provide contacts for presentations: Togiak National Wildlife Refuge (NWR), Alaska Peninsula and Becharof NWRs, Kenai NWR, Kodiak NWR, Katmai National Park and Preserve (NPP), Lake Clark NP, Denali NP, ADF&G, International Association of Bear Research and Management, and the University of Alaska Biology and Wildlife Department. These agencies and institutions have all participated in studies to evaluate bear, wolf, moose, and caribou interactions. A 2019 publication by biologists from Togiak NWR and ADF&G provides an excellent study of the dynamics between wolves and caribou on the Nushagak Peninsula (2019 Walsh, P., and J. Woolington). The study found that the overall wolf population on the Nushagak Peninsula increased in direct response to increasing caribou abundance, but wolves were not the primary influence on caribou population fluctuations. Understanding the importance of bears and wolves, and their influence on the caribou will help inform future Council decisions.

Reference:

Walsh, P., and J. Woolington. 2019. Influence of wolf predation on population momentum of the Nushagak Peninsula caribou herd, southwestern Alaska. *Rangifer* 39(1):1-10. <https://doi.org/10.7557/2.39.1.4455>

7. Tribal Reports

The Office of Subsistence Management (OSM) distributes the Regional Advisory Council draft meeting agenda to agencies and partners in the region prior to each meeting with a request to contribute relevant topics. Agencies are encouraged to submit reports to be included in the Council meeting materials. The Council urges tribal organizations to submit tribal reports to OSM to be included in the Council meeting materials prior to meetings, as well.

Response:

Tribal reports contain important regional information that can assist the Councils in making informed decisions and developing recommendations to the Board. The Board understands the Council's need to receive these reports sufficiently prior to the meeting in order to be able to read them and process the information. It is true that the same applies to the agency reports. OSM standard practice is to send a request for reports to land management agencies and tribes three months prior to Council meetings. Each Council Coordinator then conducts one-on-one outreach to the regional contacts in agencies and tribes to emphasize the importance of receiving reports in advance. The Board asks the Councils to recognize that the circumstances of preparing these reports on time varies in each situation: sometimes the data collected in the field had not been processed yet, sometimes it is large workloads, other priorities, or staff shortages that prevent reports from being produced in a timely fashion. The Board continues to recognize the importance of receiving these reports in advance of the Council's meetings and will communicate this again to the agencies. The Board also will direct Council Coordinators to

work in cooperation with the OSM Tribal Liaison to reach out to tribes and convey the importance of receiving reports prior to the meeting.

Tribal reports contain important regional information that can assist the Councils in making informed decisions and developing recommendations to the Board. The Board understands the Council's need to receive these reports sufficiently prior to the meeting in order to be able to read them and process the information. It is true that the same applies to the agency reports. OSM standard practice is to send a request for reports to land management agencies and tribes three months prior to Council meetings. Each Council Coordinator then conducts one-on-one outreach to the regional contacts in agencies and tribes to emphasize the importance of receiving reports in advance. The Board asks the Councils to recognize that the circumstances of preparing these reports on time varies in each situation: sometimes the data collected in the field had not been processed yet, sometimes it is large workloads, other priorities, or staff shortages that prevent reports from being produced in a timely fashion. The Board continues to recognize the importance of receiving these reports in advance of the Council's meetings and will communicate this again to the agencies. The Board also will direct Council Coordinators to work in cooperation with the OSM Tribal Liaison to reach out to tribes and convey the importance of receiving reports prior to the meeting.

8. ANILCA/Subsistence Regulations

Under Section 805 of ANILCA the Council is responsible for providing a public forum on any matter related to subsistence and to initiate, review, and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence use. The Council provides its recommendations on fish and wildlife proposals for the Board to consider. The majority of actions taken by the Board on regulatory proposals are in deference to the Regional Advisory Councils' recommendations.

Wildlife Proposal WP18-24 requested to allow the use of a snowmachine to position caribou, wolves, and wolverines for harvest in Unit 17, provided the animals are not shot from a moving vehicle. At its November 2017 public meeting in Dillingham, Alaska, the Council recommended to the Board to oppose Wildlife Proposal WP18-24, noting confusion over the definitions of "positioning" and "chasing".

The Alaska Board of Game (BOG) convened in Dillingham, Alaska, on February 16-23, 2018 and, among other proposals, BOG took action on Proposal 148. Proposal 148 requested to allow the use of a snowmachine for harvesting caribou, wolf, or wolverine in Unit 17. The BOG adopted the proposal with an amendment to apply only to caribou and to allow a snowmachine to be used to assist in the taking of caribou in Unit 17.

Allow the use of a snowmachine for harvesting caribou, wolf, or wolverine in Unit 17. The board amended the proposal with substitute language from RC 52 as amended to apply only to caribou. The amended proposal allows a snow machine to be used to assist in the taking of caribou in Unit 17, provided that the vehicle is not used to chase, torment or molest the animal. A snowmachine may be used to approach within 300 yards of a caribou at speeds under 15 miles per hour, if not done with repeated approaches or that cause the caribou to alter their behavior or flee. The snowmachine must be stopped before the hunter may shoot the animal. (The board clarified on 2/23 at 11:41:12 AM that RC 52 applies only to snow machines and not to other motorized vehicles.)*

*<http://www.adfg.alaska.gov/static/applications/web/nocache/regulations/regprocess/gameboard/pdfs/2017-2018/csw/soa.pdf082C9292022F2EEE83C8735BDC9A8F4A/soa.pdf>

The Council met in Naknek, Alaska, in March 2018 and was informed by OSM staff that the Alaska BOG met in February 2018 and addressed a proposal similar to WP18-24, which the BOG adopted (Proposal 148) with an amendment. The Council made and passed a motion to ask for WP18-24 to be removed from the FSB consensus agenda. The Council's justification for this motion was that while there are strong feelings about use of snowmachines for hunting, having clearer guidance to hunters and having strong outreach and education could help to make it work better.

The Board convened in April 2018 in Anchorage, Alaska, and deliberated on Wildlife Proposal WP18-24. The Board heard public testimony on the proposal. The OSM conclusion was to support Wildlife Proposal WP18-24. The Board moved to adopt WP18-24, but the motion failed.

When specific agency regulations are in conflict with ANILCA, the Council seeks a solicitor's opinion on the Board's voting process. ANILCA § 811(b) permits the use of snowmobiles for subsistence purposes. Multiple existing Federal agency regulations are in conflict, as stated by the Board, regarding subsistence hunting of caribou, wolves, and wolverine.

The Council seeks an explanation and reasoning behind how the Board votes and how it makes the decision when existing Federal regulations conflict with ANILCA.

Response:

The Board took up this issue of conflicting regulations during its April 2020 meeting. At that meeting and at many before, there was extensive tribal and public testimony that voiced concern over how decisions are made when agency-specific regulations are in conflict with ANILCA. After considering possible options, the Board concluded that it would ask the Secretary of the Interior to provide a policy on resolving issues when laws are in conflict. Currently, several Board members (BLM, FWS, NPS) are raising this issue with the Secretary's representative. Your Council will be notified as soon as we know more. In the interim, the Board will continue to rely on guidance from the Regional Advisory Councils. The Board remains committed to working through such conflicts to ensure a balance between upholding the subsistence priority and the conservation of healthy resources for future generations.

In closing, I want to thank you and your Council for your 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 am confident that Federally qualified subsistence users of the Bristol Bay Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Bristol Bay Subsistence Regional Advisory Council
Federal Subsistence Board
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Subsistence Policy Coordinator, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor,
Office of Subsistence Management
Acting Wildlife Division Supervisor, Office of Subsistence Management
Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management
Acting Anthropology Division Supervisor, Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
Donald Mike, Council Coordinator, Office of Subsistence Management
Katerina Wessels, Council Coordinator, Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record



KEEP ALASKA WILD AND FREE OF INVASIVE SPECIES

HELP WITH EARLY DETECTION SURVEYS

1

WHAT TO LOOK FOR

Alaska's Aquatic Plants of Concern

ELODEA (WATERWEED)

- Leaves in groups of 3 (occasionally 4) that taper to a blunt point
- Underwater plant that forms thick mats on the bottom of waterbodies
- Can survive freezing temperatures and under ice
- Reproduces by stem fragmentation, roots, and seeds
- Degrades fish habitat, decreases water flow, reduces waterfront property value, and poses safety hazard for floatplanes and boaters
- **The first aquatic invasive plant in Alaska**



Elodea sp.

EURASIAN WATERMILFOIL

- Four deeply dissected leaves per whorl
- Thin, feather-like leaves
- Collapses when out of water
- Greater than 14 leaflet pairs per leaf
- **Not yet found in Alaska**



Myriophyllum spicatum

HYDRILLA

- Leaves in groups of 3 -10 (5 most common)
- Leaves with curling tips and reddish midrib
- Peanut sized tubers on roots
- **Not yet found in Alaska**



Hydrilla verticillata

2

SURVEY

Check your favorite local and remote waterbodies for invasive plants

BUILD YOUR OWN LAKE RAKE

- Find two standard garden rakes. Recycle old ones if you can!
- Cut off the handles
- Line up flat side of rake heads, spikes sticking out, and tape heads together
- Attach a strong rope, at least 35 feet long
- Throw in water and drag back to you to sample for aquatic plants



3

REPORT

Find something? Tell us! Send:
1) Close up photo of specimen,
2) Photo of area you found it, and
3) GPS coordinates where you found it to:

dfg.dsf.InvasiveSpecies@alaska.gov

<https://uaf.edu/ces/invasives/aisp/>

Or Call: 1-877-INVASIV

Download the app: [Alaska Weeds ID](#)
for more plant identification and reporting



Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

OSM 20072.KW

Alissa Rogers, Chair
Yukon-Kuskokwim Delta
Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairwoman Rogers:

This letter responds to the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council's (Council) fiscal year 2019 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. Climate change impacts to subsistence fish and wildlife and habitat

Council members have shared at length their observations of changes to subsistence fish, wildlife, and habitat in the areas around their communities and are extremely concerned for the continuation of their subsistence way of life. The Council stressed that increasing winter storms and weather events such as the extreme ice storm that delayed this very meeting is causing great impact to all the animals. Ptarmigan are declining because there is no snow for protective cover. Hard freezing rain soaks their feathers and causes them to freeze to death. Moose have difficulty foraging and escaping predators on the slick ice and caribou are unable to scrape through inches thick ice covering the ground to access their food. Extreme hot summer temperatures and low, warm water has caused many fish to die. Council members recounted many observations this past summer of dead salmon floating downriver prior to spawning, and dead whitefish and even dead salmon smolt due to very low and warm waters on both the Yukon and Kuskokwim Rivers. The rivers are no longer breaking up as Council members remember. Now, the thinner ice melts in place and does not create the scouring floes like in the past. The timing of seasons are changing, causing animal and bird migrations to shift.

Council members relayed the changes they have seen in their lifetimes and the last ten years are nothing like they or their Elders have ever experienced. The Council wishes to convey to the Board that these changes are very real and to raise awareness for the gravity of the impact these changes have on subsistence resources.

Response:

The Board shares the Council's concern over the impact of climate change on the fish, wildlife, and habitat essential to continuation of the subsistence way of life. As the Council notes, over the last ten years, weather and environmental conditions affecting animals have become highly unpredictable and deviated from historical conditions. While the Board is not positioned to address the underlying causes of climate change, the regulatory process can be used to ensure that changing timing and distribution of subsistence practice is supported rather than constrained by regulations.

Along with Council and Board meeting transcripts, annual reports provide a record of testimony about changes in fish and wildlife populations. Documentation of changes to ptarmigan, moose, and fish populations observed by Council members helps build on this body of local traditional knowledge. This information can be used to inform regulatory changes that benefits Federally qualified subsistence users.

Your Council is not alone in identifying climate change as a pressing challenge to subsistence practices. Within the last six years, nine of the ten Regional Advisory Councils have raised the issue of climate change and its effects on subsistence resources and activities in reports to the Board. Reporting on the 2019 season, other Regional Advisory Councils also specifically highlighted the effects of warmer temperatures and lower water levels on fish runs as a key concern. For example, the Bristol Bay Subsistence Regional Advisory Council stated in their most recent report that the summer season had been hotter than normal and affected river levels and finfish populations. The Eastern Interior Alaska Subsistence Regional Advisory Council reported that warmer summer waters resulted in salmon die-offs in their region. The Eastern Interior Council also expressed concern about how the warmer waters would affect salmon fry and the long-term effects to runs.

The Office of Subsistence Management is working to facilitate a future All-Council meeting, and the Councils may decide to elevate climate change—along with its effects on subsistence practices—as a key topic at this meeting. The way in which the regulatory system can facilitate and support adaptations to climate change may also be a theme worthy of presentations and discussion at this state-wide meeting.

2. Climate change impacts to subsistence activities, travel, and access to resources

Changes occurring in the weather in recent years are causing more and more challenges for people to access subsistence resources and safely preserve harvested foods. The lack of winter

snow has greatly hampered winter travel by snowmachine to conduct traditional subsistence hunting and fishing activities. Thin ice on lakes and rivers has resulted in extremely dangerous winter travel, jeopardizing the safety of those venturing out in the Yukon-Kuskokwim Delta region. Winter subsistence fishing and trapping activities require ice thick enough to safely jig for fish, to set traps and under ice nets. Warmer winter temperatures make it difficult to freeze subsistence foods outside and store them safely over the winter as has been done traditionally. Increasingly hot summertime temperatures have created a challenge for safely preserving harvested meat and fish. Overall, these environmental changes are impeding subsistence access to many resources and impacting the ability to safely harvest and store subsistence foods.

Response:

The Board shares the Council's concern over the impact of climate change on the safety and viability of subsistence practices. While the Board is not positioned to address the underlying causes of climate change, the regulatory process can be used to ensure that changing timing and distribution of subsistence practice is supported rather than constrained by regulations.

When customary preservation measures are no longer possible, this can reduce the amount of food available to communities. While opportunity to harvest may exist, the amount of food that can ultimately be safely stored and eaten is reduced, resulting in decreased food security. Communities may find themselves investing energy in hunting and fishing for foods, which then spoil, failing to provide a dependable source of food throughout the year. In the context of climate change, the Federal Subsistence Management Program's prioritization of "subsistence opportunity" intersects with a wider concern about food security in rural areas.

Obstacles to continuing with a traditional yearly cycle include shifts in the timing and migration of fish and animal populations, as well as their distribution and local abundance. While subsistence opportunities can be precluded by a warming environment, such changes may also bring new or increasing opportunities to harvest other species. Regulations will need to accommodate such strategies for resilience in subsistence systems. New opportunities could be opened through alternative means of travel and access (such as open water rather than sea ice), new food preservation technologies, and expanded availability of certain species whether through increased abundance or their movement into the northern expanses of their ranges.

Communities are already adapting to changing conditions by altering practices and technologies, as well as by working within the regulatory process. Informal and formal sharing of traditional knowledge about how to safely travel and preserve food in a wide variety of conditions is one way in which Federally qualified subsistence users can adapt to warmer weather. Working through the regulatory process, proposals to adjust seasons and methods and means need to be considered in order to accommodate changing conditions. The Council may want to consider inviting speakers from across the Circumpolar North who can address adaptive hunting, fishing, travel, and preservation practices, as well as use of the regulatory process in similar contexts.

3. Request for continued research and information to address and mitigate climate change impacts in the Y-K Delta region

The Council requests Federal land managers and other agencies to engage in research to better understand the impacts of climate change on important subsistence resources and work on possible mitigation measures that will help support subsistence communities. The Council requests the Federal subsistence program continue to share this information with the Council and engage in dialog with the Council and communities on strategies to best address changing subsistence resources and ensure continued subsistence opportunity into the future.

Response:

The Board encourages cooperating land-management agencies to develop investigative plans that examine how recent changes in the environment are affecting fish and wildlife populations, and in turn, subsistence. This research can support mitigation that includes responsive Federal subsistence regulations.

Through the Fisheries Resource Monitoring Program (FRMP), the Technical Review Committee and the Board have continued to seek research proposals that fund projects addressing changes in subsistence fisheries resources in the context of climate change. Priority Information Needs (PINs) are established by the Councils to serve as parameters for researchers to develop proposals. The Council may include climate change impacts in its upcoming 2020 PINs development. Unfortunately, the FRMP only applies to subsistence fisheries, and there is no corollary of the FRMP for wildlife resources. The Council may also want to work with your Council Coordinator to build collaborative research arrangements with other State, Federal, non-profit, and academic organizations that share interest in documenting the impacts of climate change on local ecosystems and food security.

In addition, your Council can invite representatives from State, Federal, non-governmental, and other research organizations to give presentations on climate change effects and mitigation at its regular meetings. A particular topic of interest may be mitigation measures implemented in other Arctic and Subarctic contexts, with a focus on how governance of subsistence hunting and fishing can support continued food security. Inviting speakers to Council meetings can provide an ideal opportunity for connecting with researchers and communicating shared topics of concern for future investigation. Some organizations to consider include:

- Alaska Center for Climate Assessment and Policy
- Alaska Climate Adaptation Science Center
- Alaska Department of Environmental Conservation: Climate Change in Alaska
- Experts identified through the U.S. Climate Resilience Toolkit
- Scenarios Network for Alaska + Arctic Planning
- The Alaska Native Tribal Health Consortium
- The Inuit Circumpolar Council Conservation of Arctic Flora and Fauna (CAFF)
- Exchange for Local Observations and Knowledge in the Arctic (ELOKA)

4. Adaptive management strategies to respond to changing subsistence resources, access, and preservation of subsistence foods

The Council requests the Federal Subsistence Board consider the issues raised in this report regarding climate change when making recommendations on Federal subsistence fish and wildlife regulations. Changing environmental conditions, shifting seasons and migratory patterns, and safe access to subsistence resources will likely continue to create the need for more flexible regulations and management strategies into the future. Strategies discussed by the Council include shifting the fall moose hunt to later in the season when temperatures are cooler and moose are more active, which would result in more successful hunts, as well as better meat preservation. A to-be-announced hunting season for moose in winter so that subsistence opportunity occurs when the snow and ice conditions are conducive for safe travel is another option. Salmon fishing opportunities when the weather is good for drying fish with reduced risk of spoilage should also be examined.

Response:

The Board acknowledges the Council's request that it consider the effects of climate change on fish, wildlife, and subsistence practices when making recommendations on subsistence regulations. Changes to the availability and seasonality of resources can be accommodated by submitting proposals for a change in season, harvest limits, or methods and means. If the Council decides and votes on the record to submit a proposal, your Council Coordinator and OSM staff can assist you in drafting it. Delegation of authority enables managers to respond more quickly to unpredictable seasons and will likely need to be used with increasing frequency given that climate change may cause the timing of certain subsistence resources to fluctuate widely from year to year.

Special Actions provide additional flexibility and can be used when the regular fish or wildlife regulatory cycle cannot accommodate unanticipated needs for subsistence access in the short term. Special Actions may be submitted either as Emergency Special Actions (duration of 60 days or less) or Temporary Special Actions (duration of 61 days or more).

The Federal Subsistence Management Program will remain actively engaged with all of the Regional Advisory Councils and with rural Alaskans to ensure the program is responsive to the needs of Federally qualified subsistence users.

5. Ongoing concerns about seabird die-offs, sick seals, and request for continued informational updates about marine environments integral to subsistence

The Council raised the concern about sick and dying marine life in the previous Annual Report to the Board and appreciated receiving informational reports by lead agencies on this topic and a venue to share local observations. While the Council recognizes that the marine environment is outside the jurisdiction of the Federal Subsistence Board, marine resources are essential for the life and livelihood of all communities in the Yukon-Kuskokwim Delta region. What is

occurring in the marine environment in integrally connected to the subsistence way of life in the region, as well as the life and well-being of critical subsistence resources such as salmon, seals and migratory birds. The Council very much appreciates the opportunity to receive the latest reports on these subjects and hopes to continue this dialog and information sharing at future meetings.

Response:

The Alaska Marine Ecosystem Status Reports, developed by the National Oceanic Atmospheric Administration (NOAA), are an excellent source of information regarding the health and trends of Alaska marine environments. These Ecosystem Status Reports (<https://access.afsc.noaa.gov/REFM/REEM/ecoweb/Index.php?ID=0>) are produced annually to compile and summarize information about the status of the Alaska marine ecosystems. Four marine regions are highlighted: Eastern Bering Sea, Arctic, Aleutian Islands, and Gulf of Alaska. The recent Eastern Bering Sea report provides detailed information on physical and environmental marine trends, marine ecosystem trends, seal and whale trends, and fishing and human dimensions trends.

The Board encourages the Council to work with their Council Coordinator to invite experts from NOAA, US Fish and Wildlife Service, National Park Service, US Forest Service, Alaska Department of Fish and Game, universities, and other Alaska centric entities to present specific topics of interest at meetings.

6. Concerns about observed songbird declines in the Y-K Delta region

The Council is very concerned about songbird declines observed in the region. Several Council members reported that in recent years they have seen fewer and fewer songbirds while out on the land and it is unusually quiet on the tundra. Council members noted that they have enjoyed the song of little birds around their fish camp throughout their entire lives, but now when they bring their grandkids into the wilderness in the spring, it is quiet. While songbirds are not used for subsistence, they are a part of what we love about subsistence life. Additionally, birds such as Arctic terns, which are usually seen in abundance around communities throughout the Yukon-Kuskokwim Delta Region are encountered less and less. Council members are concerned what this tundra wetlands and songbird decline means for the rest of the environment and wonder if it is related to the seabird die-off.

Response:

Migratory songbirds, the most abundant family of birds, provide an enchanting soundtrack to our brief springs and summers in Alaska. Songs are a male's attempt to attract females to their territories to nest as well as a signal to other males that a particular patch of ground is occupied. Unfortunately, your observations that each spring is quieter than the last is supported by monitoring efforts such as the Breeding Bird Survey and Alaska Landbird Monitoring Survey programs. A recent summary of bird declines in North America states that over 3 billion birds

have been lost since 1970. No single factor is causing the declines; instead, there is a combination of factors, including the loss of winter habitats, contaminants (such as pesticides), cats, collisions with windows and communication towers, and many others. Generally, songbird declines occur incrementally each year, unlike seabird die-offs that can occur suddenly and are very obvious.

Fortunately, there are things that we can do to help songbirds. This link describes seven simple actions we can take to make a difference: <https://www.birds.cornell.edu/home/seven-simple-actions-to-help-birds/>

Historically, seabird die-offs have occurred occasionally in Alaska; however, large die-off events have occurred each year since 2015. Consistently, dead birds examined from the Bering and Chukchi seas during these recent die-offs were determined to have died from starvation. Seabird carcasses from the 2019 die-off events were collected from multiple locations and sent to the U.S. Geological Survey National Wildlife Health Center for examination and testing. Initial results indicated that starvation was the cause of death for most locations. However, in southeast Alaska, exposure to saxitoxin (a biotoxin associated with paralytic shellfish poisoning) was linked to a localized die off of breeding Arctic Terns in June. Analyses of tissue samples for harmful algal bloom toxins are on-going and results will be shared when they become available. In summer 2018, two dead birds (a black-legged kittiwake and thick-billed murre) tested positive for a strain of avian influenza, but this virus is known to occur in otherwise healthy birds and there is no direct link to the seabird die offs at this time. During winter and spring of 2020, and as of late May, there have been no reports of seabird die offs in Alaska. It is important to continue to track any bird die offs. The public is requested to report observations of sick or dead birds to the US Fish and Wildlife Service (USFWS) at 1-866-527-3358. Information to collect should include:

- Location, time and date observed
- Type and number of birds (counted or estimated)
- Photos of sick/dead birds
- Videos of any unusual behavior (approachable, drooping head and/or wings)

People should not attempt to capture or rescue birds that are still alive. In addition, people should not collect dead birds without prior training or collaboration with the USFWS.

The Council is also encouraged to contact the USFWS if they would like a presentation regarding birds in their region. Contacts include Jim Johnson (jim_a_johnson@fws.gov – land bird specialist) or Kathy Kuletz (kathy_kuletz@fws.gov – seabird specialist). Both work for the USFWS Alaska Region Division of Migratory Birds (<https://www.fws.gov/alaska/pages/migratory-birds>).

7. Concerns about Donlin Mine potential impacts to subsistence

The Council is concerned about the environmental impacts to subsistence resources and changing access to these resources from the development of the proposed Donlin Mine. The

Council is also concerned about the risk of spills or contamination to the Kuskokwim River and surrounding environment. While the Council understands the interest in this economic development in the region, the subsistence resources such as salmon are an irreplaceable part of life and livelihood for all communities on the Yukon-Kuskokwim Delta.

The Council has expressed concerns at previous meetings about the likely impacts to subsistence as reported in the Donlin Gold Project Final EIS ANILCA Section 810 analysis (enclosure), which indicates the mine “may significantly restrict” subsistence for every community in the vicinity and downriver of the mine as proposed – from Crooked Creek to the mouth of the Kuskokwim River. The Council also has very serious concerns about the proposed number of daily barges on the Kuskokwim River required to support the Donlin mine development and operations. Opportunity for subsistence fishing on the Kuskokwim is already limited for Chinook Salmon conservation measures. Barge traffic will increase up to 200 percent, with at least several barges heading upriver and downriver every day during open water on the river from break up to freeze up (June 1 to October 1). This vessel traffic would only add to fisheries management challenges and interfere directly with subsistence fishing opportunity. Subsistence fishers will have to pull drift nets and move out of the way of a barge or dislodge set nets. The large and long lasting wake of large barges will cause bank erosion, thus impacting fish camps and nearshore fish habitat.

Additionally, the Council is gravely concerned about direct impacts on subsistence fisheries and resources from barge accidents spilling diesel fuel or other cargo, such as the cyanide that will be shipped to process gold at the mine site. Sensitive fish habitat and salmon smolt migrating downstream in early spring may also be negatively impacted by prop wash of large barges. Some critical spawning areas may be destroyed by the near constant large barge traffic, such as the shallow water gravel bed below Kalskag that is known as the primary Rainbow Smelt spawning habitat. Communities will be at a direct risk of losing this highly valued subsistence resource. Rainbow Smelt are some of the most abundant fresh subsistence fish harvested in the spring by communities all along the Kuskokwim River as they migrate upriver to spawn. All of this would occur within the Federal waters of the Yukon-Delta National Wildlife Refuge.

Response:

Thank you for sharing your Council’s concerns about the proposed Donlin Mine. Federal agency staff have been providing reviews and comments on the Donlin Mine for about seven years. Like you, the Board has been watching this proposal very carefully. There are clear concerns about the risk to the subsistence way of life on the Kuskokwim River.

On August 13, 2018, the US Army Corps of Engineers and the Bureau of Land Management issued their Record of Decision (ROD) on the proposed Donlin Gold mine project (<http://dnr.alaska.gov/mlw/mining/largemine/donlin/pdf/dg-usace-blm-rod-2018-08-13.pdf>). Other documents related to the Donlin Gold mine project including the final Environmental Impact Statement can be found at <http://dnr.alaska.gov/mlw/mining/largemine/donlin/>

Sub-section C2.6 *Reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions* of ANILCA Section 810 Summary (Attachment C2) in the 2018 Joint Record of Decision states, “The design features, best management practices, agency mitigation, monitoring, and adaptive management opportunities are discussed in Chapter 5 of the Final EIS. These proposed measures are designed to protect various subsistence resources and their habitat and to reduce negative impacts from the proposed Donlin Gold mine.” The Sub-section C2.6 also contains a table of Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources (enclosure).

The Board recommends that your Council consider requesting presentations from agency staff and Donlin mine representatives on proposed mitigation measures. At that time, the Council can discuss its concerns regarding the project’s potential impact to subsistence and determine how the Council can be kept informed on a regular basis on the implementation of these measures or even potentially participate in mitigation.

8. Address sunken and derelict barges polluting the Kuskokwim River.

The Council has ongoing concerns about the numerous sunken and derelict barges on the Kuskokwim River. These sunken barges are a safety hazard for people traveling by boat to conduct their regular subsistence activities and overall are contaminating the water with leaking fuel, oil, and other chemicals used onboard and in the barge engines. Some barges such as those located in Steamboat Slough just upriver from Bethel have long since been abandoned by the company that operated them and to date no agency has taken responsibility to clean up or remove them. A barge that sank near the Kwethluk River a few years ago continues to leak contaminants and has never been cleaned up. The clean-up and removal of the barge has not been addressed, even though the barge owner still operates on the river. The Council is very concerned about the impacts of these barges and the pollutants that continue to flow into the waters of the Kuskokwim affecting subsistence fish and contaminating the water that communities drink. The Council requests that the agencies responsible address the issue. Furthermore, the Council would like to highlight because the contaminants from sunken barges have not been dealt with all these years, there is a high probability that problems caused by the greatly increased barge traffic associated with Donlin Mine would never be addressed, even if there was an accident.

Response:

Thank you for bringing this concern to the Board’s attention. The issue of abandoned and derelict vessels is prominent in Alaska. The State of Alaska’s Abandoned and Derelict Vessels Act AS 30.30 states, “A person may not store or leave a vessel in a wrecked, junked, or substantially dismantled condition or abandoned upon any public water, or at a port or harbor, of the state, without the consent of the agency having jurisdiction of the water, port, or harbor, or docked at any private property without the consent of the owner of the property” (see <http://www.touchngo.com/lglcntr/akstats/Statutes/Title30/Chapter30.htm>).

In 2014, the ad-hoc Abandoned and Derelict Vessel Task Force was formed to learn from other states, understand Alaska's current derelict vessel laws, and examine Alaskan case studies. The Task Force representatives included Alaska Department of Natural Resources, Alaska Department of Environmental Conservation, Alaska Department of Transportation, Alaska Department of Fish and Game, Alaska Association of Harbormasters and Port Administrators, U.S. Coast Guard, National Oceanic and Atmospheric Administration, Environment Protection Agency, Orutsarmiut Native Council, Alaska Marine Response, and Office of Senator Lisa Murkowski (see enclosed 2018 Briefing for SB92 Derelict Vessels in Alaska).

In May 2018, the State of Alaska passed Senate Bill 92 that authorized creating a derelict vessel program under Alaska Department of Natural Resources. The bill was signed into law in November 2018.

On March 11, 2020, the Alaska Superior Court awarded the State of Alaska \$4.2 million in a barge sinking case (see enclosed press release). This case involved the *Delta Chief*, a barge sunk on the submerged lands of the Kwethluk River outside Bethel, Alaska, on October 4, 2012.

The Board suggests that your Council consider sending a letter to the Alaska Department of Natural Resources regarding its concerns about the sunken and derelict barges on the Kuskokwim River. Your Council also might want to consider inviting an Alaska Department of Natural Resources representative to one of its public meetings to discuss this issue and learn about what is being done.

9. Council member travel and ample time for full participation and sharing of traditional knowledge at Council meetings

The Council requests more time to allow for safe travel to Council meetings. While all travel is always dependent on weather in the Yukon-Kuskokwim Delta, recent increases in winter storms and freezing rain have created more flight delays and cancellations, which are a real challenge for achieving quorum at meetings. Council travel is often booked immediately prior to the start of the meeting, and meeting days extend late into the night to complete all the business of a very full agenda covering subsistence management in a vast Yukon-Kuskokwim Region, which is not reasonable. The Council requests that the Board consider more realistic travel-time requirements to get to the Council members to a meeting safely with ample time to be rested and able to participate in full meetings. All Council members should have an opportunity to participate in person at the meetings to share traditional knowledge from throughout the entire region. Often coastal community representatives are at a disadvantage for flying due to the unpredictability of marine weather. A little more time for travel to account for likely delays would help increase the chance for Council members to make it to the meeting in time to participate in person.

Response:

Usually, Regional Advisory Councils meet at least twice a year; once in the fall (August through November) and once in the winter (February and March). Most of the time, Councils take two days to complete their agenda; on some occasions it takes three days. The *Federal Subsistence Regional Advisory Council Membership Application and Nomination Packet for 2020* indicates that “Council members are not paid for their volunteer service; however, their transportation and lodging are pre-paid and per diem is provided for food and other expenses under Federal travel guidelines.” According to the Federal travel regulations, travel must be arranged in a way to minimize expenses paid by the Government; thus, no lodging and per diem are paid on a day when no business or travel occurs, that is why the Council travel is booked immediately prior to the start of the meeting.

Historically, the Federal Subsistence Management Program has been very accommodating to the Council members whose flights were delayed or cancelled due to weather or airline issues, and arranged for flight reservations and meeting start date changes. Since it is in the Federal Subsistence Management Program’s best interest to have all Council members present at a meeting in person, this accommodation will continue. Additionally, the Federal Subsistence Management Program provides a toll-free telephone line for Council members who are not able to travel outside of their communities for a variety of reasons. Weather delays can occur unexpectedly and last for extended periods of time; while, the Federal Subsistence Management Program cannot justify flying Council members to a community a day or more in advance of the meeting, some flexibility in scheduling travel can be explored where possible.

However, considering the specific needs of this Council (such as additional time necessary for Yup’ik-English/English-Yup’ik translation during meetings and a typically extensive agenda), the Board will suggest that the OSM Assistant Regional Director allows extending the Council meetings to three days when necessary. This will allow to have ample time for all of the issues on agenda and prevent meeting days extending late into the night.

10. Importance of appointing more Yukon River and coastal representatives for balanced membership on the Council

The Council remains very concerned about the number of vacancies created because of an insufficient number of Council appointments in the last two years. The Yukon-Kuskokwim Delta Subsistence Regional Advisory Council serves a large and diverse region with over 40 communities, including several of the largest rivers and coastal deltas in both size and importance for subsistence fishing. The Council cannot adequately represent the many communities of the region and address resource management on the diverse subsistence hunting and fishing issues from the Yukon to the Kuskokwim, Kanektok, and Goodnews rivers and deltas and everything in between without a full membership of the 13-seat Council with balanced representation from each part of the region. The complexity of fisheries management on the Yukon and Kuskokwim rivers in particular requires having at least several representatives who are residents from several villages along each river and coastal areas to adequately inform the

Council's recommendations. The recent lack of sufficient Yukon River and coastal representatives has hampered the Council's ability to fully inform management on subsistence issues specific to communities in these regions of the Yukon-Kuskokwim Delta. The Council requests the Board's support for outreach in the region to recruit a balance of applications from the 41 villages and to ensure that the Secretary of the Interior appoints highly qualified applicants from across the region.

Response:

The 1992 Record of Decision for *Subsistence Management for Federal Public Lands in Alaska* states that “the Regional Advisory Council system required by ANILCA Section 805 was created to provide subsistence users the opportunity to participate effectively in the management and regulation of subsistence resources on Federal public lands.” Moreover, the Record of Decision directs that “to the extent possible, the size of the Council and distribution of the membership within the region will be designed to ensure the maximum participation in the Federal Program by local subsistence users.”

In accordance with ANILCA and the Record of Decision mandates, the Board fully support outreach efforts for the Yukon-Kuskokwim Delta Region to insure the recruitment of a balanced and diverse pool of applicants and nominees. In order to fill all the vacancies and forward a full set of the appointment recommendations to the Secretaries of the Interior and Agriculture for their review and decision, the Board needs to have an ample number of applications and/or nominations from the Yukon-Kuskokwim Region. The Board will recommend the most qualified applicants to the Secretaries; however, it is important to note that the Board does not make the final decision over which recommended applicants are appointed to the Councils. After the Board submits its appointment recommendations to the Secretaries, all recommended applicants undergo a vetting process administered by the Department of the Interior. The Board and OSM are not privy to the vetting information and do not participate in this process. The process is set up this way to make selection impartial and objective. The Secretaries finalize appointments to the Councils after the completion of vetting and review process by the Department of Interior.

Additionally, during the next biennial charter review in 2021, the Board recommends that the Council submit a request to add geographic membership balance language to the Council's charter. The Board recommended and the Secretaries approved similar requests from two other Councils—the Kodiak/Aleutians and Western Interior—in 2015 and 2019 respectively. Your Council should work with the Council Coordinator to draft the request. The Board will review the Council's request and submit its recommendation to the Secretaries for the final review and decision.

11. Recognition in honor of the late Harry Wilde, Sr.

The Council requests the Board formally recognize Harry Wilde, Sr. for his lifetime of service and dedication to subsistence in the Yukon-Kuskokwim Delta region. Harry Wilde, Sr. was a

long-time member and Chair of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council, serving from 1993 to 2014. Sadly, he passed away shortly before the winter 2020 Council meeting. The Council would like to honor his legacy as a tireless subsistence advocate and revered elder.

Response:

Thank you for making this request to the Board. The Board appreciates the service of each and every Council member and values long term members' dedication to advocating for subsistence. The Board will gladly recognize Harry Wilde, Sr. formally during its next regulatory meeting in January of 2021. The Board encourages Council members to share their stories and photos of Mr. Wilde, Sr. during the fall 2020 Council meetings. This information can be compiled and included in the Board's recognition of Mr. Wilde, Sr.

In closing, I want to thank you and your Council for your 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 am confident that Federally qualified subsistence users of the Yukon-Kuskokwim Delta Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Federal Subsistence Board
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Subsistence Policy Coordinator, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor,
Office of Subsistence Management
Acting Wildlife Division Supervisor, Office of Subsistence Management
Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management
Acting Anthropology Division Supervisor, Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
Eva Patton, Council Coordinator, Office of Subsistence Management
Katerina Wessels, Council Coordinator, Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record

ATTACHMENT C2 ANILCA SECTION 810 SUMMARY

The Alaska National Interest Lands Conservation Act (ANILCA) Section 810(a) requires that an evaluation of subsistence uses and needs should be completed for any federal determination to “withdraw, reserve, lease, or otherwise permit the use, occupancy or disposition of public lands.” As such, an evaluation of potential impacts to subsistence under ANILCA Section 810(a) must be completed for the Final EIS because the project requires a BLM ROW grant for the natural gas pipeline’s proposed crossing of federally managed lands. BLM conducted the required ANILCA Section 810 analysis for the Final EIS. ANILCA requires that this evaluation include findings on three specific issues:

- 1) The effect of use, occupancy, or disposition on subsistence uses and needs;
- 2) The availability of other lands for the purposes sought to be achieved; and,
- 3) Other alternatives that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes (16 USC Section 3120(a)).

C2.1 NOTICE AND HEARINGS

A finding that the proposed action may significantly restrict subsistence uses imposes additional requirements, including provisions for notices to the State of Alaska and appropriate regional and local subsistence committees, as well as a hearing in the vicinity of the area involved.

ANILCA Section 810(a) provides that no “withdrawal, reservation, lease, permit, or other use, occupancy or disposition of the public lands which would significantly restrict subsistence uses shall be effected” until the federal agency gives the required notice and holds a hearing in accordance with ANILCA Section 810(a)(1) and (2), and makes the three determinations required by ANILCA Section 810(a)(3)(A), (B), and (C). The three determinations that must be made are: 1) That such a significant restriction of subsistence use is necessary, consistent with sound management principles for the utilization of the public lands; 2) That the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other such disposition; and 3) That reasonable steps will be taken to minimize adverse impacts to subsistence uses and resources resulting from such actions [16 USC Section 3120(a)(3)(A), (B), and (C)].

Through feedback provided during the scoping meetings, the BLM, as part of the Draft EIS, made a preliminary determination that Alternatives 2, 3A, 3B, 4, 5A and 6A may significantly restrict subsistence uses for the communities of Tyonek, Skwentna, McGrath, Nikolai and Takotna, Bethel, Tuntutuliak, Napakiak, Napaskiak, Oscarville, Kwethluk, Akiachak, Akiak, Tuluksak, Upper and Lower Kalskag, Aniak, Chuathbaluk, Napaimute Red Devil, Sleetmute, Stony River, and Crooked Creek.

The BLM also made a preliminary determination that the cumulative case may significantly restrict subsistence uses for the communities of Bethel, Tuntutuliak, Napakiak, Napaskiak, Oscarville, Kwethluk, Akiachak, Akiak, Tuluksak, Upper and Lower Kalskag, Aniak, Chuathbaluk, Napaimute and Crooked Creek.

