

Mr. Donald Hernandez, Acting Chair  
Southeast Alaska Subsistence  
Regional Advisory Council  
c/o Office of Subsistence Management  
1011 E. Tudor Rd. MS 121  
Anchorage, Alaska 99503-6199

Dear Chairman Hernandez:

This letter responds to the Southeast Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2017 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. Federal Funding**

*As budgets for the agencies that support the Federal Subsistence Management Program are reduced, the Council is concerned that certain programs and support will be affected:*

*a. Funding of Fisheries Resource Monitoring Program (FRMP) Projects:*

*The Council is worried about the availability of Federal funding for the FRMP, and that projects funded through this program will be reduced or even cancelled. The Council acknowledges the value of the data collected from these projects and their importance for managing fish and wildlife resources for the traditional and subsistence way of life. There is a definite need for data concerning fish populations and documented impacts to determine what causes the decline of fish runs in some systems and not in others. The Council also recognizes the significant impact these FRMP projects have to the communities of rural Southeast Alaska, including jobs, and skill development for community residents. The Council would appreciate the Board's support for the continuation of the FRMP and, if appropriate, would appreciate the Board advocating for consistent funding.*

*b. Funding for Consistent Staff Support at Council Meetings:*

*Another concern for the Council is the availability of funds for Federal staff to attend the Council meetings in person to provide support. With the important work and responsibilities that the Council carries, it is crucial for supporting staff to be available, in person, to provide information and answer questions. The Council will often reach out to Federal biologists to engage in discussions and to ask questions before formulating discussion on the record. At the last meeting, however, the Council found this challenging due to biologists attending by phone and not in person. The Council relied more on the biologists in the room, which were State wildlife biologists. As the program moves into the fisheries regulatory cycle, the Council is concerned that they will not be able to rely on State fish biologists being as involved in the meetings. The Council requests that if the attendance of Federal biologists*

*to its meetings is a funding issue, that the Board identify possible additional funding that may be available to ensure Federal staff are attending the Federal Subsistence Management Program's public meetings and supporting the Councils.*

*c. Funding to Continue Wolf Population Studies in Unit 2*

*The Council heard a lot of public and tribal comments at both its public meetings in the fiscal year. There is a clear need for continued wolf population studies in Unit 2. The Council would request that the Board instruct the Federal Subsistence Management Program's agencies to work with local tribes, communities and subsistence hunters for traditional ecological knowledge on this issue on Prince of Wales Island. The Council would further request that the Board support continuation of cooperative work with Tribes to provide tissue samples to the Alaska Department of Fish and Game, and that the program explore funding opportunities to continue these wolf population studies in Unit 2 so that a management plan/strategy can eventually be developed.*

*d. Funding for Travel for Council Representation at State Meetings*

*The Council asks the Board to identify funding available for members of the Council to travel and attend meetings pertaining to the management of fish and wildlife for subsistence uses, including Alaska's Board of Fisheries and Board of Game meetings, particularly when the Council submitted a proposal to either Board. Representing the Council at meetings addressing fisheries and wildlife issues in Southeast Alaska is crucial to the State and Federal management of fish and wildlife resources and is critical to ensure that the subsistence use and priority provided by ANILCA is considered in plans, strategies, and rulemaking statewide. The Council requests that funds be available for members of the Council to attend Alaska Board of Fisheries or Board of Game meetings and that additional Council members be funded to attend Federal Subsistence Board meetings, along with the Chair, when necessary.*

**Response:**

1a. Fisheries Resource Monitoring Program funding from the Department of Agriculture has not changed and we expect it to continue at the current level.

1b. The Board agrees with the Council that it is important to have appropriate Federal staff at the Council meetings to work with the Council. While there have been reductions in Federal travel budgets, the Council can expect continuing biological support at meetings.

1c. The Board and the Federal Subsistence Management Program's agencies will continue to work cooperatively with all stakeholders in Unit 2.

1d. As noted above, travel budgets have been reduced. Support for travel will have to be determined on a case by case basis for Council members to attend Alaska Board of Fisheries and Board of Game meetings or for an additional Council member to travel in for the Federal Subsistence Board meeting in addition to the Council Chair. The Council must provide a

reasonable justification to participate when a State Board will be considering a proposal that the Council has submitted. Feel free to submit your requests for this additional travel/justification to both the Office of Subsistence Management (OSM) Assistant Regional Director and the Forest Service, Federal Subsistence Management Program Coordinator, Thomas Whitford.

## **2. Utilization of Traditional Ecological Knowledge by Federal Subsistence Program:**

*The Council previously advised the Board of its concern regarding the current monitoring process on the Unuk River, specifically pertaining to eulachon and how the closures of this harvest in the past several years have affected this subsistence opportunity. The Council would like to ask the Board to instruct the relevant components of the Federal Subsistence Management Program to fully utilize traditional ecological knowledge to more effectively track the eulachon and obtain accurate information on escapement. In addition, the Council would request that the Board similarly instruct appropriate program staff to always utilize traditional ecological knowledge and engage with local subsistence users when working on subsistence issues. Local and traditional ecological knowledge is crucial when both weighing the protection of a resource and protecting a way of life.*

### **Response:**

The Board recognizes the critical importance of local and Traditional Ecological Knowledge (TEK) in informing the Federal Subsistence Management Program. We rely on this knowledge and consider it equitably, when possible, alongside of western scientific knowledge. Similar to western science oriented research regimes, TEK is obtained through repeated interactions with the natural world over time, and can often transcend generations and cultures. The Board understands that TEK may provide a spatial and temporal scale of knowledge that is otherwise unavailable to resource managers; holders of this knowledge experience local landscapes and environmental phenomena over vast areas, throughout the seasons, and often over the span of many years.

The Board strives to obtain TEK from a variety of sources in an effort to inform our management decisions. Analyses for wildlife and fishery proposals, customary and traditional use determination proposals, and rural determination proposals all incorporate available TEK to help us better understand subsistence resources and the people that depend on them. We direct OSM staff to include all relevant TEK in all aspects of these analyses. That said, our analysts are often unable to conduct primary research due to financial and logistical constraints and thus must rely on published literature and public testimony. This is one of the many reasons that we rely on you, our regional advisory councils, to help inform the program of local conditions and available knowledge on the subject matter.

Transcripts from public meetings, regional advisory council meetings, and Federal Subsistence Board meetings are mined for TEK that can inform this program. We also rely on written public comments and conversations with local stakeholders and land managers. This Board also considers our government-to-government consultations with Tribes and Alaska Native Claims Settlement Act (ANCSA) Corporations imperative to our program. While participation in these consultations has historically been low, we are committed to improving avenues of

communication between these entities and our Board. We ask that as members of the council you continually encourage individuals and both public and private entities in your communities to engage with our program and make their voices and knowledge heard.

Your council's annual report explicitly addresses the need for TEK to be used in the management of Eulachon fisheries near the Unuk River and, in particular, to inform on the closures that affect subsistence users. We thank you for bringing this need to our attention and we hope to track this situation closely to ensure that the rural priority mandated by the Alaska National Interest Lands Conservation Act (ANILCA) is adequately applied. During the most recent Notice of Funding Opportunity (NOFO) issued for our Fisheries Resource Monitoring Program (FRMP), your Council provided the following Priority Information Need (PIN): Escapement indexes for Eulachon at the Unuk River and Yakutat Forelands. We rely on and thank your Council for helping us identify the PINs that most accurately reflect the research priorities of the region. While the proposal addressing this PIN was not awarded funding for 2018, the Board encourages your Council to maintain this information need for future funding opportunities. In addition, you can explicitly request the inclusion of TEK in the study design of future proposals for this and any other PIN that you identify.

Despite our inability to fund a project of this nature in 2018, the Board is optimistic to learn that representatives of local communities and tribes, OSM staff, and U.S. Forest Service staff have been engaging with one another to develop improved protocols and understandings regarding the Unuk Eulachon fisheries. The Board has encouraged our constituent agencies to identify alternative sources of funding for a project that addresses the Unuk Eulachon fisheries and to improve partnerships and capacity building with local stakeholders whenever possible.

Lastly the Board wants to remind this Council of our program Partners for Fisheries Monitoring. The Partners Program is a competitive grant that provides funding for biologist/social scientist/educator positions in Alaska Native and rural organizations with the intent of increasing the organization's ability to participate in Federal subsistence management. In addition, the program supports a variety of opportunities for local and rural students to connect with subsistence resource monitoring and management through science camps and paid internships. Partners can be yet another source of TEK and often focus on subsistence issues of importance to their region. To date we have not had a Partner located in Southeast Alaska, but we certainly encourage applications. We anticipate that the next Notice of Funding Opportunity will be released in August of 2018.

### **3. Transboundary River Watershed Issues – Escalate to Secretary of State**

*The Board, at the Council's request, sent a letter to Lt. Governor Byron Mallott on January 24, 2017, relaying the Council's concern for the health and protection of Transboundary River watersheds. The Board also relayed the Council's request for the Lt. Governor to write a letter to the U.S. Department of State regarding his desire to work in conjunction with our Congressional Delegation to advance this issue at the Federal and international levels. To date, the Council has not received a copy of any letter from Lt. Governor Mallott to the U.S. Department of State, nor a copy of any response received by the*

*Board in reply to its January 24, 2017 letter. The Council requests the Board provide a report on the status of any reply received from Lt. Governor Mallott in reference to that letter.*

**Response:**

The Federal Subsistence Board has not received a response letter from Lt. Governor Mallott with regard to Transboundary River Watershed issues raised by the Board in their January 24, 2017 letter. The Board will follow-up with the State to ascertain the status of a potential response. Any updates will be provided to the Council as soon as they are available.

**4. Climate Change**

*The Council understands that there is a directive from the current administration, through the Departments, to not consider “climate change” in various reports. The Council requests that this Board and the Federal Subsistence Program not exclude any scientific evidence in regards to “climate change” when providing information to the Council. The Council believes all scientific evidence is important in its discussions on a variety of issues, not the least of which is management plans, and would ask that no “climate change” information, if known by the Board or program, be excluded.*

**Response:**

The Federal Subsistence Board has not been instructed to disregard climate change information or withhold communication on climate change. Potential climate change impacts are regularly addressed in agency National Environmental Policy Act (NEPA) documentation and in management revisions. Additionally, Forest Service and other agency staff are encouraged to integrate climate adaptation strategies and techniques into local projects and plans.

**5. Outstanding National Resource Water Designation**

*In its previous Annual Report, the Council requested that the Board send a letter to the Secretaries of the Interior and Agriculture requesting that they communicate a request to the Governor of Alaska to seek legislation that would allow the Alaska Department of Environmental Conservation to pass regulations and move forward on Outstanding National Resource Water Designations (ONRW) – a designation allowed in Federal law. This designation is provided by the Clean Water Act, but it is up to the State Legislature to implement statutes that allow the State to adopt regulations to implement a Tier 3 designation. The Council would like to know the nominations process for ONRW designations. The Council would also like to know the status of its request to the Board to send the letter to the Secretaries’ office.*

**Response:**

The Board has received the Council’s request to transmit a letter, and is in the process of reviewing the request. As the Council noted in its letter, there is not currently a process under Alaska law to nominate a water body for Outstanding Natural Resource Water designation. Additionally, as noted by the Council in its letter, the Alaska Department of Environmental

Conservation has initiated a public process to potentially implement a nomination and designation procedure. Your Council Coordinator will be encouraged to keep up-to-date on the development of these issues, invite reports from State personnel, and otherwise assist the Council in participating in the development of that process.

## **6. Clean Water Act**

*The Council recognizes and agrees with the concerns of many communities in Southeast Alaska with the impact of dumping of all-point effluents in the Inside Passage every year. The Council seeks the Board's support in identifying the effects of waste water on fish and wildlife resources (ocean food chain) in Southeast Alaska. Further, the Council would appreciate any options to address this potential threat to our food chain, and subsistence uses of fish and wildlife that the Board may suggest.*

### **Response:**

The Board recognizes the concern with the potential environmental impacts of dumping effluents from commercial passenger vessels within the Inside Passage in SE Alaska. Since 2000, the Alaska Department of Environmental Conservation, Division of Water has monitored this type of pollution through volunteer efforts and more recently through their Commercial Passenger Vessel Environmental Compliance Program. In general, the overall effluent quality has improved and/or compliance has improved from commercial passenger vessels since the inception of the program. However, commercial vessel traffic, large and small cruise ships, has increased through this same time period and continues to grow. Reports from this program as well as additional background information are available at the following link: <http://dec.alaska.gov/water/cruise-ships>.

The Board will direct staff to work with the Council to explore ways stay informed and proactive on this issue.

## **7. Landscape Level Planning for the Central Tongass National Forest**

*The Council would like to be kept informed of the progress of this planning effort by the United States Forest Service and be provided an opportunity to comment on the planning effort regarding subsistence issues, when the time is appropriate. The Council asks the Board to keep the Council's request in mind for possible future actions. This is part of the Council's role under Section 810 of ANILCA.*

### **Response:**

The Council has been added to the mailing lists for the Central Tongass Landscape Level Assessment and the Prince of Wales Landscape Level Assessment. The Council Coordinator will ensure that the Council receives regular updates and is presented the opportunity to actively participate in landscape level planning efforts on National Forest System lands in Southeast Alaska.

## **8. Correspondence Policy**

*The Council has had several discussions in recent years regarding concerns with the current correspondence review and approval process. The Council has taken notice of the time it takes for its documents to go through the approval process and is concerned with the amount of time between submission of a draft and the final product being distributed. The Council would like the Board to review its 2004 Correspondence Policy with regard to the following, and make appropriate changes:*

- *Instruct the Office of Subsistence Management (OSM) to provide an outline of the correspondence review process, from the time a draft document is received to the time the final product is sent.*
- *Provide a one-week turn around for Council correspondence from submission of draft to distribution. This will ensure that actions taken by the Council at noticed meetings that require correspondence communication will be effective. The “one week turnaround” would provide a performance measure that “in a timely manner,” does not.*
- *Identify a process by which the Chair or Vice-Chair of the Council will receive timely notification of any mail received by OSM that is addressed to him/her or the Council.*

### **Response:**

We understand the Council has questions about the Subsistence Regional Advisory Council Correspondence Policy (Correspondence Policy) and are happy to provide an overview of OSM's review process for Council generated correspondence. In accordance with the Correspondence Policy adopted by the Board June 15, 2004, Councils are required to transmit draft correspondence to the Assistant Regional Director of OSM (ARD) for review, except under limited circumstances. The ARD has determined a full review of draft Council correspondence by the OSM Leadership Team is necessary to ensure that Councils are directing their concerns to others in the most effective manner and that content aligns with Title VIII of ANILCA. This process includes initial review by the Leadership Team and final review by the Deputy Assistant Regional Director and Assistant Regional Director at OSM. All OSM and Council generated documents are subject to this review process. While OSM strives to complete such reviews in an expedited manner, the volume of documents generated by the Federal Subsistence Management Program, including Council correspondence, often requires deadline driven review prioritization.

We are also aware that the Chair and Vice-Chair of the Council have experienced delays in receiving mail from OSM. We have been assured by OSM leadership that the delays were the result of staffing transition and have been resolved. Please advise the Board if delays continue.

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

Sincerely,

Anthony Christianson  
Chair

cc: Federal Subsistence Board

Southeast Alaska Subsistence Regional Advisory Council

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

Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management

Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management

DeAnna Perry, Subsistence Council Coordinator, USDA-Forest Service

Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game

Interagency Staff Committee

Administrative Record

DRAFT



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 2017 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. Ahtna Inter-Tribal Resource Commission (AITRC)**

*The Council wishes to know why progress of the Charter for AITRC has had no new development since the Memorandum of Agreement was signed. The AITRC represents the Ahtna people in the Copper River region. The AITRC would like to move forward to begin providing subsistence opportunities for the Ahtna people.*

**Response:**

Following its January 13, 2017 hearing on the establishment of the Ahtna Customary and Traditional Subsistence Local Advisory Committee, the Federal Subsistence Board directed the Office of Subsistence Management (OSM) to draft the charter and prepare other paperwork necessary to submit for approval by the Secretary of the Interior. That package, which consisted of nine separate documents, was completed and approved by the Alaska Solicitor assigned to the Federal Subsistence Management Program in March 2017. The packet was then reviewed by the Alaska Regional Director, U.S. Fish and Wildlife Service (USFWS), as USFWS is the administering agency for the Federal Advisory Committees for the Alaska subsistence program. Prior to transmittal to the Secretary for review and approval, OSM was informed that any action on the committee would be placed on hold pending the outcome of a planned Food Security Review by the Secretary. As of today, that review has not commenced and the Ahtna committee remains on hold. Additionally, it is worth noting that planned budget cuts for the Department of the Interior may impair the formation of any new advisory committees for the Federal Subsistence Management Program.

**2. Climate Change**

*Climate change continues to be of concern for members of the Council. The Council requests further studies, or information on current projects to better understand how climate change impacts subsistence activities and the impacts to fish and wildlife resources. The Council specifically requests a report on ocean acidification, its causes, and the short and long term impacts to subsistence fish and shellfish.*

*One specific potential impact due to climate change relates to salmon. The Council has noticed a reduction in size for some salmon species. Adaptation to management due to climate change should be considered when planning for the next fishery season for all user groups.*

*One way to address research and management needs to adapt to climate change may be through the Landscape Conservation Cooperatives (LCCs) and the Conservation of Arctic Flora and Fauna (CAFF). The LCCs are applied conservation science partnerships between the U.S. Fish and Wildlife Service and other federal agencies, states, tribes, non-governmental organizations (NGOs), universities and stakeholders within an ecologically defined area. The Council encourages the LCCs and CAFF representatives to participate in the meetings of the Council to bring forward new studies, call for projects, and management tools to help the Council address subsistence resource management issues and to provide information to subsistence users on how they can adapt to the changing climate.*

**Response:**

The Board shares the Council's concern on this topic, but is encouraged by all of the ongoing efforts to better understand the effects that climate change will have on our environment and the subsistence way of life. The Board also encourages continued study on these fronts, possibly in the form of projects funded through the Fisheries Resource Monitoring Program, and requests the Council take this into account during the development of their Priority Information Needs for the next call for proposals.<sup>1</sup>

One of the direct impacts of climate change is ocean acidification through increased levels of atmospheric carbon dioxide. This is a large concern for a state as connected to the marine environment as Alaska. These concerns have culminated in the development of outreach efforts, research, and monitoring through a number of groups including the Alaska Marine Conservation Council, the Ocean Acidification Research Center at the University of Alaska Fairbanks, the Alaska Ocean Acidification Network, and others.

A recent risk assessment (Mathis et al. 2015) suggests that acidification will increase and directly impact the ability of marine invertebrates, such as crabs and clams, to create their hardened shells. This may cause declines in larval survival and leads to reduced recruitment. Direct impacts to finfish and marine mammals are less clear at this point, but changes in the food webs for these species are expected. The study found communities in southern rural Alaska areas (Southeast, Southcentral, and Southwest) to be most at risk due to subsistence reliance on nearshore species, lower industry diversity, economic dependence on fishery harvests, lower income, and higher cost of food.

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<sup>1</sup> Literature cited: Mathis, J.T., S.R. Cooley, N. Lucey, S. Colt, J. Ekstrom, T. Hurst, C. Hauri, W. Evans, J.N. Cross, and R.A. Feely. 2015. Ocean acidification risk assessment for Alaska's fishery sector. *Progress in Oceanography* 136: 71-91.

Schoen, E.R., M.S. Wipfli, E.J. Trammell, D.J. Rinella, A.L. Floyd, J. Grunblatt, M.D. McCarthy, B.E. Meyer, J.M. Morton, J.E. Powell, A. Prakash, M.N. Reimer, S.L. Stuefer, H. Toniolo, B.M. Wells, and F.D.W. Witmer. 2017. Future of Pacific Salmon in the face of environmental change: lessons from one of the world's remaining productive salmon regions. *Fisheries* 42:10.

Another recent study (Shoen et al. 2017) looked at the impacts Pacific salmon will face from climate and landscape change, focusing on changes to the Kenai River drainage. Predicted changes include glacial retreat, warmer waters, increased risk of flooding, and additional development and traffic along waterways. They note that development in the watershed has increased 20-fold between the 1980's and 2013, impacting wetlands that provide nutrients to streams and buffer stream flows. This development has also been implicated in the introduction of invasive species such as Northern Pike and Elodea. They also point out that salmon are highly adaptable and that it is difficult to predict how they will respond to these changes, and highlight the fact that many factors influencing salmon sustainability are influenced at the local level (restoration efforts, enforcement of habitat protections, coordination of stakeholders and managers).

The Council mentions the LCCs and the CAFF. It is important to note that the LCCs are undergoing a transition right now due to those entities being defunded through Department of the Interior appropriations. They are in the process of transitioning to being non-profit private entities, rather than programs within the Federal government. Four LCC staff and an administrative staff person continue working at U.S. Fish and Wildlife Service (USFWS) in Region 7, helping to 1) archive data collected through previous LCC research projects and 2) develop a coordinated budget aimed at leveraging private funding to continue LCC initiatives statewide, to be led by volunteer partners without the technical or financial support of the USFWS. Over the years, both the LCCs and the CAFF have given presentations, including related to climate change, to various Regional Advisory Councils at their request. The Western Alaska LCC helped coordinate a presentation about ocean acidification by the Ocean Conservancy for the Bristol Bay Subsistence Regional Advisory Council at its fall 2014 meeting. A representative from CAFF has given presentations at several meetings, including the 2016 All Council meeting and the winter 2018 meeting of the Bristol Bay Subsistence Regional Advisory Council. This Council can work through its Council Coordinator to invite representatives from these organizations to participate in its meetings.

### **3. Cooper Landing By-pass Road Project**

*The U.S. Forest Service should continue to monitor the Cooper Landing by-pass road and support the project with the least impact to the resources and subsistence lifestyles. Public comments received on the project show concerns that the by-pass road will have environmental impacts on the Kenai River corridor and should not be constructed within 100 yards of the river to minimize impact to the fishery and other resources. The Council would like to continue to be appraised of the current status of the project.*

#### **Response:**

Public meetings were held in Anchorage, Cooper Landing, and Soldotna for the Final Environmental Impact Statement (EIS) to provide the opportunity for the public to review the project and ask questions. The final comments on the EIS were accepted from March 16-April 16, 2018.

Additionally, the ADOT&PF provides this explanation for its selection of the Juneau Creek Alternative:

The Juneau Creek Alternative provides the best balance between meeting the project needs and minimizing impacts to the human and natural environment. It is the alternative located farthest from the Kenai River over the greatest distance, and therefore best protects the River. Most traffic is anticipated to be away from the River, reducing risk of pollutants from the roadway entering the River—particularly in the event of a truck rollover and spill of large volumes of hazardous material. The alternative, and thus through traffic, would not cross the Kenai River at all. The popular recreational campgrounds and fishing locations would largely be bypassed by through traffic, leaving that area with lighter local traffic. The alternative skirts the Cooper Landing community to reduce community impacts associated with traffic, noise, and property acquisition. There are several mitigation measures meant to minimize and compensate for Impacts to Resurrection Pass National Recreation Trail. Impacts to Federally designated Wilderness addressed in the EIS are not expected to occur because the Department of the Interior has indicated it expects to undertake a land exchange previously approved by Congress as part of the Russian River Land Act. This would mean that land needed for the Juneau Creek Alternative would no longer have a Wilderness designation. Impacts to wildlife movement would be reduced by inclusion of wildlife crossing structures. One of the crossings would be Alaska’s first wildlife overpass crossing of a highway.

The March 2018 Final EIS is available for review on the ADOT/PF website [http://sterlinghighway.net/SHWFinalEIS\\_New.html](http://sterlinghighway.net/SHWFinalEIS_New.html). The Record of Decision will be issued after a 30-day comment period. OSM will extend an invitation to the ADOT/PF for a project representative to provide a presentation to the Council at its fall 2018 public meeting.

#### **4. Russian River Subsistence Fishery**

*The Russian River subsistence dip net fishery is used by residents of the communities of Cooper Landing, Hope, and Ninilchik with a Customary and Traditional Use Determination to dip net for Sockeye Salmon in the Russian River Falls. Reports of non-Federally qualified users have been observed at the Russian River Falls dip netting for Sockeye Salmon.*

*The Council requests that Kenai NWR and Chugach National Forest enforce the subsistence regulations to prevent abuse by non- Federally qualified users.*

#### **Response:**

Mr. Holsten, the Southcentral Council member from the community of Cooper Landing, noted during the Council’s November 2017 meeting that there was “quite a bit of abuse of that fishery from non-permit holders up there”, referencing the Russian River Falls area. He stated that abuse by non-Federally qualified users occurred despite the presence of clear signage, and requested additional enforcement by Forest Service and Fish and Wildlife Service personnel.

At the Council's March 2018 meeting in Anchorage, personnel from the USDA - Forest Service gave an update on their enforcement plans in this area for the upcoming season. Mr. David Pearson, a fisheries biologist, and Mr. Jordan Reimer, a new law enforcement officer, both spoke to the concerns about non-Federally qualified users illegally harvesting fish at this location. Mr. Pearson has made visits to the fishery at least once a week during the bulk of the season, and Mr. Reimer has made additional visits beyond that. This resulted in at least one citation for a non-Federally qualified user fishing in the dip net area, as well as a bit of clean up and removal of a few stuck dip nets. They also provided educational outreach to refresh folks on regulations related to the fishery at the annual pre-season permit meetings they hold in the spring.

The Board takes any claims of abuse of fisheries seriously, and both welcomes the efforts of the public to bring those to light and the efforts by our enforcement officers to educate users and enforce regulations.

#### **5. All Regional Advisory Council Meeting**

*The Council, in its winter 2018 meeting held in Anchorage, supported and endorsed another All Regional Advisory Council meeting. The Council suggested OSM solicit input from Councils on the draft agenda to identify training needs and informational materials to be used in future meetings of the Councils.*

#### **Response:**

The Board is pleased that the Council found value in the All Council Meeting held in Anchorage for the winter 2016 meeting cycle. As part of the planning for that meeting, all of the Council chairs were involved in developing the agenda, and a draft agenda was presented at all Council meetings during the fall 2015 meeting cycle for review and input. The Office of Subsistence Management would similarly include input from the Councils in developing an agenda for a future All Council Meeting. It is desired that such a meeting would occur perhaps every five years or so, but whether another such meeting is held in the near future would be dependent upon the budget. The cost of the All Council Meeting was approximately 30% higher than that of a typical winter meeting cycle, and most of that increase cost was due to Council member travel (which was double the normal). The Board will encourage OSM to explore opportunities for another All Council Meeting in the near future if the budget allows.

#### **6. Fisheries Resources Monitoring Program (FRMP)**

*The Council has stated on the record the importance of the FRMP in providing critical information to managers for development of resource monitoring plans and assisting them in making management decisions through special actions. The FRMP projects also provide critical information to the Council to develop recommendations on resource issues for the Board to consider.*

*The Council is concerned that some FRMP projects are not being funded. The Council recognizes that funding is challenging, but it would encourage the Board to continue to fund long-term fisheries programs, specifically because some of the studies that collect long-term data sets were dropped due to the lack of funding.*

**Response:**

The Board appreciates the concerns of the Councils related to FRMP funding and the possible loss of funding for some long-term projects. The FRMP is a competitive process and on occasion new projects will outcompete long-standing projects. In addition, there are guidelines for allocation of funds to split the support from the program across the seven FRMP regions for the state. The guideline allocation for the current funding cycle for the Southcentral region is 5% of Department of the Interior (DOI) funds and 32.5% of Department of Agriculture (USDA) funds. The Southcentral region has often exceeded this guideline allocation in support of multiple projects. For example, one project alone for the 2014 funding cycle (project 14-505, Copper River Chinook Salmon Estimate of Inriver Abundance), was funded for the 2014 FRMP cycle for a total of \$1,626,610. The project was recently awarded a grand total of \$860,000 for four years as part of the 2016 cycle, a substantial reduction in cost from the last cycle, due to a \$215,000 cap placed on annual funds during the 2018 cycle.

The Board is encouraged by the number of high quality projects submitted for funding through the FRMP, and would again like to extend its great appreciation to the Councils for their diligence in ensuring that regionally important Priority Information Needs are set for this 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 our confidence that the subsistence users of the Southcentral Region are well represented through your work.

Sincerely,

Anthony Christianson  
Chair

Enclosure

cc: Federal Subsistence Board

Southcentral Alaska Subsistence Regional Advisory Council

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

Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management

Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management

Donald Mike, Subsistence Council Coordinator, Office of Subsistence Management

DeAnna Perry, Subsistence Council Coordinator, USDA Forest Service

Southcentral Team, Office of Subsistence Management

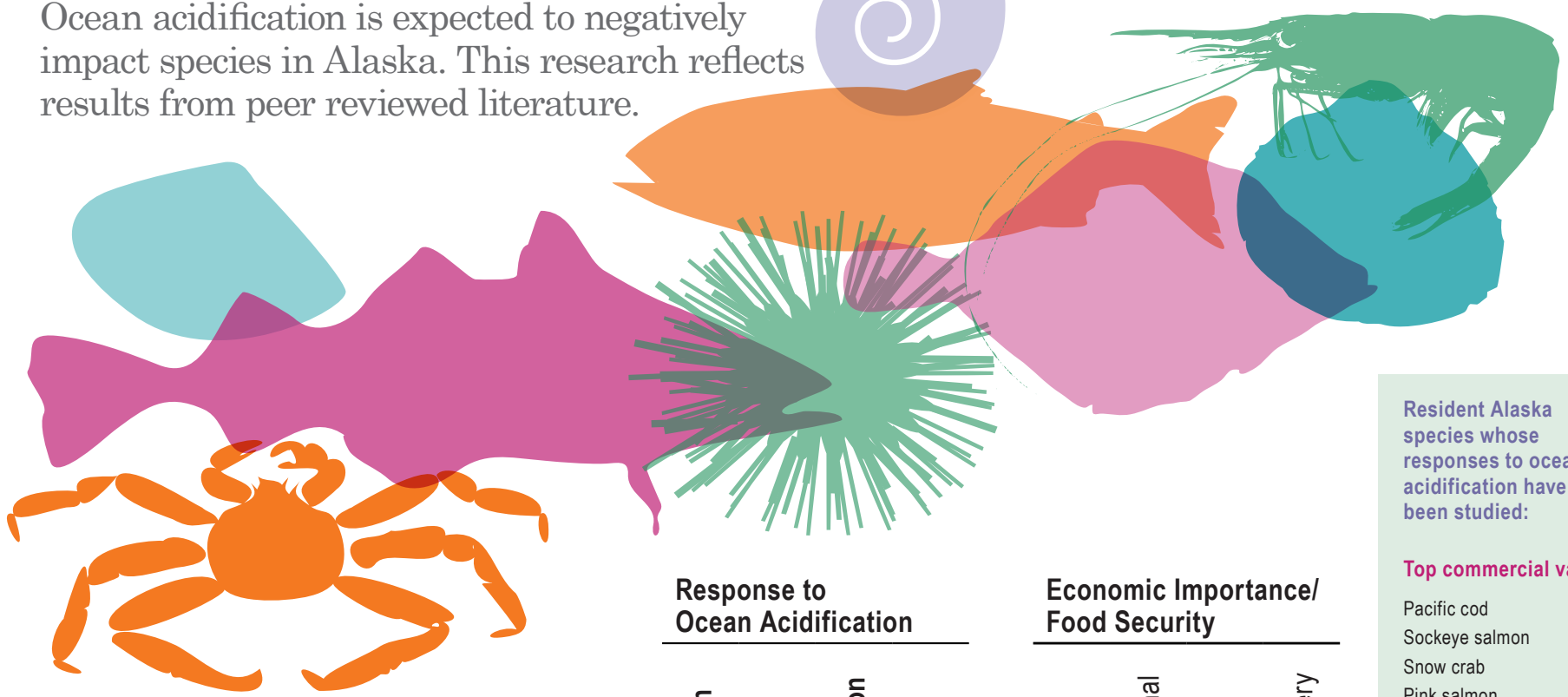
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game

Interagency Staff Committee

Administrative Record

# Impacts of Ocean Acidification on Alaska Fish & Shellfish

Ocean acidification is expected to negatively impact species in Alaska. This research reflects results from peer reviewed literature.



Ecosystem Role	Resident marine species	Response to Ocean Acidification				Economic Importance/ Food Security			
		Calcification	Growth	Reproduction	Survival	Commercial	Sport/personal	Subsistence	Closed Fishery
<b>Predator</b>	Southern Tanner crab	↓	↓	↓	↓	●	●	●	◐
	Red king crab	↓	↑	↓	↓	●	●	●	◐
	Pink salmon*	N/A	↓	↓		●	●	●	
	Dungeness crab*	U	↓	—	↓	●	●	●	
	Blue king crab		↓	U	↓	●		●	◐
<b>Food Web Link</b>	Northern rock sole*	N/A	↓	U	↓	●		●	
	Walleye pollock*	N/A	—	U	—	●		●	
	Northern shrimp*	U	↓	U	↓	●		●	
<b>Chemical / Nutrient Cycling</b>	Pteropod*	↓	↓	U	U				
<b>Habitat Forming</b>	Baltic clam*	↓	↓	↓	↓		●	●	
	Pinto abalone* (endangered)	U	U	U	↓				●
	Common cockle*	↓	↓	U	U		●	●	
<b>Ecosystem Engineer</b>	Red sea urchin*	U	U	↓	U			●	

\*Non-Alaska populations studied

**KEY:** ↑ Increase   ↓ Decrease   — Equilibrium   N/A Not applicable   U Unknown   ◐ Only certain populations

**NOTE:** The species listed in the table above are the *only* Alaska species that have been studied to date.

Resident Alaska species whose responses to ocean acidification have not been studied:

**Top commercial value**

- Pacific cod
- Sockeye salmon
- Snow crab
- Pink salmon
- Pacific halibut
- Sablefish
- Chum salmon
- Atka mackerel
- Yellowfin sole
- Pacific rockfish
- Chinook salmon
- Coho salmon
- Rock sole
- Rockfishes
- Pacific herring

**Highest biomass in bottom trawl surveys**

- Pacific ocean perch
- Giant grenadier
- Atka mackerel
- Pacific sleeper shark
- Salmon shark
- Yellowfin sole
- Redstripe rockfish
- Canary rockfish
- White sea urchin
- Arrowtooth flounder
- Pacific hake
- Shortaker rockfish
- Clonal plumose anemone
- Sharpshin rockfish
- Silvergray rockfish

**Other important species**

- Broad whitefish
- Capelin
- Crescent gunnel
- Dolly varden
- Longfin smelt
- Ninespine stickleback
- Pacific sand lance
- Rainbow smelt
- Threespine stickleback
- Sidestriped shrimp

**References:**

**Commercial, recreational, and subsistence listing:** ADFG Subsistence Reporting 2014 Statewide: <http://www.adfg.alaska.gov/sb/CSIS/index.cfm?ADFG=main.home>.  
**Commercial value data:** NMFS. 2015 Fisheries of the United States. Current Fishery Statistics No. 2015. National Marine Fisheries Service Office of Science and Technology. Alan Lowther & Michael Liddel, Editors. Silver Spring, MD.  
**Trawl survey data:** Alaska Fisheries Science Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

**Acknowledgments:**

Results from peer reviewed literature. Data compiled by the Kelley Lab at the University of Alaska Fairbanks.  
 Partners: Alaska Ocean Observing System, Ocean Acidification Research Center, Alaska Fisheries Science Center (NOAA Fisheries)

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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 2017 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. Refuge Staffing and Retention – Kodiak and Izembek**

*The Council has continued concerns over Federal staffing in the region, particularly at the Kodiak and Izembek National Wildlife Refuges. It has been several years since Kodiak lost its subsistence biologist, which has had an adverse effect on subsistence, particularly in the area of research. The Resource Information Technician (RIT) position vacated by Tonya Lee has yet to be filled despite promises that it was a priority position for the Kodiak National Wildlife Refuge. This position provided critical outreach and communication for subsistence users, tribes and other Federal and State agencies.*

*Most recently, the Izembek National Wildlife Refuge's biologist transferred to another region, leaving a critical position for that Refuge vacant. As a result, no winter surveys were conducted on the Unimak Island caribou herd, a valuable and necessary subsistence resource particularly for users in False Pass who have gone without caribou since the closure of the hunt several years ago due to herd declines. In 2010, the Council was assured by former U.S. Fish and Wildlife Service Regional Director, Geoff Haskett, that securing an aircraft and conducting caribou surveys were priorities for the Izembek Refuge. The Council is also frustrated with the lack of staff retention at Izembek in the Cold Bay office. There have been multiple Refuge Managers over the past few years, making it very difficult for local communities to establish relationships with Federal land managers.*

*Lastly, the Council would like for the Board to express our concerns to the U.S. Fish and Wildlife Service over the lack of law enforcement personnel on the Alaska Peninsula. There appears to be only one part-time enforcement officer for this substantial area of Federal land. Without good law enforcement, subsistence resources are or can be threatened by illegal harvests and other activities such as inappropriate access and wanton waste.*

*Recommendation: The Council recognizes the Board's limitations with respect to staffing, as well as ongoing budget shortfalls and the recent change in administration. The Council does, however, want to go on record to express our ongoing concern over staff losses and retention in areas that provide substantial subsistence resources for local communities in the region. The Council also believes that creative resource sharing could allow for continued activities when*

*there are long term vacancies. For example, partnering with the Coast Guard to use aircraft and boats for surveys conducted by visiting biologists may help alleviate gaps in acquiring important data on the local resources.*

**Response:**

The Federal Subsistence Board has no role in staffing for the individual agencies, so the Board forwarded this concern to the National Wildlife Refuge System, Alaska Region, which provides this response:

The President has said the U.S. government intends to reorganize, reduce their workforce, assess which programs are necessary and look for changes that save money. As part of that change Interior Secretary Ryan Zinke has indicated that he plans to shrink his department's workforce by 4,000 employees as part of budget cuts to downsize the government. Secretary Zinke said he would rely on a combination of attrition, reassignments and buyouts to make the cuts. As part of this downsizing a government-wide hiring freeze was recently lifted which has now allowed our agency to begin filling critical positions for several National Wildlife Refuges to meet Presidential priorities.