Therefore, the BLM undertook the notice and hearing procedures required by ANILCA Section 810 (a)(1) and (2) in conjunction with release of the Donlin Gold Project Draft EIS in order to

solicit public comment from the potentially affected communities of Aniak, Crooked Creek, Bethel, Quinhagak, Akiak, Nunapitchuk, Tyonek, McGrath, Lower Kalskag, Holy Cross, and Chuathbaluk, as well as from all subsistence users. A public meeting and 810 hearing was also held in Anchorage. The following discussion summarizes the ANILCA Section 810 evaluation for the decision to select Alternative 2 North Option in this JROD. The summary is based on the detailed ANILCA Section 810 analysis in Appendix N of the Donlin Gold Project Final EIS.

C2.2 ALTERNATIVE 2 NORTH OPTION – SUMMARY OF FINDINGS

The positive finding for Alternative 2 North Option of a significant restriction to subsistence for the communities of Bethel, Tuntutuliak Napakiak, Napaskiak, Oscarville, Kwethluk, Akiachak, Akiak, Tuluksak, Upper and Lower Kalskag, Aniak, Chuathbaluk, Napaimute, and Crooked Creek would be due to a substantial reduction in the opportunity to continue uses of subsistence resources on the Kuskokwim River. Barging on the Kuskokwim River during construction and operation of the mine may cause extensive interference with access to the Kuskokwim River by subsistence users from villages along the river. It may cause a major redistribution of salmon, rainbow smelt, and whitefish, which are important subsistence resources for those villages.

The positive finding for Alternative 2 North Option of a significant restriction to subsistence use for the communities of McGrath, Takotna and Nikolai would be due to a substantial increase in competition for subsistence resources along the natural gas pipeline at the Farewell Airstrip. Increased activity and access at the Farewell Airstrip and along the nearby gas pipeline right-of way may cause major increases in the disturbance and use of moose, caribou, black bear and furbearer subsistence resources by recreational sport hunters and commercial outfitters. These are important subsistence resources for the villages of McGrath, Takotna, and Nikolai.

C2.3 CUMULATIVE CASE - FINDINGS

With the implementation of Alternative 2 North Option, there would be direct and indirect impacts to subsistence practices and a contribution to cumulative effects on subsistence resources and practices. Overall, the impact on subsistence resources from the proposed project and past, present, and reasonably foreseeable future actions could result in some harvest decrease and slightly increase competition for resources, although there would be minimal impact to access.

The cumulative case for the proposed Donlin Gold Project may result in significant restriction to subsistence uses for the communities of Bethel, Tuntutuliak, Napakiak, Napaskiak, Oscarville, Kwethluk, Akiachak, Akiak, Tuluksak, Upper and Lower Kalskag, Aniak, Chuathbaluk, Napaimute, and Crooked Creek on the Kuskokwim River due to large reductions in the abundance of Chinook salmon and a major redistribution of salmon resources on the Kuskokwim River.

C2.4 SIGNIFICANT RESTRICTION OF SUBSISTENCE USE IS NECESSARY, CONSISTENT WITH SOUND MANAGEMENT PRINCIPLES FOR THE UTILIZATION OF PUBLIC LANDS

The BLM authorizes ROWs to fulfill its responsibilities under the authority of Section 28 of the Mineral Leasing Act of 1920, as amended. Donlin Gold filed a ROW application with the BLM

for the proposed project across federal lands. The BLM is responsible for providing a ROW across federal lands for the proposed natural gas pipeline, while providing protections for specific habitat, resources and uses. Therefore, the BLM finds that issuance of a ROW for this action would be necessary and consistent with sound principles for the utilization of public lands. Authorization of this project by BLM is also necessary to effectuate the purposes of ANCSA (i.e., to allow the Native Corporations a reasonable opportunity to economically develop their lands).

C2.5 THE PROPOSED ACTIVITY WILL INVOLVE THE MINIMUM AMOUNT OF PUBLIC LANDS NECESSARY TO ACCOMPLISH THE PURPOSES OF SUCH USE, OCCUPANCY OR OTHER DISPOSITION

The BLM has determined that Alternative 2 North Option involves the minimum amount of public lands necessary to accomplish the purpose of the proposed activity, which is to grant a ROW for a natural gas pipeline for the project. The pipeline would be necessary to supply energy to operate the proposed Donlin Gold Mine. An alternative that varied the pipeline route (Dalzell Gorge route, Alternative 6A), and the no action alternative were also analyzed. All other action alternatives (3A-LNG trucks, 3B-Diesel pipeline, 4-Birch Tree Crossing Port, 5A-Dry Stacking of Tailings) would not change the proposed pipeline route, nor the need for a ROW across federal public lands.

Alternatives that would reduce or eliminate the use of public lands needed for subsistence purposes include Alternative 1 (No Action). Section 2.4 in the Final EIS, Alternatives Considered but Eliminated from Detailed Analysis, discusses other alternatives that were considered that involve less federal public lands, but were eliminated from analysis due to economic or technological disadvantages, lack of feasibility, or because they did not meet the purpose of the proposed action to produce the gold resource discovered on Calista and TKC lands at the Donlin Gold site.

C2.6 REASONABLE STEPS WILL BE TAKEN TO MINIMIZE ADVERSE IMPACTS UPON SUBSISTENCE USES AND RESOURCES RESULTING FROM SUCH ACTIONS

The design features, best management practices, agency mitigation, monitoring, and adaptive management opportunities are discussed in Chapter 5 of the Final EIS. These proposed measures are designed to protect various subsistence resources and their habitat and to reduce negative impacts from the proposed Donlin Gold mine.

Attachment B to this JROD, Corps' Supporting Analysis and Documentation, describes in detail the mitigating measures Donlin Gold will undertake to avoid, minimize, and mitigate impacts to subsistence. Donlin Gold has committed to certain mitigation measures they intend to undertake even though language within the Final EIS and Appendix N (ANILCA 810 analysis) of the Final EIS indicates that they are merely being "considered" or "may" happen. The language in Attachment B provides clarification for those measures that Donlin Gold will implement despite the Final EIS listing them as not "effective" and/or not "reasonable/practicable."

Table C2 lists the mitigation measures referenced in Chapter 5 of the Final EIS that Donlin Gold has committed to, to avoid and minimize impacts to subsistence.

Table C2: Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources

Number	Mitigation Measure	References	Clarification
1	Agreements with Alaska Native landowners create contractual commitments to shareholder hire and revenue flows for Alaska Native shareholders.	1) Final EIS Table 5.2-1: Design Features (A-3)	Comments from the public during scoping and Draft EIS indicate that employment income is important to support subsistence activities.
2	The project design includes consultation with the public and tourism and recreation businesses to minimize impacts to current uses and operations	1) Final EIS Table 5.2-1: Design Features (A-7)	Current uses include subsistence activities.
3	Where practicable, construction and maintenance schedules would seek to minimize impacts on subsistence hunting and fishing, with the understanding that some construction activities must also take advantage of seasonal and environmental conditions.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (A-12)	
4	Donlin Gold would implement a “no hunting/fishing policy” for employees at work sites to minimize competition from employees for local resources.	1) Final Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (A-13)	
5	The project design includes the development and implementation of a Construction Communications Plan to inform the public and commercial operators of construction activities.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (A-14)	
6	Shareholder preference in hiring maximizes economic benefit to local communities (minority and low income); along with enclave work place, this minimizes risk of influx of non-local workers into nearby communities.	1) Final EIS Table 5.2-1: Design Features (A-18)	Reducing the potential for influx of non-local workers into local communities also reduces the potential for an influx of non-local subsistence users.
7	The project design includes shift work schedules to maximize opportunities for employees to remain active in subsistence harvest efforts during Construction and Operations Phases.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (A-19)	
8	Surfaces would be progressively reclaimed throughout operation. Sediment controls would include site grading and capping of erodible material, revegetation, and re-routing of surface runoff to reestablish natural conditions.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (A-23)	
9	Donlin Gold’s surface use agreements with Calista and TKC include the DATROC, which is active and meets quarterly. Appropriate project communications would be managed under the purview of the DATROC, ultimately in the form of advisory subcommittees. Donlin Gold has committed to two subcommittees, the Barge Subcommittee and	1) Final EIS Table 5.2-1: Design Features (A-31)	Donlin Gold has initiated planning with the DATROC partners (TKC and Calista) to establish the format, structure, membership and process to be followed by the barge and subsistence subcommittees.

Table C2: Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources

Number	Mitigation Measure	References	Clarification
	<p>Subsistence Subcommittee, which would act in parallel to engage and inform local communities. The primary function of these committees is to engage the local communities to identify locations and times when subsistence activities occur, and opportunities to avoid, eliminate, or reduce conflicts that serve to restrict access to subsistence resources during construction, operations and post-closure. The Subsistence Subcommittee would also contribute to the identification of practical and effective monitoring measures to address concerns of subsistence users that subsistence resources may be adversely affected by project-related activities and would support development of an information-sharing framework to efficiently and effectively share results of monitoring (and other project-related technical information), at a practical level, with local subsistence users. The long duration of the project, the wide range of resources involved, and the varied interests among participants may require that the form and function of the subcommittees and the processes they oversee, evolve with time. The subcommittees would be encouraged to work through the DATROC to identify and/or recommend adaptive management needs. (Donlin Gold 2018a).</p>		
10	<p>Numerous locations and combinations of locations were analyzed for TSF and WRF layouts during the alternatives development process. These are summarized in Appendix C. The layout of major mine facilities was designed to minimize wetland impacts and limit effects on water quality to the American and Anaconda Creek watersheds. The 404(b)(1) analysis will document the steps taken to minimize wetlands impacts.</p>	<p>1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (M-11)</p>	
11	<p>Water management planning at the mine site would assist in controlling the flow of groundwater at the pit and other major facilities (WRF, TSF), as well as controlling the potential effects of groundwater flow on water quality downgradient of the mine. This would be accomplished through design</p>	<p>1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (M-13)</p>	

Table C2: Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources

Number	Mitigation Measure	References	Clarification
	elements such as dewatering wells, collection of groundwater infiltration through and around the TSF at the SRS pond, and lake level maintenance following closure. A variety of groundwater monitoring activities would also be planned. M13 broadly covers design features of the water management plan, with details available in Chapter 2, Alternatives. Chapter 3 sections provide design and impact analysis pertaining to individual resources.		
12	During the Operations Phase, concurrent reclamation activities (e.g., certain tiers and areas within the WRF) would be conducted immediately after construction and stabilization and whenever practicable in disturbed areas no longer required for active mining.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (M-14)	
13	The mine plan incorporates the concept of design for closure. This incorporates methods for safe and efficient closure of the mine as an integral part of the planned mine design and operations. Implementing design for closure can have the effect of minimizing disturbance and the re-handling of materials.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (M-21)	
14	Ocean and river fuel barges would be double-hulled and have multiple isolated compartments for transporting fuel to reduce the risk of a spill.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (T-1)	
15	The barge operations system was designed to avoid the need for dredging the navigation channel in the river.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (T-3)	
16	Donlin Gold would implement barge guidelines for operating at certain river flow rates, and conduct ongoing surveys of the Kuskokwim River navigation channel to identify locations that should be avoided to minimize effects on bed scour and the potential for barge groundings. As part of the proposed operation, equipment will be available to free or unload/lighten barges in the event of groundings. The equipment will be available as part of ongoing operations; it will not all be dedicated standby equipment.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (T-6)	
17	To reduce impacts on existing river traffic and potential for groundings and accidents, Donlin Gold would	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1:	

Table C2: Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources

Number	Mitigation Measure	References	Clarification
	establish navigational aids and develop procedures for queuing in narrow channels. Donlin Gold vessels would use state-of-the-art navigation and communication equipment.	Design Features (T-10)	
18	River pilots would be used for all tug and barge traffic between the mouth of the Kuskokwim River and Bethel (see Appendix W for Donlin Gold's Barge Communication Plan).	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (T-14)	
19	The project design includes a natural gas pipeline to decrease the amount of barging needed to transport diesel fuel. The design decision to use a natural gas pipeline instead of barging 110 Mgal of diesel per year was developed in response to community concern about barge traffic levels.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (P-3)	
20	Appropriate notices, warning signs, and flagging would be used to promote public safety. Barricades may also be used around dangerous areas such as open trenches during construction.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (P-7)	
21	The project design includes routing of the pipeline and siting of the related compressor station along an existing corridor in Susitna Flats State Game Refuge to minimize impacts.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (P-12)	
22	Donlin Gold will coordinate with and help educate people who want to travel in the area during the pipeline construction period through its Public Outreach Plan to either allow controlled access through or within construction zones or provide alternate access.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (P-16)	
23	At the TSF dry beach, the project design includes installing silt fences, removing snow from active placement areas only, and using polymer suppressant to minimize dust. In addition, an air blast evaporation system or sprinklers would be used to minimize fugitive dust emissions from TSF beaches during dry conditions.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (M-2)	
24	The project design includes a communication program to keep local communities informed of the schedules and current status of barge traffic, as well as to minimize displacement of subsistence fishing by barges (see Appendix W for Donlin Gold's Barge Communication Plan). Donlin Gold would consult with	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (T-9)	Donlin Gold has initiated planning with the DATROC partners (TKC and Calista) to establish the format, structure, membership and process to be followed by the barge subcommittee. The subcommittee is both a communication link as well as a

Table C2: Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources

Number	Mitigation Measure	References	Clarification
	<p>people experienced with navigation on the Kuskokwim River to incorporate local knowledge as the company designs its barging operations and guidelines.</p> <p>In addition, as contained in the communication plan, potential conflict would be avoided through the following steps:</p> <ul style="list-style-type: none"> • Community Meeting Plan – annual community meetings before and after every barge season to outline the needs and expectations going into a season and debrief how things went after each season; • Additional Barging Status updates – in-season communications via community meetings, newsletters, website, social media; • Barge Location Information System – system to view the current location and movement of project barges available to users of the river; • Stakeholder Communication with Barges – published VHF channels and vessel cellular phone numbers to contact the barges directly; and • Barge Communication with Stakeholders – deployment of pilot boat in congested and high use areas ahead of the barge arrival to coordinate safe passage of the barge. <p>In the event of any barging-related conflict or concern, Donlin Gold is committed to resolving issues with stakeholders through an established conflict or concern resolution process (outlined in Section 6.0 of Donlin Gold's Barge Communication Plan).</p>		<p>key part of the dispute resolution process. The planning for the subcommittee's under DATROC is ongoing.</p>
25	<p>Implement a two-way communications strategy to keep local communities informed of the schedules and current status of barge traffic, and keep Donlin Gold informed of the location and timing of commercial and subsistence fishing activities. The communication plan should include Bethel, due to the volume of traffic moving through Bethel Port. (Donlin Gold's Barge</p>	<p>1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.2-1: Design Features (T-9)</p>	<p>Donlin Gold has initiated planning with the DATROC partners (TKC and Calista) to establish the format, structure, membership and process to be followed by the barge subcommittee. The subcommittee is both a communication link as well as a key part of the dispute resolution process. The</p>

Table C2: Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources

Number	Mitigation Measure	References	Clarification
	<p>Communication Plan is available in Appendix W).</p> <p>In addition, the project design includes a communication program, managed under purview of the DATROC Barge Subcommittee (see Design Feature A31), to keep local communities informed of the schedules and current status of barge traffic as well as minimize displacement of subsistence fishing by barges (see Appendix W for Donlin Gold's Barge Communication Plan). Donlin Gold would consult with people experienced with navigation on Kuskokwim River to incorporate local knowledge as they are designing their barging operations and guidelines.</p>		<p>planning for the subcommittee's under DATROC is ongoing.</p>
26	<p>Designing and installing culverts and bridges on transportation routes for fish passage.</p>	<p>1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices</p>	
27	<p>Implementation of Stormwater Pollution Prevention Plans (SWPPPs) and/or Erosion and Sediment Control Plans (ESCPs), and use of industry standard Best Management Practices (BMPs) for sediment and erosion control.</p>	<p>1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices</p>	
28	<p>Development and maintenance of Oil Discharge Prevention and Contingency Plans, Spill Prevention, Control and Countermeasure Plans, and Facility Response Plans.</p>	<p>1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices</p>	
29	<p>Use of BMPs, such as watering and use of dust suppressants, to control fugitive dust.</p>	<p>1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices</p>	
30	<p>Compliance with ADNR Dam Safety requirements through certificates of approval to construct and operate dams to include preparation of Emergency Action Plans and completion of a FMEA.</p>	<p>1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices</p>	
31	<p>Appropriate bonding/financial assurance required by ADNR and BLM.</p>	<p>1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices</p>	
32	<p>Compliance with ADNR Temporary Water Use Authorization conditions for water withdrawal, such as screening requirements to avoid fish entrainment or injury, establishing water withdrawal rates and volumes,</p>	<p>1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices</p>	

Table C2: Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources

Number	Mitigation Measure	References	Clarification
	and as appropriate timing of water withdrawal to avoid fish migration, spawning, and incubating eggs;		
33	Monitoring of water withdrawals to ensure permitted limits are not exceeded.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices	
34	Preparation of a Wildlife Avoidance and Human Encounter/Interaction Plan.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices	A Wildlife Avoidance and Human Encounter Interaction Plan is required as part of the construction planning documents prior to receiving a Notice to Proceed
35	Verification that project vessels are equipped with proper emergency towing equipment in accordance with 18 AAC 75.027(f).	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices	
36	Development of Blasting Plans.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices	
37	Development of ISPMPs and application of industry-standard BMPs relating to NNIS prevention and management.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices	
38	Compliance with Section 106 Programmatic Agreement and Cultural Resources Management Plan, including adequate survey prior to ground-breaking activities and protocol for inadvertent discovery of cultural resources.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices	
39	Verifying pipeline integrity with visual and other non-destructive inspections of welds, hydrostatic testing, use of in-line inspection tools, and aerial inspections.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices	
40	Use of cathodic protection (specific method to be determined in final design) for corrosion protection of the steel pipeline.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices	
41	Preparation and implementation of a Stabilization, Rehabilitation, and Reclamation Plan. Preparation and implementation of a Reclamation and Closure Plan.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS 5.3.2 Best Management Practices	
42	Install signs that clearly distinguish trails from the pipeline Right of Way (ROW) at points where the pipeline crosses trails to guide trail users to stay on the trail and off the pipeline ROW where the two are not co-located. As practicable, revegetate, or otherwise block access to, a narrow strip of the pipeline ROW where it	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.5-1A: Mitigation Measures Being Considered	Donlin Gold will work will landowners to implement.

Table C2: Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources

Number	Mitigation Measure	References	Clarification
	crosses the trail to help steer and keep trail users on the trail, and to reduce the visual effect of the pipeline ROW crossing.		
43	Where appropriate, employ seasonal timing restrictions on blasting, as stipulated by resource agencies, to reduce noise related effects of blasting during sensitive subsistence hunting activities (e.g., fall moose hunting).	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.5-1A: Mitigation Measures Being Considered	Donlin Gold will work with BLM to implement.
44	Develop adaptive management plan(s) in conjunction with local communities. Involve residents when determining parameters and performance standards, as appropriate.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.7-1A: Monitoring and Adaptive Management being Considered	Donlin Gold will incorporate adaptive management principles into many aspects of planned mitigation. For example, Donlin Gold's Aquatic Resources Management Plan, Wetlands Compensatory Mitigation Plan, and Barge Communication Plan all incorporate adaptive management principles.
45	Apply measures to further restrict public access to the ROW to reduce indirect effects. Close the pipeline ROW to OHV and snowmachine use, where appropriate and based on land ownership, to minimize increased recreational access.	1) Final EIS Appx. N (ANILCA 810) 2) Final EIS Table 5.5-1B Mitigation Measures Assessed as Not Likely to be Required	Although Donlin Gold cannot restrict access to land it does not own or control, Donlin Gold has committed to taking the following steps to limit use of the ROW: (1) make provisions for suitable permanent and clearly delineated crossings for the public where the ROW or access roads cross existing roads, foot trails, winter trails, easements or other rights-of-way, unless otherwise authorized by the Authorized Officer during all Pipeline Activities. (2) where the ROW crosses authorized trails, a screen of material or vegetation native to the specific setting shall be maintained, or established over disturbed areas to minimize recreational use of the ROW.
46	Maintain communication throughout all project phases with subsistence users concerning perception of ecological risk or potential exposure of waterfowl or fish to contamination. A communication method is important to address concerns and perceptions about contamination. DATROC may serve to facilitate communication, as	1) Final EIS Appx. N (ANILCA 810)	Donlin Gold is committed to working with DATROC to determine the most effective modes of communication to address perceptions of ecological risk and exposure.

Table C2: Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources

Number	Mitigation Measure	References	Clarification
	appropriate.		
47	Donlin Gold should consult with the Alaska Department of Fish and Game and local subsistence users for current information and traditional knowledge to identify locations and times when subsistence activities occur, and to the extent practicable, minimize impacts to these activities. The DATROC may serve to facilitate consultation, as appropriate.	1) Final EIS Appx. N (ANILCA 810)	Donlin Gold is currently in the process of forming DATROC subcommittees on barging and subsistence to engage the local communities to identify locations and times when subsistence activities occur, and opportunities to avoid, eliminate, or reduce conflicts that serve to restrict access to subsistence resources. (See Donlin Gold Technical Memorandum: Additional Final EIS Design Features, January 15, 2018)
48	Smelt monitoring program: Donlin Gold would develop and implement a rainbow smelt monitoring program to establish additional baseline data for a better understanding of the species' occurrence and the character, use, and distribution of spawning habitat along the Kuskokwim River. Survey methodology would likely include documenting sex ratio and age structure of the population and if possible, fecundity of females. Initially, surveys would be conducted annually to document the age structure of the rainbow smelt population and further document spawning patterns. Once an adequate baseline is established, regular sampling would be used to monitor for changes to existing patterns. The frequency of surveys over the long-term would depend on previous results and whether the data indicate a potential shift. If rainbow smelt population changes are observed over a defined time period, additional work would need to be undertaken to investigate the reason for those changes. If observed changes were attributed to project-related activities, Donlin Gold would implement an assessment of measures available to address or mitigate those activities. Such activities would be coordinated with the DATROC Subsistence Subcommittee.	1) Final EIS Table 5.2-1: Design Features	<p>Donlin Gold initiated the first round of data collection in May 2018. The data is being compiled and analyzed and the first report from the project should be available this fall documenting the results.</p> <p>Donlin Gold will focus future rainbow smelt monitoring activities by working with local fishers to sample harvested rainbow smelt to establish age distribution patterns within the spawning population. Donlin Gold's goal with the program will be to document age distributions prior to initiating barge traffic that will be associated with project construction. Survey methodology will likely include documenting sex ratio and age structure of the population and if possible, fecundity of females. Initially, surveys would be conducted annually to document the age structure of the rainbow smelt population and further document spawning patterns. Once an adequate baseline is established, regular sampling will be used to monitor for changes to existing patterns. The frequency of surveys over the long-term will depend on previous results and whether the data indicate a potential shift. (See Donlin Gold Technical Memorandum: Additional Final EIS Design</p>

Table C2: Donlin Gold Mitigation Measures Relevant to Subsistence Uses and Resources

Number	Mitigation Measure	References	Clarification
49	<p>A Crooked Creek ARMP would be developed in conjunction with Alaska Department of Fish and Game (ADF&G) and ADNDR through habitat and water rights permitting processes. The objectives of the plan are to: 1) monitor for major changes to aquatic communities, 2) monitor for smaller scale and incremental changes to aquatic communities, and 3) guide results-based refinement to the monitoring program. The plan would build on the existing baseline dataset and include both biological and flow components, including: fish presence/abundance, invertebrate and periphyton sampling, and fish metals analysis; flow monitoring and winter surface water sampling to characterize fish habitat/passage and freeze-down patterns; sediment sampling; and collection of additional geology and hydrology data to refine understanding of dewatering and groundwater/surface water flow dynamics (Donlin Gold 2018a,b; Owl Ridge 2017c).</p> <p>The ongoing data collection would be used in an adaptive management approach to refine the understanding of the dynamics surrounding Crooked Creek flow in winter as well as the open water seasons and to identify the most effective measures that can be used to ensure that minimum flows in Crooked Creek are maintained. If the project results in minimal losses to Crooked Creek flows, adaptive management measures may be unnecessary. If flow losses warrant a response, a range of measures could be considered that include but would not be limited to: lining or relocating portions of the stream channel; augmenting flows from the Snow Gulch Reservoir; pumping water from the Kuskokwim River, or grouting areas of bedrock demonstrating high flow rates.</p>	<p>1) Final EIS Table 5.2-1: Design Features 2) Donlin Gold. 2018a. Letter to Richard Darden, US Army Corps of Engineers, RE: Donlin Gold’s Comments to the November 2, 2017 National Marine Fisheries Service (NMFS) Essential Fish Habitat (EFH) Recommendations. Daniel Graham, PE. January 4, 2018. 3) Donlin Gold. 2018b. Technical Memorandum: Additional Final EIS Design Features. Gene Weglinski, Senior Permitting Coordinator to Richard Darden, US Army Corps of Engineers. January 15, 2018. 4) Owl Ridge. 2017c. Essential Fish Habitat Assessment. Draft Version 2.4. June 2017. Prepared for Donlin Gold, Anchorage, AK by Owl Ridge Natural Resource Consultants, Inc., Anchorage, AK. 75 pp.</p>	<p>Features, January 15, 2018).</p> <p>Donlin Gold has submitted a framework for this plan to the State of Alaska agencies for their review and input. Comments are expected back soon and will be used to further advance the ARMP as part of the Project’s monitoring commitments.</p>

The agreements Donlin Gold has made for mitigation not only provide direct financial compensation to the native corporations, but also include terms that allow the corporations to be involved in the project to ensure responsible and sustainable development for the benefit of

their shareholders. The establishment of the DATROC with Barge and Subsistence Subcommittees to address barging impacts to aquatic resources demonstrates Donlin Gold's commitment to avoid and minimize impacts to subsistence. Both Calista and TKC have strongly advocated for the project to realize ANCSA's vision of Alaska Native economic development and self-sufficiency. This is an instance where a ROW across public lands is necessary to achieve the fundamental purposes of a related statutory scheme, namely, to allow for development of ANCSA-selected lands and mineral resources by and for the benefit of Alaska Native communities.

Given these steps, the BLM has determined that the proposed action includes all reasonable steps to minimize adverse impacts on subsistence uses and resources.

Enclosure 2:

Derelict Vessels in Alaska, Briefing for SB92, can be viewed by copying and pasting this URL into your browser:

<http://www.alaskaharbors.org/resources/Documents/SB92%20Briefing%20February%202018.pdf>

Enclosure 3:





Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

OSM 20073.KW

Jack Reakoff, Chair
Western Interior Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Reakoff:

This letter responds to the Western Interior Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2019 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. Mean High Water Mark Definition

At its March 26-27, 2019 meeting held in Fairbanks, the Council submitted a Federal subsistence wildlife proposal to the Board requesting a definition for the mean high water mark. The Council discussed incidents where hunters were confused about how the high water mark was determined. One Council member cited an instance where law enforcement confiscated a moose during the subsistence winter hunt due to a misinterpreted boundary. The Council's proposal was rejected because "the Board does not have regulatory authority to define mean high water mark." The Board further explained that Federal land managers were responsible for area descriptors of public lands.

At its meeting held October 8-9, 2019, the Council was informed of Federal regulation at 33 CFR 328, which reads, "The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area." The Council believes that this definition is

ambiguous and cumbersome and that several of these characteristics would be difficult for subsistence users to identify. This is particularly true during the winter months when hunting areas along the rivers can have several feet of snow.

Recommendation:

The Council is requesting that Federal managers develop a definition of the mean or ordinary high water mark that reduces confusion and provides a physical attribute, such as willows, for easier identification. Simplifying the definition would also reduce conflicts with law enforcement officials and minimize the confiscation of important subsistence resources for local hunters because of interpretation errors.

Response:

The definition of “ordinary high water mark” can be found in Federal regulation at 33 CFR 328.3(8), which defines the term “waters of the United States” as it applies to the jurisdictional limits of the authority of the Army Corps of Engineers under the Clean Water Act (see enclosed Regulatory Guidance Letter). It prescribes the policy, practice, and procedures to be used in determining the extent of jurisdiction concerning “waters of the United States.”

Modifying the definition for ordinary high water mark is outside of the Board’s purview, as was stated in the Office of Subsistence Management (OSM) letter to your Council dated March 28, 2019 (see enclosure). At your request, OSM will send an informational package request to the Federal land management agencies in Alaska through their Interagency Staff Committee representatives. The package will contain the original proposal and all correspondence related to this subject. OSM will encourage each agency to develop and provide educational materials for the Federal Subsistence Management Program and to the Councils to help aid in the determination of ordinary high water mark while in the field.

2. Mulchatna Caribou Herd Harvest Management

The Togiak National Wildlife Refuge and Yukon Delta National Wildlife Refuge (NWR) recently submitted Temporary Wildlife Special Action WSA19-07, requesting that the Board reduce the harvest limit from two caribou by State registration permit to one caribou by State registration permit throughout the range of the Mulchatna Caribou Herd.

The Council discussed the Mulchatna Caribou Herd on the record during its fall 2019 public meeting held October 8-9 in McGrath. At this meeting, Federal and State managers shared increasing biological concerns about the Mulchatna Caribou Herd, which dropped from historic highs of 200,000 animals to an estimated 13,500 caribou in 2019, a decrease of 50% since 2016. The Council was alarmed to hear the discrepancies between the Federal and State harvest records for this critically imperiled herd. The State’s records were vastly lower than Federal harvest numbers and appear to only capture sport hunting harvest. Federal managers from the Yukon Kuskokwim Delta NWR reported higher harvest numbers, particularly by hunters from the Bethel area. It was evident during the discussion that there is a lack of reliable harvest information available and that harvest could be grossly underreported, negatively affecting the

adult cohort of this herd. Overall, the biological information for the Mulchatna Caribou Herd presented to the Council was incomplete.

Recommendation:

The Council has been sharing concerns about the Mulchatna Caribou Herd's declining population for many years and believes that management is going in the wrong direction. Any harvestable surplus now and in the future needs to include a component for under or non-reported harvest mortality, particularly given the level of hunting competition for caribou in this region. Incidental harvest mortalities are generally high in aggregate ungulate species like caribou, and this needs to be captured in a comprehensive hunting mortality report. The Council requests that Federal and State managers implement measures immediately that will accurately quantify the harvest of caribou from the Mulchatna Caribou Herd.

Response:

The Board recognizes the importance of accurate harvest information for wildlife conservation and management. Unfortunately, incidental mortality or wounding loss is impossible to quantify precisely. The Board addressed this topic in our response to your Council's 2017 fiscal year annual report:

Incidental mortality is very difficult to measure. A wounding loss study would entail deploying a significant number of radio collars, monitoring them continuously, and, when a mortality signal was detected, responding immediately to do a necropsy. ADF&G accounts for wounding loss when calculating the harvestable surplus of some caribou herds through subjective estimates. Estimates are derived from flights over and walks through hunting areas and reports from hunters and the general public recounting experiences. While this is a very imperfect method, it is what's feasible given current staff and monetary resources. Therefore, caribou herds are often managed conservatively.

Unreported harvest can be estimated using data from community household harvest surveys. These surveys are conducted periodically throughout Alaska. While these survey data are only available for some communities in some years, they are the best data available for estimating unreported harvests. OSM incorporates these data whenever available in analyses of proposed regulatory changes and presents them to the Board to use in our deliberations.

Additionally, the U.S. Fish and Wildlife Service (USFWS) committed to increasing law enforcement presence within the range of the Mulchatna Caribou Herd. During the 2019/20 season, the USFWS routinely conducted surveillance flights out of Bethel to check on hunting activity and caribou locations. The Togiak National Wildlife Refuge Manager testified at your winter 2020 meeting that they put together a law enforcement plan in cooperation with the Bureau of Land Management. They found 15 kill sites with minimal effort during the closure, indicating that unreported harvest may be substantial, but were not able to quantify the activities precisely.

3. Maximum Sustained Yield Fisheries Management

The Council wishes to alert the Board that member Timothy Gervais will be sending a letter to the National Oceanic and Atmospheric Administration (NOAA) to share his concerns with the current management of Federal fisheries in marine waters. The Council concurs with Mr. Gervais' concerns and strongly believes that operating Federal fisheries at "maximum sustained yield" with changing ocean conditions is detrimental to fish stocks in Alaska marine environments and negatively impacts coastal and interior Alaska rural communities that rely on migrating fish for subsistence. The Council will implore NOAA and others to institute more conservative harvest strategies in response to the rapidly changing marine environment conditions, including warming waters and depleted fish and shellfish stocks.

Response:

The fisheries in marine waters within 200 nautical miles of the State's shorelines (Exclusive economic zone or EEZ) are managed primarily by NOAA through the National Marine Fisheries Service. The Council's concern regarding Federal fisheries being managed for maximum sustained yield (MSY) during times of changing environmental conditions may be addressed through the Magnuson-Stevens Act (Act) (revised in 2016). The Act provides direction to fisheries managers and scientists to evaluate information and criteria when managing fisheries with an MSY goal. When conditions require more cautious management related to certain criteria, fisheries may be managed for lower harvest goals targeting optimum yield levels (OY) instead of MSY (less than and never to exceed MSY). These criteria include evaluation of changing economic, ecological, social, and cultural values when setting management objectives for established fisheries management plans. Magnuson-Stevens Act provisions were updated in 2016 (<https://www.federalregister.gov/documents/2016/10/18/2016-24500/magnuson-stevens-act-provisions-national-standard-guidelines>).

The Board appreciates the Council's concerns related to this matter and advises the Council to work with George Pappas, OSM State Liaison, and Jon Gerken, USFWS Liaison to the North Pacific Fisheries Management Council, to develop a request letter to NOAA. George Pappas can be reached at george_pappas@fws.gov or 907-317-2165 and Jon Gerken can be reached at jonathon_gerken@fws.gov or 907-271-2776. The Board also encourages the Council to invite marine fisheries management experts to the next meeting for a more thorough dialogue.

In closing, I want to thank you and your Council for your 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 am confident that the Federally qualified subsistence users of the Western Interior Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Western Interior Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Subsistence Policy Coordinator, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor,
Office of Subsistence Management
Acting Wildlife Division Supervisor, Office of Subsistence Management
Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management
Acting Anthropology Division Supervisor, Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
Karen Deatherage, Council Coordinator, Office of Subsistence Management
Katerina Wessels, Council Coordinator, Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record

DRAFT



US Army Corps
of Engineers®

REGULATORY GUIDANCE LETTER

No. 05-05

Date: 7 December 2005

SUBJECT: Ordinary High Water Mark Identification

1. Purpose and Applicability

a. **Purpose.** To provide guidance for identifying the ordinary high water mark.

b. **Applicability.** This applies to jurisdictional determinations for non-tidal waters under Section 404 of the Clean Water Act and under Sections 9 and 10 of the Rivers and Harbors Act of 1899.

2. General Considerations

a. **Regulation and Policy.** Pursuant to regulations and inter-agency agreement,¹ the U.S. Army Corps of Engineers (Corps) determines, on a case-by case basis, the extent of geographic jurisdiction for the purpose of administering its regulatory program. For purposes of Section 404 of the Clean Water Act (CWA), the lateral limits of jurisdiction over non-tidal water bodies extend to the ordinary high water mark (OHWM), in the absence of adjacent wetlands. When adjacent wetlands are present, CWA jurisdiction extends beyond the OHWM to the limits of the adjacent wetlands. For purposes of Sections 9 and 10 of the Rivers and Harbors Act of 1899, the lateral extent of Federal jurisdiction, which is limited to the traditional navigable waters of the United States, extends to the OHWM, whether or not adjacent wetlands extend landward of the OHWM.

Corps regulations define the term “ordinary high water mark” for purposes of the CWA lateral jurisdiction at 33 CFR 328.3(e), which states:

“The term *ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

1. Memorandum of Agreement between the Department of the Army and Environmental Protection Agency Concerning the Determination of the Geographical Jurisdiction of the Section 404 Program and the Application of the Exemptions under Section 404(f) of the Clean Water Act, January 19, 1989

This definition is virtually identical to the definition of the term “ordinary high water mark” found at 33 CFR Section 329.11(a)(1), describing the lateral extent of Federal jurisdiction over non-tidal traditional navigable waters of the United States subject to Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA). When the definition from 33 CFR Section 329.11(a)(1) was reproduced at 33 CFR 328.3(e), the semi-colons of the former definition were mistakenly changed to commas in the latter definition. Consequently, the definition of “ordinary high water mark” in Part 328 is not as clear in meaning as is the definition of the same term in Part 329, even though the two definitions were to serve the same basic purpose (i.e., establishing the lateral extent of jurisdiction, in the absence of adjacent wetlands).²

Both definitions of the term “ordinary high water mark” begin by discussing physical characteristics that indicate the location of the OHWM on the shore of a water body. Furthermore, both OHWM definitions conclude with the statement the OHWM can be determined using “other appropriate means that consider the characteristics of the surrounding areas”.³ Prior to this Regulatory Guidance Letter (RGL), neither the Corps nor the U.S. Environmental Protection Agency has issued any additional clarifying national guidance for use by Corps regulatory program staff in identifying the location of the OHWM for the CWA on a case-by-case basis.⁴

b. **Practice.** In making OHWM determinations, Corps districts generally rely on physical evidence to ascertain the lateral limits of jurisdiction, to whatever extent physical evidence can be found and such evidence is deemed reasonably reliable. Physical indicators include the features listed in the definitions at 33 CFR Sections 328.3(e) and 329.11(a)(1) and other appropriate means that consider the characteristics of the surrounding areas. In addition, districts use other methods for estimating the line on the shore established by the fluctuations of water, including, but not limited to, lake and stream gage data, flood predictions, historic records of water flow, and statistical evidence. To the maximum extent practicable, districts generally use more than one physical indicator or other means for determining the OHWM.

3. Guidance.

a. In determining the location of the OHWM for non-tidal water bodies under the CWA or the RHA, districts should give priority to evaluating the physical characteristics of the area that are determined to be reliable indicators of the OHWM. Physical evidence to be evaluated includes those items listed in the definitions at 33 CFR Sections 328.3(e) and 329.11(a)(1). Because many types of water bodies occur with varying conditions, including topography, channel morphology and flow dynamics, districts may consider other physical characteristics indicative of the OHWM.

2. CWA jurisdiction extends laterally landward of the OHWM to include all adjacent wetlands wherever such adjacent wetlands are present. This guidance addresses situations where no such adjacent wetland exist.

3. Changes in the limits of waters of the U.S. are addressed in 33 CFR 328.5.

4. On 3 June 1983 the Corps of Engineers’ Chief Counsel distributed legal guidance to all Corps district and division counsel offices regarding certain legal questions relating to the geographic jurisdiction of Section 10 of the Rivers and Harbors Act of 1899, including questions relating to the OHWM.

b. The following physical characteristics should be considered when making an OHWM determination, to the extent that they can be identified and are deemed reasonably reliable:

Natural line impressed on the bank	Sediment sorting
Shelving	Leaf litter disturbed or washed away
Changes in the character of soil	Scour
Destruction of terrestrial vegetation	Deposition
Presence of litter and debris	Multiple observed flow events
Wracking	Bed and banks
Vegetation matted down, bent, or absent	Water staining
	Change in plant community

This list of OHWM characteristics is not exhaustive. Physical characteristics that correspond to the line on the shore established by the fluctuations of water may vary depending on the type of water body and conditions of the area. There are no “required” physical characteristics that must be present to make an OHWM determination. However, if physical evidence alone will be used for the determination, districts should generally try to identify two or more characteristics, unless there is particularly strong evidence of one.

c. Where the physical characteristics are inconclusive, misleading, unreliable, or otherwise not evident, districts may determine the OHWM by using other appropriate means that consider the characteristics of the surrounding areas, provided those other means are reliable.⁵ Such other reliable methods that may be indicative of the OHWM include, but are not limited to, lake and stream gage data, elevation data, spillway height, flood predictions, historic records of water flow, and statistical evidence.

d. When making OHWM determinations, districts should be careful to look at characteristics associated with ordinary high water events, which occur on a regular or frequent basis. Evidence resulting from extraordinary events, including major flooding and storm surges, is not indicative of the OHWM. For instance, a litter or wrack line resulting from a 200-year flood event would in most cases not be considered evidence of an OHWM.

e. Districts will document in writing the physical characteristics used to establish the OHWM for CWA and/or RHA jurisdiction. If physical characteristics are inconclusive, misleading, unreliable, or not evident, the Districts’ written documentation will include information about the physical characteristics (or lack thereof) and other appropriate means that consider the characteristics of the surrounding areas, which it used to determine the OHWM.

f. To complete an approved jurisdictional determination, districts will have complete and accurate documentation that substantiates the Corps decision. At a minimum, decisions will be documented using the standardized jurisdictional determination information sheet established by

5. In some cases, the physical characteristics may be misleading and would not be reliable for determining the OHWM. For example, water levels or flows may be manipulated by human intervention for power generation or water supply. For such cases, districts should consider using other appropriate means to determine the OHWM.

Headquarters and provided to the districts on August 13, 2004 (or as further amended by Headquarters). Documentation will allow for a reasonably accurate replication of the determination at a future date. In this regard, documentation will normally include information such as data sheets, site visit memoranda, maps, sketches, and, in some cases, surveys and photographs documenting the OHWM.

4. **Duration.** This guidance remains in effect unless revised or rescinded.



DON T. RILEY
Major General, US Army
Director of Civil Works



IN REPLY REFER TO

United States Department of the Interior

Office of Subsistence Management
1011 East Tudor Road MS 121
Anchorage, Alaska 99503-6199

RAC WI9022. TD

MAY 28 2019

Jack Reakoff, Chair
Western Interior Alaska Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, M/S 121
Anchorage, Alaska 99503-6199

Dear Chairman Reakoff:

This letter responds to the wildlife proposal submitted by the Western Interior Alaska Subsistence Regional Advisory Council for the 2020-2022 Wildlife Regulatory cycle regarding the definition of "mean high water mark." The Office of Subsistence Management has reviewed this proposal and determined it to be invalid. The Federal Subsistence Board does not have regulatory authority to define mean high water mark. Each Federal land manager is responsible for the mapping and area descriptors for the public lands under their authority. Generally speaking, the Bureau of Land Management is the lead for mapping public lands and the Federal Subsistence Management Program relies on their definitions. This decision was made after consulting with the Department of the Interior, Office of the Solicitor-Alaska Region.

If you have any questions related to this matter, please contact Theo Matuskowitz, Supervisory Regulations Specialist at, 907-786-3867 or theo_matuskowitz@fws.gov.

Sincerely,

Thomas C. J. Doolittle
Acting Assistant Regional Director

Chairman Reakoff

2

cc: Federal Subsistence Board

Jennifer Hardin, Ph.D, Subsistence Policy Coordinator, Office of Subsistence Management

Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management

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Karen Deatherage, Council Coordinator, Office of Subsistence Management

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Interagency Staff Committee

Administrative Record



Federal Subsistence Board

1011 East Tudor Road, MS 121
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FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

OSM 20070.KW

Louis Green, Chair
Seward Peninsula Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Green:

This letter responds to the Seward Peninsula Subsistence Regional Advisory Council's (Council) fiscal year 2019 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. Climate Induced Impacts to Subsistence Resources

The Council continues to be concerned about the effects of climate change on the Seward Peninsula. The large fish and bird die-offs of last summer, continued permafrost loss, and extreme algae growth are all threatening subsistence resources. Water temperatures both at sea and inland have spiked considerably, with negative impacts to fish and marine mammals, including mortality and parasite infestation. Algae growths over the past two years have been extraordinary, with areas so overgrown that sighting water from the air or identifying sandbars for landing aircraft is proving increasingly difficult. The algae in the water is dust-like, producing cloudy water, and the algae on the banks is like grass. The Seward Peninsula Region has also seen extreme weather systems that are jamming ice, creating erosion and producing high winds. All of these events negatively influence subsistence by threatening the life cycles of fish and wildlife and posing hunter safety and access challenges. Although this past winter was closer to normal conditions, the previous two years created extremely difficult conditions for subsistence users. Overall, climate-induced changes have worsened over the past two decades. Recommendations: The Council has asked for baseline data for water temperatures to either 1) continue in areas or 2) be initiated in others, so that current and future changes can be

quantified. While climate change is an extremely broad issue, it is important that Federal, State, and Tribal organizations/corporations work together to ensure that data are consistently collected, changes are accurately recorded, and mitigation occur wherever possible to ensure food security.

Response:

The Board recognizes that temperature plays an important role in controlling the metabolic processes of fish, in addition to transforming their habitat and effecting their food sources. Changing climate can result in water temperature fluctuations beyond the behavioral and physiological tolerance of aquatic organisms, including fish, which could have a deleterious effect on their productivity and availability to subsistence users (Davis J. C., G. A. Davis, 2020. *Stream Water Temperatures Associated with Federal Subsistence Fisheries in Alaska. Winter 2008-2018 Summary*. The Aquatic Restoration and Research Institute. Talkeetna, Alaska. See enclosure). Currently, the availability of reliable water temperature data for stream habitats is very limited on the Seward Peninsula. The Fisheries Resource Monitoring Program has funded daily water temperature data collection at the Unalakleet River Weir since 2011. The Board intends to support this data collection into the future. If your Council wishes to see additional baseline data collection related to other Federal subsistence fisheries, the Board recommends working with the staff at the Office of Subsistence Management (OSM) to develop a Priority Information Need reflecting the Council's interest. Councils will discuss and formulate Priority Information Needs recommendations during their Fall 2020 meetings. OSM will be seeking proposals for research and monitoring projects in early 2021. Priority Information Needs will guide researchers in developing project proposals.

2. Food Contaminants

The Council engaged in lengthy discussions regarding contaminants in local food, largely originating in the ocean, though some members also refer to military activities on land as the source. Council members from Unalakleet and Stebbins are concerned with impacts to fish and marine mammals from the nuclear accident in Japan and radiation from Russian military activities. Council members say there has been an increase in cancers in local residents and that these contaminants may be the source. Radiation can be stored in kelp and other ocean plants. When the ocean warms up, these toxins can be released and affect fish, herring eggs, and other resources that locals depend on for subsistence. Permafrost melt may also be releasing toxins that have otherwise been buried for decades or longer. These toxins could be ingested by humans through terrestrial foods such as berries or moose. One Council member stated that toxins such as polychlorinated biphenyls (PCBs) were found close to shore near Unalakleet when researchers were testing water quality.

Recommendation: The Council is requesting that researchers collect data on toxins in the environment in the Seward Peninsula Region and alert locals of any dangerous chemicals found in their food sources.

Response:

The Board appreciates that you have brought your concerns about possible contaminants in subsistence resources to our attention. The Board itself does not sponsor contaminants-related research directly, but many of our Federal partners do. Studies of contaminants in wild foods have been undertaken in Alaska but are not under the authority of a single agency or office. Your Council may wish to request that OSM contacts local staff at the National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, National Oceanic and Atmospheric Administration, State agencies, university researchers, and non-governmental organizations for results from projects that have tested subsistence resources for contaminants in the Bering Strait Region. The Council could ask that information be made available at future meetings in the form of presentations and published reports.

3. Norton Sound Red King Crab Fishery

At its winter 2020 meeting, the Council heard from Charlie Lean, Chair of the Norton Sound Fish and Game Advisory Committee and ADF&G staff regarding the plummeting Red King Crab population in Norton Sound. Many subsistence crab harvesters reported a complete absence of Red King Crab this season, and were unable to meet their subsistence needs.

Although ADF&G expected a lower catch this season, they were alarmed when only 80 thousand of the 150 thousand quota were met. Commercial crab fishermen and researchers are observing very few large male crabs. The number of fertilized eggs on female crabs was nearly half of the expected norm. Biologists believe this will negatively impact recruitment and is likely caused by the absence of large male crabs.

The Council was encouraged to hear that the Red King Crab fishery was closed by the Alaska Board of Fisheries, effective at the end of April 2020 and through the remainder of the year. Overall, the Red King Crab population, however, is not expected to recover until 2023. Subsistence hunters are frustrated with having to compete with commercial crab fisheries and believe the Red King Crab commercial season should be completely shut down until the population recovers, subsistence needs are met, and a sustainable commercial fishery is in place. The Council implores Federal and State agencies to manage for the long term. Some Council members suggest that the Red King Crab fishery be Federally-managed to ensure subsistence needs are met. Norton Sound residents have fished for crab for thousands of years in this region and are greatly disturbed by this threat to a traditional subsistence resource.

Recommendation:

The Council has no recommendations to the Board on this topic. The purpose of including the Council's concerns in the Annual Report is to alert the Board that the Council intends to send a letter to the North Pacific Fishery Management Council regarding Red King Crab populations in Norton Sound and the inability of local subsistence users in the region to meet their subsistence needs from this critical resource in the 2019/2020 season.

Response:

The Board appreciates being kept informed about the subsistence concerns regarding renewable resources in the Seward Peninsula Region. The Board would appreciate reviewing any response the North Pacific Fisheries Management Council provides to address your concerns.

In closing, I want to thank you and your Council for your 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 am confident that the subsistence users of the Seward Peninsula Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Seward Peninsula Subsistence Regional Advisory Council
Federal Subsistence Board
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
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Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record

Fishery Data Series No. 18-19

**Unalakleet River Chinook Salmon Escapement
Monitoring and Assessment, 2018**

by

Janet M. Bavilla

and

Justin M. Leon

May 2018

Alaska Department of Fish and Game

Divisions of Sport Fish and Commercial Fisheries



Symbols and Abbreviations

The following symbols and abbreviations, and others approved for the Système International d'Unités (SI), are used without definition in the following reports by the Divisions of Sport Fish and of Commercial Fisheries: Fishery Manuscripts, Fishery Data Series Reports, Fishery Management Reports, and Special Publications. All others, including deviations from definitions listed below, are noted in the text at first mention, as well as in the titles or footnotes of tables, and in figure or figure captions.

Weights and measures (metric)		General		Mathematics, statistics	
centimeter	cm	Alaska Administrative Code	AAC	<i>all standard mathematical signs, symbols and abbreviations</i>	
deciliter	dL	all commonly accepted abbreviations	e.g., Mr., Mrs., AM, PM, etc.	alternate hypothesis	H _A
gram	g	all commonly accepted professional titles	e.g., Dr., Ph.D., R.N., etc.	base of natural logarithm	<i>e</i>
hectare	ha	at	@	catch per unit effort	CPUE
kilogram	kg	compass directions:		coefficient of variation	CV
kilometer	km	east	E	common test statistics	(F, t, χ^2 , etc.)
liter	L	north	N	confidence interval	CI
meter	m	south	S	correlation coefficient	
milliliter	mL	west	W	(multiple)	R
millimeter	mm	copyright	©	correlation coefficient (simple)	r
		corporate suffixes:		covariance	cov
Weights and measures (English)		Company	Co.	degree (angular)	°
cubic feet per second	ft ³ /s	Corporation	Corp.	degrees of freedom	df
foot	ft	Incorporated	Inc.	expected value	<i>E</i>
gallon	gal	Limited	Ltd.	greater than	>
inch	in	District of Columbia	D.C.	greater than or equal to	≥
mile	mi	et alii (and others)	et al.	harvest per unit effort	HPUE
nautical mile	nmi	et cetera (and so forth)	etc.	less than	<
ounce	oz	exempli gratia	e.g.	less than or equal to	≤
pound	lb	(for example)		logarithm (natural)	ln
quart	qt	Federal Information Code	FIC	logarithm (base 10)	log
yard	yd	id est (that is)	i.e.	logarithm (specify base)	log ₂ , etc.
		latitude or longitude	lat or long	minute (angular)	'
Time and temperature		monetary symbols (U.S.)	\$, ¢	not significant	NS
day	d	months (tables and figures): first three letters	Jan, ..., Dec	null hypothesis	H ₀
degrees Celsius	°C	registered trademark	®	percent	%
degrees Fahrenheit	°F	trademark	™	probability	P
degrees kelvin	K	United States (adjective)	U.S.	probability of a type I error (rejection of the null hypothesis when true)	α
hour	h	United States of America (noun)	USA	probability of a type II error (acceptance of the null hypothesis when false)	β
minute	min	U.S.C.	United States Code	second (angular)	"
second	s	U.S. state	use two-letter abbreviations (e.g., AK, WA)	standard deviation	SD
Physics and chemistry				standard error	SE
all atomic symbols				variance	
alternating current	AC			population sample	Var
ampere	A			sample	var
calorie	cal				
direct current	DC				
hertz	Hz				
horsepower	hp				
hydrogen ion activity (negative log of)	pH				
parts per million	ppm				
parts per thousand	ppt, ‰				
volts	V				
watts	W				

FISHERY DATA SERIES NO. 18-19

**UNALAKLEET RIVER CHINOOK SALMON ESCAPEMENT
MONITORING AND ASSESSMENT, 2018**

by
Janet M. Bavilla and Justin M. Leon
Alaska Department of Fish and Game, Division of Commercial Fisheries, Nome

Alaska Department of Fish and Game
Division of Sport Fish, Research and Technical Services
333 Raspberry Road, Anchorage, Alaska, 99518-1565

May 2018

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ADF&G, Division of Sport Fish, Research and Technical Services, 333 Raspberry Rd, Anchorage AK 99518 (907) 267-2375

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ABSTRACT

Declining run sizes and ensuing state and federal restrictions and closures to Unalakleet River Chinook salmon *Oncorhynchus tshawytscha* fisheries have highlighted the need to obtain more complete estimates of spawning escapement. In response, multiple agencies and entities began the Unalakleet River weir in 2010 funded by the United States Fish and Wildlife Service Office of Subsistence Management. The goal was to obtain estimates of Chinook salmon escapement and age, sex, and length composition. An estimated 3,326 Chinook salmon were enumerated during the 2018 season. High water in June delayed the start date of the project. Therefore, there was uncertainty whether the entire run was enumerated. Based on the shortened operational period, the central 50% of the Chinook salmon run was enumerated between July 13 and July 17. Female Chinook salmon accounted for 24.2% of the fish sampled. Age composition of the sampled Chinook salmon was 65.6% age-1.3, 19.9% age-1.2, and 13.6% age-1.4.

Key words: Chinook salmon, *Oncorhynchus tshawytscha*, resistance board weir, Unalakleet River, North River

INTRODUCTION

Unalakleet River Pacific salmon *Oncorhynchus* spp. stocks contribute heavily to Norton Sound Subdistricts 5 and 6 (Shaktoolik and Unalakleet; Figure 1) subsistence and commercial salmon fisheries (Menard et al. 2018). Chinook salmon *O. tshawytscha* runs to the Unalakleet River drainage have been chronically depressed since the late 1990s (Kent and Bergstrom 2015). Chum *O. keta*, coho *O. kisutch*, and pink *O. gorbuscha* salmon stocks to the Unalakleet River have been considered healthy. The drainage also supports a small run of sockeye salmon *O. nerka*.

The Alaska Board of Fisheries (BOF) designated Unalakleet River Chinook salmon as a stock of yield concern in 2004, and it has since continued under that designation (Kent and Bergstrom 2015). A “yield concern” is a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses, above a stock’s escapement needs. Because of this designation, the Alaska Department of Fish and Game (ADF&G) has implemented a restrictive management plan to increase escapements and restore Unalakleet River Chinook salmon runs to historic levels of abundance.

Prior to the weir, ADF&G managed Unalakleet River Chinook salmon using inseason subsistence catch reports and counts of Chinook salmon observed at a counting tower located on the North River, a major tributary of the Unalakleet River. Radiotelemetry studies revealed that North River accounts for 34–55% of the overall drainagewide Chinook salmon escapement (Wuttig 1999; Joy and Reed 2014). Lower river test fishery set gillnet catches of Chinook salmon and spawning ground aerial surveys were also used to manage, but these methods were considered ancillary assessment tools. Collection of reliable Chinook salmon age, sex, and length (ASL) data from these projects was problematic due to funding limitations, small and poorly distributed annual sample sizes, and mesh-size selectivity bias (Kent 2010).

To address data gaps and develop a reliable methods for collecting ASL data, a resistance board weir project funded by United States Fish and Wildlife Service Office of Subsistence Management (USFWS OSM), was operated by ADF&G, Native Village of Unalakleet (NVU), United States Bureau of Land Management (BLM), and Norton Sound Economic Development Corporation (NSEDC) on the Unalakleet River. Resistance board weirs are more effective than traditional fixed picket weirs at withstanding flood conditions, require less maintenance, and may result in shorter periods of unmonitored fish passage (Stewart et al. 2009, 2010). Therefore, escapement counts from resistance board weirs may be more consistent from year to year than other methods of enumeration.

The Unalakleet River weir project provides 2 priority data needs: 1) reliable estimates of Chinook salmon escapement, and 2) unbiased ASL composition from the spawning escapement. This report provides an overview of the 2018 season Unalakleet River weir project and describes Chinook salmon escapement, run timing, and ASL composition. Escapement, run timing, and ASL data about other salmon species were provided by year in the report series *Salmon escapements to the Norton Sound-Port Clarence Area* (e.g., Bell and Leon 2018).

OBJECTIVES

Objectives for the Unalakleet River weir project were as follows:

1. Estimate daily and total Chinook salmon escapement during the target operational period.
2. Describe timing of Chinook salmon migration within the Unalakleet River.
3. Estimate the age and sex composition of Unalakleet River Chinook salmon such that the estimate of age composition is within 15% of the actual estimates 95% of the time and the estimate of sex composition is within 10% of the actual estimate 95% of the time.

METHODS

STUDY AREA

The Unalakleet River and its 6 major tributaries have a drainage area of 2,815 km², extending from the Nulato Hills. The river runs for approximately 210 km before emptying into the Bering Sea at the village of Unalakleet. The upper 81 river miles (130 rkm) of the Unalakleet River have been designated a National Wild and Scenic River. Riparian vegetation throughout much of the drainage includes various assemblages of sedge grasses, muskeg bog flats, willow *Salix* spp., alder *Alnus* spp., western cottonwood *Populus fremontii*, black spruce *Picea mariana*, and white birch *Betula papyrifera*. Shale, clay, and loose soils characterize the majority of bank substrate of the Unalakleet River and its tributaries. In addition to the 5 species of Pacific salmon, the Unalakleet River supports resident populations of arctic grayling *Thymallus arcticus*, whitefish (*Coregonus* and *Prosopium* spp.), Dolly Varden char *Salvelinus malma*, and burbot *Lota lota* (Sloan et al. 1986). The Unalakleet River weir was located approximately 22 kilometers upstream from the river mouth (63°53.32' N, 160°29.41' W; Figure 2). This site was selected because of its favorable physical characteristics (Menard 2001; Todd 2003) and location well downstream of the Chinook salmon spawning distribution (Wuttig 1999; Joy and Reed 2014).

WEIR DESIGN AND INSTALLATION

Weir design and materials followed those described by Tobin (1994) with modifications described by Stewart (2002). In prior years, the space between the pickets was 3.2 cm and allowed for a complete census of all but the smallest returning salmon. The 2018 picket spacing was increased to 4.3 cm for approximately 75% of the weir and allowed some percentage of pink salmon to pass between the weir pickets. This change was in response to recent years of very large numbers of pink salmon migrating upstream through the weir passage chute, which made it difficult to count and collect ASL on other species of salmon. The increased picket spacing in 2018 allowed for the complete census of all other salmon species.

Weir installation followed methods outlined by Stewart (2003). A tethering cable system upstream of the substrate rail was used to guide weir panels into position on the rail in deep sections of the

river. Snorkelers used a knotted rope with a carabiner attached to the substrate rail to hold themselves in position in the deepest, swiftest part of the river during installation.

Enclosed passage chutes and live traps were installed in 2 locations and served as platforms for enumeration and ASL sampling of migrating salmon. One passage chute/trap assembly was situated near shore to provide continual enumeration and ASL sampling during periods of high murky water that prohibited enumeration and sampling at the second passage chute/trap situated near the thalweg of the river. Live traps were constructed from aluminum angle and channel stock and measured 1.5 m x 2.4 m x 1.5 m. The trap floor was made up of white plastic material and sandbags, which provided contrast for viewing salmon. A collapsible hinged entrance and removable 16-inch-wide exit gate were also installed on the trap. Large traffic cones topped with flashing strobe lights were affixed on either side of the boat pass to facilitate safe boat passage during low light periods.

The weir was inspected at least twice daily, and more frequently if conditions warranted, for breaches to prevent unmonitored passage of Chinook salmon. All breaches were fixed immediately. Cleaning the weir consisted of raking debris and spawned-out fish carcasses from the upstream surface of the weir and walking across panels to submerge them so the current could wash debris downstream. The riverbank sides had small fixed weir material, which was cleaned by raking carcasses and debris towards the floating weir panels or by throwing big debris on shore or over the fixed pickets.

WEATHER AND STREAM OBSERVATIONS

Stream and ambient air temperature (°C), atmospheric observations (e.g., percent cloud cover), and water level were measured twice daily at approximately 0800 hours and 2000 hours. Water level was measured with a style “C” 4-foot tall staff gauge with graduation marks every 1/10th foot installed on the live trap to measure relative water level. Water level was recorded in tenths of feet in the field and converted to centimeters for reporting. Additionally, a HOBO¹ Pro v2 data logger (Onset Computer Corporation) was secured several inches off the river bottom just upstream of the weir to record daily water temperatures. Weather conditions, air and water temperatures, and hydrological observations were recorded in a climatological and stream observation logbook.

BIOLOGICAL DATA COLLECTION

The weir was closed to fish passage except during onsite counting periods. Hourly counts were conducted based on fish movement behind the weir and through the live trap. Counting schedules were adjusted for operational constraints such as less favorable viewing conditions caused by inclement weather, which made speciation difficult or when holes in the weir needed to be fixed. Flood light-emitting diode (LED) lamps were used at night to aid in salmon identification. The weir was open every hour for at least 5 minutes or until fish passage diminished; all fish, except pink salmon, Dolly Varden, Arctic grayling, and whitefish species, were identified to species and recorded on multiple tally counters. Counts were recorded in waterproof field notebooks before being transferred to hourly count forms. Total and cumulative daily counts were calculated and transferred to radio log forms and inseason estimates were relayed daily to the ADF&G Nome office.

¹ Product names used in this report are included for scientific completeness but do not constitute a product endorsement.

INTERPOLATING UNMONITORED WEIR PASSAGE

Missing daily counts were interpolated using the moving average method described in Perry-Plake and Antonovich (2009). Partial-count days were considered days of minimum passage and therefore were not used to interpolate missed passage. Interpolation of missed daily counts was completed when 10 or fewer days were missed and there were at least 9 days of full counts before and after the missed days. If greater than 10 days were missed, then there was no interpolation for that time period and the escapement estimate should be considered a minimum count. When counts for consecutive days (k) were missed, the moving average estimate for the missing day (i) was calculated as:

$$\hat{N}_i = \frac{\sum_{j=i-k}^{i+k} I_j \hat{N}_j}{\sum_{j=i-k}^{i+k} I_j},$$

where:

$$I_j = \begin{cases} 1 & \text{if counting was successfully conducted on day } j \\ 0 & \text{otherwise} \end{cases}.$$

AGE, SEX AND LENGTH COMPOSITION

Distribution and Sample Sizes

In 2018, the minimum ASL sample goal for Chinook salmon was 350 fish. The goal was determined based on Bromaghin (1993) such that the estimate of age composition was within 15% of the actual estimates 95% of the time assuming 5 age classes and the estimate of sex composition was within 10% of the actual estimate 95% of the time assuming 2 sex categories. The minimum recommended goal was increased to account for unreadable scales. To ensure adequate temporal distribution, ASL samples were collected following a daily schedule in proportion to average historical escapement by day (Table 1). The 2010–2017 Unalakleet River Chinook salmon run timing was used to establish the ASL collection schedule. ASL results were summarized for the subset of samples that had total age estimated paired with a valid sex, and length record.

Sample Collection Procedures

Active sampling was used to increase the success of capturing Chinook salmon. Active sampling consisted of opportunistically capturing and sampling Chinook salmon individually or in small numbers while actively passing and counting all other salmon species (Linderman et al. 2002). During active sampling all salmon species were passed through the live trap and when a Chinook salmon entered the live trap, the crew member closed the front and rear gates to trap the fish. The Chinook salmon was dip netted from the water and placed in an aluminum cradle to get scales and a length measurement. ASL samples were collected by the single crew member on duty.

ASL sampling followed standard procedures. Sex was determined by visually examining external characteristics (such as body symmetry, kype development, and presence of an ovipositor). Length was measured to the nearest 1 mm from mid-eye to tail fork (METF). A total of 3 scales were collected from each Chinook salmon for age determination. Scales were removed from the left side of the fish in an area 2–3 scale rows above the lateral line crossed by a diagonal from the posterior insertion of the dorsal fin to the anterior insertion of the anal fin (INPFC 1963; Eaton 2015) when possible. If the preferred left-side scales were missing or of poor quality, scales were taken from the right side of the

salmon and documented. Scales were cleaned of slime and debris, mounted on gummed cards, and impressions were made in cellulose acetate cards for age determination following methods described by Clutter and Whitesel (1956). Impressions were read with a microfiche reader and ages were determined from reading annuli as described by Mosher (1969). European notation was used to report ages. In this notation, the first digit refers to the freshwater age, not including the year spent in the gravel, and the second digit refers to the ocean age (Koo 1962).

RESULTS

WEIR OPERATIONS

In 2018, installation of the weir began on June 29 and the weir was fish tight the evening of July 2. Counting continued through midnight of August 8. No days of counts were missed, but there were 6 days of minimum counts because holes were found in the weir and total passage on those days was unknown. When counts were slow, the weir was inspected for holes and in some cases, this was done hourly. On a few occasions there were holes large enough where repairs with dowels and/or pickets cut into size were needed for repairs. In 2018, occasional breaches formed under the weir rail near the trap located in the thalweg. Breaches were fixed immediately with sandbags or big rocks.

The average daily water level during weir operations was 24.0 cm (Figure 3) and ranged between 10.1 cm and 57.9 cm (Appendix 2). Daily water temperature during weir operations averaged 13.0 °C (Figure 3). Daily water temperature ranged between 10.0 °C and 17.0 °C (Appendix 2).

CHINOOK SALMON ESCAPEMENT AND RUN TIMING

During the 2018 season, 3,326 Chinook salmon passed through the Unalakleet River weir. The first Chinook salmon passed on July 2, which was the day the weir was fish tight. Based on the late start, the central 50% of the observed Chinook salmon run was July 13 to 17. The median passage date was July 14 and the third quarter point was July 17. Daily passage peaked on July 14 (611 Chinook salmon; Figure 4; Appendix 1).

AGE, SEX, AND LENGTH COMPOSITION

A total of 365 samples were collected from July 5 to July 23 (Table 2). The ASL sampling schedule was not adjusted to accommodate the late project start or difference between expected and actual run timing. Therefore, samples were not collected proportional to the observed portion of the run. Specifically, sampling efforts resulted in oversampling the early portion of the observed run and under-sampling the middle portion. A total of 50.7% of the samples (n=185) were collected from July 5 to July 12, which corresponded to the first quarter of the observed run. Only 10.1% of the samples (n=37) were collected July 13 to July 14, which corresponded to the second quarter of the observed run. Only 14.5% of the samples (n=53) were collected from July 15 to 17, which corresponded to the third quarter of the observed run. Sampling during the last quarter of the run was proportional to the observed passage with 24.7% (n=90) of the total samples.

ASL summaries were prepared using only those Chinook salmon for which a reliable age estimate was determined (Table 3). A total of 302 out of the 365 fish sampled were successfully aged (82.7%). Of those, females made up 24.2% of the aged samples with mean length of 730 mm (SD=63). Male Chinook salmon mean length was 632 mm (SD=76) and made up 75.8% of the

samples. Mean length for all the aged salmon was 658 mm (SD=84). Age-1.3 fish were the predominant age class (65.6%) and age-1.2 fish were the second most abundant (19.9%; Table 3).

DISCUSSION

The late start to the 2018 season resulted in missing some portion of the early segment of the run, uncertainty in run timing, and a minimum escapement count. The 2010 to 2017 average start date for the project was June 18 (AYKDBMS² [Arctic-Yukon-Kuskokwim Database Management System]). In 2018, weir operations started on July 2, 15 days later than average. On average (2010 to 2017), 10% of the Chinook salmon escapement has passed the weir by July 2 (AYKDBMS), which provides some indication of the potential missed passage. Conversely, only 1 Chinook salmon was observed on July 2 and the average daily count of the first 5 days was 33 Chinook salmon. Relatively small daily counts early in the operational period suggest the run may have been late and relatively few fish were missed.

Disproportionate ASL sampling was largely due to differences in actual run timing compared to the 2010 to 2017 average run timing used to develop the sampling schedule. Further, the central 50% of the run (n=1,847) occurred in 5 days making it difficult to sample that portion of the run adequately. Given the relatively large number of samples collected over a 22-day period, the ASL information is likely a reasonable representation of Chinook salmon escapement.

The change to a wider picket spacing in 2018 had the desired results with respect to mitigating the effects of large pink salmon runs on assessment of non-pink salmon species. Wider picket spacing (4.3 cm) has been extensively used by projects where Chinook salmon monitoring and management are priorities and where large pink salmon runs occur (Stewart 2003; Mears 2014; Miller et al. 2015). Not once during the 2018 season did the crew need to open panels to allow for pink salmon migration upriver.

Adjustment to the weir that allowed for unmonitored pink salmon passage gave the crew time to focus on getting Chinook salmon ASL samples. In 2018, ASL sample goals were increased by more than 100 fish to increase the accuracy of ASL results. The wider weir panels successfully reduced the number of pink salmon passing through the chute and made it easier for crew to achieve the higher ASL sampling goal. Furthermore, weirs with larger picket spacing can withstand higher water levels (Miller et al. 2015) which may increase the likelihood the weir remains operational during high water events. Once installed, the weir operated successfully with minimal missed passage due to scouring; although, no major high-water events occurred to evaluate the effectiveness of the wider picket spacing.

The Unalakleet River weir project is a crucial assessment tool for Chinook salmon run strength and timing in Subdistricts 5 and 6 (Shaktoolik and Unalakleet) in Norton Sound. The Unalakleet River weir project collects escapement data that is used to support management decisions to provide for greater Chinook salmon subsistence opportunities. With the ninth year complete, the project is still several years away from having enough data to develop a scientifically defensible escapement goal. However, the project has clarified assumptions about Chinook salmon in the Unalakleet River drainage. For example, telemetry studies completed in 1997, 1998, 2009, and 2010 suggested North River accounted for approximately 34% to 55% of the Chinook salmon returning to the drainage in any year (Wuttig 1999; Joy and Reed 2014). Comparisons between the

² AYKDBMS [Arctic-Yukon-Kuskokwim Database Management System] Home Page.
<http://sf.adfg.state.ak.us/CommFishR3/WebSite/AYKDBMSWebsite/Default.aspx>.

weir and North River tower now suggest the proportion of Chinook salmon migrating up the North River may not be consistent across years (Bell and Leon 2018). The Unalakleet River weir project continues to provide critical information for evaluating the effect of harvest practices and management strategies on the size and composition of the Chinook salmon spawning escapement to the Unalakleet River drainage.

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The authors would like to acknowledge personnel from organizations who contributed time and resources to make the Unalakleet River weir a success. The authors would like to thank all field crew who assisted with the installation and operation of the weir in 2018: John Ivanoff (ADF&G), Anvil Boeckman (ADF&G), Larry Neff (ADF&G), Jeffrey Slwooko (ADF&G), Kadyr Erickson (NSEDC), Kira Eckenweiler (NSEDC), Joanne Semaken (NSEDC), Arctic Ivanoff (NVU), Lacy Erickson (NSEDC), Jarred Stone (OSM), and ANSEP interns: Martin Alexie-Leonard and Nels Alexie-Leonard. Additional thanks for Xinxian Zhang (AFG&G) for biometric review and Zachery Liller (ADF&G) for editorial review. USFWS OSM provided funding for this project (FIS 14-101 and FIS 18-103) through the Fisheries Resource Monitoring Program, under agreement number F18AC00531 and 70181AJ019.

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TABLES AND FIGURES

Table 1.–Planned Chinook salmon age, sex, and length sampling intervals and daily collection goals for the Unalakleet River weir, 2018.

	Quartile date	Sampling period dates	Number of samples collected /day	Cumulative sample total
Quarter point	6-Jul	6/25–7/06	7	87
Midpoint	11-Jul	7/07–7/11	18	175
Three-quarter point	17-Jul	7/12–7/17	15	263
~95% point	23-Jul	7/18–7/23	15	350

Table 2.–Actual Chinook salmon age, sex, and length sampling intervals and daily collection at Unalakleet River weir, 2018.

	Quartile date	Sampling period dates	Cumulative sample total	% of samples
Quarter point	12-Jul	7/5–7/12	185	50.7%
Midpoint	14-Jul	7/13–7/14	222	60.8%
Three-quarter point	17-Jul	7/15–7/17	275	75.3%
Endpoint	4-Aug	7/18–8/4	365	100.0%

Table 3.–Chinook salmon age, sex, and length (METF, mm), Unalakleet River weir, 2018.

Sample dates: 7/05–7/23 Aged samples: 302		Brood year and age class					Total
		2015	2014	2013	2012	2011	
		1.1	1.2	1.3	1.4	1.5	
Male	Percent of sample	0.3	19.9	49	6.6	0	75.8
	Number of samples	1	60	148	20	0	229
	Mean length (mm)	419	552	653	705	–	632
	SD (length)	–	53	58	47	–	76
Female	Percent of sample	0	0	16.6	7	0.7	24.2
	Number of samples	0	0	50	21	2	73
	Mean length (mm)	–	–	724	762	776	730
	SD (length)	–	–	58	43	20	63
Total	Percent of sample	0.3	19.9	65.6	13.6	0.7	100
	Number of samples	1	60	198	41	2	302
	Mean length (mm)	419	552	671	734	776	658
	SD (length)	–	53	65	53	20	84

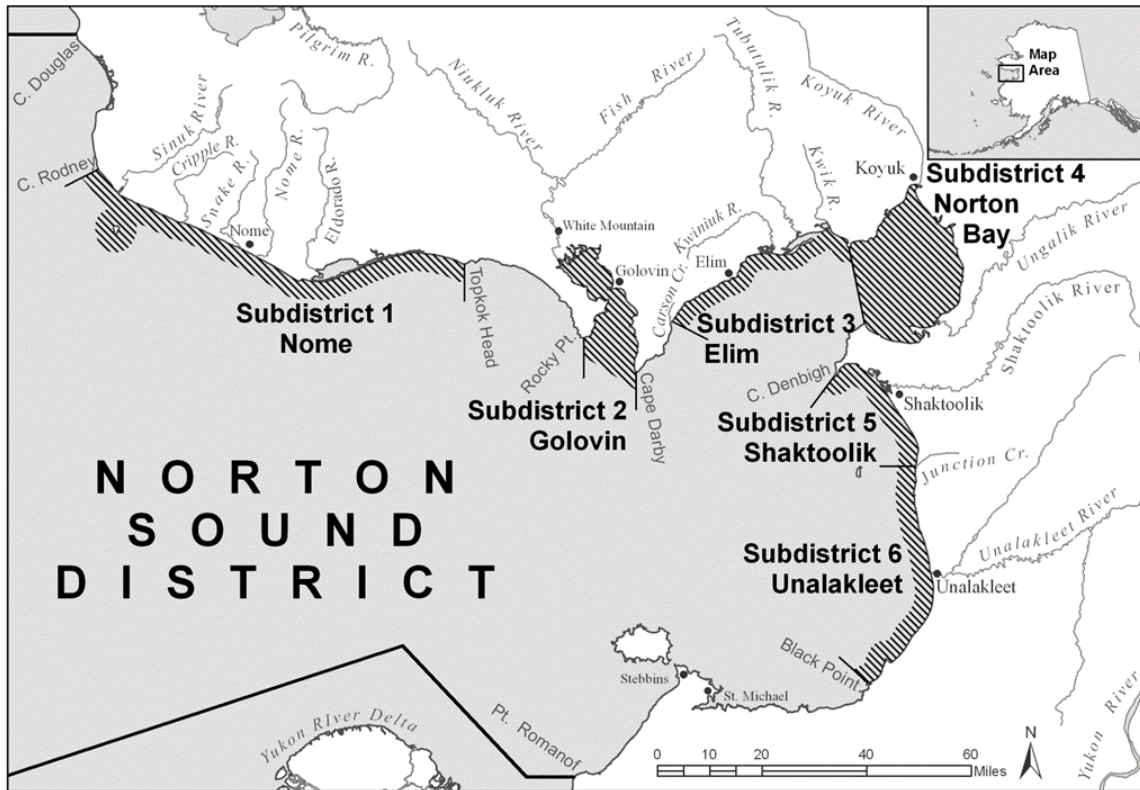


Figure 1.—Commercial salmon fishing subdistricts and major salmon producing watersheds in the Norton Sound District.

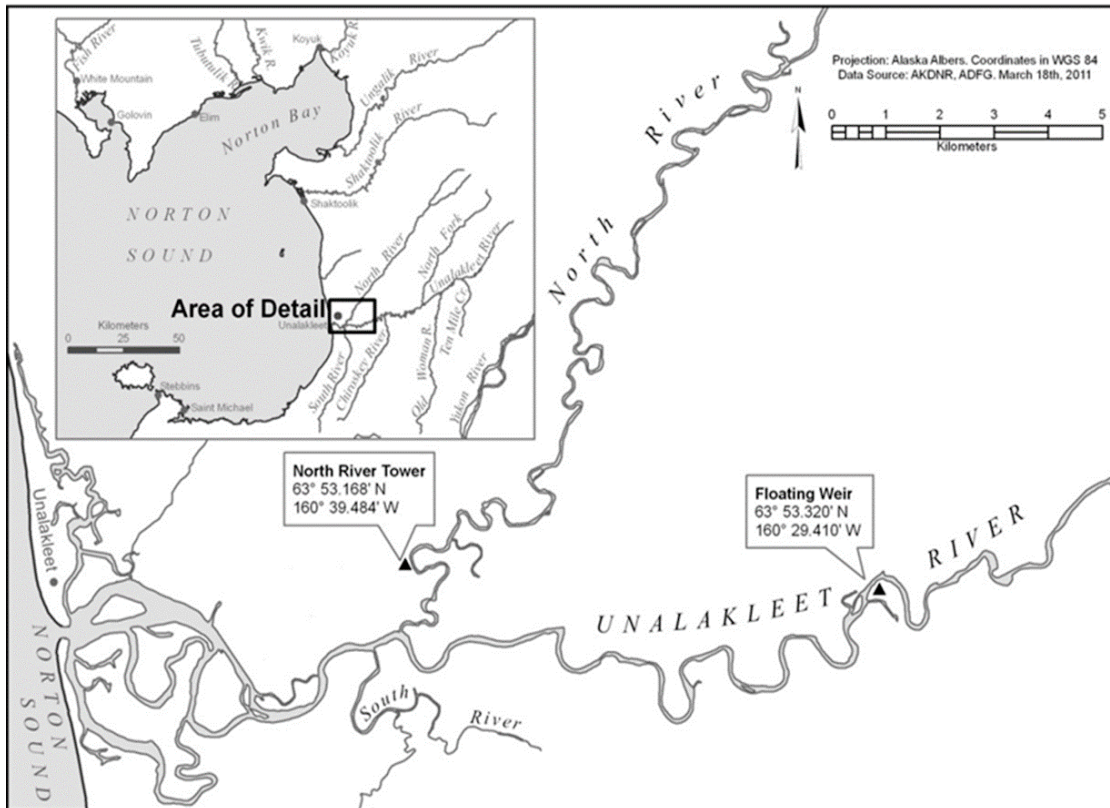


Figure 2.—Salmon stock assessment projects within the Unalakleet River drainage, Norton Sound.