We continue to consider caribou a priority species at Izembek, but the mid-winter minimum count is a lower priority than the Spring Parturition (late May-early June) and Fall Recruitment (October) Composition/Classification counts. We gain more statistically valid information from the composition counts than from the mid-winter "census". Fortunately, the composition surveys are conducted by our partners at ADF&G on an annual basis which are used to make management decisions for hunting seasons. The mid-winter caribou surveys are used as a check to the total population estimate derived from the composition counts. Doing a mid-winter total population count every third year would be adequate.

We share your concern about staff losses and retention and ensuring critical work such as monitoring, research, environmental education and law enforcement continue to be supported and prioritized in order to provide outreach and communication for subsistence users, tribes and other Federal and State agencies.

**2. Council Meetings in Communities**

*The Council is still extremely grateful for the opportunity to meet in Unalaska for our fall 2016 meeting. The relationships established and local knowledge acquired have proved invaluable, and resulted in increased engagement with the needs of this community, including through the Fisheries Resource Monitoring Program (FRMP). For example, our recent Priority Information Needs submitted under the FRMP included surveys for subsistence salmon on Unalaska Island and weir funding at McLees Lake. The Council recognizes the budgetary challenges with meeting in non-hub communities, but also considers the tremendous value gained by hearing directly from these communities whose residents are simply unable to participate in Kodiak or Cold Bay.*

*Recommendation: The Council wishes to express its continued need to meet in the various and unique communities within our vast region. At the recent meeting in Cold Bay, the Council agreed that winter meetings would be held in Kodiak while fall meetings should be held in outlying communities. The Council is willing to work with its Coordinator and the Office of Subsistence Management (OSM) to reduce costs to accommodate these opportunities.*

**Response:**

The Board agrees that meetings in rural communities have considerable potential to benefit both the public and the Council, with tangible benefits shown in several regions. This Council has benefitted from non-hub meetings recently in King Cove and Unalaska. In recent years, the Assistant Regional Director (ARD) for the Office of Subsistence Management has indicated he would consider authorizing meetings in non-hub communities approximately every two to three years, and as funding allows. Hub communities are defined by the ARD as requiring only one leg of a trip from the point of origin to the community, and through determining the availability of adequate lodging, meeting space, and food for travelers. Through the Council Coordinator, the Council must provide a cost comparison between the hub community and the desired non-hub community location, plus a written justification and rationale for meeting in that location. This has not changed since the Council last raised this issue in its FY2015 annual report. The process for acquiring aircraft charters may be improving, which could provide some opportunity for creativity in travel to non-hub areas. However, in the face of anticipated steepening budget cuts (as high as 13% for the Department of the Interior), and new travel budget caps implemented in FY2018, it may be the case that meetings in non-hub communities will be authorized under increasingly rare circumstances for all regions. Finally, it is important to note that over the period of FY2012-2017, this Council has incurred the highest travel costs, including Council members and staff, for any of the subsistence regions.

**3. Emperor Goose Hunt Season**

*A statewide Emperor Goose subsistence hunt was opened this year for the first time in 30 years. The Council and community elders are grateful for the opportunity for local communities in the region to utilize this important subsistence resource once again. A State registration hunt was also permitted during the fall months with a one bird limit. For the State registration hunt, there are still concerns over access due to the 500-foot road restriction but the Council is working closely with the Kodiak Area Alaska Migratory Bird Co-Management Council (AMBCC) to mitigate the issue. The Council is still concerned for hunters in the region who are unable to take birds during the Federal subsistence season of April 2-August 31, because Emperor Geese are only in the area for a very limited time period. Some Council members are working with the AMBCC to seek a treaty change to allow for the season to open earlier in the spring when the birds are in the area. Alternatively, the Council would consider extending the season into the fall when once again the birds are in the area and available for subsistence. The Council is encouraged that the regional Alaska Migratory Bird Co-Management Council (AMBCC) is amenable to addressing concerns regarding the extremely limited season for subsistence hunters in the region. The Council is also comfortable working within the existing regional bodies and processes available to address these concerns.*

*Recommendation: The Council recognizes that migratory bird management is outside the Board's jurisdiction but wishes to keep the Board advised of our activities on this important issue. The Council will continue to solicit population and harvest reports from specific agencies and work closely with the AMBCC, Alaska Department of Fish and Game and U.S. Fish and Wildlife to ensure information is shared when available. The Council will also continue to work with regional and statewide AMBCC to advocate for changes that will facilitate regional subsistence hunting needs.*

**Response:**

The Board appreciates the Council's diligence on such a matter that is important to subsistence stakeholders in the Kodiak/Aleutians Region, regardless of whether the matter is under the Board's jurisdiction. The Board forwarded this matter to the U.S. Fish and Wildlife Service, office of Migratory Birds Management, which provides the enclosed detailed report on the current status of Emperor Goose management.

**4. Outreach for Tribal/ANSCA Corporation Consultations**

*Council member Rebecca Skinner attended the OSM Tribal and ANSCA Corporation Consultation held September 7, 2017 for input on subsistence wildlife proposals for the 2018-2020 regulatory cycle. Skinner shared that the consultations were sparsely attended and that participants appeared to be confused by the process. The Council is concerned that tribes are not providing valuable information on the impacts of issues and proposals to their communities and would like to see additional efforts made to increase participation and understanding.*

*Recommendation: The Council is interested in learning about ways to encourage formal consultation participation by local tribes and corporations in our region. We also recommend that time be permitted for a short training session before, during or after our Council meetings to help educate participants on how to best engage in this opportunity. The Council is willing to help facilitate this in any way possible.*

**Response:**

Thank you for your concerns about consultation process and how to engage Tribes and corporations participation. The OSM Native Liaison, Orville Lind, recently held a Tribal Engagement Session in the Southeast Region that has produced positive results and may be a model for expanding engagement opportunities.

In August and September of 2017, USDA-Forest Service Tribal Relations Specialist Melinda Hernandez contacted the OSM Native Liaison to work on planning a Tribal Engagement Session to be held the day before the scheduled Southeast Alaska Subsistence Regional Advisory Council meeting held in Juneau that fall. The purpose and goal was to create an opportunity for Tribes to learn about the consultation processes and policies with the Federal Subsistence Board and to become more familiar and engaged with the Native Liaison and his roles with Tribes in the Federal Subsistence Management Program.

The OSM Native Liaison currently is working with coordinators with Bristol Bay, Western Interior Alaska, and Yukon-Kuskokwim Delta Subsistence Regional Advisory Councils to conduct more Tribal Engagement Sessions this fall cycle and in the future for all the regions. If you would like similar sessions for your region, contact your Council Coordinator to make the arrangements.

It is important to remind the Council that Council members also play an important role in consultation efforts. As residents of their communities and also often as tribal members, Council members can possibly have an even greater impact than the OSM Native Liaison in their daily interactions to spread the word about the importance of tribal participation and the available opportunities for consultation.

### **5. Training for New Council Members**

*The Council would like to inform the Board of the value of new Council member training. In recent years, trainings were held in conjunction with the All-Council Meeting in March 2016 and again in Anchorage at the U.S. Fish and Wildlife Service Regional Office in January 2017. Several Council members remarked on the value of this training and their ability to effectively engage with other Council members and their communities, particularly with respect to the FRMP, Roberts Rules of Order, the roles and responsibilities of OSM and the Board, different land management agencies and missions and Council members roles and responsibilities.*

*Recommendation: The Council is requesting that the Board provide support to OSM to continue these opportunities through annual new member orientations and periodic All-Council meetings.*

### **Response:**

The Board appreciates that Council members found this training to be valuable. It was the favorable response to the training offered at the All Council Meeting that created the impetus for the special training for new members offered at OSM in January 2017. Staff at OSM also benefitted from the availability of such training, and recognized its value to Council members. It is the hope and intent of the Board to continue to provide such training opportunities where the budget permits. Unfortunately, a travel cap implemented for FY2018 prevented providing training for new members. It is also the goal of the Board to host All Council meetings again in the future; again, where budgets permit.

### **6. Sea Otter Predation on Shellfish**

*The issue of sea otter predation on subsistence shellfish resources is becoming an increasing concern in the Kodiak Archipelago region. Several Council members are encouraging local harvest but few people are eligible to hunt sea otters or do not meet the handicraft requirements under the Marine Mammal Protection Act which allows for the subsistence harvest and sale of sea otter handicrafts to non-natives. In areas such as Women's Bay, King Crab populations have plummeted, and observations of large rafts of sea otters in the Bay are frequent. In the communities of Larsen Bay, Port Lions, and Ouzinkie, users have to travel much further to harvest shellfish. A lot of the clam beds have been depleted because of sea otter predation.*

*At its meetings, the Council has heard from staff from the USFWS Marine Mammals Division regarding sea otter populations, genetics, and co-management. The Council has also heard from Mike Miller, Chairman of an umbrella organization of co-management groups that work with USFWS and the National Marine Fisheries Service on marine mammal issues. The Council appreciated the information provided and looks forward to working closely with these parties to address sea otter predation concerns.*

*Recommendation: Once again, the Council recognizes the Board's lack of jurisdiction and the Council's limitations on this issue. That said, the Council wishes to go on record stating that sea otter predation on subsistence resources is having a negative impact, and several Council members, as individuals, will be working with the various commissions and management agencies to encourage research and co-management opportunities that will increase the understanding of predation by sea otters and increase input from local communities in management decisions. The Council will be requesting data, monitoring and surveys from applicable agencies annually in order to make informed decisions on sea otter issues. The Council suggests starting with monitoring Chiniak Bay, Kizhuyak Bay (near Port Lions) and within ten miles of other impacted village communities. The Council would also like to see the transect-based skiff surveys systematically analyzed for otters and utilized by Marine Mammals Management. Finally, the Council would like to see adequate resources allocated to sea otter monitoring, including impacts on subsistence resources.*

**Response:**

The Federal Subsistence Board forwarded this item to the U.S. Fish and Wildlife Service, Marine Mammals Program, which provides this response:

Thank you and the Regional Advisory Council (RAC) for the questions and concerns regarding sea otter and fisheries conflicts around the Kodiak Archipelago. We appreciate the concerns you have raised regarding the impact sea otters are having on subsistence resources in your area.

The U.S. Fish and Wildlife Service (Service) has been working for a number of years with stakeholders in Southeast Alaska to address concerns similar to those you raise, within the constraints of the Marine Mammal Protection Act (MMPA). Some of these efforts include working with Tribal governments to develop sea otter management plans for their Tribal members as well as working with the Southeast Area Regional Dive Fisheries Association (SARDFA) to help local fishermen target their catch efforts in areas that sea otters have yet to recolonize. The Service also undertook an effort to provide clarity to Alaska Native artisans who work to produce sea otter handicrafts in response to their concerns that harvest was being limited because of uncertainty over the legality of their handicraft products. More recently, we have been meeting with the Indigenous People's Council for Marine Mammals, the Marine Mammal Commission, and the Alaska Department of Fish and Game to discuss alternative approaches that could be taken to address this issue under the MMPA. In particular, this has included discussions about revisiting the Southeast Alaska Sustainable Arts

project funded by the Sealaska Heritage Institute aimed at enhancing the cultural and economic utilization of marine mammals for Native handicrafts. We would be happy to work with the RAC on these efforts as well.

The Council has also requested data, including monitoring and survey work for sea otters around the Kodiak Archipelago. In 2014 the Service conducted an area wide survey for sea otters on Kodiak and we would be happy to share the results of that study and discuss future efforts with the RAC at any time. We are currently not in a position to conduct sea otter surveys annually as suggested, but our goal is to survey an area every 4-6 years, based on priorities and funding. The Service is also continuing to work with partners to explore ways to address the concerns raised by you and other organizations concerning sea otters and fisheries conflicts. Once again I thank you for raising these concerns to the Service. Should you have additional questions or thoughts please contact: Dr. Patrick Lemons, Chief for Marine Mammals Management, at (907) 786-3800.

### **7. Crayfish in the Buskin Watershed**

*The Council would like to formally recognize the work being conducted by the Sun'aq Tribe and Kodiak Soil and Water Conservation District on crayfish in the Buskin watershed. Crayfish are an invasive species and could ultimately have detrimental impacts to the salmon fisheries in the Buskin River and Buskin Lake. This watershed currently provides a critical subsistence resource for the Kodiak community. The Tribe and District have taken the initiative to address the potential impacts of invasive crayfish in the watershed, and the Council is deeply appreciative of their efforts to protect this important resource for the community.*

#### **Response:**

The Board will relay your appreciation to the Sun'aq Tribe and the Kodiak Soil and Water Conservation District for their efforts in addressing concerns related to this invasive species. The Board is also pleased that the Council has developed a productive, working partnership with the Sun'aq Tribe. It is understood that your former Council Coordinator, Karen Deatherage, worked hard to foster that relationship. The Board encourages the Council to continue in that relationship and will provide whatever staffing support is necessary and available to sustain it.

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

Sincerely,

Anthony Christianson  
Chair

Enclosure

cc: Federal Subsistence Board  
Kodiak/Aleutians Subsistence Regional Advisory Council  
Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management  
Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Zach Stevenson, Subsistence Council Coordinator, Office of Subsistence Management  
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

DRAFT



## Summary of Emperor Goose Population Status and Management

Prepared for the Office of Subsistence Management for inclusion in the annual report to the Kodiak/Aleutians Subsistence Regional Advisory Council (RAC)  
Julian Fischer, Region 7, USFWS, Migratory Bird Management, April 2018

In February 2018, the Kodiak/Aleutians Subsistence Regional Advisory Council issued the following recommendation regarding emperor geese population status and harvest regulations in the Kodiak Archipelago Region.

*Recommendation: The Council recognizes that migratory bird management is outside the Board's jurisdiction but wishes to keep the Board advised of our activities on this important issue.*

The following report is intended to keep the Board apprised of the most recent and relevant information pertaining to management of emperor geese statewide and within the Kodiak Archipelago Region specifically.

### Background

Emperor geese have a broad distribution across Alaska and are an important resource for subsistence hunters across six regions represented on the Alaska Migratory Bird Co-management Council (AMBCC): Northwest Arctic, Bering Strait/Norton Sound, Yukon-Kuskokwim Delta, Bristol Bay, Aleutian Pribilof Islands, and the Kodiak Archipelago. Following a reported 50% decline decline in emperor goose abundance between 1964 and 1986, the hunting seasons were closed statewide to help the population recover. Following these closures, emperor goose abundance increased slowly (about 2% per year during 1985–2016) until a harvest was authorized in 2017.

### Management and Population Status

Harvest of emperor geese is managed during two hunting seasons – spring-summer and fall-winter. Regulations for these distinct seasons are managed by the AMBCC (spring-summer season) and the Pacific Flyway Council (fall-winter), respectively, both with representation from the Kodiak Archipelago Region. Spring-summer harvest regulations in the Kodiak Archipelago Region are guided by the AMBCC Management Plan for Emperor Geese\*. During the spring-summer season (Kodiak Region: April 2 – June 21; July 21-August 31), emperor geese are open for a traditional harvest with no bag limit. Most emperor geese depart the Kodiak Archipelago by the end of April so the harvest in that region is limited to the first month of the spring-summer season. The fall-winter harvest regulations follow guidelines specified in the Pacific Flyway Management Plan for Emperor Geese\*\*. During the fall-winter season (Kodiak Region: October 8 – January 22) harvest is through a registration permit with a statewide quota of 1,000 emperor geese of which 175 are allocated to the Kodiak Archipelago Region. Both the spring-summer and fall-winter management plans call for open hunting seasons when the prior summer aerial breeding ground survey exceeds 23,000 emperor geese, which equates to a range-wide population size of about 120,000 total geese. The management plans also call for the Pacific Flyway Council and the AMBCC to identify ways to reduce harvest without a total closure if the breeding ground index is between 23,000 and 28,000 emperor geese. The 2017 breeding ground index was 30,087 geese (Figure

1). The U.S. Fish and Wildlife Service will complete the breeding ground survey again in June 2018 and the results will be shared with AMBCC members in July.

#### Harvest during the 2017-2018 Seasons

The total harvest of emperor geese during 2017-2018 is unknown at this time. Harvest of emperor geese during the spring-summer season will not be reported until later this year and estimates will be imprecise due to incomplete sampling of hunters, villages, and regions. Regional representatives at the Fall AMBCC meeting indicated that hunter involvement in the spring-summer hunt was low in 2017 due to a combination of weather conditions and caution by hunters who were concerned about resuming harvest of emperor geese after many years when hunting was illegal. The fall-winter hunt is administered through a registration permit system, thus the total numbers of hunters who obtained a permit and reported their harvest is available at this time. During the fall-winter season (2017-2018), a total of 509 permits were issued statewide. Of these, 209 permit holders hunted and 128 reported they harvested an emperor goose. Within the Kodiak Archipelago Region, 208 permits were issued, 83 permit holders hunted, and 33 hunters reported harvesting an emperor goose. A small number of paper permits were also issued statewide, of which final harvest tallies are not yet reported. The number of emperor geese shot by hunters without a registration permit and by permit holders that failed to report their take is unknown.

#### Outreach and Education

The Emperor Goose Outreach Committee of the AMBCC met on February 6, 2018 with representation from the Kodiak Archipelago Region. Together, committee members developed outreach materials emphasizing the unique status of emperor geese, its population size and trend, guidance on how to conserve emperor geese, and details on how to access information on harvest regulations. The Sun'aq Tribe modified the 2017 AMBCC outreach materials to create a Kodiak Archipelago-focused outreach pamphlet. This outreach material will be updated for the 2018 season during the summer.

#### Kodiak Archipelago Participation in Co-management

The Kodiak Archipelago Region is represented on the Alaska Migratory Bird Co-management Council (AMBCC) and has representation on several relevant committees including the Emperor Goose Subcommittee, the Technical Committee, the Emperor Goose Outreach Committee, and the Kodiak Road Committee. Members of the Council and its committees work together to balance harvest opportunity with long-term sustainability of the migratory bird populations including emperor geese. Annual review of population status, ongoing outreach efforts, and a 5-year review and modification to management plans is the responsibility of all participants in the co-management process.

\*AMBCC Management Plan for Emperor Geese (spring-summer hunt):

[https://www.fws.gov/alaska/ambcc/News\\_files/EMGO%20AMBCC%20Mgmt%20Plan%20Final%20Signed%20Sept%202016.pdf](https://www.fws.gov/alaska/ambcc/News_files/EMGO%20AMBCC%20Mgmt%20Plan%20Final%20Signed%20Sept%202016.pdf)

\*\*Pacific Flyway Management Plan for Emperor Geese: [http://pacificflyway.gov/Documents/Eg\\_plan.pdf](http://pacificflyway.gov/Documents/Eg_plan.pdf)

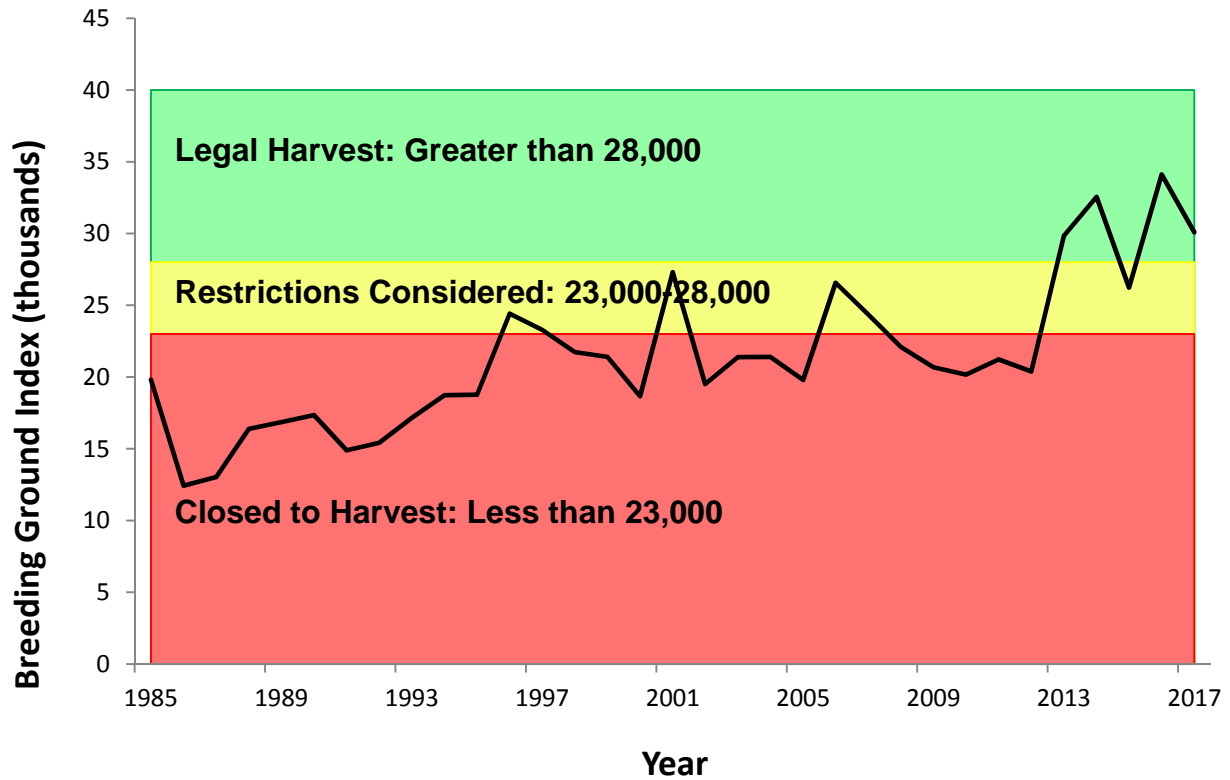


Figure 1. Breeding ground population index derived from aerial surveys on the Yukon-Kuskokwim Delta, 1985-2017. Harvest strategies in the Alaska Migratory Bird Co-management Council and Pacific Flyway Council management plans for emperor geese are tied to the annual aerial survey count. The 2017 estimate was 30,087. Harvest of emperor geese for spring-summer and fall-winter seasons is open when counts exceed 23,000.

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Molly Chythlook, 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 Chythlook:

This letter responds to the Bristol Bay Subsistence Regional Advisory Council's (Council) fiscal year 2017 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. Moose Populations in Unit 17C**

*The Council is very concerned with moose populations in Unit 17C. The Fall 2016 moose composition count estimated 1,000 moose with 22 bulls/100 cows and 13 calves/100 cows in the Nushagak River drainage. These extremely low calf recruitment numbers are disturbing to the Council.*

*Interagency cooperation and funding to continue biological studies and composition surveys to monitor the moose population within the two survey units is critical. The Council believes it is important to have access to recent data to assist managers in developing conservative management action. In addition, recent data will assist the Council with developing recommendations for regulatory issues on the best available data.*

**Response:**

In responding to the Council's concern, it is important to note that composition surveys are not designed to estimate population size. Rather, using a subset of the population in selected areas, composition surveys estimate the proportion of the population in each of three categories: bull, cow, or calf. These estimates are then used to develop bull:cow and calf:cow ratios. In 2016, the Alaska Department of Fish and Game (ADF&G) classified approximately 1,000 moose in portions of Unit 17C for their composition estimates. This does not reflect population size within a specific geographical area.

In addition to composition surveys, moose population surveys are conducted periodically in Unit 17C by the Alaska Department of Fish and Game (ADF&G) and the Togiak National Wildlife Refuge. A portion of Unit 17C was most recently surveyed in 2017. Understanding moose dynamics in Units 17B and 17C has been identified as a regional priority by ADF&G, and it began monitoring radio collared cow moose in spring 2017 to estimate productivity and recruitment.

## **2. Arctic Hare and Ptarmigan Population**

*Residents of Bristol Bay, as well as local wildlife biologists for the Bristol Bay area, are concerned that Arctic hare and ptarmigan population are in decline. Arctic hare and ptarmigan are subsistence resources for the region that residents rely on.*

*Currently there is no limit for harvest of hare and hunting is open to all rural residents under current Federal Subsistence regulations. Ptarmigan has harvest limits, but is also open to all rural residents. To address the low population of the Arctic hare and ptarmigan, land managing agencies should initiate a population study for both species. If the population is at its lowest level and conservation concerns exist, emergency management action can be implemented. Through the regulatory process, agencies can begin to establish season and harvest limits, until the population is sustainable to allow for increased harvest.*

### **Response:**

This concern addresses two separate species, to which the Board will respond individually.

#### **Hare**

Biologists make a distinction between Arctic hare (*Lepus arcticus*), whose distribution is limited to Greenland and northern Canada, and Alaska hare (*Lepus othus*), which are found in western Alaska from Kotzebue Sound to the Alaska Peninsula. To reflect contemporary naming conventions, this reply will refer to Alaska hares rather than to Arctic hares.

Historically, Alaska hare populations have not been monitored by State or Federal managers. Consequently, the abundance of Alaska hares in the Bristol Bay region has not been quantified. However, biologists from ADF&G's Small Game Program have recently initiated a project aimed at better understanding Alaska hare in the Bristol Bay region. The project includes community visits to gather local knowledge about Alaska hares and hunting practices, as well as efforts to trap and collar hares to better understand movement patterns, mortality and overall life history. Early trapping efforts were unsuccessful but additional fieldwork is planned through spring 2019.

Prior to regulatory year 2017/2018, neither State nor Federal regulation distinguished among hare species. However, in early 2018, the Alaska Board of Game created a separate season for Alaska hare, which includes conservative harvest limits. The Council is encouraged to discuss whether proposing similar changes in Federal regulation is appropriate. The next call for Federal wildlife proposals will open in spring 2019.

#### **Ptarmigan**

Ptarmigan projects conducted by ADF&G's Small Game Program have been limited to areas along Alaska's road system. Within the Bristol Bay region, recent monitoring of ptarmigan populations have been limited to surveys conducted on the northern Alaska Peninsula by the Alaska Peninsula/Becharof National Wildlife Refuge between 2011 and 2015. Typically

conducted every other year, these surveys were not conducted in 2017, pending development of the Refuge's Inventory and Monitoring Plan. The outcome of this planning process will influence ptarmigan monitoring into the future.

Despite the lack of formal surveys, there are ways the Council can contribute to improved conservation and understanding of these species. First, the Council can consider whether more conservative harvest management is warranted. For the 2018/2019 regulatory year, the Alaska Board of Game shortened the ptarmigan season in Unit 9, and the Federal Subsistence Board reduced harvest and possession limits in Unit 18. Similar proposals could be considered throughout the Bristol Bay region. The State also issued emergency order EO 03-04-18, providing for reduced ptarmigan limits in Units 12, 20, and 25C, effective July 1, 2018.

The Council can also encourage hunter participation in ADF&G's wing collection program. This program is a cost-effective way for managers to gather information about harvest composition and brood production, even in the absence of more formal studies. Unfortunately, participation has been low in the Bristol Bay region, limiting the utility of the program in this area. Increasing participation is one way local users can contribute to the collective body of knowledge. Participation is free, with postage-paid envelopes provided by ADF&G to hunters. ADF&G will also provide participants with information about the birds they harvested, including age and sex. Additional information about the wing collection program is available through ADF&G's Small Game Program.

### **3. Cooperation and Collaboration**

*The Council is interested in having tools and resources available for adapting to climate change. The environment has changed dramatically, which affects both subsistence access and fish and wildlife. Further analysis and research are needed, with cooperation from State and Federal agencies, to address the impacts of climate change on subsistence resources.*

*The Council would like to see climate change reports, including impacts on fish and wildlife populations where known, presented at its meetings. The analysis and research provided on climate change, including fish and wildlife populations. This will provide rural residents with necessary information to adjust their activities around the seasonal harvest of subsistence resources.*

#### **Response:**

The Board agrees that it needs to increase awareness and understandings of impacts of global climate change on rural communities and subsistence resources of the Bristol Bay Area. The Board can direct the Office of Subsistence Management (OSM) to submit requests to the State of Alaska and other Federal Agencies to present available climate change related subject matters as they pertain to the Bristol Bay Region and resources. As this is a relatively new field of study in Alaska, available information of interest may be currently limited but as this field of science evolves, more information should become available to assist the Council in their future decision making processes.

One tool for gaining this understanding is the Fisheries Resource Monitoring Program. There is a paragraph in the introduction to Priority Information Need booklet that states:

Because cumulative effects of climate change may fundamentally affect the availability of subsistence fishery resources, as well as their uses, and how they are managed, investigators are encouraged to consider examining or discussing climate change effects as a component of their project. Investigators conducting stock status projects may be required to participate in a standardized air and water temperature monitoring program.

You may include in the Priority Information Needs that you develop a request for research on changes to subsistence fisheries resources and harvest related to global climate change. Specific areas of priority could include fish movement, fish quality, and harvest and food preservation methods, including implications and recommendations for subsistence management.

The Board is interested in environmental changes that may now be impacting the subsistence way of life in Western Alaska such as melting permafrost, thaw slumps, increased water temperature, draining of tundra lakes, altered patterns of snow and rain, and changes in timing of freeze-up and break-up, variations in run timing of salmon, and impacts to herd migrations. Local knowledge is an important tool in monitoring the impacts of climate change. The Board is interested in discussions with the Council regarding possible collaborative research studies on local knowledge of changing conditions and how these affect access to and quality and quantity of subsistence resources. The Board understands that there may be a need for flexibility in regulation in terms of shifting harvest seasons to allow residents to adapt to these changing conditions. Examples of this flexibility have taken place with the changes in winter season dates for caribou in parts of Bristol Bay have been granted due to low levels or lack of snow cover which delayed access to hunters.

The Board encourages the Council to use the existing regulatory system. For example, if an unusually mild winter has impaired the ability of subsistence harvesters to take moose, the Council may submit a Special Action request to extend the subsistence moose season. OSM staff will help the Council to develop proposals to the Alaska Boards of Game and Fisheries, and coordinate discussions with local State managers regarding State in-season actions. If that pattern persists over time, a proposal could be submitted to lengthen the season in Federal regulation. The Board encourages the Council to communicate appropriate information to the Board through your public meeting process and Council Coordinator. This will help staff in the Federal Subsistence Management Program better understand changing conditions in Bristol Bay and enable the Board to work more effectively with the Council to adopt flexible regulations.

The Board encourages the Council to take advantage of information available in the following online sources:

Alaska Center for Climate Assessment and Policy (ACCAP)  
<https://cpo.noaa.gov/Meet-the-Divisions/Climate-and-Societal-Interactions/RISA/RISA-Teams/ACCAP>



Alaska Climate Adaptation Science Center

<https://casc.alaska.edu/>

Alaska Department of Environmental Conservation, Climate Change in Alaska

<https://dec.alaska.gov/climate-change/>

Conservation of Arctic Flora and Fauna

<https://www.caff.is/>

Alaska Department of Fish and Game Climate Change

<http://www.adfg.alaska.gov/index.cfm?adfg=ecosystems.climate>

Landscape Conservation Cooperative Network

<https://lccnetwork.org/>

Scenarios Network for Alaska + Arctic Planning

<https://www.snap.uaf.edu/>

EPA – Climate Change Impacts in Alaska

[https://19january2017snapshot.epa.gov/climate-impacts/climate-impacts-alaska\\_.html](https://19january2017snapshot.epa.gov/climate-impacts/climate-impacts-alaska_.html)

Local Environmental Observer Network

<https://www.leonetwork.org>

#### **4. Agency Representatives**

*Federal and State agency representatives need to be present at Council meetings. It is very important for the Council members to have immediate access to information when discussing complex regulatory and policy issues that arise from Council deliberations. Fish and wildlife managers are the subject matter experts that can provide information for the Council.*

*The Council has recognized a lack of agency participation at its recent meetings and has been informed this may be due to lack of funding and/or personnel. The Council, however, encourages participation during the biannual public meetings. While it is difficult to have a dialog, participation by telephone would be a secondary resolution.*

#### **Response:**

The process for engaging State and Federal staff starts with your Council Coordinator. Based on Council input and issues that need to be presented to Councils, the Coordinator drafts the agenda for the meeting. Once that agenda is drafted, it is circulated to regional agency contacts, with an invitation to participate in the meeting, contribute agenda items, and provide reports. Your Council Coordinator needs to remain engaged with those contacts to ensure their participation. But, as the Council recognizes, overall budgets and travel budgets in particular, as well as staffing cuts and hiring freezes, may impair the ability of a State or Federal agency or offices to provide staff at the meeting. Additionally, some agencies might choose to not participate if they do not see something specific on the agenda to their area of management or jurisdiction. If there

is something not specifically on the agenda, but you wish a particular agency to participate, it is important to transmit a request to that agency through your Council Coordinator. Funding may prevent in-person participation, but sustained engagement through your Council Coordinator can only serve to help improve participation. And while the Board recognizes that telephonic participation is not desirable, it may in many cases be the only option.

## **5. Consultation**

*The Council recognizes the importance of consultation and encourages the Office of Subsistence Management to identify ways to increase engagement by tribes and ANCSA corporations on proposal comments.*

*Tribes and ANCSA Corporations provide subsistence information that is often not addressed through analysis, and provide direct local knowledge of the resources that should impact management decisions. The Office of Subsistence Management should investigate how to encourage greater Tribal consultation, as it is a valuable tool for Councils when developing recommendations on policy and regulatory issues.*

*The Council recommends sending a letter of appreciation to Tribes and ANCSA Corporations acknowledging their participation.*

### **Response:**

Thank you for your concerns about consultation process and how to engage Tribes and corporation participation. The OSM Native Liaison, Orville Lind, recently held a Tribal Engagement Session in the Southeast Region that has produced positive results and may be a model for expanding engagement opportunities.

In August and September of 2017, USDA-Forest Service Tribal Relations Specialist Melinda Hernandez contacted the OSM Native Liaison to work on planning a Tribal Engagement Session to be held the day before the scheduled Southeast Alaska Subsistence Regional Advisory Council meeting held in Juneau last fall. The purpose and goal was to create an opportunity for Tribes to learn about the consultation processes and policies with the Federal Subsistence Board and to become more familiar and engaged with the Native Liaison and his roles with Tribes in the Federal Subsistence Management Program.

The OSM Native Liaison currently is working with coordinators with Bristol Bay, Western Interior Alaska and Yukon-Kuskokwim Delta Subsistence Regional Advisory Councils to conduct more Tribal Engagement Sessions this fall cycle and in the future for all the regions.

It is important to remind the Council that Council members also play an important role in consultation efforts. As residents of their communities and also often as tribal members, Council members can possibly have an even greater impact than the OSM Native Liaison in their daily interactions to spread the word about the importance of tribal participation and the available opportunities for consultation.

As to the Council's specific recommendation that the Board transmit a letter of appreciation to Tribes and ANCSA corporations for their participation in consultation sessions, the Board appreciates the suggestion and will consider directing the OSM Native Liaison to add that element to the Tribal Consultation Implementation Guidelines to ensure the practice is followed in future consultations. The ability to do this will depend on staffing capacity required for such an effort.

#### **6. Regional Advisory Council Chairs**

*The Council encourages the Office of Subsistence Management to hold an all Chairs meeting during or after the Federal Subsistence Board meetings. The all Chairs meeting is a tool for Chairs to meet and discuss issues they may share on resources and management issues.*

#### **Response:**

It is possible for the ten Council chairs to meet in connection with a Federal Subsistence Board meeting. Through their Council Coordinators, the Council chairs need to express a desire for such a meeting, provide topics that they wish to discuss, and a firm commitment that all chairs will participate in the meeting. At most Board meetings, few chairs remain through the entire meeting to provide for a gathering after the conclusion of the Board meeting. This request should be transmitted to the Council Coordination Supervisor, who would coordinate and facilitate the meeting.

If the Council Chairs choose to meet in advance of a Board meeting, the Federal Advisory Committee Act would prohibit discussion of topics on which the Councils would or could be giving advice or making recommendations to the Board for its consideration in the rulemaking process. The statute requires that such discussions be held only during publicly-noticed, open meetings. Staff with the Office of Subsistence Management can coordinate with the Solicitor's Office in order to provide appropriate guidance to the chairs on how such a meeting may be conducted. Conducting an all-chairs meeting after the Board meeting would not present such concerns.

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

Sincerely,

Anthony Christianson  
Chair

cc: Federal Subsistence Board  
Bristol Bay Subsistence Regional Advisory Council  
Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management

Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Donald Mike, Subsistence Council Coordinator, Office of Subsistence Management  
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

DRAFT

Alissa Rogers, Chair  
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council  
c/o Office of Subsistence Management  
1011 E. 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 2017 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. Research to investigate decline of Willow Ptarmigan**

*At its fall 2017 meeting, the Council reviewed Proposal WP18-30 for the 2018-2020 Federal subsistence wildlife regulatory cycle. This proposal highlighted the dramatic decline of Willow Ptarmigan in the Yukon-Kuskokwim Delta Region (Unit 18) and requested a reduction in Federal subsistence harvest as a conservation measure to help support the rebound of this population. The Council discussed the decline of ptarmigan with the proponent (representatives from Orutsararmiut Native Council) and the public attending the meeting. The Council concurs with the concerns raised in this proposal and nearly every Council member relayed similar observations of much reduced ptarmigan numbers from the Yukon to the Kuskokwim and out to the coast. The Council also discussed changes to the environment that have been observed in recent years such as later freeze up, earlier thaw, lack of snow cover, rain and freeze thaw events in winter and changing vegetation, all of which could have negative effects on ptarmigan and other subsistence resources. Members of the public reported finding worms in the intestines of ptarmigan and this was the first time this had ever been observed. Biologists attending the meeting also acknowledged these observations, but reported that there was little data to know exactly what was driving the decline.*

*Willow Ptarmigan are a very important subsistence resource utilized by nearly every community throughout the region. They are an important source of fresh food, especially in winter and spring, and have been abundant historically. While biologists did not feel harvest was the driving cause of decline, the Council supports reducing subsistence harvests at this time in an effort to help the population rebound for future generations. The Council also feels it is imperative for biologists to conduct research and monitoring on Willow Ptarmigan in order to better inform sound management and help sustain this important subsistence resource. The Council therefore requests that such research and monitoring be conducted.*

**Response:**

The Board recognizes that ptarmigan are an important subsistence resource for Unit 18 residents during the spring season and that populations have appeared to be lower than what is caused by normal population fluctuations throughout the unit.

While there are currently no ptarmigan population surveys taking place in Unit 18, local biologists make anecdotal observations in the region and listen to observations from local residents. Based on these observations, it appears that this year ptarmigan populations increased slightly near the Nome area, compared to the last few years. Additionally, Alaska Department of Fish and Game (ADF&G) biologists have a statewide wing collection program through which hunters can voluntarily submit wings of game birds they have harvested. This allows the biologist to make estimates pertaining to harvest composition of given populations. This program is critical to understanding annual population productivity, due to the strong relationship between harvest and juvenile production. Wing collection composition can show 60-80% juvenile harvest in a good year and as low as 10-15% juvenile harvest in a bad year. ADF&G biologists have not received many wings from Unit 18. An increase in voluntary submittal of ptarmigan wings could provide more information pertaining to the ptarmigan population in Unit 18.

If Unit 18 residents would like to take part in the wing submittal program, to enhance current knowledge pertaining to the Unit 18 ptarmigan population, Richard Merizon can provide free postage paid envelopes to those who are interested. You can contact Mr. Merizon at (907) 746-6333 or richard.merizon@alaska.gov. Once wings are submitted, ADF&G will keep the hunter informed about what they learn from the wings that were submitted.

## **2. Timing of subsistence fishing opportunities when weather is conducive to safely dry fish**

*The Council heard testimony from members of the public about concerns that subsistence salmon harvest opportunities have been provided too late in the season. The Council supports conservation efforts to protect Chinook Salmon, but it is important to note that the amount and timing of harvest is not the only way to manage the population for conservation. The Board and managers should understand that weather conducive to drying salmon on open air racks is also an important conservation consideration so that harvested salmon are not lost to spoilage later in the summer when wet weather is prevalent and flies emerge and lay eggs on the fish. The Council brought this issue of concern to the Board's attention in its FY2016 Annual Report, but feels the gravity of the hardship and loss of fish due to spoilage was not fully understood.*

*Council member from Yukon and the Kuskokwim river communities relayed the challenges of getting salmon to dry properly when the fishing opportunity open late in the season when there is a lot of humidity in the air. Council Chair Lester Wilde, Sr. reiterated Council member concerns and requested the Federal Subsistence Management Program and fisheries managers recognize the importance of harvest timing for good drying conditions so that people had some opportunity to live their traditional subsistence way of life: supporting fish camp as well as fishing and the Yup'ik way to follow the seasons when the animals come to them. Council members noted that while they are provided a very brief fishing period, they still need to put up enough fish to dry to provide sufficient food to feed their families for the entire year until the next fishing season. Even a limited opportunity to fish in June when the weather is good will help to put up enough fish for the year without risk of spoilage.*

**Response:**

The Board appreciates the Council's efforts to keep it informed that opportunities to harvest, dry, and smoke salmon in 2017 was not enough to meet user needs. The Board is aware that, in recent years, Kuskokwim River residents have been restricted from salmon fishing during parts of June. The Board is also aware of the desire by lower river users to have the opportunity to harvest fish when weather conditions have historically been most conducive to preserving fish using traditional drying and smoking techniques.

In the past several years there have been at least a couple of windowed opportunities each year to fish in June, although often after June 11. The June 11 date is significant in that it has been verified that restricting harvest in early June permits the early run Chinook Salmon to reach their northern spawning grounds in the Kuskokwim drainage, that subsequently is helping to re-build the Chinook population.

It is important to note that decisions driving the conservation of the Chinook Salmon populations is informed by a diversity of data sets including pre-season forecast models and in season biological fish data in addition to trying to accommodate the traditional subsistence food preservation needs. There is support for earlier harvest of Chinook Salmon if data indicates that earlier harvests can occur while not jeopardizing long term Chinook Salmon conservation efforts. The conservation of food, once harvested, is a concern that is discussed and considered when in-season management decisions are being made. It is recognized by the Board that coinciding fish harvest opportunities with good weather windows would be an optimal way to meet the needs and customs desired by tribal users and it has been unfortunate that such flexibility has not been permitted because Chinook Salmon population concerns have warranted restricted windows of harvest in June. In consideration of these various factors, the Board requires the in-season manager, via a letter of delegated authority, to coordinate with the chairs of this Council and the Western Interior Alaska Subsistence Regional Advisory Council, the Kuskokwim River Inter-Tribal Fish Commission (KRITFC), local ADF&G managers, and other affected Federal conservation unit managers, as well as provide notification to the Kuskokwim River Salmon Management Working Group.

The Board recognizes that climate change is also a factor that has likely impacted traditional periods and windows when weather was historically appropriate for drying and smoking salmon. A recent report has been brought to the Board's attention since it replied to the Council's 2016 Annual Report. In 2013, Hiroko Ikuta and others at the Division of Subsistence, ADF&G, published their report *Socioeconomic Patterns in Subsistence Salmon Fisheries: Historical and Contemporary Trends in Five Kuskokwim River Communities and Overview of the 2012 Season* (enclosed). During spring and summer 2012 they visited fish camps near Tuntutuliak, Kwethluk, and Kalskag while talking to people about preserving salmon for winter use. In this report they documented in detail their observations of the importance of drying and smoking salmon during dry weather and the negative consequences that occurred when people attempted drying or smoking salmon in high humidity and wet, rainy weather.

### **3. Opportunity to harvest spring Sheefish in advance of the Chinook closure**

*The Council again discussed that Sheefish has always been an important subsistence food for many communities on the Kuskokwim River, and even more so now with fishing restrictions in place for the conservation of Chinook Salmon. The spring run of Sheefish provides an opportunity for some of the first harvest of fresh fish after a long winter, and as Council members noted, it makes good dryfish, too. Currently, conservation management for Chinook Salmon has started with all subsistence fishing closed in the spring until Chinook Salmon passage is determined to be sufficient to meet escapement goals. The Council is supportive of Chinook Salmon conservation measures; however, there could be a subsistence opportunity for a Sheefish harvest opening right after river ice breakup timed ahead of the first pulse of Chinook Salmon on the Kuskokwim. This would provide for an important early subsistence fishing opportunity for Sheefish in advance of the fishing closures for conservation of Chinook Salmon. The Board responded to the Council in the previous annual report reply that some progress has been made in providing for such opportunities and cited the Alaska Board of Fisheries regulations adopted in February 2017 that clarified the use of 4-inch or less mesh gillnets during the early season Chinook Salmon subsistence fishery closure to allow some opportunity for the harvest of non-salmon fish.*

*The Council appreciates resumption of some opportunity to harvest non-salmon fish during times of Chinook conservation; however, it was noted that 4-inch mesh catches only smaller whitefish which are not present in the river right at breakup. Council member Bob Aloysius stressed that 4-inch mesh does not work well for harvesting the larger Sheefish and that 6-inch mesh is required to be effective. He stressed again that the local people know the best time to catch Sheefish on the Kuskokwim River is right after the ice breaks up in the spring and that he hears especially from upriver communities about the importance of Sheefish in the spring. The Council highlighted this is the perfect time to get Sheefish because fresh fish is really needed after a long winter and that a harvest opportunity with 6-inch mesh immediately after break up would be effective to get a few Sheefish and yet be early enough to avoid the first pulse of Chinook Salmon. The Council stressed that local knowledge of harvest should be considered in the management decision making that impacts the subsistence way of life as known for generations.*

*The Council will be considering its options to submit a proposal to either the Alaska Board of Fisheries or the Federal Subsistence Board, or both, to address this issue and hopefully provide for the needed opportunity.*

#### **Response:**

The Board appreciates the Council's efforts to inform the Board of Chinook Salmon conservation management impacts on other subsistence fisheries. Last year in 2017 Refuge waters from the mouth of the Kuskokwim River to Tuluksak were closed to the use of gillnets beginning May 20, and from Tuluksak to the Refuge Boundary at Aniak beginning May 25. The closure was intended to protect early-run Chinook Salmon from harvest. People who participate in Kuskokwim Sheefish fisheries commenting on these closures said they should begin later and that few Chinook Salmon are in the river to protect on May 20. This year in 2018 the State of



Alaska-issued closures to the use of gillnets were pushed back and started May 25 and May 30, respectively, based on these comments.

It should also be noted that prior to the State's May gillnet closures in 2017 and 2018 there were no restrictions to harvest of fish in any of the drainages and there are no restrictions on gear types. Gill net restrictions starting in late May are intended to protect Chinook Salmon. The Federal in-season manager, KRITFC, and the State recognize the need to maximize early fishing opportunities after breakup to allow for harvest of non-salmon species. In addition, in 2017 and 2018 the State of Alaska also provided 4 inch set net opportunities after gill net restrictions were instituted in an attempt to allow continued harvest of non-salmon species. The Board encourages the Council to continue to explore other options with the KRITFC, Federal In-season manager, and the State to identify other ways to expand early fishing opportunities while promoting Chinook Salmon conservation.

#### **4. Increasing obstruction of fish passage streams by beaver dams**

*The Council would like to again raise the concern about increasing beaver dams that are obstructing streams that are important for passage of fish such as Whitefish, Sheefish, Pike, Lush fish (Burbot), and Blackfish. While beaver have been present in the region for a long time, some Council members, recalling back some 70 years of subsistence activities, have noted they are seeing many more beaver dams left behind and beaver expanding into new areas on the Delta where they had not been before. The Council is still interested in options to remove beaver dams and prevent beaver from taking over streams river headwaters that are important habitat for subsistence fish.*

#### **Response:**

Over the years, in response to several of the Council's annual reports, the Board has explained the Federal Subsistence Management Program's limitations regarding abandoned beaver dam removal. It is known that beavers occupy almost all available habitat in the Yukon-Kuskokwim Delta Region. There are potentially hundreds of abandoned beaver dams, and the Yukon Delta National Wildlife Refuge does not have the staff, equipment, or funding to remove them. There is no Federal or State agency that specifically removes beaver dams blocking public waterways.

There are two times of the year when beaver dam blockage of waterways is particularly bothersome or dangerous. One is when people are spring egg gathering. Another is when people are fall berry picking. Boats loaded with people and camping gear travel up ever narrower sloughs to get to their use areas, and boats must be portaged around dams, or dams must be removed to allow passage. A couple of villages have engaged in small-scale dam removal. No permit is necessary when abandoned beaver dams are removed with hand tools. Permits must be obtained from the Division of Habitat, ADF&G, for removal of abandoned beaver dams using more than hand tools.

The Council could consider a strategy that targets the removal of abandoned dams that are blocking specific waterways and threatening public safety. The Council could hold a special hearing in connection with its regular meeting to receive testimony and discuss ideas with the public on how to accomplish the Council's desired goals. The Board encourages individuals to

contact the Habitat Division at ADF&G before attempting to remove any abandoned beaver dam to discuss the location of the dam in question and methods of removal.

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

Sincerely,

Anthony Christianson  
Chair

cc. Federal Subsistence Board  
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council  
Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management  
Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management  
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

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 2017 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. Ensure the Bureau of Land Management (BLM) documents community subsistence harvest information in the BLM Central Yukon RMP/EIS and BLM Bering Sea-Western Interior RMP/EIS planning processes**

*The Western Interior Alaska Subsistence Regional Advisory Council (Council) notifies the Federal Subsistence Board of the continuing and unmet need for the BLM to document community subsistence harvest information in the BLM Central Yukon RMP/EIS planning process.*

*This is the Council's third request for the BLM to document community subsistence information in the aforementioned planning process. The prior requests are featured in the Council's 2016 Annual Report to the Board and during testimony delivered to the BLM at the Council's public meeting in Fairbanks on October 11-12, 2017.*

*This Council notes the BLM documentation of community subsistence harvest information aligns with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. §4321 et seq.) and general requirements of the Department of the Interior for NEPA analyses to provide accurate scientific analysis, agency expert comments, and public scrutiny (40 CFR 1500.1(b)).*

*This Council notes the BLM documentation of community subsistence harvest information is required to accurately convey the nutritional and economic interests of Federally qualified subsistence users in the project area. This Council also emphasizes the BLM documentation of community subsistence harvest information is significant to the action in question (40 CFR 1500.1(b)).*

*Additionally, this Council notes the BLM documentation of community subsistence harvest information should be reflected in both the BLM Central Yukon RMP/EIS and BLM Bering Sea-Western Interior RMP/EIS planning processes. The Council notes this information should be provided in the analyses using concise and plain language (40 CFR 1502.8).*

*This Council reiterates the BLM documentation of community subsistence harvest information should include the evaluation of subsistence use (where people hunt, fish, and gather by season)*

*and important ecological areas (where fish and wildlife feed, breed, raise young, and migrate by season) in the vicinity of each affected community in each alternative incorporating scientifically defensible methods and traditional knowledge.*

*This Council reiterates the BLM documentation of community subsistence harvest information be peer-reviewed both by scientists and residents alike, to clarify knowledge gaps and ensure the accuracy of results using a transparent public and participatory process. The Council requests the Board support Office of Subsistence Management staff in assisting the BLM and others gathering this information where available.*

*This Council reiterates the need to ensure the documentation of community subsistence harvest information in the BLM Central Yukon RMP/EIS and the BLM Bering Sea-Western Interior RMP/EIS planning processes. The Council emphasizes this information is essential to providing an accurate understanding of the proposed alternatives on Federally qualified subsistence users in accordance with the National Environmental Policy Act (NEPA) of 1969. Hence, this Council requests the BLM incorporate the community subsistence harvest information with environmental review and consultation requirements to reduce unnecessary delays (40 CFR 1500.4(k). This Council requests the BLM review community subsistence harvest information for both the BLM Central Yukon RMP/EIS and the BLM Bering Sea-Western Interior RMP/EIS prior to the completion of these analyses. Such consultation on the part of the BLM is consistent with the agency's statutory responsibilities under NEPA (United States Department of the Interior. Departmental Manual. Chapter 11. Managing NEPA Process – Bureau of Land Management, Par 516 National Environmental Policy Act of 1969, Series: Environmental Quality Programs. 08 May 2008.).*

**Response:**

Staff has reviewed available information and contacted the Central Yukon RMP/EIS coordinators. As part of this review, the Board notes that in 2015, “*Scoping Report for the Central Yukon RMP*” authors said they would compile data for various social and economic parameters as part of the forthcoming “*Analysis of the Management Situation*,” and they would use this data to develop the draft RMP/EIS. In 2016, BLM published its “*Analysis of Management Situation*,” which included “Koyukon Athabaskan Cultural Landscape” based primarily on peer-reviewed publications such as journal articles. Community subsistence harvest information published by the Alaska Department of Fish and Game (ADF&G), Division of Subsistence is generally not peer-reviewed; however, the authors said it would be included in the draft RMP/EIS.

The Central Yukon RMP/EIS coordinators have assured Office of Subsistence Management (OSM) staff that community subsistence harvest information described by the Council will be included in the draft Central Yukon RMP/EIS. In response to the Council's request, OSM has assigned staff to help draft this document over the coming months.

**2. Provide Regional Advisory Councils (RACs) a written protocol explaining the steps for addressing RAC concerns when the Office of Subsistence Management prepares written comments on Alaska Board of Fisheries and Board of Game proposals**

*In alignment with ANILCA, §805 (c) this Council notifies the Federal Subsistence Board of the need for the Office of Subsistence Management (OSM) to provide Regional Advisory Councils (RACs) a written protocol explaining the steps for addressing RAC concerns when the Office of Subsistence Management prepares written comments on Alaska Board of Fisheries and Board of Game proposals.*

*At its public meeting in Fairbanks on February 21-22, 2017, this Council identified a Board of Game proposal last year regarding meat salvage on game birds. This Council stated there are proposals from rural Alaska addressing the salvage of all edible meat from game birds. This Council noted current regulations require the salvage of just the breast meat, allowing the rest, including leg meat to be thrown away.*

*This Council supported the Migratory Bird Council requiring the salvage of the legs and body of waterfowl. This Council emphasized the recovery of such meat is appropriate for a subsistence hunt, adding anyone who cuts the breast out of a goose and throws the rest away should go to jail, stating this is wanton waste. This Council expressed concern when reviewing the OSM comments on this proposal last year, which opposed the proposal. Specifically, the Council notes concern with respect to OSM's lack of consultation and deviation with the Council's stated position.*

*This Council noted the OSM comments should have supported the proposal. This Council noted concerns that OSM makes comments to the Alaska Board of Fisheries and Board of Game outside of the RAC process and opposes this practice. This Council feels that all the Regional Advisory Councils should be consulted on what OSM is going to say to the Board of Fisheries and Board of Game.*

*This Council noted OSM should be reflecting the position of the RACs in their written comments to the Alaska Board of Fisheries and Board of Game. This Council admonished the OSM for going above the Councils and stating something in the written comments in opposition to the position of the Councils stated on the record. The RACs should be consulted in comments to Alaska Board of Fisheries and Board of Game.*

*This Council noted frequently during Alaska Board of Game meetings there is a lack of RAC comments and justifications provided by OSM, despite the RACs having taken a position on a proposal and provided a justification. The current practice is often to provide a "yea" or "nea" vote without a justification. The Council emphasizes there should be a justification and wants OSM comments to be consistent with Council actions.*

**Response:**

It is important to state at the outset of this response the applicability of Section 805 of the Alaska National Interest Lands Conservation Act (ANILCA). That section requires the Board to

“consider the recommendations of the regional advisory councils concerning the taking of fish and wildlife” on Federal public lands. What we call “deference,” this provision only applies to recommendations related to harvest of fish and wildlife under Federal regulations, and customary and traditional use determinations regarding that harvest. Deference does not apply to comments made by OSM to the Board of Fisheries or Board of Game regarding State harvest regulatory proposals. Thus, there is no Section 805 obligation for the Board or OSM to consult with Councils as to OSM comments on the State regulatory process.

OSM annually prepares comments on proposals received by the Alaska Board of Fish (BOF) and Board of Game (BOG) that have been determined by OSM to have potential impacts on Federally qualified subsistence users. The writing of OSM comments involves significant research of available data. As a standard approach, most available information pertinent to the proposal being commented upon is considered during synthesis.

The positions and comments formed by OSM are specifically submitted representing OSM’s positions, which are reached through careful analysis and significant multiagency oversight. In general, OSM’s comments are parallel to Regional Advisory Council positions and comments, but these do not always align and occasionally are in opposition to Council positions.

The Board recommends the Councils continue utilizing their voice in the State’s regulatory arena by submitting their comments to the Boards. OSM’s Council Coordinators have demonstrated they are willing and able to assist the Council when called upon to facilitate this process.

With regard to the specific proposal mentioned by the, OSM wildlife staff comments were limited to discussion of salvage of game bird meat. OSM does not comment on proposals related to waterfowl as regulation of those species is under the purview of U.S. Fish and Wildlife Service Migratory Birds, not the Federal Subsistence Board.

As noted earlier, OSM staff comment on BOF and BOG proposals that are deemed to have potential impacts on Federally qualified subsistence users. These comments go through several layers of review and reflect the positions of the agencies making up the Federal Subsistence Management Program. Per Board guidance in February 2018, comments will only be submitted if there is unanimous agreement among the Interagency Staff Committee on these comments. While Council input is valued and incorporated when possible, final comments and positions on those comments are determined by the Program and not by the Councils.

**3. Notification of the Western Interior Alaska Subsistence Regional Advisory Council’s opposition to the Ambler Road Project citing adverse impacts to subsistence resources and Federally qualified subsistence users in the region**

*This Council notifies the Board of its opposition to the Ambler Road Project, citing adverse impacts to subsistence resources and Federally qualified subsistence users in the region. At its public meeting in Fairbanks on October 11-12, 2017, the Council voted unanimously to oppose the Ambler Road Project and submit written comments on the project presently under public comment for the scoping phase under NEPA. On January 16, 2017 the Council submitted its*

*written comments on the Ambler Road Project to Karen Mouritsen, Bureau of Land Management Acting State Director in Anchorage, Alaska. The letter is enclosed with this annual report.*

**Response:**

The Board acknowledges the Council's opposition to the Ambler road project. BLM received the letter from the Council to BLM Acting BLM State Director Karen Mouritsen containing the Council's concerns over the Ambler road and the request for additional information. Some of the requested project information has yet to be developed. The Council's correspondence has been submitted to the project's administrative record for a future response in accordance with the project timeline.

**4. Need for harvest and incidental mortality rates for Chinook Salmon and caribou**

*This Council notifies the Board of the need for harvest and incidental mortality rates for Chinook Salmon and caribou in the Western Interior region. The Council justifies this request, noting such information provides an essential decision-support tool to assist Federal land managers in stewarding these subsistence resources of vital interest to Federal qualified subsistence users in the region. The Council emphasized the urgency of such data given the population status of Chinook Salmon and caribou in the region.*

*The Council notifies the Board that both Chinook Salmon and caribou can be more effectively managed in the Western Interior Region through the timely and accurate gathering of harvest and incidental mortality rates. The need for such data is timely given the recent population dynamics of the Western Arctic Caribou Herd. At its public meeting in Fairbanks on October 11-12, 2017, the Council noted the decline of the Western Arctic Caribou Herd. The Council expressed concern for cow harvest and noted that the need to monitor the recovery of those caribou populations that have dropped more than 50% in size. The Council voted unanimously to establish a Caribou Work Group with the purpose of gathering information from other effected RACs (North Slope, Northwest Arctic, and Seward Peninsula) and appraising the Council of new information.*

*This Council noted the RAC's Caribou Work Group supports the coordinated management of the Mulchatna Caribou Herd, Western Arctic Caribou Herd, and Teshekpuk Caribou Herd. This Council requests the Board support OSM staff in providing technical assistance to the needs of this Council's Caribou Work Group to help them be effective in meeting the subsistence needs of Federally qualified subsistence users with caribou.*

**Response:**

This concern addresses two separate species, to which the Board will respond individually.

**Caribou<sup>1</sup>**

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<sup>1</sup> Literature cited: Dau, J. 2015. Units 21D, 22A, 22B, 22C, 22D, 22E, 23, 24 and 26A. Chapter 14, pages 14-1 through 14-89 In] P. Harper, and Laura A. McCarthy, editors. Caribou management report of survey and inventory

The Board agrees that monitoring caribou harvest rates is very important for effective herd management. In 2016, the Alaska Board of Game (BOG) removed the harvest ticket exception for residents living north of the Yukon River in Unit 21, 24, 25, 26B, and 26C. The BOG also established a registration permit hunt for caribou in Unit 22.

In 2017, the BOG required registration permits for caribou in Units 23 and 26A as well. At the April 2018 Federal Subsistence Board meeting, the Board adopted Proposal WP18-48 to require registration permits in Units 22, 23, and 26A, aligning Federal and State harvest reporting requirements. These regulatory actions should improve harvest reporting, provide better harvest data, and benefit the caribou resource and subsistence uses through more informed herd management and hunting regulations.

The Council could submit proposals to both the BOG and the Board requiring registration permits for caribou across the Western Interior Region. While this may burden Federally qualified subsistence users, since registration permits have a stricter reporting requirement than harvest tickets, they also provide better harvest data.

The Board also agrees that incidental mortality rates or wounding loss is a crucial consideration for herd management. The ADF&G similarly acknowledges that, “wounding loss is a potentially important and largely unmeasured parameter that could be of significant management importance” and recommends studying wounding loss rates during caribou hunting, especially in Northwest Alaska where people use motorized vehicles to pursue and harvest caribou (Valkenburg et al. 2016 at 214). However, 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 (Robbins 2018, pers. comm.). Estimates are derived from flights over and walks through hunting areas and reports from hunters and the general public recounting experiences (Robbins 2018, pers. comm., Dau 2015). 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 (Robbins 2018, pers. comm.).

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activities 1 July 2012–30 June 2014. Alaska Department of Fish and Game, Species Management Report ADF&G/DWC/SMR-2015-4, Juneau.

Robbins, F., and H. Hatcher. 2015. Unit 13 and 14B, Nelchina caribou herd. Chapter 9, Pages 9-1 through 9–20 [In] P. Harper and L. A. McCarthy, editors. Caribou management report of survey and inventory activities 1 July 2012–30 June 2014. Alaska Department of Fish and Game, Species Management Report ADF&G/DWC/SMR-2015-4, Juneau.

Valkenburg, P., B. W. Dale, J. L. Davis, M. M. Ellis, R. D. Boertje, M. A. Keech, D. D. Young Jr., R. M. Eagan, R. W. Tobey, C. L. Gardner, R. A. Sellers, L. G. Butler, J. D. Woolington, B. D. Scotton, T. H. Spraker, M. E. McNay, A. R. Aderman, and M. J. Warren. 2016. Monitoring caribou herds in Alaska, 1970–2008, with focus on the Delta caribou herd, 1979–2007. Alaska Department of Fish and Game, Wildlife Technical Bulletin ADF&G/DWC/WTB-2016-16, Juneau.



Wounding loss is likely correlated with harvest. When caribou are readily available near villages or roads, harvest is higher and incidental mortality is likely also higher (Robbins 2018, pers. comm., Dau 2015, Robbins and Hatcher 2015). ADF&G has issued emergency orders to close hunts when caribou were abundant along roads to avoid heavy harvest and wounding losses (Valkenburg et al. 2016). Caribou experience high rates of wounding loss because they are often encountered in groups. Multiple animals can be hit with a single shot and identifying a specific animal from a group is difficult (Robbins and Hatcher 2015).

Within the range of the Western Arctic herd, high wounding losses have been documented during winter hunting with snowmobiles. The practice of chasing caribou with snowmobiles to position animals for harvest and the use of small caliber semi-automatic rifles has likely increased incidental mortality in recent decades (Valkenburg et al. 2016). Dau (2015) estimates hundreds of caribou mortalities are attributable to wounding loss and failure to salvage each year, although the true number is unknown.

The Board also supports the Councils' Caribou Working Group. As the focus of the group is to develop wildlife proposals that are supported across regions, OSM plans to coordinate working group conference calls during winter 2019, prior to the next wildlife proposal cycle and the Councils' winter 2019 meetings.

Within the ranges of the Western Arctic and Teshekpuk herds, all affected Councils (Western Interior, Seward Peninsula, Northwest Arctic, North Slope) voted to join the Northern Caribou Working Group. However, within the range of the Mulchatna herd, the Western Interior Council is the only Council that expressed interest in forming a working group. The Yukon-Kuskokwim Delta Subsistence Regional Advisory Council voted not to join the group as their members are heavily involved in other committees and do not have time for another working group. The Bristol Bay Council has not considered joining the Mulchatna caribou working group at any of its meetings.

### Chinook Salmon<sup>2</sup>

The total 2017 subsistence harvest of Chinook Salmon for the Yukon River has not been finalized by ADF&G at this time. Although there are currently no published subsistence harvest numbers, the estimated harvest is around 37,000. This level of harvest is below the long term average, but the largest since 2007. In addition to the subsistence harvest, 168 were harvested during one 12-hour commercial fishery targeting fall Chum Salmon in District 1.

Commercial fishermen are required to report all Chinook Salmon released in the Yukon River. There were 4,727 Chinook Salmon released alive from commercial fisheries using dip nets, beach seines and fish wheels, with no Chinook Salmon commercially harvested using these methods in 2017. Updates on the State's management openings and closings and other

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<sup>2</sup> Literature cited: Holowatz, J., M. Zimmerman, A. Stephenson, D. Rawding, K. Ryding, and E. Kinne. 2014. Lower Columbia River alternative commercial fishing gear mortality study: 2011 and 2012. Washington Department of Fish and Wildlife.

information about the salmon returns to the Yukon River is available by subscribing to the following emails: <http://list.state.ak.us/mailman/listinfo/yukonriverdailyupdate>.

There have been no studies to date to estimate survival of Chinook Salmon released from dip nets and beach seines in the Lower Yukon River. However, one study conducted on the Columbia River using beach seines estimated survival for bright fall Chinook Salmon at 56% (50-63%, 95% C.I.) in 2011 and 75% (71-79%, 95% C.I.) in 2012. Tule fall Chinook Salmon had slightly higher survival rates of 69% (43-97%, 95% C.I.) and 90% (73-100%, 95% C.I.) during those years (Holowatz et al, 2014). Median fishing times were 20 and 22 minutes, with a range of 2-104 and 7-86 minutes in 2011 and 2012 respectively.

There are no studies of survival of Chinook Salmon released from dip nets currently available. Similarly, drop-out mortality of Chinook salmon entangled in gill nets then dropping out of the net, is unknown at this time. In the 2018 Fisheries Resource Monitoring Program Notice of Funding Opportunity, one of the priority information needs listed for the Yukon Region, as identified by the Council, was, "Assessment of incidental mortality with gillnets, with particular consideration for delayed mortality from entanglement or direct mortality from drop-outs (e.g. loss of Chinook salmon from 6" mesh chum fisheries)." A similar priority information need addressing gillnet dropout mortality was included in the 2012, 2014, and 2016 Requests for Proposals. The Office of Subsistence Management has yet to receive a proposal addressing this priority information need. However, the Board encourages the Council to continue to seek information on this front, and possibly engage with State, Federal, or academic researchers on development of projects for submission to the Fisheries Resource Monitoring Program.

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

Sincerely,

Anthony Christianson  
Chair

cc: Federal Subsistence Board  
Western Interior Alaska Subsistence Regional Advisory Council  
Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management  
Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management  
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

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

Dear Chairman Green:

This letter responds to the Seward Peninsula Subsistence Regional Advisory Council's (Council) fiscal year 2017 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. Alaska Department of Fish and Game Fisheries Staff at Council Meetings**

*The Council continues to be frustrated with a lack of State fisheries representation at the Nome meetings. Subsistence users rely heavily on State waters for fish resources and it is essential to get feedback from biologists on fish populations and trends. The Council also believes that local State biologists should be in attendance at the meetings to provide updates and answer fishery questions that often come up regardless of whether or not there is an agenda item specifically related to fisheries. The Council is aware of numerous regional studies on fish resources occurring, including at the ADF&G local advisory committee meetings, but receives no information at or outside of its meetings. The Council believes that if there is going to be a working relationship with the State, they need to have representatives at the meeting. State wildlife biologists attend meetings regularly and the Council is extremely satisfied with their participation. The Council's requests for fisheries representation, however, have gone unanswered.*

*Additionally there appears to be no meaningful coordination between State and Federal fisheries management programs. Given the lack of Federal public waters in the region, Federal funding research dollars are limited. That said, fish use Federal and State waters interchangeably and it is important to understand these migratory patterns and effects on subsistence fisheries. The Council feels that increased cooperation and communication between the State, Federal, and Tribal/corporation fisheries efforts would greatly contribute to a more effective and holistic approach to fisheries management on the Seward Peninsula.*

*Recommendation: The Council will generate a letter to Jill Klein, Special Assistant to the Commissioner at the Alaska Department of Fish and Game to request state fishery representation at the meeting. In that letter, the Council will also express its interest in a State-sponsored migratory salmon study from Area M through the Kotzebue Sound. Information derived from the study will provide improved management information.*

**Response:**

The Board understands the Council's reoccurring concern that their meetings are not sufficiently attended by fisheries staff from the Alaska Department of Fish and Game (ADF&G), and that lack of such staff impairs its ability to make informed recommendations on primarily State managed commercial, subsistence, and personal use fisheries as well as other local subsistence fisheries issues.

As your annual report references, flowing waters under Federal subsistence fisheries jurisdiction are very limited within the Seward Peninsula Region, which includes the upper stretches of the Unalakleet River, waters within and adjacent to Bering Land Bridge National Preserve, and a number of streams and creeks south and south west of Stebbins. As a reminder, fisheries under Federal subsistence jurisdiction in the Council's region include non-flowing waters (i.e. lakes and ponds) owned by BLM within the Conservation System Unit boundaries and to flowing waters (i.e. anadromous streams). Few FRMP funds have been dedicated to the Seward Peninsula fisheries since the inception of the program for this reason but few if any projects have been submitted to study subsistence fish species that reside in lakes and ponds of the region.

In our 2017 response to the Council regarding this concern, the response letter summarized State of Alaska staff attendance to meetings during the previous two years and discussed significant budget cuts will further hamper ADF&G staff from attending in person. Currently, the State of Alaska is on the tail end of a substantial hiring freeze with no immediate plans to increase the size of their subsistence liaison team. All parties involved with the Federal Subsistence Management Program should not expect additional State staff to attend meetings in person. With a clear lack of funding available for the foreseeable future, all parties should expect the levels of in-person attendance to continue to decrease, creating a greater reliance on telephonic participation in future meetings. The era of the multitude of government staff physically attending Council meetings has waned and future meetings will require a more efficient and streamlined approach from all sides.

We recommend the Council identify specific fisheries related issues and identify a portion of the Council meeting during which ADF&G fisheries staff presence would be beneficial to the process. During this identified window of time, ADF&G fisheries staff could make presentations and provide information in response to the identified concerns and questions provided by the Council Coordinator in advance of each meeting. Office of Subsistence Management (OSM) staff will work with ADF&G to ensure the appropriate experts are aware of how and when they can provide beneficial contributions to the Council process telephonically and in-person. During the winter 2018 Council meeting, the Council Coordinator arranged for this and the result was successful. Establishing a time period for ADF&G fisheries staff to attend the Council meeting during which specific and pertinent subject matter is identified well in advance of the meeting will much improve the efficient use of ADF&G staff time invested at the Council meetings.

One example that could address and inform the Council's interests includes learning more about what is known regarding Seward Peninsula bound salmon harvested in Area M. A request will be submitted to ADF&G for a presentation on what information is available. OSM will be

directed to officially invite ADF&G subject matter experts on this issue for the upcoming Fall Seward Peninsula Council meeting.

Over the years the Seward Peninsula Council has requested that ADF&G fisheries staff attend and present at their meetings. Historically, ADF&G fisheries staff fully attended, presented, and fielded questions from the Council. During these meetings, little if any Federal subsistence fisheries issues were discussed because those fisheries are extremely limited as previously described. Many of the discussions revolved around the local and regional State managed commercial, sport, and subsistence fisheries that take place in waters distant from Federal public waters in this region. Although the formation of the Regional Advisory Council process included the intent as serving as a platform for subsistence issues to be voiced, the platform currently lacks the jurisdiction to modify State managed fisheries in waters under State of Alaska jurisdiction. However, that same forum for discussing subsistence issues could result in the Council submitting its own proposal to modify State fisheries regulations through the Alaska Board of Fisheries. Once that proposal is submitted, the Council can participate in the State regulatory process through its conclusion. The Board recommends the Council continue to build the record and continue discussing fisheries issues and concerns at their meetings and the written transcripts can be summarized at a later date and the list of fisheries concerns and observations will be summarized and submitted to ADF&G.

In conclusion, if the ADF&G is notified meaningfully in advance with subject matter and issue of interest, a more focused time frame could be established for ADF&G fisheries staff to attend the meeting in person or telephonically. Keep in mind that while there may not be ADF&G fisheries staff in the room with you, they are likely participating on the phone.

## **2. Paralytic Shellfish Poisoning (PSP) and Seabird Die-off**

*During member reports, several Council members remarked on the alarming news of 39 dead intact walrus found washed ashore in Norton Sound. Initial reports suspected PSP, which was confirmed for at least two animals following additional testing. Paralytic Shellfish Poisoning was also present in a number of migratory birds along the Seward Peninsula that had died from starvation. Specialists told one Council member they do not want to test for PSP because it may cause a panic about the safety of local foods. Subsistence users, however, have a right to know what it is in their food.*

*Recommendation: The Council is interested in having resource managers take the initiative and provide leadership for testing local marine mammals and birds for PSP and other toxins. Research should also be conducted on whether or not the presence of PSP is driven by climate change.*

### **Response:**

Climate change, which includes loss of sea ice and warming ocean temperatures in arctic and subarctic Alaska, may create conditions favorable for harmful algal blooms in northern Alaska. The two primary biotoxins (domoic acid and saxitoxin), which can that can causes paralytic shellfish poisoning in humans and marine mammals, have been well documented in the shellfish in the Gulf of Alaska and the Aleutians but not in northern Alaska. Harmful algal blooms occur

more frequently in the summer months but can occur anytime of the year (Long 2006). Pacific walrus are an important subsistence food resource for many communities along the coastline in southwestern, western and northern Alaska. A recent die off of 39 Pacific walruses, in good body condition, prompted concern about the cause of mortality. Samples from intestine and stomach contents from three dead walruses that washed ashore along the Seward Peninsula and one freshly harvested walrus were collected by the residents of Shishmaref and Little Diomed. Moderate levels of saxitoxin acid were found in the stomach and intestines and one walrus had levels above the 800mg per 100g of shellfish, which is the regulatory limit for human consumption. Due to the small sample size it is unknown if biotoxin levels were the proximal cause of death or were just a contributing factor to the mass die off (Sheffield 2017). In a study conducted by the National Marine Fisheries Service on algal toxins of 905 marine mammals from 13 species in the arctic and subarctic, Pacific walrus had the highest concentrations of saxitoxin and domoic acid. The concentrations of domoic acid in Pacific Walrus (n=82) were similar to those previously detected in California Sea Lions exhibiting the signs of shellfish poisoning off the coast of California (Lefebvre et al. 2016).

Given the presence of saxitoxin and domoic acid in the Bering Strait region, it is important to continue to monitor marine mammal strandings and collect samples when possible. Although the Alaska Department of Environmental Conservation (ADEC) has an active sampling program to monitor potential outbreaks of harmful biotoxins from algae blooms in shellfish, the primary focus is on the popular clamming beaches in southcentral Alaska. This is due primarily to the great expense of regular testing. The Board recommends the Council contact the Alaska Section of Epidemiology with ADEC to see if they can expand the monitoring area or sample harvested animals prior to human consumption following an algal outbreak or marine mammal die-off. Currently, the Southeast Tribal Ocean Research (SEATOR) group, operated by the Sitka Tribe, is available to test shellfish for dangerous biotoxins to improve Tribal and rural access to traditional foods. In the meantime caution should be taken when consuming clams or intestines from Pacific Walrus if unusual mortality events are detected.