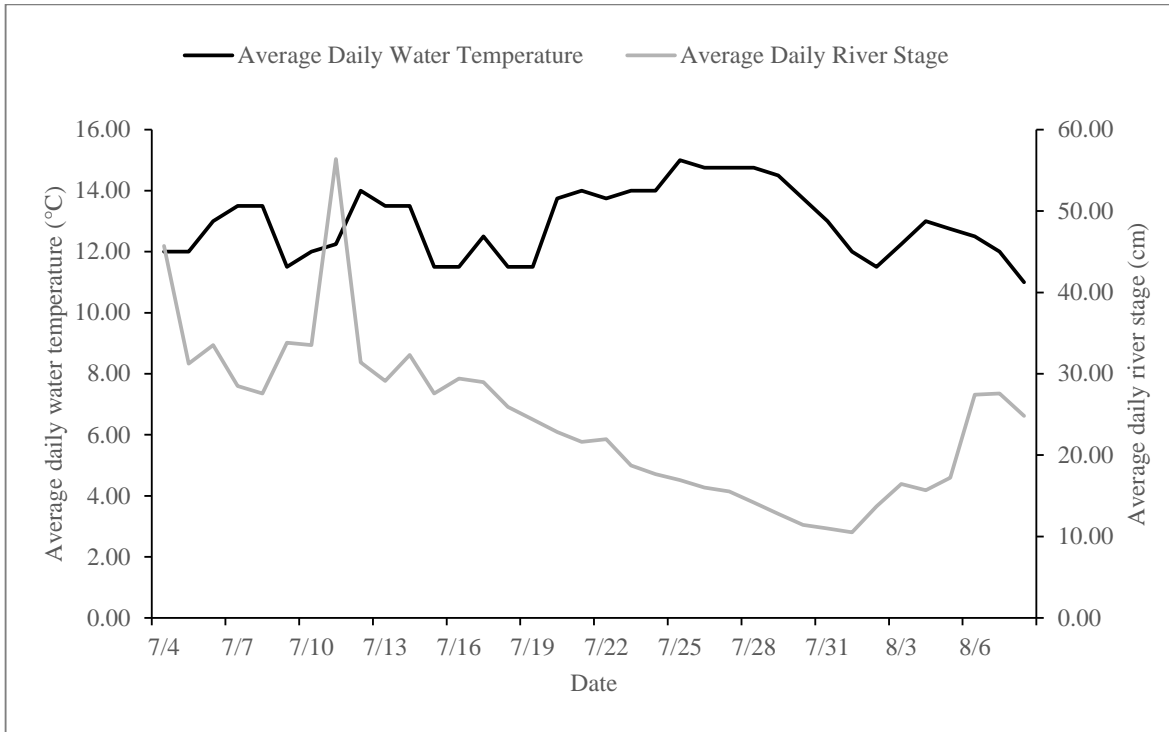


Figure 3.—Average daily water temperature (°C) and river stage (cm) at Unalakleet River weir, 2018.

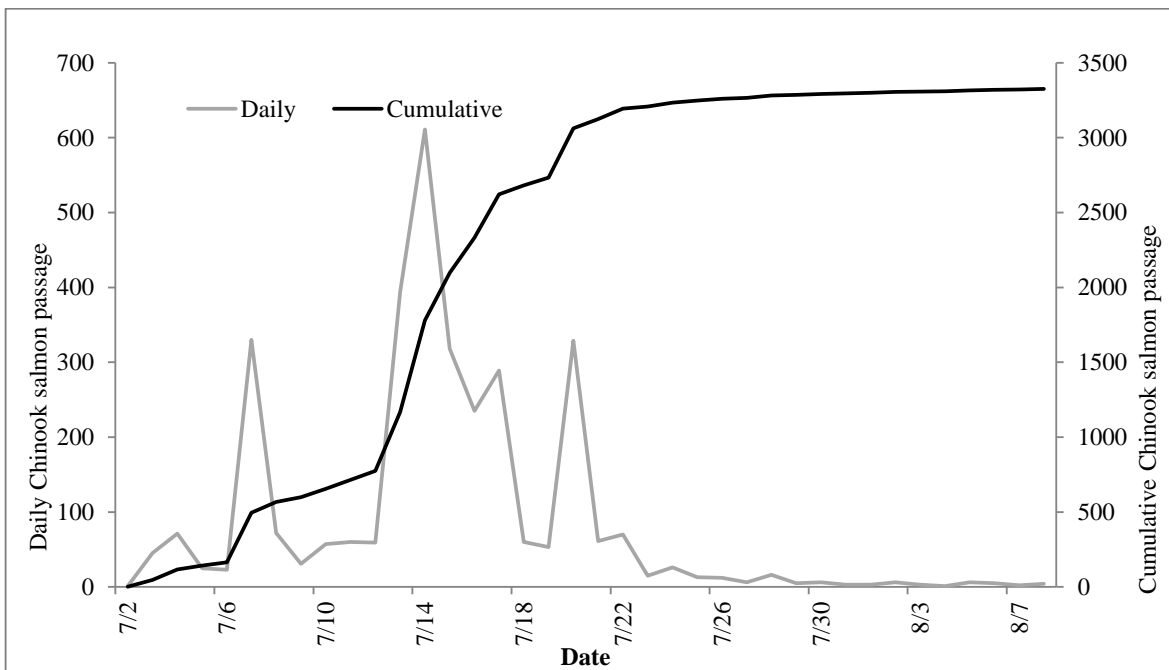


Figure 4.—Daily and cumulative Chinook salmon escapement at Unalakleet River weir, 2018.

APPENDIX A

ARR: Region 7: Seward Peninsula
Enclosure 1

Appendix 1.–Daily and cumulative Chinook salmon passage at Unalakleet River weir, 2018.

Date	Daily	Cumulative
2-Jul ^a	1	1
3-Jul	45	46
4-Jul	71	117
5-Jul ^a	25	142
6-Jul	23	165
7-Jul ^a	330	495
8-Jul ^a	72	567
9-Jul	31	598
10-Jul	57	655
11-Jul	60	715
12-Jul	59	774
13-Jul	394	1168
14-Jul	611	1779
15-Jul	318	2097
16-Jul	235	2332
17-Jul	289	2621
18-Jul	60	2681
19-Jul	53	2734
20-Jul	329	3063
21-Jul	61	3124
22-Jul	70	3194
23-Jul ^a	15	3209
24-Jul	26	3235
25-Jul	13	3248
26-Jul	12	3260
27-Jul	6	3266
28-Jul	16	3282
29-Jul ^a	5	3287
30-Jul	6	3293
31-Jul	3	3296
1-Aug	3	3299
2-Aug	6	3305
3-Aug	3	3308
4-Aug	1	3309
5-Aug	6	3315
6-Aug	5	3320
7-Aug	2	3322
8-Aug	4	3326

Note: Inner box indicates median passage date and outer box delineates the central 50% of the run.

^a Partial-day count.

Appendix 2.–Daily river stage, water temperature, and air temperature at Unalakleet River weir, 2018.

Date	Water temperature (°C)		River stage (cm)		Air temperature (°C)	
	AM	PM	AM	PM	AM	PM
7/02	ND	ND	ND	ND	ND	ND
7/03	ND	ND	ND	ND	ND	ND
7/04	12.0	12.0	54.9	36.6	4.4	12.2
7/05	11.0	13.0	30.5	32.0	5.6	17.8
7/06	11.0	15.0	36.6	30.5	6.1	16.7
7/07	12.0	15.0	28.0	29.0	3.9	18.3
7/08	15.0	12.0	26.2	29.0	5.6	7.8
7/09	11.0	12.0	33.5	34.1	5.6	10.6
7/10	ND	12.0	ND	33.5	ND	8.9
7/11	10.5	14.0	54.9	57.9	5.6	13.9
7/12	ND	14.0	ND	31.4	ND	13.3
7/13	11.0	16.0	29.3	29.0	6.7	17.8
7/14	12.0	15.0	36.6	28.0	12.8	11.1
7/15	11.0	12.0	26.2	29.0	6.1	6.1
7/16	10.0	13.0	28.3	30.5	5.6	12.8
7/17	11.0	14.0	28.7	29.3	4.4	11.1
7/18	11.0	12.0	25.6	26.2	7.2	7.8
7/19	11.0	12.0	24.4	24.4	6.7	10.0
7/20	10.5	17.0	23.8	21.9	7.2	16.7
7/21	12.0	16.0	21.9	21.3	8.9	17.2
7/22	12.5	15.0	20.1	23.8	10.0	16.7
7/23	13.0	15.0	19.2	18.3	10.0	16.7
7/24	13.0	15.0	18.3	17.1	7.8	22.2
7/25	14.0	16.0	17.1	16.8	12.2	17.8
7/26	14.5	15.0	16.5	15.5	1.1	16.7
7/27	13.5	16.0	15.8	15.2	10.6	14.4
7/28	13.5	16.0	14.6	13.7	5.6	17.2
7/29	14.0	15.0	13.4	12.2	9.4	19.4
7/30	13.5	14.0	11.9	11.0	11.1	16.7
7/31	13.0	13.0	11.9	10.1	10.6	12.2
8/01	12.0	12.0	10.4	10.7	10.0	8.3
8/02	11.0	12.0	12.8	14.6	10.5	13.3
8/03	11.5	13.0	15.8	17.1	12.5	9.4
8/04	12.0	14.0	16.5	14.9	11.0	12.2
8/05	12.5	13.0	15.8	18.6	11.5	3.3
8/06	12.0	13.0	24.4	30.5	11.0	2.2
8/07	12.0	12.0	27.4	27.7	8.5	1.7
8/08	11.0	11.0	25.0	24.7	11.0	11.0



Federal Subsistence Board

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FISH and WILDLIFE SERVICE
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FOREST SERVICE

OSM 20064.KW

Michael Chad Kramer, Chair
Northwest Arctic Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Kramer:

This letter responds to the Northwest Arctic Subsistence Regional Advisory Council's (Council) Fiscal Year 2019 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. Impacts to Federally qualified subsistence users from the proposed Ambler Road

The Council requested a report on the proposed Ambler Road from the Bureau of Land Management (BLM), the lead agency in the Ambler Road Environmental Impact Statement. The Council asks the Board to assist the Council on receiving the information from BLM on how they plan to reduce impacts to:

- *Air quality during road construction and post-construction road usage, from the release of naturally occurring asbestos known to cause cancer;*
- *Federally qualified subsistence users, resulting from disturbances to the lead migration of the Western Arctic Caribou Herd;*
- *Water quality, fisheries habitat, and important spawning areas;*
- *Federally qualified subsistence users from disturbances to graves, cultural, archaeological, and historic sites.*

The Council also would like to receive the information on the evaluation of current and anticipated subsistence needs for fish and wildlife within the region and project area, including, but not limited to, moose, and sheep.

Response:

BLM is currently working on the Ambler Joint Record of Decision (JROD) with the Army Corps of Engineers. The JROD will identify the mitigation measures that the BLM and Corps of Engineers will require of the Alaska Industrial Development and Export Authority for the Ambler road project. When the JROD is completed, the Board will ask BLM to provide the requested information to the Council.

In the meantime, if the Council would like to learn about the Ambler road project in more detail, the Ambler Road Final Environmental Impact Statement (EIS) is now available online at: <https://www.blm.gov/programs/planning-and-nepa/plans-in-development/alaska/AmblerRoadEIS> Specifically for mitigation measures you can refer to the Ambler Road Final EIS Appendix N Subsistence Uses and Resources page N-46.

The Board would strongly recommend that the Council requests a presentation from BLM explaining in detail mitigation measures outlined in the Ambler Road Final EIS Appendix N Subsistence Uses and Resources page N-46. This will assist the Council with better understanding of mitigation measures and potentially develop a strategy to monitor and evaluate the impact on subsistence use from the Council's perspective.

2. Support for the development of a youth education program to provide training for greater participation in the Subsistence Regional Advisory Councils and the Federal regulatory process

The Council requests the Board to provide support and direction in developing an education program to provide training for youth to participate in the Subsistence Regional Advisory Councils and the Federal regulatory process. The Council believes that such training could help prepare the next generation of leaders to serve on the Councils and encourage youth leadership in each community. The Council also believes that youth education could help reinforce science, technology, engineering, and mathematics instructions in the classroom and provide for hands-on training about how to participate in the Federal regulatory process. Such an experience will provide opportunities to youth to learn traditional knowledge of hunting, fishing, and gathering from elders. At the same time, it will prepare youth for leadership position in their communities and strengthen the Councils.

Response:

The Board appreciates your interest and investment in cultivating youth leadership within the Northwest Arctic Region. There are many ways that Board members and office staff have engaged young people across Alaska in the Federal Subsistence Management Program. In 2018,

some of our Board members participated in a mock Federal Subsistence Board meeting hosted by the University of Alaska Fairbanks. The students did a wonderful job of walking a proposal through the public process. Recently, OSM's Tribal Liaison held a video conference with a class from Dillingham High School to introduce OSM staff to students and discuss the Federal Subsistence Management Program. In the past, students have attended Council meetings or OSM staff have visited classrooms prior to a Council meeting, and regional culture camps have featured programs on the Federal Subsistence Management Program. These kinds of educational opportunities enhance participation when Council meetings are being held in or near student communities.

We encourage your Council to continue to invite youth testimony at your meetings, to hold meetings in or near schools whenever possible, and to engage with the youth throughout your region. Anytime your members have a chance to teach young Alaskans about subsistence and the Federal Subsistence Management Program, please take the opportunity to do so. These benefit youth and adults alike.

Additionally, the Board can recommend steps moving forward. With the Council's direction, OSM staff can reach out to Northwest Arctic Region schools and invite interested teachers and their classes to attend Council meetings in person or by teleconference. Staff can send Council meeting materials books to schools so students and teachers can review proposals and develop public comments in conjunction with regional meetings. At the Council's request and with Council Chair's concurrence, your Council Coordinator can make arrangements to add time to future Council meeting agendas for student testimony and questions.

OSM's Subsistence Outreach Coordinator is also available to work with the Northwest Arctic Council Coordinator to assist in coordinating outreach projects and can provide outreach materials upon request. Please encourage your regional youth to visit our webpage (www.doi.gov/subsistence), or follow our Facebook page (www.facebook.com/subsistencealaska), to learn more about the program.

In closing, I want to thank you and your Council for your 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 am confident that the Federally qualified subsistence users of the Northwest Arctic Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

cc: Northwest Arctic Subsistence Regional Advisory Council

Federal Subsistence Board

Susan Detwiler, Assistant Regional Director, Office of Subsistence Management

Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management

Lisa Maas, Acting Subsistence Policy Coordinator, Office of Subsistence Management

Tom Kron, Acting Council Coordination Division Supervisor,

Office of Subsistence Management

Acting Wildlife Division Supervisor, Office of Subsistence Management

Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management

Acting Anthropology Division Supervisor, Office of Subsistence Management

George Pappas, State Subsistence Liaison, Office of Subsistence Management

Zachary Stevenson, Council Coordinator, Office of Subsistence Management

Katerina Wessels, Council Coordinator, Office of Subsistence Management

Interagency Staff Committee

Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game

Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game

Administrative Record

DRAFT



Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

OSM 20069.KW

Sue Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6119

Dear Chairwoman Entsminger:

This letter responds to the Eastern Interior Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2019 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. Documentation of and more information on climate change and historical comparison of climate change trends

The Council requests more information on climate change to help inform land management decisions affecting Federally qualified subsistence users in the Eastern Interior Region. During the Council's public meeting in Fairbanks on October 15-16, 2019, several Council members reported that significant changes in weather and climate have had a noticeable effect on fish, wildlife, and their habitat. Such things as high water temperatures visibly affected salmon runs and salmon die offs were reported. People are concerned how this is going to affect the fry in the river and what the long-term effects on the runs will be in the future. In some cases, the runs came in late, so fish wheels started to ice over before users were able to harvest enough of fish to satisfy their needs. Due to the high air temperatures, moose did not go into rut until the end of hunting season and many users were not able to harvest their meat until the season was over. The warm weather conditions made moose hunting and meat processing difficult. Declining winter ice, early, heavy, and wet snowfalls, and low water levels on some rivers during the summer season affected users' ability to use established transportation routes to the subsistence

grounds. For example, you cannot go trapping until December near Tanana because the rivers are still open, or you cannot beaver trap or bird hunt in the spring because it is too warm. There are changes in the abundance and distribution of fish and wildlife important to meet the food security needs of Federally qualified subsistence users.

The Council requests that it would like to see OSM social scientists conduct outreach, document issues, and make historical comparisons. The Council suggests that the Board direct OSM to collaborate with other agencies and nonprofit organizations to collect information and provide it to the Councils. The Council believes that more information will help manage resources better. Climate has a dramatic effect on resources in the future, and it is important to consider it in order to adapt.

More and up-to-date consistent information on climate change will assist the Council in being more adaptive to change, particularly when participating in the Federal subsistence regulatory process pursuant to Title VIII of ANILCA. The Council requests the Board figure out the ways to provide this information to the Council on a continuous basis.

Response:

The Board acknowledges this Council's need for more information on climate change to help inform management decisions affecting Federally qualified subsistence users.

Several other Councils have also previously requested that OSM facilitate better access to research findings for their members through synthesis of existing literature. As your Council notes, compilation and communication of climate change research will support and facilitate the Council's ability to make both proposals and recommendations on proposals in response to dynamic conditions being faced by Federally qualified subsistence users.

The role of Office of Subsistence Management (OSM) as a regulatory agency is synthesis of climate change research only as it applies to analyses of specific regulatory proposals. Your Council can invite representatives from State, Federal, non-governmental, and other research organizations to give presentations on climate change effects and mitigation at its regular meetings. A particular topic of interest to the Council may be measures taken in other Arctic and Subarctic contexts, with a focus on how governance of subsistence hunting and fishing can support continued food security in the context of climate change. Some organizations to consider include:

- Alaska Center for Climate Assessment and Policy
- Alaska Climate Adaptation Science Center
- Alaska Department of Environmental Conservation: Climate Change in Alaska
- Experts identified through the U.S. Climate Resilience Toolkit
- Scenarios Network for Alaska + Arctic Planning
- The Alaska Native Tribal Health Consortium
- The Inuit Circumpolar Council

- The Alaska Native Tribal Health Consortium
- Conservation of Arctic Flora and Fauna (CAFF)
- Exchange for Local Observations and Knowledge in the Arctic (ELOKA)

The Council members are a source of traditional ecological knowledge and local observations of climate change. Therefore, the Council should continue to document its own observations of changes through annual report replies and testimony at meetings of the Council and the Board.

2. Funding for small projects in the Fisheries Resource Monitoring Program

The Council is concerned that there seems to be a preference for funding large Fisheries Resource Monitoring Program (FRMP) projects, which may limit the ability to fund equally important smaller projects. The Council wants the Board to ensure that both large and small FRMP projects in the region receive equal consideration when funding decisions are made. The Council suggests that investigators applying for FRMP project funding for larger projects should look for funding from other sources as well.

Response:

FRMP proposals are evaluated based on five numerically scored criteria. The goal of the FRMP is to fund highest priority scientifically sound projects for each region that will inform subsistence fishery management. A cost/benefit criterion is one of the five criteria evaluated by the Technical Review Committee (TRC). The importance of this criterion is to ensure the cost of a project is reasonable relative to the product it produces and is using the most efficient operations to be cost effective. The other criteria used to assess proposals are strategic priority, technical-scientific merit, investigator ability and resources, and partnership-capacity building. Each criteria that is scored has the same weight when assessing the overall quality of a proposal. Proposals requesting the highest levels of funding have raised concerns from other Councils too. In 2016, because of the increasing costs of high-end proposals, the FRMP instituted a funding limit per project of \$215,000 per year, which is still in place. Also, OSM strongly suggests that higher cost proposals, requesting funding that is within the \$215,000 cap, share costs with another funding source or provide in-kind or matching funds to reduce the request to the FRMP.

To help put the varying costs of funded projects into perspective, eight funding requests for the Yukon River Region submitted during the 2020 funding cycle ranged from a low of \$20,000 per year to a high of \$183,000 per year. Four proposals requested up to \$80,000 per year and four proposals requested \$103,000 or more per year from the FRMP. All were funded except for one lower cost proposal because it was the lowest ranked proposal for the region, based on the TRC's evaluation using the five criteria mentioned above.

In summary, the cost and benefit associated with a FRMP proposal is considered when ranking proposals, but is one of five criteria assessed. There is not a preference to fund more or less expensive projects. The highest quality FRMP projects, as determined by assessing five criteria,

are funded. Depending on available funding and ranking of proposals, this may result in projects of varying costs being funded. The Board and OSM share the Council's desire to fund the highest quality projects that will best help to manage the region's fishery resources.

3. Request to include environmental monitoring component into FRMP

The Council suggests that in the future, the Board might want to consider expanding FRMP to include an environmental monitoring component because changes in the environment strongly impacts both fish and wildlife. The Council proposes that the FRMP be structured to support environmental monitoring and that partnerships with other agencies and nonprofit organizations be encouraged. The Council noted several examples where environmental monitoring could be helpful to land managers and Councils alike, including the impacts of fire on habitat and how changes affect moose and caribou. The Council emphasized that there have been severe fires over the past decade.

Response:

The Board appreciates the Council's concerns and recognizes the importance of a healthy and stable environment to local resources on which the rural Alaskan people depend. The intent of the Fisheries Resource Monitoring Program is to provide the data and information needed to make responsive management decisions about fisheries. The FRMP does support monitoring of environmental parameters like water temperature, river flows, etc. already (many of the sonar and weir projects provide this information). In addition, these projects already partner with other agencies and nonprofit organizations. The need for environmental monitoring to understand how habitats are changing for fish and wildlife is ongoing by many agencies and research institutions already as it relates directly to climate change.

The FRMP may fund environmental monitoring to determine how changes to the environment affect subsistence fisheries or fishery resources. The FRMP may fund assessments of key subsistence fishery stocks in decline or that may decline due to climatological, environmental, habitat displacement, or other drivers; however, the proposal must show how this knowledge would contribute to Federal subsistence fisheries management. The Council might consider identifying environmental monitoring activities related to fisheries management as a Priority Information Need, which might generate more project proposals that includes this component.

Additionally, the Council could consider inviting fire program specialists from the various government agencies to present regarding the impacts of fire on habitat and how changes affect moose and caribou as well as post fire monitoring.

4. Analysis of biological impacts of hatchery production on Alaska's fisheries

Hatchery production is having tremendous biological impacts on all of Alaska's fisheries. The Council emphasized that fish hatcheries coupled with climate change have the potential to affect

the region in profound and unknown ways. The Council appreciates the Board's response to the issue (topic #3) of the effects of releasing 1.6 billion hatchery salmon into the marine environment brought forward in Council's FY18 annual report; however, the Council feels that this reply did not provide an adequate answer to its concern.

The Council requests an evaluation of the effects of the Alaska salmon hatchery program on Bering Sea salmon production and Alaska's fisheries. The Council requests that the Board direct OSM staff to compile the information from the available research and present it to the Council, similar to what was done with "Domino" effect issue. For example, the Council would like to have an overview presentation of the research conducted by the University of Washington; University of Hokkaido; University of Alaska Fairbanks; Oregon State University; National Oceanic and Atmospheric Administration; U.S. Fish and Wildlife Service; State of Alaska, and others on this issue. This Council believes that other Councils will be interested in this presentation since there are similar concerns statewide. If there is a possibility of inviting a research specialist from one of these universities or organizations to present, the Council would welcome this opportunity.

The Council stressed that the information they are requesting is important to understand the current biological impacts. The Council also pointed out that this information will help to hold the hatcheries to commitments that they made in 2001 and 2002. In January 2001, at the Alaska Board of Fisheries (BOF) meeting hatcheries' managers promised to reduce hatchery production volume by 25 percent. Then, on June 28, 2002, hatcheries' managers entered into a Joint Protocol on Salmon Enhancement (#2002-FB-215) with the BOF. The Council believes that understanding biological impacts is the key to restoring some of the fisheries.

Response:

This topic has been the focus of much discussion for twenty plus years; however, the hatchery system in Alaska and the vast majority of Alaska's marine waters are outside the purview of the Board. Our authority is limited to providing a subsistence priority for the use of fish and wildlife taken from Federal public lands under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). The Board can only authorize research through the FRMP. Activities not eligible for funding under the FRMP include: (1) habitat protection, mitigation, restoration, and enhancement; (2) hatchery propagation, restoration, enhancement, and supplementation; and (3) contaminant assessment, evaluation, and monitoring. The rationale behind this approach ensures that existing responsibilities and effort by government agencies are not duplicated by the FRMP. Land management agencies already have direct responsibility, as well as specific programs to address these activities. Additionally, the Board has jurisdiction over few marine waters. The Board will instruct OSM to extend invitations to subject matter experts from management agencies and universities on the topic of impacts from hatchery production on wild Alaska fisheries to present at upcoming Council meetings.

5. Continuation of the hunter ethics and education initiative and dialog with rural communities

The Council is aware of the current staff shortages at OSM; however, the Council would like to emphasize to the Board that it wishes to continue work on developing the hunter ethics and education initiative in the year ahead. There is a need for increased cultural awareness and respect for people that live in rural Alaska. The Council would like to engage in a direct dialogue with the communities like Arctic Village. For example, the Council wants to create a subcommittee to find mutually beneficial solutions to the situation in the Arctic Village Sheep Management Area. The Council voted on the record during its fall 2019 meeting to send a letter to the Board requesting permission to create a subcommittee that will engage all stakeholders. The letter was sent on October 28, 2019 (see enclosure), but the Council had not received a reply yet. The Council asks the Board to provide direction on appropriate ways to engage in a two-way dialogue with rural communities about subsistence issues at stake.

Response:

Over the past three and a half years the Council's hunter ethics and education initiative has made significant progress. The Board believes that this initiative is an important undertaking in building cultural awareness and respect between different groups of hunters and continues to support the work on its development. However, it is important to note that OSM is currently experiencing significant staff shortages and it might be very difficult to make any progress in continuation of the initiative development, at least in the near future.

The Board received the Council's letter, dated October 28, 2019, with a request to create a subcommittee to work on Arctic Village Sheep Management Area (AVSMA) issues. OSM presented the Council's request to the Board at its November 5, 2019 meeting. The Board felt that the request did not contain enough information to make an informed decision and directed OSM to conduct a scoping meeting with interested parties/stakeholders to see if there is any interest to form a subcommittee. A scoping meeting would help identify specifics of the Council's request and assist the Board in making its decision regarding a formation of subcommittee, and to make assignments and set expectations. The Board also requested that OSM work with your Council to develop proposed subcommittee goals, timelines, frequency of meetings, and cost estimates. The Board deferred to act on the Council's request until the framework for establishing a subcommittee has been accomplished.

As the Council pointed out, OSM is currently experiencing significant staff shortages and has not yet been able to conduct a scoping meeting or develop the specific information requested by the Board. The Board feels that would be very important to reach out to the AVSMA stakeholders to gauge their interest and potential level of commitment prior to considering forming a subcommittee. OSM intends to fulfill the Board's directive after additional staff are hired. The timeline for this remains uncertain.

The Board recognizes that the Councils must interact with the rural communities as a part of their official duties and recommends that your Council engage with communities through: (1) correspondence according to the guidelines in the enclosed Board's *Subsistence Regional Advisory Council Correspondence Policy* (June 15, 2004); (2) inviting rural communities representatives to attend the Council's public meetings and present public testimony on subsistence issues; and (3) holding public meetings in rural non-hub communities. The requests to hold public meetings in rural non-hub communities should be sent by the Council to the Assistant Regional Director of OSM for review and decision. Requests should include a cost-benefit analysis.

6. Greater geographical and wide range of age representation on the Council

The Eastern Interior Alaska Subsistence Regional Advisory Council alerts the Board to the need for greater geographical and wide age representation on the Council. Specifically, the Council wants to see representation from Arctic Village, or Chalkyitsik.

Response:

The 1992 Record of Decision for *Subsistence Management for Federal Public Lands in Alaska* states, "the Regional Advisory Council system required by ANILCA Section 805 was created to provide subsistence users the opportunity to participate effectively in the management and regulation of subsistence resources on Federal public lands." Further, the Record of Decision mandates "to the extent possible, the size of the Council and distribution of the membership within the region will be designed to ensure the maximum participation in the Federal Program by local subsistence users."

In accordance with ANILCA and the Record of Decision mandates, the Board encourages your Council to conduct both wide and targeted outreach to a diverse range of age groups and communities to locate potential representatives to join the Council. The Board will submit the names of qualified applicants to the Secretaries of the Interior and Agriculture for their approval and, depending on the number of applicants, will try to fill all of the vacancies. However, the Board does not have final decision authority over which recommended applicants are appointed to the Councils. After the Board submits its recommendations to the Secretaries, all recommended applicants undergo a vetting process administered by the Department of Interior. The Board and OSM are not privy to the vetting information and do not participate in this process. Once the Department of Interior completes the vetting and review process, the Secretaries finalize appointments to the Councils.

Additionally, the Board recommends that your Council submit a request to add geographic membership balance language to the Council's charter during the next biennial charter review, which comes up in 2021. The Board recommended and the Secretaries approved similar requests from two other Councils, the Kodiak/Aleutians and Western Interior, in 2015 and 2019

respectively. The Board will review your request and submit our recommendations to the Secretaries for the final decision.

7. Training needs and request for another All-Council Meeting

The Council notes that useful training and knowledge was gained at the All-Council meeting in 2016. The Council also expressed the desire for another All-Council meeting. The Council emphasized that the leadership training and instruction provided on Indian law during the 2016 All-Council meeting were particularly meaningful. Meeting other Council members across the State brings more understanding to each region.

Response:

The Federal regulatory process is complex, and the Board recognizes that Council members wish to have diverse educational opportunities and additional outreach materials. Moreover, the Board agrees that additional education will help Council members contribute more effectively to the regulatory process.

The Board acknowledges the Council's support for another All-Council Meeting in Anchorage and notes that other Councils have endorsed this meeting as well. The Board agrees with the Council that having another All-Council meeting would be beneficial to all members, because it would provide an opportunity to learn about other regional concerns, participate in Federal Subsistence Management Program specific training, and collaborate with other Councils to find joint solutions to fish and wildlife management problems.

It may be possible to hold the next All-Council Meeting during the winter 2022 meeting cycle, but the final decision is subject to OSM staffing and funding availability. The 2016 All-Council Meeting cost was approximately 30 percent higher than the combined costs of all individual Council meetings in one winter cycle. Moreover, planning such a large event would require a year to prepare and a final decision would need to be made by early winter 2021.

The Board encourages your Council to work with the other Councils to develop ideas for training and educational opportunities at the All-Council meeting. When the next All-Council meeting is scheduled, OSM will consult with Council chairs to develop an agenda to share with each Council.

8. The Alaska Department of Fish and Game Advisory Committees (ACs) information sharing and participation

The Council requests that the Board relay to the Alaska Department of Fish and Game (ADF&G) the Council's need for better information sharing and participation from the ADF&G's ACs. There has been a big void in receiving AC materials from the State in time for the Council meetings. The current protocol is not working. Minutes and letters from the ACs

should be able to go directly to the Councils to receive timely input. The ACs spend a great deal of time on Federal proposals, as well as the State proposals. Many Council members are on ACs, but the minutes are not always provided at Council meetings, causing a missing link. The Council requests timely response not only from the ACs, but also from Councils to the ACs.

Response:

The purpose and function of both Councils and the State of Alaska Local Advisory Committees (Committees) share much common ground. Both bodies advise resource managers about regulation changes and promulgation. The information provided by the Councils and Committees is invaluable and often the most complete and up to date, if not the only, source of accurate resource and population information available.

The Board will have OSM send ADF&G an invitation to develop ideas and options to enhance efficient and effective communication between the Councils and Committees. Emphasis will be placed on the importance of improved communication, as well as improving the timeliness of making information available for distribution and sharing.

Ideas in the area of information sharing and participation will be included in the draft communication protocol currently in preparation, which will serve as a “best practices” guide for interagency communication. The document will be expanded to include information sharing and participation goals and to aid in the future management of Alaska’s natural and renewable resources.

In closing, I want to thank you and your Council for your 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 am confident that the subsistence users of the Eastern Interior Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: Eastern Interior Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Subsistence Policy Coordinator, Office of Subsistence Management

Tom Kron, Acting Council Coordination Division Supervisor,
Office of Subsistence Management

Acting Wildlife Division Supervisor, Office of Subsistence Management

Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management

Acting Anthropology Division Supervisor, Office of Subsistence Management

George Pappas, State Subsistence Liaison, Office of Subsistence Management

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Interagency Staff Committee

Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game

Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game

Administrative Record

DRAFT

Subsistence Regional Advisory Council Correspondence Policy

The Federal Subsistence Board (Board) recognizes the value of the Regional Advisory Councils' role in the Federal Subsistence Management Program. The Board realizes that the Councils must interact with fish and wildlife resource agencies, organizations, and the public as part of their official duties, and that this interaction may include correspondence. Since the beginning of the Federal Subsistence Program, Regional Advisory Councils have prepared correspondence to entities other than the Board. Informally, Councils were asked to provide drafts of correspondence to the Office of Subsistence Management (OSM) for review prior to mailing. Recently, the Board was asked to clarify its position regarding Council correspondence. This policy is intended to formalize guidance from the Board to the Regional Advisory Councils in preparing correspondence.

The Board is mindful of its obligation to provide the Regional Advisory Councils with clear operating guidelines and policies, and has approved the correspondence policy set out below. The intent of the Regional Advisory Council correspondence policy is to ensure that Councils are able to correspond appropriately with other entities. In addition, the correspondence policy will assist Councils in directing their concerns to others most effectively and forestall any breach of department policy.

The Alaska National Interest Lands Conservation Act, Title VIII required the creation of Alaska's Subsistence Regional Advisory Councils to serve as advisors to the Secretary of the Interior and the Secretary of Agriculture and to provide meaningful local participation in the management of fish and wildlife resources on Federal public lands. Within the framework of Title VIII and the Federal Advisory Committee Act, Congress assigned specific powers and duties to the Regional Advisory Councils. These are also reflected in the Councils' charters. (*Reference: ANILCA Title VIII §805, §808, and §810; Implementing regulations for Title VIII, 50 CFR 100 .11 and 36 CFR 242 .11; Implementing regulations for FACA, 41 CFR Part 102-3.70 and 3.75*)

The Secretaries of Interior and Agriculture created the Federal Subsistence Board and delegated to it the responsibility for managing fish and wildlife resources on Federal public lands. The Board was also given the duty of establishing rules and procedures for the operation of the Regional Advisory Councils. The Office of Subsistence Management was established within the Federal Subsistence Management Program's lead agency, the U.S. Fish and Wildlife Service, to administer the Program. (*Reference: 36 CFR Part 242 and 50 CFR Part 100 Subparts C and D*)

Policy

1. The subject matter of Council correspondence shall be limited to matters over which the Council has authority under §805(a)(3), §808, §810 of Title VIII, Subpart B §____.11(c) of regulation, and as described in the Council charters.
2. Councils may, and are encouraged to, correspond directly with the Board. The Councils are advisors to the Board.
3. Councils are urged to also make use of the annual report process to bring matters to the

Board's attention.

4. As a general rule, Councils discuss and agree upon proposed correspondence during a public meeting. Occasionally, a Council chair may be requested to write a letter when it is not feasible to wait until a public Council meeting. In such cases, the content of the letter shall be limited to the known position of the Council as discussed in previous Council meetings.
5. Except as noted in Items 6, 7, and 8 of this policy, Councils will transmit all correspondence to the Assistant Regional Director (ARD) of OSM for review prior to mailing. This includes, but is not limited to, letters of support, resolutions, letters offering comment or recommendations, and any other correspondence to any government agency or any tribal or private organization or individual.
 - a. Recognizing that such correspondence is the result of an official Council action and may be urgent, the ARD will respond in a timely manner.
 - b. Modifications identified as necessary by the ARD will be discussed with the Council chair. Councils will make the modifications before sending out the correspondence.
6. Councils may submit written comments requested by Federal land management agencies under ANILCA §810 or requested by regional Subsistence Resource Commissions (SRC) under §808 directly to the requesting agency. Section 808 correspondence includes comments and information solicited by the SRCs and notification of appointment by the Council to an SRC.
7. Councils may submit proposed regulatory changes or written comments regarding proposed regulatory changes affecting subsistence uses within their regions to the Alaska Board of Fisheries or the Alaska Board of Game directly. A copy of any comments or proposals will be forwarded to the ARD when the original is submitted.
8. Administrative correspondence such as letters of appreciation, requests for agency reports at Council meetings, and cover letters for meeting agendas will go through the Council's regional coordinator to the appropriate OSM division chief for review.
9. Councils will submit copies of all correspondence generated by and received by them to OSM to be filed in the administrative record system.
10. Except as noted in Items 6, 7, and 8, Councils or individual Council members acting on behalf of or as representative of the Council may not, through correspondence or any other means of communication, attempt to persuade any elected or appointed political officials, any government agency, or any tribal or private organization or individual to take a particular action on an issue. This does not prohibit Council members from acting in their capacity as private citizens or through other organizations with which they are affiliated.

Approved by the Federal Subsistence Board on June 15, 2004.



Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

OSM 20065.KW

Gordon Brower, Chair
North Slope Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6119

Dear Chairman Brower:

This letter responds to the North Slope Subsistence Regional Advisory Council's (Council) fiscal year 2019 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. Environmental change impacts to healthy subsistence resources and management strategies to address subsistence food security

The Council has had extensive discussion about the importance of caribou, sheep, moose, fish, and other subsistence resources for communities across the North Slope and expressed concern about climate change and development impacts on these critical resources. The Council is very concerned about these ongoing and increasing impacts to communities' subsistence resources and subsistence way of life. Many fish and wildlife populations across the North Slope are experiencing a decline or exhibiting signs of stress such as increased incidence of fish mold, seabird die offs, and sick seals. And now in a new extremely concerning change this fall, no bowhead whales were sited off the coast of Utqiagvik and the community was not able to harvest any whales. Whales feed entire communities across the North Slope, are shared and traded widely for other subsistence foods, and are central to the culture and traditions of the Inupiaq people. The Council is very concerned about whether changes in the marine environment or disturbance from industrial activities have caused the bowhead whale to change its migratory path or caused a decline to the population. Whatever the cause, the absence of the usual fall

whale harvest has left the community in dire circumstances, missing literally tons of healthy subsistence food for Utqiagvik and other communities across the region. The Council recognizes that marine mammals are outside of the Federal Subsistence Board jurisdiction; however, the Council wants to engage with the Board to work on subsistence management strategies and avenues to ensure that communities will have enough of other subsistence resources to sustain them in these times. The absence of the whale has created much greater need for other foods such as fish, moose, sheep, and caribou that are managed by the Federal Subsistence Program. Opportunity to increase harvest of these other subsistence resources will be imperative for food security.

Response:

The Board recognizes that when the availability of one subsistence resource is altered due to climate change, pressure on other resources may increase in turn. While the Council is correct that marine mammals are beyond the purview of the Federal Subsistence Management Program, the Board acknowledges the importance of the bowhead whale hunt to rural residents of the North Slope and understands that the absence of whales in the fall of 2019 was an unprecedented set-back to the nutritional and spiritual well-being of communities.

Unpredictable short-falls in resources are likely to continue to occur and will have ripple effects on need for other species. A responsive regulatory process can ensure that people continue to access healthy local and traditional foods during times of unexpected shortage. The Special Action process provides an avenue for responding to these changes, and the Board has been responsive to the need for quick action on out of cycle requests. The Council or an individual may submit either an Emergency Special Action Request (with a duration of 60 days or less) or a Temporary Special Action Request (with a duration of up to one regulatory cycle). In addition, flexibility can be built into the system by delegating authority to local land managers. Delegation of authority enables managers to respond more quickly to unpredictable seasons and will likely need to be used with increasing frequency given that climate change may cause the timing of certain subsistence resources to fluctuate widely from year to year.

Persistent changes to the availability and seasonality of resources can also be accommodated through the regular regulatory process by submitting proposals for a change in season, harvest limits, or methods and means.