The Board also recommends continued outreach to communities on the potential dangers of Paralytic Shellfish Poisoning (PSP) from harmful algal blooms. The Council could request a presentation on the subject and conduct special outreach to the public to encourage them to participate in the report and discussion. Communities need to be aware of the issue and who to contact if there is a suspected case of PSP poisoning. The newly formed (2017) Alaska Harmful Algal Bloom Network (AHAB) may also be a good resource as their goals are to provide a statewide approach to PSP biotoxin awareness, research, monitoring, and response in all of Alaska communities.<sup>1</sup>

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<sup>1</sup> Literature cited: Lefebvre, K., L. Quakenbush, E. Frame, K.B. Huntington, G. Sheffield, R. Stimmelmayer, A. Bryan, P. Kendrick, H. Ziel, T. Goldstein, J.A. Snyder, T. Gelatt, F. Gulland, B. Dickerson, and V. Gill. 2016. Prevalence of algal toxins in Alaska marine mammals foraging in a changing arctic and subarctic environment. *Harmful Algae* 55:13-24.

Long, N. 2006. Digging for delight and digging up more than I wanted. *Alaska Fish and Wildlife News*, Alaska Department of Fish and Game. 2 pp.

Sheffield, G. 2017. Bering Strait: Walruses and Saxitoxin – Late Summer/Fall 2017. Fact Sheet - Sea Grant Alaska, Nome, AK. 2 pp.

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

Sincerely,

Anthony Christianson  
Chair

cc: Federal Subsistence Board  
Seward Peninsula Subsistence Regional Advisory Council  
Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management  
Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management  
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record

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Enoch Shiedt, 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 Shiedt:

This letter responds to the Northwest Arctic Subsistence Regional Advisory Council's (Council) fiscal year 2017 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 the National Park Service to study impact of commercial transporters and outfitters on Federally qualified subsistence users**

*This Council notifies the Board of its request for the National Park Service to conduct a study examining the effects of commercial transporters on Federally qualified subsistence users is needed to reduce user conflicts in the region. This information could benefit the resource by assisting land managers with decisions impacting the stewardship of the Western Arctic Caribou Herd in Unit 23. This information could also benefit Federally qualified subsistence users by increasing hunter success.*

*This information should be collected using scientifically defensible methods and incorporating traditional knowledge in a participatory manner that shares results with participants and communities. The methods should be developed in partnership with participants and in alignment with the Institutional Review Board process to ensure the informed consent and protection of the rights and welfare of human subjects involved.*

*Numerous examples exist demonstrating local leadership in designing and executing participatory, scientifically defensible, nationally significant, and culturally appropriate scientific research. Several examples include the work of the Native Village of Kotzebue who mapped the distribution of ice seals, a significant subsistence species, involving local hunters and marine mammal biologists.*

*The Northwest Arctic Borough has demonstrated leadership in designing and executing research as shown through a coordinated five-year research project mapping subsistence use and important ecological areas in seven coastal communities. The project involved more than 250 people including local hunters and biologists. The project used peer reviews-methods. The project results were submitted for publication in peer-reviewed journals. The maps produced through this project are used by land managers, emergency responders, and regional planners to promote subsistence opportunity, natural resource conservation, public safety, and economic development*

*Regional expertise in developing best practices for research design has been demonstrated by the University of Alaska Fairbanks Chukchi Campus and Northwest Arctic Borough. These organizations recently coordinated a workshop and produced research principles addressing the protocols for increasing local participation in research in the Northwest Arctic. The event involved participants from numerous communities, agencies, and organizations active in the region.*

*Integrating traditional ecological knowledge in scientific research has also been demonstrated by the Selawik National Wildlife Refuge. The Refuge studied the effects of permafrost melt and soil subsidence on Sheefish (*Stenodus nelma*), a significant subsistence fisheries resource that spawn in the Selawik River. This project involved local fishers and local fisheries biologists who collaborated throughout the project as described at the Council's public meeting in Kotzebue on October 26, 2017.*

*Additionally, such capacity is shown by the National Park Service Western Arctic National Parklands who coordinated collaborative research involving residents of the Native Village of Noatak and an anthropologist who documented the cultural significance of caribou and perceptions of user conflicts. Such information was used by the Office of Subsistence Management when analyzing Wildlife Special Action 17-03, initiated by this Council. The Council requests the National Park Service conduct a study to determine the impact of commercial transporters and outfitters on Federally qualified subsistence users in the Northwest Arctic Region.*

**Response:**

The issue of user conflict is a GMU 23 unit-wide concern. The Board recognizes the ongoing concern with potential conflict between subsistence use and sport hunting on Federal public lands within Unit 23. Your Council and others have consistently voiced concern regarding aircraft and non-local hunting activity, especially as it pertains to caribou. While the Board does not have funding for wildlife oriented research projects, we do encourage our constituent Federal agencies and other partners to fund research that supports such efforts. We also encourage the establishment of new partnerships that can help inform the Federal Subsistence Management Program.

Your Council indicated in its report a desire to have this research conducted by the National Park Service. It is important to remember that the National Park Service is not the only land management agency with authority over the range of caribou within Unit 23. There needs to be a collaborative process involving all land managers within Unit 23, and the Board encourages the Council to work with these agencies on developing studies that can address the Council's concerns and interests.

With that said, there are several studies that the National Park Service has conducted related to caribou in the region.<sup>1</sup> These studies are summarized below.

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<sup>1</sup> In addition to these, Western Arctic Parklands (WEAR) staff are currently working on the first phase of a traditional use study. It is an attempt to address concerns about caribou as a culturally significant resource for Noatak, Alaska. Literature review and interviewing, informed by the Noatak Tribal Council, Cape Krusenstern

A survey of 372 hunters identified as transporter clients in Noatak National Preserve hunting between 2010 and 2013 indicated perceptions of conflict among this group differed from those expressed by local hunters (Fix and Ackerman 2015).<sup>2</sup> Most nonresidents reported that hunting for trophies was more important than hunting for meat while most Alaska residents reported hunting for meat as more important than hunting for trophies. Approximately 58% of respondents reported they were not sure if they salvaged all edible meat. Similar to local hunters, nonlocal hunters reported encounters with other nonlocal hunters and airplanes as the two biggest factors detracting from their trip. Sixty percent of the groups who encountered caribou reported observing low flying aircraft near caribou and less than half of the transporter clients reported receiving information about issues of concern to local hunters.

Halas (2015), in a case study of Noatak caribou hunters and their interactions with transported hunters, examined the links between caribou behavior and migration, user group interactions, and changes to subsistence caribou hunting. She reported that repeated observations of airplanes affecting individual or group caribou behavior have been documented, and that cumulative observations of this over time could lead an observer to conclusions about herd deflection. She also found that many hunters from the Noatak region report having to travel farther, more frequently, and for longer durations to find caribou in recent years. Furthermore, local respondents suggested allowing 1,000 caribou to pass before shooting, closing the Agashashok River corridor to nonlocal hunters, and appropriately spacing nonlocal camps.<sup>3</sup>

Concerns by residents of communities within Unit 23 were recorded in the documentary “Counting on Caribou: Inupiaq Way of Life in Northwest Alaska” (Betcher 2016). Respondents from several communities expressed concern regarding food security as it pertains to caribou herd diversion and changes in migration routes. Several indicated that both small and large scale changes to migration routes are linked to “nonlocal” hunting activities, particularly low-flying aircraft.<sup>4</sup>

Additionally, a study was recently published concerning the effect of aircraft on caribou migration in the Noatak River drainage.<sup>5</sup> Fullman et al. (2017) studied the effects of environmental features and sport hunting on caribou migration in northwestern Alaska. These authors found that caribou tended to avoid rugged terrain and that the migration of caribou through Noatak does not appear to be hindered by sport hunting activity. They indicated that their results do not preclude the possibility of temporary effects altering the availability of caribou for individual hunters, and that the lack of observed influence of hunting activity could

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Subsistence Resource Commission, and your Council, will be used to determine what the traditional caribou hunting grounds are for Noatak.

<sup>2</sup> Fix, P. J, and A. Ackerman. 2015. Noatak National Preserve sport hunter survey: Caribou hunters from 2010 - 2013. Natural Resource Report NPS/NOAT/NRR—2015/1005. National Park Service, Fort Collins, Colorado.

<sup>3</sup> Halas, G. 2015. Caribou Migration, Subsistence Hunting, and User Group Conflicts in Northwest Alaska: A Traditional Knowledge Perspective. University of Alaska Fairbanks.

<sup>4</sup> Betcher, S. 2016. Counting on Caribou: Inupiaq way of life in northwest Alaska. Farthest North Films.

<sup>5</sup> Fullman, T.J., K. Joly, A. Ackerman. 2017. Effects of environmental features and sport hunting on caribou migration in northwestern Alaska. *Movement Ecology*. 5:4.

be related to difference in scale between the telemetry and sport hunter datasets used in the study.

Despite the body of research that has been conducted thus far, more research is necessary to understand the impact of commercial hunting and aircraft on caribou migration.

Your Council has on several occasions mentioned that while hunters with aircraft access can position themselves more broadly on the landscape, most local hunters access the area via boat and are restricted to navigable waterways. These concerns have been acknowledged by the Board and were considered in determining the extent of recent targeted closures to Federal public lands for caribou hunting by non-Federally qualified users. The targeted closure area defined by Wildlife Special Action 17-03 is currently closed as a result of Board action on Wildlife Proposal 18-46.

Congress, the Board, and the courts<sup>6</sup> have recognized that “subsistence” is far more than the nutritional value of a resource. They recognize it as vital to culture and a traditional way of life. While food security is critically important to rural Alaska communities, we also acknowledge the physical, economic, traditional, cultural, and social aspects of subsistence. Congress recognized these components in Section 801 of the Alaska National Interest Land Conservation Act (ANILCA). In order to ensure the continuation of the opportunity for subsistence practice, including each of these aspects, we need to have ample information pertaining to the factors that affect them. This includes information on the effects of commercial activities on not only hunter success but also on the Federally qualified subsistence user’s ability to engage in a meaningful subsistence experience.

Your annual report also indicates the need for research to incorporate and give equal weight to Traditional Ecological Knowledge (TEK). The Board recognizes this need and the value of this knowledge system. We encourage that all subsistence studies in Alaska, when possible, utilize TEK and that it be collected and analyzed in a culturally appropriate and respectful manner. We also support Community Based Participatory Research that equitably involves rural stakeholders in all aspects of the research effort and in which partners contribute expertise and share in the decision-making process.

As the Board continues to try to balance public access while providing for the rural priority mandate under ANILCA, we will continue to look to our regional advisory councils for knowledge and guidance regarding local conditions. You are our eyes and our ears on Alaska’s vast landscapes and in our rural communities. The Board thanks you for your service and we look forward to working with you and others to better understand issues pertaining to important subsistence resources such as caribou.

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<sup>6</sup> See, e.g., *United States v. Alexander*, 938 F.2d 942, 945 (9th Cir. 1991) (“Many Alaska natives who are not fully part of the modern economy rely on fishing for subsistence. If their right to fish is destroyed, so too is their traditional way of life.”); *Native Village of Quinhagak v. United States*, 35 F.3d 388, 394 (9th Cir. 1994) (recognizing the “clear congressional directive to protect the cultural aspects of subsistence living.”).

## **2. Disturbance to hunters by low-flying aircraft and how to report**

*This Council notifies the Board of the adverse effects of low-flying aircraft on migratory caribou in the Northwest Arctic Region. The Western Arctic Caribou Herd is a critically important subsistence resource to Federally qualified subsistence users. Presently there is no training offered for communities or agencies on how to respond and mitigate user conflicts. The Council requests guidance how to document and report these user conflicts. In the past, this information was available through annual fall season trainings for community members coordinated by the Northwest Arctic Borough Planning Department in partnership with local organizations, State, and Federal agencies. Additionally, such information is currently available through the Western Arctic Caribou Herd Working Group website, though such information may not be readily available in remote areas with limited internet access. Lessons-learned from successful conflict avoidance strategies between local hunters and low-flying aircraft from the Northwest Arctic and/or North Slope Regions could be insightful. The Council requests the Board encourage federal agencies and local partners to resume such collaborative efforts aimed at minimizing user conflicts and benefitting resource conservation.*

### **Response:**

Through its recent actions of imposing a targeted closure to non-Federally qualified users for caribou in Unit 23, the Board recognizes that cooperation and balance in management approaches is needed to minimize conflicts while providing for opportunity. The Board will do what it can to encourage cooperation in addressing conflicts that arise from low-flying aircraft and potentially-related disturbances.

However, the Board and the various agencies involved are not the only way to address the concerns of low-flying aircraft. Everyone who lives in the region can play a role. If you see low-flying aircraft disturbing caribou on Federal public lands in the Northwest Arctic (Unit 23) you may file a complaint with law enforcement or the Northwest Arctic Borough (Borough).

Law enforcement and the Borough will then use the complaint to investigate an incident and determine if criminal activity occurred. Providing evidence in a complaint helps when doing an investigation.

Effective complaints are precise, provable, and prompt. Take good notes before you file a complaint – preferably as close as possible to the incident. A complaint should include the following information:

1. The date and time when the incident happened.
2. The location description where the incident happened. A useful description includes a map; coordinates; land or water features; place names; distance from camp site; and photos.
3. A description of what happened during the incident. When aircraft are involved, provide a clear photo of the aircraft and tail number. You can use a smart phone camera or a digital camera.
4. Report your complaint to law enforcement or the Borough using the contacts provided below. Information shared on Facebook does not qualify as a complaint.

Western Arctic National Parklands  
121 Third Avenue  
Kotzebue, Alaska 99752

Dan Stevenson, LE/Ranger Pilot  
907-442-8306  
Dan\_Stevenson@nps.gov

Yukon-Charley Rivers National Preserve  
4175 Geist Road  
Fairbanks, Alaska 99709

Scott Sample, Northern Hub Chief Ranger  
907-455-0616  
scott\_sample@nps.gov

Bureau of Land Management  
4700 BLM Road  
Anchorage, Alaska 99507

Walker Gusse, Park Ranger  
907-267-1232  
wgusse@blm.gov

Alaska Department of Public Safety  
Alaska Wildlife Troopers  
Kotzebue, Alaska

Wildlife Trooper Justin McGinnis  
907- 442-3241 (Telephone)  
907-442-3221 (Fax)

Northwest Arctic Borough, Planning Department  
163 Lagoon street/P.O. Box 1110  
Kotzebue, Alaska 99752

Charlie Gregg, Land Specialist  
907-442-8214  
cgregg@nwabor.org

You can help minimize disturbances to caribou on Federal public lands from low-flying aircraft by reporting these incidents to law enforcement or the Borough promptly and accurately. It is worth noting that the State of Alaska also has a Unit 23 Pilot Orientation requirement designed to minimize user conflicts among local subsistence hunters, visiting hunters, guides and transporters.<sup>7</sup>

### **3. Opposition to the Ambler Road Project due to adverse impact to caribou habitat and caribou migration**

*Since time immemorial, these lands have been a blessing and provided for the region's food security. This Council has numerous concerns regarding the Ambler Road Project, and stated those concerns on the record at its public meeting in Kotzebue on October 25-26, 2017. The Council noted there are many questions about the road. The Council explained that over the past two years, people had difficulty harvesting caribou. The Council explained that people had to travel as far as Buckland, in the middle of the winter, to harvest caribou. The Council further explained that facing this hardship, people are depending more on fish and berries, as well as other food sources including moose and bear. Acknowledging these challenges, the Council is concerned the Ambler Road Project will adversely impact caribou habitat and caribou migration. The Council is also concerned about potential adverse impact to traditional hunting grounds, burial grounds and important archaeological sites. The Council voted unanimously to oppose the Ambler Road Project and submit written comments on the project presently under public comments for the scoping phase under NEPA by the Bureau of Land Management.*

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<sup>7</sup> <http://www.adfg.alaska.gov/index.cfm?adfg=unit23pilot.main>.

**Response:**

The Board acknowledges your concerns regarding the Ambler Road Project. Large scale projects involving Federally managed lands in Alaska are required to address the potential impacts to subsistence resources, access, and uses that could be caused by development projects. In light of the importance of subsistence resources in the region, fluctuating caribou populations, and repeated testimony regarding local food security issues, development projects of this nature must ensure the least possible impact to rural communities.

The Board suggests that your Council review §810 of ANILCA, which outlines the procedures that all Federal land management agencies must follow before final land use decisions can be made:

- §810. (a) In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency--
- (1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to §805;
  - (2) gives notice of, and holds, a hearing in the vicinity of the area involved; and
  - (3) determines that--
    - (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands,
    - (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and
    - (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.
- (b) If the Secretary is required to prepare an environmental impact statement pursuant to §102(2)(C) of the National Environmental Policy Act, he shall provide the notice and hearing and include the findings required by subsection (a) as part of such environmental impact statement.
- (c) Nothing herein shall be construed to prohibit or impair the ability of the State or any Native Corporation to make land selections and receive land conveyances pursuant to the Alaska Statehood Act or the Alaska Native Claims Settlement Act.
- (d) After compliance with the procedural requirements of this section and other applicable law, the head of the appropriate Federal agency may manage or dispose of public lands under his primary jurisdiction for any of those uses or purposes authorized by this Act or other law.

Public participation in these processes is critical to ensuring that local voices and concerns are heard and that all possible viewpoints and perspectives are considered. We sincerely appreciate that your Council has engaged in this process and that you voiced your concerns during the NEPA scoping phase. We encourage you to remain involved and to take every opportunity to provide public input. We also encourage tribes and ANCSA corporations to remain engaged and to participate in Tribal consultation opportunities with our Board and other entities.

In the event that the Ambler Road is constructed, the Board will look to the Council for proposals to modify fish and wildlife regulations, as appropriate, to reflect the needs of your communities and the resources that may be affected by development. As always, you are our eyes and ears on Alaska's vast landscapes. We value your input and consider it essential to effective conservation and resource management. While change is often inevitable, we commit to working with you to adapt to local conditions and to foster resilience in the coupled social-ecological systems of our state.

Finally, the Board wishes to remind the Council that we recognize the cultural, traditional, physical, economic, and social value of subsistence alongside of the nutritional necessity of wild foods. These components of subsistence are defined by ANILCA and have been upheld by the courts as critical elements that warrant consideration in making resource management decisions on Federal public lands in Alaska. ANILCA also mandates that Federal land managing agencies, in managing subsistence activities on the public lands and in protecting the continued viability of all wild renewable resources in Alaska, shall cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies and other nations. We commit to the continued application of these ANILCA mandates.

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

Sincerely,

Anthony Christianson  
Chair

cc: Federal Subsistence Board  
Northwest Arctic Subsistence Regional Advisory Council  
Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management  
Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Zach Stevenson, Subsistence Council Coordinator, Office of Subsistence Management  
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record



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 2017 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. Correction to the topic #7 of FY2016 Annual Report**

*The Council would like to make a correction to topic #7 in its FY2016 Annual Report. The incorrect statement along with the corrected version are provided below. We apologize for any confusion that this may have caused.*

***Incorrect version from our FY2016 Annual Report:***

***Opposition to the National Park Service (NPS) final rule re Subsistence Collections (36 CFR Part 13) and the U.S. Fish and Wildlife Service (US FWS) final rule re Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures on National Wildlife Refuges in Alaska.***

***The correct version should have read:***

***Opposition to the National Park Service (NPS) final rule regarding Sport Hunting and Trapping in National Preserves, which was published in the Federal Register on October 23, 2015, and the U.S. Fish and Wildlife Service (USFWS) final rule re Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures on National Wildlife Refuges in Alaska.***

*We understand that the U.S. Fish and Wildlife Service (USFWS) rule has since been rescinded.*

*The Council's intent was to oppose both the NPS final rule regarding Sport Hunting and Trapping in National Preserves, which was published in the Federal Register on October 23, 2015, and the similar USFWS final rule regarding Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures on National Wildlife Refuges in Alaska. The Council stated in the past and maintains that these regulations regarding sport hunting and trapping in national preserves and wildlife refuges negatively affect Federally qualified subsistence users.*

*Many rural subsistence users hunt under general State regulations and greatly benefit from those more liberal methods, seasons, and harvest limits.*

*The NPS final rule on Subsistence Collections should not have been included in the topic #7 of the Council's FY2016 Annual Report.*

*The Council supports (rather than opposes) the new NPS regulations regarding Subsistence Collections that were published in the Federal Register on January 12, 2017. In fact, in May 2007 the Council wrote to then NPS Alaska Regional Director Marcia Blaszk requesting that the NPS change its regulations to allow Federally qualified subsistence users to collect shed or discarded antlers and horns on NPS lands, and the Council has been an active participant in the multi-year process of developing this regulation. Since the Council has worked on this for over ten years, we do not want any misunderstanding of our intentions. These regulations will benefit subsistence users as they engage in the subsistence way of life by allowing them to collect shed or discarded horns and antlers for use in making handicrafts. The regulations also allow for the sale of resulting handicraft items as a way to generate cash income that helps to support that way of life.*

*As noted in its 2016 comment letter, the Council does oppose unrelated provisions added to the Subsistence Collections regulation package regarding the use of bait for taking bears under Federal subsistence regulations. The Council opposes the limits that were adopted on the types of bait that subsistence users can employ in hunting bears.*

**Response:**

The Board appreciates this clarification of the Council's position. There is a reason that the Council Coordinator presents a draft annual report to the Council at its winter meeting: to ensure the accuracy and completeness of the report. This emphasizes the importance of the Council to completely and thoroughly review the language in the draft report. The Council was presented with the draft annual report at its winter 2017 meeting and was provided the opportunity to add additional topics. This topic was added to the report during the same meeting. The Council chair was provided an opportunity to review the final version before approving it for signature and distribution. While staff for the National Park Service (NPS) mentioned that perhaps it did not correctly reflect the Council's intent, the Office of Subsistence Management could only proceed with what the Council had approved through its chair.

With that said, the Council has been made aware that NPS has published a Federal Register notice of its intent to amend its regulations published in the October 2015 final rule regarding sport hunting and trapping in national preserves in Alaska (enclosed). The notice indicates that the NPS would remove that regulatory provision prohibiting certain sport hunting practices authorized under State regulations. The notice also cites Secretarial Orders 3347 and 3356 (enclosed). As the Council is also aware, the public comment period was only open on this proposed rulemaking until July 23, 2018. The Board is in receipt of a copy the Council's letter issued in response to the notice.

**2. Concern regarding effects created by the Federal and State users, displaced from their home region and forced to hunt somewhere else, so called Domino effect**

*The Council would like to request research that analyzes hunting patterns and trends of various user groups, State residents and Federally qualified subsistence users, when they are forced to leave their home region and hunt in other regions in the state, thus creating the so-called “Domino effect.”*

*The Domino effect, a major resource access trend, occurs when local home region hunters are being displaced by new hunters from outside of a region. It was reported due to the large populations in Anchorage and Fairbanks, increased crowding by hunters in Glennallen area occurs (which can experience up to 2,000 hunters in a peak hunting period). Then, in turn, Glennallen hunters are being forced to go and hunt in the Tok area. Sequentially, this migration forces Tok users go and hunt in the Yukon area. Also, an influx of hunters from Juneau in various parts of Alaska has been observed in the last few years, suggesting this is an increasing problem for all subsistence regions.*

*The Domino effect phenomenon happens at an accelerated rate each year, and its recognition and understanding is important to foresee and prevent potential problems in the future. This kind of data/information is imperative for future education of the users, urban and rural alike, to inform them about why other users are coming to their areas and what to expect.*

*It is also important to recognize that the Domino effect has a disproportionate influence on rural users because, in general, these users do not have sufficient monetary resources to spend on traveling to new areas and to purchase new technologically advanced equipment for hunting. In very remote rural areas, most subsistence activities happen within 10 miles of home.*

*The Council is interested in learning about where these different misplaced user groups hunt and what their hunting expectations in other areas might be, as well as the costs associated with hunting in a different region. This information could be a useful tool in understanding how various sets of regulations influence hunting patterns and trends. Understanding why people are leaving their home regions to hunt in other regions will help craft the proper messages as the Council and Office of Subsistence Management (OSM) proceed with developing a hunter ethics education and outreach strategy. The Council recommends that OSM collaborate on the requested research with the Alaska Department of Fish and Game, Subsistence Division, which may have the necessary data.*

**Response:**

Staff at the Office of Subsistence Management (OSM) are assigned to Regional Advisory Councils and the Federal Subsistence Board to aid in the implementation of the Federal Subsistence Management Program, and generally do not plan or conduct research. Occasionally in the past, grant funding was available for research into subsistence uses of wildlife, but not at this time.

In Alaska, research of the nature described by the Council is usually conducted in response to a regulatory issue in a specific region regarding proposals to change regulations at the Alaska Board of Game or the Federal Subsistence Board. The Board will encourage Federal land management agencies to consider this topic when developing future research, and to consult with the Councils when designing their research.

### **3. An update on how Traditional Ecological Knowledge is being incorporated into proposal analyses and how it weights into the decision making process**

*Ever since the 1990s, the Council has recognized the value of Traditional Ecological Knowledge (TEK) and stressed the importance of incorporating this information in the fish and wildlife proposal analyses that are prepared by OSM. TEK encompasses a tremendous amount of ecological information acquired by indigenous and local peoples over hundreds or thousands of years through direct contact with the environment. However, because the TEK information format has no written records or hard numbers and thus drastically differs from the format of western “hard” science, it is often difficult for a government agency that is governed by laws, regulations, and statutes to incorporate this information into their decision making process.*

*The Council requests an update on how OSM integrates TEK into their proposal analysis and how the Federal Subsistence Board takes this information into consideration when they make decisions on proposals. The Council wants to see an outline of the whole process starting from the collection of TEK information to its incorporation into the analyses as well as an evaluation of the weight it carries in the decision making process.*

#### **Response:**

The Board recognizes the critical importance of local and traditional ecological knowledge, or TEK, in informing the Federal Subsistence Management Program (Program). We rely on this knowledge and consider it equitably, when possible, alongside of western scientific knowledge. Similar to western science oriented research regimes, TEK is obtained through repeated interactions with the natural world over time, and can often transcend generations and cultures. The Board understands that TEK may provide a spatial and temporal scale of knowledge that is otherwise unavailable to resource managers; holders of this knowledge experience local landscapes and environmental phenomena over vast areas, throughout the seasons, and often over the span of many years.

Due to financial and logistical constraints, OSM analysts are unable to conduct primary research and thus rely on published literature and public testimony. This is one of the many reasons that the Board relies on Regional Advisory Councils to inform the Board of local conditions and available knowledge on the subject matter. To improve incorporation and consideration of TEK into the Federal Program, the Board asks that Council members continually encourage individuals and both public and private entities in your communities to engage with our program and make their voices and knowledge heard.

OSM collects TEK from published literature, Tribal and ANCSA corporation consultations, as well as Council, public and Federal Subsistence Board (Board) meeting transcripts and

incorporates this information into proposal analyses as appropriate. Almost every wildlife proposal analysis during the 2018/2020 regulatory cycle had a cultural knowledge and traditional practices section, written and researched by OSM anthropology staff. Staff include, when applicable, anthropological considerations in all sections of analyses.

The Board considers TEK during its decision making process through public testimony, Council Chair input, and information presented by OSM. For example, during its April 2018 meeting, the Board considered public testimony in its decision to reject WP18-33/36 to modify the moose season in Unit 21E. During deliberation on Proposal WP18-56, which sought to reopen the Arctic Village Sheep Management Area to non-Federally qualified users, the Board considered past testimony from Arctic Village residents in its decision to reject the proposal for the continuation of subsistence uses. OSM and the Board heavily consider TEK when making recommendations or decisions on customary and traditional use determinations and in considering nonrural determinations.

The Fisheries Resource Monitoring Program (FRMP) also funds Harvest Monitoring and Traditional Ecological Knowledge (HMTEK) studies pertaining to subsistence fisheries. The Board asks that Councils consider TEK-oriented topics when developing Priority Information Needs (PINs) for the FRMP. Since 2000, 141 HMTEK studies have been funded across the state; the results of which are utilized in analyzing fisheries related regulatory proposals. The next Notice of Funding Opportunity will be released in November of 2018.

#### **4. Concerns regarding current State and Federal sheep harvest limits and season in Unit 25A that, in combination with easy snowmachine access to hunting grounds, may result in a potential conservation issue**

*The Council is concerned about existing sheep harvest limits and seasons in State regulations for that portion of Unit 25A east of the Middle Fork of Teedriinjik River (formerly Chandalar River) and Unit 25A remainder in Federal regulations. Currently, State residents are allowed to harvest up to 3 sheep in Unit 25A east of the Middle Fork of the Teedriinjik River during the open season from October 1 to April 20. This harvest limit is aligned with the Federal harvest limit of 3 sheep in Unit 25A remainder during the open season from August 1 to April 30, which is available by Federal registration permit (FS2503) only.*

*Council members' observations and experiences show that the meat of a sheep taken in the spring is very tough and has zero fat by the end of winter. Since this meat is only good for burgers, and sheep are stressed from the long winter, the Council is concerned that easy access by snowmachines to the hunting grounds makes sheep easy prey for hunters. The Council received various reports about an increased number of snowmachine tracks and kill sites in very remote and previously inaccessible sheep habitat, which in turn might be indicating an increased use of sheep, especially by non-Federally qualified users. A time should be allowed when the sheep can get through the winter without added hunting pressure.*

*The Council is also troubled by the possibility that with the three sheep harvest limit, a lot of ewes and lambs can be taken during the late winter – early spring seasons. The Council believes*

*that the existing three sheep harvest limit in both State and Federal regulations could potentially result in overharvest and a conservation issue.*

*The Council is requesting detailed data on sheep harvested in Unit 25A through State registration permit RS595 and Federal permits FS2502 and FS2503. This data set should include the following: number of permits issued, residency of hunters, how many hunted, number of sheep harvested, where did the take occur, and the method of transportation to the hunt area. The Council also requests that OSM work with the State to figure out as soon as possible the best way to address the Council's concerns regarding existing sheep harvest limits and seasons and to evaluate the potential for a future conservation concern.*

**Response:**

Tables 1-4 below detail the information requested by the Council. Information on hunting locations and transportation methods is not available for Federal permit hunts, FS2502 and FS2503. The number of permits issued for State's RS595 permit hunt is only available for both Units 25A and 26C combined, not Unit 25A alone (**Table 3**).

While the Federal Subsistence Board (Board) recognizes the Council's concern over a three sheep harvest limit, actual sheep harvest under Federal and State regulations is extremely low. Since 2005, only one sheep has been reported harvested in Unit 25A under the State's RS595 hunt, while only three sheep have been reported under the Federal FS2503 hunt (**Tables 2, 4**). The State's RS595 hunt prohibits motorized access from the Dalton Highway and the use of aircraft to hunt sheep except to/from Arctic Village and Kaktovik. These restrictions limit hunter participation and sheep harvest.

In 2017, the Alaska Board of Game (BOG) considered Proposal 113 to change the resident harvest limit for Dall sheep in portions of Unit 25A and 26C (RS595) from three sheep to three rams. The Alaska Department of Fish and Game commented that there was not a biological conservation concern for this hunt due to the current low level of harvest (~2 sheep/year, **Table 3**) (ADF&G 2017). The BOG did not change the harvest limit for the RS595 hunt, agreeing with ADF&G's assessment.

In April 2018, the Board rejected WP18-56 to reopen the Arctic Village Sheep Management Area to non-Federally qualified users. The Board based its decision on the continuation of subsistence uses, not conservation concerns. The Board first made a motion to defer the proposal and considered submitting an agenda change request to the BOG to change the hunt structure of RS595 to a draw hunt, which could limit the number of sheep hunters in the area. However, this motion failed.

State proposals for the Northeast Arctic region will be considered again during regulatory year 2019/2020. The Board invites the Council to submit a proposal to the Alaska Board of Game (BOG) to change the RS595 harvest limit in spring 2019. The call for Federal wildlife proposals will also be open in January/February of 2019. The Council could discuss submitting similar State and Federal proposals at its winter 2019 meeting. The Council could also submit a special action request to the Federal Subsistence Board and/or an agenda change request to the BOG for

the 2018/19 regulatory year.

**Table 1.** Federal sheep harvest data for the Arctic Village Sheep Management Area (FS2502). Fort Yukon residents received two permits and harvested two rams in 2010 and received one permit and harvested one ram in 2017. Arctic Village residents received all other permits and harvested all other sheep (OSM 2018).

Regulatory Year	# FS2502 Permits Issued	Hunted	Harvest*	Days hunted
2005	2	0	0	0
2006	6	1	1	14
2007	2	0	0	0
2008	0	0	0	0
2009	0	0	0	0
2010	4	4	2	20
2011	0	0	0	0
2012	2	2	0	12
2013	2	0	0	0
2014	0	0	0	0
2015	6	4	4	22
2016	0	0	0	0
2017**	3	3	1	15
Average	2.08	1.08	0.62	6.38
*All harvested sheep were males.				
** Preliminary numbers				

**Table 2.** Federal sheep harvest data for Unit 25A remainder (FS2503). Between 2005 and 2007, all permits were issued to Arctic Village residents. In 2013 and 2017, all permits were issued to Fort Yukon residents (OSM 2018).

Regulatory Year	# FS2503 Permits Issued	Hunted	Harvest*	Days hunted
2005	3	0	0	0
2006	3	0	0	0
2007	11	3	3	21
2008	0	0	0	0
2009	0	0	0	0
2010	0	0	0	0
2011	0	0	0	0
2012	0	0	0	0
2013	2	0	0	0
2014	0	0	0	0
2015	0	0	0	0
2016	0	0	0	0
2017**	6	0	0	0

Average	1.92	0.23	0.23	1.62
*All harvested sheep were males.				
** Preliminary numbers				

**Table 3.** State sheep harvest data for Unit 25A, east of Middle Fork of Teedriinjik (Chandalar) River and Unit 26C (RS595) (ADF&G 2018).

Regulatory Year	# RS595 Permits Issued	Hunted	Harvest*	Juveniles harvested
2005	11	1	0	0
2006	21	1	0	0
2007	19	5	0	0
2008	9	4	1	1
2009	15	8	3	2
2010	10	1	0	0
2011	16	7	3	0
2012	10	6	2	1
2013	8	4	4	0
2014	13	4	0	0
2015	18	9	7	0
2016	10	4	3	0
Average	13.33	4.50	1.92	0.33

\* Two ewes were harvested in 2015. All other harvested sheep were males.

**Table 4.** State sheep harvest data for ONLY Unit 25A, east of Middle Fork of Teedriinjik (Chandalar) River (RS595) (ADF&G 2018).

Regulatory Year	Hunted	Harvest	Transportation	Areas Hunted	Hunter Residency
2005	0	0	-	-	-
2006	0	0	-	-	-
2007	5	0	Snowmachine	Chandalar River, east fork; Guilbeau Pass, Wind River	Kasilof, Palmer, Soldotna, Wasilla
2008	4	1	Snowmachine	Wind River	Kasilof, Palmer, Soldotna
2009	1	0	Snowmachine	Unknown	Kasilof
2010	0	0	-	-	-
2011	2	0	Horse/dog team	Chandalar River, middle fork	Anchorage, Nenana
2012	1	0	Snowmachine	Unknown	Wasilla
2013	0	0	-	-	-
2014	0	0	-	-	-



2015	2	0	Snowmachine	Coleen River	Eagle River
2016	0	0	-	-	-

### **5. Concerns over recent increase of illegal sales of subsistence-caught and processed salmon strips**

*Council members observed a particularly successful Chinook and Chum Salmon fishing season in 2017. However, they noted the increase of stripping and illegal sales of subsistence-caught stripped salmon, primarily Chinook Salmon. The Council recognizes that customary trade of fish strips is a long-established and well documented tradition for some Yukon communities that allows subsistence users to earn some extra cash. The Council also recognizes that although under State regulations a person may not offer to sell or purchase subsistence harvested fish in this region, there are certain provisions under Federal subsistence customary trade laws that allow Federally qualified subsistence users to customarily trade Chinook Salmon for cash, or other items, with other Federally qualified subsistence users, so long as that activity does not arise to the level of a significant commercial enterprise. The Council believes that some of the subsistence-harvested fish are not being reported and recorded as a part of Federal subsistence harvest. Council members reported most of the customary trade of salmon happens in the middle Yukon, in the Grayling, Anvik, Shageluk, and Holy Cross Region.*

*The Council, based on its members' knowledge and experience, believes that illegal or unreported sales or trade of subsistence-caught salmon can contribute greatly to the crash of salmon populations. Moreover, the Council would like to be proactive and see measures put in place to prevent this impact to salmon runs. The Council suggests that the Board consider establishing better outreach to educate fishermen on the law prohibiting customary trade of Chinook Salmon to non-Federally qualified users outside of the Yukon River watershed, and consider some type of requirement to report subsistence-harvested customary traded fish, while working with Federal and State entities to find out ways to address the issue and step up enforcement.*

#### **Response:**

Currently, within Federal subsistence fishing regulations for the Yukon-Northern Subsistence Fishing Area, customary trade is legal only between rural residents with a customary and traditional use determination for Yukon River Chinook Salmon; those eligible are rural residents of the Yukon River drainage and Stebbins. Additionally, only fish harvested from Federal public waters may be exchanged for cash under Federal subsistence customary trade regulations. Specific information about this can be found in the Federal Subsistence Management Regulations for the Harvest of Fish and Shellfish booklet (pages 19 and 30), or online at [www.doi.gov/subsistence/index.cfm](http://www.doi.gov/subsistence/index.cfm).

There is currently no requirement to report Chinook Salmon harvested by Federally qualified subsistence users in Federal public waters of the Yukon River drainage and sold for cash in customary trades. It is within the Board's authority to adopt regulations requiring Federally qualified subsistence users to record and report customary trades. The Board considers changes

to fisheries regulations through proposals submitted during the fisheries regulatory cycle. The Board encourages the Council to submit a proposal.

The Board recommends that observations of illegal activities be reported. To report violations of Federal regulations, or other regulations on Federal public lands and waters in Alaska, please contact the relevant Federal law enforcement offices: National Park Service (907) 644-3880 or 1-800-478-2724, National Wildlife Refuges (907) 786-3311 or 1-800-858-7621, U.S. Forest Service (907) 586-8820, or the Bureau of Land Management (907) 271-6623. The Board also suggests that the Council work with subsistence users to modify or change current regulations governing customary trade if these concerns continue. The process to change Federal subsistence regulations provides users the opportunity to voice their ideas on improving the system that is currently in place.