North Slope communities are exhibiting resilience and flexibility in the face of conditions that would have been unrecognizable to previous generations, and the Federal Subsistence Management Program can support this adaptation by ensuring that regulations facilitate flexibility, rather than hindering it. In some cases, some species may become more abundant with climate change, or new species may move into the region. In this case, the Federal Subsistence Management Program can assist communities in delineating seasons, harvest limits, and methods and means for these newly available resources.

2. Subsistence fisheries research priorities critical to North Slope communities

The Council seeks to work with the Federal Subsistence Management Program's Fisheries Resource Monitoring Program (FRMP) to address critical subsistence fisheries research needs in the North Slope Region. The Council is extremely concerned about environmental change and contaminants impacts to subsistence fisheries across the North Slope Region. In particular the Colville River and tributaries are essential to the community of Nuiqsut for subsistence harvest of Broad Whitefish, Humpback Whitefish, Arctic Cisco, Burbot, and Grayling. This river has experienced warming waters, industrial contaminants and water pollution for many years. The community is hurting from the negative effects on their fish. People are going hungry and yet are afraid to eat their traditional subsistence fish because of the concerns about contamination. The community has struggled to get research conducted on fish habitat and water quality and contaminants testing of subsistence caught fish. Council members have expressed frustration with the challenge to get these studies funded through the FRMP program. While the Council recognizes that the FRMP will not fund contaminants studies directly; however, in reality contaminants have an impact on access to healthy subsistence foods and causing traditional subsistence fish harvest to change dramatically. The FRMP is supposed to support continuation of subsistence uses but the prevalence of fish mold and contaminants has drastically impacted the community's ability to continue use these important subsistence resources. The Council and the community of Nuiqsut is very interested in engaging directly with the Federal Subsistence Management Program and collaborating researchers through the FRMP process to find an avenue forward to address this issue.

Response:

The Board has chosen to focus the Fisheries Resource Monitoring Program (FRMP) on gathering information to manage and conserve subsistence fishery resources. The FRMP funds are not eligible for certain kinds of projects including: (1) habitat protection, mitigation, restoration, and enhancement; (2) hatchery propagation, restoration, enhancement, and supplementation; and (3) contaminant assessment, evaluation, and monitoring. With limited funding and continued Federal fisheries management issues, the Board chose this approach to ensure that existing responsibilities and effort by government agencies were not duplicated under the FRMP. However, the Board acknowledges that factors affecting the role of subsistence fisheries in food security continue to evolve in the context of development and environmental change. The Board encourages any investigator interested in studying contaminants within the scope of Federal fisheries management to explore multiple funding sources and to build collaborations with researchers in relevant fields, such as toxicology and community and environmental health. Previous research on the food safety of Nuiqsut fisheries exists, but gaps in delivering this information to communities persist. These gaps could be the focus of proposals, which aim to review, synthesize, and share existing information with subsistence users. Funds from additional sources could be combined to implement a holistic fisheries project that satisfied multiple project goals with specific funds supporting the appropriate goals. The FRMP currently supports several projects where the investigators have successfully sought multiple sources of funding to

implement a project. These projects tend to be highly competitive because they maximize program efficiency by encouraging cost sharing, partnerships, and collaboration.

Angela Matz with the U. S. Fish and Wildlife Service (USFWS) has worked with several tribes to evaluate contaminants in their subsistence fish, in cooperation with the State of Alaska. The work was funded through a USFWS Tribal Wildlife Grant, with Ms. Matz training and coordinating with tribes who ultimately collected samples. The Council may want to contact Ms. Matz at angela_matz@fws.gov for a presentation to the Council and to explore the opportunity to develop a contaminant monitoring study with her assistance. An additional contact to explore would be the Alaska Department of Environmental Conservation (<https://dec.alaska.gov/>).

3. Council appointments and need for representation from all North Slope Region communities

In the past few years, the Council has grown increasingly concerned regarding multiple vacant seats on the Council and the lack of appointments to fill these seats. Several long serving Council members have not been re-appointed and new applicants have not been appointed. To exacerbate the situation, some Council members recently passed away or moved out of region and no alternates were appointed to these seats. This has left a real gap on the Council with several vacancies (2015 – 4, 2016 – 3, 2019 – 3, 2020 – 3), and many North Slope Region communities are not currently represented. In particular, it is very important to insure that Anaktuvuk Pass has representation on the Council to address that community’s unique subsistence needs and challenges due to their inland mountainous location and reliance on caribou. Indeed, all eight communities across the North Slope region are unique in their subsistence knowledge and way of life and need to be represented for the Council to be fully effective in its duties. The Council wishes to convey to the Board the importance of having representation from each of these communities and requests adequate appointments to achieve balanced membership. The Council also would like to reiterate the importance of holding Council meetings in each of the eight villages in the North Slope Region in order to work with each community and respond to their subsistence issues directly as well as increase engagement to attract new applicants to serve on the Council.

Response:

The 1992 Record of Decision for *Subsistence Management for Federal Public Lands in Alaska* states, “the Regional Advisory Council system required by ANILCA [Alaska National Interest Land Conservation Act] Section 805 was created to provide subsistence users the opportunity to participate effectively in the management and regulation of subsistence resources on Federal public lands.” Further, the Record of Decision mandates “to the extent possible, the size of the Council and distribution of the membership within the region will be designed to ensure the maximum participation in the Federal Program by local subsistence users.”

The Board fully understands the Council’s concern regarding vacant seats and currently not having all or most of the North Slope communities represented on the Council. In order to

forward a full set of the appointment recommendations to the Secretaries of the Interior and Agriculture for their review and decision, the Board needs to have an ample number of applications and/or nominations from the North Slope Region. The Board encourages the Council to expand its outreach efforts within their communities and throughout the Region to attract a wider pool of applicants, if the Council wishes to see all seats filled and most communities represented. For the years 2015, 2016, 2019, and 2020 the North Slope Region had 5, 6, 5, and 5 applications respectively, which in some years created an insufficient pool of applicants to fill the existent vacant seats (see enclosure).

Although the Board strives to fill all vacant seats with the most qualified applicants, it does not have final decision authority over which recommended applicants are appointed to the Councils. After the Board submits their recommendations to the Secretaries, all recommended applicants undergo a vetting process administered by the Department of the Interior. The Board and OSM are not privy to the vetting information and do not participate in this process. The process is set up this way to make selection impartial and objective. The Secretaries finalize appointments to the Councils upon completion of vetting and review processes by the Department of Interior.

The Board acknowledges the significance of having an Anaktuvuk Pass representative on the Council and is glad to see that the Secretaries appointed Peter Earl Williams of Anaktuvuk Pass to the Council for the two-year term.

The Board would also like to bring to the Council's attention a new provision on alternate members, approved by the Secretaries of Interior and Agriculture in 2019 and added to all 10 Councils' charters. The newly added language reads:

Alternate members may be appointed to the Council to fill vacancies if they occur out of cycle. An alternate member must be approved and appointed by the Secretary before attending the meeting as a representative. The term for an appointed alternate member will be the same as the term of the member whose vacancy is being filled.

An interim vacated Council seat can occur due to a variety of reasons that include, but are not limited to the following: an appointed applicant declined his/her appointment, moved out of the region, or passed away after the Secretaries already made yearly appointments to the Councils. As a result, the seat remains vacant through an entire year, leaving subsistence regions underrepresented. The Board suggests that whenever possible the Councils' nomination panels identify qualified alternates from the pool of applicants and present the lists to the Board for recommendations for the Secretarial appointments. Identifying and selecting alternate members through the appointment process will provide additional assurance that the vacated seats are filled as soon as possible.

Additionally, during the next biennial charter review in 2021, the Board recommends that the Council submit a request to add geographic membership balance language to the Council's charter. The Board recommended and the Secretaries approved similar requests from two other Councils—the Kodiak/Aleutians and Western Interior—in 2015 and 2019 respectively. The Board will review the Council's request and submit its recommendations to the Secretaries for the final decision.

The Board understands the Council's desire to hold Council meetings in each of the Region's eight villages. The standard procedure is for Councils to usually meet in one of the hub communities approved by the OSM Assistant Regional Director. For the North Slope region, the only approved hub community is Utqiagvik (formerly Barrow). Meetings in non-hub communities are approved by the Assistant Regional Director on a case by case basis after a cost to benefit analysis is completed by a Council Coordinator. If the Council desires to hold a meeting in a non-hub community, please submit your request to OSM and include a justification for seeking to do so, such as to recruit new council members or to hear public testimony on a pressing subsistence-related issue.

4. Subsistence priority, continuation of subsistence uses, and community area of influence

The Council would like the Board to address issues of rural subsistence priority, meeting subsistence needs, and traditional use areas around communities in the North Slope region.

In deliberation on fish and wildlife management proposals over the past few years, the Council has expressed repeated concerns about management of Federal lands around villages so that subsistence resources are not deflected away from traditional use areas and that the local rural subsistence users have priority to harvest these resources over other uses or users. Industrial development and non-rural resident hunting or guiding activities have the potential to take or deflect subsistence resources that, in effect, prevent subsistence priority and continuation of subsistence uses in traditional use areas.

The Council recommends that any development proposal should consider the work of the North Slope Borough in identifying the "area of influence" around communities in the North Slope Region to help delineate subsistence hunting, fishing, and gathering areas of each community. Even during liberal subsistence management strategies, it is possible to deplete local North Slope resources by deflecting caribou and other subsistence resources through sport or nonlocal Alaska resident use. This can cause hardship and, in some cases, reduce needed food resources for local rural residents and those with a customary and traditional use determination within the village area of influence.

The Council would like the Board to consider the "area of influence" for subsistence communities in making future subsistence management decisions affecting the North Slope Region. Issues of traditional and contemporary use of subsistence resources surrounding the community is such a serious matter that the North Slope Borough has adopted village comprehensive plans into law through local ordinance. Local ordinances provide good guidance to land managers on village subsistence issues. The Council encourages the Board and Federal land managers to meet with the North Slope Borough to learn more about the "community area of influence" concept and develop management strategies to better address continuation of subsistence uses in these areas.

Further, the Council strongly believes that rural subsistence priority on Federal lands should not be reduced by dual State management of subsistence resources. Many Federal lands are open to nonresident or all state residents under State hunting and fishing regulations, including areas with very limited resources and very high local subsistence needs (e.g. Unit 26A moose). The Council requests that comprehensive population estimates of important subsistence food resources be evaluated and the needs of the rural communities be assessed to ensure a subsistence priority is being met before allowing a hunt to be open or remain open to other users. In times of conservation for caribou, moose, and sheep population, or decline of other subsistence resources, and, most importantly, increasing food insecurity, it is paramount that a rural subsistence priority be maintained as provided for under Title VIII of ANILCA.

Response:

The Board welcomes hearing from the Council regarding their efforts to identify “the community area of influence” concept. The Council should work with their Council Coordinator to schedule a presentation to the Board on this initiative during one of the Board’s work sessions. The Board encourages the Council to continue its outreach to Federal, State, and other landowners to help further develop their “area of influence” plans. The Board further encourages the Council to work with multiple agencies, landowners, and partners to identify concerns and develop potential strategies to reduce future impacts to local subsistence users.

Under ANILCA, the Federal Subsistence Management Program has a responsibility to provide rural subsistence priority for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Councils are central to the regulatory process and provide an opportunity for rural Alaskans to have a meaningful role in the management of subsistence resources. The Board must ultimately evaluate all potential subsistence regulations and policies relative to meeting Title VIII of ANILCA by considering available data and information provided by a diversity of entities. As stated in ANILCA Section 815, the Board may not authorize a restriction on the take of fish and wildlife for non-subsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife (for the reasons set forth in Section 816), to continue subsistence uses of such populations, or pursuant to other applicable law.

When considering the concept of “community area of influence,” it is also important to remember that the Board’s authority applies solely to Federal public lands. Many rural communities are surrounded by State managed lands. Proposals to change fish and wildlife regulations on State managed lands are under the purview of the Alaska Board of Fisheries and the Alaska Board of Game. In response to previous Federal proposals to close Federal public lands to non-Federally qualified users in various regions of the State, some rural communities have expressed concern that these actions would concentrate non-local users on the State managed lands surrounding their communities, further exacerbating user conflicts. Managing for a community area of influence therefore presents challenges given the varying land status in

proximity to rural communities. Additionally, restrictions to non-subsistence uses are only authorized by ANILCA in limited circumstances, as described previously.

The Board recognizes the unique challenges associated with management of resources by both State and Federal agencies. Relative to the Federal Subsistence Management Program, State regulations in general govern fish and wildlife management on Federal lands, unless the Board takes action to limit the harvest of fish and wildlife resources to only Federally qualified subsistence users. As identified in Title VIII of ANILCA, the Board may limit harvest of resources to only Federally qualified subsistence users, in order to ensure conservation of healthy fish and wildlife populations and continuation of subsistence uses by Federally qualified users. OSM provides the Board detailed analyses of proposed regulations to help inform Board decisions. OSM analyses incorporate current and historic data from agencies and partners to provide a scientifically based overview of the status of wildlife and fish populations and their use by all user groups. The Board must carefully assess analyses and ensure that decisions do not unnecessarily restrict non-subsistence users. The Council serves a critical role by providing additional data, knowledge, and perspectives to the Board, which helps us make more informed decisions. The Board would like to remind the Council that every year they have an opportunity to develop a Federal regulatory proposal or submit a special action request, if your Council wishes to modify an existing regulation such as longer seasons or closure to non-Federally qualified subsistence users. The Board supports the Council's efforts to improve subsistence management through increased planning, coordination, and collection of biological and harvest data.

In closing, I want to thank you and your Council for your 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 am confident that the subsistence users of the North Slope Region are well represented through your work.

Sincerely,

Anthony Christianson
Chair

Enclosure

cc: North Slope Subsistence Regional Advisory Council
Federal Subsistence Board
Susan Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Subsistence Policy Coordinator, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor,
Office of Subsistence Management
Acting Wildlife Division Supervisor, Office of Subsistence Management
Greg Risdahl, Fisheries Division Supervisor, Office of Subsistence Management

Acting Anthropology Division Supervisor, Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
Eva Patton, North Slope Council Coordinator, Office of Subsistence Management
Katerina Wessels, Council Coordinator, Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record

DRAFT

Number of Regional Advisory Council Applications Received Each Year

	<i>SE</i>	<i>SC</i>	<i>KA</i>	<i>BB</i>	<i>YK</i>	<i>WI</i>	<i>SP</i>	<i>NW</i>	<i>EI</i>	<i>NS</i>	TOTAL
1996	13	18	11	10	19	11	20	11	10	5	128
1997	18	11	11	7	8	7	7	4	11	4	88
1998	13	10	15	8	18	11	9	9	7	8	108
1999	17	15	7	12	16	7	7	5	7	6	99
2000	17	13	13	9	15	9	8	3	20	8	114
2001	20	11	9	5	16	14	3	4	11	5	98
2002	19	16	8	8	13	8	7	5	14	9	107
2003	17	17	4	10	13	9	5	7	7	5	96
2004	14	16	10	7	16	8	7	8	6	8	100
2005	7	7	5	3	7	4	9	5	6	5	58
2006	10	8	1	5	9	3	5	9	7	3	60
2007	17	16	8	9	17	6	5	2	12	3	95
2008	9	8	5	8	12	7	7	4	3	4	67
2009	12	12	4	3	11	5	2	6	7	2	64
2010	15	14	6	7	6	6	2	8	8	3	75
2011	15	9	7	7	12	6	8	4	7	5	81
2012	11	10	7	7	11	5	4	5	4	3	67
2013	13	7	5	5	12	5	6	6	11	4	74
2014	7	7	4	4	12	5	6	3	7	4	59
2015	10	6	6	7	17	11	8	3	3	5	76
2016	8	7	7	7	7	3	5	5	6	6	61
2017	4	9	5	6	7	8	4	11	10	3	68
2018	10	8	3	5	15	3	4	7	9	8	72
2019	6	12	3	5	12	4	3	5	8	5	63

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RFR15-01

**REQUEST FOR RECONSIDERATION OF
FEDERAL SUBSISTENCE BOARD FISH PROPOSAL FP15-10**

INTRODUCTION

There were 739 requests for reconsideration (RFRs) submitted to the Federal Subsistence Management Program asking the Federal Subsistence Board (Board) to reconsider and rescind its January 22, 2015 decision on Fisheries Proposal 15-10 (FP15-10). Through Proposal FP15-10, the Board created a Federal subsistence fishery authorizing the use of a community gillnet for the residents of Ninilchik in the Kenai River. The fishery specifically targets Sockeye and Coho salmon, but also allows the retention of other incidentally caught species, except for rainbow trout and Dolly Varden 18 inches in length or longer. The majority of RFR correspondence was in one of two form letter formats with some degree of personalization. Of the RFRs received, 237 were in Form Letter 1 format, 472 were in Form Letter 2 format, and the remaining 21 were unique requests. A list of the RFR proponents is provided in **Appendix 1**.

The Office of Subsistence Management (OSM) collected, organized, and reviewed each request to identify substantive claims that may meet the criteria outlined in 36 CFR 242.20(d) and 50 CFR 100.20(d). The three criteria (**Appendix 2**) are: (1) provides information not previously considered by the Board, (2) demonstrates that existing information used by the Board is incorrect, or (3) demonstrates that the Board's interpretation of information, applicable law, or regulations is in error or contrary to existing law.

To efficiently address the RFRs, relevant claims were summarized from all requests and analyzed in a single threshold analysis. A total of 37 substantive claims were identified and summarized in relation to the community gillnet fishery in the Kenai River (**Appendix 3**). A total of four substantive claims were identified under Criteria 1, one substantive claim was identified under Criteria 2, and thirty-two substantive claims were received under Criteria 3.

BOARD ACTION ON THRESHOLD ANALYSIS

OSM staff presented the threshold analysis to the Board on January 12, 2017. The OSM conclusion was to support the request to reconsider Proposal FP15-10, as four claims (1.4, 3.12, 3.13, and 3.32) may have merit. Claim 1.4 expressed concern that the gillnet posed a navigational hazard for boat traffic, presenting new information the Board did not consider during its deliberation of Proposal FP15-10. Claims 3.12 and 3.13 expressed concerns based on the mortality of incidentally caught trout and char 18 inches or longer, arguing that adoption of Proposal FP15-10 was contrary to existing regulation. Claim 3.32 expressed concerns about the harvest of early-run Chinook Salmon, alleging that adoption of Proposal FP15-10 was contrary to existing regulation.

The Board took action on the RFR15-01 threshold analysis, taking into consideration only information up to the time of the 2015 adoption of Proposal FP15-10, and found potential merit with claims 3.12, 3.13, and 3.32. The Board directed OSM staff to initiate work on a full analysis of the three claims following completion of additional regulatory changes agreed to (at the same regulatory meeting) for the Kenai River community gillnet fishery, as shown in the Pathway Table for implementation of the *Agreement* (**Appendix 4**). The regulatory changes were made through modification of Proposal FP17-10, which was adopted at the January 2017 Board meeting, and through the Cook Inlet Final Rule, which was published in the Federal Register on August 9, 2019 (84 FR 39188).

The Board chose not to move forward with Claim 1.4 when deliberating the RFR Threshold Analysis at the January 12, 2017 Board meeting. Board members noted during the discussion of the topic that all subsistence activities have some inherent safety risks associated with them, and typically the Board does not bring them up during its deliberations because there are rules in place to address those concerns. The Board's motion on RFR15-01 included a statement that navigation concerns associated with the fishery could be handled through permit stipulations.

CLAIMS AND GROUNDS FOR RECONSIDERATION

Claims 3.12 and 3.13 – Gillnets are incompatible with the release of any incidentally harvested 18 inch or larger trout/char; Incidental harvest of trout/char longer than 18 inches could lead to a high rate of mortality.

Claims 3.12 and 3.13 both express concerns about the mortality of Rainbow Trout and Dolly Varden (char) 18 inches or longer incidentally caught in the community gillnet fishery. Following presentation of the RFR Threshold Analysis on January 12, 2017, the Board thought that there was possible merit to these claims that the adoption of Proposal FP15-10 was contrary to applicable law. This is because applicable Federal subsistence regulations for the Kenai River require the live release of Rainbow Trout and Dolly Varden 18 inches or longer, and some amount of mortality will occur when these species (in this size range) are captured in the gillnet fishery.

Current Status of Claim(s):

The Board, through adoption of Proposal FP17-10 and the Cook Inlet Final Rule, implemented changes to the community gillnet fishery regulations that alleviate the regulatory conflict identified in Claims 3.12 and 3.13. The regulations for the Kenai River gillnet fishery now allow for retention of Rainbow Trout or Dolly Varden that die while in the net while requiring the release of live incidentally caught fish. Additionally, the regulations now include a provision that closes the fishery for the season once 100 Rainbow Trout or 150 Dolly Varden have been released or retained. In light of these regulatory changes, Claims 3.12 and 3.13 have been rendered moot.

Claim 3.32 – There is no adequate window of opportunity between the early- and late-run Chinook Salmon on the Kenai to allow for safe harvest.

Claim 3.32 expresses concern about the allowable harvest of Chinook Salmon in the community gillnet prior to July 16. Following presentation of the RFR Threshold analysis on January 12, 2017, the Board found potential merit to the claim that adoption of Proposal FP15-10 was contrary to applicable regulation. The start of the fishing season for Chinook Salmon under relevant Federal subsistence fishing regulations begins on July 16, and the fishery season put in place through adoption of Proposal FP15-10 extended from June 15 through August 15.

Current Status of Claim(s):

The Board, through adoption of Proposal FP17-10 and the Cook Inlet Final Rule, implemented changes to the Community gillnet fishery regulations that alleviate the regulatory conflict identified in Claim 3.32. The regulations for the Kenai River gillnet fishery now contain a specific season and harvest limit established for early-run Chinook Salmon. The gillnet fishery now starts on July 1, and allows for retention of early-run Chinook Salmon between July 1 and 15 under certain circumstances. Early-run Chinook Salmon may only be retained if they are less than 46 inches in length or greater than 55 inches in length, and only if the preseason forecast from the Alaska Department of Fish and Game projects the in-river run to be within or above the optimal escapement range. If fishing is allowed, the subsistence gillnet fishery will close prior to July 16 if 50 early-run Chinook Salmon have been released or retained by Ninilchik residents using the gillnet. If closed for either reason, the fishery will reopen on July 16.

OSM CONCLUSION

The initial adoption of FP15-10 by the Board created new regulations that were in conflict with certain regulations in effect at that time. However, the changes made to Federal subsistence regulations by the Board through the passage of both Proposal FP17-10 and the Cook Inlet Final Rule have removed those regulatory conflicts. For this reason, all of the claims previously identified by the Board as having potential merit have been rendered moot and there is no need for additional Board action related to RFR15-01.

FINAL PROCESS STEPS

OSM staff will draft a news release to notify the public of the outcome of the request for reconsideration. Staff will also draft letters to the proponents to explain the Board's decision. All documents associated with the request for reconsideration will be available to interested parties.

INTERAGENCY STAFF COMMITTEE COMMENT

The Interagency Staff Committee agrees that all claims requesting the Federal Subsistence Board's reconsideration of its action on Fisheries Proposal 15-10 (RFR 15-01) have been rendered moot and no additional Board action is needed.

APPENDIX 1: List of Requests for Reconsideration RFR15-01

File #	Name	Date	Subject	Organization
1	Abrams, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
2	Adams, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
3	Addendum RFR Kenai Gillnets - State of AK RFR	17-Jul-15	Kenai	State of AK
4	Adelmann, T	7-Jul-15	Kenai, Kasilof	
5	Allange, R	14-Jun-15	Kenai, Kasilof	
6	Alamandinger, R	5-May-15	Kenai, Kasilof	
7	Almanrode, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
8	Amos, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
9	Anderson, D	13-May-15	Kenai, Kasilof	
10	Anderson, G	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
11	Anderson, J	5-Jun-15	Kenai, Kasilof	
12	Anderson, J	11-Jul-15	Kenai, Kasilof	
13	Anderson, J	19-Jun-15	Kenai, Kasilof	
14	Appling, S	5-Jul-15	Kenai, Kasilof	
15	Ash, C	27-Jun-15	Kenai, Kasilof	
16	Askren, J	8-Jun-15	Kenai, Kasilof	
17	Atkmisa, B	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
18	Augustine, R	2-Jul-15	Kenai, Kasilof	
19	Baird, D	8-Jun-15	Kenai, Kasilof	
20	Baker, J	3-Jul-15	Kenai, Kasilof	
21	Baker, J	27-Jun-15	Kenai, Kasilof	
22	Bakic, M	10-Jun-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
23	Bakic, N	10-Jun-15	Kenai, Kasilof	
24	Barchers, B	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
25	Barrett, M	13-May-15	Kenai, Kasilof	
26	Barron, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
27	Barry, K	13-May-15	Kenai, Kasilof	
28	Barry, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
29	Bartholomew, C	20-May-15	Kenai, Kasilof	
30	Bartlett, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
31	Basinger, R	2-Jul-15	Kenai, Kasilof	
32	Bauer, B	12-Jun-15	Kenai, Kasilof	
33	Bauer, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
34	Bauer, T	13-Jul-15	Kenai, Kasilof	
35	Baur, S	8-Jun-15	Kenai, Kasilof	
36	Baxter, R	11-May-15	Kenai, Kasilof	
37	Bear, E	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
38	Bear, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
39	Becker, R	2-Jul-15	Kenai, Kasilof	
40	Bellanger, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
41	Bellinger, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
42	Bencik, R	3-Jul-15	Kenai, Kasilof	
43	Benkert, J	19-May-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
44	Benkert, J	13-May-15	Kenai, Kasilof	
45	Benson, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
46	Bentley, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
47	Binder, R	16-May-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
48	Binder, R	19-May-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
49	Birch, B	3-Jul-15	Kenai, Kasilof	
50	Bishop, J	2-Jul-15	Kenai, Kasilof	
51	Black, J	2-Jul-15	Kenai, Kasilof	
52	Blaine, J	26-Jan-15	Kenai	
53	Blevins, B	11-May-15	Kenai, Kasilof	
54	Blough, C	16-Jun-15	Kenai, Kasilof	
55	Blubaugh, J	14-May-15	Kenai, Kasilof	
56	Bond, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
57	Booton, E	29-Jan-15	Kenai	
58	Borchers, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
59	Boswell, D	2-Jul-15	Kenai, Kasilof	
60	Bowman, C	2-Jul-15	Kenai, Kasilof	
61	Bowman, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
62	Bowman, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
63	Boyer, R	13-May-15	Kenai, Kasilof	
64	Braden, A	18-Jun-15	Kenai, Kasilof	
65	Brantley, B	2-Jul-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
66	Bray, P	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
67	Brennan, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
68	Heim, G	21-May-15	Kenai, Kasilof	Cooper Landing Advisory Committee
69	Balfany, M	2-Jul-15	Kenai, Kasilof	
70	Brewer, R	5-Jun-15	Kenai, Kasilof	
71	Bromiley, P	11-Jul-15	Kenai, Kasilof	
72	Bronga, T	16-Jun-15	Kenai, Kasilof	
73	Brooks, J	2-Jul-15	Kenai, Kasilof	
74	Brooks, J	17-May-15	Kenai, Kasilof	
75	Broom,D	5-Jul-15	Kenai, Kasilof	
76	Brophy, J	16-May-15	Kenai, Kasilof	
77	Brophy, K	16-May-15	Kenai, Kasilof	
78	Brown, B	19-May-15	Kenai, Kasilof	
79	Brown, J	5-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
80	Brown, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
81	Bruce, D	6-Jul-15	Kenai, Kasilof	
82	Bryant, T	14-May-15	Kenai, Kasilof	
83	Bucy, D	22-May-15	Kenai, Kasilof	
84	Bucy, R	5-Jun-15	Kenai, Kasilof	
85	Bundalo, N	2-Jul-15	Kenai, Kasilof	
86	Bureau, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
87	Burgin, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
88	Burlingame, R	21-May-15	Kenai, Kasilof	
89	Burton, R	14-May-15	Kenai, Kasilof	
90	Bussen, A	14-May-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
91	Butler, D	7-Jun-15	Kenai, Kasilof	
92	Calip, L	13-Jun-15	Kenai, Kasilof	
93	Carlson, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
94	Carlson, D	10-Jun-15	Kenai, Kasilof	
95	Carlson, W.	13-May-15	Kenai, Kasilof	
96	Carroll, H	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
97	Carter, P.	21-May-15	Kenai	
98	Cavallo, A.	4-Jul-15	Kenai, Kasilof	
99	Chadwick, A	16-May-15	Kenai, Kasilof	
100	Chapman, P	17-May-15	Kenai, Kasilof	
101	Cho, J	21-May-15	Kenai, Kasilof	
102	Ciapponi, B	2-Jul-15	Kenai, Kasilof	
103	Coburn, J	7-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
104	Coburn, J	12-Jul-15	Kenai, Kasilof	
105	Coe, T.	13-May-15	Kenai, Kasilof	
106	Cooper Landing	30-May-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
107	Corbey, B	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
108	Corbey, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
109	Corbey, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
110	Corp, L	23-Jun-15	Kenai, Kasilof	
111	Cosgrove, B	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

File #	Name	Date	Subject	Organization
112	Cosgrove, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
113	Cotton, S	20-Jul-15	Kenai	ADF&G
114	Cowan, T	12-Jul-15	Kenai, Kasilof	
115	Cox, S	21-May-15	Kenai, Kasilof	
116	Crim, B	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
117	Cross, P	2-Jul-15	Kenai, Kasilof	
118	Crowell, D	2-Jul-15	Kenai, Kasilof	
119	Crumrine, B	2-Jul-15	Kenai, Kasilof	
120	Cummingham, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
121	Cummins, B	2-Jul-15	Kenai, Kasilof	
122	Cunningham, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
123	Curry, J	17-May-15	Kenai, Kasilof, Makhnati	United Fishermen of Alaska
124	France, D	27-Jan-15	Kenai	
125	Daberkow, R	2-Jul-15	Kenai, Kasilof	
126	Dandrاند, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
127	Dandrاند, A	13-May-15	Kenai, Kasilof	
128	Davenport, M	2-Jul-15	Kenai, Kasilof	
129	Davidson, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
130	Davis, S	2-Feb-15	Kenai, Kasilof	
131	Davis, F	2-Jul-15	Kenai, Kasilof	
132	Davis, J	12-Jun-15	Kenai, Kasilof	
133	Dawson, D	10-Jul-15	Kenai, Kasilof	
134	Dawson, T	13-May-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
135	Defrance, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
136	Degernes, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
137	Delarm, T	5-Jun-15	Kenai, Kasilof	
138	Deliman, S	5-Jun-15	Kenai, Kasilof	
139	Demattia, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
140	Demattia, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
141	Dennis, J	19-May-15	Kenai, Kasilof	
142	Dicken, J	5-Jun-15	Kenai, Kasilof	
143	Dickinson, L	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
144	Dickinson, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
145	Dietzel, D	21-May-15	Kenai, Kasilof	
146	Dingle, J	5-Jun-15	Kenai, Kasilof	
147	Diumenti, J	14-Jun-15	Kenai, Kasilof	
148	Dixon, G	21-May-15	Kenai, Kasilof	
149	Donahue, C	5-Jun-15	Kenai, Kasilof	
150	Donahue, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
151	Donahue, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
152	Pitts, D	18-Jun-15	Kenai, Kasilof	
153	Ventrice, D	2-Jul-15	Kenai, Kasilof	
154	Donelson, P	5-May-15	Kenai, Kasilof	
155	Donnally, J	20-Jun-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
156	Doroff, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
157	Douglass, S	2-Jul-15	Kenai, Kasilof	
158	Dragseth, J	8-Jun-15	Kenai, Kasilof	
159	Drake, D	20-May-15	Kenai, Kasilof	
160	Drath, J	20-May-15	Kenai, Kasilof	
161	Drath, JJ	20-May-15	Kenai, Kasilof	
162	Dreifuerst, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
163	Dreifuerst, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
164	Drummer, M	2-Jul-15	Kenai, Kasilof	
165	Duarte, A	2-Jul-15	Kenai, Kasilof	
166	Dugan, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
167	Ecklund, C	8-Jun-15	Kenai, Kasilof	
168	Eckroth, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
169	Eichelberger, D	11-Jun-15	Kenai, Kasilof	
170	Elicerio, A	16-Jun-15	Kenai, Kasilof	
171	Elie, K	6-Jul-15	Kenai	
172	Elkins, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
173	Ellison, Z	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
174	Engoars, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
175	Ennis, S	20-May-15	Kenai, Kasilof	
176	Erickson, J	13-May-15	Kenai, Kasilof	
177	Erickson, J	14-Jun-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
178	Erickson, M	13-May-15	Kenai, Kasilof	
179	Erkeneff, R	20-May-15	Kenai, Kasilof	
180	Erni,J	2-Jul-15	Kenai, Kasilof	
181	Everingham, C	5-Jun-15	Kenai, Kasilof	
182	Fagnani, M	9-Jun-15	Kenai, Kasilof	
183	Farrington, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
184	Farrington, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
185	Faust, M	17-May-15	Kenai, Kasilof	
186	Feichtiroger, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
187	Ferry, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
188	Ferguson, S	2-Jul-15	Kenai, Kasilof	
189	Fetko, M	14-Jun-15	Kenai, Kasilof	
190	Field-Sloan, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
191	Field-Sloan, S	10-Jun-15	Kenai, Kasilof	
192	Fischer, S	22-May-15	Kenai, Kasilof	
193	Fish, E	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
194	Fish, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
195	Fishbach, R	16-May-15	Kenai, Kasilof	
196	Fiske, R	2-Jul-15	Kenai, Kasilof	
197	Fitzgerald, G	21-May-15	Kenai, Kasilof	
198	Fiutem, C	2-Jul-15	Kenai, Kasilof	
199	Fleetwood, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

File #	Name	Date	Subject	Organization
200	Flothe, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
201	Flothe, G	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
202	Fluke, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
203	Fontana, M	3-Jul-15	Kenai, Kasilof	
204	Forbush, C	11-Jun-15	Kenai, Kasilof	
205	Fortin, S	5-Jun-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
206	Foster, A	14-May-15	Kenai, Kasilof	
207	Foster, B	6-Jun-15	Kenai, Kasilof	
208	Fowler, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
209	Fowler, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
210	Fowler, J	5-Jul-15	Kenai, Kasilof	
211	Francisco, D	6-Jun-15	Kenai	
212	Frawner, E	8-Jun-15	Kenai, Kasilof	
213	Fritts, J	10-Jul-15	Kenai, Kasilof	
214	Frygier, E	3-Jul-15	Kenai, Kasilof	
215	Fugere, J	13-Jul-15	Kenai, Kasilof	
216	Furtin, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
217	Galbozaith, G	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
218	Galbraith, Y	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

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219	Gales, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
220	Gales, L	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
221	Gall, L	6-Jun-15	Kenai, Kasilof	
222	Gall, T	5-Jun-15	Kenai, Kasilof	
223	Gambini, Y	26-Jun-15	Kenai, Kasilof	
224	Gonzales, O	22-Jun-15	Kenai, Kasilof	
225	Gara, L	26-Jan-15	Kenai	Alaska State Legislature
226	Gaskins, M	2-Jul-15	Kenai, Kasilof	
227	Gaston, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
228	Gease, R	5-May-15	Kenai, Kasilof	
229	Geeson, R	11-Jun-15	Kenai, Kasilof	
230	Geppert, D	9-May-15	Kenai, Kasilof	
231	Gerace, C	17-May-15	Kenai, Kasilof	
232	Gillam, G	20-May-15	Kenai, Kasilof	
233	Gleadon, J	19-Jun-15	Kenai, Kasilof	
234	Glenboski, D	2-Jul-15	Kenai, Kasilof	
235	Glover, S	5-Jun-15	Kenai, Kasilof	
236	Glover, S	7-Jun-15	Kenai, Kasilof	
237	Gonzales, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
238	Good, K	11-Jul-15	Kenai, Kasilof	
239	Gordon, W	6-Jul-15	Kenai, Kasilof	
240	Gottfredson, T	21-May-15	Kenai, Kasilof	
241	Gottfredson, T	21-May-15	Kenai, Kasilof	
242	Graham, B	17-May-15	Kenai, Kasilof	
243	Graham, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

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244	Graham, L	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
245	Graham, T	17-May-15	Kenai, Kasilof	
246	Gravenhorst, M	6-Jul-15	Kenai	
247	Gravenhorst, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
248	Graves, W	3-Jul-15	Kenai, Kasilof	
249	Gravenhorst, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
250	Green, J	2-Jul-15	Kenai, Kasilof	
251	Green, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
252	Green, P	8-Jun-15	Kenai, Kasilof	
253	Green, Rebecca	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
254	Green, Rudy	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
255	Greenman, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
256	Griesbaum, M	8-Jun-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
257	Griess, B	22-May-15	Kenai, Kasilof	
258	Grimes, J	2-Jul-15	Kenai, Kasilof	
259	Grimmond, E	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
260	Groeneweg, B	5-Jun-15	Kenai, Kasilof	
261	Groeneweg, G	21-May-15	Kenai, Kasilof	
262	Groves, C	14-Jun-15	Kenai, Kasilof	
263	Gruenberg, M	2-Feb-15	Kenai, Kasilof	Alaska State Legislature
264	Gullicks, G	13-May-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
265	Gvant, L	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
266	Haesche, D	9-Jun-15	Kenai, Kasilof	
267	Hall, D	12-Jun-15	Kenai, Kasilof	
268	Hall, K	21-May-15	Kenai, Kasilof	
269	Hankle, K	21-May-15	Kenai, Kasilof	
270	Hanson, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
271	Hanson, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
272	Hanson, L	2-Jul-15	Kenai, Kasilof	
273	Harpe, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
274	Harpe, J	13-May-15	Kenai, Kasilof	
275	Harpe, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
276	Harris, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
277	Harrison, H	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
278	Hart, T	5-Jun-15	Kenai, Kasilof	
279	Hartig, E	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
280	Hartig, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
281	Hastings, J	16-May-15	Kenai, Kasilof	
282	Hawley, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

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283	Heinen, Z	13-May-15	Kenai, Kasilof	
284	Heiskell, J	13-May-15	Kenai, Kasilof	
285	Hellingson, C	2-Jul-15	Kenai, Kasilof	
286	Helm, J	2-Jul-15	Kenai, Kasilof	
287	Helms, S	20-May-15	Kenai, Kasilof	
288	Helyn, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
289	Henley, C	22-May-15	Kenai, Kasilof	
290	Henley, C	22-May-15	Kenai, Kasilof	
291	Herbert, L	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
292	Herrod, J	13-May-15	Kenai, Kasilof	
293	Hidalgo, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
294	Higginbotham, B	2-Jul-15	Kenai, Kasilof	
295	Hilbrunel, P	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
296	Hillyer, J	18-May-15	Kenai, Kasilof	
297	Hilty, T	12-Jul-15	Kenai, Kasilof	
298	Hiner, T	21-May-15	Kenai, Kasilof	
299	Hippert, D	13-May-15	Kenai, Kasilof	
300	Hite, P	22-May-15	Kenai, Kasilof	
301	Hodges, D	7-Jun-15	Kenai, Kasilof	
302	Hogate, A	2-Jul-15	Kenai, Kasilof	
303	Holbrook, W	6-Jun-15	Kenai, Kasilof	
304	Holladay, J	6-Jun-15	Kenai, Kasilof	
305	Holland, D	16-Jun-15	Kenai, Kasilof	
306	Holley, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
307	Hollstein, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

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308	Holsten, E	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
309	Holsten, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
310	Hood, S	2-Jul-15	Kenai, Kasilof	
311	Hopley, M	5-Jun-15	Kenai, Kasilof	
312	Homer, B	7-Jun-15	Kenai, Kasilof	
313	Hoy, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
314	Hudson, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
315	Huginin, G	19-May-15	Kenai, Kasilof	
316	Hull, D	6-Jun-15	Kenai, Kasilof	
317	Humphreys, T	7-Jun-15	Kenai, Kasilof	
318	Huston, M	20-May-15	Kenai, Kasilof	
319	Inman, R	21-Jun-15	Kenai, Kasilof	
320	Ismael, D	22-May-15	Kenai, Kasilof	
321	Ivy, E	18-Jun-15	Kenai, Kasilof	
322	Iwinski, T	18-Jun-15	Kenai, Kasilof	
323	Jackson, M	13-May-15	Kenai, Kasilof	
324	Jackson, M	13-May-15	Kenai, Kasilof	
325	James, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
326	James, K	7-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
327	James, O	8-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
328	James, W	2-Jul-15	Kenai, Kasilof	
329	Janes, R	8-May-15	Kenai, Kasilof	