**6. Concerns regarding the contradictions between Chinook Salmon numbers counted at the Pilot Station and Eagle sonars and various weir projects as well as slow recovery of genetic stocks**

*The Council noted that although the number of Chinook Salmon counted in 2017 at the Pilot Station sonar was the highest since 2003-2004, the number of Chinook Salmon counted at up-river escapement projects including Henshaw Creek, Gisasa River, Chena River, and Salcha River weir and sonar projects showed below-average returns, which appears to contradict the Pilot Station sonar inseason passage numbers. The Council also noted that the passage numbers at the Eagle sonar, which is the last count point before the Canadian border, appeared to contradict with Pilot Station Sonar counts. The Council requests the Board to direct the Federal Subsistence Management Program to work with the Yukon River in-season managers on investigating the reasons for this disparity, and provide the results to the Council.*

*Additionally, the Council is concerned about the absence of larger older Chinook Salmon and attributes the decline to the effects of large-mesh gillnets. They are seeing five-year-old fish returning, but not very many six-year-olds. The Council remarked that although returns were getting better, reported weights of the largest Chinook Salmon was just under 30 pounds.*

**Response:**

The Council noted that the Chinook Salmon numbers at many assessment projects appear to contradict the Pilot Station sonar estimates. The Board would like to point out that the distribution of salmon can change over time. For example, during 1995-2002 the Anvik River accounted for approximately 41% of the entire Yukon River summer Chum Salmon return. This number decreased to approximately 22% from 2003-2016, and in 2017 it was 13% (Lozori 2018). During this time the overall returns to the Yukon River have remained relatively constant, indicating that others stocks have become more productive while the Anvik River's stock production has decreased. The potential exists that Chinook Salmon production has similarly shifted, and areas that are not monitored may be producing a higher proportion of the run than has happened in the past.

The estimated Yukon River Chinook Salmon passage at Pilot Station sonar was 263,000 (234,000-292,000 90% C.I.), with 73,300 being counted past the sonar at Eagle during 2017 (ADFG 2018). The estimated total run size for Canadian bound Chinook Salmon was 92,600 with an Alaskan harvest of 20,800 (JTC 2018), and the estimated proportion of Canadian origin Chinook Salmon during the three sampling strata of 0.43, 0.49, and 0.43 (ADF&G, 2018), indicating that the overall proportion was less than 0.50. Therefore, the passage of Chinook Salmon at Eagle sonar is within the error bounds once genetics, harvest and sonar are taken into accounted.

The Council's concern for larger and older Chinook Salmon is noted. The long term (2005-2015) average percentage of 5 and 6 year olds sampled at the Pilot station sonar project is 48.8% and 39.0% respectively (JTC 2017). The percentage of 5 year olds sampled at Pilot Station during 2015, 2016, and 2016 was 33.9%, 69%, and 53%, which was above the long term average 2 out of the last 3 years. The percentage of 6 year olds during that same time frame was 43.2%, 15%, and 36%, which was near average for 2 of the 3 years. Chinook Salmon ages at the Eagle sonar followed similar trends with 6 year olds being above average in 2015 (52.3%) and 2017 (49%) and below average in 2016 (25.2%; JTC 2016, JTC 2017 and ADFG 2018). Weights, unfortunately, are not generally collected on fish at the Pilot Station or Eagle River sonar.<sup>1</sup>

## **7. Continuing support for the development of the hunter ethics education program**

*The Council was very pleased with this year's progress in the development of the hunter ethics education program for the Eastern Interior Region. The Council would like to thank the Board for continued support of this project. A lot of work was done between the Council's winter and fall 2017 meetings. Council Coordinator Katerina Wessels developed a draft action plan and timeline for the development of a hunter ethics education and outreach strategy and a pilot project. The draft action plan and timeline were presented to the Board at its July 2017 meeting and received unanimous approval. In May 2017, OSM staff submitted a project proposal titled Building Partnerships through Understanding and Trust: Bridging the Cultural Gap by Promoting Responsible and Ethical Hunting Practices in Alaska to the USFWS Connecting People with Nature internal grant program, which focuses on small projects that prepare and engage people in outdoor recreation and provides learning opportunities.*

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<sup>1</sup> Literature cited: ADF&G. 2018. Regulations announcements, news releases, and updates: commercial, subsistence, and personal use fishing. On line database. <http://www.adfg.alaska.gov/static/applications/DCFnewsrelease/873421169.pdf>.

JTC (Joint Technical Committee of the Yukon River U.S./Canada Panel). 2017. Yukon River salmon 2016 season summary and 2017 season outlook. Alaska Department of Fish and Game, Division of Commercial Fisheries, Regional Information Report 3A17-01, Anchorage.

JTC (Joint Technical Committee of the Yukon River U.S./Canada Panel). 2016. Yukon River salmon 2015 season summary and 2016 season outlook. Alaska Department of Fish and Game, Division of Commercial Fisheries, Regional Information Report 3A16-01, Anchorage.

Lozori, J. D. 2018. Sonar estimation of summer chum and pink salmon in the Anvik River, Alaska, 2017. Alaska Department of Fish and Game, Fishery Data Series No. 18-14, Anchorage.

*In August of the same year, OSM received a small grant that allowed its staff to organize a facilitated Hunter Ethics Education Brainstorming Workshop held in Fairbanks on September 28 and 29. This workshop was the first step in developing a meaningful outreach and education strategy and pilot project concepts. The workshop was very well attended. Twenty three stakeholders, including two Council members, OSM, Bureau of Land Management, NPS, USFWS, U.S. Air Force, State, Tanana Chiefs Conference, and University of Alaska Fairbanks participants took part in the workshop. All of the workshop objectives were achieved. The workshop results were presented to the Council in a draft report. The Council welcomed this extensive progress and expressed its unwavering support for the continuation of this project.*

*The Council would like to request the Board continue to support this project, which is important not just to the Eastern Interior Region, but to many other regions in Alaska, and dedicate OSM staff time and funding for completion of the education and outreach strategy and a pilot project development to be tested in the Eastern Interior Region. The Council believes this project might also serve as one of the components to the implementation of the U.S. Secretary of the Interior Order 3356 to expand outdoor recreational opportunities, including access for hunting and fishing on public lands in a responsible and respectful manner.*

**Response:**

The Board commends the Council and OSM for staying on task and moving forward in the development of the hunter ethics education program for the Eastern Interior Region. We are pleased that the workshop proposal was funded, and thank your Council Coordinator, Katya Wessels, for her hard work on that. A report on those workshop activities has been prepared and will be presented at your fall meeting.

The Board fully agrees with the Council that given the growing populations and less resources available to the users the issue of possible resource user conflicts is not going to go away by itself in the near future. In fact it will probably be more prevalent if appropriate prevention steps are not taken. Prevention of conflict is always a best approach, so building understanding, goodwill, and respect to each party's values, and providing learning opportunities to various user groups can potentially alleviate or lessen difficult situations.

Considering all of the above, the Board continues to provide its full support to this project and would like to inform the Council that OSM found an opportunity to potentially provide up to 15 thousand dollars to fund the next step of the project, which is the second brainstorming workshop with major stakeholders including Tribal and hunter organizations, transporter and air taxi representatives, and Federal and State representatives with the goal to form working partnerships. Furthermore, the Board encourages OSM to continue dedicating staff time to the project and provide assistance with finding funding to complete the education and outreach strategy, develop a pilot project, and implement the pilot project to test the strategy. The Board recognizes that if successful the strategy can be used in the other areas of Alaska.

The Board also agrees that the Council efforts to create a user friendly hunter ethics education program for the Eastern Interior Region in partnership with the State of Alaska, Tribal entities, and hunter organizations can become "a specific action to improve recreational hunting and

fishing cooperation, consultation, and communication with state wildlife management,” as outlined in Secretarial Order 3347. The hunter ethics education program that is being developed can become a great tool in “coordinating with state, Tribal, and territorial wildlife management agencies to identify opportunities for increased access to Departmental lands and waters” as directed by the Secretarial Order 3356 through providing information and building friendly relations between local and visiting hunters and aiding with avoiding user conflict.

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

Sincerely,

Anthony Christianson  
Chair

Enclosures

cc: Federal Subsistence Board  
Eastern Interior Alaska Subsistence Regional Advisory Council  
Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management  
Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Katerina Wessels, Subsistence Council Coordinator, Office of Subsistence Management  
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish & Game  
Interagency Staff Committee  
Administrative Record

Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided. For more about privacy and the docket, visit <http://www.regulations.gov/privacyNotice>.

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 165.164, revise paragraph (a)(3) to read as follows:

(a) \* \* \*

(3) Marine Air Terminal, LaGuardia Airport Security Zone: All waters of Bowery Bay, Queens, New York, inside of a line drawn from the start of the Rikers Island Bridge in Queens at approximate position 40°46'37" N, 073°53'30" W to the intersecting point on the southern side of Rikers Island at approximate position 40°47'12" N, 073°53'06" W, then a line drawn east to the western end of LaGuardia Airport at approximate position 40°47'00" N, 073°52'44" W, then a line drawn south following the shoreline back to the point of origin at 40°46'37" N, 073°53'30" W (NAD 1983).

Dated: May 7, 2018.

**M.H. Day,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 2018–10899 Filed 5–21–18; 8:45 am]

**BILLING CODE 9110–04–P**

#### DEPARTMENT OF THE INTERIOR

##### National Park Service

#### 36 CFR Part 13

**[NPS–AKRO–25579; PPAKAKROZ5, PPMPRLE1Y.L00000]**

**RIN 1024–AE38**

#### Alaska; Hunting and Trapping in National Preserves

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service proposes to amend its regulations for sport hunting and trapping in national preserves in Alaska. This proposed rule would remove a regulatory provision issued by the National Park Service in 2015 that prohibited certain sport hunting practices that are otherwise permitted by the State of Alaska. These proposed changes are consistent with Secretary of the Interior Orders 3347 and 3356.

**DATES:** Comments on the proposed rule must be received by 11:59 p.m. EST on July 23, 2018.

**ADDRESSES:** You may submit comments, identified by Regulation Identifier Number (RIN) 1024–AE38, by either of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail or hand deliver to:* National Park Service, Regional Director, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501.

• *Instructions:* Comments will not be accepted by fax, email, or in any way other than those specified above. All submissions received must include the words “National Park Service” or “NPS” and must include the docket number or RIN (1024–AE38) for this rulemaking. Comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

• *Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Herbert C. Frost, Regional Director, Alaska Regional Office, 240 West 5th Ave., Anchorage, AK 99501. Phone (907) 644–3510. Email: [AKR\\_Regulations@nps.gov](mailto:AKR_Regulations@nps.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 23, 2015, the National Park Service (NPS) published a final rule (Final Rule) to amend its regulations for sport hunting and trapping in national preserves in Alaska (80 FR 64325). The Final Rule codified prohibitions on certain types of harvest practices that are otherwise permitted by the State of Alaska. The practices are: Taking any black bear, including cubs and sows with cubs, with artificial light at den sites; harvesting brown bears over bait; taking wolves and coyotes (including pups) during the denning season (between May 1 and August 9); taking swimming caribou; taking caribou from motorboats under power; taking black bears over bait; and using dogs to hunt black bears. This rule is inconsistent with State of Alaska's hunting regulations found at 5 AAC Part 85.

Since the publication of the Final Rule, the Secretary of the Interior issued two Secretarial Orders regarding how the Department of the Interior should manage recreational hunting and trapping in the lands and waters it administers, and directing greater collaboration with state, tribe, and territorial partners in doing so.

On March 2, 2017, Secretary Zinke signed Secretarial Order 3347, Conservation Stewardship and Outdoor Recreation. Part of the stated purpose of Secretarial Order 3347 is to increase outdoor recreation and improve the management of game species and their habitat. Secretarial Order 3347 directs the Department of the Interior to identify specific actions to (1) expand access significantly for recreational hunting and fishing on public lands; and (2) improve recreational hunting

and fishing cooperation, consultation, and communication with state wildlife managers.

On September 15, 2017, Secretary Zinke signed Secretarial Order 3356, Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with State, Tribes, and Territories. Part of the stated purpose of Secretarial Order 3356 is to increase outdoor recreation opportunities for all Americans in greater collaboration with state partners, including opportunities to hunt. Secretarial Order 3356 directs the NPS to (1) identify whether hunting opportunities on Department lands could be expanded; (2) work cooperatively with state wildlife agencies to enhance their access to Department lands for wildlife management actions; (3) work cooperatively with state wildlife agencies to ensure that hunting regulations for Department lands and waters complement the regulations on the surrounding lands and waters; and (4) work in close coordination and cooperation with the appropriate state wildlife agency to begin the necessary process to modify regulations in order to advance shared wildlife conservation goals/objectives that align predator management programs, seasons, and methods of take permitted on all Department-managed lands and waters with corresponding programs, seasons, and methods established by state wildlife management agencies.

The purpose of this proposed rule is to align sport hunting regulations in national preserves in Alaska with State of Alaska regulations and to enhance consistency with harvest regulations on surrounding non-federal lands and waters in furtherance of Secretarial Orders 3347 and 3356. The proposed rule would apply the State of Alaska's hunting regulations to national preserve lands, with limited exceptions found elsewhere in NPS regulations. See, *e.g.*, 36 CFR 13.42(d).

The 2015 Final Rule prohibits the hunting practices otherwise permitted by the State of Alaska because NPS found those practices: (1) To have intent or potential to alter or manipulate natural predator-prey dynamics, and associated natural ecological processes for the purpose of increasing harvest of ungulates by man; (2) to adversely impact public safety; or (3) to be inconsistent with federal law authorizing sport hunting in national preserves in Alaska. However, states have primary jurisdiction to manage wildlife throughout their state. In addition, NPS has broad discretion in managing wildlife on national preserves

under applicable laws, policies, and regulations.

Taking into account the Secretarial Orders described above, NPS has reconsidered its earlier conclusions and determined that these previously prohibited practices can be allowed consistent with the goal of aligning its rules with those of the State. Allowing these practices is consistent with NPS Management Policy 4.4.3 which provides that NPS does not allow activities to reduce the numbers of native species for the purpose of increasing the numbers of harvested species. The discussion in the 2015 rule of an action's "intent or potential" to manipulate predator dynamics goes beyond the plain language of section 4.4.3 of Management Policies. Additionally, the State of Alaska disputes that the hunting methods and seasons (allowed by the state but prohibited by current NPS regulations) are intended to function as a predator control program. Rather, the State asserts the hunting regulations are intended to provide opportunity for harvests of wolves, coyotes, bears, and other species as requested by the public. The State also maintains that any effects to the natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife from implementing its regulations are likely negligible. As noted below, NPS will prepare an environmental assessment for this regulation to determine whether it will have any significant impacts on wildlife or other resources.

With respect to the practices that NPS previously determined to be inconsistent with federal law authorizing harvest for sport purposes in national preserves in Alaska, no applicable federal law or regulation defines "sport hunting." With regard to NPS's statement in the 2015 rule that baiting poses an increased public safety risk, the State of Alaska's position is that baiting does not cause bears to become food-conditioned, and therefore a greater safety concern.

#### Proposed Rule

For the above stated reasons, the NPS proposes to remove paragraphs (f) and (g) of 36 CFR 13.42. Paragraph (f) states that State of Alaska management actions or laws or regulations that authorize taking of wildlife are not adopted in park areas if they are related to predator reduction efforts, which is defined as efforts with the intent or potential to alter or manipulate natural predator-prey dynamics and associated natural ecological processes, in order to increase harvest of ungulates by

humans. Paragraph (g) sets forth a table of prohibited methods of taking wildlife for sport purposes in national preserves in Alaska. Most of these prohibited methods are also prohibited by the State of Alaska. Some of them, however, conflict with authorizations by the State of Alaska as explained above. The NPS believes that removing paragraphs (f) and (g) would implement the directive announced in Secretarial Orders 3347 and 3356 by increasing hunting opportunities in national preserves and promoting consistency between federal regulations and state wildlife harvest regulations. In addition, the proposed rule would remove the definitions of "Big game", "Cub bear", "Fur animal", and "Furbearer" from section 13.1 because those terms are only used in paragraphs (f) and (g).

#### Compliance With Other Laws, Executive Orders and Department Policy

##### Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

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

##### Reducing Regulation and Controlling Regulatory Costs (Executive Order 13771)

This rule is not an E.O. 13771 regulatory action because this rule is not significant under Executive Order 12866.

##### Regulatory Flexibility Act

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory

Flexibility Act (5 U.S.C. 601 *et seq.*). This certification is based on the cost-benefit and regulatory flexibility analyses found in the report entitled “Cost-Benefit and Regulatory Flexibility Analyses: Proposed Revisions to Sport Hunting and Trapping Regulations in National Preserves in Alaska” which can be viewed online at <http://parkplanning.nps.gov/akro>.

#### **Small Business Regulatory Enforcement Fairness Act**

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- (a) Does not have an annual effect on the economy of \$100 million or more.
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.
- (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

#### **Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*)**

This rule does not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on state, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act is not required.

#### **Takings (Executive Order 12630)**

This rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

#### **Federalism (Executive Order 13132)**

Under the criteria in section 1 of Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This proposed rule only affects use of federally-administered lands and waters. It has no outside effects on other areas. A Federalism

summary impact statement is not required.

#### **Civil Justice Reform (Executive Order 12988)**

This rule complies with the requirements of Executive Order 12988. This rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

#### **Consultation With Indian Tribes (Executive Order 13175 and Department Policy)**

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the criteria in Executive Order 13175 and under the Department’s tribal consultation and Alaska Native Claims Settlement Act (ANCSA) Native Corporation policies and have determined that the rule may have substantial direct effect on federally recognized Indian tribes. The NPS has invited Alaska native tribes and corporations to consult on the proposed rule and has consulted with those tribes and corporations that have requested consultation.

#### **Paperwork Reduction Act**

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act is not required. The NPS may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

#### **National Environmental Policy Act**

NPS will prepare an environmental assessment to determine whether this rule will have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969 (NEPA).

#### **Effects on the Energy Supply (Executive Order 13211)**

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

#### **Clarity of This Rule**

The NPS is required by Executive Orders 12866 (section 1(b)(12)) and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule the NPS publishes must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that the NPS has not met these requirements, send the NPS comments by one of the methods listed in the **ADDRESSES** section. To better help the NPS revise the rule, your comments should be as specific as possible. For example, you should identify the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

#### **Public Participation**

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule by one of the methods listed in the **ADDRESSES** section of this document.

#### **Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask the NPS in your comment to withhold your personal identifying information from public review, the NPS cannot guarantee that it will be able to do so.



**List of Subjects in 36 CFR Part 13**

Alaska, National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 13 as set forth below:

**PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA**

■ 1. The authority citation for part 13 continues to read as follows:

**Authority:** 16 U.S.C. 3124; 54 U.S.C. 100101, 100751, 320102; Sec. 13.1204 also issued under Sec. 1035, Pub. L. 104-333, 110 Stat. 4240.

**§ 13.1 [Amended]**

■ 2. In § 13.1 remove the definitions of “Big game”, “Cub bear”, “Fur animal”, and “Furbearer”.

**§ 13.42 [Amended]**

■ 3. In § 13.42, remove and reserve paragraphs (f) and (g).

**David L. Bernhardt,**  
*Deputy Secretary.*

[FR Doc. 2018-10735 Filed 5-21-18; 8:45 am]

**BILLING CODE 4310-EJ-P**



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3347

Subject: Conservation Stewardship and Outdoor Recreation.

Sec. 1 **Purpose.** The Department of the Interior (Department) is entrusted with overseeing Federal lands for the benefit of current and future generations. This includes advancing conservation stewardship and increasing outdoor recreation opportunities, including hunting and fishing, for all Americans. The purpose of this Order is to enhance conservation stewardship, increase outdoor recreation, and improve the management of game species and their habitat.

Sec. 2 **Background.** Led by recreational hunters and anglers, America's conservation and outdoor recreation movements continue to be led by individual sportsmen working together with ranchers, farmers, state wildlife agencies, non-profit sportsmen-conservation organizations, and the Department.

The Department has vast management responsibilities across our Nation's Federal lands, waters, and mineral resources. In addition to overseeing with humility the conservation and management of fish and wildlife resources, the Department also stewards 20 percent of the Nation's lands, oversees the responsible development of over 20 percent of U.S. energy supplies, serves as the largest supplier and manager of water in 17 Western States, and maintains relationships with over 500 federally recognized tribes. Over 400 units of the National Park System provide unique outdoor recreation opportunities as well as preserve and protect nearly 27,000 historic structures, more than 700 landscapes, and nearly 100,000 archaeological properties. The Department has also partnered with over 45,000 landowners and 3,000 conservation partners to restore successfully more than one million acres of wetland habitat, three million acres of upland habitat, and 11,000 miles of streams.

President Theodore Roosevelt loved the outdoors, vigorously hunted wildlife, and developed a uniquely American conservation ethos. Executive Order 13443 built on President Roosevelt's conservation legacy and directed Federal agencies, including the Department of the Interior, to facilitate the expansion and enhancement of hunting opportunities and management of game species and their habitat.

As a servant of the American people, the Department will continue to strengthen President Roosevelt's conservation stewardship legacy through this Order by seeking to expand recreational and conservation opportunities for all Americans.

Sec. 3 **Authority.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, as well as the Department's land and resource management authorities, including the following:

- Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742a, *et seq.*;
- National Wildlife Refuge System Improvement Act of 1997, as amended, 16 U.S.C. 668dd *et seq.*;
- Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. 1701, *et seq.*;
- National Park Service Organic Act of 1916, as amended, 54 U.S.C. 100101, *et seq.*; and
- Executive Order 13443, "Facilitation of Hunting Heritage and Wildlife Conservation."

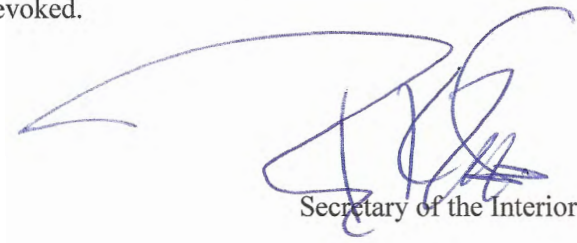
**Sec. 4. Conservation Stewardship and Outdoor Recreation Directive.**

- a. This Order directs the Assistant Secretary for Fish and Wildlife and Parks and the Assistant Secretary for Land and Minerals Management to:
  - (1) Report to the Secretary within 30 calendar days on:
    - a. All actions taken to implement with Executive Order 13443 and achieve its goals.
    - b. All actions described in by Executive Order 13443 that have not occurred, along with an explanation of any regulatory, legislative, policy or other barriers that have prevented or slowed successful implementation of Executive Order 13443.
    - c. Specific recommendations to improve implementation of Executive Order 13443.
  - (2) Report to the Secretary within 30 calendar days with specific recommendations to enhance recreational fishing, specifically regarding efforts to enhance and expand recreational fishing access.
- b. Upon approval of the reports by the Secretary, the Department shall:
  - (1) Submit the first report to the *Wildlife and Hunting Heritage Conservation Council* (WHHCC) with a request for the WHHCC's consensus recommendations for improving implementation of Executive Order 13443. ✓
  - (2) Submit the second report to the *Sport Fishing and Boating Partnership Council* (SFBPC) with a request for the SFBPC's consensus recommendations for enhancing and expanding recreational fishing access. ✓
- c. Once WHHCC and SFBPC have responded with recommendations, the Department shall, within 30 calendar days:
  - (1) Identify specific actions to expand access significantly for recreational hunting and fishing on public lands as may be appropriate.
  - (2) Identify specific actions to improve recreational hunting and fishing cooperation, consultation, and communication with state wildlife managers.
  - (3) Identify specific actions to improve habitat for fish and wildlife.
  - (4) Identify specific actions to manage predators effectively and efficiently.

- (5) Encourage, promote, and facilitate greater public access to all Department lands consistent with applicable laws.
- d. The Secretary will designate an appointee in the Immediate Office of the Secretary to coordinate all activities by and among the Department, the WHHCC, the SFBPC, and their respective Designated Federal Officers with respect to implementation of this Order.

Sec. 5 **Effect of Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 6 **Expiration Date.** This Order is effective immediately and will remain in effect until it is amended, superseded, or revoked.



Secretary of the Interior

Date: **MAR 02 2017**



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3356

Subject: Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories

**Sec. 1 Purpose.** This Order continues the Department's efforts to enhance conservation stewardship; increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and improve the management of game species and their habitats for this generation and beyond. It directs several components of the Department to assess past and ongoing implementation of the recommendations set forth in Executive Order 13443, "Facilitation of Hunting Heritage and Wildlife Conservation," to inform how best to enhance and expand public access to lands and waters administered by the Department—lands and waters owned by all Americans—for hunting, fishing, recreational shooting, and other forms of outdoor recreation. In addition, this Order gives greater priority to recruiting and retaining sportsmen and women conservationists, with an emphasis on engaging youth, veterans, minorities, and underserved communities that traditionally have low participation in outdoor recreation activities. Finally, this Order directs greater collaboration with state, tribes, and territorial partners.

**Sec. 2 Authorities.** This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, Executive Order 13443, "Facilitation of Hunting Heritage and Wildlife Conservation"; and the Department's land and resource management authorities, including the following:

- a. Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742a, *et seq.*;
- b. National Wildlife Refuge System Improvement Act of 1997, as amended, 16 U.S.C. 668dd *et seq.*;
- c. Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. 1701, *et seq.*; and
- d. National Park Service Organic Act of 1916, as amended, 54 U.S.C. 100101, *et seq.*

**Sec. 3 Background.** As President Theodore Roosevelt recognized, "in a civilized and cultivated country, wild animals only continue to exist at all when preserved by sportsmen." For generations, countless Americans have hunted and fished across the Nation's natural landscapes and waters, enjoying opportunities steeped in traditions, rich in history, and integral to meeting many subsistence and sustenance needs, while also providing an effective means of managing various populations of wildlife species.

Robust and sustainable wildlife populations contribute greatly to our Nation's well-being. In addition, through the sale of licenses and sporting equipment, and associated excise taxes, sportsmen and women have helped generate billions of dollars in conservation funding each year. Expanding hunting, fishing, and recreational opportunities will provide additional revenue for fish and wildlife conservation, and for many small rural communities across America. In addition, the goal of attaining and sustaining healthy wildlife populations can also be achieved in concert with the varied nature of differing land uses and missions.

The Department has broad responsibilities to manage Federal lands, waters, and resources for the public's benefit, including managing habitat to support fish, wildlife, and other resources, and providing recreational opportunities on Federal lands and waters. On March 2, 2017, Secretary Zinke issued Secretary's Order 3347, "Conservation Stewardship and Outdoor Recreation." Secretary's Order 3347 does the following:

- a. directs the Assistant Secretary for Fish and Wildlife and Parks and the Assistant Secretary for Land and Minerals Management to 1) report to the Secretary within 30 days all actions taken to implement Executive Order 13443 and all actions described in Executive Order 13443 that have not occurred and 2) provide specific recommendations to improve the implementation of Executive Order 13443, particularly regarding efforts to enhance and expand recreational fishing access;
- b. mandates the Department to submit reports, upon the Secretary's approval, to the *Wildlife and Hunting Heritage Conservation Council* and the *Sport Fishing and Boating Partnership Council* for their respective responses and recommendations; and
- c. instructs the Department to identify within 30 days, specific actions concerning recreational hunting and fishing on public lands and waters, habitat improvement, predator management, and access to public lands and waters.

The 30-day due date identified in Secretary's Order 3347 has now elapsed. Following in the footsteps of President Roosevelt's commitment to conservation stewardship, this Order is being issued to enhance and expand upon Secretary's Order 3347 and further implement the recommendations provided to the Secretary.

Sec. 4 **Directive.** The following actions are to be taken consistent with governing laws, regulations, and principles of responsible public stewardship:

- a. With respect to Secretary's Order 3347, the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), and National Park Service (NPS) shall:
  - (1) implement the specific recommendations provided to the Secretary pursuant to Secretary's Order 3347 to enhance recreational fishing—specifically, those recommendations regarding efforts to enhance and expand recreational fishing access, where practicable; and

(2) within 120 days of the issuance of this Order, provide a detailed implementation plan for BLM, FWS, and NPS to implement the other recommendations provided to the Secretary pursuant to Secretary's Order 3347.

b. With respect to Department lands and waters, the responsible bureaus and offices within the Department shall:

(1) amend National Monument Management Plans to include or expand hunting, recreational shooting, and fishing opportunities to the extent practicable under the law;

(2) in a manner that respects the rights and privacy of the owners of non-public lands, identify lands and waters where access to Department lands and waters, particularly access for hunting, fishing, recreational shooting, and other forms of outdoor recreation, is currently limited (including areas of Department land and waters that may be impractical or impossible to access via public roads or trails under current conditions, but where there may be an opportunity to gain access through a voluntary easement, right-of-way, or voluntary acquisition), and within 60 days, provide to the Deputy Secretary a report detailing such lands and waters;

(3) within 365 days, cooperate, coordinate, create, make available, and continuously update online a single "one stop" Department site database of available opportunities for hunting, fishing, and recreational shooting on Department lands and waters;

(4) consistent with relevant state laws, identify whether hunting, fishing, and/or recreational shooting opportunities on Department lands could be expanded and, within 60 days, provide recommendations to the Deputy Secretary on where such expansions may occur;

(5) within 30 days, examine and provide recommendations to the Deputy Secretary on how to streamline and improve the permitting process for guides and outfitters on Department lands and waters, including recommendations for the development of a distinct permitting process for non-profit organizations (such as those working with youth, veterans, or underserved communities); and

(6) incorporate analysis of the impacts of Federal land and water management actions on hunting, fishing, and recreational shooting access in planning and decisionmaking.

c. With respect to participation in hunting, fishing, and recreational shooting, bureaus and offices shall:

(1) identify opportunities to help provide voluntary public access to private lands and waters for hunting and fishing;

(2) within 60 days and in consultation with the relevant states, identify grant and/or cooperative agreement opportunities that may be made available for community programs

for hunting, fishing, and recreational shooting participation, such as recruitment/retention/reactivation; and

(3) work with veterans and youth programs to provide hunting, fishing, and recreational shooting mentor training programs.

d. With respect to working harmoniously with our state, tribal, territorial, and local partners, bureaus and offices shall:

(1) identify full-time employees who are responsible for access to hunting, fishing, recreational shooting, and other outdoor recreational opportunities on Department lands and waters and work in close collaboration with state and local partners on these efforts;

(2) coordinate with state, tribal, and territorial wildlife management agencies to identify opportunities for increased access to Department lands and waters, including identifying opportunities for access through adjacent private lands;

(3) collaborate with state, tribal, and territorial fish and wildlife agencies to attain or sustain wildlife population goals during Department land-management planning and implementation, including prioritizing active habitat-management projects and funding that contribute to achieving wildlife population objectives, particularly for wildlife that is hunted or fished, and identifying additional ways to include or delegate to states habitat management work on Federal lands;

(4) work cooperatively with state, tribal, and territorial wildlife agencies to enhance their access to Department lands for wildlife management actions;

(5) within 180 days, develop a proposed categorical exclusion for proposed projects that utilize common practices solely intended to enhance or restore habitat for species such as sage-grouse and/or mule deer;

(6) significantly increase migratory waterfowl populations and hunting opportunities throughout large portions of the country by:

(a) enhancing and improving the use of voluntary perpetual grassland and wetland conservation easements;

(b) expanding habitat and water conservation/protection efforts on wintering habitats;

(c) assessing and utilizing sound science to direct the development of proposed project and/or policy proposals to enhance waterfowl production;

(d) identifying partnerships and resource opportunities; and



(e) utilizing sound scientific evidence in conjunction with landowner/stakeholder input.

(7) work cooperatively with state, tribal, and territorial wildlife agencies to ensure that hunting and fishing regulations for Department lands and waters complement the regulations on the surrounding lands and waters to the extent legally practicable; and

(8) within 180 days, in close coordination and cooperation with the appropriate state, tribal, or territorial wildlife agency, begin the necessary process to modify regulations in order to advance shared wildlife conservation goals/objectives that align predator-management programs, seasons, and methods of take permitted on all Department-managed lands and waters with corresponding programs, seasons, and methods established by state, tribal, and territorial wildlife management agencies to the extent legally practicable.

e. Within 180 days, bureaus and offices shall:

(1) create an implementation plan to update all existing regulations, orders, guidance documents, policies, instructions, manuals, directives, notices, implementing actions, new employee training orders, and any other similar actions to be consistent with this Order; and

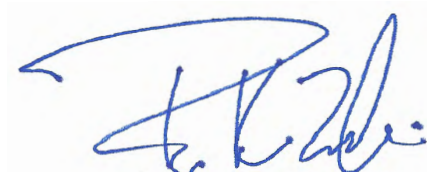
(2) review and use the best available science to inform the development of specific guidelines for Department lands and water related to planning and developing energy, transmission, infrastructure, or other relevant projects to avoid or minimize potential negative impacts on wildlife.

f. Heads of bureaus will ensure that appropriate Senior Executive Service employees under his or her purview include a performance standard in their respective current or future performance plan that specifically implements the applicable actions identified in this Order.

**Sec. 5 Implementation.** The Deputy Secretary is responsible for taking all reasonably necessary steps to implement this Order.

**Sec. 6 Effect of Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 **Expiration Date.** This Order is effective immediately. It will remain in effect until its provisions are implemented and completed, or until it is amended, superseded, or revoked.



Secretary of the Interior

Date: **SEP 15 2017**

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 2017 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. Unit 23 Working Group, Preventing Deflection of Caribou and User Conflicts**

*The Council requests a report on the activities of the interagency working group the Federal Subsistence Board formed to help resolve user conflicts and management issues on Federal lands for Unit 23 caribou. At its fall 2017 meeting the Council reviewed 2018-2020 Federal subsistence wildlife proposals submitted for Unit 23 caribou, including a proposal to close Federal public lands to the hunting of caribou by non-Federally qualified users. Among the options presented to the Council for consideration was a modification to close only a subset of the Federal public land in areas where the most longstanding and intense user conflict issues had been documented over time. The Council commends the work that went into identifying these areas of core user conflict zones and is very interested in the process for determining these areas of most importance to local subsistence communities. The Council felt that this was an effective approach to resolving the issue and a good middle road that perhaps all stakeholders could support. The Council is interested in exploring similar options to address user conflicts and deflection of caribou migrating in the North Slope region. The Council would like to recommend the work of the North Slope Borough in identifying the "area of influence" around communities in the North Slope Region that help to identify subsistence hunting, fishing, and gathering areas of each community in the region that must be considered in any development proposals. The Council would like the Board to consider the "area of influence" for subsistence communities in making future caribou management decisions affecting the North Slope Region. These issues of traditional and contemporary use of subsistence resources surrounding the community is such a serious matter that the North Slope Borough has adopted these village comprehensive plans into law as a local ordinance. In support of this request, the Council would like to invite the members of the Federal Subsistence Board to a workshop on comprehensive community plans to help the Board understand the migration or subsistence resources through communities in the region and issues of food security that villages are facing today.*

**Response:**

At its January 2017 public meeting in Anchorage, the Board requested that OSM staff form an interagency group for the purpose of developing solutions to resolve Unit 23 caribou conflict issues. The Unit 23 Interagency Group met in April of 2017 at the U.S. Fish and Wildlife Service Regional Office in Anchorage. This group consisted of representatives from the Office of Subsistence Management (OSM) and Department of the Interior Federal land management agencies (U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management), as well as the State of Alaska Department of Fish and Game. Working cooperatively, this group developed an option for a targeted closure of caribou hunting by non-Federally qualified users in Unit 23. This option was included in the OSM staff analysis of wildlife proposal WP18-46/47, which was considered by the Federal Subsistence Board (Board) at its April 2018 meeting.

The Board adopted WP18-46/47 with modification to close federal public lands in Unit 23 to caribou hunting by non-Federally qualified users within a 10-mile wide corridor (5 miles either side) along the Noatak River from the western boundary of Noatak National Preserve upstream to the confluence with the Cutler River; within the northern and southern boundaries of the Eli and Agashashok River drainages, respectively; and within in the Squirrel River drainage. The Board's action followed the recommendation of three Regional Advisory Councils and included consideration of the comments provided by the Interagency Group on what the best option for a targeted closure of caribou hunting would be.

The decision process for WP18-46/47 proved that documentation of subsistence use and commercial aircraft conflict as well as Traditional Ecological Knowledge gathered through public comment can lead to compromise. It is also important for Federal Agencies to work with communities in the spirit of localized solutions in the area of influence. The North Slope Borough Comprehensive plans can be a valuable tool.

**2. Role of the Regional Advisory Council in making recommendations to the Board**

*The Council would like more information and history on the Council's role as defined in applicable Federal Subsistence Management Program policy. The Council is specifically interested to learn what "deference" means regarding Council recommendations to the Federal Subsistence Board and what has been done to expand that deference pursuant to the 2009 Secretarial Review.*

**Response:**

Before there was a Federal Subsistence Board, there were Regional Advisory Councils. When Congress passed the Alaska National Interest Lands Conservation Act (ANILCA) in 1980, it specifically called for the creation of Regional Advisory Councils in Section 805. It did not, however, create the Federal Subsistence Board – that was created by the Secretaries in order to delegate some of the responsibilities in Title VIII. This is important to note because it illustrates how the Regional Advisory Councils are the foundation for Federal subsistence management.

Section 805(c) of ANILCA prescribes that the Secretary (as delegated to the Board) “shall consider the report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses.” While it is not specifically clear when the Federal Subsistence Management Program began referring to that as “deference,” a Federal court opinion in *Bobby v. State of Alaska*, 718 F. Supp. 7634 (D. Alaska 1989) referred to the 805(c) language as “deference.” *Id. at n.9*. For this program, that means that the Board will provide deference to Council recommendations on *take*, or harvest. Congress, however, did place limits on that deference. It added, “The Secretary may choose not to follow any recommendation which he determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.” Over time, this directive has led to the Federal Subsistence Board adopting approximately 90% of Regional Advisory Council recommendations. At its recent wildlife regulatory meeting, the Board adopted recommendations made by Regional Advisory Councils in 46 of the 52 proposals where it took action.