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330	Jeffords, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
331	Jenkins, M	10-Jun-15	Kenai, Kasilof	
332	Jensen, A	14-May-15	Kenai, Kasilof	
333	Jensen, J	13-May-15	Kenai, Kasilof	
334	Jensen, J	18-May-15	Kenai, Kasilof	
335	Joe, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
336	Johnson, B	9-Jun-15	Kenai, Kasilof	
337	Johnson, Donald	21-May-15	Kenai, Kasilof	
338	Johnson, Dennis	5-Jun-15	Kenai, Kasilof	
339	Johnson, Donald	5-Jun-15	Kenai, Kasilof	
340	Johnson, J	9-Jun-15	Kenai, Kasilof	
341	Johnson, L	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
342	Johnston, R	22-Jun-15	Kenai, Kasilof	
343	Jones, D	2-Jul-15	Kenai, Kasilof	
344	Jordan, T	4-Jul-15	Kenai, Kasilof	
345	Joyce, C	5-Jun-15	Kenai, Kasilof	
346	Junker, J	25-May-15	Kenai, Kasilof	
347	Kamp, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
348	Karpik, D	30-Jan-15	Kenai, Kasilof	
349	Kaup, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
350	Kenworthy, J	1-Jun-15	Kenai, Kasilof	
351	Kerr, G	12-Jul-15	Kenai, Kasilof	
352	Kiffmeyer, R	2-Jul-15	Kenai, Kasilof	
353	Kiball, K	13-May-15	Kenai, Kasilof	
354	King, J	22-May-15	Kenai, Kasilof	
355	King, W	17-May-15	Kenai, Kasilof	
356	Kirr, B	13-May-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
357	Kirr, V	13-May-15	Kenai, Kasilof	
358	Kiser, K	10-Jul-15	Kenai, Kasilof	
359	Kittle, C	10-Jun-15	Kenai, Kasilof	
360				Removed at the request of the proponent prior to Board action on the RFR
361	Knlock, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
362	Knustson, A	2-Jul-15	Kenai, Kasilof	
363	Koecher, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
364	Kogstad, P	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
365	Komperda, M	11-Jul-15	Kenai, Kasilof	
366	Kondra, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
367	Konopasek, D	13-May-15	Kenai, Kasilof	
368	Koppert, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
369	Koskovich, R	6-Jun-15	Kenai, Kasilof	
370	Kramer, B	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
371	Kramer, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
372	Kramer, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
373	Krammen, M	4-Jul-15	Kenai, Kasilof	
374	Kreitel, C	20-May-15	Kenai, Kasilof	
375	Kroll, H	5-May-15	Kenai, Kasilof	
376	Krumm, G	9-Jun-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
377	Labrec, G	20-May-15	Kenai, Kasilof	
378	Lamberson, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
379	Lannet, S	16-May-15	Kenai, Kasilof	
380	LaRock, B	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
381	LaRock, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
382	Larsen, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
383	Larson, F	18-May-15	Kenai, Kasilof	
384	Latschaw, C	6-Jun-15	Kenai, Kasilof	
385	LaVon, G	5-Jun-15	Kenai, Kasilof	
386	Leaders, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
387	Leaders, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
388	Lee, R	6-Jun-15	Kenai, Kasilof	
389	LeMieux, E	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
390	LeMieux, N	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
391	LeMieux, V	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
392	Leonard, R	11-Jun-15	Kenai, Kasilof	
393	Lesmeister, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

File #	Name	Date	Subject	Organization
394	Lessard, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
395	Lewallen, M	9-Jun-15	Kenai, Kasilof	
396	Lewis, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
397	Libbey, R	1-Feb-15	Kenai	
398	Liepitz, G	22-Jun-15	Kenai, Kasilof	
399	Ling, L	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
400	Linn, M	7-Jun-15	Kenai, Kasilof	
401	Lisonbee, D	11-Jul-15	Kenai, Kasilof	
402	Little, J	22-May-15	Kenai, Kasilof	
403	Locker, P	7-Jun-15	Kenai, Kasilof	
404	Long, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
405	Longley, G	2-Jul-15	Kenai, Kasilof	
406	Longworth, J	13-May-15	Kenai, Kasilof	
407	Lorantas, R	6-Jun-15	Kenai, Kasilof	
408	Lowe, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
409	Lowe, D	19-May-15	Kenai, Kasilof	
410	Lowery, G	20-May-15	Kenai, Kasilof	
411	Lujan, J	7-Jun-15	Kenai, Kasilof	
412	Lund, M	13-May-15	Kenai, Kasilof	
413	Lupo, M	2-Jul-15	Kenai, Kasilof	
414	Mackie, V	25-May-15	Kenai, Kasilof	
415	Mader, T	26-Jan-15	Kenai, Kasilof	
416	Malindzak, S	2-Jul-15	Kenai, Kasilof	
417	Malone, P	5-Jun-15	Kenai, Kasilof	
418	Malone, P	16-May-15	Kenai, Kasilof	
419	Mangum, R	14-May-15	Kenai, Kasilof	
420	Manning, K	29-Jan-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
421	Manning, K	20-May-15	Kenai, Kasilof	
422	Montey, K	21-May-15	Kenai, Kasilof	
423	Marinucci, C	11-Jun-15	Kenai, Kasilof	
424	Markkey, J	2-Jul-15	Kenai, Kasilof	
425	Masneri, S	8-Jun-15	Kenai, Kasilof	
426	Mazzolini, D	8-Jun-15	Kenai, Kasilof	
427	Mazzolini, N	18-Jun-15	Kenai, Kasilof	
428	McCabe, G	10-Jul-15	Kenai, Kasilof	
429	McCall, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
430	McCartney, A	10-Jun-15	Kenai, Kasilof	
431	McCormick, P	11-Jun-15	Kenai, Kasilof	
432	McCormick, P	5-Jun-15	Kenai, Kasilof	
433	McDaniel, M	12-Jul-15	Kenai, Kasilof	
434	McDaniel, T	10-Jul-15	Kenai, Kasilof	
435	McDonald, v	28-Jan-15	Kenai, Kasilof	
436	McDonald, C	11-Jun-15	Kenai, Kasilof	
437	McDonald, F	2-Jul-15	Kenai, Kasilof	
438	McFarlin, K	3-Jul-15	Kenai, Kasilof	
439	Mcglahn, T	5-Jun-15	Kenai, Kasilof	
440	McMaster, J	15-Jun-15	Kenai, Kasilof	
441	McNeal, J	22-May-15	Kenai, Kasilof	
442	McReynolds, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
443	Medrma, T	15-May-15	Kenai, Kasilof	
444	Mei, S	5-May-15	Kenai, Kasilof	
445	Meinkoth, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
446	Mendieta, v	2-Jul-15	Kenai, Kasilof	
447	Meredith, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

File #	Name	Date	Subject	Organization
448	Merritt, G	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
449	Metz, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
450	Micchiche Dunleavy	6-Feb-15	Kenai	Alaska State Legislature
451	Michels, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
452	Middleton, S	9-Jun-15	Kenai, Kasilof	
453	Mikoleit, J	14-May-15	Kenai, Kasilof	
454	Miller, M	29-Jan-15	Kenai, Kasilof	Department of Fish and Game
455	Miller, K	5-Jul-15	Kenai, Kasilof	
456	Miller,, M	8-Jun-15	Kenai, Kasilof	
457	Millikin, C	2-Jul-15	Kenai, Kasilof	
458	Milliron, J	13-May-15	Kenai, Kasilof	
459	Milne, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
460	Milne, R	2-Jul-15	Kenai, Kasilof	
461	Mincher, B	21-May-15	Kenai, Kasilof	
462	Miner, S	13-May-15	Kenai, Kasilof	
463	Mitcher, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
464	Mitchell, G	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
465	Mitchell, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
466	Mitchell, W	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
467	Montana, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

File #	Name	Date	Subject	Organization
468	Montoya, D	2-Jul-15	Kenai, Kasilof	
469	Moore, M	21-May-15	Kenai, Kasilof	
470	Morales, S	14-May-15	Kenai, Kasilof	
471	Morgan, B	5-May-15	Kenai, Kasilof	
472	Morgan, C	14-May-15	Kenai, Kasilof	
473	Morris, C	13-May-15	Kenai, Kasilof	
474	Morrissey, S	13-May-15	Kenai, Kasilof	
475	Moseley, E	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
476	Moubray, M	2-Jul-15	Kenai, Kasilof	
477	Moyer, N	13-May-15	Kenai, Kasilof	
478	Mundy, T	24-Jun-15	Kenai, Kasilof	
479	Murdoch, T	18-May-15	Kenai, Kasilof	
480	Myhell, L	8-Jun-15	Kenai, Kasilof	
481	Navarre, M	17-Jul-15	Kenai, Kasilof	Kenai Peninsula Borough
482	Neal, M	8-Jun-15	Kenai, Kasilof	
483	Neal, M	8-Jun-15	Kenai, Kasilof	
484	Neeno, B	14-Jun-15	Kenai, Kasilof	
485	Neeser, K	18-Jun-15	Kenai, Kasilof	
486	Neis, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
487	Nelson, C	21-May-15	Kenai, Kasilof	
488	Nelson, D	7-May-15	Kenai, Kasilof	
489	Nelson, M	6-Jun-15	Kenai, Kasilof	
490	Neuberger, P	21-Jun-15	Kenai, Kasilof	
491	Newhouse, J	10-Jul-15	Kenai, Kasilof	
492	Newman, D	12-Jul-15	Kenai, Kasilof	
493	Newman, M	5-Jul-15	Kenai, Kasilof	
494	Nguyen, C	13-Jun-15	Kenai, Kasilof	
495	Nichols, G	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
496	Nichols, N	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

File #	Name	Date	Subject	Organization
497	Niederhauser, W	21-May-15	Kenai, Kasilof	
498	Niederhauser, J	13-May-15	Kenai, Kasilof	
499	Nierenberg, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
500	Nievenberg, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
501	Nobles, W	2-Jul-15	Kenai, Kasilof	
502	Noethlick, D	5-Jun-15	Kenai, Kasilof	
503	Norberg, R	26-Jun-15	Kenai, Kasilof	
504	Norman, S	6-Jun-15	Kenai, Kasilof	
505	Norris, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
506	Norris, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
507	Norris, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
508	Norhtrop, J	18-Jun-15	Kenai, Kasilof	
509	Nuttall, C	14-Jul-15	Kenai, Kasilof	
510	Nyman, J	5-Jun-15	Kenai, Kasilof	
511	Oakes, A	2-Jul-15	Kenai, Kasilof	
512	Odgers, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
513	Ogan, W	19-Jun-15	Kenai, Kasilof	
514	Ogilvie, E	2-Jul-15	Kenai, Kasilof	
515	O'Hara, S	20-May-15	Kenai, Kasilof	
516	Ohnemus, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
517	Oiye, T	22-Jun-15	Kenai, Kasilof	
518	Okamoto, C	31-May-15	Kenai, Kasilof	
519	Olmstead, D	12-Jul-15	Kenai, Kasilof	
520	Olmstead, D	18-May-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
521	Olness, P	9-May-15	Kenai, Kasilof	
522	Olthois, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
523	Opalenik, C	2-Jul-15	Kenai, Kasilof	
524	Orr, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
525	Osborn, D	5-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
526	O'shea, V	2-Jul-15	Kenai, Kasilof	
527	Osowiecki, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
528	Osterman, D	12-Jun-15	Kenai, Kasilof	
529	Ott, E	9-Jun-15	Kenai, Kasilof	
530	Otto, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
531	Owens C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
532	Paddock, R	22-May-15	Kenai, Kasilof	
533	Painter, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
534	Panetta, J	2-Jul-15	Kenai, Kasilof	
535	Parnakian, T	2-Jul-15	Kenai, Kasilof	
536	Parsons, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
537	Parsons, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
538	Parsons, W	3-Jul-15	Kenai, Kasilof	
539	Patrick, J	2-Jul-15	Kenai, Kasilof	
540	Pearce, D	21-May-15	Kenai, Kasilof	
541	Pearcy, C	21-Jun-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
542	Pearson, H	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
543	Pederson, T	2-Jul-15	Kenai, Kasilof	
544	Pennell, J	13-May-15	Kenai, Kasilof	
545	Perkerson, L	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
546	Peterson, A	8-Jun-15	Kenai, Kasilof	
547	Peterson, G	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
548	Peterson, G	7-Jun-15	Kenai, Kasilof	
549	Peterson, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
550	Phelps, D	12-Jun-15	Kenai, Kasilof	
551	Phoenix, J	20-Jun-15	Kenai, Kasilof	
552	Pierce, E	5-Jun-15	Kenai, Kasilof	
553	Plummer, C	2-Jul-15	Kenai, Kasilof	
554	Podgorski, M	2-Jul-15	Kenai, Kasilof	
555	Polonowski, J	18-Jun-15	Kenai, Kasilof	
556	Prause, B	2-Jul-15	Kenai, Kasilof	
557	Pride, J	8-Jun-15	Kenai, Kasilof	
558	Prophet, J	14-May-15	Kenai, Kasilof	
559	Quinn, D	14-May-15	Kenai, Kasilof	
560	Rainey, E	21-May-15	Kenai, Kasilof	
561	Raiskums, P	21-May-15	Kenai, Kasilof	
562	Rand, D	21-May-15	Kenai, Kasilof	
563	Randall, S	13-Jul-15	Kenai, Kasilof	
564	Rankins, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
565	Rash, J	19-Jun-15	Kenai, Kasilof	
566	Rasmussen, M	2-Jul-15	Kenai, Kasilof	
567	Rauchenstein, D	14-May-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
568	Recken, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
569	Reger, L	5-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
570	Reid, P	21-Jun-15	Kenai, Kasilof	
571	Reins, D	4-Jul-15	Kenai, Kasilof	
572	Sackett, I	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
573	Reischach, S	18-May-15	Kenai, Kasilof	
574	Renck, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
575	Repasky, D	27-Jan-15	Kenai, Kasilof	
576	Reynoldson, P	9-Jun-15	Kenai, Kasilof	
577	Rice, J	14-May-15	Kenai, Kasilof	
578	Richardson, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
579	Richardson, P	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
580	Ridderman, E	23-Jun-15	Kenai, Kasilof	
581	Robinson, R	15-Jun-15	Kenai, Kasilof	
582	Robinson, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
583	Roebuck, A	2-Jul-15	Kenai, Kasilof	
584	Rogers, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
585	Rogers, Julie	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
586	Rogers, M	5-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

File #	Name	Date	Subject	Organization
587	Roggenbuck, R	26-Jan-15	Kenai, Kasilof	
588	Romig, H	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
589	Rounsaville, L	2-Jul-15	Kenai, Kasilof	
590	Rouise, J	13-May-15	Kenai, Kasilof	
591	Route, C	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
592	Route, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
593	Ruggio, C	5-Jun-15	Kenai, Kasilof	
594	Rumph, J	5-Jun-15	Kenai, Kasilof	
595	Russ, A	5-May-15	Kenai, Kasilof	
596	Ryan, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
597	Salazar, A	21-Jun-15	Kenai, Kasilof	
598	Saniat, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
599	Saniat, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
600	Scarborough, D	16-Jun-15	Kenai, Kasilof	
601	Schelske, D	2-Jul-15	Kenai, Kasilof	
602	Schelske, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
603	Schilling, G	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
604	Schlieve, B	7-Jun-15	Kenai, Kasilof	
605	Schneider, J	2-Jul-15	Kenai, Kasilof	
606	Schofield, R	5-Jun-15	Kenai, Kasilof	
607	Scott, B	2-Jul-15	Kenai, Kasilof	
608	Scott, P	23-Apr-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
609	Sears, G	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
610	Sellers, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
611	Service, B	28-Jun-15	Kenai, Kasilof	
612	Sether, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
613	Sevamur, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
614	Shontz, D	20-May-15	Kenai, Kasilof	
615	Short, M	2-Jul-15	Kenai, Kasilof	
616	Shower, M	5-Jun-15	Kenai, Kasilof	
617	Simpson, S	5-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
618	Sims, N	6-Jun-15	Kenai, Kasilof	
619	Simsek, D	3-Jul-15	Kenai, Kasilof	
620	Singer, E	22-Jun-15	Kenai, Kasilof	
621	Sjogren, J	13-May-15	Kenai, Kasilof	
622	Skaaren, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
623	Skagstad, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
624	Skye, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
625	Sloan, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
626	Smart, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
627	Smith, J	8-Jun-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
628	Smith, L	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
629	Smith, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
630	Smith, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
631	Sparrow, N	7-Jun-15	Kenai, Kasilof	
632	Stabile, P	12-Jul-15	Kenai, Kasilof	
633	Stancil, D	20-May-15	Kenai, Kasilof	
634	Stanton, T	14-May-15	Kenai, Kasilof	
635	Stearing, P	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
636	Stehn, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
637	Stevens, G	2-Jul-15	Kenai, Kasilof	
638	Stevens, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
639	Stevens, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
640	Stewart, J	9-Jun-15	Kenai, Kasilof	
641	Stoney, M	13-May-15	Kenai, Kasilof	
642	Story, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
643	Story, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
644	Strawn, T	5-Jun-15	Kenai, Kasilof	
645	Strobbe, L	8-May-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
646	Stroh, T	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
647	Stroll, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
648	Stromstad, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
649	Stubbs, J	5-May-15	Kenai, Kasilof	
650	Sturm, M	17-Jun-15	Kenai, Kasilof	
651	Stutzenburg, D	5-Jul-15	Kenai, Kasilof	
652	Sullivan, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
653	Sullivan, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
654	Sutherlin, J	14-May-15	Kenai, Kasilof	
655	Sweeney, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
656	Tappan, A	20-May-15	Kenai, Kasilof	
657	Tappan, B	20-May-15	Kenai, Kasilof	
658	Taylor, J	5-Jun-15	Kenai, Kasilof	
659	Terlingo, J	2-Jul-15	Kenai, Kasilof	
660	Terry, L	16-Jun-15	Kenai, Kasilof	
661	Tewle, L	5-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
662	Thomas, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
663	thomas, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
664	Thomas, K	5-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community

File #	Name	Date	Subject	Organization
665	Thomas-Wolf, M	24-Jun-15	Kenai, Kasilof	
666	Thompson, M	19-May-15	Kenai, Kasilof	
667	Thompson, R	8-Jun-15	Kenai, Kasilof	
668	Thompson, S	19-May-15	Kenai, Kasilof	
669	Toms, K	5-Jun-15	Kenai, Kasilof	
670	Tonione, J	6-Jun-15	Kenai, Kasilof	
671	Torchick, J	2-Jul-15	Kenai, Kasilof	
672	Trafican, J	2-Jul-15	Kenai, Kasilof	
673	Travers-Smyre, N	13-May-15	Kenai, Kasilof	
674	Troy	21-Jun-15	Kenai, Kasilof	
675	Trueblood, C	12-May-15	Kenai, Kasilof	
676	Trueblood, S	13-May-15	Kenai, Kasilof	
677	Trupiano, J	2-Jul-15	Kenai, Kasilof	
678	VanderHoff, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
679	Vandusen, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
680	Vandusen, P	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
681	VanKooten, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
682	Venot, C	16-Jun-15	Kenai, Kasilof	
683	Verman, B	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
684	Vermillion, D	18-May-15	Kenai, Kasilof	
685	Vilwock, A	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
686	Vohs, R	18-Jun-15	Kenai, Kasilof	
687	Vos, J	14-May-15	Kenai, Kasilof	
688	Waack, L	13-May-15	Kenai, Kasilof	
689	Wait, E	13-May-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
690	Walker, M	2-Jul-15	Kenai, Kasilof	
691	Wallick, R	5-Jun-15	Kenai, Kasilof	
692	Wallin, G	6-Jun-15	Kenai, Kasilof	
693	Wallin, G	10-Jul-15	Kenai, Kasilof	
694	Walters, Z	15-May-15	Kenai, Kasilof	
695	Ward, A	9-Jun-15	Kenai, Kasilof	
696	Waters, D	13-May-15	Kenai, Kasilof	
697	Waters, D	14-May-15	Kenai, Kasilof	
698	Watt, J	21-May-15	Kenai, Kasilof	
699	Weber, M	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
700	Weber, P	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
701	Weis, S	29-Jan-15	Kenai, Kasilof	
702	Weisberg, R	2-Jul-15	Kenai, Kasilof	
703	Weldin, L	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
704	Wellman, T	20-May-15	Kenai, Kasilof	
705	Wellman, T	26-Feb-15	Kenai, Kasilof	
706	Wells, R	13-May-15	Kenai, Kasilof	
707	Wells, R	14-May-15	Kenai, Kasilof	
708	Wereda, B	8-Jun-15	Kenai, Kasilof	
709	Ereda, B	8-Jun-15	Kenai, Kasilof	
710	Gles, S	2-Jul-15	Kenai, Kasilof	
711	Tern, D	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
712	Wheat, A	10-Jul-15	Kenai, Kasilof	
713	White, C	20-Jun-15	Kenai, Kasilof	
714	White, J	4-Jul-15	Kenai, Kasilof	
715	White, M	8-Jun-15	Kenai, Kasilof	
716	White, W	8-Jun-15	Kenai, Kasilof	
717	Wielechowski, B	10-Mar-15	Kenai	Alaska State Legislature
718	Wight, J	2-Jul-15	Kenai, Kasilof	

File #	Name	Date	Subject	Organization
719	Wilkes, R	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
720	Willems, D	2-Jul-15	Kenai, Kasilof	
721	Williams, J	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
722	Williams, R	2-Jul-15	Kenai, Kasilof	
723	Willumsen, S	17-May-15	Kenai, Kasilof	
724	Wilmoth, S	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
725	Wilson, D	26-Jun-15	Kenai, Kasilof	
726	Wilson, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
727	Winkle, K	13-May-15	Kenai, Kasilof	
728	Wisdorf, g	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
729	Witman, M	12-Jul-15	Kenai, Kasilof	
730	Woods, R	5-Jun-15	Kenai, Kasilof	
731	Yates, K	6-Jul-15	Kenai	Cooper Landing and Hope Federal Subsistence Community
732	Young, C	27-Jun-15	Kenai, Kasilof	
733	Young, G	2-Jul-15	Kenai, Kasilof	
734	Young, P	5-Jun-15	Kenai, Kasilof	
735	Zervas, G	2-Jul-15	Kenai, Kasilof	
736	Zimmerman, J	16-May-15	Kenai, Kasilof	
737	Zirkle, J	13-May-15	Kenai, Kasilof	
738	Ziv, J	22-May-15	Kenai, Kasilof	
739	ZumBrunnen, S	12-Jul-15	Kenai, Kasilof	
740	Zurba, N	24-Jun-15	Kenai, Kasilof	

APPENDIX 2. Federal Subsistence Management Program regulatory language regarding Requests for Reconsideration.

Subsistence management regulations at 36 CFR Part 242 and 50 CFR Part 100 state the following regarding requests for reconsideration.

§ _____.20 *Request for reconsideration.*

- (a) *Regulations in subparts C and D of this part published in the Federal Register are subject to requests for reconsideration.*
- (b) *Any aggrieved person may file a request for reconsideration with the Board.*
- (c) *To file a request for reconsideration, you must notify the Board in writing within sixty (60) days of the effective date or date of publication of the notice, whichever is earlier, for which reconsideration is requested.*
- (d) *It is your responsibility to provide the Board with sufficient narrative evidence and argument to show why the action by the Board should be reconsidered. The Board will accept a request for reconsideration only if it is based upon information not previously considered by the Board, demonstrates that the existing information used by the Board is incorrect, or demonstrates that the Board's interpretation of information, applicable law, or regulation is in error or contrary to existing law. You must include the following information in your request for reconsideration:*
 - (1) *Your name, and mailing address;*
 - (2) *The action which you request be reconsidered and the date of Federal Register publication of that action;*
 - (3) *A detailed statement of how you are adversely affected by the action;*
 - (4) *A detailed statement of the facts of the dispute, the issues raised by the request, and specific references to any law, regulation, or policy that you believe to be violated and your reason for such allegation;*
 - (5) *A statement of how you would like the action changed.*
- (e) *Upon receipt of a request for reconsideration, the Board shall transmit a copy of such request to any appropriate Regional Council and the Alaska Department of Fish and Game (ADFG) for review and recommendation. The Board shall consider any Regional Council and ADFG recommendations in making a final decision.*
- (f) *If the request is justified, the Board shall implement a final decision on a request for reconsideration after compliance with 5 U.S.C. 551–559 (APA).*
- (g) *If the request is denied, the decision of the Board represents the final administrative action.*

APPENDIX 3. List of Summarized Claims relevant to the Kenai River

Analysis Claim Number	Claim Description	Criterion 1	Criterion 2	Criterion 3
1.1	The Board was not informed that the Federally qualified subsistence users of Hope and Cooper Landing did not support FP15-10. This information may have changed the Boards' determination had it been available during deliberations.	X		
1.2	Combining State and Federal fishery data indicates that the annual harvest limit of 4,000 sockeye for Hope, Cooper Landing, and Ninilchik is being exceeded.	X		
1.3	Staff did not provide the Board with enough information on fisheries management and conservation issues on the Kenai River to make an informed decision.	X		
1.4	Gillnetting will pose a serious safety hazard for boat traffic.	X		
2.1	The Board utilized incorrect information provided by public testimony.		X	
3.1	The comment period on FP15-10 was not adequate.			X
3.2	The Board failed to cooperate with or provide adequate notice to the public.			X
3.3	The Board ignored staff and agency (ADF&G, USFWS) recommendations presented at the Federal Subsistence Board meeting.			X
3.4	Long time professional and local consensus is that gillnets should not be used on Kenai/Kasilof Rivers because they are non-selective.			X
3.5	Non-selective nature of gillnet harvest is wasteful.			X
3.6	The gillnetting regulation increases the conservation concern for Chinook on the Kenai River.			X
3.7	Incidental harvest of Chinook could lead to high rate of mortality.			X
3.8	Gillnetting of Chinook will harvest larger and more fecund breeders.			X

Analysis Claim	Claim	Criterion	Criterion	Criterion
Claim Number	Description	1	2	3
3.9	Gillnetting will be detrimental to salmon spawning beds & habitat.			X
3.10	The gillnetting regulation increases the conservation concern for trout and char on the Kenai River.			X
3.11	Gillnets are incompatible with the required release of any incidentally harvested 18 inch or larger trout/char.			X
3.12	Incidental harvest of trout/char longer than 18 inches could lead to a high rate of mortality.			X
3.13	A gillnet in the Kenai River in combination with sport fishery harvest levels will result in the over-harvest of trout/char			X
3.14	Gillnetting will be detrimental to long-term subsistence and non-subsistence uses.			X
3.15	There already exists sufficient opportunity for subsistence harvest of salmon that is selective including dipnet on the Kenai River and dipnet and fishwheel on the Kasilof River.			X
3.16	Gillnetting is not traditional and customary or a “long-time continuous use” on the Kenai and Kasilof Rivers – the Board has no authority to create a “new” method.			X
3.17	There is no shortage of red salmon – ANILCA 804(a) does not apply.			X
3.18	FP 15-10 adversely affects the subsistence priority of, and does not extend the same subsistence opportunity to, the subsistence users from the communities of Cooper Landing and Hope.			X
3.19	The Board did not comply with ANILCA Section 804 because it failed to apply appropriate limitations on Chinook Salmon caught in this fishery.			X
3.20	The Board passed proposals without an EIS, in violation of CFR 100.18.			X
3.21	The proposed regulation did not have required NEPA and Clean Water Act reviews.			X

Analysis Claim	Claim	Criterion	Criterion	Criterion
Claim Number	Description	1	2	3
3.22	Section 802 – decisions be consistent with sound management principals and the conservation of healthy populations of fish and wildlife.			X
3.23	Section 815 – The Board permitted a level of subsistence uses within a conservation unit inconsistent with the conservation of healthy fish and wildlife populations.			X
3.24	Other communities with Customary and Traditional use determinations for subsistence salmon, Hope and Cooper Landing, did not receive adequate notice to provide meaningful input.			X
3.25	The Board based support for the proposal only on proponent testimony.			X
3.26	Comparisons between the subsistence gillnet and ADF&G gillnet are invalid given that both are employed for different purposes (harvest vs capture & release).			X
3.27	The Board violated the APA and ANILCA.			X
3.28	The Board did not establish a sufficient record to support its decision.			X
3.29	The Board should not defer to a Regional Advisory Council when the recommendation is not supported by substantial evidence or violates principals of conservation.			X
3.30	The Board is allowing nets that are far too big and far too lethal.			X
3.31	Regulations should not include the harvest of Kenai Chinook Salmon.			X
3.32	There is no adequate window of opportunity between early and late run Chinook on the Kenai to allow for safe harvest.			X

APPENDIX 4. Pathway Table for implementation of the Agreement

Specific Requests from Agreement	2018 Season and Beyond Implementation
1. 10 fathom gillnet length	Already in regulation at § __.27(e)(10)(iv)(J)(1)
2. Single gillnet permitted	Already in regulation at § __.27(e)(10)(iv)(J)(1)
3. Fishery to take place in Moose Range Meadows	Already in regulation at § __.27(e)(10)(iv)(J)
4. Fishery dates (7/1-8/15, 9/10-9/30)	FP17-10
5. Reporting daily catches within 72 hours	FP17-10
6. Remove operational plan requirement	FP17-10
7. Live release of all Rainbow Trout and Dolly Varden	FP17-10
8. Salmon taken in the gillnet fishery included as part of the dipnet/rod and reel fishery annual household limits only	FP17-10
9. Gillnet must have mesh size no larger than 5.25 inches	FP17-10 (permit stipulation)
10. Submission of an annual report to the Federal fishery manager	FP17-10 (permit stipulation)
11. Collection of samples from all harvested Chinook Salmon for genetic testing	FP17-10 (permit stipulation)
12. Anchor point and buoy (any color but red)	FP17-10 (permit stipulation)
13. Eliminate annual total harvest limit for late-run Chinook Salmon	Rulemaking
14. Eliminate annual total harvest limit for Sockeye, Coho and Pink salmon	Rulemaking
15. Early-run Chinook season (7/1-7/15), harvest/encounter limit, closure until 7/16 once limit is met	Rulemaking
16. Establish late-run Chinook harvest limit associated with time period (7/16-8/15), and closure of gillnet fishery until 9/10 if limit is reached	Rulemaking
17. Establish specific limits and select time periods for Chinook Salmon harvest	Rulemaking
18. Establish early-run Chinook Salmon household limit	Rulemaking
19. Resident fish encounter limits (100 Rainbow, 150 Dolly Varden), closure of fishery for season if limits reached, retention of fish that die in net	Rulemaking
20. Retention of all incidental mortalities regardless of species or length. Retentions count towards encounter and harvest totals for specified species	Rulemaking
21. Retention of jack Chinook Salmon (less than 20 inches in length), which does not count towards encounter or harvest totals	Rulemaking
22. Remove language adopting State seasonal riverbank closures from Federal subsistence regulations.	Rulemaking

WP20–26 Executive Summary	
General Description	<p>Proposal WP20-26 requests that Federally qualified subsistence users be allowed to use a snowmachine to position wolves, and wolverines for harvest on Bureau of Land Management (BLM) lands in Units 9B, 9C, 17B, and 17C, provided the animals are not shot from a moving snowmachine. <i>Submitted by: Bristol Bay Subsistence Regional Advisory Council.</i></p>
Proposed Regulation	<p>§ _____.26(n)(9)(iii) Unit 9—Unit-specific regulations</p> <p>...</p> <p><i>(I) In Units 9B and 9C, on BLM-managed lands only, a snowmachine may be used to position a wolf or wolverine for harvest, provided that the animal is not shot from a moving snowmachine</i></p> <p>§ _____.26(n)(17)(iii) Unit 17—Unit-specific regulations</p> <p>...</p> <p><i>(D) In Units 17B and 17C, on BLM-managed lands only, a snowmachine may be used to position a wolf or wolverine for harvest, provided that the animal is not shot from a moving snowmachine.</i></p>
OSM Conclusion	Support
Bristol Bay Subsistence Regional Advisory Council Recommendation	Support
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation	Support
Western Interior Subsistence Regional Advisory Council Recommendation	Support

WP20–26 Executive Summary	
Interagency Staff Committee Comments	<p>The Interagency Staff Committee (ISC) has identified several points for the Board to consider in their deliberation of proposal WP20-26.</p> <p>Testimony from members of the Bristol Bay Subsistence Regional Advisory Council and local subsistence users supported the clarification of how snow machines can be used while harvesting wolves and wolverines in these units. Such equipment has long been used for these purposes, and the proposed regulations will help subsistence users continue these traditions, while reducing the concerns about potential enforcement actions.</p> <p>Little is known about wolf or wolverine populations and harvest levels in these units. Wolverines, in particular, occur at low densities and are vulnerable to hunters on snowmachines. Using snowmachines to position and shoot wolverines may present conservation concerns if it results in increased harvest. However, the ISC also noted that harvest of wolves and/or wolverines by rural residents while snow machining is typically opportunistic, which may limit negative impacts to either species.</p> <p>This regulation would apply only on BLM managed land, and would result in regulatory complexity across lands of differing Federal status. In addition, BLM managed lands comprise only 4% of Units 9 and 17, so this regulation would apply to only a fraction of the total land area. Regulatory complexity between State and Federal regulations would also increase, given that State regulations allow a snowmachine to be used to position a hunter to select an individual wolf for harvest, provided the machine is stationary when shooting, but does not allow the same for wolverines.</p> <p>It is notable that the Board has previously approved regulations specifying how snow machines can be used for wolf and wolverine hunting in Unit 23, and that these regulations have been implemented to address both subsistence needs and enforcement concerns. The Board may also want to consider a more universal approach to identifying the appropriate use of snow machines for harvest of animals by federally qualified subsistence users. Creation of regulations that are enforceable, are compatible with existing Federal and State regulations, and allow efficient harvest, may be worth further discussion and evaluation.</p>

WP20–26 Executive Summary	
ADF&G Comments	Neutral on wolves, Opposed to wolverine
Written Public Comments	1 Oppose

**STAFF ANALYSIS
WP20-26**

ISSUES

Proposal WP20-26, submitted by the Bristol Bay Subsistence Regional Advisory Council requests that Federally qualified subsistence users be allowed to use a snowmachine to position wolves, and wolverines for harvest on Bureau of Land Management (BLM) lands in Units 9B, 9C, 17B, and 17C, provided the animals are not shot from a moving snowmachine.

DISCUSSION

The proponent states that the use of snowmachines to position wolves and wolverines is a traditional practice in rural areas, and the proposed regulation will mirror Federal regulations in Unit 23.

Existing Federal Regulation

§ ____ .26 Subsistence taking of wildlife

...

(b) Except for special provisions found at paragraphs (n)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

...

(4) Taking wildlife from a motorized land or air vehicle when that vehicle is in motion, or from a motor-driven boat when the boat's progress from the motor's power has not ceased.

(5) Using a motorized vehicle to drive, herd, or molest wildlife.

Proposed Federal Regulation

§ ____ .26 Subsistence taking of wildlife

...

(b) Except for special provisions found at paragraphs (n)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

...

(4) Taking wildlife from a motorized land or air vehicle when that vehicle is in motion, or from a motor-driven boat when the boat's progress from the motor's power has not ceased.

(5) Using a motorized vehicle to drive, herd, or molest wildlife.

§ _____.26(n)(9)(iii) Unit 9—Unit-specific regulations

...

(I) In Units 9B and 9C, on BLM-managed lands only, a snowmachine may be used to position a wolf or wolverine for harvest, provided that the animal is not shot from a moving snowmachine.

...

§ _____.26(n)(17)(iii) Unit 17—Unit-specific regulations

...

(D) In Units 17B and 17C, on BLM-managed lands only, a snowmachine may be used to position a wolf or wolverine for harvest, provided that the animal is not shot from a moving snowmachine.

Existing State Regulations

AS 16.05.940. Definitions.

...

(34) “take” means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game.

5 AAC 92.080. Unlawful methods of taking game; exceptions

The following methods of taking game are prohibited:

...

(4) unless otherwise provided in this chapter, from a motor-driven boat or a motorized land vehicle, unless the motor has been completely shut off and the progress from the motor’s power has ceased, except that a

...

(B) motorized land vehicle may be used as follows:

(iii) notwithstanding any other provision in this section, in Units 9(B), 9(C), 9(E), 17, 18, 19, 21, 22, 24, 25(C) and 25(D), except on any National Park Service or National Wildlife Refuge lands not approved by the federal agencies, a snowmachine may be used to position a hunter

to select an individual wolf for harvest, and wolves may be shot from a stationary snowmachine;

...

(5) except as otherwise specified, with the use of a motorized vehicle to harass game or for the purpose of driving, herding, or molesting game.

5 AAC 92.990. Definitions

(a) In addition to the definitions in AS 16.05.940 , in 5 AAC 84 – 5 AAC 92, unless the context requires otherwise,

...

(70) “harass” means to repeatedly approach an animal in a manner which results in the animal altering its behavior;

NOTE: The complete text for 5 AAC 92.080(4)(B) is in **Appendix 1.**

Relevant Federal Regulations

50 CFR 100.4 and 36 CFR 242.4 Definitions

Take or taking as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

§ _____.26(n)(23)(iv) Unit 23—Unit-specific regulations

...

(E) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine. On BLM-managed lands only, a snowmachine may be used to position a caribou, wolf, or wolverine for harvest provided that the animals are not shot from a moving snowmachine.

43 CFR 8341.1 (Bureau of Land Management)

(f.) No person shall operate an off-road vehicle on public lands: ... (4) In a manner causing or likely to cause significant, undue damage to or disturbance of ... wildlife

Extent of Federal Public Lands

Unit 9 is comprised of approximately 53% Federal public lands and consist of 28% National Park Service, 22% U.S. Fish and Wildlife Service, and 3% Bureau of Land Management managed lands. Bureau of Land Management lands comprise 8% of Unit 9B and 4% of Unit 9C.

Unit 17 is comprised of approximately 28% Federal public lands and consist of 21% U.S. Fish and Wildlife Service, 4% Bureau of Land Management, and 3% National Park Service managed lands. Bureau of Land Management lands comprise 1% Unit 17B and 10% of Unit 17C.

Customary and Traditional Use Determination

The Federal Subsistence Board (Board) has not made a customary and traditional use determination for wolverines in Unit 9 or Unit 17. Therefore, all Federally qualified subsistence users may harvest wolverines.

Residents of Units 6, 9, 10 (Unimak Island only), 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and Chickaloon have a customary and traditional use determination for wolves in Units 9 and 17.

Regulatory History

In 1995, Proposal P95-52 requested that snowmachines and motor-driven boats be allowed in the taking of caribou and moose in Unit 25 during established seasons, except shooting from a snowmachine in motion was prohibited. There was no existing regulation on the use of motorized vehicles in Unit 25 prior to this. The Federal Subsistence Board (Board) adopted the recommendation of the Eastern Interior Alaska and Southcentral Alaska Subsistence Regional Advisory Councils who supported the proposal in recognition that methods change over time and because it supported subsistence uses.

In 2000, the Board adopted Proposal P00-53 with modification allowing the use of snowmachines to position a hunter and select individual caribou for harvest in Units 22 and 23. The Board did this to recognize a longstanding customary and traditional practice in the region (FWS 2000). However, the proponent had asked to position a caribou, not a hunter. The Interagency Staff Committee provided a rationale for the modification:

Following the Regional Council winter meetings, the Deputy Regional Director of the U.S. Fish and Wildlife Service (FWS), Alaska Region, met with the Assistant Regional Director for Law Enforcement, the Staff Committee member for FWS, the Refuge Supervisor for Northern Refuges, and the Native Liaison and, after lengthy discussion, agreed to recommend substituting “a hunter” for “caribou” in the proposal language. They agreed that this is consistent with conservation principles and existing agency regulations as long as herding does not occur and shooting from a moving snowmachine is prohibited (FWS 2000:13).

In 2012, Proposal WP12-53 was submitted by the Yukon Delta National Wildlife Refuge, and requested unit specific regulation prohibiting a hunter in Unit 18 from pursuing with a motorized vehicle an ungulate that is “fleeing.” The Board adopted the proposal with modification and prohibited the pursuit with a motorized vehicle of an ungulate that was “at or near a full gallop” in Unit 18, providing greater clarity of allowable methods of harvest (FWS 2012).

At its March 2014 meeting, the Alaska Board of Game adopted Proposal 177, which allows a hunter to use a snowmachine in Units 22, 23 and 26A to position a caribou, wolf, or wolverine for harvest, as long as these animals were shot from a stationary snowmachine (see 5 AAC 92.080(4)(B)(i) at **Appendix 1**). The purpose of the proposal was to allow the use of snowmachines to track these animals.

In 2016, Proposal WP16-48, submitted by the Native Village of Kotzebue, requested that Federally qualified subsistence users be allowed to use snowmachines to position a caribou, wolf, or wolverine for harvest in Unit 23. The Board adopted the proposal with modification to allow this method of harvest only on those lands managed by the Bureau of Land Management. The Board recognized uses of snowmachines to position animals as customary and traditional practice. However, positioning animals by snowmachine is prohibited on National Park Service and U.S. Fish and Wildlife Service lands under agency-specific regulations. Bureau of Land Management regulatory language does not specifically prohibit the use of snowmachines to position animals for hunting and this harvest method is allowed on some State managed lands.

In the spring of 2017, Kenneth Nukwak of Manokotak submitted Proposal WP18-24 requesting that Federally qualified subsistence users be allowed to use a snowmachine to position caribou, wolves, and wolverines for harvest in Unit 17, provided the animals would not shot from a moving vehicle. During the fall 2017 meeting cycle, the Bristol Bay Subsistence Regional Advisory Council voted to oppose Proposal WP18-24, noting a lack of clear definitions for positioning and chasing of an animal.

At its February 2018 meeting in Dillingham, the Alaska Board of Game adopted Proposal 148, also submitted by Kenneth Nukwak of Manokotak, with modification. The original proposal requested that Federally qualified subsistence users be allowed to use a snowmachine to position caribou, wolves, and wolverines for harvest in Unit 17, provided the animals would not be shot from a moving vehicle. The modified regulation was limited to caribou and stated that a snowmachine may be used in Unit 17 to assist in the taking of a caribou, and caribou may be shot from a stationary snowmachine, with further clarification describing exactly how the snowmachine may be used for assistance (see 5 AAC 92.080(4)(B)(viii) at **Appendix 1**).

At its winter meeting in March of 2018, the Bristol Bay Subsistence Regional Advisory Council voted to request Proposal WP18-24 be removed from the consensus agenda at the next Board meeting. Reasoning for this included providing an opportunity for the Board to deliberate the proposal on record, in light of Board of Game deliberation, modification, and adoption of the same proposal on State lands in Unit 17. During the April 2018 Board meeting, Proposal WP18-24 was taken off the

consensus agenda. Some public testimony was received in support of the proposal. The Board deliberated the proposal on record and rejected it.

Biological Background

Wolves and wolverines are present throughout Units 9 and 17. As with other furbearers in Alaska, there is scant objective data on abundance of these animals. Rather, relative abundance has typically been estimated using the results of trapper questionnaires, as well as incidental observation by biologists, hunters, trappers, guides and others.

Wolves

Historically, wolf density has varied in response to harvest pressure, prey availability, and disease. In Unit 9, wolf densities were low in the early 1980s following the end of the Federal wolf control program. Abundance appears to have increased during the 1990s. Currently, the population is believed to be relatively stable, and monitoring efforts in Units 9C and 9E indicate that the population is 250 – 550 wolves, or 16-18 wolves/1,000 mi² (Crowley and Peterson 2018). Wolf dynamics in Unit 17 have been similar to those in Unit 9, with abundance increasing during the mid-1980s and early 1990s (Barten 2018) and recent observations suggesting that the population is relatively stable (Spivey 2019).

Wolverines

Compared to other furbearers, wolverines occur at low densities (Copeland and Whitman 2003). Though wolverine abundance remains unquantified due to the impracticality of formal assessment (Crowley 2013), low densities appear to be confirmed by local trappers, who report that wolverines in Units 9 and 17 are scarce but stable (Spivey 2019).

Cultural Knowledge and Traditional Practices

During his study years of 1964 and 1965, VanStone (1967:134) documented winter travel along the Nushagak River as occurring almost exclusively by dog team. During the winter months dog teams were used to harvest caribou, access trap lines, and provide for the transportation of supplies and people throughout the region. Hunters used traditional methods to harvest wildlife. These methods included a hunter moving animals towards another hunter's position (Nelson 1983 [1899] and Oswalt 1990). At the time of his study, VanStone was only aware of a few Bristol Bay residents that possessed snowmachines. Approximately 10 years later, when the Alaska Department of Fish and Game (ADF&G) first began conducting research on subsistence harvest activities, dog teams were barely mentioned. Instead, reports noted that the communities of Nushagak Bay had mostly transitioned to the use of boats, aircrafts, and snowmachines as a preferred means of travel and for accessing animals for harvest (Coiley-Kenner et al. 2003; Evans et al. 2013; Fall et al. 1986; Holen et al. 2012; Holen et al. 2005; Kreig et al. 2009; Schinchnes and Chythlook 1988; Seitz 1996; Wolfe et al. 1984; Wright et al. 1985).

In the past, prior to the use of snowmachines, people in the region were more nomadic. Residents of Southwest Alaska practiced an annual round of harvest activities that allowed them to effectively position themselves in proximity to important resources that supported their families through extended travel to seasonal subsistence camps. In La Vine and Lisac (2003), elders describe a harvest year that began at fish camp in the early summer, moved up the river to hunting and trapping camps for the fall and winter, traveled through mountain passes and down rivers to bays and estuaries for the spring harvest of migratory waterfowl and eggs, finally returning to fish camp once again in early summer (La Vine and Lisac 2003). A trip such as this required travel by boat, sled, and foot and took the family hundreds of miles and 12 months to complete. As village life solidified around schools and economic opportunities, technological advances like boats with outboard motors and snowmachines allowed people to travel further over shorter periods of time in order to access resources they once had to follow over seasons instead of hours.

Wolves and Wolverine

Across Alaska, both wolves and wolverines are highly prized for their fur, which is used to trim locally made parkas and other items of clothing or handicrafts. While not as prominent an activity as in the past, rural residents still participate in trapping as a source of income in the Bristol Bay region, particularly for wolverine, which continues to fetch a high price for quality fur (Woolington 2013). Snowmachines were the primary means of transportation used by hunters and trappers for taking wolves and furbearers in Unit 17 from 2008 through 2012 (Woolington 2012 and 2013). Most wolves were harvested by firearm between the regulatory years of 1992 and 2010, while wolverines were more frequently taken by trap or snare.

The Division of Subsistence at ADF&G conducts household subsistence harvest surveys periodically throughout Alaska. Though this survey data is only available for some communities in some years, it is an additional source for documenting patterns of use in rural Alaska. The most recent surveys conducted in the Bristol Bay region describe the harvest and use of wolves and wolverines as varied between communities and study years (Evans et al. 2013; Holen et al. 2012; Holen et al. 2011; Holen et al. 2005; Kreig et al. 2009). A common pattern described by most reports is that a smaller percentage of households in each community report harvest or attempted harvest and use of furbearers than those reporting harvest and use of salmon or large land mammals like moose and caribou. In most cases only a few households are responsible for the majority of the harvest and use of furbearers, likely in association with keeping a trap line.

Harvest History

Wolves

Harvest of wolves is influenced by weather and travel conditions, which can result in variable harvest from year to year. Alaska Department of Fish and Game sealing records indicate that from 2010 to 2014, the most recent five-year period for which unit-specific sealing data is available, reported harvest ranged from 44 to 142 wolves in Unit 9. On average 64 wolves were harvested annually (Crowley and Peterson 2018).

Reported harvest was also variable in Unit 17, where between 6 and 105 wolves were harvest annually from 2010 to 2014. During that period, annual harvest averaged 47 wolves. In Unit 17, 70% of harvested wolves were shot, 18% were trapped or snared, and 69% of hunters and trappers used snowmachines to harvest wolves (Barten 2018).

Wolverines

Like wolf harvest, wolverine harvest can vary from year to year, reflecting trapper effort that varies with travel conditions. For 2007 – 2016, the most recent ten-year period for which unit-specific sealing data is available, reported harvest ranged from 9 to 36 wolverines in Unit 9. On average, annual reported harvest was 25 wolverines, 89% of which were trapped or snared, and 10% of which were shot. Snowmachines were used in 28% of wolverine harvest during this period. (Crowley 2013; Rinaldi 2019, pers. comm.).

In Unit 17, sealing records indicate that reported harvest ranged from 8 to 63 wolverines annually during 2007 – 2016, averaging 37 wolverines annually. During this time period, 79% of wolverines were trapped or snared and 17% were shot. Snowmachines were used 46% of the time (Woolington 2013; Rinaldi 2019, pers. comm.).

Other Relevant Proposals

Proposal WP20-27 was also submitted by the Bristol Bay Regional Advisory Council, and it requests a unit-specific regulation for Unit 17 allowing use of a snowmachine to assist in the taking of a caribou and allowing caribou to be shot from a stationary snowmachine, using the regulatory language adopted by the Alaska Board of Game in February 2018.

Effects of the Proposal

If adopted, Proposal WP20-26 would allow hunters to use a snowmachine to position wolves and wolverines for selection and harvest, as long as they were not shot from a moving snowmachine. The most recent available reports suggest that, in the Bristol Bay region, the majority of wolves are harvested by firearm, while the majority of wolverine are harvested by trapping. The proposed regulation may not result in an increase in harvest of wolves and wolverines by trap or snare. However, such regulatory changes could increase the take of wolves and wolverines by firearm, and may result in more opportunistic harvest. Currently the wolf population is believed to be stable. Less is known about the resident wolverine population and this change in regulation could result in increased biological vulnerability.

Bureau of Land Management lands in Units 9B, 9C, 17B, and 17C flank portions of the Nushagak and Kvichak rivers, and if the proposal is adopted, then it may provide most benefit to those communities situated nearest including Koliginak, New Stuyahok, Ekwok, Igiugig, Levelock, King Salmon, Naknek, and South Naknek. Regulations for the use of snowmachines when harvesting wolves or wolverines would be different on State managed lands, however this is already the case and should the proposal be adopted, it does not add regulatory complexity that does not already exist. Specifically, in

State regulations, a snowmachine may be used to position a hunter to select an individual wolf for harvest, and wolves may be shot from a stationary snowmachine; in Federal regulations, a snowmachine could be used to position a wolf or wolverine for harvest, and either could be shot from a stationary snowmachine.

OSM CONCLUSION

Support Proposal WP20-26.

Justification

Hunters using snowmachines to position wolves and wolverines for harvest is a traditional practice in the Bristol Bay area. While methods and means for taking wildlife in ethnographic literature describe hunters employing traditional strategies that might affect game behavior, until the 1960s hunters were largely on sled and foot (Nelson 1983 [1899]; Oswalt 1990; VanStone 1967). As means for travel, access, and harvest continue to change over time, hunters persist in using traditional methods purposefully meant to alter the behavior of wildlife in order to position them for harvest because these methods are efficient. Additionally, the Board has adopted a similar regulation in Unit 23, in recognition of the snowmachine as a customary and traditional harvest method. The proposed regulation change might increase opportunity through an enhanced method for the harvest of wolverines and could result in more harvest. Impacts to wolverine populations are unknown at this time and are difficult to track.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Bristol Bay Subsistence Regional Advisory Council

Support WP20-26. The use of snowmachines to position wolves and wolverines for harvest is a traditional and common practice in the Bristol Bay area. No conservation concerns exist for wolf and wolverines. The proposed regulation clarifies what is allowed. The local users support the use of snowmachine to position wolves and wolverines for harvest on BLM lands. The Federal Subsistence Board adopted a similar regulation in Unit 23 recognizing snowmachine as a customary and traditional harvest method.

Yukon Kuskokwim Delta Subsistence Regional Advisory Council

Support WP20-26. The Council supports this proposal because it would increase the opportunity for subsistence hunters to harvest a wolf or wolverine. Additionally, the Council expressed that with the decline of the Mulchatna Caribou, any increased subsistence harvest from the ample wolf and wolverine population in the area may help to reduce predation pressure on the caribou herd. Snow machine is a means of transportation for hunters and fishers, and this proposal would allow additional opportunity to harvest wolf or wolverine for furs when encountering them during the few months of winter travel.

Western Interior Subsistence Regional Advisory Council

Support WP20-26. The Council unanimously supported WP20-26. Subsistence hunters have customary and traditional use of the resources in Units 9B, 9C, 17B, and 17C. Although travel conditions are becoming more difficult due to climate change, using snowmachines allows users to access resources in an economically viable way. This proposal would only affect a very small portion of Bureau of Land Management lands.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee (ISC) has identified several points for the Board to consider in their deliberation of proposal WP20-26.

Testimony from members of the Bristol Bay Subsistence Regional Advisory Council and local subsistence users supported the clarification of how snow machines can be used while harvesting wolves and wolverines in these units. Such equipment has long been used for these purposes, and the proposed regulations will help subsistence users continue these traditions, while reducing the concerns about potential enforcement actions.

Little is known about wolf or wolverine populations and harvest levels in these units. Wolverines, in particular, occur at low densities and are vulnerable to hunters on snowmachines. Using snowmachines to position and shoot wolverines may present conservation concerns if it results in increased harvest.

However, the ISC also noted that harvest of wolves and/or wolverines by rural residents while snow machining is typically opportunistic, which may limit negative impacts to either species.

This regulation would apply only on BLM managed land, and would result in regulatory complexity across lands of differing Federal status. In addition, BLM managed lands comprise only 4% of Units 9 and 17, so this regulation would apply to only a fraction of the total land area. Regulatory complexity between State and Federal regulations would also increase, given that State regulations allow a snowmachine to be used to position a hunter to select an individual wolf for harvest, provided the machine is stationary when shooting, but does not allow the same for wolverines.

It is notable that the Board has previously approved regulations specifying how snow machines can be used for wolf and wolverine hunting in Unit 23, and that these regulations have been implemented to address both subsistence needs and enforcement concerns. The Board may also want to consider a more universal approach to identifying the appropriate use of snow machines for harvest of animals by federally qualified subsistence users. Creation of regulations that are enforceable, are compatible with existing Federal and State regulations, and allow efficient harvest, may be worth further discussion and evaluation.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP2026: This proposal submitted by the Bristol Bay Regional Advisory Council would allow Federally qualified subsistence users to use a snowmachine to position wolves and wolverines for harvest on Bureau of Land Management (BLM) lands only in Units 9B, 9C, 17B, and 17C, provided the animals are not shot from a moving snowmachine.

Introduction: The proponent states that the use of snowmachines to position wolves and wolverines has been a traditional practice in rural areas and should be provided under ANILCA.

Impact on Subsistence Users: Low: there are limited opportunities to take wolves and wolverines from snowmachine in Southwest Alaska. Wolverines are scarce in Units 9 and 17. Trappers generally have more success than motorized hunters.

Impact on Other Users: If adopted, the impact on other users would be minimal because the number of trappers is low relative to the land base.

Opportunity Provided by State:

State customary and traditional use findings: The Alaska Board of Game has made positive customary and traditional use findings for wolves and wolverines in Units 9 and 17.

Amounts Reasonably Necessary for Subsistence:

Alaska state law requires the Board of Game to determine the amount of the harvestable portion of a game population that is reasonably necessary subsistence uses (ANS). The board does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the board with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below the ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

An ANS of 10–28 wolves has been established in Unit 9. The hunting season runs from August 10–June 30 and bag limit is 10 wolves/day. The trapping season runs from August 10–June 30 and there is no bag limit.

The ANS for wolves in Unit 17 is 90% of the harvestable portion. The hunting season runs from August 10–April 30 and bag limit is 10 wolves/day. The trapping season runs from November 10–March 31 and there is no bag limit.

The ANSs for wolverines in both Unit 9 and Unit 17 is 90% of the harvestable portion. The hunting season in both units runs from September 1–March 31 and bag limit is 1 wolverine. The trapping season in Units 9B and 17 runs from November 10–March 31 and runs from November 10–March 31 in Unit 9C. There is no bag limit for wolverines under trapping regulations in Units 9 or 17.

Special instructions: None

Conservation Issues: ADF&G has consistently implemented survey, inventory, and research activities for wolf management over the last decade and retains long-term harvest datasets. Wolves are common throughout the units, population numbers appear to be stable, and the species has the capacity to recover quickly from harvest as long as there is suitable habitat for their prey.

Although we believe there are significant wolverine refugia in these units, as the proposal acknowledges, any regulation change that could increase harvest of this species could have negative effects on the health and stability of this population. Wolverines range widely, naturally occur at low densities, and have complex life-histories that make them vulnerable to increased harvest (e.g., low reproductive rates, kits remain with their mother for ≥ 2 years, etc.) This susceptibility increases in February–March during the denning period.

Enforcement Issues: Given the vastness of the landscape and sparseness of hunters, if this proposal is adopted, it will be very difficult to enforce, or to determine if hunters have violated the regulation. Hunters will need to be able to differentiate between state-, BLM-, and USFWS-administered land.

Recommendation: ADF&G is **NEUTRAL** on the use of snowmachines for positioning wolves given intensive management efforts in the area. Allowing hunters to position the animals for harvest would enhance hunter success, and aid in the department's efforts to increase moose and caribou survival in these units. However, we **OPPOSE** allowing the use of snowmachines to position a wolverine because the State does not seek additional harvest on current populations. Current harvest levels appear to be sustainable and low-density wolverine populations are likely to be more susceptible to increased harvest levels.

APPENDIX 1

5 AAC 92.080. Unlawful methods of taking game; exceptions

The following methods of taking game are prohibited:

...

(4) unless otherwise provided in this chapter, from a motor-driven boat or a motorized land vehicle, unless the motor has been completely shut off and the progress from the motor's power has ceased, except that a

...

(B) motorized land vehicle may be used as follows:

i) In Units 22, 23, and 26(A), a snowmachine may be used to position a caribou, wolf, or wolverine, for harvest, and caribou, wolves and wolverines may be shot from a stationary snowmachine.

(ii) notwithstanding any other provision in this section, in the wolf control implementation areas specified in 5 AAC 92.111 - 5 AAC 92.113, 5 AAC 92.118, and 5 AAC 92.121 - 5 AAC 92.124, a snowmachine may be used to position a hunter to select an individual wolf for harvest, and wolves may be shot from a stationary snowmachine;

(iii) notwithstanding any other provision in this section, in Units 9(B), 9(C), 9(E), 17, 18, 19, 21, 22, 24, 25(C) and 25(D), except on any National Park Service or National Wildlife Refuge lands not approved by the federal agencies, a snowmachine may be used to position a hunter to select an individual wolf for harvest, and wolves may be shot from a stationary snowmachine;

(iv) notwithstanding any other provision in this section, in the bear control implementation areas specified in 5 AAC 92.111 - 5 AAC 92.113, 5 AAC 92.118, and 5 AAC 92.121 - 5 AAC 92.124, a snowmachine may be used to position a hunter to select an individual bear for harvest, and bears may be shot from a stationary snowmachine;

(v) notwithstanding any other provision in this section, in Units 9(B), 9(C), 9(E), 17, 22 and 25(C), except on any National Park Service or National Wildlife Refuge lands not approved by the federal agencies, an ATV may be used to position a hunter to select an individual wolf for harvest, and wolves may be shot from a stationary ATV;

(vi) under authority of a permit issued by the department;

(vii) in Unit 18, a snowmachine may be used to position a wolf or wolverine for harvest, and wolves or wolverines may be shot from a stationary snowmachine;

(viii) in Unit 17, a snowmachine may be used to assist in the taking of a caribou and caribou may be shot from a stationary snowmachine. "Assist in the taking of a caribou" means a snowmachine may be used to approach within 300 yards of a caribou at speeds under 15 miles per hour, in a manner that does not involve repeated approaches or that causes a caribou to run. A snowmachine may not be used to contact an animal or to pursue a fleeing caribou.

(5) except as otherwise specified, with the use of a motorized vehicle to harass game or for the purpose of driving, herding, or molesting game;

(6) with the use or aid of a machine gun, set gun, or a shotgun larger than 10 gauge;

(7) with the aid of

(A) a pit;

(B) a fire;

(C) artificial light, except that artificial light may be used.

WRITTEN PUBLIC COMMENTS

June 25, 2019

TO: Federal Board of Subsistence Management, (Att:
Theo Mutschowitz)
FROM: Alaskans FOR Wildlife and any Cooperating
Entities
RE: Comments on Subsistence Proposals

Please consider these comments on numbered proposals. Comments are offered from a public perspective that reflects several major considerations which we earnestly wish you and the board to keep clearly in mind as you make decisions on these and all proposals offered, namely,

- 1) The lands in question are publically owned lands belonging to all US citizens who in theory and in law all have interest in how wildlife on these lands are managed, and
- 2) Article 8 of our Alaska Constitution clearly sets forth that ALL (emphasis) Alaskans are stakeholders, all essentially owners, with respect to its natural resources and how they are managed .

WP-20 Wolf Trapping lifting harvest restrictions and extending sealing time.

OPPOSE

-2-

This proposal leads to spreading unrestricted wolf take everywhere. Given especially the substantial science on the value of apex predators plus the high interest in sustaining wolf populations on American public lands including here in Alaska as essential to maintenance of ecosystem biodiversity, we maintain that enactment of this proposal would result in another chapter in the unscientific overall continued war on wolves. This proposal to lift harvest limits and to extend sealing limits also already excessive in length are not scientifically justified nor justified as a public matter given the overall value of wolves to maintenance of biodiversity. It must not pass.

WP20-17 - Removing harvest quotas and sealing requirements for hunting wolves, OPPOSE.

We oppose this proposal for the same reasons offered to oppose the previous proposal, WP20-16.

The values of wolves as apex predator and its place in American culture must have bearing upon this consideration. No science and no national or even Alaskan public cultural norms can possibly support this permissively reckless proposal to expand wolf take without bounds. It must not pass.

-3-

WP20-26 Permitting the use of snowmachines to "position" wildlife for harvest. OPPOSE

This proposal would expand this practice apparently from other land management units. In essence "positioning" is another term for what in reality will result in chasing, and harassing wildlife to exhaustion, prohibitions in the regulation notwithstanding, due to impossible enforcement limitations. As an example, when asked to explain existing regulations for snowmachine use in trapping and hunting, an Alaska wildlife trooper explained he does not even understand the regulation.

Expanded snowmachine use, "positioning," will amount to a continued enforcement challenge. Widespread abuse will surely result and will continue to give subsistence the reputation of abuse when it really needs public support: we feel that as we now face mass extinctions of wildlife species; there is new public and growing focus on the crisis. This is an extremely unwise plunge to the bottom and we caution a futuristic consideration.

WP20-08 Proposal to require traps and snares to be marked with name and state identification number.

-4-

SUPPORT This proposal is topical, even in urban municipalities of Alaska as conflicts in public use areas resulting in injuries to hikers, pets and other outdoor public land users rise.

Keeping in mind even the use of more remote public lands grows as outdoor users of their lands increase, the potential for conflicts including serious injuries resulting from hidden owner-unidentified traps will increase.

Organized trappers have strongly opposed such requirements as proposed here in past requests for change considered by the Alaska Board of Game. We witness the public land users (including of federal lands) would most certainly strongly favor this accountability. We strongly favor this proposal.

In closing, please carefully consider these comments as you go forward with the process over the next year or so. WE thank you for your consideration of these comments.

Sincerely,
Jim Kowalsky,
Chair, Alaskans FOR Wildlife
PO Box 81957
Fairbanks, Alaska 99708

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

FEDERAL SUBSISTENCE BOARD

PURPOSE

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

BACKGROUND

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) establishes a priority for the taking of fish and wildlife on Federal public lands and waters for non-wasteful subsistence uses over the taking of fish and wildlife on such lands for other purposes (ANILCA §804). Under certain circumstances specified in Title VIII, the Board is authorized to restrict, close and reopen Federal public lands and waters to the taking of fish and wildlife (ANILCA §§804, 815(3), 816(b)). Additional Board authorities relevant to closures are established by the implementing regulations at 36 CFR 242.10(d)(4) and 50 CFR 100.10(d)(4).

POLICY

The decision to close Federal public lands or waters to hunting, trapping, or fishing is an important decision that will be made only when authorized under Title VIII of ANILCA and warranted by careful analysis of all relevant considerations. Before closing any Federal public lands or waters to subsistence or non-subsistence uses of fish or wildlife, the Board will assess the availability and effectiveness of lesser restrictions and other management options that could preclude the need to implement such closure. When a closure is no longer needed, the Board will reopen the affected Federal public lands and waters as soon as practicable.

REVIEW OF PROPOSED CLOSURES

Any individual or organization may propose a closure. The Board will review each proposed closure on a case-by-case basis to determine whether such closure is necessary. During its review, the Board will:

- Consider any information and recommendations provided by affected Regional Advisory Councils, the State of Alaska, and the public.
- Consider the biological history (data set) of the fish stock or wildlife population.

- Consider the extent of affected lands and waters necessary to accomplish the objective of the closure.
- Consider the current status and trend of the fish stock or wildlife population at issue.
- Consider the current and historical subsistence and non-subsistence harvest, such as descriptions of harvest amounts, effort levels, user groups, and success levels.
- Consider pertinent traditional ecological knowledge.
- Follow the statutory standard of “customary and traditional uses.” Need is not the standard.
- Consider relevant State and Federal management plans, as well as any relationship to other Federal or State laws or programs.
- Consider other Federal options that would conserve healthy populations and provide a meaningful preference for subsistence, but would be less restrictive than closures.
- Consider the potential adverse and beneficial impacts of any proposed closure on affected fish and wildlife populations and uses of lands and waters both inside and outside the closed area.
- Consider other issues or information that influence the effectiveness and impact of any closure.

The circumstances under which the Board may approve a proposed closure depend on the type of use affected. With respect to **subsistence uses** of a particular fish or wildlife population, the Board may only approve a proposed closure if necessary for reasons of public safety, administration, or to assure the continued viability of such population (ANILCA §816(b), 36 CFR 242.10(d)(4)(vii) and 50 CFR 100.10(d)(4)(vii)). Meanwhile, the Board may approve a proposed closure of **non-subsistence uses** of a particular fish or wildlife population for any of these same reasons, or if necessary for the conservation of healthy populations of fish and wildlife, or to continue subsistence uses of such population (ANILCA §815(3), 36 CFR 242.10(d)(4)(vi) and 50 CFR 100.10(d)(4)(vi)).

When a fish or wildlife population is insufficient to sustain all subsistence uses, the available resource shall be apportioned among subsistence users according to their customary and direct dependence upon the population as a mainstay of livelihood, local residency, and availability of alternate resources (ANILCA §804, 36 CFR 242.17, 50 CFR 100.17).

The Board will base its actions on substantial evidence contained within the administrative record, and on the best available information; complete certainty is not required. If the Board’s action is inconsistent with a Council recommendation, then the Board will explain its rationale pursuant to 36 CFR 242.10(e)(1) and 50 CFR 100.10(e)(1).

REVIEW OF EXISTING CLOSURES

Like other Board-established rules, closures are subject to change during the regulatory cycle. It is the Board's policy that Federal public lands and waters should be reopened as soon as practicable once the conditions that originally justified the closure have changed to such an extent that the closure is no longer necessary. To help ensure that closures do not remain in place longer than necessary, the Board directs the following process for reviewing existing closures:

- The Office of Subsistence Management (OSM) will maintain a list of all existing closures, and will review half of all closures during each applicable regulatory cycle (even years for wildlife, odd years for fish/shellfish). Closure reviews will include analysis of all relevant considerations as listed in this policy and OSM's recommendation to retain, modify, or rescind the closure.
- To give the public an adequate opportunity for notice and comment, each proposed rule published in the **Federal Register** for the next regulatory cycle will announce closure reviews and the opportunities for public comment on possible Board actions.
- A list of closures to be reviewed will be included in the Proposal Book published for each regulatory cycle.
- The OSM staff will present an overview of relevant closure reviews to the affected Council(s) during the normal regulatory cycle for development of a Council recommendation.
- During the Board's regulatory meetings, OSM staff will present an overview of all closure reviews conducted during that regulatory cycle.
- Any individual or organization may submit, during the normal proposal period, a proposal requesting that the Board modify or rescind any closure.
- The Board will take action on proposals concerning existing closures during the applicable regulatory meeting.

Outside of the regular proposal cycles, the Board will also take action on any Special Action requests concerning proposed or existing closures pursuant to the normal process for consideration of Special Action requests as set forth in 36 CFR 242.19 and 50 CFR 100.19.

Adopted by the Federal Subsistence Board August 29, 2007.
Revised by the Federal Subsistence Board [Insert Date].

POLICY ON NONRURAL DETERMINATIONS

FEDERAL SUBSISTENCE BOARD

Adopted January 11, 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 rescinding nonrural determinations of communities or areas 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 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, the Board determined rural status based on specific criteria set forth in Subpart B of the Federal subsistence regulations.

This approach was revised after a lengthy process that commenced in October 2009, when the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, directed the Board to review the process for 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 (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 rural determination criteria from regulation and allows 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 final rule allowed the Board to 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, i.e. those communities not subject to the Federal subsistence priority on Federal public lands, based on the list that predated the 2007 Final Rule (72 FR 25688; May 7, 2007).

As of November 4, 2015, the Board determined in accordance with 36 CFR 242.15 and 50 CFR 100.15 that the following communities or Census-designated Places (CDPs)¹ are 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/Palmer area – including Wasilla, Palmer, Sutton, Big Lake, Houston, and Bodenber

¹ Census Designated Place (CDP) is defined by the Federal Census Bureau as the statistical counterpart of incorporated places, delineated to provide data for settled concentrations of populations identifiable by name but not legally incorporated under the laws of the state in which they are located. CDPs are delineated cooperatively by state and local officials and the Census Bureau, following Census Bureau guidelines.

Butte (36 CFR 242.23 and 50 CFR 100.23). All other communities and areas in Alaska are, therefore, rural.

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

In accordance with the Administrative Procedures Act (APA), Federal rulemaking undertaken by the Federal Subsistence Management Program requires that any individual, organization, or community be given the opportunity to submit proposals to change Federal regulations. The Board will only address changes to the [rural or](#) nonrural status of communities or areas when requested in a proposal. This policy describes the Board's administrative process for addressing proposals to change the [rural or](#) nonrural status of a community or area by outlining proposal requirements and submission, identifying a process schedule and general process timeline, and outlining Board decision making when acting on such proposals.

SECTION A: Submitting a Proposal

Proponents must submit a written proposal in accordance with the guidance provided in the same Federal Register notice that includes a call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations. This notice is published in even-numbered years. Proposals to revise nonrural determinations will be accepted every other fish and shellfish regulatory cycle, starting in 2018.

SECTION B: Requirements for Proposals

Making a Nonrural Determination

Proposals can be submitted to the Board to make 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. Proposals seeking a nonrural determination must also include the basic requirements and meet the threshold requirements outlined below.

Basic Requirements

All proposals must contain the following information:

- Full name and mailing address of the proponent;
- A statement describing the proposed nonrural determination action requested;
- A detailed description of the community or area under consideration, including any current boundaries, borders, or distinguishing landmarks, so as to identify which Alaska residents would be affected by the change in nonrural status;

- Rationale and supporting evidence (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) 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 and supporting evidence stated above; and
- Any additional information supporting the proposed change.

Threshold Requirements

In addition to the basic requirements outlined above, the following threshold requirements apply. The Board shall only accept a proposal to designate a community or area as nonrural, if the Board determines the proposal meets the following threshold requirements:

- The proposal provides new or different relevant information than was used by the Board in its most recent decision about the nonrural status of the individual community or area;
- The proposal provides substantive rationale for the nonrural character of a community or area that takes into consideration the unique qualities of the region; and
- The proposal provides evidence supporting the proponent's rationale that a community or area is nonrural.

The Board shall determine whether or not the proposal satisfies the threshold requirements outlined above after considering the recommendation(s) from the affected Regional Advisory Council(s). ~~The Board shall carefully weigh the initial recommendation from the affected Regional Advisory Council(s) when determining whether the proposal satisfies the threshold requirements outlined above.~~ If the Board determines the proposal does not satisfy the threshold requirements, the proponent will be notified in writing. If it is determined the proposal does meet the threshold, it shall be considered in accordance with the process schedule and timeline set forth below.

Limitation on Submission of Proposals Seeking Nonrural Determinations

The Board is aware of the burden placed on rural communities and areas in defending their rural status. If the rural status of a community or area is maintained after a proposal to change its status to nonrural is rejected, then no proposals to change the rural status of that community or area shall be accepted until the next proposal cycle. If a new proposal is submitted during ~~a subsequent~~the next proposal cycle, then ~~the proposal~~must set forth~~address~~ a demonstrated change that was not previously considered by the Board. Additionally, the following considerations apply to resubmitting proposals to change a community's status from rural to nonrural:

- Whether or not there has been a “demonstrated change” to the rural identity of a community or area is the burden of the proponent to illustrate by a preponderance of the evidence;
- Many characteristics, individually or in combination, may constitute a “demonstrated change” including, but not limited to, changes in population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, or degree of remoteness and isolation; and
- The Board’s most recent decision on the nonrural status of a community or area will be the baseline for any future proposals for that community or area, thus, a “demonstrated change”, as referred to in this portion of the process, must [have taken place](#) after the Board’s most recent decision.

Rescinding a Nonrural Determination

For proposals seeking to have the Board rescind a nonrural determination, it is the proponent’s responsibility to provide the Board with substantive narrative evidence to support their rationale of why the nonrural determination should be rescinded. Proposals seeking to have the Board rescind a nonrural determination must also include the basic requirements and meet the threshold requirements outlined below.

Basic Requirements

All proposals must contain the following information:

- Full name and mailing address of the proponent;
- A statement describing the proposed nonrural determination action requested;
- A description of the community or area considered as 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 and supporting evidence (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 rural using the rationale stated above; and
- Any additional information supporting the proposed change.

Threshold Requirements

In addition to the baseline information outlined above, the following threshold requirements apply. The Board shall only accept a proposal to rescind a nonrural determination, if the Board determines the proposal meets the following threshold requirements:

- The proposal provides new or different [relevant](#) information than was used by the Board in its most recent decision about the nonrural status of the individual community or area;
- The proposal provides substantive rationale for the rural character of a community or area that takes into consideration the unique qualities of the region; and
- The proposal provides evidence supporting the proponent's rationale that a community or area is rural instead of nonrural.

The Board shall determine whether [or not](#) the proposal satisfies the threshold requirements outlined above after considering the recommendation(s) from the affected Regional Advisory Council(s). If the Board determines the proposal does not satisfy the threshold requirements, the proponent will be notified in writing. If it is determined the proposal does meet the threshold, it shall be considered in accordance with the process schedule and timeline set forth below.

SECTION C: Decision Making

The Board will make [or rescind](#) 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. 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.

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

- Proceed on a case-by-case basis to address each proposal regarding nonrural determinations;
- Base its decision on nonrural status for a community or area on information of a reasonable and defensible nature contained within the administrative record;
- Make [or rescind](#) nonrural determinations based on a comprehensive application of evidence and considerations presented in the proposal that have been verified by the Board as accurate;
- Rely heavily on the recommendations from the affected Regional Advisory Council(s);
- Consider comments from government-to-government consultation with affected tribes;
- Consider comments from the public;
- Consider comments from the State of Alaska;
- [Consider comments from Engage in](#) consultation with affected ANCSA corporations;
- Have the discretion to [clarify-modify](#) the geographical extent of the area relevant to the nonrural determination; and

- Implement a final decision on a nonrural determination in compliance with the APA.

Regional Advisory Council Recommendations

The Board intends to rely heavily on the recommendations of the Councils and recognizes that Council input will be critical in addressing regional differences in the nonrural determination process. 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 community or region.

SECTION D: 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 tribal and ANCSA corporation consultation and public comment, the Board will only accept nonrural determination proposals every other fish and shellfish regulatory cycle~~every other year in even numbered years 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 creates a three-year period for proposal submission, review, analysis, Regional Advisory Council input, tribal and ANCSA corporation consultation, public comment, and Board deliberation and decision.

SECTION E: General Process Timeline

Outlined in Table 1 and Table 2

Regional Director, Alaska Region
National Park Service
240 W. 5th Ave.
Anchorage, AK 99501

Dear Regional Director:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Alaska Regional Director of the National Park Service (NPS) to adopt individual customary and traditional use (C&T) determinations for those individuals authorized to engage in subsistence uses in a national park or monument, including those holding a NPS subsistence permit issued pursuant to 36 CFR 13.440 and those living within a Resident Zone Community. This delegation only applies to subsistence uses of fish and wildlife in national parks and monuments subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction.

DELEGATION OF AUTHORITY

1. Delegation: The Alaska Regional Director of the National Park Service, or his/her designated representative, is hereby delegated authority to adopt individual C&T determinations for those individuals issued a NPS §13.440 subsistence permit, or living within a Resident Zone Community, as outlined under the **Scope of Delegation**. Individual C&T is governed by Federal regulation at 36 CFR 242.16, 36 CFR 242.24, 50 CFR 100.16, and 50 CFR 100.24. National Park Service subsistence permits are governed by Federal regulation at 36 CFR 13.440.

2. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which allow the Board to delegate certain management decisions to agency field officials within a framework established by the Board. Authority to recognize which rural Alaska areas or communities have customary and traditional subsistence uses of specific fish and wildlife populations is established under 36 CFR 242.10(d)(4)(iii) and 50 CFR 100.10(d)(4)(iii).

3. Scope of Delegation: The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.16, 50 CFR 100.16, 36 CFR 242.24, and 50 CFR 100.24:

- To adopt individual C&T determinations for those individuals issued a NPS §13.440 subsistence permit or those living within a Resident Zone Community.

Individual C&T determinations may be issued only to holders of subsistence permits and are limited to national parks and monuments, as described in the Federal regulation at 36 CFR 242.16, 50 CFR 100.16, and 36 CFR 13.440.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Delegation: You will become familiar with the requirements for issuing individual C&T determinations. You will develop a process to evaluate individual C&T applications that incorporates the factors exemplifying customary and traditional use, as described at 36 CFR 100.16 and 50 CFR 100.26. You will provide subsistence users in the region a local point of contact to facilitate communication about this process and its requirements.

You will issue decisions and notify C&T applicants in a timely manner. You will notify the Board, the Interagency Staff Committee, the Office of Subsistence Management and the appropriate Federal Subsistence Regional Advisory Council(s) about new individual C&T determinations, and you will maintain a list of existing individual C&T determinations for each park unit.

6. Support Services: Administrative support will be provided by the Office of Subsistence Management.

Sincerely,

Anthony Christianson
Chair

Enclosures

cc: Federal Subsistence Board
Interagency Staff Committee
Administrative Record

Standard Operating Procedures for Issuance of Subsistence Eligibility Permits and Individual Customary and Traditional Use Determinations¹

The Alaska Region of the National Park Service (NPS) intends to issue National Park/Monument Subsistence Eligibility Permits (sometimes referred to as 13.440 Permits) and Individual Customary and Traditional Use Determinations using the protocol established in this document. A Subsistence Eligibility Permit may be requested for use in conjunction with an existing community or area customary and traditional (C&T) use determination within the relevant park unit, or in combination with a new request for one or more individual C&T use determinations.