As the Council notes, the issue of deference was addressed in the review initiated by Secretary Ken Salazar. In a letter to Chairman Tim Towarak of the Federal Subsistence Board dated December 17, 2010 (enclosed), the Secretary directed the Board to: “As a matter of policy, expand deference to appropriate Regional Advisory Council (RAC) recommendations in addition to the ‘takings’ decisions of the Board provided for under Section 805(c) of ANILCA, subject to the three exceptions found in that Section[.]” In a status update provided to the Secretary dated April 27, 2012 (enclosed), the Board indicated it had addressed that issue by “expand[ing] deference to include customary and traditional use determinations.”

During the recent review of the rural determination process that ultimately led to the adoption of the Board’s Policy on Nonrural Determinations, the Councils repeatedly indicated it was their desire for the Board to give the Councils deference on proposals related to nonrural determinations. And while the Board did give that request serious consideration, it ultimately could not provide such deference because determining whether a community is nonrural is not closely enough connected to what Congress authorized, which was deference on recommendations related to the “taking of fish and wildlife.” In the end, as stated in the Policy on Nonrural Determinations (enclosed), the Board determined that it would “rely heavily on the recommendations from the affected Regional Advisory Councils” and added that “Council input will be critical in addressing regional differences in the nonrural determination process.” The Policy further provides, “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.”

### **3. Understanding Customary and Traditional Hunting Practices, Community Harvests and potential effects of a registration permit requirement**

*The Council relayed concerns from communities in the North Slope Region about the enactment and effectiveness of the State’s registration permit hunt for caribou and the Federal proposal to also require a registration permit for hunting caribou in Units 22, 23, and 26A. Overall, the Council supports the efforts to gather harvest data to help inform management of caribou herds that are central to the subsistence way of life for residents of the region. The Council had a*

*majority vote at the fall 2017 meeting to support the Federal subsistence proposal to require a registration permit for the hunting of caribou and hopes the information will assist in more precise knowledge of community harvest needs, subsistence harvest levels from year to year, and the effectiveness of conservation efforts to help caribou rebound in this time of dramatic decline. However, Council members also expressed concern about how the registration permit process would be implemented and how much outreach and support rural communities would receive in working with this new process so that it will be easy to obtain permits and avoid citations for people who are unaware of the new regulations. Council members have heard feedback from communities concerned about the permit because it may hinder customary and traditional hunting practices and feel that such management decisions should be made with full consideration of traditional knowledge. Specifically, the Council heard from communities where a small number of hunters provide for a large part of the community and help take care of the elders, widows, single mothers and share with many others that are not able to hunt themselves.*

*The Council stressed that in some communities where a few “Super Households” or “Super Hunters” provide for many others in the community through sharing and trading of subsistence foods and is concerned that this sharing practice could potentially be hampered by a registration permit requirement. Others expressed great concern that a registration permit would impair the ability of youth to learn hunting skills and the traditions of being a provider for the family at a young age since it was not clear what the permit requirements were when the hunter is a child. The Council requests information and outreach to communities to convey the new registration permit process and the options available within the system to continue to support these traditional hunting and sharing practices.*

*While many communities have already been working in support of the new State regulations, those that hunt primarily on Federal public lands would like the Federal Subsistence Management Program to work with them to ensure that traditional subsistence hunting practices are understood and supported. The traditional way is conservation, understanding the animals and knowing when to hunt, taking only what is needed, and sharing with others. The Inupiat Community of the Arctic Slope and the North Slope Borough Wildlife Department have been working on subsistence monitoring in the communities over the years and are interested in taking part in harvest monitoring of caribou in order to keep the efforts more local, and operated by those who are more familiar with the communities and traditional ways of hunting.*

*In addition to outreach and hearing from communities directly, the Council would like to refer the Board to the work of Jim Magdanz, ADF&G Subsistence Resource Specialist and University of Alaska Fairbanks Ph.D. candidate, and the work he presented on subsistence sharing networks at the March 2016 Council meeting and also reported to the Western Arctic Caribou Herd Working Group. A recently-published report on this sharing network research reveals that in Wainwright 30% of households were responsible for 76% of the total flow of subsistence food and this ratio was 30%:81% in Kaktovik. (June 26, 2016 - OCS Study BOEM 2015-023. Subsistence Sharing Networks and Cooperation: Kaktovik, Wainwright, and Venetie, Alaska by Gary Kofinas, Shauna B. BurnSilver, James Magdanz, Rhian Stotts, & Marcy Okada).*

*The Council has been proactively involved in conservation efforts to help the caribou herds rebound and supports measures that will assist with management to sustain these important*

*subsistence resources for future generations. However, the Council feels very strongly that the Federal Subsistence Management Program needs to make a concerted effort to understand local community based subsistence hunting and sharing networks and ensure these traditions that support the health, wellbeing, and social fabric of the community are not inadvertently undermined by regulations. These traditional sharing networks and community ties are just as essential to food security and resilience of the community as is access to healthy subsistence foods. The Council would like the Federal Subsistence Board to consider these customs and traditions when making regulations.*

**Response:**

The Board appreciates your concern regarding the implementation of a registration permit for caribou in light of customary and traditional hunting practices. We acknowledge that “super hunters” are often critical in meeting the subsistence needs of Alaska’s rural communities and that sharing networks provide the framework for subsistence economies. The implementation of a registration permit for caribou hunting is meant to facilitate improvements in conservation and management of the resource and is not meant to be overly burdensome on rural peoples. We do not believe that these measures restrict the ability of communities to engage in traditional subsistence activities except to the extent that permits and reporting are required. We acknowledge though that this too can present significant challenges to rural residents.

To effectively manage caribou populations in Alaska it is extremely important to document harvest over time. Knowing this can help managers understand the trajectory of the herd and the impact that human harvest has on this trajectory. It can also assist managers in understanding patterns of harvest and how communities respond to changes in resource availability. Knowledge of these factors can facilitate implementation of effective and timely management decisions to protect both the caribou and the people that depend on them. The Federal Subsistence Management Program and the Alaska Department of Fish and Game (ADF&G) provide several mechanisms that provide for super hunters and sharing networks regardless of registration permit requirements. Under the Federal Program, the Board may implement a community harvest system which allows a hunt to occur consistent with community’s customary and traditional practices. This partially addresses the concerns by Council member Robert Shears. Under this system, any animal taken by a member of that community with an established community harvest limit counts toward the communities harvest limit for that species. If you take fish and wildlife under a community harvest system, you must report the harvest, including validating harvest tickets, tags, permits and other required documents, in accordance with the regulations specified for that community.

In the Federal program, a Federal Designated Harvester Permit allows individuals to hunt for others. Both parties must be Federally qualified subsistence users. There is no limit on the number of people that a designated hunter can hunt for but they may not have more than two harvest limits in their possession at any one time. Designated hunters must have their permit, signed permits from the Federally qualified subsistence users that they are hunting for, and a copy of the Alaska hunting licenses for all parties. Designated hunters may not charge the recipient for their services nor claim the meat or any part of the harvested wildlife for themselves.

ADF&G has a similar program with additional limitations. The State allows an Alaska resident to serve as a “proxy hunter” for another Alaska resident for the purpose of hunting moose, caribou, or deer for them if they are blind, 70-percent physically disabled, 65 years of age or older, or are developmentally disabled. Under this system, a person may not be a proxy for more than one beneficiary at a time. The State also requires antler destruction to eliminate the trophy value of the harvest. Importantly, all resident hunters 60 years or older can obtain a free permanent identification card to replace annual licenses.

The aforementioned permit systems are not the only options available to communities. In May of 1992 the Board affirmed that the use of alternative permitting systems would be used to the extent possible to address the issue of sharing or community harvests and that specific conditions for the use of a particular harvest reporting system may be applied on a case-by-case basis. It is the intent of the Federal Subsistence Management Program to cause the least adverse impact possible on rural residents that depend on subsistence resources, consistent with the sound management and conservation of healthy populations of fish and wildlife.

The Board recognizes that the implementation of a registration permit requirement is challenging and will require extensive education and outreach. Our State partners have repeatedly assured the public and our Subsistence Regional Advisory Councils that they will take all necessary steps to ensure that these activities occur and that they will be flexible in the implementation of the new requirements. They have also indicated that law enforcement activities regarding this requirement will be initially lenient. Furthermore, ADF&G is taking steps to ensure that the registration permits are widely available in rural communities.

Lastly, we have directed the Office of Subsistence Management to remain engaged with the community of Wainwright, the Inupiat Community of the Arctic Slope, and the North Slope Borough Wildlife Department with the goal of identifying opportunities for education, outreach, research, and general collaboration. We invite your Council and community members to remain actively engaged in the regulatory process and to continue to submit regulatory proposals that help to effectively manage and conserve subsistence resources while providing the least possible burden for Federally qualified subsistence users. We also hope that you will continue to share feedback with the Board regarding both the challenges and successes that you experience over time, including as they relate to new permit requirements.

#### **4. Anaktuvuk Pass Caribou research, preventing deflection of caribou and user conflicts**

*This is a follow up on this issue as stated in the Council’s FY2016 Annual Report. The Council supports the community of Anaktuvuk Pass and desires to find a way to help address the hardship the community continues to face due to the caribou herds not migrating through as they have historically. Caribou are a central subsistence resource for the community, as the people there have little access to coastal resources to the north and the moose and abundant fish resources found to the south. The Council requests research and support for Anaktuvuk Pass to identify why caribou are not migrating through the area. Additionally, the Council would like to see consistent documentation of the level of harvest by the Anaktuvuk Pass community. While ADF&G in the past has conducted community harvest surveys in Anaktuvuk Pass, it has been*



*quite some time since the last survey and they are not conducted with any regularity. Finally, the Council would like to see recognition, through studies, reports, or surveys, of the critical importance of caribou to the community, since the Council requests assistance to explore options and identify avenues that can help support the community of Anaktuvuk Pass in these matters.*

**Response:**

The Board recognizes the importance of caribou to Anaktuvuk Pass. In the past, inland communities moved in response to the timing and migration of the caribou. The pressures and constraints to abandon a nomadic lifestyle have made it more difficult for hunters in Anaktuvuk Pass to meet their subsistence needs. Caribou abundance naturally fluctuates over decades, which results in proportional constrictions and expansion of migratory pathways that may shift caribou nearer or further away from communities. Caribou migration patterns may shift in response to a number of variables, including changes in caribou population abundance, human disturbance particularly during migration, long-term effects of habitat fragmentation, climate change, and reduction in lichen availability particularly during winter due to over grazing, fires, icing events, habitat loss, and industrial development. Although Fullman et al. (2017) did not detect long-term changes in migration patterns due to aircraft landings along the Noatak River, they noted that there were limitations to the study and that there could be short-term effects. In addition, conditions observed on the Noatak may not be representative of those encountered by Anaktuvuk Pass residents.

The residents of Anaktuvuk Pass harvest caribou mainly from the Western Arctic Caribou Herd (WACH) and the Teshekpuk Caribou Herd (TCH). Management and research of these two herds in the vicinity of Anaktuvuk Pass is the primary responsibility of the Alaska Department of Fish and Game (ADF&G) and Federal land management agencies. In addition, the Department of Wildlife Management (DWM) in Utqiagvik has conducted many studies on caribou in the North Slope. The Board contacted all of these entities, and although currently there are no direct studies addressing the shift in caribou migration patterns around Anaktuvuk Pass, these entities are aware of the situation faced by Anaktuvuk Pass. These two caribou populations have been and continue to be extensively studied, including collaring caribou to document movements and habitat use.

Documentation of the level of harvest through community surveys in Anaktuvuk Pass has been done primarily by ADF&G and the DWM. The last harvest survey conducted by ADF&G was in 2014 (Brown et al. 2016) and there are no plans to conduct a survey in 2018. Caribou contributed a much higher percentage of the total harvest in Anaktuvuk Pass (88%) compared to other North Slope villages (Nuiqsut-29%, Utquagvik-31%, Point Hope-6%). Harvest surveys are conducted by ADF&G as frequently as possible, depending on funding and staffing. The Board suggests contacting DWM directly to get updates on harvest surveys being conducted by the North Slope in Anaktuvuk Pass.

While budget constraints currently prevent the creation of a wildlife-oriented monitoring program, the Board will continue to encourage our member agencies, the State of Alaska, academic institutions, and private organizations to undertake caribou research in the Arctic that would enhance our understanding of populations, migration patterns, and disturbance behavior.

We hope that this research will be expanded in the future to begin addressing the complex caribou migration patterns in northern and western Alaska.<sup>1</sup>

## **5. Documentation and recognition of the shifts that occur within subsistence resources**

*The Council requests study and research into the shifts that occur within subsistence resources as a result of population declines and shifting harvest patterns. When one key resource is not available or is diminished in population, then other resources become more important, such as increased harvest of certain fish or a shift to sheep harvest when the caribou are not present. The Council stresses the importance of managing subsistence resources so that a full range of resources are healthy and available when needed. This is critical to food security.*

*An example of this concept can be found in subsistence Dall sheep hunting in some communities such as Point Hope, Anaktuvuk Pass, Kaktovik, and Arctic Village. There have been recent declines in the caribou herd populations or caribou not following their historical migration patterns that would bring them close to the community. As such, access to Dall sheep has become more important than ever to get fresh meat and ensure a diversity of vital subsistence foods. However, recent declines in the sheep population, resulting closures to subsistence hunting in some regions, or the threat of subsistence protections being removed, such as recent efforts to lift the Dall Sheep closure in the Arctic Village Sheep Management Area, are impacting many communities. Loss of caribou shifts harvest pressure to Dall sheep, which are increasingly becoming unavailable and incapable of providing the needed replacement as a subsistence resource.*

*The Council also wants to highlight the importance of subsistence fisheries in specific areas for North Slope communities such as Dolly Varden in the Hula Hula River, Broad Whitefish and Grayling in the Colville River, Broad Whitefish in the Ikpikpuk River, the qaaktaq (Cisco) and the unique smelt fishery in the Kuk River delta near Wainwright. It is critical that these rivers and fish habitat be protected to maintain these vital fisheries as a healthy subsistence resource to sustain communities across the North Slope region. Increased reliance upon such fisheries resources may become increasingly significant if wildlife food sources continue to decrease in abundance.*

*Again, the Council would like the support of the Federal Subsistence Management program in recognizing the vital importance of all subsistence resources and help ensuring that these resources are managed so they are available to provide for subsistence needs now and into the future. Having the flexibility to shift harvests as changes occur is critical to food security for all communities in the region.*

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<sup>1</sup> Literature cited: Brown, C.L., N.M. Braem, M.L. Kostick, A. Trainor, L.J. Slayton, D.M. Runfola, E.H. Mikow, H. Ikuta, C.R. McDevitt, J. Park, and J.J. Simon. 2016. Harvests and uses of wild resources in 4 Interior Alaska communities and 3 Arctic Alaska communities. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 426, Fairbanks.

Fullman, T.J., K. Joly, A. Ackerman. 2017. Effects of environmental features and sport hunting on caribou migration in northwestern Alaska. *Movement Ecology*. 5:4 DOI 10.1186/s40462-017-0095-z. 11 pp.

**Response:**

The persistence of many species in the near future will be determined by the ability of species to adapt to shifting environmental conditions associated with climate change. For example it is expected that increased summer insect harassment, increased icing events in winter, changing spring phenology, changing plant composition from tundra to shrub communities, increased wild fires on winter ranges, and changes in the distribution and migratory patterns of caribou could have both positive and negative effects on caribou populations (LeBlond et al. 2016, Mallory and Boyce 2018). The future status of caribou and other important subsistence species is likely to have socioeconomic consequences with respect to the ability of communities to harvest fish and wildlife critical for local food security.

To the extent possible, the Board encourages Federal and State agencies, academic institutions, Native corporations, local governments, non-profit organizations, and private groups to provide funding and conduct studies on the potential effects of changes to important subsistence resources and their impact on local communities. At the same time the Board also encourages local users and communities to document changes that are occurring at the local level as part of this ongoing effort to understand the consequences and develop alternatives for sustainability in a changing environment.

In response to the increased importance of fisheries with the potential decline on the reliance of wildlife as the primary subsistence resource, the Board supports the protection of the fish habitat to maintain the vital fisheries on the North Slope. Understanding the potential impact of increased harvest on the fisheries subsistence resource on the North Slope could help establish what level these resources could provide for subsistence needs into the future.

The Board encourages the Council to work with anthropology and fisheries staff to develop research priorities for the 2020 Fisheries Resource Monitoring Plan. Another possibility would be to encourage a local rural non-profit organizations to apply for funding under the OSM's Partners for Fisheries Monitoring Program during the Summer/Fall of 2018. The Partner's program typically provides a full time salary for a lead biologist or anthropologist allowing rural nonprofits to participate in the Federal subsistence research and monitoring projects. For details on the Partners for Fisheries Monitoring Program contact Karen Hyer at Karen\_hyer@fws.gov or 907-786-3689.<sup>2</sup>

**6. Umiat military waste site contaminants affecting subsistence fish in the Colville River**

*The public and Inupiat Community of the Arctic Slope representatives have expressed ongoing concerns regarding the old military dump at Umiat on the Colville River. Contaminants have been leaking into the river for years and now bank erosion has caused the dump site to slump*

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<sup>2</sup> Literature cited: LeBlond, M., M. St-Laurent, and S.D. Côte. 2016. Caribou, water, and ice-fine scale movements of a migratory arctic ungulate in the context of climate change. *Movement Ecology* 4:1-12.

Mallory, C.D. and M.S. Boyce. 2018. Observed and predicted effects of climate change on Arctic caribou and reindeer. *Environmental Review*. 26:13-25. dx.doi.org/10.1139/er-2017-0032.

*directly into the river, including DEW Line transformers containing polychlorinated biphenyl (PCB). Both the Alaska Department of Environmental Conservation and the U.S. Army Corps of Engineers have documented the river pollution at the old Umiat U.S. Air Force site for many years and have also reported finding contaminants, including PCB, in Burbot and Broad Whitefish in the Colville River. Subsistence fisheries in the Colville River are critical to the community of Nuiqsut and are also traded with other subsistence communities throughout the region.*

*Communities are very concerned about PCB and other contaminants in their important subsistence foods such as Broad Whitefish, Cisco, Grayling, Burbot and other fish eaten in large quantity. Clean up and prevention of further pollution as the dump erodes into the river has been inadequate. A Federal nexus exists since the pollution originates from the U.S. military activities at this site, and this activity impacts Federal subsistence resources – creating both a public health and a food security concern. The Council seeks support from the Federal Subsistence Management Program to help address the ongoing impacts to critical subsistence fish and wildlife resources caused by this pollution.*

*There are additional military waste sites of concern in the North Slope Region, such as Project Chariot at Cape Thompson, an important subsistence area for the community of Point Hope; another dump site at Chandler Lake, important to subsistence fishing and caribou hunting for the community of Anaktuvuk Pass; and an old DEW line site near Kaktovik that is slumping into the ocean and leaking PCB's. Overall the Council would like the Board to be aware of these impacts to people and subsistence resources and seeks information on avenues to address Federal agency responsibility with needed clean-up at military waste sites.*

**Response:**

The Board very much appreciates that your Council has brought your concern regarding human health risks posed by the Umiat Landfill to our attention. We are committed to identifying the means by which the Federal Subsistence Management Program (FSMP) can identify and mitigate concerns regarding conservation of subsistence resources and the continuation of subsistence uses. While some topics fall outside of the purview of the Board, we frequently share concerns with other State and Federal partners to help address the issues that our stakeholders face. We also invite you to write letters directly to other State and Federal agencies, when appropriate, to directly address such topics.

If you are not already aware, the Board would like to direct your attention to a recent publication of the U.S. Army Corps of Engineers (USACE) - Alaska District titled "Proposed Plan, Umiat Landfill - Formerly Used Defense Site." It was published in February of 2018 and includes a history of the site and the contaminants sampling that has been conducted over time. Several toxic and carcinogenic chemicals were identified in the area pose a health risk to humans. Possible exposure routes include "incidental soil or sediment ingestion, inhalation of particulates, drinking groundwater or surface water, ingestion of fish, and dermal contact with surface water or sediment."

In a 2003 study the U.S. Army Center for Health Promotion and Preventative Medicine (CHPPM) consolidated information from previous reports on the presence of polychlorinated biphenyls (PCBs) in fish tissue and other media of the Colville River Seasonal Slough at the Umiat Landfill. They determined that burbot in the slough exceeded the U.S. Food and Drug Administration action level but that the grayling and Broad whitefish did not. They also determined however that the burbot did not pose a health risk because “the slough supports a very limited fishery, and generally would not allow individuals to consume a sufficient diet of contaminated fish to pose a health concern.” Again, the paper cites other concerning means of human exposure to contaminants at the site and suggests that seasonal flooding events and erosion periodically expose waste that can pose greater concern for human health.

USACE has identified a preliminary remediation action plan that includes the onsite disposal of inert debris within a more safely located monofill and the off-site disposal of hazardous materials and contaminated soil/sediment. Public hearings on the plan were held in Nuiqsut on March 7, 2018 and in Utqiagvik on March 8, 2018. The public comment period was February 12 through March 23, 2018. The Board intends to monitor the progress and outcomes of these meetings and the remediation efforts.

While the Fisheries Resource Monitoring Program (FRMP) does not fund studies of contaminants or habitats, there may be opportunities for applicants to partner with other entities that study these topics. The Board has asked the Office of Subsistence Management (OSM) to remain cognizant of opportunities for collaboration that support such efforts and to encourage FRMP applicants and awardees to consider potential partnerships that address these concerns.

OSM has reached out the Alaska Native Tribal Health Consortium (ANTHC) to initiate dialogue on collaborative opportunities to identify, assess and track contaminants related issues. Some of the regional councils have received presentations on ANTHC’s Local Environmental Observer (LEO) program which seeks to increase understanding about environmental change so that communities can adapt in healthy ways. LEO allows local people to submit and share observations of unusual and significant environmental phenomena and this may be one tool in documenting subsistence related concerns regarding contaminants and habitat.

In short, the Board commits to monitoring the issue of Umiat Landfill contamination and remediation closely, facilitated through your Council Coordinator like many issues that staff monitor outside of the Federal Subsistence Management Program that may have impact on subsistence issues. We look forward to working with you and others to identify collaborative opportunities to assist in the matter.

## **7. Loss of sea ice in the Beaufort and Chukchi Sea and impacts to subsistence**

*Communities across the region have reported declining sea ice in the Beaufort and Chukchi Seas. Lack of solid shore fast and multi-year ice is impacting marine mammals and subsistence activities that depend on this ice. The Council provided details in its previous annual report about these observations of environmental change and the negative effects that they are having on safe subsistence travel and access to essential subsistence foods, as well as the potential impacts to subsistence resources due to increased shipping activity in the Beaufort and Chukchi Seas as ice cover declines. The Council is aware that these marine resources are outside of the*

*Federal Subsistence Board jurisdiction; however, it is important to remain aware of these impacts as noted earlier in this report and stay engaged in this issue because subsistence is not isolated by jurisdiction and shifts in harvest of subsistence resources under the purview of the Board will likely increase and should be planned for accordingly.*

**Response:**

The Federal Subsistence Board recognizes the importance of the Chukchi and Beaufort Sea to subsistence communities in the North Slope region and the possible impact that loss of sea ice and increased ship traffic could have on subsistence resources. The Chukchi and Beaufort Sea is a productive ocean ecosystem that provides habitat for a multitude of important fish and wildlife species and sea ice central to subsistence hunting and fishing. The Board understands that loss of sea ice may impact the health of marine mammals and also pose danger or difficulty for conducting traditional subsistence activities safely. A surge in shipping traffic may increase the possibility of a vessel incident that could be harmful to those resources. As stated by the Council, the Federal Subsistence Board has limited jurisdiction or authority over Federal undertakings that occur outside of the Federal Subsistence Management Program. However, if there is a specific concern from the Council, the Board will consider the concern and if appropriate support the Council in conveying that concern to the appropriate Federal or State management agency. The Board does seek to remain informed about anticipated shifts or changes in harvest of subsistence resources that are under the purview of the Federal Subsistence Management Program and would want to hear from the Council if impacts to the marine environment create greater need for subsistence resources on Federal lands.

There are numerous efforts underway to track changes to seas ice in the region, monitor impacts to subsistence resources develop community based mitigation plans and work proactively manage for increased shipping traffic in Arctic waters to prevent or respond marine accidents. The Federal Subsistence Management Program is supportive of providing the Council with more information and helping to connect to resources to address concerns about changes to the marine environment. Some programs and initiatives underway that may be of interest to the Council are:

- The U.S. Coast Guard of Alaska has been involved in planning and outreach to communities in the region to address the potential for marine accidents and oil spills. Recently in the summer of 2017 the Coast Guard visited the North Slope Communities of Point Hope, Point Lay, Wainwright, and Utqiagvik to meet and learn from local people and address local strategies for addressing oil spill response. A three day oil spill response seminar and workshop was also held in Utqiagvik last summer. Recognizing the growing threat of oil spills in the Arctic, the U.S. Coast Guard and National Oceanic and Atmospheric Administration (NOAA) have begun conducting month-long scientific expeditions each fall. One of the goals of the expeditions is to demonstrate and evaluate tools, technologies, and techniques for dealing with Arctic oil spills. The expeditions also feature a simulated oil spill to give crews practice in cleanup procedures. More information can be provided to the Council at your next meeting if interested or found online at: <https://toolkit.climate.gov/case-studies/preparing-respond-oil-spills-arctic>.

- The Arctic Waterways Safety Committee, formed in 2015 which has broad representation from subsistence groups in the region including the Alaska Beluga Whale Committee, Alaska Eskimo Whaling Commission, Eskimo Walrus Commission, and ice seal committee as well as tribal representation and engagement from the North Slope Borough. The purpose of the Arctic Waterways Safety Committee is to bring together local marine interests in the Alaskan Arctic in a single forum, and to act collectively on behalf of those interests to develop best practices to ensure a safe, efficient, and predictable operating environment for all current and future users of the waterways. More information can be provided to the Council at your next meeting if interested or found online at: <http://www.arcticwaterways.org>.
- Seasonal Ice Zone Observing Network which is led Hajo Eicken by at the Geophysical Institute - University of Alaska Fairbanks Mr. Eicken's team has collaborated with Indigenous experts from Alaskan coastal communities, who have kept logs of ice conditions and ice use in their area. Such observations, along with geophysical measurements and modeling studies, can improve predictions of ice conditions, and in doing so, let different ice users understand and respond to a rapidly changing Arctic. More information can be provided to the Council at your next meeting if interested or found online at: <https://eloka-arctic.org/projects/sizonet.html>.
- Kawerak, Inc. was awarded funds from The Oak Foundation and The Pew Charitable Trusts to address potential impacts related to increased Arctic marine shipping on subsistence resources and the environment within the region. Kawerak's Marine Program was established to advocate for local priorities and propose actions to minimize negative impacts to subsistence from increased shipping in the Bering and Chukchi Seas. More information can be provided to the Council at your next meeting if interested or found online at: <http://kawerak.org/natural-resources/marine-program>.
- The Alaska Native Tribal Health Consortium (ANTHC) also has several programs addressing impacts of climate change, food security and community health. One program, the Local Environmental Observation (LEO) Network which is based on local environmental observers and topic experts who apply traditional knowledge, western science and technology to document significant, unusual or unprecedented environmental events in communities throughout Alaska. The purpose of the LEO Network is to increase understanding about environmental change so communities can adapt in healthy ways. Additional information can be found at: <https://anthc.org/what-we-do/community-environment-and-health/leo-network>. Representatives of the LEO program were invited to engage with the Council and public participating in the workshops at the "All Council Meeting" in 2016 when all 10 Regional Advisory Councils gathered in Anchorage. Alaska Native Tribal Health Consortium staff has extended the offer and interest to participate in regional RAC meetings if the Council is interested to pursue further information regarding their subsistence, environmental, and community health based programs.

In closing, I want to thank you and your Council for their continued involvement and diligence in matters regarding the Federal Subsistence Management Program. I speak for the entire Board

in expressing our appreciation for your efforts and our confidence that the subsistence users of the North Slope Region are well represented through your work.

Sincerely,

Anthony Christianson  
Chair

Enclosures

cc: Federal Subsistence Board  
North Slope Subsistence Regional Advisory Council  
Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management  
Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management  
Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management  
Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management  
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish & Game  
Interagency Staff Committee  
Administrative Record





THE SECRETARY OF THE INTERIOR  
WASHINGTON

DEC 17 2010

Mr. Tim Towarak  
Chair, Federal Subsistence Board  
P. O. Box 89  
Unalakleet, Alaska 99684

Dear Mr. Towarak:

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

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

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

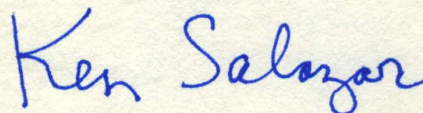
1. Develop a proposed regulation to increase the membership on the FSB to include two additional public members representing subsistence users;
2. As a matter of policy, expand deference to appropriate Regional Advisory Council (RAC) recommendations in addition to the "takings" decisions of the Board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

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

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

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

Sincerely,



Ken Salazar

Enclosure



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

[www.doi.gov](http://www.doi.gov)

## News Release

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

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

08/31/2010

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

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

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

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

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

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

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

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

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

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

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

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

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

###



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

FWS/OSM12029.PP

**Federal Subsistence Board**

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

**APR 27 2012**



U.S. FOREST SERVICE

The Honorable Ken Salazar  
Secretary of the Interior  
U.S. Department of the Interior  
Office of the Secretary  
Washington, DC 20240

Subject: Status report on the Secretarial Review of the Federal Subsistence Management Program

Dear Secretary Salazar:

In December 2010, the Federal Subsistence Board received a letter from you containing a number of proposed actions based on your review of the Federal Subsistence Management program. I'm happy to report that the Federal Subsistence Board (Board) has made good progress on those actions. The purpose of this letter is to provide you with a status report for your reference as requested in your letter.

**Background**

In 1992, the Federal government took over the management of subsistence wildlife uses on federal lands when the State of Alaska (State) did not meet the requirements of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) for the granting of a preference to rural residents. After a court judgment in 1998, the Federal government extended their authority to subsistence fishery management on certain navigable waters.

After nearly two decades, action by the State to regain management is not being pursued, and it is assumed that Federal subsistence management will continue in the foreseeable future. In October of 2009, you initiated a review of this program to determine if the program established in 1992 is still meeting the letter and spirit of Title VIII of ANILCA and serving rural Alaskan residents.

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On August 31, 2010, findings of this review were presented, and specific actions were identified to address concerns raised during the review.

All of the actions identified can be implemented by the Secretary of the Interior or by the Secretary jointly with the Secretary of Agriculture, or by the Federal Subsistence Board. Most can be accomplished as a matter of Secretarial directive or policy. However, some would be regulatory changes requiring a formal rule-making process. A summary of the specific actions, their status, and estimated costs are described below.

### **Federal Subsistence Board**

*The Federal Subsistence Board prioritized the specific actions and began working on a subset in December 2010. Work is proceeding as follows:*

1. Develop a proposed regulation to increase the membership on the Federal Subsistence Board to include two additional public members representing rural Alaska subsistence users.
  - **Status:** Final rule has been published, candidates interviewed, and final selections were made, appointing Charles Brower from Point Barrow and Anthony Christianson from Hydaburg to the Federal Subsistence Board.
  - **Cost:** \$100,000 to cover travel and staff support (salary costs for the two new members and the Federal Board Chair are the responsibility of the Office of the Secretary of the Interior).
2. As a matter of policy, expand deference to appropriate Regional Advisory Council recommendations in addition to the "takings" decisions of the Board provided for under Section 805(c) of ANILCA, subject to the three exceptions found in that Section.
  - **Status:** Federal Board has addressed and has expanded deference to include customary and traditional use determinations.
  - **Cost:** Agency reprioritization
3. Review, with Regional Advisory Council input, the December 2008 Memorandum of Understanding (MOU) with the State to determine either the need for the MOU or the need for potential changes to clarify federal authorities in regard to the subsistence program.
  - **Status:** MOU provided to all ten Regional Advisory Councils for comment during winter 2011 meeting cycle; comments were summarized for Board; a workgroup made up of representatives from the state and federal agencies was formed to work on revisions to the MOU; Board will review with the State and finalize the revised MOU in January 2013.
  - **Cost:** Unknown; depends on whether or not there is a change in approach
4. Review, with Regional Advisory Council input, the customary and traditional use determination process and present recommendations for regulatory changes.
  - **Status:** Completed. All ten Regional Advisory Councils were asked for their perspectives on the existing process during the Winter 2011 meeting cycle; the Board noted that nine of the Regional Advisory Councils approved of the existing process and

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said that proposals could be submitted for changes, should they be desired. The Southeast Alaska Subsistence Regional Advisory Council formed a workgroup to take a closer look at the process. The workgroup has requested additional information on customary and traditional use determinations and if needed will submit proposals for changes. At this time the Federal Board will maintain the current process.

- **Cost:** No additional costs are anticipated.
5. Review, with Regional Advisory Council input, the rural/nonrural determination process and present recommendations for regulatory changes.
    - **Status:** During their January 2012 meeting and consistent with the Secretaries' direction, the Board initiated the review of the rural determination process and the rural determination findings through direction to publish a proposed rule. Also at this meeting, the Board voted to publish a rule to extend the compliance date of the Board's previous decision to revise the areas or communities from rural to non-rural status as they were published in the Federal Register on May 7, 2007. The final rule was published on March 1, 2012.
    - **Cost:** Unknown; depends on whether or not there is a change in approach
  6. Review the Board's written policy on executive sessions and minimize the use of executive sessions to those cases specifically prescribed.
    - **Status:** Completed. (Executive session policy revised and approved in May 2011, changes better describe when executive sessions will be used and how the public will be informed about the purpose of the executive session)
    - **Cost:** Agency reprioritization
  7. At the request of the Director of the Fish and Wildlife Service, and under Departmental procedures, review and submit recommendations for Departmental consideration of the annual budget for the core Federal subsistence program. In developing the annual budget, the Secretary asked that the Board consider a number of actions that could improve the responsiveness and effectiveness of the Program. It should be noted that implementation of these actions will result in additional costs to all agencies, and the projected costs outlined below reflect only the Office of Subsistence Management core functions.
    - a. Hold Federal Board meetings in rural areas
      - **Status:** As funding permits, issue driven. Recently, the Federal Subsistence Board met jointly with the Southeast Alaska Subsistence Regional Advisory Council on March 21-23, 2012, to review a petition, submitted by Kootznoowoo, Inc., to exert extraterritorial jurisdiction to non-Federal marine waters adjacent to Admiralty Island. This meeting marks several firsts for the Board: It was the first time the Board has met jointly with a subsistence regional advisory council, and the first time the Board has met outside Anchorage.
      - **Cost:** \$100K; will require additional funding to implement
    - b. Increase Training and support to Regional Advisory Councils
      - **Status:** Pending additional funding
      - **Cost:** \$100K; will require additional funding to implement

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- c. Implement Wildlife Monitoring Studies
  - **Status:** Pending additional funding
  - **Cost:** \$2 million; will require additional funding to implement
- d. Increase Tribal Consultation
  - **Status:** In progress (met with tribes in January 2011 to get input; draft policy under development; goal is to finalize by summer 2012)
  - **Cost:** \$300K; will require additional funding to fully implement
- e. Increase capacity within Office of Subsistence Management for research and implementation
  - **Status:** Pending additional funding
  - **Cost:** \$200K; will require additional funding to fully implement
- f. Reinstate the annual regulatory cycle
  - **Status:** Not a high priority, The Board believes the biannual cycle in conjunction with special action regulations is responsive to subsistence users and believes this is not a high priority item at this time.
  - **Cost:** Will require at least \$800K to implement

*The Federal Subsistence Board has not yet begun work on the following actions:*

8. Review, with Regional Advisory Council input, and present recommendations for changes to Federal subsistence procedural and structural regulations (Parts A&B of the CFRs) adopted from the State in order to ensure Federal authorities are fully reflected and in accordance with subsistence priorities provided for in Title VIII.
9. Ensure the Secretaries are informed when non-Department rule-making entities develop regulations that may adversely affect subsistence users.
10. To the extent practicable, utilize contracting and use of ANILCA Section 809 cooperative agreements with local tribes and other entities in the Board's review and approval of proposals for fulfilling subsistence program elements.

#### **Director of U.S. Fish and Wildlife Service**

1. In coordination with the Assistant Secretary for Policy, Management, and Budget (AS-PMB), modify the budget to include a line item for the Alaska subsistence program.
  - **Status:** In progress
  - **Cost:** None
2. In the annual budget formulation process, seek input from the Federal Subsistence Board and other stakeholders on budgetary requirements and priorities for the subsistence program.



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- **Status:** The Federal Subsistence Board held a retreat in March 2012 to discuss budget issues and agreed on funding priorities based on the projected budget.
  - **Cost:** Will likely require additional funding
3. Coordinate with AS-PMB in conducting an evaluation, in concert with other involved bureaus, of the subsistence program including the budgetary requirements, organization, and diversity.
    - **Status:** No progress to date
    - **Cost:** Unknown
  4. In conformance with appropriate processes and procedures, encourage the utilization of contracting and ANILCA Section 809 cooperative agreements with local tribes and other entities in fulfilling subsistence program elements.
    - **Status:** Working with Refuges in Region 7 to address. Meetings have occurred with some tribal leaders.
    - **Cost:** Would likely require additional funding to effectively implement
  5. Consult with the Federal Subsistence Board in the hiring and the annual evaluation of the Assistant Regional Director (ARD) of the Office of Subsistence Management.
    - **Status:** The Federal Subsistence Board members were consulted on the ARD's evaluation during the past year and will continue to be consulted as appropriate.
    - **Cost:** None

**Assistant Secretary for Policy, Management, and Budget:** *The progress and associated cost of the following actions is unknown.*

1. In coordination with the Director of the FWS, modify the budget to include a line item for the subsistence program. Evaluate the need to identify subsistence funding in the other bureaus to maintain a crosscut for tracking.
2. In the annual budget formulating instructions and in coordination with the Director of FWS, seek input from the Federal Subsistence Board for the subsistence budget.
3. Lead an evaluation, in concert with the involved bureaus, of the subsistence program including the budgetary requirements, organization, and diversity.