National Park/Monument Subsistence Eligibility Permits are issued pursuant to 36 Code of Federal Regulations (CFR) 13.440:

Any rural resident whose primary, permanent home is outside the boundaries of a resident zone of a national park or monument may apply to the appropriate Superintendent pursuant to the procedures set forth in §13.495 for a subsistence permit authorizing the permit applicant to engage in subsistence uses within the national park or monument.

Application procedures for Subsistence Eligibility Permits are specified in 36 CFR 13.495:

(a) Any person applying for the subsistence permit required by §13.440(a), or the exception to the prohibition on aircraft use provided by §13.450(b)(2), shall submit his/her application to the Superintendent of the appropriate national park or monument. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application. Each application must include a statement which acknowledges that providing false information in support of the application is a violation of Section 1001 of Title 18 of the United States Code, and additional statements or documentation which demonstrates that the applicant satisfies the criteria set forth in §13.440(a) for a subsistence permit or §13.450(b)(2) for the aircraft exception, as appropriate. Except in extraordinary cases for good cause shown, the Superintendent shall decide whether to grant or deny the application in a timely manner not to exceed forty-five (45) days following the receipt of the completed application. Should the Superintendent deny the application, he/she shall include in the decision a statement of the reasons for the denial and shall promptly forward a copy to the applicant.

(b) An applicant whose application has been denied by the Superintendent has the right to have his/her application reconsidered by the Alaska Regional Director by contacting the Regional Director within 180 days of the issuance of the denial. The Regional Director may extend the

¹ To comply with requirements of the National Environmental Policy Act (NEPA), parks should consider covering the federal action of determining individual eligibility for subsistence activities with categorical exclusion 3.2(N): Issuance of individual hunting and/or fishing licenses in accordance with state and federal regulations. This CE does not require documentation.

180-day time limit to initiate a reconsideration for good cause shown by the applicant. For purposes of reconsideration, the applicant shall present the following information:

- (1) Any statement or documentation, in addition to that included in the initial application, which demonstrates that the applicant satisfies the criteria set forth in paragraph (a) of this section;
- (2) The basis for the applicant's disagreement with the Superintendent's findings and conclusions; and
- (3) Whether or not the applicant requests an informal hearing before the Regional Director.

(c) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearing, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

Individual Customary and Traditional Use Determinations are made pursuant to 50 CFR 100.16:

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

and 50 CFR 100. 24:

The Federal Subsistence Board has determined that rural Alaska residents of the listed communities, areas, and individuals have customary and traditional use of the specified species on Federal public land in the specified areas. Persons granted individual customary and traditional use determinations will be notified in writing by the Board. The Fish & Wildlife Service and the local NPS Superintendent will maintain the list of individuals having customary and traditional use on National Parks and Monuments. A copy of the list is available upon request. When there is a determination for specific communities or areas of residence in a Unit, all other communities not listed for that species in that Unit have no Federal subsistence priority for that species in that Unit. If no determination has been made for a species in a Unit, all rural Alaska residents are eligible to harvest fish or wildlife under this part.

Request for a National Park/Monument Subsistence Eligibility Permit

1. Applicants may request applications from the relevant park Subsistence Coordinator verbally, in-person, or in writing. The applicant may choose to complete the application with the assistance of the Subsistence Coordinator. Applicants shall acknowledge to the Subsistence Coordinator, either by signing and returning the application, verbally, or both, that he/she understands that providing false information in support of the application is a violation of Section 1001 of Title 18 of the United States Code.
2. The Subsistence Coordinator shall forward a copy of completed applications to the Alaska Region Subsistence Program Manager for archival purposes and entry in the Subsistence Eligibility Permit / Individual C&T tracking log.
3. Upon receiving the completed application, the relevant park Subsistence Coordinator shall schedule an interview with the applicant, either in-person or by phone, to obtain additional information regarding applicant eligibility and existing patterns of subsistence use.
4. Upon completing the interview, the relevant Subsistence Coordinator shall produce a brief written analysis (see attached form) and formulate a recommendation on the request, with justification.
5. The application, analysis, and recommendation shall be forwarded by the relevant Subsistence Coordinator to the Superintendent for review and decision. The Superintendent shall complete the decision form (see attached).
6. A signed copy of the decision form shall be sent to the applicant within 45 days of the receipt of the application² (36 CFR 13.495). The Subsistence Coordinator will coordinate with the applicant and the Superintendent to issue an approved permit with requisite signatures and he/she shall retain a copy. Permits shall follow the standard format for NPS Special Use Permits. The following permit stipulations are recommended, as applicable to the specific park unit, in addition to the standard Special Use Permit stipulations:
 - a. This permit establishes eligibility only for subsistence uses within (National Park or Monument Name). Specific subsistence activities (i.e. house logs, green firewood, cabins, subsistence registration hunts, caches, etc.) may require separate authorization or permits.
 - b. The Permittee must contact the Superintendent if permittee changes his/her permanent residence. The permit may need to be amended to show the current physical address of the permanent residence.
 - c. This permit is void if the Permittee's permanent residence is determined to be "non-rural" by federal regulation.
 - d. The Permittee is subject to other regulatory requirements including, but not limited to, seasons and harvest limits, community and individual customary and traditional determinations, methods and means, etc.
 - e. Only those family members living within the Permittee's household are authorized by this permit for subsistence uses in (National Park or Monument Name). It is the responsibility of the Permittee to notify the Superintendent of changes in the

² Except in extraordinary cases for good cause shown (36 CFR 13.495), including the need to collect additional information.

composition of the household, including additions (through birth, adoption or marriage) or deletions (a family member moving out of the household).

- f. The Permittee is prohibited by federal regulations (36 CFR 13.450) from using aircraft to access the park for the purpose of engaging in subsistence activities. Aircraft access is prohibited for any portion of the access. The regulatory prohibition on aircraft access for subsistence uses in the park does not apply to aircraft access to the Permittee's primary permanent residence.
7. The recommendation, Superintendent decision, and a digital copy of the signed permit (when applicable) shall be forwarded to the Alaska Region Subsistence Program Manager for entry into the Subsistence Eligibility Permit / Individual C&T tracking log.
8. Pursuant to 36 CFR 13.495 (b) an applicant whose application has been denied by the Superintendent has the right to have his/her application reconsidered by the Alaska Regional Director by contacting the Regional Director within 180 days of the issuance of the denial. The Regional Director may extend the 180-day time limit to initiate a reconsideration for good cause shown by the applicant.

Note: Permits will be issued for the lifetime of the applicant so long as they retain their eligibility as a Federally qualified subsistence user. Reviews of permit eligibility shall be made periodically by the Subsistence Coordinator, at least every five years.

Request for an Individual C&T Use Determination

1. Applicants may request applications from the relevant park Subsistence Coordinator verbally, in-person, or in writing. The applicant may choose to complete the application with the assistance of the Subsistence Coordinator. Applicants shall acknowledge to the Subsistence Coordinator, either by signing and returning the application, verbally, or both, that he/she understands that providing false information in support of the application is a violation of Section 1001 of Title 18 of the United States Code.
2. The Subsistence Coordinator shall forward a copy of completed applications to the Alaska Region Subsistence Program Manager for archival purposes and entry in the Subsistence Eligibility Permit / Individual C&T tracking log.
3. Upon receiving the completed application, the relevant park Subsistence Coordinator shall schedule an interview, either in-person or by phone, to obtain additional information regarding applicant eligibility and existing patterns of subsistence use.
4. The relevant Subsistence Coordinator will analyze responses on the application and in the interview to assess eligibility and to formulate a recommendation on an existing pattern of use of species requested for an individual C&T use determination.
5. The written analysis and recommendation, with justification (see attached form), shall be sent to the Alaska Region Subsistence Program Manager for archival purposes and entry in the Subsistence Eligibility Permit / individual C&T tracking log. Analyses shall follow the guidance for C&T use determination analyses in the most recent revision of the Federal Subsistence Management Program's Technical Writing Guide, as applicable to individual C&T use determinations.
6. A summary of the request and analysis will be provided by the relevant Subsistence Coordinator to the affected Subsistence Resource Commission (SRC) at their first meeting following completion of the interview. The SRC will make a recommendation, with justification, on issuance of the individual C&T use determination (see attached decision form).
7. The Subsistence Coordinator shall forward the SRC recommendation and justification to the Alaska Region Subsistence Program Manager for archival purposes and entry into the Subsistence Eligibility Permit / Individual C&T tracking log.
8. The Alaska Region Subsistence Program Manager will provide the individual C&T use determination application, analysis, and recommendations to the NPS Regional Director or his/her designee to make a final individual C&T use determination (see attached decision form).
9. The Alaska Region Subsistence Program Manager will draft a decision letter on behalf of the NPS Regional Director. The NPS Regional Director will review and sign the letter, which will be digitized, archived, and forwarded to the applicant, with copies to the Office of Subsistence Management, the relevant park Subsistence Coordinator, and the Superintendent.
10. Once received, the Office of Subsistence Management will forward the decision letter to the chairs of the affected Regional Advisory Councils. Councils will be informed of any changes to individual C&Ts at the council's next regularly scheduled public meeting.

**U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ALASKA REGION**

**NATIONAL PARK/MONUMENT SUBSISTENCE ELIGIBILITY PERMIT* & INDIVIDUAL CUSTOMARY
AND TRADITIONAL USE DETERMINATION APPLICATION**

*(*For determination of subsistence eligibility under the provisions of 36 CFR 13.440.)*

I am requesting (Choose One):

- National Park/Monument Subsistence Eligibility Permit ONLY
- Individual Customary and Traditional Use Determination ONLY³
- National Park/Monument Subsistence Eligibility Permit AND Individual Customary and Traditional Use Determination

If requesting a National Park/Monument Subsistence Eligibility Permit, my eligibility is based on:

- A pattern of subsistence use in the park unit for which I am seeking a permit
- A pattern of subsistence use in a park OTHER THAN the park unit for which I am seeking a permit
 - Please explain: _____

If requesting an individual customary and traditional use determination, for what species and areas (units or subunits)?

Name of National Park or Monument: _____

1. Name of applicant (First, Middle, Last):

³ The Federal Subsistence Board (FSB) policy requires applicants for Individual Customary and Traditional Use Determinations to either reside in a resident zone community or hold a 13.440 Subsistence Eligibility Permit. This permit can be applied for concurrently.

2. Mailing address:

3. Location/physical address of primary permanent residence:

- Phone number: _____

-Email address: _____

- What month and year did your residence at this location start?

Month _____ Year _____

- During what part of the year do you reside at this residence (give dates)? _____

4. Location/physical address of other residences, if any:

- During what part of the year do you reside at these residences (give dates)?

5. What physical address is currently indicated on your:

- Alaska hunting and/or fishing license

- Driver's license

- Tax returns

- Voter registration

- Alaska Permanent Fund Dividend application

6. Have you, or any persons living in your household on a permanent basis, engaged in subsistence within this park or monument? Yes ____ No ____

- Specific location of use? _____

- Was aircraft used as a means of access to conduct such activities? Yes ____ No ____

- Type of subsistence use (hunting, trapping, fishing, gathering, etc.)? _____

- Specific resources harvested (caribou, moose, salmon, furbearers, timber, etc.)? _____

- Name of permanent member(s) of household who has hunted, trapped, fished, gathered, etc. in the park or monument? _____

- Relationship of permanent member(s) of household noted above to you (self, father, mother, brother, etc.)? _____

- Earliest year in which use took place? _____

- Most recent year in which use took place? _____

- Frequency of use (yearly, every other year, etc.)? _____

7. Other comments/additional pertinent information in support of your permit application:

DRAFT

COMPLETE THE FOLLOWING ONLY IF REQUESTING INDIVIDUAL CUSTOMARY AND TRADITIONAL USE DETERMINATION(S)

1. For what species are you requesting an individual customary and traditional use determination?

2. Please describe your pattern of subsistence use of the species listed above. What years have you harvested or attempted to harvest them? In which months or seasons do you harvest them?

3. What methods and means of harvest do you use for these species?

4. Where do you harvest these resources? Please provide locations, as specifically as possible, including identifiable landmarks or geographic descriptions. How do you access these harvest locations? What means of transportation do you use?

5. How do you process these resources and preserve them for future use?

6. How have you learned about hunting, trapping and fishing – both skills and the values associated with the uses?

7. Do you share what you know about hunting, trapping and fishing with others? If so, how?

8. Do you share the resources that you harvest with others in your community or family? Please describe any sharing networks in which you are involved.

9. Please describe your pattern of subsistence use more generally – which resources do you harvest or seek to harvest on a regular basis? What role do these resources and activities play in your way of life – economically, nutritionally, culturally, socially?

TO BE COMPLETED BY ALL APPLICANTS

1. Please provide the name, address and telephone number of another person, other than a member of your household, who can verify this information:

Name: _____

Address: _____

Telephone Number: _____

I certify that the statements made herein are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I also understand that Title 18 U.S.C § 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements as to any matter within its jurisdiction.

Signature of applicant: _____

Date: _____

DRAFT

**U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ALASKA REGION**

**NATIONAL PARK/MONUMENT SUBSISTENCE ELIGIBILITY PERMIT* & INDIVIDUAL CUSTOMARY
AND TRADITIONAL USE DETERMINATION ANALYSIS**

*(*For determination of subsistence eligibility under the provisions of 36 CFR 13.440.)*

To be completed by the relevant Subsistence Coordinator:

Date:

Applicant Name:

Analyst Name:

This analysis is in response to the following request (Choose One):

- Subsistence Eligibility Permit ONLY
- Individual Customary and Traditional Use Determination ONLY
- Subsistence Eligibility Permit AND Individual Customary and Traditional Use Determination

Please type a brief summary of the applicant's reported subsistence use pertaining to the request, as determined from information provided on the application and during the interview:

For a National Park/Monument Subsistence Eligibility Permit, the analysis should address the following topics:

1. Synopsis of the applicant's pattern of use⁴ specifically in the national park or monument for which the permit is requested, including the following:
 - a. Species harvested,
 - b. Specific locations where the use occurred,
 - c. Years during which the subsistence uses took place, and
 - d. Whether aircraft was used for access.
2. Does the pattern of use begin prior to the signing of the Alaska National Interest Lands Conservation Act (ANILCA)?

⁴ There may be variation by region and/or park on what constitutes a "pattern of use." Generally, there should exist evidence of repeated past attempts to access and harvest subsistence resources within the boundaries of the park or monument. SRCs may be consulted in defining a "pattern of use" for their region.

3. Does the applicant have a pattern of use established while as a resident of a resident zone community after the passage of ANILCA?

For an Individual C&T use determination, the analysis should address the following questions:

1. Does the applicant have a long-term, consistent pattern of use of these resources, excluding interruptions beyond their control? Please explain.
2. Does the applicant have a pattern of use for these resources recurring in specific seasons for many years? Please explain.
3. Does the applicant have a pattern of use of these resources consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics? Please explain.
4. Does the applicant exhibit consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the park unit? Please explain.
5. Does the applicant exhibit 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? Please explain.
6. Does the applicant exhibit a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation? Please explain.
7. Does the applicant exhibit a pattern of use in which the harvest is shared or distributed within a definable community of persons? Please explain.
8. Does the applicant exhibit 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 your household? Please explain.

The analysis should include an integrated discussion of the eight factors. A factor-by-factor discussion is not required in the analysis and it is also not necessary that all eight factors be addressed to demonstrate a pattern of use. The eight factors provide a framework for examining the pattern of use of a resource. There are regional, cultural and temporal variations and the application of the eight factors will likely vary by region and by resource depending on actual patterns of use. The goal of customary and traditional use determination analyses is to recognize customary and traditional uses in the most inclusive manner possible.

As a result of this analysis (Select All that Apply):

- There is substantial evidence to support the issuance of a Subsistence Eligibility Permit
- There is substantial evidence to support the issuance of an Individual Customary and Traditional Use Determination for (species and location) _____

Individual C&T Process

- There is **NOT** substantial evidence to support the issuance a Subsistence Eligibility Permit
- There is **NOT** substantial evidence to support the issuance an Individual Customary and Traditional Use Determination for (species and location) _____

Brief Justification:

Signature of Analyst: _____ Date: _____

DRAFT

U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ALASKA REGION

SUBSISTENCE ELIGIBILITY PERMIT* DECISION

*(*For determination of subsistence eligibility under the provisions of 36 CFR 13.440.)*

To be completed by the relevant Superintendent:

Applicant Name:

Name of Park or Monument for which permit is requested:

Request Date:

After reviewing the request, evaluation form, staff analysis and recommendation, I have decided to (select one):

- Issue a Subsistence Eligibility Permit to the applicant
- Deny a Subsistence Eligibility Permit to the applicant

Superintendent Signature: _____ Date: _____

NOTE: Pursuant to 36 CFR 13.495 (b) an applicant whose application has been denied by the Superintendent has the right to have his/her application reconsidered by the Alaska Regional Director by contacting the Regional Director within 180 days of the issuance of the denial. The Regional Director may extend the 180-day time limit to initiate a reconsideration for good cause shown by the applicant.

**U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ALASKA REGION**

**INDIVIDUAL CUSTOMARY AND TRADITIONAL USE DETERMINATION
SRC RECOMMENDATION**

To be completed by the relevant Subsistence Coordinator:

Date of Formal Action:

Proponent Name:

Proponent Request:

Affected SRC:

This SRC has determined that (select all that apply):

- There is sufficient evidence to support an individual customary and traditional use determination for (name) for (species) in (unit(s)/subunit(s))
- There is NOT sufficient evidence to support an individual customary and traditional use determination for (name) for (species) in (unit(s)/subunit(s))

Brief justification for above decision:

Signature of SRC Chair _____ Date _____

**U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ALASKA REGION**

INDIVIDUAL CUSTOMARY AND TRADITIONAL USE DETERMINATION

NPS DECISION

To be completed by the Alaska Regional Director or his/her designee:

Proponent Name:

Request Date:

After reviewing the request, evaluation form, staff analysis and recommendation, and affected SRC recommendation(s), I have decided:

- that there is sufficient evidence to support an individual customary and traditional use determination for (name) for (species) in (unit(s)/subunit(s))
- that there is **NOT** sufficient evidence to support an individual customary and traditional use determination for (name) for (species) in (unit(s)/subunit(s))

Regional Director or Designee Signature: _____ Date: _____

IMPLEMENTATION GUIDELINES

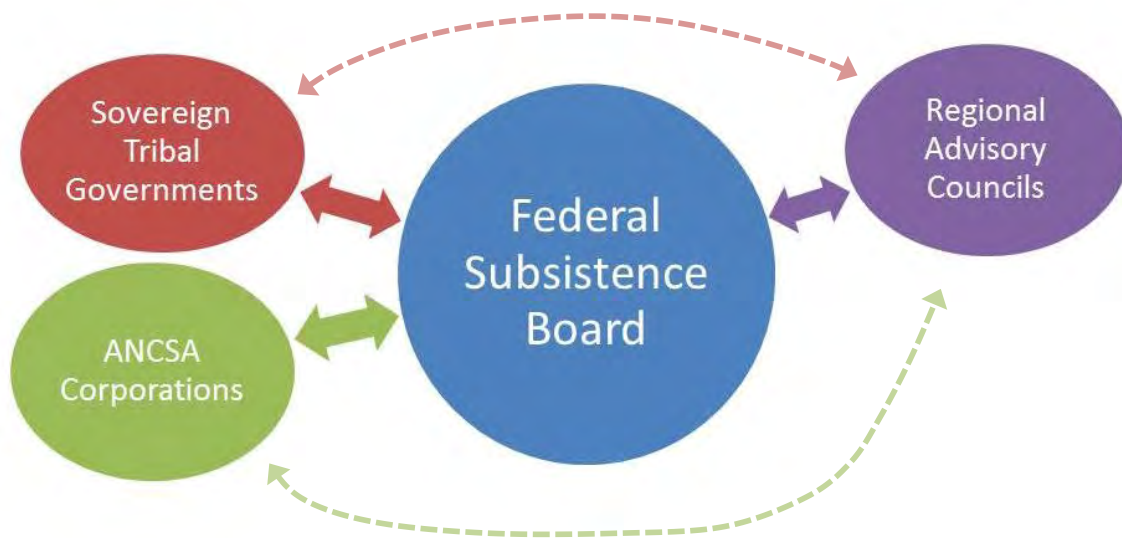
for the

Federal Subsistence Board Government-to-Government Tribal Consultation Policy

INTRODUCTION

This document is intended to provide additional guidance to Federal staff on the Federal Subsistence Management Program’s Tribal Consultation Policy. Refer to the *Federal Subsistence Board Government-to-Government Tribal Consultation Policy* (Policy) for a broad scope including goals of the policy; consultation communication, roles and responsibilities, topics, timing, and methods; accountability and reporting; and training.

This a “living” set of guidelines that can be modified per the Policy under Accountability and Reporting.



The Board consults directly with tribal governments and with ANCSA corporations. Consultation results are shared with the RACs, which informs their recommendations to the Board. Tribal governments and ANCSA corporations are also encouraged to attend RAC meetings to discuss proposals and influence RAC recommendations, in addition to consultation with the Board.

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CONSULTATION MEETING PROTOCOLS

The items below provide general protocols about consultation meetings. Notice of the availability of these Protocols will be distributed to the Tribes at the beginning of each regulatory cycle and a copy will be sent to any Tribe requesting a consultation meeting with the Board.

1. Participants in Consultation Meeting:

If the consultation meeting is not being held immediately before a FSB regulatory meeting, at least two Board members (generally representing the most-relevant land managing agency and the nearest public member) will participate in the consultation meeting. Other Board members may join the meeting. Participating tribal officials are only those elected or appointed Tribal leaders or individuals designated in writing by a federally-recognized Tribe. The Board and Tribe(s) may invite appropriate staff to attend the consultation. The Chair of the most-relevant RAC(s) or their designee(s) will also be invited to attend.

2. When to Hold Consultations:

- a. Before RAC regulatory meetings: hold one or more teleconferences (depending on number of proposals) at least two weeks before RAC meetings begin.
- b. At regulatory Board Meetings: consultation should begin prior to the start of the regular Board meeting. The regular Board meeting then begins after the consultation meeting is complete.
- c. At additional times as initiated by the Board or tribal governments on regulatory or non-regulatory topics.

3. Location and Room Setup:

- a. The consultation may be closed to public observation [including media], and documentation of the dialog will be made available to the public (see 7[e]). Transcription services may be utilized to capture the meeting notes.
- b. Consultation meetings should be held in easily accessible locations.
- c. At in-person meetings, room should be configured in such a way that Board members and Tribal Government representatives (and RAC representatives, if present) are seated dispersed, as equals. Consider chairs placed in a circle with or without tables. This will differentiate between the room configurations during consultation and the public process. If possible, avoid the appearance of a testimony table.

4. Topics:

- a. Topics to be consulted on can be determined by either Tribes or Board members (see also section 3. of the Policy for more information), and do not need to be determined nor agreed upon in advance, unless it is regulatory in nature. If the request for consultation is regulatory in nature, advance notice to agencies for Administrative Procedures Act (APA) compliance is required (see 7.a).
- b. For topics not within the purview of the Board, Tribes will be referred to a Federal liaison who can assist in determining how that topic can be addressed.

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- c. For topics that need further consultation, the OSM Native Liaison will arrange follow-up consultation.

5. Information Availability:

- a. Materials and information relevant to the consultation meeting (i.e.: teleconference information, meeting topics, transcripts, meeting summary, etc.) will be made available on the Federal Subsistence Management Program’s website.
- b. OSM will prepare a written summary of consultations (reviewed by the consulting participants) that will be sent to affected RACs and participating Tribes.

6. Follow-up to Participating Tribes:

Correspondence will be sent to participating Tribes expressing appreciation for their participation, providing a summary of the consultation, and, if applicable, relaying the decision that was made.

7. Consultation Meetings Requested by Tribes:

Staff will endeavor, to the extent authorized by law, to reduce procedural impediments to working directly and effectively with federally recognized Tribal governments.

- a. Government to Government Tribal Consultation will be held in accordance with the requirements of the Administrative Procedure Act (Act), 5 U.S.C. § 555 (2006).
- b. The consultation may be closed to public observation [including media], and documentation of the dialog will be made available to the public (see [e]).
- c. If a consultation with the Board is requested by Tribe(s), at least two Board members (generally representing the most-relevant land managing agency and the nearest public member) will participate in person unless the Tribe(s) and Board agree to a telephonic consultation (see [d]). Other Board members may join the meeting in person or telephonically. The Board and Tribe(s) may invite appropriate staff to attend the consultation. The Chair of the most-relevant RAC(s) or their designee(s) will also be invited to attend.
- d. Consultation will take place in a mutually agreeable location, or telephonically.
- e. Draft meeting notes will be made available for review by all participants in the consultation. Official meeting notes, or transcripts if prepared, will be made available to the RAC(s) and the public if the content of the meeting included discussion on regulatory matters.

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REGULATORY CYCLE TIMELINE AND ROLES AND RESPONSIBILITIES

The Board is committed to providing federally recognized Tribes in Alaska with opportunities to be meaningfully involved in the wildlife and fisheries regulatory process. On an annual basis, the Board accepts proposals to change wildlife or fisheries regulations on seasons, harvest limits, methods and means of harvest and customary and traditional use determinations. In some instances, regulations are modified in-season, and that is typically accomplished through in-season or special actions taken by either the Board or the relevant land manager who has been delegated authority by the Board to take that action. The Board will provide Tribes with the opportunity to consult on the regulatory process, which includes proposal development and review, proposal analysis and review, and decision making by the Board.

Tribes must be given the opportunity to consult throughout the Federal Subsistence Management process when a “departmental action with tribal implications¹” is taken. A regulatory proposal is potentially a departmental action with substantial direct effect on an Indian Tribe. If an OSM recommendation on a regulatory proposal changes, then affected Tribes will be notified as that change becomes publicly available.

WHO SHOULD PARTICIPATE IN GOVERNMENT-TO-GOVERNMENT CONSULTATION

Tribal officials are elected or appointed Tribal leaders or individuals designated in writing by a federally recognized Tribe may participate in government-to-government consultations. Federal officials are those individuals who are knowledgeable about the matters at hand, are authorized to speak for the agency and/or Board, and exercise delegated authority in the disposition and implementation of a Federal action.

REGULATORY PROCESS

Steps 1-5 outlined below correspond to Appendix B of the Board’s Tribal Consultation Policy *Appendix B: Federal Subsistence Management Program Annual Regulatory Process at a Glance.*

Step 1.A.: Call for Proposals (January – March): Proposals recommending changes to fish or wildlife harvesting regulations may be submitted regarding seasons, harvest limits, methods and means and/or customary and traditional use determinations. The Office of Subsistence Management (OSM) staff or land managers can assist Tribes in developing proposals.

RESPONSIBLE LEAD	ACTION
-------------------------	---------------

- | | |
|------------------|--|
| Federal Agencies | <ul style="list-style-type: none"> • Any Federal agency preparing regulatory proposal should contact representatives of Tribes potentially affected by a Federal agency regulatory proposal prior to submittal. |
| OSM | <ul style="list-style-type: none"> • Announces the call for proposals and describes what this means; |

¹ Department of the Interior Policy on Tribal Consultation definition of “Departmental Action with Tribal Implications” is: Any Departmental regulation, rulemaking, policy, guidance, legislative proposal, grant funding formula changes, or operational activity that may have a substantial direct effect on an Indian Tribe on matters including, but not limited to:

1. Tribal cultural practices, lands, resources, or access to traditional areas of cultural or religious importance on federally managed lands;
2. The ability of an Indian Tribe to govern or provide services to its members;
3. An Indian Tribe’s formal relationship with the Department; or
4. The consideration of the Department’s trust responsibilities to Indian Tribes.

This, however, does not include matters that are in litigation or in settlement negotiations, or matters for which a court order limits the Department’s discretion to engage in consultation.

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- Provide an overview and timeline of the annual Federal Subsistence Regulatory process; and
- Provides name and contact information for OSM staff who can provide assistance in reviewing and developing proposals.
- Notifies Tribes at the beginning of the period and a reminder two weeks before the end of the proposal period.

Step 1.B.: Federal Subsistence Regional Advisory Council (RAC) Meetings: (Winter Meetings February-March): During these meetings, the RACs can develop proposals to change subsistence regulations. The Tribes have the opportunity to work with the RACs to draft proposals.

- OSM
- Sends notice to all Tribes announcing all RAC meetings, including teleconference information if available.
 - Contacts local media (newspaper, radio, TV) to provide meeting announcement and agendas.
 - Arranges teleconference line for RAC meeting(s) so Tribes can participate in the RAC meetings. Tribes may discuss proposals with the RACs and relevant Federal staff. This should be included in the RAC's agenda.
 - Posts RAC meeting materials on the Federal Subsistence Management Program's website so Tribes can review the materials prior to the meetings.
 - OSM Native Liaison coordinates with Interagency Staff Committee (ISC) and Tribal representatives to draft summary reports on Tribal Consultations (if any have taken place since the fall RAC meetings). These written summaries are provided to the RACs. Tribal representatives are encouraged to share in the delivery of this report.

Step 2-3: Review of Regulatory Proposals (April-May) Once the Proposals are received by OSM, they are compiled into a book that includes all proposals from throughout Alaska. Tribes will have the opportunity to review the proposals and provide comments. Consultation can be requested.

- OSM
- Sends Tribes the proposal book with a link to the Federal Subsistence Management Program website, and a description of the process schedule. The name and contact information for OSM staff will be included in the proposal book.
 - Coordinates with appropriate Federal staff to notify Tribes if a particular proposal might impact them.
 - Meetings will be held for Federal analysts and affected Tribes to discuss proposals. These meetings can be with one or multiple Tribes.
 - Includes information in Proposal Books about the availability of Tribal consultation.
- Tribes
- Provides comments or participates in meetings. This can help with analysis of the proposal.
 - If interested in consulting at this step, Tribes may contact OSM or an agency official and discuss course of action.

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STEP 3: Proposal Analysis (April – August): Each of these proposals will be analyzed by OSM or other agency staff to determine its effect on the resource, other resources, rural subsistence users, other users, etc. OSM develops a preliminary recommendation on the proposal.

- | | |
|----------------|--|
| OSM | <ul style="list-style-type: none"> • Draft analyses should be made available to Tribes for consultation at least two weeks prior to Tribal consultation. • Draft analyses should be posted on the OSM website and provided directly to Tribes affected by proposals. • Summary bullets of the analysis, written in plain language, will be provided to affected Tribes. |
| Tribes / Board | <ul style="list-style-type: none"> • TRIBAL CONSULTATION OCCURS: One or more teleconference(s) will be scheduled to provide consultation opportunities open to all Tribes to discuss proposals with the Board. Consultation occurs approximately 2 weeks before the RAC meeting (see consultation meeting protocols on page 2 of this Guideline). • Results of consultation are written, and distributed to the appropriate RACs, Tribes and the Board as provided in the Consultation Meeting Protocols. |

Step 4: Federal Subsistence Regional Advisory Council (RAC) Meetings (Fall meetings August - October): During these meetings, RACs develop recommendations to the Board on proposal(s) based on their review of the staff analyses, their knowledge of the resources and subsistence practices in the area, testimony received during the meeting, and Tribal input.

- | | |
|----------------|--|
| OSM | <ul style="list-style-type: none"> • Sends e-mail notification and or fax to all Tribes announcing all RAC meetings, including teleconference information if available. • Contacts local media (newspaper, radio, TV) to provide meeting announcement and agendas. • Arranges teleconference line for RAC meeting(s) so that Tribes that cannot participate in-person may do so by teleconference. Tribes may discuss proposals with the RACs, and appropriate Federal staff. • Materials and information relevant to the consultation meeting (i.e.: teleconference information, meeting topics, transcripts, meeting summary, etc.) will be made available on the Federal Subsistence Management Program’s website (http://www.doi.gov//subsistence/index.cfm). • Coordinates reporting on prior Tribal consultations during the regulatory cycle to the RACs, and encourages Tribal representatives to share in delivery of this report. |
| RACs
Tribes | <ul style="list-style-type: none"> • Includes time on the RAC agenda for Tribes to give additional comments and recommendations (in addition to the consultation with the Board) on proposals and other matters. • Tribes may choose to attend RAC meetings to provide input directly into the |

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regulatory process, assisting the RACs make better informed recommendations to the Board.

Step 5: Federal Subsistence Board Regulatory Meeting (Winter or Spring): The Board reviews the staff analyses, considers recommendations provided by OSM and the RACs, considers comments provided by the State, consults with Tribes, and makes a decision as to whether to adopt, reject, defer, or take no action on each proposed change to the Federal subsistence regulations. **Tribal consultation occurs before the Board meeting following the protocols outlined in the first section of this Guideline (Consultation Meeting Protocols).**

- | | |
|----------------|---|
| OSM | <ul style="list-style-type: none">• Sends a meeting announcement to Tribes, with the teleconference call-in information. Contacts Tribes (with assistance of agencies, when needed) to verify that Tribes significantly affected by proposals are aware of the Board meeting.• Posts meeting materials on the Federal Subsistence Management Program’s website so that Tribes can review the materials before the meeting. |
| Tribes & Board | <ul style="list-style-type: none">• Consults on regulatory proposals following the “Consultation Meeting Protocols.” Time should be available to consult on other items of interest. RAC Chairs are invited to participate in the consultation.• During the meeting, OSM staff and/or Tribal representatives will report on the results of prior Tribal consultations. |
| OSM | <ul style="list-style-type: none">• Following the Board meeting, OSM sends notification of meeting results to the affected Tribes. Tribes who consulted on proposals will be notified of the outcome. |

OTHER REGULATORY ACTIONS NOT COVERED AS PART OF ANNUAL REGULATORY CYCLE

If regulatory actions occur outside of the regulatory cycle, Tribes will be offered the opportunity to consult on them.

SPECIAL ACTIONS

Special actions include emergency and temporary special actions. Because the regulatory process occurs on a biennial basis (fish one year, wildlife the next), sometimes issues arise that require immediate action; these actions may be taken as needed to address harvest regulations outside of the normal regulatory cycle.

Special Action requests usually require a quick turnaround time and consultation may not be possible; however, in-season and land managers will make every effort to consult with Tribes that are directly affected by a potential action prior to taking action. Public hearing requirements are followed for temporary special actions that would be in effect for 60 days or longer. Affected Tribes

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will be notified of actions taken. Federal field staff will work with Tribes in the affected area and distribute Tribal consultation information.

NON-REGULATORY ISSUES

For non-regulatory issues, the Board's Consultation Meeting Protocols will be followed when needed.

TRAINING

The Board's Policy directs that the Federal Subsistence Management Program follow the Department of the Interior and the Department of Agriculture's policies for training of Federal staff:

1. OSM staff will work with the ISC (Interagency Staff Committee) and others to develop training modules on the subsistence regulatory process, customary and traditional use determinations, proposal development, Tribal consultation, Alaska Native cultures and the Federal budget process. Additionally, OSM staff will work with the ISC, agency Tribal liaisons, and others such as tribal elders to develop a training module that Federal staff can deliver at regional Tribal meetings (see Appendix C of the FSB's Tribal Consultation Policy) and to interested Tribal councils.
2. These trainings will be open to other entities responsible for management of subsistence resources, such as marine mammals, migratory birds, halibut, etc.
3. Board members should make every opportunity to directly participate in or observe subsistence activities.
4. It is recommended that Board members, OSM, ISC, & Federal land management staff directly involved in Tribal consultation as part of their work responsibilities attend cross-cultural training and cultural events in Alaska Native communities to learn the unique communication and cultural protocols of the Tribes with which they interact.
5. Recommended Training Topics for Federal Staff and Tribal Citizens
 - a. Alaska Native identity, language, cultures, traditions, history, and regional differences
 - b. Alaska Native perspectives on natural resource management
 - c. Customary and traditional relationship to land, water, and wildlife
 - d. Effects of historical trauma and acculturation stress on Alaska Native peoples
 - e. Alaska National Interest Lands Conservation Act subsistence provisions
 - f. Natural resource law, especially pertaining to fisheries and wildlife management and conservation
 - g. Federal subsistence regulations
 - h. Federal subsistence regulatory process
 - 1) Special actions
 - 2) Customary and traditional use determinations

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- i. Rural determination process and implications
- j. Jurisdiction (Tribal /Federal Government/ State of Alaska)
- k. Relevant information about Tribe(s), including sovereignty, history of Tribal interactions with the United States government, Tribal constitutions, and traditional knowledge
- l. Foundations of the government-to-government relationship and trust responsibility within Federal Indian law as expressed through the U.S. Constitution, U.S. Code, Supreme Court decisions, and executive actions
- m. International Covenant on Civil and Political Rights, Article 1.2
- n. Tribal and Federal consultation policies
- o. Wildlife and fisheries monitoring, including the Fisheries Resource Monitoring Program
- p. Opportunities for co-management or shared stewardship
- q. Communication etiquette and protocols

ACCOUNTABILITY, REPORTING, AND INFORMATION MANAGEMENT

1. **Tribal Contact Information:**
 - a. Department of the Interior (DOI) employees will utilize the DOI Tribal Consultation SharePoint site contact list.
 - b. U.S. Department of Agriculture (USDA) employees will utilize the Forest Service Alaska Region's contact list on the region's Tribal Relations webpage.
2. **Tracking Consultations:**
 - a. The Alaska Region of the Forest Service will utilize the USDA consultation database to track Forest Service and tribal consultations.
 - b. The Office of Subsistence Management and DOI employees will utilize the DOI Tribal Consultation SharePoint site database to track and record consultations.
3. **Report on Consultations:**
 - a. Report annually as required by DOI and USDA consultation policies.
 - b. The OSM Native Liaison provides a summary report annually to the Board on Federal Subsistence Management Program consultations noting any feedback received from Tribes regarding the policies and their implementation and any other follow-up actions or accomplishments. The report shall be posted on the OSM web site.
4. **Review of the Tribal Consultation Policy:**
 - a. Annually, the Consultation Workgroup, OSM Native Liaison, land managers, and ISC should assess the effectiveness of the Tribal Consultation Policy and the implementation guidelines. The Workgroup will report to the Board at its annual winter/spring meeting.
5. **Follow-up to Consultations at the Federal Subsistence Board Meeting:**
 - a. OSM is responsible to follow up on action items from Tribal Consultations at Federal Subsistence Board meetings.
 - b. Post-Board meeting follow-up includes notification to Tribes of Board actions.

REVISION

SPECIAL ACTIONS

Because the regulatory process occurs on a biennial basis (fish one year, wildlife the next), sometimes issues arise that require immediate action. Special actions may be taken as needed to address harvest regulations outside of the normal regulatory cycle. Special actions include emergency (60 days or less in duration) and temporary (more than 60 days in duration) actions. Public hearing requirements are followed for temporary special actions. Special actions may be routine in-season actions taken by Federal managers who have been delegated authority by the Board or interim regulatory changes made by the Board on a case-by-case basis.

Special action requests usually require a quick turnaround and consultation may not be possible. However, every effort will be made by the decision maker to consult with Tribes that are directly affected by a potential action. For in-season actions, it is the responsibility of the Federal manager with delegated authority to arrange consultations between the manager and affected Tribes to the extent practicable, prior to taking action. For interim regulation changes, it is the responsibility of OSM to arrange consultations between Board representatives and Tribes to the extent practicable, prior to Board action. The decision maker or their staff will work with Tribes in the affected area and distribute Tribal consultation information. Affected Tribes will be notified by the decision maker or their staff about any actions taken.

ORIGINAL

SPECIAL ACTIONS

Special actions include emergency and temporary special actions. Because the regulatory process occurs on a biennial basis (fish one year, wildlife the next), sometimes issues arise that require immediate action; these actions may be taken as needed to address harvest regulations outside of the normal regulatory cycle.

Special Action requests usually require a quick turnaround time and consultation may not be possible; however, in-season and land managers will make every effort to consult with Tribes that are directly affected by a potential action prior to taking action. Public hearing requirements are followed for temporary special actions that would be in effect for 60 days or longer. Affected Tribes will be notified of actions taken. Federal field staff will work with Tribes in the affected area and distribute Tribal consultation information.