### **Summary - Budget Implications**

The Secretaries' 2010 Report recognizes that the Federal program will be in place for the foreseeable future and as such, it must fulfill the commitments made in ANILCA relative to providing for the rural subsistence priority. In light of the Secretaries' emphasis on the Federal Subsistence Management Program and resultant heightened expectations of rural Alaskans and Alaska Natives, additional funding is needed for the Federal Subsistence Management Program to implement actions called for as a result of the Secretarial review and other mandates. Administrative and regulatory changes are expected to cost approximately \$1,600,000. An

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additional \$2,000,000 would be needed to develop and implement a wildlife monitoring program. The latter is less than an optimal level, recognizing the current budget situation, and does not include contributions from the Department of Agriculture. A brief summary is provided below detailing the cost projections needed for implementing the actions called for as a result of the Secretarial review and other mandates.

Highest Priority:

- Increase the membership on the Federal Subsistence Board to include two additional public members representing rural Alaska subsistence users - \$100K
- Increase Tribal Consultation - \$300K (mandated by Executive Order 13175)
- Increase Training and support for Regional Advisory Councils - \$100K
- Hold Federal Subsistence Board meetings in rural areas - \$100K

Second Highest Priority:

- Wildlife monitoring program - \$2.0 million
- Increase capacity within the Federal Subsistence Program for research and implementation - \$200K

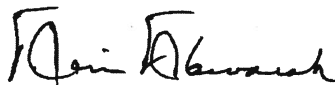
Low Priority:

- Reinstate annual fish and wildlife regulatory cycle - \$800K\*

\* The Federal Board recommends maintaining the every other year cycle.

In closing and on behalf of the Board, I believe the progress which has been made on these actions have already resulted in making a more responsive and effective subsistence program. We will continue to keep you and Secretary Vilsack informed on our future progress as well as pursue further recommendations from constituents to further strengthen this very important program.

Sincerely,



Tim Towarak, Chair  
Federal Subsistence Board

cc: Secretary Vilsack  
Federal Subsistence Board  
Interagency Staff Committee  
Regional Advisory Council Chairs  
Peter J. Probasco, Office of Subsistence Management  
Kim Elton, Senior Advisor for Alaska Affairs  
Pat Pourchot, Special Assistant for Alaska Affairs

## **POLICY ON NONRURAL DETERMINATIONS**

### **FEDERAL SUBSISTENCE BOARD**

Adopted January 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, implementation of ANILCA Section 801 and rural determinations were based on criteria set forth in Subpart B of the Federal subsistence regulations.

In October 2009, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, directed the Board to review the process 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, 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)<sup>1</sup> 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

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<sup>1</sup> 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 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 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 (law, policy, factors, or guidance) for the Board to consider in determining the nonrural status of a community or area;
- A detailed statement of the facts that illustrate that the community or area is nonrural or rural 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 is based upon information not previously considered by the Board;
- The proposal provides substantive rationale and supporting evidence for determining the nonrural status of a community or area that takes into consideration the unique qualities of the region; and
- The proposal provides substantive information that supports the proponent's rationale that a community or area is nonrural.

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 the next proposal cycle, then it must 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 occur 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 is based upon information not previously considered by the Board;
- The proposal demonstrates that the information used and interpreted by the Board in designating the community as nonrural has changed since the original determination was made;
- The proposal provides substantive rationale and supporting evidence for determining the nonrural status of a community or area that takes into consideration the unique qualities of the region; and
- The proposal provides substantive information that supports the provided rationale that a community or area is rural instead of nonrural.

The Board shall determine whether 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 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 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;
- Engage in consultation with affected ANCSA corporations;
- Have the discretion to clarify 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 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

Table 1. General Process Timeline


<p><b>1. January to March (Even Year)</b> – A proposed rule is published in the Federal Register with the call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations.</p>
<p><b>2. April to July (Even Year)</b> – Staff will verify that proposals include the basic requirements and can be legally addressed by the Federal Subsistence Program. If the proposal is incomplete or cannot be addressed by the Federal Subsistence Program, the proponent will be notified in writing. Additionally for verified proposals, tribal consultation and ANCSA corporation consultation opportunities will be provided during this time.</p>
<p><b>3. August to November (Even Year)</b> –Affected Regional Advisory Council(s) reviews the verified proposals and provides a preliminary recommendation for the Board. The Council preliminary recommendation may include: relevant regional characteristics; whether or not the Council supports the proposal; and if, in the Council’s opinion, the proposal meets the threshold requirements with justification. This action shall occur at the affected Council’s fall meeting on the record.</p>
<p><b>4. November to December (Even Year)</b> – The Interagency Staff Committee (ISC) shall provide comments on each verified proposal. Staff shall organize nonrural determination proposal presentations that include the original proposal, the Council preliminary recommendation, tribal and ANCSA consultation comments, and the ISC comments.</p>
<p><b>5. January (Odd Year)</b> – At the Board’s public meeting, Staff will present the proposals, and the Board will determine if the threshold requirements have been met. 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 requirements, the Board will direct staff to prepare a full analysis according to established guidelines and address the proposal in accordance with the process schedule and timeline set forth below.</p>
<p><b>6. February (Odd Year) to July (Even Year) (18 months)</b> – For proposals determined to satisfy the threshold requirements, the Board will conduct public hearings in the communities that may be affected should the proposal be adopted by the Board. During this time period, independent of the fall Council meetings, interested tribes may request formal government-to-government consultation and ANCSA corporations may also request consultation on the nonrural determination proposals.</p>
<p><b>7. August to November (Even Year)</b> –The Council(s) shall provide recommendations at their fall meetings and the ISC shall provide comments on the draft nonrural determination analyses.</p>
<p><b>8. November to December (Even Year)</b> – Staff incorporates Council recommendations and ISC comments into the draft nonrural determination analyses for the Board.</p>
<p><b>9. January (Odd Year)</b> – At the Board’s Fisheries Regulatory meeting, staff present the nonrural determination analyses to the Board. The Board adopts, adopts with modification, or rejects the proposals regarding nonrural determinations.</p>

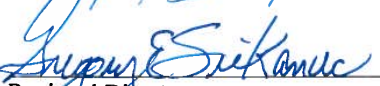
Table 2. General Process Timeline Comparison with other Cycles


Wildlife & FRMP Cycle	Fishery Cycle	Dates	Board or Activity	Proposed Nonrural Determination Cycle			
		Council Cycle			Even Years		
Wildlife & FRMP Review Cycle	Fishery Review Cycle	January	Board FRMP Work Session	1	Nonrural Proposed Rule		
		February March	Fishery Proposed Rule Jan- Mar				
		April July	Board Meeting	2		Proposal verification, Tribal and ANCSA consultation	
		August September October November	Fishery Proposal Review				
		December		3			Proposal Threshold Review by Councils
		January	Board Meeting				
	February March	Wildlife Proposed Rule Jan - Mar	4	Finalize Threshold presentations for the Board			
	April July						
	August September October November	Wildlife Proposal & FRMP Project Review	5		Odd to Even Years (18 months) - Public Hearings, government-government consultation with the tribes, ANCSA Corporation Consultation, and writing of Nonrural Determination Analyses for proposals that meet the threshold requirements as determined by the Board		
	December						
	January	Board FRMP Work Session	6			Even Years Analysis Review	
	February March	Fishery Proposed Rule Jan- Mar					
April July	Board Meeting	7	Finalize Nonrural Determination Analyses				
August September October November	Fishery Proposal Review						
December		8		Odd Years – Final Board Decision			
January	Board Meeting						
Fishery Review Cycle	Fishery Review Cycle	January			Board Meeting	9	Finalize Nonrural Determination Analyses
		February March			Fishery Proposed Rule Jan- Mar		
		April July	Board Meeting				
	August September October November	Fishery Proposal Review	7		Even Years Analysis Review		
	December						
	January	Board Meeting	8	Finalize Nonrural Determination Analyses			
February March	Fishery Proposed Rule Jan- Mar						
April July	Board Meeting	9	Odd Years – Final Board Decision				
August September October November	Fishery Proposal Review						
December		8			Finalize Nonrural Determination Analyses		
January	Board Meeting						

SIGNATORIES

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

  
Chair of the Federal Subsistence Board  
Date: 11-12-17


  
Regional Director  
U.S. Fish and Wildlife Service  
Date: 11/12/17

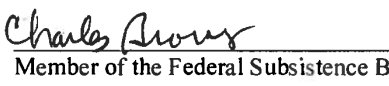
  
Regional Forester  
USDA Forest Service  
Date: 11/12/17

  
Regional Director  
National Park Service  
Date:

  
State Director  
Bureau of Land Management  
Date: 11/12/17

  
Regional Director  
Bureau of Indian Affairs  
Date: 11/12/2017

  
Member of the Federal Subsistence Board  
Date: 01/12/2017

  
Member of the Federal Subsistence Board  
Date: 01/12/17

**Appendix A – Final Rule – Rural Determination Process**

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

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

RIN 1018-BA62

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

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

**ACTION:** Final rule.

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

**DATES:** This rule is effective November 4, 2015.

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

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

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

**SUPPLEMENTARY INFORMATION:****Background**

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

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

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

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

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

**Prior Rulemaking**

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

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

**Secretarial Review**

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

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

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

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

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

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

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

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

between members of the Board and Alaska Native Corporations.

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

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

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

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

#### **Public Review and Comment**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A total of 90 substantive comments were submitted from public meetings, letters, deliberations of the Councils, and those submitted via [www.regulations.gov](http://www.regulations.gov).

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

Major comments from all sources are addressed below:

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

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

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

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

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

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

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

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

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

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

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

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

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



wildlife populations or if there is a closure.

#### Rule Promulgation Process and Related Rulemaking

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

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

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

#### Conformance With Statutory and Regulatory Authorities

##### *Administrative Procedure Act Compliance*

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

##### *National Environmental Policy Act Compliance*

A Draft Environmental Impact Statement that described four

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

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

##### *Section 810 of ANILCA*

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

##### *Paperwork Reduction Act*

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

##### *Regulatory Planning and Review (Executive Orders 12866 and 13563)*

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

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

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

##### *Regulatory Flexibility Act*

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

##### *Small Business Regulatory Enforcement Fairness Act*

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

**Executive Order 12630**

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

**Unfunded Mandates Reform Act**

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

**Executive Order 12988**

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

**Executive Order 13132**

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

**Executive Order 13175**

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

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

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

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

**Executive Order 13211**

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

**Drafting Information**

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

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

**Authority**

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

**List of Subjects****36 CFR Part 242**

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

**50 CFR Part 100**

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

**Regulation Promulgation**

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

**PART —SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA**

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

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

**Subpart B—Program Structure**

- 2. In subpart B of 36 CFR part 242 and 50 CFR part 100, § \_\_\_\_ .15 is revised to read as follows:

**§ \_\_\_\_ .15 Rural determination process.**

(a) The Board determines which areas or communities in Alaska are nonrural. Current determinations are listed at § \_\_\_\_ .23.

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

Dated: Oct. 28, 2015.

**Sally Jewell,**

*Secretary of the Interior.*

Dated: Sept. 30, 2015.

**Beth G. Pendleton,**

*Regional Forester, USDA—Forest Service.*

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

**BILLING CODE 3410–11–4333–15–P**

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

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

**Air Plan Approval and Air Quality Designation; TN; Reasonably Available Control Measures and Redesignation for the TN Portion of the Chattanooga 1997 Annual PM<sub>2.5</sub> Nonattainment Area**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

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

**Appendix B – Direct Final Rule – Nonrural List**

**Need for Correction**

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

**Correction of Publication**

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

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

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

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

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

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

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

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

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

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

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

**Martin V. Franks,**

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

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

BILLING CODE 4830-01-P

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

[Docket No. FWS-R7-SM-2015-0156;  
FXRS12610700000-156-FF07J00000;  
FBMS#4500086366]

RIN 1018-BA82

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

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

**ACTION:** Direct final rule.

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

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

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

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

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

**SUPPLEMENTARY INFORMATION:****Background**

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

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

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

**Related Rulemaking**

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

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

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

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

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

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

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

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

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

**Direct Final Rule**

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

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

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

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

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

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

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

#### **Conformance With Statutory and Regulatory Authorities**

##### *Administrative Procedure Act Compliance*

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

##### *National Environmental Policy Act Compliance*

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

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

#### *Section 810 of ANILCA*

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

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

#### *Paperwork Reduction Act*

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

#### *Regulatory Planning and Review (Executive Orders 12866 and 13563)*

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

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

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

#### *Regulatory Flexibility Act*

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

#### *Small Business Regulatory Enforcement Fairness Act*

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

#### *Executive Order 12630*

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

#### *Unfunded Mandates Reform Act*

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

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

#### *Executive Order 12988*

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

#### *Executive Order 13132*

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

#### *Executive Order 13175*

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

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

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

#### *Executive Order 13211*

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

#### **Drafting Information**

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

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

#### **Authority**

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

#### **List of Subjects**

##### *36 CFR Part 242*

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

##### *50 CFR Part 100*

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

#### **Regulation Promulgation**

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

#### **PART—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA**

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

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

#### **Subpart C—Board Determinations**

- 2. In subpart C of 36 CFR part 242 and 50 CFR part 100, § \_\_.23 is revised to read as follows:

##### **§ \_\_.23 Rural determinations.**

(a) The Board has determined all communities and areas to be rural in accordance with § \_\_.15 except the following: Fairbanks North Star Borough; Homer area—including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area—including Juneau, West Juneau, and Douglas; Kenai area—including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area—including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area—including Seward and Moose Pass, Valdez, and Wasilla/Palmer area—including Wasilla, Palmer, Sutton, Big Lake, Houston, and Bodenber Butte.

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

Dated: September 30, 2015.

**Eugene R. Peltola, Jr.,**

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

Dated: September 30, 2015.

**Thomas Whitford,**

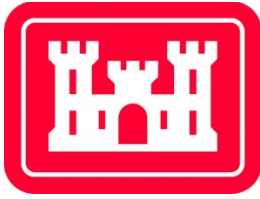
*Subsistence Program Leader, USDA—Forest Service.*

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

**BILLING CODE 3410-11-4333-15-P**







US Army Corps of Engineers  
Alaska District

# Proposed Plan Umiat Landfill Formerly Used Defense Site

Umiat, Alaska  
FUDS Project No. F10AK0243-08

February 2018

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## INTRODUCTION

The United States Army Corps of Engineers (USACE) requests your comments on this Proposed Plan for remedial action at the Umiat Landfill Formerly Used Defense Site (FUDS) located at the former Umiat Air Force Station (AFS) in Umiat, Alaska.

The Proposed Plan is a component of the requirements of Section 117(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also known as Superfund [42 U.S.C. § 9601 et al.]. The Proposed Plan was prepared in accordance with the National Oil And Hazardous Substances Pollution Contingency Plan (NCP) and follows the requirements from the Engineering Regulations 200-3-1 of the FUDS Program Policy (USACE 2004) and the United States Environmental Protection Agency (EPA) guidance provided in 'A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents' (EPA 1999). The site described in this Proposed Plan is a CERCLA site; however, it is not listed on the National Priority List. USACE is issuing this Proposed Plan as part of its public participation responsibilities under CERCLA.

The Department of Defense (DoD) is authorized to carry out a program of environmental restoration at former military sites under the Defense Environmental Restoration Program, which includes clean-up efforts at FUDS. FUDS are real property that was under the jurisdiction of the DoD and owned, leased, or otherwise possessed by the United States that were transferred from DoD control prior to 17 October 1986. FUDS properties range from privately owned lands to state or Federal lands such as national parks as well as residential land, schools and industrial parks. The FUDS program includes former Army, Navy, Marine, Air Force, and other defense-used properties. Over 500 FUDS have been identified in Alaska.

Although this Proposed Plan recommends a Preferred Alternative for the site, USACE may modify or select another remedial alternative based on new information or public comment. Therefore the public is encouraged to review and comment on all the alternatives presented in this Proposed Plan. After considering all public comments, USACE will prepare a Decision Document describing the selected remedy. The Decision Document will include responses to all significant public comments in a section called the Responsiveness Summary. Changes to the proposed approach may be made through this comment review process and highlights the importance of community involvement.



**Photo 1: Aerial view of Umiat 1963. Areas of drums later relocated to Landfill location.**



**Photo 2: Drill Rig Track exposed in Umiat Landfill, 2016**

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This Proposed Plan addresses contamination under CERCLA, which excludes petroleum hydrocarbon contamination, such as fuel releases. The project addresses remediation of petroleum contamination incidental to the cleanup under CERCLA when commingled with CERCLA contaminants.

This Proposed Plan is limited to a summary of the history, data, and actions conducted at the site. Detailed documentation is available for review at the information repository in the Native Village of Nuiqsut office.

## ACRONYMS

This Proposed Plan contains acronyms used to represent complex terms and other words or phrases. Acronyms enable us to provide more information to the reader with less space and greater brevity. A list of acronyms and their meanings is provided at the end of the Proposed Plan. Please refer to the list, as needed, to improve your understanding of the site.

## PURPOSE

The purpose of this Proposed Plan is to:

- Describe the environmental conditions and the risks posed by the site.
- Describe the clean-up criteria for the site.
- Describe the investigations, remedial actions, and removal actions conducted at the site.
- Describe the potential remedial alternatives that were considered with a comparative evaluation.
- Present the preferred remedial alternative for the site.
- Request public comment on the preferred remedial alternative.
- Provide information on how the public can provide input to the remedy selection process.

## SITE LOCATION AND HISTORY

The former Umiat AFS is located along the Colville River in the arctic foothills north of the Brooks Range, Alaska, approximately 120 miles southwest of Prudhoe Bay, 170 miles southeast of Barrow, and 65 miles southwest of Nuiqsut (see Figure 1). All land in Alaska was originally owned by the Federal Government as Alaska was purchased from Russia by the U.S. Government. The 23-million-acre Naval Petroleum Reserve-4 ((NPR-4) now NPR-A) was withdrawn from public domain in 1923, reserving the oil and gas resources within it for the exclusive use of the Navy. From 1945 to 1954, the U.S. Navy constructed facilities at Umiat for oil and gas exploration purposes. Improvements constructed at Umiat included living quarters, mess hall, latrines, shops, powerhouse, office, storage, and miscellaneous buildings, together with related utilities and gravel runway. Starting in 1946, the Navy established eleven oil exploration wells in the Umiat vicinity.

In 1953, the Navy issued a Right-Of-Entry to the 8,000-acre Umiat facility to the U.S. Air Force (USAF) for use as the Umiat AFS. By letter dated 23 December 1954, the Navy transferred the Umiat improvements to the USAF. The USAF's plans to

construct an Aircraft Control and Warning Station at the site never materialized, and the Umiat AFS was declared excess and transferred back to the Navy in January 1959. By Deed dated May 1966, the United States conveyed to the State of Alaska, a 1,450 acre tract of the Umiat AFS referred to as the Umiat Airport. In 1973, the Navy conducted cleanup activities at Umiat and constructed the landfill within the gravel bars and old channels of the Colville River. In 1977, the site was transferred to the U.S. Department of the Interior (DOI) as a result of Public Law 94-258, the Naval Petroleum Reserves Production Act of 1976.

The Umiat Airport tract of the former Umiat AFS is currently owned by the State of Alaska, Department of Transportation and Public Facilities (ADOT/PF). The ADOT&PF grants leases for buildings and space to the Federal Aviation Administration (FAA), BLM, and private interests. The remainder of the former Umiat AFS is owned by the United States and remains under the jurisdiction of DOI, Bureau of Land Management. The Arctic Slope Regional Corporation owns land across the Colville River, east of the Umiat AFS.

The subject of this Proposed Plan is the approximately 8-acre landfill located about one-half mile east of the Umiat AFS facilities, within a seasonal slough of the Colville River (see Figure 2). Records indicate the landfill was created during a 1973 site-wide demolition and cleanup effort by the Navy in which 409 tons of junk equipment and scrap metal and approximately 86,600 crushed drums were reportedly buried in “stable areas of the flood plain.” Most of the drums were buried at the east landfill (believed to be the subject landfill), including over 7,000 drums hauled from the surrounding exploratory-well sites. Based on geophysical surveys, the estimated depth of the buried debris ranges from 4 to 17 feet below ground surface, with an average depth of 14.5 feet. The estimated volume of debris is approximately 100,000 cubic yards.

In 1972, the Alaska Department of Environmental Conservation (ADEC) first identified environmental concerns at the former Umiat AFS with the discovery of a cache of pesticides (4,4 dichlorodiphenyltrichloroethane (DDT)) in an old Navy warehouse at the site. 4,4-DDT was historically used as an insecticide, though the actual use and application at Umiat is unknown.

The ADEC again inspected Umiat in 1976. Debris buried during the 1973 Navy cleanup was exposed in “isolated locations” as floodwaters of the Colville River receded. ADEC did not identify these

locations, which may be the east landfill, a burial location near Umiat Test Well No. 5, or an undocumented burial site. The landfill has no surface markers indicating its location or boundaries.

In 1992, the ADEC received reports from Nuiqsut residents, hunting guides, and lessees working in the Umiat area that the old landfill was exposed by the Colville River, revealing batteries, transformers, and oil drums. Later that year, the USACE performed a visual inspection of Umiat to update previous information and document additional areas at the site for further investigation, which resulted in the identification of 11 areas of concern.

In 1994, a remedial investigation (RI) was completed that included collecting 143 surface and subsurface soil samples.



Photo 3: Exposed Lead Battery from Landfill, 2014

## PRIOR INVESTIGATION AND CLEANUP

Additional remedial investigations were performed in 1996, 1997, and 2013. Additional field investigations were performed in 1998 and 1999, and a limited removal action was performed in 2001. Several studies have been conducted to evaluate whether contamination from past activities at the former Umiat AFS may affect human health and ecological receptors. These studies have focused on chemicals detected in fish tissue and their potential effects on recreational and subsistence users.

Environmental media sampled during these investigations included surface and subsurface soil, sediment, groundwater, surface water, and fish tissue. Data generated during these investigations showed the contaminants of potential concern (COPCs) included total polychlorinated biphenyls (PCBs; specifically Aroclor 1254), pesticides (4,4'-DDD, 4,4'-DDE and 4,4'-DDT), diesel-range organics (DRO), naphthalene, methylene chloride, and lead.

PCBs, 4,4'-DDD, 4,4'-DDE, and 4,4'-DDT have been detected in fish samples in the vicinity of the Umiat AFS. However, an Agency for Toxic Substances and Disease Registry (ATSDR) health evaluation found that consumption of fish is not expected to cause harmful health effects.

The landfill area is intermittently flooded when the Colville River flow is high. This typically occurs during spring (May through mid-June) and may occur during fall high precipitation periods. The scour that occurs during these flooding events exposes landfill debris. In July and August 2001, the USACE conducted site inspections of the landfill area and found one small electrical transformer and areas containing debris from lead-acid batteries on the surface of the landfill. The visible lead debris and approximately 1.3 cubic yards (CY) of lead-contaminated soil were removed. The cleanup-verification soil sample collected from the excavation contained 1,170 milligram per kilogram (mg/kg) lead, indicating elevated lead contamination still remained at the

site above the cleanup level of 400 mg/kg. A sample of the visibly stained soil immediately beneath the transformer was analyzed and found to contain 52,700 mg/kg of the PCB Aroclor 1254. The transformer and about one-third CY of contaminated soil was containerized and removed for off-site disposal. A cleanup-verification soil sample contained 2.3 mg/kg Aroclor 1254, which exceeded the cleanup level of 1 mg/kg.

Debris observed eroding at the surface of the landfill during recent site inspections included scrap metal, wire, pipe, pipe fittings, drill bits, transformer carcass, at least a half-dozen drum carcasses, and drill-rig tracks. In late May/early June 2011, a representative from the BLM photographed flooding of the Colville River over the Umiat landfill area and observed areas of erosion and exposed debris. Two lead batteries were observed during annual landfill site inspections, one in 2014, and the other in 2016. Both batteries were transported off site and delivered to Fairbanks for recycling.

The USACE has conducted annual site inspections of the Umiat Landfill since 2010. Site inspections are performed to visually inspect the landfill for signs of recently exposed and potentially hazardous waste sources such as lead batteries or transformers containing PCBs. Global Positioning System (GPS) data are also collected of photograph vantage points/site landmarks such as monitoring well locations or historically visible debris areas for comparison against photos taken during previous annual inspections. The physical changes at the landfill due to seasonal flooding can then be identified and documented. In 2014, and again in 2016, lead batteries were exposed and subsequently removed and transported for recycling in Fairbanks, Alaska.

A feasibility study (FS) was prepared in 2015 to identify and screen remedial response actions that address risks posed by known and suspected contamination remaining at the landfill. The FS provides information and analysis to support the selection of a preferred remedy for the site.



Photo 4: Umiat Landfill Area and Colville River, 2016



Photo 5: Spring Flooding of Colville River over Landfill, 2011



Photo 6: Drums Exposed in Landfill, 2016

## CLEANUP OBJECTIVES

The detailed evaluation of remedial alternatives includes an analysis of the extent to which the alternatives comply with applicable or relevant and appropriate requirements (ARARs). Chemical-specific ARARs are shown in Table 1. Any potential remedial action that includes an on-site landfill is subject to the requirements of the action-specific ARARs also shown in Table 1.

Table 1: ARARs			
Chemical-Specific ARARs			
Topic	Chemical of Concern	Regulation/Requirements Citation	Description
Soil Cleanup	4,4'-DDT, 4,4'-DDD, Lead, PCBs	Alaska Oil and Hazardous Substances Pollution Control Regulations (18 AAC 75.341(c); Table B1)	These state regulations provide soil cleanup levels for CERCLA constituents and provide the basis for the site cleanup levels.
Groundwater Cleanup	4,4'-DDT, 4,4'-DDD	Alaska Oil and Hazardous Substances Pollution Control Regulations (18 AAC 75.345; Table C)	These state regulations provide groundwater cleanup levels for CERCLA constituents and provide the basis for the site cleanup levels.
Action-Specific ARARs			
Topic	Action	Regulation/Requirements Citation	Description
Waste Disposal and Handling	On-Site Monofill	Alaska Solid Waste Management Regulations 18 AAC 60.410 (a) Location Standards 18 AAC 60.460 (e) Inert Waste 18 AAC 60.490 (c) Closure Demonstration and Post-Closure Care	18 AAC 60.410. Location standards. (a) A monofill built after 1/28/96 may not be constructed on slopes greater than 10 percent grade or unstable soils that might cause the waste to slide or settle excessively. 18 AAC 60.460 (e) The owner or operator of an inert waste monofill shall construct a final cover of soil material at least 24 inches thick, graded to promote drainage without erosion, and shall revegetate it. 18 AAC 60.490 (c) ...the owner or operator of a monofill shall conduct visual monitoring, for settlement and erosion, for at least 60 consecutive months immediately following the closure.

AAC Alaska Administrative Code

Alaska regulations provide methods to establish soil cleanup levels under Alaska Administrative Code (18 AAC 75), ranging from simple lookup tables to full human health and ecological risk assessments. The Umiat Landfill FS compared site data with Method Two Arctic Zone and migration to groundwater cleanup levels. Method Two is based on conservative assumptions regarding potential exposure and enables site cleanup to meet unlimited use and unrestricted exposure. Method Two Table B1 cleanup levels are being applied for addressing contaminants of concern (COC) under CERCLA.

The RI concluded impacted media at the Umiat landfill includes soil, sediment, surface water, and groundwater. For the purpose of this Proposed Plan, sediment is considered the same as soil, and the sediment exists within isolated pockets in and immediately downstream of the landfill. Groundwater is in close hydrological connection with surface water at the site, and groundwater results were compared to the same risk based screening levels as surface water. For these reasons, the cleanup levels for surface water and groundwater have been merged together.

Soil COCs (CERCLA contaminants) above ADEC Method Two Table B1 migration to groundwater or human health cleanup levels are provided in Table 2. Surface and groundwater COCs (CERCLA

contaminants) above ADEC Table C Groundwater Cleanup Levels (18 AAC 75) are provided in Table 3. Petroleum hydrocarbons in soil above state risk-based criteria for the applicable pathway are listed in Table 4. Petroleum hydrocarbons in surface and groundwater above ADEC Table C Groundwater Cleanup Levels (18 AAC 75) are provided in Table 5.

**Table 2: Cleanup Levels –  
CERCLA COC in Soil/Sediment**

COC	(mg/kg)
4,4'-DDD	0.49 <sup>1</sup>
4,4'-DDT	5.1 <sup>1</sup>
Lead	400 <sup>2</sup>
PCBs (total)	1 <sup>2</sup>

mg/kg milligrams per kilogram

<sup>1</sup> ADEC Table B1 Method Two Migration to Groundwater Cleanup Levels (18 AAC 75.341 (c)) (November 7, 2017)<sup>2</sup> ADEC Table B1 Method Two Human Health Cleanup Levels, Arctic Zone (18 AAC 75.341 (c)) (November 7, 2017)

**Table 3: Cleanup Levels –  
CERCLA COC in Groundwater**

COC	(mg/L)
4,4'-DDD	0.00032 <sup>1</sup>
4,4'-DDT	0.0023 <sup>1</sup>

mg/L milligrams per liter

<sup>1</sup> ADEC Table C Groundwater Cleanup Levels (18 AAC 75.345) (November 7, 2017).

**Table 4: Cleanup Levels – Hydrocarbons in Soil**

Petroleum Hydrocarbons	(mg/kg)
DRO	230 <sup>1</sup>

<sup>1</sup> ADEC Table B2 Method Two Over 40 Inch Zone Migration to Groundwater Cleanup Level (18 AAC 75.341 (c)) (November 7, 2017). Over 40 Inch Zone used due to episodic channel flooding over landfill.

**Table 5: Cleanup Levels – Hydrocarbons in Groundwater**

Petroleum Hydrocarbons	(mg/L)
DRO	1.5 <sup>1</sup>
Naphthalene	0.0017 <sup>1</sup>

mg/L milligrams per liter

<sup>1</sup> ADEC Table C Groundwater Cleanup Levels (18 AAC 75.345) (November 7, 2017).

## NATURE AND EXTENT OF CONTAMINATION

The Umiat Landfill area is adequately defined and covers approximately 8 acres. The landfill contains junk equipment, crane parts, scrap metal, and crushed steel drums. Buried debris is known to include contaminant sources such as lead-acid batteries and transformers. The landfill is suspected to contain drums and other containers with unknown contents that may have leaked and contaminated the underlying soils. The 2013 Remedial Investigation compiled historical environmental sampling data, geophysical assessments, and other information. The RI did not identify distinct contaminant sources within the landfill that may be targeted for a limited removal.

Uncertainty exists concerning the exact nature, distribution, and volume of contaminants in the landfill. The heterogeneous distribution of unknown wastes in a landfill makes it unfeasible to identify all potential discrete contaminant sources within the landfill. No amount of sampling, short of complete excavation of the contents, would reveal whether there is another small transformer filled with PCB oil that is, or may become, a point source for release of highly concentrated contaminants. Hazardous materials are known to be present; contaminants have been detected above acceptable risk levels and applicable regulatory limits in soil, sediment, and fish tissue.

The Colville River floods the ephemeral slough and landfill areas annually, typically in spring and fall. Water velocities during these events can be high. Sand and gravel placed to cover the landfill has been eroded and redistributed and periodically exposes landfill debris. These flood events have historically uncovered hazardous materials and solid wastes, and likely transported contamination off-site as evidenced by downstream sediment samples. Landfill-cover erosion and subsequent exposure of potentially contaminated debris and soil is an on-going process, likely to result in future releases of contaminants to the environment.

In January 2017, the Hydraulics and Hydrology Section at the USACE Alaska District conducted an aerial imagery analysis of Colville River morphology at Umiat. Aerial imagery was analyzed from the

period 1947 to 2016 to perform a qualitative analysis of erosion and channel migration trends in the Colville River near the landfill site. The analysis concluded the Colville River bank is migrating north towards the landfill site. Historical erosion rates varied from 5.6 to 35.5 feet per year and were typically 10 to 14 feet per year. Extrapolation of these rates indicates there is significant risk of bank erosion affecting the landfill site in the future. Other processes such as high flow events greater than those recorded at the site, ice jams or river avulsions also pose an erosion risk to the site with the potential to move material from the landfill downstream.

The Feasibility Study recommended interim and/or permanent remedial actions be implemented to reduce the potential for contaminant exposure to humans and ecological receptors.



**Photo 7: Crushed Drums Exposed in Umiat Landfill, 2016**

Table 6 provides a summary of those contaminant concentrations identified during the remedial investigation in soil/sediment above soil cleanup levels.

Table 7 provides a summary of those contaminant concentrations in groundwater identified during the remedial investigation above cleanup levels.

**Table 6: Concentrations of Contaminants in Soil/Sediment Above Cleanup Levels**

Chemical	Cleanup Levels (mg/kg)	Range of Concentration (mg/kg)
4,4'-DDD	0.49 <sup>1</sup>	0.026 - 31.4
4,4'-DDT	5.1 <sup>1</sup>	0.0325 - 38.2
Lead	400 <sup>2</sup>	598 – 1,170
PCBs	1 <sup>2</sup>	1.3 – 17.8
DRO	230 <sup>3</sup>	1,300

<sup>1</sup> ADEC Table B1 Method Two Migration to Groundwater Cleanup Levels (18 AAC 75.341 (c)) (November 7, 2017).

<sup>2</sup> ADEC Table B1 Method Two Human Health Cleanup Levels (18 AAC 75.341 (c)) (November 7, 2017)

<sup>3</sup> ADEC Table B2 Method Two Petroleum Hydrocarbon Soil Cleanup Level, Over 40 Inch Zone, Migration to Groundwater (18 AAC 75.341 (c)) (November 7, 2017)

**Table 7: Concentrations of Contaminants in Groundwater Above Cleanup Levels**

Chemical	Cleanup Levels (mg/L) <sup>1</sup>	Maximum Concentration (mg/L)
DRO	1.5	76.1
4,4' DDD	0.00032	0.0173
4,4' DDT	0.0023	0.0311
Naphthalene	0.0017	0.350

<sup>1</sup> ADEC Table C Groundwater Cleanup Levels (18 AAC 75.345) (November 7, 2017)

## SUMMARY OF SITE RISKS

In 2001, the Agency for Toxic Substances and Disease Registry (ATSDR) released a health consultation that reviewed data from fish sampled near the former Umiat AFS in 1997 and 1998. The health consultation focused on evaluating the potential risk to people who harvest fish at or near the Umiat site. The ATSDR determined human exposures to contaminants in fish at the Umiat site were not occurring at frequencies considered to be a current public-health problem due to the small quantity of fish in the slough and the current lack of harvesting those fish. Therefore, the ATSDR concluded “current Colville River fish contamination data do not indicate the need for public health concerns.”

The ATSDR recommended additional sampling to better characterize the nature and extent of downstream contamination in the Colville River.

In 2003, the U.S. Army Center for Health Promotion and Preventive Medicine (CHPPM) consolidated information from previous environmental reports on the presence of PCBs in fish tissue and other media of the Colville River Seasonal Slough at the Umiat Landfill. They used the information in conjunction with PCBs-in-fish tissue data from the Alaska region to make a determination of either acceptable or unacceptable health risk for individuals who eat fish from the Colville River.

The CHPPM came to the following conclusions:

- The Umiat Landfill was a historical source of PCBs to the Seasonal Slough. Due to years of scouring events, it is doubtful the landfill remains an ongoing source of PCBs to the Seasonal Slough, downstream Colville River sediments, or the Colville River fishery.
- Concentrations of PCBs in the Seasonal Slough fish vary with species. Maximum PCB detections in burbot of the slough exceeded the U.S. Food and Drug Administration (FDA) action limit of 2.0 parts per million (ppm) in only one study. PCB concentrations in two other fish species collected in the slough (Arctic grayling and Broad whitefish) are all well below the FDA action limit and at the lower end of the range of concentrations found in the Colville River and greater Alaska region.
- Despite the occasional exceedances of the FDA action limit for PCBs in burbot of the Seasonal Slough, there are no health risks associated with consuming the slough’s fish. The slough supports a very limited fishery, and generally would not allow individuals to consume a sufficient diet of contaminated fish to pose a health concern.

### Human Health Risk

Based on the current and expected future land use, recreational users, site visitors, site workers, and subsistence users could have exposure to chemicals in surface and subsurface soil, surface

water, and groundwater. Possible exposure routes include incidental soil or sediment ingestion, inhalation of particulates, drinking groundwater or surface water, ingestion of fish, and dermal contact with surface water and sediment.

Soil, sediment, surface-water, and groundwater results were compared to potential cleanup levels (PCLs) from Alaska Regulations and the highest results for soil and sediment were compared to one-tenth the Method Two Table B1 soil-cleanup levels for the Arctic Zone, and surface-water and groundwater results to one-tenth the Table C groundwater cleanup levels, in accordance with the ADEC's *Cumulative Risk Guidance*. Fish-sample results were compared to calculated site-specific risk-based fish-screening levels.

Cumulative risk is defined as the sum of risks resulting from multiple sources and pathways to which humans are exposed. The pre-cleanup (current) cumulative risks were calculated during the RI. Additionally, the post-remediation cumulative risks were calculated in the FS, applying the human health cleanup levels as the "site concentrations" for applicable COCs that exceed these criteria. In a cumulative risk evaluation (CRE) of contaminants detected above one-tenth of their respective cleanup level, the carcinogenic risk posed to human health by these COCs was calculated.

The highest detected concentrations from historic sampling events were compared to risk-based screening levels. The highest detected concentrations exceeding the RBSLs were included in the CRE. The following chemicals are considered carcinogenic by one or more exposure pathways and contributed to cumulative cancer risk for the site: arsenic; PCBs (Aroclor 1254; 1260; and 1016/1242); 4,4'-DDD; 4,4'-DDE; 4,4'-DDT; and

naphthalene. The following chemicals also have non-carcinogenic toxic effects, and contributed to the cumulative hazard index (HI) for the site: arsenic; PCBs (Aroclor 1254; 1016/1242); 4,4'-DDD; 4,4'-DDT; and naphthalene. Arsenic in soil is likely attributable to natural (background) presence of the element in Arctic soil and was eliminated from further consideration as a COC. Aroclor 1260 and Aroclor 1016/1242 are not necessarily associated with site-specific contaminant sources; however, they were included in the CRE to evaluate cumulative risk from all known risk-contributors detected in various media at the site.

Cumulative risk calculations indicate a human cancer risk of  $8 \times 10^{-3}$  and a non-cancer HI of 4. Both the cancer risk and HI exceed the risk range of  $1 \times 10^{-4}$  to  $1 \times 10^{-6}$  and 1, respectively.



## REMEDIAL ACTION

### Remedial Action Objectives

The COCs identified during the RI were further refined during the FS for the purpose of developing Preliminary Remediation Goals (PRGs) using the following considerations:

- No PRGs were developed for fish tissue (ATSDR found no harmful human health effects).
- No PRG was developed for methylene chloride. It was removed as a COPC (assumed as a lab contaminant and determined to not substantially contribute to cumulative risk at the site).
- No PRG was developed for arsenic in soil as it is likely attributable to natural (background) presence of the element in Arctic soil.
- DRO and naphthalene in groundwater exceed PCLs based on State regulations, however as petroleum constituents they are not regulated under CERCLA. These petroleum constituents are commingled with CERCLA contaminants. For this reason, the identified petroleum contamination in groundwater is brought forward and PRGs and RAOs are established. Reduction of petroleum hydrocarbon concentrations in groundwater would occur under alternatives that involve removal of the source landfill material. Mitigating petroleum in groundwater would be conducted to the extent that the petroleum is commingled with CERCLA contaminants.

The following were identified as Remedial Action Objectives (RAOs) based on a refined list of COCs to address contamination at the Umiat Landfill:

- Reduce soil concentrations of 4,4'-DDT to below 5.1 mg/kg to minimize or prevent migration to groundwater above the groundwater cleanup level.
- Reduce soil concentrations of 4,4'-DDD to below 0.49 mg/kg to minimize or prevent migration to groundwater above the groundwater cleanup level.
- Minimize or prevent ingestion of groundwater in excess of 0.00032 mg/L of 4,4'-DDD and 0.0023 mg/L 4,4'-DDT.
- Minimize or prevent direct contact, outdoor inhalation, and ingestion of soil and sediment in excess of 1 mg/kg Total PCBs.

- Minimize or prevent direct contact, outdoor inhalation, and ingestion of soil and sediment in excess of 400 mg/kg of lead.
- To the extent that DRO and naphthalene are commingled with CERCLA contaminants, minimize or prevent ingestion of groundwater in excess of 1.5 mg/L DRO and 0.0017 mg/L naphthalene.
- To the extent that DRO is commingled with CERCLA contaminants, reduce soil concentrations of DRO to below 230 mg/kg to minimize or prevent migration to groundwater above the groundwater cleanup level.
- To the extent that naphthalene is commingled with CERCLA contaminants, reduce soil concentrations of naphthalene to below 0.038 mg/kg to minimize or prevent migration to groundwater above the groundwater cleanup level.

Subsurface contaminants or buried debris, potentially containing hazardous substances, could continue to be exposed by seasonal flooding. Without the implementation of appropriate remedial actions, ongoing erosion of the landfill surface will continue to present an exposure risk. Based on analysis of Colville River hydrographic trends, bank erosion is also a concern for impacting future stability of the buried debris and associated contaminated soil.

The following RAO is established to address the contents of the existing landfill:

- Remove and appropriately dispose of the landfill contents to prevent solid or hazardous waste items such as metal debris, crushed drums, transformers, and batteries from impacting soil, sediment, groundwater, and surface water in the future.

## **Remedial Action Alternatives**

The following eight alternatives were evaluated to address the contamination at Umiat Landfill FUDS:

1. No Action
2. Land Use Controls (LUCs)
3. LUCs and Hot Spot Sediment Removal
4. Containment, Capping and LUCs
5. Excavation and On-site Disposal
6. Excavation and Off-site Disposal
7. Excavation, On-site Disposal of Clean Material, Off-site Disposal of Contaminated Material
8. Step-Wise Implementation of Interim Actions

### **1. No Action**

Evaluation of the No Action alternative is required by CERCLA as a baseline to reflect current conditions where no remediation would take place, and for comparison and evaluation of the other alternatives. Soil, groundwater, and debris would be left in place without any response actions, such as monitoring, LUCs, removal, and treatment.

### **2. Land Use Controls**

Soil, sediment, and groundwater would be left in place without any active remedial actions, such as removal and treatment. LUC measures would include administrative notifications on proper handling of contaminated materials during construction, excavation, and/or disturbance of soil in the landfill area and hot spot sediment areas, and notifications on using groundwater or surface water as a drinking water source. The landowners would be requested to record notices of environmental contamination in relevant casefiles, such as annotation in BLM Master Title Plat and ADOT&PF land occupancy drawings. Based on stakeholder meetings, the BLM does not object to implementing notices of environmental contamination in their real estate records. Continued coordination with ADOT&PF will occur regarding the method to record notices of environmental contamination on their property. LUCs may also include placement of warning signs near the site to alert site visitors of the landfill location and potential for contamination. Administrative controls would be phased out as natural degradation of contaminants occurs. LUCs would also include public education to provide stakeholders with enough knowledge to

understand the nature of the contamination and avoid exposure to contaminated media. Activities may include mailing information packets to Nuiqsut residents and/or presentations at Restoration Advisory Board meetings. For cost estimate purposes, long term management is assumed to last for 30 years.

### **3. LUCs and Hot Spot Sediment Removal**

This alternative includes three primary components: 1) LUCs implemented to protect human health at the landfill area; 2) construction of a temporary processing pad; and 3) removal and disposal of "hot spot" sediments identified down-drainage from the landfill. LUCs would be implemented as in Alternative 2. Hot spot contaminated sediments would be removed using an excavator, with appropriate measures taken to prevent transport of re-suspended sediments, and transported to a temporary processing pad and dewatered to separate waste streams prior to disposal at a RCRA facility.

### **4. Containment, Capping and LUCs**

This alternative includes five primary components: 1) hot spot sediment removal; 2) a subsurface vertical barrier around the landfill footprint; 3) a reinforced landfill cap; 4) construction of permanent slough blocks to limit flooding of the landfill area and reduce erosive energy of floodwater in the landfill area; and 5) LUCs implemented to protect human health at the landfill area. Hot spot sediments would be excavated and placed in the location of the landfill. Landfill contents would be isolated using the vertical barrier and cap, and the installation of slough blocks would reduce water velocities to prevent erosion of the containment structure. LUCs would include requesting that landowners record notices of the presence of the landfill material and groundwater contamination in casefiles including the BLM Master Title Plat and ADOT&PF land occupancy drawings, and signage may be placed at the site to alert site users of groundwater and surface water contamination in the landfill area.

### **5. Excavation and On-site Disposal**

This alternative involves the excavation of landfill contents and hot spot sediments, segregating contaminated and non-contaminated material, and disposal of all contaminated materials in a permitted containment cell (landfill) on-site at a location that is not at risk of erosion by the Colville River. Non-contaminated soil would be reused, if appropriate.

After completion of the landfill excavation activities, 3 consecutive groundwater sampling events will be conducted to verify source removal achieved the groundwater remedial action objectives.

**6. Excavation and Off-site Disposal**

This alternative involves the excavation and segregation of landfill contents (landfill debris, contaminated soils, and/or hazardous materials). Solid waste would be transported and disposed in a permitted offsite disposal facility. Contaminated sediment and soil would be transported and disposed at an appropriate permitted facility. Hazardous materials such as transformers and batteries would be transported and disposed at an appropriate permitted facility in the lower 48 states. After completion of the landfill excavation activities, 3 consecutive groundwater sampling events will be conducted to verify source removal achieved the groundwater remedial action objectives. Based on an evaluation of the results of the confirmation groundwater sampling, the site would be available for unlimited use / unrestricted exposure under this alternative.

**7. Excavation and On-site Disposal of Inert Material, Off-site Disposal of Hazardous Materials and Contaminated Soil/Sediment**

This alternative involves excavating the contents of the landfill, segregating inert debris from hazardous materials, segregating excavated soil, disposal of inert debris in a monofill constructed in close proximity to the site but in an area not subject to erosion, and off-site disposal of hazardous materials and contaminated soils not placed in the monofill. Removal of contaminated sediments identified down-drainage from the landfill would also be included in this alternative. Excavated soil segregated from landfill contents would be characterized for waste disposal purposes and placed in the monofill, if appropriate. Oversize fractions of the excavated soil such as large cobbles would also be segregated for potential reuse as backfill material or erosion protection at the monofill. Contaminated soil and sediment not placed in the monofill will be transported off-site for disposal at an appropriate permitted facility. Criteria for placement of excavated soil/sediment in the on-site monofill are shown in Table 8.

Table 8: Monofill Soil Placement Criteria	
COC	(mg/kg)
4,4'-DDD	40 <sup>1</sup>
4,4'-DDT	33 <sup>1</sup>
DRO	12,500 <sup>2, 3</sup>

mg/kg milligrams per kilogram  
<sup>1</sup> ADEC Table B1 Method Two Human Health Cleanup Levels, Arctic Zone (18 AAC 75.341 (c)) (November 7, 2017)  
<sup>2</sup> ADEC Table B2 Method Two Arctic Zone Cleanup Levels (18 AAC 75.341 (c)) (November 7, 2017)  
<sup>3</sup> Evaluation of leachability will also be conducted using computer modeling in combination with analysis of waste characterization samples using SW-846 Test Method 1312 (Synthetic Precipitation Leaching Procedure).

This alternative involves construction of a single-use monofill (freeze-back) located on the plateau north of the Umiat airstrip, or other appropriate location within the FUDS property that is not subject to erosion by the Colville River.

After completion of the landfill excavation activities, 3 consecutive groundwater sampling events will be conducted to verify source removal achieved the groundwater remedial action objectives. Based on an evaluation of the results of the confirmation groundwater sampling, the former landfill site would be available for unlimited use / unrestricted exposure under this alternative.

**8. Step-Wise Implementation of Interim Actions**

This alternative involves the implementation of interim actions with progressively increasing levels of environmental protection in steps to be phased over several years. Immediate action would be taken to establish land use controls as described in Alternative 2. The next phase would be hot spot sediment removal, dewatering, and disposal off-site as described in Alternative 3. Lastly, the final response action will include excavation and off-site disposal of the landfill contents as described in Alternative 6.



Photo 8: Exposed Debris in Landfill, 2011

### **Remedy Selection Process and Comparison of Alternatives**

The EPA has developed nine criteria to evaluate remedial alternatives and ensure all important considerations are factored into remedy selection decisions. The first step of remedy selection is to identify those alternatives that satisfy the threshold criteria, which are two statutory requirements that any alternative must meet in order for it to be eligible for selection. The second step is to examine the five primary balancing criteria, which are used to identify major trade-offs between remedial alternatives. After considering the balancing criteria, the third step is to consider the modifying criteria, which are considered after the formal public comment period on the Proposed Plan. The balancing and modifying criteria are used to identify the preferred alternative and to select the final remedy.

#### **Threshold Criteria:**

The first threshold criteria is overall protection of human health and the environment, which addresses whether or not a remedy provides adequate protection and describes how risks posed through each exposure pathway are eliminated, reduced, or controlled through treatment, engineering controls, or institutional controls. The second criteria is compliance with applicable or relevant and appropriate requirements (ARARs), which addresses whether a remedy will meet all the identified requirements or whether a waiver can be justified.

#### **Primary Balancing Criteria:**

The first primary balancing criteria is long-term effectiveness and performance, which refers to the ability of a remedy to maintain reliable protection of human health and the environment over time, once cleanup goals have been met. The second criteria is reduction of toxicity, mobility, or volume through treatment, which is the anticipated performance of the treatment technologies a remedy may employ. The third criteria is short-term effectiveness, which addresses the period of time needed to achieve protection and any adverse impacts on human health and the environment that may be posed during the construction and implementation period, until cleanup goals are achieved. The fourth criteria is implementability, which evaluates the technical and administrative feasibility of a remedy, including the availability of materials and services needed to implement a particular option. The fifth primary balancing criteria is cost, which includes estimated capital and operation and maintenance costs, and net present worth costs.

#### **Modifying Criteria:**

The first modifying criteria is State Acceptance, which considers the State's views on the alternatives evaluated. The second criteria is community acceptance, which refers to the public's general response to the alternatives described in the Proposed Plan.

Table 9 graphically shows the relative performance of the alternatives evaluated for the threshold and primary balancing criteria including the estimated costs of each alternative.

**TABLE 9: COMPARATIVE ANALYSIS OF ALTERNATIVES BASED ON 2015 FS**

Evaluation Criteria		1*	2*	3*	4	5	6	7	8
		No Action	Land Use Controls	Land Use Controls/ Hot Spot Sediment Removal	Containment & Capping	Excavation and On-Site Disposal	Excavation and Off-Site Disposal	Excavation/On-Site and Off-Site Disposal	Step-Wise Interim Actions with Disposal Alternatives
THRESHOLD	Overall Protection of Human Health and the Environment	○	○	○	●	●	●	●	●
	Compliance with applicable or relevant and appropriate requirements	○	○	○	●	●	●	●	●
BALANCING	Long-Term Effectiveness and Permanence	○	◐	◐	◐	◐	●	●	●
	Reduction in Toxicity, Mobility, and Volume Through Treatment	○	○	○	○	○	○	○	○
	Short-Term Effectiveness	○	◐	◐	●	●	●	●	◐
	Implementability	○	●	●	◐	◐	◐	◐	◐
	Cost	\$0	\$383 K	\$66 M	\$124 M	\$155 M	\$368 M	\$224 M	\$401 M <sup>1</sup>

Key For Threshold Criteria: ○ = does not meet criteria ● = meets criteria  
 Key For Balancing Criteria: ○ = low ◐ = medium ● = high  
 \*Does not meet the threshold criterion, therefore it is not eligible for selection as a remedy.  
<sup>1</sup> Includes elements of Alternatives 2, 3 and 6. All costs based on 2015 Feasibility Study.  
 K = Thousand M = Million

**TABLE 10: REFINED COSTS OF ALTERNATIVES**

Evaluation Criteria		4	5	6	7
		Containment & Capping	Excavation and On-Site Disposal	Excavation and Off-Site Disposal	Excavation/ On-Site and Off-Site Disposal
BALANCING	Long-Term Effectiveness and Permanence	◐	◐	●	●
	Reduction in Toxicity, Mobility, and Volume Through Treatment	○	○	○	○
	Short-Term Effectiveness	●	●	●	●
	Implementability	◐	◐	◐	◐
	Cost (\$M)	\$124	\$155	\$239*	\$160*

Key: ○ = low ◐ = medium ● = high  
 \*Costs for Alternatives 6 and 7 only were updated based on the 2017 FS Addendum.

The eight alternatives were evaluated against the threshold and primary balancing criteria as part of the CERCLA process. As shown in Table 9, Alternatives 1 through 3 did not meet the threshold criteria and were eliminated from further discussion. Alternative 8 was also removed from further discussion because it merely represents an approach for implementation of the other alternatives.

Table 10 provides a focused comparison of the remaining four alternatives and the balancing criteria. Three balancing criteria are equal for all alternatives. First, all four alternatives have high Short Term Effectiveness and are expected to meet remedial goals within a short duration because they physically isolate or remove contaminants. Second, all four alternatives are evaluated as low for Reduction in Toxicity, Mobility, and Volume through Treatment in Table 10. All four alternatives either involve leaving waste in place or moving the landfill contents to other locations/landfills. The overall volume of waste leaving the site is reduced by segregating materials under Alternatives 6 and 7, and especially by directing inert debris and segregated soils to a nearby monofill under Alternative 7. This volume reduction saves space in offsite permitted disposal facilities. However, the overall quantity of chemicals is not reduced through treatment under any of the four alternatives. Finally, all four alternatives are evaluated as medium for the Implementability criteria. The primary reasons are remoteness of the project site, the short construction seasons, transportation challenges and the difficulty of constructing physical barriers or removing contents of a landfill with permafrost and groundwater challenges, and changing flow in the nearby Colville River.

Removing the three balancing criteria that have equal results for all of the alternatives in Table 10 from further discussion leaves two remaining differentiating balancing criteria; Long Term Effectiveness and Cost. The following discussion focuses on the four alternatives and these two differentiating criteria.

Alternative 4 involves constructing a vertical barrier and an engineered cap to contain the existing landfill. The alternative also includes removing impacted PCB sediments within the slough. A primary differentiating factor is Long Term Effectiveness and Permanence. Imagery analysis of erosion trends of the Colville show that the river is migrating north toward the landfill area. It is not possible to know exactly how long until the Colville River reaches the landfill boundary but it is likely. The landfill is flooded annually and previous high

flow events have caused erosion. Although the cap would be constructed to address a range of flow events, uncertainty exists due to lack of river gage data. In addition to moving northward, the Colville River is capable of very high flow events, ice jams or river avulsions that could damage an engineered barrier and cap resulting in excessive maintenance or potential remedy failure. Due to the risk of future damage and excess maintenance, or even remedy failure if and when the Colville River reaches the landfill, it is less preferable in comparison to other alternatives.

Although Alternative 4 would reduce the movement of groundwater from the debris cells to adjacent area, the alternative does not remove the source of groundwater contamination and therefore does not address the groundwater related RAOs as effectively as other alternatives. Alternatives 5, 6, and 7 involve removal of the material that continues as a source or potential source of groundwater contamination. Therefore, when combined with groundwater monitoring after landfill removal, Alternatives 5, 6, and 7 substantively address the groundwater RAOs.

Alternative 5 involves excavation of landfill contents and hot spot sediments, segregating contaminated and non-contaminated material, and disposal of all contaminated materials in a containment cell on-site. The containment cell would be situated in a similar area as the proposed Monofill but would be constructed to more stringent requirements. Similar to capping, the alternative partially meets the Long Term Effectiveness and Permanence criteria. Because the alternative includes relocating contaminated material on the site, it includes long term maintenance and higher future risk and liability in comparison to Alternative 6 where all contaminated material in excess of cleanup levels is disposed offsite or Alternative 7 where the inert debris and segregated soils (see Table 8) are placed in an onsite monofill.

Alternative 6 and 7 are considered preferable to other alternatives, with cost being the differentiating factor. To better evaluate cost, a Feasibility Study Addendum was developed to refine cost information based on coordination with landowners and further analysis of implementation process and assumed or estimated quantities. Costs for Alternatives 6 and 7 were refined and are presented in Table 10. The cost difference between full offsite disposal versus constructing a local monofill for inert material and segregated soils appears to warrant selection of Alternative 7 as the preferred alternative.

The long term risks and liabilities associated with a monofill (Alternative 7) are lower than those associated with leaving all material in Umiat in a permitted landfill (Alternative 5). The cost of implementing Alternative 7 is expected to be less than the cost of transporting the entire volume of materials offsite for disposal (Alternative 6).

Refinement of estimated cost was conducted by USACE Alaska District while coordinating with governmental stakeholders. As a result of these meetings, a closer possible gravel source and onsite monofill location were identified versus the locations that had been considered during prior analysis. USACE refined the estimated costs for Alternatives 6 and 7 based on these new assumed locations.

In the 2015 FS, gravel cost comprised a significant percentage of the overall estimated costs to implement Alternatives 4 through 7. The 2015 FS assumed a commercially available gravel source would be developed up to five miles away from the site on the opposite side of the Colville River, thus constraining transportation to the site to a winter field season using ice roads and an ice bridge. During government stakeholder meetings, participants suggested a potentially cost-saving alternative gravel source on gravel bars of the Colville River a short distance east of the Umiat Landfill on the same side of the river.

Another reduction in estimated costs for Alternatives 6 and 7 is attributed to revision of the assumed volume of contaminated soil and segregating soils to remove oversized fraction of cobbles. The 2015 FS assumed a more conservative landfill excavation scenario (larger area and depth than identified by geophysical survey) and under Alternative 6 assumed that all soil that is excavated would be transported off-site (including cobbles).

The 2017 FS Addendum assumes a smaller volume of soil will be excavated and that only a portion of the excavated soil will be contaminated. In addition, under both Alternatives 6 and 7, the excavated soil would be processed to remove the oversized fraction of cobbles so that it does not need to be transported and disposed as waste. The 2017 FS Addendum assumes that debris will be excavated to the basal depths identified by geophysical survey at each landfill cell, that 50% of the underlying soil area beneath the debris will be contaminated to two feet below the base of the landfill, and that 50% of landfill cell perimeter soil will be contaminated. These assumptions reduce the overall volume of contaminated soil expected to be removed, transported and disposed off-site.

Alternative 7 assumes monofill construction within the FUDS property boundary, to contain inert debris and segregated soils from the Umiat Landfill material. Possible monofill locations are identified on Figure 3.

### **Preferred Alternative**

The preferred alternative for clean-up of the Umiat Landfill FUDS is Alternative 7. This alternative involves the on-site disposal of inert debris (e.g., crushed drums, miscellaneous metal) and segregated soil/sediment) in a monofill within the FUDS site property, likely on the plateau north of Umiat. Hazardous materials and contaminated soil/sediment above cleanup levels would be transported and disposed offsite.

Preparation of planning and design documents would be the first step in proceeding with this alternative. The general sequencing of onsite work for Alternative 7 includes:

- Mobilize equipment and personnel to Umiat.
- Develop borrow area for gravel. Construct processing pad and prepare monofill location.
- Excavate landfill cells, segregate inert debris from hazardous materials, and segregate excavated soil/sediment.
- Package and prepare hazardous materials and soil/sediment for transport to off-site disposal facility.
- Transport and dispose of inert debris and segregated soil at the on-site monofill.
- Demobilize equipment and personnel from Umiat.
- Conduct long term management of monofill.
- Conduct 3 consecutive groundwater sampling events to verify source removal achieved the groundwater RAOs.
- Request BLM annotate Federal Master Title Plats with a notation that a monofill exists including type of waste placed, geographical boundary, and final cover details.

The areas within the cells identified on Figure 2, which make up the landfill, will be excavated. The preferred location of the temporary processing pad is adjacent to the eastern edge of the main gravel pad, on ADOT&PF property. This location is

advantageous due to its proximity to the landfill area and potential post remediation usability for the landowner. Coordination with the landowner for placement of a temporary processing pad is currently underway.

The anticipated monofill site is on the plateau north of Umiat within the FUDS property that meets the location standards of 18 AAC 60.410 Solid Waste Regulations, at or close to one of the locations identified on Figure 3. Monofill access, development, and material transport and placement would be conducted during winter conditions to minimize impact to tundra.

Any liquid waste (i.e., drum or transformer contents) will be containerized for transport and disposal at a permitted waste facility off-site.

Backfill material for the excavated landfill would consist of locally available gravel suitable for this purpose, with the surface graded to provide adequate drainage and restored as appropriate.

The monofill will be monitored in accordance with 18 AAC 60.490 (c) requirements.

A CERCLA Five Year Review will not be required after completion of the remedial action as the remedial action objective is to remove contaminants from the current landfill location to meet unlimited use and unrestricted exposure. However, one Periodic Review will be conducted after 5 years to verify the monofill remains protective of human health and the environment.



## COMMUNITY PARTICIPATION

The public is encouraged to provide comments on the alternatives presented in this Proposed Plan for the Umiat Landfill FUDS. A final decision for this site will be made only after public comments are considered.

The **Public Comment Period** is:

**12 February to 23 March 2018**

Your comments can be provided to USACE by any of the following methods.

- Mail a written comment

**CEPOA-PM-ESP-FUDS  
Umiat Landfill Proposed Plan  
PO Box 6898  
JBER, Alaska 99506-0898**

- Email your comments

**POA-FUDS@usace.army.mil**

- Present your comments and attend one of the two scheduled public meetings

**7 March 2018  
Nuiqsut City Office  
Nuiqsut, Alaska  
6:00 PM**

**8 March 2018  
North Slope Borough  
Assembly Chambers  
Utqiagvik, Alaska  
6:00 PM**

USACE will provide a written response to all significant comments. A summary of the responses will accompany the Decision Document and will be made available in the Administrative Record and Information Repositories.

For additional information, please contact:

**Stan Wharry  
USACE Project Manager  
907-753-5781**

### **Administrative Record Location**

Additional detailed information that is not presented in this Proposed Plan (documents that detail previous investigations, remedial actions, and results) is available for your review in the Administrative Record located at the Native Village of Nuiqsut office in Nuiqsut, Alaska.

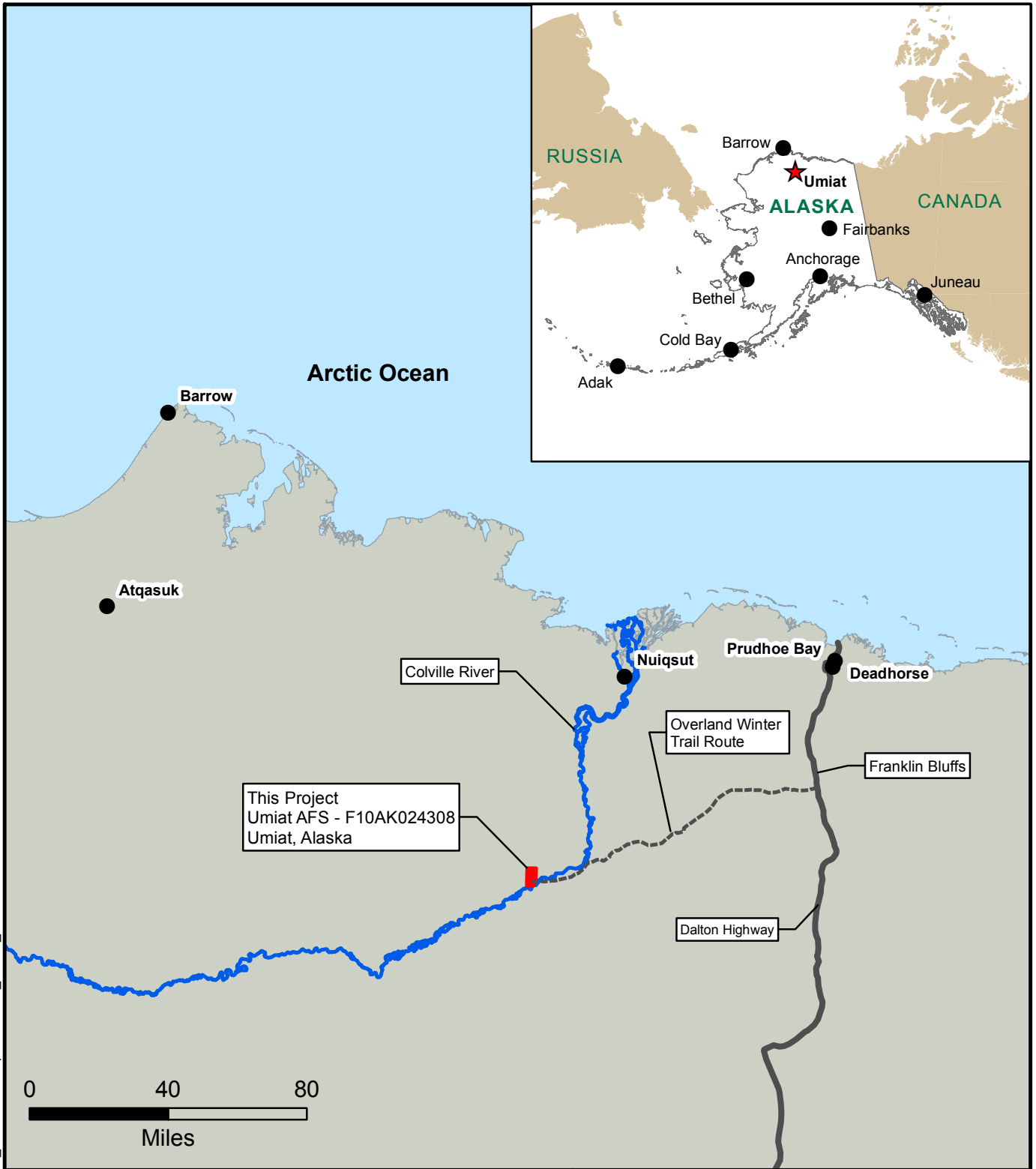
## ACRONYMS

AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
ARAR	applicable or relevant and appropriate requirements
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CFR	Code of Federal Regulations
COC	contaminants of concern
COPC	chemical of potential concern
CY	cubic yards
DDD	dichlorodiphenyldichloroethane
DDE	dichlorodiphenyldichloroethene
DDT	dichlorodiphenyltrichloroethane
DoD	Department of Defense
DRO	diesel-range organics
EPA	United States Environmental Protection Agency
ft	feet
ft <sup>2</sup>	square feet
FUDS	Formerly Used Defense Site
FS	Feasibility Study
LUC	land use control
mg/kg	milligrams per kilogram
mg/L	milligrams per Liter
NCP	National Contingency Plan
PAH	polycyclic aromatic hydrocarbons
PCB	polychlorinated biphenyl
RCRA	Resource Conservation and Recovery Act
RI	Remedial Investigation
RRO	residual-range organics
RAO	Remedial Action Objectives
TEQ	toxicity equivalent
TSCA	Toxic Substances Control Act (1976) (15 U.S.C. s/s 2601 et seq.)
USACE	U.S. Army Corps of Engineers

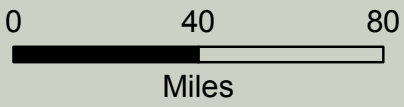
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This Project  
Umiat AFS - F10AK024308  
Umiat, Alaska



Umiat Landfill Proposed Plan  
Umiat, Alaska

**SITE LOCATION**  
FEBRUARY 2018

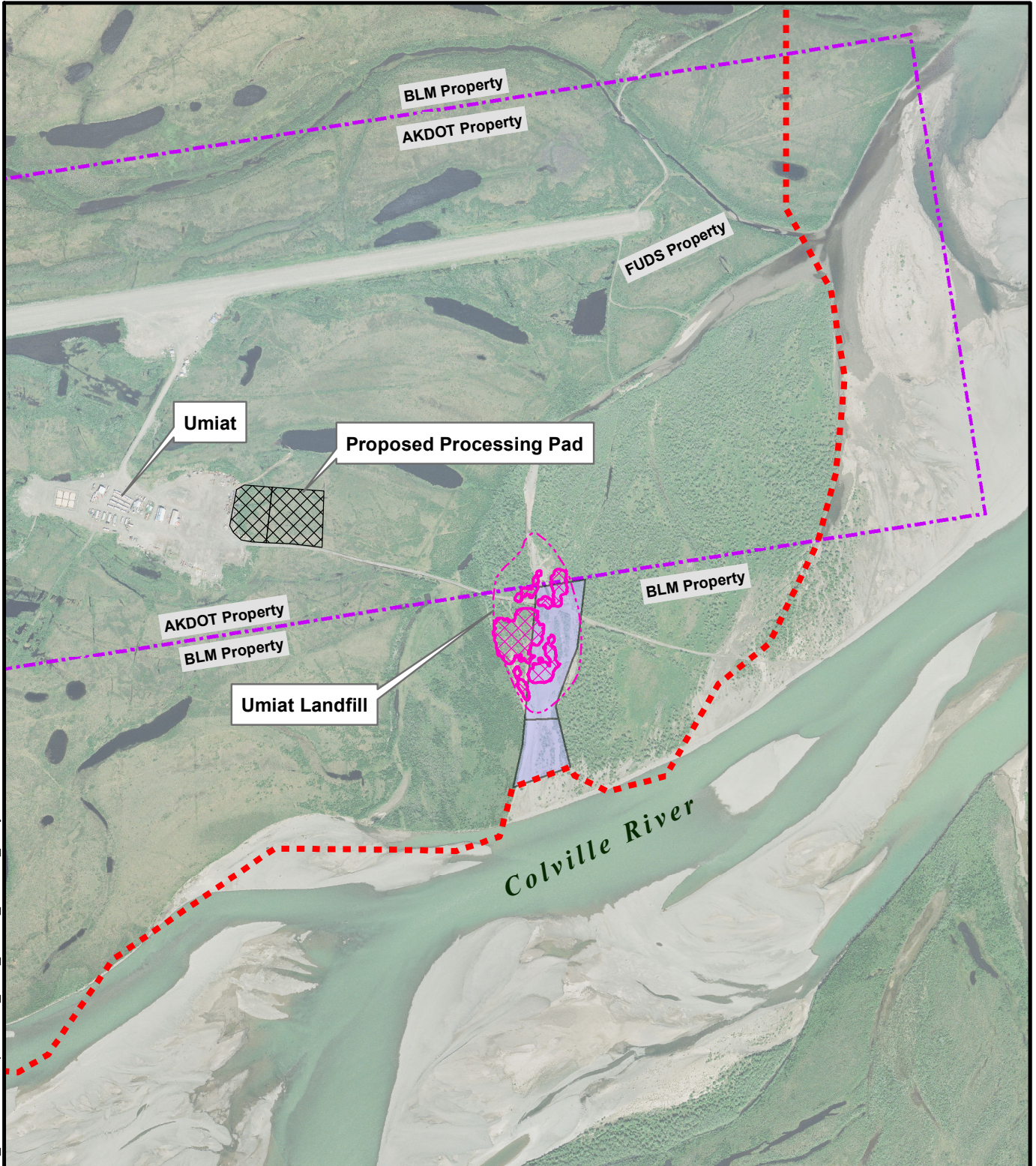


**U.S. Army Corps  
of Engineers**






**FIGURE 1**

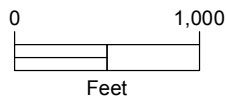
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**LEGEND**

-  FUDS Property Boundary
-  Buried Debris Cells
-  Landfill Area
-  BLM (ADNR Pending Selection)
-  AKDOT Property Boundary



Umiat Landfill Proposed Plan  
Umiat, Alaska

**LANDFILL LOCATION**  
FEBRUARY 2018

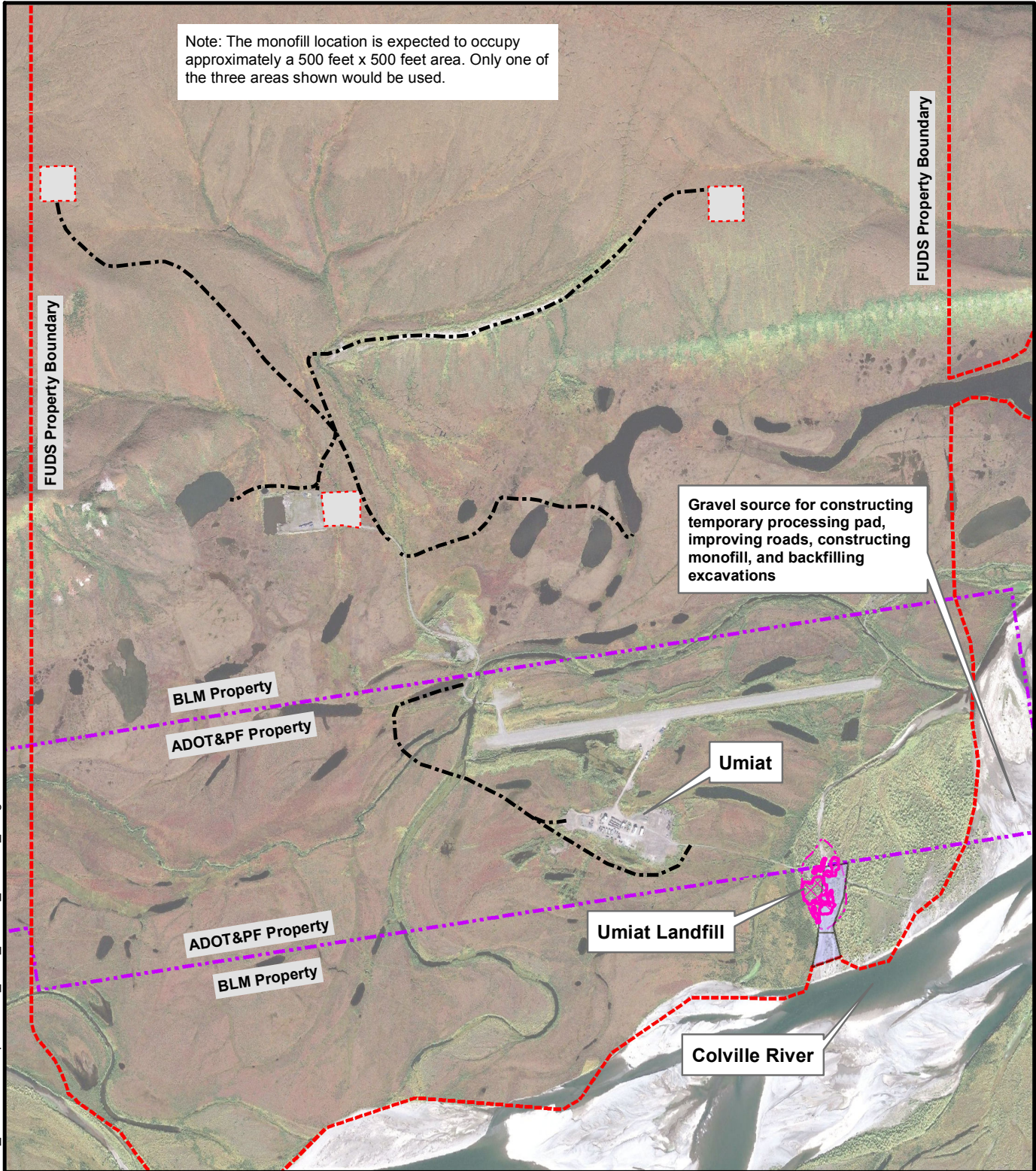


**U.S. Army Corps  
of Engineers**

**FIGURE 2**

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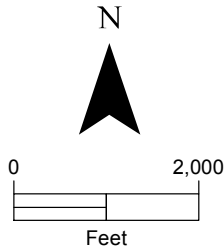
Note: The monofill location is expected to occupy approximately a 500 feet x 500 feet area. Only one of the three areas shown would be used.



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**LEGEND**

- Winter Ice Road or Trail
- Buried Debris Cells
- Landfill Area
- Possible Monofill Location
- BLM (ADNR Pending Selection)
- FUDS Property Boundary
- ADOT&PF Property Boundary



Aerial photography: 9/10/2010 Google Earth Pro imagery

Umiat Landfill Proposed Plan Umiat, Alaska	
<b>PROPOSED MONOFILL LOCATION</b> FEBRUARY 2018	
<b>U.S. Army Corps of Engineers</b>	<b>FIGURE 3</b>

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